

# Effectively Abandoned - Care Leavers in the Criminal Justice System

Lessons from a regional pilot project

Darren Coyne, The Care Leavers' Association  
March 2015



# Contents

Acknowledgements	2
Summary	3
Authors	4
Part one - Background	5
Part two - Planning the project	8
Part three - Conducting the project	12
Part four - Challenges and Barriers	15
Part five - Measuring success	21
CLA Intentions	23
Conclusion	24
References	27
Appendix - Practice Guidelines	28

**“The first time my  
leaving care worker  
knew I had been in  
custody was when I  
got released and went  
and told her.”**



## Acknowledgements

Darren Coyne is the project lead for criminal justice focused work at The Care Leavers' Association (CLA). He is a care leaver, person with convictions and the main author to this report having written the original transcript and subsequent drafts.

Dr Jim Goddard, Chair of trustees at the CLA, Will McMahon, formerly the chair of trustees at the CLA, and David Graham, National Director at the CLA contributed to project delivery and commented on drafts of this report.

Chris Day and Karen Leonard were part of the project team.

This report has been edited by Jo Dennis at IntelliMedia

We wish to thank Becky Clarke at Manchester Metropolitan University, Paul Pandolfo at Shelter and Nathan Dick at Clinks for their comments on an earlier draft of this report.

Our gratitude goes to the vast number of care leavers who have contributed to this work over the last four years, without whom none of it would be possible.

## Summary

This report has been produced by The CLA to highlight the issues faced by a minority of Care Leavers who find themselves in the Criminal Justice System. It should be of general interest to those working in the Criminal Justice System, and of particular interest to those seeking to embark on local improvement projects involving positive interventions to reduce offending and re-offending rates.

The report is structured to outline the four key aspects of the project: Planning and conducting the work, challenges and measuring our success, together with a background summary detailing the disproportionate number of Care Leavers engaged with the Criminal Justice System.

All the care leavers referred to in this report have been given pseudonyms to protect their anonymity.

### **An invisible minority**

Care leavers are an invisible minority within the Criminal Justice System. Legislation, including the Children Act 1989 and The Children (Leaving Care) Act 2000, has made few significant improvements in outcomes for these Care Leavers.

Indeed, it would be safe to state that the over representation of this group in criminal justice settings has been a persistent issue. As this report highlights, through our work we meet many Care Leavers who left care before the Children Act 1989 and who are still stuck in the system. Astoundingly, and shamefully, the issue of why has not been explored within the sector; despite the situation ruining lives, and costing the state more in resources.

The CLA is the only organisation seeking to find answers by taking a user led focus to the problem - subverting traditional hierarchical methods of top down and command and control prevalent in the Criminal Justice System today. This report is not intended to be an evaluation or research tool; it is designed to narrate our approach and findings, highlight the barriers encountered, and justify the need to expand the user led solutions we have developed. Where further research, development and investment in a project could yield additional benefits, we clearly state that this is the case.

Across the lifetime of our work with care leavers in criminal justice settings we have worked with 314 care leavers, both male and female, juvenile, young adult and adult and from the ages of 15 up to and above 55.

We have worked with these care leavers in the secure estate, both adult and young adult, in the community and through community sentencing as well as in youth offending services, leaving care services and through consultation.

## Authors

The Care Leavers' Association is a national user led charity working to improve the lives of adults who were in care as children. Established in 2000, and based in Manchester, our vision is for a good life in care, and a good life after care. Our mission is to ensure the collective voice of care leavers of all ages is heard, throughout their life course, and that this experiential research and evidence contributes to:

- Improving the current care system;
- Improving the quality of life experienced by care leavers in early adulthood and beyond; and
- Changing for the better society's perception of people who have been in care.

The CLA has developed a track record of innovative work, including contributing to national and local policy discussions to improve services for Looked After Children and young people leaving care and across the life course. Our work spans five main areas: User Led Local Support; Issue Based Work; Training and Assessment; Advice, Information and Signposting; and Research, Policy and Campaigns.

Since 2010, the CLA has been working to identify care leavers within the Criminal Justice System in partnership with statutory bodies, the secure estate and the voluntary and community sector (VCSE). Our aim is to highlight issues faced by this vulnerable group throughout their life course, in both custodial and non-custodial settings; and provide support and positive interventions to ultimately support criminal justice practitioners to reduce offending and re-offending rates.

This began with an initial pilot project at Thorn Cross Young Offender Institution (YOI) in Warrington. Although unfunded, there was an essential need for this work - it quickly became clear that nothing else existed within any Criminal Justice setting, nationwide, that had even begun to consider this group. In these early stages we worked with 14 young care leavers, to deliver one-to-one sessions looking at care, offending and notions of self. We needed to work with staff and organisations that play a role in the young person's care plan: primarily social services and resettlement - advocacy services did not exist, and were provided by The CLA.

This proved extremely challenging - the project encountered a high level of resistance, lack of support and promotion, and unease about its user led approach amongst workers and some senior operational and strategic managers. We subsequently highlighted a number of gaps in the provision and coordination of services, resulting in the CLA developing a more in-depth pilot plan and securing funding to roll out and test different models of user led interventions.

This report seeks to highlight the plight of this forgotten group of care leavers, an institutionalised and somewhat invisible minority: Those who are traversing through the system, yet never experience a real sense of freedom. These are the care leavers within the Criminal Justice System.

## Part One - Project background

Project funding totalling £155,000 was awarded to the CLA between December 2011 and March 2014 by The Tudor Trust and National Offender Management Service (NOMS). The aim was to develop a person-centred alternative to the system approach and a model of peer mentoring that would identify:

- Interventions that best support care leavers in the Criminal Justice System
- Initiatives that enable care leavers to access and engage with services

In all aspects of our work, the CLA's role is to support care leavers to find their voice, be heard and understood; in some cases, with individuals who are unable to articulate their experiences at all, having never been given permission to speak about their formative years. We also support the professionals who work with them, helping to develop their knowledge and understanding of the needs and issues facing this group of care leavers.

### Who are Care Leavers

The Children (Leaving Care) Act 2000 legislates that you are a care leaver and eligible for leaving care services if you were in care between the ages of 14 and 18, and for a period of at least 13 weeks (not necessarily consecutively.) This narrow definition excludes:

- Anyone who left care prior to turning 16, including any young person who has been sentenced to a custodial sentence prior to turning 16<sup>1</sup>
- Anyone over the age of 25 (and in most cases, 21)
- Anyone who spent less than 13 weeks in care or was in care under the age of 14

The CLA defines a care leaver as, firstly, a human being deserving of respect. Secondly as any adult, of any age, from 16 through to 99 and beyond who spent time in care as a child, approved by the state through a court order or on a voluntary basis. It can range from as little as a few months to as long as a whole childhood (18 years).

Despite legislation, service entitlements and provisions differ widely between care leavers in different settings and locations; much is open to interpretation by practitioners and commissioning teams. Further, a lack of awareness amongst front line workers and their seniors leads to a poor and disjointed service provision for this vulnerable group, who in turn struggle to engage.

### Care Leavers in custody

Children in care and care leavers account for less than 1% of the general population (DfE 2013), yet are vastly over-represented in the Criminal Justice System:

- Over 25% of the adult prison population has previously been in care (Berman, G. and Dar, A. 2013)
- 49% of young men under the age of 21 in the criminal justice system have spent time in care (HMIP 2011)
- 27% of young men in custody have spent time in care (HMIP 2011)
  - 33% if we look specifically at 15 – 18 year olds (Kennedy, E. 2013)
- 61% of girls in the 15-18 age group in custody have spent some time in care (Kennedy, E. 2013)

---

<sup>1</sup> Under the rules of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPOA) a young person who is remanded to custody at 16 or 17, having never been looked after will also be classed as looked after for the period of the remand and if 13 weeks or more pass before sentence or release they will become a care leaver, relevant or former relevant dependant on age

While the Ministry of Justice (Surveying Prisoner Crime Reduction Survey, 2013) cites having a care experience as a contributing factor to both commencing a criminal career and re-conviction in the year after release, there remains a failure to provide tailored support for resettlement and ultimately reduce rates of recidivism for this group.

The Survey found that:

- Re-conviction in the year after release from prison was linked to the prisoners' background - care was reported as a factor;
- There is a relationship between childhood trauma, offending and re-offending rates, however the strength of this relationship is as yet unknown; and
- Being taken into care was reported as being associated with commencing a criminal career (rather than re-offending specifically).

A sector focus is required to tailor support to the needs of this vulnerable group, by all staff and organisations working with them. Offenders with a care experience represent between 25% and 50% of the Criminal Justice System population - which feels like an insurmountable challenge to address for those working within it. However this group represents a small percentage of the overall UK population, and as such it should be possible to ensure better outcomes through meaningful preventative work. The primary obstacle remains a lack of awareness within criminal justice settings around the needs and issues faced by care leavers, and the desire to adapt current practice to meet them.

### **Outcomes for Care Leavers**

Young people who have spent time in care are more likely to have poorer outcomes than their non-care peers. As evidenced by the Children Schools and Families Select Committee Report on Looked After Children (2009) and the Centre for Social Justice Report 'Couldn't Care Less' (2008), the socio economic profile of care leavers shows they continue to be one of the most disadvantaged groups in the UK. Care leavers are much more likely as adults to experience unemployment, substance abuse, emotional problems, educational failure, homelessness and involvement with the criminal justice system.

On leaving care and making the transition to adulthood, the support young adults receive - or, too often, fail to receive - is critical to future life trajectories, in particular for those who experienced trauma, neglect, abuse, fear and torment in childhood. This is equally as vital for those care leavers departing from a custody setting.

Offenders with a care experience are often released to poor and unsuitable accommodation with few support networks, and undergo very limited (if any) assessments of emotional well-being, attachment and related issues. Many may have poor social skills, a fragmented educational record and little or no functional skills for the labour market. Often with no family, and consequently no visits or letters while in custody care leavers may experience a deep sense of loss, abandonment, loneliness and lack of aspiration knowing they will be released back to the same situation they faced prior to conviction.

## Exploring care experiences

Since 2010, the CLAs work with young offenders (18 - 25 ) and older adults in the secure estate has succeeded in engaging in positive and supportive relationships with care leavers, providing a safe way to explore past care experiences. By relating these to past and present offending behaviour, Care leavers are encouraged to accept that positive choices can be made within poor circumstances and life situations.

Some of these stories had never been told before - no one had ever asked - therefore the link between these formative years and offending had never been considered. Crucially, this work has enabled the CLA to develop an understanding of what support younger and older care leavers need from service providers to realise their own positive life choices. It also affords care leavers the opportunity to frame and re-frame their own life story, taking ownership of it and improving their own self-image, thus increasing levels of self-esteem and confidence.

Our project, based in the North West of England, initially focussed on those individuals in custody (the secure estate). However our work in this area quickly highlighted a disproportionate representation of care leavers across the wider criminal justice system - spanning juvenile and adult, male and female offenders. This led to our extending the project to include participants in both custodial and alternative sentencing settings.

**“I don’t even know who my leaving care worker is.”**





## Part Two - Planning the project

The planning stages of this project involved developing a range of theoretical models of intervention. We focused on exploring three distinct directions: Interventions based on empowerment; policy development and awareness raising; and peer to peer support.

Whilst we have had to be adaptable to the environment we have worked in and overcome very many challenges, we have stayed true to our values. The work presented below would not be what it is today had it been less flexible and adaptable along the way. We did not start with Clear Approach, we started with no funding, concern for a forgotten and invisible group of care leavers and most importantly a person centred and user led focus – this has culminated in something that is unique and innovative.

### Clear Approach - empowerment

Developed by the CLA, Clear Approach is a programme based on previous work carried out in the Criminal Justice System and elsewhere. It is designed to build a collective understanding of the relationship between care experiences and anti-social or harmful behaviour.

The Clear Approach programme was created to:

- Explore and understand the impact of care experiences on the individual; and
- Develop clear strategies and empowering approaches to facilitate safe and pro-social change.

The programme (primarily employing the Cycle of Change model developed by Prochaska and DiClemente in 1982) aims to deliver the following learning outcomes:

- To understand how care experiences can negatively influence the self, identity, personal aspirations and motivations;
- To raise levels of self-esteem and to promote positive self-identity;
- To empower individuals to take control of their lives and become self-reliant citizens through the creation and implementation of a personal development plan; and
- To nurture problem-solving skills and safe strategies that encourage individuals to take responsibility for their future actions.

The empowerment approach is designed to assist care leavers with understanding their own personal biographies – the historical, social and individual experiences which may positively impact on the process of change. It also helps with setting realistic and achievable goals, and assists in removing negative attitudes, constructs and behaviours. Such an approach is aimed at increasing levels of self-esteem, through which programme participants can confidently actualise their own life stories and personal action plans.

The programme has been independently reviewed by Manchester Metropolitan University (MMU) and Lancaster University; results can be found at [www.careleavers.com](http://www.careleavers.com)

## Policy and awareness

The secure estate and wider criminal justice system is very often unaware of the legislative imperatives that exist for care leavers, and equally as unaware of the emotional needs of this group across the life course. Key agencies do not communicate with each other, and this lack of knowledge and a failure to offer a joined up approach creates a void. Care leavers are falling into this void, and are at significantly greater risk of re-offending as a result according to practitioners. The residual issues of these failures are felt across the life course.

Critical to the start of the pilot project was increasing awareness of this issue within organisations across the public, private and third sector. The CLA had to develop a number of strategic links and partnerships to educate on the services and support care leavers need and are entitled to. A series of outcomes-focused policy seminars were planned to run nationally and regionally, aiming to:

- Promote engagement across key agencies concerned with the transition of Looked After Children and Care Leavers as they access and/or sit on the periphery the Criminal Justice System
- Develop and promote innovative approaches to national partnership working with Looked After Children and Care Leavers in the Criminal Justice System to address individual needs
- Promote transparency, openness and accountability of public services to Looked After Children and Care Leavers - highlighting the overwhelming impact of public services on life chances and quality of life
- Provide training and information on the needs of Looked After Children and Care Leavers emotional well-being and legal status
- Ensure that user-led perspectives are central to policy developments and implementation
- Develop an action plan for positive change.

## Foundations - peer mentoring

The CLA designed and developed Foundations, a peer to peer custody-based group mentoring project, with the aim of offering both individual and group support to offenders. Linking with 'Through The Gate' (TTG) services, Foundations fits effortlessly into the Transforming Rehabilitation agenda; it also fuses collective action - care leavers raising awareness and taking ownership of the programme as positive role models.

This model of peer mentoring, embedded in empowerment and self-determination, sought to provide the space for care leavers lost in the criminal justice system to realise their own life choices. Further, to provide the opportunity to frame and re-frame their own life story, take ownership of it and improve self-image, thus increasing self-esteem and confidence levels.

In order to initiate the development of a peer mentoring model, the CLA was tasked with recruiting and training suitable candidates to become mentors - current and former offenders<sup>2</sup> with an experience of the care system as children, with the ability to develop an understanding of how being in care and offending behaviour may be linked.

---

<sup>2</sup> The CLA defines an (ex) offender as a person who has made the commitment to leave offending behind and has demonstrated this commitment through their actions in making positive choices. In that sense, a serving prisoner can be an ex offender much the same as a person who has completed their sentence. This approach affords us the opportunity to work with people that other parts of the criminal justice system deem as 'too risky'; the CLA believes it is no good telling a person they have a lot to offer because of their life experience without giving them hope of one day being able to realise that ambition.

The role of a Foundations mentor is to support other care leavers who are currently in prison, in the process of leaving prison or serving a non-custodial sentence within the community; alongside preventative mentoring to those on the periphery of crime. In this role, mentors work with mentees to build pro-social relationships, help with access to specialist services, and work to build self esteem, confidence and resilience characteristics.

*“Mentoring is not about making value judgments or making assumptions about character. Mentoring is about having the best interests of those you are supporting at heart - being person focused and an invaluable source of support.” Care Leaver*

### **Recruiting in the community**

The Foundations project sought to recruit ex offenders settled in the community to become peer mentors for care leavers in custodial or edge of prison settings. Our focus was on older care leavers; those over the age of 21 and able to demonstrate achievements post-release or sentencing to inspire mentees. However, recruiting community-based individuals proved a steep challenge:

- Older care leavers are difficult to locate - they are generally disengaged or have lost touch with service providers and entitlements;
- Care leavers are disinclined to identify themselves - in particular those with criminal convictions.

A number of individuals in the community applied to be a Foundations peer mentor after seeing the role advertised via emails, leaflets and word of mouth and others as a result of being referred to the CLA via similar organisations.

### **Recruiting in custody**

The Foundations project also sought to recruit offenders serving custodial sentences to become peer mentors. The CLA attracted applications from individuals in prison settings that included HMP Manchester, HMP Forest Bank, HMP Risley and HMP Thorn Cross.

### **Training mentors**

An accredited Level 2 Peer Mentoring training programme is available to applicants to fulfil the role of a Foundations mentor. Specific to care leavers, it offers additional educational and employability qualifications and is designed to be rolled out across a wide prison setting, training a number of learners. It can also be continued in the community, post-release, to provide a potential source of employment, skills and training for former offenders.

In addition, practitioner training is carried out with offender supervisors, case managers and other relevant staff to assist with identification, risk management and support. It is further supported by practice guidance developed by the CLA for mentors to use in peer groups when offering advice, guidance and signposting (see appendix). Practitioners also make use of this guidance to ensure any relevant support services or entitlements are made available to care leavers.

## Access to records

As national experts in gaining access to social care records, a significant aspect of our work at the CLA is helping care leavers to apply for their files. This affords the opportunity for individuals to understand some of the decisions made in their early life, and to engage with their identity as care leavers; it can also benefit individuals in terms of building and re-building relationships with families.

The CLA has applied this knowledge and experience to assist care leavers in the criminal justice system - a unique and innovative approach, intrinsically linked with the empowerment model. As highlighted in the following case study, this can have a dramatic effect on individuals - enabling them to develop a positive sense of who they are, where they came from and where they go from here.

As one care leaver who was in custody when he applied for his files states: *“I have spent the last 11 years in custody as an adult, and for most of my adolescence. When I received my files, I viewed it as looking back at life through the lens of a camera... I found it fascinating, rewarding and empowering.*

*“It feels like I have taken ownership of a period of my life that is fundamental to who I am today. Dealing with the past, embracing what positives I can, and putting to bed the residues that followed me through life has helped to compartmentalise and manage my thought processes. It has had a very positive impact on my ability to make positive choices.”*

Growing up in care for some is an experience covering their whole childhood; some people live between care placements and their own family, whilst others spend time in care for a specific period. In all cases there are questions to be answered, and it is often on reaching adulthood that an individual begins to reflect on the past. Curiosity; fragmented memories; photos to show their own children; reminiscing; making sense of difficult memories and life events; seeking answers about why they went into care as families often have disparate explanations; trying to trace family and seeking medical information in reference to hereditary illness or disease. These are just a few of the reasons why care leavers seek access to their files. Accessing a social care file is also a **fundamental human right**.

**“I got a letter...I’m not getting  
any leaving care support  
because I turned 21, but I  
never even knew I had any.”**



## Part Three - Conducting the project

### Clear Approach

The Clear Approach intervention programme has worked with men at HMP Thorn Cross, young men (aged 18-25) at Cheshire and Greater Manchester CRC<sup>3</sup> as part of their Intensive Community Order, and male and female young people aged 15 – 18 in youth offending services across the North West and Yorkshire. This work has been the focus of our Tudor Trust funded work.

Clear Approach grew out of our early interventions which focused on individual support and advocacy sessions. This grew into group work, marrying the two approaches together. A Personal Development Plan was created for each participant, designed to support the care leaver to:

- Positively engage (with the CLA, and with services)
- Explore identity
- Access social care files; and
- Discuss family and social capital

Our own provision of advocacy in relation to service entitlements is integral to the Personal Development Plan, as is any other support the CLA is able to offer as an organisation - for example voluntary work, CV-writing and signposting to other agencies for those not entitled to a leaving care service. This includes advocating for and engaging on behalf of care leavers with the following agencies and organisations:

- Probation services
- Advocacy groups
- Employment and training support groups
- Educational establishments
- Housing providers
- Social services
- Health services

When care leavers become disillusioned with the system and professionals ‘doing nothing’, the CLA works hard to get issues from the Personal Development Plan taken forward on their behalf. This is often extremely challenging, even for an established organisation like ours, and provides a valuable insight into the difficulties faced by service users. Taking a user led approach, the CLA helps to model this process - what it looks like, how it is done - giving more control to the individual and a tool to use again in a wider life context. Care leavers we worked with responded to this approach:

*“Because he knows what we’re talking about...It was important because I felt like he knew where I was coming from and that’s something we need, like someone who’s been through what we’ve been through so you can talk to them on a level.”*

*“[clear approach programme] forces out my confidence, because before I done Care Leavers’ group and talked to [project facilitator] I had no confidence. But then he told me to stop dwelling in the past and just try. It’s always going to be in the back of me head...the stuff*

3 Formerly Greater Manchester Probation Trust

*what's happened, but you just have to move on and do something... So I took a lot on board and I spoke to my worker, asked them to put me onto a team and within a week built my CV up and the experience I've done in care and what I've done over the years and I got offered a job within a week."*

### **Policy and awareness raising**

The CLA has held two policy seminars in London, driving the national debate and establishing care leaver issues related to the Criminal Justice System. Regionally, seven seminars have been held in the North West, Yorkshire, Lancashire and alongside the newly appointed NOMS Care Leaver champion in the West Midlands. All seminars are held in two parts, the first to identify the problems and the second to work on solutions. Delegates attended from all essential statutory services in social care and the Criminal Justice System, including the secure estate, the VCSE and of course the seminars are led by care leavers as the integral link.

This element of our work has been the key to providing a platform for the promotion and development of a joined-up approach to identifying and supporting care leavers and offers the greatest potential for reducing the offending and re-offending rate among this largely neglected group.

Working groups are in operation in the North West, Yorkshire, Lancashire and the West Midlands to ensure actions are followed up and partnership work is developed. The Manchester seminar led to the roll-out of the Clear Approach programme with the Cheshire and Greater Manchester CRC Intensive Community Order participants in all localities across Greater Manchester. Similarly the policy and awareness raising has led to work being developed, based on Clear Approach principles in youth offending services both in the North West and Yorkshire.

The seminar programme is currently being developed as a national project, based on training and awareness raising. This model, when rolled out, will involve the recruitment of care leavers with criminal justice system experience who have participated in the project thus far to support the CLA in the development and delivery of seminars regionally across England. This user led focus is essential to a successful outcome - an approach that must become integral to policy and practice improvement for this vulnerable group.

Reports from all the seminars are available via the Care Leavers Association website [www.careleavers.com](http://www.careleavers.com).

### **Foundations mentor consultation**

The CLA held a number of consultation events comprising 50 care leavers or care experienced young people who were either serving a sentence in custody, were in the community and had a criminal justice history or who were currently in secure local authority care:

- 13 males in HMP Manchester
- 8 males in HMP Risley
- 8 females aged 12 - 16 years in St Catherine Secure Children's home
- 4 males aged 16 - 19 at Manchester Leaving Care service
- 14 males aged 18 - 25 in HMP Thorn Cross
- 3 care leavers in the community



We sought access to many other custodial establishments and community-based criminal justice providers, however responses to these requests were minimal. We have identified two clear reasons for this: vetting and lack of awareness.

Simply seeking access to consult with care leavers presented an early, and somewhat insurmountable, challenge due to these two obstacles. Just getting in to the secure estate to conduct the consultation was a steep climb as staff were not aware of the issue. When made aware, there was a resistance or reluctance to develop a solution - for fear that it might open up Pandora's box and release a range of emotions for an individual that would need to be managed within the custodial setting.

### **Foundations recruitment**

Recruiting current and former offenders to become Foundations mentors yielded a total of 55 applications, broken down as follows:

- 24 female and 31 male
- Age range 15 to 41 years old
- 33 applicants were based in the North West; 5 in the South East; 4 in Yorkshire; 3 in the North East 1 from Kenya; 9 applicants did not disclose their local area
- 38 former offenders applied, now resettled in the community
- 17 offenders applied from the following prisons:
- HMP Manchester - 10 applications
  - HMP Forest Bank - 3 applications
  - HMP Risley - 2 applications
  - HMP/YOI Thorn Cross - 1 application
  - Prison unknown - 1 application

Of the 17 offenders who applied to become Foundations mentors, five lived too far away from the North West of England where the project resides. Following assessment, nine applicants were deemed not ready to become mentors and would benefit from a mentor themselves. One applicant was not a care leaver.

Of the 38 applicants in the community, three became volunteers with the CLA as part of their initial assessment as mentors. During this process, we evaluated their commitment to our organisation and values, and performed required checks on their suitability to become mentors. Unfortunately, all three applicants did not complete the required three month period as volunteers due to commitments at work, with families, college and other volunteer opportunities.

With the secure estate operating as a very structured system that creates dependency, individuals are not properly prepared to leave the institution - for some the world becomes totally overwhelming on the outside. Continuing to engage with applicants once they are out of custody has been immensely difficult.

A further 20 people who made an initial enquiry to become a Foundations mentor did not re-contact the CLA following receipt of the role description and person specification to submit an application - potentially, they did not meet the criteria. We now have a pool of dedicated care leavers with experience of the criminal justice system, all of whom have played a part in the project and all of whom work closely with us in the delivery of our outreach work in community sentence settings and our policy work.

## Part four - Challenges and barriers

Both Her Majesty's Inspectorate of Prisons (HMIP) in 2011 and The Youth Justice Select Committee in their seventh report (2013) make reference to the **effective abandonment** of care leavers when they find themselves in custody and/or other criminal justice settings - with little or no real effort made to ensure a joined up approach to their sentence and release planning.

This happens despite the statutory requirement for a Pathway Plan to be in place for young people in care by the age of 15.5 years. The Pathway Plan is a working document that should be based on the needs of the care leaver and a re-assessment of need should there be a change in circumstance. Being arrested, getting a community sentence or a custodial sentence is a change in circumstance.

If this was factored into sentence planning and release or end of sentence planning it may result in a more joined up approach with access to - and the use of - resources already in place for care leavers. It cannot be overlooked that in the current financial climate new resources are hard to come by; so for the criminal justice system it is a case of linking in with existing corporate parenting requirements, instead of shouldering the transferred cost and responsibility for this group from the Local Authority.

### Abandoned by the State

The policy disjoint between social care and the criminal justice system is manifested in practice. Within the criminal justice system, you are a young person until you reach 18 years of age - at which point the welfare element in service provision is considered less and more focus is given to compliance and public protection. This runs counter to social care policy, which defines a young care leaver as a young person up to 21 years old, whether in a criminal justice setting or not, or in some cases up to 25 years old, and eligible for a different kind of support to their non-care experienced peers.

With Local Authorities failing to inform practitioners working with over 18s in criminal justice settings who is a care leaver and what they are legally entitled to, individuals are left with no tailored support - until (potentially) the day they get out. As one care leaver illustrates, "the first time my leaving care worker knew I had been in custody was when I got released and went and told her."

Responses from leaving care workers have included "I know my young person is in custody, but I haven't got a clue where." While accentuating the poor and distant relationships that exist between professionals working with care leavers, this also poses the question of how much preventative work was carried out with that young person in the first place, including the emotional effects of trauma and separation.

### Poor relationships

The relationships between younger care leavers and leaving care teams were invariably distant, if they existed at all. Participants of this project would state: "I don't even know who my leaving care worker is." They were largely unaware of what a Pathway Plan is, or if it existed, and were generally unsure of what services they would be entitled to.

Peter is a typical example of care leavers we meet within criminal justice settings. He is 19 and was sent home to his mum's on release, but that didn't last long as it never does. He has got an after care worker but he reports having not seen them for years and he is entirely



unaware of his rights, having never been supported. It is clear that he has been in and out of custody for quite some years and he was previously with youth offending services. Once made aware of his rights and entitlements, we advocated for him.

Our initial enquiries highlight that Peter is 'unallocated', which means the leaving care service know of him and they accept they owe him a service, but cannot because there are no workers yet available for him. We remind them of their statutory duties to him and eventually he is allocated a worker. A three-way meeting is organised by us between Peter, his offender manager and leaving care team. During that meeting Peter's needs are assessed and support is put in place for him. Within weeks, the worker he was allocated leaves and Peter is left with no worker - we are told he is again 'unallocated'. We have to then go through the same process and by this time Peter has disengaged.

### **Low expectations**

When asked if they wanted the CLA to contact their leaving care team, the answer from participants would be "there is no point they can't do anything for me." In our advocacy role, we educated participants about their rights and sought to secure the provision of services on their behalf - which became integral to their resettlement plan (and a contributing factor to reducing the likelihood of re-offending on release.)

Many care leavers aged 21 had received a letter while in custody informing them that the leaving care service would no longer be available. Their response to this included "I got a letter telling me I'm not getting any leaving care support because I have turned 21, but I never even knew I had any leaving care support. Is it right that they can do that?" A letter from one young man who experienced this, and whom the CLA advocated for, explains how becoming aware of his rights has led him to identify a college place and a potential future out of crime on release.

Sam met the CLA having accessed one of our Foundations peer to peer care leaver support groups at age 21 while in custody. He had been in a YOI housing 18 -21 year olds before coming into the prison where he met us. In his three years in the YOI he had not heard from his leaving care worker, yet in the adult prison he received a letter stating he would no longer be entitled to a leaving care service. Sam asked us what it meant and we explained what support he should have received. As he was now 21 we sought to ascertain what his intentions were once released. Sam explained his ambitions to go to college and eventually University. He was at the time of meeting us registered on his level 2 Maths and English and actively seeking a college place.

The Children (Leaving Care) Act 2000 legislates that if a young adult aged 21+ remains in or returns to education between 21 and 25 they are entitled to a reassessment of their pathway plan and support from the leaving care service last responsible when they were a former relevant young person. We therefore advocated for Sam, explained his situation to the leaving care service and facilitated a meeting between Sam and his last leaving care worker.

Sam was supported by the leaving care service into college on release, all set up before he left custody. He was supported to find accommodation, helped with a bond and was supported financially with weekly payments for food and other everyday essentials until he was able to apply for and receive benefits. He was provided with funds for a bus pass to ensure he was able to get to college.

This package of support ensured Sam was able to focus on college and maintain himself. It has meant the difference between being released and repeating past offending behaviour, as

he had always done since 9 years old. Sam is now settled in the community, attending college, doing voluntary work with his local church, building relationships with his family and being a father to his son. This outcome is unlikely had Sam not met the CLA and received the support offered by the Foundations peer to peer support group. The men in the group were responsible for encouraging Sam to have confidence in the leaving care service and give it a go, despite his reservations due to past experience.

Sam's chances of re-offending are now significantly reduced.

### **Discriminated against**

As part of this project, many care leavers conveyed first hand their stories of being arrested and charged with offences relating to minor misdemeanour's. These included:

- Criminal damage for smashing a cup;
- Assault for throwing a pillow at a member of staff;
- TWOC for letting the handbrake off on a member of staff's car; and,
- Many more petty squabbles whilst in care.

The CLA heard examples of young people arrested and charged with public order offences within residential children's homes - because they are defined as a public space, committing a public order offence within a children's home could be simply swearing at a member of staff. One young man told us that his offending started when he went into a children's home and told a member of staff to "F\*\*\* off".

Instead of addressing the behaviour, the young person was told the home is a public space and as such he was committing a public order offence. They called the police, the police arrested and charged him with a public order offence. The court convicted him - he has four such convictions on his record. He was not violent, just angry, and the behaviour was a reaction to being micro managed in a children's home by staff who were under qualified and largely incapable. One children's home states above the door 'Welcome to the Mad House'.

We hear stories of plain clothes police officers being based in children's homes, or homes being subject to increased police patrols. The expectation is that children in care are bad. Most concerning, this view is held by those who are there to care for and protect them - which precipitates the same wider society view, creating a damaging stigma.

Care leavers felt they were largely discriminated against by the Police, Community and Courts. They told us the police are aware if they are a looked after child as it is police officers who are called to return them if they have absconded for example. Repeat absconders are often viewed as a 'nuisance', and relationships with social care professionals may suffer as a result - impacting on much-needed access to support in the future.

They voiced their concerns that courts would regularly discriminate against them, without proper representation to advocate on their behalf. Sometimes the social worker does not even go to court; and if they do, often have never met the young person before. They arrive shortly before the hearing leaving no time to consult with the young person, and work from a file to base an assessment of risk against offending behaviour. Without the right support in place to manage risk, the courts are unlikely to offer bail or an alternative to custody.

## Social stigma

For many of the care leavers we met as part of this project, being a looked after child is and was a source of embarrassment; they continue to feel socially stigmatised. Due to false impressions of what care is and what it is for, they felt the local community had preconceived negative expectations of them.

“They just think that we’re all bad and it’s expected of us, but we’re just normal like any other kids”

“It’s embarrassing to be out with staff sometimes because people know ... you know if you’re in shop and people you know see you it’s embarrassing”

As such, these individuals would not identify themselves as being looked after, feeling embarrassed to be out with staff and seeking to distance themselves from the identity of being in care whenever possible. The disinclination of care leavers to be associated with being looked after, and the social stigma attached to it, in particular those with a criminal conviction, was a contributing factor in locating and recruiting participants to the Foundations programme as mentors.

## Positive role models

In terms of instability, role models and self-determination, care leavers conveyed their sense of having no control or say over what happens to them; their experience of the care system being moved from placement to placement at short notice, placed with random people, having new social workers who don’t know them, being invited into meetings about them but not feeling they have a voice. Engaging with the CLA gives the young person permission to talk about their life and not be judged – some, for the first time.

“The care system just takes control of you and tries to restrict your freedom. There’s too much paperwork to buy a jumper and it doesn’t teach you anything”

“They treat you like kids and then tell you to be adults, but you’re never allowed to be. It’s too managed and there is no freedom”

“It’s easier to get in trouble in care because they can just phone the police on you for any little thing”

They have had few positive role models, or at least role models they can identify with in the care system. One younger care leaver conveyed that “the care system should be made up of people who are real and decent. Not those who just do it temporarily and not those who are easily intimidated, they have to be thick skinned.”

The care system has not worked for many of those care leavers we engaged with in supporting them into adulthood and being prepared for independence. Not only recent care leavers, but those in their 30s, 40s, 50s and older; they have been in and out of custody since the day they left care, abandoned by their corporate parent. Surprisingly, many hold no grudge and rather blame themselves for not asking for help.

Any reduction in the numbers of care leavers engaged with the criminal justice system cannot be realised unless the approach changes. In some cases, being in care robs young people of their childhood; there is so much disruption while growing up, leading to

deep-rooted issues in early adulthood and beyond. As one older care leaver told the CLA, “I spent the last 20 years of my life getting over the first 20 years of my life.” The social care system and criminal justice system must accept this reality, and take a different approach to address it.

### **Moving population**

Working with young and older adults with chaotic and fragmented lives makes it difficult to keep track of their whereabouts, either in custody or in the community. In custody, participants of the project were lost due to internal structures such as transfers to prisons or programmes to satisfy parole board or license conditions. Lack of engagement between the secure estate and the voluntary sector meant the CLA was often the last to know when a participant was moved.

In the community, issues exist that deflect the attention of adults away from the work we do with them. Whilst this is not always the case, it does mean that the development plan for each individual is unique - and the extent of its success is dependent on a willingness or ability to stay with the project.

Progress reviews with senior management have been invaluable as they ensure we have a mechanism to directly feedback the impact of a sudden move on an individual's engagement. In so doing, the CLA is slowly beginning to educate others on the need to offer stability to care leavers, who will frequently have been moved many times throughout their care experience.

### **Limited access**

Access to the secure estate has been painstakingly slow, much of which can be attributed to a blanket lack of awareness and prioritisation of issues facing care leavers in custody. Early attempts to access prisons were met with clear refusals to work with the CLA, due to not having enhanced security clearance. Further, our user led approach to developing a solution was met with suspicion and resistance.

Project representatives from the CLA seeking access to prison populations embody the essence of this project - care leavers, with an offending background. Representative of the wider issue surrounding peer led innovations (former offenders helping existing offenders, linked by their care experience), this proved to be the biggest barrier of all. We approached NOMS and explained the barrier, to which they responded positively with a new level of security clearance: Standard Plus, taking effect from November 2012. Effectively, this allows a local risk assessment to be made by any prison if the applicant has been refused enhanced security clearance.

This new limited vetting level is aimed directly at people (paid and unpaid) who have openly disclosed convictions and who are working to reduce re-offending pathways - as directed by Justice Secretary Chris Grayling, who said ex offenders should be going back inside to mentor others. It is also successfully modelled in drug rehabilitation work, with recovering addicts mentoring those on a similar journey.

However, in the CLA's experience, this has not materialised into a viable option in the Criminal Justice System due to inherent problems with access. While the funding to complete this work was granted to the CLA by NOMS, access permissions required to carry it out could not be guaranteed. We have been cleared at Standard Plus level by only four prisons - Thorn Cross, Kirkham, Risley and Swinfen Hall. No other Standard Plus clearance has been granted

thus far and there is no sense that the clearance we have in these four prisons will ever be higher.

Denying the CLA the right to hold keys means we rely on the prison to supervise us at all times, which is restrictive to our work, undermines the user led aspect of what we do and pulls on already stretched prison resources as we need a member of staff to accompany us.

### Lack of awareness

In parallel to a lack of awareness and promotion of the new vetting level, the CLA identified a further lack of awareness surrounding the term 'care leaver' in this arena. It was not clear that criminal justice agencies and some VCSE organisations had considered care experience at practitioner or management level, or understood the enormity of leaving care for an individual.

Our seminar work aimed to address this knowledge gap, bringing together the operational and strategic leads from the VCSE, the secure estate and statutory bodies. This work is ongoing, however significant progress continues to be made in narrowing this gap.

### Reaching out

There is much work to do to overcome barriers associated with the system approach to access this vulnerable group, often referred to as *hard to reach* by professionals. Rather than *hard to reach*, the professional is more likely to be unable to reach the individual because they don't know enough about them and solving the problem is not a high enough priority on what may be a very long list.

Through our work on this project, the CLA has successfully engaged with care leavers in custody and community sentence settings and believe this group to be no harder to reach than others - including service providers and staff operating at a range of 'hard to reach' hierarchical levels. Indeed, the only 'hard to reach' groups we have encountered are the service providers who serve to erect barriers to the work and apply labels such as 'hard to reach' which serve them well in excusing bad practice.

The system approach to care that we refer to has created dependency, and works against principles of self-determination and self-reliance; it fails to recognise the historical, social and individual impact of being looked after. The faults of this system, its impact on care leavers and their life course, is what the CLA seeks to challenge through its person-centred approach to all our work.

Through empowering the individual, and addressing the neglected risk factor of care experiences, we believe it is possible to develop a positive narrative, increase levels of self-esteem, build confidence, self-awareness and self-knowledge. Fundamental to this is the CLA's user led model of working which provides a unique and innovative environment for individual and collective growth.

**"I know my young person is in custody... but I haven't got a clue where."**





## Part five - Measuring success

Our pilot project has raised a number of issues identified by care leavers within criminal justice settings:

- Criminalisation of young people in care and on the cusp of care;
- Discrimination by the police, courts and the wider society; and
- Lack of directed support prior to imprisonment, while serving a sentence and on release.

Most critically, that ***care leavers are offered the least support when they are at their most vulnerable.***

### Raising awareness

Our policy and awareness-raising work has translated into a greater number of care leavers being identified in Criminal Justice settings, and their needs being better understood.

Referrals and opportunities to work on this project are growing as a result, with a need to increase capacity and roll out on a national scale. The CLA's work has contributed to the following successes:

- New identification processes in HMP Thorn Cross, HMP Risley, HMP Kirkham, Cheshire and Greater Manchester CRC, and HMP/YOI Swinfen Hall
- NOMS guidance for practitioners working with care leavers in the Criminal Justice System aged 18–25 (this must be expanded upon to recognise care experience)
- Fields added to NDelius, PNOMIS and the basic Screening Tool Kit related to care experience, specifically questions aimed at those entitled to statutory leaving care services within the narrow definition of The Children (Leaving Care) Act 2000 (this must be expanded upon to recognise care experience)
- A new level of security clearance introduced by NOMS for ex-offenders - Standard Plus - allowing risk assessments and local decisions that enable ex-offenders to work in prison settings, however limited
- A Care Leaver champion appointed by NOMS, responsible for ensuring the needs of care leavers are recognised and addressed, with whom we are advising and developing work streams
- A section specific to care leavers in the criminal justice system included in the government's Care Leaver Strategy, which has been updated in 2014

### Peer mentoring

We have established a number of Foundations Peer to Peer mentor groups specific to care leavers and their needs in HMP Thorn Cross, HMP Risley and HMP Kirkham. Our model of work is recognised by NOMS and referenced within their guidance.

The CLA Foundations pilot is being developed at HMP/YOI Swinfen Hall, where the NOMS Care Leaver champion is based. Swinfen Hall is unique to 18–25 year olds and enables us to engage with a group of care leavers relevant in age to The Children (Leaving Care) Act 2000, its associated rights and entitlements.

Training and awareness has also been delivered to staff, governors and Offender Management Unit (OMU) managers, leading to a screening process that ensures all offenders with a care experience are identified on entry to Swinfen Hall and offered support to access leaving care services if eligible.

We aim to roll out this working model across the secure estate country-wide.

## Resources

Our work in the criminal justice system has led to the publication of the following guidance and information specific to care leavers:

- A pack aimed at supporting the identification of care leavers, suggesting how to work with this group and their specific needs and issues. The pack outlines legislation and its relevance to care leavers in the Criminal Justice System, and can be used as a resource to help access services and entitlements. This tailored package can be used by all establishments and practitioners, with the CLA delivering a training element
- Advice and guidance on a consultancy basis to the secure estate and wider criminal justice system to deal with specific issues

## Recommendations

The CLA has summarised a number of recommendations, concluded through the partnerships we have built and our work to develop solution-focused interventions, which are:

- More work at the point of arrest, sentence and release; particularly more creative action around preventative measures within care settings as opposed to being reactive once a young person is in a criminal justice setting
- Consider the role of residential and foster care in the criminalisation of looked after young people
- Work harder at standardising the process for identifying care leavers in prison and the wider criminal justice system
- Provide training to prison staff, probation and youth justice practitioners
- Promote the use of advocacy services specific to the needs of care leavers in the criminal justice system
- Encourage local authorities to fulfil their responsibility to provide support from the point of sentence to end of sentence; including community sentences
- Ensure skills acquired within prison are made functional in the community utilising the Children (Leaving Care) Act 2000 and provisions for support beyond 21
- Promote a user-led approach to reducing offending and re-offending rates, using empowerment models
- Improve information and data-sharing across the criminal justice system to ensure smooth transitions
- Encourage a greater commitment by central and local government to coordinate research and investigation.

## CLA Intentions

### Clear Approach

- Increase delivery across the North West probation localities in line with the Transforming Rehabilitation and Public Sector Reforms
- Increase delivery across Yorkshire
- Develop a national roll-out strategy
- Make a national impact through established partnerships with the Youth Justice Board, Department for Education, National Offender Management Service, the Ministry of Justice, Her Majesty's Inspectorate of Prisons and partners across the VCS

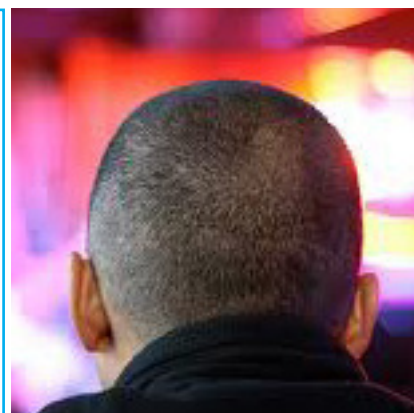
### Foundations

- Increase delivery of peer mentoring groups across the secure estate with more emphasis on TTG work
- Develop a community-based peer mentoring model that works within statutory services with young adults from care as they access or sit on the periphery of the criminal justice system
- Develop mentor skills to take on the role of advocates and trainers
- Ensure user-led interventions are integral to policy and practice development
- Seek to promote the intervention nationally

### Policy and awareness

- Develop a series of policy seminars nationwide consolidating the CLA's practice guidance and a user-led narrative that feeds into practitioner training and awareness
- Roll-out a series of bespoke training modules for practitioners within the criminal justice system to understand social policy and how it relates to care leavers
- Build on the work and seminar action plans developed in the North West, Yorkshire and at a national level
- Continue to raise awareness of care leavers and the Criminal Justice System

**“It’s always going to be in the back of me head...the stuff what’s happened, but you just have to move on and do something...”**





## Conclusion

The system approach to care creates dependency, working against principles of self-determination and self-reliance, and is dis-empowering. It fails to set out realistic and achievable goals, which will assist in removing negative attitudes, constructs and behaviours. It fails to recognise the historical, social and individual impact of allowing a care experienced individual to actualise their personal biography.

There is much work to do to overcome the barriers that are erected by the system approach to this vulnerable group, often referred to as 'hard to reach'. Our work has put us in a room with care leavers in custody who are said to be 'hard to reach' and yet without any magic dust or trickery we have engaged with them. Indeed, the only hard to reach groups we have encountered are the service providers who erect barriers to our work.

Why are care leavers 'hard to reach', we ask? Are they too far away, are the arms of practitioners not long enough, or does this term simply mean they are unable to engage - and recognise that this is a failure of the system approach not the apparently 'hard to reach'. Labels serve a purpose and this label serves its purpose well – to excuse poor practice.

### Abandoned

This project has highlighted how care leavers are often abandoned and given least support when they are at their most vulnerable. Very little has been done in the criminal justice system to address this issue; there is a great disconnect between the services care leavers receive prior to imprisonment, what they receive whilst serving a custodial sentence and what is available upon release. The issues are mostly similar for those offenders serving community sentences.

A wider policy disconnect exists between criminal justice and social care which classes a young person as an adult at the age of 18 in the eyes of the criminal justice system, but in social care policy a young care leaver can be up to age 21 and sometimes up to age 25. It is between the ages of 18 and 25 that care leavers are entitled to a service, if they qualify, yet they often fall through the net due to these conflicting definitions.

### Care and offending

The evidence from our work on this pilot project demonstrates that the relationship between care and offending is a complex one; coupled with a poor start in life, a fragmented education and diminished life chances, some individuals will have been abused or seriously neglected. For reasons outside of their own control, their future prospects have been diminished. Others could conclude, as some do, that care leavers are inherently bad, that there is a cause and effect in respect of care and offending; the suggestion being that if you are from care you are likely to go on to offend. Any fair minded person would say "don't tar me (or a whole group) with that brush" - the very idea that care is a cause of offending cannot be viewed in such isolation.

A more considered response would not fail to ask questions of the 'system' and its provisions for those leaving care. This also includes legislation, which fails time and again to recognise care leavers fully and appropriately within policies, affording the opportunity for poor local authorities to avoid their full corporate parenting responsibilities.

## System focused

Being system focused not person centred is far from caring; it presents itself as managerial, effectively asking care leavers to take control and responsibility for their own lives and actions. In reality it often fails to provide the right support for a young person to take control of their life. This perverse reality leads to young people having their behaviour managed, in terms of making them responsible and accountable - as opposed to having the freedom, support and encouragement to be responsible for their life, future and aspirations.

Finding a way through the challenges of independent life is a daunting task for any young person. How much more so for a young person who is on the fringes of society, alone and often in housing that could easily be described as 'difficult to let, difficult to live in and difficult to get out of'. This represents a step too far for some, who are unable to cope with this lived reality.

We conclude that the secure estate and wider criminal justice system is simply not equipped with the knowledge to deal with care leaver specific issues. This leads to care leavers being released into poor and unsuitable housing or accommodation, with few support networks. These young people are often institutionalised, their emotional well-being, and related attachment issues never having been considered. Many have poor social skills, fragmented education and little or no functional skills for the labour market. There is often no family to talk of and thus no visits or letters, a sense of abandonment, loneliness and a lack of aspiration due to knowing they will be released to the same sense of loss they felt before going to custody.

## Empowering

When considering outcomes, it is critical to think about our work as addressing the neglected risk factor of care experiences, creating opportunities that assist individuals in the desistance process, developing a positive narrative, increasing levels of self-esteem, building confidence, self-awareness and self-knowledge. Fundamental to this is our user led model of working, which provides a unique and innovative environment for individual and collective growth.

It is only through empowering that we may positively impact the process of proactive change, increasing self-esteem and self-determined independence. We seek to challenge the faults of the current system-approach to care, care leavers and their life course through a person-centred approach to our work.







## References

- Berman, G. and Dar, A. (29 July 2013), Prison Population Statistics. House of Commons Library.  
<http://www.parliament.uk/briefing-papers/SN04334.pdf>
- Blades, R. et al. 2011. Care - a stepping stone to custody? The views of children in care on the links between care, offending and custody. Cambridge. Prison reform trust.  
<http://www.prisonreformtrust.org.uk/Portals/0/Documents/caresteppingstonetocustody.pdf>
- Brunton-Smith, I. and Hopkins, K. 2013. Surveying Prisoner Crime Reduction (SPCR) survey. Ministry of Justice. HMSO.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/261620/re-offending-release-waves-1-3-spcr-findings.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/261620/re-offending-release-waves-1-3-spcr-findings.pdf)
- DfE SFR 36/2013. 26 September 2013.  
<https://www.gov.uk/government/publications/outcomes-for-children-looked-after-by-local-authorities-in-england-31-march-2012> and <https://www.gov.uk/government/publications/outcomes-for-children-looked-after-by-las-in-england>
- HM Inspectorate of Prisons. 2011. The care of Looked After Children in custody: A short thematic review. HMSO.  
<http://dera.ioe.ac.uk/3657/2/looked-after-children-2011.pdf>
- House of Commons Children, Schools and Families Committee. 2009. Looked-after Children: Government Response to the Committee's Third Report of Session 2008–09. HMSO.  
<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmchilsch/787/787.pdf>
- House of Commons Justice Committee. 2013. Youth Justice, 7th Report. HMSO.  
<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmjust/339/339.pdf>
- Kennedy, E. 2013. Children and Young People in Custody 2012–13: An analysis of 15–18-year-olds' perceptions of their experiences in young offender institutions. London. HMIP.  
<http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/summaries-of-juvenile-survey-responses/hmip-children-young-people-in-custody-12-13.pdf>
- Murray, R. 2012. HM Inspectorate of Prisons & Youth Justice Board. Children and Young People in Custody: An analysis of the experiences of 15–18-year-olds in prison. London. HMIP.  
<http://socialwelfare.bl.uk/subject-areas/services-client-groups/young-offenders/tsop/144293children-and-young-people-custody-2011-12.pdf>
- Prochaska J.O. and DiClemente C.C. (1982). Trans-theoretical therapy - toward a more integrative model of change. *Psychotherapy: Theory, Research and Practice* 19(3):276-288
- Social Exclusion Unit. 2002. Reducing re-offending by ex-prisoners. HMSO.  
<http://www.nobars.org.au/downloads/Reducing-Reoffending-Report.pdf>
- Centre for Social Justice. 2008. Couldn't Care Less: A policy report from the Children in Care Working Group. London. CJS. Accessed  
<http://www.centreforsocialjustice.org.uk/UserStorage/pdf/Pdf%20reports/Couldn'tCare-Less.pdf>
- HMI Probation. 2012. Looked After Children: An inspection of the work of Youth Offending Teams with children and young people who are looked after and placed away from home. A Joint Inspection by HMI Probation, Ofsted and Estyn.  
[http://www.hmcpso.gov.uk/documents/reports/CJJI\\_THM/OFFM/Looked\\_After\\_Children\\_Thematic\\_Report\\_ENG.pdf](http://www.hmcpso.gov.uk/documents/reports/CJJI_THM/OFFM/Looked_After_Children_Thematic_Report_ENG.pdf)
- Hart, D. 2006. Tell them not to forget about us: A guide to practice with Looked After Children in custody. London. National Children's Bureau.

## Appendix

# Quick Reference Guide for Practitioners working with Care Leavers' (18-25) within Criminal Justice Settings.

In order to improve outcomes and reduce offending for Care Leavers it is vital to work collaboratively across sectors to increase recognition of their particular status and offer appropriate support. The Children Act 1989 [Regulations and Guidance](#), as revised in October 2014 sets out Local Authority responsibilities to Care Leavers under part 3 of the Children Act 1989. Understanding this is vital if young adult and adult criminal justice practitioners are to ensure services are provided according to legal entitlement during the community part of any sentence, post custody and during the custodial part of a sentence.

## National Context

There is increasing attention on the needs and rights of Care Leavers within the national arena. In October 2013, the government produced a [Cross Departmental Strategy](#) for Care Leavers, [updated](#) in October 2014.

Also, in October 2013, the National Offender Management Service (NOMS) produced [Practice Guidance for Working with Care Leavers in custody and the community](#), to reduce re-offending and promote effective transition to adulthood.

[The Care Leavers Association](#) (CLA) has produced this guidance for practitioners working with Care Leavers in criminal justice settings. The CLA have also made use of funding from NOMS to develop peer mentoring within the secure estate. We are a user led organisation, with significant expertise in this area and provide advice, guidance and training for any criminal justice organisation which would like to improve its services to Care Leavers. We are able to deliver unique and innovative programmes specific to working with Care Leavers. An [Independent Review](#) of this work can be found at [www.careleavers.com](http://www.careleavers.com)

## Definitions

Any young person who has had a social care intervention should fall into one of the following:

1. Child in Need under Section 17 of the Children Act 1989  
-This means that they were unable to achieve or maintain a reasonable standard of health or development without support. This might be because of disability, parental substance misuse or domestic violence, homelessness or parental breakdown
2. Children subject to a child protection plan under section 47 of the Children Act 1989  
-This means the child was suffering, or was considered likely to suffer from, significant harm. An assessment would have been made and a plan, overseen by a social worker, will have been made to try to reduce the risks and improve outcomes for the child
3. Subject to a full care order under section 31 of the Children Act 1989  
-Local authority and parent share parental responsibility and this order is a court order

4. Looked after by voluntary agreement under section 20 of the Children Act 1989
  - The local authority has no parental responsibility and so at the point of sentence or upon leaving care the status of the Looked After is lost as they are no longer accommodated by the local authority
5. Young people subject to a secure remand
  - As of December 2012 we have a new type of care leaver created by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPOA), which states that all young people who are remanded to custody will be classed as a Looked After Child (LAC) for the period of time they are remanded. This status ends when sentenced. An assessment must be made as to whether or not on release the young person needs to be LAC again. Should they spend 13 weeks or more on remand, or have been LAC any time since the age of 14, their accumulated time makes them eligible for leaving care services.

### Eligibility for Leaving Care services

Care Leavers can become eligible for leaving care services under the following categories:

- a) Relevant (16/17) and not in care
- b) Former relevant (18 – 21)
- c) Former relevant (21+) in Education and/or Training
- d) Qualifying

To be eligible for leaving care services you must be in a position to demonstrate that you were in care:

- a) Between the ages of 14 and 16 (if left care at 16 or 17)
- b) Inclusive of 24 hours of your 16th birthday
- c) For a period of at least 13 weeks (not necessarily consecutive)
- d) Between the ages of 14 and 18 (if left care at age 18)
- e) For a period of at least 13 weeks (not necessarily consecutive)

	Status prior to sentence	Status during sentence	Entitlement summary
1.	15 -17yrs	Possible 'Child in Need' Duty to Assess	There is a duty on all Local Authorities to assess all children who are, or may be, a child in need, in accordance with <i>The Framework for the assessment of Children in Need and their Families</i>
2.	LAC 15yrs (s.31)	LAC Retains LAC status in custody and throughout sentence	Entitled to the same care planning and review process from the responsible LA within the time scales set out in the <i>Care Planning, Placement and review (England) regulations 2010 (Vol. 2: 8.17)</i>
3.	LAC 15yrs (s.20)  Looked after for more than 13 weeks since 14th birthday and before 16th birthday  <b><u>AND</u></b> has 16th birthday in custody as remand	Care Leaver If the child has covered the 13 weeks rule, they will be classed as relevant up to 18 under s.23A	Relevant children are entitled to: <ul style="list-style-type: none"> <li>- A Personal Advisor</li> <li>- Be kept in touch with</li> <li>- Have an assessment of need</li> <li>- Have a pathway plan</li> <li>- Have the pathway plan reviewed</li> <li>- Be safeguarded and have their welfare needs promoted by maintaining them, providing them with, or maintaining them with suitable accommodation and to provide assistance in order to meet their needs in relation to ETE</li> </ul>
4.	Not LAC prior to detention 16 – 17yrs	LAC whilst remanded in Youth Detention Accommodation (YDA)  <b>LASPOA</b>	<i>Care Planning, Placement and Review (England) regulations 2010 (vol 2)</i> have been amended to take this change into account for children who become looked after solely as a result of being remanded  The local authority must identify a placement for them and plan for their care in the same way as for other LAC. However, the local authority need not prepare “a plan for permanence”  Where a child is remanded to YDA, the responsible authority, instead of preparing a care plan/placement plan, will need to carry out an initial assessment of the child’s needs and prepare a “detention placement plan” (DPP) describing how the YDA will meet the child’s needs” Regulation 47C(2). Schedule 2A of the amended regulations summarises matters to be dealt with in the DPP  The DPP must be reviewed by the Independent Reviewing Officer (IRO) in the same way as the care plan for other LAC. (A DPP should also be completed where a child who is already LAC is remanded in YDA)



5.	LAC 16/17yrs (s.31)	LAC Remains LAC and is known as 'eligible'	Entitled to the same care planning and review process from the responsible local authority within the time scales set out in the <i>Care Planning, Placement and review (England) regulations 2010 (Vol 2: 8.17)</i>
6.	LAC 16/17yrs (s.20)  LAC for less than 13 weeks	LAC at point of remand  Loses LAC status at point of sentence or release – will not become 'Relevant Child' if looked after for less than 13 weeks	Section 23ZA: <ul style="list-style-type: none"> <li>- Imposes a duty on the local authority to ensure that the child is visited by a representative of the local authority and to:</li> <li>- Inform the IRO</li> <li>- Within 5 days, provide key info to the YOI</li> <li>- Within 10 working days to visit the child in custody</li> <li>- Within 20 days complete an assessment of need in custody and on release</li> </ul>
7.	LAC 16/17yrs (s.20)  LAC for more than 13 weeks	LAC at point of remand  Loses LAC status at point of sentence or release – becomes a 'Relevant Child' under s.23A	Relevant children are entitled: <ul style="list-style-type: none"> <li>- To a Personal Advisor</li> <li>- To be kept in touch with</li> <li>- To have an assessment of need</li> <li>- To have a pathway plan</li> <li>- To have the pathway plan reviewed</li> <li>- To be safeguarded and have their welfare needs promoted by maintaining them, providing them with, or maintaining them with suitable accommodation and to provide assistance in order to meet their needs in relation to ETE</li> </ul>
8.	18 – 21yrs  Former relevant child Up to the age of 21  If had been LAC for more than 13 weeks including periods on remand after 14th birthday	Care Leaver	Former relevant children are entitled to: <ul style="list-style-type: none"> <li>- Be kept in touch with and expect the local authority to re-establish contact once in custody if contact had failed prior to custody</li> <li>- Keep their pathway plan under review</li> <li>- Continue with the appointment of the Personal Advisor</li> <li>- If their welfare requires it, provide financial assistance by contributing to the former relevant child's expenses in living near the place where they are, or will be, employed or seeking employment</li> <li>- If their welfare requires it, provide financial assistance in pursuit of education and training</li> <li>- Pay a higher education bursary in the pursuit of higher education in accordance with their pathway plan</li> </ul>

9.	21 – 25yrs  Continues to be a former relevant child if in education and/or training	Former relevant  (in ETE)  The Children Act 1989 Guidance and Regulations Volume 3: paragraphs 3.48 to 3.55	<p>Section 23CA of the 1989 Act requires that: A young person previously eligible for leaving care services resuming programmes of education or training after the age of 21 are entitled to continuing support from a [Personal Advisor] allocated from their responsible authority.</p> <p>In this context, the definition of a programme of education or training must be interpreted broadly. For example, this might include options such as:</p> <ul style="list-style-type: none"> <li>- Completion of a basic skills course, so that the young person has the numeracy and literacy skills needed to compete in the jobs market</li> <li>- Take up of a course of further education</li> <li>- Take up of a university place</li> <li>- Support to enable the young person to complete a recognised postgraduate qualification</li> <li>- Participation in vocational training and apprenticeships</li> </ul> <p>The duties of the local authority continue for as long as the young person continues to pursue the agreed programme of education. The local authority's duties are as set out in the re-instated pathway plan.</p>
	16 to under 21  Qualifying Children	<p>Care Leaver</p> <p>Defined in section 24 of the 1989 Act as a person who is:</p> <ul style="list-style-type: none"> <li>(a) aged at least 16 but is under 21;</li> <li>(b) with a special guardianship order in force (or was in force at 18) and was looked after immediately before the making of that order, or</li> <li>(c) at any time after 16th birthday but before 18th birthday was looked after</li> </ul>	<p>The relevant local authority (as defined in section 24(5) of the 1989 Act) must consider whether the person needs help of a kind the local authority can give:</p> <ul style="list-style-type: none"> <li>- Under section 24A - to advise and befriend and give assistance</li> <li>- Under section 24B - to give financial assistance – see above</li> </ul> <p>Where the person is in full time further or higher education, is under the age of 25 and qualifies for advice and assistance, or would have done if he was under 21, assistance in relation to securing accommodation [sections 24A(2) and (3), and 24B of 1989 Act].</p>
	25+	Care Experienced	<p>Unfortunately, not entitled to any statutory support related to care – however, there are agencies that support Care Leavers of any age on a range of issues. The CLA can provide support to any agency working with adult Care Leavers who are over 25 and in the Criminal Justice System and to any care leaver regardless of their time in care.</p>

## Question Flow Chart

### Have you ever spent any time in Local Authority care?

(This could include time in a residential children's home, foster care or kinship care)

YES

NO Action

1. **How old were you when you went into care?**

2. **Do you know how long you were in care?**

These two questions determine their legal status re the 13 week rule between 14 and 18; see the boxes above dependent upon the age of the care leaver you're working with.

The next stage is to determine the responsible local authority and this will not always be determined by finding out the last place the care leaver was in care. It does not follow that the last placement local authority area was the last responsible authority. Children in care can be placed out of area and often those with experience of the criminal justice system may have experienced many out of area moves.

Questions 3 - 6 below will provide the details you need to identify the responsible authority. You may only need to ask questions 3 and 4. If the care leaver has been detached from their local authority for some time you may need to ask questions 5 and 6.

3. **Do you know the name of your last social worker and/or leaving care worker?**

By leaving care worker we mean the person who was there to support you when you were no longer in the children's home or foster placement – sometimes they are known as Personal Advisors.

4. **Which area was this in? Which Local Authority?**

Should the care leaver provide all of the information above, you should seek to contact the last worker that was in contact with the care leaver, if the care leaver gives you permission. Please see the guidance to determine what their legal status is and their entitlements. The worker should be made aware of the fact that the care leaver is in custody and seeks their support.

5. **Where was the last place you were in Local Authority Care?**

This question will identify the last place the care leaver was in care, if they have had many moves and do not know/understand which local authority should be responsible for them. Your job will then be to contact the last care placement they had and if that fails you should contact the local authority in which their last care placement is based. You will then be signposted to the responsible authority.

6. **If you have lived in care in more than one area do you remember when and where?**

Should all of the above fail, you will need to work backwards from the last placement area in search of the responsible authority.

Your job is to identify the responsible authority if the care leaver wants you to and if you can it would benefit the care leaver if you spoke to the last worker. Once you have provided the link the worker has the responsibility to engage the care leaver and assess what support they need and what can be provided, detailing all of this in the re-assessed pathway plan.









Copyright @ The Care Leavers' Association

[www.careleavers.com](http://www.careleavers.com) [www.careleaversreunited.com](http://www.careleaversreunited.com)

© The Care Leavers Association is a not-for-profit company: company number 5204243  
Registered Charity Number 1111988