

Preventing girls and women moving between care and criminal justice

Dr Claire Fitzpatrick

Policy Context

Girls and women who have been in local authority care are over-represented in the youth and adult criminal justice systems in England and Wales. They have distinct welfare needs that are often unrecognised in policy and unmet in practice.

Only 1% of children are in care, whilst [52% of children in custody are care-experienced](#) and an estimated 31% of women in prison.

After an [independent review](#), the DfE, Home Office and MoJ published a [national protocol](#) on reducing unnecessary criminalisation of care-experienced children. This should be strengthened to better recognise gendered and racialised harms.

Key research findings

Women and girls in the care and criminal justice systems may face compounded structural disadvantages. Women and girls need more support to make sure they are not funnelled into the justice system, including early mental health support.

An intergenerational and intersectional approach to policy is needed.

- **Women should be diverted from custody wherever possible. [High quality sentences](#) carried out in the community are significantly cheaper than custodial sentences.**
- **Early trauma is linked to both being taken into care and entering justice systems. [The care system can fail to address existing trauma, and \[create additional trauma\]\(#\).](#)**
- **Girls in care may experience severe adversity, such as sexual abuse and exploitation, more than boys, with **Black girls'** experiences particularly at risk of being overlooked.**
- **Early, joined-up, well-funded mental health care to prevent girls and women entering the justice system is lacking.**
- **Children in care are criminalized at higher rates than children not in care, and youth justice interventions take place at levels that would not happen in family homes.**
- **[Local authority protocols](#) to reduce unnecessary criminalization are promising, but are inconsistently implemented, and may not recognize the needs of girls, including Black and minoritized girls.**
- **Care-experienced mothers often experience stigma, which is exacerbated for criminalized mothers.**
- **Care leavers experience multiple "cliff edges" of support. Meaningful support ends too early.**

Policy recommendations

- **There needs to be a trauma-responsive care system tailored to individuals' needs.** To prevent and address intergenerational and intersectional trauma, systemic change is needed for women and girls in the care and criminal justice systems.
- **The care system needs to create a safe, stable and loving environment** for all girls; moving towards a system that goes beyond the basics and extends the age at which meaningful care support is available. Funding should be increased to ensure good quality care placements and leaving care accommodation.
- **Preventing unnecessary criminalization in care should be a statutory duty.** Police involvement should be avoided in care settings, and carers given training to respond to incidents without involving the police.
- **Care-experienced girls and women should be diverted from custody** wherever possible and supported within the community.
- **Timely and meaningful mental health support should be far more easily available for all women and girls** both during and after care.
- **Girls and woman need to be [listened to without judgement](#),** and their views taken into account by decision-makers as part of trusting and consistent relationships with professionals, who really get to know and understand the women and girls.
- **Carers and other practitioners should avoid an over-reliance on official files** and focus on knowing girls as individuals. Record-keeping protocols can result in large files of incidents that would not have been recorded in non-care settings. [This can perpetuate stigma](#).
- **The minimum age of criminal responsibility should be increased [from just 10 years old](#)** in England and Wales. This would prevent younger girls being criminalized in care settings.

Work with me

Dr Claire Fitzpatrick is a leading researcher on the links between the care system and involvement in youth and criminal justice systems.

This briefing draws on a Nuffield Foundation-funded project, 'Disrupting the Routes between Care and Custody', led by Dr Claire Fitzpatrick (Lancaster University) with colleagues from Lancaster, Bristol and Liverpool John Moores Universities. **Visit the project website [here](#).**

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