Reducing the Overcriminalisation of Care-experienced Young People in Scotland: Towards a Model of Best Practice

Sam Armour
University of the West of Scotland
B00310093

April 2020
9,783 words

A dissertation submitted in partial fulfilment of the requirements for the degree of Bachelor of Arts (Honours) Social Work

School Of Education and Social Sciences

UNDERGRADUATE DISSERTATION 2019/2020

There are two pages to this form, please ensure that both pages are bound in with your dissertation before submitting.

Banner ID:	B00310093
Surname:	Armour
First Name & Initials:	Sam
Programme Code:	SWRK10002
Degree Title:	BA (Honours) Social Work
Supervisor:	Iris Altenberger
Submission Date:	Friday 10th April 2020

School Of Education and Social Sciences

UNDERGRADUATE DISSERTATION 2019/2020

UNIVERSITY PLAGIARISM STATEMENT – Regulation 7.11

Cheating is defined by the University as the attempt to gain an unfair advantage in an assessment by gaining credit for work of another person or by accessing unauthorised material relating to assessment.

This includes the following:

- communication with or copying from another student during an examination or assessment (except in so far as assessment regulations specifically permit communication, for instance for group assessments);
- knowingly introducing any unauthorised materials (written, printed or blank) on or near an examination desk unless expressly permitted by the assessment regulations;
- knowingly introducing any electronically stored information into an examination hall unless expressly permitted by the assessment regulations;
- obtaining a copy of an 'unseen' written examination paper prior to the date and time of its authorised release;
- gaining access to unauthorised material relating to an assessment during or before the assessment;
- colluding with another person by submitting work done with another person as entirely one's own work;
- collaborating with another student in the completion of work which is intended to be submitted as that other student's own work;
- knowingly allowing another student to copy one's own work to be submitted as that student's own work;
- falsifying data by presenting data of laboratory reports, projects or other assessments as one's own when these data are based on experimental work conducted by another party or obtained by unfair means;
- assuming the identity of another person with intent to deceive or to gain unfair advantage;
- allowing another person to assume one's own identity with the intention of deceiving or gaining unfair advantage to oneself;
- the use of any other form of dishonest practice not identified above.

As Plagiarism is a type of cheating it is also defined by the University as the attempt to gain an unfair advantage in an assessment by gaining credit for work of another person or by accessing unauthorised material relating to assessment. For Plagiarism this includes the use of the work of other students, past or present, or substantial and unacknowledged use of published material presented as the student's own work.

It includes the following:

- the extensive use of another person's material without reference or acknowledgement;
- the summarising of another person's material by changing a few words or altering the order of presentation without reference or acknowledgement;
- the substantial and unauthorised use of the ideas of another person without acknowledgement;
- copying the work of another student with or without the student's knowledge or agreement; • deliberate use of commissioned material which is presented as one's own;
- the unacknowledged quotation of phrases from another's work.

STUDENT DECLARATION

Dissertation Title: Reducing the Overcriminalisation of Care-experienced Young People in Scotland: Towards a Model of Best Practice

This Dissertation is solely my own work and all sources are appropriately referenced.

Signed:

Date: 10/04/2020

TABLE OF CONTENTS

ACKNOWLEDGEMENTS 5

INTRODUCTION 6

RESEARCH QUESTIONS 7

METHODS OF INVESTIGATION 8

CHAPTER ONE: Why are care-experienced young people over-represented in the justice system?
1.0 Introduction 10
1.1 'Troublemakers': Historical perceptions of children in care 10
1.2 Are care leavers over-represented within the justice system?: An analysis of the statistics 11
1.3 The 'care-to-prison pipeline' 12
1.4 Conclusion 13

CHAPTER TWO: How does discrimination against looked-after children and care leavers contribute towards their criminalisation?
2.0 Introduction 14
2.1 Public and professional attitudes towards care-experienced people 14
2.2 The social construction of care-experienced young people 15
2.3 A 'hostile environment' for children in care and care leavers 16
2.4 Conclusion 17

CHAPTER THREE: Is there a 'trauma-informed' response to care-experienced young people in Scotland's justice system?
3.0 Introduction 19
3.1 Trauma, care-experience and justice 19
3.2 A 'whole system' approach? 20
3.3 Viewing care-experienced people through the prism of 'risk' 21
3.4 ACE-awareness: a useful addition to the discourse? 21
3.5 Conclusion 22

CHAPTER FOUR: A model of best practice for reducing the overcriminalisation of care-experienced young people in Scotland
4.0 Introduction 23
4.1 Promoting rights and addressing the under-identification of needs 23
4.2 Reducing offending within children's residential settings 24
4.3 Supporting care leavers 24
4.4 Anti-oppressive change and the emancipation of care-experienced people 26
4.5 Considerations for the Scottish policy and legislative context 27
4.6 Conclusion 28

CONCLUSIONS AND RECOMMENDATIONS FOR FUTURE RESEARCH 29

REFLECTION ON LEARNING AND DEVELOPMENT 31

STATEMENT OF DISSEMINATION OF FINDINGS 33

REFERENCES 34

ACKNOWLEDGEMENTS

I would like to thank the staff and lecturers at University of the West of Scotland – as well as my practice teachers, link workers and colleagues within the practice learning placements – for providing quality learning, guidance and support throughout my social work learning journey. I would particularly like to thank Iris Altenberger, my dissertation supervisor, for her advice and encouragement throughout the process of completing this literature review.

I would like to extend thanks to my friends, family and my student colleagues for their moral support, encouragement and understanding over the course of the past four years.

Importantly, I would like to thank my friends and colleagues within East Ayrshire Health and Social Care Partnership, without whom I would not have begun this journey.

Finally, I would like to give a special thanks to my partner, Michael, and our daughter, Lacey, for their support, patience – and for always being there.

INTRODUCTION

Whilst the relationship between young people's experience of public care and involvement in offending behaviour has been acknowledged for some time (Taylor, 2006), the issue has arguably only received significant academic and policy attention in more recent years (Fitzpatrick, Williams and Coyne, 2016; Schofield et al., 2012). The increased attention on the topic has resulted in an emerging evidence base for understanding the intersections of care and justice, however the topic to date has arguably been subject to little analysis from a Scottish perspective. This literature review aims to bring together key knowledge from a range of sources, apply critical analysis and formulate the results to develop a model of best practice for those working in care and/or justice settings in Scotland.

Firstly, it will analyse some key research findings relating to the relationship between care experience and justice, and will begin to explore *why* looked after children are more likely to end up in the justice system. It will go on to analyse how the impact of discrimination and stigmatisation has led to an adverse social construction of care-experienced young people, which in turn results in further risk of criminalisation. It will then move on to explore youth justice policy and practice in Scotland, and will analyse whether the professional response to care-experienced young people is welfare-focused and 'trauma-informed'. Lastly, it will suggest a model of best practice for social workers and policy makers in Scotland, which pervades across the individual practice, legislative and societal levels.

The rationale behind the choice of the literature review is related to the author's emerging personal and professional interest. Undertaking a practice learning placement within a statutory 'youth justice' social work team prompted the author to reflect on the diverse backgrounds of the service users, an over-representative amount of whom had care experience. The author was inspired by the placement setting's commitment towards care-experienced young people, however felt that some elements of policy and practice in the justice system had the potential to create further unnecessary criminalisation. The author analysed the relevant literature in order to conceptualise a model of best practice based on evidence and suggested solutions. It is hoped that the literature review adds to the growing body of research, and helps to develop an area of practice in Scotland which social workers are in a key position to influence.

RESEARCH QUESTIONS

1. Why are care-experienced young people over-represented in the justice system?

2. How does discrimination against looked-after children and care leavers contribute towards their criminalisation?

3. Is there a 'trauma-informed' response to care-experienced young people in Scotland's justice system?

4. A model of best practice for reducing the overcriminalisation of care-experienced young people in Scotland.

METHODS OF INVESTIGATION

An academically sound literature review should be based upon a broad consideration of a chosen topic and a comprehensive reading of the relevant literature (Kiteley and Stogdon, 2014). As such, with the multi-faceted, complex nature of the chosen topic, the author has drawn upon various materials and sources, spanning the realms of organisational, practitioner, academic and service user qualitative research, in conjunction with quantitative and empirical data. The review is evaluative, but also contains enough descriptive information on the research cited in order to aid understanding of the topic (Katzer, Cook and Crouch, 1997). As recommended for students by Aveyard (2010), the author has conducted a rigorous *narrative* literature review whilst aspiring to the same level of transparency required for a more systematic review. The author has analysed the literature from an anti-oppressive perspective (Thompson, 2006), drawing on knowledge of relevant social work theory to aid critical analysis.

The author has used numerous sources for the literature review from the body of academic research including books, academic journals, legislation, government policy documentation and published enquiries. The author has also included a small amount of grey literature, such as news stories and web blogs to build upon themes and illustrate current examples. Books included general social work texts, books which focus on specific concepts and theories (e.g. anti-discriminatory practice, the social construction of childhood) and books written on the specific topic of care-experienced young people and offending behaviour.

Journal articles have formed a fundamental element of the literature reviewed. To source relevant academic articles, the author has used search engines and open access databases such as 'Google Scholar', 'Social Care Online' and 'IRISS'. The author has conducted searches of electronic academic journals including (but not limited to) 'Scottish Journal of Residential Child Care', 'British Journal of Social Work' and 'Prison Service Journal'. The author has also sourced and analysed literature that has been published by a number of organisations with specialist interests in the fields of care and justice, such as 'Who Cares? Scotland', 'Centre for Youth and Criminal Justice' and 'Howard League for Penal Reform'.

Kiteley and Stogdon (2014) suggest that the search terms which are used to identify relevant literature should emerge and develop as the literature review develops. As such, key search terms that were used at the beginning of the literature review included variations and combinations of terms such as 'looked after children and offending behaviour' and 'care-experienced people and justice'. The author utilised 'wildcard' and 'truncation' characters to make the search process more efficient (ibid.). The literature

sourced from these broad search terms allowed the author to select several key pieces of research which aided in understanding the broader topic and beginning to form a structure for the literature review. A 'mixed methods synthesis' approach was taken to bringing together themes from the relevant literature, and as the review progressed, more selective search terms were used to gather further literature relating to the developing direction of the review, e.g. 'impact of trauma on offending behaviour' and 'looked after children and anti-social behaviour orders'. The author has drawn upon UK and international research throughout, however the literature review progressed to have a more specific focus on Scottish research and literature in chapters three and four.

During the course of the literature review, the author discovered key academic researchers who have produced extensive works on the chosen topic, such as Fitzpatrick (nee Taylor) and Williams. As such, a significant amount of these key authors' research has been analysed and included, which in turn led to relevant secondary references being pursued from their reference lists (known as the 'snowball' technique) (Kiteley and Stogdon, 2014).

When potentially relevant literature was identified, the author used critical appraisal criteria to identify whether the research was appropriate to be included the review. This included considering the strength of the research design, the centrality of service users'/practitioners' views and the generalisability of the findings (Rutter et al., 2010). As a method of data extraction, the author often used the 'navigation' function (searching for key words within a document) to assist with analysis and consideration for inclusion/exclusion. A mixed method approach was used which considered both quantitative and qualitative research as part of the review, aiming to analyse statistical and numerical data where relevant, but more often used qualitative research to explore the complex and dynamic experiences of the chosen subject client group from different frames of reference.

The author used a range of mostly electronic tools to record findings, log relevant information and progress the completion of the review. This included the use of electronic folders and Microsoft Office tools, such as spreadsheets and word documents to record notes, develop contextual and theoretical themes and evaluate information. The author also followed the guidance of Kiteley and Stogdon (2014) in terms of planning and organising the literature review, including time management, goal-setting and organisational skills in order to complete the substantive task across the course of several months whilst also completing a practice learning social work placement in a relevant setting.

CHAPTER ONE

Why are care-experienced young people over-represented in the justice system?

1.0 Introduction

Young people in the care system have been subject to increased policy interest in Scotland in recent years (Scottish Government, 2017; BBC News, 2018). This has arguably occurred as a result of historical poor outcomes for care leavers and an increasing recognition of the state's role as a 'corporate parent'. Research has shown that care-experienced young people are often perceived as risky, troublesome and capable of causing harm (Pineau et al., 2018). Despite this, there has been arguably less policy focus and attention on care-experienced people's involvement with the justice system. This chapter will begin to explore the intersections of care and justice. It will demonstrate how there has been a pervading image in the public consciousness of care-experienced children as 'troublemakers' throughout history. It will go on to establish whether care experience is disproportionately commonplace for individuals in the justice system. Lastly, it will argue that there is a lack of public understanding of why care-experienced people may be more likely to end up in conflict with the law, and will begin to explore the reasons for such.

1.1 'Troublemakers': Historical perceptions of children in care

There has been a longstanding anxiety about the threat posed to society by youth, often those from working-class backgrounds, and those in state care (Colton, Vanstone and Walby, 2002). There has arguably been a socially constructed view of children in state care as 'troublemakers' since at least the mid-nineteenth century, and the emergence of the 'Poor Law' (May, 1973). This is evidenced by the religious, 'moral re-education' of juvenile delinquents in the care of the state in Victorian era workhouses, who were frequently referred to as "human vermin" with a "moral disease" (ibid, p18). In addition, it could also be suggested that children in care have historically been treated older than their years, and unreasonably 'responsibilised' for their actions. Examples of this are evidenced in the practices of nineteenth-century 'Reformatory Schools' for young offenders (Higginbotham, n.d.). Children who committed offences were often sent to be 'cared for' in these establishments, and were subject to strict discipline, beatings, and cruel punishments, often for trivial misdemeanours (ibid.). Levin (1940) however, argues that despite the aforementioned cruel practices of the time, some pioneer nineteenth-century students began to emphasise social and economic factors as the primary causes of 'juvenile delinquency' and set out to influence relevant policy towards a more humanitarian approach.

In more recent history, it has been suggested by Hendrick (1997) that 'troubled' children, have been viewed through a paradoxical dual role as 'victims', but also as a threat to society. The stigma attached to care-experienced children as being 'untrustworthy' is sadly reflected in the attempts by alleged abusers (prosecuted for sexual offences committed in children's homes in the 1970s-90s) to discredit care-experienced victims as 'financially motivated' (ibid.). Ericsson's (2012) Scandinavian research on the treatment of children in care also evidences that throughout the Twentieth century, children's homes used a range of cruel, punitive practices, illustrating the "time-honoured conception of children [in care] as something less than complete human beings" (p89). Furthermore, in Scotland, the 'Approved Schools (Scotland) Rules 1961' allowed for the use of corporal punishment within children's homes until its abolition in 1988 (Norrie, 2017). This arguably demonstrates the continued poor treatment of care-experienced young people, and their prevailing perception as 'risky' and 'troublemakers'. The present-day manifestations of these attitudes will be explored later in this research.

1.2 Are care leavers over-represented within Justice settings?: An analysis of the statistics

The prevalence of care-experience within the justice system is a multi-faceted concern. Whilst the previous section does not answer the question of whether care-experienced young people are overcriminalised, it arguably presents a case that it has historically been the *perception* that children in state care are untrustworthy and deserving of punishment. This section seeks to comprehend the scale of the disproportion issue by analysing recent statistics.

It has long been taken as a given that there is a disproportionate number of care-experienced young people who go on to be involved in crime (Taylor, 2006). There are, however, published statistics that provide insight into the size and scope of the issue. US research shows that a quarter of children who grew up in foster care will become involved with the justice system within two years of leaving care, and that youths who have lived in residential homes are 2.5 times more likely to become involved in the justice system (Ryan et al., 2008). US researchers have also begun using the term 'Foster Care-to-Prison Pipeline' (Juvenile Law Center, 2018) as a result of national trends which highlight criminalisation disparities for those in care. This evidences that the disproportion issue pervades at an international level. In the United Kingdom, research has shown that the offending rates of care-experienced young people are 4 times higher (Fitzpatrick, Williams and Coyne, 2016) and that care leavers are estimated to represent around 25% of the prison population despite less than 1% of children entering care each year (UK Government, 2019). It should be noted that research has found there is an even higher representation of care-experienced females in custody, in comparison to males (Fitzpatrick, Williams and Coyne, 2016).

Similar prevalence was found in a Scottish context. Quantitative research shows a third of those in HM YOI 'Polmont' in 2015 self-reported having care experience (Scottish Prison Service, 2015); 50% of prisoners in Scotland in 2014 identified as having been in care at some point, and furthermore care-experienced people are evidenced to make up 33% of Scotland's young offenders despite only making up an estimate of 0.5% of the population (Who Cares? Scotland, 2018). Statistics have also shown that care-experienced young people in prisons have a higher prevalence of drug use, methadone prescriptions, worse mental health and higher rates of literacy difficulties (Broderick and Carnie, 2016).

Despite these disquieting statistics, it is important to understand that the research also shows that the significant majority of care-experienced young people *do not* commit offences (Taylor, 2006; Fitzpatrick, Williams and Coyne, 2016). In fact, it has been suggested that care-experienced people are more often victims of crime, yet are less likely to be perceived as 'genuine victims' because of their care status (Fitzpatrick, 2014). It could also be argued that the accuracy of data may be affected by the often self-reported nature of care experience, and different definitions of such contributing towards potential under-identification issues (Day, 2017; Fitzpatrick, Williams and Coyne, 2016).

1.3 The 'care-to-prison pipeline'

The previous section has demonstrated that those with care experience are more likely to end up in the justice system. It could be argued, however, that there is not a great societal understanding of the *reasons* that some care-experienced people may go on to offend. The Scottish Government (2019) found that, in Scotland's most deprived areas, 37% of people feel unsafe within their communities due to their perception of the level of crime. Further to this, the literature suggests 35% of people in Scotland believe that children in care are more likely to offend, and 24% believe that children in care are worse behaved than other children (Bardsley, Montagu and Reid, 2018). It has been argued that the media's often negative portrayal of the care system leads to the Scottish public having a reinforced negative stereotype of care-experienced people as dysfunctional and 'irreparably damaged' (Pineau et al., 2018). Similarly, research on media portrayals of crime shows that television often portrays criminal behaviour as 'freely chosen' and based on the individual problems of the offender (Dowler, 2003). However, analysis of the personal, social and criminogenic needs of care-experienced individuals illustrates that they are more likely to experience a range of issues, which often inhibit them from participation within mainstream society and lead them towards crime (Fitzpatrick and Williams, 2014).

For example, research suggests that looked after children are significantly more likely to have *disorganised attachments* which can have lifelong physical, emotional and social consequences (Furnivall, 2011). Furthermore, Fitzpatrick, Williams and Coyne (2016) found that 62% of children in

care were drawn into the care system because of abuse or neglect. Similarly, research conducted by the Howard League for Penal Reform (2016) revealed that 70% of young 'offenders' in children's homes were taken into care because of acute family stress/dysfunction, parental illness or absent parenting. The research also revealed that children's offending behaviour in care was often preceded by multiple experiences of rejection and resultant feelings of anger. Frequent placement moves often exacerbated these feelings of rejection, leading to significant self-esteem issues (ibid). Qualitative research conducted by Day (2017) showed that children in care are often 'labelled' as problematic from an early age, leading to an internalised self-identification as "insane" or "mad" (p127). Day (ibid.) also found that anger relating to powerlessness, and the importance of the (often anti-social) peer group (to retain a sense of belonging and control) contributed significantly towards the criminalisation of children in care.

Further to this, it has been suggested that care itself is a criminogenic environment (Taylor, 2006). Blades et al. (2011) found that many children in care felt there was a very clear causal link between entering care and their offending behaviour, citing loss of contact with family; difficult peer relationships and frequent placement changes as having impacted on their behaviour. Additionally, Hayden (2010) discusses that the residential care environment concentrates risk, which provokes and reinforces offending behaviour. The disruption associated with care was also evidenced to be risk factors, alongside the fact that children in care are more likely to be reported to the police for behaviour that might be dealt with without recourse to the law in a 'family' home environment (ibid.).

1.4 Conclusion

This chapter has set the context for understanding how care-experienced young people have faced discrimination across generations, how they are disproportionately criminalised, and how there is a lack of understanding of the reasons they may end up in the justice system. It has argued that the individual, social and criminogenic needs of care-experienced individuals often exclude them from participating in a 'pro-social' manner and lead them towards crime. The chapter to analyse how the 'labelling' of children in care as offenders may lead to disempowerment and disordered self-identity, leading to increased risk of offending. These findings are of significance to practitioners working with care-experienced individuals and/or in justice settings. With an understanding of the intersections of care and justice, this literature review moves on to further analyse how the specific *discrimination* and *oppression* faced by children in care and care leavers contributes to their criminalisation.

CHAPTER TWO

How does discrimination against looked-after children and care leavers contribute towards their criminalisation?

2.0 Introduction

The previous chapter explored how societal perceptions and media portrayals of children in care as 'troublemakers' (Bardsley, Montagu and Reid, 2018; Pineau et al., 2018) can result in labelling, disempowerment, disordered self-identity and increased offending (Fitzpatrick, Williams and Coyne, 2016; Day, 2017). This chapter will seek to explore discrimination against care-experienced people in more detail. It will present the case that stereotyping, labelling and negative attitudes leads to a social construction of care-experienced young people often being perceived as 'risky'. It will explore, via theoretical analysis how an arguably *neoliberal* policy environment for care-experienced people has emerged, with resultant overcriminalisation.

2.1 Public and professional attitudes towards care-experienced people

Evidence suggests that many people in Scotland hold a negative perception towards care-experienced people (Bardsley, Montagu and Reid, 2018). Research has found that care-experienced young people are aware of these negative views, as demonstrated in Blades et al.'s (2011) research, which quotes a care-experienced young person recalling being called "scum of the earth" (p50) by members of the public. Pineau et al (2018) explored how the Scottish public have developed a range of 'cultural models' to understand the experience of those in the care system – a range of implicit, collective understandings and assumptions towards those in care. These cultural models include the 'forever damaged' model, the 'early resilience' model, and the 'troublesome teen' model. The models are often conflating, antithetical, and arguably perpetuate a paradoxical understanding that children in care are 'scarred forever', risky and responsible for their own entry into care, yet also – resilient, adaptable and not affected by trauma (ibid.).

These conflicting cultural models are arguably perpetuated by media-driven perceptions of children's care experience. Aldridge (1990) argues that the British media often presents a hostile picture of social work, including children's residential care. Longitudinal research by Clackson, Lindsay and MacQuarrie (2007) found that Scottish and UK news stories were often unfavourable towards looked after children, were negative in tone, stigmatising and presented a picture of residential houses as "hell homes" (p8). These discriminatory attitudes are arguably demonstrated within media reports of public 'concerns' and protests around the development of children's houses in Kent (BBC News, 2010), Wales (Scourfield, 2019) and Ayrshire (Boyle, 2020). It is arguably of note that these media reports contained

comparisons of children in care to "caged animals" (BBC News, 2010) and quoted an MP referencing the "farming" of children to other areas (Scourfield, 2019).

Research has also shown that, even those in 'professional' and care-related roles often hold stigmatising views towards care-experienced people. Indeed, Bardsley, Montagu and Reid's (2018) research found that those who are most likely to hold negative views are those with higher levels of qualifications, those working in the care sector and those living in the most affluent areas. Fitzpatrick, Williams and Coyne (2016) similarly argued that there remains a persistent problem with professional stigma in the justice system, demonstrated in their research by a senior HM Prison Service stakeholder quoted as expressing the view that "care leavers lack empathy" (p8). Moreover, Who Cares? Scotland's (2018) research discusses how care-experienced young people felt targeted by police officers due to being known through the care system, and were often subjected to 'stop and search' practices at an unnecessarily high rate.

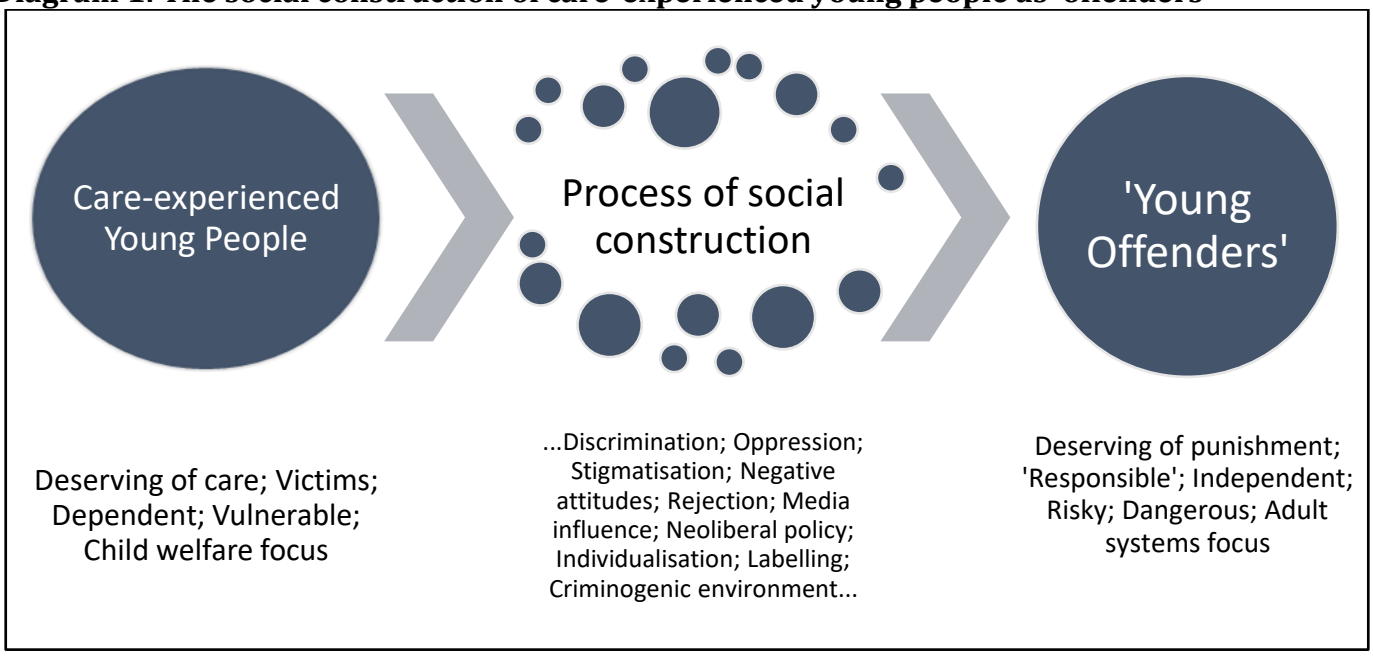
It is important to understand that the majority of people in Scotland *do not* hold negative views towards care-experienced people (Bardsley, Montagu and Reid, 2018), however there is evidence to suggest that even a minority of negative attitudes can influence decisions and policy, which in turn affects life outcomes (ibid).

2.2 The social construction of care-experienced young people

The idea that childhood is 'socially constructed' refers to the understanding that childhood is not solely a natural process, rather it is society which decides when a child becomes an adult (Aries, 1982; Norozi and Moen, 2016). In theory, this relates to how although some aspects of childhood are defined by observable factors (e.g. age, physical maturity), some notions of what it is to be 'a child' vary over time, between cultures and across generations (James and James, 2004). For example, James, Jenks and Prout (1998) concur that a 'child' is linked with the idea of dependency, and adulthood is seen as the starting point of independency. This is pertinent to the analysis of how care-experienced young people often *renounce* their 'care-experienced child' status and adopt the status of 'offender' when they enter the justice system (Fitzpatrick, Williams and Coyne, 2016). The previous section has demonstrated how the media, public and those in professional settings have socially constructed a paradoxical view of care-experienced people as damaged, dangerous and risky, yet also resilient, responsible and *independent* (Bardsley, Montagu and Reid, 2018; Pineau et al., 2018; Clackson, Lindsay and MacQuarrie, 2007; Fitzpatrick, William and Coyne, 2016). It could therefore be argued that this antithetical social construction leads to care-experienced young people potentially being held to unreasonable expectations, prematurely 'responsibilised' and further criminalised by society.

Hyden (1993) argues that youth offending behaviour is socially contextualised somewhere along the continuum of a 'responsibility paradigm', with full liability at one end, and lesser accountability at the other. Hyden further states that the responsibility paradigm outcome (particularly for those aged 15 to 18) is constructed via a *process*, informed by public debate, institutional categorisations and a broader discourse involving the media. Arguably, in a Scottish and UK context, this process is informed by the aforementioned social construction of care-experienced people, and by the neoliberalisation of parts of the youth justice system. This is illustrated by the 'tough on crime' discourse that emerged in the mid-1990s (Newburn, 2007) and subsequent neoliberal youth justice policy developments (Arthur, 2012) which will be explored later in this research.

Diagram 1: The social construction of care-experienced young people as 'offenders'



2.3 A 'hostile environment' for children in care and care leavers

> *"The feeling of being stigmatised can be a constant reminder [to care-experienced young people] that they are not perceived by some to be the same as their contemporaries and that some adults see them as stereotypes rather than individuals" (Who Cares? Scotland, 2018, p9).*

This section will examine how the discriminatory social construction evidenced above leads to an unfavourable policy context, criminalisation and a 'hostile environment' for care-experienced people. Taylor (2006) discusses how, once a child has committed an offence, the rights afforded to them under 'child-centred' frameworks may be superseded by adult criminal policy. This is discussed by Arthur (2012) who cites increasing custodial powers and a culture of hostility towards young people as characteristic of the neoliberal policy measures that reshaped the youth justice system in the UK in the

period 1997–2010. Similarly, Newburn (2007) examines the shift toward more punitive and populist politics since the early 1990s and the introduction of various new criminal sanctions including the Anti-Social Behaviour Act 2003. Scotland's corresponding anti-social behaviour legislation, the Antisocial Behaviour etc. (Scotland) Act 2004 was published the following year. Arguably, this 'ASBO' legislation represents a salient example of how neoliberal policy can lead to the further criminalisation of care-experienced young people. For example, Cleland (2005) examines how the Antisocial Behaviour etc. (Scotland) Act 2004 undermines the principles of welfare-based justice, fragments Scotland's approach to youth offending and further criminalises young people. The specific impact of justice policy on care-experienced people will be explored in the following chapters.

Further to this, it could be suggested that the discriminatory social construction of children in care as 'risky' can lead to care itself becoming a criminogenic environment (Taylor, 2006; Hayden, 2010). For example, Hayden (2010) explored how the level of adult surveillance over children in care can escalate conflict, and how inflated numbers of police call outs, often related to 'missing persons' reports, can lead to the accumulation of criminal records. Similarly, the Howard League for Penal Reform (2016) found that children living in children's homes were criminalised at excessively high rates, with frequent police call-outs over minor incidents. Furthermore, Day (2017) illustrates how care-experienced young people are aware of their social construction as 'risky', finding that looked after children felt disempowered, labelled as 'bad kids' and not listened to within care environments.

Further theoretical analysis can also be applied to interpret how discrimination leads to criminalisation. For example, Thompson's (2006) 'PCS' model can assist practitioners to understand how the discrimination evidenced above affects care-experienced young people on a personal, cultural and structural level (e.g. via hurtful comments, unfair treatment within care settings and with increased exposure to punitive legislation and policy). Crenshaw's (1989) theory of intersectionality is also relevant here, in that being a care-experienced young person involved in the justice system is an 'intersectional' experience in itself, but also in analysing how other overlapping identities (gender, race etc.) can create additional disadvantage. For example, Fitzpatrick (2017) argued that the specific needs of care-experienced females involved in the justice system are often ignored in favour of a 'gender neutral' approach. Furthermore, Prison Reform Trust (2016) estimated that a disproportionately high number of looked after children in custody were from ethnic minority backgrounds.

2.4 Conclusion

Analysis of the above research arguably assists towards understanding how oppressive environments can result in a 'self-fulfilling prophecy' whereby care-experienced people have worse life outcomes

(Taylor, 2006). This chapter has explored how negative attitudes and media influence informs a social construction of care experienced people as 'risky'. It has explored how, in turn, this discriminatory social construction intersects with an unfavourable, neoliberal policy context and criminalising environments. With an understanding of how discrimination impacts care-experienced young people, this research moves on to explore Scotland's 'response' to care-experienced young people in the justice system and asks the question – is it trauma-informed?

CHAPTER THREE

Is there a 'trauma-informed' response to care-experienced young people in Scotland's justice system?

3.0 Introduction

It could be argued that Scotland prides itself on having a 'welfare-focused' and 'trauma-informed' approach to youth justice. The Scottish Government (2018) continues to commit to the 1964 Kilbrandon Report's guiding principle of 'needs not deeds', and they continue to recognise that "rarely does a child demonstrate harmful behaviour, without first having been harmed themselves" (Scottish Government, 2016, p5). Recently, there has also been a rising interest in 'adverse childhood experiences' (ACEs) (White et al., 2019) across Scotland and the rest of the world (NHS Health Scotland, 2019). This chapter will seek to explore whether there is a truly 'trauma-informed' response to care-experienced young people in Scotland's justice system. Firstly, it will explore the prevalence of trauma within care-experienced populations. It will go on to analyse Scotland's policy approach in the context of care-experienced people. It will then move on to explore how individual practice is influenced by discourses of 'risk assessment'. Lastly, it will discuss the emerging popularity of 'ACE-awareness', and briefly analyse the potential impact on care-experienced people in the justice system.

3.1 Trauma, care-experience and justice

As noted above, the Scottish Government (2016) recognises there is a clear link between trauma and offending. A large amount of research supports this theory, concurring that offenders generally present a higher prevalence of trauma, and specifically Post-Traumatic Stress Disorder (PTSD) (Ardino, 2012; Buckingham, 2016). Research has also highlighted the link between care-experience and trauma. Innovation Unit (2019) found that early trauma (e.g. experiences of abuse and bereavement) has often impacted the emotional wellbeing of care leavers in the UK's justice system. The importance of trauma-awareness in practice is arguably highlighted particularly starkly by the recent death of a care-experienced young people in custody in Scotland (Action for Children, 2018).

Furthermore, the link between trauma and mental health also is well documented (Furnivall and Grant, 2014). The Office of National Statistics (2004) found that, among looked after children in Scotland, 45% were assessed as having a mental health disorder. Similarly, Smith (2017) identified that 46% of clients open to Barnardo's 'leaving care' teams had mental health care needs. This research arguably evidences that significant trauma is more likely to be prevalent within the care-experienced population, and highlights the importance of welfare-focused and trauma-informed care.

3.2 A 'whole system' approach?

Scotland's youth justice system is underpinned by the principles of the 1964 Kilbrandon Report, Getting it Right for Every Child (GIRFEC) and the Scottish Government's 'Whole System Approach to Youth Offending' (Centre for Youth and Criminal Justice, 2017). The Whole System Approach (WSA) is the Scottish Government's programme for addressing youth offending (ibid.). It has a focus on ensuring that young people who offend receive an appropriate level of support, often by way of diversion from prosecution or a referral to the Children's Hearings System (CHS), which has a holistic, early-interventionist approach (Mitchell, 2014). Scotland's WSA and CHS have been credited as welfare-driven approaches, which allow practitioners to take account of trauma/adversity as part of the justice process (Carrell, 2019). An evaluation conducted by Murray et al. (2015) reported that practitioners believe that the WSA facilitates improved outcomes for young people through multi-agency working and strong incorporation of 'welfarist' values in practice.

There is, however, no specific reference to the needs of care-experienced people within the WSA guidance or policy documentation (Scottish Government, n.d.), and it has been argued that the WSA could be extended further in order to address the overcriminalisation of this group (Dyer, 2016; Dyer and Carter, 2017). For example, it has been highlighted that the Children and Young People (Scotland) Act 2014 places the underlying principles of GIRFEC into statute, recognising that care-experienced people may require additional support up until age 26 due to adverse life events which often exclude them from adult society, however there is still an arguably antithetical legal presumption within the justice system that all those aged over 16 will be treated as adults (ibid.).

It has also been argued that the 'welfare-based' principles of Scotland's youth justice system are undermined by anti-social behaviour policy, the imposition of 'ASBOs' by the adult court system (bypassing the CHS) and the resultant criminalisation as a result of order breaches (Cleland, 2005). Whilst Scotland's youth justice system is considered to have a 'minimum interventionist' approach (Macdonald and Telford, 2007), the last available data appears to suggest a year-on-year increase in the use of ASBOs in Scotland between 1999-2006 (Scottish Government, 2007). Research has highlighted the disproportionately damaging impact of ASBOs towards children in care, as well as the significant financial costs of breaches resulting in custodial/secure placements (Ashford and Morgan, 2004). Therefore, practitioners should be acutely aware of the potential to criminalise care-experienced people via the imposition of ASBOs. This is especially pertinent in the context of research suggesting care-experienced individuals are often inhibited from 'pro-social' functioning (Fitzpatrick and Williams, 2014). Furthermore, evidence suggests that the young people who have the most difficulty complying with orders are often the ones who are more strongly associated with disadvantage, such as care-

experienced people (Hart, 2011). Whilst analysis of this literature suggests the potential that Scotland's care-experienced people may be disproportionately criminalised by ASBOs, the specific issue has received scant attention in recent research literature. It could be argued that up-to-date research (and statistics) on ASBOs is needed to fully understand the impact on care-experienced people in Scotland.

3.3 Viewing care-experienced people through the prism of 'risk'

> *"Predominance of risk as the focus of contemporary justice practice serves to perpetuate and legitimize a careless approach to care leavers" (Fitzpatrick and Williams, 2016, p176).*

Fitzpatrick and Williams (2016) argue that there is a tension in how justice agencies should respond to care-experienced people within a system largely concerned with risk assessment. Their research argues that actuarial risk prediction tools often decontextualize the experiences of care leavers, reconfiguring *high support needs* into *high risks*, leading to care leavers being perceived as a particularly risky cohort. It could be argued that this consideration is pertinent to Scottish youth justice practice, where actuarial risk assessment tools such as the Youth Level of Service/Case Management Inventory (YLS-CMI) are widely used (Vaswani, 2013).

Whilst some research suggests the YLS-CMI is a good predictor of re-offending (ibid.), there have also been some contrasting research findings. For example, Onifade et al. (2014) found that the YLS-CMI had poor predictive validity for 'dual-status youth' (those with experience of both the child welfare and justice systems). Furthermore, Holloway et al. (2018) found that, when social work practitioners reviewed case vignettes using the YLS-CMI, few of them prioritised trauma as a target for intervention. These findings highlight the need for practitioners to be vigilantly aware of the often trauma-centred support needs of care-experienced people when using actuarial risk assessment tools, to ensure a trauma-informed approach.

3.4 ACE-awareness: a useful addition to the discourse?

There has been a recent rising interest in 'adverse childhood experiences' (ACEs) amongst policy makers and practitioners (White et al., 2019). 'ACE-awareness' in practice has been described as a public health approach to inform the community about the role of emotional trauma in physical, mental and behavioural health, leading to the development of innovative models that reduce toxic stress within society (ACE-Aware Scotland, 2019). In the context of justice practice, some research has welcomed the increasing recognition of ACEs in understanding the relationship between trauma and offending (Scottish Government, 2018), and it could therefore be argued that the ACEs discourse has brought a

welcomed *resurgence* of trauma-awareness to practice. However, critics of the ACEs discourse have argued that there is the risk of ACEs being invoked to justify increasing invasive interventions at the *family* level, whilst not taking heed of societal influences, e.g. poverty (Edwards, Gillies and White, 2019). White et al. (2019) also suggest that, despite there being helpful aspects to the ACEs narrative, it "borrows an actuarial vocabulary" (p460) by 'scoring' aspects of people's lives, and there is the risk of the benign principles of ACEs research creating a further framework of *risk* whereby sections of the population become stigmatised due to their 'high ACE scores'. In the context of care-experience and justice, it is arguably important for practitioners to harness the emancipatory potential of ACE-awareness, whilst retaining a critical awareness to avoid viewing an already oppressed group with evidently higher support needs through a further prism of stigma and risk.

3.5 Conclusion

In conclusion, this chapter has established that significant trauma experiences are more likely to be prevalent for care-experienced people. It has further highlighted that this, in turn, means that care-experienced people often have complex, intersectional needs and may require trauma-informed interventions within justice settings. It went on to analyse Scotland's 'Whole System Approach' to youth justice and highlighted that, whilst it can be commended for a its welfare-focused approach, it is not necessarily designed with the impetus to reduce the overcriminalisation of care-experienced people. It has also highlighted how Scotland's 'welfarist' justice principles are potentially undermined by punitive anti-social behaviour policy, and has called for more research on this topic. It went on to analyse how the discourses of risk, actuarial assessment and 'ACE-awareness' could potentially impact on individual practice, and called for practitioners to retain a critical awareness of the need for a trauma-informed approach to working with care-experienced people. With a critical awareness of the intersections of Scotland's response to trauma in the justice system, this research moves on to develop a model of best practice for reducing the overcriminalisation of care-experienced young people.

CHAPTER FOUR

A model of best practice for reducing the overcriminalisation of care-experienced young people in Scotland

4.0 Introduction

In reviewing the literature, the previous chapters have arguably demonstrated a clear requirement for a welfare-focused, trauma-informed, anti-discriminatory, contextualised approach to reduce the overcriminalisation of care-experienced people. In developing a model of best practice, there is an arguable consensus that, in order to be effective, this approach requires to pervade across individual practice, legislative and societal levels. As such, this chapter will suggest a model of best practice spanning these often-intersecting levels. Firstly, it will make recommendations for individual practice. It will go on to discuss the importance of anti-oppressive, emancipatory change at a societal level. Lastly, it will introduce considerations for the Scottish justice policy context.

4.1 – Promoting rights and addressing the under-identification of needs

In the process of engagement, assessment and intervention, social workers require advanced and specialist skills for working with problems that are multifaceted (Trevithick, 2005). One practice issue that has been identified is the *under-identification* of people with care experience within justice settings, often due to a lack of practitioner confidence (Day, 2017; Fitzpatrick, Williams and Coyne, 2016). Related to this, Action for Children (2018) identified that the Children's Hearings System does not collect data about the children who are referred and/or record the outcomes of their involvement. Research suggests that this failure to analyse demographics and/or necessarily *ask* about care-experience means that needs aren't always identified, rights aren't always upheld and there isn't a body of knowledge/research to inform decision at an individual or policy level (ibid.). The under-identification issue raises the importance of increased awareness and perhaps training needs, for practitioners around identifying the complex, intersectional needs as well as entitlements of care-experienced people (Fitzpatrick, Williams and Coyne, 2016). It also suggests the need for better quality multi-agency information recording/sharing (Glasby and Dickinson, 2014) to ensure people's needs are effectively identified and addressed.

Who Cares? Scotland (2016) suggest that *widely available independent advocacy* for care-experienced people is key to ensuring a rights-based approach and strong voice for the care-experienced community. Social workers should be critically aware of the under-identification of care-experienced people's needs as a group, and ensure that they advocate within their own practice, as well as ensure

independent advocacy is made available where required for all care-experienced people, including those involved in justice settings.

4.2 – Reducing offending within children's residential settings

To prevent offending behaviour within children's residential home settings, Moodie and Nolan (2016) identified a range of crucial practice issues. This included professional training and induction for staff, de-escalation strategies and relationship-based practice. The research found that the most powerful factor for reducing offending in residential settings was a *shared culture*, based on robust learning (ibid.). Furthermore, the literature identified that *pro-active police involvement*, such as police being invited to do activities with young people, was beneficial for improving relationships and reducing offending (Moodie and Nolan, 2016; Nolan and Gibb, 2018). These findings are supported by Who Cares? Scotland (2018), who found that care-experienced young people often have a preconceived view of the police, based on possible negative first impressions (e.g. police involvement in their family history) and that rebuilding relationships with police and promoting their 'corporate parent' role is essential. In addition, Mendes, Baidawi and Snow (2014) found that implementing *trauma-informed care* was essential within residential settings. This included a culture of understanding complex trauma, recognising behavioural symptoms as *adaptive* rather than pathological, and an awareness that "recovery and repair [does] occur in the context of safety and healing relationships" (p39). This is supported by further research which suggests the formation of secure attachments can sharply mitigate criminal activity (Taylor, 2006).

In summary, the literature revealed a consensus that strong relationships are key to good practice in reducing offending in residential settings. This includes the relationships between young people, residential staff, police, social work and education (Nolan and Gibb, 2018). As such, social workers should promote relationship-based practice on both an individual and multi-agency basis, and seek to promote a 'trauma-informed' approach to supporting children in care.

4.3 – Supporting care leavers

Schofield et al. (2012) found that the most 'high risk' period for looked after children in terms of criminalisation is the period of leaving care. Risk factors which were identified for this period included accommodation, education and employment and the increased risk of experiencing mental health difficulties during this time (ibid.). There is also some data to suggest that the lack of resources often available to care leavers, both financial and emotional, may be related to post-care offending behaviour (Mendes, Baidawi and Snow, 2014; Schofield et al., 2012).

As such, social workers should be critically aware that the period of leaving care is a time of significant importance and potential *crisis* for care leavers. Crisis intervention theory suggests that during times of crisis, workers should seek to help individuals improve their levels of confidence, coping mechanisms and problem-solving skills, enabling them to draw upon newly-identified strengths when faced with future adversity (Teater, 2014). In the context of care-experienced people, it is especially pertinent to consider that they are more likely to have experienced high adversity and may have reduced coping mechanisms (Fitzpatrick and Williams, 2014). Whilst crisis intervention is mostly used as a short-term intervention (Teater, 2014), an awareness of the complex needs of care-experienced people suggests a practice approach which is rooted in ongoing crisis management, consistent relationship-based practice (Ingram and Smith, 2018) and *empowerment* on both an individual and collective level (Tew, 2006). The literature also suggests specialist mental-health and trauma-centred services, as well as support to access appropriate housing, is beneficial in supporting care leavers to desist from offending behaviour (Mendes, Baidawi and Snow, 2014; Schofield et al., 2012).

A salient example of good practice in this regard is arguably demonstrated in the 'Clear Approach' programme in Manchester to provide specialist support to care leavers as an 'alternative to custody' order (Fitzpatrick and Williams, 2014). 'Clear Approach' is a 10-week programme targeted at 18-25 year old care leavers who have offended, which delivers a unique intervention based on empowerment, groupwork, rights-promotion and importantly, *service user-involvement*. Fitzpatrick and Williams' (2014) research found that this intervention resulted in increased confidence, engagement with orders and care leavers being supported to make sense of past experiences. The research highlighted the importance of the *service user-involvement* element to the Clear Approach programme, and the participants reported the value of being able to speak to people who had been through similar circumstances as themselves.

The impact of service user involvement in justice services is further discussed by Weaver, Lightowler and Moodie (2019) who note the positive outcomes of increased quality of interventions, the promotion of recovery, desistance from crime and social integration. It could be argued that service user involvement in practice with care leavers may be especially effective, given the literature suggests leaving care is a time where young people are especially vulnerable (Schofield et al., 2012) and adolescence in general being a time of 'identity crisis' (Boyd and Bee, 2006). The involvement of those with lived experience in interventions may provide a salient form of 'pro-social modelling' (Pickford and Dugmore, 2012).

The literature suggests that reducing the overcriminalisation of care leavers is a task which is multi-faceted and requires advanced knowledge and skills. In summary, the suggested model advocates a

practice approach which is rooted in crisis intervention, relationship-based practice, empowerment, trauma-centred services and support to access appropriate housing. It suggests a closer practice focus on the *promotion of rights* rather than a predominant focus on risk. It also advocates social workers harnessing the evidenced effectiveness of service user involvement in practice.

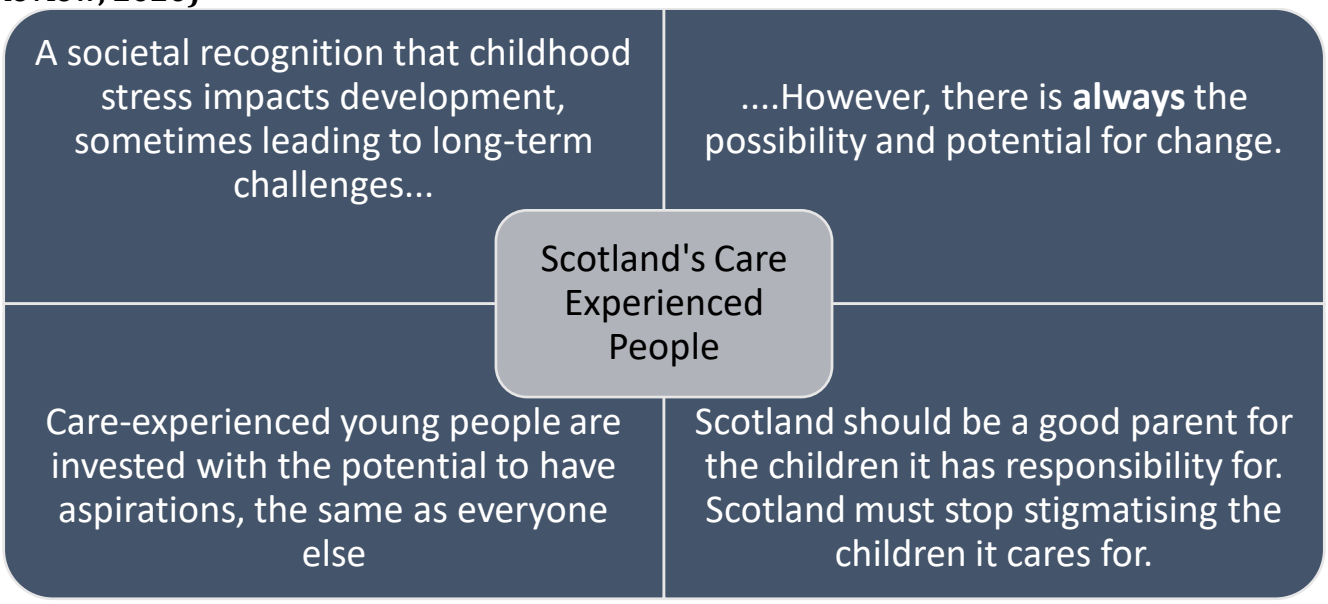
4.4 – Anti-oppressive change and the emancipation of care-experienced people

The previous chapters of this research have demonstrated how discrimination against care-experienced individuals leads to their overcriminalisation. This suggests a required response that impacts ubiquitously across society, and not just on the professional 'service' level. Indeed, the literature has explored how negative attitudes within society need to be challenged, in order for those with care experience to live lives free from stigma (Bardsley, Montagu and Reid, 2018). To achieve this, social workers arguably require to adopt a political perspective to their practice and eschew an 'individualist' approach in favour of an approach which locates practice in its wider social context and repositions social work as a 'radical' profession (Brady, Sawyer and Perkins, 2019).

The concept of 'social role valorisation' is used within social work practice to understand 'societal devaluation' and the idea that society tends to identify groups of people as 'fundamentally of less value', leading to worsened outcomes (Williams, 2010). Whilst this theory is often used to understand the experiences of learning-disabled people, it is also arguably applicable to understanding the societal devaluation of care-experienced people. Within social role valorisation theory, sets of principles for avoiding societal devaluation are suggested including the concept of 'conservatism corollary' – the idea that *positive compensation* should be provided for disadvantage, and that society should make efforts to enhance the public image of oppressed groups (Maclean and Harrison, 2015).

At a macro level, social workers are in a key position to reframe the societal perception towards care-experienced people, and should arguably have an interest in doing so in professional and public realms. Pineau et al. (2018) suggest recommendations to advance the public discourse around care experience in positive directions, including using contextualised stories of how care-experienced people can overcome trauma, communicating the science of trauma/early childhood and advancing the idea that outcomes for those in the care system are not 'set in stone' and can always be improved. These desires for improved outcomes and a care system with nurture at its heart are also reflected within the findings of Scotland's recent Independent Care Review (2020).

Diagram 2: A suggested new 'cultural model' for advancing Scotland's public discourse surrounding care-experienced people (based on Pineau et al., 2018 and the Independent Care Review, 2020)



Furthermore, the Independent Care Review (2020) suggests the development of a 'values framework' for Scotland's workforce. It is suggested that this framework must be multidisciplinary and shared across social work, health, education and justice settings. This model of best practice suggests that social workers, in both their professional and public roles, should seek to play a key role in advancing a more positive public understanding of care experience, as well as the 'values focus' across the workforce.

4.5 – Considerations for the Scottish policy and legislative context

> *"The [principle] that children who engage in offending need care and protection rather than punishment must be restated and understood across Scotland's services" (Independent Care Review, 2020, p89)*

The Independent Care Review (2020) concluded that the care system in Scotland operates within a complex legislative framework that is often overly bureaucratic and does not provide the context for caring relationships, including in the context of justice. Furthermore, Action for Children (2018) found that often the children who need help the most are more likely to be failed by the current justice system, and that the bureaucracy of such may be frustrating its good intentions.

As such, the literature suggests changes to Scotland's justice legislation which may serve to reduce the overcriminalisation of care-experienced people. Lightowler, Orr and Vaswani (2014) suggest that the 'diversionary' principles of Scotland's WSA could be extended to ages 21 or beyond, and that the presumption of offences being referred to the CHS (rather than the adult court system) could be

extended to the age of 18, rather than 16. Such changes would arguably be in keeping with the Children and Young People (Scotland) Act 2014, which extends the rights of certain previously looked after children and young people to the age of 26. Programmes such as 'Clear Approach' (Fitzpatrick and Williams, 2014), as discussed above, may provide a good practice template for how specialist diversionary schemes can be set up for care-experienced people.

Furthermore, research has highlighted the *disclosure of criminal convictions* as an issue that affects care leavers (Nolan, 2018). Research has shown that criminal records received in childhood are a source of anxiety for care leavers, as they impact access to employment, housing and other public services (Who Cares? Scotland, 2018). Nolan (2018) explored the need for the disclosure system to be fundamentally simplified and overhauled, with a need to revisit the basic principles of disclosure to strike a balance between risk, protection and the rights of individuals. A review of the system could arguably result in improved life chances for care-experienced people.

Lastly, as discussed in the previous chapter, the impact of Scotland's anti-social behaviour legislation on undermining the principles of the youth justice system (Cleland, 2005) and the potential to disproportionately criminalise care-experienced people (Ashford and Morgan, 2004) requires to be explored further. New research in this regard would be beneficial. Practitioners, anti-social behaviour teams and policy makers may wish to reflect on the principles of Scotland's WSA (Centre for Youth and Criminal Justice, 2017), the findings of the Independent Care Review (2020) and the evidenced effectiveness of rights-based interventions such as 'Clear Approach' (Fitzpatrick and Williams, 2014) when considering their use of ASBOs to manage the behaviour of care-experienced young people.

4.6 – Conclusion

As the literature has shown, reducing the overcriminalisation of care-experienced people in Scotland will require an innovative approach which spans the intersecting levels of individual practice as well as policy and wider society. This chapter has suggested an ambitious model of best practice which requires advanced knowledge, specialist skills (Trevithick, 2005) and cultural change to arguably result in better life outcomes for care-experienced people. Whilst the suggested model is ambitious, it reflects the complexity of the issue, and is arguably in keeping with the findings of the Independent Care Review (2020). Social workers are in a key role to influence outcomes for care-experienced people in the justice system, and this chapter has demonstrated that anti-oppressive interventions are required at various levels to progress meaningful change.

CONCLUSIONS AND RECOMMENDATIONS FOR FUTURE RESEARCH

This literature review has sought to analyse knowledge, evidence and data from a range of sources to aid in the conceptualisation of a best practice model to reduce the overcriminalisation of care-experienced people in Scotland.

The literature review has illustrated how looked after children have faced discrimination and have been labelled as 'troublemakers' for generations. Statistics have been analysed which confirm that care-experienced people are disproportionately criminalised and over-represented in justice system across Scotland, the UK and internationally. The literature review has analysed how the individual, social and criminogenic needs and experiences of needs of looked after children and care leavers are often traumatic, complex and/or marred by multiple experiences of rejection, which often excludes them from 'pro-social' participation and inclusion within mainstream society.

The research has explored how stigmatising societal attitudes and media influences has resulted in a social construction of care-experienced people as 'risky'. It has been illustrated how this social construction in turn leads to worse outcomes for care-experienced people, an unfavourable policy context and further criminalisation. The literature review established that Scotland prides itself on having a 'trauma-informed' response to youth justice, and it was evidenced that traumatic experiences are certainly more likely to be prevalent for care-experienced people. The research illustrated, however, that despite good intentions and some commendable elements of policy and practice, that the 'whole system approach' to youth justice is arguably not set up in a way which will reduce the overcriminalisation of care-experienced people, and is also potentially undermined by conflicting elements of the justice system.

Lastly, the literature review suggests a model of best practice for reducing the overcriminalisation of care-experienced people for social workers and policy makers which spans individual practice, policy and wider society. This includes the need for a rights-based and advocacy-based approach to be promoted over and above a predominant focus on 'risk'. It suggests a relationship-based approach and a focus on trauma-informed care to reduce offending within children's residential settings. It has been illustrated that the period of 'leaving care' is particularly high risk, and suggests a similar trauma-informed, rights-based approach for care leavers whilst also harnessing the power of *service-user involvement*. It suggests social workers should play a key role in the promotion of advancing a positive public discourse surrounding care-experienced people. It also introduces some considerations for Scottish policy to reduce the overcriminalisation of care-experienced people, including an expansion of the use of 'diversion', a fresh review of 'disclosures' and a recommendation for new research to look at

how the use of anti-social behaviour orders may be linked to the criminalisation of the care-experienced community.

In carrying out the literature review, the author has found that there is less available research on the topic of care-experience and criminalisation from a uniquely Scottish perspective. A reasonably thorough interrogation of the relevant journals/web sources found very little relevant Scottish literature with a specific focus on the topic. It could be suggested that new primary research in this regard would be of benefit to the wider discourse. Additionally, whilst the author has been able to source varied literature which suggests a potential connection between the use of anti-social behaviour orders and the criminalisation of care-experienced people, there was little recent research available with a specific focus on this topic. Again, the author believes new primary research in this regard would be of benefit, particularly as this was a significant issue which the author came across multiple times whilst undertaking the practice learning placement. In future practice and research, the author would also like to have researched further into the specific housing needs of care-experienced people, as well as their vulnerability to criminal exploitation (e.g. 'county lines' drug trafficking).

REFLECTION ON LEARNING AND DEVELOPMENT

The process of writing this literature review on the topic of care-experienced people's involvement in the justice system has been challenging, rewarding and at times, inspiring. Most of the author's professional experience of social work/care services prior to commencement of the final practice learning experience had been with adults in disability-related settings. As such, the author had originally planned to conduct a literature review on a predominantly disability-related topic, e.g. self-directed support or the use of telecare. The author was inspired by working directly with a number of care-experienced young people whilst on placement in a statutory youth justice setting, to take on a new challenge and investigate the chosen topic instead. The author heard first-hand accounts from said young people, and reflected on how their often difficult, traumatic backgrounds and the often-oppressive justice systems and environments they encounter can lead to unique, intersectional oppression and a sense of 'falling through the cracks'. The young people demonstrated their resilience, strength and good humour in the face of significant adversity, which in turn inspired the author to attempt to contribute in a small way to improving their life outcomes via contribution to the established body of research. Completing the latter part of the literature review in the midst of an emerging global health pandemic has been a particular challenge. It has, however, also allowed the author to reflect further on the importance of the state's 'corporate parent' role, and the importance of a caring, community-based response to care-experienced people, who are often amongst society's most vulnerable.

It is hoped that by developing a deeper, more extensive understanding of the chosen topic and contributing to the available research, that the author will be able to raise awareness of an important area of practice in Scotland that social workers are in a key role to influence. Furthermore, the author feels that completion of the literature review has significantly aided towards an increased sense of 'professional identity' (Ibarra, 1999). The author feels increased confidence to be able to use the knowledge gained to enter the professional workforce and practice in a way which is empathetic, understanding and *effective* towards supporting care-experienced people. The completion of the literature review has coincided fittingly with the publication of the findings of the Independent Care Review (2020), which sets out a vision for the radical overhaul of the care system in Scotland. It is hoped that this literature review may contribute in a small way, with several practical considerations in the context of justice practice.

The author has enjoyed undertaking research, and the associated process of critically evaluating, analysing and synthesising information. The author would be keen in future practice or academic

endeavours to undertake follow-up research, particularly in relation to the punitive use of anti-social behaviour orders and the criminalising impact on looked after children and care leavers.

STATEMENT OF DISSEMINATION OF FINDINGS

The completed literature review is arguably relevant to justice practitioners and social workers across a range of settings. This includes those working within justice settings, residential children's houses and 'throughcare' teams. It is also arguably relevant to general children's social work teams, as well as to colleagues within third sector agencies who support young people who have experience in the intersections of care and justice. The author has made several key contacts in this regard within the practice learning placement, and also via employment. As such, a summarised version of the key findings of this literature review will be offered to the relevant key contacts within the author's final placement learning setting, current employment and any other interested parties.

References

ACE-Aware Scotland. (2019) ACES to Assets 2019 – Dr. Suzanne Zeedyk – Scotland's ACEs Journey. 18.46 mins. [Online] Available: https://www.youtube.com/watch?v=8yADuQISWPw [Accessed: 22 March 2020].

Action for Children. (2018) Kilbrandon Again: How well does Scotland support children and young people in trouble?. (Chairman Paul Carberry). [Online] Available: https://www.actionforchildren.org.uk/media/10995/kilbrandon_report.pdf?_ga=2.180418980.2099174360.1585488872-1545814633.1585488872 [Accessed: 29 March 2020].

Aldridge, M. (1990) Social Work and the News Media: a hopeless Case? British Journal of Social Work. Vol.20 (6), pp.611-626.

Anti-Social Behaviour Act 2003. London: The Stationary Office.

Antisocial Behaviour etc. (Scotland) Act 2004. Edinburgh: The Stationary Office.

Ardino, V. (2012) Offending behaviour: the role of trauma and PTSD. European Journal of Psychotraumatology. Vol.3 (1), p.18968.

Aries, P. (1982) The discovery of childhood. In: Jenks, C. (ed.) The sociology of childhood. London: Batsford Academic and Educational, pp. 27-41.

Arthur, R. (2012) *The Influence of Neoliberalism on the Development of the English Youth Justice System under New Labour*. Organising Neoliberalism. pp.135-154.

Ashford, B. and Morgan, R. (2004) Criminalising Looked-after Children. Criminal Justice Matters. Vol.57 (1), pp.8-38.

Aveyard, H. (2010) Doing a literature review in health and social care: a practical guide. Maidenhead: Open University Press.

Bardsley, D., Montagu, I. and Reid, S. (2018) *Public attitudes to care experienced young people*. Life Changes Trust. [Online] Available: https://www.celcis.org/files/4615/4271/6333/Public_attitudes_to_care-experienced_young_people_FINAL.pdf [Accessed: 18 January 2020].

BBC News. (2010) *Parents protest at Ramsgate children's home plan.* BBC News. [Online] Available: http://news.bbc.co.uk/1/hi/england/kent/8556456.stm [Accessed: 8 February 2020].

BBC News. (2018) *Cared-for young people 'falling through the cracks' in system*. [Online] Available: https://www.bbc.co.uk/news/uk-scotland-45000165 [Accessed: 19 January 2020].

Blades, R., Hart, D., Lea, J. and Wilmott, N. (2011) Care: A Stepping Stone to Custody? Prison Reform Trust. [Online] Available: http://www.prisonreformtrust.org.uk/Portals/0/Documents/careasteppingstonetocustody.pdf [Accessed: 8 February 2020].

Boyd, D. and Bee, H. (2006) Lifespan development: fourth edition. Boston: Pearson Education.

Boyle, F. (2020) Residents are angry about new childcare unit in Auchinleck. Cumnock Chronicle. [Online] Available: https://www.cumnockchronicle.com/news/18297366.residents-angry-new-childcare-unit-auchinleck/ [Accessed: 15 March 2020].

Brady, S., Sawyer, J. and Perkins, N. (2019) Debunking the myth of the 'radical profession': analysing and overcoming our professional history to create new pathways and opportunities for social work. Critical and Radical Social Work. Vol.7 (3), pp.315-332.

Broderick, R. and Carnie, J. (2015) Prisoners who have been in care as 'looked after children'. [Online] Available: http://www.sps.gov.uk/nmsruntime/saveasdialog.aspx?fileName=15th+PRISONER+SURVEY+2015+-+Main+Bulletin+FINAL+(JC-RB)4566_2162.pdf [Accessed: 18 January 2020].

Buckingham, S. (2016) Trauma Informed Juvenile Justice. American Criminal Law Review. Vol.53, pp. 641-692.

Carrell, S. (2019) How Scotland's youth justice system puts welfare at its heart. The Guardian. [Online] Available: https://www.theguardian.com/society/2019/nov/07/scotland-youth-justice-system-welfare-heart [Accessed: 15 March 2020].

Centre for Youth and Criminal Justice. (2017) A Guide to Youth Justice in Scotland: policy, practice and legislation. [Online] Available: https://cycj.org.uk/wp-content/uploads/2017/06/A-guide-to-youth-justice-in-full.pdf [Accessed: 15 March 2020].

Children and Young People (Scotland) Act 2014. Edinburgh: The Stationary Office.

Clackson, A. M., Lindsay, S. and MacQuarrie, A. D. (2007) The homes from hell? Media perceptions of residential child care. Scottish Journal of Residential Child Care. Vol.5 (1), pp. 25-36.

Cleland, A. (2005) The Antisocial Behaviour etc (Scotland) Act 2004: Exposing the Punitive Fault Line below the Children's Hearings System. Edinburgh Law Review. Vol.9 (3), pp.439-448.

Colton, M., Vanstone, M. and Walby, C. (2002) Victimization, Care and Justice: Reflections on the Experiences of Victims/Survivors Involved in Large-scale Historical Investigations of Child Sexual Abuse in Residential Institutions. British Journal of Social Work. Vol.32 (5), pp.541-551.

Day, A. (2017) Hearing the voice of looked after children: challenging current assumptions and knowledge about pathways into offending. Safer Communities. Vol.16 (3), pp.122-133.

Dowler, K. (2003) Media consumption and public attitudes toward crime and justice: The relationship between fear of crime, punitive attitudes, and perceived police effectiveness. Journal of Criminal Justice and Popular Culture. Vol.10 (2) pp.109-126.

Dyer, F. and Carter, K. (2017) Supporting young people involved in offending up to 21 years old: Extending the Whole System Approach. Centre for Youth and Criminal Justice. [Online] Available: https://cycj.org.uk/wp-content/uploads/2017/03/Extending-the-Whole-System-Approach-1.pdf [Accessed: 15 March 2020].

Edwards, R., Gillies, V. and White, S. (2019) Introduction: Adverse Childhood Experiences (ACES) – Implications and Challenges. Social Policy and Society. Vol.18 (3), pp.411-414.

Ericsson, K. (2012) The Punitive Repertoire of Children's Homes and Reformatories. Journal of Scandinavian Studies in Criminology and Crime Prevention. Vol.13 (2), pp.76-93.

Fitzpatrick, C. (2014) Achieving justice for children in care and care-leavers. The Howard League for Penal Reform. [Online] Available: https://howardleague.org/wp-content/uploads/2016/04/HLWP_14_2014.pdf [Accessed: 18 January 2020].

Fitzpatrick, C. (2017) What do we know about girls in the care and criminal justice systems?. Safer Communities. Vol.16 (3), pp.134-143.

Fitzpatrick, C. and Williams, P. (2014) *Examining 'Clear Approach': An intervention for care leavers on an intensive alternative to custody order*. Care Leavers' Association. [Online] Available: http://www.careleavers.com/wp-content/uploads/2015/07/Clear-Approach-Report-Final.pdf [Accessed: 18 January 2020].

Fitzpatrick, C. and Williams, P. (2016) The neglected needs of care leavers in the criminal justice system: Practitioners' perspectives and the persistence of problem (corporate) parenting. Criminology & Criminal Justice. Vol.17 (2), pp.175-191.

Fitzpatrick, C., Williams, P. and Coyne, D. (2016) *Supporting looked after children and care leavers in the criminal justice system: emergent themes and strategies for change*. Prison Service Journal. Vol.226, pp. 8-13.

Furnivall, J. (2011) Attachment-informed practice with looked after children and young people. IRISS. [Online] Available: https://www.iriss.org.uk/resources/insights/attachment-informed-practice-looked-after-children-young-people [Accessed: 19 January 2020].

Furnivall, J. and Grant, E. (2014) Trauma sensitive practice with children in care. IRISS. [Online] Available: https://www.iriss.org.uk/resources/insights/trauma-sensitive-practice-children-care [Accessed: 14 March 2020].

Hart, D. (2011) Into the Breach: the enforcement of statutory orders in the youth justice system. Prison Reform Trust. [Online] Available: http://www.prisonreformtrust.org.uk/Portals/0/Documents/Into%20the%20Breach.pdf [Accessed: 22 March 2020].

Hayden, C. (2010) *Offending behaviour in care: is children's residential care a 'criminogenic' environment?* Child & Family Social Work. Vol.15 (4), pp.461-472.

Hendrick, H. (1997) Children, Childhood and English Society 1880- 1990. Cambridge: Cambridge University Press.

Higginbotham, P. (n.d.) Reformatory Schools. [Online] Available: http://www.childrenshomes.org.uk/Rfy/?LMCL=p7H9E8 [Accessed: 14 January2020].

Holloway, E., Cruise, K., Morin, S., Kaufman, H. and Steele, R. (2018) Juvenile probation officers' evaluation of traumatic event exposures and traumatic stress symptoms as responsivity factors in risk assessment and case planning. Law and Human Behavior. Vol.42 (4), pp.369-384.

Howard League for Penal Reform. (2016) Criminal care: children's homes and criminalising children. [Online] Available: https://www.basw.co.uk/system/files/resources/basw_31922-4_0.pdf [Accessed: 9 February 2020].

Ibarra, H. (1999) Provisional Selves: Experimenting with Image and Identity in Professional Adaptation. Administrative Science Quarterly. Vol.44 (4), p.764.

Independent Care Review. (2020) The promise. [Online] Available: https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf [Accessed: 4 April 2020].

Ingram, R. and Smith, M. (2018) Relationship-based practice: emergent themes in social work literature. IRISS. [Online] Available at: https://www.iriss.org.uk/resources/insights/relationship-based-practice-emergent-themes-social-work-literature [Accessed: 3 April 2020].

Innovation Unit. (2019) Falling through the gaps: Fragmented and underfunded systems are failing care leavers who serve prison sentences, in custody and in the community. [Online] Available: https://www.innovationunit.org/thoughts/falling-through-the-gaps-new-research-into-care-leavers-experiences/ [Accessed: 14 March 2020].

James, A. and James, A. L. (2004) Constructing Childhood. Basingstoke: Palgrave.

James, A., Jenks, C. and Prout, A. (1998) Theorising Childhood. Cambridge: Polity Press.

Juvenile Law Center. (2018) What is the Foster Care-to-Prison Pipeline? [Online] Available: https://jlc.org/news/what-foster-care-prison-pipeline [Accessed: 18 January 2020].

Katzer, J., Cook, K. and Crouch, W. (1997) Evaluating information: a guide for users of social science research. New York: McGraw-Hill Education.

Kiteley, R. and Stogdon, C. (2014) Literature reviews in social work. London: Sage Publications.

Levin, Y. (1940) *The Treatment of Juvenile Delinquency in England During the Early Nineteenth Century*. Journal of Criminal Law and Criminology. Vol.31 (1).

Lightowler, C., Orr, D. and Vaswani, N. (2014) Youth Justice in Scotland: Fixed in the past or fit for the future? Centre for Youth and Criminal Justice. [Online] Available: https://cycj.org.uk/wp-content/uploads/2014/09/Youth-Justice-in-Scotland.pdf [Accessed: 5 April 2020].

Macdonald, S. and Telford, M. (2007) The use of ASBOS against young people in England and Wales: lessons from Scotland. Legal Studies. Vol.27 (4), pp.604-629.

Maclean, S. and Harrison, R. (2015) Theory and Practice: A Straightforward Guide for Social Work Students. Staffordshire: Kirwin Maclean Associates Limited.

May, M. (1973) *Innocence and Experience: The Evolution of the Concept of Juvenile Delinquency in the Mid-Nineteenth Century*. Victorian Studies. Vol.17 (1), pp.7-29.

Mendes, P., Baidawi, S. and Snow, P. (2014) Good Practice in Reducing the Over-Representation of Care Leavers in the Youth Justice System. Monash University. [Online] Available: https://aifs.gov.au/cfca/pacra/good-practice-reducing-over-representation-care-leavers-youth-justice-system [Accessed: 1 April 2020].

Mitchell, J. (2014) The Scottish question. Oxford: Oxford University Press.

Moodie, K. and Nolan, D. (2016) 'Between a Rock and a Hard Place': Responses to Offending in Residential Childcare. Centre for Youth and Criminal Justice. [Online] Available: https://pureportal.strath.ac.uk/en/publications/between-a-rock-and-a-hard-place-responses-to-offending-in-residen [Accessed: 1 April 2020].

Murray, K., McGuinness, P, Burman, M. and McVie, S. (2015) Evaluation of the Whole System Approach to Young People who Offend in Scotland. The Scottish Centre for Crime and Justice Research. [Online] Available: http://www.sccjr.ac.uk/wp-content/uploads/2015/06/Evaluation-of-the-Whole-System-Approach-to-Young-People-Who-Offend-in-Scotland.pdf [Accessed: 15 March 2020].

Newburn, T. (2007) "Tough on Crime": Penal Policy in England and Wales. Crime and Justice. Vol.36 (1), pp.425-470.

NHS Health Scotland. (2019) Adverse childhood experiences in context. [Online] Available: http://www.healthscotland.scot/media/2676/adverse-childhood-experiences-in-context-aug2019-english.pdf [Accessed: 14 March 2020].

Nolan, D. (2018) Debating Disclosure - Improving Life Chances Through Awareness and Understanding. Centre for Youth and Criminal Justice. [Online] Available: https://cycj.org.uk/wp-content/uploads/2018/06/Debating-Disclosure-write-up-final.docx [Accessed: 5 April 2020].

Nolan, D. and Gibb, J. (2018) Mind the Gap: Factors that can support responses to offending in residential child care and the challenges of implementation. Scottish Journal of Residential Child Care. [Online] Available: https://www.celcis.org/files/2915/3717/6626/2018_Vol_17_No_3_Nolan_D_Gibb_J_Mind_the_Gap.pdf [Accessed: 3 April 2020].

Norozi, S. and Moen, T. (2016) *Childhood as a Social Construction*. Journal of Educational and Social Research. Vol.6 (2), pp.75-80.

Norrie, K. M. (2017) Legislative Background to the Treatment of Children and Young People Living Apart from their Parents: Report for the Scottish Child Abuse Inquiry. Edinburgh: Scottish Child Abuse Enquiry.

Onifade, E., Barnes, A., Campbell, C., Anderson, V., Petersen, J. and Davidson, W. (2014) Juvenile offenders and experiences of neglect: The validity of the YLS/CMI with dual-status youth. Children and Youth Services Review. Vol.46, pp.112-119.

Pickford, J. and Dugmore, P. (2012) Youth Justice and Social Work. London: Learning Matters.

Pineau, M. G., Kendall-Taylor, N., L'Hote, E. and Busso, D. (2018) Seeing and Shifting the Roots of Opinion - Mapping the Gaps between Expert and Public Understandings of Care Experience and the

Care System in Scotland. CELCIS. [Online] Available: https://www.celcis.org/files/9515/3011/5596/FrameWorks_June_2018_Map_the_Gaps_Final_002.pdf [Accessed: 18 January 2020].

Prison Reform Trust. (2016) In Care, Out of Trouble. [Online] Available: http://www.prisonreformtrust.org.uk/Portals/0/Documents/In%20care%20out%20of%20trouble%20summary.pdf [Accessed: 9 February 2020].

Rutter, D., Francis, J., Coren, E. and Fisher, M. (2010) Systematic Research Reviews: Guidelines. [Online] Available: https://www.scie.org.uk/publications/researchresources/rr01.asp [Accessed: 6 April 2020].

Ryan, J., Marshall, J., Herz, D. and Hernandez, P. (2008) Juvenile delinquency in child welfare: Investigating group home effects. Children and Youth Services Review. Vol.30 (9), pp.1088-1099.

Schofield, G., Ward, E., Biggart, L., Scaife, V., Dodsworth, J., Larsson, B., Haynes, A. and Stone, N. (2012) Looked after children and offending: Reducing risk and promoting resilience. Norwich: University of East Anglia.

Scottish Government. (n.d.) Whole system approach to young offending. [Online] Available: https://www.gov.scot/policies/youth-justice/whole-system-approach/ [Accessed: 15 March 2020].

Scottish Government. (2007) Use of Antisocial Behaviour Orders in Scotland. [Online] Available: https://www2.gov.scot/Resource/Doc/198276/0053019.pdf [Accessed: 21 March 2020].

Scottish Government. (2016) The Report of the Advisory Group on the Minimum Age of Criminal Responsibility. [Online] Available: https://consult.gov.scot/youth-justice/minimum-age-of-criminal-responsibility/supporting_documents/00497071.pdf [Accessed: 14 March 2020].

Scottish Government. (2017) Launch of independent Care Review. [Online] Available: https://news.gov.scot/news/launch-of-independent-care-review [Accessed: 19 January 2020].

Scottish Government. (2018) Progressing the Human Rights of Children in Scotland: A Report 2015-2018. [Online] Available: https://www.gov.scot/publications/progressing-human-rights-children-scotland-report-2015-2018/ [Accessed: 14 March 2020].

Scottish Government. (2018) Understanding childhood adversity, resilience and crime. [Online] Available: https://www.gov.scot/publications/understanding-childhood-adversity-resilience-crime/ [Accessed: 22 March 2020].

Scottish Government. (2019) Scottish Crime and Justice Survey 2017-2018: main findings. [Online] Available: https://www.gov.scot/publications/scottish-crime-justice-survey-2017-18-main-findings/pages/11/ [Accessed: 18 January 2020].

Scottish Prison Service. (2015) Prisoner Survey 2015. [Online] Available: https://www.sps.gov.uk/Corporate/Publications/Publication-4565.aspx [Accessed: 18 January 2020].

Scourfield, A. (2019) Children in care: Concerns over Llwynhendy home plans. BBC News. [Online] Available: https://www.bbc.co.uk/news/uk-wales-50127506 [Accessed: 8 February 2020].

Smith, N. (2017) Neglected Minds: A report on mental health support for young people leaving care. Barnardo's. [Online] Available: https://www.barnardos.org.uk/sites/default/files/uploads/neglected-minds.pdf [Accessed: 14 March 2020].

Taylor, C. (2006) Young People in Care and Criminal Behaviour. London: Jessica Kingsley Publishers.

Teater, B. (2014) Applying social work theories and methods. Berkshire: Open University Press.

Tew, J. (2006) Understanding Power and Powerlessness. Journal of Social Work. Vol.6 (1), pp.33-51.

Thompson, N. (2006) Anti-discriminatory practice. Basingstoke: Palgrave Macmillan.

Trevithick, P. (2005) Social Work Skills. Berkshire: Open University Press.

UK Government. (2019) Care Leavers in Prison and Probation – Guidance. [Online] Available: https://www.gov.uk/guidance/care-leavers-in-prison-and-probation [Accessed: 18 January 2020].

Vaswani, N. (2013) The use of the Youth Level of Service/Case Management Inventory (YLS/CMI) in Scotland. Centre for Youth and Criminal Justice. [Online] Available: https://strathprints.strath.ac.uk/68847/1/Vaswani_CYCJ_2014_the_use_of_the_youth_level_of_service_case_management_inventory_in_Scotland.pdf [Accessed: 21 March 2020].

Weaver, B., Lightowler, C. and Moodie, K. (2019) Inclusive Justice: Co-producing Change. University of Strathclyde. [Online] Available: https://pure.strath.ac.uk/ws/portalfiles/portal/88977529/Lightowler_Weaver_CYCJ_2019_Inclusive_justice_co_producing_change_a_practical_guide.pdf [Accessed: 3 April 2020].

White, S., Edwards, R., Gillies, V. and Wastell, D. (2019) All the ACEs: A Chaotic Concept for Family Policy and Decision-Making? Social Policy and Society. Vol.18 (3), pp.457-466.

Who Cares? Scotland. (2016) Advocacy Matters: an analysis of young people's views. [Online] Available: https://www.whocaresscotland.org/wp-content/uploads/2019/06/WCS-Advocacy-Matters-an-analysis-of-young-peoples-views-Oct-2016.pdf [Accessed: 3 April 2020].

Who Cares? Scotland. (2018) Who Cares? Scotland's Report on the Criminalisation of Care Experienced People. [Online] Available: https://www.whocaresscotland.org/wp-content/uploads/2018/05/WCS-Report-on-the-Criminalisation-of-Care-Experience-April-2018.pdf [Accessed: 18 January 2020].

Williams, P. (2010) Social work with people with learning difficulties. Exeter: Learning Matters.