

Reducing Criminalisation of Children Looked After and Care Leavers

A Protocol for London

Key information

Publication type: General

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Acknowledgements

The Mayor's Office for Policing and Crime would like to extend sincere thanks to all partners and stakeholders who contributed to the review of this Protocol and helped to co-produce it.

Special thanks to Drive Forward's Policy Forum and Children in Care Council for their support, and to Dr Claire Fitzpatrick, Professor Neal Hazel, and Benjamin Hunter for their expert guidance.

We are especially grateful to the care-experienced young adults who authored sections of the protocol, their insights were vital to this work.

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Foreword - Kaya Comer-Schwartz, Deputy Mayor for Policing and Crime



Figure -

Kaya Comer-Schwartz

Ensuring every child and young adult in London has a fair and safe start in life is a responsibility we all share, and it matters most for children in our care and care leavers. I'm genuinely thankful to all the partners and young adults who have shaped the review of this Protocol. Your voices and your collaboration will help to drive positive change across London.

This updated version of the Protocol sets out a clear agenda to reduce the unnecessary criminalisation of children looked after and care leavers, featuring shared principles, and commitments across partner agencies. Ambitiously and importantly, it now includes care leavers up to the age of 25.

At the heart of the Protocol is the question **‘would this response be good enough for my child?’**

There are four key priorities:

- Prevention
- Identification
- Diversion

- Support

Aligned with the Metropolitan Police Service's Children's Strategy, Child First is a key feature applicable to children looked after, and approaches that should also be considered for young adult care leavers alike. Child First recognises that children have distinct needs, experiences and vulnerabilities that require a different response to adults. Evidence shows that by treating children as children first, we can work together to achieve better outcomes for children, as well as safer communities with fewer victims.

It is the job of all professionals engaging with this group - whether in care settings, policing, prosecution, health, or Local Authorities - to honour their shared responsibility to protect them from victimisation, exploitation, and undue contact with the Criminal Justice System.

As Deputy Mayor for Policing and Crime, I will support this work on behalf of children looked after and care leavers in London. I am passionate about this area, especially having driven reform and improvement of the Youth Justice Service during my time in Islington, which is now graded 'Outstanding' by His Majesty's Inspectorate of Probation. I will be looking to strengthen the partnership arrangements that are crucial to achieving this Protocol's objectives.

We recognise that many children looked after and care leavers have experienced real challenges, including instability in their education and placements, and a lack of consistent, nurturing adult relationships. These vulnerabilities can leave them exposed to exploitation and, far too often, criminalisation. It's a deeply troubling reality that, while fewer than 1% of children in England enter care, over half of the young people in Youth Offending Institutions have experience of care.

That's why this matters so much. With the updated London Protocol, MOPAC and partners have come together with renewed determination to change this narrative. This isn't just a framework; it's a collective commitment to creating a fairer and safer city for children looked after and care leavers. Through consistent practice and joined up working across London's boroughs and agencies, we can create a city that is not only fairer and safer, but one that opens doors to positive futures and opportunities for every child in care and care leaver.

About this review

In November 2018, the Department for Education launched the [National Protocol on reducing criminalisation of looked after children](#) (the 'National Protocol'). Using the same framework, a pan-London Protocol was published in March 2021. This followed extensive consultation and co-production with partners from across children's social care, justice, police, the voluntary sector, and care-experienced young adults. It provides the principles and tools for every professional that a care-experienced child or young adult has contact with to facilitate the consistent multi-agency practice that is needed to prevent unnecessary criminalisation, tailored to the complex environment of London.

A review of the pan-London Protocol was undertaken in 2024/25 to produce this refreshed and updated version. Notably, the Protocol has been extended to include young adult care leavers up to age 25. Again, the publication of this updated Protocol follows consultation and co-production with both partners involved in the initial development of the Protocol and new partners, including [Drive Forward Foundation's Policy Forum](#) of care-experienced campaigners.

As partners, we have a joint responsibility to protect children who are in the care of the State. We must work in partnership and, where applicable, act as good corporate parents committed to supporting children to thrive and

achieve their full potential. While we already recognise our shared responsibility, the Children's Wellbeing and Schools Bill currently passing through parliament will further strengthen and formalise the shared corporate parenting responsibility (see 'Extension of the corporate parenting duty'). At the heart of this Protocol remains the central question we should all be asking ourselves: **'would this be good enough for my child?'**

Language and Child First

In this Protocol, we use the term ***criminalisation*** to describe when certain actions or circumstances are designated as criminal or lead to contact with the Criminal Justice System. This includes both formal and informal responses, such as care interventions, institutional practices, and contact with policing, prisons or probation. It also encompasses situations where children and young people are exploited or subjected to victimisation, and the broader connections to criminalisation and its effects. The Protocol reflects on how all forms of criminalisation can impact the lives and futures of children and young adults, including their education, housing, future opportunities, and the risk of further contact with the criminal justice system.

This Protocol applies to both children and young adults, guided by **Child First** tenets that focus on the strengths, needs and the vulnerabilities of the individual. By getting it right for children, we lay the foundation to also better support young adult care leavers.

This Protocol is committed to using inclusive **language** and preferred terminology. However, it brings together a diverse range of partners and developing processes. We acknowledge that while the language and framing may not always align, our shared commitment remains strong. Additionally, certain terms are beyond our control; for instance, some 17-year-olds may prefer to be referred to as young adults or young people, but we use the term 'child' to reflect legal considerations.

This Protocol undergoes regular review, and these matters will continue to be explored and developed.

Please see section on ['Child First'](#) for more information. If you want to understand more about our choice of language, please see Appendix A.

Our shared commitments to children in our care and care leavers

Shared principles

- Professionals should hold as a first question: **'Would this response be good enough for my child?'**
- A **Child First** approach should be at the centre of all interactions with children looked after, the principles of which can also be applied to care-experienced young adults (up to age 25). Listening to the voices of children looked after and care leavers is critical to developing responses that are effective and will be welcomed by those we are seeking to support.
- Every effort should be made to **avoid unnecessary criminalisation** of children looked after and care leavers (up to age 25). A co-developed, whole system approach is needed. This should include prevention (such as addressing the causes of adverse childhood experiences) and mentoring, early intervention, and appropriate responses where children and young adults do come into contact with the Criminal Justice System.
- **Knowledge of a child's or young adult's care status** should inform decisions within the Criminal Justice System, whether this is at the point of diversion, sentence, throughcare, resettlement or community intervention.

- **Diversion from the Criminal Justice System** should be at the heart of any response to offending behaviour. This equally applies to children and young adults already within the youth and Criminal Justice Systems who need protection from escalation. This is in recognition of the fact that children looked after's experiences can contribute to behaviours that make them particularly vulnerable to contact with the Youth Justice System and that unnecessary criminalisation can affect their future life prospects.
- **Children placed out of area** should receive the same protections against criminalisation and opportunities for diversion as those living in their home areas. Decision-making about diversion for children placed out of their home area should always be informed by their social worker and home youth justice service.
- Where harm has occurred, **restorative practices** should be used to support children and young adults to understand the impact of their behaviour and make amends.
- **Victims and communities** should be protected from harmful behaviour and to have their needs and interests taken into account in decisions on resolutions.
- Local Authorities and other [named public bodies](#) are **corporate parents**, and agencies engaged with children looked after care leavers should adhere to **corporate parenting principles** and ensure that their policies and procedures reflect this. This extends beyond keeping children and young adults safe, it also entails promoting recovery, resilience, wellbeing and opportunity.
- All professionals working with children looked after and care leavers should understand and receive training in this on the **impact of trauma and abuse** on children's emotional and behavioral development and self-regulation. This includes recognising that persistent and more serious offending can indicate significant unmet needs.
- Agencies should be alive to **disproportionality**, particularly for children and young adults from racially minoritised backgrounds, and ensure that they are explicitly anti-racist in their policies and practices. All professionals working with children should receive training that acknowledges adultification, cultural competence, and the impact of unconscious bias.
- All agencies should understand and provide training on the specific needs of children and young adults with **disabilities and neurodiversity**, and hold awareness of neurodisability and language disorders (for children this is referred to as special educational needs and disabilities (**SEND**)). This should include collaboration between Local Authorities, health and education to secure timely assessment of needs. Please also refer to [Justice for children with SEND and neurodivergence](#).
- **Care leavers** have distinctive needs and require a different response from older adults in contact with the Criminal Justice System, one which is attuned to their greater exposure to adverse childhood experiences and accounts for the external factors that have increased the risk of offending.
- All agencies should understand the specific needs of children and young adults (both UK and foreign nationals) who have been **trafficked or are victims of exploitation and modern slavery**, including children who are **non-British, migrant or Unaccompanied Asylum Seeking Children** (UASC). Agencies should be aware of the signs of exploitation and grooming and be able to identify where care-experienced children and young adults may have been coerced into undertaking or becoming involved in criminal activity by their traffickers or exploiters.
- All agencies should contribute to the understanding of **borough and pan-London factors that can increase children and young adults' risk of being criminalised**. These include being missing from school or a care placement, exclusion or absence from school, and cross-area criminal activity focused on vulnerable children, such as county lines. Agencies should use this to inform their practice and local implementation of the Protocol, and to target prevention efforts effectively.

Partner commitments

In addition to endorsement of the principles underpinning this Protocol by all involved organisations, practical commitments to support reduced criminalisation are as follows:

Corporate Parenting Boards

- Each Local Authority area has a Corporate Parenting Board, comprised of a wide range of partner agencies, which has a statutory role in overseeing outcomes and services to children looked after and care leavers. Each Corporate Parenting Board should ensure that there is an annual review of work to embed this Protocol in local partners' practice. The upcoming extension of corporate parenting duties to a wide range of public bodies should be used to ensure that this review is a partnership activity and does not fall solely to the Local Authority.
- Contributions from local children in care councils and from children looked after and care leavers in the Criminal Justice System will provide vital evidence from which to assess the progress of the local partnership to embed this Protocol.
- In addition to data drawn from the Youth Justice Service and children's services statutory returns, Corporate Parenting Boards should develop mechanisms for tracking the involvement of care leavers in the Criminal Justice System. Corporate Parenting Boards will need to work closely with their Youth Justice partnership boards and may wish to convene a joint meeting to support work to implement and oversee this Protocol.
- Lead Members for Children in each Local Authority will have a key role in oversight of the Protocol as part of their statutory responsibilities to promote the safety and wellbeing of children in care and care leavers.
- MOPAC will request an annual update of local areas' work to support monitoring and evaluation of the Protocol. This will provide an opportunity to identify strengths in local practice as well as flagging challenges, which may need the attention of partners at a regional level.

Youth Justice Partnership Boards

- Should maintain and review a dataset which provides for the monitoring of the criminalisation of children looked after and supports the oversight of the Corporate Parenting Board.

Youth Justice Services (YJS)

- The YJS will collate and analyse data on criminalisation of children in care and actively advocate for diversion wherever appropriate. Sentencing recommendations will be informed by a child's care status. Intervention planning, in the community and custody, will be undertaken through integrated planning with Local Authority care services and care providers.

Virtual School and Education

- Partners should make sustained educational inclusion a core strategy for preventing and reducing criminalisation. Supporting children looked after and care leavers to engage and thrive in education, employment, and training is one of the strongest protective factors.
- Decisions on disciplinary sanctions, suspensions, and permanent exclusions must involve input from relevant professionals, including social workers and health teams.
- All education decisions for children looked after should be managed through the Personal Education Plan (PEP) meeting, held within statutory timescales, alongside the child's pathway plan review and annual EHCP review (where applicable).

These meetings should:

1. Clarify professional responsibilities (Virtual School, Designated Teacher, SENCO, etc.)
 2. Agree on use of the Pupil Premium Grant.
 3. Focus on improving educational outcomes and reducing exclusion risk.
- As future corporate parents, schools must work in partnership with Local Authorities and agencies to:
 1. Ensure equal access to opportunities for children looked after.
 2. Collaborate with health and social care to safeguard, provide joined-up support, and promote welfare.
 3. Support the social, emotional, and physical wellbeing of children looked after.

Role of the Virtual School:

1. Ensure children and young people maintain Education, Training, and Employment (ETE) placements by working closely with settings to meet their needs.
 2. Promote the best possible educational and employment outcomes and experiences for children in care and care leavers.
 3. Actively support the delivery of this Protocol.
- The Virtual School should champion relational, trauma-informed behaviour policies to reduce exclusions and associated risks of criminalisation. The forthcoming extension of the Corporate Parenting Duty to schools offers an opportunity to strengthen inclusion for children in care and care leavers.
 - Each Virtual School should promote this Protocol, recognising that a criminal record creates significant barriers to education, training, and employment.

Local Authority Social Care, Children in Care, Care Leaving, and EHCP Services

- Should promote diversion as a core commitment to children looked after and ensure foster, kinship, residential, staying put and supported living providers understand the expectations of this Protocol and are equipped with the training to promote reduced criminalisation. Social work decisions can have a critical bearing on the likelihood of criminalisation and should be undertaken with recognition that high quality care is protective against offending.
- For children looked after in custody, Local Authorities have clear responsibilities as outlined in Chapter 8 of the [Children Act 1989: care planning, placement and case review](#).
- Social workers and schools should work together, sharing necessary information to reach the best outcomes for children, with considerations for:
 1. Partnership decisions about disciplinary sanctions, suspensions and permanent exclusions.
 2. Where possible, children looked after and care leaver's EHCPs should be expedited.
 3. Considerations should be given to transport coordination for after-school suspensions.
 4. Similarly, transportation from after school activities considered, recognising the crucial role after school clubs play in building resilience.
 5. Attendance, attainment and aspiration monitoring as part of care plans or Education Health and Care Plans.
 6. Collaborative support for low or no attendance.

Placement commissioning services

- All providers of care placements and supported accommodation for children looked after and care leavers should be contractually bound to observe the principles and practice promoted in this Protocol in order to reduce criminalisation. Contracts should be managed in line with the expectations of this Protocol.

Carers, and care and supported accommodation providers

- Foster, kinship, residential, staying put and supported accommodation staff and carers should be trained and supported to ensure they have the skills to promote environments where harmful / offending behaviour is reduced and where it does occur it is responded to in the most effective way, including training in restorative practice, unconscious bias and anti-racism. Empowering and up-skilling those who are closest to children and young adults to make decisions and find appropriate resolution is typically the best way to reduce criminalisation. Accommodation providers will work to fulfil the principles and practice required by this Protocol.

Police

- The Metropolitan Police Service's (MPS) [Children's Strategy](#) commits to supporting the delivery of this Protocol and the range of Child First developments contained in the strategy, including training on unconscious bias, adultification, trauma and adverse childhood experiences, and will assist in achieving

the aims of this Protocol.

- In relation to children looked after, this extends to fulfilling the police roles and responsibilities within this Protocol. Subsequent commitments from within the [MPS Children's Strategy](#) have now been actioned. This includes improving the way in which the MPS records children looked after, as either victims or suspects on crime reports and the introduction of a template for officers to assist in their investigative decision making.
- For care leavers, the MPS is working to embed a system of identification and Local Authority notification. Further work will be undertaken to support diversion and intervention at the point of police custody and deferred prosecution opportunities for care leavers.
- Child looked after and care leaver identification within police custody also provides a platform for other agencies in the criminal justice process to be alerted to care status or experience and work is underway to enhance this information exchange in order to provide better support through the criminal justice journey.
- Further actions have been taken by the MPS to develop and deliver multi-agency training to support this Protocol, to raise awareness amongst officers, staff and wider stakeholders such as care providers and Children's Services.
- Additionally, the MPS has published investigation guidance for officers and staff, to supplement this Protocol to ensure a proportionate response to offences committed by children in care homes, foster homes and supported accommodations.

London Probation: His Majesty's Prisons and Probations Service (HMPPS)

- The Probation Service will seek to ensure care status is identified for all its service users and that care history or experience informs assessment and planning. This will involve proactive engagement with Local Authority care leaver services and housing to ensure integrated support is available to reduce re-criminalisation.

Crown Prosecution Service (CPS)

- The CPS is fully supportive of the Child First approach which focuses on the prevention, diversion, and developing interventions to avoid the unnecessary prosecutions and criminalisation of children looked after and care leavers. The special considerations which apply to cases involving children are enshrined in its working practices and form part of the training for prosecutors. More specifically, the CPS has guidance to assist prosecutors when making decisions in cases involving children looked after.

Courts: His Majesty's Courts and Tribunals Service (HMCTS)

- HMCTS will seek to ensure children in care and care leavers who come before the courts are identified as such and that information from carers (supported accommodation and social workers or Local Authority personal advisers) is considered as part of the judicial process.

- The impact of adverse childhood experience associated with being in care should also inform assessments of maturity which are required as part of the sentencing process.

Prisons: His Majesty's Prisons and Probations Service (HMPPS) and youth secure estate

- Prisons should know on reception (from earlier Criminal Justice Service processes) whether a newly sentenced prisoner is a child looked after or a care leaver. This enables custodial staff to support the child or young adult effectively through trauma-informed approaches, as well as to draw on support from others (such as Local Authorities).
- Prisons will seek to identify all care-experienced prisoners for whom Local Authorities retain responsibility (care leavers up to the age of 25) and engage with the Local Authorities and other specialist service providers to ensure there is an opportunity for all available support to be utilised. It is important to recognise that repeated efforts at identification and enabling a child or young adult to disclose their care experience may be needed. Work is being done to improve the identification and information exchange through the system from the start of the criminal justice process.
- Partnership work should include:
 1. Prison Offender Managers providing regular updates to Social Workers and Personal Advisors including progress, incidents, concerns and future plans.
 2. Collaboration between prisons and Local Authorities to ensure aligned care planning to support rehabilitation and reintegration into society.
 3. Children looked after who are in the youth secure estate: expectations of integrated planning between the children's secure facilities and Youth Justice Service or children's social care is established in existing guidance and National Standards. Key areas of focus include maintaining consistent contact with children in care, planning for their resettlement – including education, employment, and accommodation – from the point of entry into custody and ensuring timely access to allowances and financial support. These principles should also be applied across Local Authorities and HMPS regarding care leavers.

Health

- Health services across London are committed to contributing to the system-wide ambition to reduce the unnecessary criminalisation of care leavers (up to age 25). NHS England (London) and Integrated Care Boards and Systems (ICBs/IBSs) will support this work through system leadership, workforce development, and sharing of best practice. As a future corporate parent, health partners will ensure a focus on consistent, compassionate care that enables every young person to thrive.
- A full list of commitments from health partners follow in the body of this Protocol, spanning:
 1. Identification and flagging
 2. Trauma-informed practice
 3. Integrated care and information sharing
 4. Mental health and neurodevelopmental needs

5. Healthcare transition to adult services
6. Healthcare in custody settings
7. Reducing financial burdens and promoting opportunity

Voluntary, community, faith sector

- Working with partners the Voluntary and Community Frontline Sector (VCFS) will support the aims of this Protocol ensuring diversion and prevention of criminalisation informs the variety of work with and for care-experienced children and young adults.

Mayor's Office for Policing and Crime (MOPAC)

- MOPAC will leverage its convening role and promote partners to mobilise and ensure the practice outlined in this Protocol is effectively embedded.
- MOPAC will work with involved partners to monitor the implementation of this Protocol and work in partnership to achieve accountability for the outcomes this Protocol is seeking to achieve.
- Video training resources to support the implementation of the Protocol will be updated.

Governance, monitoring and engagement

The London Safeguarding Children's Partnership Executive is the governance body for this Protocol. The signatories to this Protocol are the Executive group members made up of senior officers representing each of the statutory safeguarding partners. The London Safeguarding Children's Partnership Executive will receive annual reports on the effectiveness of the Protocol.

Local governance

Corporate Parenting Boards in each Local Authority area are responsible for reviewing local progress against the aims of the Protocol. Please see information below on the 'Extension of Corporate Parenting Duties'. The Corporate Parenting Board offers a focal point to support partners in discharging these extended responsibilities. The upcoming extension of these duties to a wide range of public bodies provides a timely opportunity to engage local partners with this Protocol. Each Corporate Parenting Board should ensure that there is an annual review of work to embed this Protocol in local partners' practice.

Corporate Parenting Boards will be supported in their local oversight role through data provided by their Youth Justice Partnership Boards or Youth Justice Services and through Children's Services statutory returns. Each Corporate Parenting Board should review mechanisms for tracking the involvement of care leavers in the Criminal Justice System. Data sharing and benchmarking will be supported by pan-London activity supported by the London Innovation and Improvement Alliance (LIIA), MOPAC and the MPS.

Contributions from local children in care councils and from children looked after and care leavers in the Criminal Justice System will provide vital evidence from which to assess the progress of the local partnership to embed this Protocol.

With oversight from the Lead Member for Children, the Corporate Parenting Board should work collaboratively with the Youth Justice Partnership Board, the Community Safety Board and Local Safeguarding Children's Partnership to ensure work which impacts on the criminalisation of children in care and care leavers is joined up at a Local Authority level.

Pan-London monitoring and support for implementation

MOPAC will convene partners who have been involved in development and review of this Protocol to form a subgroup on monitoring and implementation of the Protocol. These partners will seek updates on implementation and oversight of local activity to feed into a broader picture on impact of the Protocol and gather qualitative analysis and data from frontline professionals and forums or networks working with children looked after and care leavers (up to age 25) to understand the impact of the Protocol. The work of this subgroup will be reported to the London Adolescent Safeguarding Oversight Board (LASOB) which is itself a subgroup of the London Safeguarding Children's Partnership Executive and reviewed as part of the LASOB annual work programme.

MOPAC has reviewed an internal Inclusion Impact Assessment (IIA) formerly the Equality Impact Assessment (EQIA) alongside the Protocol to monitor the changing impacts on children in care and care leavers with protected characteristics. This IIA will be updated regularly and monitored. Partners are recommended to conduct their own equality or inclusion impact assessments and monitor the changing impacts on children with protected characteristics and ensure any action does not widen existing disproportionality. As outlined in the Protocol, children looked after and care leavers with intersecting identities and experiences face compounded disadvantages related to criminalisation. Partners should consider how this Protocol can address disproportionality and enhance inclusion. Agencies are encouraged to improve the data they collect on ethnicity, protected characteristics, and other relevant factors in relation to children looked after and care leavers in contact with the Criminal Justice System. It is recommended that partners review their current data collection practices on ethnicity and other identities, and seek ways to capture more detailed information.

We acknowledge that the data on the criminalisation and re-criminalisation of children looked after and care leavers, as well as the impact of efforts to reduce criminalisation, is often fragmented and difficult to capture. Partners involved in this Protocol review have shared insights on existing data gaps, ongoing efforts, and future plans to improve data collection in this area.

Data to monitor progress against the Protocol's objectives will be drawn from:

- Metropolitan Police Service CONNECT system
- Local Authority Department for Education '903' statutory returns
- Youth Justice information management systems
- Corporate Parenting Boards oversight of local implementation, including qualitative accounts from children looked after and care leavers
- London Children in Care Council and Care Leavers Trust Board activity to support an understanding of the experience of children and young adults in contact with the Criminal Justice System

Care leaver work will require a dedicated implementation group as this area of work is the least developed. This will be formed as a subgroup of the Care Leavers Compact programme and facilitated by London Innovation and

Improvement Alliance, bringing together those agencies which have the greatest relevance for reducing care leavers' criminalisation.

The London Innovation and Improvement Alliance (LIIA) will identify, support and share practice which is making a difference in London with Local Authorities and other partners.

This Protocol will be reviewed in 2029, led by MOPAC.

Training and continued engagement

All professionals working with children looked after and care leavers should receive training that addresses factors including:

- Impacts of trauma and abuse
- Adulthood
- Cultural competence
- Unconscious bias and conscious bias
- Specific needs of children and young adults including neurodiversity, special education needs and disabilities (SEND)
- Trauma-informed approaches
- Child First principles
- Restorative practice/justice
- Conflict resolution
- Contextual safeguarding

Training and raising awareness of the Protocol on a local level and across local safeguarding partnerships is critical to success. Considerations should be given to:

- Briefing cabinet members for Children Services, Safeguarding Partnership, Corporate Parent Board and Youth Justice Service Management Board on the Protocol.
- Local Authorities should ensure that all staff within Children's Services understand the Protocol and are aware of its importance, while actively supporting its integration into everyday practice.
- Whilst the Metropolitan Police Service is rolling out a Child First approach through the new [Children's Strategy](#), local discussions and awareness raising between Basic Command Units (BCUs) and Local Authorities at a senior leadership level should be encouraged to consider local challenges and joint action that can be taken to prevent criminalisation of children with care experience. Local discussions and awareness raising within BCUs at senior leadership level should be encouraged by Local Authorities to consider local challenges and joint action that can be taken to prevent criminalisation of children with care experience.
- Raising awareness about the Protocol amongst the local residential providers and supported accommodation within each borough.
- Consider training foster carers, local care providers in restorative practice/restorative justice and the Protocol.
- Training solicitors and MPS custody staff in trauma informed, Child First and restorative practice.
- Youth Justice and Care Leaving Services should consider providing training to magistrates in trauma informed practice, the specific needs of children looked after and care leavers and raise awareness of the Protocol within their Youth Court bench.

- There is a specific need to provide training to those working in the adult Criminal Justice System, who may be less aware of care leaver needs than their children counterparts. This includes CPS and sentencers working with adults, probation, and prison staff. The commitments contained in this protocol include support for training and workforce development that will assist in reducing criminalisation of children looked after and care leavers.

Continued engagement should be used to identify best practice adopted with all stakeholders having a clear understanding and knowledge of challenges experienced by children looked after and care leavers, the following mechanisms should be adopted by local safeguarding partnerships:

Development of joint working local protocols between Youth Justice and Children's Social Care to outline responsibilities and commitment to prevent criminalisation alongside coordinated support for those involved in the Criminal Justice System. This should address joint working and coordinated care planning for all children supported by social care from those on Child in Need or Child Protection Plans, to those in care.

Youth Justice Services (YJS) and their management boards are expected to have a clear understanding of the needs of children in contact with YJS to ensure there are appropriate interventions and services provided and commissioned to meet the needs of children.

Establish and review an annual profile of children involved in offending, with specific consideration to the needs of children looked after and care leavers to strengthen the effectiveness of the Youth Justice System and safeguarding frameworks. This will provide valuable insights for commissioners and support a better understanding of needs, patterns and vulnerabilities to focus resources and early intervention strategies to prevent the criminalisation of children and young adults with care experience.

Use existing governance mechanisms to measure impact of the Protocol on the outcomes of children with experience involved with the Criminal Justice System. This responsibility needs to be discharged by the local Corporate Parent Panel supported by evidence from the Youth Justice Partnership Management Board (please see the section on Governance and monitoring'.

An ongoing engagement with placement providers in training and understanding of the Protocol should be undertaken. Commissioners of placements should build into contracts, an expectation of placement providers to commit to the Protocol (please see the section on Commissioning, procurement and effective collaboration with commissioned providers'.

London boroughs' Youth Justice Services are encouraged to collect best practice and submit to the London Innovation and Improvement Alliance (LIIA) to share innovative projects and approaches that support the implementation of the Protocol. These will be captured in LIIA's [London Children's Services Practice Spotlight](#) resources and made available to the Youth Justice Board's Resource Hub.

Children's Services may wish to:

- Nominate a champion(s) within their workforce to promote the Protocol and best practice. This could be a principal social worker or Youth Justice Service manager/practitioner, who could consider providing briefings or training to teams (this could be via seminars, workshops, practice circles, social work conference).
- Engage children and young adults with care experience in co-production of services and a review of local application of the Protocol.
- Provide information, advice and guidance to children and young adults with care experience to help them to understand their rights and responsibilities and how they can seek support.

- Provide training and support for foster carers, to enable them to work with children they care for in line with commitments made in the Protocol.

Child First

This Protocol promotes the Child First decision making framework through every interaction which children, recognising that children are different to adults, with different needs and vulnerabilities. The Child First evidence base is what the research shows works best for children in the justice system to improve outcomes, prevent offending, and achieve safer communities with fewer victims. Child First has been adopted as the guiding principle for the Youth Justice System.

All local partners should work to develop support for children in accordance with the Child First decision making framework. By adopting a Child First approach to meet the needs of children, we lay the foundation for a more robust and responsive framework to support care-experienced young adults within the Criminal Justice System. Prioritising what is right for children not only strengthens outcomes in youth justice but also equips the sector to more effectively address the needs of care-experienced young adults as they transition into adulthood. The application of Child First tenets to care leavers (aged 18 to 25) will be further explored by the partner working group that will work under the oversight of the London Care Leavers Trust Board.

'While the original context for developing the Child First framework was youth justice, its four tenets equally serve to summarise the evidence base for how to reduce the criminalisation of both children in care and care-experienced young adults. In fact, its key understanding for what brings sustainable positive outcomes – building pro-social identity – was developed from [research](#) involving both children and young adults, with more recent research showing its particular applicability to stigmatising care experiences.' - [Professor Neal Hazel](#)

There are four tenets to the Child First decision making framework:

- **As children:** Prioritise best interests, recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.
- **Building pro-social identity for positive child outcomes:** Promote children's individual strengths and capacities as a means of developing their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil potential and make positive contributions to society.
- **Collaborating with children:** Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and carers.
- **Diverting from stigma:** Promote a childhood removed from the Criminal Justice System, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the Youth Justice System.

More about **collaboration with children**

- The child in care will be facing two allocated workers (Youth Offending Worker and a Social Worker) – both writing plans to address their needs and both making decisions about significant aspects of their life – alongside a range of other professionals involved in the delivery of these plans. Therefore, it is essential that the network around the child is working together and agreeing the direction of travel in the best interests of the child.
- No plan is effective without the voice of the child. Both services should have mechanisms for gathering the voice of the child, through direct work and self-assessment forms, alongside participation forums and a Children in Care Council, both of which should be feeding back to both services to inform practice.
- Youth Justice Services should analyse their work with children who have been or are in care under the five national standards and implement changes to meet the Child First principle.
- Local Youth Justice Management Boards should monitor support and outcomes for children looked after especially if they're on release from the secure estate. The Board should hear the direct-and indirect experience of children as service users and provide analysis of over representation or disproportionality specifically for the looked after cohort and the actions taken in each case. This activity will be important in supporting the Corporate Parenting Board in its role as the local accountable body for this Protocol.
- Courts should ensure and monitor that they apply Child First principles in all their processes. This includes physical arrangements in court, how the pre-sentence report takes account of the context of children in care and how sentencing decisions were reached.

The London Accommodation and Resettlement Partnership should monitor resettlement provision for children looked after, be that from remand or sentenced placements.

Through this approach, the Protocol seeks to work towards a system in London that treats all children looked after and care leavers in a way which acknowledges their distinct needs and vulnerabilities. The Child First decision making framework should be consistently applied in all interactions with children, using restorative approaches and diversionary practices, regardless of whether the child is at risk of victimisation or suspected of offending. In the first instance there should be a safeguarding response, followed by a criminal justice response when appropriate, with foundations in safeguarding.

Research tells us that by adopting a Child First approach, the following outcomes can be achieved:

- Improved multi-agency responses to harm
- Services matched to need/demand
- Improved quality of services
- Greater awareness of children's rights and entitlements
- Improved knowledge and awareness of safeguarding
- Increased use of trauma-informed approaches
- Reduced adultification of children
- Improved life chances for children

These outcomes are particularly relevant for children who have experience of care, distinct needs, and vulnerabilities, and who are disproportionately criminalised compared to their peers.

The Youth Justice Board have a [Child First Self-Assessment toolkit](#) freely available. This is a practical, self-led resource that supports organisations to reflect on their current practices, how far they are aligned with the evidence base of what works for children, and how they might adopt and implement a whole-service approach to being Child First. Partners from across the Youth Justice Service and other agencies including health, police, courts, education, and the voluntary and community sector, are encouraged to use and promote this tool.

Listening to the voice of children in care and care leavers

Written by Maleekah Burden-Kaizra, member of Drive Forward Foundation's Policy Forum

When a child in care or a care leaver comes into contact with the justice system, how they are heard, or not heard, can influence not just a moment, but the course of their entire life. Listening to children in care should never be treated as a tick-box exercise; it is a legal entitlement, a safeguarding responsibility, and an essential part of upholding their dignity and protecting their wellbeing.

Children looked after and care leavers are likely navigating the justice system in isolation, many have already experienced years of instability, trauma, disrupted attachments, and institutionalisation. These experiences can affect how they communicate, how they respond to authority, and how they process stressful or formal environments. Yet too often, their voices are dismissed, misunderstood, or reduced to checkboxes in procedural documents.

The law is clear. [Article 13 of the United Nations Convention on the Rights of the Child](#) protects every child's right to express their views, receive information, and be heard in matters affecting them. In domestic law, [Section 22 of the Children Act 1989](#) places a statutory duty on professionals to seek out and consider the wishes and feelings of children looked after. Legal rights mean little without systems designed to uphold them. To be meaningful, listening must be developmentally appropriate, trauma-informed, and actively inclusive of diverse communication needs. It must include not just space to speak, but the safety, trust, and comprehension necessary for children to want to speak; and be understood when they do.

Listening must also mean informing. Children must know what is being written about them, have access to those records, and be supported to challenge anything they believe is unfair or untrue. This includes being given copies of reports or clearly told how to access them without unnecessary barriers. No child should be left in the dark about what is said or decided in their name.

Care experience and culpability are not mutually exclusive. A child may be legally accountable for an action while still being profoundly affected by trauma, instability, or unmet needs. Recognising this dual reality is essential. It means holding children to account in ways that are proportionate, contextual, and supportive, not punitive by default. It also means acknowledging that justice and care are not opposing principles; they must operate together, with compassion and fairness at their core. Likewise, although care leavers will receive a different police response and sit within the adult Criminal Justice System, they may be living with childhood trauma, a drastic reduction in support and increased instability. Where possible, we need to work together to apply the principles of reducing criminalisation for children in care with care leavers too.

The implications of getting this wrong are serious and far-reaching. Words such as 'aggressive' or 'manipulative', or misinterpretations recorded in formal reports, can follow children across placements, agencies, and legal

records; influencing outcomes in education, housing, employment, and even future family court cases when they become parents. When children are not accurately heard, they are at greater risk of being misunderstood, over-policed, and criminalised for their unmet needs. One unfair label or one missed opportunity to understand the child's truth can have a ripple effect for years. Criminalising a child or young adult care leaver should always be a last resort.

The following principles offer a framework for hearing the voices of children looked after and care leavers, supported, and genuinely valued as a vital part of the decisions that affect their lives.

- **Meeting children where they are, not where we expect them to be:** Too often, care-experienced children are expected to navigate adult systems with adult-level reasoning, language, and emotional regulation. Yet reaching the age of criminal culpability does not equate to emotional, cognitive or developmental maturity. The duty lies with professionals and the adults in their world to create conditions where children can be heard safely, supported consistently and compassionately, enabled to fully comprehend and process what is happening to them or around them, and have their developmental and emotional needs met appropriately. The burden should never be placed on the child to demonstrate their vulnerability or justify why they need support.
- **Language matters:** Children must be given space to tell their story in their own words. These views should be accurately and respectfully recorded in all key documents, using language that is proportionate, factual, and reflects the child's context and voice. Children should be told what has been recorded and why, and be given a fair chance to challenge anything they believe is unfair or untrue.
- **Relevant context in decision-making:** Care experience should inform, not excuse, legal and safeguarding decisions. Prosecutors, courts, and professionals should ask: what do we need to understand about this child's care history before making a decision that may affect their liberty or long-term outcomes?
- **Context, not stigma – challenging adultification and discrimination:** Care-experienced children, particularly Black and minoritised girls, are often adultified, or pathologised. Expressions of fear, frustration, or grief are frequently misread as aggression or manipulation. Staff should evidence the meaning behind a child's behaviour and not rely on subjective, racialised, or gendered descriptors. When a child's words and actions are interpreted through the lens of fear or bias, their voice can be distorted.
- **Accessibility is protection:** Understanding is the foundation of autonomy. For children to meaningfully participate in decisions, they must first understand what is happening. This is especially critical for children with special educational needs or disabilities (SEND) or neurodivergence, who may process language, cues, or emotional states differently.
- **Comprehension and knowing your rights:** Knowing your rights is not the same as understanding them. The law must be explained in child-friendly language, reinforced through trusted adults, and revisited at key moments. Children should be supported by advocates who help them understand each step and reflect on what they need to feel safe and heard.
- **Co-design with care-experienced children:** Children must shape the systems intended to protect them. Their lived experience is expertise and their participation builds accountability. Co-production should be a permanent structure embedded within justice reform and care policy development. When care-experienced children help shape services, those services become safer, fairer, and more trusted.

The full statement covering these principles can be found in Appendix C.

Further information on advocacy for care-experienced children and young adults is also available in [Effective Advocacy for Looked after Children, Children in Need and Care Leavers](#) and [The Independent Reviewing Officers Handbook](#).

Why this Protocol is needed

*‘The disadvantage faced by our care-experienced community should be the civil rights issue of our time’
(Independent Review of Children’s Social Care 2022)*

The care system exists to help children who have experienced significant adversity to heal and enter adulthood equipped to thrive. It is difficult to overstate the challenges that can come with navigating complex systems to provide the right support for children and young adults who have experienced some of the most disadvantage and trauma in our society. We are grateful to all partners striving to achieve the best outcomes for care-experienced children and young adults.

While the following statistics highlight a concerning trend in the disproportionate criminalisation of children in care and care leavers, it is important to acknowledge that this is not the experience of all children who grow up in care. Similarly, some figures may feature children or young adults who came into care after their experience with the Youth Justice System. The data should not imply that being in care causes involvement in the Criminal Justice System, nor should it be seen as an inevitable consequence of care experience. Nonetheless, the figures are deeply troubling and point to a systemic issue that demands attention. This Protocol recognises the need to protect those who are at risk of unnecessary criminalisation and seeks to ensure a more just and supportive response to children in care and care leavers.

For some children looked after and care leavers, the care experience can contribute to the start of offending behaviour or worsen and perpetuate existing criminal involvement [Reference:1](#). Care-experienced children and young adults are also more vulnerable to becoming victims of crime. While being in care can be a protective factor which reduces the likelihood of criminalisation, difficulties with the care that children receive can intensify, create and promote criminal behaviour, lead to unnecessary police involvement that would not have happened in other home or family settings, and increase the risk of exploitation and victimisation.

The transition to adulthood is a particularly vulnerable time for care-experienced children, particularly if they have already had contact with the Criminal Justice System. The ‘cliff edge’ faced by care leavers whereby there is a sudden reduction in the support they receive at the age of 18 can also increase the risk of offending [Reference:2](#). Young adults who are care leavers should expect the same level of care and support that others would receive from a reasonable parent. Yet many young adults are having to manage adulthood alone before they feel ready and they can often struggle with issues ranging from accessing secure housing and low income, to coping with mental health difficulties, the impact of trauma, isolation and loneliness.

There are a broad range of experiences which can constitute criminalisation, from receiving an official sanction to more informal forms of criminalisation, such as increased contact with the police which can make a child more likely to have further contact with the Criminal Justice System and erode trust in professionals around them. This Protocol covers both formal and informal criminalisation.

While a criminal justice intervention might resolve an immediate problem, it can create further problems over the long term that ultimately undermine the ambitions of the care system. Having a criminal record can affect employment, education, access to finance, housing and insurance, and the ability to travel internationally. It can affect people’s mental and physical health and it can impact on relationships through adulthood. For someone who is, or has been, in care, a criminal record can compound all the other difficulties they have to overcome and increase the risk of repeated re-entry into the Criminal Justice System.

The complex relationship between offending and victimisation must also be recognised. For example, children and young adults becoming involved in criminality as a result of sexual or criminal exploitation. Again, responding to such incidents requires striking a balance between addressing the immediate situation, including ensuring the safety and welfare of the child or young adult and protecting care workers and society, while taking into account the likelihood that the child or young adult has experienced childhood trauma which can continue to affect behavioural and emotional development into early adulthood, and the long-term impact of a criminal justice intervention on their futures.

The past decade has seen huge strides being made to keep children out of the Criminal Justice System. Nationally, the number of children arrested fell by almost half (46%) between 2013/14 and 2023/24 [Reference:3](#). In London, the number fell by around two-thirds (68%), the largest reductions of any region in England and Wales [Reference:4](#). The work done by the police and others to prevent unnecessary arrests has been pivotal to the corresponding reductions in the numbers of children in prison. Between 2000/01 and 2023/24, the number of children in custody fell by 86% to the lowest number on record [Reference:5](#). This demonstrates how progress can be made in challenging circumstances.

Some groups of children have not benefited as much from these advancements as others, however. While there has been a reduction in youth justice involvement among both care-experienced and non-care-experienced children over time, this reduction has been greater among non-care-experienced children. The Youth Justice System in England and Wales has seen longstanding disproportionality in relation to care experience. Not only do children in care and care leavers continue to be more likely than other children to come into contact with the Criminal Justice System and be greatly over-represented in youth justice populations, the gap in youth justice involvement between care-experienced children and non-care-experienced children has widened over time [Reference:6](#)[Reference:7](#)[Reference:8](#)[Reference:9](#).

Children in residential care can face particular disadvantage. While the proportion of children in residential care being convicted or subject to a caution has fallen, the proportion remains above that for children looked after overall [Reference:10](#)[Reference:11](#). Research has found that children in residential care are more likely to be criminalised than children in other placements and that the majority of care-experienced children were in residential care at the point of their first conviction or an increase in offending frequency or seriousness [Reference:12](#). Care settings like children's homes can contribute to this increased risk of criminalisation, including high rates of police call-outs in response to children going missing from their placement and criminalisation of minor behaviours that would not have brought police attention in other home or family settings [Reference:13](#)[Reference:14](#). Notably, in 2018/19, over 80% of children who received a criminal record whilst in residential care were recorded as having been missing from placement at least once, evidence of the complex relationship between missing incidents and criminalisation.

Care leavers and care-experienced individuals aged 18 and over also continue to be disproportionately represented in the Criminal Justice System. Studies suggest that at least one quarter of the adult prison population has experienced care as a child [Reference:15](#). While progress has been made in reducing the criminalisation of children looked after and care leavers (under 18), and inspection findings show that many London boroughs are providing very effective support for care leavers, more progress is needed to extend [Child First](#) practice into adult criminal justice services. In many cases, the organisations and individuals working with young adults do so without the specialist understanding and statutory frameworks that exist in the children's world.

What is clear is that responses by carers and other agencies to children's difficulties can cause, contribute to or exacerbate this problem. That could include, for example, carers calling the police unnecessarily for a minor incident; schools excluding children when not a matter of absolute last resort; physical and mental health

services not providing the full support children need to address underlying concerns; criminal justice agencies failing to identify care leavers in a timely and sensitive manner when they come into contact with the Criminal Justice System; and criminal justice agencies missing opportunities to divert rather than entrench children and young adults in the justice process.

With children and young adults in some of the most difficult, complex and traumatic circumstances, identifying the most appropriate response can be a hugely challenging and complex task. It is incumbent on all agencies, working in partnership, to continue to improve the guidance, support and training provided to professionals working in this space to give them the skills, knowledge and confidence to make the right decisions as well as providing the services and other support children and young adults need to thrive.

We know that statistics and insights like those above do not represent the complete picture, as the Government collects this data only on children who have been in care for 12 months or more. However, the need for action is clear. Through this Protocol, we recognise the role that all elements of the system have in continuing to reduce the unnecessary criminalisation and re-criminalisation of care-experienced children and young adults, while continuing to provide support and provide the best possible care to help them overcome traumatic childhoods and ongoing difficulties. By working together and learning from best practice, we can continue to improve the experiences and life chances of thousands of London children and young adults.

More information and additional statistics can be found in Appendix G

A note on care leavers aged 18 to 25

Reference to care leavers within this protocol includes care leavers under 18, and those aged 18-25. Care Leaver status is defined by law and places duties on a Local Authority to provide support services until the age of 25. Corporate parenting responsibilities will imminently be extended to partners through the Children's Wellbeing and Schools Bill (2025) (please see section on ['Extension of the corporate parenting duty'](#)). Partners of this Protocol should contact the responsible Local Authority where there is need to confirm care leaver status.

Care leavers are grossly over-represented in the Criminal Justice System. Just over half of care-experienced children will have a criminal caution or conviction by the age of 24, compared to just over a tenth of their non-care-experienced peers. Perhaps the biggest UK study of its kind, which tracked over 2.3 million children born between 1996 and 1999, found that 33% of care-experienced children received a youth justice caution or conviction between the ages of 10 and 17, compared with 4% of their peers, with even higher disparities for Black, Mixed Race, Irish Traveller and Gypsy Roma children in care. The trends for care leavers (over 18 years old) are less well tracked than for children looked after, in part because they are not consistently identified by the adult Criminal Justice System. However, the over-representation visible in childhood is known to extend, and may even be exceeded, within the adult system. The drivers for this over-representation are explored elsewhere in this Protocol.

The partner signatories to this Protocol recognise that more needs to be done to reduce the criminalisation of care leavers and that there are specific challenges to be overcome within the young adult space. These challenges are varied and complex but mostly fall under two themes. Firstly, the shift in approach embodied by [Child First](#) practice has not extended into the sphere of vulnerable young adults. Secondly, the organisations and individuals working with young adults are often different, in many cases working without the specialist understanding, legislation, and frameworks that exist in the children's world.

Relatively speaking, efforts to reduce the criminalisation of care leavers are in their infancy. This does not mean that good practice does not exist, and we would point to the following:

- [Care Experience Matters \(March 2023\)](#) guidance from HM Prisons and Probation Service, which offers guidance on how London probation, prisons and Local Authorities can support people with care experience on probation and in custody.
- The work of the London Prisons Group, which has brought together London prisons, probation and Local Authorities to better identify and support care leavers in custody.
- Probation and Local Authority feedback on several bespoke partnership arrangements between the services to support and manage care-experienced young adults in the community.
- [Dare to Care](#) guidance from the Youth Justice Legal Centre for criminal lawyers representing care-experienced young adults.

Without diminishing this work, it appears that good practice exists in pockets, rather than as an embedded, universal approach. Where it does exist, it focuses on care leavers at later points in the Criminal Justice System, in likelihood missing opportunities to identify and divert upstream. Efforts to date do not appear to have significantly reduced the criminalisation of care leavers (as above, there is a related issue in gathering quality data on this subject).

For these reasons, partner signatories to this Protocol commit to working together to develop more effective strategies to reducing care leaver criminalisation in London. We will establish a partner working group that reports to the [London Care Leaver Trust Board](#) and works to improve care leaver outcomes regionally. The group's activities will focus on four main areas:

- Upstream prevention to minimise the chances of contact with the CJS
- Improved identification of care leavers who have contact with the CJS
- Improved diversion and support offers for care leavers as an alternative to prosecution
- Better support of care leavers who are convicted and sentenced

Wherever it is possible to flag specific measures for care leavers that are already being developed, these are included throughout the body of this Protocol. In several other instances, the approaches adopted for children in care should be explicitly mirrored for care leavers. Please also see [Supporting Care Leavers to Prevent Custody](#).

A note on intersectionality

While recognising the ways in which the criminal justice involvement of children in care and care leavers typically differs to that of their peers who have not been in care, it is equally important to recognise that each person has their own lived experience. Among other factors, this will be shaped by their identities, both self-defined and perceived by others, beyond being a child looked after or care leaver. Where these identities intersect, care-experienced children and young adults often bear compounded disadvantage and overlapping forms of marginalisation and systemic harm. This includes identities tied to disability, neurodivergence, socio-economic status, nationality, being from a racially minoritised background, and gender, which are increasingly documented and acknowledged, but also identities that are less readily recognised or well understood. Where there is evidence of disparity, we must draw attention to this. Where there are opportunities to improve our understanding, we must be open to these. However, it is neither possible nor helpful simply to list all marginalised identities and their intersections. Rather, we need to recognise that different children and young adults have different experiences and, therefore, different needs, and the importance of seeing and supporting the whole individual.

Addressing the needs of these children and young adults requires not only recognition of their unique challenges, but also tangible and sustained action that works towards challenging institutional biases, dismantling systematic barriers and creating systems that are truly equitable. An approach that is intersectional and centres lived experience does more than empower young adults to transition from care; it ensures they can thrive in systems that see their full humanity. Inclusivity is not an optional consideration, but the foundation upon which fair and just care and Criminal Justice Systems must be built, from which we can ultimately reap the benefits of a more fair and just society.

There is ample evidence of the longstanding overrepresentation of Black and other racially minoritised children and young adults in the youth and Criminal Justice Systems^{Reference:16}^{Reference:17}. While the number of children in the Youth Justice System has fallen, the proportion of Black and other racially minoritised children in youth custody has increased. Furthermore, the widening gap in youth justice involvement between care-experienced and non-care-experienced children noted earlier, has widened even further for Black care-experienced children^{Reference:18}. [Research conducted by Barnardo's](#) found that Black care-experienced children and young adults feel they have been treated more punitively by both the care and Youth Justice Systems. An animation bringing together findings from Barnardo's research and [related research by Manchester Metropolitan University](#) can be viewed here: [Challenging \(In\)Justice \(youtube.com\)](#)

Considering gender, while boys are at higher overall risk of youth justice involvement than girls, involvement in the social care system increases the risk of youth justice involvement for girls more than it does for boys^{Reference:19}. Research indicates that childhood adversity may have a more severe impact on girls compared to boys, with many girls experiencing significant levels of abuse and victimisation, and related vulnerabilities including gendered violence, sexual exploitation, early sexual intercourse, and early motherhood^{Reference:20}. Gender has also been shown to influence the response from agencies, with girls and young women, particularly those from racially minoritised backgrounds, being more likely to suffer racial stereotyping, [adultification bias](#), victim-blaming, and being seen as responsible for their exploitation or other circumstances of their offending. On the other hand, agencies are more likely to view boys as aggressive and have unwarranted suspicion that Black boys are involved in gang-related activity^{Reference:21}.

A report on intersectionality written by Louisa Foyle, Development Officer for the [Pan London Children in Care Council](#), can be found in Appendix D

More information and additional statistics can be found in Appendix G

Extension of the corporate parenting duty

The 2022 Independent Review of Children's Social Care highlighted the significant challenges that children in care and care leavers face and the poor outcomes they achieve across all aspects of their lives. It recognised that Local Authorities cannot solve all of these challenges as they do not have the levers to influence many of the services that children in care and care leavers rely on. The review argued that policies and services of government departments and public bodies need to do more to take account of and respond to children in care and care leavers' unique circumstances.

The Children's Wellbeing and Schools Bill (clause 21-25), which is currently passing through parliament, seeks to address this concern by extending formal corporate parenting responsibilities to partners as well as

strengthening them.

The new corporate parenting responsibilities are:

- a. Be alert to matters which, or which might, adversely affect the wellbeing of children in care and care leavers.
- b. Assess what services and support provided by the corporate parent are or may be available for children in care and care leavers.
- c. Seek to provide relevant children in care and care leavers with opportunities to participate in activities designed to promote their wellbeing or enhance their employment prospects.
- d. Take such action as it considers appropriate to help children in care and care leavers: - to access opportunities it provides in regard to (c) above - to make use of services, and access support, which it provides.

Clause 23 places a further duty on corporate parents to ‘collaborate with each other when performing their corporate parenting duty where they consider that doing so would safeguard or promote the wellbeing of looked after children or relevant young adults’.

The following corporate parents are named, with duties on Secretaries of State to report each three years on the discharging of their duty:

- Secretaries of State (including those with oversight of criminal justice services)
- The Lord Chancellor
- Schools in England
- Further Education Institutions in England
- Ofsted
- NHS England
- Integrated Care Boards
- NHS Trusts and NHS Foundation Trusts
- Care Quality Commission

The forthcoming passing of this bill does not fundamentally alter this Protocol, which is already strongly aligned with the spirit of the new legislation. It should, however, help raise the profile of the Protocol within individual agencies and ensure that delivery of the Protocol is a priority for all agencies. It also marks a shift in perspective from an era where Local Authorities were seen as having a sole responsibility for children in care and care leavers (especially when ‘the going got tough’) to one where all partners, and even society at large, shares this responsibility.

The upcoming extension of corporate parenting responsibilities to a wide group of partners will require a review of borough-based Corporate Parenting Boards’ terms of reference and membership. The Children's Wellbeing and Schools Bill (when enacted) will also lead to amendments in statutory guidance for partners with corporate parenting responsibilities. This Protocol identifies Corporate Parenting Boards as the principal forum, at a borough-level, to oversee the implementation of work to reduce criminalisation of children in care and care leavers. Corporate Parenting Boards should review the work to achieve the objectives of the Protocol on at least an annual basis and identify any local issues for action as well as those which require a pan-London response.

Health statement: Preventing and reducing the criminalisation of care-experienced children and young adults

Health professionals and services have a critical role and aspire to work collaboratively to reduce the criminalisation of children in care and care leavers. The NHS, as a future corporate parent, will hold responsibilities that reinforce the right of care-experienced young adults to receive equitable, compassionate, and trauma-informed care.

Health partners commit to the following actions.

- Identification and flagging: Health records should clearly indicate care status, enabling staff to tailor care appropriately and involve relevant professionals (e.g., social workers, personal advisers, youth justice teams) during clinical contacts. This also includes the consistent use and updating of Universal Care Plans and Education, Health and Care Plans (EHCPs) to ensure all health professionals are informed and responsive to young adults' specific needs.
- Consistent trauma-informed practice: All staff working with children and young adults should be trained in trauma-informed approaches, including the impact of Adverse Childhood Experiences (ACEs), developmental trauma, neurodiversity, neurodisability, language disorders, and the long-term effects of abuse and neglect. Training should also address adultification bias, cultural competency, and anti-racist practice, ensuring every child and young person is treated with dignity, compassion, and understanding.
- Integrated care, information sharing, and continuity: Health services will actively participate in multi-agency care planning and decision-making processes, including during police custody, court liaison, admission to hospital, or transitions between services. Timely and proportionate information sharing with Local Authorities, youth justice services, and others should be prioritised to support continuity of care, recognising how fragmented care can exacerbate vulnerability and behavioural issues. A focus on sustained relationships with trusted health professionals should be embedded across all care pathways.
- Mental health and neurodevelopmental needs: Many care-experienced young adults have unmet mental health and potentially undiagnosed neurodevelopmental needs. Services should prioritise early identification, emotional and culturally competent support, and access to mentors, reducing barriers to sustained engagement. Specialist pathways (e.g., CAMHS, forensic CAMHS, learning disability, substance use) should be adapted to meet this group's unique needs. Young adults must be involved in co-producing their care plans, ensuring they feel listened to and empowered in their health journey.
- Primary Care and general practitioner (GP) awareness: GPs play a pivotal role in the health and wellbeing of care-experienced young adults. Training and guidance should be developed and shared with primary care teams, equipping them to understand and respond to the specific health vulnerabilities and life experiences of this group using targeted neighbourhood models. This should include recognising signs of distress, understanding care-experienced identity, and coordinating with wider support networks.
- Healthcare transition to adult services: Transition to adult health and justice services is a vulnerable time. Health partners will collaborate with Local Authorities and other agencies to ensure holistic, strengths-based transition planning, initiated well before age 18. This planning must emphasise continuity, trusted relationships, and clear navigation into adult services.
- Healthcare in custody settings: NHS providers delivering healthcare in secure environments (including police custody suites and youth offending institutions) should ensure continuity of care, timely assessment, and appropriate community referrals upon release or resettlement. Support must address both physical and mental health needs, aiming to reduce reoffending linked to unaddressed

trauma or ill-health.

- Reducing financial burdens and promoting opportunity: Recognising the financial insecurity often faced by care-experienced young adults, health services and partners should continue to provide sustained access to entitlements such as prepaid prescriptions, support for travel to appointments, promotion of the NHS Low Income Scheme and NHS employment schemes offering meaningful roles and career development. These measures will contribute to reducing health inequalities and enhancing young adults' independence, stability, and self-worth.

Health services across London are committed to contributing to the system-wide ambition to reduce the unnecessary criminalisation of care-experienced young adults. NHS England (London) and Integrated Care Boards and Systems (ICBs/ICSs) will explore opportunities to prioritise and make progress on these ambitions through system leadership, consideration of workforce development, and the sharing of best practice. Our collective responsibility as a future corporate parent must include a relentless focus on reducing inequality and enabling the consistent, compassionate care so that every young person can thrive.

Placements

Local placements

Care providers, like children's homes and fostering services, and supported accommodation providers, play an important role in safeguarding children looked after and care leavers and helping them to recover from trauma, make progress in their education and enjoy healthy and fulfilling lives.

These providers must register with Ofsted, and they are expected to comply with regulations and quality standards that are set by government. Working in accordance with this Protocol will help them to do so. Although it is important to note that there are several unregistered (illegal) children's homes, with Ofsted identifying 931 unregistered settings across England in 2023/24, 78 of which were in London [Reference:22](#).

Children looked after

The [Department for Education children's homes regulations and quality standards guide](#) includes a Protection of Children Standard that sets out expectations about control, discipline, and restraint and behaviour management in children's homes. In particular, the guidance talks about the need for providers to work with their local police force to ensure a proportionate approach to managing behaviours.

The regulations and standards for foster care services take a similar approach. For example, Standard 3 in the [Department for Education's national minimum standards for fostering services](#) describe how fostering services should promote positive behaviour and relationships, minimise the need for police involvement to deal with challenging behaviour and avoid criminalising children unnecessarily.

Since 2023, organisations that provide supported accommodation for 16 and 17-year-old children in care and care leavers have also become regulated by Ofsted and they too are expected to comply with [regulations and standards that the Department for Education has published](#). For example, Regulation 22 covers supported accommodation providers' behaviour management policies and practice. It describes how providers should manage difficult situations and violent behaviour so that any action taken by staff is measured and proportionate and does not cause unnecessary criminalisation of young adults.

Local Authorities are expected to ensure that staff and carers of children and young adults in care, including foster carers (whether Local Authority, independent, or kinship), strive to manage challenging behaviour internally without involving the police whenever possible. Care home staff and foster carers should be well-versed in distinguishing between incidents that can be handled internally and those that require police intervention. For more details, refer to the section on Responding to Incidents.

Training and support: Below are examples of training that would assist relevant care home providers and foster carers to meet the standards of care and support for children and young people that the regulations require, and would help staff and carers to meet children's needs and respond to incidents in a way that reduces the need for police involvement.

Training suggestions include trauma-informed approaches, [Child First](#), cultural competence, restorative justice, conflict resolution, and contextual safeguarding. This would enable staff to confidently manage minor incidents and support the children effectively. For instance, if the police are called due to immediate safety concerns, they can use their discretionary powers to allow the care setting to resolve the situation internally using restorative principles where appropriate.

Ensuring appropriate placements: Ensuring that children looked after have placements that meet their identified needs is crucial for prevention. Placements should be based on a thorough assessment of the child's social, educational, health, and other needs, with appropriate support networks in place. While availability of placements may vary, it is essential that suitability is not compromised and that placements are registered, safe, and stable. Understanding the child's adverse childhood experiences and contextual safeguarding issues is fundamental to effective prevention work.

Cultural and identity needs: When selecting placements, careful consideration should be given to how the cultural and identity needs of the child or young adult will be met. This ensures that they feel understood and supported in their environment.

Child-centred policy and practice: Policy and practice must demonstrate that children are at the core of decision-making about their future and in addressing specific issues. Children should feel that their voices are heard and valued in these processes.

Building trust with social workers: It is vital that children looked after have trust and confidence in their social worker. If a child or young adult raises concerns about their relationship with their social worker, these concerns should be listened to, investigated, and given a thoughtful response.

Prevention work: Assessing the risks dynamically – and minimising them. Each Local Authority has its own model for successful partnership identification and management of risks for individual children and young adults.

Support for early intervention and prevention:

- *In the placement:* the links between a specific placement and local community and voluntary groups can provide rich opportunities to engage children in positive activities and access necessary services. Carers and social workers should encourage children and young adults to access such positive activities.
- *Multi agency prevention work:* multi agency approaches can bring agencies to work collaboratively to support preventative local Protocols across schools and specialist services.
- *In school:* educational and social opportunities at school are a major source of positive opportunities and role models for children and the chance for children to learn how to manage risk or conflict with positive

outcomes.

- *In the community*: Youth outreach, 1:1 youth work and some school-based work support.

Care leavers aged 18 to 25

Given that a significant number of providers of supported accommodation for care leavers aged 18 to 25 are either commissioned or housing associations who work in partnership with Local Authorities, there is a significant opportunity for the police, Youth Justice Service, and probation to link with providers at provider forums run by Local Authorities, supporting opportunities for training such as in restorative practice and trauma-informed approaches and promoting relationships with the police which reduce the likelihood of care-experienced young adults being criminalised.

Building on the efforts of children's homes to (wherever possible) manage behavioural incidents restoratively and without police involvement, this approach should be extended to those providing supported accommodation for children looked after and care leavers or social housing tenancies to care leavers.

Placements outside of the home borough

The long-term impacts of placing a child or young adult out of their home borough, or out of London, should always be considered. The child or young adult can become isolated from their friends and family, which can create greater risk or fear, leading to potential increased trauma or vulnerability. Relocation can mitigate risk but often it does not, and the risk moves with the child.

When a child looked after is placed outside the home Local Authority, [The Care Planning, Placement and Case Review \(England\) Regulations 2010](#) statutory guidance and the associated regulations updated in 2013, outline duties on the Local Authorities to notify the receiving Local Authority if they place a child in care within their area. It also requires children's homes to notify their host Local Authority when a child is placed with them by another authority. The host Local Authority, supported by relevant agencies in both the host and home authority, must ensure that education and health partners are provided with information about placements of children in care into/out of their area. While this statutory guidance only applies to children looked after, it is good practice follow the same approach in proactively contacting host authorities when a care leaver is placed outside of their home authority.

When a child is placed in a London borough, other than their home Local Authority, this protocol commits each London Local Authority to provide these children and young adults with the same level of protection against criminalisation as if they were in their home Local Authority. It is the responsibility of all London Boroughs to engage with each other when making a placement (please see also the section on diversion and out of court decision-making).

When commissioning an out of area placement, whether this is in another London borough or outside of London, the commissioning team should ensure that the provider is committed to following this protocol and specifically to using non-criminal responses to behaviour in the care setting. This commitment will form part of the placement contract.

When a child or young adult is at risk of police contact, proactive preparation work should be undertaken. The allocated social worker should liaise with the placement commissioning service, the placement and local police, including missing and exploitation police teams, where appropriate. This should involve sharing information

about the needs of the child and young adult, and agreement should be reached about how incidents will be managed in line with this Protocol. It should also include any possible contextual safeguarding issues in relation to the local area of the placement. This ensures a joined-up approach to managing any potential risks associated with the area or community into which the child or young adult is being placed.

It is recognised that children and young adults placed outside of London are often those with the most complex needs. Careful consideration should be made by the placing Local Authority about how the cultural and identity needs of their children and young adults will be met, as well as how positive narratives can be promoted about them to avoid inappropriate or unnecessary criminalisation of children or young adults in their care.

Children looked after and in the Youth Justice System

Where a child is placed out of London and is already subject to a Youth Justice Order (court or out of court disposal), there should be clear communication between the placing and receiving Local Authority. The placing Local Authority should inform the local Youth Justice Service (YJS) that there is a child residing in their area who is subject to a Court Order. There should be clear communication between the placing and local YJS about roles and responsibilities – usually the placing YJS should retain oversight and responsibility for their child or young adult but the local YJS (also known as the care taking YJS) may be asked to implement the Order.

If a looked-after Child from London comes to the attention of the police in the area local to the placement, for whatever reason, the child's social worker and the local YJS must be notified as soon as possible so that decisions about the appropriate outcome/intervention are properly informed and the incident can be dealt with at the lowest level disposal having considered offence gravity matrix.

Children and young adults placed out of London will be expected to access education, either independently of or linked to the placement. The child or young adult's social worker and virtual school should ensure that the identified education provision is aware of the expectations outlined within this protocol.

Some children and young adults in care from other areas outside of London are placed in settings in various London Boroughs. This protocol will be expected to apply to those settings in respect of all the children and young adults and information should be shared with the home LA in line with the expectations of this protocol. London Boroughs should promote reduced criminalisation for children looked after and care leavers wherever their original host authority is located.

Commissioning, procurement and effective collaboration with commissioned providers

It is our intention that all elements of the process around placements for children looked after and care leavers reflects the need to reduce the use of police involvement to manage behaviour, recognising the way that this too often leads to criminalisation of children and young adults. While much of this Protocol covers practice, we have in this edition introduced a section specifically on principles the commissioning of placements for children and care leavers, setting out some expectations in this regard. Representatives from the three main placement provision sectors – supported accommodation, residential and independent fostering agencies have been consulted in the development of this Protocol.

While avoiding being overly prescriptive in arrangements that have often needed local, regional and subregional variations according to need, there are several key principles that stakeholders have agreed to implement as part of the work here, which will be outlined further below.

- Contractual arrangements and monitoring from Local Authorities and regional consortia will reflect the need to reduce the criminalisation of children looked after and care leavers.
- Local Authorities, regional consortia and providers will commit to working collaboratively to assure the quality and consistency of care for children and young adults.
- Local Authorities and providers will commit to responding positively to the need to reduce the use of the police within settings.
- Local Authorities and providers will – wherever possible – to be preventative and responsive, rather than reactive to increasing behavioural concerns within a placement.
- Through local and regional consortia, guidance around specific issues which may have local or regional relevance will be considered jointly and implemented.
- Attempts will be made by providers, Local Authorities and the wider partnership to reduce police involvement, but even on occasions where the police may need to be called, the partnership will always work together to consider if arrest is the best option.

It should also be noted that this Protocol should be supported by monitoring processes within local Corporate Parenting and Youth Justice Boards.

Contractual arrangements and monitoring from Local Authorities and regional consortia will reflect the need to reduce the criminalisation of children looked after and care leavers

It is acknowledged that in the case of each provision type, it is already part of the statutory regulations that providers will take necessary steps to reduce the use of police to manage behavioural issues.

Local Authorities and regional consortia will work with their respective markets to deduce what specific measures need to be defined within contracts to emphasise this point, and ensure that in monitoring these contracts that a key mark of quality is how successful providers are in ensuring they do not involve the police unnecessarily in dealing with children.

Local Authorities, regional consortia and providers will commit to working collaboratively to assure the quality and consistency of care for children and young adults

Local Authorities, regional commissioning consortia and providers will commit to collaboratively developing and training across organisations to better respond to situations without using the police. This may include policy level training for organisational leaders, operational level training with staff in units or foster carers, or discussions and support as agreed with specific providers which lead to change as part of a contract monitoring process. The specific response may be different depending on local offers and arrangements. However, the overarching principle is a pledge to involve and support partners who are committed to improving their responses to criminalisation of children looked after and care leavers.

Local Authorities will also seek to try and understand the picture of all Ofsted registered provision locally, even if it is provision they do not commission, to assist police work in reducing criminalisation. Wherever possible and practicable, Local Authorities will include these providers in wider support activity.

Local Authorities and providers will commit – wherever possible – to be preventative and responsive, rather than reactive to increasing behavioural concerns within a placement

The principle at work here will be at a brokerage, placements team or access to resource level, and at operational social work level that providers and Local Authorities will effectively communicate and respond around concerns that are developing with a placement. Standards already exist in the Care Planning Regulations and relevant Fostering, Children's Homes and Supported Accommodation Regulations.

For the avoidance of doubt, Local Authorities will:

- Give accurate, balanced information at the point of referral, and ensure that any specific information a provider needs to keep a child safe is provided prior to a placement commencing.
- Monitor and proactively discuss with a provider if they note a concern or unmet need and engage in a timely manner with a provider if there is a disagreement about any need or concern outlined, engaging with any dispute resolution processes outlined in contracts where necessary.
- Engage with the provider in considering how to address the need – responding both with social work analysis but also acknowledge the viewpoint of the provider as an expert in observing and experiencing what may be working or not for this child.
- Respond in a timely manner to any requests for input or resource at the earliest possible opportunity. Decisions regarding requests for additional resources will be clearly documented.
- If it is likely, through placed or developing needs, that the police will need to be called on a regular basis, work proactively with providers and the police to mitigate this need. Police collaborative engagement with residential care providers through the Philomena Protocol will be supportive here in relation to missing children (see section on [children missing from care](#)).

Providers will:

- Work with Local Authorities through the initial placement process, acknowledging that uncertainty and risk can be a part of placing children, while also working in good faith to ensure that appropriate services are in place for children, which are not unnecessarily restrictive or overbearing.
- When unplanned or unmet concerns or needs present, clearly communicating what the concern or unmet need is.
- Clearly communicate how they feel the Local Authority can support in helping to manage the unplanned or unmet concerns or needs.
- If it is likely, through placed or developing needs, that the police will need to be called on a regular basis, work proactively with Local Authorities and the police to mitigate this need.

Through local and regional consortia, guidance around specific issues which may have local or regional relevance will be considered jointly and implemented

Through engagement with Local Authorities and providers, we have noted that there are specific issues around reducing criminality which seem to particularly crop up in certain areas and with certain provision types. The responses here will however be highly dependent on the specific instances and local arrangements in that area. This policy will commit to local police working with local stakeholders to set policies on any recurring issues.

From feedback from providers, Local Authorities and the police have particularly noted the following issues which will be addressed as much as possible through specific practice guidance:

- Disposal of illegal drugs in placements.
- Disposal of weapons in placements.
- Procedures for children accessing illegal materials on home computers in placements.
- Theft or criminal damage, where a CAD number is needed for an insurance claim.

- The use of physical restraint, though alternative, non-physical methods of risk diversion and management are encouraged wherever possible
 - particularly in foster care, where the monitoring and reporting arrangements are less institutional than they would be in a children's home or supported accommodation.
- Establish a clear set of guidelines to help managers, staff and carers decide when it is necessary to call the police where there is a lack of clarity in the relevant regulations.

Migrant and non-British children and young adults, including unaccompanied asylum seeking (UASC) and those with insecure immigration status

Non-British children who come into contact with the Criminal Justice System may face additional challenges, as the intersection of criminal and immigration law further complicates their situation; criminal proceedings can have serious implications for their immigration applications and existing status, and their ability to remain in the UK. They may face unique and negative outcomes if they are in contact with the Youth or Criminal Justice System, including:

- **Double jeopardy** – facing both criminal and immigration consequences.
- Designation as a **foreign national offender** which could entail deportation (especially over the age of 18).
- **Barring from citizenship** on the basis of 'good character'

Alarmingly, some of this group may not realise their immigration status is insecure and may find themselves at risk of deportation to a country they have never known. Children born and raised in the UK are not automatically British. In 2020, [research commissioned by the Mayor of London](#) also found that over 100,000 children and young adults in London were without any form of immigration status at all. This cohort may face additional intersecting challenges as explored elsewhere in the Protocol, including racism and xenophobia.

Children and young adults with insecure immigration status can be particularly vulnerable to exploitation, often with limited support and restricted access to healthcare, employment, welfare benefits, higher education and housing [Reference:23](#). Many face difficulties demonstrating their identity due to a lack of required documentation to qualify for free travel and therefore may be more susceptible transport fines leading to criminalisation. Young adult migrants who are not in education, often as a result of immigration related barriers, also face termination of care leaver support which can lead to destitution and the risk of exploitation and criminalisation. See further information on [supporting care leavers with insecure immigration status](#).

This cohort is disproportionately affected by human trafficking and modern slavery. Practitioners and those within the Criminal Justice System should remain alert to signs of trafficking and make referrals through the [National Referral Mechanism](#) (NRM) where trafficking is suspected or confirmed. Further details on the NRM can be found in the Child Exploitation section. Trafficking victims may also require referrals to specialist legal advice to raise trafficking defences or to challenge convictions on the grounds of trafficking under Section 45 of the [Modern Slavery Act 2015](#).

Non-British children looked after and care leavers are impacted by Clause 22 of the Children's Wellbeing and Schools Bill which exempts certain immigration cases from the corporate parenting duty. However, Section 55 of the Borders, Citizenship and Immigration Act 2009 still requires the Home Office to carry out immigration,

asylum, and nationality functions with due regard to safeguarding and promoting the welfare of children in the UK. This Protocol should, where possible, be applied to migrant, non-British, and unaccompanied asylum-seeking children and young adult care leavers, with a strong emphasis on avoiding unnecessary criminalisation. Wherever possible, the same consideration should also be extended to all asylum seeking young adults up to the age of 25.

Children looked after and care leavers may hold a range of nationalities and forms of immigration status. This group depends on the professionals around them to identify and support their immigration needs, enabling them to obtain the British citizenship they are entitled to or the secure immigration status necessary for a stable future after leaving care.

Practitioners should consider the nationality and immigration status of children looked after and care leavers and refer to high-quality specialist immigration advice (see resources below) as soon as possible where a non-British child or young person is in contact with the Criminal Justice System. It cannot be assumed that Criminal Solicitors will pick up on or provide support with legal immigration needs. A regulated immigration advisor will be able to ascertain the immigration consequences of any criminal matters and indicate if further representation and support is required. Immigration advice is a regulated service which can only be delivered by appropriately qualified and registered individuals and organisations.

Unaccompanied asylum seeking children (UASC)

Children and young adults who arrive in the UK alone and seek asylum – including unaccompanied children, unaccompanied young adult care leavers, young adults outside of care, and children who have been incorrectly assessed as adults – experience a complex set of challenges. Many are highly vulnerable due to factors such as family separation, forced migration, and potential exposure to violence during their journeys. Former UASC make up a significant portion of the Care Leaver population^{Reference:24}. See more information about the needs and experiences of this cohort in this report on [The Needs of UASC in London](#).

While children who arrive in the UK alone and without family are typically accommodated by Local Authorities under Section 20 of the Children's Act 1989 in either foster care or supported accommodation, some children are mistakenly identified as adults and may be treated as such and accommodated by the Home Office for a period before being brought into care. Many of these children are also being wrongly treated as adults in the Criminal Justice System.

Unaccompanied children accommodated under Section 20, age out of care at 18 years of age, but will be eligible for ongoing Local Authority support as care leavers until they are 25 years of age depending on their immigration status. Whether or not this includes ongoing financial support will also depend on their education status. This leads to many young people becoming destitute. Even those young adults who continue to receive Local Authority support are often placed in accommodation with minimal support. In both cases these young adults are particularly vulnerable to exploitation. Young adults who arrive in the UK after their 18th birthday will not be eligible for care leaver support, and will be accommodated by the Home Office like other adults, even though they may be living in the UK without family and may experience the same challenges and vulnerabilities as their peers who are care leavers^{Reference:25}.

Local Authorities and practitioners may wish to develop local relationships with specialist charities to support with referrals for specialist immigration legal advice.

For one off advice or to search local legal advice, see below:

[The Joint Council for the Welfare of Immigrants](#)

Responding to incidents

Many children looked after and care leavers have complex support needs due to their pre-care adverse childhood experiences. This can be exacerbated by experiences coming into care, within care, through ongoing challenges in their lives, and leaving care without adequate support in place. Adverse childhood experiences are potentially traumatic events that can have negative, lasting effects on health and wellbeing. These include:

- verbal abuse
- physical abuse
- sexual abuse
- physical neglect
- emotional neglect
- parental separation
- household mental illness
- household domestic violence
- household alcohol abuse
- household drug abuse
- incarceration of a household member

Adverse childhood experiences can have a significant influence on conduct, exploitation, and the likelihood of youth justice involvement. A trauma informed approach must be adopted when interacting with children looked after and care leavers, staff/carers, social workers, police officers and other relevant professionals are encouraged to take on a corporate parent ethos and ask themselves **‘would this response be good enough for my child?’** when responding to incidents in children’s care homes, foster care, supported accommodation and other provisions.

Note: The following sections on the different levels of incident, illegal substances, children missing from care, child exploitation, police roles and responsibilities, diversion, and prosecution focus on children looked after and care leavers under 18. Information relevant to care leavers aged 18 to 25 will be clearly specified. Due to the different legislative thresholds for adults and children, there will be different responses to young adult care leavers (aged 18 to 25) within the adult Criminal Justice System (CJS) compared to children. While ongoing initiatives in London aim to improve support for care leavers, it is important to recognise the distinct legal frameworks for children and adults. Despite this, partners and carers can collaborate to divert and support care leavers, while upholding the principles of reducing unnecessary criminalisation and re-criminalisation as outlined in this Protocol.

Different levels of incident or crime

Staff and carers need to consider the nature and seriousness of the incident before deciding whether to involve the police immediately, at a later stage, or whether to involve them at all. Where possible you should refer the child to appropriate support services.

Any incident reported to the police which amounts to a crime will be recorded against an identified victim in accordance with the [Crime Recording Rules](#) (CRR). Foster carers and managers, in children's homes or supported accommodation and within children's social care, should reflect on this and the potential long-term impact on the child to make informed judgements as to which incidents they wish to report to police.

The CRR governs the way in which the police record crime. Under this standard, the police will record an incident as a crime (notifiable offence) against an identified victim if, on the balance of probability: 1) the circumstances as reported amount to a crime defined by law (the police will determine this, based on their knowledge of the law and counting rules); 2) there is no credible evidence to the contrary.

This Protocol identifies three levels of incidents and outlines an expectation of how these incidents should be dealt with:

- Level 1 – (Internal resolution) – Low level incidents which are best resolved internally by carers/staff.
- Level 2 – (Either way dependent on circumstances) – These incidents could be resolved internally by carers/staff or may require police involvement. More guidance is given below.
- Level 3 – (Always Report) – More serious offending or significant safeguarding concerns which should always be reported to police.

Factors to be considered:

- nature and seriousness of the allegation
- severity of any injury sustained or nature of any threat received by the victim
- wishes and best interests of the victim
- how much the incident was intentional or accidental
- previous incidents of a similar nature by the same child or young adult
- previous relationship between victim and offender
- previous behaviour or offending,
- whether the child or young adult is experiencing bullying, peer pressure or duress
- whether the child or young adult is a victim of exploitation
- probability of a repeat incident
- appropriateness of police action or court proceedings
- future best interests of all parties concerned
- message sent to other children and young adults, e.g. impact on their confidence in being able to report crimes and in knowing it may not result in court proceedings
- availability of alternative course of action, e.g. restorative approaches, referral to Youth Justice Service

- level or value of damage caused
- requirement for formal investigation, e.g. insurance claim requires a crime reference

The overarching principle is that immediate police attendance should only be used in situations when the level of risk cannot be safely managed by carers or staff.

Carers or staff should be mindful that any previous offences disclosed to police would require recording in line with the National Crime Recording Standard.

Level 1: Internal resolution

These are low level incidents which are best resolved internally by carers/staff, in line with the Department for Education's regulations and standards. In these circumstances, police contact should be completely avoided. Carers/staff are encouraged to manage level 1 type behaviour which would not similarly lead to police involvement if it occurred in a family home.

The use of restorative approaches is strongly recommended, as research has shown Restorative Justice to be effective in reducing repeat behaviours, enabling the victim to move on from the incident and increasing the perpetrator's understanding of harm caused.

The setting manager or foster parent(s), in liaison with the child's social worker, should consider a referral to the Youth Justice Service or local Early Help services, for advice, guidance and support.

Examples of Level 1 incidents include:

- minor criminal damage (broken crockery)
- assaults resulting in minor injury (grazes, scratches, minor marking of skin, minor bruising)
- first occasion of possession of Class B or C drugs

Level 2: Either way, dependent on circumstances

An incident where no immediate response is required, for example where assault or damage has occurred and there is no risk of reoccurrence or significant harm to people.

Staff should report these incidents to the registered manager, who has the responsibility for identifying the appropriate course of action.

Staff within the home should also notify the child's social worker at the earliest opportunity.

Where Level 2 incidents occur within a foster placement, the foster carer should contact the social worker or the out of hours duty officer for advice on the appropriate course of action. The foster carer and/or their family members may be the victim and it is important that their views are taken into consideration when deciding whether to involve police.

For all settings it is important to avoid any unnecessary reporting of incidents to the police. Where a victim wishes for formal police involvement or the registered manager, foster carer or social worker has considered it appropriate, contact should be made at www.met.police.uk/ro/report. Alternatively, there is the option to call 101.

In certain circumstances preservation of evidence may be an issue and carers/staff will need to ensure that reasonable steps are taken to retain articles relevant to any criminal allegation or police investigation. Settings should have clear guidance in their policies to manage this.

The setting should consider a referral to the Youth Justice Service for advice, guidance and support.

Examples of Level 2 incidents include, subject to the specific circumstances:

- persistent or prolonged Level 1 type behaviours
- first occasion of possession of Class A drugs
- second occasion of possession of Class B or C drugs
- series of minor thefts and/or of moderate value
- assaults causing minor, but not superficial, cuts of a sort likely to require medical treatment (e.g. stitches), minor fractures, or loss/breaking of teeth

Level 3: Always report

A 999 response is always required where people or property are at risk of any of the following:

- immediate serious physical harm, e.g. life-changing or life-threatening injury
- substantial damage to property, e.g. deliberate fire-raising or damage estimated to exceed £5,000
- significant disorder within the home or placement
- an incident has occurred that is serious in nature, e.g. allegation of sexual assault or sexual exploitation (disclosure of historical sexual abuse or exploitation does not require a 999 response)

Carers or staff should contact the police using 999. Foster carers should also call 999 as well as contacting the Out of Hours Service for further support.

Level 3 offences which do not require an immediate response should be reported at www.met.police.uk/ro/report. Alternatively, there is the option to call 101. Example of such incidents may include:

- repeated possession of Class B or C drugs beyond the second occasion
- second occasion of possession of Class A drugs
- possession of an offensive weapon subject to the [Offensive Weapons Act 2019](#) (no aggravating features, e.g. weapon surrendered to staff)
- substantial criminal damage that is not ongoing
- supply or possession with intent to supply drugs where there is no immediate risk

When responding to offences, police standard operating procedures will apply. Where risk can be effectively managed, the good practice principle is for procedures to allow decisions to be reached in 'slow time' and informed by key workers or officers having factored in all available information.

Police will only arrest a child or young adult in care in accordance with Section 24 of the Police and Criminal Evidence Act 1984 (PACE) and the codes of practice defined in code G. An arrest will only be justified if the arresting officer believes it is necessary for any of the reasons set out in section 24(5) of PACE. Considerations should be made as to whether the required objectives could be met by other, less intrusive means such as caution+3 interview, community resolution or restorative justice.

All children and vulnerable adults are entitled to an 'Appropriate Adult' when in police detention. In the case of a child, the appropriate adult can be a family member, a person representing the Local Authority responsible for them, a social worker or, failing that, any responsible adult over the age of 18 who is not a police officer or employed by the police (PACE Code C, para. 1.7), such as a carer, provided they are not involved in the investigation. The role of the appropriate adult is wide-ranging and critical to the support the child receives, the child's experience of custody and the outcome of their contact with the Criminal Justice System.

Further guidance is available in ['Representing looked after children at the police station'](#), a guide produced by the Howard League for Penal Reform and the Youth Justice Legal Centre at Just for Kids Law.

If a child is charged with an offence, they have the right to be legally represented (Article 6, European Convention on Human Rights). If a child does not have the means to pay for the legal assistance then, in most circumstances, they have the right to legal aid. The child should also be informed they have a right to make a complaint or appeal a decision.

If a child is in police detention, they have the right to free legal advice. A solicitor who is on the duty rota for the police station where they are being held can be contacted or they can choose to be represented by their own solicitor simply by providing their solicitor's name and firm to the custody sergeant when they are being booked into custody. This must be explained to them at the police station. Children should be supported by a youth-justice specialist lawyer. Arrest should be a last resort. Staff and police should aim whenever possible, to de-escalate the situation and arrange for a child to attend the police station for interview voluntarily with their solicitor within social hours to avoid children spending long periods of time in a cell.

Where there is a local police officer aligned to the child's home setting such as a Dedicated Ward Officer for Children and Young People (DWO – CYP), that officer should be considered in the decision-making process. It is good practice for the officer to maintain regular contact with the home setting, providing ongoing advice where possible, but they should not be utilised to report crimes that would otherwise be reported online or over the phone in the first instance.

Where a child has accessed illegal material on a shared or household device, staff/carers must report this to police for further investigation. Examples of illegal material include Indecent Images of Children, and extremist or terrorist content.

Where weapons are found, staff/carers should contact the police to safely remove them from the setting.

It is legal to possess an illegal substance in order to prevent an offence being committed. Staff/carers can either seize and destroy suspected illegal substances or notify police for collection. See section on illegal substances for further guidance.

When children in care and care leavers (under 18) are released from custody, the provider should take the lead in coordinating the child's transportation home when returning to their care. In extreme circumstances where the child cannot return to their placement, the Local Authority should make arrangements for conveying the child to an alternative placement. This will ensure a child first approach, in avoiding the potential stigma of police transport which should not be relied upon.

Illegal substances

The use of illegal or psychoactive substances by children and young adults, as defined under the Misuse of Drugs Act 1971 and the Psychoactive Substances Act 2016, can seriously affect their emotional, mental and

physical wellbeing. If not dealt with appropriately, this can lead to cycles of offending, subsequent criminalisation and increased risk of exploitation.

Some children may be misusing substances to manage emotional needs which they are not receiving appropriate support for. Involved professionals should refer children to appropriate support services. Interventions from involved professionals should include addressing the underlying causes of substance misuse and a hypothesis regarding reason for use should be recorded clearly and reviewed as part of the child's care plan, for example age-appropriate experimentation, sense of social isolation, loss and separation, low sense of self-worth. Interventions to address these areas may be delivered as part of the substance misuse intervention or in parallel.

Children's homes and shared supported accommodation can also become attractive to criminals and/or abusers and can be susceptible to anti-social behaviour, substance misuse and grooming.

When considering a response to a child's substance misuse the wider risks to the child must be considered and kept under review.

The Local Authority should ensure they have in place a mechanism for ensuring they are sharing intelligence regarding risk hot spot areas and share it across the multi-agency network.

Where concerns are identified multi-agency disruption should be considered, targeting the area and or networks.

Community Policing Teams, Local Missing Hubs (LMH) and Multi Agency Child Protection Teams (MACPT) will have important roles to play in understanding contextual safeguarding issues.

Each children's home, fostering service and supported accommodation will have its own drugs policy, with the key focus on being to ensure appropriate education and treatment services are in place to support the child or young adult.

Irrespective of the decision to contact the police, the use of illegal substances should be addressed, and consideration given as to whether this is best addressed via key work sessions or through specialist substance misuse services. The aim of these sessions or services should be to address substance misuse through harm minimisation, identification of risk factors of continued use and tackling the underlying driver(s) for use.

Information regarding repeated drug use within the home or concerns about drug dealing should always be shared with the police. It is important that this is shared in a timely manner. This can be reported at www.met.police.uk/ro/report. If it is an emergency, then 999 should be called. For anything non-urgent, police can be contacted by calling 101.

Staff should always consider the nature and seriousness of any incident before deciding which route to take and should consult with a senior manager before proceeding with a formal police complaint, unless there is an immediate significant risk of harm. Please refer to police involvement levels outlined in ['Different levels of incident or crime'](#) to support decision making.

If a child does commit an offence involving possession of larger quantities of drugs, they should be viewed as a child at risk of harm and consideration should be given to whether they have been coerced psychologically or through threats of violence. In this instance the child should be referred to local criminal exploitation services.

Staff in children's homes or other settings are lawfully allowed to confiscate drugs or unknown substances from children in their care. If having followed the Protocol the police are to be called to deal with the child in care,

then the home should store the substances securely and contact police to attend as soon as possible to collect the item. An entry should be made in the home's log, where applicable, and a signature obtained from the attending officer. Police can also be called to seize confiscated drugs without substantiating an allegation of possession against a child in their care or setting.

If the home or carer deals with the child without involving the police, then a recognised procedure should be in place to allow for the destruction of the drug as soon as possible. A log of seized items should be kept, and disposal should be witnessed by another member of staff or suitable person, and the log should be signed by both people. The log should contain a description of the drugs. Best practice will be for a photograph of the seized item to be taken.

Children missing from care

'Carers see them calling the police as doing their job, but that's not caring, it's just a tick box exercise, after which they lock the door and go to bed. They would never have done that to their biological child' - care-experienced child, reducing Criminalisation of Looked after Children and Care Leavers Protocol training video, 2021

MOPAC research shows that 43 per cent of missing child incidents reported to the Met police relate to a child missing from care (this includes children's homes and foster care)[Reference:26](#). Additionally, in the UK, children looked after who are reported missing, have an average of six missing incidents per year, compared to 2.6 for those not in care[Reference:27](#). This indicates a potentially high volume of contacts between police and vulnerable children. It is important that partners work together to prevent incidents of missing from care, and that carers deliver a good quality response to incidents, ensuring that police are involved only where appropriate. This reflects [Child First](#) principles, focusing on pre-emptive prevention activity and responses which minimise involvement of criminal justice agencies. The ['Missing People' charity's consultation with children who have been reported missing from care](#) suggests that children themselves do not want the police to be contacted automatically if they are not where they are supposed to be. Rather, the decision to involve the police should be based on the child's 'individual risks and the circumstances at that time'.

The [London Safeguarding Children procedures](#) provide guidance for London's safeguarding partners – police, Local Authorities and health – on how to prevent and respond to incidents of a child being away from their care placement without permission or going missing. These reflect the [national statutory guidance on missing children](#). The aim is to mitigate the risk factors for going missing in the first place, and to empower placement providers (children's homes staff or foster carers) to take all reasonable steps to locate and bring a child home themselves, without immediately contacting the police. The police should be involved if the child cannot be located after preliminary checks or when there is risk of harm. Ofsted requires placement providers to operate in a way which is compatible with such local procedures ([see point 9.29 in Guide to the Children's Homes Regulations](#)).

The [London procedures](#) state that to prevent missing incidents Local Authorities have a duty to arrange a placement which best meets the child's individual needs and circumstances. Each child's individual care plan and placement plan should include strategies to minimise their risk of being away from the home without permission, such as running late or missing curfew, and/or going missing. For children with a history of going missing or who are at particular risk, a [pre-incident risk assessment plan](#) should be provided by the Local Authority to the placement provider. This sets out the risk factors for the child going missing (this may

include mental health problems, contextual safeguarding issues, adverse childhood experiences, and risk of exploitation), and the types of harms they have experienced, including for example, exploitation (see section on 'Child exploitation'). The placement provider should also complete the first section of the 'information sharing form' with key information about the child, contact details and risk factors. Plans, risk assessments and information gathering should be informed by the child's own views, wishes and feelings, and reviewed and updated with details of any missing incidents or other significant factors to inform prevention strategies going forward.

As set out in the [London procedures](#), which should be reflected in children's homes' organisational procedures, when a child is away from their placement without authorisation, an effective safeguarding response in most circumstances, is for staff/foster carers, together with the child's social worker, to attempt communication with the child to establish their whereabouts and wellbeing, and ensure their safe return. At this stage the incident should be treated as an 'unauthorised absence' and there is no need for police involvement. Professionals should have the expertise and confidence to respond in this way, based on their knowledge and understanding of the child and the information sharing form already prepared. If the child is located and returned, the incident can be recorded by the carer as an 'unauthorised absence'.

However, if attempts to locate the child are not successful, or there is concern about significant risk of harm, the carer should liaise with the police. This should be done by calling 999 if the child is in immediate danger, or via the Met's [online reporting system for partners](#). The placement provider must complete the second section of the 'information sharing form' with the current circumstances of the incident including attempts to locate the child. This form mirrors the questions on the MPS online reporting system so the information can be quickly transferred over for a speedy reporting process. When the child is located, the Local Authority and police (if they were involved) will interview the child to understand what happened and inform future prevention and safety strategies.

Police support to children's residential care provisions – the Philomena Protocol

MOPAC research shows that 29 per cent of the incidents of missing children reported to the Met police are from residential care settings, such as children's homes [Reference:28](#). While reporting incidents should be a risk-based decision, as set out in the London procedures, underdeveloped processes in care settings can lead to unnecessary reporting.

The Metropolitan Police Service, in partnership with children's services stakeholders, has implemented the Philomena Protocol across London. This is a framework for an effective and sustainable professional partnership between the Met and children's home providers that are identified as high-volume reporters of missing incidents. The framework implements bespoke measures with these providers to prompt enhanced care planning processes, reduce preventable or unnecessary missing reports (such as those which could have been treated as an 'unauthorised absence') and improve reporting standards overall. It sets out clear expectations for the ongoing joint responsibility to respond effectively to missing incidents. The framework also includes procedures for addressing and escalating concerns if poor standards of reporting persist.

The [Met's Children's Strategy](#) includes activity to drive accountability across care provision when children go missing, via the Philomena Protocol. The overarching aim is to reduce repeat missing incidents and improve children's safeguarding.

Care leavers aged 18 to 25

Missing care leavers over age 18 should be treated as vulnerable adults, and agencies should work collaboratively to locate and ensure the safety of young adults being mindful to reduce the unnecessary criminalisation of this group.

Child exploitation

The 'SAFEGUARD' mnemonic is a helpful memoire for carers and other professionals to use to aide in spotting the signs of child exploitation. Below is an idea of what to look out for:

S: Sexual identity, wellbeing and choice Sexually transmitted infections (particularly repeat infections); pregnancy; terminations; changing or out of character sexual behaviour; experiencing violence or coercion with sex. Exploring sexual relationships or feeling pressured to perform sexual acts in exchange for status or protection, possessions, substances, alcohol or affection in an unsafe context or environment. Unable to disclose sexual orientation and fearful of societal responses. Links to OCGs frequenting in known exploitation 'hot spot' areas. Talks about or witness to recent incidents of violence. Admits to carrying or will carry a weapon for self-protection.

A: Absence, Truancy and going missing Truancy from school, missing from home or care frequently, and repeat incidents; travelling outside borough or city/town when missing; unexplained absences. Arrested or found outside of London, possibly linked to county lines. A child going missing overnight, for longer periods of time, frequently or unaccountable absences during the day. Generally, feels unsafe and no fixed abode.

F: Familial physical or sexual abuse and/or problems at home Current or suspected abuse in the family, lack of parental relationship. Sexual, physical, emotional abuse and neglect; risk of forced marriage or honour-based violence; female genital mutilation; domestic violence; substance misuse; parental mental health concerns; bereavement; parental and sibling criminality; experiences of homelessness or sofa surfing; living in care or temporary accommodation; immigration status. Family linked serious and organised criminality and family member's victims of serious violence.

E: Emotional and Physical Health Suicidal thoughts, plans and attempts; self-harm; low self-esteem, confidence or self-worth; learning difficulties; changing emotional wellbeing and signs of poor mental health; unexplained injuries and changes in physical appearance. Concerns regarding experiences of Trauma, Post-Traumatic Stress Disorder (PTSD).

G: Effects of gangs, violence and exploitation, including affected family, peers or siblings; concerns of abusive peer groups; involvement with older individuals or groups, lacking friends in the same age groups; saying that they are in a relationship with a person but there are concerns about that person's age, an imbalance of power, abuse, exploitation and/or offending; sudden changes in peer groups; bullying, both on- and offline; friends of children and young adults experiencing CSE. Victim of violent related crime arrested for serious and organised criminal offences. Friends and peers linked to organised crime groups. Arrested for carrying a knife/blade or for holding a firearm. Associating with much older people or stopped by police in car with older unrelated adults. Arrested for possession with intent to supply Class A Drugs. Possession of large quantities of drugs (involvement in county lines).

U: Use of technology and sexual bullying Appeared as a perpetrator or victim in online social media relating to criminal or sexual exploitation. Sexting, both sending and receiving; being listed on social network pages in relation to sexual activity and/or named in videos; secretive use of the internet, phones or social networking sites; sudden behaviour changes when using the phone or internet; control via phone or internet; multiple or secretive social networking profiles. Presence on gang videos, threatened or groomed on social media. Images or videos may include, drug taking, weapons, money, peers and adults thought to be associated with 'gangs' or criminal activity. Being coerced and controlled to post inappropriate language, inappropriate information or sexual pictures when contacted. Suddenly stopped using any social media.

A: Alcohol and drug misuse Problematic substance use – Daily or regular use or reliance on both legal and illegal substances and it's unclear as to how this is being financed. Hospitalised due to drug or alcohol consumption. Child has been arrested for drug possession with intent to supply, on a county line or in a 'trap house' or 'bando'.

R: Receipt of unexplained gifts or money Unexplained money, mobile phones; phone credit, items, clothes, money; new nails; travel in taxis; gifts where payment is required at a later date; worries about having debts. No money problems when family struggles financially, has monies being transferred through their bank account.

D: Distrust of authority figures Resistance to communicating with parents, carers, teachers, social services, health, police and others.

Where there are concerns in accordance with the 'SAFEGUARD' mnemonic, positive action should be taken. Carers are encouraged to speak with the child and gather and record as much information as possible. If a child is believed to be at risk of exploitation, always inform social services so that they can make the appropriate 87A and National Referral Mechanism (NRM) referrals. This will lead to both a non-crime exploitation report and a NRM investigation.

- Is there an immediate need for police involvement? Such as a disclosure of a recent sexual assault or imminent danger? Always call 999 and treat as an emergency.
- If the concerns do not require an immediate police response call 101.
- Always consider sharing safeguarding information with social services.

The [National Referral Mechanism \(NRM\)](#) is a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support, to be used where it is believed that a child or adult is a victim of modern slavery or trafficking. Certain roles and organisations, including Local Authorities and the police, are named as [First Responders](#) and can refer a child to the Home Office for the case to be looked at further. Consent is not needed for under 18-year-olds.

Children are often criminalised as a result of their exploitation and carers should receive training to help understand the complexities of exploitation and how to look out for signs. Children can be put in serious danger if situations are not handled correctly, so if there are concerns, these should be discussed with someone with expertise in the area at any early point. Carers should be made aware through training of the kinds of dangers children might face if, for example, they confiscate drugs (drug debts) or ground them. It is vital that carers make the police and others aware if they suspect that children are being exploited and that the child has access to specialist legal representation. Carers should be aware that there is a defence for children who commit crimes as a direct result of exploitation and that they should be treated as victims not criminals.

Please refer to the [Pan-London Child Exploitation Operating Protocol](#) for further guidance.

The [Violence and Exploitation Support Service](#) provides support for children and young adults up to age 25 in London who are impacted by violence and exploitation.

Police roles and responsibilities

MetCC (Command & Control) provide First Contact Operators as the first point of contact for 999 and 101 calls. The First Contact Operators utilise standard operating procedures (SOPs) and the dynamic THRIVE+ decision-making framework in the process of dealing with incidents. They will consider the protocol within their decision making to respond proportionately. If an incident requires deployment (**level 2 and 3 offences**), the call will be passed to Despatch. Where eligible, incidents which amount to notifiable offences which do not require deployment (**level 1 offences**) will be passed to the Telephone Digital Investigation Unit (TDIU) to record a crime report.

Incidents which are passed to Despatch will also be managed with consideration to the protocol, in line with the THRIVE+ decision making framework and existing SOPs. Should a low-level offence (**level 1**) be passed to Despatch by First Contact Operators, Frontline Policing (FLP) supervisors may work with Despatch to agree non-deployment. For example, where a FLP supervisor has called staff back in a children's home regarding a low-level offence (**level 1**) and subsequently agreed that the incident can be effectively managed internally, without police attendance, in line with the protocol. The FLP supervisor will ensure that a crime report is recorded and referenced on the Computer Aided Despatch (CAD) record.

Where this Protocol has been applied and police have attended, for instance where there was concern about immediate safety, which no longer exists, the police are able to use their discretion where proportionate and in line with policy, allowing carers/staff to deal with the incident internally, using restorative principles.

Any offence reported or referred to police will be recorded in accordance with the [Crime Recording Rules](#). Officers/staff recording these offences will use the **supplementary Connect investigation template** to indicate the level of incident, in the opening details of the report, in line with this Protocol.

Officers will consider Outcome 21 to reduce the disproportionate criminalisation of children in care and care leavers. In most cases, this will be the preferred outcome for closing investigations of level 1 offences from the outset:

Outcome 21 - 'Further investigation which could provide sufficient evidence to support formal action against the named suspect is not in the public interest – (Police ERO decision)'.

Crime outcome codes are a classification system used by law enforcement to record the final status of a criminal investigation. They indicate the result of a crime, such as whether a suspect was charged, cautioned, or if the case was closed for other reasons like a lack of evidence or public interest. Home Office [Crime Recording Rules for Front line Officers and Staff](#) contains information on recording outcomes.

It is the responsibility of the initial investigating officer to ensure that a **Safeguarding Investigation report** is completed on the MPS Connect System for all incidents they deal with involving a child or young adult in care, where there are safeguarding concerns. This will ensure that key partners involved in children's safeguarding are informed through the local Multi-Agency Safeguarding Hub (MASH).

When police complete an investigation into a child or young adult, the outcome of the case will be subject to an evidential review by a suitably trained officer (ERO). Police use the National Child Gravity Matrix to assist in this process. Any suitable case with a Final Gravity Matrix Score of 4 or below can be submitted to the Youth Offending Team (YOT) for consultation and consideration of out of court disposal if appropriate.

In cases where a child or young adult in care makes a full admission to the offence in a PACE compliant interview, the investigating officer should consult with the Youth Offending Team (YOT) for advice on a possible referral, before deciding on a charge. If the child declines to make a full admission to an offence, declines to comment as such, or where the offence is serious enough to merit consideration of prosecution, the investigating officer should consider consulting with the CPS prior to making a charging decision.

When seeking a charging decision from the CPS, officers must complete the **Child Information Form (CIF)** for cases where the suspect is a Child Looked After, Child in Need or Care Leaver under 18. The CIF replaces the previous 10-point checklist for offences in Children's homes.

It is the responsibility of the Local Authority and the police to proactively assist the Crown Prosecution Service in reaching informed decisions in consideration of children and young adults in care cases.

Community Policing Teams, Local Missing Hubs (LMH) and Multi Agency Child Protection Teams (MACPT) have key roles to play with children's homes, supported accommodation and foster homes, to develop positive working relationships and to safeguard children looked after and care leavers. Safeguarding and diversion from the Criminal Justice System will be ensured through partnership working with key stakeholders. It will be a shared responsibility to ensure a [Child First](#) approach is taken, to produce the best outcomes for these children and enforcement must be proportionate, in line with this Protocol.

Recording of incidents by carers

Children and young adults' views should be asked for and be taken into account in any reports written about the incident. Children should be informed of what has been said and written about them and to have an opportunity to challenge anything they believe is untrue or unfair. Professionals should consider the long-lasting impact these reports can have on children's lives and ensure they are accurate, balanced, moderate in their use of language (for example, consider the effect of words such as 'aggressive' and 'violent') and include the voice of the child. Professionals should follow recording standards according to the [Children's Homes \(England\) Regulations 2015](#): see the [Guide to the Children's Homes Regulations including the quality standards](#) (Guidance on Chapter 5 of the Regulations – Policies, records, complaints and notifications, pp.61-64).

Residential staff

- All incidents require accurate recording within the residential children's homes incident log. This is to provide informed histories on the child or young adult looked after that assists with assessments and liaison meetings.
- All incidents must be recorded in the personal file of each child or young adult and entered in the home's daybook or incident log. Both the actions of the child or young adult and that of the residential staff should be recorded, including de-escalation techniques used or restorative approaches and if the decision was made for police assistance, the reasoning for this.

- Risk assessments should be reviewed. This provision also applies to incidents discussed through regular liaison with local Neighbourhood Policing Teams.
- There should be evidence that the social worker for the child or young adult has been informed of the incident and this recorded on the personal file for that child or young adult.
- When a child is placed out of Borough, the residential home should make available to the responsible Local Authority for the child the Local Protocol to Reduce the Criminalisation of children looked after to which they ascribe. If a Protocol is not in place, discussion can take place as to whether to adopt the principles in this Protocol.

Foster carers and Connected carers

- It is necessary for incidents within foster care placements to be accurately recorded, to provide informed histories on the child or young adult looked after, assisting with assessments and liaison meetings.
- All incidents must be recorded in the personal file of each child or young adult and reported to the family placement social worker and the child's social worker. Risk assessments should be reviewed. The actions taken by the Foster Carer in terms of response to the incident should also be recorded documenting whether they needed to make contact with the Emergency Duty or Out of Hours Team, or the police and the reasoning for this.
- If the foster home is in a different Local Authority to the Local Authority responsible for the child or young adult, discussion should be had with the Independent Fostering Agency regarding the Protocol they ascribe to, at the point of placement commissioning. If they do not have a Local Protocol, consideration to be explored as to whether they would be willing to adopt the principles of this Protocol.

Supported accommodation staff

- It is necessary for incidents within supported accommodation placements to be accurately recorded, to provide informed histories on the child looked after or care leaver, assisting with assessments and liaison meetings.
- All incidents must be recorded in the personal file of each child or young adult and entered in the supported accommodation's daybook or incident log. Risk assessments should be reviewed.
- There should be a description in the log of the actions taken by the child or young adult and the staff. If police assistance was required, the reasoning for this. There should be evidence that the child or young adult's Social Worker or Personal Adviser has been informed.

Considering the needs of carers

The effect on carers following an incident can be traumatic and should not be underestimated by providers. [Under Regulation 35 \(3\)\(b\) of the Children's Home \(England\) Regulations 2015](#), Registered Managers are required to speak to the staff involved about the incident within 48 hours, as part of the incident review.

Policies should reflect that at this time, enquiries into health and welfare are made in all instances and where appropriate, these should be recorded in personnel files. This includes any relevant accident records.

Registered Managers and Providers have a duty of care towards their staff and this includes recognising that being involved in violent or frightening incidents is not part of most people's 'normal' experience. Offering appropriate support in a timely manner to address or reduce any ensuing effects should be part of the home's employment and/or behaviour management policy.

Providers and Registered Managers should also ensure that any issues identified as contributing to the incident are addressed, including updating care plans to minimise the risk of recurring behaviours.

1. Diversion and reducing involvement in the Criminal Justice System

Diversion for children looked after and care leavers under the age of 18

Diversion from the stigma and labelling effect of the Youth and Criminal Justice System is a key tenet of the Child First approach. The Youth Justice Legal Centre publish an [Out of Court Disposals](#) guide, which provides a breakdown of the outcomes available to children as alternatives to prosecution. In view of the additional vulnerabilities for children in our care it is important that opportunities for diversion from entering the Youth Justice System and diversion from repeated or deeper entry to the system are promoted for these children. Building on existing well-established pathways for diversion for children there is the opportunity to provide additional safeguards in relation to children looked after. Areas where enhanced protection or scrutiny can provide such safeguards for children looked after are:

- YJS and police out-of-court decision-making panels. The circumstances of offence, context in which the child is living, impact of lived experience on maturity and decision-making will all be relevant factors in considering access to diversionary disposals.
- Interface with the care planning process and information from social workers, placement providers and others which can inform decision-making and by adjusting arrangements or safety plans for the child can provide greater protection against further offending or criminalisation and enhance safety.
- Access to restorative practice and trauma-informed skills and training for all those who are engaged with the child. Ensuring that children looked after receive a restorative and trauma informed approach where they live, when they come into contact with criminal justice agencies, and from all the professionals who support them will reduce the likelihood of criminalisation. Through restorative practice an understanding of the impact of behaviour on others is strengthened, the development of empathy is promoted and opportunities to enable those who have been harmed to seek appropriate resolution are increased.
- Access to restorative justice – a particular form of restorative practice used within criminal justice processes. Restorative justice involves forms of Connection (face to face or through other forms of mediated communication) which enable those who have been harmed to engage with those who have caused harm. Restorative justice has particular application in supporting diversion from formal criminal justice outcomes but can also be used at any stage in the CJS process.
- Recognising the adultification of children in care who are often held to responsible for behaviour which reflects or responds to decisions made by the adults around them and are held to adult levels of culpability. Adultification can doubly disadvantage black and minoritised children who are more routinely denied the safeguards afforded to other children.
- Where children are placed outside of their home area. This is a cause of particular vulnerability and potential isolation for children looked after and can be associated with increased risk of exploitation. Decision-making about diversion for children placed out of their home area should always be informed

by their social worker and home Youth Justice Service. Children placed out of area should receive the same protections against criminalisation and opportunities for diversion as those living in their home areas.

- Out of court scrutiny panels should prioritise attention to children in care and care leavers to ensure that decisions regarding out of court disposals are fulfilling the commitments in this Protocol.

Care leavers aged 18 to 25: diversion, prosecution and sentencing

The early-stage suggestions and approaches below hold significant potential for future development and formalisation. They will be explored further through the working group and may be strengthened by expanding Crown Prosecution Service policy relating to the prosecution of care leavers aged 18–25.

Where a young adult under the age of 25 is arrested and charged, it should be proactively considered whether they are care-experienced, and its significance accounted for throughout the assessment and sentencing process. Building on the care leaver identification scheme to be introduced in MPS custody, work will be undertaken to enable the flow of information from custody to court, probation, prisons.

Work is underway under the auspices of the London Reducing Reoffending Board to ensure care leavers benefit from new diversionary approaches being developed in London. The identification of care leavers in custody will be critical to promoting opportunities for diversion and/or additional support through the criminal justice process. In addition to police custody staff systematically enquiring about care leaver status, other providers of custody services such as Liaison and Diversion and DIVERT/ENGAGE practitioners will also seek to better identify care leavers and opportunities for appropriate onward support.

This might involve some of:

- Skilled conversations with under 25-year-olds to identify where someone is a care leaver.
- The development and use of diversion options for care leavers wherever possible.
- Where this is not possible, offence analysis, offender assessment, and sentencing proposals to explicitly account for the experience of being a care leaver.
- Input into assessments from Local Authority children's services.
- CPS to consider care leaver status and needs in prosecution decisions.
- Guidance and training for sentencers to better understand the context for care-experienced young adults.
- Marking care leaver status in a way that is easily accessible to those administering community and custodial sentences.

Please see Appendix F for examples of partners working towards a shared agenda to link resources and support for care-experienced children and young adults, including reducing unnecessary criminalisation, in London.

Prosecution of incidents: Crown Prosecution Service

The decision to prosecute children looked after for an offence, particularly a low-level offence and/or one committed within a children's home, is a major decision. It should be taken under the supervision of a youth justice specialist who has attended the CPS Youth Specialist Course and is at least a Senior Crown Prosecutor, with full consideration of the specific and unique circumstances of this group of children. The youth specialist should consider all the circumstances surrounding the offence and the child or young adult before reaching a

decision to prosecute and apply all relevant CPS Youth Policies, including guidance on Offending Behaviour by children looked after, in conjunction with the Code for Crown Prosecutors, CPS Policy Statements and legal guidance.

As explored in the introduction, children looked after are vulnerable and at high risk of offending. Additionally, offences of violence or theft which might not have been reported to the police in a familial setting are more likely to be reported when a child is in a placement away from home. Alternative disposals should be considered before prosecution, where appropriate. These may include restorative justice, reparation, Acceptable Behaviour Contracts and disciplinary measures by the children's home.

A criminal justice disposal, whether a prosecution or non-charge disposal, should not be regarded as an automatic response to offending behaviour by a child looked after, irrespective of their criminal history. This applies equally to a persistent offender and adolescents of good character. A criminal justice disposal will only be appropriate where it is clearly required in the public interest. It is important that everyone is able to feel safe in the place where they live, whether that is in a family or children's home, and to have confidence in the Criminal Justice System to intervene and protect them where necessary.

To assist prosecutors in their decision-making it is expected that the police will provide relevant background information in cases involving children looked after. The police will have collated this background information from social services and other agencies detailed within the child looked after assessment form (CLAA). If applicable, a prosecutor should also receive a copy of the children's home behaviour management policy to assist in the decision-making process. If the assessment or the relevant material is not provided prosecutors should escalate the matter through local escalation processes. The Youth Justice Legal Centre publishes the 'Dare to Care' legal guide. This is a practical guide for legal professionals that provides useful information and questions that should be asked when considering a case involving a care-experienced child or young adult as a suspect or defendant. That questions may complement, but are subject to, the application of the public interest stage of the Code for Crown Prosecutors.

Factors that should be considered are set out in the mandatory CPS Child Information Form (CIF), which sets out the required information before a proper decision can be taken on children looked after (this includes all voluntary arrangements, foster placements and secure training centres). It allows information collation from agencies and parties involved in a child's life and enables prosecutors to fully understand a child's circumstances initially and the public interest element to lead to better charging decisions. The CIF replaces the previous 10-point checklist and must be completed by the police in all cases.

Signatories

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Metropolitan Police Service:

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Commander Clair Kelland

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Appendix A: Language

We understand the importance of language, particularly how people are referred to. Considering research, consultations, and the [NSPCC's why language matters](#), we have taken the decision to move away from the term *looked after children* and the acronym *LAC* due to its focus on process over person, and the depersonalisation and stigmatisation of children [Reference:29](#).

In this Protocol, children currently in the care of Local Authorities will be referred to as *children looked after*, in line with terminology used by the Crown Prosecution Service. Those who have left care or were under the care

of a Local Authority for a period of 13 weeks or more spanning their 16th birthday up to the age of 25 will be referred to as *care leavers*. The term care leaver is a statutory definition, acknowledging that individuals who have not returned home by this point in their lives are likely to require additional support as they transition into adulthood. Local Authorities, alongside their partners, have a duty to collaborate in providing this support.

We sometimes use the term *care-experienced* to refer broadly to both children currently in care and care leavers up to the age of 25. However, this terminology is avoided in contexts where statutory duties and entitlements need to be clearly defined. While *care-experienced* is often the preferred term among children in care and care leavers, it also includes individuals who have left care but are not officially recognised as care leavers, e.g. a person who experienced a short period of time in care and therefore may not share the same experiences or entitlements. Although this group may fall outside the scope of statutory duties and guidance, we remain committed to preventing their unnecessary criminalisation. They may also be reflected in the statistical data presented throughout this Protocol.

We use the term *children* to refer to under 18s, and while we recognise that some children aged 12-17 may prefer to be referred to as young people or young adults, it is important from a safeguarding perspective that in the eyes of the law, under 18s are rightly deemed to be children and must be afforded the relevant safeguards. Similarly, we refer to over 18s as *young adults* rather than *young people* to make clear, that in the eyes of the law, over 18s are adults. We recognise that these terms are not an all-encompassing representation of preferences for self-identification, but we have tried to consider preferences where possible and strike a balance between preferred terms, and legal terms where necessary.

In this Protocol, the term *racially minoritised* refers to racial and ethnic groups that are in the minority in the UK population; that is all ethnic groups except White British, including white minority ethnic groups such as Gypsy, Roma, Irish Traveller, and those classified as white other. We use this term as it recognises that individuals have been minoritised because of their racial identities through social processes of power and domination rather than just existing in distinct statistical minorities. It also better reflects the fact that some ethnic groups that are minorities in the UK are majorities in the global population [Reference:30](#)[Reference:31](#).

This Protocol uses the term *gang* as an established descriptor of group-based offending but recognises that this language is often considered problematic and often does not align with or capture the experiences of those affected.

Appendix B: Children Looked After (CLA) definition

Children in the care of the Local Authority for more than 24 hours are often referred to as Children Looked After (CLA), defined by the provisions of the [Children Act 1989](#). They make up a disproportionate amount of those children who are prosecuted. Children Looked After can be:

- Children who are accommodated under voluntary agreement with their parents – [section 20](#)
- Children who are compulsorily accommodated. This includes children remanded to the Local Authority or subject to a criminal justice supervision order with a residence requirement – [section 21](#)
- Children who are the subject of a care order – [section 31](#), or interim care order – [section 38](#);
- Children who are the subject of emergency orders for their protection – [section 44](#) and [section 46](#).

From April 2016, sections 20-30 of the Children Act 1989 no longer apply in Cymru - Wales and are replaced by [Part 6 of the Social Services and Wellbeing Act 2014](#), which extend to the same provisions.

The term children looked after includes unaccompanied asylum-seeking children, children in friends and family placements, and those children where the agency has authority to place the child for adoption. It does not include those children who have been permanently adopted or who are on a special guardianship order. The types of accommodation a child can be placed in under the Children Act 1989 includes, but is not limited to, the following:

- Living with a relative, friend or other person Connected with the child and who is also a Local Authority foster carer
- Living with a Local Authority foster carer (who is not a relative, friend or other person Connected with the child)
- Living in a long-term foster placement
- Living in a children's home; or
- Living 'in accordance with other arrangements made by the Local Authority' including supported accommodation for children who are aged 16 to 17 only, and living arrangements in alternatively regulated settings.

Appendix C: Listening to the voice of a child looked after in the justice system

Full version, written by Maleekah Burden-Kaizra, member of Drive Forward Foundation's Policy Forum

When a child in care or a care leaver comes into contact with the justice system, how they are heard; or not heard; can influence not just a moment, but the course of their entire life. Listening to children in care should never be treated as a tick-box exercise; it is a legal entitlement, a safeguarding responsibility, and an essential part of upholding their dignity and protecting their wellbeing.

Care-experienced children are not just navigating the justice system in isolation. Many have already experienced years of instability, trauma, disrupted attachments, and institutionalisation. These experiences affect how they communicate, how they respond to authority, and how they process stressful or formal environments. Yet too often, their voices are dismissed, misunderstood, or reduced to checkboxes in procedural documents.

The law is clear. [Article 13 of the United Nations Convention on the Rights of the Child](#) protects every child's right to express their views, receive information, and be heard in matters affecting them. In domestic law, [Section 22 of the Children Act 1989](#) places a statutory duty on professionals to seek out and consider the wishes and feelings of looked after children.

But legal rights mean little without systems designed to uphold them. To be meaningful, listening must be developmentally appropriate, trauma-informed, and actively inclusive of diverse communication needs. It must include not just space to speak, but the safety, trust, and comprehension necessary for children to want to speak; and be understood when they do.

Listening must also mean informing. Children must know what is being written about them, have access to those records, and be supported to challenge anything they believe is unfair or untrue. This includes being given copies of reports or clearly told how to access them without unnecessary barriers. No child should be left in the dark about what is said or decided in their name.

Words such as 'aggressive' or 'manipulative' can follow them across placements, agencies, and legal records; influencing outcomes in education, housing, employment, and even future family court cases. When children are not accurately heard, they are at greater risk of being misunderstood, over-policed, and criminalised for their unmet needs.

The following principles offer a framework for how care-experienced children's voices can be heard; supported; and genuinely valued as a vital part of the decisions that affect their lives.

Meeting Children Where They Are; Not Where We Expect Them to Be

Children looked after must not be adultified. Too often, care-experienced children are expected to navigate adult systems with adult-level reasoning, language, and emotional regulation. When they struggle to meet these expectations, they are disproportionately penalised, misunderstood, or criminalised. Yet reaching the age of criminal culpability does not equate to emotional, cognitive or developmental maturity. Many children in care lack the tools to fully comprehend the gravity of what is happening to them or around them; especially during high-stress legal processes.

The burden should never be placed on the child to demonstrate their vulnerability or justify why they need support. The duty lies with professionals; the adults in their world, including carers, youth justice staff, social workers, police officers and legal representatives; to create conditions where children can be heard safely, supported consistently, and understood appropriately. That means professionals must be trained in trauma-informed practice, know how to ask the right questions, and adapt their communication to suit the child's developmental and emotional needs.

All behaviour is communication. What may appear to be aggression, withdrawal, or disruption may in fact be a trauma response, sensory overload, fear, or distress. These are not disciplinary issues to be managed; they are messages to be heard. Approaching such behaviour with compassion and curiosity, rather than judgement, can reveal unmet needs, unspoken fears, and deeper vulnerabilities that require support; not punishment.

Care experience and culpability are not mutually exclusive. A child may be legally accountable for an action while still being profoundly affected by trauma, instability, or unmet needs. Recognising this dual reality is essential. It means holding children to account in ways that are proportionate, contextual, and supportive; not punitive by default. It also means acknowledging that justice and care are not opposing principles; they must operate together, with compassion and fairness at their core.

Professionals must apply a clear and consistent standard for how the child's voice is elicited, recorded, and acted upon. This means asking questions that are developmentally appropriate, giving time and space for children to process what is happening, involving trusted and emotionally safe adults, and ensuring the child has genuine comprehension; not just formal consent.

The implications of getting this wrong are serious and far-reaching. Misinterpretations recorded in formal reports can shape how a child is perceived across agencies. Criminalisation can limit their future in countless ways; from employment, housing, and education, to international travel, university access, and even decisions made in family court proceedings when they become parents. One unfair label; one missed opportunity to understand the child's truth; can have a ripple effect for years. Criminalising a child should always be a last resort.

Language Matters

Children must be given space to tell their story in their own words. These views should be accurately and respectfully recorded in all key documents; including incident reports, care plans, and legal submissions. The

language used in reports has lasting consequences. Descriptions like 'aggressive' or 'violent' can follow a child, shaping how professionals and systems perceive and treat them. Children should be told what has been recorded and why, and be given a fair chance to challenge anything they believe is unfair or untrue.

This must be standard practice, not a discretionary step. Language should be proportionate, factual, and reflect the child's context and voice; not reduce their experiences to behaviour.

Relevant Context in Decision-Making

Care experience should inform; not excuse; legal and safeguarding decisions. It provides vital insight into a child's journey: gaps in support, placement breakdowns, trauma responses, and patterns of unmet need. Prosecutors, courts, and professionals should ask: what do we need to understand about this child's care history before making a decision that may affect their liberty or long-term outcomes?

The impact of care should be built into case planning and reflected at every legal stage; from arrest through to sentencing.

Context, Not Stigma: Challenging Adultification and Discrimination

Professionals must be trained to recognise and challenge adultification, racialised narratives, and intersecting forms of discrimination. Care-experienced children; particularly Black and minoritised girls; are often adultified, disbelieved, or pathologised. Expressions of fear, frustration, or grief are frequently misread as aggression or manipulation. These misinterpretations result in children being over-surveilled, under-protected, and mislabelled in ways that shape how they are perceived across services.

The [Double Discrimination](#) report by Jahnine Davis powerfully illustrates how Black care-experienced girls are disproportionately described as 'streetwise' instead of vulnerable; routinely excluded from safeguarding frameworks; and subjected to harsher responses in both care and criminal justice contexts. These outcomes are not accidental; they are the result of structural bias that must be actively named and dismantled.

Professionals must receive anti-racist and anti-adultification training that goes beyond awareness and into practice. Policy frameworks and reporting procedures must be rewritten to require staff to evidence the meaning behind a child's behaviour; not rely on subjective, racialised, or gendered descriptors. When a child's words and actions are interpreted through the lens of fear or bias, their voice is distorted and their safety is put at risk.

This aligns with findings from the [Dare to Care](#) manual, which highlights that care-experienced children benefit from professionals who act as interpreters and amplifiers of their story; not just passive scribes or legal representatives. Reports and assessments should capture children's views in their own words; ensure that those views are shared back with the child; and provide the opportunity for them to challenge anything they believe is untrue or unfair.

Accessibility is Protection

Understanding is the foundation of autonomy. For children to meaningfully participate in decisions, they must first understand what is happening. This is especially critical for children with special educational needs or disabilities (SEND) or neurodivergence, who may process language, cues, or emotional states differently.

The [Michael Sieff Foundation reports that up to 80 percent of children in contact with the Youth Justice System have some form of SEND](#). These children require tailored tools; visual schedules, emotion cards, PECS systems, sensory-regulated spaces, and consistent adult support to help decode complex systems.

Silence or escalation is often communication, not defiance. The system must be trained to listen differently; and act accordingly.

Comprehension and Knowing Your Rights

Knowing your rights is not the same as understanding them. For many care-experienced children, rights are delivered too quickly, too formally, and at the worst possible time. The law must be explained in child-friendly language, reinforced through trusted adults, and revisited at key moments; not buried in forms or rushed conversations.

Children should be supported by advocates who help them understand each step, anticipate what comes next, and reflect on what they need to feel safe and heard. Supporting comprehension in this way is not an optional add-on or an enhancement; it is a core part of protecting children's rights and ensuring fair process.

Co-Design with Care-Experienced Children

Children must shape the systems intended to protect them. This includes developing conflict de-escalation tools, staff training resources, complaints procedures, and behavioural policies. Their lived experience is expertise; and their participation builds accountability.

Co-production should not be a consultation event; it should be a permanent structure. Advisory groups, youth panels, and peer-led audits must be embedded within justice reform and care policy development. When care-experienced children help shape services, those services become safer, fairer, and more trusted.

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Appendix D: Intersectionality report

Written by Louisa Foyle

Louisa Foyle serves as the Development Officer for the Children in Care Council, where she works on the Pan-London offer to ensure consistency and continuity of support for care leavers across all London boroughs. Her role focuses on influencing and shaping policy to improve the lived experiences of care-experienced young adults throughout the city. With a strong background in advocating for change, Louisa brings expertise in understanding the intersectionality within the care experience. She works to identify and address systemic issues, ensuring that the voices and needs of care-experienced individuals are at the forefront of decision-making. Louisa emphasises that true progress comes from leading with love. When we lead with empathy, love remains. When we lead with misunderstanding, the result can be deeper harm.

Addressing the needs of care leavers from racially minoritised backgrounds require an inclusive and actionable approach that not only recognises their unique challenges but actively works towards dismantling systematic barriers. These young adults often face overlapping forms of marginalisation shaping their life outcomes in ways that demand urgent and proactive change. This section sets out a clear framework for inclusivity, rooted in equality and accountability to drive a meaningful transformation across all aspects of care.

The overrepresentation of Black children and young adults in Youth Justice System and Criminal Justice System cannot be ignored. Black children account for around 18% of first-time entrants into the Youth Justice Service despite making up only 5% of the youth population in England and Wales. They are also four times more likely to be arrested than their white peers. This systematic bias demands bold action. Comprehensive training and robust vetting processes within the Criminal Justice System are essential to identify and tackle prejudice at every level. Care and criminal justice practices must challenge institutional biases head on creating systems that are fair and transparent and truly equitable. Proactive measures not reactive fixes are key to driving sustainable change.

The care experience is shaped by multiple overlapping challenges tied to race gender and neurodiversity. For instance, girls and young woman from racially minoritised backgrounds face compounded struggles including exposure to gendered violence, racial stereotyping and social economic inequalities, similarly children in care and care leavers with Special Education Needs and Disabilities (SEND), including Neurodiverse individuals encounter systematic barriers that heighten their vulnerabilities. A framework rooted in intersectionality must centre on lived experiences, ensuing care Protocols address the full spectrum of a person's needs, strengths, and goals rather than isolating individual challenges.

Statistics illustrate the scale and urgency of these issues. Black children are disproportionately subjected to punitive measures, being twice as likely to receive custodial sentences compared to their white counterparts. In addition, nearly 45 percent of racially minoritised children in youth custody. Despite these groups making up less than 20% of the general population. These figures reveal deep systematic inequalities that cannot go unidentified. Integrating such data into Protocols fosters accountability and provides a clear basis for evidence driven reforms that deliver measurable outcomes.

Inclusivity is not an optional consideration; it is the foundation upon which a fair and just care system must be built. Every aspect of care Protocols music actively addresses the systemic barriers faced by minoritised care leavers, going beyond acknowledgment to deliver more tangible actions. This means allocating resources that promote intersectionality awareness, developing training programs that centre lived experiences, and implementing policies that dismantle biases within both care and justice systems. An intersectional approach does more than empower young adults to transition from care it ensures they care thrive in systems that see their full humanity. True change begins with understanding, but it is realised through courage, compassionate, and sustained action. If we are consistent and persistent to ensuring, we navigate a fair Criminal Justice System we will reap the benefits of a more fair and just society.

Appendix E: Emerging Practices

Child First custody pilot

Enfield and Haringey Councils in partnership with Lambeth Council and the Metropolitan Police Service (MPS) have secured funding to train staff working in police custody in Child First and Trauma Informed Practice. This includes custody sergeants, [ENGAGE](#) workers, appropriate adults, liaison and diversion, duty solicitors and Local Authority emergency duty teams (EDTs). This is a significant investment in recognition of trauma, adverse childhood experiences and disproportionality that many vulnerable children experience, especially those with care experience, and may adversely impact on child's engagement with Youth Justice System whilst in custody. This has been further enabled by a physical re-design of custody (changing colour and lighting, calming murals on walls and having dedicated children's cells and booking room with cells having television installed, showing a film explaining in a child friendly language the custody process, distraction kits to reduce stress and occupy children constructively whilst in custody). Key aims are to reduce the distress and trauma on children, eliminate adultification whilst creating better outcomes for children and victims, reduce time spent in custody, increase the number of children diverted away from court, and early identification of exploitation and vulnerabilities.

Hammersmith and Fulham: Embedding the Protocol

As part of Hammersmith and Fulham's commitment to reducing the criminalisation of children looked after, they implemented the Protocol in the following ways:

- Embedding the Protocol into strategic decision-making, policy and practice for both the Corporate Parenting Board and the Youth Crime Prevention Partnership Board, ensuring that reducing the criminalisation of children with care experience is a priority.
- Training all social workers and Youth Justice Service workforce in the Protocol, helping them to understand their roles and responsibilities in relation to the Protocol and provided them with tools and information how to advocate effectively for children with care experience in the earliest opportunity and touch point with the Youth Justice System.
- Holding a consultation evening with children with care experience, creating a space for an open dialogue about the Protocol. The session generated valuable discussions that informed an action plan to tackle the over-criminalisation of children with care experience.
- Revising placement contracts to include a pledge to this Protocol, ensuring that commissioned placement providers are committed to reducing unnecessary police involvement.
- Engaging foster carers, children's residential homes, and supported living providers in discussions on how they could implement the Protocol effectively in their settings.
- This has strengthened multi-agency collaboration, empowered professionals to challenge unnecessary criminalisation, and reinforced collective responsibility to protect, support, and advocate for children with care experience.

Appendix F: London initiatives

Many partners are working towards a shared agenda to link resources and support for care-experienced children and young adults, including reducing unnecessary criminalisation. Some of this work is captured below.

DIVERT and ENGAGE – Violence Reduction Unit programmes

DIVERT is a custody-based early intervention programme operating in 12 custody suites across London. It aims to reduce reoffending among young adults aged 18–25 by diverting them away from crime and supporting them towards positive pathways. Custody Intervention Coaches are based directly within police custody suites to engage with young adults, offering support and guidance into employment, training, and education opportunities.

ENGAGE is a Pan-London custody-based intervention that works with children aged 10–17 at ‘reachable and teachable’ moments. The service builds on relationships formed in custody with Youth Workers and continues this support into the community. A trauma-informed approach is central to guiding young adults into statutory services and helping them access positive opportunities to reduce the risk of reoffending.

Both custody-based services reinforce a proactive approach to youth work at the ‘sharp end,’ emphasizing the importance of timely support to maintain sustained engagement with the community.

While there is currently no specific monitoring of children in care care leavers accessing these services, future plans include tracking their engagement to review and improve best practices within custody-based interventions.

Care Leavers Compact

The Association of London Directors of Children’s Services (ALDCS) established the [Pan London Care Leavers Compact](#) in 2021 to improve the consistency and quality of the support offered to London’s Care Leavers. A core value of the project is partnership; so, it is not just Local Authorities but our young adults, partners and the wider London community working together to support our care leavers. The work programme is facilitated by the London Innovation and Improvement Alliance (LIIA) and Partnership for Young London (who host the London Children in Care Council).

The Compact activity is overseen by the London Care Leavers Trust Board, which brings together the partnership. The first collection of offers was launched in March 2024 (though several were available individually before this) and included whole region offers on transport, health, housing and council tax from across the partnership. The launch is a start, not an end, and we continue to develop new offers and regional solutions to some of the most pressing challenges facing our care leaver community.

Metropolitan Police Service (MPS)

Historically, it has been difficult to identify children in care and care leavers on crime reports, which became particularly evident for those recorded as victims or suspects. This was largely because there were no means to specifically record and view children as such, beyond the free text details within a crime report. This method was not quantifiable by police analysts. Subsequently, this meant that it limited the measurement of the criminalisation of children in care and care leavers, reductions of the same, and implementation of the London Protocol by officers.

In February 2024 the MPS launched the complete Connect software system which links together key police indices. Continuous improvements to the system now include a number of ways to record victims and suspects

as children looked after. This data is quantifiable, now enabling the Metropolitan Police Service to better monitor performance in implementing the Protocol and reducing the criminalisation of children in care. Work to record care leavers in a similar way is in progress, as are the means to demonstrate implementation of the London Protocol in Connect investigations.

His Majesty's Prison Service (HMPS)

Across the 10 male establishments in London work continues to take place to improve the identification of those in the care of HMPS that have experience of Local Authority care. Currently, internal data (not publishable) does not meet with the national statistics of the number of people in custody who have experienced care. Therefore, HMPS continues to strive to develop methods to make young adults feel they are able to come forward with this information.

HMPS is working together with their Local Authority colleagues and hold a bi-monthly working group that looks at the current challenges both prisons and the community face. This meeting has led to a new pilot taking place in HMP Wandsworth, where the Local Authority will visit the prison once a month to hold a working group with young adult care leavers and establish a link to their Personal Advisor if contact is not in place. It will also answer questions over criteria for support and what is available to the young adult on release. Of course, the Local Authority involved may not support those individuals taking part in the group as they are not linked to them and they will contact other Local Authorities to establish contact. HMPS is hoping that this will also invite better communication from across the boroughs of London and beyond and get more involved in the custodial element of an individual's time in custody. If this is successful, HMPS would like to build on this and other prisons and Local Authorities do this as well.

HMP High Down has been holding care-experienced events where they bring in charities and wider organisations to work with care-experienced people in custody. This has been very well received.

ECPAT UK

ECPAT UK's pan-London service provides rights based, trauma informed support for young victims, centred on their needs and voices. Services are tailored by gender and designed to build life skills, ease trauma, foster peer support, and empower young people in safe, collaborative environments centred on safety and choice. ECPAT also champions ethical youth participation across its research, policy, campaigns, and training. You can [make a referral](#) or email ECPAT UK at youth@ecpat.org.uk.

Appendix G - Additional statistics

While not all children in care or care leavers are affected, statistics show a troubling overrepresentation in the Criminal Justice System. The use of these statistics is not to simply suggest that care causes criminalisation or is an inevitable consequence; but the data highlights that there is a serious issue that to be noted and addressed. This Protocol aims to protect and prevent unnecessary criminalisation of children in care and care leavers.

- Children who are placed in an out-of-home placement are 4–6 times more likely to have a criminal caution or conviction than children with no social care contact [Reference:32](#).
- In the year ending March 2014, there were 108,919 children arrested nationally. By the year ending March 2024, this had fallen by almost half (46%) to under 59,000 [Reference:33](#). In the year ending March 2024, London saw a reduction in the number of child arrests by 22% compared to the previous year and

by 68% compared to the year ending March 2014, the largest reductions of any region in England and Wales[Reference:34](#).

- In the year ending March 2024, there was an average of 430 children in custody at any one time during the year, a fall of 86% since the year ending March 2001 and the lowest number on record[Reference:35](#). In London, the average number of children and young adults in custody at any one time fell by 54% (from 293 to 135) in the year ending March 2024 compared to the year ending March 2016[Reference:36](#).
- In England, [ONS data](#) show that more than half (52%) of children looked after born in 1994 had a criminal conviction by the age of 24 years, compared with 13% of children who had not been in care. In this cohort, over a third (37%) of children looked after had received a non-custodial conviction, such as a fine or caution, by age 24 compared with 12% of children who had not been in care, and 1 in 7 (15%) had received an immediate custodial sentence, over 10 times the proportion of children who had not been in care. Notably, among children looked after who received an immediate custodial sentence by age 24 years, 9 in 10 (92%) had been identified as also having special educational needs (SEN) and three-quarters (76%) had been identified with behavioural, emotional and social difficulties (BESD).
- Other research – using a dataset of approximately 2.3 million children born between 1996 and 1999 – found that 1 in 3 care-experienced children (33%) received a youth justice caution or conviction between the ages of 10 and 17 compared to 4% of those without care experience[Reference:37](#).
- Care-experienced children are greatly overrepresented in the youth prison population. Of those surveyed by His Majesty's Inspectorate of Prisons (HMIP) in secure training centres (STCs) and youth offender institutions (YOIs) in 2023/24, 63% reported having been in Local Authority care[Reference:38](#).
- Once in the Youth Justice System, care-experienced children can experience a rapid escalation in responses. One study found that care-experienced children tended to be assessed as being at a higher risk of reoffending, have longer criminal records with many 'minor' offences linked to their care placement, and have higher breach rates for post-custody supervision compared to their non-care-experienced peers [Reference:39](#). Other research found that care-experienced children made up 15% of those with youth justice involvement, but 30% of those who had received 4 or more youth justice cautions or convictions [Reference:40](#).
- The proportion of children in residential care convicted or subject to a caution or conditional caution fell from 15% in 2014/15 to 5% in 2019/20[Reference:41](#). However, this compares to 3% of all children looked after being convicted or receiving a caution or conditional caution in 2019/20[Reference:42](#).
- Research has found the children in residential care in England aged 13 to 15 years were six times more likely to be criminalised than children in other placements and that the majority of care-experienced children were in residential care at the point of their first conviction or an increase in offending frequency or seriousness[Reference:43](#)[Reference:44](#).
- Black children accounted for around 15% of first-time entrants into the Youth Justice System in 2023 and were involved in 19% of stop and searches in 2023/24, despite making up 6% of 10 to 17 population of the youth population in England and Wales[Reference:45](#). Black children are also four times more likely to be arrested and twice as likely to receive custodial sentences than their white peers[Reference:46](#). Analysis has also found that among the cohort born between 1996 and 1999, half (50%) of all care-experienced Gypsy/Roma children and 46% of all care-experienced Irish Traveller children received a youth justice caution or conviction compared to 34% of White British care-experienced children. Rates of youth justice involvement were also higher among Black Caribbean (39%), Mixed White and Black Caribbean (42%) and Mixed White and Black African (38%) care-experienced children compared to White British care-experienced children[Reference:47](#).
- Research found that girls who were looked after were 6.1 times more likely to have a criminal conviction or caution than their girls who no social care system contact, compared to 3.7 times for boys who were looked after[Reference:48](#).
- There is a complex relationship between missing incidents and criminalisation. In 2018/19, over 80% of children who received a criminal record whilst in residential care were recorded as having been missing

from placement at least once. 11% of all children in care who were criminalised that year were reported missing at some point during the year. Children who go missing may be at increased likelihood of involvement in criminality (some of which will be due to exploitation). Additionally, emerging literature on county lines suggests that going missing has been identified as both a potential indicator and risk factor for ‘county lines’ related criminal exploitation.

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