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'We Need to Tackle Their Well Being First': Understanding and Supporting Care-Experienced Girls in the Youth Justice System

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Abstract

Despite some positive developments within policy and practice, the over-representation of care-experienced children in the youth justice system remains of significant concern globally. Moreover, there is a relative lack of research or policy focusing specifically on the needs of care-experienced girls who become involved in offending behaviour. This article presents novel findings from interviews with 17 girls and young women and eight Youth Offending Team (YOT) staff, highlighting how being in care can affect offending behaviour and how YOTs may provide support to care-experienced girls who have been inadequately supported elsewhere. Reviewing research and practice through a gendered lens helps to demonstrate how and why care-experienced girls may be escalated through justice systems at a greater rate than boys. The provision of gender-specific, trauma-informed interventions by YOTs demonstrates how focusing on care-experienced girls' well-being first is essential if their involvement in the youth justice system is to be reduced. Nonetheless, while YOTs can plug the gaps by providing valuable support within an unsatisfactory system, youth justice intervention must not be a default option for girls in care who exhibit 'challenging' behaviour.

Keywords

care experience, criminalisation, desistance, girls, trauma-informed, youth justice, youth offending teams

Introduction

While some measures have been implemented to reduce the criminalisation of children in care in England and Wales (Department for Education (DfE) et al., 2018; Howard League, 2021; Prison Reform Trust (PRT), 2016), the over-representation of care-experienced children (i.e. those with experience of out-of-home care, including foster care and residential or group home care) in the youth justice system remains problematic. Set within a wider study of the over-representation of care-experienced girls and women in the criminal justice system (Fitzpatrick et al., 2022a), this article draws specifically on interviews

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with 17 girls and young women and eight Youth Offending Team (YOT) staff to highlight how being care can affect perceived offending behaviour and how support provided by YOTs may be particularly well-received by care-experienced girls.¹

The article begins with an exploration of participants' views of some of the reasons why girls may become involved in the youth justice system while in care, including how alleged offending behaviour may be an expression of previous trauma, feelings of not belonging or not being listened to. The article then considers how the unique position of YOT staff may enable them to provide individualised, gender-specific support to care-experienced girls. In particular, YOT staff may have the capacity and ability to develop trusted, consistent relationships that focus primarily on the well-being, needs and concerns of the girls, rather than being complicated by the competing demands that, for example social workers, have to balance. Nonetheless, there is a troubling tension here. While the findings clearly highlight the importance of YOT support in addressing girls' well-being, it is argued that such relationships must be available to girls outside the youth justice arena to avoid further criminalisation and prolonged involvement with the youth justice system. The perspectives presented offer vital insights for those working with all girls involved in offending behaviour, not just those with care experience, and resonate beyond England and Wales.

Background

While the majority of children in care are not involved in offending behaviour, the persistent over-representation of care-experienced children within youth justice systems is of concern in many countries (e.g. Baidawi and Ball, 2022; Baskin and Sommers, 2011; Haapasalo, 2000; Oriol-Granado et al., 2015). Data-linkage research from jurisdictions such as Australia (Malvaso et al., 2017b) and the United States (Ryan et al., 2008) has provided comprehensive statistical evidence of the impact of out-of-home care on children's involvement in the youth justice system, even when controlling for previous experiences of abuse and maltreatment. Such data-linkage studies are in their infancy in England and Wales (Hunter, 2022a), but a recent analysis of data shared between the DfE and Ministry of Justice (2022) demonstrated that 5% of all school children sampled had received a caution or sentence, compared with 11% of those with experience of the care system.² Similarly, data from the Office for National Statistics (ONS, 2022) indicated that 52% of care-experienced children who attended school in England had a criminal conviction by the time they were 24, compared with 13% of those who had not been in care. Furthermore, despite less than 1% of all children in England being in care, over half (52%) of the children in custody have previous experience with the care system (Her Majesty's Inspectorate of Prisons (HMIP), 2021). This over-representation particularly affects girls: care-experienced girls are more likely to receive both non-custodial and custodial sentences than girls without care experience, with the rates of immediate custodial sentences being 25 times higher for girls who have spent time in care (ONS, 2022). Black and minoritised girls who have been in care may be especially disadvantaged within the youth justice system, with Black and Mixed heritage care-experienced children having higher rates of imprisonment than those from White or Asian backgrounds (Hunter, 2022b; ONS, 2022).

Children in out-of-home care typically have already experienced a range of difficulties and disadvantages (Staines, 2016), which contributed to them being taken into care, and many face further challenges, including instability, a lack of support, stigma and discrimination, while in care. Moreover, being subject to criminal proceedings while in care can further increase the likelihood of a range of negative outcomes, including low educational attainment, unemployment, homelessness, substance misuse and poor emotional, physical and mental health (Ausbrooks et al., 2011; Dixon et al., 2015; Herz et al., 2012; Narey, 2016). Early involvement with youth justice agencies increases the risk of further criminal justice involvement, both in childhood and in adulthood (McAra and McVie, 2005), with concomitant negative consequences, stigmatisation and labelling. Indeed, the impact of having a criminal record, and the barriers to employment it creates, may be felt particularly acutely by girls and women (Unlock, 2021).

There has been growing interest in understanding why children in care are over-represented within the youth justice system and how it can be addressed (see, for example, Goodkind et al., 2013; Hébert and Lanctôt, 2016; Howard League, 2021; McFarlane, 2010; Stanley, 2016). The overarching message from such research is that a complex interaction exists between experiences of early trauma, experiences during care and structural factors, which influences the disproportionate criminalisation of care-experienced individuals (Staines, 2017; Stanley, 2016). However, in the context of the ongoing debate about how best to respond to justice-involved girls and women, and their invisibility and marginalisation in a system focused on boys and men (Goodfellow, 2017; Messina and Esparza, 2022; Simkins and Katz, 2002), there is a concerning lack of attention on how this interaction is influenced by gender and how best to respond to care-experienced girls in particular.

A Gendered Lens

In addition to the relative lack of research on girls involved in offending behaviour, research and practice have tended to focus on generic experiences of those in care rather than specifically on the distinctive experiences of boys and/or girls (although see McFarlane, 2010). The Laming Review (PRT, 2016), and accompanying literature review (Staines, 2016) recommended a focus on the particular needs and experiences of girls in care who are also involved in the youth justice system, in order to develop a greater understanding of how approaches to and interventions with ‘dual-involved’ children need to be differentiated by gender.

Reviewing existing research through a gendered lens can demonstrate how and why care-experienced girls may be escalated through justice systems at a greater rate than boys, and how such criminalisation may be reduced. Girls in care may have experienced more difficulties prior to placement than boys, difficulties that are themselves correlated with increased youth justice involvement (Baidawi et al., 2021). For instance, girls are more likely to have experienced a greater number of background adversities, to have been abused, to have higher levels of socio-psychiatric disorders and to have self-harmed or attempted suicide (Farmer et al., 2004; Henriksen, 2018; Lipscombe, 2006; O’Neill, 2008). Bridging these findings with insights from feminist pathways theory (see Belknap,

2015; Fedock and Covington, 2022) illuminates how, compared with their male counterparts, girls' higher prevalence of histories of neglect and abuse can have a more pronounced intergenerational impact and lead to a greater severity of poor outcomes in adulthood (Messina and Esparza, 2022; Pusch and Holtfreter, 2018). The failure to address the impact of abuse and neglect can lead to the routine criminalisation of girls, with justice systems focusing on the outward expression of trauma rather than understanding how such trauma might influence behaviour (Simkins and Katz, 2002). Appropriate interventions must be provided to improve girls' well-being, including reducing and managing the impact of abuse and trauma, to prevent girls from becoming involved in the youth justice system (Simkins and Katz, 2002).

However, there is a lack of understanding of care-experienced girls' needs and the impact of trauma on their behaviour, leading to differential treatment within the care and justice systems, with some professionals (including foster carers, residential care staff and youth justice practitioners) believing that girls are more difficult to work with than boys (Bateman and Hazel, 2014; Humphery, 2019; Lipscombe, 2006; Umamaheswar, 2012). Such reluctance to work with girls may heighten the risk of placement breakdowns – which can contribute to involvement in the youth justice system. It is also feasible that the perception of girls as being more difficult, among an already 'challenging' group of children, leads to a greater propensity for care professionals to involve the police when girls are perceived to be 'acting out' (Shaw, 2014).

Furthermore, international evidence indicates that placement in residential or group home care, rather than foster care, is strongly associated with involvement in the youth justice system, particularly for girls (Malvaso et al., 2017a). O'Neill (2008:12) found that the lack of recognition of gender differences in residential care 'compounded the marginalisation of already socially excluded girls in institutional care, who are expected to "fit into" provision primarily designed for boys', leading to worse outcomes for girls (see also Henriksen, 2018). It may be that girls are more vulnerable to the potentially detrimental effects of residential care, such as mixing with other young people who may be involved in offending behaviour (Malvaso et al., 2017a), or being criminalised via child criminal and/or sexual exploitation, which may particularly affect care-experienced girls (Berelowitz et al., 2012; Calouri et al., 2020; Shaw, 2016; Shaw and Greenhow, 2021). Equally, it may be that the increased likelihood of having unresolved trauma from previous abuse means that girls are more likely to demonstrate 'challenging' behaviour that results in police attention, particularly in the absence of appropriate early support and interventions (Malvaso et al., 2017a). Recent Ofsted data have indicated that police involvement is higher in privately-run residential homes than those managed by local authorities or charities (Wall, 2022), which is extremely concerning given the increased reliance on private providers in England.

Within the justice system, girls may experience a 'triple whammy' of negative stereotyping on the basis of their care status, involvement in offending, and gender – with ethnicity compounding this further for some (Baidawi et al., 2021; Hunter, 2022b). Girls and women in general are treated more punitively than boys/men within justice systems because they are seen as 'doubly deviant', transgressing both criminal justice legislation and the 'laws' of femininity (Sharpe, 2015). For girls in care, survival strategies – such as

running away – can further influence decisions made within the court, resulting in more punitive outcomes and harsher sentencing tariffs (Gelsthorpe and Worrall, 2009).

In an unequal system where girls' needs are often overlooked (Goodfellow, 2017), the impact of specific relationships, support and interventions on outcomes can be significant. The focus of much research and policy has been on the role and involvement of foster carers/care staff, social workers and the police, and suggestions for how they may help to reduce the criminalisation of children in care. Perhaps less has been said about the support and interventions that can be offered by YOTs to care-experienced girls (although Humphery (2019) provides a notable exception). However, it is recognised that YOT staff have to navigate 'tricky terrain', finding a balance between the competing demands of supporting young people yet holding them accountable, encouraging agency and maintaining optimism yet also prioritising community safety (Day, 2022; Umamaheswar, 2012). Recently, the youth justice system in England and Wales has taken steps towards promoting a 'child first' approach, prioritising a holistic, individualised focus on children's needs, strengths and aspirations, combined with an emphasis on desistance (Wigzell, 2021). It is within this context that this article explores how YOT professionals can work with care-experienced girls to understand their involvement in the youth justice system and to support their desistance from offending through a focus on their well-being.

Methodology

This article draws from a wider project exploring the disproportionate criminalisation of care-experienced girls and women (Fitzpatrick et al., 2022a) and their pathways into and out of the youth and criminal system. Between October 2019 and March 2021, the research team undertook interviews with 37 care-experienced women in custody, 40 professionals, including eight YOT workers, and 17 girls and young women across England who had both care and youth justice system involvement. The focus here is on the interviews with girls and young women and the YOT staff, exploring how YOT professionals can better work with this cohort, through reducing criminalisation and supporting desistance. The girls and young women were recruited from across the country via YOTs, social workers, third-sector organisations working with care-experienced individuals and social media; to be eligible for participation the girls and young women needed to have experience in both care and criminal justice. The COVID-19 pandemic created numerous challenges for the completion of this project, including the need to conduct the interviews online via MSTeams or Zoom, or over the telephone, depending on the technology available to the research participants. One young person chose to conduct their interview via email. Given the sensitive nature of the research, good ethical practice was extremely important, including ensuring that the research did not give rise to any unnecessary distress and that participant well-being was prioritised. Some of the girls and young women chose to be accompanied during the interview by a support person.

The research was approved by Lancaster University Ethics Committee. Participant information sheets and consent forms were distributed to potential interviewees in advance to ensure that they were as informed about the interview process as possible. All

care-experienced participants were offered a £20 shopping voucher to thank them for their time. Interviews were fully transcribed and anonymised; pseudonyms were assigned to the girls and young women; YOT staff were differentiated by the use of a number. A detailed analytic framework was created in NVivo 12, based on team discussions of emerging themes. Each team member participated in the coding of transcripts, which led to further discussion and refinement of the overarching framework for analysis.

Study Sample

The girls and young women interviewed were aged between 16 and 26, with a mean age of 20 years; 10 identified as White British, three as Mixed ethnicity, two as Black British and two as being from an 'Other' ethnic background. Six of the participants were still in care (including foster care, residential care and 'semi-independent' accommodation, such as foyers or supported lodgings), three were receiving state support from a personal advisor (a support worker allocated to children leaving care until the age of 25) and seven had left the care system altogether. Within the context of often very disrupted care histories, many of the girls and young women were unsure of the number of care placements they had experienced, but most reported having at least three different placements; five also reported spending time in either youth custody or prison. Similarly, five of the participants found it difficult to identify when they first had formal contact with the youth justice system, while six said this had happened prior to becoming looked after and six while they were in care, primarily in residential care. The offences they had been involved in ranged from relatively minor offences, such as shoplifting or criminal damage, to stealing cars, burglary, assaults and other violent offences. The YOT professionals were aged between 34 and 63, with a mean age of 46 years; six were female and two male; one identified as Black British with all others identifying as White British. They had worked within youth justice for between 3 and 30 years, with an average of 16 years' experience of working in a YOT (which has a remit to work with children aged 10–17 years), and held a variety of roles, including as case managers, team managers and operational or thematic leads.

Findings – Care-Experienced Girls' Involvement in the Youth Justice System

The interviews explored possible reasons why some girls in care come into contact with the youth justice system, as understanding the precursors to this is arguably key to developing and implementing effective interventions to reduce it. A number of inter-related themes were identified within the participants' responses including the inappropriate criminalisation of behaviour in care, the response of the police and how supportive interventions by the YOT can counter some of the negative situations experienced by girls in care.

Criminalisation

Although not gender-specific, inappropriate criminalisation was a recurrent theme within the interviews, with girls, young women and YOT staff discussing how care workers may

be 'more geared towards picking up the phone to inform the police when things get out of control' (YOT6) and how children in care are 'at risk of being prosecuted for behaviours that they would not be prosecuted for if they were living in their own home' (YOT7). Ellie felt that care staff would respond to 'every minor accident you have' by 'get[ing] you arrested'. Interviewees highlighted various reasons for staff calling the police including insurance claims, making 'an example' of children (YOT3) and a lack of training and/or experience, particularly in response to behaviours stemming from mental health difficulties. Private care providers were a particular focus for criticism, especially for the perceived reliance on 'care staff [who] are inexperienced, unqualified, sometimes very young people, who are way out of their depth in dealing with such damaged and challenging children' (YOT7); as noted earlier, this is of significant concern given the rapid growth of private care providers in England.

Interactions with the police

While over-reliance on the police was prominent, the nature of police interactions emerged as being particularly problematic, creating points of conflict and drawing girls further into the youth justice system. The girls and young women felt that previous contact with the police led to them being labelled and unfairly targeted (see McAra and McVie, 2005). For example, Isla said,

Once you've been pushed into the eyes of the police now the police know you, so . . . now you're in town with your friends, oh look there's Isla, we always get called about her, let's keep an eye on her, whereas Joe could be standing with me, who probably sells drugs, does all these things but because his parents don't call the police on him all the time the police don't know about him. (Isla)

Isla also felt she stood out and was more visible as a Black girl, illustrating broader concerns about discrimination and the disproportionate representation of some minoritised groups in the justice system (Hunter, 2022a). The impact of being 'known' by the police was also recognised by YOT staff; one professional noted that 'they are flagged up, their picture might be circulated' (YOT6), either because of previous (alleged) involvement in offending behaviour or due to prior contact with the police for safeguarding concerns or as victims.

Difficult interactions with the police were also highlighted, with both YOT professionals and girls/young women discussing how anxieties and tensions may be released through seemingly challenging or aggressive behaviour, leading to arrests or further police action. For example, Hannah explained that

When I get sweaty and I'm anxious I swear, so they were like 'can you stop swearing at us?' and I was like 'listen can you just fuck off?' kind of and I didn't mean to say it but they were like 'right if you carry on speaking to us like that we're going to arrest you'. (Hannah)

YOT professionals discussed how girls in particular may 'panic when they are restrained' (YOT7), leading them to 'lash out' at or assault the police. Panic may be an entirely

rational response to being restrained, particularly for girls who may have experienced violence, abuse and/or physical coercion. The ability of police officers to recognise, understand and respond appropriately to potentially distressed girls was seen as vital:

It takes a great deal of skill from that police officer to convince the young person that [being taken back to their placement is] for their own safety and wellbeing to get in the car and go back to the foster carer. If the young person doesn't want to go, right, and puts up a . . . resistance right, the police officers will flip into their default position . . . [of] 'right well I'm nicking you'. (YOT6)

These comments highlight the contradictions presented by girls who are simultaneously seen as active agents, transgressing social and legal norms and vulnerable victims (Humphery, 2019), and how responses that may be designed to be protective can be experienced as coercive (Brown, 2014). Given the link between femininity and vulnerability, this arguably has a greater impact on girls involved in offending behaviour (Irwin and Chesney-Lind, 2008), particularly Black girls who may be 'adultified' and held to higher thresholds of responsibility (Agenda and Alliance for Youth Justice, 2021). This creates complexities for practitioners who may be unsure of how to respond or who may fluctuate between different positions of protection or prosecution (see Phoenix, 2012) and highlights the need for comprehensive training for police officers – and other related professionals – on how to appropriately respond to potentially traumatised girls.

Understanding behaviour

A common theme within the interviews was how alleged offending behaviour could (and perhaps should) be understood as an expression of trauma, grief or anger, often related to adverse childhood experiences (Simkins and Katz, 2002). For example, one YOT professional explained that girls may present with 'more aggressive behaviour', such as fighting or assaults, but that this behaviour could be understood as the expression of 'whatever distress they've experienced' (YOT5). Another participant similarly highlighted how prior trauma could be communicated through offending behaviour:

Usually, you know, past trauma relates to the fact that they're not managing their emotions and feelings very well and this leads to maybe outbursts in the community, their behaviour becoming negative, maybe violence in a care home, and this is kind of what leads them down the youth offending route. (YOT4)

As Humphery (2019) also demonstrates, the failure to provide adequate support previously can have a direct impact on the criminalisation of care-experienced girls, thereby highlighting how the state may perpetuate the trauma they experience. By addressing the girls' welfare and emotional needs at a much earlier stage, in order to attend to their wellbeing, the state could prevent their involvement in offending behaviour, rather than relying on the youth justice system to later fill the gaps in support.

Some of the girls and young women explained that their behaviour resulted from feelings of confusion, anxiety and/or being excluded from discussions about their own lives:

A lot of it [anti-social behaviour] was because I was angry, I didn't understand the situation, there wasn't anybody explaining it to me . . . no one communicated very well and if they did it was between each other as professionals . . . it was never ever me . . . that made my mind just kind of think no one cares, why should I care about anybody else, I'm not bothered, I'll just get drunk and I'll do whatever I want to do. (Hannah)

When I moved in there [the children's home], obviously I was upset, I was confused . . . I felt unwanted, I didn't know where I belonged, it's like someone had picked me up and there was no belonging so I'd started kicking off. (Zoe)

They further highlighted how they were not given the opportunity to discuss their distress or how it affected their behaviour, nor how it might be their way of asking for support:

They didn't actually ask me why I wasted police time, or why I was running away, or why I was doing what I was doing, or why I wasn't comfortable at home, or why I wasn't happy where I was. (Hannah)

I don't think you're given the chance to . . . say 'yes I did do that but I did it because of this and it's 'cos I wanted your help'. (Lucy).

Conversely, Zoe felt that being arrested made her the focus of attention and provided her with the chance to talk, saying 'it was all about me, I could tell them what I really feel and it felt like they listened'. Clearly, being arrested is an inappropriate and harmful way of ensuring that a child is listened to, particularly given the punitive criminal records system in England and Wales (Sands, 2016). However, many of the girls and young women interviewed felt that care staff (particularly within residential children's homes) were 'always busy' (Zoe), had no 'real time to get to know that young person' and as a result had 'no sort of understanding' (Lucy) of their needs or behaviours. As Isla explained, repeatedly being turned away because staff were busy could mean that children would just stop asking for help or support, leaving them feeling 'left and lost'. The girls and young women's comments emphasise the importance of communication and listening so that their needs and concerns are addressed; being disruptive should not be the only way to access support. Again, this reinforces the need for pre-existing trauma to be responded to adequately by the care system to improve girls' well-being before it leads to youth justice involvement.

However, repeated changes in placement and/or social worker – a widespread problem for children in care – was recognised as contributing to a lack of consistent support or stability for girls in care, with 'no continuity, no security, no boundary setting' (YOT1). Girls were also described as 'being sick and tired of having to tell the same story over and over again' (YOT7) and as finding it hard to invest in professional relationships that could otherwise help them to desist from offending, because they have 'los[t] confidence in the system' (YOT4).

Conversely, the relative stability and low staff turnover rates within some YOTs, and the development of consistent relationships with associated professionals, were seen as positively contributing to work with young people:

We've got a very stable team . . . which means that they've had lots of training, lots of experience, lots of knowledge, and are able to deal with things better. (YOT1)

A key challenge here is to explore how such practitioner stability and support might be made available to girls outside the youth justice system, to avoid prolonging contact with potentially criminalising systems.

Supporting care-experienced girls in youth justice

The YOT professionals in particular discussed the impact of gender on their relationships with care-experienced girls, the gendered nature of interventions and the importance of adopting a trauma-informed framework, which is increasingly being promoted within care and justice systems (Petrillo, 2021). The YOT interviewees recognised the impact of trauma on girls' behaviour and mental health and emphasised the need to respond to the difficulties experienced before any meaningful work on offending behaviour could be undertaken:

It's a big issue across the board, they come to us on a criminal offence but when we do our assessments . . . we see everything that's there . . . childhood trauma, adverse childhood experiences, or certain mental health problems, and then we're supposed to be dealing with it . . . like a criminal offence but realistically the underlying issues have never been tackled . . . they've just slipped through the net and . . . then all of a sudden they deal with it by being arrested and being in court. And what we're doing really it's a waste of time, if you want to tackle offending we need to tackle their wellbeing first. (YOT3)

These comments again highlight how YOT staff may have to compensate for the failure of other agencies to provide appropriate support and how addressing welfare concerns and well-being needs to be prioritised over offending behaviour work (Humphery, 2019).

Trauma-informed frameworks

YOT staff reiterated the need for girls to have someone to talk to about their worries before they 'erupt . . . and cause harm related behaviour' (YOT4) and the need to work with girls in a trauma-informed yet creative way. Finding ways to adapt practice to meet individual girls' needs was highlighted, again emphasising the need to address the impact of trauma and harm rather than just focusing on offending behaviour:

I'm expected from a youth justice perspective to deal with this young person's offending and get their offending behaviours nailed down . . . But on the other hand it's very, very much about the welfare and we just want to make sure that this young person was safe . . . their wellbeing and safety issues completely outweigh their offending behaviours. (YOT8)

Some of the girls and young women discussed how adopting a trauma-informed approach enabled the YOT staff to support them more holistically, which in turn helped them to understand how their emotions affected their behaviour:

They did quite a lot of life skills work and feelings, a lot about my feelings and how my behaviours affect my feelings and my feelings affect my behaviours . . . A different way of working . . . like YOT is about the person . . . I didn't once feel like I was being judged by them, they didn't make me feel depressed, they didn't make me feel sad, they didn't make me feel like I was on my own. (Hannah)

For some of the girls and young women, this approach contrasted with that taken by social workers or care staff who either treated them 'like a traumatised child' or 'like you're a criminal' (Ellie) rather than trying to understand how trauma influenced their involvement in the youth justice system. Ellie's view reiterates how the dichotomous constructions of care-experienced girls as active agents or vulnerable victims (Humphery, 2019) can create contradictory responses from professionals. Conversely, Ellie felt that YOT staff 'actually bother[ed] to get to know why certain things happen and why you engage in certain behaviours if you've been through certain things'.

While trauma-informed approaches may also be appropriate when supporting boys to desist from offending, YOT staff talked about the additional 'complexity' that they felt existed for girls. This perceived complexity partly reflects the inherent and continuing pathologising of girls' behaviour and partly the gendered nature of the criminal justice system that is set up to deal with the male majority (Goodfellow, 2017), where practitioners may develop more expertise with boys. While acknowledging that they may be generalising, some YOT staff believed that 'a lot of girls feel the rejection of being removed from the home greater than some of the boys do' (YOT1) and experience greater feelings of guilt or responsibility for siblings who remain at home or are placed elsewhere. Girls were seen as being more likely to experience mental health problems, such as anxiety or depression – or at least, being 'more forward in coming with that information than boys' (YOT3) – and as more likely to internalise the effects of trauma through self-harm (see also Fitzpatrick et al., 2022b). Internalising difficult emotions and the impact of trauma was seen as making girls 'very complex, volatile' (YOT1), reinforcing the need to prioritise their well-being before addressing their offending behaviour. While Umamaheswar (2012: 1171) found that many professionals found it more challenging to work with girls because of their perceived 'increased emotionality', some of the YOT workers interviewed in this study actively chose to work with girls, for example, taking on the lead responsibility for girls referred to the YOT.

The importance of relationships

The relationship between girls and their YOT worker was seen as crucial to supporting desistance from offending, in providing 'continuity, consistency', reassurance that the YOT worker is 'not going away' (YOT1) and the knowledge that 'people really care' (YOT4). Some of the girls and young women reiterated the need for 'a constant in my life' (Adele) which they did not otherwise have and appreciated the support of staff who seemed to genuinely care for them, sometimes going 'above and beyond' to provide support (Roxanne). Lucy talked about finding it 'refreshing' when staff wanted to get to know her individually, rather than making judgements based on paper records alone, which she

said had ‘never really been done before’. Feeling ‘part of the process’ (YOT4) was identified as contributing to positive outcomes for girls, who could otherwise feel ‘lost in the whole system’ (YOT4).

One YOT professional described girls involved in both the care and youth justice systems as being on a ‘train track’ with:

how fast you move along that train track depend[ing] on the skills and understanding and knowledge and the methodology and the relationship and all those other things, that stop that child going up that train track. (YOT6)

Another argued that the quality of the relationship was critical and perhaps more important than having particular knowledge or qualifications:

Obviously they need to have very qualified experienced workers that know how to handle situations, but equally I think that if they’ve established a relationship with somebody who hasn’t necessarily got the experience, hasn’t got the knowledge, but has got somebody alongside them that’s telling them how to do it, that’s far better . . . so I suppose what I’m trying to say is probably the relationship’s far better than having the specialists there working directly with the child. (YOT1)

Being ‘relatable’, ‘a bit human’ and able to ‘build a rapport’ (YOT2) with a young person was seen as important in developing strong relationships with girls, enabling them to feel able to trust and talk to their YOT worker. As Humphery (2019) notes, the trust-building process cannot be forced but needs to develop at the girls’ pace; practitioners may have more time to work with girls serving longer orders, but again it should be emphasised that girls should not have to be criminalised to receive the support they need.

Furthermore, maintaining appropriate professional boundaries with girls was seen as potentially problematic:

I do think it’s girls in particular, tend to become very emotionally dependent. So they will either see their worker as a mother figure or they see them as a best friend and it should be neither. (YOT7)

The blurring of personal and professional boundaries (Humphery, 2019) is difficult to manage; as the above quotes from Lucy, Adele and Roxanne demonstrate, the personal connection with YOT staff can be critical to developing trusted relationships, particularly for girls, yet staff need to protect their own time and energy too.

Activities and interventions

Alongside supportive, trusted relationships, the activities and interventions provided by the YOT could aid desistance. Being meaningful was seen as crucial for interventions to have an impact on behaviour, rather than just ‘punishing kids by picking up litter [which isn’t] teaching them anything about how not to commit an offence’ (Jenny). Charlotte was similarly critical of community service but appreciated the opportunity to develop specific skills, the benefits of which remained with her:

We all really enjoyed the photography thing, it counted as part of our like hours towards whatever we had to do, but we went there like we sat in a group, they found ways to incorporate like good things that you have done into it . . . Community service, which is normally like painting railings on the local flipping graveyard or something like that, that's not going to make them get involved with something positive. I still remember how to do the stuff in the dark room now so I actually picked something up. (Charlotte)

Some of the YOT professionals questioned the extent to which current interventions were able to support girls to desist from offending because there is 'inherent inequality built in' to the justice system (YOT6). This gender inequality is reflected in many of the materials, such as videos or posters, used to encourage desistance, which affects how YOT professionals can engage with girls. For example, one professional said: 'we haven't got any videos about young women drug dealing . . . so you're not going to get the same quality of delivery as a young man in the same position would have' (YOT6). Another commented that 'interventions are geared towards boys, males, and we should be adapting our practice to work with females' (YOT4). The decreasing numbers of girls involved with youth justice in England have only served to exacerbate their marginalisation, with less specific provision for them (Goodfellow, 2017).

Discussion and Conclusion

This study aimed to address the limited empirical research specifically on the experiences of care-experienced girls and women who are also involved in the criminal justice system and provides qualitative evidence that can contribute to explanatory theory as to why girls are more likely to be criminalised in care settings than boys. The findings clearly link to and build on previous literature on the mechanisms through which care-experienced girls may be criminalised, particularly in residential care, and help to illuminate care-experienced girls' pathways into and out of the youth justice system.

An overarching message from the girls and YOT professionals' interviews was the importance of prioritising girls' well-being before addressing their offending behaviour – indeed, addressing well-being concerns, particularly those related to previous and/or current trauma, could reduce the need for specific offending-related interventions (see also Simkins and Katz, 2002). Both the girls and the professionals highlighted how girls' challenging behaviour could be an expression of anxiety, distress and uncertainty yet recognised that these behaviours were often met with punitive responses from care staff and the police that exacerbated involvement in the youth justice system, rather than reducing it. The interviews illustrated the multi-faceted importance of communication – with behaviour being a means of communication and communication being an essential part of responding to such behaviour – but also revealed how communication could be lacking, with girls feeling lost within a care system that did not listen to them. Conversely, many of the girls felt that their YOT worker was able to take the time to listen, understand and respond to their emotional needs, thereby helping them to understand how their behaviours may be driven by the trauma and harm previously experienced.

YOT staff do occupy a unique position, in that staff are not directly involved with family or living arrangements, financial or employment issues and so on, so they are able to focus on and advocate for just the needs and well-being of the young person (see also Humphery, 2019). The potentially unique position of the YOT to provide consistent, trauma-informed relationships, away from other complexities and tensions, was emphasised within the interviews. Although YOT's formal purpose may be to reduce offending, their ability to prioritise care-experienced girls' well-being can, by default, enable desistance. Notwithstanding the conflicting priorities facing YOT workers (Day, 2022) or the risks of a post-pandemic surge in the criminalisation of children (Harris and Goodfellow, 2021), this research suggests that there is relative stability in YOTs, at least in comparison with children's services and the current 'care crisis' in England and Wales (Family Rights Group, 2018). This can enable YOT staff to provide more consistent, longer-term support to care-experienced girls, thereby engendering the supportive, trusted relationships needed to address previous trauma and counter other areas of instability. Nevertheless, it is vital that the youth justice system does not become a default response to care-experienced girls, and that support for their well-being is accessible in systems of care and welfare, and not reliant on justice system involvement.

The need to recognise gender within the professional practice – including staff training and appropriate interventions for girls – was highlighted within the interviews. YOTs have recently played a significant role in reducing the numbers of children involved in the youth justice system in England and Wales and as such may have the time and expertise necessary to develop gender-differentiated approaches and interventions, and responses that specifically reflect the likelihood of girls experiencing sexual exploitation, harm and victimisation. While previous research has indicated a reluctance of some professionals to work with girls, this study illustrated that some staff actively choose to work with girls, recognising the need to provide positive role models and build supportive relationships that were otherwise missing from the girls' lives. However, there were also tensions for YOT staff in managing the somewhat blurred boundaries between their professional and personal lives. Rather than expecting staff to go 'above and beyond' (Humphery, 2019: 171), there is perhaps a need to redefine the YOT role to enable staff to build and maintain supportive relationships within clear boundaries while also ensuring that the lack of support from other agencies is remedied.

There is a risk that YOTs may become a victim of their own success if resources are reduced in line with the decrease in the number of children they work with; it is thus vital that YOTs continue to be adequately resourced to enable gender-specific and individualised work to be delivered. Furthermore, YOTs cannot work in isolation but need to be supported by strong multi-agency networks, so that they can refer care-experienced girls to outside agencies for specialist support where necessary. Collaboration with other organisations can be problematic, especially when girls are placed 'out of area' (Her Majesty's Inspectorate of Probation, 2015; Umamaheswar, 2012), but evidence from this study shows that multi-agency approaches could be particularly effective in ensuring girls' emotional, psychological and material needs are met.

The ‘child first’ approach promoted by the Youth Justice Board in England and Wales should lend itself well to the development of tailored, gender-specific support for care-experienced girls involved in the youth justice system, but the need for clear guidance on how YOT staff can work to reduce the criminalisation of care-experienced girls remains crucial. Moreover, YOTs should not be the default option for dealing with girls who, in many cases, could and should be diverted away from justice system contact through the provision of appropriate support at an earlier point. That care-experienced girls seem only to be provided the support they need *after* they have allegedly caused harm to others is a damning indictment of the resourcing and structuring of current systems of support, and it is vital that earlier support is provided to reduce both the criminalisation of girls in care and the potential impact of their behaviour on others.

The research does have some limitations – given the tendency of research to focus on the male majority, this study deliberately did not include care-experienced boys but did not also consider non-binary children’s experiences of harm, abuse or trauma or the support provided specifically to them. This article does not explore the views of other professionals working with dual-involved girls (although these are reported elsewhere (Fitzpatrick et al., 2022a)); the research was conducted just within England, and a larger sample of participants may have provided a more representative range of views. Nonetheless, the findings have broader applications – while care structures and YOTs may be different in other jurisdictions, the message is still the same: girls need targeted, gender-specific support before they enter the youth justice system. The research illustrates, through a focus on YOT involvement, the value of trusted and supportive relationships in improving girls’ well-being and as a means of reducing involvement in the youth justice system. The challenge therefore is not only to make gendered support available for girls already in the youth justice system but also to consider how the support that girls found so valuable for their well-being might be made available before they enter it.

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Notes

1. The word ‘girls’ is used when discussing wider research, policy and practice with girls involved in the youth justice system; the phrase ‘girls and young women’ is used when discussing the specific research on which this article is based, as the participants included both girls and young women.
2. Being ‘in care’ is defined here as any child with a looked-after status in England, including those in foster, kinship or residential care who are looked after under the Children Act 1989; for example, under a care order imposed by the court, or a section 20 voluntary agreement. The youth justice system processes children aged between 10 and 17 years.

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