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EDITORIAL

TAKING STOCK OF YOUTH JUSTICE
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The call for this special issue 'Taking Stock of Youth Justice' went out before the recent general election in the UK, when a range of possibilities for the future of youth justice could be seen in the policies of different political parties. Now the results are in and we have a Conservative government which will continue with plans begun whilst in coalition. Greater freedom of contact has been given to youth offending teams and antisocial behaviour orders have been abolished, but these have been replaced with a range of alternative options in the Anti-social Behaviour, Crime and Policing Act 2014. Plans to build a large secure college for young offenders have been abandoned following opposition from the House of Lords, though the government spokesperson said the decision was due to the falling numbers of young people in prison. The £5.56 million reportedly wasted (BBC News, 2015) on this venture could have been better spent on improving the existing provision, such as to reduce the number of deaths of young people in custody, as recommended by the Harris Review (2015).

As is acknowledged widely, the number of young offenders convicted by the courts has fallen dramatically over the last few years, as has the number of young offenders in custody. The government unsurprisingly attributes that to its own policies, but a range of recent social and economic policies will impact disproportionately on young people, increasing their risk of involvement in criminal activity. Reductions in police numbers, and particularly in stop and search, may reduce this likelihood, but for those who do appear before the courts there is the introduction of criminal court charges. These will not affect youth courts, but they have raised concern amongst sentencers and lawyers about people's ability to pay (BBC News, 2015b). The media seem little interested in the fall in youth crime and continue to sensationalise particular and uncommon serious crimes by young people, such as the tragic murder of school teacher Ann Maguire.

Interestingly, around the same time as this call for papers, the government were also thinking about what next for youth justice and commissioned a review of the work of youth offending teams (Deloitte, 2015), perhaps the most important finding of which is:
'3.24. Indeed, the preliminary analysis suggests the strongest correlations with YJB measures are with socio-economic conditions and demographics - factors that YOTs cannot influence.' (p6)

This finding is not new, and although poverty is a well-known 'risk factor' it has continually been left out of policy frameworks to reduce crime as it is too difficult to address. Crime and troublesome behaviour are presented as individual problems to be addressed by the targeting of particular individuals. An example of this is the 'Troubled Families' agenda, which the government is in the process of expanding because of its success (Cameron, 2015). At the same time the government continues to seek austerity cuts, and the YJB is proposing to cut grants to youth offending teams by 10.6% (see CJ Files, this issue), in the context of which the Deloitte observation that 'a reduction in funding is not expected to result in reduced performance.' (p7) does not bode well.

This call for papers has generated a valuable mix of complementary pieces, many of which contain similar themes. One of these is the importance of young people's engagement and participation in criminal justice processes. This is particularly heartening as it has been a core value of my own work for many years, starting with the evaluation of pilot youth offending teams in 1998, one aspect of which was exploring young people's perspectives of the recently introduced final warnings (Hine, 2007). Such work highlights how children and young people frequently understand their behaviour differently to adults, and it is important to understand their perspective. The papers here call for engagement in the courts process (Atherton), something well known to be little understood by many young people (Smith & Fleming, 2011), and in the policy process as well as in practice and service delivery (Little; Case et al.; Creaney & Hopkins Burke). There are suggestions for imaginative ways to involve young people in research (Robinson) which could usefully be considered and applied by policy makers and practitioners. It should however be remembered that children and young people frequently need particular kinds of support and organisational structures to be able to participate fully (Fleming et al., 2014). The criminal justice arena is fraught with difficulties when attempting to do both what is best for the young person and what is best to redress the crime and its consequences. What many of us call for is a change of attitude and practice, to see children and young people as part of the solution, not just the problem. A focus on the positive is basic parenting guidance for good behaviour (Sutton, undated), so maybe it is time for us to start from the position of seeing young people's behaviour as a means of dealing with their often difficult circumstances rather than primarily an act of wrong doing.

**Our contributors**

It is with great pleasure that we begin this issue with the winning entry of the 2014 Brian Williams Memorial Prize, Sarah Louise Holt. Sarah’s work documents an excellent and original piece of research: it takes a clear and focussed idea grounded in the literature and translates this into a manageable research project. It is methodologically comprehensive within the constraints of its context, and offers a thoughtful analysis of the results. The work investigated the types of behaviours that primary school educational staff observed in children known or suspected to experience domestic violence at home.
The work highlights an important issue about the responsibilities and roles of teachers, a thought which could usefully be extended to a range of professionals who work with children. Although this paper did not make the link we know that the responses to domestic violence which are observed about these children are linked to an increased probability of negative outcomes in life, including likelihood of involvement in the criminal justice system.

Education is the topic of our next paper by Ross Little, but in a very different context – a young offender institution. The paper draws on work undertaken by the Howard League for Penal Reform as part of their innovative UR Boss project. This project was designed to involve young people with experience of the criminal justice system in the campaigning work of the organisation, including the identification of the focus of the campaigns (Fleming et al., 2014). The study in this paper explored young people's views and experiences of education in the YOI, raising important questions about the availability, organisation and quality of education for young prisoners.

From the culture of the prison and how this impacts on the educational experience of young people we move to the culture of youth offending teams and workers. Drawing on her doctoral work Rachel Morris explores the reasons why practitioners do the job that they do and suggests that this can impact on key elements of YOT practice impacting young people's experiences and outcomes. She found that most YOT workers want to make a difference to young people's lives and enjoy the challenge of working with risk within the flexible environment of the youth offending team. However she goes on to question the value of such flexibility and ambiguity.

The next paper by Anne Robinson supports the growing use of narrative methods with young people in criminological research, but argues the discipline has much to learn from other fields where a wider range of participative methodologies have been employed with children and young people. In the course of describing some of these approaches she also addresses the theoretical, ethical and practical implications of undertaking such work. An important issue to emerge here is that much research takes a snapshot at a certain point in time, but that young people's lives, their experiences and their understandings of those experiences are constantly changing and she argues for longitudinal studies which will allow 'young people to unravel their complex biographies and their entanglements in crime.' In this she joins the call to understand young people's behaviour within its own context rather than from an adult perspective of wrong-doing.

Darrell Fox and Elaine Arnull take up the thorny issue of unintended consequences of policy initiatives, using the experience of England and Wales youth justice policy initiatives and their unexpected negative consequences to sound a note of caution to Canadian policy makers who have recently introduced similar legislative changes. They use a model of oppressive practice to consider the Canadian changes and compare those to effects in youth justice in England and Wales to show how seemingly sound evidence based non-oppressive policies were shifted towards a more oppressive law and order agenda.

Stephen Case and colleagues discuss differences between England and Wales in their approach to youth justice, highlighting how the Welsh system has a more positive
approach, emphasising the presence of positive outcomes rather than the absence of negative ones. They use this model to argue that his approach works best, that children should be diverted away from criminal processes wherever possible, and that all interventions with children should be child friendly and child appropriate. As the Welsh picture reveals, such approaches can be implemented within current legislation.

Community courts are another example of being able to do something differently within existing legislative frameworks. In her paper Susie Atherton describes the US and UK experience of community courts, though the UK experience was short lived with the North Liverpool Community Justice Centre being closed down after just eight years despite calls for its continuation. She identifies the way in which the localised nature of the court and its relationship with the local community and its resources was better able to identify and address the social capital needs of many young offenders to support a pathway to desistance.

Community courts are just one element of the radical moral communitarianism model proposed by Sean Creaney and Roger Hopkins Burke in the final paper in this collection. They argue that the balancing of rights and responsibilities is a key requirement of this approach and present the implications for such an approach to responding to young people who offend. Engagement and participation are essential requirements of this approach, requiring mutual respect between citizens. However this also means addressing media representations and general population views of young offenders, which may be harder to achieve.
References
BBC News (2015b) Court Charge of up to £1,200 for criminals revealed. 
THE 2014 BRIAN WILLIAMS MEMORIAL PRIZE WINNER

This Prize is dedicated to the late Professor Brian Williams, co-editor of the British Journal of Community Justice from 2002-2007. Brian introduced a commitment in the Journal to publishing the papers of new academic writers and in particular students studying in the broad area of community and criminal justice. The Journal proudly announced the launch of the Brian Williams Memorial Prize in 2009. Each year the Prize is awarded to a previously unpublished undergraduate or postgraduate student studying in an academic area relevant to the British Journal of Community Justice.

AN EXPLORATION OF THE IMPACTS THAT EXPERIENCING DOMESTIC VIOLENCE CAN HAVE ON A CHILD’S PRIMARY SCHOOL EDUCATION: VIEW OF EDUCATIONAL STAFF

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Abstract

The issue of domestic violence is becoming increasingly prevalent in contemporary society and is no longer a hidden phenomenon kept behind closed doors and out of the public eye (Harne & Radford, 2008). Children living in violent homes are beginning to be seen as recognised 'victims' and there has been an increase in research literature regarding how the lives of these children are affected as a consequence of experiencing domestic violence (Cunningham & Baker, 2004). This article aims to investigate the types of behaviours primary school educational staff observed in children (4-11 years) known or suspected to experience domestic violence at home. The current research adopted a survey-based method in the form of a self-completion, postal questionnaire and utilised a non-probability convenience sample of 25 educational staff from three different schools. Children experiencing domestic violence were often found to be irritable, frustrated and angry, displaying both internal and external aggression - although inward acts of aggression were observed to be significantly more prevalent. The children were often recognised 'underachievers' and rarely reached their full academic potential. Four key themes emerged from the qualitative section of the questionnaires; children living in violent homes often have a poor self-image, the importance of early identification and improved staff training, the need for opportunities for children to disclose sensitive information to staff and the importance of information sharing. The findings from this study provide a basis for further, more extensive research into which behaviours may be evident in children experiencing domestic violence and therefore help educational staff identify these children earlier and provide their families with support and guidance.

Keywords

Domestic violence; abuse; education; Affected Children.
**Introduction**

The issue of domestic violence (DV) was neither recognised nor accepted as a societal problem prior to the 1970s (McHugh & Frieze, 2006). More recently, perceptions of DV have been transformed from a private, unrecognised phenomenon, to a key public issue high on government and practice agendas (Harne & Radford, 2008). The issue of children living with and experiencing DV is increasingly a more widely acknowledged issue within our society (Cunningham & Baker, 2004). Contemporary research literature is beginning to recognise children living in violent households as 'victims', and adopting a more holistic view of what is encompassed in 'experiencing' DV such as witnessing the aftermath of a violent event (Jaffe & Wolfe, 2011).

The research presented here focuses on primary school children, as they are considered to be of a critical age in terms of awareness and understanding of the DV happening around them (Holt et al., 2008). The study also gathered information on educational staff opinions on the efficacy of Child Protection and Safeguarding (2010) training. A survey-based method in the form of a self-completion, postal questionnaire was employed, and questionnaires were sent to three UK primary schools. The first section of the questionnaire was quantitative and consisted of a rating scale asking participants how frequently they observed certain behaviours in children known or suspected to be experiencing DV. The second section was qualitative and consisted of open-ended questions asking for the participants’ experiences of current training and how they believe this could be improved.

This article begins with a brief overview of the literature followed by the methods adopted, findings, discussion and conclusion.

**Literature review**

Early definitions of DV derived from criminological and sociological perspectives and therefore maintained a one-directional focus on violent and sexual acts or behaviours, exclusively between intimate partners (O'Leary, 2001). Recently however, DV has become less simplistic and encompasses a wide variety of disciplines adopting varying definitions. For example, definitions used by healthcare or social services are unlikely to resemble legal definitions and these may also vary depending how both society and individual victims construct their understanding and experiences of DV (Burton, 2008). A recent Home Office definition (2013) defines DV as:

'...any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to; psychological, physical, sexual, financial and emotional.'

This varies from earlier definitions by attempting to create a more holistic understanding of the notion of DV by incorporating a variety of behaviours, types of victims and abuse rather than solely focusing on violent and sexual acts between intimate partners.
Before the 1990s, the term 'child witness' of DV was used frequently in the literature, yet this was confusing for practitioners as the term tended to be associated with merely seeing or hearing the abuse. More recently, practitioners have adopted the terms 'exposure to' or the 'experiencing of' DV which reflects the more holistic view of what children undergo whilst living in a violent household (Jaffe & Wolfe, 2011). Exposure to DV also includes the passive role of the child in '...interpreting, predicting, worrying, and problem solving to protect themselves and others in the family from further abuse' (Cunningham & Baker, 2004:7). For the purposes of this research, the terms 'experiencing' and 'exposure to' DV are holistic terms which do not assume the violence has been observed by the child (Holden, 2003).

The terms encompass the following facts of being a child living in a family experiencing DV being caught up physically in adult DV, seeing, hearing or being told of a violent event, and also witnessing the 'aftermath' of a DV event (Osofsky, 1999). The term 'Affected Children' is used to describe children known to, or expected to, experience DV at home.

There have been many legislative and policy developments in the field of DV in recent years. The Government is piloting DVPOs (Domestic Violence Protection Orders) which allow police to prevent offenders contacting victims or returning to their home for up to 28 days. Domestic Violence Disclosure Schemes have been piloted which include the 'right to know' and the 'right to ask' (also known as 'Clare's Law') which provide individuals with access to information about whether their partner has a violent past (Home Office, 2013a).

Schools and children's services must look to their own policies for guidance when a child is suspected to be experiencing violence at home. In 2010 the 'Safeguarding Children in Education' policy was introduced, stating that every school must have a member of staff who holds lead responsibility for child protection and that children must be made aware of behaviours (such as violence and bullying) which are considered 'unacceptable'. Teachers and professionals are encouraged to identify any concerns they may have regarding a child's welfare and take appropriate action (DfE, 2010). The Department of Education's (2006) policy is that practitioners should first voice their concerns to their manager and if deemed necessary, refer the family to Children's Social Services.

Many studies have concluded that children exposed to DV are significantly more likely to exhibit behavioural and emotional difficulties than non-exposed children (Kitzmann et al., 2003). Primary school children (4-11 years) exposed to DV are at an age where they are developing awareness of family events and beginning to construct an understanding of the conflict and violence within their family (Holt et al., 2008). Children of this age are beginning to mentally process the abuse and evaluate the effect it has on their immediate family members. Consequently, children may feel caught in a self-conflicting bind where they turn to their parents for comfort and security but are unsure when aggression and violence may take over. This causes ongoing uncertainty and fear which can impact their behaviour (Cunningham & Baker, 2004). Primary school children are considered to be at a critical age in terms of awareness and understanding of the DV happening around them (Holt et al., 2008), hence the exclusive focus of this article on the impacts experiencing DV has on primary school children.
Previous studies have found general behavioural, cognitive and emotional implications of exposure to DV on children including; excessive irritability, sleep problems, fear of being alone, immature behaviour, stunted language development, poor concentration, aggressive and antisocial behaviour, anxiety, depression, violent behaviour, low frustration tolerance, poor co-ordination, problems eating and being passive or withdrawn (McGee, 2000; Elderson, 1999; Osofsky, 1999; Mullender & Morley, 1994; James, 1994). A study supported by the NSPCC and conducted by Stanley et al. (2010) collected observations from parents of children who had been exposed to DV. The parents identified behaviours in their children such as hyperactivity, nervousness, depression, anxiety and a lack of confidence (ibid). Little research has been conducted exploring the specific implications that exposure to DV has on children's education and experience at primary school. McGee (2000) found that children known to experience violence at home displayed aggressive behaviour and lacked concentration in school. They were also more likely to have poor attendance, fall asleep in class, come to school early or leave late and not demonstrate their full potential. In addition to this, Mullender and Morley (1994) found pupils dealing with these issues tended to display approval-seeking behaviour, bully other students, fight with classmates, and act as a 'teacher's pet'. Children from violent families have also been found to have a more hesitant and indecisive relationship with their teachers than children from non-violent homes (Graham-Bermann & Levendosky, 1998). On the other hand, Radford et al. (2011a) found that educational success was sometimes used as a coping strategy for the child, offering them something to escape into and use as a form of resilience.

Existing literature suggests that such impairments are more prevalent in young children than in adolescents (Hughes, 1998) and that younger children are particularly vulnerable to the impacts of living in a violent household (Levendosky et al., 2003). This vulnerability is one rationale for examining the effects of experiencing DV on primary school children in the current research.

Methodology
A survey-based method in the form of a self-completion, postal questionnaire was used to gather data for this study. This method was used to allow participants to complete the survey at a time that was convenient for them and without time restrictions.

The survey in the current research utilises a form of mixed-methods referred to as 'intramethod mixing' meaning that the questionnaire contained both quantitative and qualitative questions (Tashakkori & Teddlie, 2003). The closed questions, which are easily quantifiable, were used to identify which behaviours or actions were most frequently observed by school staff, whilst the open-ended questions were used to explore participants' opinions and attitudes regarding how Affected Children are treated in schools. The use of open-ended questions has important implications for the results of the study as they are used as an opportunity to reveal any observed behaviours, attitudes or personality traits that may have been missed by the quantitative questions.

The research adheres to a constructivist ontological position, assuming meanings are socially constructed and constructs are continually reviewed and altered by the social
actors through 'social interaction and reflection' (Matthews & Ross, 2010:25). The inclusion of both qualitative and quantitative data in the current study means that the epistemological position of the research fluctuates between a positivist and interpretivist stance.

To ensure results are generalisable, the sample used must be statistically representative of the population in question (Johnson & Christensen, 2004). It was not possible for the researcher to take a random sample of every primary school teacher or teaching assistant in the UK that has worked with or observed Affected Children. Therefore, the results of this research are not generalisable, but have the potential to provide a starting point for future research.

Thirty questionnaires were sent to three primary schools (School 'M', School 'N' and School 'G'), each the workplace of a participant accessible and known to the researcher. The researcher contacted five known participants at five different schools to explain the nature of the study and enquire as to whether they would distribute questionnaires around their workplace and return them to the researcher. Two of the teachers (both teaching at small village primary schools) explained that no staff at their schools suspected or were aware of any children from violent homes. The three remaining schools received an envelope in the post containing the questionnaires, a pre-stamped and addressed envelope to return the completed questionnaires and a note asking for teachers and other staff (e.g. learning support and teaching assistants) who believe they have observed or worked with children known to or suspected to experience DV at home (Affected Children) to take part in the study. Eight questionnaires were returned from School 'M', seven questionnaires were returned from School 'G' and 10 from School 'N', a total of 25 study participants (83.3% response rate).

As this study utilised an opportunity sample, statistical generalisations should not be made (Williams, 2003). However, it may be possible to make moderatum generalisations if the sample collected share norms, values and rationality and if replications will occur in similar physical environments (ibid, 2003:56). This means that if the current sample share cultural similarities with the wider population, it may be possible to argue the sample has moderatum generalisability. Research (Lortie, 1975; Sarason, 1982; Sachs & Smith, 1988) suggests that due to shared values and experiences both in life and in the work place, teachers become part of a shared standardised culture. Therefore, it is possible to suggest that the current sample had moderatum generalisability.

The use of an ordinal rating scale in the first section of the questionnaire enabled the responses to be easily quantified and statistically analysed. Frequency tables were created using the quantitative results, and bar charts were produced to establish the most and least frequently observed behaviours. The meaning and reason behind the results were then evaluated and analysed against findings from previous literature.

The second section of the questionnaire was analysed using thematic analysis consisting of coding the qualitative responses, finding any reoccurring themes and using these to establish any meaningful patterns (Bryman, 2008). Results and themes from question one of the second section were explored alongside the findings from the quantitative section.
in order to gain a more holistic picture of which behavioural patterns are observed in Affected Children. The themes established from questions two to four of the qualitative findings were explored in relation to current policy to identify gaps in how Affected Children are identified and supported in schools.

**Findings**

The quantitative section of the questionnaire consisted of a tick-box system where participants were asked to rate how often they observed certain behaviours in Affected Children. Results from the seven point rating scale were dichotomised into 'rarely' and 'frequently'. Any questions answered either 'frequently' or 'very frequently' were grouped together under the category 'frequently', any questions answered either 'never', 'very rarely' or 'rarely' were grouped as 'rarely' and any questions left blank, answered 'don't know' or 'N/A' were recorded as missing results.

Many of the behaviours uncovered in the literature review were behaviours that would suggest the child demonstrating them is frustrated, angry or irritated and expressing these feelings in a variety of ways. For example, McGee (2000) found children who were exposed to DV tended to be more aggressive, display excessive irritability (Elderson, 1999), have a low frustration tolerance and exhibit antisocial and violent behaviour (Mullender & Morley, 1994; Osofsky, 1999). The following results discuss how frequently respondents observed these types of behaviours in the Affected Child/Children.

(A) Aggressive Behaviour towards Staff

Displaying aggression towards members of staff is considered 'problematic' or 'challenging' behaviour as it puts the physical and emotional health of staff members at risk (NHS, 2012).

![Aggressive Behaviour towards Staff](image)

The results show that 28% (7/25) reported frequently observing children displaying aggressive behaviour towards staff. Although this behaviour was not as frequently observed as other behaviours, the problematic nature of this aggression means this is still a significant finding as nearly a third of all participants reported commonly observing this behaviour. The presence of this type of behaviour significantly impacts the classroom dynamics, and educators must know how to deal with displays of aggression from pupils,
should they arise (NEA, 2014). A study by the teachers' union 'NASUWT' suggested that almost half of newly qualified teachers are dissatisfied with the training they receive on dealing with destructive and aggressive behaviour (NASUWT, 2013).

(B) Aggressive Behaviour towards Other Students

![Bar chart showing Aggressive Behaviour towards Other Students]

Aggression directed at other students was reported to occur more frequently than aggression directed towards staff or figures of authority. 60.9% (14/23) reported frequently observing aggressive behaviour towards other students.

(C) Bullying Other Students (Physically and/or Verbally)

Bullying other pupils is directly related to displays of aggression towards other students. This is because the majority of 'bullying' in primary schools has been found to be openly aggressive rather than passive or manipulating behaviours (Olweus, 2003).

![Bar chart showing Bullying Other Students]

The results show that 29.2% (7/24) reported frequently observing children bullying other students. This suggests that bullying is not observed as often as aggressive behaviour (31.7% less frequently), perhaps because 'bullying' is defined as a student 'exposed repeatedly and over time, to negative actions on the part of one or more other students'
(Olweus, 1994:1173). Therefore, random acts of aggression that are not recurring or repeatedly directed at the same pupil may not be considered 'bullying' by educationalists.

(D) Fighting with Other Students

Another example supporting the idea that Affected Children can be angry or frustrated is that 58.3% (14/24) reported frequently observing children fighting with other students. Again, this was not as frequent as aggressive behaviour. However, this could be explained by the observation of 'affective' or emotional aggression or hostile behaviour not resulting in violence (Buss, 1961).

The previous aggressive behaviours are those which are displayed externally and directed towards others, however aggression can also be internal in the form of 'self-destructive behaviour' (Delga et al., 1989). The following findings demonstrate how frequently children displayed different self-destructive behaviours or 'internal aggression'.

(E) Displaying a 'Low Frustration Tolerance'
A low frustration tolerance can also be described as having a 'short fuse' or becoming easily frustrated with set tasks (James, 1994). The results show that 75% (18/24) reported frequently observing children becoming easily exasperated with tasks.

(F) Being Irritable

Related to a 'low frustration tolerance' is being irritable or short-tempered. It was found that 77.3% (17/22) reported frequently noticing Affected Children being irritable.

The literature review uncovered minimal findings about how coming into contact with DV directly influences a child's school experience. However, McGee (2000) and Mullender and Morley (1994) found that Affected Children were unlikely to reach their full academic potential.

(G) Not Reaching Full Potential in Class Work and/or Underachieving

'Underachieving' includes; not achieving predicted grades, lower than expected test scores and lower achievement in relation to the average standard of work in the class (Gorard & Smith, 2003).
The results show that 82.6% (19/23) reported frequently noticing Affected Children to be academically underachieving. 65.2% (15/23) of respondents also reported that these children had a lower than average reading ability and 35% (7/20) reported the children had speech and language abilities lower than expected for a child of their age (frequency graphs below).

The results from the quantitative data generally supported findings uncovered in previous research (see above). For example, aggressive behaviour, being easily angered and underachieving educationally were all found to be frequently observed in Affected Children. The results also identified more specific behaviours and actions encompassed within these more general patterns. In addition to generally 'underachieving' (McGee, 2000; Mullender & Morley, 1994), 65.2% of participants reported the Affected Children having a below average reading ability and 35% noted underdeveloped speaking and language skills. Internal aggression, such as being short-tempered, was noticed more frequently than external acts of aggression such as bullying and fighting with other students.

The behaviours most frequently observed tended to be behaviours which were less 'problematic' or 'challenging' i.e. lower risk to the physical or mental well-being of the
child or others and less likely to result in a 'poorer quality of life' (NHS, 2012) for the child, their classmates or staff. The most frequently observed behaviour (92%) was 'lack of concentration in lessons', a behaviour which is not considered a high risk or 'problematic' behaviour. Although non-aggressive and not threatening to the physical or psychological well-being of the child, it can be argued that 'underachieving' academically can present a risk to the child's future prospects and potentially their quality of life (NHS, 2012) if this hinders their chances of obtaining future employment.

Although the more 'challenging' behaviours (such as bullying) were found to be the most rarely observed, many of the behaviours were still reported to frequently occur by a substantial number of educational staff, significantly impacting on the nature of the results and their implications for future research and potential changes in policy.

The qualitative section consisted of four open ended questions. The first question asked participants to recall any behaviours, actions or personality traits in Affected Children that had not been covered in the quantitative section of the questionnaire. The next three questions asked for the participants' opinion about how the child protection and safeguarding training could be improved, what measures they believe should be put in place to improve the identification of Affected Children and finally, an opportunity to make any additional comments they deemed relevant.

Children Living in Violent Homes Have a Poor Self-Image

The first theme which emerged was in relation to question one of the qualitative section of the questionnaire:

Are there any behaviours, actions or mannerisms that you have observed that have not been covered in Part One of this survey?

One participant noted the child/children showed no sense of pride in their work, even when it was of a high standard and found it hard to accept praise, '…on occasion resulting in the child destroying the work which had been praised.' (QG1:1)

Other participants reported children showed signs of self-harming behaviours (QM2; QM3; QN3) including 'head banging' (QN3:1) and appeared to have 'poor self-worth' (QM3).

Stanley et al. (2010) collected observations about behavioural patterns from parents of children exposed to DV. The behaviours they identified included nervousness, depression, anxiety and a lack of confidence. These factors reflect behaviours observed by educational staff in the current study, including self-harming, low self-worth, an inability to take pride in their work and a dislike of confrontation (QG1; QM2; QM3; QN3; QN9). Thus creating a picture of a child with low self-esteem, lacking confidence with a negative self-perception. This notion is further supported by 62.5% (15/24) of participants who reported frequently observing children seeking approval from members of staff. This suggests Affected Children may be lacking in confidence and require persistent approval from staff in order to feel more confident about the task they are completing. Also, 43.5% (10/23) of participants noted frequently observing the child/children acting 'withdrawn,
passive or compliant'. This again may relate to low self-worth, nervousness and in more extreme cases, depression (Stanley et al., 2010).

Being aware of the types of behaviours that Affected Children may display whilst at school would significantly improve the identification of these children by members of staff, thus allowing the child earlier access to support from teachers and external agencies. The importance of early identification of these children and the requirement for more training in this area is a pervasive theme of the qualitative findings.

**Importance of Early Identification and More Specific Training**

Many participants outlined the need for more regular staff training on how to identify Affected Children

'Regular staff training re-identifying and support to provide.' (QN1:3)

'Regular staff training to recognise signs.' (QG6:3)

Other participants expressed that '...access to more case studies with ranges of different circumstances/behaviours' (QN2:3) would help to identify these children.

Participants felt that being aware of the types of behaviours that may help to identify Affected Children could significantly improve the level and quality of support provided to the children at school. Participants suggested that staff training should have more of an emphasis on children witnessing and experiencing DV at home, rather than just being educated on how to notice the physical signs of abuse, e.g. bruising.

'...training centres upon children's physical issues as opposed to the emotional ones...never fully realised the impact that a child witnessing domestic violence could have...until I saw it for myself...affect the child emotionally and thus educationally.' (QN10:3)

Other participants supported this by suggesting that the child protection and safeguarding training should cover more in-depth areas of DV such as

'...more emphasis on the effects on children of witnessing domestic violence.' (QN3:2)

The findings suggest that staff training is sufficient regarding the recognition of physical signs of child abuse. However, staff are not necessarily aware of what emotional and behavioural responses may be apparent in Affected Children and what affect these may have on the quality of their education and their general experience of school.

**The Need for Opportunities for Children to Disclose Information to Staff**

It is evident in the literature that having someone to turn to for emotional support (Mullender et al., 2002) and social and community support structures (Watt et al., 1995) are significant factors in the coping strategy of a child experiencing DV.
The importance of providing children with emotional support and opportunities to disclose information to members of staff was a reoccurring theme in the qualitative findings.

One participant noted:

'idreally the curriculum needs to allow for more 'relaxed' time with the children...to chat about non-educational related issues...time for children to build up trust and allow them more opportunities to discuss matters.' (QN7:3)

Whilst another emphasised the importance of '...ensuring the child feels able to talk/communicate with class teacher/teaching assistant/or anonymously (worry box or similar).' (QG4:3)

The importance of children being able to openly discuss the topic of DV was prominent in the qualitative findings in the current study,

'more open discussion generally about the issue to raise awareness...children need to know it is not something to be ashamed of.' (QG1:3)

It was also noted that staff needed to be adequately trained in order to effectively 'understand/empathise' (QM1:3) with Affected Children.

A number of the participants suggested that other members of staff, not just class teachers, should be available to help deal with these issues. For example, 'ensure good pastoral support is in place in all schools to give children the opportunity to talk through any issues' (QM4:3), and another respondent believed there should be a 'designated person' in schools to support and help the children cope with their troubled home life (QN9:2).

The terms 'staff' and 'staff training' were predominantly used throughout the second section of the questionnaire rather than the term 'teacher', suggesting the participants believe that the training and opportunities to speak to children about non-educational matters are not just important for teachers. One participant noted, 'support staff are more likely to be confided in or notice signs' (QG1:2).

**Information Sharing**

The final theme uncovered was that information regarding Affected Children should be shared more freely between members of staff who interact daily with the children, external agencies and educational authorities.

'Class teachers are not always told exactly which children experience domestic violence - so knowing would be a good start.' (QM7:3)

'Teachers only aware of situations on a need-to-know basis and therefore may not have the complete picture which may not allow deep understanding.' (QM6:3)
Participants concur that knowledge about which children are experiencing DV at home is important for staff to be able to provide help and emotional support: 'teachers need all the 'pieces of the jigsaw'' (QM3:2). One offered a practical solution for this problem, suggesting ‘...at least one staff meeting per year to identify and keep up with current research/findings/strategies' (QM7:3) and to share important information regarding Affected Children.

Sharing information expediently and more freely means Affected Children can be better supported and sooner (QM8:2). Information sharing also incorporates communication between the school and outside agencies. Many respondents valued clear communication between the school and outside agencies, the high level of support needed from these services and the means to work closely with them regarding children requiring additional support (QG7; QG2; QM3; QN9). Specific outside agencies mentioned include social services, therapists, educational psychologists and behavioural experts (QN9; QG2).

**Conclusion**

The quantitative research findings supported the notion in the literature that children living in violent homes can be frustrated, angry, irritable and aggressive (e.g. McGee, 2000) and revealed that teachers observed more 'inward' displays of aggression, such as a low frustration tolerance and irritability, than outward acts of aggression such as being hostile towards staff. However, outward displays of aggression were still frequently observed by participants.

Mullender and Morley (1994) and McGee (2000) found that children exposed to DV were more likely to underachieve in their classwork. This was strongly supported by these findings as 82.6% of respondents reported frequently observing Affected Children not reaching their full potential in their school work, and that 62.5% had a lower than average reading ability. It can be suggested that this underachievement is due to a lack of support at home. One participant noted the child/children 'does not get any support at home with reading/homework and very rarely completes these.' (QM4:1)

Analysis of the qualitative findings uncovered four key themes. The first theme is the perception that Affected Children can often have a poor self-image, highlighted in the data from question one of the qualitative section and the quantitative results and supports findings in existing literature (e.g. Stanley et al., 2010; Graham-Bermann & Levendosky, 1998). The other themes, uncovered from questions two to four of the qualitative findings are; the importance of early identification and more specific training, the need for opportunities for children to disclose information to staff, and the importance of information sharing. These themes are associated with how school life could be improved for Affected Children and therefore have implications on educational policy.

The Safeguarding Children in Education policy (2010) states that a senior member of staff should hold lead responsibility for child protection and information sharing about Affected Children. Currently, there are many restrictions placed on with whom and how much information can be shared. Practitioners must consider whether there is a legitimate
reason for sharing the information, whether consent is required, and if there is a public interest in sharing the information (DfE, 2006). Participants have suggested that the ability to share information more freely would improve support for Affected Children ‘information shared quicker - helping support families sooner’ (QM8:2). The findings from this survey support future change in educational policy concerning the sharing of information, reducing restrictions and moving towards a change to the Key Principles for Information Sharing (HM Government, 2006). However, it is important to note that restrictions are put in place to reduce risk to the child and protect them from harm (DfE, 2006). If restrictions on information sharing are loosened, negative consequences may result, such as breaches in confidentiality, putting the Affected Child at significant risk of harm, and in severe cases, police investigations may be jeopardised (DfE, 2006).

The Department for Education (DfE, 2010) states that practitioners should discuss any concerns they have about a child’s welfare with their manager or senior member of staff. The data highlight observable behaviours that may contribute to the identification of Affected Children. An improvement in teacher and support staffs’ knowledge on what behaviours to look for may lead to earlier identification of children who are suffering. Therefore, senior members of staff can be made aware of a child’s potential problems so that help and support can be accessed for both the child and their family earlier. Thus, one of the recommendations to come out of this research is that once an Affected Child is identified, more individual support should be provided to prevent future academic under achievement and stunted speech and language development.

The findings from this study may lead to future research to reinforce and validate these results and further highlight key behaviours, actions and personality traits that could be incorporated into training courses educating staff on how to identify Affected Children.

In doing so, in-depth interviews should be conducted with educational staff, gathering more detail about specific children (whilst maintaining their anonymity). This would allow researchers to obtain data such as the sex, exact age and other demographic details about the child and whether these factors influence the types of behaviours displayed. It may be of value to research differing behavioural patterns between groups of Affected Children based on demographic factors such as gender as educational staff appear to be observing differences in their behaviour. One participant noted:

‘...if the child is a boy they can speak to women staff in intimidating ways...Girls cry more easily and don’t like confrontation situations.’ (QN9:1)

The sample in the current study was relatively small (25 participants from three primary schools), and was an opportunity sample. This means the results cannot be generalised to all Affected Children in primary school. If future research is to further investigate this issue, a large random sample from all primary schools in the UK should be used to gather results that are generalisable to the entire population. Once generalisable findings have been collected, the results may be considered sufficiently significant to influence educational policy and improve teachers and support staffs’ ability to identify and support Affected Children.
Further, more extensive research, possibly utilising face-to-face, semi-structured interviews should be conducted using a larger, random sample to produce generalisable results (Biau et al., 2008). The effect of children's demographic variables (e.g. gender) on the results should also be investigated as the qualitative results allude to differences in behaviours between genders. If future research produces similar results to the current study, clear suggestions for changes in educational policy could be proposed - for example, reducing restrictions surrounding the sharing of information regarding Affected Children. The Department for Education and Skills (2006) place limitations on the transmission of this information. Participants stated that being able to freely share information would improve the school experience for Affected Children by allowing earlier access to support. However, it is important to take into account the possibility of negative repercussions should restrictions on information sharing be loosened - for example, risk of significant harm for Affected Children and families, issues with protecting individuals' anonymity, and in severe cases, compromising police investigations (DfE, 2006).

The findings could be said to support improvement in Child Protection and Safeguarding (2010) training. Participants reported that the training they received was adequate, but could be improved with more focus on how to identify Affected Children. One participant pointed out that staff were well trained to notice physical signs of abuse, but not the emotional impact that experiencing DV could have on children. The results from the current study, if supported by findings from future research, could influence the content of educational staff training courses, offering guidance on what behaviours could aid the identification of Affected Children.

The findings may influence schools' individual, internal policies regarding how the issue of DV is addressed to allow children more opportunities to disclose information to staff. A participant in the current study suggested that a 'worry box' should be used as a tool to encourage children to come forward without feeling intimidated or apprehensive about finding a member of staff to speak to directly.

Education professionals are the adults children have most contact with outside their immediate families and are often the only other adults children interact with (DfE, 2003). Therefore, it is important that educationalists have the knowledge and ability to identify Affected Children, and are able to take the appropriate action to provide the child and/or their family access to support and guidance as quickly as possible. This research found that Affected Children were frequently observed exhibiting behaviours such as low self-worth and a lack of confidence. The National Association for Special Education Needs (NASEN, 2003) recognises that low self-worth and negative life experiences are significant barriers to learning. It is suggested that, for many children, schools could offer the best opportunities for developing resilience and increasing emotional well-being. In order to provide these opportunities, staff must be able to identify Affected Children. The findings of this research are significant because they provide a solid basis for further, extensive research into which behaviours, actions and personality traits may be evident in Affected Children and how to help educational staff to identify them. Changes could then begin to be made to the training staff receives, children may be identified sooner and support could be provided to the children and their families earlier.
Every child has the right to an effective education (HRA, 1998). Emotional and behavioural issues arising from 'negative life experiences' are barriers to educational success (NASEN, 2003). Therefore, to provide every child with equal opportunities and access to an effective education, identification and support for Affected Children is imperative.
References


PUTTING EDUCATION AT THE HEART OF CUSTODY?  
THE VIEWS OF CHILDREN ON EDUCATION IN A YOUNG OFFENDER INSTITUTION  
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Abstract
This paper draws on the views of children and young people in a Young Offender Institution (YOI) to explore education provision in the youth secure estate from their perspectives. The paper includes research findings from work undertaken in a YOI as part of the U R Boss project, based at campaign group The Howard League for Penal Reform. The research comprised a questionnaire (n=47), discussion groups (n=25) and one-to-one interviews (n=4) with children serving a sentence in one YOI in July 2012. Nine in 10 of the children surveyed had been excluded from school. Nearly all felt they had had the opportunity to participate in educational activities at the prison, but their views about the education provision varied. The findings highlight how listening to the experiences of children expected to participate in education provision, helps to think about how the provision might be improved to best achieve what it set out to. They can be a key source of information about the barriers to the effectiveness of current education provision in prisons holding children. These barriers include some fundamental issues associated with engagement with education in a prison environment. Education provision could achieve a lot more. Rather than simply achieving functions of control and management and meeting minimum legal and contractual obligations, it should seek to enable young people to make positive developments in their own lives. The most popular learning activity amongst participants in the current research, the Raptor project, stood out as an activity in which the children felt they had positive opportunities for learning, the potential for increasing levels of responsibility and, eventually, opportunities to leave the prison for short periods of time. This type of opportunity was the exception, not the norm, but is suggestive of the type of educational experience that could help some of the most vulnerable children move on from negative prior experiences of formal education.

Keywords
Youth justice, young offender institution, education, participation
Transforming Youth Custody

Thinking about education in prison has been on the recent policy agenda of government. The United Kingdom coalition government between 2010 and 2015 sought to make significant changes to the composition of the youth justice secure estate in England and Wales. They proposed a new network of Secure Colleges, the first of which was planned for 2017 on a site in Leicestershire, next to the existing HMYOI Glen Parva (MoJ, 2014). The apparent motivation for this new approach was the poor level of education in prisons for children. The government response to the consultation on their Transforming Youth Custody Green Paper (Ministry of Justice, 2014) highlighted several particularly concerning findings in relation to the educational achievements of children in prison:

‘Latest figures suggest 86% of young men in Young Offender Institutions (YOIs) have been excluded from school at some point, and over half of 15-17 year olds in YOIs have the literacy and numeracy level expected of a 7-11 year old. Research also indicates that 18% of sentenced young people in custody have a statement of special educational needs.’ (MoJ, 2014:3)

The high rates of exclusion from school for children prior to custody have previously been documented by Cripps and Summerfield’s (2012) review of findings from two HMIP reviews on the resettlement provision for children and young people and the care of looked after children in custody. However, government recognition of these problems has not usually been so forthcoming. The proposal for a new network of secure colleges would apparently put “education at the heart of youth custody”.

Developmentally appropriate education and skills provision is vital to help children move on from life after prison (McAra & McVie, 2010; Youth Justice Board, 2014). What this might look like in practice, and what children have to say about the education they receive has been sidelined during political discussions over whether we have a Secure College (network) or not. Whilst the Secure College plans were quietly abandoned by government (Hansard, 2015), interest in increasing the number of hours spent in education provision has remained. The number of hours spent on education doubled from 15 to 30 in August 2015, with 60% of these hours being ‘protected’ as part of a new ‘core day’ (Youth Justice Board, National Offender Management Service, NHS England, 2015).

The reasons for this increase in the quantity of education are multiple, but the changes take place in a context in which the numbers of children in custody at any one time have dramatically reduced in recent years, whilst re-offending rates remain stubbornly high (see Bateman, 2014). There is no reason to suggest that the priority given by the secure estate to security and control is changing, but there may be a recognition that something different needs to be done. The appointment of a previous secretary of state for education as the secretary of state for justice, following the general election in May 2015 appears to have helped continue the emphasis on education and employment (BBC News, 2015).

1 Other proposals in the coalition government’s ‘at the heart of’ series included “Putting students at the heart of higher education”.

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The Youth Justice Board has education, training and employment as the third of seven identified national 'resettlement pathways' (Youth Justice Board, 2014). The stated main objective is to "provide all young people with suitable and sustainable education, training and employment throughout their sentence and beyond" (Youth Justice Board, 2014: 4). This is laudable, but worthy of exploration from the perspective of children experiencing the education provision inside prison.

About the research
This paper draws on research undertaken by the author when working as part of the U R Boss project, a youth justice participation project funded by the Big Lottery Fund and hosted by The Howard League for Penal Reform. Access to Young Offender Institutions for the purposes of research, information gathering or discursive, participatory work can be very challenging, particularly for employees of prison reform groups with a reputation for airing their views about the state of our nation's prisons. The author of this paper's involvement in a Youth Justice Board working group on access to college education for children in prison, also attended by senior staff from Young Offender Institutions, helped facilitate access to a YOI. The aim of the research was to find out what children's experiences of education in a YOI were like from children themselves.

There were three methodological elements to the research: a questionnaire, a discussion group and one-to-one interviews with individual children accommodated on different wings of the prison, including one on the Care and Separation Unit.

The questionnaire asked participants 18 questions about the type of educational activities they were involved in at the YOI; whether they were in education prior to entering the YOI; whether they had ever been excluded from education; about their educational qualifications; what courses they had been on at the YOI; what kind of help and support they had received to help them find education and employment; what kinds of education and employment plans they have for after the YOI; potential barriers to these plans and, what else the YOI might do to help them. Eighty-five questionnaires were distributed by YOI staff at the end of June 2012. Respondents filled in the questionnaire of their own volition. These were either handed directly to young people attending education classes in Warren Hill during the final week of June 2012 or placed under their cell door. Forty-seven questionnaires were returned by participants, a response rate of 55%. There was no extra support provided for filling out the questionnaire. Whilst respondents did not need to write much, they would have needed to be able to read the questions. Not every participant responded to every question, so question response numbers reported in this article may not always equal 47.

Five discussion groups were facilitated over three days in July 2012. Each lasted up to two hours, the duration of the morning and afternoon education slots, to fit in with the prison regime. There were 24 discussion group participants in total, an average of five children attending each discussion group. Themes explored were the same as those covered by the questionnaire, with scope for the discussion to flow in ways determined by the participants. Because the groups were live discussions between humans, the precise nature of conversation varied between the different groups, depending on the level of
engagement of the participants, their curiosity and degree of comfort with the set-up and their fellow participants. Each of the discussions was facilitated by two members of staff from the U R Boss project at The Howard League for Penal Reform. One facilitator tended to facilitate discussion while the other was responsible for note-taking. The purpose of the project and that participants' anonymity would be respected was explained to each group. These groups lasted one or two hours each, focused on exploring the questions attached and were carried out with a member of YOI staff present. The presence of the YOI staff member was a condition of the discussion groups taking place and may have impacted on the responses of some of the children.

Also completed were four interviews with individual young people on three different wings, including one on the Care and Separation Unit, colloquially known as 'The Seg' owing to the segregation of its inhabitants from the mainstream YOI population. These individuals had been deemed unsuitable for group work by the management team. These individual sessions took place subject to the agreement of the individual child. Whether or not they were asked to participate would have been the decision of the senior member of prison staff facilitating the research. The research may have therefore excluded the involvement of children experiencing the most difficulties in the prison at the time. YOI staff were not present for these meetings with young people. A brief outline of the context for each of the four children interviewed in segregation appears at several points in the text, relating to points made about experiences of, or attitudes towards, education in the YOI.

Taken together, the research engaged with up to 75 children detained in the YOI, around half of the population there at the time. The reason it is not possible to be precise about the number of different individuals engaging with the research is because there was no way of matching discussion group participants to questionnaire respondents. Individuals attending the discussion groups were asked whether or not they had completed the questionnaire but only half a dozen indicated that they had. Findings from the questionnaire, discussion groups and interviews were presented to the management team at the YOI later in the same year. This report, including the questionnaire, can be found on the U R Boss website (U R Boss, 2012).

In terms of how the sample was selected, questionnaire respondents did so of their own volition and returned completed questionnaires in a blank envelope. Potential participants for the discussion groups were recruited from education classes.

It should be noted that the research took place before some of the effects of the government's budget reductions had impacted on staffing levels across the secure estate and before the YOI was 're-rolled' to become an adult prison the following year.

**Ethics**

There are complex ethical and moral issues to consider when undertaking work of this nature with children in custody. A key issue is the ability of child participants to consent to their involvement in the research (NSPCC, 2013). It was important that participants were able to participate voluntarily in the research based on informed consent. However,
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the very nature of a prison environment in which an individual is being detained against their will, raises questions about the concept of voluntary engagement.

With regards to the questionnaire, respondents chose to complete the questionnaire in their own time. With regards to the discussion groups, the opportunity to be involved was communicated to children in the YOI by prison staff. Likewise, the opportunity to be involved in the interviews was mediated by a member of staff. This has implications for how the opportunity was communicated to the child prisoners. In this respect, the researchers were dependent on the prison staff involved in communicating with the children. Mutual trust and respect between the researcher and the prison staff is useful here. Overall, as a representative of a youth justice participation project, with a belief in children as experts in their own experiences, the need to "let young people speak for themselves, subject to appropriate safeguards" (Williams, 2006) underpinned the approach to the research. Therefore, it was explained to participants that if anyone wanted to leave the room, or they wanted to terminate the discussion or the interview, they could do so at any point.

There was no incentive offered to the children to participate in the research. Based on initial responses of those that did participate, a key reason they were pleased to be involved was to be out of cells at a time they would have been "on bang up". The opportunity to meet different people, have different discussions and break up the boredom seemed to be key motivating factors for their involvement. It was also explained to participants that what they said would be anonymised and not attributable to them as individuals. A key issue here was the presence of an officer in the discussion groups, as requested by the prison management.

There are broader issues regarding the presence of a project such as U R Boss in the prison environment. Because the project was based at a well-known prison reform campaign group, it is possible that the prison’s management might use it as a way to demonstrate that their practice was in some way being approved by the organisation. The possibility that our presence as researchers might be used as a way to legitimise the institution or its practices constitutes a dilemma when working for a penal reform charity. This is perhaps one small example of a reformer's dilemma and the extent to which change can occur when researchers and reformers must co-operate with the existing system in order to gain access.

**Findings**

The following section summarises some of the findings from the report, highlighting key themes and points for thinking about the broader role that education in prison can play for children in prison. The findings are drawn from responses to the questionnaire, the discussion groups and the interviews. Key findings discussed here include:

- Perceptions and experiences of education. Many of those that engaged with the research stated that their prior experiences of education had been extremely negative. Despite this, education and qualifications remained important to their perceived chances of subsequent employment.
• The issue of choice is important here. If children are expected to willingly engage in education provision, the choice provided needs to be meaningful.
• There are various practical barriers that exist to limit access to children's choices.
• Partly as a result of the barriers, the way education is provided in prisons does not engage children as well as it might.
• The children's experiences of education in prison raise questions about the nature of education provision in the 'secure estate'.

Before exploring these themes further, it is worth considering the context in which these children are participating (or not) in education, particularly their previous experiences of education.

Pre-custody education experiences
Consistent with previous literature (Cripps & Summerfield, 2012) a disrupted experience of education prior to entering custody was a common theme with young people who participated in the work. Of 45 respondents, nine out of 10 (89%, 40) had been excluded from education, 63% of which were permanent exclusions. This was consistent with the findings from the focus groups, in which nearly all respondents reported having been excluded from mainstream education, and the larger sample size in a study by Cripps and Summerfield (2012). Over a quarter (27%, 12) of 45 questionnaire respondents said they were last in school aged 14 years or under. The remaining 33 respondents said they were last in school aged 15 years or over. In terms of the institutions they had been excluded from, the questionnaire identified that nearly all those that had been excluded (38/40) were from a school. Seven of the 40 had been excluded from a pupil referral unit and three had been excluded from a further education college.

In the first focus group, all four participants had been excluded from school, two of them permanently, one of these stating that "I was excluded almost every day". Some participants expressed a lack of interest or engagement in structured or formal education and had clearly had prior negative experiences of classroom environments. Others recognised that they had missed out by being excluded from education previously:

'I kept getting kicked out...I didn't like people telling me what to do. I wasn't interested in school at the time. Now I'm older I think differently.'

'I got kicked out in Year 9. I lost focus. I was intelligent. I never got into trouble with the police until I went to a PRU.'

'It was fun at the time, but I didn't realise 'til it was too late...You end up chilling with your pals on the street and you have bare time on your hands and you end up getting in trouble.'

In one of the focus group sessions, all five participants were unanimous in the belief that education provision at Warren Hill could not make a difference to them. One had strong views that education was just a waste of time relative to his goal of earning money:
'You don't need education in your life, you need money.'

Another participant qualified this by saying that education in custody could make a difference, but only if the support provided is sufficient.

'[Education can't make a difference] unless you're on a long sentence...I've had help and completed Level 2 Horticulture.'

Overall, most participants' lives had been characterised by unhappy, irregular and/or inconsistent experiences of education. More than four in 10 participants (20, 43%) did not state any previous educational attainment.

**Choice**

Given the frequency of negative prior experiences of education, it is unsurprising that respondents tended to have low expectations of the education they would receive in prison. However, the issue of meaningful choice and activity were themes that respondents returned to consistently in the discussion groups. The questionnaire findings indicated that participants felt able to choose which courses they wanted to study: 38 respondents said they were able to choose what course they wanted to study, 30 of whom said that they were able to get on to the course they wanted to. Four respondents said they were not able to choose their course of study and five did not respond to this question.

However, the group work allowed more discussion about the extent of the choice that participants could actually exercise. Whilst individuals had been asked for their preference about which courses they most wanted to attend, their options were limited considerably by the type of course available at the time:

'I didn't get the choice I wanted, which was radio, media and gym. Instead I got Maths, English and ICT.'

'I wanted to construction, but had to do Maths instead. Then I went on radio.'

'I wanted to do mechanics but had to do education...'

'Sometimes you don't get all you want, you make back-up choices. There's lots of choice, but they need more.'

Some participants had strong ideas about what they wanted to study or train in and had been left disappointed by the restricted options available.

'When I first came in I wanted to do geography, history and German but they don't do them here.'

'There should be more education - more options available...a barbering course - there has to be one person who can do hair properly here - the
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A hairdresser who comes here has one hour to do everyone on the whole wing. Plumbing. Woodwork.'

'I wanted to do languages but there was only one copy of the Spanish CDs in the library and it wasn't there.'

Choice was particularly constrained if participants already had attained GCSEs. Twelve respondents said they had GCSEs, eight of whom said they had five GCSEs graded A* to C. Five respondents had NVQ Level 2 or a BTEC First Diploma. Three respondents had a NVQ Level 1 or a BTEC Introductory Diploma. A common response referred to the lack of education provision for those willing and able to study beyond GCSE level:

'It's good quality [the education], but only up to GCSEs.'

'If you've done GCSEs, or if you don't want to do them, there isn't much else. If people are working at their age-level and they've done GCSEs then they're at a disadvantage.'

'Yes [there was a choice], but I've done most of my GCSEs already.'

Discussion group participants commented that doing higher qualifications is possible, but that this was subject to having sufficient self-confidence and self-motivation:

'You can do distance learning - Open University. That's alright but you have to feel confident.'

In addition to possessing this self-discipline in the prison environment, it was also necessary to have access to a teacher qualified to teach above GCSE level. This relied on more external factors, such as good fortune:

'I'm doing AS Maths and I can only do that cos there's someone who can teach me that here.'

There was a lack of consistency regarding access to a suitably qualified tutor. Without this support, one boy explained that he found the prospect of self-directed learning in prison too daunting to contemplate:

'They offered me A-levels; I refused to do it. I work better face-to-face. They only offered me study on my own, without a teacher.'

These experiences raise important points about the lack of support available for the significant minority of children in prison who do have a track record of educational achievement. This is similar to the situation in the adult prison estate which struggles to provide meaningful educational opportunities to men and women across a wide spectrum of educational achievements and different motivations to learn (Prisoners' Education Trust, 2014).
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One participant suggested the idea of 'taster courses', to give people choice about what they might want to do more of and ultimately help people "to find their own path". A conversation with senior staff highlighted the administrative barrier to making curriculum changes. For example, if the YOI wants to make a change to the curriculum this has to be agreed with the education service provider, together with the Education Funding Agency (the Department for Education's delivery agency for funding and compliance and the Youth Justice Board (YJB). One focus group participant noted a recent change to the curriculum that meant he could no longer access his chosen subject of drama:

'My plans? Performing arts [in response to a question about what he wants to do at college]. But drama isn't on the curriculum now...It used to be.'

It is worth noting here that because there are multiple stakeholders involved in contemporary YOI education provision (including the YOI, the Youth Justice Board, the Education Funding Agency and the education provider) changes to education provision in YOIs can be very difficult to bring about.

Barriers
In addition to some restrictions on the practical choices they could make, participants identified different types of barriers, including their difficulty in concentrating in the prison environment, especially if they felt others were being disruptive:

'I can't focus. You need to put people that do want to work in a place they can concentrate.'

'Here I've found I can't really learn...I just can't concentrate.'

'I just don't like being in groups really. Don't like being around other people.'

These responses raise fundamental questions about what education provision really means for these children in prison. It is perhaps worth reminding ourselves about the day-to-day lived reality for children in prison. Drawing on research presented in 'Life Inside', a report on the daily lives of 15-17 year old males in prison, it is clear that around half have experienced time in care, or substantial social services involvement, compared to 3% in the general population (NACRO, 2003, cited by The Howard League for Penal Reform, 2010). A quarter of the boys report suffering violence at home and 1 in 20 report having been sexually abused (YJB, 2007). Three in 10 boys report having a recognised mental health disorder (YJB, 2005), compared to 1 in 10 in the general population (ONS, 2005, cited by The Howard League for Penal Reform, 2010:8). Relationships with others can therefore be affected. As recent inspection reports have shown, the levels of self-harm, suicide and general violence have increased considerably in YOIs in recent years (Her Majesty's Inspector of Prisons, 2014; 2015).

A key barrier identified by discussion group participants was the nature of their risk assessment, which could severely limit their educational options:
'I have a high risk assessment, so there's not much I can do. I can do different stuff but it's all based around education (not practical activities). I don't wanna do education. I kick off a lot and just walk out.'

'I'm high risk. I can't do things like mechs (car mechanics) and cookery...I want to do cooking...I do FLL (Foundation Life Learning) instead.'

'I put down for horticulture when I arrived - I was low risk when I arrived. I waited two and-a-half months for nothing.'

Nine respondents to the questionnaire said they had barriers getting in the way of them making plans for education and training. Reasons given were related to being in prison itself, to their offence, to mental health problems, a lack of GCSEs or issues with their Youth Offending Team. Most questionnaire respondents chose not to answer this question. Just four respondents stated that there were no barriers getting in the way of their plans for education or training. A psychological barrier to engaging with education for some was that they had bigger problems to worry about, including family issues and/or no accommodation on release. For example, when asked about his plans following release, one boy stated:

'I ain't got nowhere to go when I come out. Accommodation is a big problem for me. I don't know where I'm gonna live.'

Issues such as uncertainty about where they are going to live after being in the YOI, can affect how children feel about themselves, their lives and their perceptions and motivations about education and learning. Those children experiencing some of the biggest barriers to accessing education in the short term were those receiving education on unit or 'Ed on Unit'. The research included interviews with four young people receiving 90 minutes of education in their cells each day, Monday to Friday: 45 minutes in the morning, 45 minutes in the afternoon. The brief biographies of four individual boys below outline something of their experiences relating to education and have been interspersed throughout the remainder of this article. The first outlines a little of the context for Chris, for whom education was a distant concern, at least partly because of his concerns about his own personal safety in the prison environment (as with all other names used in this article, Chris is not the participant's real name).

1) Chris - 15 year old black male from London

Chris was receiving education separately in the segregation unit for his own protection. He had experienced difficulties in the YOI due to his recorded gang affiliations with other inmates.

He received two 45 minute sessions each day, one in the morning and one in the afternoon. One session focused on English tuition and the other focused on Maths tuition. Chris had previously been permanently excluded from school. He had been in a Pupil Referral Unit before being remanded to HMYOI Feltham. From there he had been transferred to his current YOI.
For Chris, formal education barely featured on his personal radar, despite its daily presence in his life, at least on weekdays: "I don't feel settled here so I'm not even thinking about education." Chris explained that he had other things to worry about, namely his own personal safety, before concerning himself with his educational development. A bigger issue for him was the lack of physical activity available as part of the regime in segregation: "You're not allowed to go to the gym on this unit."

For Chris, the distance between his present state and voluntary engagement in education or some form of productive learning appeared to be great. This was in contrast with Paul, an older boy also receiving education segregated from the rest of the prison community.

2) Paul - 17 year old white male from Kent
Paul was receiving education on unit due to his own disruptive behaviour in group classes. Like the others we spoke with receiving education on unit, he received two 45-minute sessions of tuition each day; once in the morning, once in the afternoon. At the time of the research, he was working towards Maths level one and English level two.

Paul had only been at the YOI for one month having recently been transferred from a Secure Training Centre. Like the vast majority of the boys who participated in the research, he had previously been excluded from school. He had then been sent to a Pupil Referral Unit, but stopped attending when he was 15 years old.

Despite these prior negative experiences, Paul was relatively optimistic about the education provision he was receiving in the segregation unit and in the prison more generally: "The subjects I'm doing here will be helpful for me."

Concern about accommodation in the community following a spell in prison was an issue for some boys. For others, there were concerns about the consequences for their education when they moved on to their next, adult, prison. Transfer of records between institutions can be delayed and incomplete at times and continuity of education provision for individuals can suffer (Ofsted, 2010). This was indeed related to one of David's concerns as a 17 year old in the segregation unit soon to 'celebrate' his Birthday.

3) David - 17 year old white male from Kent
Like Paul, David was receiving education on unit because he had assaulted someone in the YOI. He was unique amongst the boys in segregation at the time for studying towards his Economics GCSE. Whilst it initially appeared that this was a subject he had himself chosen, he was disappointed that his choices were constrained by the limitations of what could be offered by the available tutor: "I can only do what the one-to-one tutor can offer."

Prior to his spell in a YOI, David attended a Pupil Referral Unit for about a year. His main concern in relation to his education was his impending move to a different prison, particularly as this would be his first experience of an adult prison: "I'd like to go back to mainstream education in (this) prison but I'm 18 so I'll get shipped out to a different prison soon."
Despite efforts by the institution to get each of these segregated children engaged in education, each discussed their disengagement from education both before and during their time in prison. This is problematic when it is clear the re-offending rate by under 18s leaving YOIs is so high. Of those released from custody during 2010/11, 72.6% were reconvicted within 12 months (Youth Justice Board/Ministry of Justice, 2013). Ofsted’s review of arrangements for learning in custody and on release found that children often did not have personal education plans on arrival in prison and that arrangements to continue education when they returned to the community were unsatisfactory (Ofsted, 2010).

One of the main topics of conversation in the discussion groups focusing on education was actually food, hunger and nutrition. This echoed the findings from Life Inside (The Howard League for Penal Reform, 2010) where one of the most frequently voiced concerns of boys in prison was the amount and quality of the food on offer. Together with the hypermasculine context and the frequent threat of violence, the lack of food was a recurring theme amongst the discussion group participants. Each of these elements fundamentally impacts on what and how individuals learn in such environments.

The most positive comments by children about the educational opportunities available in the YOI were reserved not for the formal education classes but the 'Raptor’ project. This project allowed the children to work with, and care for, birds of prey living at the prison site. Responses from participants who had been involved with the project were extremely positive. For example, Matt, one of the four children interviewed in segregation, was extremely enthusiastic about this project.

**4) Matt - 17 year old white male from Kent**

Matt was receiving education on unit for a month or two due to his vulnerability to attack from others being held in the same prison. He felt the need to complete GCSE English so that he would have three GCSE's and thus be eligible for a mechanics course. For him, the experience of education in the segregation unit appeared to be an opportunity to focus in a way that had not been possible in the mainstream education provision: "I got more done in Ed on Unit than in class." He was also unique amongst the boys in prison in expressing a preference for more exam-based assessment for courses. Despite this, his real passion, the thing that had really captured his imagination, was the Raptor project, which sought to build skills and confidence in the boys through working with birds of prey:

"Raptor is one of the best things I've done since I've been here...on Raptor, I'm learning something new, I never knew it existed before."

That these comments were made by a child who had been receiving one-to-one education segregated from the rest of the YOI population highlights its potential for engaging even some of the most vulnerable and disaffected children in prison. Another participant in one of the discussion groups was also very enthusiastic about the Raptor project:

'Raptor is [the best thing offered here] - it's unique - you can't do it at any other prison.'
In addition to enthusiasm from the children held in the YOI, staff at the YOI were also proud of the project and the attention it had received from outside the prison in the community. As visitors enter the prison, colourful promotional material about the project had been placed in a prominent position. In addition to on-site activities, some children in the YOI had been allowed out on Release on Temporary License (ROTL) to attend local events with the birds of prey. Ofsted was also sufficiently convinced about the educational value of the project to present it as an example of good practice:

'[it]...uses care and display of predatory birds to engage young people who traditionally don't engage in learning activities. The Raptor Project builds self-confidence, personal development and team-working skills and improves academic skills such as English and mathematics.' (Ofsted, 2014).

This link identified by Ofsted between informal learning opportunities in the prison environment and educational skills is an interesting one. It could not be confirmed by the current research but if enthusiasm for engaging in an activity is a proxy measure for subsequent involvement and success, then it was clear that the feelings of those engaged in the Raptor project were exceptionally positive relative to other learning opportunities available.

It is important to note that only a small number of children could be involved in the Raptor project. Three survey respondents stated that they had been involved with Raptor. One discussion group participant and one interviewee stated that they had been part of the project. An associated problem of the project’s desirability was that it could only be available to a small number of children in the YOI at any one time. In addition, the children had to have retained ‘gold’ status for a certain period of time, which involved maintaining an excellent behaviour record. This was a challenge for some of the children especially those for whom confrontation was a regular occurrence. Together with food, a child’s current earned privilege status was one of their main concerns for day-to-day living in the prison.

**Discussion**

The current research highlights the importance of listening to children about their experiences of education in order to understand more about the effects of the provision they are receiving (see also Smith, 2011; Little, 2015; Creaney, 2013; NYA, 2011). The findings reveal different attitudes and motivations amongst children in apparently similar circumstances and highlight the importance of understanding that with education provision, as with other services, that one size cannot fit all.

Listening to the children held inside the YOI about their experiences of education before and during their spell in prison provided a greater understanding of the challenges they have faced, and continue to face in accessing education appropriate for their needs. This small scale study also highlighted the very individualised nature of the educational needs of the children in the YOI at the time. It is possible, indeed likely, that those children who did not participate in the research had experienced, and were experiencing, even greater challenges in accessing educational experiences.
The general picture of severely disrupted prior educational experiences is crucially important as it has been found that "pathways out of offending are facilitated or impeded by critical moments in the early teenage years, in particular school exclusion" (McAra & McVie, 2010:179). It also raises fundamental questions about what education for children in prison can realistically achieve when things have gone so terribly wrong in the community. It is surely unrealistic to expect much from educational provision inside prison when the pupils have such terrible experiences of the mainstream education system.

The Youth Justice Board's objective for the 'Education, Training and Employment' resettlement pathway requires that:

'Education provided during custody should be in line with resettlement planning and available education, training and employment in the community.' (Youth Justice Board, 2014)

This seems sensible, and perhaps necessary, from the perspective of providing continuity between educational provision inside and outside prison, and in the interests of equity and fairness. However, some discussion group respondents felt that the education provision bore too much resemblance to the very thing they had responded so badly to before: "This is a prison, not a school. They're teaching us like we're in a school."

It might be tempting to conclude that very little can be achieved through formal education provision in prison, at least as currently configured. Results from a Freedom of Information request submitted by Children and Young People Now magazine show that there were just 119 GCSE passes in public sector YOIs in 2010/11 compared to 232 for the previous year, a drop of almost half (49%) (Puffett, 2012). This information simultaneously highlights a problem and yet also shows why it might be important to retain education provision in prisons for children. Between the two data collection periods, the number of education contact hours required of providers dropped from 25 to 15 hours per week. These crude figures thus suggest that children in YOIs achieve more with more contact time, supporting the case for more formal education time.

However, this last point reduces educational achievement of children in prison simply to a matter of counting GCSE passes. We know from what the children said in the current research that the greatest levels of enthusiasm for education and learning experiences were reserved for the Raptor project. The unique enthusiasm for the Raptor project amongst the children in the YOI demonstrates that even the most disaffected children can engage effectively with learning opportunities inside prison.

However, the time, space and resources involved in providing the project made this the exception rather than the norm across the youth secure estate. A more common scenario was that, for a variety of reasons, children could not exercise their preferred educational choice. This lack of choice was evident for those outside the relatively narrow band of studying at GCSE level. This left those with poor levels of educational attainment undertaking some qualifications with little use or relevance in the community. It also means that those already with educational attainment at GCSE level were poorly catered
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for. These students are equally important as they can be unhelpfully grouped together as 'young offenders' who are assumed to be educational underachievers or unable to learn. These types of label serve as a barrier to these children's potential achievement, in addition to well-documented barriers such as living within a culture of "mutual mistrust, fear, aggression and barely submerged violence" (Crewe et al., 2014:56) and restrictions to learning opportunities associated with their assigned risk level or privilege status.

These other fundamental challenges in the lives of the boys - issues of greater concern to them than whether or not they attend an education class - connects with the work of learning theorists such as Maslow. Maslow's hierarchy of needs model (1987) suggests that human beings are not motivated by any higher level needs (love and belonging, self-esteem, self-actualisation) until the more basic, lower-level ones (physiological needs, safety needs) have been met. Maslow's model is useful in helping to identify why certain young people, due to insecurity and trauma, might become 'stuck' at the lower levels and might not achieve higher level 'self-actualisation. Maslow's ideas are also supported by Bloom's (1956) taxonomy of learning objectives which suggests that one cannot effectively address higher levels until those below them have been covered.

These learning theories challenge the idea that education can play a useful role in the rehabilitation and resettlement when basic welfare needs remain so gravely unmet. Since the period in which discussion groups were held in the YOI, safety concerns in different YOIs (HMIP, 2014; 2015) and indeed prisons more generally (Prison Reform Trust, 2015) have increased. Consistent with other resettlement studies, the issue of accommodation on release was an issue for some of the children.

However, simply because some lower order needs are not met it does not necessarily follow that learning cannot take place. More recent research tested Maslow's theory by analysing survey data of 60,865 participants from 123 countries between 2005 and 2010, representing every major region of the world (Tay & Diener, 2011). The research findings suggest that even though the most basic needs require (and get) the most attention, one may not need to fulfil them in order to be able to gain benefits from the other (met) needs. In this sense our needs can work independently of each other. However, in prison, the context makes it much more difficult for individuals to feel that their safety and social needs (love, support) are met, along with needs such as 'respect', 'mastery' and autonomy (see, for example, The Howard League for Penal Reform, 2010). Blog posts written by children and young people with experience of the criminal justice system on the U R Boss website (U R Boss, 2015) also describe some of these unmet needs, and will be the subject of a separate paper.

Again, this raises questions about what we understand by education and learning in the prison environment. If we take a view of education as a form of liberation, as the "practice of freedom" (Freire, 1976), then a prison fundamentally fails the basic test of a learning environment. Institutions dominated by concerns of security, control and fear cannot possibly provide adequate effective learning environments in these terms. According to Rogers (1969, cited by Jarvis, 2004) the goal of education is to help individuals become a fully functioning person. In order to do this, Rogers suggested self-directed, experiential learning in a social context that is not too oppressive for the learner.
Again, as multiple government inspection reports tell us (see, for example HMIP 2014, 2015), current YOI environments fail in fundamental ways to offer this opportunity to its child learners. A recent inspection report for HMYOI Wetherby, for example, notes "discernible deterioration" (HMIP, 2015a:6) in safety levels with "concerning levels of violence" (HMIP, 2015a:6). In relation to education, the report notes that activity "...was poorly allocated, take up was too low, and attendance was poor, which all contributed to needlessly negative outcomes" (HMIP, 2015a:5).

Despite government plans to put education at the heart of custody, doubts remain about the real ethos and aims of the proposed Secure College. These doubts exist not just among criminal justice campaign organisations and academics, but some Members of Parliament too:

'I would like to apply the duck test to secure colleges. The duck test is that if it looks like a duck, swims like a duck and quacks like a duck, it is probably a duck. Looking at the Bill, if it looks like a prison, feels like a prison - particularly in the light of the planning application - and is staffed like a prison, it is probably a prison.

It is odd that, although the Government claim that secure colleges will put education at the heart of youth custody, neither the Bill nor the consultation response contains any detail about teaching, education, staff or qualifications.' (Hansard, 2014)

Changes to the quantity of education provided in YOIs (in the form of contact hours) could be very important. Just as important will be the quality of this education, and the extent to which it is able to meet the variety of needs amongst the children who find themselves in our prisons.

**Concluding comments**

The research highlights the importance of listening to children in prison about their experiences of education to find out what needs to be improved. Whilst the YOI staff and education provider sought to do their best to provide educational choices to engage children in the education provision provided, in many respects the provision could not meet the education and learning needs of many of the boys held there. This was due to a number of factors associated with the boys' prior negative experiences of education provision outside the prison, the type of environment that prison is, with its dominant focus on security and control over welfare and education and the inability to address the variety of learning needs with a relatively narrow curriculum. This is particularly the case for those boys on short sentences. For some boys, their pre-occupation with other more fundamental concerns to do with their own personal safety or their accommodation after prison, seemed to inhibit their motivation for engagement with the education provision on offer.

The experiences of these children tentatively suggest that it was possible for a small number of them to have positive learning experiences inside such a secure environment,
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despite what can often be a hostile environment that mitigates against educational development. However, the Raptor project was very much the exception than the rule in our prisons for children and only available to small numbers of participants at any one time. As recent inspection reports indicate, our YOIs are currently a long way from being the type of environments that education specialists would advocate as suitable site for learning. Any achievements by children themselves therefore largely occur despite, not because of, the system they find themselves subject to.

This research highlights some of the individualised educational needs of the children in the YOI at the time and some of the barriers in meeting them. These barriers can be considerable and pose questions for how we understand and provide appropriate informal and formal educational experiences for children in prison.
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'YOUTH JUSTICE PRACTICE IS JUST MESSY'  
YOUTH OFFENDING TEAM PRACTITIONERS: CULTURE AND IDENTITY  

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Abstract  
At a time when the Ministry of Justice has announced a 'stock take' (Puffett, 2014) of youth justice it is now more crucial than ever that attention is paid to the organisational culture of youth offending teams (YOTs) and the occupational identity of the practitioners that work within them. The organisational culture of a YOT can have a significant impact on the treatment that young people receive as interpretations on national policy are made on a local and individual level yet it has been a largely under-researched area in comparison to other key criminal justice agencies. This paper seeks to contribute to the limited literature on YOT practice cultures using empirical evidence from ethnographic based doctoral research. It will explore the reasons why practitioners do the job that they do and suggest that this can impact on key elements of YOT practice such as assessment. It is important that a coherent unified YOT practice culture exists within a YOT so that best outcomes for young people can be attained but this paper will present evidence to show that this can be difficult to achieve.  

Keywords  
Youth offending team practice; occupational identity; organisational culture; practice cultures.
Introduction

The delivery of youth justice services has an important and long standing relationship with practitioners' understanding of the philosophy underlying the aims of youth justice work. Youth justice is an ever changing and evolving field of policy and practice. With its close and somewhat unfortunate connections to political and media discourse, the philosophy underpinning youth justice in England is never set. This means that with every reconfiguration of the Youth Justice System (YJS), practitioners' are expected to adapt and reconfigure with it. The most recent legislative changes to the YJS (Criminal Justice and Immigration Act 2008; Legal Aid, Sentencing and Punishment of Offenders Act 2012) alongside the current period of economic recession have meant another reconfiguration has been necessary. Currently policies in the YJS are underpinned by a risk-based managerialism (Muncie et al., 2002; Pitts, 2003; O'Mahony, 2009; Bateman, 2011; Case & Haines, 2015) yet on a local and individual level such practice does not necessarily follow suit. This is due to the different interpretations local authorities make on policies from the Youth Justice Board (YJB) leading to what many have termed as a 'postcode lottery' (Ramsbotham, as cited in Hill, 2012) of youth justice services. The nature of youth justice is like a 'pick and mix' (Muncie, 2000:31) despite National Standards (YJB, 2013) being in place; whereby instead of providing a set framework for all work with young people in the system, the shifting philosophical and ideological foundations results in a constant status of central ambiguity (Souhami, 2007; 2014).

For practitioners, this 'central ambiguity' results in diverse and conflicting approaches to the delivery of youth justice services. This is further complicated by the multi-agency approach (as placed into statute by section 39.5, Crime and Disorder Act 1998) of YOTs; as there are practitioners from organisations whose ethoses do not naturally blend well together, for example, the police (public protection/justice oriented) versus social services (welfare oriented). The inherent nature of youth justice services is subsequently one of contradiction or as Sarah, a YOT Social Worker described, 'youth justice practice is just messy.' To practice in a YOT is to negotiate a consistent state of ambiguity; practitioners have to balance their own beliefs, with that of the team and then situate that in the wider ethos of the YJS. As Souhami (2007:193) states, 'practitioners' fluctuating and contradictory understanding of what it was to be an occupational member was brought into focus by the 'ambiguous organisational position' that they were required to adopt'. It is therefore important to consider the organisational culture and occupational identity of YOTs and YOT practitioners due to the influence it has on processes such as the writing of assessments and designing of intervention plans, both key elements of YOT practice. Yet such concepts have received little exploration in comparison with some of the other key agencies of criminal justice. There is a vast body of research literature on the organisational culture and occupational identity of police officers (Skolnick, 2008; Reiner, 2010) and over recent years more research has emerged exploring prison officer culture and identity (Crawley, 2004; Liebling et al., 2011) yet agencies such as probation (this has recently started to change, see Mawby & Worrall, 2011) and YOTs have received much less attention. Anna Souhami's (2007) seminal work exploring the occupational culture and identity of YOT practitioners has been the most detailed published account to date which focused on exploring the transition of a former social services youth justice team into a multi-agency YOT in 1999/2000. Moreover, Burnett and Appleton (2004) as well as
Ellis and Boden (2004) have also explored YOT professional culture yet both concluded that more research was needed in this area to explore key issues such as multi-agency working and the values underpinning team practice. This paper seeks to explore the organisational culture and occupational identity of YOTs and YOT practitioners. It will discuss what does it mean to be a member of a YOT and how do practitioners understand their work, values and identity? It will also consider how explorations of culture and identity can inform an understanding of the relationship between policy and practice.

Research Methods
The findings in this article are drawn from fourteen months of fieldwork undertaken during 2012-13 for doctoral research which explored how the concept of 'risk' has impacted on YOT practice. The research was an ethnographic, 'step-in, step-out' (Madden, 2010) study which involved five YOTs in the North of England. The study comprised of over 300 hours of participant observation, 30 in-depth interviews with practitioners, documentary analysis of 25 young people's case files and YOT policy and procedural documents and 8 case studies. The 'step-in, step out' approach is what Madden (2010:80) describes as being the short-term and/or not co-resident approach to ethnography. When researching organisations where the time spent in the 'field' of study is limited to 'working hours' (usually 9am to 5pm) the 'step-in, step-out' approach is particularly suitable. Researching organisations can be particularly difficult to undertake given the multiple levels of access that have to be negotiated. Following Buchanan et al.'s (1988:53) advice an opportunistic approach to the fieldwork was adopted; this means that any chances that were offered to collect data were undertaken, in the spirit of being opportunistic. The way that data was collected unfolded as more and more time in 'the field' was spent because as Pearson (1993:x) states, 'there can be few if any hard-and-fast rules for the successful conduct of ethnographic research'. The majority of the 14 months in the field was spent undertaking participant observation in a variety of settings including youth courts and YOT offices, attending team meetings, talking to practitioners and reading documents including YOT policies and procedures as well as young people's case files. By triangulating these methods, a picture of YOT practice was able to be built up.

YOT Practitioner Occupational Identity
The culture of an organisation can be described as the values shared by individuals that are noticeable in the practices of members of that occupation or organisation. There are many different ways to define culture however for the purposes of this paper Schein's (2004:11) definition is helpful to set the parameters of interest:

>'the deeper level of basic assumptions and beliefs that are shared by members of an organisation, that operate unconsciously and define in a basic taken-for-granted fashion an organisation's view of itself and its environment.'

In order to account for some of the aspects of YOT practitioner behaviour and how a YOT understands and deals with policy and practice change it is useful to explore the organisation's culture. It is common place to see in reports about criminal justice agencies comments about the 'organisational culture' of the establishment and the attitudes of its
officers (particularly in relation to police and prison officers). YOT practitioners work in tempestuous economic, political and social conditions. Working in the criminal justice system (CJS) in roles requiring contact with offenders has often been classed as 'dirty work' (Ashforth & Kreiner, 1999). Police officers (Reiner, 2010), prison officers (Liebling et al., 2011) and most recently probation officers (Mawby & Worrall, 2011) have all been cited as occupations of 'necessary evil'; positions that involve doing morally questionable work through liaising with stigmatised groups/people, namely offenders. Like the aforementioned occupations, YOT practitioners can also be seen to be doing society's 'dirty work' dealing with children and young people who break the socially constructed mould of what it is to be a 'good child' (Davies & Bourhill, 1997). It was clear from the data collected that practitioners often viewed themselves as doing the work that no one else wanted to do, working with young people and families characterised as 'difficult' and 'hard to engage'. This raises the question of why do YOT practitioners do the job they do? It is an important consideration as what became clear during the data collection process is that why a person had become a YOT practitioner often helped to explain why some of them had difficulties with certain policies and practices such as the Scaled Approach (Sutherland, 2009; Morris, 2014). There were several reasons why YOT practitioners had chosen to do the job they do. The ones which this article seeks to highlight are: wanting to make a difference; wanting to do social work with young people in the CJS; and the challenge of working with risk.

Making a Difference

Some YOT practitioners were drawn to the job because they wanted to 'make a difference'; they held values that resulted in a strong belief in rehabilitation and that young people could change. Similar to Reiner's (2010:119) theme of 'mission' that he observed in relation to police culture, to some YOT practitioners their occupation was more than just a job, it was a vocation. These practitioners acknowledged that they had to deal with a young person's offending behaviour (usually through processes of responsibilisation - see Kemshall, 2008) however concerns about a young person's welfare were more likely to take precedence:

'I really struggle with being a YOT practitioner at times as I have this quite grounded youth work ethos in that I'm very welfare based. For me young people that come through our door are young people, full stop, then some of the issues is that they've got offending behaviour.' (Anna, YOT Worker)

'It's the children's side of it rather than the justice side of it, when we're talking about where you lean, where you come from, then it's still very welfary rather than like justice and being process driven.' (Kate, YOT Worker)

Practitioners who reasoned that it was 'to make a difference' as to why they practiced in youth justice were far more likely to be at odds with the system then some of their colleagues (particularly some police officers). Often the practitioners who fell into this category had a youth worker background where their training and experience had been centred on the empowerment of young people. This and these practitioners therefore
often found themselves in conflict with practitioners from a probation/police background for example, who had been 'educated' and developed a practice which was much more risk-based. YOT practitioners, who are agents of the court, are required to have due regard for the welfare of a child/young person as defined by section 44 of the Children's and Young Person Act 1933. There has been a longstanding conflict between this and other aspects of the CJS such as public protection and punishment. Anna and Kate both who had training in youth work, talked about having difficulty with the enforcement element of their job, because it goes against their welfare oriented approach to making a difference:

'One of things that I really struggled with was if they don't conform, if they don't make so many appointments, we've got to go through breach.' (Anna, YOT Worker)

'I don't like the enforcement side of it; if somebody comes because they have to then that that is a barrier to engagement in the first place.' (Kate, YOT Worker)

Both practitioners spoke about being 'creative' in terms of working around the system to get the best outcomes for the young people they were working with. For Kate, in particular, she felt that if the enforcement process ever did get any more comfortable for her then she would not be being true to herself and her beliefs. Practitioners, who had difficulties with the enforcement side of things and were 'creative' in trying to engage young people, often did it at the expense of working with their colleagues as Carrie explains:

'Some workers are better on breach then others in terms of being quick. Some workers are very laid back, 'oh yeah he might need breaching for that' and it's like no if you don't breach him now it has a knock on effects for the other kids. This is the problem we've got at the moment because this young person wasn't breached straight away, if he'd been in court like 2 days ago he wouldn't have committed a burglary last night with another young person and that other young person now wouldn't be looking at custody.' (Carrie, YOT Worker)

Carrie, a YOT worker who had a similar view of wanting to help young people like Anna and Kate, strongly felt that another colleague's reactive rather than proactive approach, what she terms 'laid back' had resulted in her young person now being placed in a situation where custody was a likely outcome. She went further to state that there would be a discussion with the management team about it:

'There will be because I'm not happy about it; I will be discussing it higher because I think another young person wouldn't have to go to prison if another worker had acted faster which annoys the hell out of me but it is about being on the ball all the time. You have to be kind of paced with it and if you're not, if you're a bit more laid back and you think ah it'll all work out, then this happens.' (Carrie, YOT Worker)
Social Work with Young People in the CJS

Other practitioners did the job because they were interested in the CJS and social work with young people therefore being a YOT practitioner was the perfect position for them. These practitioners still had a somewhat welfare-oriented approach yet were more interested and accepting of the risk-based approach that the YJS has become enshrined in.

'The support aspect of it and the affecting change aspect of it is the job role that I like. Obviously it ticks my box in terms of, I like working with young people, I'm interested in why young people offend, why some can go through what we would class as risk factors and don't offend and some do.' (Megan, YOT Social Worker)

'I used to be a part time youth worker for about seven years. Then I thought I wanna go to uni and do social work. I wanted to work with teenagers and have a link to crime so youth justice was the ideal, it worked out perfect really.' (Sarah, YOT Social Worker)

Those practitioners who were recently social work qualified and were particularly new to the job (less than 5 years' experience), had been trained to undertake assessments and complete large quantities of paperwork; to them it was a key aspect of the role:

'I'm a trained qualified social worker, I am welfare based through and through but I'm also working with children who pose a risk to other people, so you cannot avoid risk assessment.' (Megan, YOT Social Worker)

This acceptance of the need for large quantities of paperwork and, more critically, the risk-based approach which many practitioners who viewed YOT as a vocation considered to be negatively focused, caused the clashes between these two groups of practitioners. The different backgrounds, levels of training, experience and qualification were often at the root cause of many of the conflicts witnessed; to several practitioners this had worsened since the introduction of the predominately risk-based scaled approach (Morris, 2014).

The Challenge of Working with Risk

The third reason that practitioners spoke about as being the purpose that they do the work was that they enjoyed the challenge and unpredictable nature of the role. Several practitioners commented that the unpredictability, whilst at times frustrating and causing difficulties, was an element of the job that they enjoyed. They viewed themselves as not being suited to a traditional office based 9-5 job and liked that they were challenged on a daily basis. It can be argued that the challenge and unpredictable nature of the job was also the reason that they stayed in the role as much as they argued it was the reason they had entered the service to begin with. The idea of liking the challenge was also connected to the notion of risk and holding the higher risk cases/young people. Such cases were

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2 Those who considered YOT a vocation and those who were interested in criminal justice/young people and more recently qualified in social work.
particularly sought after by those workers, who liked a challenge and wanted to undertake intensive work with young people and families:

‘Being here that long I do all the big cases really, I manage the high risk ones, custody ones, I love it.’ (Sarah, YOT Social Worker)

To those who were not considered to be ‘qualified’ to hold such cases, the wanting of the challenge was the reason why they had undertaken additional training or were actively seeking promotion:

‘I'm hoping there's a permanent post coming through the system at the moment. I'll be applying for that, I would really like to continue being [in a qualified post] because it means that we get to work with the more risky young people and more complex needs.’ (Anna, YOT Worker)

For team members of the YOT who were seconded in from other agencies such as the police and probation service, the challenging nature of working with young people was often the reason they cited for having applied for the secondment:

‘An opportunity arose for an internal secondment to be the youth involvement officer so really for 9 years I've been working with young people. Once I did that over at the police station I liked it, I had a good rapport with kids, I wasn't all about lets lock them up, it was the case of what can we do so that they won't do what they're doing anymore. A job came up here at the YOT, I applied for it and I just thought I've dealt with the younger ones and it was sort of like a step to dealing with the older ones who were actually coming into contact with the system more.’ (Matt, YOT Seconded Police Officer)

Despite initially ‘taking stick’ from his colleagues in the police for ‘getting a nice cushy desk job,’ Matt relished his work as a YOT seconded police officer and was particularly proud of the reputation he had obtained for being successful in working with young people who had sexually offended. By being willing to embrace the challenge of working with young people who have offended, some practitioners were able to have a chance at a second career. This appeared particularly significant amongst some of the seconded probation officers. It was a common theme that they felt as though probation had changed and the way of working that was expected of them now was no longer matching the reason why they had gotten into the occupation to begin with:

‘I much prefer working with young people as a probation officer; certainly in my time of being a probation officer where the philosophy and ethos of the role which traditionally was based on the principle of advice, assist and befriend got replaced with offender management and risk management, protecting the public and victim centralisation, all of which is complete rubbish. For many years prior to probation I was involved in the community voluntary sector, I've always worked with children and young people in one form or another so my natural meaning was to aim to work with young
George had been seconded to YOT as a probation officer twice within the last nine years. It was a position which he really enjoyed because he preferred 'getting [his] hands dirty' something that probation work no longer provided (Mawby & Worrall, 2011). Mawby and Worrall (2011:9) found in their study exploring the occupational culture of probation workers that 'beneath the surface, was a principled rehabilitative approach to working with offenders and a readiness to move on to other jobs if they were not allowed to work in the way that they wanted.' This perhaps could explain why several of the seconded probation officers, including George, felt that working in probation was no longer fulfilling and that they needed to take their skills and values elsewhere. Joining the YOT provided such an opportunity.

Discussion and Conclusion
This research has identified that YOT practitioners come from a variety of backgrounds and walks of life, with the reasons why they do the job they do being varied. The above three groupings are the collation of the most common reasons practitioners discussed being the motivation behind why they do, and for the most part, enjoy the job that they do. It is important that there is a shared orientation to youth offending work; there needs to be a common 'ideology of unity' (Crawford, 1994) amongst all practitioners in the YOT so that positive outcomes can be achieved for young people involved in the service. A shared understanding of principles and goals of youth offending team work is also seen as an essential part of team membership (Souhami, 2007:49). This is because, according to Parker (2000:86) by having a shared ethos or common understanding, the categories of 'us' and 'them' are defined; it sets the boundaries of the team. The problems of having a shared orientation to youth offending work were first identified as YOTs began to be created in 1999/2000 by numerous authors including Souhami (2007), Burnett and Appleton (2004) and Ellis and Boden (2004). Even the Home Office's own commissioned research into the evaluation of the pilot YOTs found that there were 'cultural hang-overs' from previous youth justice practice, including disagreements over the implementation of case working and resistance to management over attempts to introduce evidence-based practice (Holdaway et al., 2001). It is clear that these 'cultural hang-overs' (Holdaway et al., 2001) have never disappeared from YOT practice as there are still key unresolved issues within YOT work. What is the purpose of YOT work? Is to prevent offending, to reduce reoffending, to deliver justice, to look out for a young person's welfare? These common underlying tensions within youth justice policy have helped to create a system whereby the very nature of its work is 'ambiguous' (Souhami, 2007). How then are practitioners expected to practice and work with young people if the very nature of their work is undefinable?

Souhami (2007), found that the relationships practitioners have with other agencies in the CJS [which can be varied and still fifteen years post-YOT creation be based upon who you
Youth offending team practitioners: culture and identity

know rather than formal arrangements] and the state plus the values, aims and technologies of their work are all unsettled, creating this ambiguous nature. Most practitioners regardless of their professional or personal background do share common values and views of the reasons why young people offend in the first instance, poverty, poor parenting, lack of boundaries, school exclusion and negative labelling were all commonly cited as the causes of offending. What practitioners disagree upon is the best way to deal with such behaviour and of particular relevance as to whether a risk-led approach is the best way (Morris, 2014). Meyerson (1991:131) argues that:

'Members who do not agree on clear boundaries, cannot identify shared solutions and do not reconcile contradictory beliefs and multiple identities. Ambiguity is thus 'normal': it comprises the 'essence of their cultural community.'

The ambiguous nature of YOTs, driven by the individualised and indeterminate nature of YOT practice is what makes them unique and arguably successful in what they do. The flexibility that the ambiguity promotes is particularly important given the complex nature of the lives that some of the young people who YOTs come in to contact with have, meaning that YOT practitioners need to be able to adapt and use a mix of styles/ways of practice in order to help them. The reasons why practitioners do the job that they do, in particular where they sit on the welfare vs. justice continuum, influences their practice. The challenge for YOT practitioners is how they reconcile their own professional values and find a common way to work together in the context of a multi-disciplinary team. This challenge is exemplified by Carrie, Anna and Kate in that how without robust, open, discussions of values, professional identity and ideal working relationships, practitioners can become labelled as 'laid back' or worse be practicing without a full understanding of the position in which they are operating from. ³ As the aims of youth justice policy remain ambiguous (Souhami, 2007), practitioners use their own background and viewpoints on how children in conflict with the law should be treated to construct assessments and devise intervention plans; this means that a consideration of YOT practice cultures is of crucial importance prior to policies and new practices being implemented.

³ I am grateful to a reviewer for suggesting these last two sentences.
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References


LIFE STORIES IN DEVELOPMENT: THOUGHTS ON NARRATIVE METHODS WITH YOUNG PEOPLE

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Abstract
Qualitative research has taken a distinctly 'narrative turn'. This article questions whether and how narrative methods differ when used with young people. The discussion first explores young people's developing abilities to create stories about themselves and their worlds, as they connect their various experiences in order to make sense of them. Discussion then moves on to examine examples of research with young people using mobile and creative methods which have been chosen over conventional interview methods for their potential both to engage young people and to enable them to fashion their own stories. These examples come from a range of disciplines, including youth studies, social geography, anthropology and education. One common feature is the attempt to reduce power differentials between (adult) researchers and (young) participants. This, of course, is particularly salient for research with young offenders and in youth justice settings where complex issues of power and disempowerment are at play. The final elements of discussion suggest there would be benefits for criminologists in exploring narrative methodologies as a more participative way of researching with young people.

Keywords
Youth research; narrative methods; life stories; identity.
Introduction

Human beings are natural story-tellers (McAdams & McLean, 2013); we habitually create narratives to give purpose and meanings to our lives, actions and identities. It is also argued that stories serve a variety of social functions, including evaluating past experiences, persuading an audience of a particular point of view or drawing the audience into the experience of the narrator (Reissman, 2008). Although not necessarily used consciously, narratives may nevertheless be viewed as 'strategic, functional and purposeful. Storytelling is selected over non-narrative forms of communication to accomplish certain ends' (Reissman, 2008:8). It is therefore not surprising that narratives have caught the attention of social researchers and that over the past two decades we have seen a decisive 'narrative turn' in qualitative research.

Of course there is huge variation in what 'counts' as narrative and the extent to which stories are developed and sustained (Bamberg, 2006; Phoenix & Sparkes, 2009). In particular, narratives of self and identity tend to differ in complexity and coherence according to age. McAdams (1993) suggests that our personal myths are constantly reworked over the lifecycle, starting with the early creation of story themes and our own personal fables from adolescence. The qualitative methods used with young people to collect their biographical stories must, therefore, reflect their growing sense of 'a life lived' and abilities to make connections between, and derive meaning from, their life experiences. Different methods, of course, may be needed where the research is action-oriented, rather than reflective, and focused on the use of narrative in social interactions to construct identity (Bamberg & Georgakopoulou, 2008). In either case research has to engage young people and sustain their interest. To this end, researchers in areas such as youth studies, social geography, anthropology and education have explored innovative methodologies including visual or walking methods, diaries in various media or a combination of these. This article explores examples of such methods and considers their use within criminology. Here we have seen narrative enquiry used with adults (most famously by Shadd Maruna (2001) in Making Good: How Ex-Convicts Reform and Rebuild Their Lives) but strikingly little attention to creative methods as a means of eliciting narratives from young people.

The article goes on to examine concerns about the power relations that exist, of course, in all research but are heightened in the case of young people. This is especially so where the research takes place within schools, for example, or where access is negotiated through institutional gatekeepers (Heath et al., 2009; Hopkins, 2010). Furthermore, while creative methodologies can help reduce power differentials between adults and young people, researchers should not assume that this will happen automatically. Close attention to the research process and a reflexive and critical approach is therefore needed throughout (Punch, 2002). The article ends with thoughts on the benefits and potential limitations of creative methods and narrative research generally with young people, and their potential value within criminology.

Emerging life stories

Unlike life history, which has a basis in objective facts, life stories are subjective, fashioned from memories and reflections (Habermas & Bluck, 2000). The ability to construct stories
and to make meaning out of events and personal experience develops over childhood and increases during adolescence. Research shows that in mid-adolescence young people typically master a greater range of cognitive skills that better equip them to manage contradictions and paradox both in the world around them and in aspects of their own identities (McAdams & McLean, 2013). Self-stories consequently grow in complexity, linked to the growing capacity for what Habermas and Bluck (2000) term autobiographical reasoning. They argue that this is the principal mechanism through which 'individuals attempt to integrate past and present events into a coherent and meaningful representation of their lives' (Bluck & Habermas, 2000:136). They suggest that this involves constructing a cognitive schema to order and to make sense of these life events and their emotional, motivational and other impacts.

In truth there is no universally accepted account of the relationship between the narrative construction of self and identity, with authors giving different degrees of weight to psycho-social processes, cultural repertoires and resources, and performance and social relations (Smith & Sparkes, 2008). McAdams (1993; 1996), for example, sees identity construction through narrative as happening through an imaginative rendering of past, present and future in a way that gives meaning and coherence. This is a largely internal process at one end of Smith and Sparkes' (2008) suggested continuum. At the other, externalising versions see narrative identity as situated in specific social contexts and interactions (including the many transactions that take place in youth justice settings).

This invites us to consider the social and psychological elements of narrative identity in adolescence and the extent to which it is produced through internal processes or in response to external events and relations, a question that seems by no means settled. Naturally, young people will engage in 'identity-work' in diverse ways but research nevertheless suggests typical progress towards the developmental task of constructing a relatively stable, albeit not fixed, adult identity. Interestingly Habermas and Bluck's (2000) review of the relatively few studies on the life stories of adolescents outlines the evidence of their growing capacity to bring events and experiences together to create an overarching narrative which integrates diverse elements and displays increasing global coherence. They further identify four key domains where cognitive development contributes to coherence: temporal which includes a sense of the sequence of past events and how they are related; cultural which implies growing awareness of biographical norms and expectations of life stages and transitions; thematic, including elements of evaluation and summary, as well as comparison across life episodes; and causal coherence, by which they mean the ability to link events and to develop explanations (Habermas & Bluck, 2000). The timing and rate of development may vary across these domains. Growth in causal coherence is possibly the most significant (Bluck & Habermas, 2000) as a young person starts to employ the skills of autobiographical reasoning to explain actions or suggest causes for events in terms of personality traits, needs or motivations that are continuous across time (Fivush et al., 2011). And on occasions there is also an opposing need to account for discrepancies or discontinuities. Again the young person may associate him or herself with relatively stable personal qualities, but in this case to underline how a particular behaviour or event - perhaps drug use or act of aggression - is atypical or out of character, essentially a 'not like me' event (Pasupathi et al., 2007:105).
In relation to coherence and credibility, McAdams marks the distinction between the 'I' that is narrating and creating self, and the 'Me' that is the self that is being narrated. He contends that:

'The main function of a life story is integration. By binding together disparate elements within the Me into a broader narrative frame, the selfing process can make a patterned identity out of what may appear, at first blush, to be a random and scattered life. The I can provide an integrated telling of the self as a more or less followable and believable story.' (McAdams, 1996:309)

Of course, the process he outlines may be more or less complex depending on cultural context or the skills of the narrator, and according to the different demands and functions of the life story at particular life stages. Both distance and perspective are needed to understand the past and its connection to the self (McLean, 2008). These tend to come into play during adolescence as individuals start to identify the life events which have been most personally significant, what Fivush et al. (2011) call 'self-defining memories'. This coincides with wider societal expectations of self-presentation in adolescence (Habermas & Bluck, 2000) which (in modern Western society at least) presuppose a high degree of reflexivity and active work on identity (McAdams, 1996). At this pivotal stage, young people may draw on their parents and families as a key resource to help them develop autobiographical content and co-construct identity from shared memories and stories. Yet even where such support is in place, the work involved in making meaning out of events and experiences is not necessarily comfortable and, for some young people, may be detrimental to well-being (McAdams & McLean, 2013).

Related work by Pasupathi and colleagues (2007) examined the relationship between life experiences and identity, exploring the developmental implications of these 'self-event relations'. Many narratives have no immediate relevance to self and identity, having other purposes entirely. But they were able to group those that do into four categories. The first type of self-event link they suggest is explanatory, where the narrator seeks to show how the 'self' caused the event to occur and presents this as evidence of stability and continuity in his or her personal traits or qualities. This then allows the event to be incorporated into his or her life narrative, in a way that reaffirms the existing sense of self. Pasupathi et al. call their second type of link 'dismissal'. Here the narrator sees the behaviour or event as incongruent with self, so may explain it away as due to circumstances or as a 'first and last time' incident and, consequently, reject it from the life story.

The third and fourth types of links both relate to changes in an individual's self-perception. In the one case these are caused by events or experiences that result in an altered view of self. If such events or experiences are problematic, as in illness or assault, the narrative themes developed may be 'redemptive' indicating growth and resilience, or conversely 'contaminating' and therefore personally diminishing. For criminology, the interest here may lie in how individuals respond to life events and their capacities to cope, given that the histories of many young offenders disproportionately feature experiences of discontinuity, loss and abuse. And there is further interest in the effects of significant
criminal justice events on young people - arrest, conviction, detention, not least amongst these.

Finally, Pasupathi et al. identified a 'reveal' connection which is rarer but potentially most troubling. This is seen in narratives arguing that an experience has disclosed or revealed to the narrator a quality that previously existed but went unrecognised (Pasupathi et al., 2007). The narrator may then need to rework aspects of his or her 'self' to embed the newly revealed element of identity and possibly to account for its previous absence from the self-story. Again, this may be a useful concept in relation to young offenders, encouraging researchers to allow space to explore what it may mean for them to be confronted with the harm they have caused or to realise the extent of their dependence on drugs.

Using these constructs of autobiographical reasoning (Habermas & Bluck, 2000) and self-event relations (Pasupathi et al., 2007), McLean (2008) examined differences in the life narratives of young people (17-35 years) and older people (65-85 years). In objective terms, both groups were undergoing change by virtue of their life-stage, for example, physically, cognitively and in social relationships and roles. McLean was interested in how individuals integrated experiences into their identity and whether the self-event connections they made as they recounted a series of self-defining memories in interview would represent personal continuity or personal change. Previous research had suggested that older people tend to assimilate rather than to accommodate change, emphasising stability and 'sameness in change' (Pasupathi et al., 2007) McLean further hypothesised that the young people in her sample would report more change connections and that these would relate to more recent autobiographical memories. As expected, the older participants tended to report more thematic coherence in their life stories and to relate their individual stories back to major life themes or metaphors using explanatory connections. What was not expected was that both groups were engaged in similar levels of reflective processing of life events (although notably females more than males in both age groups). McLean, however, suggests that reflection may serve different functions for each group:

'For younger people, narrative appears to provide a means for self-exploration and self-understanding, and for older people, it appears to provide a means for stability and resolution.' (McLean, 2008:262)

So young people as they encounter new events and social relations need to add these episodes to their life stories, evaluating their salience and choosing appropriate self-event connections (Pasupathi et al., 2007). And identities as constructed through narratives may be changed as a result of experiences that are formative or else of the 'reveal' type. The cognitive tools required for autobiographical reasoning and conceptual thinking typically develop in adolescence, allowing for more complex abstractions and interpretations of life events as they are retrospectively reconstructed to bolster self-continuity (Habermas & Bluck, 2000). However, that is not the only aspect of development in adolescence; young people are also absorbing a range of cultural messages and accepted ways of framing and presenting stories, including the use of master narratives to structure reminiscence and as a potential tool for evaluation (Fivush et al., 2011). Their narrative repertoire and access
to cultural references and tropes to enhance stories may consequently extend and diversify. At the same time they become more skilled in the construction of stories and their constituent parts, such as plot, characterisation and resolution (Reissman, 2008: Daiute, 2014).

Of course, young people use narratives in a variety of ways that are not biographical, although they may still have a bearing on 'identity-in-the-making'. Bamberg argues that developed autobiographical accounts have been privileged in narrative research but "'Big Stories' are hardly everyday phenomena. They most often require elaborate elicitation techniques, precisely for the reason that they are not likely to be shared spontaneously' (2006:71). In contrast, exploration of identities constructed through 'small stories' embedded in everyday interactions, allows different insights and:

'[O]pens us up and urges us to scrutinise the inconsistencies, contradictions, moments of trouble and tension, and the teller's constant navigation and finessing between different versions of selfhood in local contexts.' (Bamberg & Georgakopoulou, 2008:394)

So rather than seeking coherence and authenticity in narratives, the researcher here focuses on the equivocations, ambiguities and complexities revealed in 'small-talk, chit-chat ...[and] small stories-in-interactions with the same participants but at different times and in different settings' (Bamberg, 2004:368). Although Bamberg (2004) suggests that turning attention to 'small stories' may be particularly beneficial in research with children and adolescents, an interesting example of combining big and small stories in research exists at the other end of the age spectrum. Phoenix and Sparkes' (2009) study of positive identity change with age is based on the case of 'Fred' who was contacted by the researchers after they had seen a newspaper report of a football match that he organised to celebrate his 70th birthday. Major overarching themes emerging from Fred's life history interviews included 'life is what you make it', 'being leisurely' and 'keeping fit'. Supplemented by insights from informal interactions concerning health, daily routines and engagement with health and fitness media (such as magazines), this formed a rich data set allowing multiple perspectives on what growing old meant to Fred. The authors thus argue for the benefits of similar combined approaches which may indeed be valuable in narrative research with young people where it may be impractical or inappropriate to rely solely on biographical interviews.

**Capturing young people's narratives**
The 'small stories' approach is based on a performative view of identity construction through narrative whilst other orientations to narrative research are underpinned by interest in internal psychosocial development. Whatever view is taken of the dynamic between narrative and identity, research methods that encourage young people's active participation are likely to produce richer material than those where young people are treated as the object of research. While this is recognised in criminological research with young people, it is researchers in other disciplines who have sought imaginative ways of involving young people and have explored new opportunities offered, for example, by visual media and mobile methods. However, creative enthusiasm should be balanced with
careful thought about what is most appropriate for the age and developmental stages of the young people concerned. Pertinent to this, Punch (2002a) asks whether research with children is the same or different to research with adults, warning against the dangers of bracketing all children together as 'not adult' without recognition of their diversity.

Age being one critical dimension of that diversity, it is important that research design keys into the particular level of cognitive skills and competences, for example in autobiographical reasoning, that young people might bring to the research process. And, of course, young people may also have accumulated a range of social, technical and other skills that they can draw upon. Providing opportunities to use these existing skills and to master new ones may be key tools for engagement. Innovative methods may be helpful in this endeavour although 'the benefits and drawbacks of using them are not always scrutinised. A reflexive and critical approach is needed in order to recognise their disadvantages and limits, as well as the reasons for using them' (Punch, 2002a:330). The studies cited here all exemplify such qualities of reflexivity in research design, implementation and analysis. One central concern throughout is the attempt to reduce the power differential between (adult) researcher and (young) participants, a range of different activities being devised with this in mind.

Many young people keep diaries as a matter of course, reflecting the genesis of biographical interest in adolescence (Habermas & Bluck, 2000). It is therefore not surprising that diaries in various formats have been developed for research purposes, allowing participant control of data within basic perimeters set by the researcher. A ground-breaking example of this was developed for the longitudinal biographical study, *Inventing Adulthoods* (Henderson et al., 2007) in the form of 'memory books' (Thomson & Holland, 2005). The research team's ideas for this method came from a number of sources which included the therapeutic use of 'memory boxes' with children. Their shared interest in the theory and practice of 'memory work' led them to collect together their own memories, realising from this process that the significant memories recalled may well differ from consciously narrated selves. Therefore:

'In the memory books we hoped that asking young people to document themselves though the collection of memorable material, away from the demands of the direct interview situation (more or less in privacy, engaging in a different mode of time) might facilitate the production of different and complementary constructions of self.' (2005:204)

Three striking aspects of this research practice are worth noting. First, the research team themselves each compiled a memory book over 3 months before consulting young people involved in the research about the final format. A review of these books illustrated the diverse ways that the task could be interpreted and carried out, alerting them to the variety in memory books that they might anticipate from their participants. Second, some young people given the 'raw materials' - a notebook, folder, glue, stickers with trigger words, a disposable camera and a basic set of instructions - chose to create a reflective diary, others assembled more of a scrap book containing images and memorabilia. And there was also variation in how far the memory books were employed as an interactive tool: some became collective projects or were shown to family and friends, in contrast to
those where young people's private thoughts were shared only with the researcher. In this respect there is evidence of both 'doing identity' through this task and, in other cases, taking a more reflective approach to experiences. Third, the memory books gave insights into aspects of everyday life, interactions and 'small stories' that may not have surfaced in a standard interview, and were thus used as the basis of the second round of Inventing Adulthood interviews as well as being copied and retrospectively analysed in their own right (Thomson & Holland, 2005).

One of the questions that arose as young people crafted their memory books is that of audience (Thomson & Holland, 2005). This was also pertinent in Worth’s (2009) analysis of using audio-diaries with visually impaired young people as a follow up to an earlier face to face interview. Her intention was to further explore the participants' experiences of transition and the significance of the 'fateful moments' (Giddens, 1991) that they had identified in their lives. Referring to Latham's (2003) suggestion that the diary itself becomes a kind of performance that draws on the diarist's narrative resources, she was sensitised to the ways that young people spoke to the diary, sometimes explicitly addressing the researcher or using conversational tactics to engage her. Interestingly, because participants had freedom in how they used the audio-diary, some did so in unexpected ways; for example, one young person chose to talk about his confidence and positive feelings about independence indirectly through the device of giving advice to the parent of a visually impaired child. Yet, although the diary methods were valuable and certainly had appeal for the young people, the critical ingredient in encouraging their 'one-sided conversations' was a sense of having an audience. That in turn was dependent on having a sufficiently strong researcher-participant relationship already established through earlier interviews (Worth, 2009).

A slightly different approach was taken by Bagnoli (2004) in her study of young people (16-25 years) and migration in Italy and England. Here she combined a short structured 7 day diary with visual techniques, such as the creation of a self-portrait in the initial interview and selection of a single personal photograph, which together enabled participants to construct their multi-layered autobiographical narratives. Elsewhere, Bagnoli (2009) again used self-portraits as part of interviews with younger participants, then in later meetings added timelines and relational maps through which young people were able to describe their significant relationships. Similar to Punch's (2002a) use of drawings with children in Bolivia, these activities simply required blank paper and pencils or pens. Other visual methods, of course, rely much more on technology such as cameras or videos. These can be used either in researcher-led ways to provide stimulus material (Punch, 2002b; Kearns, 2014) or to record parts of the research process (McLeod, 2003). Alternatively they might be used in participant-led ways, as a creative tool for young people. And these may well be combined with the mobile methods explored in the next section.

**Reflections on context, space and place**

For Jenkins (1996) social identity is definitively embodied, not least because individuals possess bodily characteristics such as gender or physical ability/impairment that affect social relations and identifications. The embodied self also exists in particular social and physical spaces, which for young people may include the institutional spaces of schools...
and other places where they engage in activities and social relations (Hopkins, 2010). With adolescence being the first time that young people negotiate public space on their own, Cahill speaking from Lower East Side, Manhattan, argues that how they:

'Define their environmental transactions is intimately bound with the way in which they construct their identities. In these interactions, environmental experiences are a means of reflecting upon, reproducing and transforming the self.' (Cahill, 2000:251)

Understandably, then, researchers have looked beyond the standard interview context as they seek to enter young people's worlds and explore their relationships with space and place. While studies of this type are less focused on (auto) biography they are still concerned with developing narratives to interrogate the ways that young people construct identity-in-context and the meanings that places have for them. And they tap into methods that provide richer insights into multi-sensory experiences because:

'More creative and interactive methods are able to include objects, events and the respondent's whole body and senses in generating knowledge and communicating a place...Especially methods that can be used 'in the field' enabled research participants to communicate place by using their senses (olfactory, tactile, auditory, visual).' (Trell & Van Hoven, 2010:101)

Of course, space can be loaded with meaning for young people, but specific spaces can also represent safe territory. This latter potential has been exploited by Ross et al. (2009) in an ethnographic study of 8 young people involved in the care system. One key element of data collection in the (Extra)-ordinary Lives project came from interactions in routine car journeys as young people were driven to and from the project's fortnightly sessions. These, often interrupted, partial conversations were particularly interesting as research encounters; the primary attention of the researcher/driver was on the road so removing pressure and allowing the young person to control the timing and types of stories and intimate details shared. The dimensions of the power relationship also changed with familiarity. This was particularly so on occasions where the young person was directing the route, perhaps a diversion to pass a place that held associations, or choosing music to play, both being examples of 'negotiation of a shared experiential journey' (2009:608).

Shared journeys also featured in the research in the form of 'guided' walks, in some cases recorded on video or audio. These allowed the young person to choose the route taken, literally around his or her local environment, and figuratively in terms of the course of narratives. The conversations thus generated differed from those in more static settings because the conversation itself was only one element of the experience:

'The people, places and things passed and sounds, sights, smells and so forth of these encounters...Walking with young people through their everyday locales triggered the sharing of narratives from the mundane to the intimate and significant, the rhythm of the journey creating a context through which young people could pace the sharing of their narratives.' (Ross et al., 2009:614)
The multi-sensory nature of mobile methods is also captured in a social geography study in Cedar, Vancouver Island (Trell & Van Hoven, 2010) which, again, employed a variety of media. This was a 9 month project, one part of which involved each of the four 17 year old participants in planning a walk around the village, enabling the researcher to experience each young person interacting with the environment. Through the walks, young people identified places that were significant to them, where they spent time and where they socialised. In a different element of the project, this data was supplemented by creation of 'mental maps' where participants created additional (and perhaps contrary) representations of spaces, objects and events important to them. These methods, alongside photography and film-making, produced rich data, whilst at the same time the project empowered the young people through its participatory approach and opportunities to enhance skills (for example, in conducting interviews and editing film) (Trell & Van Hoven, 2010).

Empowerment of participants is often a key aim of mobile methods, similar to visual methods, because the range of activities that fall within its scope allows potential for young people to take control of the research process and/ or its products. They can be adapted according to the needs of the participants and used for populations that are otherwise marginalised or excluded (Murray, 2009). For example, Shepherd (2015) interviewed young people with varying degrees of autism spectrum condition whilst walking around the campus to explore their experiences of transition from special school to college. For criminologists, these might well prove valuable in exploring young people’s experiences of youth justice settings and institutions. And these approaches may be particularly fruitful when used in combination with other creative or visual methods to enable young people to construct narratives of self in their social and spatial context.

Researching with young people

Research itself is, of course, conducted in physical space: the location of research activity may be one critical difference between research with young people and with adults. As Hopkins notes 'Where research takes place often has significant implications for the nature of research interactions, the type of data collected and the comfort of the young people involved' (2010:331-2). It may be assumed that public space is more neutral than many other (adult dominated) settings but researchers need to be alert to territorial affiliations or the needs of young people who feel labelled and excluded from such spaces (Hopkins, 2010). Family homes may present difficulties in terms of privacy and confidentiality but for some purposes offer a safe environment for young people to talk (as well as perhaps being the focus of research, as in teenage bedroom culture). Researching within the educational and other institutions that young people are engaged with brings its own challenges. Punch (2002b), for example, found she had to work with the constraints of lesson times and the availability of private interview space in a school setting. Voluntary projects may present different context-specific factors to work around (Harris et al., 2014).

Working through institutions either to access young people or to provide the setting for research raises issues in two broad areas. The first relates to the need to be sensitive to the way that 'practices, values, behaviours and attitudes' (Hopkins, 2010:196) within the
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institution might affect the research encounter. These might be positive, as in Punch's (2002a) research in Bolivia where teachers allowed the children to write research diaries in place of homework. But the aspirations of research to capture young people's authentic stories and to empower them in the research process may well be thwarted by institutional dynamics. This certainly could be a live issue in criminal justice settings where staff are accustomed to directing young people to activities and young people's agency (and ability to express their views) is tightly bounded (see, for example, Hazel et al., 2002)

This leads on to the second concern about the power to grant or to deny access. Although adult gatekeepers have no legal rights in terms of young people's decisions to participate in research, they may have other responsibilities in relation to well-being, for example, in a residential or secure setting (Wiles et al., 2005). While safeguards are important, the effect of paternalism or over-protectiveness may be to silence or exclude young people who are capable of giving their own consent (Alderson, 2004). This is particularly regrettable if decisions are made according to what is convenient for the institution not in the interest of the young person (or of the research for that matter!). Heath et al. (2009) also point to the opposite problem, where the institution grants the researchers access and the young person's consent is assumed, curtailing their right to opt out.

Morrow and Richards (1996) distinguish between consent and assent, which is altogether more passive and may be indicative of young people complying with the expectations of adults - parents or professionals - rather than their own wishes. They also note that:

'Ethics committee guidelines place great emphasis on obtaining informed consent - perhaps it would be more helpful to allow 'informed dissent' enabling children to refuse to participate in research, though again this will be complicated by discussions about age-related competence.' (1996:95)

Such discussions are indeed complex. As Heath et al. (2009) suggest, in the messiness of research practice it may never be possible to gain genuine fully informed consent. In fact, France (2004) argues that young people are more competent in this regard than often assumed and agrees with Christensen (1998) that researchers should operate on the basis of a presumption of competence. For under-16s, the capacity to consent is established by the common law ruling in Gillick v W. Norfolk and Wisbech AHA 1985 which held that a child who has sufficient understanding could consent to medical treatment and that a parent of such a child has no right to override the child's consent. This decision is taken to apply to other areas relating to children (Masson, 2004) including participation in research. That said, determining whether a child has 'sufficient understanding', as with so many ethical questions, is a judgement call, and dependent on assessment of maturity and other factors relevant to the specific young person. Nevertheless, wherever appropriate, allowing the young person to exercise agency by expressing or withholding consent is preferable to parental consent. Indeed, parental consent may preclude some sensitive areas of research, for example, around sexual identity and behaviours where a young person has not 'come out' to his or her family (Heath et al., 2009).
There are further tricky questions around confidentiality and anonymity. For example, it is often seen as good ethical practice to ask research participants to sign written consent forms. Yet this may be problematic with hard-to-reach groups such as asylum-seekers or runaways, and perhaps young people involved in drugs or offending too (Wiles et al., 2005; Heath et al., 2009). Young people may also have strong feelings about how data is stored and how findings are later disseminated. This means it is often pragmatic to treat consent as an on-going process that needs to be renewed at successive stages (Morrow & Richards, 1996). Particularly where studies are long-term or using creative methods, it may not be possible to anticipate in advance how the research might develop (or, for example, how a young person might react to the way that he or she is portrayed on film). Regular checks are helpful to ensure that each young participant is comfortable with the data generated and how it will be interpreted and used. It should also be noted that researchers using photography or video may encounter additional problems with anonymity because people and places may be recognisable from images produced in the research (Heath et al., 2009).

Young people appreciate open and transparent relationships, and will be encouraged to participate in research if they feel that is the type of research relationship on offer. Researchers have responsibilities, of course, not to work in ways that oppress or harm their participants, and also the additional moral duties that any adult has towards young people (Morrow & Richards, 1996). This means that there may be limits to the confidentiality that the researcher can offer if a young person discloses that he or she is at risk of harm or other indicators of risk come to light. Such situations may be relatively rare, but issues such as disclosure of offences should be anticipated in research design, with clear policy and practice to be followed should they arise (France, 2004). An essential part of this should be clarity at the stage when consent is sought that confidentiality cannot be absolute. Even so the researcher may have choices if faced with a risk of harm issue:

'Depending on the context, nature of the disclosure, age of the child, relationship of child to researcher, perhaps the most helpful solution in such situations is for the researcher to discuss with the child what strategy they would like to pursue.' (Morrow & Richards, 2004:98)

As well as doing no harm, research that offers some benefit to young people is more likely to motivate them to participate. It is also worth bearing in mind that young people may be encouraged when they perceive that their contribution to research or consultation may make a difference. Relatedly, Hill notes that 'young people are primarily outcome orientated. When asked their views they expect a response. Many are disappointed or disillusioned when nothing happens afterwards' (2006:72). Where young people have discussed positive experiences of taking part in research they have suggested that they found it offered opportunities for learning/ self-development, that it had therapeutic value (Kearns, 2014), that it was empowering or sometimes just enjoyable in itself (Punch, 2002b). Furthermore, feedback from children 5-15 years in focus groups and through questionnaires (Hill, 2006) has suggested that they value research designed in ways that they see as fair and that offers variety and choice to cater for different tastes and temperaments. They want to feel comfortable and respected in their involvement. These
all seem helpful characteristics for qualitative research seeking young people's narratives. Yet they may present some challenges in criminal justice settings, particularly where there are constraints in terms of physical space or young people’s movements.

**Analysing narratives or narrative analysis?**

Stories by their very nature are individual creations. They are also often situated in specific time and social contexts. Conventional research criteria of validity and reliability prove difficult for narrative research because of the variability of stories told and the subjectivity involved in selecting from and interpreting what may be extensive data (Lieblich et al., 1998). Narrative researchers, in seeking good practice, may therefore look for the alternative qualities of trustworthiness and authenticity in their participants' accounts (Heath et al., 2009). And this extends to the analysis of the narrative as well, in effect the story as told by the researcher (Reissman, 2008). Of course, there may be multiple ways of interpreting any given narrative. The researcher might focus on the overall structure of the narrative or parts of it, looking at elements such as plot, characterisation and the problems or complicating actions that move the story along and require resolution (Reissman, 2008). Alternatively, the researcher may trace themes within the narrative, concentrating on content rather than form (Lieblich et al., 1998). And there are many ways of linking stories and finding connections (see for example, Thomson and Holland, 2003). What is important is not that the analysis is objectively 'true' but that it is credible based on the source material and brings coherence and meaning to the stories:

> 'In the final analysis, good narrative research persuades readers. [Researchers] can present their narratives in ways that demonstrate the data are genuine and analytical interpretations of them are plausible, reasonable and convincing.' (Reissman, 2008:191)

This is especially significant in youth research because of the dangers of allowing an adult world view to dominate analysis (or even skewing the earlier stage of data collection) (Punch, 2002a). Mobile, visual and other methods may help reduce this risk by opening space for young people to express feelings or explore their experiences. However, it would be naïve to expect this to happen automatically. A number of practical problems, such as young people's lack of technical skills, may impact on the type and quality of data (Heath et al., 2009). So care and realistic expectations are needed at the design stage.

Good research design should also give the researcher scope to seek the young person's reflections and interpretations of the data generated, and to check out his or her own provisional analyses with the young person. This, admittedly, demands time and effort which may be in short supply. Another difficulty is that images produced by young people may be treated as data in their own right, but interpreting them in isolation could leave the researcher a hostage to fortune and at risk of misunderstanding the significance of what is being represented and how. Some images may recur simply because of the time of year when photographs were taken or because they are intrinsically attractive rather than having any deeper resonance (Punch, 2002a). Encouraging explanation and using images as a means of eliciting a more diverse range of stories may be more valuable,
especially where images are of aspects of the young person's world that the researcher would not otherwise have access to.

**And what else do we need to think about?**

It is almost a truism to say that a good level of communication is essential in researching with young people. By definition, most researchers are adult and attached to educational institutions, which means that they start from a position of power relative to young people (Heath et al., 2009). This may be further complicated by other aspects of identity. Class, ethnicity and sexual orientation, for example, may be markers of difference or possibly sameness and so a potential point of identification. The social position and characteristics of the researcher affect all aspects of the research process. Berger’s (2013) experience is particularly instructive on this point: in the course of conducting a study of step-families, she became a step-parent herself which moved her from the position of ‘outsider’ to ‘insider’ with new knowledge and experience that caused her to examine her earlier biases and assumptions. Of course, everyone has been young at some time but experiences of ‘youth’ are so diverse (and specific to time period) that Heath et al. (2009) doubt that this in itself confers any real ‘insider’ status. So at the very least researchers are likely to be working across an age divide and may well have other aspects of difference to bridge. This suggests that actively listening - being alert and responsive - must be a vital part of the youth researcher skill set. While that might sound obvious, culturally adults are not attuned to listening to young people who in turn may not be used to being listened to (Punch, 2002a). This may, then, prove more of a challenge than it appears on the face of it.

Hill (2006) notes that young people rarely come into the research process with an entirely clean slate, the likelihood being that they have been asked for their views in educational, community or other contexts. Previous poor experiences of feedback or consultation exercises may mean that researchers have to work very hard to gain young people's trust and more than a token level of engagement. Young people, moreover, may respond to certain types of interviews and direct questioning by seeking to supply the ‘right answers’ to the adult interviewer, particularly in settings such as schools (Heath et al., 2009), where they may feel this is a cultural expectation. More open invitations to discussion and the telling of stories may be productive but two caveats should be borne in mind. First, that young people do vary in their abilities and readiness to create narratives and may feel uncomfortable in interviews that offer no focus or structure. Second, some young people are only too accustomed to having to tell youth justice workers and other professionals about their lives and may give a well-rehearsed story or be reluctant to give any at all. The innovative methods earlier discussed may not be a total panacea but may offer some means of addressing these issues.

This brings us back to the thorny question of power relations and the influence of the adult researcher across the whole research endeavour. This is especially acute in longitudinal studies where young people and researchers meet on numerous occasions over an extended period. This sort of long-term view is invaluable in looking at change over time and particularly in transitions research. But it brings its challenges and demands of the researcher a high degree of reflexivity. Turning again to the *Inventing Adulthoods*
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study (Henderson et al., 2007), the research team considered how their presence in young people's lives might influence or change their course:

'We neither sought to make an intervention into young people's lives, nor denied that we might be doing so. Our decision to ensure a continuity of interviewer over time was both pragmatic and guided by a concern with the quality of the research relationship. We recognised that it is not a “normal” part of young people's lives to be invited to participate in regular in-depth interviews by researchers from a university, and that impact of the research process would have to be addressed in the process of data collection, analysis and interpretation. Throughout the research process we have attempted to make space for young people to talk about the impact of the research process on them.' (Thomson & Holland, 2003:239)

This, then, recognises the importance of relationships at successive stages of the research process and sees carefully considered relationships and subjectivities as virtue, not weakness. This was also a feature of the 12-18 Project in which Lyn Yates and Julie McLeod collected data from young people at 6 monthly intervals between 1993 and 2000 (McLeod, 2003). They encouraged participants' reflexivity by using devices such as hypothetical questioning in interviews throughout the project (as an aside, they note that this worked better with middle class young women than working class boys). Interestingly, at the end of the project, each young person was given a compilation video with excerpts of their previous interviews and they were able to watch this at home and then talk about their reactions (McLeod, 2003). Moreover, the longitudinal nature of the research in itself encouraged researcher reflexivity because of the range of data produced and the multiple ways that it could be interpreted, compared and contrasted over time, representing

'[N]ot so much a form of “triangulation” as an archive of perspectives from different periods of time and vantage-points, one that provides a rich and comparative basis for understanding patterns of continuity and change in identity.' (McLeod, 2003:202)

Conclusion

Criminology has long nurtured interest in young people and their behaviours, but only too often the 'problem' is framed by adults and takes little account of the views of young people. Recent studies have sought to redress this imbalance (see for example, France et al., 2012; McAra & McVie, 2012; Sharpe, 2012, on 'offending girls'). But on the whole criminologists have not exploited the deep potential of the creative and innovative methods outlined in this article. And there have been remarkably few longitudinal studies allowing young people to unravel their complex biographies and their entanglements in crime (one notable exception being Halsey and Deegan's (2015) 10 year study of 14 young offenders in South Australia that is reviewed elsewhere in this journal).

Why this is the case is perhaps the subject of another article. But there is a compelling argument for criminologists researching with young people to extend their
methodological range in the attempt to capture a greater diversity of stories and to probe the connections between youthful biographies and criminal involvements. The ways that researchers in other disciplines have opened up young people narratives can surely be transferred to criminological questions about young people's behaviours and relationships, and the meanings that these hold for them. Could behaviours viewed negatively by adults - as aggressive, rebellious, resistant or overtly sexual - be viewed differently by young people as a means of defining themselves and using the limited agency they have in the face of adversity? Ungar (2004) certainly identifies 'hidden resilience' in some of these behaviours, seeing signs of strengths and social competencies, even where they are woefully misapplied. Yet it is only by allowing young people to tell their stories - big or small - that we can explore shared understandings.

And, finally, criminologists must inevitably be concerned with the ways that official agencies - the youth justice system being only the latest in a long line for many 'young offenders' - interact and intervene in young people's lives. These interactions and interactions reverberate through the lives of troubled young people. But how and to what effect, will never be known unless the will is there to question conventional accounts of criminal careers. These young people may not be easy to engage in research for reasons outlined earlier, and, even by adolescent standards, may create partial or fragmented stories. Yet surely we should try to hear and to respond with wisdom and compassion to what they tell us.
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LAW AND ORDER CONSERVATISM AND YOUTH JUSTICE: OUTCOMES AND EFFECTS IN CANADA AND ENGLAND AND WALES

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Abstract
This paper explores how underlying law and order conservatism has shaped and defined youth justice policy in England and Wales and Canada. We argue that cultural and political influences affected implementation in ways which were initially unforeseen and therefore unconsidered.

Our focus is twofold, on the intentions that drove the policy and practice changes and subsequently, on the negative consequences that emerged during implementation. We explore these with regard to the application of discretion and the paper considers the complexity of discretion and how neither, reducing or increasing it has led to simple or obviously predictable patterns. In addition, we apply Thompson’s (2006) model of Anti-Oppressive Practice to consider how policies that were not intended to be oppressive and which were evidence based and informed by research and the policy community moved towards a law and order agenda.

Keywords
Youth offending; Youth Justice Systems; Law and Order; unintended consequences.
Introduction

In Canada and the UK, law and order conservatism has for more than a decade been a preeminent political discourse in the conceptualization of youth crime. More than ten years ago both countries introduced new legislation with the aim of reducing youth offending; the approaches were underpinned by similar views of young people and law and order. However, despite these similarities both countries followed different trajectories and experienced differential outcomes and successes.

This paper explores how changes within the Youth Justice Systems in Canada and England and Wales had unintended consequences in both countries and considers whether these could have been foreseen had theoretical injunctions, practice knowledge and research findings been differently utilized. We also discuss whether the impact of the precepts of law and order conservatism has been to increase the number of young people in custody despite falling crime rates. The legislation and practices within the Youth Justice Systems form the immediate concern of this paper; the focus is on the initial intentions which drove the policy and practice changes and some of the negative consequences which appear to have arisen as a result of the effects on practice – thus the implementation of that legislation and policy.

The evolution of the Crime and Disorder Act (CDA) (1998) in England and Wales and the Youth Criminal Justice Act (YCJA) (2002) in Canada and their additional and supporting pieces of legislation and policy have been comprehensively dealt with elsewhere (Bala, 2003; Dugmore & Pickford, 2007; Goldson & Muncie, 2008; Tustin & Lutes, 2012; Arnull, 2013). There are also considerable differences in youth justice practice between England and Wales and Canada, and within the provinces and territories of Canada. This reflects a complexity in referring to the Canadian youth justice system as homogenous as the YCJA is federal legislation that is enacted at the provincial and territory level by local governments. This means that implementation is also a variable practice, for example whilst in England and Wales there are multidisciplinary Youth Offending Teams (YOTs), in Canada some regions have dedicated youth probation services or social services that undertake that remit. However, these variations while interesting are not the focus of this paper.

One of the negative effects that resulted from implementation of the CDA (1998) in England and Wales was that the changes introduced had impacts which led to more stigmatisation and labelling of young people; this was in part because more young people were drawn into the system and because of an atmosphere of moral outrage and blame. Consequences such as these are ones which have potential import for Canada. Labelling (Cohen, 2002) may affect all young people but has potentially even greater resonance for those living in smaller communities; it is also relevant in regard to the realisation of children's rights for example, those under the United Nations Convention of the Rights of the Child (UNCRC). This paper explores how the underlying law and order conservatism, which was a shaping and defining feature of youth justice policy in England and Wales and Canada, influenced the different policy structures created. We argue therefore that cultural and political influences can affect implementation in ways which are initially unforeseen and therefore unconsidered by those devising or lobbying for the policy (Levin,
1997; Arnull, 2013) and that a key feature which affects this is the underlying political and cultural 'tone' which affects public policy – in this case, law and order conservatism.

**The introduction of new legislation**

Initially, the CDA (1998)\(^4\) aimed to reduce police officer and practitioner discretion and established a more procedural youth justice system. In Canada however the YCJA (2002) sought to enhance discretion (where practical). It allowed for a three stage referral process that meant that police officers could refer young people pre-charge, crown prosecutors could refer post-charge and judges could refer at the sentencing stage of the legal process to programs outside of the system. This thereby sought to reduce the detrimental effects of drawing less serious offenders into the full purview of the Youth Justice System (Carrington & Schulenberg, 2003).

Therefore the YCJA (2002) in Canada originally led to lower numbers of young people being charged and thus increased the number who were diverted; thereby fewer young people appeared in court or received custodial sentences. However, the unintentional effect appear to be an increased trend in the numbers of young people held in custody pretrial (Bala & Anand, 2012) and the potential to increase, rather than decrease, incarceration provisions for young people for less serious offences (Turpel-Lafond, 2010; UNICEF, 2011).

Within the UK the implementation of the CDA (1998) and subsequent legislation in England and Wales also led to unintended effects, such as the moralisation of young people through the introduction of civil penalties for social behaviours such as hanging around and thereby being perceived to cause a nuisance. The penalties, Anti-Social Behaviour Orders for example, do not form a focus for this paper but they form a backdrop to an atmosphere that became increasingly moralised and outraged. The penalties commonly associated with this moralised atmosphere were connected to concepts of a lack of respect for others and although civil in nature could lead (by way of breach) into the criminal sphere. In addition, the mandatory policing and sentencing of first, and less serious offenders, increased the numbers of young people in court, sentenced and serving custodial sentences (Arnull, 2009; YJB, 2013; Fox & Arnull, 2013).

The early successes of the Canadian youth justice legislation by diverting young people from the YJS did not mirror the deleterious effects of their British counterparts. However the neo conservative values that underpinned the subsequent YCJA amendments may ultimately lead to these negative effects although that is not the deliberate or stated intention (Greenspan & Doob, 2012). It is this consideration that we wish to explore through a comparison of the various legislations and the effect of those within the Youth Justice Systems (YJS) of Canada and England and Wales.

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\(^4\) The Act applies to the UK, but certain sections apply in certain jurisdictions. As the Youth Justice System in England and Wales as created under the Act is different from that in Scotland and Northern Ireland, just England and Wales are dealt with in this paper.

The recent past
In England, Wales and Canada the respective governments have recently sought to amend either legislation and/or policy in relation to addressing youth crime although the underlying neo-conservative philosophy has remained. Within both jurisdictions the changes appear as a complete reversal of the initial intentions of both the YCJA (2002) and CDA (1998) concerning the use of discretion. Thus, in Canada, the Government through the Bill C10 amendments has now sought to diminish the use of discretion (Turpel-Lafond, 2010; Bala, 2011). In the UK, although legal amendments have not been introduced, there has been a re-interpretation of some of the legislation that impacted so negatively during the CDA's (1998) first years of use.

In England and Wales the government is once again allowing practitioner and law enforcement agencies more leeway to deal with anti-social behaviour with alternative measures outside of the legal system unhindered by legislative requirements. For example, the Youth Justice Board (YJB) (the non-departmental public body responsible for overseeing the youth justice system) in ‘...recent years a number of schemes have been set up to divert young people from formally entering the Youth Justice System’ (YJB, 2013:16). These policy and subsequently practice based changes have resulted in a drop in the processing of young people through the system, thus:

'There were 40,757 reprimands, final warnings and conditional cautions given to young people in England and Wales in 2011/12. This is a decrease of 18 per cent on the 49,407 given in 2010/11, and a decrease of 57 per cent on the 94,836 given in 2001/02.' (YJB, 2013:7)

The focus to increase discretion appeared to be driven by the high number of young people being processed by the YJS. The YJB accounted for this by saying it was to (YJB 2013:16):

• ‘avoid the unnecessary criminalisation of young people on the fringes of criminal activity;
• ensure that formal justice processes are focussed on relatively serious offences, and can resolve these cases more quickly and effectively; and
• increase the use of restorative processes to make young people take responsibility for their actions and to promote confidence in justice among victims, witnesses and the wider community’.

In addition Youth Offending Teams (YOTs) now supervise significantly falling numbers of young offenders in England and Wales, although the number of offences for which young people are deemed responsible at 15% of all offending is greater than their percentage of the whole population at just over 10%. However, the over-representation is really

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5 This fall has had unforeseen consequences, for example teams now do not need to be so big as their caseloads are much smaller and this, along with other economic pressures, have led to budgets being cut. The YJB attribute the fall in supervisory numbers to the fall in first time entrants into the YJS (2013:24).
accounted for by boys who make up approximately 5% of the population but just over 12% of offences, whilst girls also account for approximately 5% of the population but 2.8% of offences and are therefore under-represented. The figures suggest either that boys aged 10-18 offend in England and Wales more than others in the population, or that they are more likely to be caught or processed more frequently. The statistics identify that persistently, particular societal groups are overrepresented in the YJS in both countries, for example black minority ethnic males in England and Wales and Aboriginal males in Canada (Statistics Canada, 2010-11; YJB, 2013). Furthermore the YJB statistics show a slight increase in reoffending rates amongst those supervised and suggest that those entering the system are now young people who have a higher average number of previous offences/cautions and those with 15 or more previous offences/cautions rising to 4% of the total population (as opposed to 1% in 2001/2: YJB 2013:24). These figures suggest that the refocused aims of the YJB (2013) are being met in part, as it would appear that formal criminal justice processes are increasingly being focussed on more serious, or persistent, offenders.

Meanwhile, at a similar point in time in Canada, amendments to the (YCJA) Bill C10, Part 4, which was part of the Safe Streets and Communities Act (2012) were sought in relation specifically to how youth issues were addressed. The amendments sought to reduce the use of discretionary policing and Court processes; four of the new Bill C10 amendments; Grounds for Pre-trial Detention:s.29(2); Deterrence and Denunciation:s.38(2); Lifting Publication Ban (s.75) and Police Record of Extrajudicial Measures (s.115) are now aimed at reducing discretion. There has been much interest in considering how research evidence informs policy (Weiss, 1979; Levin, 1997; Nutley et al., 2002; Oliver et al., 2014) and the conclusion is frequently drawn that it appears not to have informed it in any way at all. However in the case of youth justice reforms in England and Wales and Canada this was not the case.

The CDA (1998) and the creation of the YJB and YOTs and the overall policy direction were strongly influenced by research (Fox & Arnall, 2013; Arnall, 2013). In England and Wales risk based, longitudinal studies by Farrington (1996) influenced the assessment methods and the forms of intervention planned. In addition campaign and offenders' rights groups were key players at the table, shaping and influencing policy design and construction (Arnall, 2013).

In Canada, research on Restorative Justice approaches and the effectiveness of diversionary activities influenced policy direction giving the opportunity to divert young people away from the YJS to more community based interventions (Bala, 2003; Thomas, 2008). What is of interest therefore is that although there were documentable influences from the research and policy campaign communities, the effects of the policies were not as expected or foretold. Clearly policy formation, development, legislation and implementation are a complex series of processes (Weiss, 1979; Levin, 1997) but the question must be asked whether the cultural and political processes and attitudes towards young people which underpinned the legislation and affected the process of implementation and the players in that process, were more powerful than the research and evidence which went into assembling, influencing and driving the policy creation.
We might reasonably ask therefore, whether the CDA (1998) and the creation of the YJB and YOTs in England and Wales and the YCJA (2002) in Canada, were observable, apparently powerful communities of practice (Amin & Roberts, 2008) or policy networks (Levin, 1997) in operation? And whether these policy networks created policies that in both countries/jurisdictions were undermined (or in the case of Canada is being currently undermined) by law and order conservatism? Furthermore, were the effects of policies aimed at reducing offending by young people and responding to them in ways that were evidence based (though differentially directed) really to drive up the numbers of young people processed by the YJS? In England and Wales there was a rise in those processed (1998-2008/9: YJB, 2013) and in Canada the opportunity was taken to incarcerate more young people prior to their conviction (Statistics Canada, 2010-11). The same underpinning law and order ethos may also now be informing the amendments in Canada, with the potential consequence that recently falling rates of young people being brought into the system may be reversed.

**Practice knowledge, research findings and theoretical injunctions**

For those researching or working in the YJS in either jurisdiction at a policy or practice level unintended or unforeseen consequences of this type would be of considerable relevance. Using an Anti-Oppressive Practice (AOP) framework therefore we consider the four Bill C10 amendments and compare those to effects in the YJS in England and Wales; we deploy Thompson's (2006) PCS model to consider the amendments and the effects. This model views oppressive practices as occurring on three levels: personal, cultural and societal. The personal level (P) encompasses interpersonal relationships, personal feelings, attitudes and self-conceptions, and interactions between individuals, which correlates with practice relationships (Payne, 2005). The personal is intrinsically linked to the cultural context (C) where norms and rules establish how a person feels about themselves and others along with interactions between people and the environment. The personal and cultural levels are fundamentally embedded within the societal framework (S), which form the structures, norms, rules and order within society (Fox & Arnull, 2013:11-20; Thompson, 2006).

**Grounds for pre-trial detention in practice and persistent young offenders**

The crime rates in both England and Wales and Canada have steadily declined over the last 10 years or so leading to fewer young people in the Youth Justice Systems; in Canada this appeared to be the effect of YCJA (2002) which decreased the numbers of youth sentenced to custody, whilst initially the CDA (1998) in England and Wales increased custodial numbers to almost breaking point. Within Canada pre-trial detention has been a long-standing issue and although the intention of the YCJA (2002) was to also reduce these rates along with custodial sentences this has not been the case. In fact the rates for incarceration pre-trial were seen to increase alarmingly and thus the amendment to the grounds for pre-trial detention came to be seen as a retrograde step, allowing the opportunity for more rather than less young people to be incarcerated before sentence.

This effect at the implementation stage appears to have occurred because although the YCJA (2002) stated that young people could not be held in custody pre-trial if they could not be sentenced to a custodial sentence if found guilty at trial. Amendments (C-4 s.29:1)
allowed for the detention of youth who might be facing a number of less serious charges although not otherwise considered to be a risk to the community. This step appeared to lead to the increase in pre-trial detention. And again it would seem that apparently sensibly drafted legislation led to similar effects to those felt in England and Wales where the Crime and Disorder Act (1998) defined a formula for identifying persistent young offenders (PYO) with the intention that better identification would lead to more focussed and appropriate interventions. However the effect of identifying young people as PYOs was harsher sentencing on conviction and greater discretion for the judiciary regarding bail applications; it also led to more young people being judged to be a PYO with the consequence that they were more likely to be remanded into custody (Arnull et al., 2005). This effect bears striking similarity to that seen in Canada.

In England and Wales the category of persistent young offender was defined in 1997 as:

’...a young person aged 10-17, who has been sentenced by any criminal court in the UK on three or more occasions, for one or more recordable offence, and within three years of the last sentencing occasion is subsequently arrested or has information laid against them for a further recordable offence.’ (Home Office, 1997)

Research from England and Wales (Arnull et al., 2005) identified that in terms of offending the young people considered PYO's committed a “high volume of offences, many of which were not serious, but some of which were...” (cited in Fox & Arnull, 2013:108). Similarities appear in the characteristics of those considered PYO and those detained under the pre-trial detention rules in Canada and reflect the most marginalised groups in society. This manifests itself in the over representation of Aboriginal male youth in the Canadian system and Black Minority Ethnic (BME) males in England and Wales (Statistics Canada, 2010-11; YJB, 2010, 2013). Viewed through the lens of anti-oppressive practice therefore one would suggest that the personal aspects of a young person’s behaviour were interacting with other social, structural factors which, because of what we know about the discriminatory effects of those structural factors (YJB, 2013; Statistics Canada, 2012; Thompson, 2006), could have been foreseen.

In addition, a similar effect was found when 'fast-tracking' young people through the YJS in England and Wales. This change, aimed at linking behaviour and consequences, was based on behaviourist approaches which were apparently well grounded in evidence and expert knowledge about young people and dependent upon the theory that linking behaviour to consequences as near in time as possible would be beneficial to the young person, helping them to see the 'wrong' they had done. However, the fast-track effect led to a large increase in young people entering the system and quickly progressing through it, escalating up the tariff system and ending in incarceration (Hill et al., 2007).  

Thus in the UK and Canada the use of discretion appeared to have an unpredictable effect. When discretion was available to judges, it appeared to have a negative correlation in

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6 This paper in fact covers Scotland where the welfare based system remained in place - in both jurisdictions in the UK however the effects were equally negative.
both jurisdictions; for example how seriously persistence was judged, and thus whether a young person should have bail. Thus the increase in discretion for judges around bail decisions (taking account of the possibility of further offending) led to an increase in remands into custody. At the same time and in a contrary fashion, a reduction in discretion for the police in England and Wales led to an increase in State intervention and a reduction in diversion and it is this, which Canada may consider. The application of discretion is a complex matter and reducing or increasing it has not led to simple or obviously predictable patterns; this complexity will be discussed in more detail below.

**Police record of extrajudicial measures: discretion in practice**

The systematic implementation of the Final Warning program in England and Wales reduced police discretion and increased levels of police accountability. This aspect of practice was to increase net widening effects by processing more low level delinquency and also led to disproportionately punitive outcomes received by young people (Fox & Arnulf, 2013). The effects have been considered interesting with regard to girls and were explored by Arnulf and Eagle (2009) as offering a potential explanation for the increase in the number of girls (in proportion to boys) entering the YJS.

The use of police cautions prior to the introduction of the CDA 1998 allowed police officers greater leeway in terms of discretion when they assessed that a greater level of intervention was required to help a young person. This discretion gives opportunity to officers to refer young people to various programs with the remit of addressing offending behaviour and any welfare concerns. These interventions covered a number of areas such as direct and indirect reparation to the victim, the community or both; compensation, community work, and referrals to statutory agencies, such as social services (Home Office, 1997; Card & Ward, 1998; Leng et al., 1998). However, cautions were discredited in many quarters as not being sufficiently punitive, too unstructured, their criteria for intervention were considered too vague and their outcomes too imprecise (Home Office, 1997; Pitts, 2003; YJB News, 2003:1). This lack of sufficiently punitive intervention has been the recent trend in government rhetoric in Canada and results in the proposed amendments to the YCJA (Bala, 2011; Greenspan & Doob, 2012).

In addition, the 1998 Act placed statutory obligations on the police and YOTs to ensure that structural interventions by way of a program of rehabilitation or 'change' (Home Office, 1999; Nacro, 2000; Giller, 2004) occur at the final warning stage of the procedure. This meant that the informal system of 'cautioning plus' was formalized into a system of Final Warnings to be systematically used at certain stages of the youth justice process, combining an assessment by the YOT police officer and/or interventions from specialist workers within the YOT or broader community (Leng et al., 1998; Giller, 2004). There were therefore good research and evidence based practice reasons for the introduction of Final Warnings and the assumption was that less discretion would have a positive anti-oppressive effect.

For Canada the potential correlations are contained within the proposed Bill C-10 that adds s.115 (1.1); this will require that the police “shall keep a record of any extrajudicial measures that they use with young persons”; thus changing the present permissive regime (Bala, 2011). However, one may wonder if part of the success of the pre CDA (1998)
cautioning and the YCJA (2002) extrajudicial measures were the attractiveness of their informality? The requirement of little or no reporting or paperwork led to expedient resolutions for the less serious anti-social youth behaviours and did not draw the young person into the criminal justice system.

The amendments to the YCJA (2002) and the CDA (1998) Final Warning program in England and Wales appeared to imply that police officers and others would behave in a discriminatory way and/or were not trusted to use their discretion; the implication was therefore that by introducing mandatory systems that the agents of social control, those within the YJS including the police, were also under surveillance (Gilbert & Powell, 2010).

The question may also be posed whether officers may charge more often if the same amount of paperwork is involved? Should this be the case the Canadian amendment would have unforeseen consequences beyond the stated policy intention of standardizing police practices and reducing discretion.

Fox (2006) explored the negative impact of the Final Warning Program on young people in England and Wales where the newly structured and systematic approach to first time offenders appeared to limit the opportunities for practitioners to demonstrate common sense and discretion within its remit. Discretion, for many, called to mind issues of accountability and bias and limiting it appeared to offer the possibility for ensuring fairness and transparency (Thompson, 2006). However, as we have seen there is also evidence that in some circumstances, where discretion has been curbed, the ability to use common sense was also reduced (Fox, 2006; Saenz de Ugarte & Martin-Aranaga, 2012).

**Deterrence and denunciation: research findings**

In 1980 '71,000 boys and girls aged 14–16 were sentenced by the juvenile courts in England and Wales, by 1987 this figure had dropped to 37,300, a reduction of over 52 per cent. Police cautioning and other less formal modes of pre court diversion were starving the courts of juvenile offenders' (Pitts, 2003:7). The significant falls in young people being processed through the courts for delinquent or offending behaviour during the 1980s was however viewed by some as of concern, and it was considered that those who were processed were 'rewarded' for offending or misbehaviour by undertaking 'fun' diversionary schemes. At the same time there was a perceived breakdown in communities and a lack of respect for others. The social policy drive under New Labour post 1998 was therefore to increase a sense of individual, social responsibility. However those moves had been preceded by social policy debates in which the debate had moved towards a law and order lobby on all sides of the House. Thus, Prime Minister, John Major, had said:

'Society needs to condemn a little more and understand a little less...'
(Major, 1993: Independent)

By the early 2000's the effects were being felt and academics and commentators such as Pitts (2003:61) were criticising the 1998 Act for bringing more 'children, young people and their parents into the purview of [the youth justice] system'. In addition, they suggested that Final Warnings were overly punitive, disproportionate, and possibly led to net widening (Evans & Puech, 2001; Pitts, 2003; Giller, 2004).
In response to growing concerns that in an era of falling crime rates more young people were being brought into the system (and perhaps a concern to reduce escalating costs), action was taken and this was cemented by the Coalition government who heralded a move away from standardisation and towards increased professional discretion. By 2011/12 there were '137,335 proven offences by young people in 2011/12, down 22 per cent from 2010/11 and down 47 per cent since 2001/02.' (YJB, 2013:8). The YJB suggested the rise post-1998 in proven offences was now in decline.7

The YJB argued that the larger rise in the numbers of young people coming into and being processed through the YJS post the CDA (1998) could be attributed to 'the Offences Brought to Justice target (OBTJ), which created targets for the police around the number of offences reported to them that should be brought to justice, i.e. resolved and an offender given a caution or conviction.' They suggested that:

'This may have affected the behaviour of the police to arrest more young people in order to meet their targets. The peak of arrests and out of court disposals for young people occurred in 2006/07 and the subsequent large falls coincide with the replacement of the target in April 2008...and in December 2010 it was dropped entirely.' (YJB, 2013:18)

Elsewhere they note that the OBJT was one contributory factor amongst other unknown ones for first time entrants. The role of the OBJT in raising the number of young people processed through the YJS is considered by the YJB to be attributable to the pressure on the police to achieve particular outcomes, and in this reflects another key feature of social policy at that time, which was the focus on the achievement of targets. (YJB, 2013:22).

However, a key factor in these decision making processes was also about lessening and curtailing discretion and ensuring a transparent process which could be examined and evidenced; in both instances the policy changes were not meant to drive up the numbers of young people being drawn into and processed by the YJS and were therefore unforeseen and unexpected outcomes (Arnull, 2013; 2014). An unconsidered part of the process was the political tenets and philosophy of the time which called for greater responsibility, the attribution of criminal responsibility to the individual and for professionals within the CJS to be seen to enforce and underline that responsibility.

Within Canada deterrence and denunciation were deliberately omitted as sentencing principles when the YCJA was introduced in 2002 (Knudsun & Jones, 2008). However in line with conservative law and order principles there has been a move in the amendments of s.38(2) to reverse that view and allow for the notions of societal condemnation of criminal acts and use sentencing sanctions to act as a deterrent against further offending. The changes in the YCJA sentencing guidelines therefore appear to have political and

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7 They are also not directly comparable because they relate to 10-17 year olds who are a larger group; it also includes all proven offences not just those sentenced. Changes in the way offences are counted and the types of offences which exist changed during this period and therefore caution must be undertaken when making any direct comparison – the figures are simply to be used as indicative and illustrative.
cultural undertones and correlations with the 'tough on crime, tough on the causes of crime' approach undertaken by the UK labour government when the CDA was introduced in 1998 (Bala, 2011; Globe and Mail, 2011).

The use of deterrence and denunciation as sentencing principles fall within a well-established 'law and order conservatism' approach to crime that has long been prevalent in the UK. It is one, which it would seem the Harper Government in Canada wishes to follow, despite research and practice wisdom which has suggested that it can have deleterious effects. Law and order conservatism is reflected in the 'toughness' of present penal policies (Pratt, 2002; Cavadino & Dignan, 2005) and this has been seen to take effect more generally in the recent past in socially liberal countries in Europe such as Sweden and Holland (Hopkins Burke, 2014). The underlying ethos of law and order approaches is to place the responsibility for offending in individual traits such as 'wickedness' and/or anti-social traits and a lack of respect for others within society or their community (Etzioni, 1993). The ultimate result appears to be that offenders are 'punished harshly in order to provide them with a moral lesson and to serve as a general deterrent' (Mantle et al., 2005:20).

The CDA in the UK established links with Kelling and Wilson's (1982) 'Broken Windows' theory which demanded that even minor misdemeanours be pursued with the same vigour as serious crimes and ultimately gave rise to the 'zero tolerance' approach to addressing youth crime. In this, the direction was clearly not evidence-based, but a philosophical direction of travel, for as Doob and Webster note (2003:153) 'time has come to conditionally accept the null hypothesis: severity of sentences does not affect crime levels.'

The move by the Canadian government to a more punitive stance against young offenders is also in conflict with current research findings that youth crime is decreasing and other philosophical approaches which suggest that harsh sentencing can disregard the rights of young people in terms of the UNCRC (1989), Human Rights Act and the Beijing Rules.

The experience from the British context and the recent moves within Canada suggest the potential negative consequences which may occur when governments 'play politics' with youth justice. The effects of rhetoric were to: exaggerate youth crime, create anxiety about certain types of behavior, 'hype' up public, unfounded concerns or even create those concerns about youth behavior or the lack of responsibility which it was assumed the young people did not take or were not made to take. The impact may be to lead to punitive options and ultimately widen the 'net' bringing in more low-level delinquency and it appears to impact disproportionately on already structurally disadvantaged and marginalized groups. Thus, for example in the UK and Canada there were media concerns and significant coverage of young people's drinking behavior, and for a period these concerns were focused on a drinking game called Neknominator (BBC News, 22 February 2014; CTV News, 6th February 2014). The death of a young person which was linked to this game appeared to lead to a media response which gave the impression that the behaviour was 'criminal' rather than social, personal risk taking. This might be contrasted with media responses to suicide rates in the UK, which for young people have increased significantly since 2010/11 (Mental Health Foundation, 2015; Samaritans, 2015). This serious rise did
not however appear to lead to a 'moral panic' about the social stresses and strains which would seem to have led to the heightened vulnerability of young people and to their early deaths through suicide.

**Lifting publication ban: theoretical injunctions**

New Deviancy Theory believes that the justice system and society create more criminals than they deter and encompases the concepts of labelling and postulates the notion of over reaction by the social agents, for example the police to particular criminal activities (Tannenbaum, 1938; Kituse, 1962; Becker, 1963; Lemert, 1967). Thus the assertion by the YJB (2013) that the numbers of young people entering the YJS in the late 1990s and early 2000s can be attributed to police activity in response to certain targets, which led to a focus on low level criminal activity in order to meet those targets, would appear to offer a rationale for New Deviancy Theory.

As we have considered the New Right and the 'law and order' debate have, in the recent past, dominated the English and Welsh and Canadian political agendas and influenced the cultural atmosphere in which public policy was debated (Mishra, 1990; Major, 1993; Jordan, 1995; Feeley & Simon 1998; The Independent, 2014). The media headlines and lead stories reflected the idea that crime was spiralling out of control and society needed to be protected (Feeley & Simon, 1996; Telegraph, 2014). Strangely this view persisted even during periods of falling crime. The 'get tough' rhetoric of political parties in both countries has established a criminological focus on the increased punitive nature of judicial decision-making and criminologists have analysed this trend within a socio-economic and political context (Brake & Hale, 1992; Alvi, 2000; Winterdyke, 2000; Cavadino & Dignan, 2005).

Trends like the earlier examples discussed, sought to individualise behaviour and deny or minimise structural or social effects. Thus they emphasised Thompson's Personal-Cultural level, for example, and de-emphasised the Cultural-Structural. An example of this was the move to identify and 'shame' young offenders in England and Wales and this trajectory was contained within amendments 38(2). 'Labelling' theory (Cohen, 2002; Hopkins Burke, 2014) has examined how the transgression of agreed and acceptable societal norms creates concepts nominated to be deviant and assigns meaning to that behaviour. From this perspective, deviancy is not seen as the quality of the act committed but how that act is viewed by others (Becker, 1963). Thus, once an individual is given a label, for instance, that of criminal, victim or perpetrator then they and society will view them as such. This in turn negates and marginalizes their ability to function as fully integrated societal members or re-imagine or reinvent themselves. Legitimate activities such as school or employment may also be denied them and thereby force them to perpetuate their label (Becker, 1963). At this phase of personal, social and biological development in the adolescent the impact may be considerable (Coleman, 2011). In this light the publishing of a young person's picture or name can only be assumed to be a retrograde and reactive response leading to the further marginalisation and oppression of young people already at the margins of
society\(^8\) (see recent examples in the UK for anti-social behaviour for example). Fox and Arnall (2013) have explored how this impacts young people caught up within the YJS in the UK, such that the high levels of victimisation experienced by this group are often ignored, whilst concerns about their criminal and delinquent behaviour and their responsibility for those are punished.

**Policy informed by anti-oppressive practice**

The four Canadian amendments outlined above can be viewed using Thompson’s (2006) PCS model of oppression. Deterrence and denunciation can be seen as structural forms of oppression through which British and Canadian society and their youth justice systems appear to be shaped by patriarchal and racist policing policies. These in turn impact the cultural and personal levels of oppression experienced by individuals by over focusing police intervention on specific marginalised groups (Thompson, 2006; see also McAra & McVie, 2010, for example). This is then demonstrated in the over-representation of particular marginalised groups such as Aboriginal and BME males in the British and Canadian youth justice systems respectively (Statistics Canada 2010-11; YJB 2013) and in the over-representation of poor young people more generally. The idea that society condemns criminal acts and that its disapproval should correlate with harsher sentencing principles has very limiting and punitive implications for young people from specific societal groups. The reasons for marginalisation are similar and complex, comprising of potentially multiple oppressions at the personal and structural levels. For example many offenders come from predominately poorer socio-economic backgrounds, may have learning difficulties or mental health problems, lack parental supervision, and opportunities for education and subsequently gainful employment (Hagell, 2002; Department of Justice, 2003; Arnall et al., 2005; Bryan et al., 2007; Fyson & Yates, 2011, Fox & Arnall, 2013). From an anti-oppressive practice perspective, the amendments could lead Canada to follow the UK example and experience similar negative effects, such as a reinforcement of established stereotypes and over-representation of the most vulnerable young people in custodial settings (Fox & Arnall, 2013).

An anti-oppressive practice lens would also allow for a critical review of who benefits and who loses from particular structural policies and legislation. Criminal justice and penal systems often focus on particular crimes and criminals to the exclusion of others, appearing to serve the interests of the wealthy and elite over the poor. This may lead to differential policing such that certain groups (McAra & McVie, 2010) or certain types of crime, like white-collar crime, are not policed nearly so stringently (Sutherland, 1962).

In Canada and England and Wales policy structures were created which were based on research evidence aimed at reducing youth offending. For example, in both countries risk based, actuarial systems were established and both identified restorative justice approaches as favoured modes of addressing less serious offences (Crawford & Newburn, 2003; Department of Justice, 2009). However, in both countries a law and order political

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8 In the UK this has become commonplace in some local press where pictures and details of a person’s alleged anti-social behavior are published along with their picture; significant exclusions can be placed on their behaviour and movements and members of the public asked to report them if they are seen in those areas. These can be found through a simple internet search.
philosophy and a culturally negative and individualised view of young people have also flourished. Thus, despite falling crime rates in England and Wales and Canada, more low-level offences by young people have been dealt with by the YJ systems. Both decreased and increased levels of discretion at different points in the system have also led more young people to be processed, leading to increased opportunities to label, name and shame.

Thompson’s (2006) AOP model helps us to consider the impacts on young people's lives as a result of the practices amongst professionals within the youth and adult criminal justice systems as a result of these policy trajectories. It also provides a framework through which to consider how policies which were not intended to be oppressive and which were evidence based, informed by research and the policy community have been moved towards a more oppressive law and order agenda.

**Summary and conclusion**

In Canada Bill C10 amendments are numerous and formed part of a wider raft of changes to the Safe Streets and Communities Act (2012) however, not all had the potential for negative outcomes for young people (Bala, 2011). As we have discussed, the four amendments outlined in this paper share a political 'law and order' philosophy of harsher punishment for young people and reduction in discretion. The merits of these amendments are not supported by research findings, expert knowledge or practice wisdom, and theoretical constructs suggest their negative effects have the potential to spread beyond the immediate justice system and impact more broadly on young people's lives. The amendments have been criticised widely for their ability to cause greater harm to the young people exposed to their processes (Canadian Criminal Justice Association, 2010; Cook & Roesch, 2012; Greenspan & Doob, 2012).

While the four amendments outlined above are still not fully implemented or their effects realized in all provinces or territories in Canada, we do suggest cautious reflection. Our experiences of working and researching in the youth justice system in England and Wales and Canada led us to explore how a reduction in discretion may have potentially more negative outcomes for certain already marginalized groups. Fox (2006:137) suggested that the “system can lose elements of compassion and mitigation” and therefore suggested the reintroduction of measured discretion on an individual case need basis.

It is also worth stopping to consider, that at a time when it appears that the Canadian government is moving to promote a ‘tougher on crime’ approach to addressing youth crime, the UK government and others commenting on the youth justice system (for example Carlile Inquiry, 2014) appear to be taking the reverse view. In Britain the Coalition government has reviewed the criminal justice system seeking to establish measures that assist in reducing anti-social behaviour, the costs of crime and responding to crime. They have promulgated an approach based on localism which seeks to provide local solutions and appears to suggest increased discretion and professional decision making.

In a move not linked to this increased decision making they have also launched a number of 'payments by results' programs in which local authorities receive a sum of money if they can identify successful outcomes when working with targeted families on issues such
crime and anti-social behaviour, worklessness, education and health (Arnull, 2013; 2014). The money is intended to finance the early transformation of services to the benefit of the programme and identified families (Fineberg, 2012). In addition, the government appears to have a renewed confidence in the expertise of 'professionals' to address offending behaviour (Ministry of Justice, 2010). The 'Breaking the Cycle' document uses the words 'freedom' and 'discretion' when discussing how professionals will be able to go about the business of reducing offending, recidivism and future victims (Fox & Arnull, 2013:76-77). This is mirrored in other changes across the health and social care system in the UK where professional discretion and opportunities for it are being recommended (Munro, 2011). 9

We are all too aware that youth crime is a perpetual political issue that permeates across society with young people more often portrayed negatively in the media amid images and stories representing fear and dangerousness (Fox & Arnull, 2013). While this continues to be the case in Canada, the UK Government in 2011 produced the 'Positive for Youth' document identifying that the government was 'passionate about creating a society that is positive for youth...' and that '...Young people matter. They are important to us now, and to our future, and we need them to flourish...' (2011: Foreword). The document suggested that the British government was turning full circle in its approach to addressing youth crime and its views of young people as necessarily problematic. To date however there has been little evidence of this in reality and changes to data recording mean that many areas of need and risk which were captured by routine YOT data collection (i.e. housing) are no longer required data to be returned nationally and thus the overall socio-economic and structural effects of policy will become much harder to routinely detect.

The amendments in Canada, if negatively realized, will be a retrograde step and an opportunity missed by the Canadian government to again be visionary with its legislation. The approach to addressing youth crime within the YJCA appears at this point to have been essentially positive, with the outcomes of the diversionary programmes and the reduction of youth custody numbers especially so; it would be sad to see this lost in a move to a more punitive and structured system of responses and to not take the opportunity to learn lessons from mistakes made in England and Wales.

9 Nonetheless, there are serious concerns within the UK about the impact of 'payment by results' systems especially at a time of financial constraint and severe budget cuts and concerns that these also transfer costs from the State to the provider who may be unable to bear them (Arnull, 2014).
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YOUTH JUSTICE: PAST, PRESENT AND FUTURE

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Abstract

In contemporary youth justice in England and Wales, there is too much emphasis on offence- and offender- focused approaches and an insufficient focus on promoting positive outcomes for children in conflict with the law. What is more, since the Crime and Disorder Act 1998, the voices of children embroiled in the Youth Justice System have been marginalised and their participatory rights rendered invalid. Both children and Youth Offending Team workers are finding involvement in the Youth Justice System (e.g. assessment, planning, intervention, supervision and review) to be a disempowering and disengaging experience. In this paper, we outline a number of contemporary tensions and conflicts in relation to youth justice law, policy and practice: the highly political context of youth justice, the criminalising risk, prevention and early intervention agendas and the unique and specialised nature of youth justice services. We also introduce a focus for future developments and ‘creative possibilities’ for youth justice. Specifically, we advocate for Children First, Offenders Second (CFOS), a progressive and principled model of youth justice that advocates for child sensitive, child appropriate services, diversion and the promotion of positive behaviours and outcomes for children, underpinned by evidence-based partnership working and the engagement of children (and parents) at all stages of the youth justice process.

Keywords

Youth justice; children first; engagement; participation; positive prevention.
Introduction
Youth justice is a messy, complex and contested area (Smith, 2007) that has seen dramatic changes in its nature and implementation over recent decades. Developments in youth justice policy and practice during this period have been characterised by a hotchpotch of punitive and welfarist interventions rooted in a range of confused philosophies, ideologies and approaches. Moreover, in contemporary youth justice systems (notably, but not limited to, the system in England and Wales), there is a lack of focus on the voice and views of children in shaping assessment, planning, intervention, supervision and review processes. Rather than privileging children's insights - in an engaging and participatory way - it appears that the Youth Justice System (YJS) and its processes often marginalize their voices through unequal power relations: what children who offend say is often not accorded sufficient recognition. Children and their supervising Youth Offending Team (YOT) workers are finding that being involved in the YJS is a disempowering and disengaging experience (Haines and Case, 2015; Case and Haines, 2015). Against this backdrop recent academic and practice literature has called for a move towards an alternative philosophy incorporating a range of more positive, rights-based, children first approaches (Haines & Case, 2015; Goldson & Muncie, 2015; National Association for Youth Justice, 2015; Robinson, 2014; Smith, 2014a, 2014b).

We will outline a number of contemporary tensions and conflicts in relation to youth justice law, policy and practice: the highly political context of youth justice, the criminalising risk, prevention and early intervention agendas and the unique and specialised nature of youth justice services. We go on to outline and explore a specific focus for future developments and 'creative possibilities', the Children First, Offenders Second (CFOS) model of positive youth justice, which incorporates a range of more positive, rights-based approaches and emphasises diversion, positive promotion and children's participation and engagement in youth justice practices and services.

The volatile political context of youth justice
The history of youth justice is one of 'conflict, contradictions, ambiguity and compromise... act[ing] on an amalgam of rationales' (Muncie & Hughes, 2002:1). It has been an area steeped in public and political controversy, generating intense media interest. Swinging between the 'caring ethos of social services and the neo-liberalistic ethos of responsibility and punishment' (Muncie & Hughes, 2002:1), youth justice policy is often largely dependent on political imperatives with regard to which approach is favoured resulting, largely, in policies shaped by the political rhetoric of punitiveness (Downes & Morgan, 2012).

Nonetheless, the welfare perspective has been present, in the eyes of the law at least, since the 1930s. More specifically, section 44 of the Children and Young Persons Act 1933 states that: 'every court in dealing with a child or young person who is brought before it either as an offender or otherwise shall have regard to the welfare of the child or young person'. Throughout the 1960s and into the 1970s welfarism was widely evident in youth justice policy and practice responses (see Blagg & Smith, 1989). The Children and Young Persons Act (1969) placed the welfare of the child as paramount as it sought to deal with youth crime through civil mechanisms under the supervision of social workers, as opposed
Youth justice: past, present and future

to via the labelling processes of criminal justice. Such responses were criticised by those on the right of the political spectrum who argued that the system was being 'too soft'. Conversely, throughout the 1970s, children were often exposed to excessive 'welfare' treatments based on perceived need. In much contemporary practice children were 'doubly punished' in that they were sentenced for their poor circumstances alongside the criminal act, which inevitably led to a disproportionate sentence (Morris, et al. 1980). There were also critics amongst the academic community who described such 'wide-ranging' approaches as unfair and discriminatory that often led to unintended consequences or in other words 'more harm than good' (Thorpe, et al., 1980). Indeed, it was felt that welfarism enabled legal safeguards to be abandoned and due process to be violated by 'leaving children to the discretionary, permissive powers of professionals while subjecting them to indeterminate measures without recourse to review or accountability' (Scranton & Haydon, 2002:311).

A resulting pendulum swing away from 'welfare' and towards justice-based notions of 'just desserts' and 'anti-welfarism' became manifest in the 1990s. During this time there was an already worried public as the media reported heavily on car crime ('joy riders') and those seemingly offending with impunity ('bail bandits'). Here political parties were engaged in somewhat of an 'arms race' regarding who could be the more 'tough'. The Conservatives responded fiercely by introducing 'tough legislation' namely the Criminal Justice Act 1993 and the Public Order Act 1994 (Rogowski, 2013). Similarly a re-branded 'New' Labour Government responded by setting out its 'no more excuses' agenda in the late 1990s, which heralded a 'new youth justice' (Goldson, 2000) of punitiveness, criminalisation, responsibilisation and interventionism with a focus on the offence and the offender (as opposed to the whole child).

Criminalising children through risk-focused prevention and early intervention

In 1997, the Labour administration swept to power and in so doing moved away from longstanding debates between welfare and justice and towards risk-led managerialism as the driver of 'crime prevention' (Case & Haines, 2009). New Labour introduced criminalising modes of (risk) assessment and preventative and early intervention, each informed by the Risk Factor Prevention Paradigm and its central tenet that crime could be 'nipped in the bud' (Home Office, 1997) by the early and robust identification and targeting of 'risk factors' in childhood (Case & Haines, 2009). Further measures of surveillance and control were pursued in order to 'curb' involvement in criminal activity and anti-social behaviour at the 'earliest opportunity' (Kemshall, 2008). Here, what were promoted as value-free, scientifically objective, actuarial measurements of risk were promoted and premised on the idea that predicting future offending is commonsensical and unproblematic; overlooking the common sense view that the behaviour of children is generally unpredictable (Case & Haines, 2009; Creaney, 2013; O'Mahony, 2009). To complement this approach, the principles of so-called 'effective' practice (namely risk classification, criminogenic need, responsivity, community base, treatment modality and programme integrity) and offence and offender focused 'what works' interventions have been prioritised as the tools to prevent and reduce offending. Such mechanised, numbers-heavy, pseudo-scientific 'evidence' has offered the Governments a form of certainty and tidiness to the unpredictable reality of 'youth offending' and a touchstone against which
to manage and prescribe practice. However, it would be naïve to assume that this narrow and restricted form of evidence can be absolute: in a modernist sense the search for a definitive universal truth or one size fits all 'holy grail' of intervention or the idea of a 'royal path to success' is a misnomer - a futile exercise - especially when considering the complexity of children's lives and the diversity of influences children are subject to. We agree with David Smith's (2006:88) assertion that 'what they (e.g. politicians, practitioners) ought to expect are empirically informed ideas about what looks promising, what, if "properly" implemented...will work, for what people and what purposes, and in what contexts'.

The New Labour Government embraced the approach of risk-driven regulation, modification and control of behaviour pursuing a 'get tough' politics and arguing that responsibility lies with the individual: 'an alleged 'culture of excuse' was to be replaced by a culture of responsibility' (Smith, 2006:79). The Crime and Disorder Act 1998 sought to criminalise 'all manner of behaviours' (Muncie, 2002:142) as New Labour continued the tough on crime rhetoric from the previous Government. This tough stance was in response to criticism that it was, previously, 'soft on crime and its causes'. Consequently, the UK Government developed an obsession with managerialism, risk and intervention in the lives of helpless and hopeless, yet somehow dangerous and responsible children. Despite statistical 'success' since 2007/08 in reducing the numbers of children arrested and entering the YJS for the first time, New Labour created a YJS that was more 'controlling' than 'caring', 'stubbornly blind' when it concerned a child's welfare and less concerned with age appropriateness and child friendliness (see Fionda, 1998).

The Conservative-led Coalition Government (formed in 2010) has continued a 'get tough' politics, independently of any attempt to tackle the social roots and context of youth crime or address the child at the centre of the debate (Smith, 2014a). Youth justice polices have continued to demonstrate a move away from a social democratic ideology/philosophy, towards a politics of blame and individualised responsibility. Youth justice remains underpinned by neo-liberalism (free markets, reductions in public spending, less state intervention, responsibilising young people), with youth crime increasingly 'seen [by Westminster politicians] as a matter of opportunity and rational choice' (Rogowski, 2013:2). This has intensified in recent times with the financial cuts to social service department budgets and resulting measures of economic austerity.

**Unique and specialised sanctions**

Despite contemporary moves towards a restricted range of undesirable, negative, mechanised practices with children, exploring the history of youth justice policy and practice reveals a field of policy-makers and practitioners unafraid of change. The range of new orders and working practices introduced over the years is unparalleled in other areas of criminal justice. From the 'Referral Order', introduced by New Labour in the Youth Justice and Criminal Evidence Act (1999), which promised space for children to express their opinions and repair the harm caused by offending, to the recent developments in tackling anti-social behaviour in the Anti-Social Behaviour, Crime and Policing Act of 2014 (see Hopkins Burke & Creaney, 2014 for a critique) to proposals for the building of future 'secure colleges' intended to incarcerate and educate, a common thread through much of this practice is the lack of opportunity for children to put forward their viewpoints in any
meaningful, open and honest way (Haines & Case, 2015; Creaney, 2014; see also Little's article in this journal).

The various levels of success and failure characteristic of youth justice policy and practice is indicative of a continuous cycle of reinvention. This is particularly apparent in the persistence of custody as a response to youth crime and the reinvention of custodial institutions (Bateman, 2014). The long-term relationship between youth justice and incarceration persists despite very little (if any) faith amongst academics and researchers that imprisonment is anything other than damaging (Goldson, 2002a; 2002b). Research has repeatedly highlighted the serious, harmful consequences of locking up children (Goldson & Kilkelly, 2013; Lord Carlile, 2014) and yet this evidence has to an extent been ignored in national policy and legislation. The use of research findings is inevitably selective particularly in terms of whether it is compatible or not with political intentions and complies with 'pre-existing values' (Bateman & Pitts, 2005). This is one of many examples of the disconnect that is apparent between research evidence and current approaches to youth justice practice. The connections between the abundance of compelling research evidence and national youth justice policy are, at best, fragile and, at worst, hostile. There is little or no robust evidence base for the efficacy of risk-led prevention and (early) intervention approaches or for the increasingly punitive, controlling and restrictive treatment of children who come into conflict with the YJS - an alarming contradiction for practice across a purportedly 'evidence-based' field.

The positive potential of youth justice practice

The politicised, unique and specialised nature of youth justice does not necessitate ineffectual or negative practice; indeed, it opens up the space and opportunity for positive, progressive and principled work with children. An illustrative example of this potentiality can be found in the use of **diversion**. As an approach, diversion is intended to reduce the risk of labelling and the subsequent harmful impact contact with the justice system can have on children who offend; premised on the belief that offending is a normal part of adolescence that children will 'grow out of' (Rutherford, 1986). However, its use with children has been erratic.

As a form of youth justice practice, diversion was very popular in the 1980s, when a 'quiet consensus' (Haines & Drakeford, 1998) emerged between policy makers and practitioners with regard to its 'effectiveness'. Moreover, a bifurcated response to youth offending was observed: children who committed less serious offences were diverted away from the system and those who committed more serious crimes were diverted away from custodial institutions and into intensive community alternatives. The rise of diversionary practices was to be short-lived, as the New Labour Government replaced the practice of diversion, and ideological commitments to minimal/non-intervention, with its antithesis - early preventative intervention that served to criminalise. However, recent Coalition Government policy (e.g. the 2010 (Ministry of Justice) 'Breaking the Cycle' Green Paper) has championed an increased emphasis on practitioner expertise and discretion, complemented by an increased emphasis on the use of diversion through the abolition of the inflexible pre-court sentencing system of Reprimands and Final Warnings. Although evidently such approaches are not a 'rebirth' of those used in the 1980s (Bateman, 2012),
this is a promising development, as such strategies reduce opportunities for 'repeated' and 'amplified' contact with the formal youth justice apparatus (McAra & McVie, 2010). Smith (2014b) argues that this is, at least in part, evidence of a form of 'liberalisation' in the way children who offend are now dealt with by the YJS. Indeed, changes have now been made to the previously rigid out-of-court system (i.e. replacement of Reprimands and Final Warnings with Community Resolutions, Youth Cautions and Youth Conditional Cautions) in order to introduce a much more flexible system with 'no escalatory process... and so any of the range of options can be given at any stage' (Ministry of Justice and Youth Justice Board, 2013:7).

**Positive youth justice: Children First, Offenders Second**

The rise to prominence of diversion within contemporary youth justice practice offers hope for a reorientation of policy and practice towards the pursuance of children's rights, needs, quality of life and positive outcomes, subsuming any deleterious master status of 'offender'. The *Children First, Offenders Second (CFOS)* model of positive youth justice (Haines & Case, 2015) coalesces a series of positive, child-friendly and child-appropriate principles for the treatment of children in the YJS, notably the aforementioned diversion from the formal system, a positive, promotional approach to preventative activity and a youth justice process informed and shaped by children's meaningful and legitimate participation and engagement. In contemporary youth justice policy and practice circles, however, matters of participation and engagement are partial and peripheral. *CFOS*, on the other hand, promotes children's rights, in particular, children having a say on matters that affect them and encouraging the use of practice intervention that is timely, appropriate and realistic 'capturing and giving expression to children's feelings and priorities' (Robinson, 2014:268). It is child-friendly and child-appropriate prioritising children's own goals and aspirations not organisational or professional agendas. In so doing it embraces an understanding that 'the worker will...[never] know more about children and their problems than they (i.e. children) do themselves' (Smale & Tuson, 1993:16). *CFOS* promotes voluntariness not enforcement, coercion, compliance, compulsion and - as is so often the case - adult-led intervention (Haines & Case, 2015). This model encourages the enhancement of children's personal, social and emotional development, the instilling of hope and self-confidence and an examination of the full complexity of their lives, experiences, perspectives and needs (Haines & Case, 2015).

*CFOS* challenges the idea that children who commit criminal acts are in need of punishment - a claim exacerbated by political rhetoric, media sensationalism and misrepresentations of public opinion. It challenges adult-centric decision-making processes. What is more, labelling children as 'offenders' is counterproductive and destructive, presenting significant barriers to change as it instils a sense of failure and deficit in representations of children (McAra & McVie, 2007; 2010). *CFOS* promotes positive aspects of a child's life, positive behaviours and positive outcomes. *CFOS* rejects the term 'offender' on ethical, moral and 'effectiveness' grounds, instead prioritising a focus on the inherent 'child' status of children in conflict with the law (hence 'children first').
Positive promotion

The principle of *positive promotion* offers an alternative to the standard risk-based preventative and early intervention strategies of the 'new youth justice'. Positive promotion challenges the labelling effects of formalised, negative prevention and early interventions by working against the stigma of prevention and addressing positive factors related to behaviour, outcomes and available services, support and guidance (Case & Haines, 2015). Its starting point is the placing of the child at the heart of the system through providing the mechanisms to influence the design and delivery of services. Participatory practices are promoted in order to enhance children's engagement with youth justice processes and interventions. Opportunities to share unique insights into experiences of the YJS are vehemently encouraged here (Haines & Case, 2015). This is in contrast to contemporary youth justice practice that is dominated by a context of enforcement, compliance, control, regulation and surveillance, that is court ordered, compulsory and often non-negotiable. Practising in such an environment can constrain professionals and make the development of innovative, bespoke and responsive engaging practices - that capture children's varying needs - problematic. In order to prevent children feeling disempowered, *CFOS* promotes flexibility whereby children are encouraged to engage in the process of change as partners: intervention is not done to but *with* the child (Haines & Case, 2015). Traditional power imbalances are reduced as children are encouraged to exercise greater choice over provision and influence the direction of the work through explaining 'what works' for them - thus 'recognising and acknowledging the 'reality' of the 'lived experiences' of children' (Prior & Mason, 2010:215).

Unlike those in receipt of a service on a voluntary basis children involved in youth justice processes are required to comply with the conditions set out. Such court ordered compulsory nature of the work serves to disengage children and professionals and contrasts somewhat with the literature on engagement and participatory principles, specifically: empowerment, advocacy trust and respect (Haines & Case, 2015). Professionals may find themselves working with children in the YJS who are, it appears, reluctant to change and engage in designing the agenda, perhaps also resentful of any intervention - regardless of the benign intentions of practitioners. The *CFOS* model promotes a culture that embraces the 'active' engagement of children to overcome such issues (Haines & Case, 2015). In particular if there is belief and commitment in children's ability to influence change with a particular emphasis on seeking the voice of those who are considered 'hard to reach', unwilling, seldom heard - powerless to contribute to the youth justice processes that affect them - this can potentially overcome resistance. Furthermore, practising through an ethical, inclusive, principled, engaging and participatory lens - with sufficient guidance and encouragement - can be of 'real' benefit to children.

Alongside such articulated intentions, those tasked with working with children should strive to develop a positive working relationship, based on openness and honesty. Any disempowerment/disconnection could make the young person/worker relationship problematic. The relationships between children and those around them are critical. Within the formal and semi-formal structures of child intervention, the way that a scheme
of work is implemented, including relationships, approaches and techniques, determines its level of success. Current rehabilitative interventions with children have been critiqued for being excessively prescriptive and narrow in focus, and for paying insufficient regard to the practitioner-child relationship as well as to the wider social contexts. In other words, engaging and participatory relationships have been marginalised. With that said the new AssetPlus purports to be holistic, sensitive and has been promoted by the Youth Justice Board as a positive assessment and interventions framework (YJB, 2013). It prioritises a prospective focus on problems, needs and strengths (as opposed to risks) and resilience, desistance, engagement, participation and other positive outcomes (as opposed to the prevention of negative behaviours/outcomes) (cf. Case & Haines, 2015). There is greater emphasis on ‘self-assessment’ as the emphasis has shifted somewhat from adulterised and adult-centric assessments and the neglect of children’s voices and perspectives in the assessment process. However, AssetPlus is a technique without an underpinning philosophy that still appears to prioritise the likelihood of risky behaviours through quantification that individualises and responsibilises children at the expense of structural and socio-economic influences.

**Conclusion**

In this paper, we have critically explored the highly political context of youth justice, the criminalising risk, prevention and early intervention agendas and the unique and specialised nature of youth justice services. Specifically, we criticised how, in many respects, youth justice practice continues to be punitive, coercive and offender focused, fixated by the idea of quick fix 'solutions' driven by neo-liberal correctionalism and responsibilisation (Haines & Case, 2015). Furthermore, despite some evidence of progressive practice the voices of children who offend continue to be marginalised: children’s participatory rights are largely invalid once they enter the Youth Justice System. In contrast, the alternative Children First, Offenders Second (CFOS) model incorporates a range of more positive, rights-based approaches that encourage child-appropriate diversion, participation, engagement and the promotion of positive behaviours and outcomes for children in conflict with the YJS (Haines & Case, 2015; Creaney, 2015). CFOS counters the neo-liberal, responsibilising agenda of contemporary youth justice that blames children for their unfortunate circumstances and replaces this perspective with a progressive, principled, engaging and participatory model fit for the modern era.

**Implementing Children First, Offenders Second**

For youth justice policies to be implemented effectively in practice, they must have clear, overarching objectives and be targeted on three key practice areas along a continuum of youth justice:

**Prevention (Positive Promotion):** CFOS requires the promotion of positive behaviours, outcomes, services and opportunities for all children, within and outside of the YJS. The positive promotion approach has been evidenced as effective in improving positive outcomes (e.g. increased access to rights and entitlements, enhanced school performance) and reducing negative outcomes (e.g. offending, substance use, exposure to risk) when applied as a policy and practice principle (Haines & Case, 2015). CFOS can be animated by adult service providers designing and delivering services in partnership with
children; services that prioritise children's consultation, participation and engagement in all decisions that affect them.

**Diversion:** *CFOS* supports a progressive diversion - diverting children into positive, constructive interventions that promote success, achievement, capacity-building, access to entitlements and support services and produce reductions in negative outcomes (e.g. entering the YJS for the first time, obtaining a criminal record, reoffending, reconviction, punishment, labelling). The *effectiveness* of progressive diversion in meeting these objectives has been evidenced by the Bureau model (now rolled out across Wales), which prioritises systems management (child-focused decision-making at all stages of the youth justice process) and partnership between practitioners (e.g. police, youth justice staff, teachers), children and families (Haines, Case, Charles & Davies, 2013).

**Intervention:** all *CFOS* intervention in the formal YJS should be child-friendly and child-appropriate. Policy-makers and practitioners should prioritise children's participation and engagement in the design, delivery and evaluation of services. The YJS should embed a systems management approach to intervention planning that is evidence-based (not pre-judged, pre-formed, 'off the shelf' interventions) and achieved through partnership between children, practitioners, policy-makers and researchers. Such consultative and inclusionary ways of working with children in the YJS have been found to be effective internationally in relation to promoting positive outcomes (e.g. children's perceptions of the increased legitimacy of their treatment, increased access to their entitlements) and decreases in the negative outcomes targeted by interventions (Haines & Case, 2011; Case, Clutton & Haines, 2005).

A *CFOS* approach to youth justice founded on positive promotion, diversion and intervention can be achieved within current legislation in England and Wales (along with other countries internationally). It does not require seismic policy shifts or huge injections of money in the short-term. What *CFOS* requires to make it work is a change of attitude and a change of practice. *CFOS* and the interventions it delivers are child-friendly and child-appropriate, working to the central principles that prevention is better than cure and that children are part of the solution, not part of the problem.
References


COMMUNITY COURTS TO ADDRESS YOUTH OFFENDING: A LOST OPPORTUNITY?

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Abstract
This article presents an account of the work of community courts in the USA (in Red Hook, Brooklyn) and the UK, specifically to examine the ways in which youth offending is, or can be, addressed. It is pertinent to explore the work of these courts, in light of cuts to youth services and concerns about the use of prison for young people in the UK. Community courts, like many community justice initiatives offer an alternative way to address low level but more prevalent offending which affects citizens’ quality of life (Wolf, 2006). They adopt a problem solving approach, in dialogue with the defendant and offer the support and means by which to address their needs and enable desistance (Karp & Clear, 2000). This article suggests that young people at risk of offending and young offenders in particular could benefit from this approach as it offers a form of intervention, diversion from the YJS and problem solving approaches, more in line with the ethos of youth work (Wood & Hine, 2013). It examines the work of Community Justice Centres (CJCs) and community courts in the framework of desistance and social capital theories, to understand how they can offer a viable alternative to current provisions.

Keywords
Youth; community justice centres; community courts; desistance; social capital.
**Introduction**

The focus on youth offending and youth justice policy is timely due to the significant impact spending cuts have had on youth services, stubbornly high re-offending rates (up to 68%) for those leaving youth custody (NACRO, 2011; Ministry of Justice, 2013) and the continued demonization of youth, especially as offenders, in the media. Official statistics tell us the number of young people entering the Youth Justice System (YJS) has declined, as has the number in custody (Ministry of Justice, 2013). However, concerns remain about the complex needs of young offenders, especially those in custody, as 33% of them have been in care, 17% report special educational needs (the national figure is 3%), 69% link their re-offending to substance misuse and 63% reported needing help with accommodation (Youth Justice Board, 2015). In addition, there are increases in incidences of self-harm in Youth Offender Institutions (YOIs), attributed to the conditions and regime, where young people can find themselves locked up for 23 hours a day (Bateman, 2015).

Despite these concerns, the YJS seems to persist in policies to control and punish (Muncie & Hughes, 2002; Muncie, 2006), with a focus on formal responses, such as youth offending teams (YOTs), numerous sanctions in the community and custodial sentences. Whilst youth courts do operate in a less formal way than Magistrates' and Crown courts, their function is one of administering justice through punishment and messages of deterrence, with some acknowledgement to risk factors through YOT assessments (Youth Justice Board, 2013).

Community justice centres (CJCs) in the USA and community courts in the UK aim to deal with low level offending and anti-social behaviour, improve citizens' quality of life and offer alternatives to adversarial court processes, using a problem solving approach. This can identify the contributory factors or causes of offending, which can then be addressed through the courts signposting services (Mair & Millings, 2011) or in the case of CJCs, providing services co-located within the court (Karp & Clear, 2000; Wolf, 2006). CJCs and community courts offer a way for offenders to access resources and networks which previously they have been unaware of or excluded from, such as education and treatment for mental health and/or substance misuse issues. In the USA, CJCs offer this to young people, as part of the community they serve and are geographically located in (Wolf, 2006), whereas community courts in the UK, as part of the Magistrates' court system, follow the principles of problem solving by signposting offenders to services to meet their needs (Llewelyn-Thomas & Prior, 2007; Mair & Millings, 2011). The ethos of youth work is to value informal practice and voluntary participation (Jeffs & Smith, 2005), working within the framework of legal processes for young offenders (Wood & Hine, 2013). This fits with the approach of CJCs and community courts, to acknowledge the legal requirements of the courts, using the courtroom as a place for this and also to identify needs and present solutions. CJCs in the USA use peer group youth courts, to deal with misdemeanours by young people (Anderson, 1999), and both community courts in the USA and UK adopt less formal approaches to listen to the offender (defendants must enter a guilty plea to have access to the services of the community court) and try to understand how the local community can support them (Llewelyn-Thomas & Prior, 2007).

This article will consider how CJCs in the USA and community courts in the UK can address youth crime and deviance, in the framework of social capital and desistance theory to
explore the individual and social factors which put young people at risk of offending or re-offending (Home Office, 2006). Social capital theory assesses the resources and networks accessible by citizens to solve problems and reach their potential (Bourdieu, 1986; Coleman, 1990; ONS, 2001; Leonard & Onyx, 2007) and desistance theory has developed understanding about the various mechanisms ex-offenders adopt to cease offending. This includes changing self-identity (Laub & Sampson, 2003), maturation and the development of social bonds (Maruna, 2001) and establishing offenders’ ‘locus of control’ (Farrall & Calverley, 2006), i.e. whether capacity to change is part of their identity, or something they attribute to those around them. CJCs and community courts work in partnership with a range of agencies, and in the case of CJCs are physically located in the community they serve, so it is important to understand how well the community can support its more vulnerable citizens and those with complex needs. Desistance theory describes the personal and social contexts of ex-offenders attempting to change (King, 2012), along with the need to develop social bonds, so the local community and state agencies become an important part of these processes. Community courts need to signpost and refer offenders to services, such as healthcare, housing assistance, out of school activities for young people and charities, which are all forms of social capital ‘resources’. It is also important to understand how well citizens are aware of these, able to access them and even participate in their provision. The networks required for this are identified by social capital theory, and Putnam (2000) describes this well as two different forms of social capital, bridging and bonding. He suggests that ‘bonding social capital constitutes a kind of sociological super glue, whereas bridging social capital provides a sociological WD40’ (2009:19). Bridging social capital is necessary for galvanising citizens into action, whereas bonding social capital is necessary in order to facilitate the coexistence of citizens in a community. These can be tested by the impact of crime and disorder, and there are concerns that forms of bonding social capital can exclude those who do not fit established norms (Garland, 1990). In light of this, it becomes clear what can hinder the work of CJCs and community courts, if the provisions needed to meet the complex needs of young offenders are not in place, and networks are affected by citizens’ negative perceptions of young offenders. Mair and Millings (2011) emphasise the ‘community engagement’ role of the CJC in North Liverpool, which has now closed down, and this was clearly important to inform citizens of the work of the community court and how it could help them to consider new ways of ‘doing justice.’ Therefore, this article will explore the potential for community courts in the UK to better assess the needs of young people as offenders or at risk of offending, within the legal requirements of the YJS and working in line with the ethos of other youth services.

Community justice centres and community courts

CJCs emerged in the USA in the early 1990s, the first being the Midtown Community Court in Manhattan and followed closely by Red Hook, in Brooklyn. The Red Hook CJC provided court services and a range of support services for all local residents, such as activities for young people, drug and alcohol treatment and access to education and training (Llewellyn-Thomas & Prior, 2007). The broader aims of the court are to improve the quality of life for residents, offering a ‘dual commitment to changing the lives of individual offenders and the quality of life in communities’ (Lee et al., 2013:3) by dealing with misdemeanours and offering alternatives to custody and fines. Offenders were also
strictly monitored to ensure compliance with their sentence, which could include treatment for health issues such as addiction, social services, housing and access to work placements (ibid). A review of the achievements of the Red Hook CJC demonstrated it had also transformed the local community, into a place where residents felt safe and expressed greater confidence in the justice system, meaning that 10 years after its' introduction, the CJC is a 'prominent fixture in the Red Hook neighborhood' and 'arguably the best known community court in the world' (Lee et al., 2013:3). Another feature of the Red Hook CJC was the use of young people in the court to deal with youth offending, using peer 'pressure' in a more positive way and also peer mentoring to ensure support was offered before deviant or low level criminal behaviour escalated. The youth court ran in conjunction with education provision, again as a means to offer additional support to young people who were struggling at school and in some cases, excluded (ibid).

In 2005, the Red Hook CJC model was piloted in North Liverpool, following the Red Hook model, the court was located in the community it served and incorporated a range of support services and facilities for local residents. An evaluation of this model in North Liverpool demonstrated residents were generally positive about the initiative, particularly with having access to services local to them (Llewellyn-Thomas & Prior, 2007). In November 2006, the Government announced plans to launch 10 new Community Courts, across England and Wales, making use of existing magistrates' court buildings and resources, rather than providing a purpose built centre. The North Liverpool CJC (NLCJC) and other community courts had young offenders as part of their caseload, but they did not make use of peers to run a distinct youth court. Mair and Milling's (2011) study into the NLCJC describes this approach as combining 'a unique court process with wider community resource provision' (p.3), designed to improve the relationship between other CJS professionals and the community, taking a problem solving approach, with clear leadership, co-location with other agencies and providing a resource and focal point for the community. It was viewed as an innovative approach, especially in relation to trying to solve the problems presented by offenders, whilst also offering services to others in the community affected by crime and disorder. Mair and Milling's (2011) study focused on the aim of 'community engagement' as part of the work of NLCJC, describing it as an ongoing process, which previous studies have found difficult to quantify and demonstrate (Mckenna, 2007; Llewellyn-Thomas & Prior, 2007) primarily because they conducted research too soon after the introduction of the court (ibid).

CJC have adopted the principles of restorative justice, to support victims and repair harms, but also to confront offenders with the consequences of their behaviour, as part of the problem solving approach (Marshall, 1999; Johnstone, 2013). Bowen and Whitehead (2013) suggest that more innovative, fairer, faster and 'people focused' courts can cut crime and make the court system more efficient. Courts are still perceived as resistant to change, however, there are examples of innovation such as diverting low level disorder offences to restorative programmes, providing advice to those with addiction and/or mental health issues and implementing better monitoring of offenders (Walsh, 2003; Burton, 2006). According to Bowen and Whitehead (2013), four key principles underpin these innovations - fairness, focus on victims and offenders as people needing help, authority in sentencing decisions and acting swiftly in response to breaches. There are however barriers to this, alongside resistance among some judiciary to adopt changes, it
remains challenging for judges and court managers to innovate due to legal and resource constraints. Bowen and Whitehead (2013) cite a number of recommendations to achieve innovation in courts, giving more authority at a local level, embracing other forms of justice for low level offending, training to improve communication between courts and services in the community which can help offenders and extending supervision, as found in CJC’s and community courts.

Desistance and social capital and youth justice policy
Desistance theorists emphasise the need to take into consideration a range of individual and structural factors which can lead to cessation of offending, for example Laub and Simpson (2003) refer to ‘institutional turning points’ such as employment, having a family or joining the military. On an individual basis, there is a need for a change of self-identity and putting criminal-self firmly in the past. Maruna (2001) emphasises the need for ex-offenders to develop social bonds, and go through the processes of maturation and realisation of the impact of their behaviour. This requires belief that change can occur, which can depend on their ‘locus of control’, whether they believe they have the capacity to change, or that external factors have to change first (Farrall and Calverley, 2006). Farrall (2002) suggests also the need for human and social capital, i.e. resources on an individual level, and living in a community which offers opportunities for sustainable change. King (2012) suggests the central challenge is to develop both personal and social contexts so that ex-offenders can make use of support offered and opportunities that arise. The Social Exclusion Unit (2002) demonstrated the impact of sustained disadvantage experienced by all ages of offenders as a risk factor for re-offending, emphasising the complexity in finding ways to help them desist from offending, i.e. identifying the interplay between changing external social conditions and individual capacity to change.

Leonard and Onyx (2007) describe social capital as:

'A durable network of more or less institutionalized relationships of mutual acquaintance and recognition - or in other words, to membership of a group - which provides each of its members with the backing of the collectively-owned capital, a 'credential' which entitles them to credit, in the various senses of the word.' (2007:51)

The application of social capital theory in social policy encompasses healthcare, economics, education and also criminal justice, looking at community based approaches making use of resources in the community to prevent crime and reduce re-offending (Halpern, 1999; Campbell et al., 1999; Putnam, 2000; Ferguson & Mindel, 2007). Bonding and bridging forms of social capital (Putnam, 2000) emphasise that the existence of community based resources is not enough, ex-offenders and others need to be aware of those resources and be able to access them, and services need to have the capacity to help all those in need. Boeck and Flemming (2005) have explored social capital in relation to social policy for young people, in the context of viewing it as a community resource, offering engagement, reciprocity, trust, agreed norms and cohesion. They argue that social capital offers a 'work in progress' (p262), a means by which policy and practice can consider the presence and quality of networks in a community which can offer prospects for improvement, particularly those which exist between the state, citizens and the
voluntary sector (Jeffs & Smith, 2005). Legal processes may challenge this ethos, through court orders which demand compliance or curfews which restrict movement, but it is possible to work with young offenders within this framework and trying to maintain the principles which have guided youth workers. This includes a focus on acknowledging the role of active citizenship, social capital and different approaches to the administration of justice (Wood & Hine, 2013). The problem solving approach and focus on improving quality of life for the local community found in CJCs and community courts embraces aspects of social capital, to build networks and resources for citizens (Karp & Clear, 2000; Ferguson & Mindel, 2007) and promotes community engagement, through working with voluntary groups and residents to create conditions in which desistance can occur (Mair & Millings, 2011; King, 2012). Operating with the legal framework of the court system legitimises CJCs and community courts, which while they remain a key part of the CJS or YJS, are presenting viable alternatives and more efficient ways of working (Bowen & Whitehead, 2013).

Although there is a decrease in the number of young people going to court and in custody (NACRO, 2011) re-offending rates remain high at 68% (Ministry of Justice, 2013), and young offenders in particular face continued scrutiny and labelling as a 'social problem', with their offending arguably attracting disproportionate attention and negative perceptions not always based on direct experiences (Hough & Roberts, 2004; France, 2008). Young people also seem to be disregarded as victims, even of serious crimes, such as shown in the recent events in Rotherham and Oxford (Jay, 2014). Brown suggests:

‘Except in conjunction with the ideology of childhood 'innocence' - itself increasingly shaken by the demonization of ever younger age groups - the predominant categorizations of youth do not sit easily within a 'victim' discourse...in popular and policy discourse such issues are often treated with cynicism, disdain or vehement denial.’ (1998:116-7)

It is suggested that young people as victims face different perceptions to other groups and the focus on them as offenders has justified a shift in criminal justice and social policy to control, coerce and punish, rather than focus on welfare and support (Muncie & Hughes, 2002; Muncie, 2006). The risk factors associated with young offending, according to the Home Office (2006) occur around four domains, family, school, community and the individual. This study identified more specific risk factors of criminal behaviour in the family, poverty, impulsive behaviour, poor parenting and low school attendance and lower educational achievements. An earlier study (Lyon et al., 2000), developed some key recommendations for policy, based on messages from young people in custody, including to avoid blaming parents, to improve the conditions in communities where crime was normalised, to be tougher on school truancy and to make better use of peer pressure and mentoring. CJCs in the USA have embraced peer group approaches for young offenders, to focus on ‘misdemeanours' such as truancy, to offer early intervention in an environment where young people understand their welfare is as much a focus as their behaviour (Lee et al., 2013).

Policy to address youth offending, such as sanctions in the form of curfews up to custodial sentences, are implemented alongside multi-agency responses in the form of Youth
Offending Teams (YOTs) and restorative justice policies. This presents a range of policies which aim to control, manage risk, address multiple problems and divert young people from the CJS (Holdaway et al., 2001; Crawford & Newburn, 2003). YOTS are a significant aspect of youth justice, introduced in the Crime and Disorder Act (1998), to require a more formal mechanism to bring agencies together to address young offenders' needs (Crawford & Newburn, 2003). CJCs and community courts combine the formal requirements of courts with less formal approaches found in restorative justice, enhanced by partnerships with agencies for the courts to refer offenders, whether as part of their local community or co-located with the court. The problem solving ethos is important, but must be done in line with the legal requirements of courts, such as monitoring and follow up appearances to ensure compliance (Mair & Millings, 2011; Lee et al., 2013).

Youth courts distinguish themselves from adult magistrates' courts through having less formal practices, using first names for example, to deal with cases for defendants aged 10-17, for offences such as theft and burglary, anti-social behaviour and drug offences, with more serious cases going to the Crown Court (Ministry of Justice, 2013). This presents an obvious limitation of CJCs and community courts, in that they cannot deal with more serious crime, however, in comparing them to youth courts, their focus on problem solving, having a dialogue with the offender and using peer pressure offers mechanisms which look beyond legal processes and the administration of justice, with genuine attempts to address the causes of offending and therefore prevent re-offending, and potential escalation into more serious crime.

The recent cuts to services for young people who accessed out of school hours services to connect with peers in a safe environment and to form social bonds within their community beyond family and school raises particular concerns, specifically on the impact on young ex-offenders' community and its capacity to support them in making changes (UNISON, 2014). In recent years, policy and practice to address youth offending and deviance has been characterised by the inclusion of multiple agencies and sectors providing programmes designed to offer structure and opportunity for leisure and learning (Wood & Hine, 2013). The Coalition Government's policy, 'Positive for Youth policy', focused on giving young people a 'sense of belonging...supportive relationships, strong ambitions and good opportunities they need to realise their potential' (Wood & Hine, 2013:4). These are enticing aims, yet alongside this are more coercive and controlling measures for young offenders, who have fewer rights in public life and face increasing instability and uncertainty, not experienced by previous generations (Furlong & Cartmel, 2007). CJCs and community courts cannot replace youth services, but they do offer a form of early intervention and support to divert young people at risk of offending from the YJS and more formal sanctions, and in the case of CJCs in the USA, drop in services for young people who need support with their education, health and a means by which to 'bond' with their local community.

Risk based approaches in youth justice policy, seek to assess and manage risks of offending, such as social exclusion, low school attendance, negative peer influences and deviant behaviour, which has 'widened the net' of youth justice to include those young people who haven't yet committed a crime (Yates, 2009). Targeted approaches are
favoured in place of welfarist approaches, an example of this being the 'Troubled Families' programme, which sought to provide intensive support and monitoring for 120,000 families facing multiple issues of long term unemployment, truancy among children, contact with the CJS and mental health issues. Recent figures promoted this as a success in saving tax payers £1.2billion through helping 105,671 families, as claimed by Eric Pickles, Secretary of State for Communities and Local Government (Wintour, 2015). However, there have been criticisms of this, in that the figures claimed to be saved are inaccurate and the unsustainability of such an approach, especially in an age of austerity which is arguably contributing to some of the issues the families face (ibid). This emphasises the need for earlier interventions to address low level offending and in the case of young people, deviancy such as truancy or anti-social behaviour. CJCs in the USA offer an important focal point and form a prominent part of the community, where any member of community, be they offenders or residents can drop in to access support services and address problems. Whilst community courts are not physically located in the community they serve, they still offer or signpost services aiming to solve problems, provide early intervention and diversion from the CJS and also deal with 'misdemeanours' or low level crime and deviance. Such a resource could mean young people and their families have access to support and resources which prevent them from requiring such intensive intervention as the Troubled Families programme, given the concerns about its effectiveness and sustainability.

**Conclusion**

Although CJCs in the UK have 'come and gone' (the NLCJC was closed down in 2013), the community court 'approach' remains in place within magistrates' courts and could offer ways to meet the needs of young offenders. In the context of the high re-offending rates, concerns about the use of custody for young people and cuts to services, community courts offer a mechanism to intervene and divert young people from the YJS, using an approach which aims to solve problems and address the risks of re-offending. These principles are aligned to youth work and restorative justice, as alternatives to adversarial models, which support offenders, recompense victims and restore harm to the community (Marshall, 1999; Johnstone, 2013). The domains of risk identified by the Home Office (2006) emphasise the role of community and its conditions which can help or hinder young peoples' prospects, along with their school, family and their own capacity for change. Community is a difficult term to define and apply in policy (Hughes, 2007; Shapland, 2008), but within the framework of social capital, it is possible to observe the conditions which promote safety and acceptance of ex-offenders, along with assessing the resources and networks in place in which ex-offenders can take up opportunities to help them desist from crime.

Desistance theorists state that ceasing crime is a complex process, an interplay between individual's capacity to change and having access to resources and networks to enable this. If rehabilitation programmes focus only on changing offenders 'locus of control' (Farrall and Caverley, 2006), a lack of opportunities and amenities in a community may impede the drive to change. Additionally, not dealing with the offenders' negative 'self-identity' (Laub & Sampson, 2003) can mean they don't embrace opportunities or struggle to comply with such opportunities which form a condition of their sentence. Young ex-
offenders need to form bonds, a sense of something to lose if they re-offend (Maruna, 2001), but knowing which area of their lives to focus on can be difficult without consultation with them and providing a proper forum to allow for this discussion. The approach of enabling a dialogue with the offender in CJCs and community courts means professionals can better identify their needs, rather than imposing categories from existing risk assessment tools or sentencing guidelines. Offenders may feel more in control of their case outcome and therefore may be more inclined to take advantage of opportunities (King, 2012).

YOTs offer a targeted, multi-agency response and involve CJS and other agencies to support young offenders as well as monitoring their compliance to their sentence (Crawford & Newburn, 2003; Pycroft & Gough, 2010). Whilst YOTs are well placed to deal with high risk offenders, CJCs and community courts have a role in dealing with low level crime, crucially to divert young people from the YJS. The intensive supervision and interventions of YOTs are not appropriate for those young offenders engaged in lower level crime and deviance, whereas CJCs and community courts offer a forum where such behaviour can be addressed. CJCs in particular aim to serve the community in which they are located, becoming a social capital resource for all community members to use, as they offer help and support to those not engaged in the CJS as well as those who are (Karp & Clear, 2000). Bowen and Whitehead (2013) cite a need for change in judiciary process, based on their research into the effectiveness of more traditional court systems, with their findings emphasising the need for fairness, support for victims and offenders, efficiency and maintaining the authority of the sentencing process.

CJCs and community courts can provide both formal and informal means by which to address offending, which can be important for those outside of this process, in order to see 'justice being done.' For young offenders, especially those who have not committed a crime, but have engaged in deviant behaviour, restorative approaches are appropriate, but if there is a need for them to face the courts, then CJCs and community courts can provide a forum in which this can be done, using positive peer pressure and mentoring as well as taking a problem solving approach to their case, in line with youth work policies which aim to bring about a sense of belonging, support and opportunities for change (Wood & Hine, 2013). CJCs and community courts which deal with young offending and attempt to address problems in dialogue with the offender can work well alongside youth services and other agencies to enhance the potential for change and reduce the risk of re-offending. CJCs and community courts working with probation services can order participation in programmes to address behaviour and change the 'criminal self' (e.g. Laub & Sampson, 2003), but can also provide a form of social capital in the local community where ex-offenders can be given the opportunity and means by which to ensure a change in prospects and desistance from offending.

Community courts in the UK are still being used, in that the principles of this approach are embedded in the existing magistrates' court system, but this has required a change of approach for judiciary and if this change is not maintained and passed to others, this could jeopardise existing courts. The use of outreach services as part of the CJC model can better inform the public, and form an important part of the work of CJCs and community courts to engage local residents and create a community where ex-offenders are accepted
and supported (Mair & Millings, 2011). Agencies and organisations use social networking sites, for example Neighbourhood Policing Teams, charities and organisations such as UNITE (who offer mediation and restorative justice) to promote their work, as a means of consulting with the local community and to report on incidents which have affected the community.

Perhaps if the community court model had greater prominence in the court system and CJS, its role in addressing youth crime could be recognised as meeting the specific features of this and the needs of young offenders and victims. Given the question of the effectiveness of the current court system, and the need for approaches which address multiple needs on an individual and broader community level, CJC and community courts could present a viable alternative. Whilst purpose built centres such as North Liverpool are costly and perhaps an unrealistic ideal model, using the principles of the community court within the framework of existing magistrates’, or combined courts can offer a useful forum for certain types of offending, particularly to fit with the approaches and policies of other agencies and sectors who work with young people. There are challenges to the work of CJC and community courts, when we consider aspects of bonding and bridging social capital which can exclude ex-offenders in the community, or where services to help them are simply unavailable. CJC and community courts address young offending in a supportive environment, within a legal framework to ensure compliance, using problem solving and restorative approaches which the wider community may better respond to and even participate in, as is found in the Red Hook CJC. Desistance is not simply about requiring an individual to cease offending, it needs understanding of their capacity to change and also knowing that the community in which they live will have the resources and networks, or social capital to enable and allow change. CJC and community courts do have limitations, but they offer potential as a resource to divert young people from the more formal processes of the YJS and custodial sentences, and they acknowledge the importance of the values of youth work to support young people, listen to them and consider different ways of ‘doing justice’. 
Community courts to address youth offending: a lost opportunity?

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Atherton


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YOUTH JUSTICE, PARTICIPATION AND RADICAL MORAL COMMUNITARIANISM
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Abstract
It is disconcerting that practice in youth justice tends to be coercive and disengaging. The progressive shift has been largely confined to increases in diversion; for those children who are subject to formal youth justice sanctions the dominant approach continues to be punitive. The voices of children and young people who offend are often marginalised. In the context of a proposed radical moral communitarianism we critically discuss how such issues could be addressed. Specifically we argue that young people must be dealt with in a holistic way, in the context of an intervention strategy which fully addresses the social context of their behaviour. In this reformulated positive participatory environment, all young people should be given legitimate opportunities which will enable positive engagement, involvement and participation in a society where they have appropriate rights and responsibilities based on their aptitude and potential. Crucially these improvements should be applied to all young people under the age of 21 in an extended youth justice system.

Keywords
Youth justice; radical moral communitarianism; participation; engagement; extended youth justice system; voice and influence; child/practitioner relations.
Introduction
There are promising developments in the field of youth justice namely as a result of reduced central prescription. There appears to be the possibility that professionals will have greater freedom to develop practices that are more inclusive and child friendly - not just in terms of local initiatives though, the development of AssetPlus with the quadrant that requires practitioners to elicit the views of children is an important positive step here. There have been considerable reductions in detected offending; fewer young people sent to custodial institutions; and a greater focus on diversionary practices. Bateman (2014) argues that with detected offending on the decrease and in conjunction with there being far less political concern over such matters the youth crime of today is not what it was. More specifically MOJ, Home Office and Youth Justice Board (2013) statistics show that 'offending' has considerably reduced: recorded offending is down from 73,712 in 2010 to 47,019 in 2012. The Crime Survey for England and Wales does indicate that there is a genuine fall in crime more generally. The fall in detected offending is indicative of a more child friendly practice. It is important to be mindful though that such developments need to be nurtured as such successes may be 'fractured in the face of a rapid change of mood' (Smith, 2014:62). In other words, although 'harsh responses for children who (break) the law (are) no longer de rigueur' (Bateman, 2012:45) the pendulum could swing away from child-friendly diversionary practices and there could be a return to punitive/responsibilising governance. In this paper we argue that despite such progressive practices, work with young people who offend tends to be punitive, coercive and disengaging. The voices of children and young people who offend are often marginalised. The progressive shift has been largely confined to increases in diversion; for those children who are subject to formally youth justice sanctions the dominant approach continues to be punitive. In the context of a proposed radical moral communitarianism we critically discuss how such issues could be addressed. The important notion of participation is central to our proposals for an enhanced future youth justice informed by a radical moral communitarian perspective previously outlined in this journal by one of the authors of this article (Hopkins Burke, 2014; 2015a). We will first provide a brief resume of the notion of communitarianism, its impact on New Labour and the new youth justice system.

Communitarianism, New Labour and the radical moral alternative
The youth justice system established by the Crime and Disorder Act 1998 was introduced by a New Labour Government strongly influenced by the political philosophy of communitarianism, which had emerged in the USA during the 1980s, proposing that the individual rights, vigorously promoted by traditional liberals, need to be balanced with social responsibilities to the communities in which people live. It is this critique of the one-sided emphasis on individual human rights, promoted by liberalism, which is the key defining characteristic of mainstream communitarianism (Etzioni, 1995a, 1995b). The intention is to restore an appropriate balance between the rights of the individual and their obligations and responsibility to the community. This 'third way' emphasises the importance of civil society, which it is argued avoids the full-on atomistic egotistical individualism entailed by the Thatcherite maxim that 'there is no such thing as society' and, on the other hand, the traditional social-democratic recourse to a strong state as the tool by which to realise the aims of social justice (Giddens, 1998). The state, it is argued, has a role to play, but as a facilitator, rather than a guarantor, of a flourishing community.
life. Dissenters were nevertheless to observe that subsequent New Labour implementation took a different, significantly more authoritarian course; centred more on the use of a strong state apparatus to deliver outcomes (see Driver & Martell, 1997; Jordan, 1998). It was thus New Labour neo-communitarian credentials that were clearly apparent in the establishment of a contemporary youth justice system epitomised by the central state control of Youth Offending Teams (YOTs) by the Youth Justice Board.

Hopkins Burke (2014, 2015a) directs us to the work of Emile Durkheim (1933) and his observations on the moral component of contract and the need for a more equal division of labour in society and argues that this provides us with the theoretical basis of a radical moral communitarianism; one which challenges the orthodox articulation and its hybrid neoliberal variation (see Houdt & Schinkel, 2013; Hopkins Burke, 2015a). This alternative, progressive, formulation actively promotes the rights and responsibilities of both individuals and communities, but in the context of an equal division of labour. It is a social policy agenda which provides the basis of a genuine moral communitarianism founded on notions of appropriate contributions to society (obligations and responsibilities), suitable fair rewards (rights), and consensual interdependency with others we all recognise, identify and respect as fellow citizens and social partners, not as people of no consequence to be ignored, avoided and identified as potential legitimate crime targets. Radical moral communitarianism thus promotes a fairer, more equal world, based on mutual respect between all citizens, but with commitment to and involvement in society being a central component of a new social contract (Hopkins Burke, 2014).

Hopkins Burke (2015a) provides a full discussion of some of the closely-linked rights which it is proposed should be available to all citizens of all ages, alongside their simultaneous responsibilities, in a society organised on radical moral communitarian principles. Briefly, the proposed rights identified are 1) the provision of an adequate income on which to live at the appropriate stage of life; 2) the provision of good quality affordable accommodation/housing of an acceptable size and proper rights of tenure; 3) to be treated with fairness and respect by all agencies, institutions and individuals regardless of age, disability, ethnicity, gender and religion; 4) the provision of good quality health care; 5) the provision of high quality education and training; 6) to be protected from crime and anti-social behaviour in our communities.

**The policy implications of radical moral communitarianism for young people who offend**

The table below provides a summary of the additional basic rights and responsibilities to be afforded to children and young people who are clients of the contemporary youth justice system based on radical moral communitarian principles and values (Hopkins Burke, 2015b).

The first proposed policy for children and young people who offend based on radical moral communitarian principles and values is that the upper-age limit for the jurisdiction of the youth justice system should be increased to 21: a proposal which is strongly supported by evidence gathered by a well-established movement of professionals and influential charities, in particular, the Barrow Cadbury Trust (2012) and T2A (Transitions to
From a radical moral communitarian perspective, young people aged 21 and below should accept that they are part of this extended youth justice jurisdiction, accept its authority and behave accordingly as a part of being treated in an age appropriate fashion. This policy would be a central component of a radical moral communitarian response to youth offending.\(^{10}\)

### Table 1: Rights and responsibilities of young people who offend in a moral communitarian society

<table>
<thead>
<tr>
<th>Rights</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Young people aged 21 and below should be dealt with by the youth justice system not the adult criminal justice system</td>
<td>1. To accept that they are part of this extended youth justice jurisdiction, accept its authority and behave appropriately</td>
</tr>
<tr>
<td>2. The youth justice intervention should be appropriate to the level of maturity of the young person and the level of risk they pose to themselves and others</td>
<td>2. To accept responsibility for their actions, the need for reparation to their victims and cooperate with intervention plans</td>
</tr>
<tr>
<td>3. Punishment in the community should be pursued in all but the most exceptional cases involving very serious crimes and individuals who pose a high risk to the community where an element of punishment is considered appropriate</td>
<td>3. Full cooperation with community sanctions and restorative justice intervention should be expected as part of a holistic approach addressing both needs and deeds</td>
</tr>
<tr>
<td>4. A comprehensive intervention in the welfare needs of the young person at an appropriate level where a welfare deficit is detected as part of a holistic intervention</td>
<td>4. Full cooperation with all proposed appropriate welfare interventions should be expected where a deficit is detected as part of holistic intervention</td>
</tr>
<tr>
<td>5. Appropriate training and education opportunities provided appropriate to the needs and skills of the individual and their employment prospects</td>
<td>5. Full cooperation and involvement in educational opportunities</td>
</tr>
<tr>
<td>6. Proper employment opportunities provided where appropriate as part of a macro full employment strategy</td>
<td>6. Full cooperation with all employment opportunities provided</td>
</tr>
</tbody>
</table>

Second, the nature of the particular youth justice intervention should thus be appropriate to the level of maturity of the child or young person and the level of risk they pose to themselves. Maturity is one of the most prominent themes in the literature about young adults with many, if not most, considered to be youths rather than adults (T2A, 2009). Prior et al. (2011) reviewed three key strands of empirical research (neurological, psychological and criminological) and supported this view concluding that the current transition point to adulthood (18) in the criminal justice system is illogical. The Barrow Cadbury Trust (2005) recommends that 'maturity' be taken into account when sanctioning young adults; while, the T2A (2009:27) further advocates that 'youthfulness' should be a 'mitigating factor' when dealing with this age group. The concern is to divert young adults

\(^{10}\) For those that consider this to be potentially problematic in terms of compliance with United Nations Convention on the Rights of the Child (UNCRC) which requires a distinct system of justice for children this is not the case, radical moral communitarianism is a worldview or ideology similar to liberalism or socialism. A distinctive youth justice would exist but be informed by the values of that worldview.
away from the criminal justice system, thereby avoiding a criminal record and the subsequent stigmatisation, and allowing them to 'learn from their mistakes' (T2A, 2009:25). This would seem a valid approach as the evidence shows that the peak ages for offending are between the ages of 19 and 24 (Von Hirsch & Ashworth, 2005). Irrespective of the merits of the arguments about extending age range if the peak age of criminal responsibility is older than 18, one might equally argue that younger children should be separated from more criminogenic older offenders. Undoubtedly, introducing a scheme where those passing sentence are required to consider the maturity of a young adult could provide benefits for individuals and improve their future prospects. Where the young adult has offended for the first time and has committed minor crime then this would seem a suitable and fair option, but it can be argued that for those people stuck in the 'revolving door' cycle the issue of maturity, whilst it should be seen as a mitigating factor, cannot be the only consideration. It should also be borne in mind that, as Prior et al. (2011) note, maturity is an elusive notion and not a 'wholly objective, measureable concept' by any means. This could create difficulties when attempting to determine how mature or immature an individual may be and leaves individuals subject to discretionary subjective opinion. This approach is nevertheless used in Germany which offers an interesting international comparison. In Germany the judge takes into account the personality of the individual and maturity level. Thus, a decision is made to either prosecute a young adult (in Germany 18-21) through adult or juvenile law. We should also note that Germany has a 'lower crime rate, a lower incarceration rate, and lower reoffending rates than the UK' (T2A, 2009:25). Removing discretion and subjective interpretation would point to all young people aged 18-21 being treated as juveniles and logically in the extended youth justice system. Maturity criteria should be fully established and codified at the outset to reduce discretion and subjective interpretation.

The third policy proposal based on radical moral communitarian principles and values is that punishment in the community should be pursued in all but the most exceptional cases involving very serious crimes. Children and young people would be expected to fully cooperate with all community sanctions and restorative justice interventions. The most effective community supervision programmes have been shown to reduce offending 15 per cent more than a prison sentence and, while there is still a lack of clear information (the Home Affairs Select Committee in 1998 had found 'the absence of rigorous assessment astonishing' (T2A, 2009:32), there is an increasing amount of evidence as to the effectiveness of community penalties. Moreover, they are considerably cheaper. In 2013-14 the cost per place per year in a secure children's home is £209,000; in a secure training centre it is £187,000 and in an under-18 young offender institution £60,000 while the cost of the most frequently used community sentences range between £2,000 and £4,000 (Hansard, 2013). In short, custody costs about twelve times more than a community sentence. The use and experience of custody is itself problematic, and it is argued that short sentences cause particularly difficult disruption to the lives of children and young adults. Reoffending rates are high, making the supposed rehabilitative purpose of custody seem ineffective, despite the huge costs (Cavadino & Dignan, 2007). Statistical evidence emphasises this with reconviction rates at 67.9%. Incarceration moreover

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11 Direct comparisons are nevertheless problematic because on average custodial sentences (currently 112 days) are shorter than community sentences.
damages individuals and removes children and young people from having a 'normal life' (T2A, 2009), appreciably affects their chances of getting a job, and is regarded as a 'counterproductive tool' (Barrow Cadbury Trust, 2005). Organisations promoting reform for young adults advocate greater use of community orders because they can divert young adults from the harmful effects of custody and provide other benefits such as keeping them closer to their families (Howard League, 2012). Research into community order schemes, used predominantly with young adults aged 18-24, is very limited, with results ambiguous (Make Justice Work, 2011), but one thing is certain, community sanctions are significantly cheaper. The use of custody can result in a 'revolving door' cycle affecting young adults who continuously go in and out of the justice system. There is a clear need for a specialist service for dealing with young adults when they leave custody, but currently the only one available is the adult probation service, which provides nowhere near the intensive support offered by Youth offending Teams for the younger age group. Young adults are invariably 'left out on their own' and require 'more attention than they currently get' (Make Justice Work, 2011:44). However, despite greater efforts being made to help those on probation, there are still many young adults failing and reoffending due to lack of support that could be provided by an enhanced youth justice system incorporating this age group.

The fourth policy proposal based on radical moral communitarian principles and values is that there should be a comprehensive intervention regarding the welfare needs of the child or young person, at an appropriate level for the individual, with again full cooperation expected for such interventions. Appropriate accommodation and income needs are part of the generic moral communitarian intervention welfare strategies, but a significant issue for many young people who offend, including young adults, is problematic involvement in drugs and alcohol. It is proposed that these issues should be addressed where at all possible through a welfare - indeed medical - not criminal justice intervention where at all possible. Drug and alcohol use are considered a significant causation factor for criminal behaviour among children and young adults, while the misuse of illegal and legal substances is arguably more detrimental for those in these age groups than others (Devitt et al., 2009). These individuals have greater demographic variables when compared to other age groups, including, in the case of young adults, homelessness (T2A, 2009), and in the higher age range they are more likely to be persistent users (Devitt et al., 2009). Many young adults are still in a difficult stage of transition between childhood and fully formed adult status, with many not having 'finished school, not been in any employment, usually have been excluded and previously been in youth offending' with 'acquisitive offending' linked closely to a drug and alcohol fuelled lifestyle (see Parker, 1996). Statistical evidence suggests that drug and alcohol use is significantly more common among children and young people who offend (Devitt, 2011).

The Barrow Cadbury Trust (2005) suggests that NOMS (National Offender Management Service), the National Treatment Agency and the Department of Health should all work together with the drug rehabilitation teams in prison to 'find the best way of working with young adults with drug problems in the CJS'. Although this is a sensible recommendation, there is a drug and alcohol community order already in place which magistrates are free to use. This would perhaps provide a better starting point than attempting to bring in a multi-agency approach, which may be more difficult to achieve, and YOTs have
considerable experience in dealing with such cases with the younger (under 18) cohort. It would again be eminently sensible for YOTs to have responsibility for this older age group.

The fifth policy proposal based on radical moral communitarian principles and values is that children and in particular young people who offend should be provided with suitable training and education opportunities appropriate to the needs and skills of the individual and their employment prospects. Again, the young person's full cooperation with the educational and training opportunities provided is required. The words 'suitable' and 'appropriate' are nevertheless central to this strategy and closely linked to employment opportunities available in a moral communitarian society and a re-structured inclusive labour market. Central to this strategy is the recognition that not all worthwhile employment requires an expertise in differential calculus, nor is it necessary or sensible to keep all young people in education until they have mastered this. Education and training needs to be appropriate to the young person, their potential and aptitude, while recognising a potential problematic initiative that could exclude many able, but disadvantaged and excluded, children and young people from good quality educational opportunities they might master with the appropriate input in their lives.

The sixth policy proposal based on radical moral communitarian principles and values is that proper employment opportunities should be provided where appropriate, as part of a macro full employment strategy to be pursued as part of a restructured economy in a moral communitarian society with full cooperation expected from the young people. Access to employment is seen as one of the most important ways of deterring young adults from crime, through providing them with a stable job and lifestyle (T2A, 2009). Fifty per cent of young men are unemployed before being sentenced to prison, so it is clear that half of this age group is affected by this problem (Howard League, 2012). Moreover, following conviction they must disclose this to employers when seeking work which can have an extremely negative impact on their job seeking chances (see Parker, 1996). The Barrow Cadbury Trust (2005) has made a number of recommendations about improving standards and increasing the ability of young adults to gain employment. These include multi-agency responses and more learning programmes for young adults in custody, allowing them to gain better qualifications whilst in prison. The most interesting recommendation is to make it a legal requirement that young adults under 23 years of age do not have to disclose their convictions to employers, unless it is for a violent or sexual offence. Depending on the sentence imposed, this proposal might actually require circumstances in which it is not currently required for a child. It could be more politically acceptable to apply this recommendation to those aged 21 and under, especially if these young people were to come under the jurisdiction of the youth justice system until that age.

Central to a radical moral communitarian intervention in the lives of children and young people, which seeks to provide an appropriate balance between their rights and responsibilities, is clearly the issue of their willing involvement and participation in this process at all stages. As we will now proceed to discuss, without willing cooperation and participation even the best intervention is almost certain to fail. In short, gaining a willingness to change will be a crucial part of children and young people accepting and being prepared to address their responsibilities.
Voice and influence in the youth justice system

In the youth justice field to an extent children’s voices have been promoted as opportunities to influence service design and delivery have been created (Creaney, 2014a; Creaney & Smith, 2014). However, the participatory rights of such children involved in youth justice processes - particularly those who are imprisoned - ‘lag considerably behind children’s rights generally’ (Little, 2014:18). For example, it took thirteen years for the Children Act 1989 to be considered applicable to children in juvenile custodial facilities (Little, 2014). It was reported recently that children, detained in secure custodial institutions, were being kept in solitary confinement for disproportionate lengths of time (Crook, 2015). Such sanctions were being used not as a last resort for safeguarding or protective purposes but solely as a form of punishment. Disconcertingly it appeared the prison officers were silencing young people’s voices and sending out a message that is they who are the ones with the power and control (the ‘decision makers’) not the young people. In practice then such imbalances of power need to be reduced and professionals need to see the world through the eyes of the child and in turn tailor services to such needs and abilities, understanding that offending is ‘only one element of a much wider and more complex identity’ (Drakeford, 2010:8). Rather than professionals defining the problems and controlling the solutions children should be encouraged to self-express and be autonomous.

Although the support provided by Youth Offending Teams can be beneficial for the child and their family, not least by providing opportunities to have their often complex individual needs addressed by specialist service professionals, the ‘challenge is finding the right balance between making available interventions that draw on a range of skills from a number of specialisms and disciplines while at the same time avoiding the involvement of an unnecessary large number of people in face to face work with a young person’ (Ibbetson, 2013:22). The multi-agency set up of Youth Offending Services then may be criticised for drawing young people into contact with ‘too many’ adult professionals each with differing agendas, creating, at times, confusion and conflicting messages for young people and their families. Importantly then, in accordance with the emphasis on the promotion of participatory rights children should be provided with opportunities to set the agenda where their level of input is determined by how comfortable they feel contributing not by organisational priorities (Creaney, 2015). Indeed any work proposed should be built on developing strengths and enhancing resilience ‘drawing out the talent, the capacity and the resources that people may have and creating a space where good things may happen’ (Gilligan, 2006:41). Creating such a space may be difficult with time constraints, and bureaucratic aspects/procedural requirements severely restricting the ability of the practitioner to be sufficiently bespoke and responsive to address the needs of the child/youth requirements. As has reportedly been the case in children’s services in youth justice there appears to be ‘an over dependence on process which diminishes professional judgement and creates a mind-set which seeks pre-formulated solutions to complex and uncertain situations’ (Munro, 2011:63 paragraph 4.47).

Solutions should not be contrived, unrealistic, artificial and done to children but decided with them (Jones & Creaney, in press). Rather than centreing attention on addressing issues that are deemed to be individual/pathological deficits and essentially seek to
correct the 'faulty', individual work with young people who offend should draw on youth work ideals. It should set out to enhance self-esteem, promote a 'positive life attitude' and be 'future orientated', optimistic and goal focused, after all, although youth justice has 'a duty to give effect to the orders of the court [it] can achieve none of its purposes without the offender's attendance and participation' (Canton, 2011:123). It is imperative, in accordance with the participatory rights of children that practitioners tap into the varying competences of children and communicate appropriately to gather their thoughts and feelings, understanding such things as cognitive and emotional abilities. One way to increase the likelihood of young people participating in the supervisory process is to work towards developing a positive working relationship (Creaney, 2014b; 2015).

Child/practitioner relations
Perhaps unsurprisingly if a positive child/practitioner relationship is formed young people who have offended tend to feel they are provided with more - not fewer - opportunities to participative and shape the agenda (See Phillips, 2013 for an elaborative, insightful analysis of the characteristics of 'effective' child/worker relationships). What young people value and see somewhat of a prerequisite for active meaningful engagement is 'legitimacy' - that is treated fairly, and respected whereby professionals demonstrate a sense of moral and psychological commitment. Rex (1999) discovered that individuals are more likely to engage in processes of change and restrain from problematic/criminal behaviour if they feel how they are being treated or dealt with generally is legitimate. Similarly practitioners see the development of a non-offender identity and in tandem a belief that the child can change/adapt their behaviour/lifestyle, as important when forming a relationship with a child. The worker/young person relationship is more important perhaps than has been previously thought to desistance from crime. Indeed, it is 'the way' (that is relationships, approaches and techniques) that a scheme of work is implemented that determines whether it will be more or less 'effective' (Phillips, 2013).

Largely since the late 1980s and into the 1990s there has been a growth in political and academic interest to discover 'what works' in conjunction with the emergence of evidence-based policy making. Since the 'what works' movement resulted in 'a neglect of case management skills and a lack of recognition of the need for skilled supervision' (Raynor & Maguire, 2006:28) there has been something of a revival in appreciation of the importance of positive working relationships between worker and client. Rather than ceasing 'to be a defining characteristic of [youth justice] work' (Burnett & McNeill 2005:122), it is considered once again to be a practitioner's 'main instrument' (Davies, 1969:121) and has become a central component of the work of Youth Offending Teams. The 'what works' paradigm placed a disproportionate emphasis on the establishment of 'effective' programme design - with cognitive behaviour therapy deemed to be the 'gold standard' - over 'effective' young person-worker relationships (Creaney, 2014b). Although rehabilitation has recently been reinvigorated through the 'what works' movement and associated accredited programmes, these approaches have been critiqued for being excessively prescriptive and narrow in focus, and for paying insufficient regard to the practitioner-offender relationship as well as to the wider social contexts of desistance from crime (Phillips, 2013). In other words, engaging and participatory relationships were marginalised. Desistance researchers on the other hand look beyond 'effective
programmes' and deficit-led practices, shifting the focus towards understanding processes of change (that is, why and how it is that some people stop offending: 'what works?' for them). Within this paradigm, positive strength based practices are encouraged whereby the child and young person is treated as an individual where differences (that is abilities, ethnicity and cultural experiences) are valued, and practice is at 'an appropriate level for the client's speaking and listening abilities ... working with different thinking and learning styles' (Cherry, 2005:3-4). If interventions are to become more positively based, in accordance with the literature on desistance (Creaney, 2015) young people need to be provided with opportunities to take part in activities with other individuals who have not necessarily been subject to court orders/subject to statutory requirements. In other words socialise with 'non-offenders'. This could help to promote/facilitate 'turning points' and help young people to develop/create a new identity, one with the 'offender status' removed. Essentially there needs to be a commitment to removing the offending label, understanding that such a status can severely prevent successful transition to a crime free life. It can also damage a child's self-esteem and impact negatively on other areas of their life.

**Concluding thoughts: still waiting for youth justice**

In this paper we discussed briefly the notion of communitarianism, principally its impact on New Labour and the 'new' youth justice system. We then discussed how the removal of youth justice support for young people who offend when they reach the age of 18 is rather arbitrary. Indeed given the relatively high level of investment in working with young people and the levels of expertise developed this does suggest a poor use of resources. Extending the upper age limit to 21 thus seems to be eminently sensible and cost effective. It is thus proposed that this new expanded youth justice system should intercede incrementally in the lives of children and young people who have offended in accordance with a realistic assessment of the level of risk they pose for reoffending. It is nevertheless important to remember that only 3-4 per cent of young people who offend are persistent in their offending behaviour (Hopkins Burke, 2011) and thus in need of a more rigorous intervention in an appropriate setting. The system should thus be underpinned by an awareness of the dangers of 'net widening' and the incorporation of a large, relatively non-problematic group of children and young people, tangentially involved in 'offending', into a spiral of increased surveillance and intervention.

As we discussed in the second half of the paper contemporary youth justice practice has been described as coercive and offender focused. The progressive shift has been largely confined to increases in diversion; for those children who are subject to formal youth justice sanctions the dominant approach continues to be punitive. The nettle must be grasped and a previously over-eager youth justice system, professionals and politicians must accept that increased intervention in the lives of young people, 'for their own good', is often far from their best interests. Significantly, young people must be dealt with in a holistic way, in the context of an intervention strategy which fully addresses the social context of their behaviour - not fixated by the idea of quick fix solutions driven by neo-liberal correctionalism and responsibilisation (Creaney, 2015; Haines & Case, 2015).
In the paper we discussed how the youth justice system in the context of a radical moral communitarian framework should be part of a rebalanced economy where all mentally and physically 'able' citizens are economically active. In this reformulated positive environment, all young people should be given legitimate opportunities which will enable positive engagement, involvement and participation in a society where they have appropriate rights and responsibilities based on their aptitude and potential (Hopkins Burke & Creaney, 2014). For too many young people who have come to the attention of the youth justice system, their experience of (often multiple) factors of social exclusion and their paucity of legitimate life chances has made involvement in criminality as a long term career option a rational choice. The task for a radical moral communitarian society is to make such choices far less rational and central to such an intervention is to hear the voices of the young people and to gain their participation in a system they consider legitimate.
Acknowledgements
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**Further reading**


Youth Justice Board consults on in-year budget cuts
The Youth Justice Board (YJB) for England and Wales has been consulting the sector on its proposals to reduce its expenditure in 2015-16 by £13.5 million. This is a result of the Secretary of State for Justice's decision to reduce the YJB's allocation from the Ministry of Justice (MoJ) by £12m (or 5%) in the current financial year, 2015/16. The main way the YJB proposes to implement the savings is by reducing the Youth Justice Grant they currently provide to Youth Offending Teams (YOTs) by £9 million (10.6%). The proposal document includes an annex showing the financial implications for each YOT operating in England and Wales. The consultation ends on 16 September 2015. The Association of Youth Offending Team Managers (AYM) has publicly opposed the cuts.


Youth Offending Team 'Stocktake'
Deloitte was commissioned by the Youth Justice Policy Unit in the Ministry of Justice (MoJ) to collect and analyse data on the activities of YOTs in England and Wales (the 'YOT Stocktake'). The purpose of the research was to establish a picture of how the YOT model has evolved locally and nationally, including differences in organisational structures, funding arrangements and spending decisions, and ways of working. The Stocktake was also to consider how YOTs have responded to changing demand and the activities they undertake.' Headline were:

- The YOT system has a number of strengths: teams work closely and effectively with partner agencies and in a holistic manner to take account of young people's wider needs.
• There is a discrepancy between what YOTs do and what is measured by the MoJ, which makes assessment of performance and value for money very difficult.
• Early correlation analysis suggests that taking a narrow focus on reducing first time entrants, custody volumes or reoffending rates only suggests that current MoJ funding (via the Youth Justice Board) is poorly allocated and could be revised without affecting these specific youth justice outcomes as measured by the YJB (as currently defined).
• However, this risks undermining other outcomes around education, employment and training for young people that YOTs may positively influence.
• Both local and national oversight and accountability of YOTs could be improved, but given that the MoJ is not their main source of funding, YOTs' incentives and objectives will not necessarily align with it.

To read the Youth Offending Team stocktake:

**Strategy proposed to help keep children out of prison**
The Howard League for Penal Reform has written to Michael Gove, the Secretary of State for Justice, recommending eleven youth justice reforms that would help children and save the taxpayer money.

The recommendation for immediate action is to not renew the contracts for Medway and Rainsbrook secure training centres. Medium term reforms include the introduction of legislation to abolish the Detention and Training Order, addressing the over-representation of black and minority ethnic young people in prison, devolving the custody budget to local authorities, reviewing the use of remand, issuing guidance that encourages a flexible and proportionate response to breaches of statutory orders and building on and promoting evidence-based good practice and interventions that work. Longer term reforms proposed are closing prison places for children, revising the role of the youth courts, addressing the shortage of suitable secure accommodation in London and transforming the Youth Justice Board.

To read the recommendations for the Ministry of Justice:
http://www.howardleague.org/reformingyouthjustice/

To read the letter to Michael Gove in full:

**Harris Review: Changing Prisons, Saving Lives**
The report of the independent review into self-inflicted deaths in custody of 18-14 year olds (The Harris Review) was presented to Parliament by the Secretary of State for Justice in July.
The review included a detailed examination of the lives of the 87 young people (four children and 83 young adults aged from 18 to 24) who died in custody between April 2007 and December 2013. It concluded that all young adults in custody are vulnerable. Moreover, the separation of young people from their families and support networks is likely to lead to loneliness and to exacerbate vulnerabilities. This has wide implications for the way in which prisons and YOIs should operate.

The harsh environment of prison, '...the impoverished regimes (particularly with current staff shortages) and the restrictions placed on young adults because of their IEP status or because of local policies on the management of gangs, all combine to make the experience of being in prison particularly damaging to developing young adults.'

In practice, it is clear that young adults in prison are not sufficiently engaged in purposeful activity and their time is not spent in a constructive and valuable way.

There needs to be an inherent shift in the philosophy of prison in this country, and so we are recommending that the Ministry of Justice publishes a new statement on the purposes of prison, where the primary purpose is rehabilitation, and which acknowledges that all persons deprived of their liberty shall be treated with respect for their human rights.

In response to the Harris Review the Justice Committee has announced a review into young adults in the criminal justice system (including include the Crown Prosecution Service, the courts, the sentencing framework, youth offending teams, probation services and prisons, but not the police).

The review will:

- assess the implications of the findings of the Harris Review and selected recommendations for current policy and practice
- examine the evidence on what might constitute more effective or appropriate treatment of young adults throughout the criminal justice process
- review the impact of guidance to sentencers and prosecutors which advises that they consider the maturity of the offender in their decisions.

The Committee welcomes written submissions by 30 September 2015.

To find out more about the inquiry into the treatment of young adults in the criminal justice system:

To read a copy of the Harris Review:
Criminal justice responses for young adults need to account for maturity, not age

The Transition to Adulthood Alliance, in partnership with the Howard League for Penal Reform, has published a report on responding to young adults involved in the criminal justice system. You Can’t Put a Number On It highlights advantages of responses that take account of maturity rather than more simplistic notions of age. It The report makes the case for a young adult specific approach in the criminal justice system.

To read the report:

Secure College(s) scrapped

Plans to build a new network of Secure Colleges, including a 'pilot facility' at Glen Parva in Leicestershire were abandoned by the Ministry of Justice in July. The statement to cancel the advanced plans does not feature on the Ministry's website but was reported on quite widely.

To read more about the cancellation of the building of the Secure College:
http://www.bbc.co.uk/news/uk-england-33480107

Rainsbrook STC inspections

Earlier this year the overall effectiveness of Rainsbrook secure training centre (STC) to meet the needs of young people was judged by HM Inspector of Prisons, the Care Quality Commission and Ofsted to be inadequate following a joint inspection.

A subsequent independent report by Sir Martin Narey questioned the inspectorates' conclusion that Rainsbrook was an unsafe place for children. Ofsted responded immediately to Narey's report, standing by their original findings and recommendations: "It is encouraging that Sir Martin is able to paint such a positive picture of the centre on the basis of his own recent visit, commissioned by G4S. However, we are puzzled how he is able to conclude from this visit that Rainsbrook was not an inadequate and unsafe institution at the time of our joint inspection."

To read the original joint inspection report of Rainsbrook secure training centre:

To read the subsequent report by Martin Narey:
http://www.slideshare.net/martinnarey/rainsbrook-report-for-publication

To read Ofsted's response to Martin Narey's report:

**Contract award announced for Rainsbrook and Medway secure training centres**
A tendering exercise by the Youth Justice Board has identified companies to run Rainsbrook and Medway secure training centres (STCs) under new five year contracts. Both establishments provide custodial accommodation for children from London, the South East and from further afield. MTCnovo and G4S Care and Justice Services (UK) Limited (branded as Inspiring Futures) have been notified that they are to be awarded contracts to deliver the custodial service at Rainsbrook STC and Medway STC respectively.

To read the Youth Justice Board press release:

**Revised inspection framework for secure training centres**
Ofsted have published their new framework and evaluation schedule for secure training centres, which has taken effect from 1 September 2015. Inspectors will make their judgements on a four-point scale:

1. Outstanding
2. Good
3. Requires improvement
4. Inadequate.

The 'requires improvement' judgement replaces the previous grade descriptor of satisfactory. There is a new focus on health and leadership with 'health' appearing multiple times in the document. Safeguarding continues to be of prime importance:

'**The judgement about the safety of young people is a key judgement.** This means that a judgement of inadequate for the safety of young people will always result in a judgement of inadequate for overall effectiveness.' (bold emphasis in original, p.7).

Another change is that weekend inspections of the secure estate are now a possibility:

'Programmed inspections will usually take place over seven days, spread over two consecutive weeks. Inspectors may choose to visit the centre during a weekend if it is considered necessary. This may mean that an inspection commences during a weekend.' (p.5)

This is significant as the regime at weekends can be very different from that run in the week.
Read the new framework for inspections: 

**National Strategy for the Policing of Children and Young People**

The National Police Chief's Council (NPCC) has launched a National Strategy for the Policing of Children and Young People. The strategy focuses on the four key areas highlighted within the All Party Parliamentary Group for Children inquiry report, *It's all about Trust: Building Good Relationships between Children and the Police*. These are:

1. stop and search
2. looked-after children
3. detention, custody and criminalisation of children and young people
4. the relationship between young people and the police.

To read more about the strategy: 

**Private Members Bill**

A private members bill to raise the minimum age of criminal responsibility in England and Wales from ten to twelve years had its first reading in the House of Lords in June. The second reading is yet to be scheduled. The bill is sponsored by Lord Dholakia.

To follow the passage of the bill: 
[http://services.parliament.uk/bills/2015-16/ageofcriminalresponsibility.html](http://services.parliament.uk/bills/2015-16/ageofcriminalresponsibility.html)

**Amendments to legislation concerning knife crime**

A mandatory minimum sentence for knife crime was introduced on 17 July. It had previously been blocked by the Liberal Democrats last year. Adults convicted of being in possession of a blade for a second time will face a prison sentence between a minimum of six months and a maximum of four years. Young people aged 16 and 17 will face a minimum four-month detention and training order. The Impact Assessment by the Ministry of Justice concluded that the new measure would require an extra 350 prison places, at an estimated cost of £9m.

To read the Impact Assessment by the Ministry of Justice: 
The Children's Rights Alliance for England (CRAE) and Just for Kids Law merge

The Children’s Rights Alliance for England (CRAE) merged into Just for Kids Law at the beginning of August. Both charities share the same ambition to achieve the full realisation of the UN Convention on the Rights of the Child (CRC) which the UK ratified in 1991. Both charities are keeping their brands and identities. Just for Kids Law provides direct advocacy support and legal representation to children and undertakes precedent setting strategic litigation for children’s rights (including successful interventions securing the rights of 17 year-olds in police custody). CRAE’s membership includes over 150 organisations and individual members making it one of the biggest children's rights coalitions in the world.

To read the Just for Kids Law press release:  

UN Convention of the Rights of the Child Evidence Hearing

On 23 May 2014, the Government submitted its fifth periodic report to the United Nations on its implementation of the UN Convention on the Rights of the Child (UNCRC). The UN Committee will hear evidence from NGOs and children (at the pre-sessional working group) in October 2015. They will then hear evidence from the UK Government in May 2016 and issue its concluding observations in the summer of 2016. The most recent set of Concluding Observations on the UK were issued by the UN Committee in October 2008.

On publication of the Government’s fifth periodic report, a joint statement was issued by a coalition of charities, which expressed disappointment at some elements of the report and stated that in many areas the Government was failing to meet its commitment to assess fully the impact of its policies on the rights of all children.

The Joint Committee on Human Rights undertook an assessment of the Government's report against their own findings over this Parliament connected with children's rights issues. They concluded that:

'...aside from a few recent clear examples where good practice has been sustained outside the Department for Education, the momentum for spreading good practice and awareness throughout government concerning the Convention - and to encourage departments to take the articles of the Convention seriously - seems to have lessened over the course of this Parliament.'

To read the Joint Committee on Human Rights report on the UK’s compliance with the UN Convention on the Rights of the Child (24 March 2015):  
http://www.publications.parliament.uk/pa/jt201415/jtselect/jtrights/144/144.pdf
Local authority duties to receive children transferred from police custody
Earlier this year the Home Secretary and the Secretary of State for Education wrote to local authorities in England regarding their legal duties to under the Police and Criminal Evidence Act (PACE) and the Children Act. This letter requested local authorities to work with their police service to accommodate children charged with an offence and denied bail and to avoid children being detained in police stations pending appearance at court. In October 2015 this procedure is to be extended to 17 year olds.

To read the joint letter from Nicky Morgan and Theresa May to local authority children’s services:

Independent review of children in care
An independent review of children in care, chaired by the crossbench peer Lord Laming and established by the Prison Reform Trust, was launched at the end of June to consider the reasons behind, and how best to tackle, the over representation of looked after children in the criminal justice system in England and Wales.

To read the public briefing about the independent review:
http://www.prisonreformtrust.org.uk/Portals/0/Documents/2%20Care%20review%20public%20briefing.pdf

Weekly education hours in public sector YOIs doubled from 15 to 30
From Monday 17 August, under-18 public sector young offender institutions (YOIs) have been offering 30 hours of education to young people held there.

We will also be working with colleagues in the National Offender Management Service to monitor implementation of protected education. We have a duty to report to ministers on the implementation on a six-monthly basis.

Guidance on protected time for education in public sector under-18 young offender institutions:

Youth Justice Annual Statistics 2014/15
The Youth Justice Annual Statistics 2014/15 will be published on GOV.UK at the end of January 2016. The YOT data sets to be published in the Annual Statistics are: offences, disposals, Youth Rehabilitation Orders and their requirements, young people sentenced, custody rates for young people sentenced and funding figures.
Registration for the Youth Justice Effective Practice Certificate
The Youth Justice Effective Practice Certificate (YJEPC) is a professional development programme for those working in the youth justice sector. Registration is open for the next YJEPC course until 2 October 2015 (course start date: 12 October 2015).

To find out more about the Effective Practice Certificate: http://youthjusticeboard.newsweaver.co.uk/1oskhutl30a1d70jdzk441?email=true&a=1&p=49147365&t=21098815

Youth Justice Event
The National Association for Youth Justice in partnership with Association of YOT Managers are holding a conference on the 'costs of youth justice' in Liverpool on 14 October.

Further information and bookings: http://thenayj.org.uk, @NAYJtweets.
BOOK REVIEWS
Edited by Jake Phillips & Anne Robinson

THE PUNISHMENT IMPERATIVE: THE RISE AND FAILURE OF MASS INCARCERATION IN AMERICA

Clear and Frost introduce their book by defining what the 'Punishment Imperative' (PI) is, and how the 'grand social experiment' of mass incarceration has shaped the course of the American criminal justice system over the past several decades: 'The Punishment Imperative began with the co-alignment of an array of forces that came together to make the explosive growth in the penal system a social and political possibility.' The authors argue that rising crime rates, media attention to victimization, high political priority, an emerging, large pool of unemployed young black men that came to symbolize an urban 'enemy' in which to wage 'wars' against, and a political economy that emphasized get-tough politics propelled the prison population and extended the reach of the correctional system starting in the 1970s. The book's timeliness allows the analysis of this storyline to be advanced by proposing that 2009 marked a shift in the mass incarceration trajectory, as prison numbers began to meaningfully drop for the first time in years, which, they contend, signifies the fall of the Punishment Imperative. The authors support this (somewhat tentative) claim by arguing that the dominant driver for the reduction of dependence and overuse of prisons is the present economic crisis, though it is more complex than simple austerity: 'So while the current fiscal crisis is a motivating factor for the downsizing of the correctional system, it is not by itself the cause. The de-escalation of punishment is possible mainly because the sentiment of punitiveness has undergone an important shift (11).' This book, then, is about the rise, failure, and fall of the Punishment Imperative. Because of that, it is an interesting read for established academics, practitioners, and students alike.

The first several chapters present a thorough and well-researched navigation through the development and growth of the Punishment Imperative. To begin, the historical context which laid the groundwork for the turn in public and political punitiveness in the 1970s is outlined. This introduction leads to a sophisticated examination of the PI as a 'grand social experiment', in which the authors argue that the PI as a social and political experiment is

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12 However, the US Bureau of Justice Statistics has recently reported that the national total of prisoners rose by 4,300 in 2013. Refer to: http://www.bjs.gov/content/pub/pdf/p13.pdf.
particularly insidious because 'the goal was never articulated, the full array of consequences was never considered, and the momentum built even as the forces driving the policy shifts diminished' (57). This is a persuasive section, specifically because it addresses broader moral concerns about the impact of such wide-reaching, yet often racially targeted, state-sanctioned controls on community and social justice: 'concern about crime became shorthand for a broader concern about what many perceived as the general breakdown of order' (60), in which race became a foundation for punishment (62).

Chapter four provides a comprehensive and engaging analysis of the policies that preceded the Punishment Imperative (namely the 1967 Crime Commission report), those that contributed to the amplification and potency of the PI, and the apparent sea change in rhetoric and reform that is now taking place. The chapter opens with the three recommendations that came out of the 1967 report: attention should be placed on the root causes of crime (e.g. 'eliminate slums and ghettos', improve education, provide jobs, and 'to make sure that every American is given the opportunities and the freedoms that will enable him to assume his responsibilities' (71)); there is a need for investment in the justice system; and, there is a need for innovation across criminal justice system agencies. The authors note, 'It is one of the great ironies in US penal policy that during the forty-year period following this...recommendation, it was so completely ignored' (72). This background creates an intriguing juxtaposition as Clear and Frost then review the evolution and expansion of the often-draconian policies that followed in the succeeding decades (for example, truth-in-sentencing and three-strike laws, as well as felon disenfranchisement from federal programs that assist with housing and education - policies that are in direct contrast to the 1967 recommendations).

The following chapters consider the objectives of the Punishment Imperative, and the overall success/failure of these. Four general conclusions about this 'grand experiment' are drawn: the incarceration rate has been demonstrated to be disconnected from the crime rate; prison expansion has not met its own goals (specifically in deterring and/or rehabilitating); mass incarceration exacerbated many of the social problems that continue to persist; and finally, 'mass incarceration has been perhaps one of the best examples of how tightly entwined politics and punishment can become' (137). The book concludes by arguing that the PI is currently undergoing a 'dismantling'. Reducing imprisonment is now a desirable aim, and the authors suggest three ways in which this could be achieved: repealing mandatory penalties, reducing length of stay, and reducing rates of recidivism (162-3). Several examples illustrate how some states have developed programming to address these aims (like the HOPE model in Hawaii, that seeks to reduce reoffending through a reformed revocation process).

I am not entirely convinced by the authors' claim that the 'de-escalation of punishment is possible mainly because the sentiment of punitiveness has undergone an important shift (11)', but I find their optimism refreshing and overall analyses significant. Despite being a prisons researcher (and an American) well-versed in this history and the contemporary realities it has produced, I found this book to be a remarkable read and thought-provoking from beginning to end.

Bethany E. Schmidt, PhD candidate, Institute of Criminology, University of Cambridge
This book manages that difficult balancing act of having clear academic focus, but also being a good, practice based read. It draws on presentations and papers from a seminar series and could become a fragmented collection because of that. It retains clarity and shape through a clear conceptual framework. As Malloch and McIvor (2013:206) say in their concluding thoughts:

'Our concern was to highlight the human rights implications of responses to women within the criminal justice system and the extent to which they relate to social justice.'

This focus runs throughout the papers. Two sections focus on practice examples, both practitioner and academic. Two dense and theoretical chapters introduce the work, addressing detail of policies and presenting the conceptual framework. There are two chapters in the 'final thoughts' section, one a clarion call to take the ideas expressed here seriously and the other a reflection by the editors on the thought processes that led to the shape of the book.

Papers more often reflect prison than probation work. Academic practice is represented in chapter 5, interrogating problems of structured measures in researching women's mental health. Echoing Malloch and McIvor (2013:5) this chapter, as do all chapters, contextualizes law-breaking within conditions that surround offending women 'traceable to social, political and economic contexts'. Recurring and central themes in these accounts are different ways in which women who offend are individually criminalized and punished but triggers and causes for those offences are located in the general discourse of being female. This thread is developed in different ways: Barton and Cooper (2013:143) identify ways in which hostel regimes structure and perpetuate 'idealized forms of femininity' while successive papers make explicit factors linking global experiences of women: exclusion, marginalization, poverty, unemployment, responsibility for children, experience of abuse or sexual violence. This does not lose practice detail: Azrini Wahidin and Roy Aday include analysis of the potential impact of imprisonment in the UK pension scheme as well as analytical questions about how age is framed. In this way the book becomes more than a series of accounts of different ways women are treated in prison and becomes an interlinked examination of conceptualizations of 'woman' across punishments. There are also hints at an analysis that extends the argument to develop a theory of why punishment is given at it is. Lorraine Gelsthorpe (chapter 2) questions the legitimacy of the of criminal justice treatment of women through differential treatment: Margaret Malloch and Gill McIvor argue for a movement from formal to substantive equality.

The book was published in 2013, as austerity measures increased pressure on poor people and eroded parity between men and women. It may be that the good practice given here
has not survived: looking at the future five years of Conservative policy in Britain both the
initiatives given here and the underlying conceptualization of punishment within a human
rights framework are at risk. Alison Hosie’s (chapter 8) careful and detailed account of
using the Human Rights Act (1998) to shape policy in hospital is a case in point. It has
clear implications for practice in the general prison estate but current attempts to abolish
the legislation may leave this as a lasting record of aspiration and prevent lessons being
translated to other agencies.

For me, this book arrived at the right time. Students writing about women had little
reading that conceptualized practice: I recommend this book to undergraduates knowing
that many will ignore conceptualization. Postgraduate students have the opportunity to
read theory and practice in a whole and coherent form. Criminologists have a complex
but clear framework in which to think about women. Practitioners are challenged to
consider individual and organizational practice. It may be that practice detailed will be
lost in the coming years but the book stands as a testament to what can be done and
thought and will be important text for this reason. As Kim Pate says (p.204) ‘Law and
criminalization are choices made by those who we give authority’. This account of choices
is timely, detailed and easy to read.

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FOUNDATIONS FOR YOUTH JUSTICE: POSITIVE APPROACHES TO PRACTICE

Foundations for Youth Justice offers a refreshing perspective on how we work with young people who come into contact with the Youth Justice System (YJS) in England and Wales. The YJS has long advocated child-centred approaches to working with young people who offend, but in practice, this is not necessarily the case. Complex, and sometimes competing, national and local frameworks and rules have dominated and confounded youth justice practitioners’ work with young people. Since 2010, however, under the coalition government, there has been some positive relaxation of these confounding rules, such as the move toward ‘decentralisation...allowing greater freedoms to determine services at the local level’ (p.58). Many obstacles and challenges do, however, remain for those working within youth justice. Not least, austerity measures that further reduce resources available to youth offending services and the agencies that work with them. Robinson neatly draws together the literature on youth justice and goes further to offer some pragmatic changes in youth justice practice. In addition, each chapter concludes with an implications for practice section which will be of particular use to youth justice practitioners because it summarises the key elements of each chapter and their meaning for practice.

The book is structured into three broad sections: The first, theories and concepts of youth and justice, draws on research and literature exploring young people's transition to adulthood and the social construction of youth and proceeding life stages. Robinson highlights the varied methodological approaches to researching youth and the conflicting conclusions from such studies, particularly in relation to the impact on policy formation and the subsequent reflection in youth justice practice which may not be meeting the needs of young people. The first section further explores youth justice histories and the competing nature of welfare and justice/punishment principles. Many of the issues discussed such as gender and youth justice (p.45-47) and debates regarding the role of relationships between practitioners and young people (p.47-48) are long-term concerns in the wider youth justice literature, yet in policy and subsequently practice, there is little evidence that these long-term concerns are being fully addressed. Section one closes with reflections on theories and concepts of youth and historical responses from policy and practice. Drawing on the issues presented in section one and particularly on findings from the Edinburgh Study of Youth Transitions, Robinson offers a vision for youth justice practice and proposes a youth-centred practice model (p.61-66). This essentially places the young person at the centre of all youth justice work, advocating a more constructive approach with five core principles of (1) participatory problem-solving, (2) diversion from the formal YJS, (3) prevention not punishment, (4) proportionate intervention and (5) community-based intervention.

The reader should remain cautious of the applicability of some of the studies drawn on in the first section such as those from Scotland and the United States and those with adult offenders. The contextual and cultural differences between these studies and youth justice in England and Wales must be addressed before drawing firm conclusions for
practice. Nonetheless, the lessons drawn from these studies can be valuable. A lack of focused research on a number of the issues addressed by such studies in youth justice practice in England and Wales remains.

The second section, issues for young people, provides further exploration of areas of young people’s transition to adulthood such as: (1) transition from school to work, (2) social and intimate relationships, (3) mental health and well-being, (4) growing up in public care, (5) alcohol and drugs and, (6) anti-social behaviour. The content and analyses in section two is timely and thoughtful. For example, Robinson considers the recent rise in the participation age from age 16 to 18 and the importance of quality employment provision for young people seeking work (p.82). Again, each chapter concludes with an implications for practice section which builds on the youth-centred practice model from section one, providing the reader with pragmatic insight on each specific area addressed.

The third section, issues for youth justice practice, focuses specifically on youth justice practice and offers a nuanced guide through the youth justice process. The section begins with a discussion of risk and harm, safeguarding and multi-agency work, through the processes of early intervention, the courts, restorative justice, community and custodial sentences. With reflection on the youth-centred practice model and implications for practice, section three provides a valuable contribution to the youth justice literature. Few publications have addressed the youth justice process in such a clear and accessible manner, with pragmatic explanation and reflection.

Overall, the book is written concisely, thoughtfully and purposefully. As old debates are repackaged and debated time and again, the youth justice literature needs a positive injection of challenge and pragmatic forward movement. Anne Robinson provides this in Foundations for Youth Justice, which should inspire further positive thought, reflection and research and be of interest primarily to youth justice practitioners and students of youth justice, but also to policy-makers and a wider academic audience.

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YOUNG OFFENDERS: CRIME, PRISON AND STRUGGLES FOR DESISTANCE
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This book is ambitious, bold and deeply insightful. It is also often a troubling read. Halsey and Duggan present data from longitudinal research in which fourteen young men were followed from their mid-teens into early adulthood, not an easy transition as they struggled with problematic involvements in crime and with the criminal justice system. These are narratives of individual lives placed in their social and family contexts, none of which provided safe, nurturing environments and opportunities for growth. And they are narratives that point to the difficulties of moving out of crime into 'conventional' adulthood when the building blocks are simply not accessible, even though in their different ways and at different times, all these young men aspired to put their 'offender-hood' behind them and to live trouble-free lives.

That is the deep irony revealed in the biographies of these men. So much of the intervention in their young lives - from education, social care and criminal justice agencies - had been at best irrelevant, and at worst had compounded their difficulties and had frustrated efforts to change. All fourteen had prolific patterns of offending and incarceration from adolescence onwards. Interestingly, an appendix provides charts for each individual illustrating days spent in the community and in custody both as juveniles and as adults, which is a sobering sight. Naturally, each life course is unique and some had fared better than others moving into adulthood. The structure of the book, having set the scene and outlined the fieldwork, presents twelve stories, starting with those closest to desistance (Billy, Charlie and David) who are roughly 'on track' through to the 'catastrophic turn' seen in the lives of Sam, James and Chris. In between, other lives are characterised by 'recurring breakdown (Joel, Paul, Reggie and Ben) or 'major derailment' (Lee and Matt).

Methodological purists might balk at the involved relationships evident here but, as the authors note, it would have been difficult not to respond at an emotional level when confronted with the pains, hopes and fears of these young men over the ten years. And at certain points, they responded at a practical level too, giving food parcels at moments of crisis, relaying messages to family members and so on. Such demonstrations of empathy and support - often strikingly absent from these young men's experiences of official agencies - encouraged a rich and deep sharing of stories. They are also indicative of one of the main themes of the book, which is that desistance during the transition to adulthood is not a purely personal process, but is affected by the complex interplay of personal factors with social context and structural position. Again and again, the power of generativity, of giving back, is brought to the fore, most often in relation to partners and children, but crucially involving caring for self and for the future as well as caring for others. While these young men increasingly desired opportunities for generativity in periods of stability, they were difficult to hold on to when their lives became tough and circumstances worked against them.
Within the terms of Terrie Moffitt’s (1993) typology of adolescent-limited and life-course persistent offenders, all but Billy, Charlie and David would be classified as life-course persistent. However, the authors contend that this binary distinction fails to reflect the complexity of lives and make sense of individual trajectories. All the young men at some stage showed and acted upon motivation to change. Certainly all recognised the futility of continuing to offend, although entering adulthood with few sources of social and cultural capital, the attractions of short-term criminal capital inevitably remained. What is also striking from the young men’s stories is how the actions and reactions of criminal justice agencies created points of tension, with disproportionate restrictions or intrusions for example, causing them to lose heart and slip back into a fatalistic ‘fuck it mentality’. Home detention and parole conditions were particular sites of difficulty, in numerous instances precipitating breach and fresh sanctions. The criminogenic potential of criminal justice practices and the master status of offender comes over powerfully in the depiction of the struggles that they faced, with examples of being 'given a break' by sympathetic judges or other professionals very much the exception.

The authors present selectively from their extensive data and offer telling analyses of the biographical twists and turns of these twelve young lives. The details are given in rough chronological order, but developing comments and themes requires some backwards and forwards movement along the sequence of life events. Importantly for building authenticity and biographical coherence, participants were asked to nominate a small number of NSOs or nominated significant others, and the partners, parents and other family members they identified were then able to contribute their perspectives and insights. The resulting twelve narratives are compelling, not least because Halsey and Deegan strike such a balance between attending to the feelings, drives and actions of their participants on the one hand, whilst on the other offering a critique of social practices and institutions grounded in detail from the narratives. The final chapters round off the discussions by drawing together the major difficulties revealed by the young men’s narratives. The authors avoid a prescriptive approach to improvements but do suggest areas for attention, principally in helpful early support to prevent the accumulation of damaging experiences and negative labelling so vividly exemplified in their participants’ narratives.

Certainly this is an important study within the desistance field which has tended to focus on desistance processes in adults rather than in those transitioning to adulthood. As a systematic longitudinal study it offers a wealth of data, with possibly only the tip of the iceberg presented in this book. Even so, it is powerful and will provide food for thought to a varied readership across practice, policy-making and educational contexts. It deserves to be widely read and to have lasting impact.

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References
Residential Children's Homes and the Youth Justice System. Identity, Power and Perceptions

Julie Shaw's Residential Children's Homes and the Youth Justice System is a much needed addition to the area of criminology and youth justice. As is apparent from the title, the book focuses on children in care: their experiences of care homes, interactions with the criminal justice system, and personal reflections on self and identity. The relatively limited criminological research in this area is surprising, especially when one considers that 24% of English prisoners have been in care at least once during their childhoods (Ministry of Justice, 2012). Shaw's account, then, is a welcome addition to the field, providing an academically rigorous analysis of the subject matter.

The book is divided into three principal sections: 'Part I: Setting the Scene', 'Part II: Research Findings' and 'Part III: Conclusions'. Each of these is subdivided into further subsections. In Part I, Shaw begins by presenting a summarized account of the historical experiences of socially deprived children in England. This includes detailing governmental responses to provide support to such children. She goes onto outline more recent developments around the rights of the child, including specific statutory instruments and the UN's efforts to place 'the child' at the centre of such legislation. Like the preceding historical narrative, these sections of the chapter are easy to digest, focus on the appropriate issues, and contain enough detail to be informative, but not so much as to bewilder the reader. Shaw then moves onto a critique of more recent governments' efforts on children's rights. This portion of the chapter seems less balanced, with the author criticizing the efforts of several governments without much evidence. For example, on p.32 she accuses the Coalition government of presiding "over a period of economic slowdown [and] social disturbance...which has impacted negatively upon the lives of many children", yet on the next page states that "in June 2013, the government announced an additional £200 million would be invested in the [troubled families] scheme". This is not the only example of political criticisms that are unsupported by the evidence, something which seems out of place in an otherwise meticulously researched book. An example of this detailed research is at the conclusion of Part I, where Shaw pithily outlines the theoretical perspectives which underpin the book, and describes in detail the methodology employed throughout the study. The time taken by the author to describe her methodological approach - including justifications for using this approach and details of her sample - will prove useful to any academic or student who wishes to engage with the text.

Part II presents the findings of this study, and whilst it is clear that the results are not really intended for a lay audience, there are substantial research findings which students, practitioners and policy makers will find useful. The section is divided into several thematic areas, and the 'voices' of participants are clear throughout this part of the book. Moreover, the results are well analysed, giving appropriate emphasis to the perspectives of children in care as well as a reasoned analysis of the issues raised. Shaw is careful to not just include the responses of children in care, but also of social workers, residential care workers and other practitioners. These multiple perspectives add to the validity of
the data, and their inclusion illustrates Shaw's recognition that those who work in residential children’s home offer useful information on the subject-matter. Part II of the book is also easy to read, with Shaw sub-dividing each section and blending in the primary data well with analysis and references to existing research. A particular strength of this section is the detailed analysis of the role police play within the care system, including the 'normalization' of police-presence in such institutions. Again, Shaw is careful to present multiple perspectives - including from magistrates, solicitors and police officers themselves. This - combined with references to policy documents and other statutory instruments - creates data triangulation, something which adds to the validity of the findings, and makes the conclusions more convincing. If there is one criticism of Part II, it is the limited references made to sexual exploitation of children in care. Although there is a brief mention of historical institutional abuse and gangs targeting children in care (p.140), it would have been wise to include more on this topic, perhaps questioning care workers and other adult participants as to their opinions on this issue.

However, any such omissions are not a substantial weakness, especially when one considers the detailed conclusions and recommendations in Part III of the book. Shaw is able to synthesize her findings with existing policy, summarizing current practices as well as recommending future steps which should be taken by children's homes. The conclusion of this book contains ample information, and could be of real benefit to practitioners and the care system itself. Shaw's concluding remarks reflect the fact that she is comfortable with applying her findings to the 'real world' and that this book is not purely an academic text. This is something which is apparent throughout the book; and, along with the importance given to the children's voices, is the standout feature of the text. Like much of the book, Part III feels contemporary, is easy to read and demonstrates the author's expertise in the subject matter.

Residential Children's Homes and the Youth Justice System reads as an informative text, full of contemporary information and detailed analysis. Although the book would have benefitted from a wider ranging literature review, this is one of the few criticisms that can be levelled at it. Overall, Shaw ensures that there is ample detail and vivid first-hand accounts from children in care. Through this primary data, the author is able to show that children in care can be both the victims and perpetrators of criminal and delinquent activity. Shaw does not overly rely on her own past research, and ensures that a multiplicity of views are included to give a fresh feel to the text. This book will provide both students and practitioners with a comprehensive account of the experiences of children in care.

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References