



Ending the criminalisation of children in residential care
'This is our story': Children and young people on criminalisation in residential care

Picture: istock - Pesky Monkey

Howard League for Penal Reform

Key points

- This briefing tells the anonymised stories of four children and young people who have been criminalised in residential care in their own words
- Eddie describes how a care worker's response to self-harming resulted in a charge for assault and a night in a police cell
- Sophie explains how loneliness and isolation, along with uncaring staff, led to a criminal record
- Jodie talks about what makes a good children's home and shows how good homes and staff can protect children from criminalisation while bad ones make it more likely that they will be criminalised
- Samantha highlights the link between going missing and police contact and evidences the trauma suffered by children experiencing multiple placement moves
- The briefing focuses on how it feels to a child to be criminalised and to live in a home where you are not loved or cared about
- The young people's testimonies illustrate how every aspect of the care system can impact on criminalisation and demonstrate that a whole system approach is needed to protect vulnerable children from this form of harm.

Briefing four

Introduction

This briefing is the fourth in a series of short reports that we have published as part of our four-year programme to end the criminalisation of children in residential care. The first briefing told the stories of several children supported by our legal team; it showed how criminalisation of children risks compounding a sense of rejection and damaging children's mental health and emotional well-being. The second briefing explored good practice in the policing of children's homes and the third considered what children's homes should be doing to protect children from the harm caused by criminalisation.

We are now in the third year of the programme. Over the course of the project we have conducted extensive qualitative research, speaking to several hundred people including the police, providers and staff of children's homes, Directors of Children's Services, youth justice lawyers and many others. Most importantly, we have talked to children and young people, some of whom are currently living in children's homes and others, care leavers, with recent experience of residential care. A number of these children and young people have been contacted through social workers, children's homes providers and support organisations. Others have approached us directly in order to share their experiences and views with us. These children and young people have lived experiences of what causes and prevents criminalisation. They are the experts and what they have told us has informed every aspect of our work.

This briefing puts the spotlight on their evidence. It relates experiences from the lives of four of the children and young people we have spoken to, all of whom were criminalised whilst living in a children's home. They are all articulate, resilient individuals, who are able to tell their stories and explain what went wrong with the care they received. Two of them are now training to be lawyers and one has recently qualified into a professional job, an extraordinary achievement given that only six per cent of 19-year-old care leavers progressed to higher education in 2016 compared with around one-third of all 19 year olds (Department for Education, 2017, Children's Commissioner, 2017). There will be many others like them who are unable or who won't get the opportunity to tell anyone what happened to them.

We set out below a number of incidents where children were criminalised, sometimes using direct extracts from interviews and at other points summarising what we were told for purposes of space. When it comes to talking about how they felt about what happened to them, though, we always leave it up to the children and young people to express their feelings in their own words. The young people may not recall every incident in precise detail – one told us how she had blocked out some of the most painful memories – and it is possible that there are aspects that they have recalled incorrectly or facts that they were unaware of. We are presenting their stories as told to us because what matters most is that we listen to children and young people and understand what it feels like to be a child who is criminalised and who lives in a home where you feel neither loved nor cared about.

Here are their stories, which have been anonymised to protect our interviewees and anyone else involved. What they say reiterates many of the points we have made in our previous three briefings.

Eddie

To quote Eddie, his mum *"had really bad taste in men"*. That was something of an understatement; when Eddie was eleven years' old one of his mum's boyfriends fractured his skull and broke his mum's nose so badly she had to have several operations. That was the first time Eddie and his little brother went into care, living with foster carers for several weeks while their mum had the operations and recuperated. When she finally came out of hospital, the family moved into a bedsit. The three of them lived in a single room for about a year until Christmas Eve when Eddie was 13 years old. That night there was a knock on the door; it was the police coming to take the two boys into care, Eddie thinks because the bedsit was not deemed to be a suitable environment for the children. Eddie did not know it at the time but he was never going to live with either his mother or his brother again and he would not have any contact with his brother until they were adults.

That night Eddie was taken to a children's home.

"I didn't know what I was doing at that point. But I went into the care home and it was

quite a bizarre experience, because I'd never experienced anything like it. I went in the door and the whole place was like vibrating with music. That was the first thing that I noticed, this disgusting, vile music about killing people and rap, terrible sort of rap music ... I was thinking to myself, 'What have I been thrown into?' I was absolutely like, I didn't know what to do, because I had never been in that situation in my life. I had never been in a situation where I had to confront that sort of problem.

"They were like a bunch of kids like teenagers, hormonal teenagers or whatever you want to call them all hanging around on the sofa and I came in and I was like, I just, then at that point I just thought, my life was over. That is what was running through my head, I did, I did, because I was two and a half hours away from my school. It was Christmas Eve and they were playing gangster rap music vibrating the house. There was no sort of residential workers doing anything about it. I kind of found myself in a position where I didn't know what to do ... I ran into my room and locked myself in there."

On Christmas morning, Eddie attempted to hang himself.

"At that point I had kind of concluded that being so far away from school and after all of this pressure with no sort of mental health intervention at all throughout the whole kind of process is that I came to a position where I thought, genuinely believed that my life was meaningless. When you are that age, that's a very difficult thing to contemplate. I attempted to hang myself on Christmas Day. Yeah, I did. They walked in and I ended up going to the hospital. It was a difficult experience."

This was the start of a desperately unhappy adolescence. Eddie didn't receive any mental health support and he was moved around children's homes, living in a total of seven over his teenage years. He had been a high achiever at school before he went into care but he missed so much school - in some placements he didn't attend school at all - that he didn't take his GCSEs. To cope with his feelings, he self-harmed, cutting himself. His hands and arms are visibly criss-crossed with the scars. It was self-harming that led to Eddie being arrested, held overnight in a police cell and prosecuted for assault. This is Eddie explaining

what happened:

"So one day I decide that I am going to sort of self harm. And I do it, I self harmed and one of the staff members suspected that I could still have an implement on me that I could continue to self harm. Instead of having a calm, reassuring and, you know, a nice simple effective supportive approach, the guy leaped on me to restrain me and this guy sticks his knee on my chest and it was an experience that I wouldn't want to repeat. It was painful. He had his knee on my chest. I mean, I didn't know what else to do. I bit him. As far as I am concerned—this bastard was on me for no reason. I didn't even have anything on me, he just decided that that is what he wanted to do.

"The problem is, this guy was, this guy caused problems, this guy. He would antagonise other young people and deliberately annoy them. He was a bully. The man was a bully. And he just decided that that day he would go for me. Anyway, I bit him and as soon as I did that, he smirked at me. I remember the smile on his face. And it was the sort of smile as if, I don't even know how to describe the way that he looked. But he smirked at me and I thought to myself, 'That's a very bizarre thing to do when you get bitten'. He smirked at me and I thought to myself, 'Why did you do that anyway?' He went off and now suddenly the concern for my wellbeing had disappeared about me having any implements on me. He'd gone off and phoned the police, in the office. The next minute they turn up and I am in handcuffs being dragged away for assault on that guy."

Eddie was taken to the police station and he spent the night in the cells.

"I cried profusely for about a day because of that. I couldn't stop. It was scary. I didn't know what I had done wrong. That guy had done what he'd done, which I was feeling bad about in and of itself. I had just ... I was in that mood where what I'd done was self harm, because of the way I felt. And then that happened straight afterwards and it was just like there is nothing worse than this situation."

In court Eddie was able to describe what had happened - in a way, as Eddie pointed out, lots of other children would not have been

able - and he successfully pleaded self-defence, avoiding a formal criminal record. He was moved to a different care home after that. The new home was owned by the same providers as the last one and shortly afterwards the member of staff who had caused the incident was also moved to that home. Eddie kept out of his way.

As Eddie said, *"if they had just been compassionate about that situation and sat down with me and spoke to me about how I felt, you know, if anybody did that throughout my whole time in care, I think the whole thing would have gone a different way. It didn't happen."*

Eddie had a few things to say about how it felt for him to live in the children's homes he experienced:

"You know what, that place and any place like it was one of the most dehumanising things that I have ever had to experience in my life. And that is worse than being abused and that is worse than everything else. The indignity of being in one of them places was worse than anything else."

"I think the environmental circumstances are the deciding factor. If a young person has got no sort of prospects, if they are not being paid attention to, if they are not being treated like children they are being treated like animals then they are going to behave like animals. It's that simple. And, care homes treat children like animals."

Sophie

When she was 14 years old Sophie was placed in secure care on welfare grounds. After three months she was moved to a children's home in a rural village an hour and a half's drive from home. Due to the nature of her placement, she did not have a phone or access to the internet and she was not allowed out. She felt very isolated. And this was made worse by the actions of some of the staff in the home.

"They used to do some weird things. Like they wouldn't talk to you. During school hours— during like school hours, so between like nine and three, they wouldn't talk to you if you didn't go to school. They wouldn't even say a word, like you can walk past them in the kitchen and they wouldn't say anything. Sometimes they wouldn't bother making dinner or whatever. They would be like 'You go and go make

yourself some dinner' or whatever and things like that. And then you would kind of sit and eat with everyone else and then they would literally like isolate you, basically. They would make you feel like you were invisible in the house and things like that. That was really bad."

It was loneliness and isolation which led to Sophie receiving a Community Order:-

"One day my mum hadn't answered the phone and I felt pretty like alone. I was skiving from school at the time as well. I didn't want to go in. And then when I didn't go to school they didn't take me out and they didn't give me money. It was kind of like I was stuck in the house and couldn't really do nothing ... I just started smashing cups and plates and didn't really know what else to do, because no-one was really listening to how angry I was. No-one was kind of taking me out or nothing like that. I smashed all the cups and they called the police."

"Obviously because they called the police, I thought I'd be arrested instantly or not at all. But that wasn't the case. It was like two days later they came out and arrested me on a weekend. I was in the bedroom and it was about eight in the morning. I had only kind of just woken up myself and had a shower and things like that. I got arrested. I was in the cells for about seven or eight hours. And then when I came back, obviously I had court a couple of months after that. Again, I didn't really think nothing would come of it, because I thought they haven't really got like a strong case. I got a Community Order for it."

Sophie also got charged with common assault while she was living in the children's home.

"I was pretty much doing everything in the house. The staff didn't really do much. The staff didn't care, because obviously they only did like half a day's shift. If they left a mess, they didn't care and they would come back and find a mess and I would have cleaned it up and they didn't really care."

"I must have been cleaning the house one time. I was mopping it and [the manager] went out for a fag and came back in and obviously she had muddy feet and she walked her feet through the house and I said, I was like, 'Are you joking? Come on now'. She was really, like

she was really horrible. I don't know she could hold up her position and I don't know how she even worked with kids. She just smiled and said, 'You go over it.' And so, I just thought, well – there was a yoghurt nearby ... and I just chucked it over her because she just smiled and it was that smile she had ..."

The manager called the police straightaway to report Sophie for assault. Sophie received a caution this time.

Sophie had a number of suggestions for helping children in her position. Her main point was that children need someone to talk to them and spend time with them. She would have liked to have been able to contact a social worker, someone who she wasn't having to deal with on a daily basis, but they were generally too busy.

"It's communication. I think if you lack communication with people, like there are staff who won't even talk to you if they are locked in the office, and then you are not allowed to talk to your friends, what else have you got?"

Jodie

Jodie went into care at the age of 15. She felt that she had been let down by the system and that she could have stayed at home if there had been more edge of care support. Before going into care she had been the victim of CSE, witnessed domestic violence and parental separation, been thrown out of three schools and attended a Pupil Referral Unit. She had been the victim of bullying and also been involved in fights with other children that had led to police involvement.

Jodie's first experience of a children's home was terrible but later she moved into a good home, run by an excellent manager. In the poor home she was criminalised. In the good one she was parented, nurtured and helped to return to a form of normality.

This is what she said about the first children's home she lived in:

"It was just a very, very old building and there was nothing kind of new or homely to it ... the ground had, do you know like the fences they have outside schools, the metal fences. ... At the back of it was a pupil referral unit in like an external building at the back which had been

abandoned. Most of the gardens were quite overgrown ... When they said it used to be an orphanage, I completely got it. It was given to the council in 1901 as an ex-orphanage and it was donated to the council for that purpose and you can tell."

Jodie was only in this home for four days but during this time she experienced a catalogue of poor care and police involvement. She related an incident that happened at this home on the first evening:

"The four of them [the other children in the home] said, 'Can we go to the shop and get some stuff?' They were given money. They were allowed to go to the shop and get chocolates and sweets and stuff. I always remember the words one of the boys said, because they were like, 'Just come with us, just come with us'. [One of the staff said], 'If she goes with you, we will call the police and get you all brought back here.' Obviously, they are not going to take me with them are they, because they would lose their freedom. They all went out and something I always do - I think I do need to go to therapy, because it's a little bit weird - I tear paper into like really little bits. Done it since school. It just, it calms me down a little bit. I think it's just because it's repetitive and it's really boring. I started doing that with some magazines. And then, that's when they first started to call the police on me."

The police were also called on multiple occasions over those four days when Jodie went missing from care:

"I went missing from care quite a few times when I was there. And then the police started to charge me with wasting police time. I would literally walk out the house and the police would be called, literally the second I walked out the house, which isn't in the missing from care plan. There is no prevention there. There is no explanation there."

Jodie was frightened in the home and desperate to leave. She took matters into her own hands.

"I didn't care how I left, I think because it was scary ... I wanted to be somewhere that I felt safe. However ridiculous it sounds now, I would rather be in a police cell and at least

you'd know you were safe. I think that wasn't a conscious thought at the time but I look back now and I think, that was probably my unconscious thought."

Jodie trashed the house, smeared a banana on one of the staff members and got into a fight with another child. She was arrested and spent nearly two days in a cell without support except during an interview which took place after she had spent almost 24 hours in custody. She was charged with two counts of GBH and criminal damage up to the value of £600.

Jodie compares that home to her third placement. A call with her key worker and a pre-visit got the placement off to a positive start:

"I wanted to know like more and I wanted to like—I didn't really just want to go into it. I remember I called up -I robbed the number off my carer - I called up and I spoke to who was to become my key worker. It was like, 'Can you just tell me about it?' And she stayed on the phone with me for about half an hour and she was like, these are the kids that we have got and this is what they are called and they are really nice. We do this and we do that. She basically read the Young Person's guide to me down the phone. And then I went for a visit. That was amazing. Because it was like, well they know my name now and I know she's going to be my key worker. She's been really nice with me."

Jodie puts the success of that home down to the home manager. What Jodie emphasised about this home was the sense of normality that the manager managed to provide for the children living there.

"She created that culture. It was very much a culture of these are normal kids, like she never used a consequence book. It was, 'You are grounded and no I am not giving you any money. No, I am not going to'—You know what I mean? Just normal parenting."

Jodie was pleasantly shocked by how different this home was to her first placement.

"I walked in and it was like a normal house. I was like no, this is normal. You wouldn't know it was a care home... There was obviously an office. It was like you wouldn't know it's an

office. No open door policy. They only shut it if it was a confidential phone call. They have a desk in it. You sort of knew it was an office. But then...it was never officey. It was just always a mess. The rest of the hall was like, it was basically like Ikea galore. The care home manager clearly was like addicted to Ikea. She had basically just gone and bought rooms from Ikea. It felt so, so homely."

Christmas, a time that can be really hard for children in care, as Jodie points out, reinforced the positive normality that the home was achieving for children under this manager's care.

"Like it was a really good place and it made me fall in love with Christmas again. The Christmas before, my mum had got completely hammered on Christmas Eve. I had walked out and ended up staying at my cousins. Christmas Day, me and mum we didn't even see each other ... so I was like dreading Christmas. I think because of that family environment like I fully loved it ... It was amazing. I got presents. Had really good food. We invited kids from the other care homes in our region. Any kids that weren't going home for Christmas came to us. If they didn't have contact on Christmas Day they came over to us. We had like a full house. We booked a panto and so we got really expensive tickets for a really bad show of Aladdin. Had smoked salmon and eggs on New Years Day. It was just like so normal."

Unfortunately, as soon as the manager left the home dynamic completely broke down. The staff member who became the manager had a nervous breakdown. There were more issues in the home and the police began to be called out more frequently. Jodie got into trouble with the police again:

"It was basically just anger like I was really angry and I was screaming and I was shouting. Okay, they probably did think I was being aggressive. But did that actually injure anybody? Did I actually break anything of value? No ... They couldn't handle the way I was feeling, they just called the police ... Yes, I am being a little shit and yes it's three in the morning. You probably want to go to bed. I am dealing with something right now. If you could just shut up and let me have my hissy fit, thanks instead of calling the police."

Samantha

Samantha went into care when she was 11 years old. She lost count of how many placements she lived in but it was more than 20 and a mixture of foster placements and children's homes. The experience has been so traumatic for her that she has blocked out parts of it and there are periods that she can't clearly remember. Other memories stand out more vividly and there are four children's homes that she can recall in detail.

She talked about how it felt to move so frequently:

"You'd come home or be picked up from school and your stuff would be packed and it would be at your new placement waiting for you in bin bags. You'd get told, 'Oh, you've been moved' and sometimes ... there was one time I was sat with the police and it was gone seven o'clock and they couldn't find me anywhere, so I had to stay with the police until they find someone that'll take you."

Samantha went missing a lot.

"I was a serial absconder, that's what they told me, so I was a serial absconder and they said, 'People will stop looking for you, you'll be found dead in a ditch'. Sometimes I was going missing because I was unhappy in the placement, sometimes I don't even know why I went missing, and I'd just sleep outside, sometimes on my own, like, I thought I was invincible ... it was dangerous, but yeah, sometimes I don't know why I went missing."

Looking back, Samantha feels that someone should have helped her.

"If you went missing from your Mum and Dad, your Mum and Dad would be like, 'Oh, my God, where's she gone?' But you wouldn't go missing from your Mum and Dad, because they'd be like, 'What's wrong?' Like, nobody seems to care; you come back and you're punished because you've gone missing. Like, you think you're not going to go missing again, but if you treat me like that, I'm off anyway, why would I stay?"

There was one home that Samantha was in briefly that she didn't go missing from:

"There was one children's home that I didn't go missing from and I was in on time every night and it sounds really stupid now I look back, but they used to promise me that I would get mint chocolate chip ice cream if I came home on time... Yeah. Now I hate mint chocolate chip ice cream, the texture of the bits in the ice cream, but, they were... I think it kind of attracted the staff that were, like, down with the kids, they understood the language and they acted like they'd had a life, and they wasn't perfect children themselves, and it's like, 'She's come home, have some ice cream, have some chill time' and... so I think I was only there for about a week and a half, but I did come home every night and I didn't go missing, I was in on time and I liked coming home and just having a treat, like ice cream. Yeah, they were just down to earth. I didn't have a negative experience there, but I wasn't there for that long, but that was quite a nice one."

She found the staff different in other children's homes she lived in.

"The staff in the children's home would purposely, like, wind you up, get you to react, so it felt like they had some entertainment for the night. You know when they're on a sleep, like, you might as well get the use out of being there instead of just sat in the office doing nothing, and they were purposely winding children up, just to get some reaction out of them. Just like they wouldn't speak to you or if there was locks on the cupboard, so if you ask for a drink, like, 'You can't have a drink, kitchen's locked.' But if you're in a normal house, you've not got locks on your cupboard, you get a drink when you want, not just when they're saying you can have a drink. You're not going to cause any damage if they just give you a drink."

One of the teachers at Samantha's school saw Samantha's potential and encouraged her to come to school. This wasn't always easy for Samantha:

"And then there was one time, I was going to school and they [the children's home staff] wouldn't give me any bus fare and they wouldn't drop me off at school, so the only way I knew to get there was down the motorway, the way that they used to take me in the car to get to school, so I walked down the motorway and I

think I got about four miles into the motorway and the police... because I rang my teacher at school to say 'I'm on my way, but...' and she could hear the noise and she said, 'Where are you?', I said 'I'm walking on the motorway', and then the police came and picked me up and took me on the bus and said if I got caught again, I would be arrested for jaywalking on the motorway. Yeah, if they just gave me a lift, the bus fare. They were trying to make it difficult because I wasn't doing what I supposed to be doing."

Eventually she gave up on going to school but not on the idea of an education and making something of her life. The following incident exemplifies how difficult this was for her.

"On my GCSE day ... so I didn't go to school for the last couple of years but I turned up to sit my exams and I came out of a three-hour maths exam and was handcuffed by the police, handcuffed to a policewoman so that I didn't go missing because I was missing and sleeping in my boyfriend's car at the time but I did go for my exam. And eventually, she listened to me and I said, 'Just let me have a cig, I've just done a three-hour exam, I'm not going to run away, take me where you want, please let me have a cigarette.' But I was still handcuffed to her after I'd done a three-hour maths exam."

Conclusion

The children and young people's words powerfully convey how it feels to be criminalised and to live in a home where you are not loved or cared about. They also demonstrate the complex interplay of factors which lead to

children being criminalised whilst living in residential care. We argue that every single aspect of care that children receive and every contact they have with professionals can either be protective and prevent children from being unnecessarily criminalised or they can contribute to processes leading to criminalisation. The testimony included in this report also touches on some of the broader systemic issues that are contributing to the disproportionate criminalisation of children in residential care. We will be exploring these in more detail in future briefings and on our programme blog, *Criminal Care?*

All reports and the programme blog are available at howardleague.org.

About the Howard League for Penal Reform

The Howard League is a national charity working for less crime, safer communities and fewer people in prison. We campaign, research and take legal action on a wide range of issues. We work with parliament, the media, criminal justice professions, stakeholders and members of the public, influencing debate and forcing through meaningful change.

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