

How can we better meet the needs of young people in care? Ideas from professionals, academics and people with lived experience

This briefing paper introduces and provides an overview of the main themes emerging from a series of 12 films about meeting the needs of older children and young people in the family justice system.

The films, which highlight ideas of professionals, academics and people with lived experience, are available at:

https://www.youtube.com/playlist?list=PLZdl-wGzL8v4u21_riJnKpTBsQLaPlgbL

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Introduction

This briefing paper provides context and an overview of the key ideas emerging from a series of interviews with professionals, academics and people with lived experience of the family justice system, filmed between March and May 2021.¹ The interviews contain views, insights and knowledge that help us to understand how current care and protection systems are responding to older children and young people, and what is working or not working. They highlight shortcomings in the current system – but also offer a hopeful vision of how it could be transformed.

We encouraged interviewees to visualise future support and services for young people and what the characteristics and key components would be. We asked them about emerging practice, and whether this is helping or hindering progress towards this future vision, and to think about obstacles to change. The interviews also raised fundamental questions about what we mean by ‘being a young person’, and how we approach welfare and safeguarding and protection.

The interviews and editing took place against the backdrop of the Independent Review of Children's Social Care.² The films should be a timely source of helpful information and insight when we all consider and reflect on the outcomes of this long-anticipated report.

We invite anyone who cares about creating conditions for young people to thrive to listen to whichever interview strikes them to be of interest – though we would say they are all thought-provoking and insightful!

Context

An increasing number of older children and young people are appearing in care proceedings. Public law applications involving 15–17-year-olds doubled between 2011 and 2018, and the number of 10–17-year-olds subject to care proceedings in England rose by 95% between 2011/12 and 2019/20.³

Older children and young people usually come into care proceedings with a unique set of vulnerabilities and complex and diverse needs, often brought about by long-term instability within the family home and the distinct risk factors they may face from outside the home, such as criminal or sexual exploitation. Furthermore, because of their experiences before and during care, these young people are at greater risk of

¹ See: https://www.youtube.com/playlist?list=PLZdl-wGzL8v4u21_riJnKpTBsQLaPlgbl

² See: <https://childrensocialcare.independent-review.uk/>

³ See: [Young People and The Family Justice System - Nuffield Family Justice Observatory \(nuffieldfjo.org.uk\)](https://www.nuffieldfamilyjusticeobservatory.org.uk/)

entering the youth justice system than their peers, with the risk increasing for late entrants into care.

Responding to and meeting the needs of older children and young people is a huge challenge for the child welfare and family justice systems, which have historically been focused on protecting younger children from risks from within the family home.

Our work on older children and young people

Nuffield Family Justice Observatory is undertaking a programme of work focused on older children and young people who are in care proceedings, in care, or receiving support from children's social care. Our objective is to build a better understanding of their needs and help to improve the support they receive.

With others, we are encouraging transformation. We aim to help bring about change by identifying realistic, grounded, practical and achievable ways to improve services and support for older children and young people – across the family justice system and at the intersections with care and youth justice systems.

We sought reflections and insights from some renowned academics (for some of whom this research area has been a life's work) as well as professionals working in children's services, family justice and youth justice. We are also engaging with young people with lived experience and community-based activists as we journey toward building a 'bank of evidence'. We have been bringing people together to discover what is needed to transform the system of care and justice for young people and what further role data and evidence can play.

Acknowledgements

We would like to acknowledge and thank all the contributors to this series of filmed interviews, which took place during March, April and May 2021 alongside the stresses and strains of the second COVID-19 surge:

- Professor Robin Banerjee, Professor of Developmental Psychology, University of Sussex
- Dr Tim Bateman, Reader in Youth Justice, University of Bedfordshire
- Patriche Bentick, Senior Practitioner, London Borough of Camden
- Professor Janet Boddy, Professor of Child, Youth and Family Studies, University of Sussex
- Darren Coyne, Late Project Manager, The Care Leavers' Association
- Jahnine Davis, Director, Listen Up Research
- Professor Anna Gupta, Professor of Social Work, Royal Holloway, University of London
- Lisa Harker, Director, Nuffield Family Justice Observatory
- Dez Holmes, Director, Research in Practice
- Dr Lisa Holmes, Professor of Applied Social Science, University of Sussex
- Caroline Lynch, Principal Legal Adviser, Family Rights Group
- Nick Marsh, Director, Listen Up Research
- Joe Marvally, Fizzi Events
- Vicki Morris, Deputy Director, Centre for Justice Innovation
- Sir James Munby, Chair, Nuffield Family Justice Observatory
- Seth Oliver, Fizzi Events
- Charlotte Robey-Turner, Head of Service, Children and Young People, Leicestershire Cares
- Professor Julie Selwyn, Professor of Education and Adoption, University of Oxford.

We especially wish to acknowledge the contribution of Mr Darren Coyne, former young people's Project Manager at The Care Leavers' Association and a well-loved and respected member of the care-experienced community. Darren, who sadly passed away in May 2021, was a member of our advisory board and encouraged and challenged us to engage with young people with lived experience in an authentic and non-tokenistic way. We thank his daughters Gemma and Rebecca Coyne in giving approval to the release of his filmed interview.

Current difficulties and ideas for change

There was consensus among all interviewees that there are significant problems in the way the child protection, family justice and youth justice systems currently respond to young people's needs.

Some interviewees identified a lack of early intervention and the failure to offer the right kind of intervention at the right time, meaning that young people and their families do not get the support they need when they need it. This means that risks continue to escalate, and intervention can come at crisis points.

Ideas for change

- Make current legal (or even practice) frameworks a reality by properly resourcing interventions.
- Provide more intensive support for young people and their families earlier on.
- Place greater attention on preventive work.
- Engage and involve young people, their families and their communities in designing support and developing services that work for them.

It was noted that the child protection system as it has developed is primarily focused on protecting younger children from harm within the home and is not designed to focus on extra-familial harm, such as criminal or sexual exploitation.

This means services struggle to adequately respond to the risks of significant harm young people may face in non-familial contexts. One interviewee suggested that the child protection system is not fit for purpose for older children and young people.

Ideas for change

- Have a better understanding of wider harms outside the family and how they interact with family issues.
- Use contextual safeguarding approaches to change how the system responds to young people.

Some interviewees talked about young people and their families lacking a voice or involvement in decision-making, and the problematic use of jargon and professionalised language.

One interviewee thought the increased professionalisation of social work and youth justice had 'got in the way' of caring relationships.

Ideas for change

- Listen to young people and their families.
- Practitioners to work in a more reciprocal way with families – listening to what they say they need and being clear about what is expected of them and what they can expect from professionals.
- Improve training for social workers and other workers supporting children and their families, and use the experience of young people to improve communication and relationships/involve young people in training.
- Focus on partnership and relationships as a starting point.
- Focus on continuity of relationships.
- Make sure that young people have the support network they need to have confidence and develop.
- Have relationship-based practice and problem-solving approaches in courts.

Attention was drawn to the child welfare and youth justice systems being process and procedure-driven, and dominated by risk-aversion.

This was thought to be a result of high caseloads, high staff turnover and a culture of 'shame and blame'.

Ideas for change

- A cultural shift away from risk-averse practice.
- Reduced caseloads and more consistency with staff.
- Turn the lens on the systems and structures, rather than focusing on individual people within the system.

Despite the Children Act 2004 aiming to enable better joint working, there is a lack of connectivity between family and youth justice systems, and other services such as health.

Systems are disintegrated, operating in silos – at the local level, in the court system and in national policy. This was seen to be a particular problem between the family and youth justice systems, as well as with other services such as health.

Ideas for change

- Vision of a joined-up approach across different services and departments that places the child and young person at the centre, with the central purpose of supporting young people to achieve their full potential rather than having a primarily risk-averse approach.
- Better collaboration across the different sides of the systems and where they intersect.

The shortage of suitable residential provision for children who need it is of concern – particularly for young people and those referred to secure accommodation.

Issues highlighted included:

- planning for secure accommodation being too short-term, with the medium and longer-term future not being attended to (partly because of a lack of suitable resources)
- problems related to the current use of the inherent jurisdiction of the high court to deprive children of their liberty
- the use of unregulated or inadequate placements.

The lack of suitable placements can result in young people being moved too far away from their homes and their communities.

Ideas for change

- Expansion in high-quality residential provision to allow secure care to be a short-term option.
- Having a clear route out of secure accommodation.
- Look to other countries on residential provision as an intervention: in the US, short periods of intensive, therapeutic residential care are used to help young people in the care system – they can then return to family or foster care (rather than residential care being an end point for children).
- Use residential placements more creatively, see any placement in context and always include what other work may need to be offered to the young person and their family in the plan.

Some thought the system was too focused on short-term value for money – and that there needs to be better understanding and acknowledgment of where savings may be made in the longer term.

One interviewee talked about interventions being cut if their organisation did not save money, even if their work was having a positive effect. In relation to the cost of placements, another interviewee pointed out that expensive placements can still provide value for money.

It was highlighted that the criminal age of responsibility does not align with what is known about children’s development and maturity, or other legislation affecting children.

In terms of legislation affecting older children and young people, one interviewee described it as a ‘mish mash’ that recognises different ages for different things, which is confusing. It was highlighted that the criminal age of responsibility (10 in England and Wales) does not align with what is known about children’s development and maturity, or other legislation affecting children (for example, under 18s not legally being able to buy alcohol).

Ideas for change

- Change criminal age of responsibility: anything under 14 is incompatible with the children’s rights approach.⁴
- Align age of criminal responsibility with age of consent to ensure consistency in approach.
- Developmental psychology calls into question the reality of the ‘age of maturity’ – the evidence and what this means for young people who commit harmful acts against others should be considered.

Families interacting with children’s services and the family justice and youth justice systems are not all the same and have a whole host of different needs and varying circumstances.

It was suggested that the current model of child protection takes a universal, one-size-fits-all approach, which is focused on the experiences of White British children. There is a lack of understanding about the experiences and needs of children from minoritised groups and the process of adultification, most recently highlighted in the case of Child Q.⁵

There are different constructions and conceptions of children in the youth justice system. Some older children and young people who come into contact with the system

⁴ See: https://www.unicef.org.uk/wp-content/uploads/2020/12/UnicefUK_YouthJusticeReport2020_screen.pdf

⁵ See: <https://chscp.org.uk/wp-content/uploads/2022/03/Child-Q-PUBLISHED-14-March-22.pdf>

are viewed as needing punishment, while others are seen as requiring support. Assumptions that are made can prevent some young people achieving positive long-term outcomes.

Interviewees working in youth justice and social care reflected on questions around rights and responsibility and transformative justice – one that takes not just individual behaviours into account, but structural and systemic inequalities too.

Ideas for change

- Challenge institutional racism.
- Move to a fuller understanding of how to respond to young people's intersectional experiences and reduce inequalities, including by focusing on the voices of young people.
- Have a child protection system that addresses wider social inequalities.
- To have no inequity – minoritised children to be accorded equal protection.
- Focus on trauma-informed approaches and on preventative work to address underlying causes of offending behaviours, which can divert young people from the youth justice and care systems.
- Increase the level of ambition the system has for teenagers and reframe the aims of the youth justice system around what we aspire for young people: focus on what they should look forward to, rather than solely around preventing reoffending.

A final idea for change

A vision of a society where everyone recognises their responsibility to young people in care.

Reflections

We hope this series of filmed interviews will serve as a helpful resource for people involved in and interested in the lives of some of our country's most vulnerable young people.

The interviews highlight the shortcomings of the current system, but also offer a hopeful vision of how it could be transformed. We found considered reflections and some direct challenges to the easy refrains often heard about 'system failure'.

Many but not all of the difficulties were linked to a lack of resources, arising from years of austerity and budget cuts. The reality of the impact of a lack of investment is ever-present – but set against this is recognition that even in years gone by when there were many more resources, the harmful impacts of trauma, deprivation and systemic inequalities were not always well understood, which reduced the effectiveness of support and services. While interviewees accepted that it is unlikely that vastly improved resources will be provided in the near future, they were still able to identify ways in which systems could improve the support and services provided to young people and their families.

It was evident that all interviewees had a desire for transformational change. And while some did not find it easy to see a future vision – because of a lack of data about what is needed, or because present problems within the system are just too overwhelming or consuming – many of the conversations resulted in innovative ideas for change.

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. Nuffield FJO funded the development of this briefing paper. Any views expressed are not necessarily those of Nuffield FJO or the Nuffield Foundation.

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