

The Children's Society submission to the APPG for children inquiry: children and the police

1. Introduction

- 1.1. The Children's Society is a leading national charity, providing vital help to the most vulnerable children, young people and families in our society through a range of services. We work with over 48,000 children each year, supporting them and advocating on their behalf to tackle discrimination or disadvantage in their daily lives. Our priority is children who have nowhere else to turn, such as young refugees, children at risk on the streets and children in trouble with the law. We seek to give a voice to children and young people and influence policy and practice so they have a better chance in life.
- 1.2. We deliver nine projects working with children who run away or are at risk of being sexually exploited, supporting around a thousand of children every year. We also have eight specialist programmes working directly with approximately 1,500 migrant and refugee children, some of whom have been trafficked.
- 1.3. Our submission is based on evidence from our research and services. It is also informed by the joint inquiry into children missing from care by the All Party Parliamentary Group (APPG) for young runaways and missing children and adults and the APPG for looked after children and care leavers.
- 1.4. We welcome this important inquiry by the APPG on children into children's relationship with the police. The police are often the first agency to come into contact with extremely vulnerable children. They are also more likely to come into contact with children experiencing very risky and traumatic situations. Therefore, improving how they support and interact with children is important.

2. Please tell us about children and young people's experiences of interacting with the police. Were these positive experiences? Can any lessons be learnt?

- 2.1 Although there may be many positive examples of children and young people's experiences and relationships with the police, the children we work with tell us that their experience of the police is overwhelmingly negative.

Young people who run away

- 2.2 The police are often the first people who young runaways come into contact with. This may happen in a variety of situations: when they approach a police officer for help when away from home; when they are picked up while away from home (as a result of being recognised as a missing person, or because they have committed an offence or been the victim of crime); or when they are visited by a police officer conducting a 'Safe and Well' check on their return home.
- 2.3 Research studies that we have carried out over several years, information from our practice base and consultations conducted with children who run away have found that children generally have negative experiences of interacting with the police. This is illustrated by the fact that young people who run away rarely choose to approach

the police - our national survey found that just 2% of runaways overall sought help from the police.¹

- 2.4 It should also be noted that the negative experiences of the police reported by young people who run away may be influenced by two key factors: the role of the police to find and return missing children and the negative attitudes some police officers display towards young runaways. In many running away scenarios, the role of police will be contrary to what a young person sees as being in their interests at the time they come into contact with them, i.e. the police officer may see returning the young person home as their main job, whereas the young person may feel that this is the worst outcome. In addition police officers may view young runaways as a nuisance, a drain on their time, as someone who unnecessarily and foolishly put themselves at risk.²
- 2.5 Based on our research and practice, runaways' experiences of the police can be grouped into the following themes.

Lack of understanding of the reasons why young people might be running away

- 2.6 Young people regularly report that their attempts to explain to police officers why they have run away are treated with scepticism at best, or are regularly disregarded. Young people we have consulted with this summer about the revised guidance on young runaways and children missing from home or care told us:

'Tell the police not to judge us until they know the full story.'

"They need to start learning how to work with us.'

'The police shout at you 'you are wasting our time'. They should be more sympathetic. They should find out the reasons why a young person is running away.'

'The police say 'we are not a taxi service'. Don't pick us up then.'

'They [the police] are too proud to apologise even when they were wrong.'

'Stop treating us like criminals.'

- 2.7 Our research has also found that the police response in some situations points to a lack of understanding about why young people are running away. As one young man explained:

*'Cos they'd just stick me back where I left ... and like if the police found me I'd tell them straight 'If you go and you put me back there I'm just leaving again ... but then they put me back and I'd say I'm just going to leave again when you've gone and they knew I would. I don't see the point.'*³

Another young person we have worked with recently said: *'They made me go back to my foster carers when I didn't want to go.'*⁴

Negative attitudes towards young people who are sexually exploited

¹ Rees, G (2011) *Still Running 3* London: The Children's Society

² Research around the police's views of runaways is included in a number of Children's Society studies and The APPG for Runaway and Missing Children and Adults and the APPG for Looked After Children and Care Leavers (2012) *Report from the joint inquiry into children who go missing from care*

³ Rees, G, Franks, M, Meforth, R and Wade, J (2009) *Commissioning, Delivery and Perceptions of Emergency Accommodation for Young Runaways*. London: Dept. for Children, Schools and Families

⁴ Jennifer Jones, 'I am here today to talk to you about why young people run away', guest blog, The Children's Society Good Childhood Blog [Accessed 08/08/2013] <http://www.childrenssociety.org.uk/news-views/our-blog/i-am-here-today-talk-you-about-why-young-people-run-away>

- 2.8 Several witnesses told the APPG inquiry into children missing from care that in many cases where children are at risk of, or have experienced sexual exploitation and may have also run away, they are seen by professionals, including the police, as 'promiscuous' and making an active choice to become involved in a particular 'lifestyle'. Indeed, the inquiry was told that some professionals see sexual activity between a child under 16 and an adult as acceptable. They believe that the young person has 'consented' to such sexual relations and therefore do not perceive it as a child protection or sexual exploitation concern.
- 2.9 A practitioner working with children and young people at risk of child sexual exploitation (CSE) told us that a young girl he worked with reported being called 'slag' and 'white trash' by a beat-officer, another said she was told after disclosing a sexual transgression '*...what do you expect dressed like that, you're looking for it...*'
- 2.10 Our practitioners report that these attitudes come from a lack of knowledge of CSE among police staff and a lack of skills to identify victims of sexual exploitation and grooming. As a result the police are unable to intervene at an early stage to protect these vulnerable young people from harm. Practitioners report a very poor understanding of the processes of grooming. If the offence or harm is not 'spelt out' and clear to see, there is often no interest or urgency in interrupting and interfering with grooming. As one young person said: '*So I had to put myself at risk for them to understand I can't go home*'⁵
- 2.11 The inquiry also found that there is a lack of understanding of the risks young people face when they run away, including the risk of sexual exploitation as this young runaway illustrates:
- 'When you're not talking to your family it's easy to get involved with the wrong people. You look for someone to talk to, that's when older men try to act like your friend.'* Young runaway⁶
- 2.12 A child can never consent to or be held responsible for their own sexual exploitation. The consequences of such negative attitudes among the police staff have been highlighted by recent cases of sexual exploitation (e.g. Rochdale and Oxford) up and down the country – children were sexually exploited, yet the police failed to pick up or act on the signs of grooming or sexual exploitation due to the way they perceived these children.
- 2.13 Our practitioners who have been involved in police CSE investigations have found that young people do not want to speak to the police about the sexual exploitation they have suffered. These findings are also backed up by recent report from Barnardo's and Paradigm Research which demonstrated that young people find the process stressful and difficult.⁷ This is why it is particularly important for young people to be supported by adults they can trust, can confide in and have worked with for a long period of time. For this reason, our projects find that the support of one consistent adult throughout the investigation, before, after and during the court process is particularly important.

⁵Rees, G, Franks, M, Meforth, R and Wade, J (2009) *Commissioning, Delivery and Perceptions of Emergency Accommodation for Young Runaways* London: Dept. for Children, Schools and Families

⁶ Case Study from The Children's Society Keighley

⁷ Smeaton, E. (2013) *Running from hate to what you think is love: The relationship between running away and child sexual exploitation* London: Barnardo's and Paradigm Research

Being 'criminalised' for running away or seen as a 'nuisance'

- 2.14 Young runaways report that when they run away they are frequently treated as criminals by the police. We have recently consulted with young people with experiences of running away from home or care about the statutory guidance on children who run away or go missing. They described their experiences of being put in the back of a police van when the police picked them up following a missing episode. In the young people's words, the police treated them as if they had done something wrong, rather than asking them about their reasons for running away. The majority felt that the behaviour of the police needed changing more than of other professionals they came into contact with.
- 2.15 When asked what one message they would like to tell the government, one young person said: *'Do not treat us as criminals'*. She went on to say that the police needed to understand that most children have a good reason or problem that makes them leave home. She believed that the police should help them and not just assume they are being troublesome. Another young person said the police need more training on how to work with children and how to talk to children and not to treat them like adults. Another young person said that the police should not judge young people.
- 2.16 In particular, young people who run away from care find that contact with the police serves to reinforce a negative stereotype whereby they were treated as criminals by default. One young person we have worked with said:
- 'The police get me mad by the way some of them speak to me. Some of them are nice, some of them aren't. Some of them swear at me. They made me go back to my foster carers when I didn't want to go.'*⁸
- 2.17 The APPG inquiry into children who go missing from care found that instead of seeing repeat incidents of running away as an indicator that something is wrong in a child's life, the police often see these children as 'streetwise' and requiring less of a professional response rather than seeing them as vulnerable children who need more of a response from services. In evidence to the inquiry ACPO admitted that:
- 'the police response to repeat runaways is not consistent across all forces' and "forces acknowledge that there has been a perception in the past that repeat runaways are occasionally viewed as 'streetwise' therefore misguidedly not considered vulnerable'.*
- 2.18 Children who run away repeatedly from care are often considered more of a 'nuisance' because they are more likely to run away frequently. Police reported to the inquiry that they were regularly called upon to pick up children missing from children's homes who are not 'missing' in the sense that their whereabouts are unknown, but 'missing' in the sense of being absent without permission from their care home. The inquiry identified that this over-reporting of missing incidents by care homes has meant that local forces have sometimes downgraded their response to missing children as they felt they were being used as a 'taxi service' for children's homes.

⁸ Jennifer Jones, 'I am here today to talk to you about why young people run away', guest blog, The Children's Society Good Childhood Blog [Accessed 08/08/2013] <http://www.childrenssociety.org.uk/news-views/our-blog/i-am-here-today-talk-you-about-why-young-people-run-away>

2.19 We are concerned that the new police definitions of 'missing' and 'absent' rolled out across the country will greatly affect how the police treat children who are reported 'absent.' This is because children classified as 'absent' may not even receive a police 'safe and well' check and thus will have fewer chances to be referred for further support. This means relevant information that could have been gathered during this check, or a return interview, may not come to light until the situation in the child's life worsens or after a considerable delay. We are concerned that these new definitions may lead to a culture where 'absent' children are regarded as 'streetwise' and less at risk. Research has clearly shown the links between frequent missing episodes and grooming and sexual exploitation.⁹ However, professionals may be unaware that a child is at risk of sexual exploitation even if they are aware of their whereabouts.

2.20 Many missing children also present to the police as perpetrators of crimes and this can prevent the police perceiving such young people as vulnerable even when there are risks factors present. CEOP's Chief Executive, Peter Davies, told the inquiry that:

'There are obviously a number of other vulnerabilities including the increased possibility of engaging in criminality in order to support themselves. One of the difficulties is many missing children present to us primarily as offenders who have been caught'.

Our research backs this up and found that over a third of young people who use drugs and alcohol or are in trouble with the police have run away.¹⁰ Young runaways often have to resort to stealing to survive:

*'The worst thing about running away is having nowhere to sleep. One time I ran away with two other kids from the children home. We didn't plan it, we just went, and it was a spur of the moment thing. We had no money so we'd just walk a lot, break into cars and sleep there.'*¹¹

2.21 Many children turn to risky survival strategies while running away from home which means they can become involved with the police as a result. It also illustrates why it is so important that they get the support they need from the police. Our research found that one in eight (12%) of children said that they had stolen while away and one in 11 (9%) said that they had begged. Another one in six (18%) children said that they had slept rough, or stayed with someone they just met, for at least some of the time they were away.¹² Being alone on the streets can put children at great risk of sexual exploitation or lead to them using sex to survive as these quotes from young runaways illustrate.

*'Young people can attract attention from paedophiles, People driving past, thinking they can get something from you, they have no respect for you.'*¹³

Experiences of rough treatment

2.22 On occasions young runaways we have worked with and in our studies have said they have been physically assaulted while in police 'care'.

⁹ The Office of the Children's Commissioner (2012) *"I thought I was the only one. The only one in the world": Interim Report of the Inquiry into Child Sexual Exploitation In Gangs and Groups* London: Office of the Children's Commissioner

¹⁰ Rees, G. (2011) *Still Running 3* London: The Children's Society

¹¹ Case study from The Children's Society Birmingham

¹² Rees, G. (2011) *Still Running 3* London: The Children's Society

¹³ Jennifer Jones, 'I am here today to talk to you about why young people run away', guest blog, The Children's Society Good Childhood Blog [Accessed 08/08/2013]

<http://www.childrency.org.uk/news-views/our-blog/i-am-here-today-talk-you-about-why-young-people-run-away>

'... Because I was in trouble before, they know me, type of thing ... just stopping me, asking me questions, shoving me about, and if I say the wrong thing, the batons come out or else (I get) a dig in the side of the head, 'Away you go', type of thing.'

*'The police picked me up then and they knew I could run away that time 'cos I was older, and they'd grab you by the throat and threw you into the car and stuff like that there, calling you names 'n' all ... then they take you home and they get all nice.'*¹⁴

Good, caring practice

- 2.23 However, some young runaways tell us they have developed positive relationships with the police who they feel have listened to them about why they have run away and helped them find follow up support. One young person we worked with sums up:

*'Some of them are nice, some of them aren't.'*¹⁵

- 2.24 Research from black young people's experience of policing in the community cites a few examples of positive experiences that illustrate the type of encounter that young people find reassuring. This indicates that a stop and search does not have to be the frightening and negative encounter that the young men above describe; the way a police officer speaks to a young person can turn the encounter into a more positive experience:

*'...the woman officer talked to me proper. She was gentle in the way she talked and kept asking me if I was alright and told me not to worry because everything would be okay,' (Female, 17 years, quoted in *Serve and Protect*¹⁶).*

3. Trafficked children

- 3.1 Children who have been trafficked into the UK encounter police when they are found during raids, either in brothels or cannabis factories for example. From our research and experience of working with trafficked children we are aware that this particular group of children and young people frequently have negative experiences with the police. We have recently jointly undertaken a review of the practical care arrangements for trafficked children in the UK on behalf of the Home Office with the Refugee Council – '*Still at Risk: a review of support for trafficked children*'.¹⁷ The review highlighted a number of areas where trafficked children have come into contact with the police and had extremely negative experiences. This included a lack of identification and prioritisation of trafficking cases by the police, as well as the criminalisation of trafficking victims instead of recognising them as children who cannot consent to being trafficked and were coerced into crime.

Lack of awareness of the indicators of trafficking

- 3.2 Our research with the Refugee Council showed that trafficked children can have very little opportunity to escape their traffickers and exploiters. They do not have a clear understanding of what is happening to them, or knowledge of their rights and sources of support available to them once discovered. This means the emphasis has to be put

¹⁴ Raws, P (2001) *Lost Youth: Young Runaways in Northern Ireland* London: The Children's Society

¹⁵ Jennifer Jones, 'I am here today to talk to you about why young people run away', guest blog, The Children's Society Good Childhood Blog [Accessed 08/08/2013] <http://www.childrenssociety.org.uk/news-views/our-blog/i-am-here-today-talk-you-about-why-young-people-run-away>

¹⁶ Sharp, D (2005) *Serve and Protect?: Black young people's experiences of policing in the community* Centre for Criminal Justice Policy and Research, UCE in Birmingham, The Children's Society

¹⁷ *Still at Risk: a review of support for trafficked children* (2013) London: The Children's Society and Refugee Council

upon adults having awareness of the indicators of trafficking to enable discovery and identification. The police are a key stakeholder in this process.

- 3.3 However, our findings showed that victim identification is ad hoc, unsystematic and sometimes accidental whilst information is not always recorded or passed on to relevant agencies. Our research did not focus on the interaction between trafficked children and the police, but instead on their care arrangements. However, in the course of the research children's interactions with the police were mentioned by practitioners. Anecdotally, awareness of trafficking amongst the police was identified in our report as very low, whereby outside specialist police teams' knowledge of trafficking was poor. One interviewee argued police are trained generally to work with cases of physical abuse, criminal neglect and sexual abuse, but that the kind of offences that are related to trafficking are unusual to them, and therefore they are not trained in the evidence gathering and prosecution process. However, further research in this area would be required to establish if this is a consistent problem.
- 3.4 For the children we interviewed, the period immediately after discovery was found to be typically one of fear and confusion. One girl who had been found at a border described her fear:

'Being in a police station until the next day. For the first day I am very scared. Very scared crying, fainting, they took me to hospital; bring me back to the police station. God, it's really, really horrible'.

- 3.5 Identification and awareness is particularly important for those whose decisions may impact on their care arrangements, such as the police. A study by ECPAT UK and Save the Children¹⁸ raised concerns by participants about the perceived low priority given to cases of child trafficking by the police. In their study, police were criticised for being the least involved of all agencies and for not giving sufficient attention to cases where children had gone missing. Some police and youth offending teams have been found to be in a position to identify a history of trafficking within a young person's trajectory, but that the indicators of this had not been picked up.

Police responses to trafficked children who go missing from care

- 3.6 The NSPCC's Child Trafficking Advice line (CTAIL) gave evidence to the APPG inquiry into children who go missing from care. They stated that some trafficked children are treated as 'low risk' by the police when they go missing. The NSPCC cite several examples where trafficked children have not been circulated on the Police National Database and of one not being classed as 'missing' at all *'The referrer was told it was UKBA's responsibility and that the child could not be missing as he had no status in the UK.'* This contradicts ACPO guidance which states that trafficked children should not be criminalised for their involvement in criminal activity because they were exploited and therefore cannot consent to any involvement.¹⁹ Practitioners from The Children's Society reinforced this finding by reporting to the inquiry that police forces are not aware of their obligations to search for unaccompanied children.
- 3.7 Sue Berelowitz, the Deputy Children's Commissioner told the inquiry that *'In terms of those going missing, many of them are never heard of again. They just disappear.'*

¹⁸ ECPAT UK and Save the Children (2007) *Missing Out. A Study of Child Trafficking in the North-West, North-East and West Midlands* ECPAT UK: London

¹⁹ ACPO(2010) Position from ACPO Leads on Child Protection and Cannabis Cultivation on Children and Young People Recovered in Cannabis Farms London: ACPO

They surface sometimes in the criminal justice system when they have been convicted of working in cannabis factories they are, in our view, victims of trafficking.'

Criminalisation of trafficked children

- 3.8 The APPG inquiry into children who go missing from care also found that trafficked children who come into contact with the police are often treated as offenders rather than victims. Research from CEOP has shown that Vietnamese children who are exploited for cannabis cultivation and Roma children, who are forced to steal and beg, in particular, are being criminalised. They face punitive measures including custodial sentences without any investigation into why they might be engaging in such behaviour.²⁰
- 3.9 'Still at Risk' highlighted that trafficking is not always seen as a child protection issue and is often overridden by concerns of documentation and age which sometimes leads to criminalisation. As mentioned above, children were frequently not recognised as having been trafficked, or been identified as a child. For example ten of the children in our research had their ages disputed, and some had undergone multiple age assessments before it was agreed by the authorities that they were children. Age assessments were reported to be taking place in unsuitable settings, such as police stations. The result of such assessments has an important impact on the type of care and support that children receive because those over 18 are not eligible for the same levels.
- 3.10 Where children have been trafficked using false documents, the documentation offence can be put at the forefront of the interactions with the individual leading to arrest and imprisonment, rather than being seen as an indicator of potential trafficking. For the children in this study, the consequences of having their age incorrectly identified were that they were placed in an adult prison or in immigration detention, or housed in shared accommodation for adults. Other studies have reported on cases where children have been removed during raids on cannabis factories and charged with drug and immigration offences.

4. Refugee and migrant children

Refugee and migrants' experience of destitution, crime and the police

- 4.1 Immigration policies over the last decade have significantly increased the risks of poverty for some migrant children and young people. The majority of these came to the UK alone to seek asylum, while some were brought here as victims of exploitation and human trafficking. Many are separated and therefore have no parents or carers.
- 4.2 Our research has shown these young people typically experience destitution for three reasons. In some cases social services do not believe they were children and refuse to support them. Other young people become homeless when they experience relationship breakdown and can no longer stay at home or in their private fostering arrangements. A third group experience destitution because they were discharged from children's services after turning 18, having been refused asylum and having exhausted their rights to appeal their immigration decisions. These young people have no access to the labour market and also frequently find it difficult to access education. They are vulnerable to destitution, exploitation and abuse.

²⁰ CEOP (2010) Strategic Threat Assessment: Child Trafficking in the UK London: CEOP

- 4.3 Separated children face great risks beyond their 18th birthday when their immigration status is unresolved. We know from research that separated children are at a high risk of mental health problems. Various systematic reviews estimate that 19% to 54% of separated children suffer from symptoms of Post-Traumatic Stress Disorder compared to 0.4%-10% of other children in the UK²¹. This can leave them exposed to becoming involved in crime and interaction with the police.
- 4.4 The Children's Society undertook a research project conducted by young migrants between the ages of 14 and 19 from three London Boroughs as part of a peer-led research project.²² The young people chose to explore their experiences of crime, why young people might get involved in crime and what the possible solutions would be. They wanted to concentrate on their experiences as newcomers to the country and how young migrants may be affected by crime. Reasons for involvement in crime included:
- Money problems: young migrants may not have enough money and so may be tempted to get involved in crime.
 - Isolation: Being new to the country and having a language barrier, young migrants may feel isolated and marginalised. Some people also suggested that those who are bullied by other young people may feel more inclined to get involved in a gang.
 - Lack of activities: there is a lack of accessible places young migrants can go to, such as youth clubs.
 - Family: Having no family with you or having difficult issues within the family may make young migrants feel left out and they seek a "family environment" within the gang.
 - Friendships: some young migrants may feel pressurised by their peers to get into street crime or may choose the wrong group of friends.

As one young person said, '*young migrants want to feel welcome to the country but they don't.*' A language barrier makes this situation worse. A young person who is isolated and does not feel secure in their friendships may seek friendship or 'family' in gangs or groups who commit crime.

5. Which particular groups of children and young people are at greater risk of being criminalised and why?

Young runaways

- 5.1 As mentioned above, children who run away often present to the police as perpetrators of crime which have been as a result of their running away and are frequently regarded as 'troublesome' or a 'nuisance' or the reasons why they have run away are not understood. As a result they are criminalised, instead of being helped.

²¹ Bronstein, I., & Montgomery, P. (2011). Psychological distress in refugee children: a systematic review. *Clinical child and family psychology review*, 14(1), 44–56; Fazel, M., Reed, R. V, Panter-Brick, C., & Stein, A. (2012). Mental health of displaced and refugee children resettled in high-income countries: risk and protective factors. *Lancet*, 379(9812), 266–82; Huemer, J., Karnik, N. S., Voelkl-Kernstock, S., Granditsch, E., Dervic, K., Friedrich, M. H., & Steiner, H. (2009). Mental health issues in unaccompanied refugee minors. *Child and adolescent psychiatry and mental health*, 3(1), 13.; National Collaborating Centre for Mental Health. (2005). *Post-traumatic stress disorder*. London. Retrieved from <http://www.nice.org.uk/nicemedia/live/10966/29772/29772.pdf>

²² *Beyond the Streets: Young Migrants' Solutions to Street Crime* (2013) London: The Children's Society

- 5.2 Although only one third of children who run away are reported to the police²³, our research has found that the sub-group of runaways who do come into contact with the police are often the most vulnerable. In particular, those who approach the police of their own volition may be the most desperate as this is not a common behaviour and suggests that these are the young people who are most socially-isolated, with no family or friends who they feel confident to turn to. Those who commit offences are the most 'unsupported' (survival strategies which incorporate offending are most relevant to young people who are away for longer periods and who have no legitimate means of support).
- 5.3 Those who are returned home by the police – against their will – have opted not to go back because being away is preferable to them which indicates that home is likely to be particularly safe and unpleasant. Being in care already signifies there are serious issues in a young person's life (i.e. the neglect or abuse that caused them to be placed in care), therefore opting to run away from a care placement may be evidence of further difficulties.

Running away is recognised as a reliable indicator of potential escalating risk– for example, a multi-agency review of the cases in 'Operation Retriever', a police investigation of organised sexual exploitation of young women in Derby, revealed that two-thirds of the 27 victims had at some point been reported missing to the police. The two year inquiry by Office of the Children's Commissioner into child sexual exploitation in gangs and groups also found that 58% of call for evidence submissions stated that children had gone missing from home or from care as a result of child sexual exploitation.²⁴

Children at risk or who are victims of CSE

- 5.4 As mentioned above, there is a lack of understanding amongst the police about the nature of child sexual exploitation, its indicators and consent which can lead to negative treatment of young victims of CSE. As a result, these young people are treated as if they have made a 'lifestyle' choice or bought on the exploitation themselves. Children who are victims of sexual exploitation are often very vulnerable, the majority of them live at home, but disproportionate numbers of children in care find themselves in exploitative situations. Many of them have additional needs, such as mental health problems or special educational needs.²⁵²⁶

Looked after children

- 5.5 We support the Standing Committee for Youth Justice's (SCYJ) submission which states that "children in care are more likely to be criminalised based on a range of studies.²⁷ Children in care are three times more likely than those who are non-looked after to be cautioned or convicted of an offence.²⁸ This matter was raised as a key concern by the House of Commons Justice Select Committee in their recent youth

²³ Rees, G. (2011) *Still Running 3* London: The Children's Society

²⁴ The Office of the Children's Commissioner (2012) *"I thought I was the only one. The only one in the world": Interim Report of the Inquiry into Child Sexual Exploitation In Gangs and Groups* London: Office of the Children's Commissioner

²⁵ Sharp, N. (2012) *Still Hidden, Going missing as an indicator of CSE* London: Missing People

²⁶ The Office of the Children's Commissioner (2012) *"I thought I was the only one. The only one in the world": Interim Report of the Inquiry into Child Sexual Exploitation In Gangs and Groups* London: Office of the Children's Commissioner

²⁷ Centre for Social Justice (2012), *Rules of Engagement: Changing the heart of youth justice*, London: Centre for Social Justice; TACT & University of East Anglia (2012) *Looked after children: reducing risk and promoting resilience*, Norwich: University of East Anglia

²⁸ Department for Education and Skills, *Care Matters: Transforming the Lives of Children in Care*, Norwich: The Stationery Office, 2006

justice report.²⁹ Research suggests that there are two reasons for this. Firstly, looked after children, prior to entering care, have experienced many of the same risk factors that lead to offending and are therefore more likely to enter the criminal justice system.

- 5.6 Secondly, although the care system can build resilience when it works well, there are examples where it actively increases the likelihood of being criminalised. For example, the police are often called to respond to minor misdemeanours in children's homes, which would have been dealt with differently had they been committed in the family home.³⁰ Implementation of ACPO guidance, designed to minimise such unnecessary criminalisation, is understood by SCYJ to have been imminent for at least 18 months, yet it remains unpublished."

Black and minority ethnic children

- 5.7 Again we support the SCYJ's submission "that young people from certain BME groups are disproportionately stopped and searched, arrested, prosecuted and sentenced to custody.³¹ Notably, under-18s from Asian backgrounds are under-represented. The research evidence indicates that over-representation is related to discriminatory treatment by the criminal justice system and cannot be explained by differences in offence seriousness or history.³² However, the Home Affairs Select Committee's inquiry into young black people and the criminal justice system, reported that 'social exclusion is the primary cause of overrepresentation'.³³"

- 5.8 Our research on the experiences of black young people in trouble with the law, called Just Justice³⁴, showed that young people in the study did not trust the authorities, and particularly the police, to protect them. Young people in the study overwhelmingly reported that they would rather turn to their friends and family to help them when in need, and to take justice into their own hands if crimes were committed against them.

In many cases these comments were made after they disclosed experiences of feeling targeted by police through stop and searches or experiences of racial discrimination particularly reported by young people in custody.

'The police don't protect us, they don't care what happens the only thing they [are] bothered about is accusing us of doing robberies and stuff so there is no point in telling them, you just have to stop it yourself,' (Male, 15 years, quoted in Serve and Protect).

'They don't take us seriously. If we report racist things they never do anything so why should we help them? I have done some small things and all they want to do is keep on my back. If we need help we've got to do it ourselves' (Male 18)

²⁹ House of Commons Justice Committee (2013) Youth Justice Seventh Report of Session 2012–13 p9

³⁰ Ibid, Centre for Social Justice (2012), *Rules of Engagement: Changing the heart of youth justice*, London: Centre for Social Justice

³¹ Youth Justice Board/ Ministry of Justice (2013) *Youth Justice Statistics 2011/12 England and Wales*, p27

³² May, T, Gyateng, T and Hough, M (2010) *Differential treatment in the youth justice system* Equality and Human Rights Commission: Felizer and Hood (2004)

³³ House of Commons Home Affairs Committee (2007) *Young Black people and the criminal justice system: second report*, London: The Stationery Office

³⁴ *Just Justice: A study into black young people's experiences of the youth justice system* (2006) London: The Children's Society

'No. It's about being black, they say it's because you are suspicious with dark clothes and a hood, but the punks [skate boarders] wear hoodies just the same and they don't get no hassle' (Male, 16)

Refugee and migrant children

- 5.9 As mentioned above, immigration policies over the last decade have significantly increased the risks of poverty for some migrant children and young people. The majority of these young people come to the UK alone to seek asylum and may have experienced war and persecution, while some were brought here as victims of exploitation and human trafficking. Many are separated and therefore have no parents or carers. These children and young people often experience destitution, mental health problems and become vulnerable to exploitation, abuse and crime.
- 5.10 Their lack of a regular immigration status makes them reluctant to engage with the police for fear of being detained or forcibly returned. Many have experienced violence at the hands of police in their country of origin. Therefore there needs to be more careful and proactive forms of engagement to encourage them to be more trusting of the police in the UK.
- 5.11 The recent 'Go Home' advertising campaign targeting racially mixed areas with mobile billboards warning immigrants to "go home or face arrest" is indicative of government attitudes which undermine our efforts to encourage young people to interact constructively with the police. This type of campaign makes it harder for The Children's Society to engage with vulnerable young people, damages their relationship with the police and makes them less likely to come forward if they are a victim of crime. One of the young people we support for example, recently became so fearful of being stopped and searched that he refused to leave the house. We have found alternative approaches have a more positive impact on the relationship between the young people we support and the police.

Case Study: The Children's Society project funded by Oxfordshire Country Council

The Children's Society developed a four week rolling programme for newly arrived unaccompanied asylum-seeking minors who arrive into the care of the local authority. This multi-agency project aims to provide new arrivals with a structured and holistic induction into life in Oxford, and the UK, through daily English language classes followed by a programme of induction sessions delivered by partner organisations throughout the four week programme. Young people are assessed as soon as possible after their arrival and the curriculum is designed accordingly. Through the programme young people receive 60 hours of intensive induction sessions including sessions on how to keep safe and out of trouble, delivered by a community police officer.

- 5.12 Demographic information indicates a changing profile of children and young people in custody. The proportion of black and minority ethnic young men, already over-represented, rose to 39% (from 33% in 2009–10), the number of foreign national young men increased to 6% (from 4% in 2009–10) and the number who identified themselves as Muslim reached 16% (compared with 13% in 2009–10)³⁵. However, one key gap in this data is disaggregation by immigration status. Many of the young people we work with are prosecuted for immigration offences such as victims of trafficking who have been forced to use false documents provided by their traffickers. The number of these children and young people in the custodial estate is unknown.

³⁵Summerfield (2011) HM Inspectorate of Prisons Youth Justice Board Children and Young People in Custody 2010–11 An analysis of the experiences of 15–18-year-olds in prison

Trafficked children

- 5.13 As mentioned above, trafficked children are more likely to be criminalised because they are often found involved in criminal activity and frequently not recognised as having been trafficked, or been identified as a child. This means they cannot consent to being trafficked or to any involvement in criminal activity. Research has also found that safeguarding concerns were not paramount and were overridden by concerns about immigration status and age sometimes leading to criminalisation.

Children who have special needs

- 5.14 Again we support the SCYJ's submission on this area. "It is well recognised that the children most likely to enter the youth justice system are those who experience multiple factors of disadvantage and unmet need:
- More than half come from deprived households
 - At least 50% have been in care or had substantial children's services involvement;
 - 25-81% have a mental health condition;
 - 60% have a communication disability; and
 - One-third have identified special educational needs."

Children subject to the new Anti-Social behaviour injunction

- 5.15 We also support the SCYJ's concerns that "the new anti-social behaviour injunction proposed in the Anti-social Behaviour, Crime and Policing Bill is likely to put children at greater risk of criminalisation. The new civil order has a weaker burden of proof and significantly wider definition of anti-social behaviour (ASB) relative to the ASBO.³⁶ A lower threshold risks further widening the net of children subject inappropriately to ASB orders. Drawing more children into the ASB system is particularly troubling because such orders can facilitate entry into the criminal justice system; a concern raised by the UN Committee on the Rights of the Child in its 2008 report on the UK. Although breach of the injunction will not attract a criminal record (unlike the ASBO) sanctions include community supervision, and imprisonment for over-14s. What is more, public criminal justice sanctions – and quite probably civil ASB measures too (particularly given the public shaming of perpetrators) – and prisons in particular, label people as delinquents, which can shape their identities and subsequently serve to increase the likelihood of further deviant behaviour.³⁷ These negative effects are likely to be more significant for young people who are at a critical point in the formation of their identities."
- 5.16 There is a lot of very negative media coverage of issues related to young people, especially around anti-social behaviour and crime. Despite the fact that national and local media often portray children and young people as perpetrators of crime, from our direct practice with children and young people we know that they are more often the victims of crime and are well aware of what is happening in their local communities in terms of crime and anti-social behaviour. When we consulted with young people in Torbay³⁸ on their experiences of crime, 38% of children responded positively to the question 'Have you been a victim of crime and/ or abuse in the last

³⁶ SCYJ (2013) *SCYJ briefing on the draft Anti-social Behaviour Bill (Post-Government response to pre-legislative scrutiny)* - April 2013, available at: http://www.scyj.org.uk/files/SCYJ_draft_briefing_on_the_draft_ASB_Bill_-_post-Government_response_to_pre-legislative_scrutiny.pdf (accessed 28 August 2013)

³⁷ Nagin et al, 2011; McAra & Mcvie, 2007; Farrington, 1971

³⁸ *Fed Up With Being called A Yob? Young people's consultation on crime and community safety in Torbay*, September 2005 – March 2006, The Children's Society's Torbay Participation project

12 month'. But 70% of those who responded positively did not report this to police. The most commonly cited reason for not going to police was '*nothing the police can do/ not interested*' and comments like '*nothing ever happens if you phone the police*', '*police don't do anything*', '*'cos the police are pathetic and I am not a grass*'. These results, in our opinion, are reflective of the current climate in society in which children are perceived by adults as 'trouble-makers' and 'wrong-doers'. It makes them less likely to report the crime, more likely to be the victim of crime, and more likely to try to protect themselves in some other way without the adults involvement.

6. **How can the police improve engagement with children and young people? And what should be the role of the children's sector in enabling this?**

Young runaways and sexually exploited young people and those involved in the youth justice system

- 6.1 **All police staff should receive awareness raising training on how to identify the warning signs of grooming, including running away, why young people may have been sexually exploited and the actions that need to be taken if they come across a young person who may have experienced, or be at risk of, sexual exploitation.** Our Check Point project in Torquay has been delivering awareness raising training to police officers on what actions to take if they come across a young person that has run away and/or been sexually exploited and how to identify risk indicators. Police can also do a two week placement with Check Point to gain greater understanding on the links between running away and CSE and how to address these.
- 6.2 We endorse the SCYJ submission that "**police officers should take part in specialist and on-going training on engaging and understanding young people.** Such training would ideally include young people themselves. Training should be provided on key themes, such as: youth engagement; child welfare; child development; mental health problems; neuro disabilities; speech, language and learning needs; safeguarding; and effective signposting.³⁹"
- 6.3 **We also agree with the SCYJ that developing an understanding of restorative justice (RJ) approaches through training and mentoring would also be beneficial** as it can help to prevent and reduce conflict between the police and young people. Investing in such training would give police the proper knowledge to work with and understand the needs of young people. Our years of practice in providing restorative justice services for victims and young offenders have proven to be successful and demonstrated positive outcomes of these methods for both victims and offenders. Our Tees Valley Restorative Justice project has found that in 2011-2012 80% of victims, who took part in this restorative justice project, were less fearful of crime and 31% were able to move on a lot from the effects of the offence and 31% quite a lot. In addition 73% had a high level of confidence in the criminal justice system after taking part in RJ compared to 16% before the intervention.
- 6.4 We have also found RJ to be extremely effective in reducing re-offending and helping both the offender and the victim. RJ helps offenders understand the impact their behaviour has had and address the causes behind it. In 2011-2012 71% of young people who had been through our RJ programme in Tees Valley had a better understanding of how the victim felt after the RJ process. RJ also prevents cycles of re-offending and reduces the financial and human cost of children ending up in the

³⁹ Ibid

criminal justice system. 80% of young people who have been through our RJ process in Tees Valley have not entered the criminal justice system.

- 6.5 **All police officers, Missing Person Co-ordinators and PCSOs should develop relationships with care homes in their area so they can gain a better understanding of why the children there go missing and how to work with the home.** As mentioned above, our practice and the APPG inquiry has found that better partnerships on the ground between local police and care home staff can help improve relationships and police understanding of why young people run away from care, improve their treatment of them, as well as reduce over-reporting of young people going missing but also ensure they are adequately safeguarded. Our practitioners often report that this is particularly effective when done by police Missing Person Co-ordinators or Police Community Support Officers (PCSOs) for whom a key part of their role is to build relationships in the neighbourhood with adults and young people.
- 6.6 **All LSCBs should establish a multi-agency missing and CSE subgroup involving the police, social services and the voluntary sector who should work to joint protocols and appoint a lead individual responsible for co-ordinating work in this area.** The Children's Society has been instrumental in setting up a number of multi-agency forums on CSE and missing locally which involve social and voluntary services and the police. The purpose of these forums is to share information between agencies and use the information strategically to identify patterns of running away and sexual exploitation. This helps ensure that local services including the police are able to respond appropriately to reduce incidents of running away and sexual exploitation, as well as identify children at risk.
- 6.7 Within the meetings of the multi-agency forums, professionals work together to identify the vulnerability of children and young people while they are running away or missing by sharing information about where they went missing or were sexually exploited, what happened while they were away and where they were found. By bringing together a number of local agencies who are all working with vulnerable young people, the forum can be used to piece together aspects of the young person's vulnerability. In our experience this has been vital in identifying complex abuse cases where a number of children were found at the same address, or have been exploited by a group of perpetrators. This has also been crucial in tackling negative attitudes towards young people who have run away or been sexually exploited, as well as helping the police to identify other groups of young people who might be sexually exploited that they may not first think of, such as boys.
- 6.8 For example, Lancashire have a Pan-Lancashire CSE and missing from home group which is a subgroup of the three LSCBs (Lancashire, Blackpool and Blackburn with Darwen). It brings together representatives from the six police divisions, representatives from the LSCBs, the local authorities, health and The Children's Society. The particularly strong relationship between Lancashire Constabulary and The Children's Society has been key to this partnership working and is particularly aided by the fact that the two organisations are co-located in the same office. Both The Children's Society and social services have staff who work out of offices in each of the four Lancashire divisions. The presence of a police Missing from Home Co-ordinator within these multi-agency teams is of paramount importance in identifying the links and recognising the early signs of CSE in young people who are reported missing. The county is currently in the process of developing a Multi-Agency Safeguarding Hub (MASH) on CSE and missing.

- 6.9 **All agencies should jointly assess social care referrals for children and young people with the police to ensure all agencies have a shared understanding of why young people run away or are sexually exploited.** This takes place in Newcastle as the police defined threshold for intervention from their service is lower than social services. This means a 'Child Concern Notice' is sent to social services by the police for any incident relating to domestic abuse, sexual exploitation, missing incidents, substance misuse or assault of a child. The two agencies then discuss and share information around these referrals to ensure that an appropriate safeguarding response is taken.
- 6.10 **All children who run away from both home and care should receive an independent return interview from a person they trust.** Return interviews for all children who run away (as specified in the statutory guidance)⁴⁰ can also highlight where police responses may not have been sufficient and help the agency conducting these to gain a better understanding of why the young people ran away and the risks they faced, so they can share this with the police.

Refugee and migrant children

- 6.11 The Children's Society's research project on young migrants' experiences of crime identified several solutions:
- **More youth clubs** and make them more accessible for the young migrants and arrange interesting activities.
 - **Offer more counselling services.** Young migrants may need help to discuss the wide range of difficult issues they are facing.
 - **More financial support** to unaccompanied migrants and to migrants in families.
 - **More police involvement** to encourage young migrants not to get involved in street crime
 - There was also recognition that there needs to be **more awareness raising and education for young people and more English support** for young migrants in school.
 - **More role models for young people,** such as youth workers.

Trafficked children

- 6.12 Our research 'Still at Risk' identified a number of ways that engagement between these children and the police can improve:
- When trafficked children are in care, they often go missing because there is a strong possibility that children return to their traffickers. **In these circumstances their cases should be considered in a similar way to abduction cases and treated accordingly by local authorities and the police.**
 - Effective multi-agency working was highlighted as being important in providing the right type of support to trafficked children. **Key areas identified included effective working with local police; establishment of a sub-group of the LSCB and**

⁴⁰ Revised statutory guidance on children who run away or go missing from home or care, DfE (2013), London: HM Government

multi-agency strategy meetings about individual cases including the police as well as collaboration at the point of arrival between the Home Office, the police and children's services.

- All agencies working with potential child victims of trafficking – particularly local authorities, youth offending services, police, immigration and border staff, health and education professionals, and non-governmental organisations – **need to ensure that a child protection response is implemented when a child is suspected of being trafficked. This includes conducting a proper assessment of the child's needs and a multi-agency child protection investigation rather than one that penalises victims.**
- There were examples from the children in this study of both social services and the police missing opportunities to identify trafficked children earlier. Throughout the research, participants identified a gap in training and awareness of trafficking issues at various levels. Stakeholders felt there was a need for all agencies working with children to be aware of trafficking and to know what course of action to take if they suspect that a child they have contact with may have been trafficked. **There should be training for the police, immigration officials, staff in the youth offending and criminal justice system, and those working in the health and education sectors was said to be necessary.**

For more information please contact Natalie Williams, Policy Officer – Natalie.Williams@childrenssociety.org.uk 0207 841 4600