

# Professional perceptions of the care-crime connection: risk, marketisation and a failing system.

## Abstract

*Reporting the findings from an English study of practitioners working within multi-agency settings, this paper will explore their perceptions of the factors that contribute to the criminalisation of children in care. The findings support the contention that children get into trouble as a consequence of a number of system level deficiencies, along with a defensive, risk averse approach to practice which permeates throughout children's social care and criminal justice agencies. The impact of an under confident and transient residential care workforce is discussed, along with the privatisation of children's home provision. Yet whilst residential care was confirmed as being the more problematic environment, children in foster care were not immune to unnecessary criminalisation. Unchanged, this will continue to produce negative outcomes in terms of criminalisation, the longer term effects of which will impact upon the life-chances of young people for years to come.*

**Keywords:** criminalisation, children in care, looked after children, marketisation, risk-averse practice.

**Final word count: 7,977 words**

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## Introduction

The need to prevent children in out of home care from disproportionately coming to the attention of the youth justice system is a longstanding issue both in England and internationally (e.g. Colvin et al., 2018; Howard League, 2018; McFarlane 2017; Shaw, 2014, Stanley, 2017; Laming, 2016; Richards and Renshaw 2013; Turpel-Lafond, 2009). However, in recent years there has been an increasing momentum to address this problem, reflected in England by the high profile Prison Reform Trust independent review chaired by Lord Laming (Laming, 2016) and an ongoing campaign conducted by the Howard League for Penal Reform to end the criminalisation of children in residential care (Howard League, 2018; 2017a and b and 2016). The following article reports upon and discusses current research conducted with professionals from across a range of social work and criminal justice agencies in the North West of England. The study explored the key factors that contribute to children in care getting into trouble; the effectiveness of current responses to these issues, and the challenges that professionals face. The article begins by detailing how the study was informed by a range of empirical research and recent reports. It then briefly describes the research methodology, before reporting the results of the study and finally considering how the issue might be addressed.

A range of terminology is currently used in England to describe children in care. A number of the research participants used the expression 'looked-after' children, which is a term (sometimes abbreviated to LAC) introduced by the Children Act 1989. However, the expression 'in care' tends to be used in wider society, with the term 'looked-after' children (or increasingly

‘children looked-after’ or CLA) applied mainly in official/professional circles. The terms ‘looked-after children’, ‘children in care’ and CLA are used at various points throughout the article.

Each UK nation has a slightly different definition of a ‘looked-after child’ and follows its own legislation, policy and guidance (NSPCC, 2018). However, in England, around three quarters of children in care live with foster parents, with approximately eleven per cent living in residential children’s homes, secure units and semi-independent living accommodation.

Most children are ‘looked-after’ under the auspices of a compulsory care order (section 31 of the 1989 Children Act) where they have suffered or are at risk of suffering likely ‘significant harm’. However, they can also be voluntarily accommodated (section 20 of the 1989 Children Act). Here, their parents continue to have parental responsibility and, in theory at least, should continue to play a major role. There were approximately 73,000 children in care on 31 March 2018 in England and Wales (1% of all children), with sixty per cent looked after by the state due to abuse or neglect and have a range of complex needs (behavioural, emotional and social difficulties) (DfE, 2018b; Ofsted, 2018a).

### **Setting the Scene**

Whilst ninety-six per cent of children in care in England do not get in trouble with the law, they are nevertheless currently five times more likely to be cautioned or convicted of an offence than other children (DfE, 2018b; Laming, 2016). Furthermore, this data is limited by the fact that it is only based on those looked after continuously for 12 months or more, meaning that the true figure is unknown. In addition, children in care who come to police attention may have a higher risk of being convicted as opposed to being cautioned compared to other children (Laming, 2016). Similarly, Staines (2016) highlights that while less than 1

per cent of all children and young people in England are in care, 33 per cent of boys aged 15-18 and 61 per cent of the same aged girls in custody report having spent time in local authority care (Kennedy 2013; see also Summerfield, 2011; Berman and Dar, 2013). This is a sobering state of affairs which clearly runs counter to the obligation placed upon local authorities to act in accordance with 'corporate parenting principles' that promote the best interests of and seek to secure the best outcomes for children in care (Children and Social Work Act 2017, Part 1). It is also particularly disconcerting when one considers that the available data (DfE, 2018) indicates that a mere 1% of children entered care specifically because of 'socially unacceptable behaviour', despite popular perceptions continuing to link care experience with trouble (e.g. see Jackson, 2019).

In terms of the likelihood of youth justice involvement according to placement type, residential care has been consistently highlighted as significantly more problematic than other types of out of home care (Sinclair and Gibbs, 1998, Ward and Skuse, 2001, Darker, Ward and Caulfield, 2008, Nacro, 2012). Recent figures reveal that children living in residential care are 'at least thirteen times more likely to be criminalised than all other children' (Howard League, 2017a). Clearly then, residential care would appear to be the more concerning environment in terms of youth justice involvement and there are a number of reasons for this.

Despite evidence and acknowledgement of the positive role that residential child care can play (Kendrick 2012; House of Commons, 2011; Emond, 2003; Berridge et al., 2008) and in contrast with some countries in the European Union, residential care is now typically seen as the provision of last resort in England for the most challenging, often older, children and

young people. A number of local authorities have closed their own children's homes and now rely on an ever-expanding range of private sector placements. In countries such as Denmark, Germany, the Netherlands and France, outcomes for children in residential care are generally far better than those in England. However, there is disagreement as to whether this is because the different management practices and approaches used in these countries achieve better outcomes, or because children with the most serious problems are concentrated in English homes (Hannon, Wood and Bazalgette, 2010). Additionally, in England, most young people will only spend a relatively short period of time in care and as such, it has been argued that poor outcomes often cannot be separated from negative pre-care experiences (Stein, 2006). Indeed, it is certainly apparent that the prior experiences of the young people, including those of abuse, neglect and poor parenting, have a part to play in terms of their propensity for problematic behaviour and likelihood of youth justice involvement (Shaw, 2014; Schofield et al., 2012; Darker, Ward and Caulfield, 2008; Stein, 2006).

Nevertheless, the available evidence also suggests that other factors directly connected to the experience of being in residential care, have the potential to significantly impact upon outcomes, in both positive and negative ways (Howard League, 2018; Shaw, 2017). These include the influence of the resident group (Sinclair and Gibbs, 1998; Stewart et al., 1994; Emond, 2003, Barter, 2008 and Morgan, 2009), staff-resident relationships (King, Raynes and Tizard, 1973; Whitaker et al., 1998, Clough, 2000 and Berridge, 2002), the culture and characteristics of the homes (Whitaker et al., 1998; Sinclair and Gibbs, 1998; Berridge and Brodie, 1998; Brown et al., 1998, Anglin, 2002 and Hicks et al., 2007) and wider systemic factors, including placement movement and lack of appropriate provision to meet often

complex needs (Shaw, 2017; Munro and Hardy, 2007). Going missing from care has also been highlighted as a risk factor for criminal activity, something which is more likely in residential placements (Howard League, 2017a) and in turn interlinks with multiple vulnerabilities, including the risk of sexual and criminal exploitation (Children's Society, 2018; Lerpiniere et al., 2013; Beckett, 2011). Indeed, it was announced in March 2019 that MPs are to launch an inquiry into the record number of children missing from care in England, including an exploration of how many of these children then become victims of exploitation (Marsh, 2019).

In addition, the inappropriate criminalisation through police and court involvement as a response to challenging behaviour or minor offending committed at children's home premises is 'one of the main concerns about the placement of young people in residential care' (Nacro, 2012, p.21). Many sources have identified a particularly low threshold for police involvement (Howard League, 2018; The Magistrates Association, 2013: Ev 104; Fitzpatrick, 2009; NACRO, 2012, and Morgan, 2006) often as a result of incidents which would in all likelihood not have been labelled as criminal acts if the resident had lived in a family home. There has been a growing awareness of the need for strategies to manage these incidents in a proportionate way. Guidance states that homes should agree with their local police force, procedures on police involvement with the home to reduce unnecessary criminalisation of behaviours, stipulating that children should not be charged with offences resulting from behaviour within a children's home that would not similarly lead to police involvement if it occurred in a family home (DfE, 2018c; 2015). Recent years have seen the emergence of practice protocols and 'restorative justice' techniques in residential settings aimed at reducing such criminalisation (Fitzpatrick, 2014; Nacro, 2012; Littlechild and Sender,

2010). A new National Protocol to reduce the unnecessary criminalisation of children in care and care leavers was published in late 2018; however, it is noteworthy that it has no statutory status and it is clear that police involvement for minor matters remains a persistent problem (Laming, 2016; Howard League, 2016; 2017a and b and 2018).

However, despite attention being focused primarily on children's home residents, it would be remiss of policymakers and researchers to fail to consider the needs of those in foster care.

Despite being traditionally thought of as more reflective of a 'conventional' family, and therefore desirable in terms of promoting the secure attachments necessary for young people to thrive, 'the backgrounds of young people can make it difficult for them to trust or settle with foster carers' (Taylor, 2006, pp.102-3). High rates of foster care breakdown have been reported amongst older children and young people, particularly those aged 11-15. In this age group, studies have suggested a rate of around 40 per cent in the first year and around 50 per cent with longer follow-up (Shaw and Frost, 2013; Sinclair, 2005).

As with residential care, a number of factors have been found to be predictive of the success or failure of foster placements, including 'carer characteristics', 'child and young person characteristics', their experiences of school, nature of contact with home and the 'fit' or 'chemistry' between a young person and a particular foster home (Sinclair, 2010, p.195). A recent review of foster care found that matching of children to foster carers is overwhelmingly supply led and not needs led (DfE, 2018a), a state of affairs which unfortunately is similar to the residential care sector and a far cry from the child-centred approach required to facilitate positive outcomes. Furthermore, foster care is being increasingly utilised for children with more complex needs (including specialist remand placements and specialist therapeutic foster care programmes) and it will therefore remain

to be seen what impact these various factors have in terms of youth justice involvement.

Certainly, the 2016 Laming Review highlighted that *both* foster carers and residential care staff should have sufficient training and support to promote children's social development, to respond to challenging behaviour without inappropriately involving the police, and to improve placement stability. It was with this in mind that we decided to also explore participants' experiences of foster care when considering the question of why children get into trouble.

## **Methods**

The study utilised a qualitative approach, primarily in the form of six focus groups. The focus groups included four Multi-Agency Safeguarding Hub (MASH) Teams from across a region in the North-West of England, comprising of social workers (fostering and child protection staff from statutory and voluntary agencies), police officers, youth offending team (YOT) workers (which included seconded social workers and probation officers), representatives from the NHS, Housing and other community rehabilitation providers. There was also a focus group from a voluntary fostering agency and one group of Independent Reviewing Officers (IRO's). It was felt that these participants, drawn from a variety of children's social care and youth/criminal justice agencies would be in a position to provide valuable insights into why children in care get into trouble. In addition to the focus groups, supplementary semi-structured interviews were undertaken with professionals who, after participating in the focus groups, expressed an interest in providing a more in-depth account of their thoughts and experiences. There were 36 participants in total across the six focus groups. Permission for carrying out the project was obtained from the relevant university Research Ethics Committee.



A semi-structured topic guide was used, which, following our review of the relevant literature, focused on participants' perceptions of the key issues that precipitate the youth justice involvement of children in care. Examples of such issues include whether residential care remains the more problematic setting and the reasons for this, and/ or if foster care presents problems of its own. To this end, the availability and 'marketisation' of care provision was discussed, along with the ability of carers to work with CLA and how their approach to challenging behaviour might influence outcomes. Latitude was also given for deviation from pre-determined themes to include issues that participants felt to be relevant. The focus group data was used to carry out a qualitative thematic analysis to identify key issues, including similarities and differences in experience and opinion across the participant groups and individuals.

## **Findings**

### **The continuing problem of residential care**

Participants were asked about the likelihood of young people coming to the attention of the police in both residential children's homes and foster care settings, and their responses confirmed the findings of previous research (Sinclair and Gibbs (1998); TACT (2008); Darker, Ward and Caulfield (2008); Nacro, (2012)) in that residential care was overwhelmingly perceived to be the more problematic environment. Indeed, as highlighted in prior studies and reports (Shaw, 2016; The Magistrates Association, 2013: Ev 104; Fitzpatrick, 2009; NACRO, 2012, and Morgan, 2006), it was felt that for a variety of reasons, care home staff have a particularly low threshold for instigating police involvement for relatively minor instances of assault and criminal damage and that as such, police involvement becomes normalised:

*I think a lot of the care homes and carers are pre-disposed to ring the police in instances where parents normally wouldn't, necessarily, ring the police in the same sort of situations (Police Officer).*

Clearly then, this runs counter to official policy and practice guidance for carers, which advocates that the police should not be used for low-level behaviour management or matters a reasonable parent would not have called the police over (e.g. DfE, 2018c; 2013; 2015). Furthermore, it was revealed that decisions to instigate police involvement can have profoundly negative consequences for vulnerable children and young people:

*I can think of a young person in particular....She is an extremely vulnerable young female. I think she is only fourteen and she has got 28 convictions which are all offences committed in the care home.... And, you just have to, kind of, step back and think, "Could that have been...should that have been dealt with differently before it even got to that stage?" (YOT Worker)*

This comment was reflective of a deep disquiet felt by most participants regarding the treatment of children in care who display challenging behaviour and a frustration with current practices and procedures. Certainly, it has recently been highlighted that when homes deal with minor incidents by calling the police and assisting in the criminalisation of the child, rather than trying to understand and support them, they add to the child's feelings of rejection, compounded by feelings of unfairness and isolation (Howard League, 2017b).

### **The resident group**

The resident group in particular children's homes was cited as a reason for offending behaviour:

*They were just going missing together all the time, and then before we knew it we started getting the police sending things through to us that they had been arrested for drunk and disorderly together; there were incidents going on within the home, that they were feeding off each other (Social Worker)*

The value placed on peer relationships by young people in residential care cannot be underestimated (Sinclair and Gibbs, 1998), with previous research highlighting their potential to influence outcomes in both positive and negative ways (Shaw, 2014; Emond, 2014 and 2003; Morgan, 2009). However, it was also expressed by many participants that often a great deal of thought did not appear to have gone into considering how particular young people might interact together in a negative way in a residential setting or how the introduction of a new young person might affect the pre-existing dynamics of a home. As has been reported in previous studies (e.g. Howard League, 2018; Shaw, 2014), this was felt to be particularly problematic in private sector placements, which were considered far more likely to accept young people for reasons of maintaining their profitability regardless of whether they were equipped to cope with their needs and is contrary to recommended practice (Children's Commissioner, 2018).

### **Private children's homes**

A recent report highlighted how councils currently spend around £1billion on residential care each year and that research undertaken on behalf of the government in 2014/15 found that the average weekly fee was £3,289, with the range being from £1,900 to £9,325 (Howard League, 2016). Taken in combination with relatively inexpensive housing in some parts of England, it is unsurprising that companies have seized the opportunity to make up the shortfall in provision: 73 per cent of children's homes have been found to be privately run

(Ofsted, 2018b). However, participants questioned the ability of some private care homes to deal with the often complex needs of young people:

*What I have seen over my career is you will get a private care home set themselves up and they will then employ a therapist. The therapist could do work directly but usually advises the staff in how to work with that young person and that's how they can say they are a therapeutic care home, but I have had experiences when working with the YOT where the quality of the therapy I would say can be questionable. (YOT Worker)*

Certainly, there was a feeling that the welfare of the young people was not the primary motivating factor for the establishment of some private homes, a number of which are owned by foreign private equity companies, specifically focused on financial gain (Howard League, 2016). It has also been reported that whilst local authorities usually source residential placements for children in their care through supply agreements with privately run providers, an increasing number of cases that require specialist care, combined with a lack of supply, has meant councils are forced to use an online tendering system to attract bids from providers. Furthermore, 'due to a lack of alternatives, private providers can often dictate pricing for placements' (Greenfield and Marsh, 2018, online). Because of this 'marketisation,' many felt that it was less likely that children's needs would be met.

An opposing view can be found in Sir Martin Narey's 2016 review of residential care (commissioned by the government). The final report concludes that despite concerns about the private provision of care:

*I've seen nothing to justify the view that private companies think only of profit and there is no evidence...that the quality of care in privately run homes is poorer than that in local authority or voluntary sector homes (Narey, 2016, p.17).*

Nevertheless, one cannot dismiss as groundless, the perceptions that have been expressed in both the current study and other empirical research (e.g. Shaw, 2014) by practitioners with experience of working with children in care, perceptions which can be supported in certain respects by inspection results. In England, all children's homes and independent fostering agencies receive a full inspection in line with the social care common inspection framework (SCCIF) undertaken by the regulatory authority Ofsted, and certain homes receive an interim inspection, on an annual cycle. It has been highlighted that only 14 per cent of privately-owned homes were given an overall effectiveness judgement of 'outstanding' by Ofsted in the financial year 2016-17, compared to 25 per cent and 19 per cent respectively for local authority-run and voluntary-run homes (Howard League, 2018). Statistics also reveal a substantial regional variation by sector in outcomes for homes judged to be 'good' or better. For example, London had the biggest difference between the groups (90 per cent for Local Authority Homes compared with 64 per cent for private and voluntary run homes) followed by the East Midlands (90 per cent compared with 78 per cent) and the East of England (81 per cent compared with 70 per cent) (Ofsted, 2017). Indeed, in only two regions did private and voluntary homes marginally outperform Local Authority run homes. Ofsted management reports also show that ratings within groups of homes owned by the larger private organisations are often variable (Ofsted, 2018). Whilst there are undoubtedly individual examples of good or excellent private sector practice, taken as a whole, this data highlights how private homes as a group are falling behind their local authority counterparts in terms of

the quality of care provided to children, which in turn lends support to the perceptions of the research participants this study. In addition, the Narey Report does acknowledge that the staffing costs of private homes are lower, with poorer wages paid than their publicly ran counterparts and lower staff to child ratio's (Narey, 2016). This in itself is troubling, as a job that pays little more than the minimum wage will be unlikely to attract the most experienced and able candidates (Howard League, 2016; 2018) and an overstretched staff team will be less able to cope with the challenges of the role. In light of this, the question of whether for-profit concerns should be allowed to maintain their current and growing dominance of the sector has clearly never been more relevant.

#### **Residential home staff: capabilities, confidence and commitment**

Participants felt that the type of staff employed in particular residential children's homes were a major contributory factor to outcomes:

*Quite a lot of the care homes use a lot of agency staff...They just come in and they don't really know any of the children or anything like that and I think probably rather than intervening I expect they would probably just ring the police and get them involved to deal with the issue (YOT Worker)*

As with previous research (Shaw, 2014; Berridge and Brodie, 1998), it was also felt that some carers possessed a lack of confidence when dealing with presenting issues, due the fear of potential repercussions. Concerns about the capabilities, confidence and commitment of residential care staff are far from new. They have been linked to a number of factors ranging from the risk averse, bureaucratic English care system and the relatively low status of residential care workers (Berridge et al., 2011), to the 'heavy workloads, poor pay ... and poor supervision' (Colton and Roberts, 2007) inherent in the sector. This in turn is connected to

the 'last resort' status of residential care in England, despite the fact that research studies have shown that some children and young people are more likely to choose it over foster care (Sinclair and Gibbs, 1998). Such factors clearly have the potential to impact negatively upon outcomes, including the propensity of carers to rely on police intervention.

This approach to care is in direct contrast with that undertaken by some Northern European countries, such as Denmark and Germany, which successfully utilise the 'social-pedagogy' model of practice (Berridge et al., 2011). Under this model, well-trained, university educated staff are employed to build relationships, create a home-like environment, and engage young people in activities as equals. In the wake of the 2007 Care Matters White Paper (DfES, 2007), a pilot programme to evaluate its effectiveness in the English residential care context was undertaken and led to some improvements in the perceptions of the young people about the quality of care they received. However, overall, there was a relative lack of measurable impact, which the evaluation concluded linked more broadly to social, political and cultural factors, including that social work in England (and the USA) tends to locate social problems and solutions to those problems at a more individual level. This is in comparison with 'a more collectivist or 'reflexive-therapeutic' styles in other countries' (Berridge et al., p.256).

Nevertheless, examples of promising practice do exist in England, where staff are supported and encouraged to work positively with children. In Hampshire, the County Council has adopted the 'emotional warmth' based Pillars of Parenting model (see Cameron and Das, 2019) in its newly built children's homes. This approach teaches staff to care about children rather than just caring for them. Long-term staff have reported feeling that this has transformed their practice including their approach to calling the police (Howard League, 2018). However, the question is whether the private concerns that currently monopolise the

residential care sector will be willing to invest in the relevant training, support and quality of staff required to change outcomes for the better.

### **Foster Care: positive perceptions, mixed messages and risk averse practice**

In contrast to residential provision, foster care was seen as an altogether more positive environment by most participants:

*In foster care it's more of a home type setting... They're more tolerant and they've generally got less children to manage. (Police Officer)*

*There's more opportunity for attachment... and that whole feeling of belonging. (YOT Worker)*

These perceptions are unsurprising, as for both ideological and financial reasons, foster family care has come to be utilised as the placement of choice for the majority of children and young people in care in England. Despite relatively high levels of placement breakdown particularly amongst older children (Sinclair, 2005), being more reflective of the 'conventional' family, it is popularly thought to facilitate better outcomes for young people (Shaw and Frost, 2013). Certainly, it has been argued that 'it is generally accepted that foster care tends to provide a more realistic opportunity for young people to develop attachments to their carers' (Taylor, 2006: 102). As a consequence, it was felt overall that young people were far less likely to get into trouble in a foster care setting, which in turn accords with the available statistics (NACRO, 2012). Nevertheless, it also became apparent across the focus groups that foster care was not without its issues in respect of youth justice involvement:



*I have literally just come out of a strategy meeting involving...a dispute that has arisen between the [foster] carer and the four children that are placed with her. Now, she was criticised...because she did not contact the police (Police Officer).*

*They will get criticised...for not phoning the police because it's a safeguarding issue...So, often they are told 'well, you should be ringing the police, so at least we can assess whether there is a risk' (Social Worker)*

*I have dealt with a few cases on out-of-hours...whereby we were just giving advice to contact the police (Social Worker).*

Such practice runs directly counter to the prevailing ethos that children in care should not be unnecessarily criminalised and demonstrates a concerning lack of regard for the implications of a criminal record upon the children and young people, instead reflecting a defensive, highly risk-averse approach which does a disservice to all concerned. It accords with earlier research, which found that foster carers wanted to care for fostered children as if they were their own, but the wider system obstructed this (McDermid et al. 2014). For social workers to simply respond with advice to phone the police, rather than exploring what measures might be put in place to support carers, indicates a worrying abdication of 'parental' responsibility.

### **The role of the police**

With regard to the role of the police, the point was made by participants that their actions have often been centrally driven by successive governments and that the pressure to 'crime' everything and take 'positive' action when presented with certain behaviour has not always been to the benefit of the child. Certainly, these perceptions have substance. It has been

acknowledged that a significant contributory factor to the substantial increase in first time entrants to the youth justice system around 2006/7 (YJB/MOJ, 2012) was the Offences Brought to Justice Target (OBTJ) which created targets for the Police around the numbers of offences reported to them that should be brought to justice (resolved) and an offender given a pre-court disposal or conviction. Freed in 2010 from the requirement of the OBTJ, it has been subsequently argued that the police are now in a position to be an important and powerful influence in resisting unnecessary criminalisation in the sphere of children's residential care (Shaw, 2016). Indeed, it has been reported that in accordance with The *National Strategy for the Policing of Children and Young People* (National Police Chiefs' Council, updated 2016) which calls for a child focused approach to policing all children, many forces are developing innovative practices to reduce youth justice contact and demand on police resources (Howard League, 2017b). Nevertheless, the theme emerged of police officers not wanting to lay themselves open to accusations of failing to respond appropriately to a reported incident:

*If they do nothing and leave that child in that situation, and it became more serious...well, why didn't the police do something on the first occasion, you know?.. So it's always: 'well, it's safer if I do than if I don't' (Police Officer).*

Therefore, the feeling amongst participants again seemed to be that there were times when professional practice was primarily driven by defensive, risk-averse fears of being accused of failure and neglect at some future point, rather than having the confidence to assess and objectively respond to the presenting situation.

## Discussion

The answer to the question of why children and young people in out of home care have an increased risk of coming to the attention of the youth justice system is undoubtedly a complex one. However, there are a number of contributing factors directly connected to the care system, which research has consistently highlighted as being predictive of poor outcomes and the current study reemphasised a number of these. They include carers who are ill equipped to deal with presenting issues and a lack of appropriate provision for children and young people. These issues are particularly pertinent at a time when private equity companies monopolise the residential care sector, and foster care appears to be heading in the same direction, with the ever-increasing proliferation of for-profit independent fostering agencies. Indeed, it has been questioned whether such companies are putting their shareholders and profit margins above the needs of the vulnerable children in their care and failing to offer the highest possible quality of care (Howard League, 2018).

Participants in this research also questioned the motives of private providers and were not always impressed with their practice. Indeed, given the soaring cost of for-profit residential provision, it would seem to make sense in times of austerity for the Government to explore in more detail how the sector is currently operating. Whilst an ever-increasing number of English local authorities have chosen to close their own children's homes in the belief that it is more cost effective to use private sector provision, the question of whether this is in fact a false economy has never been more pertinent. Serious thought should be given to whether the enormous sums of money being spent by local authorities on private placements is providing the best possible outcomes for the children it is responsible for, rather than making the shareholders of private companies richer. With huge profits being made from taxpayers money by such companies and with little by way of competition in an under resourced

sector, it is time to consider whether more should not be invested in high quality public provision.

Yet again, the propensity of workers to see the youth justice system as ‘a useful and necessary adjunct to the care system’ (Shaw, 2016, p.11) was apparent. Despite official guidance, which urges practitioners against unnecessary criminalisation (e.g. DfE, 2013; 2015; 2018c) and the proliferation of practice protocols and restorative justice inspired interventions, participants reported the continued normalisation of police involvement for minor matters of criminal damage, common assault and challenging behaviour committed in the residential care context. In terms of why this might be so, the low status, risk-averse nature of much English residential childcare is clearly pertinent. Inadequate support and training, resulting in a lack of confidence and a consequent inability to handle difficult situations is a shameful indictment of English childcare practice at a systemic level. Whilst promising examples of practice clearly exist within the sector, the challenge is to ensure that excellent practice becomes standard practice. As it currently stands, an under-confident, poorly paid and transient workforce exists which is in direct contrast to the highly educated, high status, influential social pedagogues of northern Europe, who contribute to superior outcomes in residential care (Berridge et al., 2011). The obvious way forward would seem to be to encourage more child-centred practice and the conditions, which enable it to flourish, whilst acknowledging the positive role that residential children’s homes can have for those children where foster care is neither the suitable nor the desired option.

However, change will be difficult to achieve in a system where defensive, risk-averse practice predominates and the study found that both residential and foster care settings suffered

from its effects, despite foster care being thought of by participants as a more positive and less criminalising environment. The impression was created of a workforce preoccupied with considering potential future harm rather than focusing on how best to work with the young people in positive ways to overcome problems they might currently be experiencing. Indeed, O'Sullivan (2011) asserts that the comparatively recent tendency for 'risk' to be exclusively associated with the assessment and avoidance of danger (Parton, 2001) has led to practice 'becoming more defensive and preoccupied with safety and the need to avoid blame' (O'Sullivan, 2011, p.9). Consequently, there is the danger of '*risk averse*' practitioners taking an overly cautious approach in which issues of protection predominate. Certainly, the Munro Review of Child Protection lamented the existence of a 'defensive system that puts so much emphasis on procedures and recording that insufficient attention is given to developing and supporting the expertise to work effectively with children, young people and families' (DfE, 2011, p.6). The current study supports the contention that there is still a long way to go in respect of achieving a more 'child-centred' practice. Unchanged, such a state of affairs will continue to produce negative outcomes in terms of criminalisation, the longer term effects of which will affect the life-chances of young people for years to come.

## Conclusion

The criminalisation of children in care has been identified as a national problem which central and local government and local criminal justice agencies can and must do more to address (Laming, 2016, p. 7). Whilst the findings presented in this article are grounded in a specific local context, they highlight a number of continuing system level issues and failings, which need to be tackled in order to reduce the over-representation of children in care in the youth justice system. These include an under-confident workforce that is fixated on risk, rather

than a child-centred approach to practice, and the ever-increasing marketization of provision, the nature of which raises questions both about whether profit should ever be the primary motivating factor in the care of children and the implications that this has for the quality of provision. The continued normalisation of police involvement for those in care is in part a symptom of these issues and requires urgent attention. To fail to do so would be to neglect corporate parenting responsibility and contribute to poorer outcomes for this vulnerable group of children and young people.

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