

# Punishing Abuse: Response

---

February 2021



West Midlands  
Combined Authority



west midlands  
police and crime  
commissioner

# Executive Summary

---

Punishing Abuse is unique ground breaking research into the extent of childhood adversity, abuse, loss and trauma in children involved in the criminal justice system in the West Midlands. It is a vital addition to the evidence base for key policy proposals, service reform and for further discussion and collaboration between local and national partners. This action based research was jointly commissioned and undertaken with the West Midlands Local Authorities, WMCA and PCC.

Punishing Abuse is different to other work in this area and has already profoundly impacted on practice in the West Midlands. Such research is so valuable to the West Midlands, because it was undertaken here, with our practitioners, for our children. The research presented is up to date, holistic and far more in depth than many other similar studies in this area. Although not all children endured the exact same traumatic experiences and hardships, nearly every single child in this study suffered at least one or more of these traumatic events and often multiple forms of abuse.

Punishing Abuse is extensively academically evidenced and argues that children in the youth justice system are being punished as a consequence of the impact on their behaviours of their early abuse and loss. Structural factors, particularly poverty have compounded their adversity. It also evidences the extent to which many of these children were identifiable at an early age and the systemic service failure, (across a range of agencies), to meet their needs. The rich data uncovered provides insights into issues of disproportionality, gang involvement, exploitation (particularly of girls) and the trauma endured by migrant children. The report is viewed to have national as well as local significance.

# Introduction

---

In 2018 the West Midlands Combined Authority (WMCA), West Midlands Police & Crime Commissioner (PCC) and the West Midlands Local Authority led Youth Offending Teams (YOT's) (statutory multi-agency teams with the principle aim of preventing and reducing youth offending) collaborated with Dr Alex Chard (YCTCS Ltd) to facilitate action research into the extent of abuse, loss, trauma and the role of attachment and resilience in a sample of YOT caseloads. The main research programme considered eighty children from eleven authorities.

The cases were drawn from across the seven constituent local authorities (Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton) and the West Mercia Youth Justice Service (Herefordshire, Shropshire, Telford & Wrekin and Worcestershire). The full report sets out details of the cohort's specific make-up, but these were young people currently known to the YOT workers engaged in this research, who had been through custody, been the subject of community penalties or were early entrants into the criminal justice system.

# Key Findings

Childhood adversity in the West Midlands is much wider than the well-known ACE factors. In addition to the 10 traditional ACE factors, our research evidences that many children in the youth justice system in the West Midlands have endured street or gang violence, some have transitioned here from countries known for genocide, many have been criminally or sexually exploited – or on occasions both. Some are parents themselves or have experienced the loss and trauma of a termination. Children in this sample had experienced significant parental loss and family abuse. There were more children who had experienced 4 or more types of child abuse than those who had experienced none in the study. For many children the abuse was sustained and for some extremely violent.

The extent of school exclusions, disengagement and disenfranchisement from the education system was

overwhelming, children had been excluded from primary schools, and others had been to over 10 secondary schools. The numbers of children with unmet physical and mental health needs, and parents with significant health issues was significant. Poverty is much higher in this group than in our general population. The overwhelming majority of these children were well known to children’s services and a significant number had been in public care.

The UN convention of the rights of the child states:

“ Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child. ”

## TOP 10 STATISTICS THE CHILDREN



Just under 63% had experienced living in poverty or debt



90% had received a social care intervention in their lives



Over 50% were eligible for free school meals – suggesting over three and a half times the national free school meal rate reported by the Department for Education



Just under 50% have been (or are currently) looked after children



30% have been assessed as having special educational needs



26% had more than one diagnosed health/disability condition



56% had been the subject of CAMHS referrals, with poor engagement levels with those children seen – suggesting five times the national prevalence of mental health issues



Around 25% were confirmed as having self-harmed, attempted suicide or had suicidal ideation

## TOP 5 STATISTICS THEIR FAMILIES



79% were confirmed as experiencing family violence or child abuse



56% have parents with previous or current substance misuse issues



57% had a parent with known or suspected previous or current mental health issues



29% have parent(s) who have had physical ill health



Over 40% had parent(s) with criminality, and 22% had a parent who had been to prison



79% had attended two or more secondary schools



Early onset behaviour issues were suspected or known in 53% of these children

# Recommendations

---

The ambition is that we will not only meet the UNCRC requirement to provide special help to children who have suffered childhood adversity but also we will do so as a community with love and humanity.

The report proposes significant reform of both the local youth justice system and wider services. Punishing Abuse includes proposals for a renewed focus on developing the region's youth justice services, starting with greater support and scrutiny of current practice through the development of regional mechanisms to include more joined up responses with schools and mental health services.

We are seeking a remodeling of the way children within the criminal justice system are treated, with the potential for decriminalisation of children who commit lower level seriousness offences such as non-violent or non-sexual offences and the full application of existing guidance to prevent criminalising children in care.

The report also argues for the need to tackle broader structural issues including, poverty, social exclusion and intergenerational disadvantage, which create an escalator into the youth justice system. We need to target resources to those families who are at highest risk of social exclusion and intergenerational disadvantage through a preventative lens.

The principles of Child First and getting it right First Time for children are intrinsic in the recommendations. The WMCA, PCC, YOT's and broader partners, including police, health and education all have roles to play in progressing reform individually and collectively to achieve our ambition.

# Action Taken to Date

---

In our devolution submission we have asked Government to work with local authorities, the WMCA and the PCC to devolve youth justice powers. Putting in place a single, integrated service for vulnerable young people, youth custody and a framework for safeguarding older children.

We are developing our ambitions to create:

- An approach through leveling up in the West Midlands: our roadmap to recovery and prospectus to Government which could include a collaborative focus on early years and closing the increasing gap in attainment, widened through the pandemic. A renewed strategic priority for the Mayor and PCC to work with local authorities to help them make the strategic business case to government to secure sufficient funding for the growth of early help support in children's centres, communities and schools.
- A new statutory duty and power in the region to monitor and oversee school exclusion practice and policy across schools in the West Midlands, with a further specific duty to support local authority schools and other state funded schools in reducing school exclusions with a target of eradicating school exclusions or providing comprehensive whole-family support to children excluded in extreme cases.

Through the comprehensive spending review as a region we are hopeful to secure funding to develop the "West Midlands Safe Centre" a new facility, purpose built for safe and secure care for children. It will be used for court-ordered care and custody, with the aim of short-term respite to grow stability and self-esteem. The Centre will be supported by a whole-system care solution, to ensure that vulnerable children – who currently experience dire outcomes - are not left behind.

As a result of the practitioner led, action research approach undertaken to complete the research, awareness around the lives of the young people being studied has increased significantly. This has enabled a deeper understanding of children's needs, and of the risks they may present. In addition, it has provided a catalyst for both practice based and strategic service development which have yielded positive outcomes for children across the West Midlands, including (but not limited to) reduction in breach rates, numbers of children receiving custodial outcomes and improved educational outcomes.

The proposals within the report also help substantiate existing and planned work on wider criminal justice reform being progressed by the OPCC. These include:

- **Intensive secure fostering:** as an alternative to children being sentenced to long-term custody. The PCC is engaged with major public sector stakeholders around a 'long term intensive secure fostering service' that might provide a modern and evidence based alternative to preventing future offending through a far greater focus on 'relational models'
- **Problem solving courts:** following the PCC's support of the development of two Family Drug and Alcohol Courts in the region led by local authorities, the PCC is now scoping the development of problem solving courts in a criminal justice context, supporting young people away from crime. A plan to engage with essential partners and stakeholders on this agenda, is currently being developed.
- **Diversion hub:** Building on the PCC's Gangs and Violence Commission and existing partnerships and programmes in identifying and supporting opportunities to tackle the underlying causes of crime, to prevent reoffending and keep communities safe. The development of a diversion hub, where officers will think diversion first' will significantly increase the numbers of out of court disposals and learn from the success of rehabilitative diversion schemes.

# Summary of Research Approach

---

In brief, each participating YOT staff member received an induction programme covering the underlying rationale and evidence base for the research, ensuring a similar level of understanding of the factors being researched. Practitioners then used available case information to complete a quantitative risk matrix and a qualitative case storyline; eliciting a wide spread of information related to abuse, loss, trauma and attachment. The YOT practitioners' analysis was confirmed by a manager as being anonymous, allocated a case number and sent to Dr Alex Chard the lead researcher for analysis.

The ALTAR™ framework (Abuse, Loss, Trauma, Attachment, Resilience) underpinning this research is predicated on an understanding that risk of harm and risk of offending and in particular serious offending has to be understood within the overall context of a child's life and not simply upon immediately identifiable risk factors, i.e. a cumulative effect. It builds upon existing research on the impact of childhood adversity and has synergy with public health approaches and the adverse childhood experiences (ACE's) model, applied within a youth justice context.



