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Foreword

HMI Probation is committed to reviewing, developing and promoting the evidence base for high-quality probation and youth offending services. *Academic Insights* are aimed at all those with an interest in the evidence base. We commission leading academics to present their views on specific topics, assisting with informed debate and aiding understanding of what helps and what hinders probation and youth offending services.

This report was kindly produced by Carlene Firmin, setting out how Contextual Safeguarding has changed the response of child protection systems to children at risk of significant harm in extra-familial settings and relationships. Different forms of extra-familial harm present various welfare risks, and plans to address these harms need to attend to the contexts and associated environmental factors. Attention is given to how staff working in a youth justice context can integrate a Contextual Safeguarding approach, encompassing incorporation within assessment frameworks, the coordination of multi-pronged intervention plans that work with children, parents and extra-familial contexts, and the securing of social care oversight where a safeguarding response is required. As the Contextual Safeguarding approach is relatively new, investment in further research and evaluation is imperative to enable the underpinning evidence base to continue to grow.



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Dr Carlene Firmin is a Principal Research Fellow at the University of the Bedfordshire where she heads up the Contextual Safeguarding Research Programme. She spent over a decade researching children's experiences of community and group-based violence and advocated for comprehensive approaches that keep them safe in public places, schools and peer groups. Dr Firmin's theory of Contextual Safeguarding has informed policy and research agendas for advancing the protection of adolescents, and she has worked with practitioners across the UK to co-create contextual interventions and develop Contextual Safeguarding systems. She has advised and completed multiple case reviews for safeguarding children's boards to identify opportunities for intervening with extra-familial forms of significant harm, and has written extensively on the subject in academic papers and two sole-authored books. In 2011 Dr Firmin became the youngest black woman to receive an MBE for her seminal work on gang-affected young women in the UK.

The views expressed in this publication do not necessarily reflect the policy position of HMI Probation.

1. Introduction

During the period of adolescent development (10 – 25 years of age) (World Health Organisation, 2014), children are increasingly exposed to 'extra-familial' harm. Harm caused through sexual and criminal exploitation, abuse in their own romantic, same-age relationships, sexual harassment and abuse from peers or adults unconnected to their families, and weapon-enabled and street-based violence are more commonly associated with adolescence than with earlier childhood (Brandon et al., 2020; De Pedro et al., 2018; Firmin, 2017b; Foshee et al., 2014; Murray et al., 2016; Pearce, 2013); and are all largely instigated by, or occur in relationships, with people beyond a child's parents/carers (Drew, 2020; Firmin, 2017a; Pike et al., 2019; Shuker, 2017).

Given their extra-familial nature, these forms of harm also largely occur in extra-familial contexts, including: parks, schools, high streets and shopping centres, youth clubs, fast food outlets, transport hubs and online social media platforms (Brandon, et al., 2020; Drew, 2020; Firmin, 2017a; Griffiths, 2016). To varying degrees, these are contexts that children socialise in without parental supervision – and parents have little influence over the nature of these contexts, or the relationships children form within them.

When harm occurs beyond family homes and relationships, children are also more readily identified as both being victimised and victimising others. Overlaps between victims/perpetrators often feature when children display harmful, violent and sometimes criminal acts to survive/navigate extra-familial contexts in which they have been abused. For example, taking a peer to a 'party' where they will be sexually assaulted and exploited to avoid that same experience happening to them; being trafficked to distribute drugs in the homes of vulnerable adults under the threat of violence; or carrying a knife on the journey to school to avoid having their phone stolen for a third time (Astrup, 2019; Cockbain and Brayley, 2012; Drew, 2020; Jay, 2014; Pitts, 2008; Turner et al., 2019).

Context, therefore, is important for how we understand children's experiences of extra-familial harm. Extra-familial contexts characterise:

- (i) where the harm occurs;
- (ii) where protective and harmful relationships form;
- (iii) the limitations of parenting as a source of protection; and
- (iv) a blurring of the lines between victimisation and perpetration.

This *Academic Insights* paper focuses on how Contextual Safeguarding has developed as an approach to recognising, and working with, these contextual dynamics of extra-familial harm – and the challenges the approach was intended to resolve. It summarises the Contextual Safeguarding framework and common features that have emerged when professionals apply it to their practice. In particular, it considers how staff working in a youth justice context can incorporate a Contextual Safeguarding approach into their work with children who are affected by extra-familial harm – and how this aligns to current policy and practice frameworks.

2. Contextual Understanding and Contextual Practice

By taking a 'Contextual Safeguarding' approach (Firmin, 2015; 2020) to address extra-familial harm, practitioners make efforts to build safety in the contexts and relationships where that harm has occurred – in addition to supporting the children affected.

It was proposed in 2015 (Firmin, 2015) following a review of nine cases in which children, under the age of 16, were sexually assaulted or killed by other children, under the age of 18. In these cases, two issues were evident:

- (i) the practitioners involved did not have a contextual understanding of extra-familial harm – and so focused solely on the children involved; and
- (ii) practitioners did not have access to, or use, contextual practices as part of their response.

In the absence of a contextual response, risks persisted in peer groups, school environments and public places where the incidents in question had occurred – even after criminal justice sanctions (including incarceration) (Firmin, 2017a).

These dynamics, and the use of Contextual Safeguarding to resolve them, will be explored in three parts.

- The first part will detail the challenges of individualised responses to extra-familial harm.
- The second will summarise the four components of the Contextual Safeguarding framework and how it has been applied to safeguarding practice and policy.
- The third and final part will identify opportunities to apply a Contextual Safeguarding approach in a youth justice setting.

2.1 Contextual dynamics of EFH – a challenge for individualised systems

The contextual dynamics of extra-familial harm are a challenge for professionals who work in systems and organisations that assess and work with individuals to bring about change. In England and Wales these tensions are evident in both the child protection and youth justice systems – and the points at which these systems intersect.

Historically, extra-familial forms of harm have been out-of-scope for child protection systems. These systems have been built to intervene when children experience harm that is in some way attributable to the care provided to them by their parents/carers. However, as the profile of issues such as sexual and criminal exploitation has increased – so too have the recommendations for them be viewed as forms of abuse, and therefore child protection issues. This has gradually brought extra-familial harm into the scope of child protection systems, despite these forms of harm being rarely attributable to (i.e. caused by) the parents/carers of the children affected.

There may be instances where challenges/vulnerabilities at home reduce the capacity of parents/carers to support children affected by extra-familial harm; or where harm in the family home is a push-factor for children to spend greater time in extra-familial settings (Haley, 2020; Hallett, et al., 2019; Mason-Jones and Loggie, 2020). In other instances there will be no specific issues within a family that are attributable to a child being harmed, or harming others, in an extra-familial context (Firmin, 2017a; Hill, 2019; Pike et al., 2019). In either scenario a traditional child protection response would assess a child and their

parents/carers – in particular the capacity of their parents/carers to safeguard their child from ongoing harm. Where difficulties are found in a family, a plan (on either voluntary or statutory basis determined by the level of need) may be put in place to address those issues. Where no concerns are found with a family, many referrals into children’s social care related to extra-familial harm have been closed with no further action (Haley, 2020; Lloyd and Firmin, 2020). This process is built on the idea that safety for a child is achieved through interventions with their families – and not necessarily the contexts in which they have come to harm.

Similar tensions have been evident in youth justice systems. Instead of focusing on parents, however, they have focused on a child and their capacity to change. Where children have committed offences in the context of extra-familial harm, plans have largely focused on intervening with the child in question to bring about change – as opposed to changing the extra-familial contexts in which they committed offences and/or were also harmed.

Multiple serious case reviews have evidenced where these two strands of difficulty come together for children who have committed offences in the context of extra-familial harm. In reviews by Hill (2019), Ward (2020), Drew (2020) and Jay (2014) amongst many others highlighted through the National Safeguarding Practice Review report into criminal exploitation (2020), children’s offending behaviour, associated with their abuse in extra-familial settings, was responded to through a criminal justice lens in the absence of a safeguarding response. Safeguarding responses that were initiated largely focused on parenting, instead of the contexts in which these children were vulnerable to harm. They were all viewed as offenders first – with safeguarding concerns being attended to later, and largely too late. With neither system addressing the contexts in which harm was occurring, nor attending to the overlap between victimisation and perpetration, these children fell through the cracks.

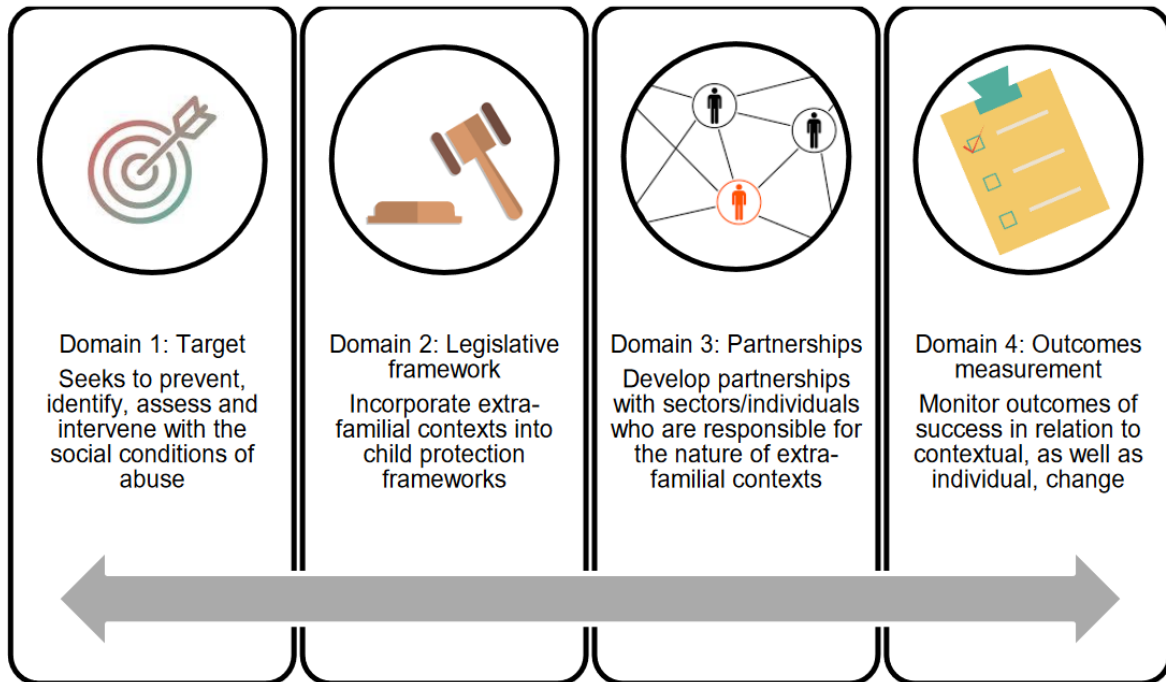
To respond effectively to extra-familial harm, child protection and youth justice systems need to:

- engage with the contexts in which such harm occurs
- recognise and respond to the overlap between children who have been harmed and those who are harming others in these cases
- identify individuals who can bring about change beyond the children and families who are affected.

2.2 Contextualising practice – developments in safeguarding systems and policy

Contextual Safeguarding was proposed in 2015 as a way to enhance safeguarding responses to extra-familial harm, and resolve some of the tensions outlined above. In 2016 the Contextual Safeguarding framework was published – highlighting the following four features of a safeguarding response (Firmin et al. 2016):

1. Target the contexts in which harm/abuse occur.
2. Use child welfare and child protection as the principal focus and legislative framework.
3. Feature partnerships with individuals/organisations who have a reach into, or responsibility for, the places where harm has occurred.
4. Measure the contextual impact/outcomes of the response.



(Firmin and Lloyd, 2020)

So if a child is exploited through peer relationships and while spending time in their local park then:

1. The park, and the peer relationships, may be assessed and support/interventions put in place to build safety in those contexts – alongside directly supporting the child who has been affected.
2. The assessment of, and support plan for, the peers and park in question would focus on child welfare and be led/coordinated by children's services – with enforcement/community safety work featuring on some occasions and not in others. Interventions would be offered on the basis that the incident was a child protection concern – had caused harm to the child – with the plan focusing on safeguarding the welfare of children in that peer group or park.
3. The response to the park and peer group would feature partnerships relevant to that context. Children would likely be partners in the process, alongside professionals who manage the park or deliver services in it, residents and/or any professionals who had an existing relationship with the children in question (such as a teacher, youth worker, volunteer in a community organisation etc.).
4. The success/impact of the response would consider whether safety had increased in the park and/or the peer relationships in question – rather than solely assessing the child's behaviour (and any change in behaviour) as an indication of safety.

In practice

This framework has been tested in local areas since 2017, through which some core features of practice have been identified (Firmin, 2020).

Safeguarding at two levels

Contextual Safeguarding approaches are implemented at two levels – referred to as Level or Tier 1 and Level or Tier 2.

At **Level 1**, practitioners and system leaders have identified ways to contextualise their existing work with children and families. From integrating safety mapping and peer mapping into assessments with children through to discussing the context in which the child is encountering harm in multi-agency professionals meetings, context has been foregrounded in the referral, assessment and planning process. This has supported practitioners to identify any actions that are required to build safety in extra-familial contexts as part of a child's plan – as well as identify where persisting extra-familial issues may undermine the efforts of parents, carers and/or a child to act in accordance with a plan (for example, a child continuing to arrive late to school each day as they feel unsafe travelling when other students are also on the bus).

At **Level 2**, practitioners, and system leaders, have developed new approaches for responding to contexts themselves – from identifying routes for referring locations, schools and groups into children's services, through to developing frameworks and methods for conducting welfare-based assessments of contexts and creating meeting structures where contexts are the focus of a plan. In test sites, this work has included trialling welfare-based assessments of high streets, schools, housing, parks and transport hubs where children have experienced significant harm – and developing plans that seek to build safety in those settings. Responses have included bystander training, increased community guardianship, pop-up youth clubs and various design options (such as increased lighting and changing the use of the space). Some of this activity has complimented community safety responses; in other instances, this has been the sole response to extra-familial contexts.

All work at Level 2 interacts with work at Level 1. As practitioners identify contextual concerns at Level 1, they generate information to prompt Level 2 responses. As Level 2 work builds safety in contexts, it positively affects the safety of children supported at Level 1.

Context Weighting

When working at Level 1, practitioners regularly weight the influence of various contexts on the welfare of children and target their plans accordingly. For some children, difficulties at home will present a push-factor towards harms in extra-familial contexts – an assessment may suggest that addressing these issues is a critical first step to safeguarding a child from extra-familial harm. For other children, this won't be the case, and factors outside of the family home/network may be the key drivers of the harm that the child is facing. In those situations, plans would focus on targeting the contexts or relationships that are driving that harm (seeking to build safety in those contexts where possible). Assessments are live exercises, and these factors may change over time. As such, context-weighting is a dynamic process that allows practitioners to work with children and families to re-assess the target of a plan, and whether it is likely to yield safety for a child.

Everybody's responsibility

As practitioners weight the influence of various contexts on children's welfare, they identify schools, locations, peer groups and families that have been impacted by extra-familial harm. In accordance with plans, a range of agencies have offered support and intervention to build safety in those extra-familial contexts. From organisations that manage transport hubs, to shopping centres, parks and housing services – a range of professionals have recognised that they have a responsibility to safeguard the welfare of children. This responsibility extends beyond being alert to the signs of extra-familial harm and referring individual children for support. Agencies with a reach into, and oversight of, extra-familial contexts also have a responsibility to ensure those spaces are safe places for children to be.

In policy

Changes made to *Working Together to Safeguard Children* in 2018 provided the foundations for practice to better align with a Contextual Safeguarding framework. Paragraphs 33 and 34 were introduced to summarise the focus of assessment and intervention plans in cases of extra-familial harm (HM Government, 2018). In summary, they stated:

- Different forms of extra-familial harm pose a risk to the welfare of children and require a safeguarding response.
- Plans to address extra-familial harm need to attend to the environmental factors associated with that harm as well as support the individual children affected.
- The above matters apply to children who have instigated harm, or committed offences associated with extra-familial harm – as well as those who have been harmed.

Further to this, sentences were changed in other parts of the document to stress that:

- Social work assessment needed to consider risks faced by, as well as in, families (chapter 1, paragraphs 44 ad 59).
- Information sharing was required for children who were connected to the same thematic concern or location of harm (chapter 1, paragraph 25).
- Youth offending teams had a role to play in identifying contexts where children they were supporting were also at risk of harm (chapter 2, paragraph 49).

The importance of these initial changes, and the need for further policy development, has been noted by more recent publications concerned with safeguarding responses to adolescents. The 2020 Triennial review of serious case reviews reiterated the importance of assessing peer relationships as part of safeguarding practices – and framed such approaches with reference to Contextual Safeguarding:

'In the case of adolescent community harm, it is not enough to work with individuals when a whole peer group is participating in harmful behaviour. Contextual safeguarding promotes awareness of vulnerability in the context of the spaces where adolescents spend their time, for example online, in parks or at school.'

Brandon et al., 2020: 113

A National Safeguarding Practice Review Panel report into Child Criminal Exploitation (2020), and serious case reviews on this and other forms of extra-familial harm (Drew, 2020; Griffiths, 2016; Hill, 2019; Johnson, 2013; Ward, 2020), have also noted that responses need to recognise the impact of extra-familial contexts of parental capacity to safeguard

children. In her 2020 review of the statutory defence in cases of modern slavery, including criminal exploitation, the UK's anti-slavery commissioner concluded that:

'It is vital that any strategies to respond to CCE [Child Criminal Exploitation] incorporate a whole-system approach including early intervention, prevention, community awareness, and disruption activity to tackle perpetrators and dismantle criminal networks. I welcome the development of a contextual safeguarding approach in recognising the need for Children's Social Care practitioners, child protection systems and wider safeguarding partnerships to develop partnerships and engage with individuals and sectors who have influence over/within extra-familial contexts, and that the assessment of, and intervention with, these spaces are a critical part of child protection interventions.'

Anti-Slavery Commissioner, 2020:50

All documents recommend further revision to statutory guidance to support consistent practice in this area, recognising that extra-familial harm requires a response that goes beyond the original design of child protection systems and wider safeguarding partnerships.

2.3 Contextual Safeguarding in a youth justice setting

To date Contextual Safeguarding approaches have been principally tested in children's social care. However, a number of local areas have recognised an increasing overlap in children in touch with youth justice teams where there are also safeguarding concerns related to exploitation and other forms of extra-familial harm. Among areas testing Contextual Safeguarding approaches, some have started to develop 'young people' or 'adolescent' teams that bring together exploitation, edge-of-care and youth justice services. Others are exploring how they have a wider safeguarding oversight of children who are subject to orders supervised by youth offending teams and are also at risk of harm in extra-familial contexts. Some have trialled bringing together Anti-Social Behaviour (ASB) and Child Protection or child welfare meetings for individual children, and wider peer groups, who are harming others and being harmed themselves. All of this work remains in test phase. However it speaks to a recognition of, and a desire to address, the ways in which extra-familial harm crosses service boundaries – and requires agencies/systems to do the same.

Youth justice assessment

Youth justice services have started to explore ways to adopt a Contextual Safeguarding approach by reviewing how they use assessment frameworks. Compared to a child and family assessment, AssetPlus has a more contextual focus. It explicitly encourages practitioners to consider peer as well as family relationships, for example. This contextual capability can be maximised in two key ways:

- (i) through using specific sections of AssetPlus to consider, and recommend actions for, extra-familial contexts and groups; and
- (ii) through using additional assessment activities with children and families, which mirror the activities used by children's social care, to draw out further information about a child's experiences of contextual safety and harm.

There are numerous sections in AssetPlus that can be used to maximise the contextual capability of this assessment framework. For example:

1. **Information gathering:** When gathering information during an assessment, it is important that practitioners document contextual risk, vulnerability and resilience factors (such as multiple members of the peer group having been victimised in the

community; or the transport hub the child uses each day having had a spike in robberies in recent months) as well as individual factors. Should these factors change, or be addressed, they may impact the risk/protection around a child.

2. **Conclusions and explanations:** When drawing conclusions, it is important that practitioners explain their position in relation to contextual factors as well as individual behaviour. Are there persistent contextual issues that warrant attention to give this child a greater chance of safety in the future?
3. **Pathways and planning:** When developing a plan for a child, practitioners can identify opportunities for partner organisations to intervene with the contexts associated with a child's behaviour and/or experiences of harm more widely.
4. **Other controls:** Linked to the previous point, the other controls section could be used to identify external factors/contextual factors that warrant attention to support work being undertaken with the child to support behaviour change.

To assist them in adopting this approach, practitioners could draw upon contextual assessment activities that have developed in children's social care. 'Safety Mapping' activities (Nyarko and Lloyd, 2018), for example, allow a child to identify their red (unsafe), amber (neutral) and green (safe) zones. Should a child identify a red zone – and it is one they have to spend time in or travel through – a practitioner could propose identifying a green person or green spot a child could go to should they feel unsafe. This exercise could also generate useful information for completing the existing sections of the AssetPlus in a more contextual fashion.

The above activities support practitioners to address the recommendations made for youth offending teams in the 2018 *Working Together to Safeguard Children*. In particular that:

- (i) they identify contexts in which children that they support are at risk of harm; and
- (ii) contextual approaches to safeguard children affected by extra-familial harm apply to those who have harmed others as well as those who have been harmed.

Should youth justice services take this approach to assessment more widely, it is likely to require a wider multi-agency response to the contextual concerns identified. Two ways in which this has been evident in Contextual Safeguarding test sites are: (i) the coordination of multi-pronged intervention plans that work with children, parents and extra-familial contexts; and (ii) securing social care oversight of issues affecting children who are open to youth offending teams *and* at risk of extra-familial harm that requires a safeguarding response.

Developing partnership intervention plans

It is not expected that a youth justice practitioner would coordinate, or deliver all the actions in, a plan to address extra-familial harm. However, should their work with a child result in the identification of extra-familial concerns, they have a role in alerting the wider partnership to these issues. Every local area will have its own pathway for raising such concerns, and coordinating such plans. It is important that youth offending team managers know the route for raising these concerns and that practitioners within teams are also aware. Without this knowledge, extra-familial issues may be unaddressed – issues that may persist beyond the youth justice intervention with the child in question, and present a risk of significant harm to them and other children.

The case study below, provided by a local authority, illustrates how a wider contextual approach can be taken following the arrest, or conviction, of a child.

This case example refers to a 16-year-old male who was arrested for Possession with Intent to Supply class B/A drugs. Following a multi-agency screening process, which used a Contextual Safeguarding approach, support was put in place for the child and his mother, and action taken to address wider concerns regarding a location and adult males who posed a risk of harm to his safety.

The practitioner involved reported that prior to receiving any briefing or awareness of Contextual Safeguarding, she would have focused her assessment on the home life and the parents' capacity to meet his need. Using a Contextual Safeguarding approach expanded her professional curiosity and also meant she looked at the push and pull factors for this child in a different way. She identified three significant areas of risk for the child:

- (i) a location he visited regularly and spent time with his peers (not where he lived);*
- (ii) some adults who were also in that location; and*
- (iii) the impact of domestic abuse and drug use at home.*

The mother at home also appeared to be exploited as well as the son – so adult safeguarding as well as children's services were involved in the response. Using a Signs of Safety framework, the worker identified strengths in other extra-familial contexts where the child spent their time – like his school and another community setting – that could be built upon in planning. This has resulted in a joint approach to recommending a child and family assessment, and child in need plan for this child – as well as wider strategic activities to address individuals who pose a risk to his welfare.

Using youth justice assessments to prompt safeguarding action

The example above illustrated a children's social care led response to assessment – which was followed by a multi-agency plan. In other instances, it has been a youth justice assessment which has promoted a wider safeguarding response. In the example below, work undertaken by a youth offending team triggered a safeguarding assessment and ongoing protections for a child.

Whilst working with a child under a voluntary intervention for acquisitive offences, a youth offending practitioner became concerned about criminal exploitation. The child was arrested for possession with intent to supply Class A substances. The child told professionals about a serious incident following his arrest; however, children's services did not consider that the information suggested a significant concern to his safety and decided not to hold a strategy discussion. Using their knowledge and understanding of extra-familial harm through their work to develop a Contextual Safeguarding approach, the youth offending team successfully escalated and challenged this decision, resulting in a recognition that the child was at risk of significant harm in the community. They were then able to co-ordinate a Contextual Safeguarding response, working with safeguarding colleagues, the police and housing to put in place disruption tactics, safe spaces for the child in the community, and a clear and robust safety plan which addressed the extra-familial harm. A National Referral Mechanism (NRM) referral has come back with 'conclusive grounds' that the child has been a victim of modern slavery. The practitioner commented that taking a contextual approach supported them to pursue this route meaning that the child will be considered as a victim when criminal matters are considered. Without this approach they would not have had the level of understanding and evidence to demonstrate the safeguarding response he needed to ensure his safety which he now has.

3. Conclusion

Contextual Safeguarding was designed to change how child protection systems viewed, and responded to, children at risk of significant harm in extra-familial settings and relationships. As testing of the approach has increased, its relevance for wider agencies involved in safeguarding and criminal justice responses to extra-familial harm has started to emerge. Given the overlap in victimisation and perpetration for many children affected by this issue, the implications for youth justice services is particularly important. This paper has outlined some of these implications, including drawing upon unpublished case studies from local areas who are currently testing a Contextual Safeguarding approach.

Building on the initial changes made to *Working Together to Safeguard Children* in 2018, it is likely that in the coming years national policy frameworks will further reflect the practices being tested in local areas and the recommendations for contextual approaches made from inquiries and case reviews. At this stage, an international evidence base has illustrated that extra-familial harm:

- (i) is highly contextual;
- (ii) involves an interplay between various environments and adolescent decision-making;
and
- (iii) is often beyond the control of parents and carers.

Local services are challenged with designing responses that reflect this reality. The Contextual Safeguarding framework has been used to provide a language, develop knowledge about common practices, and convert many of those practices into resources, to facilitate system-change. Further work is required to consistently capture and disseminate learning of local innovation and practice in this area – through local area audits, inspections, case reviews and research, for us to have sufficient knowledge of the process for, and impact of, building a contextual response to extra-familial harm.

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