

Criminal cautions and convictions for children involved with the care system in England

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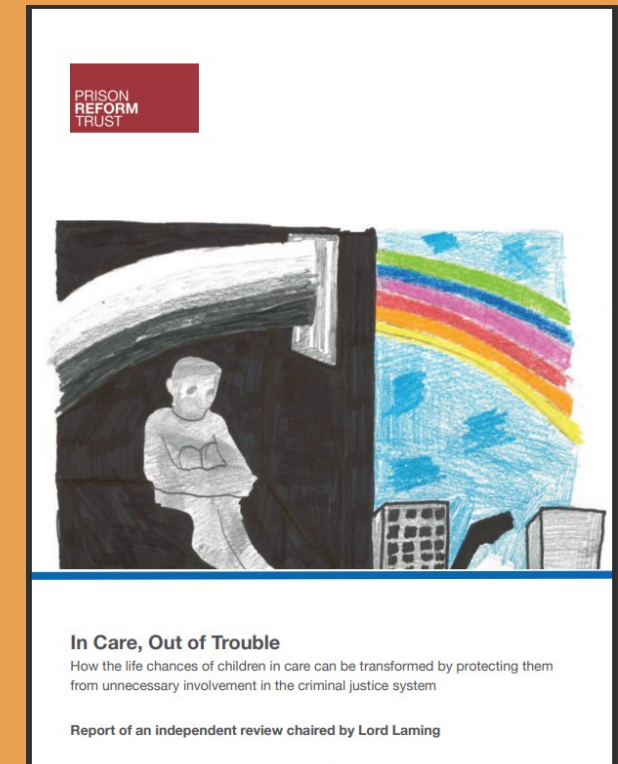
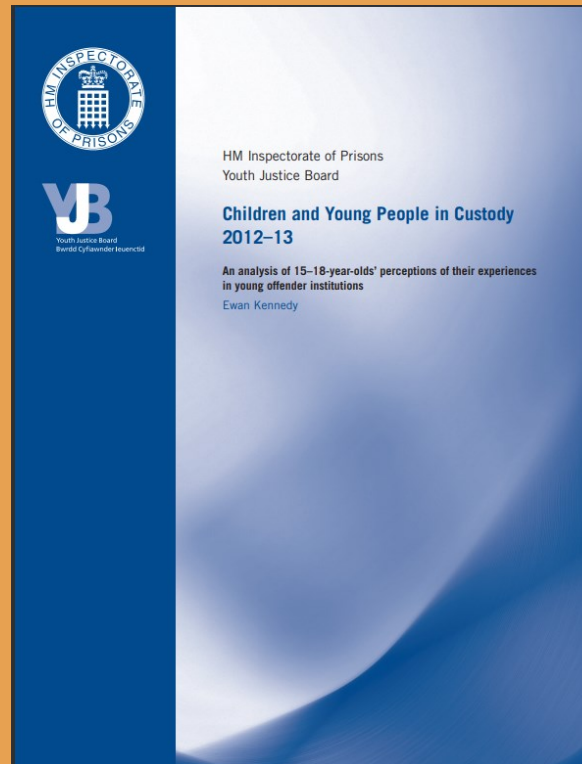
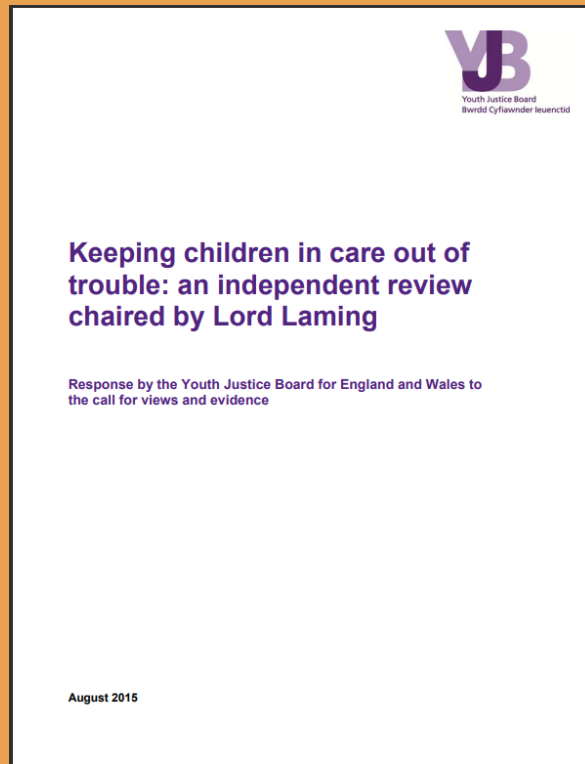
Prof. Nathan Hughes

Prof. Matthew Bennett



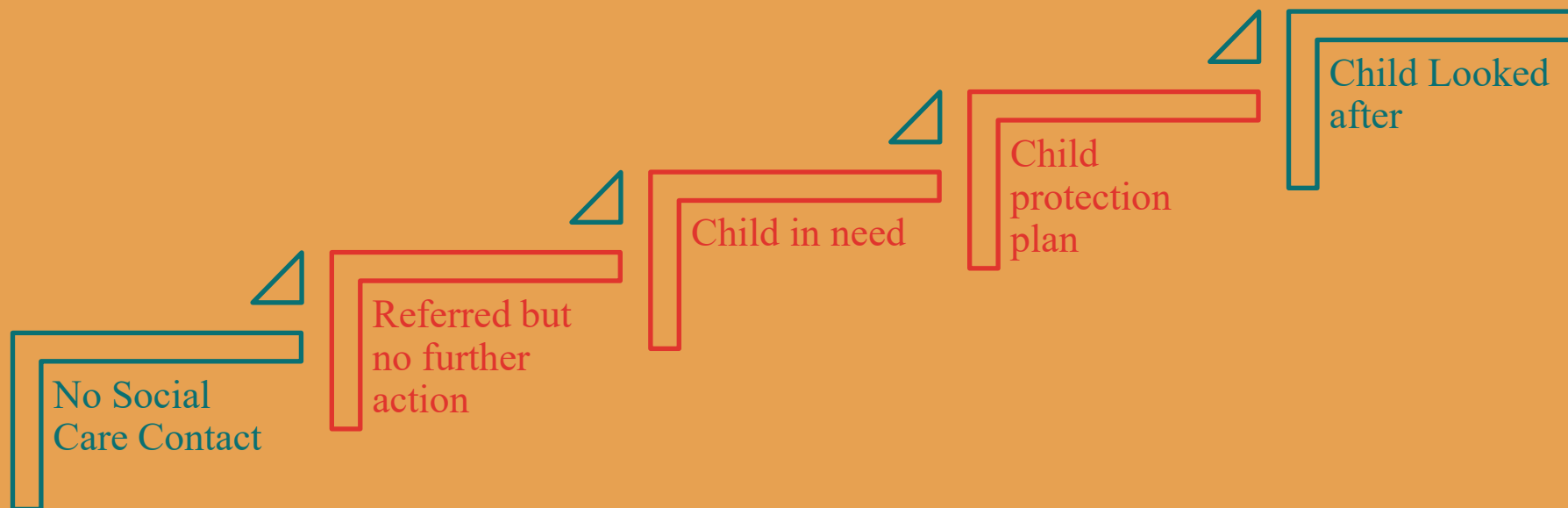
What we already know

- Children and adults with care experiences are **more likely** to have contact with the **criminal justice system** in England
- The proportion of women with care experiences in the criminal justice system (>60%) is **higher** than the proportion of men with care experience (~30%)

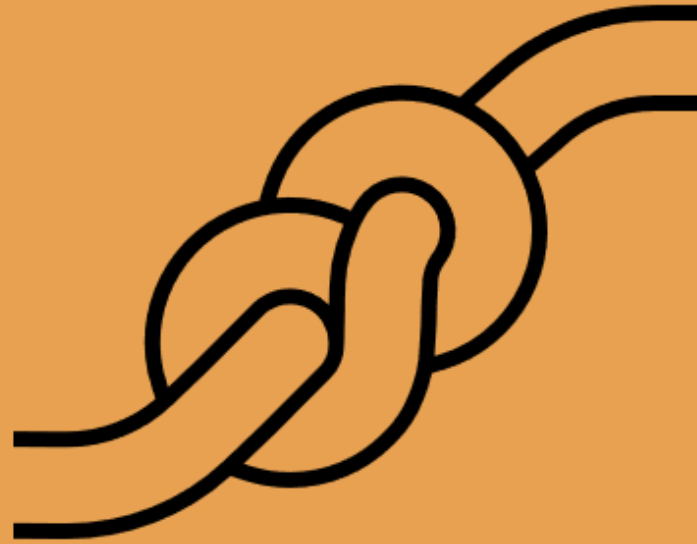


Gaps in evidence

We do not have good research evidence of the rates of criminal justice system contact for children in the care system who do not go into care.



86%	7%	4%	1%	2%
1,441,980	117,370	67,070	16,770	33,530



Linked government administrative data

- Administrative data is information created when people interact with public services, such as schools, hospitals, the courts or the benefits system, and collated by government
- Data is held by each department separately but there is a lot that can be learned when it is linked together

Linked Department for Education & Ministry of Justice Data

1,676,720 children born from September 1995 – August 1998

Education and care system data from age 5 to 16

Justice data until age 22-25 years (2020)

Account for other factors

- Poverty
- Special educational needs/disability
- School attendance or exclusions
- GCSE scores
- Ethnicity

Research Questions

Compared to those in the general population, what is the likelihood of children in the care system having:

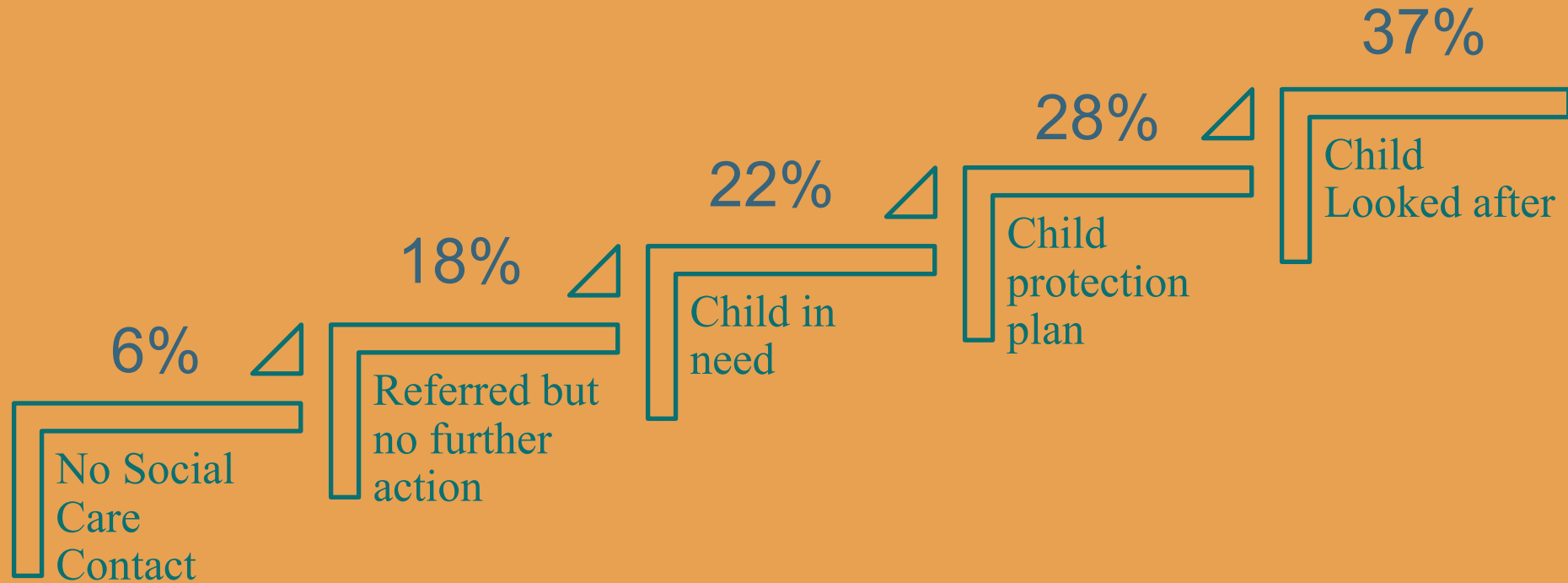
- at least one caution or conviction?
- a custodial sentence?

Are there differences between boys and girls?

Are there consistent outcomes for children in the care system across local authorities of England?

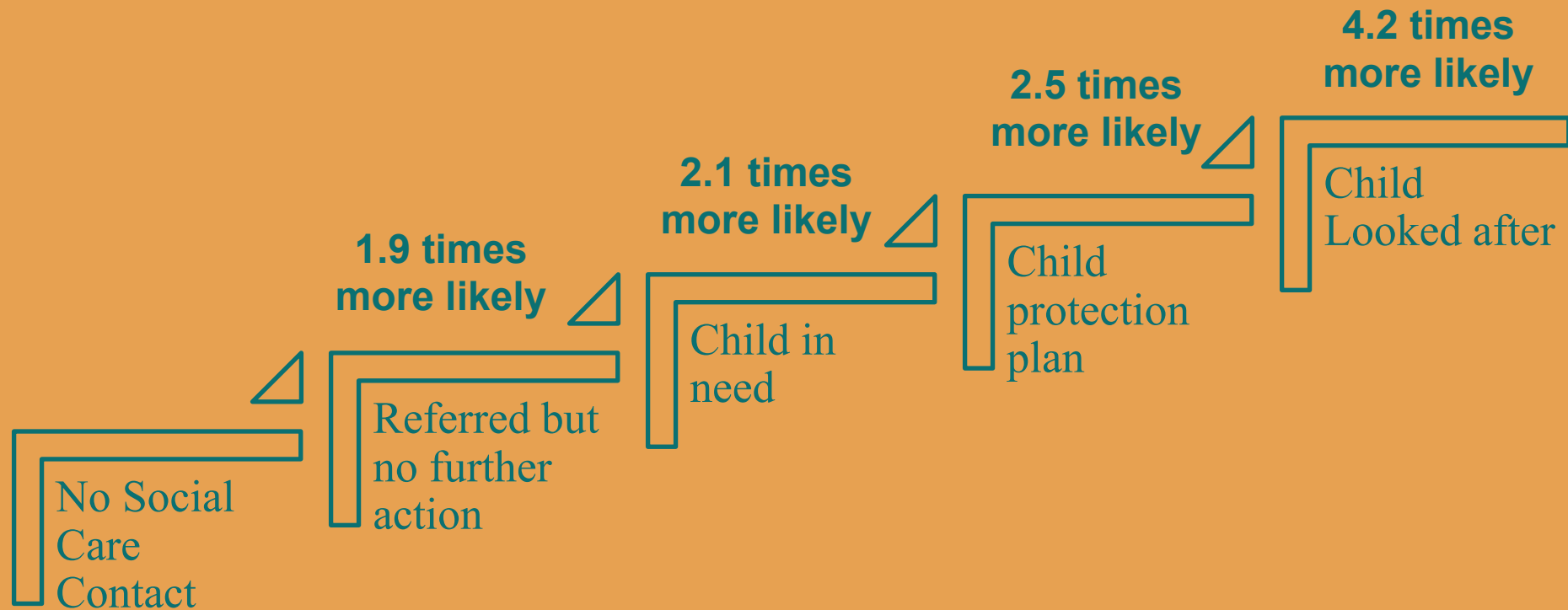
What happens for children who are in the care system when they have a special educational need?

Proportion of children in the care system with a criminal caution or conviction



Females	2%	10%	15%	19%	28%
Males	10%	28%	30%	40%	46%

Risk of criminal cautions or convictions for care system involved youth



Females

2.2 times

2.7 times

3.2 times

5.7 times

Males

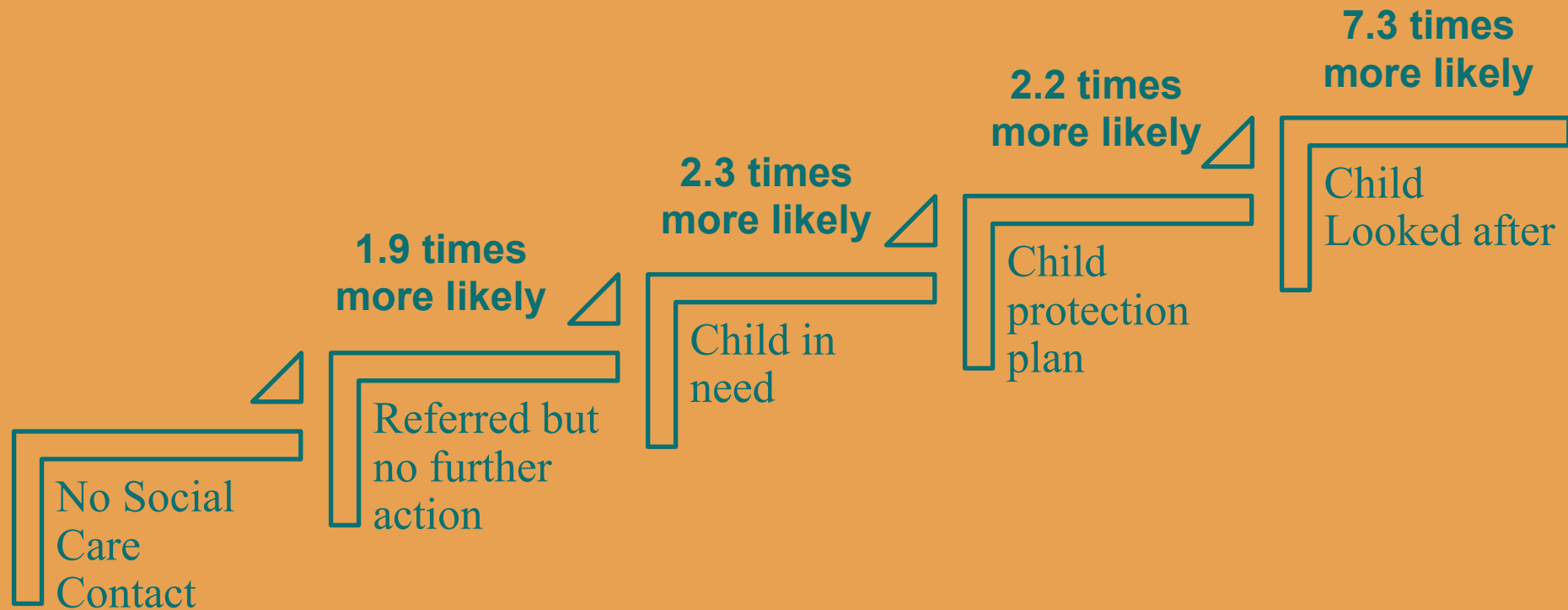
1.8 times

1.9 times

2.2 times

3.5 times

Risk of custodial sentences for care system involved youth



Females

2.4 times

3.9 times

4.7 times

11.4 times

Males

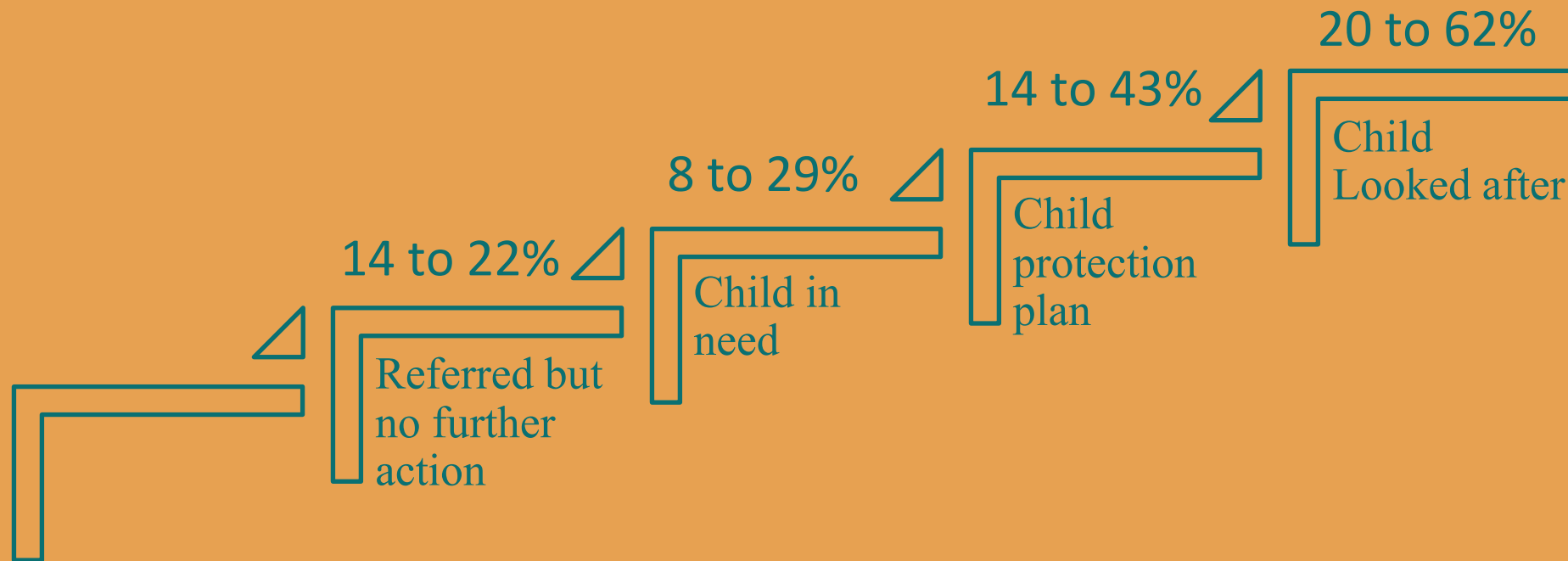
1.9 times

2.2 times

2.0 times

7.1 times

Differences between local authorities

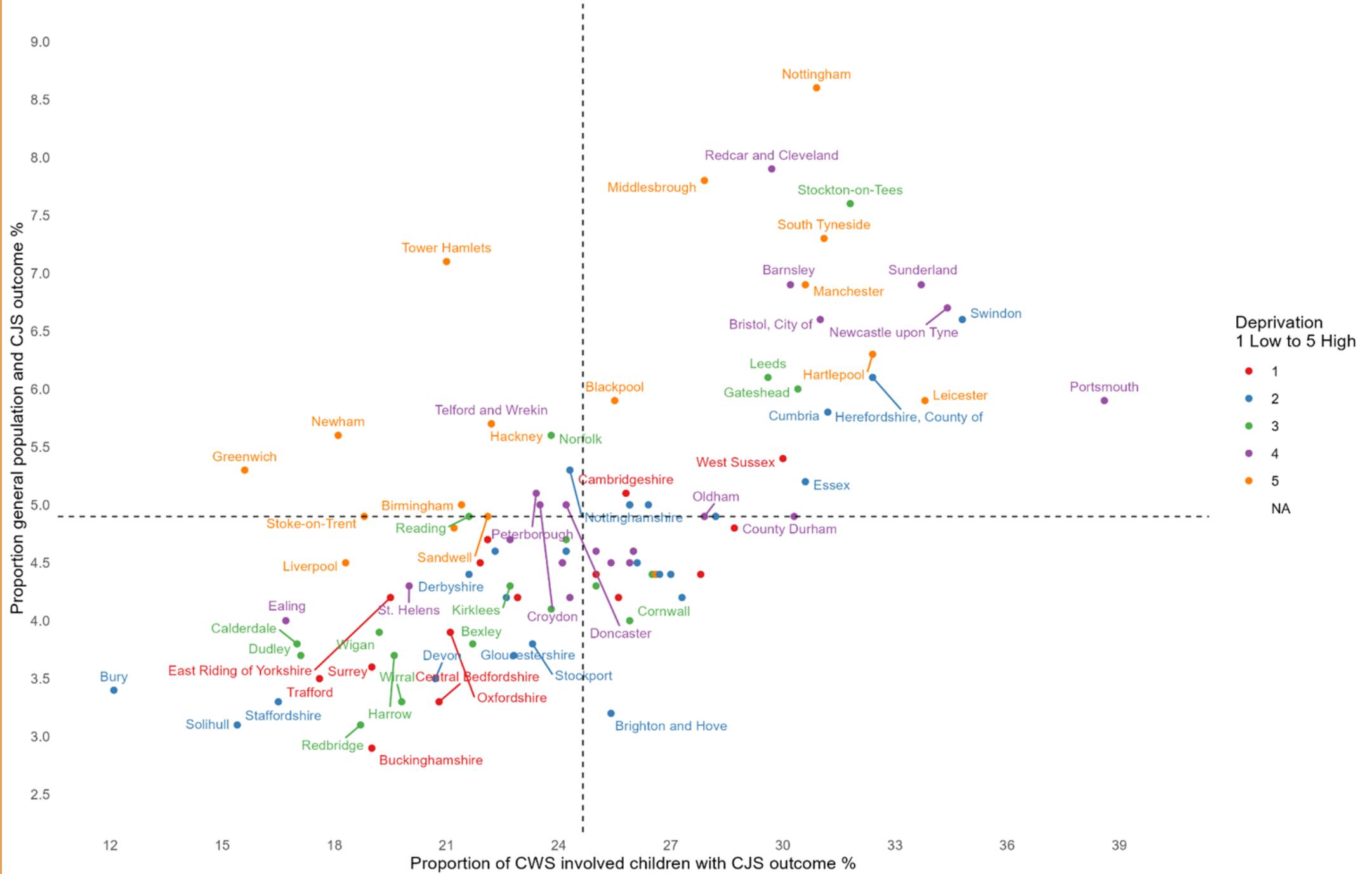


Lower rates: Westminster, Hammersmith and Fulham, Newham, and Kingston Upon Thames.

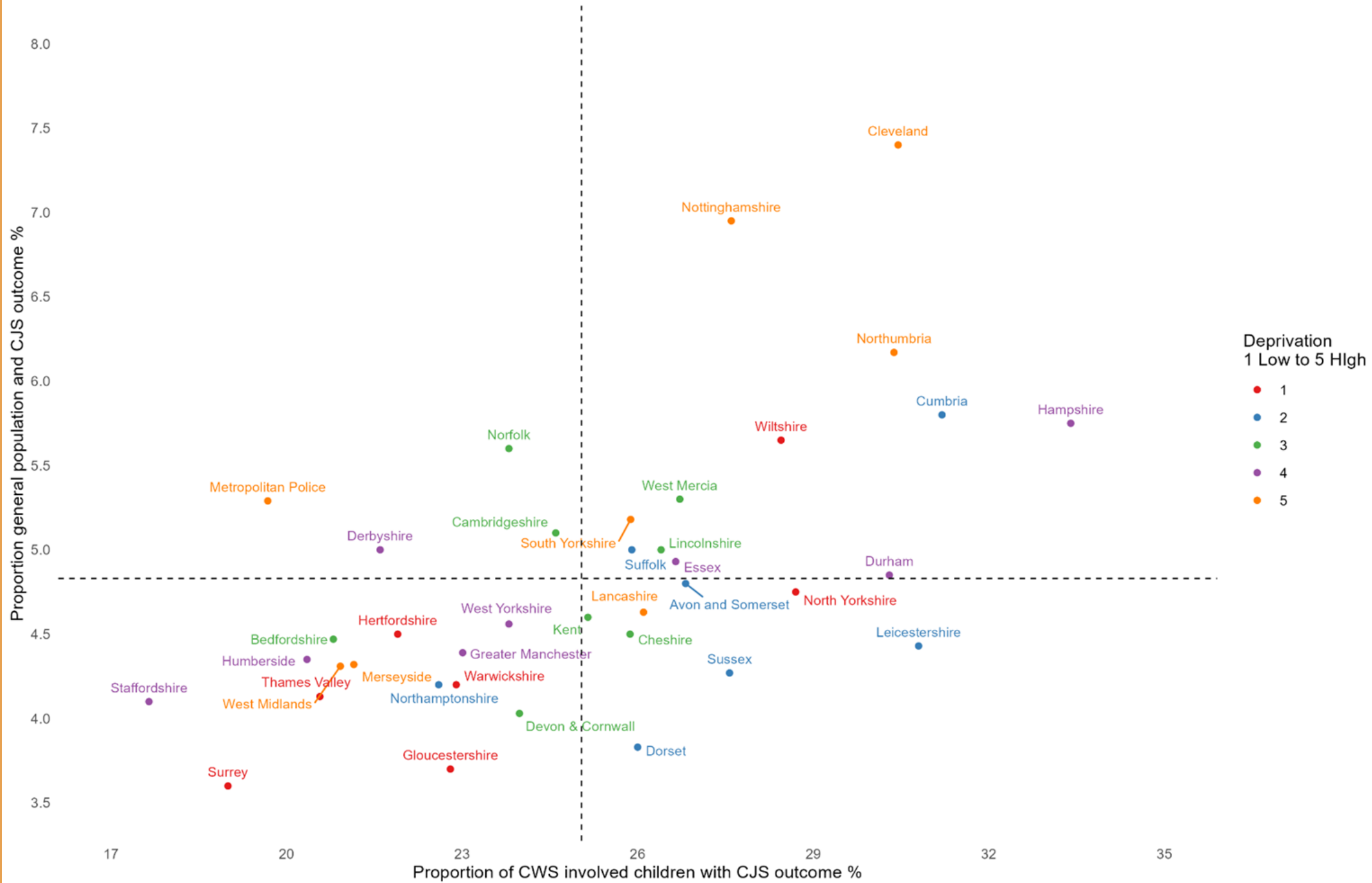
Higher rates: Newcastle, Walsall, Telford, North-East Lincolnshire, and Portsmouth

These findings consider the **poverty rate** and **general conviction rate** in each local authority

Proportion of children across LAs with and without CWS intervention and a criminal caution or conviction

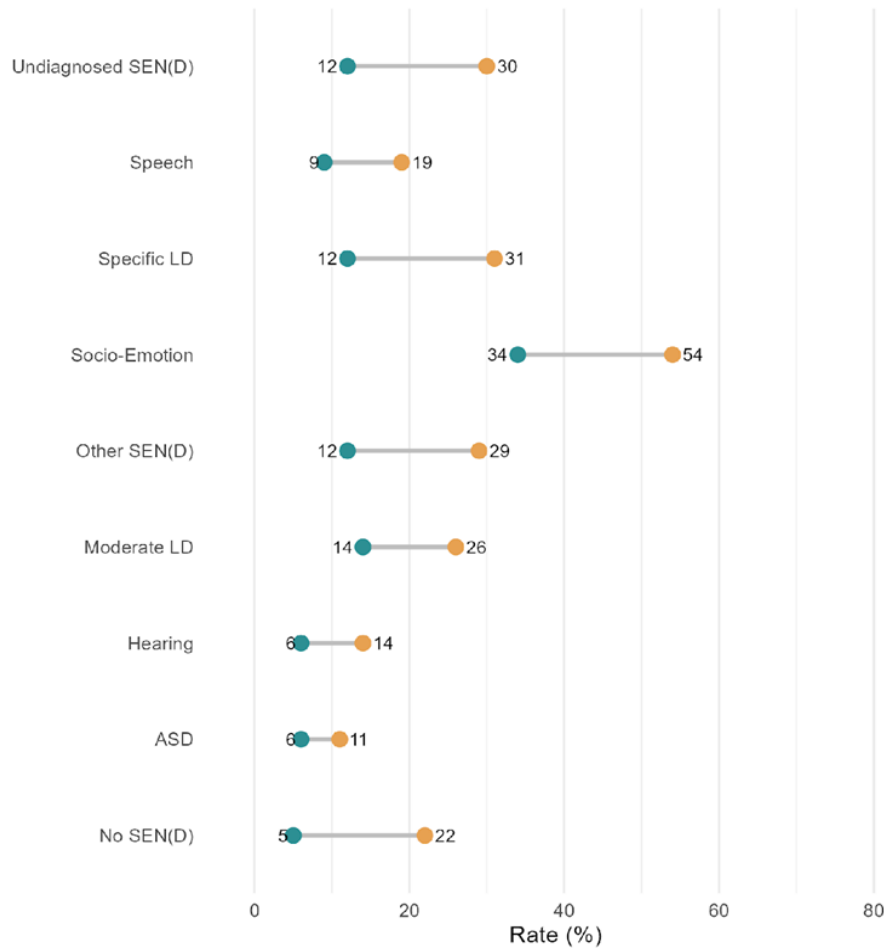


Proportion of children across Police Force Areas with and without CWS intervention and a criminal caution or conviction



Caution & Conviction Rate, and Custodial Ratio by SEN Category and Care Experience

Caution and Conviction Rate



Custodial Ratio



Care Experience ● CWS ● No CWS

SEN Categories: Speech = Speech, Language, & Communication Needs, ASD = Autism Spectrum Disorder, Socio-Emotion = Social, Emotional & Mental Health, LD = Learning Disability



Summary of findings

****Girls** in the care system experience greater risk for CJS outcomes

****Children who are *looked after*** in out of home placements at greatest risk

New: Children involved with the care system and who have SEN at greater risk for CJS outcomes, especially those with SEMH

New: Children supported at home by social workers twice as likely to have a CJS outcome

New: Considerable local authority differences for children's CJS outcomes

****** We did already have some research on these topics, but these new findings improve our understanding because the data covered a whole population and the statistical tests controlled for several critical measures, including family poverty, ethnicity, and school factors.

Why are these rates higher and what can be done about it?



Why are these rates higher and what can be done about it?



Key points for discussion

- **Those facing highest risk:**
 - Girls
 - Children in out of home placements
- **Those we didn't have data on before:**
 - Children supported at home or referred only
 - Children involved with social workers and who have a SEN
- **Sharing best practice:**
 - Local authorities where outcomes are better
 - Understanding outcomes at a Police Force Area



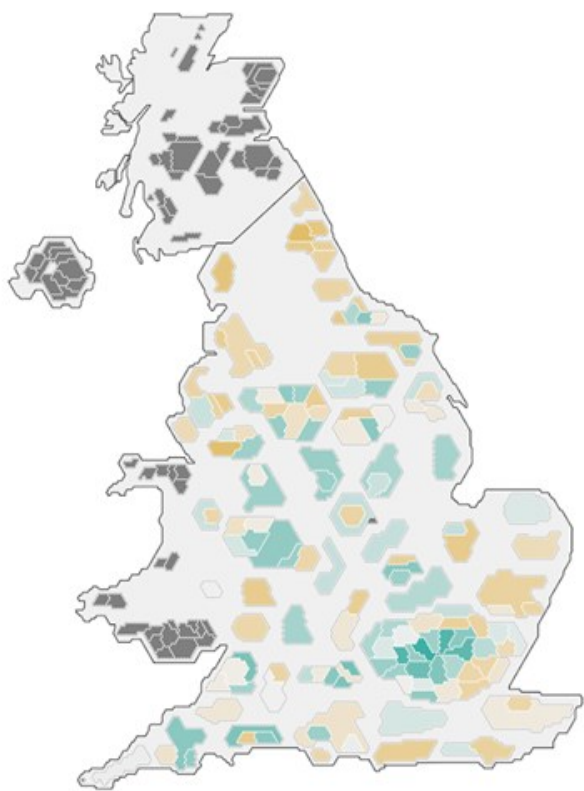
Any questions





Extra Slides

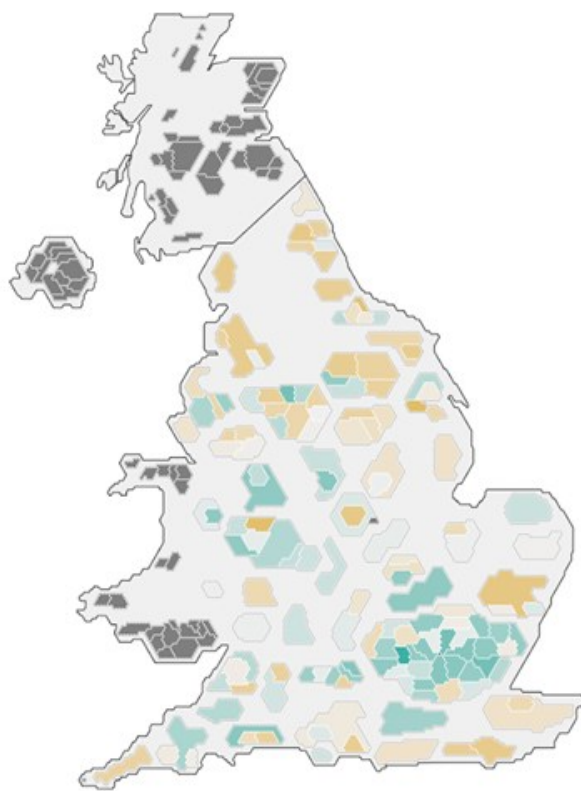




Referral only MoJ Proportion



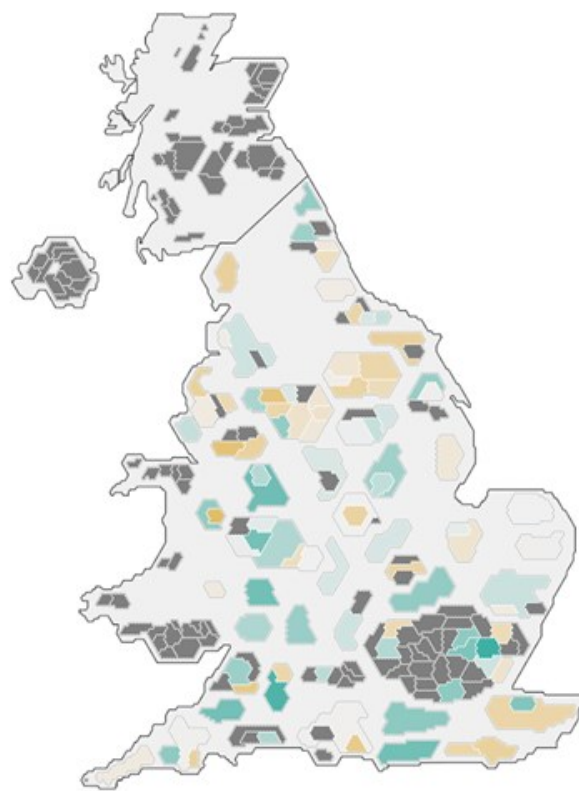
-0.04 0.00 0.04



CIN MoJ Proportion



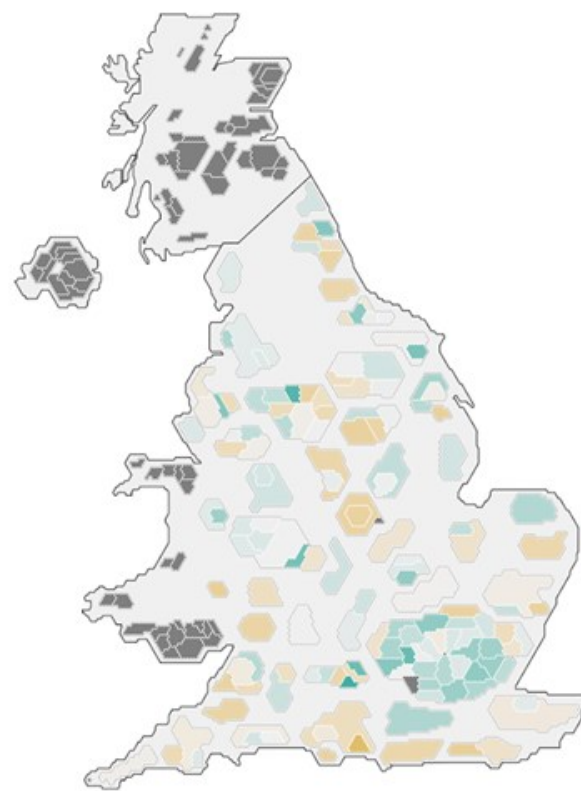
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CPP MoJ Proportion



-0.10 -0.05 0.00 0.05 0.10 0.15

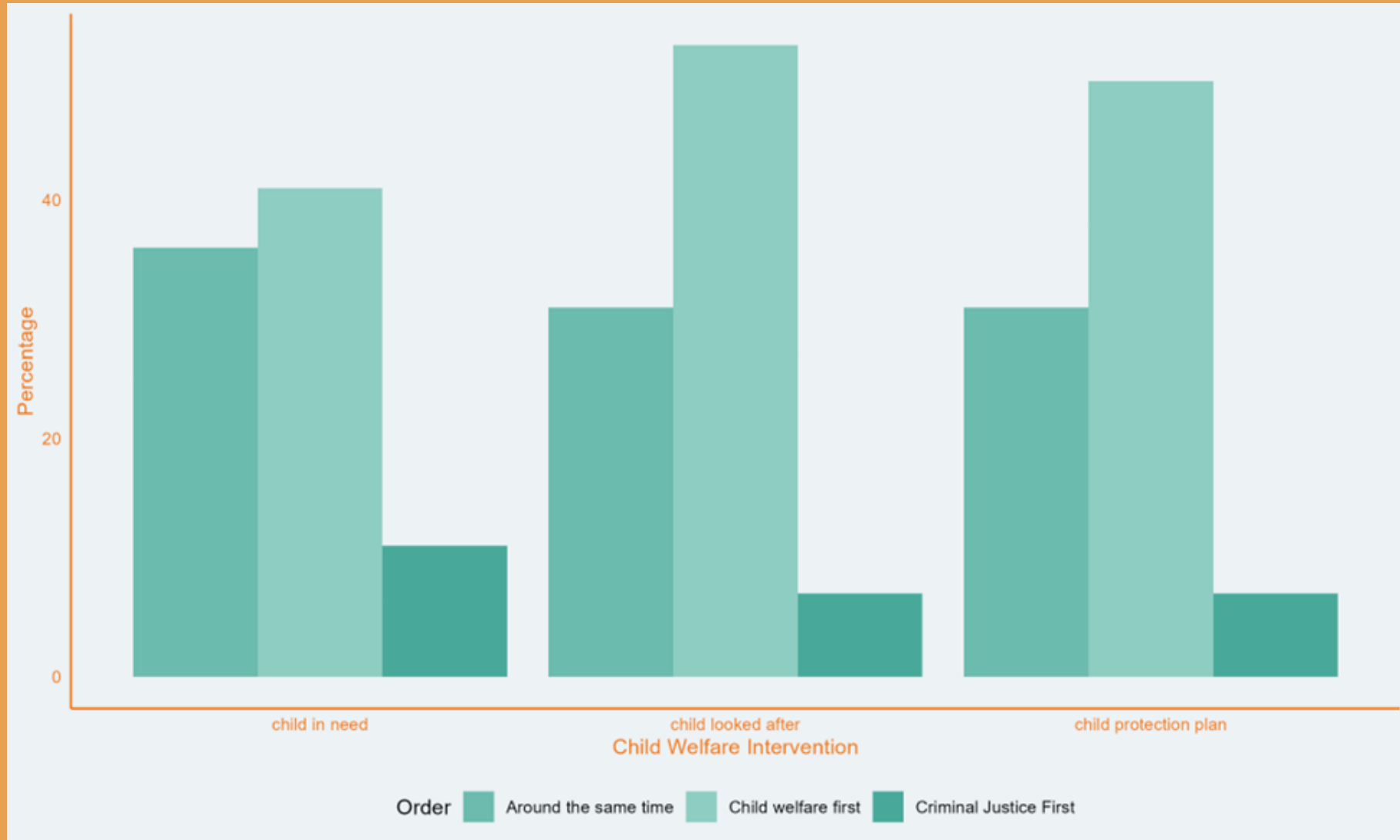


CLA MoJ Proportion



-0.1 0.0 0.1 0.2

What came first?



Next steps

Inform policy & practice

- Working with you to create a recommendations document

Share the LA & PFA findings

- Data Dashboard & Website

Further research

- Reasons for welfare involvement and type of care placement on outcomes

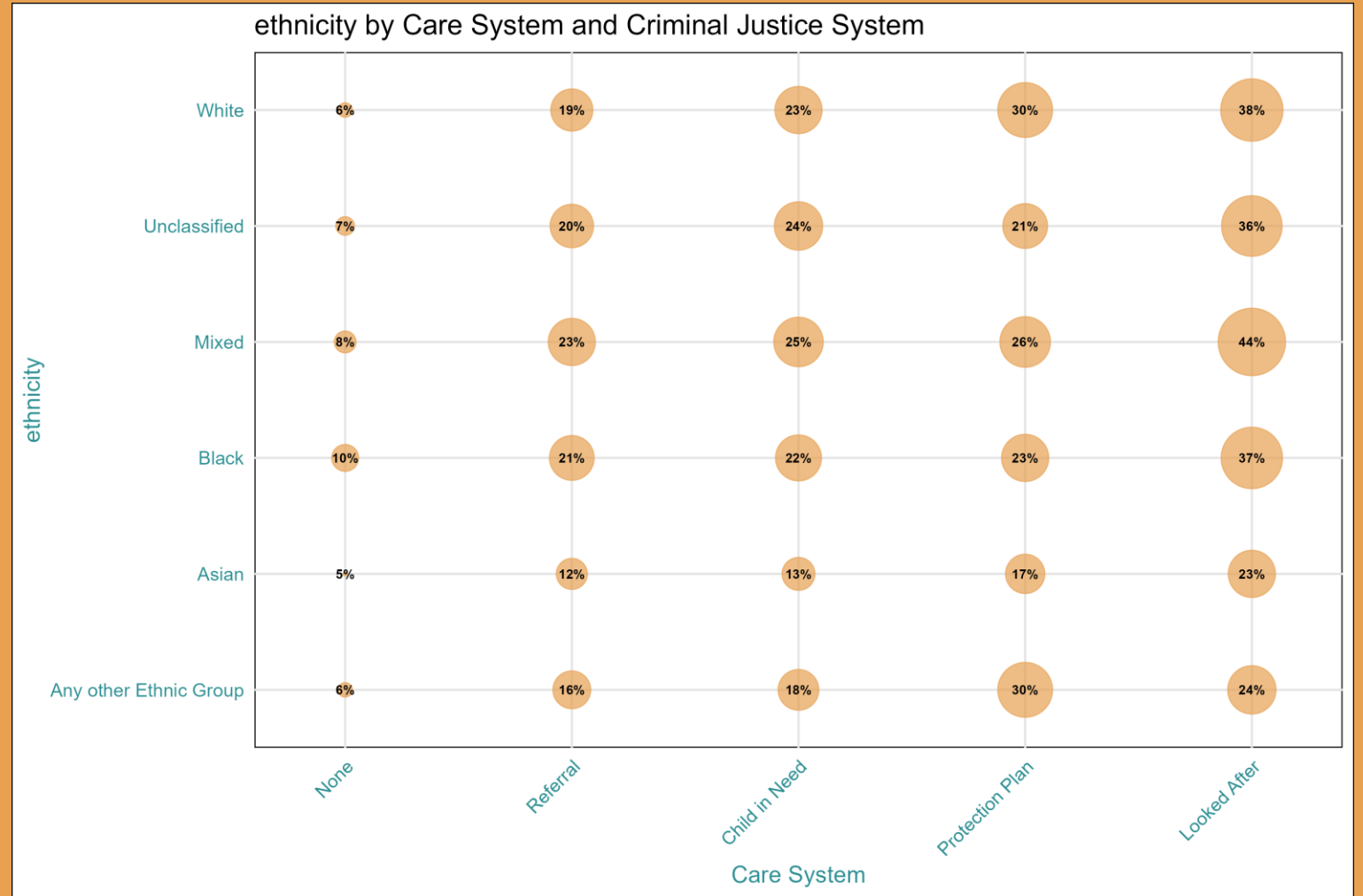
Further research

- Social, Emotional, Mental, Health and other SEN & care status on outcomes



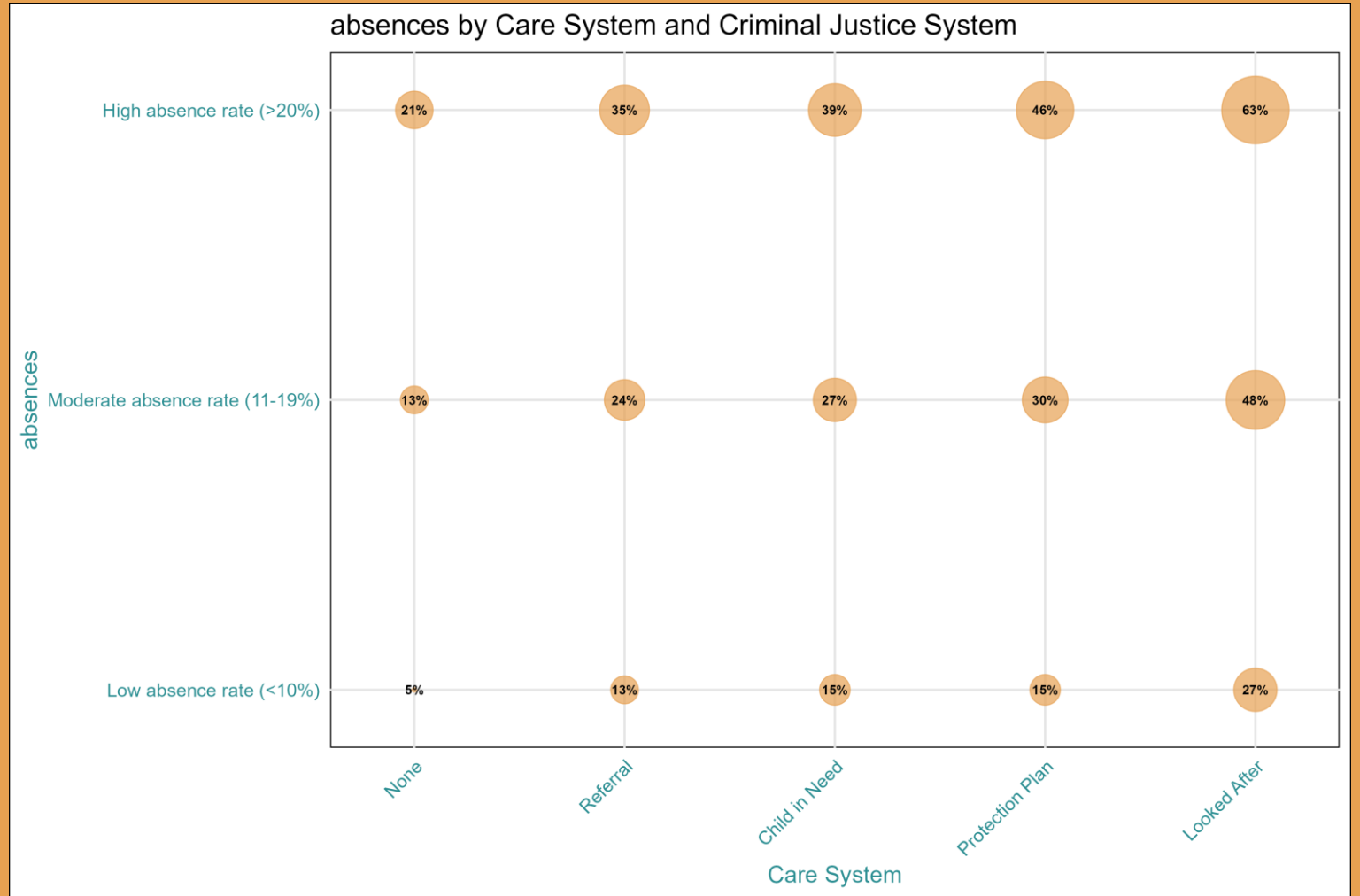
Ethnicity

Percentages show the proportion with one or more criminal justice system caution or conviction



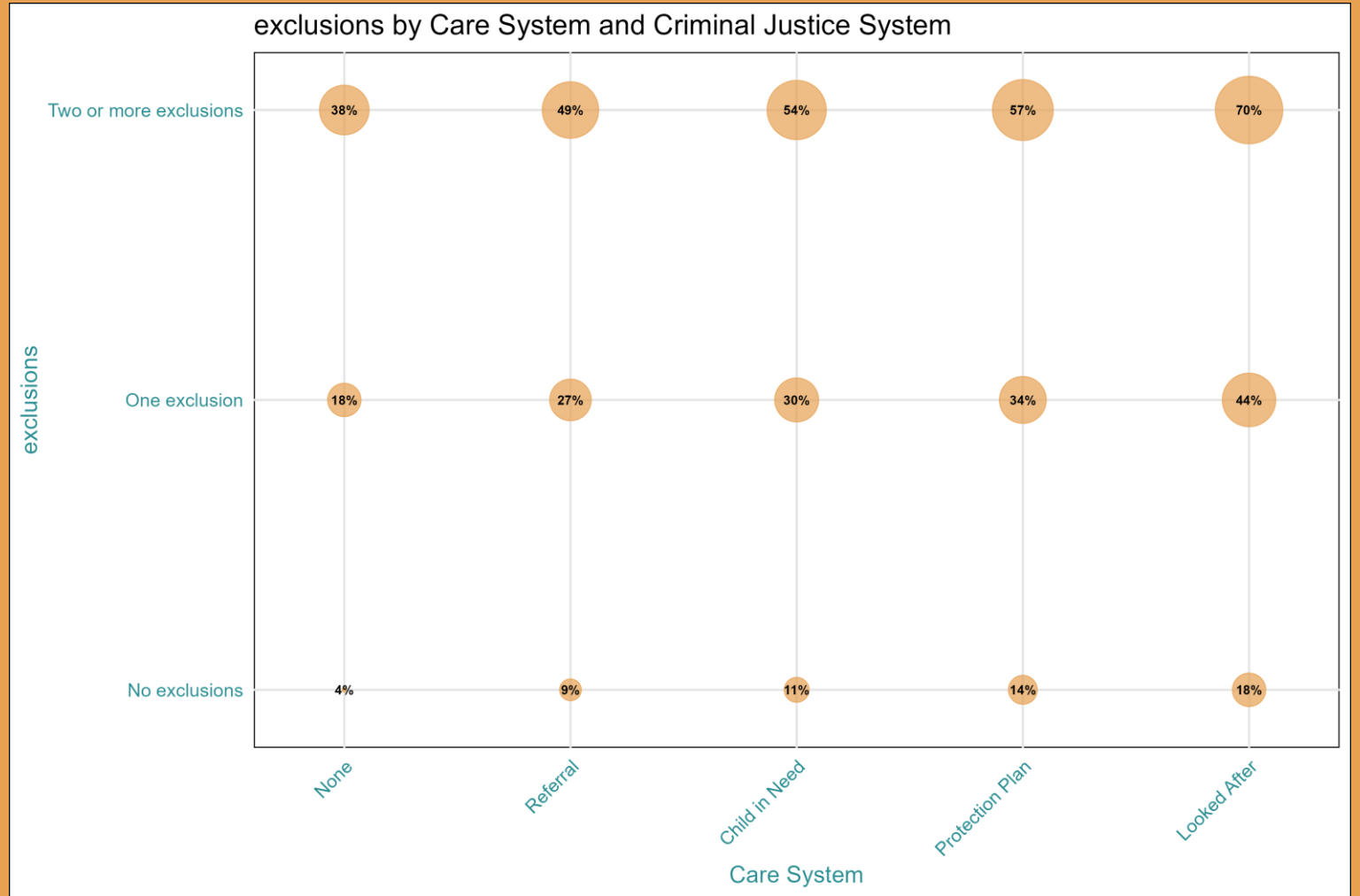
School Absences

Percentages show the proportion with one or more criminal justice system caution or conviction



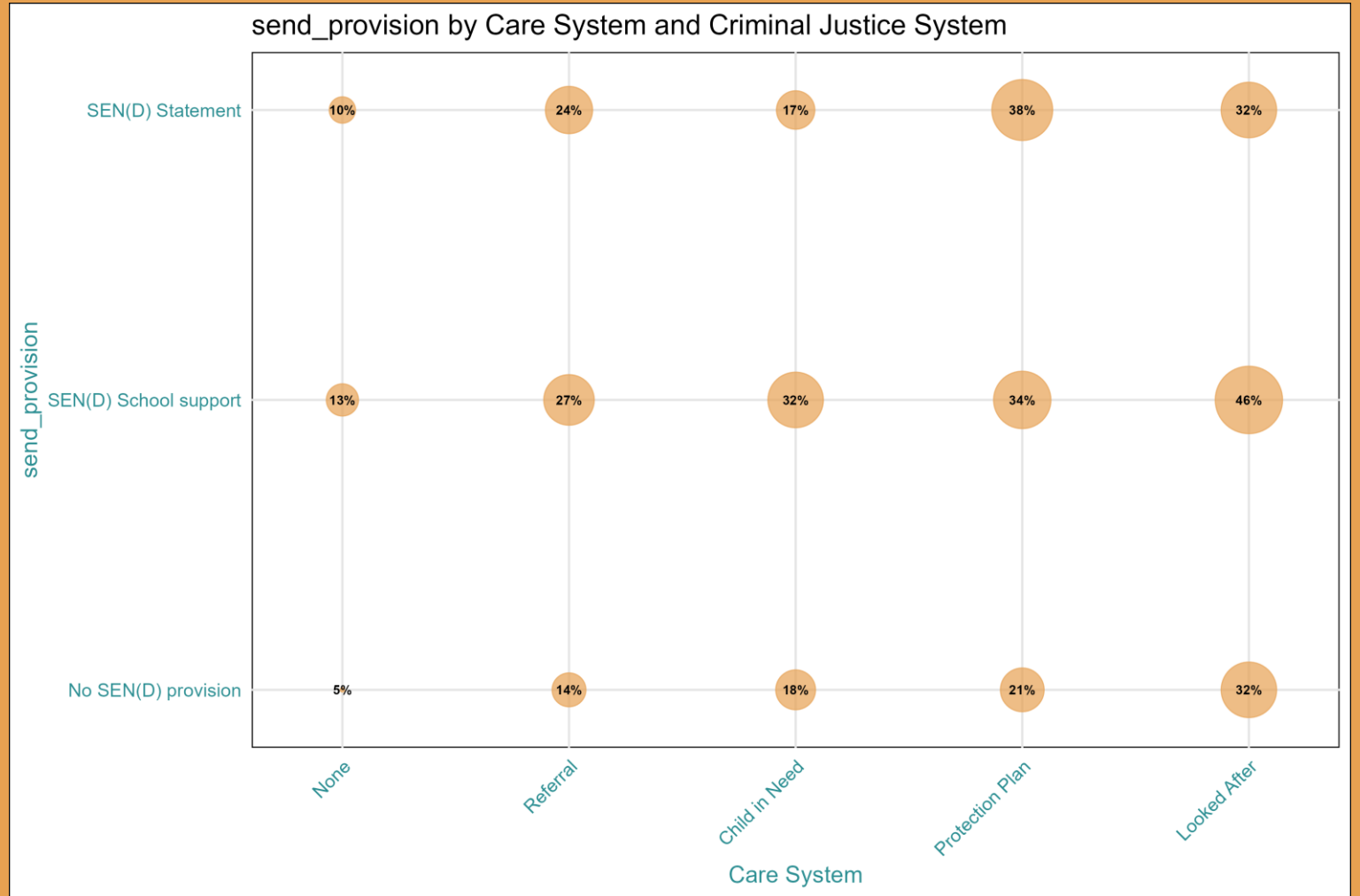
Exclusions

Percentages show the proportion with one or more criminal justice system caution or conviction



SEND Provision

Percentages show the proportion with one or more criminal justice system caution or conviction



SEN(D) glossary for selected terms

Learning Difficulties

- **SPLD** (Specific Learning Difficulty): This includes conditions like dyslexia, dyspraxia, and dyscalculia that affect specific aspects of learning
- **MLD** (Moderate Learning Difficulty): significant general difficulties in learning across most areas of the curriculum
- **SLD** (Severe Learning Difficulty): significant intellectual or cognitive challenges requiring support in most areas of the curriculum
- **PMLD** (Profound & Multiple Learning Difficulty): severe and complex learning difficulties as well as significant physical or sensory impairments

NSA (No Specialist Assessment)

- *“should only be used in those very rare instances where a pupil is placed on SEN support (code ‘K’) but the school is still assessing what the primary need is”*¹



Extra Reading – Technical Bits

Ethnicity codes [Complete the school census - Find a school census code: applicable from August 2024 - Guidance - GOV.UK](#) under codes for sections about your pupils.

DfE guidance around SEN(D) provision, including specific support for those who are involved in the care system or those who are detained in criminal justice settings
[SEND Code of Practice January 2015.pdf](#)



Extra Reading – Interesting Bits

Report on interview findings about experiences of girls in care and their outcomes in the justice system. Look out for recommendations for practice from page 73:

[Disrupting-the-Routes-between-care-and-custody-for-girls-and-women.pdf](#)

A report of research based in Australia about children in the care system with special educational needs who are in contact with the justice system. See the key findings from page 14 of the main report, more accessible versions of the report or a video presentation of the findings all here: [Care criminalisation of children with disability in child protection systems | Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability](#)