

Guest editorial

Anne-Marie Day

This special edition of *Safer Communities* has provided for an invaluable opportunity to reflect on current practice, policy and research concerning children in care who are also in trouble with the law. Children in care have been the subject of much policy interest in recent years, but questions remain about the extent to which these changes and recommendations will have any meaningful impact on their day to day lives. This special edition contains a range of policy and academic papers, providing a timely insight into current debates in the field.

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It is a very opportune moment to consider developments within the children in care and youth justice fields, given that the Youth Justice Review (The Taylor Review), In Care Out of Trouble (The Laming Review) and the Review into Children's Residential Care (The Narey Review) were all published in 2016. In her paper, Katy Swaine-Williams, as the Co-ordinator of the In Care Out of Trouble Report on behalf of the Prison Reform Trust, provides an insight into the key policy concerns regarding the criminalisation of children in care. This includes an overview of the key findings, and recommendations from the report. It also crucially provides an update since the report's publication in 2016. With a similar policy focus, Jo Staines builds upon a systematic literature review that she completed for the In Care, Out of Trouble Review. Within the paper, she reflects on recent policy papers and questions the minimisation of the role of care in children's offending within the Narey Review and the subsequent Government response. She urges caution in over simplifying the complex issues faced by children in care who are in trouble with the law. Both of these papers offer valuable insights into areas of policy concern, and highlight areas for further consideration and debate.

In the third paper, attention turns to the view of children who are currently in care and involved with the youth justice system. In this paper, I argue that the current concerns within policy and practice are out of step with those expressed by the 19 children that were interviewed. Early findings from the interviews suggest that the children feel labelled, responsibilised and singled out as "bad", or "naughty" from an early age. They also discussed a lack of trust and a poor relationship with social care professionals as being a source of frustration; and all made direct links between being in residential care and an escalation in/commencement of problematic and risky behaviours. Finally, the importance of the peer group was identified by the children as having an important role in their lives as they adapt to the many upheavals experienced whilst in care.

A specific focus on residential care continues with the fourth paper, in which Julie Shaw identifies that children in care are subject to "system abuse". The paper draws on her own research with children in care and professionals to identify the key systemic abuses. These include the homogeneity of residential placements, the damaging impact of placement moves, the challenges of out of area placements, and the potential harm caused by placing "difficult" children on their own. The importance of the peer group to the children is again highlighted as significant.

The recent Laming Review highlighted that more information is needed on the experiences of girls in care. This is the focus of the final paper, prepared by Claire Fitzpatrick, who asks "What do we know about girls in the care and criminal justice systems?". Claire highlights that girls have distinct needs and suggests that a trauma informed, gender sensitive, approach should be adopted when working with this vulnerable group. Again, the importance of listening to the girls, and recognising their backgrounds of trauma is discussed.

Despite multiple attempts to address the criminalisation of children in care, the challenge is getting worse. On 31 March 2015, there were 69,540 children in care in England and Wales

(Department for Education, 2015), reflecting an increase of 6 per cent since 2011, and at its highest point since 1985. In total, 5.6 per cent of all looked after children (looked after for 12 months or more) in England and Wales had been convicted or subject to a reprimand or final warning during 2013-2014. This is compared with 1.2 per cent of all children, making a looked after child five times more likely to become involved in the criminal justice system than their peers (Department for Education, 2014). The focus continues to be on children in residential care, as this is frequently where children in trouble with the law “end up”. There have also been studies which document that offending behaviour is more likely to take place in residential care than other forms of care (Taylor, 2003). Other concerns such as child sexual exploitation, and children going missing from care, have led to both academics and policy makers to focus on how to improve the quality of service provision for children in residential care. Other challenge faced by residential care is that it is frequently viewed as the provision of “last resort”, which is common across many European and English speaking nations (Courtney and Twanec, 2009). Its use as a “last resort” means that the most troubled and vulnerable children are often placed in residential care. This is backed up by the Children’s Home Data Pack which confirms that the average age of young people entering residential care is 14 years and six months, with an average of five failed foster placements prior to entering residential care (Department for Education, 2013). We already know that placing children together can mutually reinforce behaviours, including offending behaviour (Polsky, 1962; Millham, Bullock and Cherret, 1975). We also know that placement instability can contribute to offending behaviour (Price *et al.*, 2008). Therefore, how to reduce reoffending within residential care has become a specific focus of research and policy concern in the last 30 years. Despite this, the challenges remain. This assessment of children in care is not intended to be critical of the practitioners working every day with this vulnerable group, who have many complex challenges. What is required are well-thought out policies that are informed by government reports that are based on reliable and credible evidence. The child’s voice has to be more than heard, it has to take centre stage, and be given the full attention of policy makers. I attended a recent lecture by Phil Scraton at the University of Liverpool entitled “Hillsborough: resisting injustice, uncovering truth”, during which he discussed how our role as critical criminologists is to give a meaningful voice to those who do not have a voice or it is silenced by those in power. It is time for the Corporate Parent to embrace its role and start to listen to their children.

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Further reading

Narey, M. (2016), "Residential care in England", Department for Education, London.

Prison Reform Trust (2016), "In care out of trouble: an independent review Chaired by Lord Laming", Summary, Prison Reform Trust, London, p. 5.

Scruton, P. (2017), *Hillsborough: Resisting Injustice, Uncovering Truth*, Liverpool.

Taylor, C. (2016), *Review of the Youth Justice System in England and Wales*, Ministry of Justice, London.

About the Guest Editor

Anne-Marie Day is a final year PhD Student at the University of Salford. Her research interests relate to the imbalance of power between the child and the state, and youth justice. She has also worked as a Senior Policy Adviser at the Youth Justice Board, and in various practitioner roles for youth offending teams, probation and the prison. Anne-Marie Day can be contacted at: a.m.day@edu.salford.ac.uk