

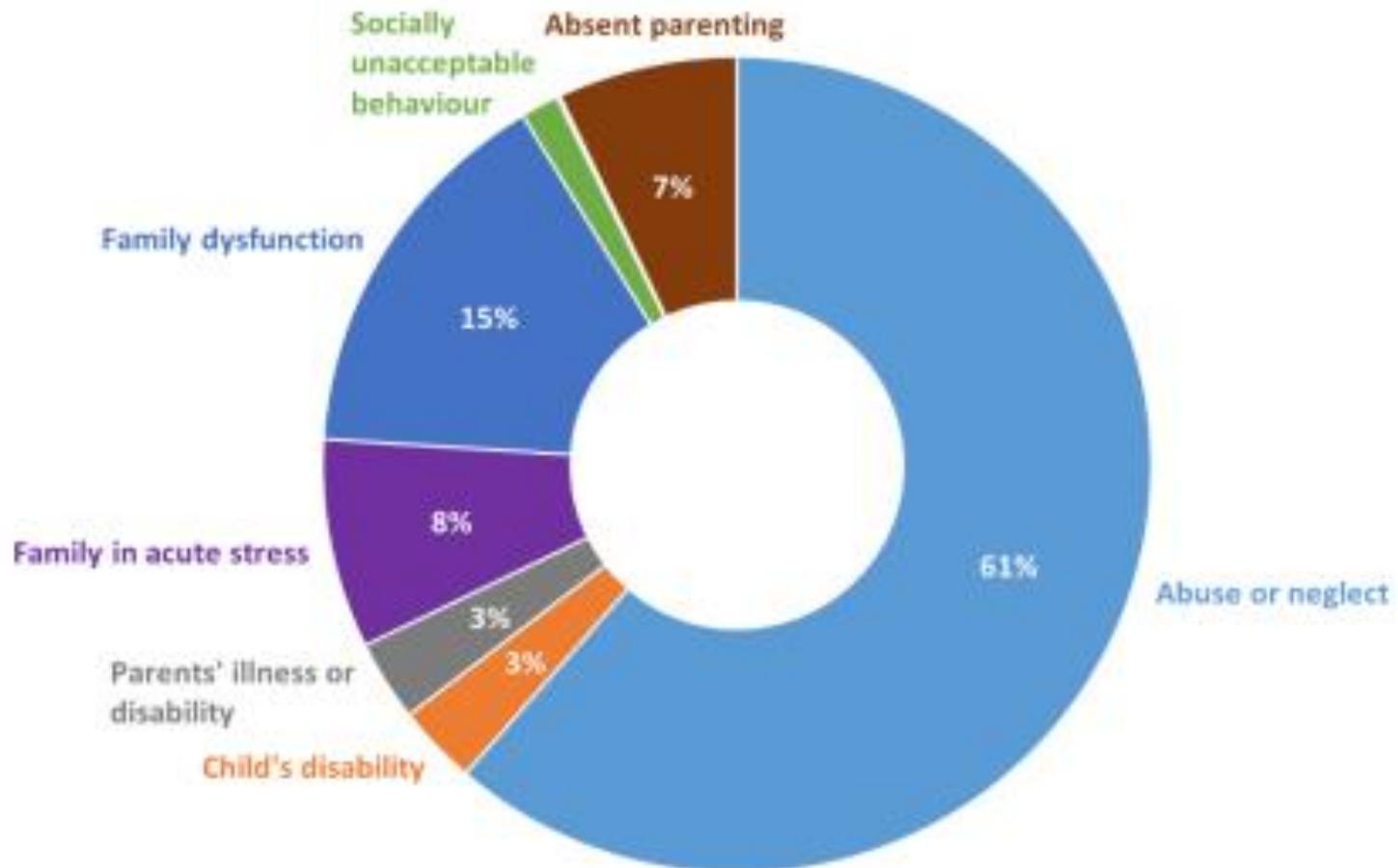
# Disrupting the Routes Between Care and Custody

Dr Claire Fitzpatrick @cjjfitzpatrick  
Lancaster, 25<sup>th</sup> September 2018

# Background

- 
- Lack of research on females in care and the CJS (Laming review, 2016)– knowledge gaps an obstacle to effective policy and practice
  - Up to 50% of children in custody have been in care (31% of females in adult prison vs 24% males),
  - Increased interest in females from ‘chaotic’ backgrounds as victims – e.g. child sexual exploitation scandals.
  - How do experiences of victimisation intersect with criminalisation?

# Reasons looked after children in England receive a service (DfE, 2017)



# The Current Policy Climate

- 
- Increasing policy awareness about problem of unnecessary criminalisation but females remain invisible in recent policy documents.
  - Invisibility combines with dominance of individual-level explanations for care-crime connection – but these are partial, lazy & one-sided
  - “Profound deficiencies” in individual or the system?
  - Reproduces stigma and assumptions about ‘risk’ and ‘riskiness’ associated with care-experience

# Unprecedented Awareness in a Climate of Crisis

---

- As awareness about ‘care-criminalisation’ has increased, so too has the number of children in care.
- Munby (2016) “We are facing a crisis and, truth be told, we have no clear strategy for meeting the crisis...”. Care Crisis Review Published 2018
- Prison Crisis - appointment of national/regional leads for care leavers has coincided with increases in violence and self harm
  - Focus on getting the basics right - ‘safety and decency’
- Is the Youth Justice System an outlier?

# The State of the Juvenile Secure Estate

---

- “By February this year we had reached the conclusion that there was not a single establishment that we inspected in England and Wales in which it was safe to hold children and young people.... the speed of decline has been staggering....The reasons for this slump in standards are no doubt complex, but need to be understood and addressed as a matter of urgency...The current state of affairs is dangerous, counterproductive and will inevitably end in tragedy unless urgent corrective action is taken”.

(Chief Inspector of Prisons, July 2017)

# Findings from a Pilot Study

---

- 15 semi-structured interviews with practitioners
- Participants include those working in children's homes, Youth Offending Team, Prison, a women's centre and employment/housing services for female ex-offenders/ care leavers.

# 1) Societal expectations

---

- “(W)e’ve got a young girl...due in court this month, for things that if she was outside of the care system would never have been classed as an offence...(T)here seems to be this gender aspect to the way that she’s responded to....(S)he presents as a girl, but she presents as a girl with an alternative identity and...when she wants to do very aggressive and volatile, and that aggressive and volatile side doesn’t seem to fit with this sweet angelical expectation that you have of a girl.....”. (Interview A)



## 2) Responses to unrecognised trauma

---

- “..... So if you’re a young man that’s 13, 14, 15 in care and you’re acting out...it’s almost like that’s an expectation of you. But if a young girl like that is quite self-conscious and...at the same time, this...alter-ego if you like comes out and presents itself in a very traumatic way because no-one’s ever dealt with your trauma, it’s like you’re doubly punished. But not just doubly punished in terms of the criminal justice disposal, but doubly punished in terms of the response that people will give you and the lack of respect that people will show you” (Interview A)

## 3) Negative Perceptions

---

- “I definitely see those attitudes [amongst care staff] and the way that they perhaps perceive those girls...(M)y very first shift...the girls were in bed so I read their files. There wasn’t really much on the files and I always say can you give me a brief overview ‘cos obviously hearing it from somebody else who knows the girls is a lot easier. And one of them just described one of the girls as “basically she’s like a little slut”!”.  
(Interview G)

## 4) Institutionalisation (of staff)

---

“People become institutionalised, the staff...and they stop seeing people as individuals and as humans...These cultures develop where people just forget that it’s a human being and so they’re not seeing that this is an incredibly young vulnerable person. And they’re kind of labelling them as running off, getting into bed with men or whatever, and judging them and probably internalised misogynies coming out, instead of thinking...’(T)his is a child who’s probably functioning at a lower age than what they actually are because they’ve got all this stuff to deal with’” (Interview C).

## 5) Lack of Staff Training and Support

---

- “The staff in certain places are not trained and therefore not skilled and therefore unsafe. ...Certain children’s homes or secure units...they’re not supported by staff, there isn’t enough staff there and it leads to multiple restraints, incidents of violence, that are completely unnecessary half the time. And it’s normal for there to be at least one serious incident on every two hour visit we do at a certain female centre”.  
(Interview O)

## 7) Current Political Climate

---

- “(W)e don’t live in a society that values the work of care...anything to do with children...raising the next generation in an aspirational way...And that’s fine if you have middle class parents who will sell their bodies to make sure that their children go to the right school, and have that extra-curricular activity, and they live in the right area....When you have children that do not have anyone having their back other than the State, then we have a massive problem. And it’s difficult not to look at that through the lens of you know...our political climate” (Interview H).

# Justice for Girls in Care

- 
- Distinct experiences of criminalisation & victimisation amongst girls in care needs to be made more visible
    - Recent scandals of CSE highlight starkly what happens when girls from ‘chaotic’ backgrounds are marginalised & ignored
  - How many scandals does it take to move beyond “state indifference” to welfare of vulnerable children?
  - Numbers of girls in care in the CJS may be relatively small – but long-term, inter-generational impact of criminalising them is huge.

# Towards a New Approach

---

Developing a trauma-informed approach through a gendered lens at the individual *and* structural level

1. Listening to girls and women – making *time*
2. Greater recognition of backgrounds of past *trauma*
3. Acknowledging impact of state welfare and justice system failures – *traumatising institutions*
4. Connecting past and present within individuals and systems
5. How do gender, ethnicity & a current/past care-status interact across the life-course?

# Thank you

[claire.fitzpatrick@lancaster.ac.uk](mailto:claire.fitzpatrick@lancaster.ac.uk)



@cjjfitzpatrick