Challenging Perceptions of Care-Experienced Girls and Women

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Introduction

A key message arising from the Care Experienced Conference in April 2019[1] was that those with care-experience want to be viewed as worthy of far more respect, and that stigma and discrimination are unacceptable. Being perceived as worthy of respect sounds straightforward in theory but may be far more complicated in practice. This paper explores how such issues may play out for care-experienced girls and women in conflict with the law[2]. Previous research has highlighted the gender stereotyping of women in the criminal justice system[3], showing how judgements based on patriarchal constructions of 'ideal', 'innocent' and 'deserving' victims[4] are often linked to matters of sexual morality and class decorum[5]. With these themes in mind, this paper explores professionals' perceptions of care-experienced girls and women in the criminal justice system, to shed light on this neglected topic. Drawing on interviews from a pilot study with those working with girls and/or women in care and criminal justice[6], it highlights the potential damage created by negative judgements that emerge in a variety of professional spaces. Lack of respect for care-experienced girls and women may develop in different ways, and ultimately contribute to a denial of victimisation and unnecessary criminalisation.

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[1] This important event focused on lived experience was attended by over 140 individuals of all ages who had been in care. See: The Care Experienced Conference (2019) '*The Conference for Care Experienced People: Summary Report*', Liverpool Hope University, 26th April 2019. https://704c1ef3-b156-4576-ba4b-ac46791ae6e2.filesusr.com/ugd/7773fa_ad69bab9a0614bc596591841a9db92b6.pdf

[2]'Care-experienced' refers to anyone who spent time in the care system as a child, including foster care or children's homes.

[3] Carlen, P. (1988) *Women, Crime & Poverty*, Milton Keynes: Open University Press

[4] Christie, N. (1986) 'The ideal victim' in E.A. Fattah (ed) *From Crime Policy to Victim Policy*, pages 17-30, London: Macmillan.

[5] Carlen (1988) No. 3.

[6] With thanks to Lancaster University's Faculty of Arts & Social Sciences for funding this research.

This article focuses on three key themes: the complexity of social expectations; damaging staff cultures and the importance of moving beyond negative labels to raise aspirations.

Messages from Research

The persistent over-representation of care-experienced people in custody[7] suggests a systemic failing in the provision of more supportive services to those in care, and a better understanding of this is long overdue. The Laming Review[8] highlighted the lack of research on girls in care in the youth justice system and noted that they may experience negative stereotyping due to their care status and involvement in offending, which is further compounded by their gender[9]. Meanwhile, recent sexual exploitation scandals in the UK[10] highlight how girls from "chaotic" backgrounds, including those in care, are less likely to be perceived as genuine victims[11]. Paradoxically, as looked after children they are more likely to be unnecessarily criminalised[12], with Shaw noting some professionals view the youth justice system as a necessary adjunct to the care system[13].

Staines[14] highlights a reluctance amongst some foster carers and residential carers to work with girls identified in some studies due to fear of allegations of abuse and gendered stereotypes about girls' challenging behaviour. Similarly, Baines and Adler found female victims of sexual abuse were

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[7] Prison Reform Trust (2016) *In Care, Out of Trouble*: (The Laming Review), London: Prison Reform Trust.
[8] Ibid
[9] Staines, J. (2016) *Risk, Adverse Influence and Criminalisation Understanding the over-representation of looked after children in the youth justice system,* London: Prison Reform Trust
[10] Jay, A. (2014) *Independent Inquiry Into Child Sexual Exploitation in Rotherham, 1997 – 2013*. Report for Rotherham Metropolitan Borough Council.
[11] Christie (1986) No. 4.
[12] Howard League for Penal Reform (2016) *Criminal Care: Children's homes and criminalising children*, London: Howard League.
[13] Shaw, J. (2016) 'Policy, practice and perceptions: exploring the criminalisation of children's home residents in England', *Youth Justice*, 16, 147-161.
[14] Staines (2016) No. 10.

described by youth justice professionals as "manipulative" and "difficult to engage"[15], whilst Jay described how girls at risk of child sexual exploitation in Rotherham were reclassified as 'teenagers out of control'[16]. For Woodiwiss:

> "(I)f children and young people are seen as sexually knowledgeable and/or sexually active they risk being removed from the categories of 'child' because they are no longer innocent, and from the category of 'victim' because their innocence is no longer in danger"[17].

Clearly perceptions can be of crucial importance in guiding professional inaction, and in rendering experiences of victimisation invisible. So how do such professional cultures flourish? In a social work context, Ferguson explores the phenomenon of the 'invisible child' and the processes of professional detachment that perpetuate this[18].

> "Such detachment from children occurs when social workers reach or go beyond the limits of anxiety and complexity that it is possible for them to tolerate. They are overcome by the sheer complexity…the emotional intensity of the work…" [19]

There are parallels here with the work of prison staff, whose work may be similarly emotionally intense and complex[20], highlighting the need to support staff so they can adequately support care-experienced people.

The surge of interest in the over-representation of care-leavers in prison in recent years has led to some important developments, including the publication of Her Majesty's Prison and Probation Service's first Strategy for Care Experienced People[21] and the appointment of care-leaver leads in all prisons. However, time and resources are required to ensure these leads have capacity to provide

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[15] Baines, M. and Adler, C. (1994) 'Are girls more difficult to work with? Youth workers' perspectives in juvenile justice and related areas', *Crime and Delinquency*, *42*, 467-485, p.482.

[16] Jay (2014) No. 11.

[17] Woodiwiss, J. (2018) 'From one girl to 'three girls': the importance of separating agency from blame (and harm from wrongfulness) in narratives of childhood sexual abuse and exploitation', *Pastoral Care in Education*, 36:2, 154-166, p.163,

[18] Ferguson, H. (2017) 'How children become invisible in child protection work: Findings from research into day-to-day social work practice', *The British Journal of Social Work*, 47, 1007–1023.

[19] Ibid p.1017.

[20] Corston, J. (2007), *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*. Home Office.

[21] HMPPS (2019), *Strategy for Care Experienced People*. HMPPS

sufficient support. Moreover, the lack of research on care-experienced girls and women[22] means policy-makers and practitioners may not know how to best meet their specific needs - hence the need to explore this issue.

Methods

This paper draws on a pilot study exploring professionals' perceptions of girls and women in the care and criminal justice systems in England[23]. Fifteen semi-structured interviews with practitioners were conducted between May 2017 and July 2018, lasting from 40 minutes to two and a half hours. Participants worked in various organisations including children's homes, a youth offending team, secure units, a prison and charities for care-leavers and women leaving prison. Three participants were care-experienced, and two reported serving prison sentences. This research was approved by the author's University ethics committee, and all interviews were digitally recorded and transcribed to aid thematic analysis. Although based on a relatively small sample, which has implications for the representativeness of the findings, the data presented are nevertheless important and illuminating[24].

The Complexity of Societal Expectations

From the outset, respondents acknowledged the difficulties for girls and women of navigating the complexity of social expectations in a patriarchal society[25].

> "All women have the added complexity of being a woman in a patriarchal society…and I think that's just compounded for girls in care who may have even lower self-esteem….". (Interview C)

[22] Fitzpatrick, C. (2017) 'What do we know about girls in the care and criminal justice systems?', *Safer Communities*, 16, 134-143.

[23] The pilot informed an application to The Nuffield Foundation to fund a now ongoing study exploring pathways between care and custody for girls and women.

[24] See Maruna, S. and Matravers, A. (2007) 'N = 1: Criminology and the person', *Theoretical Criminology*, 11, 427-442.

[25] Carlen (1988) No. 3.

As Respondent C further explained, being in care can add an additional layer of disadvantage for girls, particularly when pro-social role models are absent, and they feel that nobody at home cares.

> "And then things like CSE, Child Sexual Exploitation…I think women are so much more vulnerable to it. The way women are socialised to have…you know expectations of being sexually attractive... It's hard enough as a teenage girl in a stable family home to navigate all of that stuff. So if you're in care and you maybe haven't got any kind of solid role models or solid relationships…if you don't feel like people at home care and then you've got the tantalising offer of someone who says they care about you and are going to shower you with gifts and make you feel special. Well with the best will in the world, you can see why they would go for that". (Interview C)

Respondent C highlights some challenging themes that are particularly pertinent amidst current concerns over sexual exploitation, not least how the apparent agency demonstrated by girls needs to be understood within the wider social context of their lives and the potentially limited range of 'choices' available. As Respondent L noted:

> "They don't have the same choices…I worked with young people in care, on a residential basis for quite a few years and what I recognised was their need to try and control at least some part of their life often led to behaviours that we deem as unacceptable. However, if you put that in with the mix of the way society looks at these children and the way that they deem themselves, they've already been put into a place where they have choices but the choices aren't real for them anymore". (Interview L)

Respondent L astutely observes how societal views of girls in care could undermine perceived choice. The important of ensuring these girls have "solid relationships" was also highlighted in different ways by both respondents above, yet alongside the issue of placement stability, this remains an aim that is notoriously difficult to achieve for some. In fact, evidence suggests that children in care may well be posted around like parcels[26] in a 'care system' that expects them to navigate the transition to independence at a much earlier age than their peers in the general population, with the increasing risk of being abandoned to unregulated accommodation.

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[26] Children's Commissioner (2019) *Pass the Parcel: Children posted around the care system*, London: Children's Commissioner for England.

Moving from how girls themselves may respond to gendered social expectations of their behaviour, others placed more emphasis on society's response to such expectations, which link to current concerns about the unnecessary criminalisation of children in care[27].

> "(W)e've got a young girl…due in court this month, for things that if she was outside of the care system would never have been classed as an offence…(T)here seems to be this gender aspect to the way that she's responded to….She presents as a girl, but…a girl with an alternative identity and…when she wants to do very aggressive and volatile. And that aggressive and volatile side doesn't seem to fit with this sweet angelical expectation that you have of a girl". (Interview A)

Whilst highlighting how a care status can make girls particularly vulnerable to criminalisation[28], Respondent A notes that "aggressive" and "volatile" behaviour does not fit with gendered expectations of girls' behaviour. Consequently, girls with an "alternative identity" may be "doubly punished", thus highlighting how gender and care status may interact to create overlapping layers of structural disadvantage[29].

> "….. So if you're a young man that's 13, 14, 15 in care and you're acting out and stuff it's almost like that's an expectation of you. But if a young girl like that is quite self-conscious and beauty-conscious…at the same time, this…alter-ego if you like comes out and presents itself in a very traumatic way because *no-one's ever dealt with your trauma*, it's like you're doubly punished. But not just doubly punished in terms of the criminal justice disposal, but *doubly punished in terms of the response that people will give you and the lack of respect that people will show you*". (Interview A, emphasis added)

For Respondent A, being "doubly punished" is not just about the criminal justice disposal received but also about a "lack of respect"[30] – something that may manifest itself in many different ways.

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[27] Prison Reform Trust (2016) No. 8.
[28] Fitzpatrick, C., Hunter, K., Staines, J. & Shaw, J. (2019) *Exploring the Pathways between Care and Custody for Girls and Women A Literature Review*, Lancaster University. http://wp.lancs.ac.uk/care-custody/files/2019/10/CareCustodyLiteratureReview.pdf
[29] Carlen (1988) No. 3.
[30] See The Care Experienced Conference (2019) No. 1.

Damaging Staff Cultures

Much has been written historically about the institutionalisation of children in residential

institutions[31], yet less has been said about the institutionalisation of the staff who work there, or the

staff cultures that may develop.

> "People become institutionalised, the staff…they stop seeing people as individuals and as humans…These cultures develop where people just forget that it's a human being and so they're not seeing that this is an incredibly young vulnerable person. And they're kind of labelling them as running off, getting into bed with men or whatever". (Interview C)

> The staff in certain places are not trained and therefore not skilled and therefore unsafe. …Certain children's homes or secure units…they're not supported by staff, there isn't enough staff there and it leads to multiple restraints, incidents of violence, that are completely unnecessary half the time. And it's normal for there to be at least one serious incident on every two hour visit we do at a certain female centre". (Interview O)

Whilst participants described good practice in care homes as well as bad, they were at pains to

emphasise that the quality of care in the homes they worked in was incredibly variable. Where the

kind of environment described above develops, there is clearly a need for a complete cultural change.

When carers stop seeing people "as humans", this paves the way for dangerous negative perceptions

to flourish, as well as unnecessary violence. Such cultures may encourage the kind of reclassification

of needs as risks that was evident in the independent inquiry into Child Sexual Exploitation (CSE) in

Rotherham[32], which described the denial of abuse of vulnerable children by the authorities. Similarly,

CSE cases in Rochdale, such as those dramatized in the three-part series by the BBC *Three Girls* in 2017,

flagged up very similar themes, with the effective demonization of girls from 'chaotic' backgrounds

amid failures to recognise their victimisation[33].

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[31] For example, see Polsky, H. W. (1962) *Cottage Six: The social system of delinquent boys in residential treatment,* New York: Wiley.
[32] Jay (2014) No. 11.
[33] Woodiwiss (2018) No. 18.

One interviewee highlighted how the attitudes prevalent within Rochdale, so criticised in the media[34]

following the broadcasting of *Three Girls*, were very much in existence amongst staff in some of the

children's homes that they worked in.

> "I definitely see those attitudes [amongst care staff] and the way that they perhaps perceive
> those girls…(M)y very first shift…the girls were in bed so I read their files. There wasn't really
> much on the files and I always say "can you give me a brief overview?"…And one of them
> just described one of the girls as "basically she's like a little slut"! I get exactly where she's
> coming from and what she was trying to say. However, it's those kinds of terms and it's
> those kinds of attitudes that are the issue here". (Interview F)

This interviewee was understandably distressed at hearing a girl referred to in this way. The existence

of such a negative view also highlights how any sense of the child within may become easily lost[35], and

raises serious questions about the point at which an individual moves from being perceived as a child

in need of welfare and support (hence their entry into care), to "like a little slut".

Respondent F further acknowledged that whilst there may be a difference between internal

attitudes and external actions towards someone, the staff member may not be aware of the impact

of her personal beliefs:

> "Because we're not when it's something that sits that strongly inside of us, and you really
> have to work through things like that. In this kind of setting, you need that kind of support,
> and that clinical supervision with your staff, and if you're not having it, I don't see how we're
> going to turn these girls out to be better off". (Interview F)

The need for supervision and support in what could be an incredibly traumatic job is an issue that also

applies to prison settings. Without support and supervision, how can staff be encouraged to question

what might be damaging beliefs about individuals in their care?

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[34] Wollaston, S. (2017) 'Three Girls review – a brave new focus on the Rochdale child sexual abuse scandal',
The Guardian, 17 May 2017
[35] Ferguson (2017) No. 19.

Raising Aspirations and The Problem of Labels

A related theme concerns the need to raise aspirations of care-experienced girls and women. Participants identified that a major challenge is ensuring that past trauma is not only acknowledged, but also responded to appropriately, whilst raising aspirations and not reinforcing a master status of either 'victim' or 'troublesome'.

The problem of labels assigned to those as children is that they may follow individuals into adulthood.

> "(M)y experience of working with care-leavers and women offenders is that…being passed from pillar to post from a young age is a huge factor in kind of confidence. "People don't want me, so it's almost like I'll sabotage everything that I do to prove a point that I'm not worthy, nobody wants to take care of me"…. And I just think that's reiterated in every part of their lives, from care right the way through to the criminal justice system, it's almost like they've been given a label, they're going to hold onto that label and they're going to prove to everybody that "yeah I am that label"". (Interview G).

Highlighted above is a recurring cycle of labelling of women that takes place across care and criminal justice. Whilst individuals may internalise the labels given to them, these labels may well have been created in part by a system that struggles to provide stability – hence individuals being "passed from pillar to post"[36]. Respondent G also described how negative labels could be absorbed by professionals:

> "(W)hereas actually if they started to talk about these women in a very positive way, and kind of changed the language they use to talk about these women and to these women, that would possibly help the women themselves to look at themselves in a different way". (Interview G)

However, it can take time to see beyond labels and really get to know people. Yet a common theme in several interviews was that over-stretched professionals often had insufficient time to give, and insufficient time to reflect on their own practice.

> "A lot of these women want time, want someone to listen to them, they want consistency of worker…Like someone going through the care system where they've had six different workers in the last 12 months: - 'well I told one, why do we need to tell my story six, seven times? Why do I have to repeat it'? So that's a big issue. Trust is another". (Interview I)

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[36] Children's Commissioner (2019) No. 29.

As Respondent I highlights, constant staff changes prevent the development of consistent and trusting relationships. This can mean there is nobody with time to adequately connect past and present, and understand how current behaviour may relate to individual history. Underpinning this systems-failing is the often-observed lack of respect for care-experienced women.

> "(T)hey don't like the way that they're spoken to. They don't like the way that they're kind of put down, the way that they're judged…you know from professional people….They're often judged particularly if they've got children…and again when you look into someone's history, if you dig deeper than scratching the surface, you will find all sorts of things that you realise has an impact on why they behave the way that they do, why they think the way they do, why they do what they do. And for me, it's someone to understand that…People are very quick to judge". Interview I)

Respondent I highlights the need for professionals to "dig deeper than scratching the surface" in understanding a woman's history, but this requires time as well as adequate recording practices and information-sharing between agencies. Recall Respondent F's earlier comment that "there wasn't really much on the files". Negative judgements arguably become much more likely amongst practitioners with insufficient time, and insufficient information, but may serve to reproduce stigmatising stereotypes of care-experienced girls and women, leaving little space for empowering and aspirational practice.

> "(W)e don't live in a society that values the work of care, nurture, education, anything to do with children, anything to do with raising the next generation in an aspirational way…And that's fine if you have middle class parents who will sell their bodies to make sure that their children go to the right school, and have that extra-curricular activity, and they live in the right area….When you have children that do not have anyone having their back other than the State, then we have a massive problem". (Interview H)

Note the distinction in the quotes above between professionals "very quick to judge" criminalised women, and girls with middle class parents "who will sell their bodies" to secure the best outcome for their child. These are very much class issues[37], played out against the backdrop of the current political climate, characterised by insufficient support services and widening inequality.

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[37] Carlen (1988) No. 5.

Conclusion

This article draws on interviews with practitioners to highlight some disturbing insights about perceptions of girls and women in the care and criminal justice systems. Interviewees observed how care status can add an additional layer of disadvantage in a patriarchal society, and how expectations of girls and women within that society limit the choices available to those with care-experience. Others noted the damaging cultures that develop amongst staff in some care and criminal justice settings, whereby girls may be dehumanised, and their vulnerability and experiences of trauma rendered invisible, particularly when they are viewed as sexually knowledgeable. This can contribute to unnecessary criminalisation, and a denial of experiences of victimisation. Furthermore, this helps reproduce negative stereotypes of girls in care and the systems failures that ensure individual trauma goes unrecognised. Such cultures are particularly likely to develop when staff lack training, supervision and support, and have insufficient time to reflect on practice. Hence, the need to support practitioners, whilst raising aspirations and challenging negative labels of girls and women.

The stubborn over-representation of care-experienced girls and women in the criminal justice system is not inevitable. Imagining an alternative future highlights the need to address the system failures that perpetuate this problem. Challenging negative judgements and preventing unnecessary criminalisation through a commitment to diversion are key to keeping those with care-experience out of the justice system in the first place. For those already there, respectful and aspirational practice is still required, although this takes time and resources. Therefore, one key recommendation linked to the raising aspirations agenda is to provide care-leaver leads in prisons around the country with dedicated work-load space for their role in supporting care-experienced girls and women to access the support they need, including on release in the community. This may not only increase respect[38] for the importance of the role, but also for those individuals intended to benefit from it. Respectful,

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[38] The Care Experienced Conference (2019) No. 1.

empowering and aspirational practice should underpin work with care-experienced people in conflict

with the law. This is certainly not all that is required on the journey to improve support, but it could

take us a long way towards a more hopeful pathway.