Child First Justice
The research evidence-base

Full report

Professor Stephen Case and Ann Browning

Social and Policy Studies

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Child First Justice:
The research evidence-base

Professor Stephen Case and Ann Browning
Social and Policy Studies
Loughborough University
UK

FOREWORD

We welcome this independently commissioned research to interrogate the evidence base behind the YJB's principle describing the components of a Child First approach to youth justice work. If there was any doubt as to the clear evidence base behind our thinking, then this research should set this straight.

As an evidence driven organisation, Child First has always been for us about 'what works' in preventing offending by children - it supports fewer victims and safer communities and is not about a mantra or an ideology. The youth justice system has been hugely successful at reducing the number of children entering the system and children within the secure estate. However, those children who remain in the system face multiple complex challenges and need us to reconsider the support available to them to move forward with their lives. Evidence tells us that this support should take a Child First approach. It is our assessment that it is this approach which will be effective in addressing the offending behaviour of the small number of children within the youth justice system today, and in preventing offending by those children at risk of entering the system.

This research brings together in one paper a wide range of international research, policy and practice evidence to support Child First as a successful, evidence-based and progressive model of practice. It draws together long standing local, national and international evidence, all supporting the tenets of our articulation of Child First. We hope this paper will provide policy-makers and practitioners the evidence, and in turn confidence, to drive reform and to improve outcomes for children and our communities alike, based upon a Child First approach.

The YJB will continue to develop our own thinking and understanding through our strategic and business plans. Meanwhile, we look forward to the learning that will come from Pathfinders in developing Child First practice. I know Professor Case and colleagues will be lending their support to some of this work and look forward to the result of collaboration between academic and practice.

I am genuinely excited about the opportunities this work offers, as are my fellow Board members and staff, and I'm grateful to Professor Stephen Case, Ann Browning and colleagues for producing this research, which supports Child First as an evidence-based approach.

Keith Fraser
Chair, Youth Justice Board

Executive Summary

This report presents the research evidence-base for adopting the 'Child First' strategic objective to guide the work of the Youth Justice System (YJS) of England and Wales. The report begins with an overview of the evolution of the YJB's Child First strategic objective from a principle developed in Wales into a set of evidence-based tenets that underpin a complete model of practice. It outlines the origins of Child First in international children's rights instruments (e.g. the *United Nations Convention on the Rights of the Child, 1989*), tracing its evolution and development in scholarship, research and government strategy, leading into its recent formalisation in the strategy and national standards of the Youth Justice Board for England and Wales. For the purposes of clear and accessible discussion, the Child First principle is unpacked into four 'tenets', each of which includes a range of components.

1 **See children as children:** Prioritise the best interests of children, recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.

2 **Develop pro-social identity for positive child outcomes**: Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.

3 **Collaboration with children:** Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.

4 **Promote diversion:** Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

Informed by a comprehensive review (a methodology is available in appendix I) of international sources of literature, the report presents the research evidence-base for Child First as a complete model of practice and in relation to its four individual, interacting tenets. Each section collates, discusses and evaluates the principle of Child First in terms of their underpinning *theories* (e.g. causes of offending, programme change mechanisms, their basis in national and international *policies/strategies* (including children's rights instruments) and their related *empirical research evidence-bases* from the field of youth justice and associated areas (e.g. childhood and youth studies, policing, social work, health). Case studies and operational examples are integrated throughout to illustrate the research evidence-base in practice. The evidence collected and reported brings longstanding, multi-disciplinary research evidence-bases related to each tenet and the associated emerging practical (research) evidence-base to support the Child First model of youth justice.

References to all supportive sources are provided as is a glossary of key terms (indicated in **bold type** throughout) in appendix III, and a table of abbreviations.

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1.0 Introduction and Background

> 'The philosophy for youth justice must be to treat all young offenders as children first... differently from adults and in a separate manner which recognises the special status accorded to them because of their youth' (Haines and Drakeford, 1998: 89)

This report presents the research evidence-base for the 'Child First' principle of youth justice adopted by the Youth Justice Board for England and Wales (YJB) as a strategic priority for the Youth Justice System of England and Wales (YJB, 2020). Child First has become the central and guiding principle of the YJB, underpinning *Standards for children in the youth justice system 2019* (MoJ and YJB, 2018)*, directing the policy and practice of the youth justice sector as a whole and the range of services therein.

1.1 Purpose and structure of the report

This document supports the YJB's statutory duty to identify, disseminate and promote good practice by providing a clearly articulated, detailed research evidence-base for 'Child First' as an emerging strategy and model of practice. It presents a comprehensive review[1] of the research evidence-base for Child First as a strategic objective and complete model of practice and as a series of interacting tenets (principles) for practice. Each tenet of Child First has a longstanding evidence-base in academic theory, **empirical** research, policy, strategy, practice guidance and operational examples and the evolution of Child First has been informed throughout its history by these evidence-bases. For ease of access and comprehension, the research evidence-base for each tenet is set out in summary tables at the start of each section, with each component of the tenet being numerically linked to corresponding sections of the report.

The primary purpose of the report is to enhance the knowledge, understanding and application of Child First by stakeholder groups working in the Youth Justice System (YJS), including policymakers, managers, practitioners, third sector organisations and academics. The report takes its structure from the YJB's operational definition of 'Child First' set out in *Standards for children in the youth justice system* (MoJ and YJB, 2019), unpacking the overarching Child First principle into the four tenets and the components of each (see below).

The YJB principle of Child First: A Child First, approach means that all youth justice services:	
Tenets	*Components*
1. *See children as children*	Prioritise the best interests of children, recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.
2. *Develop pro-social identity for positive child outcomes*	Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
3. *Collaboration with children*	Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.
4. *Promote diversion*	Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

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[1] See appendix one for full details of the methodology employed.

1.2 From 'Children First, Offenders Second' to 'Child First'

The Child First strategic objective has its origins in Wales in the principle of 'Children First, Offenders Second', which was first articulated by academic researchers Kevin Haines and Mark Drakeford[2] in their ground-breaking text 'Young People and Youth Justice' (Haines and Drakeford, 1998). The original 'Children First, Offenders Second' (CFOS) principle challenged what the authors perceived to be the anti-child elements of the 'new youth justice' (Goldson, 2000) strategies contained within the *Crime and Disorder Act, 1998*, particularly those that:

- o *criminalised children* through the application of 'youth offender' labels (i.e. ignoring their 'child' status);
- o prioritised *offence - and offender-based* interventions;
- o assigned too much *responsibility to children* for causing and desisting from offending;
- o *breached children's rights* under the United Nations Convention on the Rights of Child (UNCRC);
- o mobilised non-child-friendly strategies using *punitive* (punishing) and *risk-based approaches* to delivering youth justice.

The CFOS principle was subsequently integrated into the Welsh national youth inclusion strategy *Extending Entitlement* (National Assembly Policy Unit (NAPU), 2000, 2002, see section 2.4.1 for more details). It subsequently became the foundation of the *All Wales Youth Offending Strategy* (Welsh Assembly Government and YJB, 2004), now the *Children and Young People First strategy* (Welsh Government and YJB, 2014; see also *Youth Justice Blueprint for Wales*, MoJ and Welsh Government, 2019). Alongside these strategic developments in Wales, a long-term body of academic research was being conducted with children, parents, Youth Offending Team (YOT) staff, police, schools, third sector organisations and national policy-makers (e.g. YJB Cymru; Welsh Government) to unpack, expand and evaluate CFOS practice (see also Thomas, 2015). This research developed the CFOS principle into an evidence-based model of practice entitled 'Positive Youth Justice' (Haines and Case, 2015), which consisted of inter-related, 'effective' components of practice in the Youth Justice System (YJS), notably:

- o *child-friendly, child-appropriate* treatment of older children who offend in accordance with 'child' status and capacities;
- o *promotion of positive behaviours and outcomes* for children (e.g. access to universal entitlements and rights);
- o *diversion* from the formal YJS, including child-friendly decision-making at all stages of the YJS;
- o more meaningful *engagement and participation* of children in youth justice processes such as decision-making and intervention planning;
- o *making adult professionals responsible* for ensuring that children in the YJS achieve positive outcomes and access support and guidance.

1.3 CFOS in the Youth Justice System of England and Wales

The CFOS principle has been adapted and adopted in youth justice policy and practice to form of the YJB's 'Child First' strategic objective. The formalisation of Child First in the YJS and

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[2] First Minister of Wales since 2018

its foundational research evidence-base has been driven by a series of evidential and contextual developments including:

- o *Evidence*: Evolving academic and empirical insights regarding successful and appropriate components of youth justice strategies and models of practice internationally along with evidence-based critiques of the weaknesses and limitations or previous models and approaches, have expanded knowledge and understanding of the influences on children's offending behaviour and how best to respond to it;

- o *Principled debates:* The 'principled youth justice' model of Goldson and Muncie (2006) argued that youth justice should address socio-economic inequalities, prioritise diversion from the formal YJS and promote child-appropriate justice (see also Harding and Becroft, 2013). An associated 'child-friendly justice' movement emerged that seeks to protect the rights, inherent child status and best interests of children when they offend, so viewing them as 'vulnerable becomings in need of protection, help, guidance and support' (Goldson and Muncie, 2009, 2015: vii; see also Case, 2018);

- o *Socio-economic change:* Sweeping economic austerity internationally has led to the enforced downsizing of vital children's support services. However, these 'crises' (in combination with the developments above) have motivated key to explore new understandings of and responses to children's offending behaviour that are founded in broader (yet also more localised) evidence-bases and that may be more innovative and cost effective than previous approaches;

- o *Political dynamism:* Governmental instability and insecurity (e.g. as the result of austerity, Brexit, differences between UK nation states, internal party changes) has led to frequent changes in personnel and in the visibility and priority of youth justice as a political issue. For example, the *Youth Justice Review* (Taylor, 2016) was motivated by pragmatic and economic concerns to reduce reoffending rates in the YJS**,** resulting in a series of recommendations to create 'a new [youth justice] system in which young people are treated as children first and offenders second' (Taylor, 2016: 48);

- o *Strategic developments in related policy areas:* The National Police Chiefs' Council (NPCC) *Child Centred Policing* national strategy document stated that 'It is crucial that in all encounters with the police those below the age of 18 should be treated as children first' (NPCC, 2015: 9). This approach was reiterated by the *Youth Justice Review* in 2016. Subsequently, the Sentencing Council produced their *Sentencing Children and Young People* guidelines and principles, which stated that 'the approach to sentencing should be individualistic and focused on the child or young person, as opposed to offence focused' (Sentencing Council, 2017: 4), thus child first, not offence or offender first.

Following the publication of the *Youth Justice Review*, the author (Charlie Taylor) became the Chair of the YJB in March 2017. His appointment was closely followed by a wholesale change in the composition of YJB membership. Soon after, the YJB developed their own operational definition of CFOS (which they entitled 'Child First') as the central and guiding principle of a new national youth justice strategy (YJB, 2019). This definition was based on the original CFOS principle (Haines and Drakeford, 1998) as it had been developed in the 'Positive Youth Justice[3]' model of practice (Haines and Case, 2015; see also Byrne and Case, 2016),

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[3] The YJB's definition incorporates the Positive Youth Justice concepts of child-focused practice, the future-focused promotion of positive behaviours and outcomes, engagement, supportive relationships and diversion from the formal YJS. However, it does not explicitly include the concepts of evidence-based partnership, legitimacy and 'responsibilising' adults for children's outcomes (see Haines and Case, 2015).

supplemented by the tenets of the evidence-based *Constructive Resettlement* approach (Hazel et al, 2017). The centrality of Child First is reinforced in the *YJB Business Plan 2020/21* which commits to 'promote the implementation of the child first guiding principle' (YJB, 2020: 5) and further reflected in the Vision Statement of the *YJB Strategic Plan 2021-2024* (hereafter the *Strategic Plan)*, which commits to a YJS that is child-centred, stating:

> We see children first and offenders second. We make every effort to champion the needs of children wherever they are in the youth justice system and ensure we give them a voice; We strongly believe that children can and should be given every opportunity to make positive changes (YJB, 2021: 7).

1.4.   Theoretical foundations of Child First

As an evidence-based model of practice, Child First has established theoretical foundations and a significant evidence-base available from research and operational examples of its successful application in practice. As a model of practice, Child First has a dual purpose: identifying/tackling the influences on offending *and* identifying/promoting the influences on children's desistance from offending and that help them to move into prosocial, positive behaviour. As such, its theoretical and **empirical**[4] foundations for Child First lie in Social Control Theory (Hirschi, 1969), which has arguably the largest and most reliable (replicated) empirical evidence-base of any criminological theory (Costello and Laub, 2020; Hopkins-Burke, 2016). Social Control Theory emphasises the social factors that bond or 'attach' people to the norms and laws of a given society (e.g. socialisation in the family, school and peer group) and explaining law-breaking as the result of an individual's bond to society being weaker or broken (Hirschi, 1969). Specifically, there are four types of social bond that have been evidenced to influence children's behaviour, each of which corresponds with Child First tenets such as positive identity development, promoting positive behaviours/outcomes, engagement, participation and inclusion:

- o *Attachment* to significant and important people, organisations and institutions (e.g. relationships);
- o *Commitment* to conventional, traditional, normal behaviours and actions (e.g. a rational choice to conform)*;*
- o *Involvement* in conventional behaviours and activities (e.g. being too disinterested, distracted or busy to commit crime);
- o *Beliefs* in the importance of normal behaviour and in each of the other elements of the social bond.

Child First has further theoretical origins in Labelling Theory (Becker, 1963; Lemert, 1951), which argues that that children categorised as 'offenders' have been subjected to processes of **criminalisation** - the allocation of 'criminal' labels by more powerful groups in response to rule-breaking rather than criminality (e.g. behaviours deemed anti-social) in order to justify targeting and differential treatment. Such behaviours were identified by Lemert (1951) as 'primary deviance'. It is this process of labelling the child as deviant which denotes them as an 'offender', rather than the behaviour itself. This process can alter the way the child perceives themselves, leading them to accept a deviant identity or 'master status' (Goffman, 1963). This can encourage further offending, also known as **secondary deviance**. Secondary deviance is far more likely to take the form of actual criminality as the social response can cause the child to see themselves as a criminal and behave accordingly (Lemert, 1951).

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[4] Where terms are in bold type, their definition is provided in the Glossary section of this report (appendix III).

Child First can also be linked to the Social Development Model (Catalano and Hawkins, 1996; Hawkins and Weis, 1985), another explanatory theory with a significant evidence-base from empirical research (Hawkins et al, 2003; see also Hopkins-Burke, 2016; Case and Haines, 2009). The Social Development Model combines the key elements of Social Control Theory (Hirschi, 1969) and Social Learning Theory[5] (Akers, 1985) to create a theory that is developmentally sensitive (a tenet of Child First), explaining how 'etiological factors' (causes) within the family, school, peer group and community interact to increase or decrease the probability of youth antisocial and criminal behaviour. These causes were identified as:

- o Perceived opportunities for involvement and interaction with significant others in conventional activities;
- o Degree of involvement and interaction;
- o Skills of the young person to participate in these involvements and interactions;
- o Perceived reinforcements for behaviour that determine whether association with family, school or peers produces a strong bond.

Like Social Control Theory, the explanatory focus of Social Development Theory on the potential causes of non-offending[6] and (moreover) on positive behaviours and outcomes for the child, is potentially relevant to the central tenets of Child First (e.g. strengths building, constructive work, diversion, engagement).

1.5 Models of youth justice practice in England and Wales

Shifting policy frameworks and evolving research evidence-bases have led to the emergence of distinctive models of youth justice in England and Wales in recent years, most notably the development of Child First-related models. Following a **qualitative review** of youth justice plans across local authority areas in England and Wales, Smith and Gray (2019) identified a **typology** of strategic and operational frameworks for the delivery of youth justice (see also Smith, 2020), with the most recent evidence-based model identified as:

Children and Young People First (i.e. *Child First*) - where YOTs are closely aligned with more **holistic** understandings of children and their offending, viewing this as critically intertwined with contextual factors and their underlying social circumstances (Smith and Gray, 2019). There is often a clear commitment to developing interventions to avoid unnecessary prosecutions and criminalisation and to support children at the point of initial contact with the YJS.

The other strategic and operational models identified have relied more on be targeted and risk-led management of 'offenders' that became a priority for the YJS of England and Wales following the *Crime and Disorder Act, 1998*, which Child First direct challenges (see section

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[5] Social Learning Theory (Akers 1985) explains offending behaviour by children as the product of interactions between 'differential association' with peers who have attitudes and values favourable to offending (see Sutherland 1947), 'differential reinforcement', in other words rewards or perceptions of being rewarded for offending behaviour, 'imitation' of offending attitudes and behaviours that are perceived by the child to be rewarding and 'definitions' (learned from others) of laws and rules as able to be broken.

[6] Subsequently, three new variables were included as influential, yet 'exogenous' (external) to the original theory (Catalano et al, 2005): *constitutional and physiological traits* (e.g. cognitive ability, temperament, nervous system arousal), *socio-structural status* (e.g. demographic characteristics, socio-economic status) and *external constraints* (e.g. formal/informal social reactions, clarity of rules/laws, expectations for behaviour).

1.2; see also Drakeford, 2010; Haines and Case, 2015). These targeted, management-led strategies are:

Targeted intervention - a response to resource and **structural constraints** that is geared more towards specialised rather than minimal intervention. In other words, YOTs view themselves as having a role in identifying and addressing those aspects of children's circumstances (e.g. risk factors) which are linked with their offending in order to develop tailored early intervention programmes (see the tenet three section of this report) focusing on these specific areas of concern (Smith and Gray, 2019; Kelly and Armitage, 2015);

Offender management - the emphasis is very much on delivering services according to national policy targets, meeting agreed objectives, and demonstrating efficient and effective management of offenders. However, this model is consistent with the principle of 'minimum intervention' and the idea that diversion should be used (see the tenet four section of this report) to clear the way for the devotion of limited time and money to working with children who are seen as a higher priority in terms of the problems they represent.

1.6   Child First as a model of practice: Empirical evidence

As a complete, evidenced model of practice, Child First has been developed (in line with CFOS principles) by academic researchers at Swansea University in collaboration with Swansea Youth Offending Team - an ongoing evidence-based partnership that began in 1996 (see Case and Haines, 2014 and appendix II of this report). Over a more than 20-year period, this research partnership has developed the central CFOS principle into a set of evidenced component principles that reinforce one another and come together to form a complete model of practice entitled 'Positive Youth Justice' (Haines and Case, 2015; see also Haines and Case, 2018). Positive Youth Justice is 'positive' because it prioritises positive behaviours and outcomes as its key measures of 'effectiveness' and because it is explicitly opposed to the 'negative', punitive features of risk-based youth justice (see section 1.2) - the **labelling** and **stigmatisation** of children, excessive intervention, **net-widening**, doing justice 'to' not with children and over-emphasising the prevention of negative outcomes (e.g. exposure to risk factors, reoffending). The central principles of CFOS are:

- o *Child-friendly and child-appropriate practice*: Ensuring that all work with children is developmentally appropriate and acknowledges their inherent 'child' status and capacity, rather than 'adulterising' children (treating them as if they were adults);

- o *Diversion*: Prioritising the diversion of children from the formal YJS and into other support systems and services more suited to their needs, rather than punishing and intervening excessively in their lives;

- o *Promoting positive behaviours/outcomes*: Focusing prospectively (into the future) on facilitating positive behaviours (e.g. engagement in prosocial activities) and positive outcomes (e.g. educational attainment, employment), rather than primarily focusing retrospectively on negative behaviours (e.g. offending) and outcomes (e.g. exposure to risk);

- o *Engagement:* Facilitating children's meaningful engagement (belief in, commitment to - see Social Control Theory) with youth justice processes and decision-making that affects them, rather than doing justice 'to' them in 'adult-centric' and non-inclusive ways;

- o *Legitimacy*: Enabling children in the YJS to feel that their treatment by official agencies is 'legitimate' in the sense of fair, moral and just (rather than unfair, unjust, punitive), which can increase the likelihood of their engagement and of intervention

success, as well as children building positive relationships with the police and youth justice agencies;

o *Responsibilising adults*: Holding adults primarily responsible for enabling children who offend to achieve their full potential and to gain access to support services, guidance and opportunities, rather than holding the relatively powerless and immature child primarily responsible.

A succession of multi-agency, CFOS-based interventions and programmes (see appendix III) have provided empirical evidence of the model's effectiveness in reducing negative behaviours and outcomes such as the numbers of children receiving school exclusions, reporting substance use, subject to anti-social behaviour management, offending annually, entering the YJS for the first time, re-offending and receiving custodial sentences (see Case and Haines, 2003, 2004, 2009; Haines and Case, 2005). These programmes have also provided evidence of positive (i.e. not simply preventative) outcomes, for example, increases in the annual numbers of children diverted from the formal YJS and into appropriate support services (Haines et al, 2013), improvements in children's perceptions that they can access their universal rights (Case et al, 2005) and children's increased engagement with positive, prosocial opportunities and services in their community (Case and Haines, 2018; Case et al, 2012a,b; Haines and Case, 2015).

Structure of the report:
The following sections provide the evidence-bases for the four tenets of the Child First strategic objective. These are: See children as children, Develop a pro-social identity for positive child outcomes, Collaboration with children, and Promote diversion. Each tenet is unpacked as a set of components, which are respectively discussed in terms of the available evidence in the form of policy support, research support and operational examples. For ease of access and comprehension, each tenet section is prefaced by a summary table including key examples from the evidence-bases. Each component of the tenet set out in the table is numerically linked to a corresponding discussion section within the report

2.0. Child First tenet one: See children as children

Components: *Prioritise the best interests of children, recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children[7]*	
2.1 Prioritise the best interests of children	
2.1.1 Policy support	**2.1.2 Research support**
The United Nations Convention on the Rights of the Child: Asserts that best interests of the child shall be a primary consideration, superseding punishment, correction or prevention (Art. 3; see also - *Committee on the Rights of the Child (General Comment No. 10)*, UNCRC, 2007) *Children Act 2004*: Directs that all services must promote the welfare of children and embed safeguarding into practice (s.11) *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*: Provides direction regarding best interests of the child: diversion from prosecution, avoidance of imprisonment (Council of Europe, 2010) *Review of the Youth Justice System in England and Wales*: Offers evidence-based support for a renewed YJS focus on improving the welfare, health and education of children (Taylor, 2016)	Listening to Children About Justice: Findings of a large-scale international consultation with children stress the importance of parents, siblings and friends in the lives of children; a distrust of authority, a need for respect; and to be heard (Kilkelly, 2010) Conceptualising Risk and Need: Empirical evidence from qualitative research of YJS practitioners' views of assessment and intervention in the context of 'risk' and 'need' demonstrate a disconnect between managerialist, risk focused YJS policy, and the level of emphasis that practitioners place upon welfarism (Briggs, 2013)
2.2 Recognising the particular needs of the child	
2.2.1 Policy support	**2.2.2 Research support**
Child Centred Policing: Indicates that police must have regard to the safety, welfare and well-being of children who offend (NPCC, 2015) *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*: Provides evidence-based direction that all youth justice responses should be adapted to, and focused upon, the needs of the child (Council of Europe, 2010) *Sentencing children and young people: Definitive guideline*: Recommend that sentencers focus on the individual child rather than upon the offence (Sentencing Council, 2017) *Review of the Youth Justice System in England and Wales*: Endorses a Child First approach and recommends improving the education, health and welfare of children in the YJS in order to meet their evidenced needs (Taylor, 2016) *Healthcare Standards for Children and Young People in Secure Settings*: Set the minimum standards for responses to health, neurodisability and substance misuse problems of children in secure settings (The Royal College of Paediatrics and Child Health, 2019)	Multiple studies demonstrate that children in the YJS are disproportionately likely to have multiple complex needs: (See Bateman and Wigzell, 2019), Disability/poor mental health (Bush, 2016; Hales et al, 2018), speech, language and communication needs (Sowerbutts et al 2019), educational engagement/ school exclusion (HMIP 2015; YJB/MoJ, 2020), adverse childhood experiences/trauma (Bellis et al, 2019; NHS, 2020), care system histories (YJB/MoJ, 2020; PRT, 2016), maltreatment (YJB/MoJ, 2020) and experience of being child protection registered (Jacobson et al, 2010) Secure Settings for Young People: A National Scoping Exercise: Evidences through a patient census the present and future care needs of children in secure settings and the extent of vulnerability and complexity in securely detained children (Hales et al, 2018) Healthcare Standards for Children and Young People in Secure Settings: An evidence-based set of 70 standards, the Guiding Principles of which reflect the views of children. The research base included examination of existing standards in all secure settings (England) and stakeholder engagement (The Royal College of Paediatrics and Child Health, 2019)

Building Bridges: A positive behaviour framework for the children and young people secure estate: Provides a positive, outcome-based preventative strategy for recognition of complex needs and the delivery of trauma-informed care for children detained in secure settings (NHS England, 2020)	

2.3. Recognising the capacities of the child

2.3.1 Policy support	**2.3.2 Research support**
The United Nations Convention on the Rights of the Child: Rules that adults have responsibility to realise rights on behalf of children Adult direction and guidance consistent with the evolving capacities of the child (Art. 5)	Children's capacities in youth justice processes: Multiple studies demonstrate that children are innately more vulnerable than adults (e.g. Jacobson and Talbot 2010; Prior et al, 2011; Grisso and Schwartz, 2000; Kazdin, 2000, Woolard and Reppucci, 2000), so programmes need to emphasise that 'evolving capacities for children are a positive opportunity for growth self-reliance and involvement' (McCafferty, 2017: 337)
Youth Justice Board for England and Wales Strategic Plan 2021-2024 States an intent to build on the strengths and capacities of children by working collaboratively with the child to provide individualised personal and structural support (YJB, 2021)	Compromised capacities: Analysis of developmental research evidences that children's age-related capacities can be compromised in stressful situations such as YJS contact (Kazdin, 2003), so adults need to support children to participate meaningfully (Kilkelly, 2010)

2.4. Recognising the rights of the child

2.4.1 Policy support	**2.4.2 Research support**
The United Nations Convention on the Rights of the Child: Set out the universal rights of children notwithstanding circumstance/status and responsibilises adults for realisation of children's rights (Art. 2)	Realising the Child's Right to Participation: Analysis of international standards, guidance and practices demonstrate that children's meaningful participation requires adaptation of procedures throughout all justice processes (Forde, 2018). Drawing on findings of a large-scale qualitative study (see Kilkelly et al, 2005), it is argued that *UNCRC Art. 12* should be reconceptualised as enabling *Space, Voice, Audience* and *Influence* if children's views to be enabled, listened to and acted upon (Lundy, 2013)
International children's rights instruments: Other instruments consolidate and extend the *UNCRC* by stating: Children's rights must be protected through a separate YJS (*Beijing Rules*), by advocating for diversionary, non-punitive and preventative youth justice responses (*Riyadh Guidelines*) and by directing that child imprisonment should be a 'last resort', and 'for the minimum necessary period' (*Havana Rules*)	Positive Promotion Project: Provides evidence that interpretations of participation differ between children and adults (Charles, 2017) and demonstrates that rights-based interventions improve child/adult relationships, positive outcomes, prevention of negative outcomes, improved service effectiveness (Haines and Case, 2015)
Every Child Matters: Prioritises better outcomes for children in 5 areas: being healthy, staying safe, enjoying and achieving, making a positive contribution and economic wellbeing (DfES, 2004)	
Extending Entitlement: Provides universal entitlements rather than minimum rights unconditionally to *all* children in Wales (NAPU, 2002)	

2.5. Recognising the potential of the child

2.5.1 Policy support	**2.5.2 Research support**
Youth Justice Board for England and Wales Strategic Plan 2021-2024: Intends to build on the strengths and capacities of children by giving them 'every opportunity to make positive changes' (YJB, 2019: 7)	Positive Youth Justice (USA): Provides an evidence-based model illustrating that recognition of a child's potential can reduce offending and promote positive outcomes, and that children develop skills associated with leading positive and productive lives if

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[7] Each section of this and subsequent tenet tables are numerically linked to a corresponding section within the main body of the report

How to make resettlement constructive: Introduces the Constructive Resettlement approach and establishes that all resettlement work must promote the strengths, capacities and potential of the child (YJB, 2018) *Extending Entitlement:* Promotes and actively encourages 'equality of opportunity for all young people in order that they may fulfil their potential' (NAPU 2002: 45)	opportunity and adult support is available (Butts et al, 2010) Youth Advocate Programs: Multiple programme evaluations evidence that strength-based, family-focused intensive interventions produce more positive outcome than justice or welfare programmes (Youth Advocate Programs, Inc., 2014)

2.6 All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children

2.6.1 Policy support	**2.6.2 Research support**
The United Nations Convention on the Rights of the Child: States that justice responses should be appropriate to the child's age and well-being, developmentally informed, in their best interests and proportionate to their circumstances and the offence (Art. 40) *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*: Directs that all justice responses should be child-friendly and age-appropriate (Council of Europe, 2010)	Edinburgh Study of Youth Transitions and Crime: A mixed-method study conducted over two decades, evidencing the need for child-focused youth justice to be developmentally informed, for example, by raising the minimum age of criminal responsibility, prioritising diversion and promoting educational inclusion (McAra and McVie, 2018) Maturation and capacity: An extensive evidence-base highlights that processes of maturation (maturing, growing up) depend on interactions between physical, intellectual, neurological, emotional and social aspects of development (Glueck and Glueck, 1930; Sutherland, 1947; McAra and McVie, 2015). Undermining capacities: Extensive research indicates that children differ from adults intellectually, emotionally and socially (Prior et al, 2011) suggests that the stress of YJS involvement impairs children's decision-making (Grisso and Schwartz, 2003) and demonstrates that children's competency in court differs significantly from adults', so the YJS should consider immaturity as a test for fitness to stand trial (Grisso et al, 2003)

2.0. Child First tenet one: See children as children

> **Components:** *Prioritise the best interests of children, recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children*

2.1 Best Interests

2.1.1 Policy Support

Concern for the welfare of children has long been established in international and domestic policy, including the *Geneva declaration of the rights of the child 1924*, the *Children and Young Persons Act 1933*, and in the *Declaration of the Rights of the Child 1959*. The *United Nations Convention on the Rights of the Child* (*UNCRC*), comprising 54 (often interconnecting) rights statements, each of which is referred to as an '*Article*' (*abb.* Art.). The *UNCRC* directs that in all matters concerning children, their best interests must be the primary consideration, 'whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies' (Art. 3). The *Children Act 2004* (s. 11) strengthened the best interests obligation imposed upon services by *UNCRC* (including those within youth justice systems) when directing that 'all services must safeguard and promote the welfare of children, embedding safeguarding in their practice'. The statutory framework for safeguarding responsibilities for children, is set out in full in *working together to safeguard children* (HM Government, 2018). Whilst the concept of 'best interests' lacks precise definition across legislation and within secondary policy documentation (e.g. guidance, codes of practice, etc.), the content of such documents and instruments direct that adults with welfare responsibilities and/or with the authority to make decisions which affect children (including policymakers) are legally obliged to consider what is best for the child in their day-to-day lives. They must ensure that they are protected and cared for, and that services which provide protection and care for children are good at what they do.

The best interests of children who offend

The best interests of children who encounter youth justice processes are protected by a number of Acts of domestic (UK) law and international children's rights instruments. The *Children and Young Persons Act 1933* ruled that children in trouble must be responded to as children, separately from adults (s. 31), and that the court must have regard to the welfare of the child (s. 44). In accordance with *UNCRC* and its range of complementary children's rights instruments (see section 2.4.1), the principle of best interests is applicable at *every* decision-making point across the YJS, from the child's first contact with the police through to post-court service involvement (Hamilton, 2011). The Committee on the Rights of the Child (General Comment No. 10) argues that protection of the best interests of the child means that 'the traditional objectives of criminal justice, such as repression/retribution' should be replaced by a child-friendly, non-punitive response. *UNCRC* directs that the principle of best interests must be prioritised over punishment, correction or prevention (Art. 3) and the *Council of Europe Guidelines on Child-Friendly Justice* (hereafter the *Council of Europe Guidelines*) which direct that the best interests of the child should be a 'primary consideration in all matters involving or affecting them' (2010: 10), endorse diversion from prosecution as being in the best interests of the child. Furthermore, they state that in all responses to the law-breaking of children, children should be *seen as children*, and the response adapted to and focused upon their intrinsic needs as a child.

Council of Europe Guidelines on Child-Friendly Justice
The *Council of Europe Guidelines* began life in 2008 as four expert reports detailing findings on the challenges and obstacles experienced by children involved in the justice system. Those four reports formed the basis for the preparation of draft guidelines by a multidisciplinary group of 17 independent persons with expertise in child-friendly justice and children's rights. The group included members of the judiciary, lawyers, academics, psychologists, police officers, social workers and government representatives. A stakeholder consultation was followed by a Council hearing including leading NGOs and other stakeholders. The draft guidelines were then shared with member states for comments which were duly considered in the drafting process (Council of Europe, 2010). The *Council of Europe Guidelines* were developed to ensure that children can both access justice and experience fair treatment in justice processes. Promotion of the best interests of the child is the fundamental principle of the *Council of Europe Guidelines*, in which concern is expressed regarding 'how little use is made of the "best interests" principle in cases of juvenile justice... [because] there is a worrying trend in many Council of Europe member states towards treating young offenders like adults' (ibid., 2010: 53). Whilst the *Council of Europe Guidelines* are described within the document as 'a non-binding instrument', they are underpinned by the principles of instruments which *are* legally binding. Therefore, where it is stated that something 'should' occur or be put into practice, the *Council of Europe Guidelines* caution that use of that term ('should') 'must not be understood as reducing the legal effect of the binding instrument concerned' (ibid., 2010: 42).

It is important to note at this point that children's rights instruments such as the *Council of Europe Guidelines* take into account the basic principles set out in the *European Convention on Human Rights* (ECHR), and *United Nations Convention on the Rights of the Child* (UNCRC). They are developed through a series of processes (e.g. consultations and reviews) which incorporate reference to empirical research, draw upon knowledge developed through relevant case law, and analyses of the views, experiences, and expertise of stakeholders (see the example of the research evidence underpinning the development of the *Council of Europe Guidelines* in section 2.1.2). As such, these policies are evidence-based.

In a domestic context, a *Review of the Youth Justice System in England and Wales* (Taylor, 2016) reported evidence of high levels of complex need across the whole of the YJS. Children's best interests were central to the *Review of the Youth Justice System in England and Wales* (hereafter the *Youth Justice Review*) conclusions, with recommendations for changes reflecting a focus upon the educational, health and care needs of the child.

2.1.2 Research Support: Best Interests

The views of children were largely absent from research informing the development of policy concerning their rights until the turn of the century. It was not until the draft stages of the *Council of Europe Guidelines* (2010), that children were consulted and actively involved in the development of any legal instrument by the Council of Europe. The findings demonstrated that children experienced discontent with the way that they were seen and treated by those in authority and felt that their intrinsic needs were not understood (Kilkelly, 2010). Similarly, YJS practitioners were found to harbour discontent in the way they are directed to work, with children who offend, demonstrating a disconnect between managerialist, risk focused YJS policy, and the level of emphasis that practitioners place upon welfarism (Briggs, 2013).

Consultation with children on child-friendly justice: The research evidence
In 2010 a consultation on the topic of justice was undertaken with children throughout Europe to inform the *Council of Europe Guidelines*. Children were invited to respond to a survey on their experiences of justice system involvement by email to the Council of Europe but were

also able to contribute through NGO facilitated semi-structured interviews, focus group discussions and by creative and inclusive means such as sending photographs and/or pictures (Kilkelly, 2010). Over 3,700 children from educational, care and detention settings across 25 countries participated, the data from which was analysed by children's rights expert Dr Ursula Kilkelly. The strongest themes to emerge from the research were: the importance of family in the lives of the children; a distrust and lack of faith in those in authority - who they felt demonstrated little respect or empathy and did not appreciate their intrinsic needs as children; and finally, that children want to be heard, to receive child-accessible information, to be supported in participating in decisions made about them, and to speak directly with decision-makers (Kilkelly, 2010). These views were taken into account in the drafting of the *Council of Europe Guidelines* and were influential across a number of themes. This was the first time that children were actively involved in the development of a legal instrument by the Council of Europe (Kilkelly, 2010). As a whole, the consultation processes undertaken in the development of the *Council of Europe Guidelines* involved experts in the fields of justice and children's rights, and stakeholders across a number of knowledge, practice, and geographical domains. Most importantly, it included the views and experiences of children. The evidence gathered in the course of those processes, and the guidelines developed from that evidence, provide significant support for the principle of Child First.

Practitioner views of risk and need in youth justice: The research evidence
Findings of a qualitative study which explored YJS practitioners' views of assessment and intervention in the context of both 'risk' and 'need' provide an empirical example of the disconnect between managerialist, risk focused youth justice policy and processes, and how practitioners respond to children who offend. Analysis of the data revealed that whilst the practitioners 'employed the technical language' of risk-based youth justice, they actually 'believed welfare needs to be at the heart of assessment', viewing the children they worked with as 'presenting with such needs rather than solely as posing risks'. These findings augment evidence from other studies which have explored practitioner discretion and discovered a 'subversion of national policies'. This illustrates the tensions between the rhetoric and interpretation of risk-based policy, and experiences of practice, suggests that even during the era of managerialist youth justice, for some practitioners, the best interests of children have always been paramount (Briggs, 2013: 1/27, see also Fergusson, 2007).

2.2 Recognising particular needs

2.2.1 Policy support: Recognising needs

In 2010, the evidence-based *Council of Europe Guidelines on Child-Friendly Justice* (see section 2.1.2 above) asserted that a child-friendly YJS should differ from adult systems, in that it is adapted to the specific needs of children, and 'guarantees respect for and the effective implementation of all children's rights' (para. 1). By the middle of the decade, policies reflecting the ethos of *UNCRC* and the *Council of Europe Guidelines* were occurring in a domestic context.

Child-focused policy developments
The National Police Chiefs' Council (NPCC), drawing upon contemporary research, developed a new *National strategy for 'child centred policing*. The Strategy stresses that 'in all encounters with the police those below the age of 18 should be treated as children first', and that officers must have regard to the safety, welfare and well-being of children who offend (NPCC, 2015: 9). Similarly, the *Youth Justice Review* (Taylor, 2016) also endorsed the need to establish a Child First approach to youth justice policy, whereby children who offend would be seen primarily as children, and their intrinsic needs as children would be met. The *Youth Justice*

Review was evidence-based, having involved consultation with a range of stakeholders (from YOTs, **secure settings**, local authorities, youth justice experienced children, third sector organisations, the judiciary, and others) and engagement with contemporary empirical research and policy documentation.

A Child First approach was echoed also in the *Sentencing children and young people: Definitive guidelines* (Sentencing Council, 2017, hereafter the *Sentencing Council guidelines*). The courts, like all public bodies, have a safeguarding responsibility towards children (HM Government, 2018) and are permitted to exercise sentencing discretion on that basis. The judiciary must also be alert to any additional needs which exceed their intrinsic needs as children. In sentencing a child, the court must, among other considerations, take account of the child's welfare and their age (not only their chronological age, but also their developmental and emotional age). Thus, the *Sentencing Council guidelines* state that sentencing should be focused on the individual child (and as such, their individual needs), rather than upon the offence (Sentencing Council, 2017). Also, recognising that court proceedings can be especially difficult for children to navigate (also see section 2.3.1), a recent Justice Committee report recommends 'direct recruitment to the youth magistracy' enabling magistrates to 'specialise in the youth justice system from the outset' (House of Commons Justice Committee, 2020: 49).

Recognising the individual needs of children who offend

The *Youth Justice Review* highlighted that children who come to the attention of the YJS disproportionately present with especially high levels of **complex need** (see section 2.2.2 below). Children with complex need are those with more than one area of need and may also be described as being especially or doubly vulnerable (Moore and Miller, 1999; Rosengard et al, 2007). Taylor's emphasis upon seeing children as children with intrinsic needs and often having specific individual needs across a number of domains, very much echoed (and prioritised) the principles of children's rights legislation and guidance (see section 2.5 on the theme of rights recognition). Accordingly, the *Youth Justice Board for England and Wales Strategic Plan 2021-2024* has drawn upon this and other evidence and is now committed to a wholly child-centred approach wherein it will 'make every effort to champion the needs of children wherever they are in the youth justice system' (YJB, 2019: 12). The *UNCRC* (Art. 2) asserts that the rights of *all* children must be recognised and realised irrespective of their personal circumstances/situation, With specific regard to children who come to the attention of the YJS, the *Council of Europe Guidelines* (2010), which are underpinned by an extensive evidence-base (see section 2.1.2), direct that all responses to offending behaviour by children should be adapted to and focused on their intrinsic *needs as a child* and that children should be seen and responded to as children (rather than as adults) when they break the law. In relation to children's individual needs, *UNCRC* (Art. 2) also asserts that the rights of all children must be recognised and realised irrespective of their personal circumstances/situation, including disability or other status, and that disabled children are entitled to care and assistance appropriate to their condition (Art. 23). Notwithstanding the *UNCRC* requirement that all children must receive the highest attainable standard of healthcare (Art. 39), a recent Justice Committee report (2020) has acknowledged that whilst many children who offend may present with multiple and complex needs, they may not necessarily meet the threshold for a Child and Adolescent Mental Health Service (CAMHS) intervention. Thus, it recommends that 'the Ministry of Justice increase access to mental health support for all children and young people who need it' (House of Commons Justice Committee, 2020: 47).

Policy responses to the multiple and complex needs in children who offend

The disproportionate number of children detained in secure settings who are identified as experiencing high levels of complex need is recognised and reflected in recent policy. The

YJB, in keeping with the 'Child First' principle, and specifically the 'recognising particular needs' component of this first tenet, has responded to concerns regarding the complex needs of children in such settings by funding the development of revised *Healthcare standards for children and young people in secure settings* (Royal College of Paediatrics and Child Health (RCPCH), 2019). The document establishes the minimum standards for responding to detained children affected by physical or mental health problems, neurodisability and substance misuse needs. In parallel, healthcare provisions across the Secure Estate have been remodelled to reflect the principle of Child First for that same cohort. This is presented in the *Building Bridges* healthcare strategy, which provides a framework for the introduction of trauma-informed care for children detained in secure settings (NHS, 2020 - see the policy and practice example at the end of this section for further details).

Tackling the criminalisation of looked-after children
Extending the concept of need to the child's social circumstances, research-informed policies have been introduced to tackle the criminalisation of children in care. It is established that children in care (for at least 12 months) are significantly more likely to come to the attention of the YJS than those not in care (also see section 2.2.2) (Department for Education, 2018). Drawing on the example of the *Pan-Dorset protocol to reduce criminalisation of children and young people in care*, a national protocol setting out best practice has been developed (Department for Education, Home Office and Ministry of Justice, 2018). The protocol, acknowledging that 'coming into contact with the criminal justice system tends to increase the likelihood of offending' (also see section 5.2.1), and directs that the most vulnerable children, such as those in care, should be diverted from [the criminal justice system] wherever possible. Furthermore, it highlights that services must be alert, and respond appropriately to the additional vulnerabilities of Black, Asian and Minority Ethnic (BAME) children who are in care and over-represented in both care and youth justice systems. The protocol sets out the policy to be followed when care setting staff are considering contacting the Police, in particular the types of incident which should be reported. The protocol also includes a dynamic risk assessment tool developed in collaboration with the National Centre for Excellence in Residential Child Care, which encourages carers/care staff to ask, 'would I have called the police if this were my own child?' (ibid.[8]: 43).

2.2.2 Research support: Recognising needs

Far fewer children come to the attention of the YJS than was the case 15 years ago, including those entering the system for the first time and those in secure settings (Taylor 2016; HMPS, 2020). Those in secure settings, in particular, are found to be vulnerable beyond the level intrinsic to childhood (Hales et al, 2018). As the number of children involved with the YJS has reduced, the proportion of those with multiple and complex health, education and social care needs and challenging behaviours has increased across the YJS (Taylor 2016; Hales et al, 2018; Bateman and Wigzell, 2019; YJB and MoJ, 2020). Census findings, and empirical evidence from contemporary research and consultation processes inform the revised healthcare standards for children in secure settings, in which children's voices are central. A new strategy for working with children in secure settings has been developed which is aligned with the Child First principle.

Complexity of need in the YJS: The research evidence
Children involved with the YJS, in particular those detained in custody, are far more likely to have social care histories, e.g. school exclusion (HMIP, 2015); care-system experience (HMIP, 2019), to have been on the Child Protection Register (Jacobson et al, 2010), and/or to have

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[8] Where the Latin term *ibid*. is used, this means that the reader should refer to the previously cited source.

experienced maltreatment (Cadman et al, 2008). Those described as having multiple and complex needs experience a combination of health, psychological and social problems, requiring access to and support from social services, mental health provisions, and health and substance misuse services (Keene, 2001). In the field of mental health two or more mental health diagnoses would be 'considered relevant to an idea of complex needs' (Hales et al, 2018: 31). International research evidence consistently indicates that the needs of children are often more complex and multiple than those of adults, that this is especially so for children who come to the attention of the YJS (Bellis et al, 2019). Indeed, in the year ending March 2019, 88% of sentenced children assessed by practitioners using **AssetPlus** were identified as experiencing safety and wellbeing needs, 41% of which were subject to 10-14 different areas of concern (YJB, 2020). The physical, mental health, neurodevelopmental, disability, and vulnerability related needs of children embroiled in the youth justice system include: dyslexia, dyspraxia, attention deficit hyperactivity disorder (ADHD) (HMIP, 2019; Fazel, 2008), autism (McCarthy et al, 2016; Siponmaa et al, 2001), traumatic brain injury (Hughes et al, 2012), speech language and communication needs (Bryan, 2004; 2007), learning difficulties/disabilities (Department of Health, 2009), mental health problems such as depression and anxiety (Bush, 2016), post-traumatic stress disorder (PTSD) (Chitsabesan et al, 2006; Jacobson et al, 2010), adverse childhood experiences (ACEs) and/or traumatic experiences (NHS, 2020; Bellis et al, 2019).

Individual characteristics and particular needs in secure settings: The research evidence
A 2016 census of all children across all secure settings[9] in England and Wales examined the individual characteristics and particular needs of detained children, with the aim of 'understanding needs in terms of vulnerability, complexity and degree'. The census revealed these areas of need to be significantly higher among detained children (Hales et al, 2018: 8). More than half of the children were found to have at least one mental health or neurodevelopmental condition, and a third to have two or more such conditions. Children with neurodevelopmental or 'emotional dysregulation/emerging personality disorder' diagnoses were significantly overrepresented across secure settings when compared to the general child population, with 23% of the 'emotional dysregulation/emerging personality disorder' group in secure settings being detained in STCs or YOIs. However, the census report authors suggest that the statistics relating to YJS secure settings and SCHs should be considered under-estimates because the focus of assessment is more holistic (broader than mental health needs alone) and that, therefore, children 'will not necessarily get such a thorough *diagnostic* assessment' (ibid: 31). The authors also note that whilst children detained in secure YJS settings are generally considered less vulnerable than those in secure children's homes or hospital settings, more than 10% of the children in YJS secure settings were considered vulnerable beyond the level that is intrinsic to childhood.

Positive healthcare strategies with children in secure settings: The research evidence
Child First research suggests that rather than children's needs being adult defined through assessments undertaken 'on' the child, they should be determined through effective engagement *with* children (see Child First tenets two and three) with a focus on 'enhancing positive outcomes...[and] working with children as agentic, active constructors of their own positive futures' (Haines and Case, 2015: 56; Drake et al, 2014; see also Case and Haines, 2015; Thomas, 2015). In developing the revised *Healthcare Standards for Children and Young People in Secure Settings* (see section 2.2.1 above) RCPCH consulted with a range of stakeholders including children with current or previous lived experience of detention in a secure setting. Their participation was enabled by secure setting staff and the social justice charity Peer Power which collated insights and experiences of children from across a number

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[9] Secure Children's Homes (SCHs), Secure Training Centres (STCs), Youth Offender Institutions (YOIs) and Secure Hospitals.

of secure settings and within the community (RCPCH, 2019; Peer Power, 2020). The collective voice of children 'is particularly present in the Guiding Principles [of the revised standards] with the focus on recognising the individual' (RCPCH, 2019: 56). In parallel 'Building Bridges' (NHS England, 2020) has developed as a strategy for working with children in secure settings who experience physical or mental health problems, neurodisability and/or substance misuse issues (see the policy and practice case example at the end of this section). Informed by contemporary research, the strategy is child and positive outcome focused, and as such is committed to the Child First principle. The strategy is delivered collaboratively by the NHS, Youth Custody Service and the Department for Education and as such is aligned with the *Council of Europe Guidelines*, which promote interdisciplinary approaches when working with children in order to attain a holistic understanding of the child.

Box 1

Policy and practice case example: Building Bridges - A positive behaviour framework for the children and young people secure estate

The healthcare field of practice has recently reviewed and remodelled its provision to reflect Child First in the Secure Estate. The YJB funded the development of a revised set of *Healthcare Standards for Children and Young People in Secure Settings* (Royal College of Paediatrics and Child Health (RCPCH), 2019). Developed in consultation with healthcare practitioners and operational staff from the Secure Estate, along with children who had experience of healthcare in custody and a range of academics, the 2019 *Standards* were revised to align services with recent 'changes to regulation, legislation and professional guidance' (ibid: 5). Anne Longfield, Children's Commissioner for England noted in the foreword to the Standards, 'the guiding principles…show a commitment to a child-centred approach, while recognising the tension between children's right to autonomy and the need to promote their welfare' (ibid: 2). The *Standards* are incorporated into new NHS service specifications - *Building Bridges: A positive behaviour framework for the children and young people secure estate,* to guide practice with children within the Secure Estate whose needs relate to physical and/or mental healthcare, neurodisability and substance misuse issues.

The *Building Bridges* framework (NHS England, 2020) is informed by contemporary research and outlines an evidence-based strategy and regulations for practice which are committed to Child First principles. Delivered collaboratively by the NHS, Youth Custody Service and the Department for Education across nineteen secure settings in England, *Building Bridges* is built on a foundation of developing positive, child/adult relationships in an environment that recognises the 'relational conditions that can manage risk, promote positive behaviour and safety and create change with the children' (ibid: 5). *Building Bridges* is fundamentally a positive, outcome-based preventative strategy that addresses the needs and vulnerability of the particularly complex children in the Secure Estate. The underpinning principle is that by meeting a child's individual range of needs and creating an environment that is 'stable and conducive to positive behaviour', children are more likely to engage with, and participate in, support services (ibid: 6).

2.3 Recognising capacities

2.3.1 Policy Support: Recognising capacities

In case law, child competence was established in the landmark *Gillick* case (Gillick *v* West Norfolk and Wisbech Area Health Authority [1986]), in which a central consideration was that of the capacity of a child. This case paved the way for changes in domestic policy which would enable children's views to be heard in consultation of all matters directly affecting them (Alderson, 1993). Subsequently, the *UNCRC* has committed to protecting the rights of every child, regardless of race, religion or abilities/capacities. This aligns with a core component of the original CFOS principle (Haines and Case, 2015), that of responsibilising professionals (making them primarily responsible) for helping children to achieve their full potential and

positive behaviours/outcomes, rather than responsibilising children beyond the limits of their capacities (UNCRC 1989, Art. 5).

Building on children's capacities
Risk-based youth justice frames the characteristics of childhood and adolescence pertinent to capacity as individual deficits or 'risk factors'. These negative, individualised features include lower levels of cognition (the ability to acquire and process knowledge), decreased capacity for decision-making, self-control and self-regulation, susceptibility to peer influence of peers and risk-taking behaviour. In contrast, Child First recognises childhood and adolescence as normal stages of development and children's capacities and competencies to be just that, those of children. This objective has been articulated in the *YJB Strategic Plan* as a commitment to 'Build on children's individual strengths and capabilities' (YJB, 2021: 6; see also MoJ and Welsh Government, 2019). An understanding of how and why competency and capacity might be *further* compromised for particular children is crucial. Such understandings enable adults working with children in youth justice contexts to make informed decisions at key points in the process, in relation to diversion from formal systems, fitness for police interview, fitness to plead (Gyateng et al, 2013; Hughes et al, 2012; Nacro, 2007), appropriate and reasonable adjustments in line with current equality laws (e.g. the use of an intermediary), recommendations for sentencing (leniency), and assessment processes (Case et al in press). A Child First approach, therefore, directs the child towards services best equipped to attend to individual and specific needs. In instances where a community or custodial sentence is imposed, the same Child First principles apply.

The *Council of Europe Guidelines* emphasise that when children participate in court proceedings, the court should adapt to accommodate their evolving cognitive capacity. Children's rights instruments place a duty on the relevant adults to 'assess the child's capacity as far as possible. Instead of assuming too easily that the child is unable to form an opinion, states should presume that a child has, in fact, this capacity' (2010: 51). Child First principles are also evident in a recent Justice Committee report (November 2020) which recognises the limited but evolving capacities of all children who appear before the courts, and that children, in particular those with communicative impairments or neurodisability 'may not fully understand proceedings' (House of Commons Justice Committee, 2020: 49. Also see Grisso et al, 2003 for evidence of the capacities of children to participate in court processes). Since 2011 it has been possible for the courts to engage registered intermediary court support for vulnerable *witnesses* - to ensure communication is as complete, accurate and coherent as possible (Royal Courts of Justice, 2015; 2017). However, intermediary provision for a vulnerable child defendant is discretionary. Indeed, in the judicial review of TI v Bromley Youth Court, the legal framework was explained as there being:

> No presumption that a defendant under the age of 18 will be assisted by an intermediary at court. Rather, 'the decision should be made on an individual basis in the context of the circumstances of the particular case' (Royal Courts of Justice, 2020, para. 20)

The Justice Committee report, stressing the importance of ensuring that children with impaired capacity do not face further disadvantage during court processes, argues for a Registered Intermediary Scheme to be made routinely available to vulnerable child *defendants.* Moreover, it calls upon the Ministry of Justice to:

> Set out how it will extend this [Registered Intermediary] scheme to ensure that [all] children…regardless of specific needs, are supported through the criminal justice

process to ensure that they fully understand the process and are able to participate in an informed and full manner (House of Commons Justice Committee, 2020: 49).

2.3.2 Research support: Recognising capacities

Empirical evidence demonstrates that that children have innately lesser capacity than adults and that the capacities of all people are lowered in stressful situations. This presents as a problem in YJS encounters, especially if children are expected to navigate systems better suited to adult capacities. Many children involved in the YJS have additional and often complex needs which limit capacity further still. Children want to be heard and to participate in matters affecting them. The supportive nature of a Child First approach makes this possible.

Children's Capacities in Youth Justice Processes: The research evidence

Research demonstrates that children are innately more vulnerable than adults within criminal justice processes by virtue of their youth and the associated level of (im)maturity (Jacobson and Talbot, 2010; Prior et al, 2011). Critical analyses of children's rights policies and practices suggest that whilst it is usual for those working with and for children to perceive them as 'vulnerable, immature, easily distressed, irresponsible' beings who require protection, that those adults must also have faith that 'the evolving capacities of children are a positive opportunity for growth, self-reliance and involvement' if their rights as children are to be realised (McCafferty, 2017: 337). However, empirical research findings also evidence that children's capacities for decision-making and effective communication are diminished in stressful situations (Woolard and Reppucci, 2000) and that this can impair the decision-making and problem-solving capabilities they require to participate in and negotiate the various stages of the youth justice process. This includes how the child may respond at point of arrest, during police interview and subsequent court appearances, when speaking with legal representatives, in assessment processes and post-sentence in their experience in community or secure youth justice settings. A child's ability to successfully navigate a system which does not take this into account and is therefore not developmentally informed and child-friendly may be challenging (see also section 2.6).

The 'MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice' ('The Network'), was created in 1996 in response to a dissatisfaction with youth justice policy and practice in the USA (McArthur Foundation, 2020). In particular they expressed discontent regarding children being responded to as though they possessed the competence of adults when in conflict with the law. The Network developed 'a solid foundation of sound science and legal scholarship' through three large empirical studies and a number of smaller research projects in the area of child and adolescent development and justice system involvement. Their main research themes explored related to the competence and culpability of adolescent children in comparison to adults. The findings of the Network across a range of studies included evidence of significant differences in 'adjudicative competence' (competence in court) between adolescent children and adults, and that prior to the age of 16, children are significantly less likely to 'appreciate the nature and importance of legal proceedings, provide relevant information to lawyers, and make well-reasoned judgments about their individual circumstances' (para. 2). Contact with the YJS can be a stressful and traumatic experience for anyone. For children this is especially so due to the fact that they are just that, *children*, whose age and corresponding level of development are connected to an innate set of needs (Jacobson and Talbot, 2010). Those needs render them additionally vulnerable in such situations and therefore children are protected by children's rights instruments (see section 2.4 of this report) which stipulate that a separate system must be provided for children who break the law and provide guidance for a child-friendly approach.

Compromised capacities: The research evidence

Children's age-related capacities can be compromised further (Kazdin, 2000) when attempting to negotiate stressful situations. Indeed, stress may further impair decision-making functions and problem-solving skills (Woolard and Reppucci, 2000). Crucially, children involved with the YJS are disproportionately affected by greater levels of need (see section 2.2), and thus require a needs-focused response, which sees children as children, with the innately lowered competencies of children and also the lesser competencies of children with additional and potentially complex needs. A youth justice approach informed by the principle of Child First recognises this and responds in a way which *enables* children to demonstrate their full range of competencies rather than limiting them. Child First youth justice places a responsibility upon adults to recognise the evolving capacity of a child, and to provide direction and guidance in accordance with that capacity (UNCRC 1989, Art. 5). This is important because in the consultation stage of the development of the *Council of Europe Guidelines*, children were found to want 'to be listened to...be heard...receive information in a form that they can understand...[and] be supported to participate in decisions made about them' (Kilkelly, 2010: 39). By recognising a child's capacity, and also acting in compliance with children's rights instruments, adults working with children in youth justice contexts are able to make informed decisions at key points in the process; in relation to the child's potential diversion from formal systems, their fitness for police interview and to plead (Gyateng et al, 2013), to assess appropriate and reasonable adjustments in line with current equality laws (e.g. the use of an intermediary at court), to make recommendations for sentencing (leniency) or for post-court diversion.

2.4 Recognising rights

2.4.1 Policy support: Recognising rights

International children's rights instruments arguing for rights compliant and 'child-friendly' youth justice are fundamental to the implementation of Child First strategic objective. The *UNCRC* places an obligation for all child-focused policy and practice to emphasise provision, protection and participation for children. The *UNCRC* sets out rights specific to children in conflict with the law in its Articles 37 and 40. However, its key principles for working with children (including those who offend) fall across four broad themes: best interests (Art. 3), non-discrimination (Art. 2), the right to life, survival and development (Art. 6) and the right to be heard (Art. 12). Article 12 asserts that children capable of forming their own views must have the right to express them freely in all matters affecting them, and that their views are afforded due regard in accordance with their age and maturity. Whilst applicable to all children, irrespective of whether they have offended or not, this Article is of particular relevance to youth justice and fundamental to Child First (see also section 4.1 of this report). The *UNCRC* is consolidated by guidance from the following additional international children's rights instruments (also known as strategies or policies):

- o *UN Standard Minimum Rules for the Administration of Juvenile Justice (the 'Beijing Rules')*: encourage the protection of children's rights through separate, specialist youth justice systems (UN General Assembly, 1985);

- o *UN Guidelines on the Prevention of Delinquency (the 'Riyadh Guidelines')*: promote diversionary, non-punitive and preventative responses to offending by children (UN General Assembly, 1990a);

- o *UN Rules for the Protection of Juveniles Deprived of their Liberty (the 'Havana Rules')*: assert deprivation of children's liberty should be a disposition of 'last resort', used only 'for the minimum necessary period' (UN General Assembly, 1990b);

- *Guidelines for Child Friendly Justice* (Council of Europe, 2010): provide direction regarding best interests; notably in relation to: a minimum age of criminal responsibility, diversion from prosecution, and avoidance of child imprisonment.

These children's rights strategies suggest that adult professionals should, therefore, consider the personal context, individual situation and specific needs of all children (UNCRC, 2013: 9), including the child's 'personality, wishes, circumstances, family situation, the effect that a sentence is likely to have on his/her development and well-being' (Hamilton, 2011: 25).

Every Child Matters
From 2003 until 2010, the *Every Child Matters* strategy (DfES, 2004) was the cornerstone of social policy for children in England (Wyness, 2019). It enshrined in law a commitment to end child poverty (but failed in this regard) and promoted support and protection services that emphasised children's welfare and rights, in line with their status as a child. The *Every Child Matters* (ECM) strategy prioritised better outcomes for all children in five areas: being healthy, staying safe, enjoying and achieving, making a positive contribution to society and achieving economic wellbeing; all of which seek to 'maximise opportunities and minimise risk' (DfES, 2004: 2). The risk-reduction ethos of ECM was strengthened by the 2005 *Youth Matters* policy (DfES, 2005), which made children's rights conditional on good behaviour and removable should they to break the law. As a consequence, the rights of children in conflict with the law were eroded (Kemshall, 2008). In May 2010 when a Coalition government was formed, ECM initiatives were largely abandoned with the introduction of austerity measures and the ECM website was swiftly archived.

Prioritising Rights and Entitlements
In contrast to *Every Child Matters*, social policymaking in Wales has prioritised children's 'rights' (minimum standards) and extended this focus into the pursuit of 'entitlements' (maximum outcomes) for children. Notably, the youth inclusion strategy *Extending Entitlement* (NAPU, 2000; 2002) sets out a group of universal entitlements available unconditionally to all children in Wales, with a clear expectation from the Welsh Government that all service providers should embed these entitlements into their practice (Case et al, 2005).

Box 2

Policy Example: Extending Entitlement
Every young person in Wales aged 11-25 has a basic entitlement to:
- Education, training and work experience - tailored to their needs;
- Basic skills which open doors to a full life and promote social inclusion;
- A wide and varied range of opportunities to participate in volunteering and active citizenship;
- High quality, responsive, and accessible services and facilities;
- Independent, specialist careers advice and guidance and student support and counselling services;
- Personal support and advice – where and when needed and in appropriate formats - with clear ground rules on confidentiality;
- Advice on health, housing benefits and other issues provided in accessible and welcoming settings;
- Recreational and social opportunities in a safe and accessible environment;
- Sporting, artistic, musical and outdoor experiences to develop talents, broaden horizons and promote rounded perspectives including both national and international contexts;

> o The right to be consulted, to participate in decision-making, and to be heard, on all matters which concern them or have an impact on their lives.
>
> *In an environment where there is:*
> A positive focus on achievement overall and what young people have to contribute;
> A focus on building young people's capacity to become independent, make choices, and participate in the democratic process; and
> Celebration of young people's successes.

2.4.2 Research support: Recognising rights

The principles set out in the *UNCRC* are applicable to all child-relevant matters and it is the most frequently called upon rights instrument when developing policy pertinent to children. Critical analyses and participatory research evidence reveal that there are particular obstacles which require adult support and system modification if children's rights are to be realised.

Recognising children's rights in youth justice processes: The research evidence
Of the 54 Articles therein, *UNCRC Article 12*, gives children a 'voice 'in that they have the right to express their views, and for those views to be taken into consideration, and hence the right to participation, which is fundamental to all policies regarding children (McCafferty, 2017). The importance of Article 12 cannot be underestimated since not only is it 'a fundamental right in itself' (ibid: 327) but as a general principle it is connected to all other articles of The *UNCRC* 'in particular… with Article 3 (primary consideration of the best interests of the child)'. Hence, *UNCRC* 'cannot be fully implemented if the child is not respected as a subject with her or his own views on the rights enshrined in the respective articles and their implementation' (UNCRC, 2009: 15).

With regard to children who offend, the *UNCRC* states that children must be able to participate meaningfully in criminal justice processes. The very fact that a framework of rights specific to children is necessary, acknowledges that children differ from adults in a number of ways, in particular in relation to those needs which are intrinsic to childhood and the non-uniform manner in which capacities evolve or may be compromised by circumstance (see section 2.3 of this report, see also Lansdown, 2005). Furthermore, a large body of empirical research provides evidence of children involved with the YJS being disproportionately affected by higher rates of need than their non-offending peers, and that those levels exceed that which is intrinsic to childhood (see section 2.2.2). The findings of a statistical analysis including 927 children aged 11-17 by developmental psychologists in America, demonstrate that participation in youth court proceedings is compromised because children 'usually have a limited understanding of the procedures facing them' and that they are also 'significantly more likely' to experience impairments which further compromise their capacities to fully participate as defendants. Concerningly, it is also argued that assessments of competence/fitness to stand trial[10] do not capture the innate features which compromise full participation as defendants (Grisso et al, 2003: 356). It follows, therefore, that if children are to participate in a meaningful way throughout all stages of the process, from point of arrest to post-sentence (or post-diversion), not only will they require support and understanding across all relevant services (see for example Rap, 2016). Additionally, as the findings of an analysis of international law, standards, guidance and practice demonstrate, children's meaningful participation requires 'the modification of procedures by courts and professionals involved in the criminal justice system' (Forde, 2018: 265).

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[10] Although high numbers of vulnerable children pass through the youth courts of England and Wales, consideration of fitness to plead is restricted to Crown court cases (Law Commission, 2014)

Challenges to the implementation of UNCRC Article 12: The research evidence

Recent critical analyses of implementing Article 12 in practice have revealed the existence of particular challenges. For example, although Article 12 directs that a child's views should be taken into account according to age and maturity, the *UNCRC* provides no guidance with regard to how maturity might be assessed (Archard and Skivenes, 2009). In a critical review of current literature, McCafferty (2017) argues that certain children are disadvantaged in decision-making processes; for example, those in care whose circumstances have been decided by powerful 'others', or those children who experience structural disadvantage and/or complex social care requirements who may choose to not voice their opinion 'lest they cede control of their lives to distant professionals' (ibid: 332).

Other obstacles to children's participation can be a consequence of organisations having only a cursory understanding of the rights of children which will manifest as staff exercising limited participatory practices. It is inarguable that children rely upon adults for the realisation of their right to participation. This is demonstrated in Lundy's (2007) model for the implementation of Article 12. Drawing upon extensive qualitative data from a study on children's rights for the Northern Ireland Commissioner for Children and Young People (see Kilpatrick et al, 2005) involving 1,171 child participants and 350 adults, Lundy (2007) asserts that participation relies upon four factors: children being provided with the opportunity to express their views; the expression of those views being facilitated; their views being listened to; and finally, their views being acted on.

Other analyses (e.g. Charles, 2017) highlight differences in understandings of what participation means to children. Indeed, the empirical findings of a qualitative study in Swansea which included 99 child participants, revealed children's understandings of 'participation' (see also section 4.1 of this report) to often differ from those of adults (ibid.). If this is indeed the case, then it is less likely that adult imposed participatory practice will be meaningful to the child, and as such, will not comply with the requirements of the *UNCRC*. These findings illustrate that if adults working with children in a youth justice context are to recognise and realise rights on behalf of the child, then they need to consult with the child and work with them to identify what constitutes participation and what measures are required to enable this throughout justice processes. The right-based Child First principle and the interrelated tenets and components, provide an approach to youth justice which enables realisation of those rights.

Children's appreciation of their access to entitlements: The research evidence

Social policymaking in Wales has extended the prioritisation of children's rights to that of the pursuit of universal entitlements (maximum outcomes) for children (section 2.4.1, see box 2). The youth inclusion strategy *Extending Entitlement* (NAPU, 2000; 2002) established a concrete set of 10 such entitlements centred on the needs of young people. An evaluation of *Extending Entitlement* was undertaken in 2003, comprising a descriptive statistical analysis of computer-based self-completion interview data from 3,222 children aged 11-18. The findings were that higher levels of 'PLATE' (perceived levels of access to entitlements) were predictive of more positive outcomes (prosocial attitudes, citizenship, engagement with family and school, healthy lifestyles, involvement in positive activities) and a lack of negative outcomes (offending, substance use, school exclusion, antisocial attitudes), whereas the opposite was true for children with low 'PLATE' (Case et al, 2005).

2.5 Recognising potential

2.5.1 Policy support: Recognising potential

The *YJB Strategic Plan* asserts that children should 'be given every opportunity to make positive changes' (YJB, 2021: 7). Seeking to maximise children's potential in this way is a future-facing objective necessitating that the child be given access to appropriate support, guidance and opportunities, be encouraged to participate in activities and be facilitated in seizing opportunities which enables a future that does not include YJS involvement (see NAPU, 2002). There is a longstanding commitment to realising the potential of children and young people in Wales, as it evidenced by *Extending Entitlement*, a policy providing universal entitlements (rather than minimum rights) unconditionally to *all* children (see box 2 in section 2.4 of this report). The policy established the role of voluntarily accessed youth work provisions as being to 'promote and actively encourage equality of opportunity for all young people in order that they may fulfil their potential as empowered individuals and as members of groups and communities' (ibid: 45), an ethos reflected across all services for children. More recently, in England, the YJB commitment to the Child First principle has brought about a focus upon positive outcomes for children and realisation of the child's potential. The stated aim of the *YJB Constructive Resettlement Strategy* (YJB, 2018), which is deliberately and closely aligned with principle of Child First, is to promote children's 'individual strengths and capacities as a means of developing their pro-social identity for sustainable desistance'. The approach is 'constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society' (YJB, 2018: 9).

2.5.2 Research support: Recognising potential

Ceasing to offend (desistance) has been evidenced to occur in response to the combined influence of various factors (Bottoms et al, 2004). An increasing number of contemporary youth justice scholars in the UK and in America argue that that the focus should be upon maximising the strengths, capacities and potentialities[11] of children who offend. Evaluation findings across a range of intensive, strength-based, family-focused, community interventions delivered in America have been favourable - evidencing more positive outcomes than YJS or child welfare programmes

The Positive Youth Justice Model (USA): The research evidence
The benefits of recognising children's potential in youth justice practice have been empirically demonstrated by the 'Positive Youth Justice Model' (PYJM), the American equivalent of the 'Positive Youth Justice' approach (Haines and Case, 2015; see section 1.2 of this report). PYJM is underpinned by a substantive empirical research base, having developed out of social control theory (Hirschi, 1969) and social learning theory (Bandura, 1977). PYJM advocates argue that recidivism should not be 'the sole indicator of program effectiveness' but measured in terms of a range of softer positive outcomes (Butts et al, 2018: para. 3). These include: the development of social competence; educational engagement/outcomes; skill acquisition; readiness for employment; community engagement; and the development of strong, supportive relationships (see John Jay Research and Evaluation Center, 2017; Kelly, 2015; Butts et al, 2010; Case and Haines, 2018).

The Youth Advocacy Program (YAP): The research evidence
The 'Juvenile Justice Alternatives Program', one of several interventions delivered by the 'Youth Advocacy Program' (YAP - see box 3 of this section), is a strength-based, family-focused, community scheme for children identified as being at high risk of receiving a custodial

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[11] Collectively known as 'assets' by the Positive Youth Justice Model (Butts, 2014), discussed further in section two of this report).

sentence due to their behaviour and social circumstances. The intensive programme facilitates 24-hour access to support from 'advocates' with experience of crisis management and up to 30 hours a week of 1:1 support. The advocate is matched carefully to the child in terms of their skills and the child's interests, thus enabling an intervention to be developed around the child's interests and to employ their strengths in positive ways. The intensive nature and round-the-clock support available to children accessing YAP provision enables the engagement the child (and their family) in an intervention during the times that they would be most at risk of engaging in a crime. For example, a child at risk of dealing drugs outside a school would be occupied at that time of day by something that they enjoy and are good at. The YAP programmes producing the most successful outcomes have been shown to consistently assess and work with the potential strengths in the child and their family, and also the available resources in the local community. This, it is argued 'is the essence of a strength-based approach informed by positive youth development' (Fazel, 2014: 37). Numerous external evaluations evidence that YAP-involved children achieve more positive outcomes when compared to children subject to YJS and child welfare programmes (cf. DeJesus et al, 2017).

The PYJM asserts that all children (involved with the justice-system or otherwise) require support (from adults) and the opportunity to develop the strengths, skills, and capabilities associated with leading positive and productive lives, and to avoid youth justice system involvement (Butts et al, 2018). Similarly, Child First advocates in the UK argue that the realisation of a child's potential is crucial for successful resettlement and desistance processes (see Hazel et al, 2017; Bateman and Hazel, 2015) if a child is to 'live a safe and crime-free life and make a positive contribution to society' (YJB, 2018: 5). There are also clear benefits in holding adults primarily responsible for enabling children's potential in contexts beyond the YJS, with the category of 'adults' including the child's family members and wider support network, as they may have a greater awareness of and links to local service providers (Hazel, 2016: 8).

Box 3

Practice example: The Youth Advocate Program

The *Positive Youth Justice Model* has been operationalised (animated, brought to life in practice) through a national non-profit organisation that supports families and communities to keep 'high risk' youth at home and out of the care and justice systems (DeJesus et al, 2017; Silva et al, 2020). The Youth Advocate Program (YAP) currently operates in 18 States and 100 local communities throughout the USA and works with 12,000 families annually, providing community-based alternatives to care placements for youth justice departments. Young 'offenders' whose high levels of complex need, behaviour and social circumstances put them at risk of incarceration or placement in care are supported using a strength-based and family-focused model focused on increasing opportunities for success, improving the quality of life for young people and families, and facilitating community empowerment and involvement and support for the acquisition of skills, competencies and connections.

Those accessing the range of YAP services are described as a high service need population with lower self-esteem, lower levels of educational engagement, and weaker family bonds than those accessing similar programs. In an evaluation of one regional YAP programme, YAP-involved youth were shown to be more likely to have experienced mental health treatment, family violence, and family substance misuse problems than those accessing comparable programmes (DeJesus et al, 2017).

More than a dozen external evaluations have provided evidence of YAP-involved children achieving more positive outcomes when compared to children subject to YJS and child welfare programmes, including higher rates of program completion and being less likely to be subject to residential foster care; re-arrest or being reported missing. Other programme involvement outcomes included a reduction in assessed risk and need, improvements in quality of life and increased potential through positive educational outcomes, increased social inclusion and improved social behaviour (ibid.). More recently,

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the model has been applied successfully in Ireland, with evaluators concluding that the YAP 'has a rich past and promising future as a service intervention that builds resilience among youth populations' (Silva et al, 2020: 27).

2.6 All work is child-focused and developmentally informed

2.6.1 Policy support: Child-focused and developmentally informed

The protection of the rights of all people are provided by the *ECHR* and the relevant articles of the *UNCRC* (see also section 2.1 of this report). With regard to children who offend, Article 40 of *UNCRC* directs that justice responses to children must be appropriate to the child's age and well-being, be developmentally informed, in the child's best interests, and proportionate to their circumstances and the offence. The *Beijing Rules* state that children's rights must be protected through provision of a separate, specialist youth justice system (United Nations General Assembly, 1985) and the *Riyadh Guidelines* promote diversion from the justice system wherever possible (UN General Assembly, 1990a).

Notwithstanding the protection provided by such rights instruments, there have been persistent concerns that children embroiled in youth justice systems across the member states of Europe have been inadequately protected[12] and that additional guidance for policy and practice was required (Council of Europe, 2010). In 2007, participants at the 28th Conference of the European Ministers of Justice drew up *Resolution No. 2 on child-friendly justice* (Council of Europe, 2007). Its purpose was to encourage the examination of issues that the *UNCRC* did not fully address when children came into contact with justice systems and development of guidance for child-friendly justice. The areas of inquiry included: how the views of children are taken into account during youth justice proceedings; how children are informed of their rights and access to justice, including the *ECHR*; how child-friendly procedures are implemented in the various member states; and ultimately, the Ministers requested preparation of European guidelines for child-friendly justice.

Council of Europe Guidelines for child friendly justice
The resulting *Council of Europe Guidelines*, informed by the guiding principles set out by the *UNCRC* and supporting international right instruments, direct that all justice responses should be child-friendly and age-appropriate. The *Council of Europe Guidelines* 'are intended to assist member states in ensuring that children have favourable access to justice, and to enhance the treatment of children' when they come into contact with the criminal justice system (Kilkelly, 2010: 1). In the *Council of Europe Guidelines,* children are seen as children and those who offend are considered to possess lesser culpability as adults who do so. A multidisciplinary approach is advised when dealing with children who break the law to enable a shared understanding of children's psychology, needs, behaviour and development. Overall, the *Council of Europe Guidelines* stipulate that adults working with children who offend must be alert to the different stages of child development. Furthermore, the *Council of Europe Guidelines* the state that 'measures and sanctions' for children who offend, should be 'constructive and individualised...bearing in mind the principle of proportionality, the child's age, physical and mental well-being and development (Council of Europe, 2010: 32). It is interesting to note that whilst many critics of youth justice policy argue for the minimum age of criminal responsibility (MACR) to be raised; the *Council of Europe Guidelines* purposely avoid suggesting an age limit on the basis that 'it tends to be too rigid and arbitrary and can have truly unjust consequences' because age is an unreliable measure against which to judge

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[12] e.g. *T and V v. United Kingdom*, two 10-year-old boys faced trial for the murder of a 2-year-old They were tried as adults, in adult court and exposed to an enormous level of media coverage.

the capacity and level of understanding that a child may possess. Indeed, it argues further that capacity and understanding:

> …can vary greatly depending on the individual child's development capacities, life experiences, cognitive and other skills...The capability, maturity and level of understanding are more representative of the child's real capacities than his or her age (ibid: 75).

The *UNCRC,* additional international children's rights instruments, and the *Council of Europe Guidelines* argue for a rights-compliant and child-friendly and developmentally informed approach towards children who offend, factors which are fundamental to Child First youth justice.

2.6.2 Research support: Child-focused and developmentally informed, acknowledging structural barriers and meeting responsibilities towards children

There is extensive evidence that children differ to adults physically, intellectually, emotionally, cognitively and developmentally. Such evidence aligns with theoretical, principled and empirical research evidence that effective youth justice policy and practice responds to children who offend through child-appropriate services (Haines and Case, 2015), in a manner appropriate to their 'child' status, related capacity (e.g. cognitive, moral, emotional) and their developmental stage (see Byrne and Case, 2016).

Obstacles to the implementation child-friendly youth justice: The research evidence
McAra (2018:11) stresses that a significant challenge to policy makers who strive to create a child friendly youth justice system, one which better meets the needs of children, will be how to end the harmful practices which have developed and endured across the YJS. Indeed, as she notes, there exists a 'degree of institutional inertia, as practices lag significantly behind policy imperatives. As she argues, 'The Edinburgh Study of Youth Transitions and Crime' which examined the pathways into and out of offending across a sample of 4,300 children, strongly indicates that the implementation of child-friendly youth justice requires that:

a. The age of criminal responsibility is raised;
b. Greater use of diversion from formal justice processes is exercised, and is replaced by meaningful alternative responses;
c. Educational inclusion and 'meaningful economic opportunity' for children is promoted;
d. There is increased appreciation of the roles that social workers/youth workers/child and family workers perform (demonstrated by increased financial renumeration; greater appreciation of the knowledge and skill they bring to their roles, and manageable workloads); and to
e. Prioritise research informed policy over political agendas.

Maturation and capacity: The research evidence
Recognition of the inherent difference in development and capacity between children and adults forms the basis for the recognition of lesser culpability for children (when they offend). It also provides a strong empirical argument for 'a separate system [of justice] with a differentiated, individualized approach' (UNCRC, 2019: para. 2), which affords 'due consideration to the child's level of maturity and understanding … focused on the needs and rights of the child' (Council of Europe, 2010: section IIc). Indeed, there is an extensive

evidence-base highlighting that processes of maturation[13] (maturing, growing up) depend on interactions between physical, intellectual, neurological, emotional and social aspects of development (Glueck and Glueck, 1930; Sutherland, 1947; McAra and McVie, 2015). These processes, as empirically demonstrated within a number of research studies, continue long past adolescence and into 'emerging adulthood'. Prior to adulthood, a person's capacity for decision-making, consequential thinking and social and financial independence is not fully developed (see Prior et al, 2011; Arnett, 2007; Bynner, 2005). For those children who experience intellectual, developmental or mental health difficulties and disabilities or a combination of these (see 'Recognising needs' section), the transition from childhood into adulthood may be delayed and especially prolonged, with transition into adult services problematic (Beresford et al, 2013).

Undermining capacities: The research evidence

If it is accepted that children differ from adults across a number of domains of life (Prior et al, 2011), then it follows that youth justice practice should be child-focused (for children) and otherwise age-appropriate and developmentally informed. Indeed, children, are particularly vulnerable to the harmful effects of contact with the YJS (Talbot, 2011) for a number of developmental reasons, including the debilitating impact of stress on their (under-developed) decision-making functions and problem-solving skills (Jacobson and Talbot, 2010; Woolard and Reppucci, 2000). Furthermore, contact with structures and processes of criminal justice can be stressful and traumatic for any individual, but particularly so for children (see also tenet four) as they are 'deemed vulnerable by virtue of their young age and developmental immaturity' (Jacobson and Talbot, 2010: vi) and they 'experience more variability and volatility of mood than adults' (Woolard and Reppucci, 2000: 183). These research findings strongly recommend the broader use of child-focused and developmentally informed (rather than strictly age-based), approaches at all stages of the YJS (see also YJB, 2019; MoJ and YJB, 2019). Child First promotes such an approach, one which is appropriate for all children across the age and capacity range.

Box 4

Practice example: Surrey Youth Support Service

In Surrey, the functions of the YOT have been subsumed into a wider youth support service (YSS) working with a range of vulnerable children and adolescents aged from 0-19 using a 'whole family' approach (Byrne and Brooks, 2015). This abandonment of the YOT model explicitly stemmed from the desire to develop non-siloed services for children with youth justice involvement (Surrey County Council, 2011). Insofar as services are provided to the courts and statutory requirements are met, children and adolescents receive essentially the same services and opportunities from the same people regardless of whether their entry route to the service is through offending, homelessness, mental health, unemployment or other factors which lead them to be identified as a "child in need". However, service provision is also developmentally informed, particularly at the pre-charge decision-making stage, where police are able to refer older children to a 'rapid response adolescent service' informed by 'what works' principles for effective relationship-building with and service provision to adolescents (Byrne and Brooks, 2015).

The YSS has developed a model of relationship-based practice, centring on one key practitioner in a working partnership with a child, which seeks to address concerns about the overly bureaucratic processing of children (Phoenix and Kelly, 2013), the multiple referrals within multi-disciplinary teams (Ibbetson, 2013) and the criticism that human interactions and services have become subordinate to an "inflexible technocratic framework of routinized operations" (Webb, 2001). The active and meaningful

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[13] Ironically, the original risk factor research study with children (Glueck and Glueck, 1930) identified maturation as the most important influence on desistance from offending, rather than the influence of risk-based preventative intervention (see Case and Haines, 2009).

engagement of children in their assessment and interventions is a key ambition for the service, which also sees its goal as the full participation of its service users in their communities and ultimately their employability. Interventions are informed by the social care-focused Common Assessment Framework instrument, rather than the youth justice-focused AssetPlus assessment tool. Programmes prioritise children's *resilience* (capacity to resist and manage the harmful consequences of exposure to risk) and adolescents' *desistance* (ability to cease offending once started) as positive outcomes (cf. ADCS/Research in Practice, 2014) via emphasis on integrated services (health, social care, youth justice, education/training/employment) and an increased importance being placed on relationship-based practice for both children and adolescents (Bryne and Brooks, 2015). Following the inception of the YSS, Surrey evidenced the lowest level of first-time entrants to the YJS and is one of the lowest per capita users of custody in England and Wales (MoJ/YJB, 2016).

3.0 Child First tenet two: Develop a pro-social identity for positive child outcomes

Components: *Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.*

3.1 Promote children's individual strengths and capacities

3.1.1 Policy support

Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice: Directs that responses to children in conflict with the law should always be constructive and tailored to the individual (Council of Europe, 2010)

Review of the Youth Justice System in England and Wales: Asserts that children have strengths on which to build and proposed a justice system which prioritised positive education, health, and welfare outcomes (Taylor, 2016)

How to make resettlement constructive: Establishes that all resettlement work must promote the strengths, capacities and potential of the child (YJB, 2018)

YJB Strategic Plan 2021-2024: States an intent to build on the strengths and capacities of children for positive outcomes (YJB, 2019)

Standards for children in the youth justice system: Asserts that the promotion of children's strengths is central to standards for practice (MoJ/YJB, 2019)

Youth Justice Blueprint for Wales: Sets out the guiding principles for the YJS in Wales, the focus being diversionary, holistic, rehabilitative and supportive practice that aspires to help children to build on their strengths (MoJ/Welsh Government, 2019)

3.1.2 Research support

Positive Youth Development (PYD) in the USA - research findings on evaluations of PYD Programs: A systematic review demonstrates that Positive Youth Development (PYD) programmes which view children as 'resources' (rather than problems) can promote positive, prosocial behaviours/outcomes including skills acquisition, competence development and strengths-building, whilst simultaneously reducing re/offending (Catalano et al, 2004)

Positive youth justice (USA) - framing justice interventions using the concepts of PYD: Presents evidence of a model of youth justice building on children's key 'assets' of learning/doing and attachment/belonging that enhances positive behaviours/outcomes in the areas of work, education, relationships, community, health and creativity (Butts, 2014; Butts et al, 2010)

3.2 Develop a pro-social identity for sustainable desistance leading to safer communities and fewer victims

3.2.1 Policy support

Youth Custody Service safeguarding review: Explains that youth custody became a distinct arm of HM Prison and Probation Service (HMPPS) the Youth Custody Service (YCS) in 2017 (Brookes et al, 2019)

Review of the Youth Justice System in England and Wales: Highlights the disjuncture between custodial and community services which jeopardise effective resettlement (Taylor, 2016)

How to Make Resettlement Constructive: Provides evidence-based direction for principled and effective resettlement work with children, all practice should be: Constructive, Co-created, Customised, Consistent, and Co-ordinated (YJB, 2018)

3.2.2 Research support

Beyond Youth Custody (BYC): Provides a robust evidence-base and model for effective resettlement of children leaving custody based on five evidence-based principles facilitating Child First practice: Constructive, Co-created, Customised, Consistent, Co-ordinated (Case and Hazel, 2020; Hazel et al, 2017)

Now all I care about is my future - Supporting the shift: Sets out an evidence-based strategy for resettlement supported by the development of a 'prosocial identity' (Hazel et al, 2017)

Engaging Young People in Resettlement: Identifies from a review of relevant literature that successful strategies for engaging children of BAME backgrounds may differ to those of white children, and that those for engagement of girls may differ from those of boys (Bateman et al, 2013)

Outnumbered, locked up and overlooked? The use of penal custody for girls in England and Wales: Provides an account of how the personal and structural inequalities experienced by girls, act as a barrier to effective engagement with resettlement work (Goodfellow, 2019)

3.3 Constructive and future-focused	
3.3.1 Policy support	**3.3.2 Research support**
Review of the Youth Justice System in England and Wales: Emphasises the importance of developing stronger links between schools and YOTs. By empowering children through the attainment of skills, qualifications and confidence, they can move on from offending and fulfill their potential (Taylor, 2016) *How to Make Resettlement Constructive:* Provides a framework for future-focused, collaborative resettlement work with children. It reframes risk factors for reoffending as 'barriers to desistance' and builds on children's strengths (YJB, 2018: 10) *Youth Justice Blueprint for Wales:* Prioritises modification of services over expectations that children fit in with what is available. Sets out the intention to develop family-focused resettlement work (MoJ / Welsh Government, 2019)	Positive Youth Justice: Children first, offenders second: Documents an evidence-based approach to delivering positive youth justice founded in the principles of child-friendly and approach practice, promoting positive behaviours/outcomes (which are the primary responsibility of adult professionals), diversion, engagement, legitimacy, evidence-based partnership (Haines and Case, 2015) Youth resettlement work - interim report (custody): Reports that too little productive resettlement work occurred in custody for boys released October 2018 - April 2019, leading to negative outcomes for the child (HMIPP, 2019a) Now all I care about is my future - Supporting the shift: Provides a future-oriented, strengths-based, and empowering framework for effective resettlement. Based on the concept of identity shift, all work promotes the development of a non-offending identity (Hazel et al, 2017)
3.4. Building on supportive relationships	
3.4.1 Policy support	**3.4.2 Research support**
Child Centred Policing: Asserts that 'child centred policing' requires effective relationship building with children, including consultation and active listening by police officers (NPCC, 2015) *How to Make Resettlement Constructive*: Emphasises the importance of relational work with children, highlighting the qualities that staff require to undertake this work well (YJB, 2018) *Standards for children in the Youth Justice System*: Emphasises the importance of building positive, engaging relationships to enhance children's belief, commitment and participation in youth justice practice (MOJ and YJB, 2019) *Building Bridges: A Positive Behaviour Framework for the Children and Young People Secure Estate*: Responsibilises health service staff for the development of positive child/practitioner relationships to promote positive outcomes (NHS England, 2020)	Reducing Youth Crime: The Role of Mentoring: Reports that mentoring based upon relationships of trust increases desistance (O'Dwyer, 2019) Edinburgh Study on Youth Transitions and Crime: Argues that work which builds upon supportive relationships is more effective than formal justice intervention (McAra and McVie, 2010) Hearing new voices: Re-viewing Youth Justice Policy through Practitioners Relationships with Young People: Stresses the importance of the practitioner/child relationship for successful practice outcomes (Drake et al, 2014) Desistance and young people: Conclude that of all the factors which can promote desistance, a trusting, open and collaborative child/practitioner relationship is the most significant (HMI Probation, 2016) 21st Century Social Work, Reducing Reoffending: Key Practice Skills: Identifies through a review of desistance research evidence that the conditions for effective relational work are empathy, respect, warmth and genuineness; mutual understanding, communication, interpersonal skills, and moral legitimacy (McNeill et al, 2005) What works in managing young people who offend?: Shows in a summary of international evidence that children in custodial and community settings value 'warm, open, and non-judgemental' child/practitioner relationships (Adler et al, 2016: 14)

3.0 Tenet Two: Develop a pro-social identity for positive child outcomes

> *Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.*

3.1 Promote children's individual strengths and capacities

3.1.1 Policy support: Strengths and capacities

Following the lead of the Council of Europe (2010), YJB policy developments have demonstrated a more progressive understanding of children who offend, how to empower them to fulfil their potential and to achieve positive outcomes by placing greater emphasis upon children's individual strengths and capacities. As such, youth justice policy has become more aligned with the principle of Child First, as was reflected in the *Youth Justice Review* (Taylor 2016). The *Youth Justice Review* proposed a new system of youth justice, which places emphasis upon assisting children 'to draw on their own strengths and resources' (Taylor, 2016: 48), asserting that children who offend 'have great strengths on which to build and are capable of rapid and extraordinary change' (ibid: 3). The *Youth Justice Review* placed particular emphasis on the importance education, training and employment to empower children to fulfil their potential through the attainment of skills, qualifications, confidence and ultimately employment (Taylor, 2016). In order to achieve this, the *Youth Justice Review* recommended the development of stronger links between schools and YOTs.

In *How to make resettlement constructive*, children re-entering the community following a period in custody were recognised as being on a journey towards desistance, as opposed to an immediate transition, and it was established that resettlement work must promote the strengths, capacities and potential of the child (YJB, 2018). The YJB reinforced this focus in his forward to the *YJB Strategic Plan 2021-24* (2021), which also states an intent to build on the strengths and capacities of children. The strengths-focussed approach was further embedded in the revised *Standards for children in the youth justice system* which establish that to 'build on children's individual strengths and capabilities' is now central to expectations of youth justice practice (MoJ and YJB, 2019: 6). Similarly, the *Youth Justice Blueprint for Wales* sets out the Welsh guiding principles for youth justice - the focus of which is diversionary, holistic, rehabilitative, and supportive, stating its aspiration to 'develop a Youth Justice System which treats children with fairness and respect and helps them to build on their strengths and to make positive changes and choices in their lives' (MoJ and Welsh Government, 2019: 1).

3.1.2 Research support: Strengths and capacities

The shift in policy focus towards emphasising children's strengths and capacities is underpinned by an international research evidence-base (see section 1.6) grounded in an understanding of child development and the prioritisation of children's strengths, capacities and potentialities (assets) of children over problem and deficit reduction. This evidence-base illustrates the dual success of models and programmes of youth justice grounded in Child First and Positive Youth Development principles in terms of promoting positive behaviours/outcomes and reducing re/offending behaviour.

Positive Youth Development: The research evidence
Child First is theoretically and empirically supported by the Positive Youth Development model (Catalano et al 2004, 2005). Positive Youth Development refocuses the principles of the Social Development Model in a positive, prosocial direction, viewing children as 'resources' with much to offer to crime prevention and prosocial approaches, rather than as 'problems' needing to be treated all fixed. Positive Youth Development focuses on developing children's psychological, behaviour and social characteristics, in particular, their competence, confidence, connection (to others), character and compassion (for themselves and others). Therefore, the emphasis is on promoting positive behaviours and outcomes (e.g. skills acquisition, competency development, prosocial experiences, individual strengths), rather than prioritising the prevention of negative behaviours and outcomes such as re/offending (as in the Social Development Model). Multiple evaluations of positive youth development programmes in the USA have demonstrated positive outcomes for children (Catalano et al, 2004).

The Positive Youth Justice Model (USA): The research evidence
The principles of 'Positive Youth Development' have been applied in the youth justice field in the USA through a spin-off model, the 'Positive Youth Justice Model' (PYJM - Butts et al, 2010; Butts, 2014). The model advocates for interventions with young people[14] who offend that build on two key *assets*: learning/doing and attaching/belonging, in order to promote the social qualities of these assets and their influence on resistance. Underpinned by a substantive empirical research base, PYJM has developed out of social control theory (Hirschi, 1969) and social learning theory (Bandura, 1977) (see also the empirical evidence in section 1.6 - 'Child First as a model of practice' and the earlier PYJM discussion in section 2.5.2).

Crucially in the PYJM, adults assume responsibility for empowering the child by presenting opportunities for developing and applying new skills and competencies, which will then empower them to eventually accept new responsibilities and to develop greater confidence. Children are supported in becoming active members of pro-social groups, to develop a sense of belonging, and to learn to appreciate the positive contribution[15] that they can offer to wider society (Butts, 2014; Butts et al, 2010). In accordance with this evidence-based model, youth justice practice should seek to strengthen these two key assets across six life 'domains' (areas) for the young person: work, education, relationships, community, health and creativity (Butts et al, 2010). In addition to this promotional focus (i.e. promoting positive behaviours and outcomes), the PYJM also supports a diversionary and minimum necessary intervention approach through the principle of 'realignment', for example, supporting the diversion *from* state facilities (e.g. custodial institutions) of young people who offend and *into* community programmes managed in/directly by local government (Butts and Evans, 2011).

A number of PYJM-informed community programmes have developed across the USA, providing the evidence-base for the model as a means of shaping positive youth justice responses to young people who offend (see the John Jay Research and Evaluation Center, 2017), evaluation of which has demonstrated that by maximising strengths, capacities and potentialities (assets), offending is reduced (Butts et al, 2010) and it has been argued that

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[14] Note the focal group of 'young people' (aka. 'youth'), rather than 'children' - suggestive of a 'developmentally informed' intervention (see tenet one).
[15] Here and at several points elsewhere in the report, the promoting strengths and capacities component of tenet two overlaps with its final component – 'empowering children to fulfil their potential'.

promoting positive youth development should be the main emphasis in all Youth Justice Systems (Butts, 2014).

Box 5

Practice example: Tarrant County Advocate Program

This Texas-based, post-arrest intervention has a partnership relationship with the only national provider that delivers community corrections through a Positive Youth Justice Model framework. It partners 'high risk juveniles' and their families with advocate mentors, with the objectives of: 1) identifying and building on the strengths of the child and their family, 2) enabling the child to build positive relationships (see also tenet three: 'Collaborative') and support systems (Kelly 2015).

The Tarrant County Advocate Program is a counselling, community service and the youth development program for minimising contact with the formal YJS - consisting of intensive mentoring (also a key component of the Promoting Prevention programme - Case and Haines, 2005), family meetings, family preservation services, drugs and sex offender treatment and enabling opportunities for work, education, recreation, friendship and citizenship. These separate components combine as part of individual plans that pursue strengths-based outcomes. Evaluation over a two-year period identified that 97% of clients did not reoffend during their participation on the programme, whilst the county's youth custody rate decreased by over 50% (Kelly 2015).

3.2 Developing a pro-social identity for sustainable desistance

3.2.1 Policy support: Pro-social identity

Since 2018, the YJB has prioritised a new evidence-based approach to the development of policy and strategy that promotes desistance from offending, most notably through the principle of Constructive Resettlement following custody. This new approach has been intentionally aligned with the principle of Child First and aims to develop the child's pro-social identity, which is considered as a key mechanism of change enabling positive outcomes and desistance.

The *YJB Strategic Plan* (YJB, 2021) and the *Youth Justice Blueprint for Wales* (MoJ and Welsh Government, 2019) both emphasise that children within secure settings are some of the most vulnerable in society, many of which, HMIP have recently noted, experience 'very profound needs for support and follow up care' (HMI Prisons/HMI Probation, 2019a: 11, see also section 2.2 of this report). Operational responsibility for youth custody fell to the YJB from 2000 until September 2017, whereupon it became a distinct part of Her Majesty's Prison and Probation Service (HMPPS) and was renamed the Youth Custody Service (YCS). However, the YJB continues to prioritise the effective, appropriate and constructive resettlement of children transitioning out of custody, with the objective of achieving positive outcomes and futures through the promotion of desistance.

Constructive Resettlement

The effective resettlement priority promoted by the YJB is underpinned by a new evidence-based approach entitled *Constructive Resettlement* (also see section 3.2.2), which promotes collaborative working with children leaving custody to build on their strengths and goals in order to achieve positive outcomes (e.g. desistance, access to education, employment). Being deliberately developed to align with the principle of Child First, *Constructive Resettlement* involves working *with* (rather than *on*) an individual (see McCulloch, 2005) in the co-creation of decisions, processes and outputs. Accordingly, five principles for effective resettlement (the 5Cs) were identified from the related research programme: Constructive, Co-created, Customised, Consistent, Co-ordinated (Hazel et al, 2017). The *Constructive Resettlement*

conceptual framework is equally applicable to practice with children subject to community sentences (Hazel et al, 2017).

Enhanced Constructive Resettlement, a model developed and implemented by Camden YOS (see box six of this section), prioritises collaborative work with children and their families/carers in the development of the programme of resettlement work from the outset. All work is described as child-led, and as such gives the child a voice in matters concerning them, thereby empowering the child, promoting their 'responsibility for, and ownership of' their own programme of resettlement. (Camden YOS, 2019: 7). At its heart, *Constructive Resettlement* aims to encourage positive identity development within the child, which can be in the form of an identity 'shift' from 'pro-offending' to 'prosocial', crime-free and socially included. Constructive Resettlement acknowledges the children in and leaving custody are disproportionately likely to have experienced trauma and/or **Adverse Childhood Experiences** (ACEs) and other personal and structural vulnerabilities (e.g. victimisation, discrimination, poverty), which can be exacerbated by gender and Black, Asian and Minority Ethnic (BAME) status - all of which can contribute to the development of an identity favourable to offending and unfavourable to effective engagement with the YJS (Goodfellow, 2017; Bateman and Hazel, 2013). Therefore, *Constructive Resettlement* promotes collaborative working with children, empowering them to build on their strengths and goals in order to achieve positive outcomes through prosocial identity development (also a positive outcome in its own right). The YJB therefore acknowledges that 'only by doing so can we achieve long term desistance from offending and a child moving towards a positive future (YJB, 2018: 2).

3.2.2 Research support: Pro-social identity

Following the *Youth Justice Review* (Taylor, 2016) which highlighted a lack of continuity of relationships or provision of services between custodial and community settings, an evidence-base supportive of Child First resettlement practice has emerged in England and Wales. This is largely derived from the six-year (2012-2018) NACRO led 'Beyond Youth Custody' research programme funded by the Big Lottery Fund (Bateman and Hazel, 2013; Hazel et al, 2017). The programme examined resettlement policy and practice, venturing beyond considerations of what (and when) support is provided to children leaving custody, and into considerations of *how* it is provided (Goodfellow, 2017). Building on an initial review of resettlement research by Hazel and Liddle (2012), the 'Beyond Youth Custody' project undertook extensive reviews of the available empirical research literature, policy and practice guidance pertinent to the engagement of children leaving custody, complemented by qualitative survey data, leading to the identification of five general resettlement principles that characterise successful resettlement programmes:

Constructive Strengths based, and future-focused on identity shift and empowering positive choices;

Co-created Inclusive of the child, their family and supporters at every stage;

Customised Individualised wraparound support, incorporating diversity;

Consistent All agencies focused on resettlement from the start, enabling seamless transitions*;*

Co-ordinated Managed widespread partnership across agencies and sectors.

This extensive and robust evidence-base, collated in a suite of thirty-seven publications (research reports, practice guidance documents, policy briefs, and project updates), identified the absence of 'a definitive resettlement 'theory of change'' to be a potential explanation for

poor post-custody outcomes (YJB, 2018: 2). This gap was subsequently filled (conceptually and empirically) by 'pro-social identity development', explored in the final publication from the project, 'Now all I care about is my future'. This report provides a framework entitled *Constructive Resettlement* for the effective resettlement of children and young people leaving custody. The '5Cs' of *Constructive Resettlement* coalesce to promote positive identity shift or development (also known as 'transition'), which provides the model with its 'Theory of Change' for the behaviour of children (see YJB, 2015; Case and Hazel, 2020). Each element is consistent with the principles of Positive Youth Justice (e.g. child-friendly/appropriate, prospective, promoting positive outcomes, inclusive, legitimate, evidence-based partnership) and the model has been deliberately constructed to facilitate the Child First agenda - as illustrated by the inclusion of the 5Cs in the YJB's operational definition of Child First (Case and Hazel, 2020).

Constructive Resettlement can be facilitated by supporting children in their resettlement journey, wherein their self-perception alters from that of 'a socially marginalised offender to a socially included one... a process of transformation conducive to their fuller integration into mainstream society' (Bateman and Hazel, 2013: 29). The Beyond Youth Custody research programme culminated in the final publication, 'Now all I care about is my future' setting out how resettlement is supported by the development of a 'prosocial identity' (Hazel et al, 2017). In addition to the negative effect of having been labelled deviant by societal and systemic responses to offending behaviour (see also the section on labelling theories in introductory section of this report), *Constructive Resettlement* recognises that the personal and structural inequalities experienced by children who are so labelled, are exacerbated by BAME and gender status. Indeed, as the 'Beyond Youth Custody' research identified, this also contributes towards the development of an identity unfavourable to effective engagement with the YJS and standard resettlement processes (see Bateman and Hazel, 2013). Furthermore, for girls, the impact of short (but disruptive) custodial sentences in combination with personal and structural inequalities, culminate as a barrier to effective resettlement work (Goodfellow, 2019).

The research evidence-base for *Constructive Resettlement* remains at an early stage and is still emerging. There are early, promising signs of effectiveness in practice (e.g. see the suite of 'Beyond Youth Custody' publications (cf. Bateman and Hazel, 2013; Hazel et al, 2017), although there are also potential challenges to its further development, most notably the transfer of responsibility for children's secure settings from the YJB to the Youth Custody Service (YCS) in September 2017. Illustrative of this challenge, an inspection of the resettlement work undertaken by the staff of YOIs and external agencies, and the immediate outcomes for children upon release, between October 2018 and April 2019 indicated little improvement in the areas of post-release accommodation, education, training or employment, mental health support and transition to adult offending services (HMI Prison / HMI Probation, 2019). Although the report highlighted examples of excellent resettlement work where agencies had worked effectively together to create a 'team around the child' operating 'across agency boundaries', it concluded the Youth Custody Service needed to work harder to 'promote understanding of effective resettlement work across all agencies and departments within young offender institutions' and that those agencies and departments must 'demonstrate effective and coordinated' resettlement practice (HMI Prisons/HMI Probation, 2019: 35).

Box 6

Practice example: Camden Youth Offending Service - Enhanced Constructive Resettlement

In 2019, Camden Youth Offending Service (YOS) in partnership with New Horizon's Youth Centre and Project 10/10 developed a model of Enhanced Constructive Resettlement (ECR), which has radically changed the role of YOS work with children in secure settings. Informed by research evidence from the 'Beyond Youth Custody' programme (see above) and the conceptual framework provided by the *Constructive Resettlement* approach (YJB, 2018), the YOS has developed a model for practice which enables the '5Cs' of Constructive Resettlement (Hazel et al, 2017) to be understood and applied across the sector (Camden YOS, 2019). The 5C's form the framework for a relational and strengths-based programme of work, aligned with the principle of Child First, and guide the identity shift of a child from pro-offending to pro-social.

This ECR is not only participatory, but also 'child-led', and as such promotes the child's sense of 'responsibility for, and ownership of' their own programme of resettlement. Children participate in their ECR work through intensive in-reach support, throughout both the custodial and community-based phases of their sentence, provided by a clinical psychologist and a key worker (facilitated by Project 10/10 and New Horizons Youth Centre respectively), who, along with the YOS caseworker, provide the 'core team around the child' (Camden YOS, 2019: 7). In line with national statistics, Camden's children in custody are disproportionally from BAME backgrounds. The ECR intervention has therefore mainly impacted BAME children. The ECR framework has assisted the YOS in ensuring responsive and tailored support is available to these children, easing their transition through significant changes.

Notably, during the custodial stage, children receive monthly visits from their YOS caseworker *in addition to* their statutory 3-monthly review visits. The novel aspect of ECR is that the child also receives weekly visits from the ECR worker, thus enabling the development of a strong supportive relationship in preparation for post-release work. The child's identity shift from a pro-criminal to a pro-social position involves a focus on repairing secure attachment issues, and as such, requires the development of trusted child/practitioner relationships.

A key benefit of the ECR model is that its use extends beyond children in secure settings and post-custody, to those who are identified as being at high risk of receiving a custodial sentence, for example, children who are subject to **Intensive Supervision and Surveillance** (ISS) and involved in gang activity. The ECR relationship is particularly relevant not only in supporting the child in their transition in/out of custody, but with any other transitions, for example, relocation into a different borough, a new education placement, or into Probation. Through intensive contact with the ECR worker, these children are also afforded the opportunity to form strong supportive voluntary relationships to support the shift in identity and reduce the likelihood of custody.

3.3 Constructive and future-focused

Recent policy developments evidence a marked shift from the previous negative, offence-focused, retrospective approach towards children who offend, towards one which is constructive, strengths-based (see section 3.1), and looks towards the *future* of the child, the enablement of desistance from offending and the promotion of positive behaviours and outcomes for children (emerging priorities in YJB strategy). Indeed, a robust evidence-base demonstrates that youth justice practice should avoid the stigmatising process of identifying individuals (children in this context) with their past deeds (McNeill et al, 2012) and instead recognise and prioritise their positive potential and development.

3.3.1 Policy support: Constructive and future-focused

The *Youth Justice Review* (Taylor, 2016) was aligned closely with the principles set out in *Council of Europe Guidelines,* asserting that children who offend should not have to sacrifice their right to childhood. It also stated that 'rather than simply imposing punishment' (ibid: 3),

the youth justice response should be future-focused and aim to support those children through attention to improving their welfare, health and education and ultimately their potential to become successful adults who move on from their offending history. The *Youth Justice Review* also proposed that education should be a key feature of secure settings, and that children sentenced to custody are detained secure schools, rather than prisons with education. The first such establishment is due to become operational in 2022 on the site of Medway STC. Thus, for Taylor:

> Coordinated action from a range of services will be crucial not just to rehabilitate these children, but to repair and enhance their life prospects. In my view it is often health and education services that can have the greatest impact, and where I believe the greatest improvements can be made (ibid: 8).

This fundamental change in youth justice philosophy is reflected in the revised *Standards for children in the youth justice system*, which state that 'the principle of 'child first' guides the work of the YJB' and that this work should be 'constructive and future-focused' at all stages of the YJS (YJB 2019: 6). Hence, out-of-court work must focus upon the 'promotion of positive constructive behaviour'; court and community work must 'constructively promote potential and desistance from crime'; and in secure settings the focus must be 'constructive resettlement with a focus on continued desistance' (MoJ and YJB, 2019: 6). Thus, whilst the nature of 'constructive' outcomes differs slightly in the YJB guidance between the diversion stage (promotion of positive behaviours) and the court/custody stages (promotion of desistance), the ethos of constructive youth justice practice remains consistent. Central to this constructive practice is the promotion of children's strengths and capacities as priority; a step change from the previous priority of reducing exposure to risk factors and preventing negative behaviours and outcomes.

Constructive Resettlement: A future-focused model

The YJB strategy for children leaving custody, *Constructive Resettlement*, was intentionally designed to align with the principle of Child First. It provides a framework for future-focused, collaborative work with children re-entering the community following a period of custody in a secure setting (YJB, 2018). Moreover, it provides a model applicable to work with children at all stages of YJS involvement (see Hazel et al, 2017). This is reflected in the revised *Standards for children in the youth justice system*, which direct that all work with children, at every stage of YJS involvement, should be constructive and focus on their future desistance (MoJ and YJB, 2019: 6). Constructive resettlement offers a future-focused model that reframes risk factors for reoffending as 'barriers to desistance' and builds on children's strengths by 'seeing them on a desistance journey towards a safe and crime-free life and making a positive contribution to society' (YJB, 2018: 10). Therefore,

> Interventions should focus less on addressing what the young person [child] has done previously and more on the person themselves, their present difficulties and overcoming them for the future. This means building on the strengths of the young person [child] for them to take into their future... avoiding interventions…that are concentrated on containing or managing current behaviour (Hazel et al, 2017: 19).

More broadly, Child First as a model of practice is future-focused through its rejection of the retrospective and stigmatising the nature of the risk paradigm and through its promotion of prospective positive behaviours and outcomes (Haines and Case, 2015; see also Case and Haines, 2020), which can be achieved through the complementary Child First principles outlined in this report (e.g. meeting needs, maximising strengths, facilitating engagement, developing relationships). One indicator that youth justice was moving towards a more future-

orientated approach was the introduction of the *AssetPlus* assessment and intervention framework. The new assessment tool demonstrated a shift away from quantifying risk factors based upon the negative aspects of a child's life, towards a more clearly defined focus on *needs, strengths and positive outcomes* (Haines and Case, 2015).

Future-focused youth justice

The *Youth Justice Review* asserted that the requirement that criminal records are disclosed, for many years after a childhood conviction (and forever in some cases), is detrimental to the future outcomes for a child. It was argued that disclosure presents as a probable barrier to securing employment, thus hampering opportunity and limiting future life prospects - especially for young black men (Taylor, 2016). Thus, the *Youth Justice Review* recommended changes to disclosure policy. More recently, an appreciation of the negative implications of a criminal record for child's future life chances (see the discussion of labelling theories in the first section of this report), in particular their future employment and social reintegration, the government has announced plans to amend the *Rehabilitation of Offenders Act, 1974*, removing the requirement for disclosure of cautions, reprimands or warnings. It is also proposed that when a child has received more than one conviction, they will not be required to disclose them all (MoJ, 2020).

In Welsh policy, the existing commitment to constructive and future-focused work with children who offend, has been reaffirmed by The *Youth Justice Blueprint for Wales*, which sets out a rights-based, whole-system approach which aims to ensure that all children at risk of, or in contact with entering the YJS are able to access appropriate required services. It states a future-focused intent to 'improve criminal and social outcomes for children in contact with the Youth Justice System and to support them to develop resilience and to fulfil their potential' (2019: 1). Closely aligned with the principle of Child First and the *Well-being of future generations (Wales) Act, 2015*, the *Youth Justice Blueprint for Wales* prioritises the modification of services so as to improve outcomes for children, rather than expecting children to fit in with what is available. Having adopted the conceptual framework provided by the YJB's *Constructive Resettlement* approach, the *Youth Justice Blueprint for Wales* sets out plans to implement the development of family focussed pre-release resettlement work.

3.3.2 Research support: Constructive and future-focused

There is a strong and sustained body of evidence from youth justice research in England and Wales that validates the Child First emphasis on constructive and future-focused policy and practice, most notably from the 25-year 'Positive Youth Justice' research programme in Swansea, Wales (see also appendix II) and the 'Constructive Resettlement' movement.

The 'Positive Youth Justice' model developed in Wales (Haines and Case, 2015) has produced a significant body of evidence that supports the ethos of prioritising positive behaviours/outcomes through constructive and future-focused (prospective) methods of delivering youth justice. Those methods are founded in principles of child-friendly/appropriate practice, normalising offending behaviour, promoting prosocial/positive outcomes, diversion, engagement, legitimacy and holistic, evidence-based partnership (Haines and Case, 2020). Furthermore, they explicitly challenge the traditionally retrospective, deficit-based risk management approach that privileges the prevention of negative behaviours/outcomes. Positive Youth Justice interventions, programmes and practices have evidenced significant increases in positive behaviours/outcomes for children, including family cohesion, educational attendance and attainment, access to rights, social inclusion and engagement in positive activities (Case and Haines, 2020, 2018, 2015; Haines and Case, 2015, 2012; Case et al, 2005),

whilst also reducing negative behaviours/outcomes such as offending, reoffending, substance use and antisocial behaviour (Haines and Case, 2015, 2008, 2005; Case et al 2005).

Future-focused resettlement: The research evidence

Notwithstanding the educational emphasis in youth justice policymaking since the *Youth Justice Review* (2016), a joint inspection of resettlement work in custody reported that the education, training and employment (ETE) components of resettlement work were too often generic rather than matched to the needs of the child. Children were simply fitted into what was available, rather than their specific, individual needs being addressed and provision being modified to achieve best outcomes (HMI Prisons/HMI Probation, 2019a, b). This is contrary to the future-focused and constructive ethos of Child First and *Constructive Resettlement*, denying the child a voice in the planning of their ETE provision, and thus failing to encourage a sense of investment in the process, which can be a barrier to meaningful engagement (see Haines and Case, 2015; Case and Hazel, 2020). Indeed, the inspection revealed that work in custody relating to children's ETE, to be far from future oriented as it 'rarely led to purposeful activity in the community, or contributed to helping the child consider, meaningfully, his future possibilities'. The inspection also identified that in 76% of cases, ETE provision was not secured at an appropriate time before the child's release, in just 11 cases were children able to commence ETE immediately upon release. For Looked After Children, the post-release outcome was especially poor, with none of the children having an education placement secured in preparation for release (HMI Prisons/HMI Probation, 2019a: 11).

Supported by a substantive evidence-base, *Constructive Resettlement* provides practitioners with a conceptual framework for undertaking effective resettlement work with children transitioning from custodial to community settings but is also applicable to all areas of work with children who offend. The BYC evidence-base informs practice which prioritises a focus upon the child, the difficulties they experience, and building on their strengths, so as to overcome current difficulties and enable future desistance (Bateman and Hazel, 2014). However, whilst being future-focussed, *Constructive Resettlement* does not ignore the impact that traumatic previous experiences such as maltreatment may have upon the child and their behaviour (YJB, 2018). Indeed, Child First responses to children affected by trauma have been introduced across secure settings (e.g. *Building Bridges: A Positive Behaviour Framework for the Children and Young People Secure Estate* - see also section box 1 in section 2.2 of this report).

3.4 Building on supportive relationships

3.4.1 Policy support: Supportive relationships

The significance of supportive relationships for children embroiled in the YJS is well established within contemporary research. However, in terms of policy, this is an emergent theme. Policies embedding the principle of Child First include a focus upon the relational aspects of responding to children who offend.

As the agency which children who offend first encounter, the police form the gateway to the formal YJS, and perform a key role to play in the delivery of justice for children. Therefore, 'there is a need to continue to develop policing strategies that provide a swift, firm but *flexible* response... one that offers *meaningful diversion* wherever possible (McAra and McVie, 2010: 201). The *National Strategy for the Policing of Children and Young People* (NPCC, 2015) which was informed by an inquiry conducted by the All-Party Parliamentary Group for Children (APPGC 2014), acknowledged the particular vulnerability of children who come to the attention of the police. It concluded that 'child centred policing' was only possible through

effective relationship building with children that breaks down barriers to their engagement through consultation and active listening by police officers (NPCC, 2015). The strategy emphasised trust as the vehicle for 'building good relationships between children and the police' (ibid: 1).

This emphasis upon building positive, engaging relationships with children is also now evident in the revised *Standards for children in the youth justice system* (MoJ and YJB, 2019) which recognise the value of such relationships for children's belief in, commitment to, and participation in youth justice processes at all levels of involvement. Similarly, the *Constructive Resettlement* framework, informed by a substantive evidence-base (see Bateman and Hazel, 2013) also emphasises the importance of relational work with children, highlighting the qualities that staff require to undertake this work well. A recognition of the critical role of relationship-building in work with children described as 'particularly complex, with high levels of harm, need and vulnerability' is further evidenced by *Building Bridges* (see section 2.2) a new healthcare strategy for practice in secure settings. The strategy, which is committed to Child First principles and is aligned with the revised *Healthcare Standards for Children and Young People in Secure Settings*, which 'sets out the framework for developing positive relationships between staff and children and young people' across the children's secure estate to promote positive outcomes for children (RCPCH, 2019: 10). The framework responsibilises adults for the promotion of child/staff relationships 'based on fairness, honesty, respect, objectivity and trustworthy interactions' and serves to incentivise and promote positive behaviour; minimise behaviours which have the potential to cause harm, and to enable effective work with any unacceptable behaviour to ensure 'a safe and controlled environment' for both children and staff' (ibid: 10).

3.4.2 Research Support: Supportive relationships

Research consistently demonstrates that a positive and trust-based child/practitioner relationship is beneficial at every stage of YJS involvement. The positive outcomes evidenced appear contingent on both the qualities of the adult and the frequency and duration of the relational work. In particular, relational work has been demonstrated empirically to encourage children's active participation and engagement, and as such is fundamental to Child First justice.

The importance of the child/practitioner relationship: The research evidence
There is significant research evidence to support the theory that a positive relationship between the child and their YJS practitioner and/or a professional from another agency is more beneficial than the/any formal intervention in relation to desistance. As McNeill argues:

> ...it is through the quality of the relationship formed between the professional and young person [child]...rather than the content of any intervention, that real progress can be made in the prevention of future offending (2006: 133).

In a review of the empirical evidence pertinent to desistance in children, Batchelor and McNeill (2005) identify that the heavily interventionist ethos of New Youth Justice prevailed, 'disproportionate emphasis' was placed upon the role of effective programmes, whilst evidence of the importance of effective relational work with children who offend was ignored. The authors also state that desistance by children known to the YJS, would appear to be:

> …generated by personal and professional commitment on the part of workers, whose reasonableness, fairness, and encouragement is seen by young people to demonstrate an understanding of, and genuine concern for, them as people (ibid: 166).

Indeed, various studies indicate a children's engagement with youth justice interventions to be contingent on the development of constructive and supportive child/practitioner relationship. A small-scale pilot study of qualitative design explored practitioners' views of the importance of establishing a good relationship with children for desistance work (Drake et al, 2014). The findings, drawn from data collected from seven practitioners within a single youth offending team, revealed that in most cases practitioners recognise the importance of good relational work with children. Moreover, the study adds to existing and previously ignored evidence of good relational work being integral to the process of change. The centrality of supportive relationships in promoting engagement and successful outcomes has been demonstrated at every stage of the YJS - from diversion (Haines et al, 2013) to assessment (Case et al, in press; Drake et al, 2014) to court disposal (Creaney, 2020; Drake et al, 2014), to YOT involvement (Drake et al, 2014; HMIP, 2016), to custody (Adler et al, 2016) and to resettlement (Hazel and Bateman, 2020; Hazel et al, 2017).

Building relationships of trust for processes of change: The research evidence
A study of the role of mentoring in successful desistance work, reports the initial mentee/mentor relationship-building phase to be critical to success, and whilst estimated to require a timeframe of six to eight week, in practice, this often took longer and needed to be tailored to the individual (O'Dwyer, 2019). A meta-analysis of 55 evaluations of mentoring interventions reported the mentor/mentee relationship to be improved and ultimately greater positive outcomes in cases where contact is frequent and occurs over a period of six months or more (DuBois et al, 2002). A child's engagement with an intervention and positive desistance outcomes also depend on the qualities of the practitioner, as well as intervention duration and frequency. Indeed, the qualitative findings detailed in an international study of 'what works' with children detained in secure settings and those subject to community intervention shows that the children value 'warm, open, and non-judgemental' child/practitioner relationships (Adler et al, 2016: 14). Consistency has also been identified as a factor, with evidence suggesting that positive outcomes are increased by 'having one person directly involved, holding the child in mind, keeping going when things go wrong and caring about what happens to him or her' (HMI Prisons and HMI Probation, 2016: 13).

McAra and McVie (2007) identify in the longitudinal 'Edinburgh Study of Youth Transitions and Crime' that YJS involvement is in itself criminogenic, they also argue that for those children who do enter the YJS, effective relational work with the child is potentially pivotal (McAra and McVie, 2010). In particular, drawing upon the research evidence of McNeill (2006; see also Dubois et al, 2002), they argue that any intervention should be based upon a 'desistance paradigm', which supports the child to 'construct a non-offender identity' through one-to-one relational work with a key adult within the YJS, and continuity of contact with that key worker. Such arguments are also supported by long-standing body of empirical evidence from desistance studies in relation to probation work from a social work perspective (e.g. see Barry, 2000; Burnett and McNeill, 2005). Qualitative research with 21 probation officers and 60 individuals subject to probation intervention revealed successful engagement to be engendered by the probation worker's capacity for empathy, to listen, demonstrate genuine interest and understanding, which enabled those who were subject to probation intervention to talk (Rex, 1999).

Contemporary studies evidence the relationship-based factors most likely to bring about positive change to include empathy, the supporter(s) of the individual being genuine, the development of rapport, and an individualised and collaborative approach, all of which feature in a Child First philosophy (see Hazel and Bateman, 2020; McNeill, 2006). In the report '21st Century Social Work, Reducing Re-offending: Key Practice Skills' commissioned by the

Scottish Executive's Social Work Services Inspectorate, the extant empirical evidence regarding the skills necessary for bringing about desistance processes in those who offend was reviewed (McNeill et al, 2005). Crucially, the report authors assert the relationship between the practitioner and the 'client' to be critical to effective intervention, reporting the 'core conditions' of effective desistance work to be:

> …the ability of practitioners to convey accurate empathy, respect, warmth and 'therapeutic genuineness'; to establish a working alliance based on mutual understanding and agreement about the nature and purpose [of an intervention]; and to develop an approach that is person-centred or collaborative…Evidently the development of effective relationships requires the use of communication, engagement, counselling and interpersonal skills… It is unlikely that anything can be achieved…unless and until such effective working relationships are first established and then maintained (McNeill et al, 2005: 4).

Notably, the substantive suite of publications from the 'Beyond Youth Custody' research project evidence the importance of empathy for the development of trusting child/practitioner relationships and hence their investment in meaningful resettlement interventions (Hazel et al, 2017). Practice guidance from the same project directs practitioners to seek understanding of how a child makes sense of their life, in order to identify barriers to identity development and shift (e.g. vulnerability, diversity, complexity of need), which can co-occur, interact, and impact negatively upon engagement and subsequent outcomes. Evidence of the efficacy of practitioner-child relationships in promoting desistance and positive behaviours/outcomes is consolidated by research findings identifying mentoring, coaching and advocacy by both peers and adults as crucial relationship-building interventions for children who offend (see O'Dwyer, 2019; Case and Haines, 2015, 2004; DeJesus et al, 2017).

Relational work with girls in secure settings: The research evidence

In the year ending March 2019, girls made up just three per cent of all children detained in secure settings (MoJ, 2020). Consequently, as the number of girls in custody have reduced, so too have the number of secure settings in which they are accommodated, meaning that the distance between their home and the secure setting has for many, increased, and is higher than for boys (Goodfellow, 2017). Distance has been shown to impact negatively upon the number of visits that girls receive from family/carers, friends (HM Inspectorate of Prisons, 2016). This is a problem, because, as the consultation with children which informed the *Council of Europe Guidelines* demonstrated, both boys and girls with experience of YJS involvement consider relationships with family and friends very important (Kilkelly, 2010). Distance has also been shown to impact negatively upon the frequency of face-to-face contact with community-based professionals (HMI Prisons, 2016). Unsurprisingly therefore, distance has an adverse impact upon relationships formed prior to secure detainment which play an important part in empowerment and encouraging a positive identity (Hazel et al, 2016), for example, with their: YOT worker, social worker (HMI Probation, 2014), family/carer (see Hazel, 2016) and relationships which sustain care placements for looked after children (Bateman and Hazel, 2015). Distance has also been shown to limit the quality of relationships forged *during* the custodial period, and the type of relationship-based practice important to resettlement (Hazel and Liddle, 2012; Bateman et al, 2013; Hazel et al, 2017).

Research evidence demonstrates that the proportionately small number of girls in secure settings comprise an especially vulnerable group. They are more likely (than boys) to have poor mental health, engage in self-harm, demonstrate suicidal behaviour (MoJ, 2017), experience difficult relationships, trauma (Bateman and Hazel, 2014), and child sexual

exploitation (Phoenix, 2012). Too often, girls who offend in response to sexual exploitation have been criminalised and afforded inadequate police protection (Phoenix, 2012). Therefore, strategies for the effective engagement of girls in resettlement processes, may differ from those suited to boys (Bateman et al, 2013), which highlights the importance of responding to their specific resettlement needs through supportive, trust-based relationships (Bateman and Hazel, 2014; Liddle et al, 2016). Evidence from the 'Beyond Youth Custody' project has established that broader relationship-focused work is crucial to the child's identity shift, and thus to desistance. Responding to a concerning paucity in knowledge relating specifically to the resettlement of girls and young women, a critical review was undertaken of the research literature providing evidence of what is effective in the resettlement of children, and that of 'the wider need of girls and young women. The findings of the review revealed that for girls in particular, the development of 'trust in relationships is vital' to present and future engagement', and that the formation of 'positive and supportive future relationships are key to promoting non-delinquent identities for future desistance (Bateman and Hazel, 2014: 7).

4.0 Child First tenet three: Collaboration with children

Components: *Encourage children's active participation, engagement and wider social inclusion. All work is co-created with children and their carers*

4.1 Encourage children's active participation

4.1.1 Policy support

United Nations Convention on the Rights of the Child 1989: Identifies participation as a guiding principle. All children have the right to speak their mind and express their views in all matters affecting them, and those views must be considered in accordance with their age and maturity (Art. 12)

Council of Europe Guidelines on child friendly justice: The child's right to participate should be realised at all stages of YJS involvement. The Guidelines explain participation as respect for the child's opinions in accordance with their age, maturity and the circumstances of the case (Council of Europe, 2010: 10)

YJB Participation Strategy: Asserts that all children must have the same opportunity to participate in YJS processes, irrespective of race, religion, gender or background, in a way that they are comfortable with and that they understand (YJB, 2016)

Devolution and youth justice in Wales: Provides an account of the development of youth justice policies (and broader areas of children's policy) in post-devolution Wales, which have embedded participation and other principles of *UNCRC*, specifically the engagement and participation of children in 'universal' services available to all children (Drakeford, 2010)

Youth Justice Blueprint for Wales: Sets out a whole-system approach which ensures that all children involved with the YJS (or at risk of being so) have access to wider services, whilst encouraging active participation in decisions which affect them and ensure their access to rights and entitlements. (MoJ and Welsh Government, 2019)

Standards for children in the youth justice system 2019: Directs that all stages of youth justice process demonstrate that children's voices are heard and that they can participate effectively (MoJ/YJB, 2019)

4.1.2 Research support

Positive Youth Justice: Children first, offender second: Emphasises the engagement, participation and inclusion of children as central practice principles enabling their voices to be heard, on the basis that 'children are part of the solution, not part of the problem' (Haines and Case, 2015: 287)

Children's participation: From tokenism to citizenship: Defines eight degrees of participation based on UNICEF research and illustrates them as a 'Ladder of Participation'. 'Full participation' is defined as the equitable sharing of decision-making with adults, and as a fundamental principle in the improvement of children's rights (Hart, 1992; 2008: 5)

Participatory Research: Working with vulnerable groups in research and practice: Provides a participatory model against which researchers and practitioners can locate their own work. In the youth justice context, where Child First principles to promote participation within the *'child as actor'* domain, the model can be adapted for practice utility (Aldridge, 2016)

Engaging young people as partners for change: The UR community project: Identifies that children have a clear understanding of their position as 'actors' rather than as passive participants, thus demonstrating an awareness of their right to express a view and have that view heard in all matters that concern them. (Charles and Haines, 2019)

Greater Manchester Youth Justice University Partnership: Evidences a participatory approach that upholds children's rights and enables them to participate meaningfully in decision-making processes (Smithson et al, 2020)

4.2 Encourage children's engagement

4.2.1 Policy support

Extending Entitlement: Promotes equality of opportunity, to ensure that all children are able to access the full range of services and participate in a wide range of experiences and activities (NAPU, 2000; 2002)

How to Make Resettlement Constructive: Provides a framework for work with children entering and leaving custody, which is underpinned by relational work and which recognises how personal and structural vulnerabilities, gender and BAME status, can create a barrier to effective engagement (YJB, 2018)

Standards for children in the youth justice system 2019:

4.2.2 Research support

A review of techniques for effective engagement and participation: Concludes that most practitioners were unable to differentiate between participation and engagement. However, for those who did, engagement was 'forming positive relationships, being motivated to change and being aware of the consequences of behaviour' (Ipsos MORI, 2010: 5)

Engaging young people who offend: Highlights a significant gap in effective engagement practice with children in the YJS. The techniques identified as effective relied on the willingness of children to participate and their motivation and commitment to be involved rather than responsibilising adults (Mason and Prior, 2008)

Outlines the importance of building positive, engaging relationships to enhance children's belief, commitment and participation in youth justice practice. All YJS work/reports must evidence efforts to engage with the child and their parents/carers. (MoJ and YJB, 2019)	The centrality of engagement in Positive Youth Justice: Presents empirical evidence supporting child-friendly, child-appropriate and legitimate (fair, moral, just) practice principles to promote children's engagement in the YJS – framed as belief in and commitment to youth justice processes, rather than basic participation (Case and Haines, 2015) Hearing new voices: Argues that 'the relationship between young people and practitioners is the centre-piece of youth justice provision' and provides recommendations to 'rethink' youth justice (Drake et al, 2014: 22)

4.3 Encourage children's wider social inclusion

4.3.1 Policy support *Extending Entitlement*: This youth inclusion strategy outlines a set of universal entitlements available unconditionally to all children in Wales, with a clear expectation from the Welsh Government that all service providers should embed these entitlements into their practice (National Assembly Policy Unit, 2000; 2002) *How to make resettlement constructive*: Recognises resettlement as a fluctuating journey for the child involving an shift from one that promotes offending to one encouraging of a crime-free life, social inclusion and wellbeing (YJB, 2018) *YJB Strategic Plan 2021-24*: Establishes tackling BAME disproportionality across the YJS as a strategic priority. This, the plan asserts, will be achieved by improving the level of trust held by the BAME community for the CJS, and in particular the YJS, to further develop effective prevention and diversion provisions, and to improve positive outcomes for this group (YJB, 2019a)	**4.3.2 Research support** Child First research in Wales: Evidence from the Child First Positive Youth Justice research programme in Wales over two-decades argues that wider social inclusion pursued through the child's engagement with positive, prosocial and universal opportunities and support services in their community (Case and Haines, 2018; Case et al, 2012) can facilitate positive outcomes, for example, 'attaining academic qualifications, gaining employment, participating in social, leisure, artistic, musical and sporting activities' (Case and Haines, 2014: 164) Labelled as 'risky' in an era of control: Explores how children experience and respond to the stigma of criminalised identities (Deakin et al, 2020) Supporting desistance through wider social inclusion Findings from the Beyond Youth Custody research programme identified that wider social inclusion with the support of positive peers and adults is necessary for sustained desistance (Hazel et al, 2017). A Positive Youth Justice (USA) review highlights the evidence regarding wider social inclusion (prosocial relationships, engagement in education and positive extra-curricular activities, and preparation for future employment) for positive outcomes (Kern et al, 2016; Smokowski et al, 2016; Butts et al, 2018)

4.0 Child First tenet three: Collaboration with children

> *Encourage children's active participation, engagement and wider social inclusion. All work is co-created with children and their carers*

The 'collaborative' tenet consists of three reciprocal (mutually-reinforcing, interacting) components: *participation, engagement* and *wider social inclusion,* which themselves are linked to the related Positive Youth Justice concepts of relationship-building and legitimacy (see Haines and Case, 2015).

4.1 Participation

4.1.1 Policy support: Participation

Policy-wise, children's right to participation is set out in the *UNCRC*, which is grounded in the principles of provision, participation and protection for children. Notably, Article 12 of *UNCRC* states that all children have the right to express their views freely in matters which affect them, and that the views of the child should be heard and considered in accordance with their age and maturity. Furthermore, participation is one of five fundamental principles of the *Council of Europe Guidelines* adopted in 2010. The guidelines were set 'specifically to ensure that justice is always friendly towards children, no matter who they are or what they have done' (Council of Europe, 2010: 7) and to uphold all of the rights of children across five fundamental principles: participation, Best interests of the child (see tenet one), dignity, protection from discrimination, and rule of law. The principle of participation is explained in children's rights guidance as considering the child to be 'capable of forming his or her own views… [possessing] the right to speak their mind and give their views in all matters that affect them' (Council of Europe, 2010: 50). While this does not mean that their opinion will always be adhered to, the guidelines require that children's opinions be taken into account and given due respect, according to their age, maturity and the circumstances of the case (Council of Europe, 2010: 50).

The YJB Participation Strategy

In 2016, the YJB published their *Participation Strategy: Giving young people[16] a voice in youth justice* (YJB, 2016). The strategy committed to 'embedding young people's participation' at all stages of the YJS and giving young people much more say in youth justice decisions that affect them (cf. Art. 12, UNCRC) and in the planning, delivery and evaluation of youth justice services (YJB, 2016). According to the strategy, participation, for children is 'an active, informed and voluntary process where they are able to express views and make decisions on issues that affect them'. The *YJB Participation Strategy* emphasises that children's involvement in the planning process encourages greater motivation to engage and that positive outcomes are then more likely (YJB, 2016: 3).

The *Strategy* outlines key principles for participatory youth justice practice: voluntarism, inclusivity, hearing and respecting children's voices, enabling children to benefit from participation, communicating the outcomes of participation and improving services, as the core principles to underpin future participatory work with children. The strategy also identified, a lack of confidence, communication difficulties, distrust of adults, unsatisfactory previous experiences, difficulties in attendance and removal of choices through court sentencing as potential barriers to effective participation.

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[16] Note that the YJB now prefers the term 'children' in their strategy documents (e.g. YJB 2019, 2020), in line with the Child First principle.

The *YJB Participation Strategy* highlights the significant practical benefits of enhancing children's participation in youth justice services, these include:

- o Improved engagement, behaviour, respect and confidence,
- o Improved practitioner/children relationships,
- o More inclusive decision-making, and
- o Improved youth justice services based on need.

While noting existing progressive participatory practice in the YJS (e.g. taking greater account of children's views through AssetPlus), the YJB has previously acknowledged that ensuring effective participation was a work in progress and that continued efforts are required in relation to communication, service commissioning, monitoring and development, effective practice and Government decision-making processes (YJB, 2016).

More recently, YJB policy has consistently reflected a commitment to participatory practice. For example, the revised *Standards for children in the youth justice system* (YJB, 2019) directs that the planning of all work must be undertaken in participation with the child and their family. Indeed, if aligned with the *Council of Europe Guidelines* (2010), any work which makes claims to genuine participatory principles should involve children's families/carers from the outset. In the YJB's *Business Plan for 2020-2021*, it is stated that the 'experiences of children and the voice they bring is paramount to all that we do', and the YJB has committed to publish a revised youth participation strategy, ensuring that YJS-experienced children perform an 'active role in informing our wider decision-making and in the development of our work' (YJB, 2020: 9).

Participation policy for children in Wales
Despite significant policy developments pertinent to the participation of children since the introduction of *UNCRC*, there remains scant evidence relating to the meaningful participation of children in youth justice policy development in England (Case et al, 2020). However, social policy for children in Wales since partial devolution[17] in 1999 has been explicitly participatory, grounded in *UNCRC* (UNCRC, 1999) and underpinned by a set of fundamental **collectivist,** rights-based and pro-child principles, specifically: the engagement and participation of children in 'universal' services available to all children, rather than services targeted on specific groups (Drakeford, 2010). Indeed, a tenet of the *Extending Entitlement* youth inclusion strategy (National Assembly Policy Unit, 2000; 2002 - see box 2, section 2.4, and 2.5 of this report) is that universal entitlements apply to *all* children, including those in conflict with the law (Case and Haines, 2014). The concept of 'entitlements' (maximum outcomes) surpasses the concept upon which children's rights instruments (e.g. *UNCRC*) - which constitute *minimum* standards for provision are predicated (Haines and Case, 2015; Case et al, 2005).

YJB Cymru are currently working with the Ministry of Justice and the Welsh Government to implement the *Youth Justice Blueprint for Wales*, a whole-system approach based on the guiding principles of Child First, trauma-informed practices, and the development of 'a shared vision, values and approach' across both devolved and non-devolved services (MoJ and Welsh Government, 2019: 1). The vision set out in the *Youth Justice Blueprint for Wales* aims to ensure that all children involved with the YJS (or at risk of being so) will have access to wider services that (amongst other things) encourage their active participation in decisions which affect them and ensure their access to rights and entitlements.

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[17] The Welsh Government has policy-making powers in several areas related to youth justice, including social services, health, education and housing. However, the policy areas of youth justice, criminal justice and policing have not been devolved and remain the responsibility of the Westminster-based UK government.

4.1.2 Research support: Participation

Participatory working is fundamental to the principle of Child First. Indeed, as Haines and Case point out in 'Positive Youth Justice: Child First, Offenders Second', 'children are part of the solution, not part of the problem' (2015: 45). Indeed, they conclude their text by stating:

> What we have sought to outline is a practical, progressive, *participatory* and promotional model of evidence-based partnership working with children ... a positive youth justice that puts *Children First* (Haines and Case, 2015: 292-3, emphasis added).

Research evidence indicates that when participation, engagement and inclusion processes are co-created between children and practitioners, this can produce effective practice relationships (see Drake et al, 2014, Case and Haines, 2015), and that when children are given a voice and participate in the design of their YJS work, their level of engagement, compliance, and motivation to change increases (Creaney, 2014).

It is important to note here the potential distinction between participation (e.g. simple involvement in the youth justice processes) and engagement (e.g. commitment to and belief in these processes). For example, a 'Review of Techniques for Effective Engagement and Participation' undertaken for the YJB (Ipsos MORI, 2010) revealed that most practitioners were unable to differentiate between participation and engagement. However, for those who did, participation 'tended to be seen to relate to young people turning up to appointments, meeting targets and completing worksheets' (Ipsos MORI, 2010: 5), whilst engagement was 'forming positive relationships, being motivated to change and being aware of the consequences of behaviour'. The Children's Rights Alliance for England (CRAE, 2008) argue that 'true participation involves at least some element of empowerment: the young person is not just allowed to speak, but their voice is taken into account in any decisions that are made with/about them'and that without this, 'the invitation to express a view does not go beyond the tokenistic'.

Models of participation: The research evidence

Following the ratification of *UNCRC* many international non-governmental organisations found it difficult to interpret what some parts of the Convention meant for their work, in particular those articles concerned the participation of children. Consequently, UNICEF commissioned Roger Hart to produce a text on the topic in which he produced a 'Ladder of Participation', defining eight degrees of participation[18] (Hart, 1992). Developed from Arnstein's (1969) similar model for adults, Hart has since explained that the ladder was developed as a starting point for the typology for children's participation in projects, rather than as a model (Hart, 2008). The levels of participation identified by Hart were based upon UNICEF's research on preventive programmes for children at risk of becoming street children, wherein he discovered that children's participation was fundamental to the approach of some countries when seeking to improve children's rights. Hart explained participation to be 'the process of sharing decisions which affect one's life and the life of the community in which one lives... the fundamental right of citizenship'. He further explained that it is:

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[18] Children as: manipulated, decorated and tokenized (levels 1-3: all indicative of non-participation), assigned and informed (level 4), consulted and informed (level 5), sharing (adult-initiated) decisions with adults (level 6), leaders and initiators of action (level 7), equitably sharing decision-making with adults (level 8).

…unrealistic to expect [children] suddenly to become responsible, participating adult citizens at the age of 16, 18, or 21 without prior exposure to the skills and responsibilities involved...[because] confidence and competence to participate can only be acquired gradually through practice (2008: 5).

This latter point clearly supports an emphasis on children's participation in youth justice practice, especially when facilitated by practitioners and founded in constructive child-practitioner relationships.

Drawing extensively upon evidence from her own research with vulnerable and marginalised groups, Aldridge (2016: 155) has developed a participatory model 'presented from the perspective of the participants', which provides a framework against which researchers and practitioners can 'locate their own participatory projects with reference to the various domains within (and across) the model'. When applied to work with children (rather than vulnerable individuals *per se*), the model defines the child's participation as:

o   *Child as object* (outcome: tokenistic 'inclusion'): All work is practitioner-led and presents limited opportunity for social change outcomes for the child, the vulnerable/marginalised child is more likely to be excluded

o   *Child as subject* (outcome: recognition of 'inclusion'): All work is practitioner-led, with the child recognised as an individual in the various processes but not as an 'actor' with a voice and views to share, therefore, planning for social change outcomes will not be based upon consultation with the child. The vulnerable/marginalised child is more likely to be excluded or their needs overlooked. The child plays no part in the design/formulation of the work to be completed

o   *Child as actor* (outcome: 'inclusion'): This aligns most closely with Child First as it promotes a greater degree of equality in the child/practitioner relationship. The child is consulted, and their views are heard. Social change outcomes occur, but the voice of the child remains secondary to that of the practitioner due to the nature of service involvement. The child is involved in some decision-making processes at all stages of the (youth justice) process. The child's needs are appreciated, and vulnerable/marginalised children have greater levels of inclusion

Aldridge's model enables researchers and practitioners to evaluate their previous and current work, as well as planning that of the future in relation to the required level of inclusion. The model is adaptable and hence highly applicable to all fields of practice with vulnerable groups who are or are at risk of marginalisation.

Box 7

Research Case Study: UR Community: Recognising children's right to participation

The UR Community project in Swansea was designed to create participation opportunities and to respect and embed children's (rights to) participation within the decision-making, strategy and practice of local agencies (see Driskell, 2017), on the basis that children are the experts in their own worlds and thus hold knowledge that adults do not (cf. Lancaster and Broadbent, 2003). In order to address issues of wider social inclusion, the children involved were of varied ethnicity, socio-economic background and levels of educational achievement, rather than being those stereotypically considered capable of participating in research (see Mockler and Groundwater-Smith, 2015).

Researchers from Swansea University (Charles and Haines, 2019) collaborated with 599 children (age range 11-16 years old) and 62 adults from partner agencies, on an incremental project. The project, which was co-produced with a steering team comprising 14 children consisted of four research stages:

1. Participatory methodology: Children designed a project methodology for the project and reviewed findings from previous research on children's participation in decision-making. The steering team consulted their peers in school and undertook an e-survey to gain the views of other children across their county regarding existing research findings

2. Youth conference: Providing an opportunity for a range of children's voices to be heard regarding their participation, the steering team hosted a youth conference to discuss findings (from research and their peers), which were thematically organised

3. Information pack: Multi-media resources were created by the children that were disseminated to schools throughout their county area. The information packs summarised key research findings (interpreted and made sense of by children) and were developed with the intent of encouraging School Councils and form and year representatives to help ensure children's leadership of discussion around their participation

4. Multi-agency conference: Children requested a conference to enable adult decision makers to hear their voices/views and take time to consider how they might respond to children's interpretations of research findings concerning their participation

The project's participatory design enabled children to contribute to decision-making in an autonomous, equitable manner without hindrance, coercion, control or enforcement from adults (Charles and Haines, 2019).Throughout the project, it was identified that the children had a clear understanding of their position of 'actors' rather than passive participants (see the participatory model developed by Aldridge, 2016) thus demonstrating an awareness of their right to express a view and have that view heard in all matters that concern them. Furthermore, it was identified that local communities and their activities matter to children and that children have a genuine desire to be active community members, to make a difference and to heard by adults: and can be innovative when included in discussions around their right to participate. Thus, the project offered an understanding of the importance of participation, engagement and the wider social inclusion for children.

Children's participation in policy and practice development

As demonstrated in section 4.1 of this report, participation is a legal entitlement of children under international and domestic policy. However, a review of the scant evidence-base of participatory youth justice research reveals the voice of the child to 'have been noticeably absent from youth justice policy development in England' (Case et al, 2020: 4). This is explained in terms of non-child-friendly practices which are risk and deficit-led, adult-centric, problem focused and which responsibilise children, as opposed to practice which engages with the child and hears their voice - as advocated by the Child First principle. Such practices are argued to have 'undermined children's knowledge and potential by distrusting their perspectives' (ibid.). The review concludes that it is a 'moral and ethical imperative' that we

engage with children, listen to their voices, and 'strengthen [their] involvement in policy and practice processes' (Case et al, 2020: 4). Indeed, the research unit of the Greater Manchester Youth Justice University Partnership (see box 8 below) has successfully engaged children embroiled in the YJS as co-directors in a **participatory action research** study (see case study below). They stress that if we are to respect children's rights then we must enable them to contribute to decision-making processes and work collaboratively with them in the production of youth justice policy and practice (Smithson et al, 2020).

Box 8

Case Study: Greater Manchester Youth Justice University Partnership

The Greater Manchester Youth Justice University Partnership (GMYJUP) was a collaborative two-year knowledge transfer project established in 2014 between Manchester Metropolitan University (MMU), the YJB and ten regional youth justice services. The purpose of the partnership was to develop and promote research-led, evidence-based, participation, engagement and social inclusion. The project was truly participatory, employing a **Participatory Action Research** methodology which included co-direction by children at each stage of the process. A key outcome of the project was a co-produced 'Participatory Youth Practice' (PYP) framework, underpinned by academic theory and empirical research evidence, informed by the expertise of young people with lived experience of YJS involvement and structured around key principles for involving young people:

1. Let them participate
2. Always unpick why
3. Acknowledge limited life chances
4. Try to avoid threats and sanctions
5. Help problem solve
6. Develop their ambitions

The co-direction of the research by young people augments the validity of the PYP framework according to the authors, who researchers state that:

> It is our intention that the principles of PYP will enable children and young people to get a sense that they, not only have control over their 'treatment' within the justice system, but that they also hold important expertise that can usefully inform youth justice policy and practice; both of which are prerequisites for a rights-based approach to youth justice (Smithson et al, 2020: 13).

Having been piloted in two area local youth justice provisions, PYP has been embedded into policy and practice across Greater Manchester and local youth justice service models are being developed accordingly. Youth justice services have benefitted from academic-led practitioner training and lectures and the development of a research base addressing local concerns through by facilitating student placements, encouraging bi-directional knowledge exchange (Jones and Axon, in Case, 2018). The significant benefits to have emerged from the partnership include greater breadth of knowledge in both academia and practice; establishing evidence-based initiatives to promote innovative youth justice service and making local youth justice practice more strength-focussed, evidence-led and child-centred.

4.2 Engagement

4.2.1 Policy support: Engagement

The engagement of/with children has been afforded scant consideration within the youth justice policy of England. It could be argued that the coercive, risk-based, deficit-focused nature of post-1998 youth justice policy has done little to facilitate children's engagement with youth justice processes (see Case and Haines (2015) in section 1.5 of this report). In contrast, social

policymaking in post-devolution Wales has not only prioritised children's rights (minimum standards) and extended this focus into the pursuit of entitlements (maximum outcomes) for children but has actively pursued the engagement and participation of all children and young people in universal services, favouring equality of outcome over equality of opportunity (see Drakeford, 2010). For example, the youth inclusion strategy *Extending Entitlement* sets out a group of universal entitlements available unconditionally to *all* children in Wales, with a clear expectation from the Welsh Government that service providers should embed these entitlements into their practice (NAPU, 2000; 2002; see the policy example in box 2, section 2.4), the *Youth Justice Blueprint for Wales* (MoJ and Welsh Government, 2019), and the *Youth Work Strategy for Wales* (Welsh Government, 2019) which sets out the rights and entitlement policy journey.

An increased recognition of the importance of engagement had begun to emerge in youth justice policy in England also. The YJB has introduced a new policy relating to work with children in and leaving custody, *Making Resettlement Constructive* (see section 3.2.2 for a detailed account), which was explicitly developed to align with the principle of Child First and relied upon relational work to engage the child. *Making Resettlement Constructive* acknowledges the adverse experiences, personal and structural vulnerabilities of children in custody, and how these can be exacerbated by gender and Black, Asian, Minority Ethnic (BAME) status to create a barrier to effective engagement with the YJS (YJB, 2018).

The revised *Standards for children in the youth justice system* also embed the positive Child First principle and its tenets, emphasising the importance of building positive, engaging relationships to enhance children's belief, commitment and participation in youth justice practice. However, the responsibility for engagement rests now, not with the child, but with the adults who work with them. The Standards direct that all YJS practice must demonstrate engagement with the child and parents/carers, and that diverse needs must be taken into account to promote equality of access and engagement, and also, that efforts to engage the child and parents/carers are evidenced in records and reports including Pre-Sentence Reports (MoJ and YJB, 2019).

4.2.2 Research support: Engagement

Contemporary youth justice research indicates that children's engagement in decision-making processes and in the design, implementation and evaluation of youth justice provisions can facilitate strategic planning, enhance the meaningful and appropriate decision-making of practitioners and services, and improve the quality of the child-adult relationships, enhancing intervention effectiveness (see also Nacro, 2011; HMI Probation, 2009). Indeed, Creaney and Smith (2014: 83) assert that:

> [I]n order to reconcile the lack of user-led engagement of offenders, and experiences of disempowerment, the priority should be, throughout the Youth Justice System, to involve young people [children] in assessment and decision-making processes.

Children's *engagement* with youth justice processes (e.g. assessment, intervention planning) is considered central to 'effective practice' in responding to offending, however, it has been 'the least researched' element of youth justice practice (Stephenson et al, 2011: 72; see also Case and Haines, 2015; Drake et al, 2014).

Techniques for engagement: The research evidence

In part to fill this research vacuum, Mason and Prior were commissioned by the YJB to undertake a **systematic review** of techniques for engagement to underpin a new YJB **Key Elements of Effective Practice (KEEP)** guidance document focused on 'Engaging Young People who Offend' (Mason and Prior, 2008; see also Prior and Mason, 2010). Their extensive literature searches across of a range of research databases exposed an 'evidential gap' (Prior and Mason, 2010: 223) with regard to sources considered to be of sufficiently 'high quality' for inclusion (see YJB, 2015; 2013; Campbell Collaboration, 2019). Indeed, what they discovered was a large body of analytic and evaluative research evidence focused on *types* of intervention, but a dearth of evidence 'meeting systematic review criteria...that took 'engagement' as their principal topic for research, and very few studies that sought to identify effective practice techniques more broadly' (Mason and Prior, 2010: 213). Thus, with the agreement of the YJB, the search criteria were broadened significantly to include:

> Any robust research evidence specifically focused on techniques of engagement that could be found...any findings relevant to the issue that emerged from the other YJB-commissioned reviews, especially those focused on different types of intervention... [and] key messages about engagement techniques from the practice literature (Mason and Prior, 2010: 214).

The subsequent KEEP document emphasised *techniques* for engaging children in the YJS as being 'concerned with the question of how to gain… interest and willing participation in interventions or programme of interventions intended to prevent or reduce offending' and 'engagement' as the child's 'personal motivation and commitment to involvement in [intervention] activities' which implies that 'passive involvement is not enough' (Mason and Prior, 2008: 12). Therefore, the official understanding of 'engagement' at that time was more concerned with motivating children to agree with/commit to/participate in activity predetermined by the practitioner than it was with co-constructed, collaborative processes to determine the most effective preventative intervention (cf. Case and Haines, 2015; Hazel et al, 2017). By extension, *dis*engagement by children was individualised - understood as a lack of motivation, commitment and participation in elements that are (often) first identified during the assessment interviews that proceed and inform programmes of intervention.

Responsibilising adults for the engagement of children: The research evidence

A body of Child First evidence is now available to support the claim that effective engagement with children in the YJS should be understood and practiced from the child's perspective, rather than that of the practitioner (see Haines and Case, 2015; see also Case et al, 2020; Hopkins et al, 2016; Taylor et al, 2014; Drake et al, 2014; Nacro, 2011; Talbot, 2011). The full and complete integration of children's participation in and engagement with youth justice decision-making is an enduring difficulty due to the statutory obligation of staff to enforce non-negotiable rules and regulations and to ensure children's compliance with court orders (see UK Children's Commissioners, 2008). Arguably, the enforcement-led nature of child-practitioner relationships in the YJS can reduce a child's capacity, motivation, willingness and confidence to participate and to engage with youth justice provisions, while also reducing that of practitioners and YOTs to fully include and engage with children. Conversely, when engagement is facilitated by relationships based on trust, respect, fairness and voluntarism/choice (see tenet two for a discussion on relational working, see also Ipsos MORI, 2010), these features enable children to make the crucial distinction between actual engagement (guided by the inclusion of children's voices – Merton et al, 2004) with intervention and mere participation in intervention (Ipsos MORI, 2010; Merton et al, 2004). Engagement, therefore, comprises children's meaningful involvement in and commitment to

the decisions and outcomes at every stage of the youth justice processes. In conclusion, Child First practice is not possible without engagement, as without the inclusion of children's voices, youth justice provision is **adulterised** and **adult-centric**.

Box 9

The 'YOT-Talk' Project:
Exploring the language barrier to engagement in youth justice assessment interviews

The 'YOT Talk' study (Case et al, in press) explored the elements of communication that can be enablers of, and barriers to, children's engagement with and inclusion within youth justice assessment processes. It used a mixed methodology of observation of assessment interviews (n=19), questionnaires with children in the YJS (n=44) and YOT practitioners (n=23) and focus groups with YOT practitioners (n=2, with 5 staff in each) in three Youth Offending Teams in England and Wales. The research findings identified asymmetrical (adult-dominated) power dynamics during assessment interviews. The research findings challenged established perceptions of children's communicative deficits as self-imposed and irreconcilable barriers to effective assessment. The strong indication was that children in the YJS have more capacity to communicate and engage than previously thought (due to predominant presumptions of communicative deficits as the drivers of disengagement) and the project uncovered a rich vein of untapped (explanatory) communicative influences that could inform guidance and training for delivering more effective assessment practice in youth justice.

The YOT Talk project findings indicated the need for a rethink of how AssetPlus is delivered in order to remove barriers to engagement that currently exist, including how practitioners approach assessment. Implementation of AssetPlus was enhanced (communicatively) through restructuring/reordering of the assessment sections and associated questioning to foreground and privilege *positive aspects of the child's life* (e.g. foundations for change, strengths, capacities, prosocial experiences, interests, hobbies, goals) in a prospective manner (e.g. as a means of pursuing future-focused positive behaviours and outcomes, including desistance). Refocusing on positive elements in the child's current and future life in this way was found to increase the child's engagement across all dimensions by offering the child more control over the direction and nature of the interview process.

The research concluded with a series of recommendations for improving the communicative features of assessment practice in order to maximise children's engagement with youth justice processes and to mitigate and reduce (even eradicate) their disengagement during assessment interviews. Evidence suggested that the restructured and refocused implementation of AssetPlus should be grounded in *relationship-building* between the practitioner and the child. The prioritisation of *relationship-building* as the vehicle for promoting effective assessment can be facilitated communicatively by: *rapport building* (e.g. practitioner use of slang, jargon, humour and inclusive language), more *open questions* (enhancing the child's control over the interview contents and focused) rather than closed questions (which can inhibit cognitive engagement), practitioners *ensuring the child's understanding* of assessment processes and associated questions, along with practitioners ensuring their own understanding of children's responses.

'Hearing new voices': The research evidence
A contemporary body of evidence co-produced by academics and practitioners illustrates the utility of engagement of children in youth justice processes, for example, through 'maximizing the discretion of youth justice workers to hear and respond to young people's voices, and to 'rethink' aspects of practice that impair what can be heard and acted upon' (Drake et al, 2014: 23). The centrality of supportive relationships in promoting engagement and successful outcomes has been demonstrated at every stage of the YJS (see section 3.4.2). Qualitative studies detailing the experience of the desistance journey evidence the importance of child-practitioner relationships for the increased effectiveness of interventions and the process of change, whereas a less engaging, supportive and constructive child-practitioner relationship will provoke unimaginative, prescriptive delivery of work and perfunctory responses from the child (Drake et al, 2014; see also McNeill and Maruna, 2008). However, few research studies

have examined in detail the intricacies of successful relational work between children and practitioners (Drake et al, 2014).

'Hearing new voices', a small-scale pilot study of qualitative design explored practitioner's views of the importance of establishing a good relationship with children for desistance work (Drake et al, 2014). Analysis of extended semi-structured interview evidence collected from seven participants within a single youth offending team revealed that in most cases practitioners recognise the importance of good relational work with children for effecting change in their lives. They demonstrated an understanding of the need to divert from prescriptive ways of working so as to provide children with the space to communicate in their own way and the need to 'adjust their own responses accordingly. The study findings demonstrate that engagement is a two-way process and that 'it is the dynamic and reciprocal nature of some relationships' which affect change – those 'moments that matter' (ibid.: 34). The available (limited) body of research literature on the theme of relational work support these findings, For example, McNeill and Maruna (2008) contend that criminal justice policy and practice lack an understanding of 'human complexity and social context', both of which are generated and experienced in the 'personal interaction' which occurs between a child and the practitioner (ibid.: 36). The study concludes, that only by hearing the voices of both children and practitioners will researchers attain an understanding of effective relational working and that researchers need to be 'getting inside' the practitioner/child relationship to 'determine whether practitioners are currently becoming…professionals who place improved and informed judgement above procedure' and thereby recognise those 'moments that matter' to children.

Legitimate engagement: The research evidence
The concept of **legitimacy** has been evidenced as a central element of engagement and a key principle in the original Positive Youth Justice/CFOS model (Haines and Case, 2015). Legitimacy implies that youth justice is perceived by children as moral, just and fair. It presents a challenge to the potentially **labelling, stigmatising** and harmful effects of YJS contact by suggesting that individuals are more likely to adhere to social norms and to abide with the law if they view state authority and the discharge of authority by agents of the state as 'legitimate' (see Tyler, 2006; 2007). In the youth justice context, empirical evidence demonstrates that if a child's interactions with, and the responses of the YJS and agents are perceived by children as legitimate, then they are more likely to perceive their treatment (even if it involves punishment) as legitimate and are more likely to obey the law in the future (cf. Tankebe, 2008; Tyler, 2006). By contrast, if their treatment by the YJS is perceived as illegitimate (e.g. immoral, unjust, unfair) then reoffending is more likely to occur. Indeed, youth justice research has established that perceptions of illegitimacy focus upon punitive, coercive, controlling and disproportionate treatment (see Hawes, 2013; Phoenix, 2009; Jamieson, 2006) and that these perceptions provoke resentment, disengagement and **deviancy amplification.**

Evaluation-research partnerships between researchers, YOT staff and local children in Swansea (see section 1.6 'Child First as a model of practice') have generated evidence that has prompted the iterative local approach to constructive intervention (e.g. Promoting Positive Behaviour - see Haines and Case, 2003, Promotion Prevention - see Haines and Case, 2005; Case and Haines, 2004, Positive Promotion Project - see Case, Haines and Charles, 2012). In each developmental stage of these projects, research methods and outcomes were driven by the 'legitimate' participation and engagement of children as partners in the generation, interpretation and dissemination of knowledge and the planning and targeting of child-appropriate services. Where adult researchers 'treated them [children] fairly, showed them respect, showed them an element of trust and were able to communicate effectively with them,

then positive, durable and long-term relationships with those adults developed (Case and Haines, 2015: 169). Children were consulted regarding appropriate research processes and which outcomes to be measured, whilst also being involved in the design of child-friendly research tools to ensure appropriate research foci, language, accessibility and comprehensibility – thus maximising the meaningfulness and potential impact of the research (cf. Charles and Haines, 2019).

4.3 Wider social inclusion

4.3.1 Policy support: Social inclusion

The Welsh policy for children *Extending Entitlement* promotes of equality of opportunity for all children, whether they are involved with the YJS or not. It aims to ensure that all children are able to access and participate in a wide range of experiences and activities (see appendix I, also box 2, and sections 2.4 and 2.5 of this report). *Extending Entitlement* promotes the child's wider social inclusion through entitlements which include education, training and work experience adapted to their individual needs; developing skills which promote social inclusion; volunteering, recreational and social opportunities; and the right to participation (see section 4.2) - to have a voice in decision-making processes, and in all matters concerning them (NAPU, 2000, 2002).

YJB Policy developments
Black, Asian and Minority Ethnic groups (BAME) are disproportionately represented across all areas of the YJS (Lammy, 2017). In March 2020 the proportion of children of BAME origin in custody reached 51% (YJB/MoJ, 2020). One of the core values of the YJB, as set out in the *Strategic plan 2021-2024* is inclusivity, hence its commitment to 'strive to challenge discrimination and promote equality…and work with others to try to eliminate bias in the youth justice system' (YJB, 2021: 8). A specific objective set out in the *Strategic Plan* is to eliminate this bias by tackling discrimination and promoting equality (YJB, 2019a). The YJB aims to reduce the over-representation of BAME children across all areas of the YJS. It plans to do this by improving the level of trust held by the BAME community for the CJS, and in particular the YJS, to further develop effective prevention and diversion provisions, and to improve positive outcomes for this group. Having published the 'Journey of the Child' document, which details disproportionality statistics, the YJB committed to an annual publication 'in line with the 'explain or reform' agenda of the *Lammy Review* (2017). Other strategies for improvement include:

- o Supporting a partnership 'to increase an evidence-based approach to achieving positive outcomes through utilising the power of sports participation of BAME children';
- o To identify partnership agencies 'to develop and disseminate effective means of reducing disproportionate treatment at key decision points';
- o to ensure the voice of the child is heard in relation to the use of stop and search and to identify and work with YOTs with substantially higher levels of disproportionality, against children;
- o To work with the Association of Police and Crime Commissioners (APCC) to identify disproportionality within specific areas, to assist the development of Police and Crime Plan (YJB, 2019: 17).

4.3.2 Research support: Social inclusion

The Child First 'Positive Youth Justice' research programme in Wales spans more than two-decades. The cumulative body of evidence demonstrates that pursuing wider social inclusion in youth justice strategies and programmes can increase children's engagement with positive,

prosocial and universal opportunities and support services in their community (Case and Haines 2018; Case et al, 2012; Haines and Case, 2015), and can facilitate positive outcomes, for example, 'attaining academic qualifications, gaining employment, participating in social, leisure, artistic, musical and sporting activities' (Case and Haines, 2014: 164). This evidence supports the philosophy that professional objectives for children in the YJS should be focused on the pursuit of equality of outcome over equality of opportunity (Drakeford, 2010) and the achievement of maximum outcomes as in the Welsh concept of 'entitlements' over the minimum standards of provision employed by the concept of children's 'rights' (Haines and Case, 2015; Case et al, 2005).

A robust evidence base exists to support the argument that promoting positive outcomes, diverting children from formal processes of youth justice and pursuing constructive resettlement following custody are all Child First-based objectives that are crucial to social inclusion and the avoidance of labelling, stigmatisation, harm and social exclusion (McCord, 1959; Goffman 1963; McAra and McVie, 2007, 2015; Haines et al, 2013 - see the introduction to this report). Link and Phelan (2001) argue that stigma (see Goffman, 1963) involves a process of labelling (see Becker, 1963; Lemert, 1972) stereotyping, separation from and loss of status within the law-abiding population and subsequent discrimination. Tyler (2013) asserts that stigma impedes life chances and that formal youth justice interventions are exclusionary. This **social exclusion** occurs because YJS interventions apply the 'offender' label and that this occurs in combination with increased scrutiny and lowered expectations of the child. This subsequently hampers a child's life chances and the ability to engage in society, a situation which continues 'long after the intervention has concluded, thus perpetuating the cycle of stigma' (Deakin, Fox and Matos, 2020:14). Similarly, drawing on the theory of Link and Phelan (2001), Deakin et al (2020) evidence the exclusionary consequences of stigmatisation as being reduction of children's opportunity and engagement and participation in wider society in a study involving children and young people from four European countries (this is discussed in greater detail in section 5.3.2). There are clear similarities therefore between the evidence produced by these studies and the research findings of the 'Edinburgh Study of Youth Transitions' (McAra and McVie, 2005; 2007; 2010; 2015) - which identify the negative impact of stigmatisation for equality of opportunity and future life chances (see section 5.3.2).

A focus upon future life opportunities and wider social inclusion also form the basis of pre-emptive prevention interventions. Evidence from the robust body of evidence to emerge from the Beyond Youth Custody research programme enabled the development of a framework for resettlement which locates the child as central to their own rehabilitation (see section 3.2). Negotiating the 'identity shift' necessary for wider social inclusion and adoption of a crime-free lifestyle which 'promotes wellbeing' form the processes of successful and sustainable resettlement, requires engagement with, and the support of positive peers and adults (Hazel et al, 2017: 24). Similarly, findings which underpin the Positive Youth Justice Model approach in the USA (also see sections 2.5 and 5.1) highlight the importance of wider social inclusion, including prosocial relationships, engagement in education and positive extra-curricular activities, and preparation for future employment (Kern et al, 2016; Smokowski et al, 2016; Butts et al, 2018).

Vulnerability and social exclusion: The research evidence
It is important to remember that a high proportion of YJS-involved children experience additional and often unmet needs including mental health conditions, mental distress, neurodisability, Speech, Language and Communication Needs (SLCNs), and often a combination thereof (see box 9 and also section 2.2.2). These needs can be exclusionary,

irrespective of YJS-involvement. Thus, such children are doubly disadvantaged and will require significant support if social inclusion is to be achieved. Focusing on the issue of SLCNs and youth justice specifically, it is argued that children's 'participation in the YJS requires considerable proficiency in language' (Sowerbutts et al, 2019: 1) and that children who offend 'must navigate a succession of challenging verbal interactions' (Sowerbutts et al, 2019: 2) in their contact with the police, their solicitor/barrister, the court, and with post court assessment processes. Therefore, SLCNs can be a significant barrier to participation, engagement and inclusion in youth justice processes. Indeed, there is a growing evidence-base identifying SLCNs as a significant influence on decreasing children's levels of participation in and disengagement with youth justice processes (e.g. Case, Lorenzo-Dus and Morton, in press; Royal College of Speech and Language Therapists, 2019). However, the most common academic and empirical understandings of children's disengagement from youth justice processes (illustrated by ineffective assessment and poor relationships with practitioners) privilege children's *communicative deficits*. Therefore, there is still only a limited evidence-base in this area that is Child First, exploring 'children's perceptions of their own literacy and communication skills and of the impacts that any perceived deficits may have on their interactions with professionals' (e.g. Case et al, in press; Hopkins et al, 2016).

5.0 Child First tenet four: Promote diversion

Components: *Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.*

5.1 Pre-emptive prevention	
5.1.1 Policy support *Crime and Disorder Act 1998:* Establishes the prevention of offending as the principal aim for the YJS of England and Wales (HM Government, 1998) *Youth Justice Strategy for Wales: Children and Young People First:* Outlines a first level of early intervention support and advice to children and their families, and a second level of targeted YOT (positive) prevention work (Welsh Assembly Government and YJB, 2014) *Youth Justice Blueprint for Wales:* Emphasises the importance of preventing children from entering the criminal justice system, who may not yet have offended through universal services which improve outcomes (MoJ and Welsh Government, 2019)	**5.1.2 Research support** Youth Offending Team Stocktake: Discovered that three in four YOTs were engaged in wider prevention activity, although the vast majority of YOT time was spent on sentence-related activity (Deloitte, 2015) Positive Promotion Project: Produced evaluation evidence demonstrating the preventative effects of a set of Child First programmes in a local authority area in Wales over a 20-year period, including reductions in officially recorded and self-reported offending by children (Case et al, 2012; Case and Haines, 2015) Positive Youth Justice Model (USA): Explains how Positive Youth Development principles can be applied in youth justice settings to maximise children's strengths, capacities and potentialities (assets) and to reduce offending (Butts et al, 2010; see also Catalano et al, 2002)

5.2 Diversion	
5.2.1 Policy support *United Nations Convention on the Rights of the Child 1989*: Specifies that formal youth justice responses should be 'a measure of last resort' (United Nations 1989: Article 37b) *UN Guidelines on the Prevention of Delinquency - 'Riyadh Guidelines'*: Direct that formal intervention should only be utilised as a means of last resort' (United Nations General Assembly, 1990) *Youth Crime Action Plan:* Committed to reducing FTEs into the YJS, introduced triage schemes at police stations to assess suitability for diversion (HM Government, 2008) *Criminal Justice and Immigration Act 2008*: Introduced the *Youth Conditional Caution which* enabled multiple cautioning for low-level offending by 16 to 17-year-olds with no previous convictions (HM Government, 2008) *Review of the Youth Justice System in England and Wales:* Asserts that diversion decisions should be made at the earliest opportunity by police officers, that diversion enables access to appropriate services and safeguarding is prioritised (Taylor, 2016: 18-19)	**5.2.2 Research support** Youth Justice Liaison and Diversion programme: Concludes following evaluation of six YOT pilot schemes that there was a degree of early success in diverting children in need of further intervention to more appropriate (non-youth justice) services, such as mental health services (A. Haines et al, 2012) Edinburgh Study of Youth Transitions and Crime: Identified through longitudinal research that formal system contact is harmful, stigmatising, criminogenic and potentially the most influential risk factor for reoffending (McAra and McVie, 2005; 2007a,b; 2010; 2012) Strengthening Youth Diversion: Argues that point of arrest diversion into community-based intervention 'can reduce crime, keep communities safer, cut costs and create better outcomes for children' (Lugton, 2019: 1) Swansea Bureau evaluation: Identifies annual decreases in FTEs and reoffending rates for children referred to the Bureau (Haines, et al, 2013), plus qualitative feedback from participants that Bureau processes are child-friendly, child-appropriate, holistic, needs-led and that they responsibilise adults (Hoffman and MacDonald, 2011)

5.3 Minimal intervention	
5.3.1 Policy support *Council of Europe Guidelines on Child-Friendly Justice*: Promotes youth justice responses which neither Stigmatise nor or label children (Council of Europe, 2010: 9)	**5.3.2 Research support** Edinburgh Study of Youth Transitions and Crime: Identifies study that formal system contact is potentially the most influential risk factor for reoffending, this supporting minimal intervention (McAra and McVie, 2005; 2007a,b; 2010; 2012)

Legal Aid, Sentencing and Punishment of Offenders Act 2012: Introduces out-of-court disposals applicable to the same child on any number of occasions (HM Government, 2012) *Review of the Youth Justice System in England and Wales*: Sets out of diversion recommendations prioritising an approach which involves minimal intervention and is non-punitive, meaningful, productive and relevant to the child's needs (Taylor, 2016) *Standards for children in the youth justice system*: Demonstrates the YJB's commitment to minimal intervention by stating the intention to 'promote a childhood removed from the justice system' soon to be consolidated by revised Case Management Guidance (YJB, 2019: 6)	Labelled as 'risky' in an era of control: How young people experience and respond to the stigma of criminalized identities: Demonstrates empirically how negative labels interact with social inequalities to damage children's life chances, so concluding the need for minimal necessary, positive, non-stigmatising intervention (Deakin et al, 2020) Formal System Processing of Juveniles: Effects on Delinquency: Demonstrates through a systematic review of 29 randomised control trials involving 7,304 children that YJS involvement 'appears to increase delinquency' (Petrosino et al, 2010: 6)

5.0 Child First tenet four: Promote diversion

Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

5.1 Pre-emptive prevention

5.1.1 Policy support: Prevention

The *Crime and Disorder Act* (1998) declared 'the principal aim of the YJS' as 'to prevent offending (including re-offending) by children and young people (Crime and Disorder Act 1998: section 37). From that point, the YJB and YOTs have defined 'pre-emptive prevention' in broad terms (cf. Case and Haines, 2015: 5):

- o The *targeted reduction* of established negative behaviours and outcomes for (convicted) children within the YJS (e.g. Offending Behaviour Programmes – YJB, 2003);

- o The *targeted reduction of risk* (factors) of negative behaviours and outcomes for (convicted) children within the YJS (e.g. the 'Scaled Approach' to assessment and intervention – Sutherland, 2009; YJB, 2010);

- o The *targeted early intervention* into the established behavioural trajectories of children identified as 'at risk' of negative behaviours and outcomes (e.g. Youth Inclusion and Support Panels – Walker et al, 2007; Youth Inclusion Programmes – Morgan Harris Burrows, 2003) and experiencing critical transitions that may trigger negative behaviours and outcomes (Early Intervention Foundation, 2014);

- o The *universal prevention* of negative behaviours and outcomes for all children (e.g. the *All Wales Youth Offending Strategy* – WAG and YJB, 2004);

- o The *targeted promotion* of characteristics and circumstances (e.g. ability to access rights/entitlements) that promote positive behaviours and outcomes (e.g. competencies, strengths) (e.g. *Positive Youth Development* – Catalano et al, 2004; *Positive Futures* – Catch 22, 2013; the *Pentrehafod Prevention Project* (PPP) – Case et al, 2012);

- o The *universal promotion* of characteristics and circumstances (e.g. exposure to 'enabling factors' linked to enhanced access to rights and entitlements – Haines and Case, 2011) that promote positive behaviours and outcomes (e.g. competencies, strengths) (e.g. the *CFOS* model – Case and Haines, 2015; Haines and Case, 2012).

All such programmes aim to disrupt the established behavioural trajectories (pathways, directions of travel) of children identified as 'at risk' of negative behaviours and outcomes, and those children experiencing critical **transitions** that could potentially trigger negative behaviours and outcomes (Early Intervention Foundation, 2014). Therefore, the principle of 'pre-emptive prevention' has been operationalised as a combination of targeted prevention and early intervention to reduce children's exposure to and experience of risk factors and offending behaviour.

The prevention ethos of Child First, however, extends beyond the established risk emphasis on preventing negative behaviours and outcomes (Kelly, 2012; Thomas, 2015) to incorporate the *universal prevention* of negative behaviours and outcomes The *Youth Justice Strategy for Wales: Children and Young People First* (Welsh Assembly Government and YJB, 2014) promotes a three-tier approach to prevention and diversion, with a first level of early intervention support and advice to children and their families, and a second level of targeted

YOT (positive) prevention work. Crucially, the strategy advocated for the diversion of children with mental health needs and other vulnerabilities through liaison and diversion schemes to prevent affected children from entering the YJS. Children's policy in Wales has continued to develop as a whole-system approach with a strong preventative focus as is evidenced in the '*Youth Justice Blueprint for Wales*' (2019). The emphasis in the *Youth Justice Blueprint for Wales* is 'to prevent children from entering the criminal justice system, who may not yet have offended' through provision of universal services which seek to improve outcomes for children.

5.1.2 Research support: Prevention

Pre-emptive prevention is a central component of the Child First strategy, evidenced as a vehicle for reducing children's exposure to harmful experiences, situations and interactions/relationships, all of which can be exacerbated by contact with the YJS (see, for example, McAra and McVie, 2011; 2015). Research evidence also indicates that pre-emptive prevention strategies and programmes can be successful in promoting positive behaviours and outcomes for children within and on the cusp of the YJS (see, for example, Case and Haines, 2020; Butts et al, 2010).

The 'Youth Offending Team Stocktake' was commissioned by the Youth Justice Policy Unit of the MoJ to understand how the YOT model had evolved and examine the activities that they were undertaking. It reported that 'in the absence of a healthy youth work sector' greater responsibility for non-statutory, informal, preventive now fell to youth justice practitioners. The Stocktake found that 86% of YOT time was dedicated to interventions for children who had been sentenced following offence rather than on diversion or preventative work, although 75% of YOTs were engaged in the delivery of wider prevention activity in some form (Deliotte, 2015: 3; YJB, 2015), indicating the centrality of pre-emptive prevention work within YOTs.

Child First 'prevention' emphasises promoting positive behaviours and outcomes through universal services within and outside of the YJS (i.e. a whole child approach), safeguarding children (i.e. child-friendly), enabling children to avoid the harmful impacts of contact with the formal YJS (i.e. through diversion) and privileging normalising and meaningful practice (i.e. child-appropriate) that is perceived by children as moral, fair and justified (i.e. legitimate). Child First prevention, therefore, prioritises the *targeted promotion* of characteristics and circumstances (e.g. children's ability to access rights/entitlements) that promote positive behaviour/outcomes such as competencies, strengths and assets (e.g. Positive Youth Development - Catalano et al, 2004; Positive Futures – Catch 22, 2014; the Positive Promotion Project - Case et al, 2012).

Butts and colleagues (2010) explained how the application of Positive Youth Development principles in the youth justice field within a 'Positive Youth Justice Model' (see section 3.1.2 of this report) can maximise children's strengths, capacities and potentialities (assets) and simultaneously reduce offending (Butts et al, 2010). More recently, these findings have been affirmed in evaluations of a range of programmes which measure positive outcomes in terms of interconnected factors, including the number and/or strength of prosocial relationships, a child/youth's participation in structured extra-curricular activities, their educational engagement and attainment, and their readiness for employment (Butts et al, 2018). Indeed, youths' relationships with peers and adults which are positive and collaborative have been evidenced as enhancing educational attachment and achievements (Kern et al. 2016). Thus, enabling positive emotional and social development, raising self-esteem and promoting a sense of belonging (Smokowski et al, 2016), and that these, in turn, provide a powerful preventative

function (Kern et al, 2016). Butts and colleagues (2018: 14) argue that these softer outcomes should be appreciated in terms of their preventative effects because 'an exclusive focus on recidivism as a measure of system impact would likely disparage the very supports that help youth to achieve desistance'.

Similarly, an evaluation of a set of Child First programmes in a local authority area in Wales over a 20-year period, notably 'Promoting Positive Behaviour' (Case and Haines, 2004), 'Promoting Prevention' (Case and Haines, 2005; Haines and Case, 2008) and the 'Positive Promotion Project' (Case et al, 2012), produced evidence of preventative effects on a number of negative behaviours and outcomes, in particular a reduction in the number of officially recorded offences by children and a statistically significant decrease in self-reported offending. The programmes also enhanced a series of positive behaviours/outcomes including family cohesion, educational inclusion, citizenship and employment opportunities (Case et al, 2012; Case and Haines, 2015). Therefore, Child First youth justice approaches also enable the *universal promotion* of characteristics and circumstances (e.g. exposure to 'enabling factors' linked to enhanced access to rights and entitlements - Case et al, 2005; Haines and Case, 2011) that promote positive behaviours and outcomes (Case and Haines, 2018; Thomas, 2015; Haines and Case, 2012). Crucially, the Child First approach to prevention promotes positive views of children as part of the solution to the problems they experience, not part of the problem (Haines and Case, 2015; see also Welsh Government and YJB, 2014).

5.2 Diversion

5.2.1 Policy support: Diversion

Diversionary and minimum necessary intervention approaches to youth justice in the UK were particularly popular in strategic and policy terms the 1980s and into the early 1990s, with practice based on a **systems management** approach - the strategy of targeting a specific decision-making points in the youth justice process (e.g. arrest, sentence, intervention planning), making these child-friendly and a potential point for diversion from formal justice responses to improve outcomes for children (Tutt and Giller 1987, 1991; Haines and Drakeford, 1998). For example, cautioning has been utilised as a means of diversion from court (Goldson, 2005) and as the 'minimum necessary intervention' for children whose law-breaking was considered serious or persistent (see Pitts, 2001).

The importance of diversionary approaches, particularly to the rights-compliant treatment of children in youth justice systems has been emphasised subsequently in international children's rights instruments. The *UNCRC* specifies that 'the arrest, detention or imprisonment… [of children] shall be used only as a measure of last resort and for the shortest appropriate period of time' (United Nations 1989: Article 37b). Reinforcing this, the *United Nations Guidelines on the Prevention of Delinquency (the 'Riyadh Guidelines')* state that formal responses to offending by children should be a means of last resort (United Nations General Assembly, 1990).

The re-discovery of diversion

In youth justice policy terms, 2008 was a highly influential year, signalling a return to diversionary principles in England and Wales, following a decade of risk-based net-widening and interventionism – the deliberate strategy of identifying increasing numbers of children for preventative interventions (Hopkins-Burke, 2016; Bateman, 2011). Crucially, the police's 'Offences Brought to Justice' (OBTJ) performance target - also known as 'sanction detections' (Home Office, 2004), was amended in April 2008 to focus specifically on serious offences only and then abolished altogether in May 2010. These OBTJ targets had proven to be a 'perverse

incentive' to impose formal sanctions for low-level crime, which had 'produced the unintended effect of officers spending time investigating crimes with a view to obtaining a detection, even when that is clearly not in the public interest' (Flanagan, 2008: 10/59). Bateman (2008) argued that OBTJ targets had contributed to increases in first time entrants (FTEs) into the YJS and hindered YJB efforts to reduce the child custody population (see also Case 2018).

Soon after the abolition of OBTJ targets, a focus on diversion was *re*-introduced into government policy and YJB strategy and practice guidance. The *Youth Crime Action Plan* (HM Government, 2008) addressed the number of children being unnecessarily drawn into the YJS by pledging to reduce first time entrants (FTEs) by 20% and introducing 'Triage' schemes at police stations - a partnership between the police, YOT and the Crown Prosecution Service. Triage schemes enabled YOT staff to assess to children at the police station following arrest for the purpose of determining whether the child should be diverted from the formal YJS processes into pre-court disposals (Home Office, 2009). Assessment was used to determine whether the child should be diverted from the YJS altogether (level 1), redirected to support services (level 2), or progressed through the system where behaviour was deemed 'serious' and 'prolific' offenders (level 3). During the same period, a new measure, the Youth Conditional Caution (YCC) was legislated by the *Criminal Justice and Immigration Act 2008*, and introduced in 2009. The YCC reintroduced the possibility of multiple cautioning (expanded by LASPO 2012 – see below) for low level offending by 16 to 17-year-olds, if they had no previous convictions, admitted guilt and agreed to the caution.

Progress continued towards a less criminalising response towards children with the *Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012,* which abolished the escalatory 3-strikes approach (Reprimand - Final Warning - Prosecution) enshrined in the *Crime and Disorder Act 1998*, replacing it with a more flexible out-of- court process consisting of three new tiered disposals that can be given to the same child on any number of occasions as part of any disposal:

- o *Community Resolution* - a diversionary, out-of-court, police-administered response with a restorative focus and requiring the child's agreement to participate. This is not a 'criminal' disposal, does not involve the child receiving a criminal record and so the child is not recorded as a first-time entrant (FTE) into the YJS;
- o *Youth Caution* - a next stage disposal, typically determined between the police and the YOT. This disposal requires YOT assessment and intervention and results in an official criminal record for the child who is according counted as a FTE;
- o *Youth Conditional Caution* - a YOT monitored, pre-court disposal providing an alternative to prosecution but imposes a criminal record and is the child is recorded as a FTE. This disposal includes proportionate rehabilitative, punitive and reparative conditions and non-compliance can result in prosecution for the original offence.

Whilst a more child-friendly approach towards youth justice has developed incrementally in England, it has been firmly embedded in post-devolution Wales. In addition to the preventative focus of the *Youth Justice Strategy for Wales: Children and Young People First* (Welsh Assembly Government and YJB, 2014) consideration was also afforded to alternatives to charging and potential diversion. Crucially, the strategy advocated for the diversion of children with mental health needs and other vulnerabilities through *liaison and diversion* schemes to prevent such children from entering the YJS. The *Youth Justice Blueprint for Wales* asserts that existing models and practice in pre-court diversion 'are a strength... [with a] ...proven impact in reducing first time entrants. Notwithstanding this, the *Youth Justice Blueprint for Wales*

promises to develop diversionary practices further, fostering a more co-ordinated approach, embedding consistent rights-based practice across Wales.

The *Youth Justice Review* (Taylor, 2016) of England and Wales, highlighted the range of differing diversion practices across England (also see Smith, 2020), and set out diversion recommendations which were more closely aligned with the recommendations of the *UNCRC* (1989) and the *Council of Europe Guidelines on Child-Friendly Justice* (2010), including:

- o Any intervention must be non-punitive, involve minimal intervention and 'be meaningful, productive and relevant to the child's needs';
- o Diversion decisions 'should be made by police officers on the street or their supervisor in the police station' minimising the child's YJS contact;
- o Assessment should be swift and light-touch;
- o Diversion should facilitate access to appropriate services and safeguarding issues should be a priority (Taylor, 2016: 18-19).

5.2.2 Research support: Diversion

Child First is grounded in the evidenced principle that, where possible, children should be diverted *from* the former YJS and *into* more appropriate systems and support services. Indeed, evidence suggests that 'repeated and more intensive forms of contact with agencies of youth justice may be damaging to young people in the long-term' (McAra and McVie, 2007: 333). This was the conclusion of the Edinburgh Study, an ongoing **longitudinal** study of over 4,000 children aged 11-13 (at the outset of the study), which evidenced that system contact inhibited maturation and increased the likelihood of reoffending due to labelling (see Labelling Theory discussion in the introductory section of this report), the creation of an 'offender' master status and exacerbating children's existing socio-structural disadvantage (McAra and McVie, 2011; 2015, see section 5.3.2 for greater detail). Consequently, there is a dual rationale for diversion (through effective systems management) from the formal YJS and into out-of-court interventions and/or more appropriate support services:

1. *Triviality* - most offending by children is relatively trivial/non-serious and the majority of these children will mature out of crime naturally without intervention (McNeill, 2012; Rutherford, 2002). Indeed, the first ever risk factor research study identified maturation as the main influence on desistance from offending (Glueck and Glueck, 1930; see also Case and Haines, 2009);

2. *Criminalisation* - a significant amount of theory and research indicates that formal intervention can be detrimental and counterproductive due to the effects of negative labelling (Becker, 1963), 'uptariffing' (accelerating the severity of subsequent sentences – Barry and McNeill, 2009), 'net-widening' (bringing increasing numbers of children into contact with the formal system – Cohen 1985; Bateman, 2011) and 'overdosing' (imposing excessive amounts of intervention on children) (Haines and Case, 2015).

The Child First principle developed by Haines and Drakeford (1998) in the form of CFOS was based upon a systems management approach (see Tutt and Giller, 1987) that targets specific decision-making points across the system (e.g. arrest, bail/remand, sentencing, diversion, imprisonment). Child First argues that each decision-making juncture should be child-friendly and inclusive of the child's voice so as to avoid unprincipled net-widening (Haines and Case, 2015, Haines, 2008) and unnecessary criminalisation (McAra and McVie, 2007; Goldson, 2010; Kelly et al, 2014). Such an approach has been demonstrated as effective in reducing

FTEs and reoffending through diversion away from the YJS (Allen, 1991; Davis et al, 1989; Tutt and Giller, 1987) and into more appropriate support services (Haines et al, 2013; McAra and McVie, 2010).

Further research evidence is provided by the evaluation of the 'Youth Justice Liaison and Diversion' (YJLD) scheme, which was introduced in 2008 and piloted in six YOTs by the Centre for Mental Health. The purpose of YJLD schemes was to identify children experiencing mental health problems and other vulnerabilities when they came to the attention of the YJS and diverting them into support services to prevent reconviction (Centre for Mental Health, 2009). An evaluation of the pilot sites ran from 2009-2012 (A. Haines et al, 2012) concluded that children referred to the scheme had multiple, inter-related complex needs, including social, psychological and mental health issues. Data indicated that the scheme had demonstrated some initial success in referring/diverting children in need of further intervention to more appropriate services, notably those focused on improving mental health.[19]

Box 10

Operational example: Northamptonshire Juvenile Liaison Bureau

In the late 1980s, the Northamptonshire Juvenile Liaison Bureau (JLB) was subject to a detailed case study analysis by researchers from Bristol University (Davis et al, 1989). Northamptonshire JLB, upon which the Swansea Bureau was modelled (see later in this section), responded at a local level to children in conflict with the law through a four-stage, tiered, diversionary system consisting of:

- *Informal action* - informal advice and warnings provided to children by JLB staff, which did not result in a criminal conviction or record;
- *Police caution* - a more formal measure which resulted in a criminal record;
- *Bureau involvement* - the JLB interacted with the child to address their behaviour, which included offence analysis work;
- *Prosecution* - a last resort for children with a prolonged record of serious offending, few mitigating circumstances and an inability or unwillingness to work.

The Northamptonshire JLB (compare to the Swansea Bureau model in box 10) was characterised as 'traditional' diversion based on minimal- or non-intervention, as opposed to the newly identified model of 'interventionist diversion' (Kelly and Armitage, 2014; see also Smith and Gray, 2019). The diversionary Northamptonshire JLB exerted a positive influence on the development of youth justice practice in England and Wales and has been commended as an example of effective multi-agency working in the youth justice arena and 'may have influenced some features of the YOTs established by the *Crime and Disorder Act 1998*' (Souhami, 2007: 25).

The 'Strengthening Youth Diversion' briefing, which reviewed current research literature and inspectorate reports, argues that 'point-of-arrest youth diversion' from formal processing (including diversion from out-of-court disposals and prosecution in court) and diversion from a criminal record, in return for the completion of community-based interventions, 'can reduce crime, keep communities safer, cut costs, and create better outcomes for children' (Lugton, 2019: 1). This conclusion consolidates the importance of the police's role in the implementation of Child First as a model of practice (see also the Swansea Bureau example in box 2 of section 2.4.1, Haines et al, 2013; NPCC, 2015). The briefing cited research evidence

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[19] However, only two out of the six pilot schemes had succeeded in systematically influencing decisions relating to charge (e.g. promoting diversion) on a consistent and demonstrable basis and the scheme was implemented very differently across pilot areas (A. Haines et al, 2012).

that 133 of the 152 Youth Offending Teams (YOTs) in England and Wales (88%) had a point-of-arrest diversion scheme, with over 50% of schemes reporting that their diversion workload had increased, 64% offering victim awareness classes and 56% enabling victim participation in restorative approaches as part of their interventions (Lugton, 2019). The evidence-base demonstrates that point-of-arrest youth diversion reduced crime, underpinned by the argument that the vast majority of children 'grow out of it' over time, as they mature and improve their self-control, but that formal processing by the YJS can knock children off this natural trajectory of improvement. Furthermore, it was claimed that point-of-arrest youth diversion saves longer term future costs as unmet needs (such as physical and mental health needs) are identified and addressed at an early stage, before they escalate and become more difficult and costly to manage. The Strengthening Youth Diversion project also identified potential barriers to successful diversionary practice, notably *inconsistency* in approach between local areas, often related to *ambiguity* regarding what 'diversion' entails (see Kelly and Armitage, 2015) and *lack of funding* for diversionary programmes, which can leave them in a tenuous position locally (Lugton, 2019).

Box 11

Research and Operational example: Swansea 'Bureau' model of diversion

The Bureau police–YOT partnership began in Swansea in 2007 and has since been rolled out across Wales and adopted in areas of England[20]. The model was an integration of the key features of the of Northamptonshire Juvenile Liaison Bureau (see box 9 above), the Scottish Children's Hearings system and the promotion of positive behaviours/outcomes focus that had been evidenced as successful in local programmes (see 'Pre-emptive prevention section).

The five-stage Bureau process begins with assessment of offending-related causes, needs and problems at point of arrest (stage one), followed by holistic assessment with multiple key stakeholders (stage two) and then an assessment of victims' needs (stage three). At the stage four 'Bureau Panel', the decisions of key stakeholders (police, YOT staff lay members of public) focus on promoting positive behaviours/outcomes for the child and responsibilising adult professionals to ensure access to services that meet the child's needs and problems. The final decision-making 'Bureau Clinic' (stage five) meeting is a collaboration between panel members, the child and their parent/carer/representative, in which a final sentencing, and intervention decision is negotiated (cf. Hoffman and MacDonald, 2011).

Evaluation of Bureau outcomes has identified annual decreases in FTEs into the YJS and reoffending rates for Bureau recipients, plus annual increases in the numbers and proportions of non-criminal disposals used locally with children who offend over the period 2009–2014 (Haines et al, 2013; Haines and Case, 2015) - patterns that have persisted since that time (Case, 2018). Further evaluation identified that the drivers of change in the approach were Child First in orientation based on the testimony of children, parents and practitioners (Hoffman and MacDonald, 2011).

In summary, the Bureau was viewed by participants as:

• *Child-friendly* – Bureau processes were viewed as addressing the causes of offending, the child's unmet needs and the strengths and positive features in the child's life through a detailed, holistic, 'whole child' assessment conducted with multiple stakeholders. This process informed child-friendly decisions regarding actions and interventions to promote positive behaviour and to **responsibilise** adults to enable children's access to services that meet their needs and identified problems;

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[20] Alternative 'triage' diversionary approaches operate elsewhere. These are based upon a diagnostic model which determines the appropriate response to an offence at the point of entry to the justice system (Smith, 2020). Assessment of the child at the custody suite following arrest seeks to determine the required level and nature of any subsequent intervention. Wherever possible children will be diverted from formal processes. Evaluations of triage schemes have demonstrated reductions in FTEs, for example, Hull Triage recorded a 52% reduction in FTEs, between 2009 and 2012 (O'Connell, 2012, in Thomas, 2015). Similarly, in 2017/18, evaluation of the Cheshire Youth Justice Services DIVERT scheme reported a 50% decrease in FTEs.

> • *Child-appropriate* – Bureau processes (at all stages) were viewed as child-appropriate in that they seek to normalise offending behaviour by responding to it as an everyday youthful behaviour caused by unmet needs and identifiable problems. Participants reported to that offence- and offender-focused thinking and responses were de-emphasised in favour of developing an understanding of the child's behaviour in its full social context. Consequently, adult practitioners took responsibility for helping the child to address needs and problems by working with children and their families in appropriately engaging and legitimate ways.

5.3 Minimal intervention

5.3.1 Policy support: Minimal intervention

The concept of minimal intervention is based upon the dual premise that children should be allowed to mature out of offending naturally (see Schur, 1973) and that contact with the YJS can be harmful and criminogenic, thus reinforcing the child's identity as an 'offender' (see Lemert, 1974; McAra and McVie, 2007; 2010) and hampering positive identity development (Hazel et al, 2017).

In policy, these principles are reflected internationally in the *Council of Europe Guidelines* which recommend an approach to children who offend which neither stigmatises nor labels children (Council of Europe, 2010: 9). In relation to the YJS of England and Wales, the possibility of multiple cautioning was reintroduced under the *Criminal Justice and Immigration Act 2008* (s. 48) (HM Government, 2008) in the form of the Youth Conditional Caution. This was made applicable to 16-17-year-olds engaging in low level offending, with no previous convictions and an admission of guilt and was subsequently expanded upon by *Legal Aid, Sentencing and Punishment of Offenders Act 2012* (LASPO, 2012). LASPO subsequently introduced a system of scaled out-of-court disposals: Community Resolution, the Youth Caution, and the revised Youth Conditional Caution (see more detail in section 5.2.1 of this report).

The explicit objectives of Welsh youth justice policy are maximum diversion, minimal *formal* intervention and penal reduction (Thomas, 2015). The *Youth Justice Strategy for Wales: Children and Young People First* (Welsh Government and YJB, 2014) also promotes a three-tier approach to prevention and diversion (as described in sections 5.1.1 and 5.2.1 of this report). Crucially, however, the strategy also enables the diversion of children with mental health needs and other vulnerabilities through *liaison and diversion* schemes, thus preventing affected children from entering the YJS.

In England and Wales, the *Youth Justice Review,* when recommending proportionality, stated that responses to children who offend should 'wherever possible...be dealt with outside the formal youth justice system', promoting 'on-street' decision making processes for low-level offences, multi-agency consideration of complex cases, and in instances where nothing other than a formal criminal justice response is possible, that formal response should be 'dealt with at the lowest possible tier' (Taylor, 2016: 4/18). Subsequently, the revised *Standards for children in the youth justice system 2019* (commonly referred to as 'National Standards'), have been developed to align with the Child First principle. They demonstrate the YJB's commitment to the promotion of prevention, diversion and minimal intervention approaches, and state the intention to 'promote a childhood removed from the justice system' (YJB, 2018: 6). At the time of writing (November 2020), the YJB was preparing practice guidance to support the revised National Standards. These revised National Standards represents a step-change for the YJB; indeed, the commitment to minimal intervention is described as a

'welcome departure from previous endorsements of early formal intervention' (Bateman, 2020: 121).

5.3.2 Research support: Minimum intervention

Minimal intervention as a principled approach to youth justice emerged in the 1960s in response to the disillusionment felt by youth justice professionals and academics in the UK and USA regarding the increasing criminalisation of children's behaviour through the allocation of negative labels and excessive, disproportionate state interventions (see Kelly et al, 2014; Goldson, 2010; Becker, 1963). Minimal intervention as a response to the offending behaviour of children is understood as the minimisation of overly intrusive *compulsory* intervention. It does not mean that vulnerable children receive minimal or inadequate support in response to their broader needs (even if their offending is minor or low-level - Bateman, 2020), but rather that the level of intervention is appropriate and not excessive (i.e. minimal *necessary* intervention – see Diversion section).

Child First is philosophically opposed to excessive intervention/**interventionism** and **net-widening** processes (Haines and Case, 2015). Instead, it seeks instead to normalise the offending of children by diverting them into universal support services that respond to their broader range of needs and promote their rights and entitlements in a way which is non-stigmatising (Haines et al, 2013). Supporters of minimal intervention believe that the interventions children receive as part of a youth justice sentence can be invasive, **stigmatising** and labelling, which makes them both iatrogenic (harmful) and **criminogenic** (see Kelly and Armitage, 2014; Goldson, 2010; Becker, 1963). The stigmatising and criminalising consequences of negative labelling are arguably 'profound and enduring' (Tyler and Slater, 2018), potentially criminogenic, culminating in **social exclusion** (Goffman, 1963; Deakin et al, 2020; Tyler and Slater, 2018), **structural alienation** and **marginalisation** from the mainstream (Deakin et al, 2020), and to disrupt maturation out of crime (Rutherford, 1986). Indeed, there is persuasive evidence supporting the need to avoid or minimise formal system contact for children who offend and thus to avoid interventionism.

The Edinburgh Study of Youth Transitions and Crime: The research evidence
The highly influential 'Edinburgh Study of Youth Transitions and Crime' is a large-scale, ongoing longitudinal research programme which began in 1998. The research sample comprising 4,300 individuals who transitioned to secondary school in Edinburgh in 1998, is now in its eighth phase, with the first six phases conducted annually between 1998 and 2004. It has tracked the study cohort from the age of 12 to 17 years. The overarching aim of the study has been to establish children's pathways into and out of offending, with a particular focus upon serious, frequent and persistent offending, and to identify aspects of children's lives which impact upon their offending or desistance. The data was collected mainly through questionnaires filled out by children and an examination of administrative records - schools (attendance, exclusion and achievements); social services (referrals and social worker intervention, from birth); referrals to, and attendance at children's hearings[21]; and details of police contact and criminal histories (number/nature of convictions). Additional qualitative data was collected from parents/carers and a small number of children. Statistical analyses of the first six phases of the study produced the following findings:

- o Children from low-income households were significantly more likely to be charged than children of less impoverished households whose offending was equally serious (McAra and McVie, 2005) Such decisions were based as much upon 'socio-economic

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[21] See Lockyer and Stone (1998) for explanations of the Children's Hearings System

status as serious and persistent offending', indicative of a labelling culture (McAra and McVie, 2005: 5; 2007a);

- o Children known to formal agencies from a young age were significantly more likely to be subject to YJS intervention than those involved in offences of comparable seriousness and with a similar level of need (McAra and McVie, 2010);
- o Of all children referred to formal agencies before the age of 5, 25% were 'persistent serious offenders' at age 13; 32% by age 15; and 23% at 17 (McAra and McVie, 2007a,b);
- o 63% convicted of an offence by the age of 17 were known to both social work and the children's hearing system;
- o Once involved with the YJS, children experienced repeated and increasingly intensive intervention. The more embroiled in the YJS they became, the less likely they were to desist (McAra and McVie, 2005; 2007a,b; 2010).

These findings suggest not only that early system contact is largely unsuccessful in terms of desistance, but that formal system contact is harmful with regard to its stigmatising and criminogenic effects. The study results prompt the authors to argue that desistance is in fact facilitated by diversion from formal systems (McAra and McVie, 2007a).

Forms of minimal intervention: The research evidence
The principle of minimum (necessary) intervention is closely linked to three further evidence-based youth justice principles:

- o *Progressive minimalism*: An approach that advocates responding to low-level offending through diversion from court (Allen, 1991; Davis et al, 1989) and informal intervention (e.g. welfare-focused services delivered through mainstream agencies) and, where possible, responding to more serious offending through non-stigmatising and non-criminalising community intervention or an educational and therapeutic secure detainment for the shortest possible time (Lemert 1972, 1951);
- o *Radical non-intervention*: Children in contact with the YJS should receive the least amount of intervention possible, even no intervention at all (Schur (1965; 1974) - a policy and practice response to the conclusions of Labelling Theory (see introduction section) and the maturation hypothesis. Radical non-intervention was an influential youth justice strategy in the UK from the late 1970s to the early 1990s (whereupon a **punitive turn** spread across Western society) and typically encompassed strategies of **decriminalisation,** diversion and decarceration (see below). The Northamptonshire Juvenile Liaison Bureau (see Kemp, 2002) provides an example of radical non-intervention (see box 9) as it practiced 'traditional' or 'true' diversion (no further treatment, no service, no follow-up)' rather than 'new interventionist diversion' (Kelly and Armitage, 2014) strategies that require the child to engage in an intervention (Davis et al, 1989: 232);
- o *Decarceration:* Decarcerative strategies seek to abolish or at least reduce the use of custody as a form of punishment, the principle is operationalised (animated, brought alive, implemented in practice) through diversion into community alternatives (Cohen 1979; 1985, Mathiesen, 1986).

Stigmatising effects: The research evidence
Deakin and colleagues (2020) drew upon four illustrative case studies from a larger mixed-methods study conducted across Europe. The study employed ethnographic approaches to collect qualitative data on children's contextualized experiences of, and responses to, stigma, both in their interactions with authority and with interventions delivered by statutory and

voluntary organisations, and social care systems. Cross-case analyses provided evidence that negative labels interact with existing social inequalities (which are disproportionately likely amongst children who offend) to impact negatively on children's life chances, to reduce children's self-esteem, to create resistance ('anger as resistance') and disengagement from interventions, encouraging children to view statutory interventions as lacking *legitimacy* (see tenet three of this report). This accords with Bateman's criticism of court-ordered interventions as:

> …experienced by the child as punitive because they involve a restriction on liberty which has been imposed as a consequence of prosecution for offending...they are unavoidably stigmatising and likely to have a counterproductive labelling effect (Bateman, 2020: 93).

Most importantly, children's reactions to the stigma of statutory interventions can lead youth justice professionals to view them as part of the problem, not part of the solution (directly contrasting with a central principle of Child First), which can increase stigma and perpetuate social disadvantage (Deakin et al, 2020) - contributing to a self-fulfilling prophecy of criminalisation.

Making the case for minimal intervention: The research evidence
The most comprehensive study of the impact of contact with the YJS upon future offending is an international analysis based upon a systematic review of 29 **randomised control trials** conducted over 35 years, involving 7,304 children (Petrosino et al, 2010: 5-6). The 29 studies included in the review focused on children aged 17 or less who were not yet adjudicated for their current offending; and who were either subject to formal YJS processes or to an 'alternative non-system condition'. Analysis revealed that YJS intervention had no impact upon crime control did not yield evidence of any level of public protection, but rather appeared to increase children's involvement in offending. These findings support the YJB's Child First approach towards 'minimal intervention' (also known as 'minimum necessary intervention') and argues for limiting the extent of intervention in the lives of children to an appropriate level that is not disproportionate to the extent or nature of their offending or their risk of (re)offending (Schur, 1974).

Approaches underpinned by prevention, diversion and minimum (necessary) intervention (e.g. see box 12), therefore, have been shown to reduce and prevent the stigma that children can experience during and following system contact - where a child 'is disqualified from full social acceptance' as a result of their being labelled (also see the discussion on this theme in the introduction section of this report) as 'undesirable' due to their involvement with the YJS (see Goffman, 1990: 9).

Box 12

Operational example: The DIVERT programme

Adhering to the principled strapline that 'Prevention is better than Court', the DIVERT initiative sought to avoid the unnecessary criminalisation of children through assessment of underlying (often unmet) needs and subsequent diversion into alternative intervention or treatment (Cheshire Youth Justice Services, 2017). The DIVERT manager provided a triage service for all children aged 10-17 years arrested by the police for non-serious offences, determining who should be diverted towards safeguarding responses and who should receive assessment and intervention by the DIVERT team (Cheshire Youth Justice Services, 2017).

DIVERT referrals were made by the Police and also by the Court in cases where the child has appeared in court without having already been considered for an out-of-court disposal. Once a referral is received, the child is allocated a case manager, who completed an assessment and recommended a suitable out-of-court disposal within 15 days. Following agreement of the outcome, a suitable intervention for the child commenced. The intervention, which did not normally last longer than three months, involved work with the child and could also involve families and supporters. In 2017/18, the programme contributed to a 50% decrease in first-time entrants into the across the four local authority areas covered and in April 2017, the Court and Divert Team was expanded to take over responsibility for the delivery of Out of Court Disposals provision across the whole Cheshire area.

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Appendix I: Methodology

The explicit aim of this project was to collect, analyse and synthesise information to explore and evaluate the research evidence-base for the 'Child First' model of youth justice practice. For this purpose, an expansive literature review approach was adopted to collect secondary data, critically appraise research studies and synthesise qualitative and quantitative information. The review was designed to provide a comprehensive summary of the research evidence-base underpinning Child First and its component tenets; one that is 'methodical, comprehensive, transparent, and replicable.' (Siddaway et al, 2019: 751).

The stages of the review were:

1. **Defining the question** (what is the evidence for Child First Justice, its tenets and the components thereof?) and agreeing an objective method (expansive literature review);
2. **Searching for relevant data** from research that matches certain criteria (see inclusion and exclusion criteria below);
3. **'Extraction' of relevant data,** including how the research was conducted (often referred to as the method or 'intervention'), who participated in the research and what happened (the outcomes).
4. **Analysing and combining (synthesising) the data**

A flexible **inclusion criteria** was established enabling the inclusion of qualitative research, professional and 'grey literature' (e.g. legislation, policy documents, government reports, protocols and practitioner guidance, third-sector research reports) and reported operational examples which would otherwise have been excluded. Additionally, the scope of the search included evidence of international Child First research and practice (predominantly from the USA) to enable an appreciation of the applicability of the Child First model to youth justice systems which differ from that of England and Wales.

The data search inclusion criteria were for texts which:
- are underpinned by a Child First philosophy
- address one or more of the Child First principles as determined by the YJB
- provide evidence that is research-based, empirical, theoretical, scholarly, policy-based or practical/operational
- were published/made available or undertaken between 1996 and 2020[22]
- are relevant to children aged ten to seventeen in actual/potential conflict with the law
- demonstrate a potential theory of change programme theory or mechanism of change related to the tenets and components of Child First

Texts were identified for review through searches of:
- online academic search engines
- peer-reviewed journal databases
- third sector websites
- YJB Resource Hub
- Google Scholar
- Internet academic networks (e.g., Academia.edu and ResearchGate)

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[22] Where evidence contained references to earlier research of relevance, this was sourced and included even if published outside of the specified timeframe

o bibliographies/reference lists of identified evidence

Search words and terms included:

Child(ren) first; youth justice; offending; adolescent; positive; diversion; child-focused; desistance; constructive; participation, minimal (necessary) intervention; best interests; individual need; capabilities, children's rights; entitlements; potential; developmentally informed; strengths capacities; pro-social identity; future focused; empowering; engagement; social inclusion; collaborative, pre-emptive prevention; early intervention; diversion; non-stigmatising, risk factors; protective factors; positive; positive youth justice; prosocial; assets; model; theory of change; non-criminalisation.

Data was selected for inclusion *primarily on the basis of relevance* rather than whether it fits with the 'quality' expectations of systematic reviews, which would risk the exclusion of highly relevant literature (see Hammersley 2000). The evidence was then organised and discussed thematically, in alignment with the four Child First **tenets** and their **components**.

Appendix II: Positive Promotion in Schools, YOTs and Communities: CFOS in Swansea

The *Promoting Positive Behaviour* (PPB) programme (1996–1999) once he used targeted early intervention to prevent secondary school exclusion, which had been identified locally as a common risk factor for offending. Researchers surveyed local secondary school children (using questionnaires and focus groups) and conducted an analysis of local systems and decision-making processes to identify the main correlates (associations) with school exclusion: perceptions of poor curriculum and teaching, low self-image, negative future aspirations, unconstructive social activities (Haines and Case, 2003). The research concluded that these correlates were being targeted effectively by the PPB programme through child-friendly, prevention-focused service: whole school behaviour codes, Family Group Conferencing and Action Planning Panels (working with children to identify and implement positive solutions to disaffection and disruptive behaviour in school), a Youth Access Initiative (alternative educational provision for disaffected children) and a Community Service Volunteers scheme (in-school mentoring and out-of-school befriending by young adults). The research conclusion was that identifying suitable interventions by generating the evidence in partnership with these children had produced child-friendly responses that were viewed as meaningful to children (e.g. addressing their fears about the future), which was considered preferable to adult-dominated intervention planning that was more focused on implementing systemic, structural changes (see Case and Haines, 2009).

The multi-agency *Promoting Prevention* programme (2000–2004) aimed to prevent offending by children through child-friendly targeted reduction and early intervention, which evolved into universal prevention services (available to all children)). As with PPB, local secondary school children were surveyed to identify the potential correlates with their problematic behaviour (in this case, offending and drug use), but the research was expanded to explore the factors that could enable them to desist from problematic behaviour and to achieve positive outcomes (see Haines and Case, 2004, 2005). Children's feedback was utilised by the Promoting Prevention Steering Group to design and target child-friendly, meaningful support services both within and outside of the YOT (e.g. in the school and family): Swansea Training Centre and the Guiding Hand Association (vocational, educational, recreational and social skills courses to socially and educationally disaffected children), the Careers Business Company (independent careers advice for children working with the YOT) and Involve 'Just Us' (adult mentors for disaffected children in and out of school). Although direct causal linkages are impossible to conclude from multiple intervention prevention programmes in the real world, the Promoting Prevention evaluation research identified a preventative effect on a number of negative behaviours and outcomes locally: annual decreases in the percentage of school exclusions, the number of officially recorded offences by children and numbers of children who self-reported active offending (committed in the past year), combined with evidence of increases in positive behaviours and outcomes such as social inclusion, academic achievement, prosocial leisure activities and constructive family relationships (Haines and Case, 2004).

In 2010, the *Positive Promotion Project* (PPP) was introduced to extend PPB and Promoting Prevention by promoting social inclusion and positive outcomes for children through community intervention (co-created between children and practitioners) to consolidate established family and school programmes (Case et al. 2012). The two-stage evaluation methodology consisted of quantitative secondary data analysis of education data (academic achievement, attendance, careers pathways, exclusion) and crime and disorder data (antisocial

behaviour, entry into and engagement with the YJS) and qualitative interviews and focus groups with key stakeholders (children and practitioners working within PPP). Children's involvement in PPP evidenced a series of positive educational outcomes (improved academic achievement, attendance and post-education employment) and the prevention of negative outcomes (decreases in antisocial behaviour, offending and sentencing). Qualitative feedback from key stakeholders (children, parents, YOT staff, police, teachers, community leaders) explained these outcomes as the result of improvements in the nature of (engaging, rights-based and respectful) relationships between children and adults locally leading to improved service effectiveness.

Appendix III: Glossary of key terms

Adultcentric
Viewing children and their experiences from an exclusively adult perspective, overlooking children's needs and creating barriers to effective practice.

Adulteration/Adulterisation
Treating children as though they possess the same competencies as adults, hence overlooking age-related differences in levels of capacity, responsibility and maturity. In youth justice, adulterisation usually relates to reversing processes which recognised that children should be dealt with separately and differently from adult offenders due to these differences.

Adverse Childhood Experiences (ACEs)
The term ACEs incorporates a wide range of adverse and stressful events that children may be exposed to whilst growing up. While the types of adversities defined as ACEs may vary across contexts, typically, they include harms that affect the child directly, either physically or psychologically (e.g. neglect, physical, verbal and sexual abuse) and harms that affect the home environment (e.g. domestic abuse, family breakdown, bereavement, sharing a home with someone affected by mental illness or substance misuse).

AssetPlus
An assessment and interventions planning framework developed by the Youth Justice Board to replace Asset and its associated tools. AssetPlus is designed to provide a holistic end-to-end assessment and intervention plan, allowing one record to follow a child or young person throughout their time in the Youth Justice System.

Care plan
A plan led by managers of a secure setting, which sets out the actions that should be taken to ensure the child is safely and effectively looked after and that their needs and risks managed and supported while their liberty is restricted.

Collectivist
The principle of prioritising a whole group, rather than each individual within the group. It can also refer to attitudes, values, responsibilities and actions that are shared by society, state or community.

Criminalised
The formal process of labelling an activity or behaviour illegal by turning it into a criminal offence. In youth justice, this word usually relates to processes that 'formally transform 'children' into 'young offender'' (Goldson 2012: 100).

Criminalisation
The process of labelling particular groups as criminal or deviant and responding to them as such.

Criminogenic
To cause or to be likely to cause criminal behaviour.

Decriminalised
The formal process of making a previously illegal activity or behaviour legal, so that to engage in such activity or behaviour would no longer be regarded a criminal offence.

Desistance
The process by which individuals involved in offending behaviour come to continually abstain from crime. Desistance may come about with or without formal intervention.

Deviance
Behaviour that breaks the rules or norms of society, without necessarily breaking the law.

Deviancy amplification
The process whereby measures focused on deviant behaviour (e.g. media reporting, police activity, court sentencing) result in an actual or perceived increase in such behaviour.

Early intervention
A policy and practice response underpinned by the developmental criminological theory that criminality (criminal potential) can be predicted and prevented by targeted intervention at an early, 'pre-offending stage.

Empirical
Verified by observation and experience, rather than supported by theory alone.

Escalatory
To increase in extent, intensity or seriousness.

Evidence-based
Based upon robust scientific, empirical evidence

Holistic
A treatment/intervention/approach which focusses upon the whole person and all aspects of their life, rather than on select areas perceived to be problematic.

Inclusion criteria
This refers to a set of characteristics used to determine who or what will be included in a research study. The inclusion criteria forms the basis of the selection or eligibility criteria for inclusion as a participant or as an object of study. A good selection criterion will protect the 'homogeneity' of the sample population.

Interventionist/Interventionism
The process of the state intervening in the lives children who have come into conflict with the law as a means of social control and to address and manage behaviours which are considered by others to be antisocial. Interventionism is associated with excessive use of intervention, often intrusive, unwelcome and animated by labelling, net-widening, stigmatisation and criminalisation.

Key Elements of Effective Practice (KEEPs)
In accordance with evidence-based policy and practice, KEEPs were practitioner guidance documents published by the YJB as benchmarks, guides and reference points for effective practice, as well as tools against which practitioners should conduct self-assessment and quality assurance.

Labelling
The process of applying label to an individual (e.g. 'criminal', 'offender'), which can promote criminalisation and lead to further re-offending.

Legitimate
Perceived as moral, just and fair by the recipient.

Longitudinal Research
Research involving the collection of data relating to the same group over a long period of time, either retrospectively (into their past) or prospectively (into their future).

Marginalisation
The process of exclusion, where disadvantage forces an individual or group to a position at the margins of society

Maximum outcomes
The principle of striving to achieve the best possible outcomes for an individual, rather than settling for the 'least worst'. As an example, the concept of 'entitlements' (maximum outcomes) surpasses the concept of children's rights, which is predicated on *minimum standards* for provision.

Ministry of Justice (MoJ)
The governmental department that oversees the criminal, civil and family justice systems in England and Wales. The MoJ's responsibilities include the provision of legal aid, the administration of justice through courts and tribunals and the detention and rehabilitation of those who have broken the law.

Net-widening
The counterproductive processes whereby the Youth Justice System is expanded to capture more children (e.g. through lowering the age of criminal responsibility, expanding the law, adding new systemic responses such as anti-social behaviour management) and administering interventions to prevent offending that actually draw more children into the system.

Neurodisabilities
An umbrella terms for a group of conditions involving impairment associated with the nervous system. Examples include autism, dyslexia, dyspraxia, attention deficit hyperactivity disorder, autism traumatic brain injury, speech language and communication needs, some learning difficulties/disabilities, cerebral palsy or epilepsy. Neurodisability may be present from birth or acquired over time.

'New Youth Justice'
Goldson's (2000) term to conceptualise the organisational changes and strategic developments in youth justice policy that occurred as a result of 'New' Labour's Crime and Disorder Act 1998 and the Youth Justice and Criminal Evidence Act 1999 (e.g. net-widening, interventionism, risk management).

Operationalise
To put something into operation, animate, bring to life in practice.

Participatory Action Research (PAR)
PAR involves researchers and participants working collaboratively to develop a shared understanding of a (usually social) problem and to develop ways in which it may be improved or resolved. The aim of PAR is usually to bring about social change which benefits a particular group (especially that the participants develop a greater awareness of their own situation, through a process of research, action and reflection.

Protected characteristics
Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation are all protected characteristics under the Equality Act 2010. It is against the law to discriminate against anyone in any way because of a protected characteristic.

Punitive
To inflict or to intend to inflict punishment, especially in a way that is designing to inflict pain, harm or suffering upon an individual.

Punitive turn
A movement beginning in early 1990s USA and spreading quickly to the UK, which involved increasingly tough court sentences and the increased use of social control, surveillance, monitoring, restriction, net-widening and risk management of particular populations (e.g. children)

Qualitative
Concerned with quality rather than quantity, usually relating to non-numerical data measuring social experiences.

Qualitative Review
The interpretation of non-numerical data, such as verbal or visual information collected from observations or surveys and focused on the meanings and interpretations of such data.

Randomised Control Trial (RCT)
An evaluation methodology in which people are randomly (by chance) assigned to one of two groups: an experimental group (receives the intervention being tested) and a control group (receives a standard intervention, a placebo or no intervention). Any observable differences between the two groups can then be attributed to receiving (or not receiving) the intervention being tested. RCTs are often regarded as the 'gold standard' in evaluation methodology.

Responsibilising/Responsibilisation
The transfer of responsibility to individuals from a higher authority. In youth justice, this typically relates to children being regarded as primarily responsible for their own offending behaviour and their desistance from it, rather than taking into account mitigating circumstances, age-related differences between children and adults in levels of capacity, responsibility and maturity, or the level of responsibility held by others such as adult professionals.

Secure Estate/secure setting
The collective term for three types of residential placements, Secure Children's Homes (SCHs), Secure Training Centres (STCs) and Young Offender Institutions (YOIs) where 10-17-year-olds sentenced or remanded to custody can be placed by HMPPS Youth Custody Service

Secure STAIRS
The response developed to roll out the Framework for Integrated Care to the Secure Estate.

Social exclusion
The process in which individuals or groups are systematically denied full access to various opportunities, resources and rights that are normally fully available to the majority of others within a society. As such, these individuals or groups are left unable to fully integrate into the society.

Stigmatise
To unjustifiably regard someone or something worthy of significant disapproval, often leading to the unfair labelling and treatment of that person

Structural alienation
The social exclusion of an individual or group due to structural factors which may be cultural, economic, political or social in nature.

Structural constraints
Factors, which may be cultural, economic, political or social, that limit individual human agency (choice) and decision-making ability.

Systematic Review
Literature reviews in which systematic methods are employed. A protocol will be developed which details the inclusion criteria and describes the search strategy to identify potentially eligible studies and to guide their critical appraisal, before synthesising the key findings.

Systems management
Targeting specific decision-making points in the youth justice process (e.g. arrest, sentence, intervention planning) and making these child-friendly to improve outcomes for children

Theory of Change
'A process for thinking about and describing; the change you want to see; and your plans for achieving that change' (Noble 2019: 25)

Transition
Change. Moving from one set of circumstances or way of thinking to another.

Triage
Schemes are located within custody suites and based upon a diagnostic model which determines the appropriate response to an offence at the point of entry to the YJS. Assessment of the child at the custody suite following arrest seeks to determine the required level and nature of any subsequent intervention. Wherever possible children will be diverted from formal processes.

Typology
Categorisation, classification according to type.

Universal
Maximum provision available unconditionally to *all* children, irrespective of their situation.

Appendix IV: Table of abbreviations

ACE	Adverse Childhood Experiences
ADCS	Associate Directors of Children's Services
ADHD	Attention Deficit Hyperactivity Disorder
APPGC	All Party Parliamentary Group for Children
BAME	Black, Asian and Minority Ethnic
CAMHS	Child and Adult Mental Health Services
CFOS	Children First, Offenders Second
CRAE	Children's Rights Alliance for England
DfES	Department of Education and Skills
ECM	Every Child Matters
FTE	First Time Entrant (into the Youth Justice System)
GMPJUP	Greater Manchester Youth Justice University Partnership
HMIP	Her Majesty's Inspectorate of Prisons
HMPS	Her Majesty's Prison Service
HMPPS	Her Majesty's Prison and Probation Service
JLB	Juvenile Liaison Bureau
KEEP	Key Elements of Effective Practice
LASPO	Legal Aid, Sentencing and Punishment of Offenders Act
MNI	Minimum Necessary Intervention
MoJ	Ministry of Justice
NAPU	National Assembly Policy Unit
NGO	Non-Governmental Organisation
NPCC	National Police Chiefs' Council
OBTJ	Offences Brought to Justice
PPB	Promoting Positive Behaviour
PPP	Positive Promotion Project
PTSD	Post Traumatic Stress Disorder
PYD	Positive Youth Development
PYJM	Positive Youth Justice Model
RCPCH	Royal College of Paediatrics and Child Health
RCT	Randomised Controlled Trial
SCH	Secure Children's Home
SCT	Secure Training Centre
SLCN	Speech, Language and Communication Need
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations International Children's Emergency Fund
WAG	Welsh Assembly Government
YAP	Youth Advocate Programme
YCC	Youth Custody Service
YCS	Youth Conditional Caution
YJB	Youth Justice Board
YJLD	Youth Justice Liaison and Diversion
YJS	Youth Justice Service
YOI	Young Offender Institution
YOT	Youth Offending Team
YSS	Youth Support Service