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Justice for Children in Trouble  
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Standing Committee  
for Youth Justice



**UNIVERSITY OF  
CAMBRIDGE**  
Institute of Criminology

**‘CHILD FRIENDLY YOUTH JUSTICE?’  
CONFERENCE  
25<sup>TH</sup> SEPTEMBER 2017**

# Panel session abstracts

11:30 - 12.30	Conference parallel session A (sessions 1 - 4)
12.30 - 13.20	Lunch
13.20 - 14.10	Conference parallel session B (sessions 5 - 8)
14.20 - 15.20	Conference parallel session C (sessions 1 - 4)
15.20 - 15.40	Tea and cake

# 1. Youth Custody

## **Dr Caroline Andow, University of Winchester / Ben Byrne, Manager, Surrey Youth Support Service**

The characteristics and trajectories of 50 children in secure accommodation in Surrey

Children who enter youth custody are primarily conceptualised on the grounds of their offending behaviours. They are characterised as ‘*a risk*’ (O’Neill, 2010), and viewed through a ‘youth-justice lens’. Our contention is that this lens is too narrow, and that the picture produced fails to capture the multiple disadvantages and complex vulnerabilities that also characterise these young people.

Arguably this ‘youth-justice lens’ is a product of the current institutional framework in England and Wales, where children who are considered ‘*at risk*’ are viewed through a ‘welfare lens’, and those with mental health problems are viewed through a medicalised ‘treatment lens’. We propose that use of these separate lenses obscures the significant overlaps between all of these children.

The first phase of our collaborative research project explores this proposition, by comparing the characteristics of 69 young people from Surrey who have entered secure accommodation – either via a youth justice, welfare or mental health pathway.

## **Dr Di Hart, Freelance consultant**

An analysis of proposals to reform youth custodial provision

This presentation will offer an analysis of current proposals to reform custodial provision for children under 18 in England and Wales, drawing on:

- approaches towards youth custody in other countries;
- children considered to need secure care for ‘welfare’ reasons.

Despite a consensus that the current youth secure estate is not ‘fit for purpose’, there is little to suggest that the reforms will bring about significant improvement. Meanwhile the systems for placing children in ‘welfare’ secure care or in-patient mental health provision are also in crisis. It is time to ask fundamental questions about what we hope to achieve when we incarcerate children, and how this should shape the secure estate we then create. A radical approach will be proposed, based on children’s needs rather than existing structures.

## **Dr Laura Janes, The Howard League for Penal Reform**

Why a participatory rights-based approach is the best way to protect children in trouble with the law

As a result of the Howard League case in 2002, there is an extensive web of child protection measures that apply to all establishments in the criminal justice system that lock up children. A child protection approach is important but insufficient to protect children from abuse. It is generally reactive. The child is the ‘subject’ rather than the owner of the process. Children in the criminal justice system often see the law as a means of punishment, leaving them with little faith in its ability to protect them.

This presentation will explore how rights-led, participatory education can empower and protect children in the criminal justice system. It will highlight case studies and examples from the Howard League’s legal work to show how a rights-based approach can enhance the situation of children in trouble with the law and promote change.

## 2. The voice of the child

### **Professor Stephen Case, Loughborough University**

#### Promoting participation as child-friendly positive youth justice

Participation by children in the Youth Justice System (YJS) is central to positive youth justice, yet is problematic in a context more concerned with control, compliance, regulation and surveillance. The punitive neo-correctionalist and neo-liberal responsabilising agenda of the 'new youth justice' deprived children of their right to having their voices heard once they offended. Children's involvement in youth justice processes (e.g. assessment, intervention planning, supervision) is disempowering and disengaging. Consultation and participation practices can be tokenistic, supplanting children's meaningful involvement in shaping decision-making or influencing service design and delivery.

To reconcile the lack of user-led engagement and consequent experiences of disempowerment in the YJS, the 'Children First, Offenders Second' model of Positive Youth Justice prioritises children's lived experiences through engaging, child-friendly, inclusive and evidence-based practice. Practice examples illustrate that children's participation in the YJS is facilitated when practitioners go beyond allocated workloads and centralised policy/practice prescriptions in championing their voices.

### **Anna Christina-Jones, GMYJUP, Manchester Metropolitan University**

#### The Greater Manchester Youth Justice University Partnership and the participatory youth practice framework

Young people themselves are not typically engaged in shaping youth justice policy or service provision, and are rarely seen as a source of ideas and innovation (User Voice, 2001). Instead, youth justice processes are often enforced, adult-led and prescribed.

Commentators have contended that the YJS should be reformed to prioritise children's engagement over their enforced compliance, their participation over prescription and instruction, their capacities and strengths over their deficits and differences to adults (Case & Haines, 2015), arguing that contributions from and collaboration with young people themselves allows young voices to help shape more effective policy and practice.

The Greater Manchester Youth Justice University Partnership (GMYJUP), established to facilitate bidirectional knowledge exchange between academia and practice, has developed this argument into a model of practice via our Participatory Youth Practice (PYP) framework. Our framework has been co-developed with young people and proposes a different, more participatory, approach to youth justice.

### **Anne-Marie Day, University of Salford**

#### Child friendly youth justice for children in care: why the voice of the child suggests that this is not the case.

This paper considers the findings from my PhD Research which focuses on the perceptions of children in care about their pathways into offending whilst they are still in care and subject to youth justice supervision. Their perceptions will then be compared with how the children are presented within the youth justice risk assessment tool (Asset). The findings are based on semi-structured interviews with 19 children in care and suggest that the voice of the child is not currently heard or represented within practice or recent policy reports (eg Narey, 2016 and Taylor, 2016), and thus suggests that for children in care, both the youth justice and care systems is anything but child friendly. The research is extremely timely given the interest in this area and the paper will present implications for policy and practice.

### 3. Perspectives on youth justice supervision

#### **Dr Diana Johns, University of Melbourne**

##### A socio-ecological approach to 'child friendly' youth justice

This paper draws on research on young people's prolific offending in Wales, and youth justice responses to it, between 2009 and 2015. A case study of twelve young people, and the YOT workers who supervised and supported them through their teenage years, illustrates how seeing young people through the lens of interactions and relationships – with family, peers, community and the broader socio-cultural-political context – gives insight into the type of interventions that can most effectively disrupt their offending and enhance their wellbeing. These insights have implications for the way in which youth offending teams engage with young people, to bring about positive change in their lives. We argue that interrupting persistent and prolific offending patterns requires a long-term, relationship-focused approach that supports young people's positive identity development, in its social context. I will outline the key features of such an approach and how and why it exemplifies 'child friendly' youth justice.

#### **Dr Caroline Lanskey, University of Cambridge**

##### The experience and practice of youth justice in rural settings

It has been argued that within criminology "the countryside is significant mainly because of its absence" (Meek 2006, p. 91). Certainly within the field of youth justice little is known about the experiences of young people who have offended in rural settings (Howard League for Penal Reform 2005; Marshall 2005; Meek 2006). This paper reports early findings from a study which aims to extend understanding of youth justice work in rural areas. Drawing on an analysis of interviews with staff, young people and their carers and a quantitative analysis of ASSET data, we discuss the profiles of young people who offend in one rural setting and consider how the location shapes the experience and practice of youth justice.

#### **Ali Wigzell, University of Cambridge**

##### Youth justice supervision and the supervisory relationship

The supervisory relationship has been suggested as the key territory in which young people draw meaning and benefit from their community supervision experience (Drake et al, 2014; Phoenix and Kelly, 2013; Sharpe, 2012). Yet the intricacies of the supervisory relationship and the nature of everyday supervision in which it transpires are little researched. This paper presents findings from my PhD; an 18-month study in two youth offending teams, comprising interviews with 26 children and 44 YOT professionals, as well as participant observation. Through the lens of the supervisory relationship, I will examine the nature and meaning of youth justice supervision and explore the prospects for 'child friendly youth justice' in this context.

## 4. Children's complex offending and adversity

### **Dr Catherine Naughton, University of Limerick**

#### Understanding complex youth offending: The Greentown research project

The Greentown Research Project, located in the School of Law, University of Limerick, focuses on children in Ireland who are targeted by criminal networks in their communities to commit serious crime. A mixed methods approach that utilises police activity data, on-the-ground tacit knowledge of local police and a national survey of specialised juvenile liaison officers was adopted. This methodology aimed to achieve a detailed local and national examination of the problem. To accommodate complex ethical dilemmas posed by this sensitive area of research the project has developed a novel methodology referred to as 'Twinsight' to conduct one-on-one interviews with local police. While acknowledging serious criminal activity, the Greentown findings suggest a need to reframe the policy response to this relatively small group of children. In this sense, the situation demands that as opposed to punishment, this minority group of children need protection within their community. In addition the findings highlight the need for justice system reform.

### **Dr Alex Chard, YCTCS Ltd.**

#### Childhood adversity and offending

Dr Chard recently concluded a thematic review for a local safeguarding board which studied the common themes and professional interventions in the lives of six children, five of whom committed serious violent offences and one child who was a victim. The report, *Troubled Lives Tragic Consequences*, comments:

"... children who suffer multiple adversity are at greatest risk of poor outcomes. This includes violent offending but it also includes a range of other poor outcomes including self-harming behaviours and suicide. Research also indicates that it should be possible to identify such children; this has significant implications for assessments and thresholds for service access."

There is also a substantial body of evidence showing the link between adversity and persistent and serious offending. This presentation will consider evidence on abuse, loss, trauma and attachment and suggest the need for a range of new approaches to working with children in the youth justice system.

## 5. Children and court

### **Kate Aubrey-Johnson, Youth Justice Legal Centre and a youth justice-experienced young person**

Can children receive a fair trial?

Children enjoy special rights and protections and are entitled to a fair trial and this includes being able to effectively participate in their trial. The youth court is intended to be a specialist tribunal designed to meet the needs of children. To what extent is the youth court meeting the needs of children? Are children receiving a fair trial in youth court? How can we ensure children's right to be tried by a specialist tribunal does not dilute their fundamental rights?

The Youth Justice Legal Centre was set up by Just for Kids Law to promote children's rights in the criminal justice system, to achieve recognition that youth justice law is a distinct and complex area of law and lawyers should be trained and have expertise to represent children. Director, Kate Aubrey-Johnson will provide an overview of the legal framework and examine the recent debate about where children might best be tried. We will hear the views of a young person who has experience of a trial on the youth court and Crown Court.

### **Carmen D'Cruz, Centre for Justice Innovation**

Enhancing problem-solving practice in the youth court

Recent years have seen a welcome decline in the size of the youth justice system in England and Wales – total disposals have halved since 2010/11. The paradox of this success is that those remaining in the system tend to be more advanced in their criminal careers, with a greater concentration of vulnerabilities and complex needs. The drop in court volume offers an opportunity to develop new approaches to better respond to this more difficult caseload. Problem solving is a promising option and is backed by the Carlile Inquiry and Taylor Review. Aspects of problem solving are already somewhat embedded in youth court, but improving practice can better align aspiration with reality. This forms the basis of a research project led by the Centre for Justice Innovation with the Institute for Criminal Policy Research. In this presentation, we outline the research and policy case for enhancing problem-solving practice in youth court, discuss what forms this practice could take, and update on the project's progress.

## 6. Resettlement

### **Kate Bulman, Thinking Through Fatherhood, and Ruben Vemba, peer mentor, Young Dads Collective**

Developing continuity of care for young fathers in the youth justice system: a case study for improving current models of practice

This presentation focuses on a developing model of support for young fathers (aged 18 and under) who are within custody in an STC, both inside the establishment and on resettlement into the community. The support within custody is led by a nurse who works in the setting and includes a group based programme and 1:1 support, liaison with community professionals and specialist family visits. To better understand these young men's trajectories, and support networks in the community, a small group of five young fathers/expectant fathers who had engaged well with the support within custody were followed up on and offered support by the healthcare professional and peer mentors from the Young Dads Collective as they made the transition to resettlement. This work highlighted some of the varied and overlapping social, emotional and relational challenges these young men face both within a custodial setting and in the community, and highlighted the benefits of ongoing support.

### **Pippa Goodfellow, Beyond Youth Custody, Nacro and Morgan Price, No Cracks**

Lessons from Youth in Focus

Beyond Youth Custody (BYC) is an England-wide learning and awareness programme funded under the Big Lottery Fund's Youth in Focus initiative. This session will draw on Beyond Youth Custody's 'Lessons from Youth in Focus' report that summarises the lessons learned from 15 resettlement projects, highlighting the unique and important role that the voluntary sector can play in supporting young people with multiple and complex needs. No Cracks was one of the projects funded to provide intensive support to young people leaving custody, delivered by Cambridgeshire and Peterborough YMCA. Recommendations will be explored on the key characteristics that enable a child-friendly and effective resettlement process – it should have engagement and participation as a primary focus, and be individually tailored, continuous and co-ordinated. We will explore the role of relationship-based, person-centred and participatory models of working from the Youth in Focus projects and consider their role in supporting desistance and long-term outcomes for young people making the transition from custody to the community.

## 7. Childhood criminal records

### **Claire Sands**

A comparative study of childhood criminal record regimes

### **Jen Twite, Just for Kids Law**

What's wrong with the current system in England and Wales?

### **Chris Stacey, Unlock**

How can England and Wales achieve a child-friendly criminal record disclosure system?

This session takes a critical look at the current childhood criminal record system in England and Wales and explores potential for reform. Claire Sands, author of the SCYJ's report on childhood criminal records in other jurisdictions, will provide an overview of alternative regimes, many of which take a much less punitive, more child-friendly approach than we have in England and Wales. Jen Twite, Head of Strategic Litigation at Just for Kids Law, will then consider what is wrong with the current system in England and Wales and review recent challenges that have been brought against what many view as an excessively punitive system; finally, Chris Stacey, Co-director of Unlock, will consider whether it is possible to achieve a more child-friendly system in this country and suggest ways in which this might be achieved. There will be time for Q&A after the presentations.

## 8. Youth custody and education

### **Nina Champion, Prisoners' Education Trust**

#### What does child-friendly education in custody look like?

Prisoners' Education Trust (PET) have explored this question over the past 3 years. In 2016 we published 'Great Expectations: Towards better learning outcomes for young people and young adults in custody'. Since then we have been piloting ways to address some of the gaps we identified including:

1. Building aspirations and opportunities to take part in higher level learning in custody and after release through distance learning and prison university partnerships.
2. Promoting the understanding of, and opportunities for, meaningful 'learner voice' and co-design of prison education provision.
3. Better understanding the attitudes and behaviours young people value in education and prison staff through an analysis of nominations for our annual awards.

We look forward to sharing and discussing our findings with you, which are particularly important and timely in the context of Governor-led education commissioning in the adult estate, which the MoJ indicate may be replicated in the young people's estate.

### **Adeela ahmed Shafi, University of Gloucestershire**

#### Engaging young people who offend with education in a secure custodial setting

This research provides new evidence to understand the nature of disengagement in young offenders to re-engage them with learning whilst incarcerated.

An ethnographic case study was conducted in one secure children's home in England collecting qualitative data across 3 Phases. Phase I explored the educational experiences of 16 young offenders. Phase II consisted of 5 in-depth case studies to explore processes of (re)engagement with education and learning. Phase III aimed to understand how the secure unit could facilitate re-engagement.

Findings illuminated how the nature of disengagement in young offenders was distinct, characterised by their emotions and relationships. Secondly, that re-engaging young offenders whilst incarcerated was possible through a process of authentic inquiry, when certain conditions were met. These included the enabling of autonomy and agency through the development of supportive relationships with tasks that were of personal relevance.

Recommendations to policy and practices which can be incorporated into existing structures are made.