

Why are older children and young people in care proceedings? A case file review

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This is the second in a series of reports about older children and young people (aged 10 to 17) in the family justice system. It reports findings from an analysis of the applications for care proceedings contained in court files in the East London Family Court in relation to 73 older children and young people between July 2019 and July 2020. It is part of a series of work that aims to help build a better understanding of the reasons why older children and young people are being brought into care proceedings.

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Executive summary

This report aims to contribute to a better understanding of the reasons why older children and young people are entering care proceedings. It summarises findings from a case file review of the applications for care proceedings contained in court files in the East London Family Court in relation to 73 older children and young people (aged 10 to 17) between July 2019 and July 2020. Although based on a relatively small sample of cases in just one court area, many of the issues highlighted reflect those identified in similar case file reviews carried out in different local authorities across England and Wales (Parker and Tunnard 2021; Spencer, Griffin, and Floyd 2019).

About this study

C100A forms are filed by the local authority in order to initiate care proceedings; they include information about the grounds for proceedings, and the age and gender of the children included in the application.

We reviewed 62 C100A applications relating to 73 older children and young people (aged 10 to 17) received by the East London Family Court between July 2019 and July 2020, where the case had closed by January 2021.

Key findings

- The average age of the children and young people in the sample was 13 years. 49 children (67%) were aged between 10 and 14 years, and 24 (33%) were aged 15 and above. There was a roughly equal split between boys/young men and girls/young women.
- 40 children and young people (55%) were involved in proceedings with siblings. In all but one case, the welfare concern was shared across sibling groups.
- Most older children and young people in the sample (50; 68%) were made subject to care proceedings because of concern about intrafamilial harm— issues relating to parenting capacity and children’s risk of, and exposure to, abuse and neglect in the home.
- Most of the families (45) had been subject to ongoing social care involvement, often from early childhood or birth. Eight children had been subject to previous care proceedings.

- The parents of older children and young people entering care proceedings had significant and longstanding vulnerabilities, including high incidences of substance misuse, mental health problems and domestic abuse. This was often linked to parents' own experiences of trauma and loss.
- Placement breakdown—of voluntary s.20 arrangements, or other informal kinship care arrangements—was another common reason for issuing proceedings, occurring in 15 (21%) cases. This was often the result of carers being unable or unwilling to continue caring for the child, because of carer illness (e.g. grandparents) or increasingly challenging behaviours in adolescence.
- In 18 (25%) cases, concern around child behaviour, including mental health, behavioural difficulties and risk of exploitation, was the reason for initiating care proceedings. In 16 of these cases, the children and young people were at risk of extrafamilial harm, including criminal and sexual exploitation.
- Concern about extrafamilial risk factors often co-occurred with, or was underpinned or exacerbated by, intrafamilial concerns. This included experiences of chronic neglect and abuse, complex trauma, instability and loss, which are highly likely to affect challenging behaviours and vulnerability to risk in adolescence.
- In these cases, the young people were often facing multiple risk factors linked to criminal exploitation, 'gang' involvement, child sexual exploitation, school exclusion, behavioural and mental health difficulties, and criminal behaviour. In almost all cases, the children and young people had gone missing for extended periods of time, had been arrested, or were subject to ongoing youth justice involvement and had been permanently or temporarily excluded from school.
- Risks had usually been escalating for some time and care proceedings were often issued at a point of crisis. In eight cases (50% of all cases involving extrafamilial risk factors), the C100A form mentioned a separate application to deprive the children of their liberty in unregulated secure placements.
- Other reasons for issuing proceedings included for unaccompanied asylum-seeking children and children who had been trafficked into the UK. Proceedings were issued out of concern that there was no-one with parental responsibility for the young person in the country.

Reflections

- Almost all the older children and young people in our sample had been known to children's services for several years before proceedings were issued, often since they were young children or infants. Provision of a more pro-active and consistent early intervention approach—including support for the whole family and continuing support where there may be ongoing concerns that did not meet thresholds for services—may have prevented further escalation of issues. In some cases there was evidence of chronic neglect that had been ongoing for much of the young person's life; where there are indicators that concerns are continuing to get worse, children may have benefited from cases being brought to court sooner.

- The scale of parents often longstanding vulnerabilities to substance misuse problems, mental health difficulties and domestic abuse was notable. There is a clear need for better provision of support from adult social care and adult mental health services to support parents, alongside children's services intervention.
- The young people and parents in our sample had experienced a high level of instability, loss and complex trauma from a young age. These experiences are highly likely to affect behaviours and vulnerability to risk in adolescence. In thinking about how best to meet the needs of older children and young people, a better understanding of complex and intergenerational trauma, and trauma-informed ways of working, will be necessary in order to address the underlying causes of 'challenging' behaviours in adolescence, and to support parents to engage with services and maintain or repair fractured relationships.
- Several cases were brought to court because of breakdown of informal family care arrangements, often because carers struggled to manage more challenging behaviours in adolescence. This suggests a need for better support for families as the child reaches adolescence, and where there are identified mental health or behavioural difficulties, to support the carer and young person to manage before reaching crisis point.
- A significant number of young people in this sample were vulnerable to extrafamilial harm. Proceedings were often issued at a moment of crisis, and opportunities to intervene earlier may have been missed or were unsuccessful. There is a need for further work to identify key points where intensive and holistic support could have altered the trajectory of these young people's lives.
- School exclusions were often a trigger for escalating risk and vulnerability to exploitation. This finding echoes previous research and practice experience that has highlighted exclusion as a 'trigger point' for increased vulnerability to criminal exploitation, and ongoing calls to increase support for vulnerable children prior to exclusion (Children's Commissioner's Office (CCO) 2019a; Parker and Tunnard 2021; Smith 2019; Youth Safety Taskforce 2018).
- This study highlights the issues affecting older children, young people and their families at the point of entering the family justice system. Further research is needed to understand the short and long-term impact of care proceedings on outcomes for young people.

Introduction

In recent years there has been growing recognition of the increasing number of older children and young people coming before the family courts, and the complexity and diversity of their needs. This has raised concerns about the capability of child protection and family justice to respond to the needs of older children and young people within a system that has, until recently, focused on protecting younger children from risks within the family home.

This report is part of a series that aims to shine a spotlight on the needs of older children and young people in the family justice system. The first report in the series quantified the increase in the number of older children and young people entering care proceedings, and identified patterns in relation to regional differences and final legal order outcomes using national administrative data from Cafcass and Cafcass Cymru (Roe, Alrouh, and Cusworth 2021). The report raised questions about the reasons why older children are subject to care proceedings in increasing numbers, and highlighted the need for more in-depth analysis to develop a better understanding of young people in the family justice system.

This report explores why 10 to 17-year-olds were subject to care proceedings at the East London Family Court between July 2019 and July 2020. We analysed the C100A application form, filed by the local authority to initiate care proceedings, in relation to 73 older children and young people. It accompanies a further report by Research in Practice, commissioned by Nuffield Family Justice Observatory, which reports findings from a case file audit in four local authorities to identify what brought adolescents into the family justice system, family involvement with children's services pre-proceedings, and outcomes following proceedings.

Together these reports aim to help build a better understanding of the needs of older children and young people in the family justice system.

What do we know about the reasons why older children and young people are brought into care proceedings?

Children's services referral data provides some indication of the reasons why adolescents may come to the attention of child protection services, and their distinct needs compared to younger children. While over half of children aged 10 to 17 are referred to children's services because of concerns around familial abuse or neglect (the most common reason), this is a much lower rate than for younger children (Department for Education 2020). Further analysis of this data by the Children's Commissioner's Office (CCO) has identified the factors recorded by children's services at first assessment for children who go on to enter care (2019b). It shows that, after neglect and abuse, teenagers (aged 13 and over) are most likely to be at

risk from factors including poor mental health (in 23.5% of cases), socially unacceptable behaviour (18.9%), going missing (14.9%), and child sexual exploitation (12.3%). However, the factors identified in this data are broad, and reflect the issues identified at the point of assessment only. This does not provide a detailed picture of how multiple risk factors may coexist for children and young people, or how long concerns may have been apparent.

National data therefore indicates that the risks faced by older children and young people are distinct from those faced by younger children, and may need a distinct safeguarding response. Over the past decade attention has increasingly been paid to the risks faced by older children and young people outside the family home—in schools, public places and online platforms, and from ‘gang’ affiliation (Firmin 2017; Hanson and Holmes 2014; Firmin, Wroe, and Lloyd 2019; Hodges and Bristow 2019). In response to increased concern around extrafamilial risk factors, several local areas, researchers and organisations in England and Wales have been developing new initiatives to better respond to and prevent extrafamilial harm and exploitation faced by young people, including contextual and transitional approaches to safeguarding adolescents (see for example Sebba et al. 2017; Firmin, Wroe, and Lloyd 2019; Holmes and Smale 2018; Association of Directors of Children’s Services (2021).

Older children and young people

For the purposes of this research, we focused on 10 to 17-year-olds subject to care proceedings. We refer to this group as ‘older children and young people’. However, we note that under the Children Act 1989, a ‘child’ is defined as anyone under the age of 18; and much research refers to ‘adolescents’. The World Health Organization (WHO) applies the term ‘adolescent’ to those aged between 10 and 19 years old.

While definitions are the subject of some debate, adolescence is usually taken to mean the period that encompasses the transition from childhood to adulthood, and the series of biological, behavioural, cognitive and social changes that occur at this time (Patton et al. 2016).

What are care proceedings?

Under Section 31 (s.31) of the Children Act 1989 a local authority may apply to the court for a care or supervision order on account of actual or likely significant harm and:

- the harm is attributable to the care being given to the child not being what it would be reasonable to expect a parent to give them
- or that the child is beyond parental control.

A care or supervision order can be made in respect of a child aged 16 and under.

What we did

We reviewed the C100A application form for all cases relating to children aged between 10 and 17 years old that were issued to the East London Family Court between July 2019 and July 2020, and where the case had closed by January 2021. In total, cases relating to 73 children were reviewed; due to a number of sibling cases where multiple children or young people were listed on the same application, a total number of 62 case files were analysed.

The C100A form is filed by the local authority in order to initiate care proceedings. From the application form, information about the grounds for proceedings, the proposed care plan, and the characteristics of the child (age, gender) were recorded. Ethnicity data is not recorded in the C100A form, which prevents analysis of our findings by ethnicity.

The East London Family Court receives care applications from 10 local authorities: Tower Hamlets, Barking and Dagenham, Havering, Newham, Waltham Forest, Redbridge, Sutton, Croydon, Bromley and Bexley.

Strengths and limitations of the study

By reviewing the C100A application form, we have been able to better understand the issues facing older children and young people entering the family justice system, and to start building a more detailed and nuanced snapshot of what is going on in families' lives at the point at which care proceedings are issued.

However, this study is limited by a small sample, which consisted of cases in one court area, and across a one-year time period only. We were also limited by the information contained in the C100A application form. The C100A is a brief statement by the local authority that sets out the reasons for issuing care proceedings. While it provides a valuable insight into why the case is being brought to court, it does not provide a comprehensive overview of families' histories or their prior involvement with children's services, nor does it contain information about the outcome of proceedings. The forms also vary in completeness and level of detail across cases. Our findings may therefore not be generalisable to other court areas or other points in time. However, in this study we identified similar themes to an accompanying audit of local authority cases involving older children and young people in four areas (Parker and Tunnard 2021), which suggests that the issues identified here may be shared, to varying degrees, by other areas.

Findings

Who are the children and young people?

The sample consisted of 73 young people subject to care proceedings, in 62 cases issued to the East London Family Court.

The average age of the sample was 13 years. 49 children (67%) were aged between 10 and 14 years, and 24 (33%) were aged 15 and above.

The sample was roughly equally split between boys and girls (51% boys, 49% girls). Children's ethnicity is not reported in the C100A form, which means we are unable to report on the ethnicity of the sample.

40 children (55%) were involved in proceedings with siblings. The average number of siblings included in a case was 2.7 (range: 2–7). There was one sibling group consisting of 7 children (age range: 0–12). This is a slightly lower proportion of sibling cases than reported nationally, where around 80% of older children and young people were in proceedings with other children (Roe, Alrouh, and Cusworth 2021).

What brought the case to court?

In most cases (50 cases; 68%), proceedings were primarily issued because of intrafamilial concerns—issues relating to parenting capacity and a child's risk of, and exposure to, abuse and neglect in the home.

Concern around child behaviour was the second most common reason for issuing proceedings, which occurred in 18 (25%) cases. In 12 cases, the child was deemed to be 'beyond parental control'. This included mental health problems (e.g. self-harm, suicidal behaviours), challenging behaviour, and exposure to extrafamilial harms. In most of these cases, concern coincided with issues relating to the quality of parental care, and the young person's current or historic exposure to neglect and abuse. Cases involving extrafamilial risk factors are explored in more detail below.

Other reasons for issuing proceedings included for unaccompanied asylum-seeking children (three cases), child trafficking and exploitation (two cases), and lack of parental responsibility (e.g. due to the death of the main carer) (two cases). In just one case, the young person was not considered to be at risk of significant harm at the time proceedings were issued, and the concern lay primarily with a younger sibling. It was not clear at what stage the older child was made party to proceedings.

Cases involving neglect and abuse

Most cases involved concerns around exposure to abuse and neglect within the home. Neglect was a factor in over half of all cases (37). Issues around neglect were wide-ranging, including lack of parental supervision, children being left home alone, poor housing conditions, poor school attendance, and parental inability to respond to children's physical and mental health needs. In a number of cases where the child was at risk from criminal and child sexual exploitation, the parents' refusal to move for the child's safety, or to consistently report missing episodes to the police in a timely manner, was considered evidence of neglect, although this typically occurred as part of a general pattern of neglect.

In 23 cases (32%) there was evidence of physical abuse, and in 5 cases, evidence or allegations of sexual abuse by family members (usually the father). Sexual abuse usually involved older (14+) girls and co-occurred with issues relating to neglect and physical abuse.

Parents' mental health, substance misuse issues and domestic abuse were the main issues reported to affect parenting capacity, and that led to proceedings being issued (see Table 1). These issues often co-occurred. Serious concerns around children's exposure to domestic abuse were reported in 22 cases, and parental substance misuse in 19 cases. Concern around parental mental health, usually for the mother, was reported in 10 cases. Mental health concerns were often related to depression and anxiety, which severely affected parent's capacity to care for their children. For others, there was evidence of severe and chronic mental health problems, including bipolar disorder, emotionally unstable personality disorder (EUPD), suicide attempts, and admissions to hospital. Mental health problems were often linked to parents' own experience of trauma, with several of the parents in this sample having been in care themselves.

Table 1: Overview of the issues identified in cases issued due to intrafamilial harm

Issue identified in C110A	No. of cases
Grounds for proceedings	
Neglect	37
Physical abuse	23
Emotional abuse	9
Sexual abuse	4
Issues affecting parenting capacity	
Domestic abuse	22
Substance misuse (drug and alcohol)	19
Housing issues	11
Mental health	10
Physical health	6

In most cases, these issues were chronic, and had been ongoing for most of the young person's life. For others, the issues were more latent and a more sudden escalation—for example, a significant deterioration in mental health—was a catalyst for proceedings being issued. In a handful of cases, usually involving the child making allegations of physical or sexual abuse, the issues appeared to arise (or come to the attention of services) during adolescence.

In around six cases, there were identified concerns around parents' health and disability, which compromised their ability to look after their child(ren). Often parents were able to cope when the child was younger but without sufficient support, parental disability (e.g. cognitive difficulties) made it harder to parent as the child

reached adolescence. The number of cases with issues relating to housing was also of note, including risk of homelessness, temporary and inappropriate accommodation. For example, one family with three older children were living in a one-bedroom flat.

Given the small sample size in our study, it has not been possible to fully explore whether the age of the child affected the grounds for the application. However, it is notable that neglect was common in all cases, for both younger (under 14) and older (age 15+) children.

Placement breakdown

Another common reason for proceedings being issued was due to placement breakdown, often of voluntary s.20 arrangements, or other informal kinship care arrangements, where children were placed in the care of family members. This led to proceedings being issued in 15 cases. There was a range of reasons for this, including: parents revoking agreement to s.20 arrangements and seeking the return of the child to their care; parents diminishing engagement with children's services over time, resulting in concern that no one was exercising parental responsibility for the child; and carers being unable or unwilling to continue caring for the child. This was usually due to a mix of factors, ranging from carers' worsening ill-health (e.g. grandparents); a sense that the carers never viewed the arrangements as permanent; and the child's behaviour becoming increasingly challenging. In several cases carers struggled to manage increasingly complex needs, including behavioural and mental health difficulties that emerged in adolescence, and to effectively safeguard the child from risks outside the family home (e.g. sexual or criminal exploitation).

The number of cases in which placement breakdown led to proceedings being issued suggests a need for additional support for kinship carers and carers under s.20. Recent research has highlighted the lack of support provided to kinship carers, including emotional and financial support, respite care, and support to manage children's emotional and behavioural difficulties (Simmonds and Harwin 2020; Hunt 2020). There may be a particular need for more intensive support as the child reaches adolescence, and where there are identified mental health or behavioural difficulties, to support the carer and young person to manage before reaching crisis point.

It was also of note that where placements had broken down, children were often subject to several placement moves before proceedings were issued—often moving between family members. Within six months, one child had moved between the care of three different family members. This illustrates the significant level of instability in these young people's lives.

Ongoing social care involvement

There was evidence of significant ongoing involvement with children's social care prior to proceedings being issued. This was noted in 45 (63%) of cases. Although detail about the length of children's services involvement with the family was not included in all applications, it was evident that for many, this had been ongoing since early childhood (12 cases) or when the child was an infant (8 cases).

Children were often placed on a child protection plan or identified as a child in need in the year or two leading up to proceedings being issued. In most cases, the local authority described poor engagement with services, poor working relationships with professionals, and a lack of sustained change to parents' behaviour as a key factor in the decision to move the case to court. 'Poor engagement' was reported by the local authority in a number of cases. However, research has called for an increased understanding of the reasons why parents may find service engagement difficult, including an understanding of how their own histories of trauma may affect engagement, and the appropriateness of, and the way in which, services are offered (Taggart, Mason, and Webb 2020).

In a handful of cases there was evidence of ongoing cycles of children's services intervention, including where children were taken on and off child protection plans, or previous proceedings were issued and the child was returned home. Persistent concerns were often related to the mother's mental health, ongoing neglect, and domestic abuse. For one family, there were ongoing concerns about chronic neglect dating back to when the oldest children were infants. These concerns persisted for almost a decade, and were exacerbated as the family continued to grow.

In 8 (13%) cases, evidence of previous proceedings was included on the application form. In most of these cases, children were returned home under a supervision order. For example, in one case, a group of siblings were subject to three sets of proceedings due to concern about domestic violence in the home. On all three occasions, children were returned home under a supervision order, where concerns persisted. The breakdown of supervision order arrangements reflects findings from large-scale national research (Harwin et al. 2019) and case file review of older children and young people subject to care proceedings in four local authorities (Parker and Tunnard 2021).

It was not clear from the C100A form what services or support had been made available to families prior to issuing proceedings, and throughout the child's life. However, the number of cases where families had been known to children's services for a number of years suggests a need for more effective early intervention support for families, including support from adult social care and mental health services for parents. It was also noticeable that several families went through cycles of thresholds being met, with support being provided on a short-term basis (e.g. on a child in need plan) only for issues to re-emerge at a later date. The provision of long-term support may have prevented problems from intensifying in these cases.

Unaccompanied asylum-seeking children and child trafficking cases

Within the sample, three children were unaccompanied asylum seekers and two were suspected of having been trafficked to the UK. In these cases, the local authority sought a care order to ensure that someone was exercising parental responsibility for the child, and to protect them from criminal exploitation. In addition, care plans noted the importance of supporting the child through immigration procedures, and in a handful of cases, the local authority intended to try to contact family members abroad.

Child physical and mental health

In a handful of cases (not including those with extrafamilial risk factors, which are discussed below), issues relating to child behaviour, and children's physical and mental health needs, exacerbated parenting difficulties and were a factor in initiating care proceedings. Mental health issues—including anxiety, self-harm and suicidal behaviour—were often first noticed in school, where a referral was made to children's services.

Sibling cases

Just over half of the children in our sample were involved in proceedings with siblings (40 children, 55%). 17 (43%) of these children were in proceedings with other older children, aged 10 and above, only. Nine (23%) were in proceedings with other older and younger children (under 10 years old), and 14 (35%) were in proceedings with younger children only. In most cases, siblings were aged five and above. In all but one case, the welfare concern was shared equally across sibling groups, and did not just relate to the younger children. For older children and young people in proceedings with younger siblings, concern about them taking on a caring role for younger children was often raised.

Vulnerability to extrafamilial risk factors

Although the majority of care proceedings were issued exclusively for intrafamilial reasons, there were 16 children and young people whose case included extrafamilial concerns. This often coincided with risk factors within the home; in only five cases was extrafamilial risk the primary concern that led to proceedings.

The children in these cases tended to be older than the wider sample, with an average age of 15 years (range: 11–16). Just under half (7) were 16 years old at the time proceedings were issued, coming into the family justice system in late adolescence. Overall, these children and young people were also more likely to be boys (11 boys, 5 girls).

The extent of children's vulnerabilities, and the complexity of their needs, was evident, with children often facing multiple risk factors linked to criminal exploitation, 'gang' involvement, child sexual exploitation, school exclusion, behavioural and mental health difficulties, and criminal behaviour. This reflects findings from previous research on children's vulnerability to extrafamilial harm and exploitation, where similar risk factors have been identified (Firmin, Wroe, and Lloyd 2019; Spencer, Griffin, and Floyd 2019; Parker and Tunnard 2021). One young person, for example, was displaying very challenging behaviour—including violence and serious assault—was linked to local 'gangs', was repeatedly reported missing, had been referred to youth offending services, and had admitting to trafficking drugs. They also had serious mental health problems and had been excluded from mainstream education. This multiplicity of very challenging behaviour and vulnerability was noticeable in several cases.

Table 2: Risk factors identified in the C100A application form for cases involving extrafamilial risks (total of 16 cases)

Issue identified in C110A	No. of children (total: 16)
Behaviours	
Missing from home	13
Arrest	13
Violent behaviour (incl. violence directed at parents/carer)	12
County lines/drug dealing	11
Gang involvement	10
Knife possession	7
Conviction	6
Assault	5
Subject to violence from other young people	5
Child sexual exploitation risk	4
Harm to property	3
School/college	
Absence/missing from school	8
Exclusion	7
Physical and mental healthⁱ	
Substance misuse	6
Behavioural difficulties	4
Mental health	4
Self-harm	2
Physical health issues	1
Parenting issues	
Neglect/parenting concerns	11
Parent absence	3
Domestic abuse in home	3
Physical abuse	2
Emotional abuse	2
Parent substance misuse	2
Sexual abuse	1

Note: i. This refers to the number of cases where the child's mental and physical health needs were mentioned on the application form. It is likely that several other children had ongoing difficulties not mentioned on the form, or that were undiagnosed.

There were several risk factors that were common across most cases (see Table 2). In all but three cases, children had been reported missing from home, often on multiple occasions and for extended periods of time. For example, one child had gone missing on 30 occasions in the last two years, and another was missing for 10 weeks in the months before proceedings were issued. In some cases, the initial missing episodes were directly related to issues going on at home (e.g. physical and sexual abuse) that led to the child running away, where they then became vulnerable to child sexual and criminal exploitation. Continued absence and exclusion from school was also a feature in almost all cases. This reflects previous research about the impact of school exclusion on young people's vulnerability to criminal behaviour and exploitation (CCO 2019a; Smith 2019; Youth Safety Taskforce 2018), and the findings from an audit of local authority case files (Parker and Tunnard 2021), and reiterates this moment as a particular point where intensive support and rehabilitation is required to prevent exclusion from education.

Many children and young people had also been arrested, for reasons ranging from shoplifting, knife possession, and intent to supply drugs. Connected to this, several children were at risk of criminal exploitation and there was evidence of county lines involvement, and association with ‘gangs’. Five children were subject to ongoing youth justice involvement. This included: being referred to youth offending services; being remanded to youth offender institutes; and ongoing criminal law proceedings.

Another cross-cutting issue was children’s behavioural difficulties—in particular violent behaviour that carers struggled to manage. This included incidences of serious assault aimed at caregivers and damage to property. It was also noticeable that several children had themselves been assaulted, or were at risk of serious assault—being simultaneously victims, perpetrators and witnesses to violence. In two cases, care proceedings were initiated because of threat to the child’s life from rival ‘gangs’, and an immediate need to safeguard the child.

Parenting concerns

For almost all children at risk of extrafamilial factors, this often co-occurred with—or was underpinned or exacerbated by—concerns within the home. This included both long-standing issues relating to neglect and parental absence since early childhood, and current exposure to abuse, neglect, substance misuse and domestic abuse in the home. This is an important finding, echoing similar findings from Research in Practice (Parker and Tunnard 2021), and stresses the importance of understanding the impact of home contexts and early childhood experiences on children and young people’s vulnerability to extrafamilial risk and ‘challenging’ behaviours, and the importance of early support for children and their parents who may be considered at risk of extrafamilial exploitation due to intrafamilial concerns.

Reaching crisis point

For cases involving extrafamilial risk factors, applications were often issued at a moment of crisis in the child or young person’s life, such as when they had been missing for a considerable period, were subject to criminal proceedings, their life was in danger, or when placements had broken down.

In all cases, behaviour and risks had been escalating for some time before proceedings were issued. There was evidence of risks escalating considerably in this time, where children may have first come to the attention of services because of school exclusion, knife possession, or potential ‘gang’ involvement; and, by the time proceedings were issued, these issues had escalated to behaviour that was very difficult to manage and serious criminal exploitation. Attempts to manage children’s behaviour or to safeguard them from extrafamilial risks in the community—for example, use of child protection plans, and/or moving the child into foster care—were unsuccessful. In some cases, moving children to foster care placements had exacerbated issues, and the unsuitability of the placement, or increased instability in the young person’s life, led to increased incidences of the child running away and thus increased exposure to sexual and criminal exploitation.

There is therefore a need for further exploration to identify points earlier in the young person’s life where active intervention could have better supported the child and addressed underlying issues within the whole family.

Care plans and use of deprivation of liberty safeguards

'Crisis planning' was also evident in local authority care plans. In eight cases the local authority was intending to file an application to authorise the deprivation of liberty of the young person in an unregistered placement. It was not clear if the use of deprivation of liberty safeguards was because of a lack of availability of placements in secure children's homes, or if the local authority felt that the child's needs could be better managed in another placement. In most applications, detail about where the local authority was intending to place the child was missing. However, where this was noted, it included the provision of therapeutic interventions, placement of children outside of London, and one-to-one supervision. Although our study was not able to track children's outcomes following care proceedings, it is worth noting that Research in Practice's audit in four local authorities found that for some young people at risk of exploitation, placements in secure accommodation were productive, and the children made significant progress with provision of the right therapeutic support (Parker and Tunnard 2021).

Other care plans mentioned in the C100A form included placing children in foster care, residential placements, and semi-independent accommodation.

Conclusion

This report has provided a snapshot of the reasons why 73 older children and young people entered care proceedings at the East London Family Court between July 2019 and July 2020, and their exposure to escalating intra and extrafamilial risks in the years, months and weeks leading up to proceedings being issued. For most of these children and young people, concern about significant harm in the home was the primary reason for proceedings being issued. This was often the result of entrenched issues relating to neglect, emotional harm and abuse, and parental substance misuse, mental health problems, and domestic abuse.

For a number of other children, vulnerability to extrafamilial harms—most frequently criminal exploitation—was a factor in proceedings being issued. However, in almost all of these cases, there was evidence of ongoing, latent, and chronic issues at home, including children’s exposure to neglect, physical and emotional abuse, criminality and domestic abuse. Together, and reflecting similar findings from an accompanying audit of local authority cases (Parker and Tunnard 2021), this suggests a continuum of intra and extrafamilial harm faced by older children and young people in the family justice system. Approaches to safeguarding children—and crucially, to intervene early to prevent escalation of risk—should seek to address these vulnerabilities together, and provide support for the whole family.

The issues highlighted here are not new, reflecting many of the themes that emerged in Research in Practice’s audit of care cases involving older children and young people in four local authorities (Parker and Tunnard 2021), and an increasing understanding of the risks faced by older children (Raws 2016) and outside of the home (Firmin 2017; Hanson and Holmes 2014; Firmin, Wroe, and Lloyd 2019; Hodges and Bristow 2019).

Reflections

- Almost all the older children and young people in our sample had been known to children’s services for several years before proceedings were issued, often since they were young children or infants. Provision of a more pro-active and consistent early intervention approach, including support for the whole family and continuing support where there may be ongoing concerns but they do not meet thresholds for services, may have prevented further escalation of issues. In some cases, there was evidence of chronic neglect that had been ongoing for much of the young person’s life; where there are indicators that concerns are continuing to get worse, children may have benefited from cases being brought to court sooner.
- The scale of parents’ often longstanding vulnerabilities to substance misuse problems, mental health difficulties and domestic abuse was notable. This was often linked to their own experiences of trauma and loss in child and adulthood.

There is a clear need for better provision of support from adult social care and adult mental health services to support parents, alongside children's services intervention.

- The young people and parents in our sample had experienced a high level of instability, loss and complex trauma from a young age. These experiences are highly likely to affect behaviours and vulnerability to risk in adolescence. In thinking about how best to meet the needs of older children and young people, a better understanding of complex and intergenerational trauma, and trauma-informed ways of working, will be necessary in order to address the underlying causes of 'challenging' behaviours in adolescence, and to support parents to engage with services and maintain or repair fractured relationships.
- Several cases were brought to court as a result of breakdown of informal family care arrangements, often because carers struggled to manage more challenging behaviours in adolescence. There may be a particular need for better support for families as the child reaches adolescence, and where there are identified mental health or behavioural difficulties, to support the carer and young person to manage before reaching crisis point.
- A significant number of young people in this sample were vulnerable to extrafamilial harm. For these children, there was evidence of escalating risk, increasingly challenging behaviour, and exposure to a multiplicity of risk of factors—both in and outside the home—from early adolescence to the point at which proceedings were issued. Proceedings were often issued at a moment of acute crisis, and frequently accompanied by applications to deprive children of their liberty. Opportunities to intervene earlier may have been missed or have been unsuccessful. There is a need for further work to identify key points where intensive and holistic support could have altered the trajectory of these young people's lives.
- School exclusions, in particular, were often a trigger for escalating risk and vulnerability to exploitation. This finding echoes previous research and practice experience, which has highlighted exclusion as a 'trigger point' for increased vulnerability to criminal exploitation, and ongoing calls to increase support for vulnerable children prior to exclusion (CCO 2019a; Parker and Tunnard 2021; Smith 2019; Youth Safety Taskforce 2018).
- This study has highlighted the issues affecting older children, young people and their families at the point of entering the family justice system. Further research is needed to understand the short and long-term impact of care proceedings on outcomes for young people.

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Nuffield Family Justice Observatory

Nuffield Family Justice Observatory (Nuffield FJO) aims to support the best possible decisions for children by improving the use of data and research evidence in the family justice system in England and Wales. Covering both public and private law, Nuffield FJO provides accessible analysis and research for professionals working in the family courts.

Nuffield FJO was established by the Nuffield Foundation, an independent charitable trust with a mission to advance social well-being. The Foundation funds research that informs social policy, primarily in education, welfare, and justice. It also funds student programmes for young people to develop skills and confidence in quantitative and scientific methods. The Nuffield Foundation is the founder and co-funder of the Ada Lovelace Institute and the Nuffield Council on Bioethics.