

EDITORIAL

TAKING STOCK OF YOUTH JUSTICE

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

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

Interestingly, around the same time as this call for papers, the government were also thinking about what next for youth justice and commissioned a review of the work of youth offending teams (Deloitte, 2015), perhaps the most important finding of which is:

'3.24. Indeed, the preliminary analysis suggests the strongest correlations with YJB measures are with socio-economic conditions and demographics - factors that YOTs cannot influence.' (p6)

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

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

Our contributors

It is with great pleasure that we begin this issue with the winning entry of the 2014 Brian Williams Memorial Prize, Sarah Louise Holt. Sarah's work documents an excellent and original piece of research: it takes a clear and focussed idea grounded in the literature and translates this into a manageable research project. It is methodologically comprehensive within the constraints of its context, and offers a thoughtful analysis of the results. The work investigated the types of behaviours that primary school educational staff observed in children known or suspected to experience domestic violence at home.

The work highlights an important issue about the responsibilities and roles of teachers, a thought which could usefully be extended to a range of professionals who work with children. Although this paper did not make the link we know that the responses to domestic violence which are observed about these children are linked to an increased probability of negative outcomes in life, including likelihood of involvement in the criminal justice system.

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

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

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

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

Stephen Case and colleagues discuss differences between England and Wales in their approach to youth justice, highlighting how the Welsh system has a more positive

approach, emphasising the presence of positive outcomes rather than the absence of negative ones. They use this model to argue that his approach works best, that children should be diverted away from criminal processes wherever possible, and that all interventions with children should be child friendly and child appropriate. As the Welsh picture reveals, such approaches can be implemented within current legislation.

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

Community courts are just one element of the radical moral communitarianism model proposed by Sean Creaney and Roger Hopkins Burke in the final paper in this collection. They argue that the balancing of rights and responsibilities is a key requirement of this approach and present the implications for such an approach to responding to young people who offend. Engagement and participation are essential requirements of this approach, requiring mutual respect between citizens. However this also means addressing media representations and general population views of young offenders, which may be harder to achieve.

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