



**COMMISSION EAST**

# **Eastern Collaborative Childrens Residential Network (ECCRN) Meeting**

**10.30 – 12.00**

Essex  
Luton  
Suffolk  
Thurrock  
Cambridgeshire  
Bedford Borough  
Central Bedfordshire  
Peterborough  
Hertfordshire  
Southend  
Norfolk

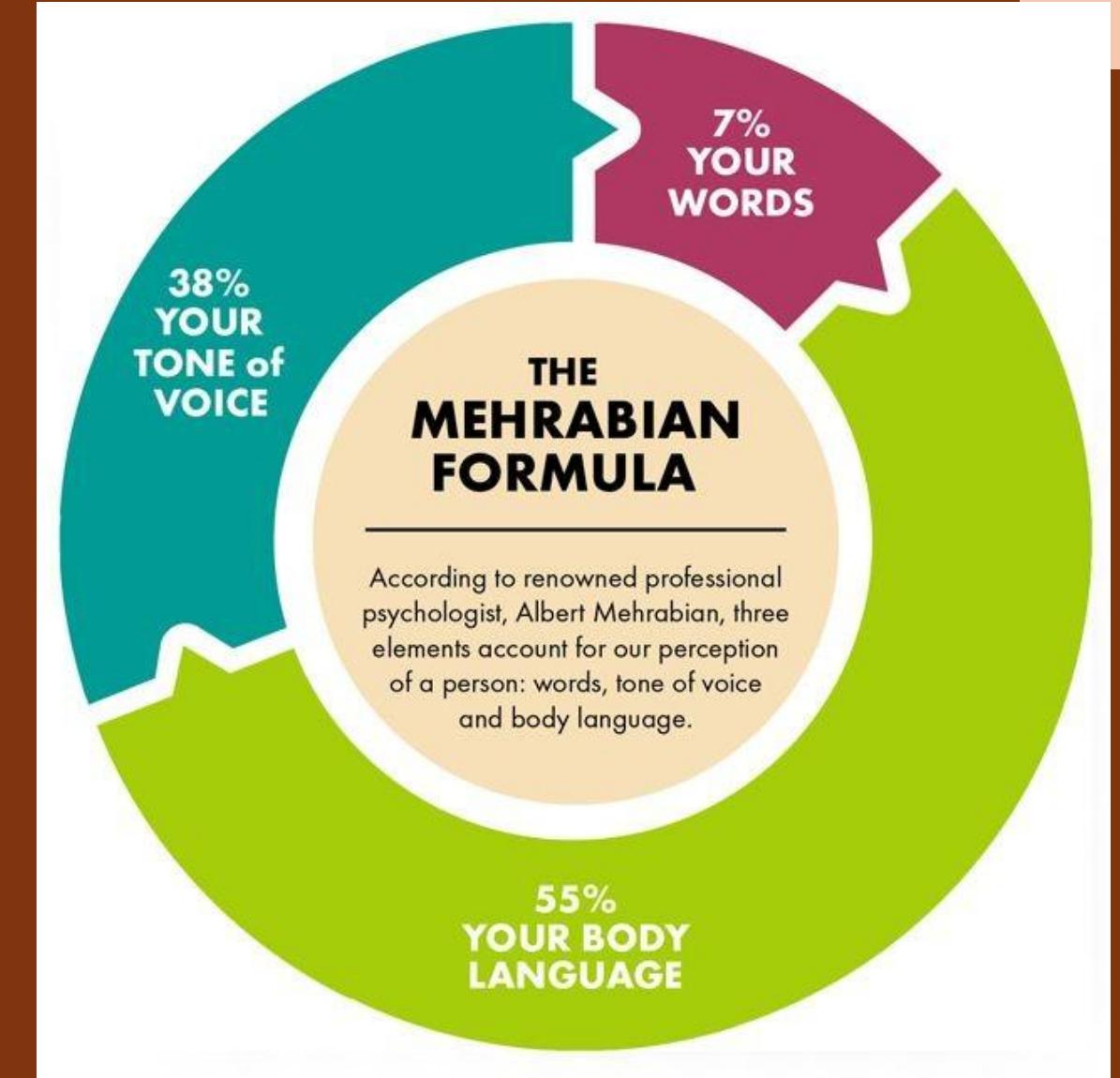


# The Language We Use

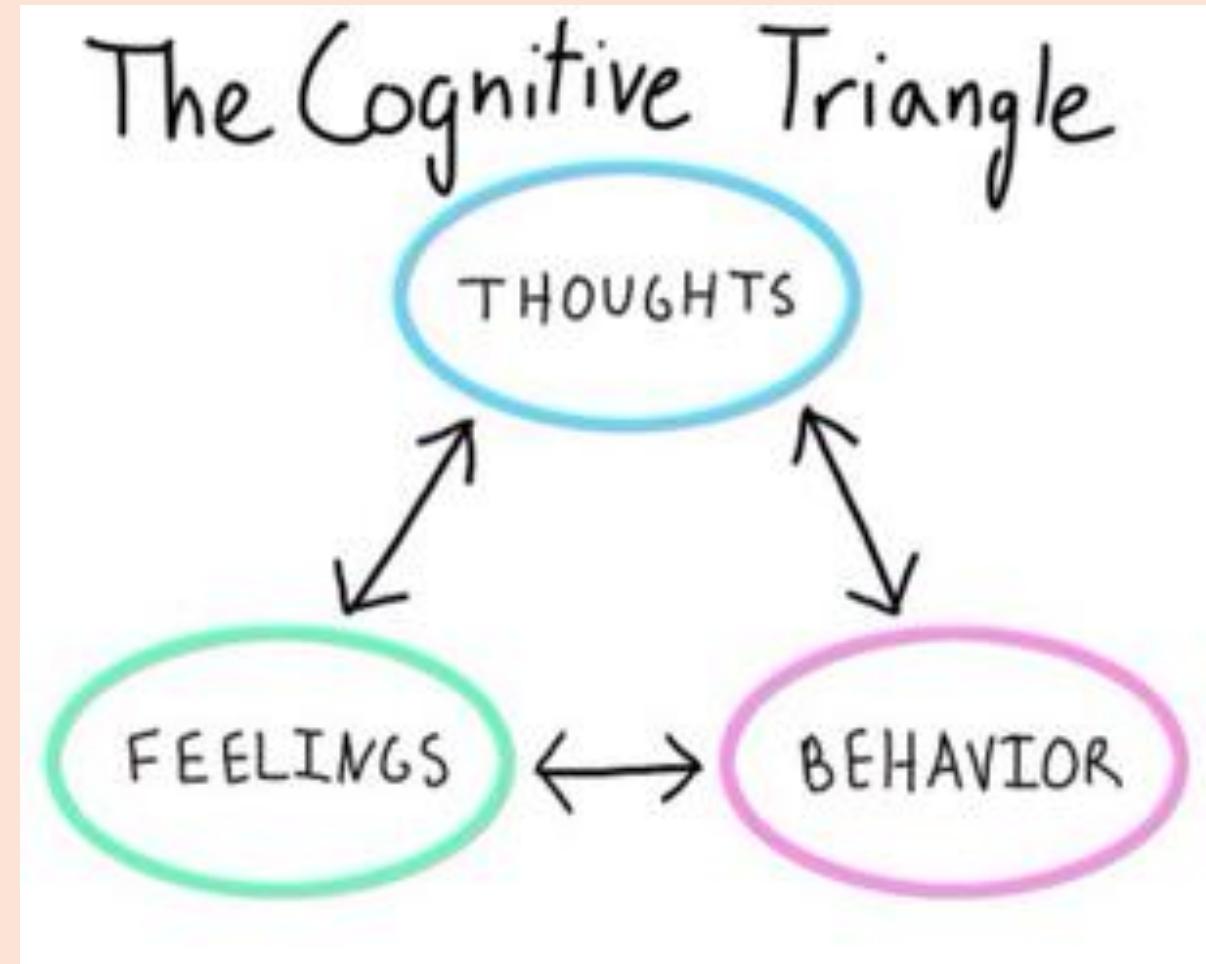
# Agenda

- Introduction to Language
- The Power of Communication
- The Cognitive Triangle
- Words we Use
- Impact of our language
- We Could, We should
- Helpful Resources

# The power of communication



## Cognitive Triangle (Beck)



# Communication



Think of how much we communicate using words, we write them in our care plans, our daily reports, PRF documentation, and we use them in our meetings, handovers, speaking to the children.

How often do we ask our children, how they feel about the words we use to address them and describe them?

We all have our own perspective which informs our preferences?

# Words we commonly use

Although we don't always mean to sound negative, a lot of language can create a negative impression in our minds.

Refused-to-Engage  
Assessment

Free-Time Sanction Offensive  
Non-Compliant Aggressive Manipulative

Difficult Case Heightened  
Challenging Consequence Impulsive  
Argumentative  
Contact Frontline

# Impact of the words we use

Here is a video of young people in Ireland discussing how the words used within social care made them feel.

<https://www.bbc.co.uk/news/av/uk-northern-ireland-48466031>

# We could, We should

## We could rephrase these sentences

Joe is very dysregulated and can become noncompliant if he feels he is not getting his own way.

Amy will have contact with her birth mother although

Charlie can be impulsive and this can make them act out if this should happen then Charlie should be given an appropriate sanction and spoken to about the incident

## We should think about adapting our language

Joe may become overwhelmed if a situation is not as he expects, this can result in Joe being hesitant or not wishing to complete the task.

Amy has family time with her mum.

Charlie at times may make decisions without fully considering the impact of them. Should they make a decision that results in damage then a proportionate outcome should be given such as replacing the broken property from own allowance. Charlie should also be supported with education around informed decision making.

# TACT

## Language That Cares | TACT

TACT is a non-profit UK fostering and adoption agency and they have reached out to care experienced young people and care experienced adults to discuss the terminology that is commonly used within the sector, and with their support they have offered alternatives to this language.



# Durham Council

- Language that cares guide

Following on from the work that TACT created regarding the use of language in childcare Durham Council reached out to their own care experienced individuals and created a Language that cares guide.



# TAUT CARES Acronym

## **Summary**

**C**lear, straightforward and understandable

**A**sk the child or young person what words they prefer to be used

**R**espect what the child or young person says by using their chosen words

**E**xplain official words that need to be used so everyone understands their meaning

**S**upport and challenge other professionals to use language that cares

Your words can be powerful,  
they can hurt or uplift, so  
think before you speak  
as every word you  
say counts.

[www.ThinkPositive.com](http://www.ThinkPositive.com)

Thank  
you

# Planning for the decriminalisation of children in care and Employment Rights Act

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Jonathan Stanley



# Children's Commissioner

## The criminalisation of children in care

17 November  
2025

### The criminalisation of children in care

Children with complex needs or disabilities whose behaviours require significant care from expert professionals, are criminalised by fact of being in care

Nearly half (49%) of children in care who are ever given a caution or criminal conviction came into contact with the justice system after they went into care, not before.

The question that guides the Children's Commissioner is “would this be good enough for my child – or for yours?” She continues, “If the answer is no, then we must step up and do better”.

“Of those children who had their first contact with the justice system only after entering care, they are more likely than other children ever found guilty to be initially charged with assault or criminal damage under the value of £5,000”.

“For any other child, these would not be ‘incidents’ documented in writing. There would be no report, no police involvement. They would usually be handled by parents or other caregivers in private, where children are allowed to be children”.

# Children

Jimmy is a child with autism and significant emotional and behavioural difficulties. His parents were committed to his care but they needed help. The right help could not be found and Jimmy came into care, in an illegal children's home where he was just being contained. This meant that he could not play outside or go to school. He was just being watched, all the time, by a constantly changing rota of agency staff. One day Jimmy threw something that hit one of these staff members. They were not seriously injured but the police were called. Jimmy was charged and then convicted. He, a disabled child, had to pay a fine.

Salma, has had an extremely difficult and traumatic start to her young life and is in care. She has significant mental health difficulties and has been sectioned. She needs to be fed with a tube. One day she lashed out at one of the nurses. Salma, to her great distress was charged by the police for this. The Help at Hand team and her social work team expressed their dismay at this result.

# The report wants to change 3 things (National) Protocol, Prosecution (child friendly) Practice (RCC and Police)

‘Over-policing’ of children in care.

*“This is where police are called to a care setting to deal with behaviour that if it occurred in a family home would not lead to police involvement – for example, damaging furniture, or hitting carers. This is not to underestimate the level of challenging behaviour children may show, but that is all the more reason to believe they should be cared for by those with the training, resource, and support systems to allow them to manage it”. (p11)*

While the majority of children with care experience never received a caution or conviction, they were ten times more likely than children with no care experience to have done so.

In total, 27% (10,038 children) of the care experienced cohort had ever received a caution or conviction, compared to 2.2% (34,478 children) of the non-care experienced population. (page 14)

(This) “suggests that the care system itself is not doing nearly enough to prevent those with no history of offending behaviour from being drawn into criminality, and is potentially itself creating a problem”.

# A different pattern of offences compared to all children ever guilty



Children ever found guilty who first offend after coming into care were much more likely than all other children ever found guilty to have a first offence of:

- Common assault and battery – 20% compared to 14%
- Criminal damage under the value of £5,000 – 15% compared to 8.4%
- Assault on a constable – 2.7% compared to 1.3%

But it was less likely for their first offence to be:

- Possession of a class B controlled drug – 4.0% compared to 5.8%
- Having a blade or point in a public place – 4.3% compared to 5.3%
- Possession of offensive weapons without lawful authority or reasonable excuse – 2.0% compared to 3.1% p17

# Vulnerable groups - injustice at the intersection of welfare and punishment systems

- Of all girls who are cautioned or convicted, nearly 1 in 5 (19%) had their first contact with criminal justice after they first entered care.

## Disrupting the Routes between Care and Custody | Learning from Girls and Women in the Care and Criminal Justice Systems

- That is twice as likely as boys who have been convicted of an offence where 9.1% had their first interaction with criminal justice after first entering care.
- Children with a black ethnic background were about 14% more likely to have received a caution or conviction while living in a children's home than children with a white ethnic background

# Choices of professionals

At the point where a child displays such behaviour there are different options available.

- To call police or not.
- For police to arrest and charge a child, or not.
- For the CPS to decide to take the case forward, or not.
- For judges or magistrates to take into account a child's circumstances, or not.

Strong evidence that children in care are more likely to receive custodial sentences than their peers.

Effects later in life

According to the Office for National Statistics, by age 24, 15% of looked-after children had received an immediate custodial sentence, compared to less than 1% of children who had not been in care.



37% of children ever found guilty who committed their first offence while in care were living in a children's home at the time



*This suggests that children's homes themselves could be playing a role in bringing children into contact with the criminal justice system for the first time by over-policing children's behaviour.(p23)*

# What is to be done? Make National Protocol statutory

The protocol lacks statutory power and is inconsistently applied across England.

- **Recommendation:** The Ministry of Justice, Department for Education and the Home Office must review the guidance on reducing criminalisation of children in care and care leavers, and make it statutory.
- **Recommendation:** Every police force must work with their local authority to jointly implement the area's local protocol to reduce the criminalisation of children in care. Together, the police force and local authority must monitor and track data on police call outs to care settings.
- **Recommendation:** The protocol must set out clear guidance for when police should be called.

# Outcome 22

Outcome 22 enables the police to divert children who have committed offences to positive support that could protect them against future offending. Importantly, it does not require an admission of guilt.

Despite its potential, Outcome 22 is not currently recognised as a positive outcome in police reporting frameworks.

The lack of recognition can discourage its use, even when it would be the most appropriate and protective response.

**Recommendation:** Reframe Outcome 22 as a positive outcome to send a clear signal that diversion is a constructive, child-centred response that supports safeguarding and reduces unnecessary criminalisation.

**Rationale** = barriers within diversion schemes disproportionately have an impact on children in care.

1. The requirement for children to formally admit guilt to access some schemes deters children with a low level of trust in institutions in general, in particular the police.

2. The limited number of times a child can be diverted, which should not apply to children looked after as these children are already at a disproportionate risk of interacting with the criminal justice system.

**Recommendation:** Remove barriers to children in care accessing diversion routes for children who have contact with the care system.

Recommendation: Trauma-informed training should be made mandatory for all professionals working with children in care at risk of criminalisation.

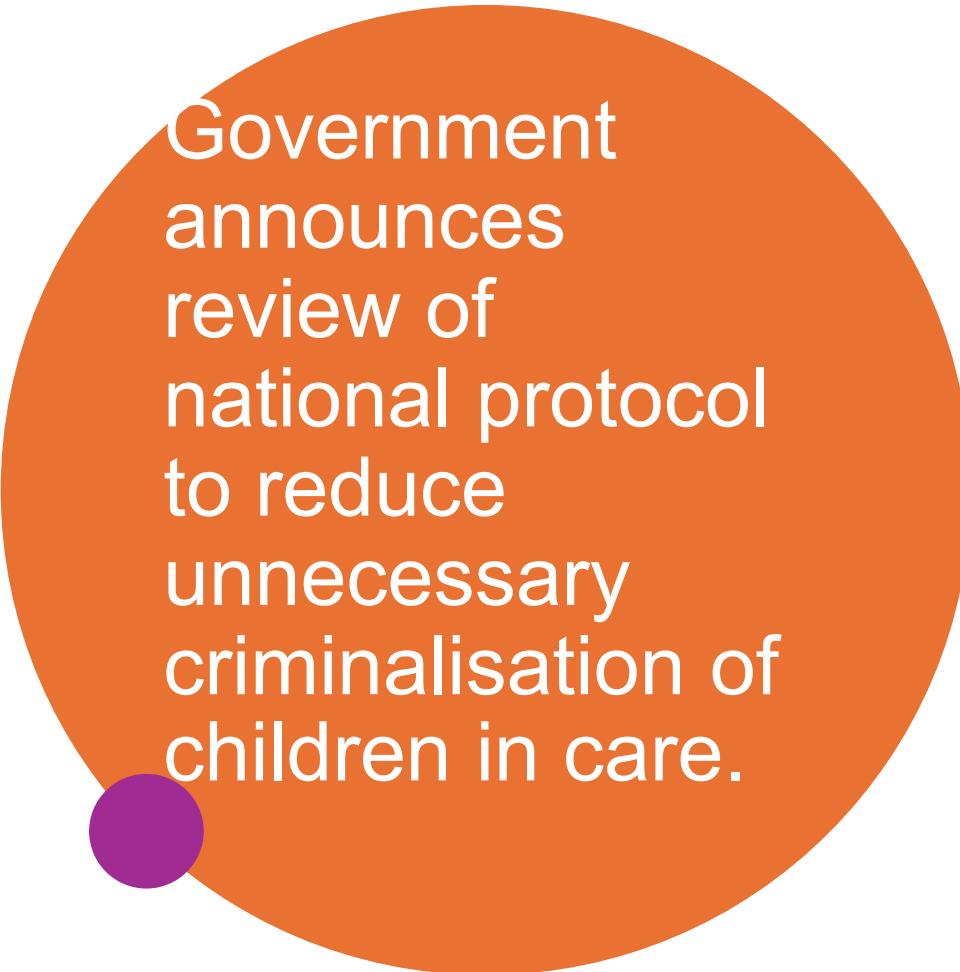
These children, those in the care of the state, are *our* children, *our* responsibility

**So, what happens next?**

**Government**

**Providers and practitioners**

**Police**



Government announces review of national protocol to reduce unnecessary criminalisation of children in care.



**The improved protocol will be published in Spring 2026.**

[The national protocol on reducing unnecessary criminalisation of looked-after children and care leavers was published in 2018](#)

**This is essential reading NOW for all involved with Residential Child Care**

The National Protocol will be revised 'treating them as children, rather than criminals' Minister for Justice, David Lammy.

# Will there be practice issues to be included in your development plan?

e.g. The protocol will set out clear guidance for when police should be called

National Protocol includes

*Where there is an immediate risk to personal safety Police should be called to incidents where there is an unacceptable and unmanageable level of risk to personal safety and where it is deemed highly unlikely that order will be restored without police assistance. Immediate police response will be required for incidents of serious violence or serious dangerous disorder where children, residential staff, foster parents or carers are at risk of immediate serious physical harm. In such situations, carers/placement providers should contact the police via the 999 system.*

So, issues arising?

Practice, knowledge, thresholds, assessing in the moment, monitoring (home, LA and Ofsted), care planning, staffing

*“When it comes to children in care, we take away their innocence. They are criminalised for lashing out and damaging property, often with the staff tasked with caring for them the ones who call the police”.*

Children's Commissioner

# An Eastern ECCRN study and practice development group?

## Purpose

- To ensure regional awareness
- To ensure regional responsibility
- To ensure regional response
- To ensure regional resilience
- To ensure regional outcomes

## Outcome

Decreased Unnecessary  
criminalisation of children in care

# Learning from others – it can be done

“Over a period of three years we succeeded in achieving a 98% reduction in incidents of ‘missing from care’ and a 75% reduction in the number of assaults.”

Caldecott Foundation

- Culture
- Key = practice development - increase relationships = reduce restraint =reduce call outs
- Work together – Care and Police

Changing the situation – no quick fix so let's take our first steps towards creating an Eastern region resource for practice development

1

Mapping issues

2

Logging resources

3

Evaluating resources

4

Creating an Eastern region resource

# What is the current situation? Search and reflect

- Search for (varying names)

Protocol to Reduce the Criminalisation of Children in Care

Responding to children in care protocol

Procedures and Practice Guidance for Children in Care and the Criminal Justice System

The first protocol, others followed and amended for local purposes (incl national)

South-East Protocol to Reduce Offending and Criminalisation of Children in Care.

[SE protocol to reduce offending and criminalisation of children in care DfE](#)

# Proposed aim for the Eastern region ECCRN is a protocol that ...

Avoids the prosecution of looked-after children and care leavers wherever possible and appropriate, by encouraging a response to incidents which reduces the likelihood of criminalisation, offending or reoffending through promoting:

- an understanding of trauma and attachment and their impact on neuro development and behaviour amongst all key professionals;
- an understanding of where children (UK as well as foreign nationals) may have been coerced and subsequently criminally exploited (for example, through running county lines or in cannabis cultivation);
- the use of positive parenting whilst in care; o learning from incidents;
- listening to children and young people's voice/views and using this to inform practice; o the development of strong understanding of local data and circumstances;
- use of restorative approaches; and o an attitude where all professionals ask themselves 'would such behaviour lead to an arrest if the child had been living with their family?'

Reading  
right now  
for  
immediate  
responsive

The national protocol on reducing  
unnecessary criminalisation of looked-after  
children and care leavers

Recommended, especially, these pages

40-42 Restorative approaches

43 Dynamic risk assessment

45 Deciding how to respond to an incident

... and use these slides for workforce  
development – raise awareness

# Heads up! Employment Rights Act

## **Zero hours**

Employers will have to offer guaranteed hours to staff on zero-hours contracts or on contracts under which they are offered a minimum number of hours.

Continuity of care and relationships by known and trusted adults has always been good Residential Child Care practice..

The ERA also allows for the government to make regulations requiring employers to offer the guaranteed hours at regular times and also stipulates that employers must pay staff for shifts that are cancelled or rescheduled at short notice.

## **Sick pay reforms**

The ERA will also increase access to statutory sick pay (SSP) from April 2026. Under the changes, SSP - currently worth £118.75 per week - will be available from day one of a worker's sickness, not day four, as at present. When you are being paid on or very near the minimum wage there is almost no opportunity to save for difficult times.

The ERA also removes the current requirement for staff to earn at least £125 per week to be eligible for SSP, with lower earners paid 80% of their normal weekly earnings when they fall sick.



# What's coming up?

- ECCRN Study and Development Group – let us know if you wish to work together [easternregioncib@norfolk.gov.uk](mailto:easternregioncib@norfolk.gov.uk)
- Topics for next meeting
- Resi Reads – 12 February – 5.30pm – 6.45pm – continuing the theme of Language. [Book free ticket here](#)
- Next meeting: 23 April 2026

Essex  
Luton  
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Thurrock  
Cambridgeshire  
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Peterborough  
Hertfordshire  
Southend  
Norfolk

