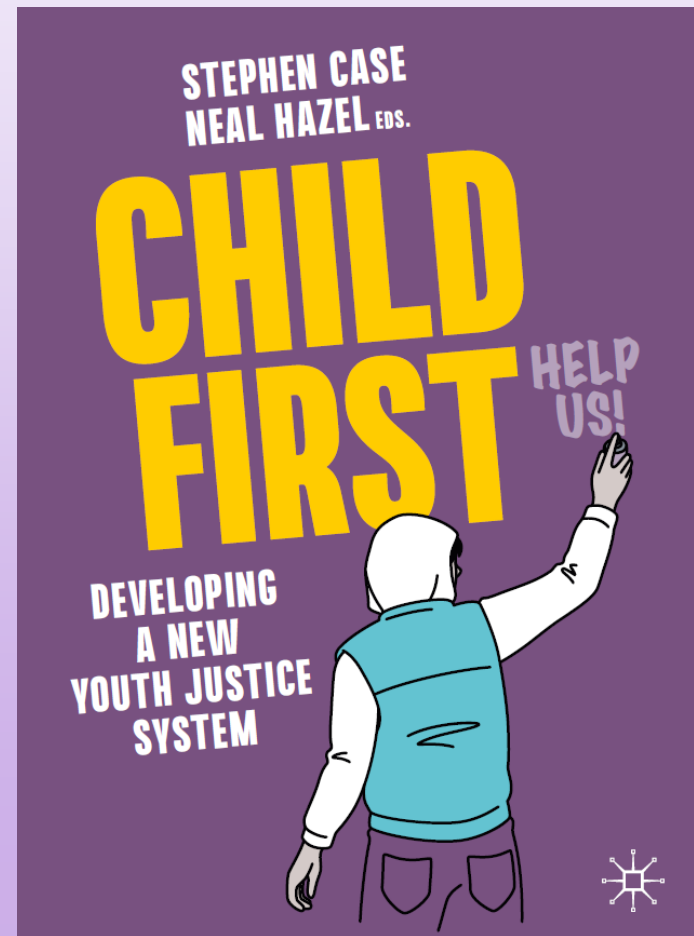


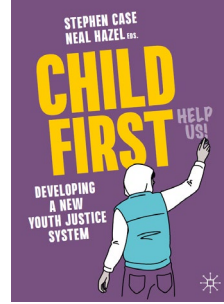
CHILD FIRST:

Developing a new youth justice system

Professor Stephen Case
Professor Neal Hazel
Editors

YJSL Event, 18 April 2023

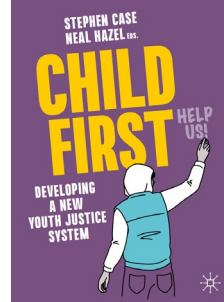




Child First as the guiding principle

- The guiding principle for the youth justice sector
- For the YJB....And for practitioners...And for policymakers
- Underpins National Standards, Case Management Guidance, YCS policies
- Not just a phrase, or mantra
- Four overall 'tenets' (and lots of messages) from contemporary evidence
- Evidence unpacked in:
Case & Browning (2021) [*Child First Justice: the evidence-base*](#)





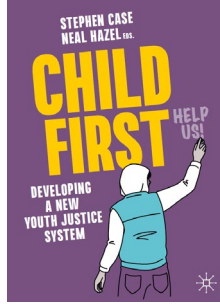
Background to Child First

- 1998- Academic research beginning to frame new understanding as CFOS
- 2004 – All Wales youth offending strategy calls for CFOS approach
- 2016 - Taylor report calls for “a new system in which young people are treated as children first and offenders second” (2016)
- 2017 - Taylor appointed YJB Chair by Truss
- 2018 - New Board (including Hazel, Towler, Fraser) want CFOS principle...but variously understood

- June 2018 – CFOS defined for policy/practice context, drawing together key messages from contemporary research.
- June 2018 – Adopted by YJB
- 2019 – MoJ National Standards framed by CFOS, endorsed by Minister

What are the evidence-based messages contained within the principle?

The preamble



A “Child First, Offender Second” approach means that all youth justice services:

- Singularisation: Individual child rather than children
- It is what it is: ‘means that’ not ‘should’/’will’
- Decision guidance for **all** services, not just YJB – sector wide, all agencies, all interventions, all policies and practice
- It prompts a thoroughgoing reflection of all assumptions, from assessment, to interventions, to policy positions
- “Offender Second” element not now usually voiced

1 - As children

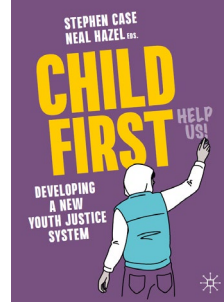
Prioritise the best interests of children, recognising their particular needs, capacities, rights and potential. All work is child-focused and developmentally informed, acknowledges structural barriers and meets responsibilities towards children.

- See children as children
- *Children* - All under-18s - not some children and some young people (different audiences)
- *Best interests of children* recognises legal language and primary consideration (UNCR, Children Act 1989) (and *rights*)

1 - As children

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

- *Particular*: Recognises differences from adults
- *Capacities, Developmentally informed*: Development literature
- *All work*: universally applicable - what does this mean in practice?
- *Structural barriers, responsibilities towards children*: Diversity (BLM, JotC), needs usually within adults' gift

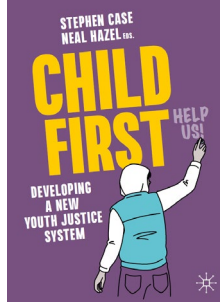


2 – Building pro-social identity

Promote children's individual **strengths and capacities** as a means of developing 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.

- *Strengths, capacities, potential*: Focus on positive child outcomes, same as any child
- *Safer communities, fewer victims*: This is an outcome > YJB vision

YJB Vision



A youth justice system that sees children as children, treats them fairly and helps them to build on their strengths so they can make a constructive contribution to society. This will prevent offending, create safer communities with fewer victims.

- The power of punctuation.

2 – Building pro-social identity

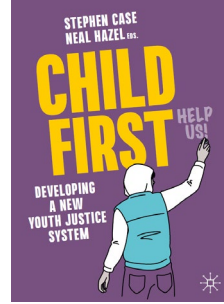
Promote children's individual strengths and capacities as a means of developing their **pro-social identity** for sustainable desistance, leading to safer communities and fewer victims. **All work is constructive** and future-focused, built on supportive relationships that empower children to fulfil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

- *Pro-social identity, constructive:* [Constructive Working](#) – identity > behaviour
- Theory of change for practitioners
- Constructive Resettlement adopted by YCS

2 – Building pro-social identity

Promote children's individual strengths and capacities as a means of developing 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.

- Future focused - Moving on from offence **focused**
 - Doesn't mean not trying to understand the offence
 - Doesn't mean not using the past to understand
 - **Does** mean moving away from offence focused work, addressing offending behaviour courses
 - **Does** mean moving away from generic, stigmatising activities (some reparation, some poor RJ, some poor TIP)

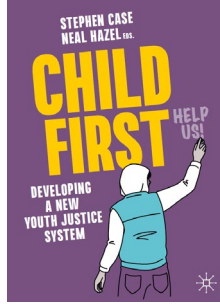


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Promote children's individual strengths and capacities as a means of developing their pro-social identity for sustainable desistance, leading to safer communities and fewer victims. **All work is constructive and future-focused, built on supportive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

- Positive outcomes rather than just avoiding negative ones. Not deficit focused (risk) >

Risk

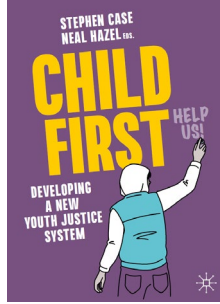


What we stand for

The YJB is committed to building a youth justice system that sees those in it as children first and offenders second. Since the YJB was created, our understanding of how to prevent offending, has moved beyond a focus on managing the risk posed by children who offend. We now understand the criminogenic effects of children's involvement in the justice system and the damage that this can cause. We recognise that treating children as children, rather than as potential offenders, is the best way to achieve sustained desistance. We are committed to looking beyond just the need to stop a child offending, working constructively to help children make positive contributions to society. This approach is needed now more than ever, as the system deals with increased child criminal exploitation and serious violence.

(YJB Strategic Plan 2019-2022:7)

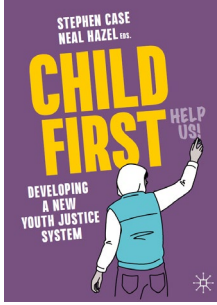
- Removal of 'risk of offending' (very New Labour) from National Standards
- Removal of 'scaled approach' from National Standards (+BLM)
- What about risk of harm?
 - Always ask risk of what
 - Risk of offending different from risk of harm
 - Reframe risk of harm



3 – Collaborating with children

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

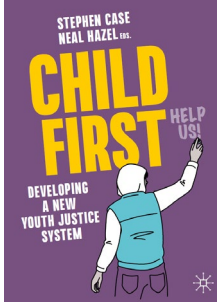
- Collaboration / co-creation
- Youth justice is not done to children.
- Identity development requires engagement.
- The three steps to engagement
- *Meaningful*: an active role
- Involving informal supporters



4 – Diverting from stigma

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.

- Involvement can undermine positive development
- Stigma is criminogenic – labelling
- Impedes pro-social identity development
- If possible, divert from the system
- A **childhood** removed from the justice system – a reminder



4 – Diverting from stigma

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.**

- Within the system, minimise contact
- If in contact, minimise stigma

Guiding principle: for any policy or practice decision

As children

1. Is it in the best interests of the child?
2. Does it recognise particular needs, capacities and rights as a child?
3. Is it recognise structural barriers and other adult responsibilities?

Building pro-social identity

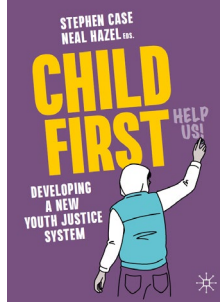
4. Does it build individual pro-social identity (engaging diversity), not reinforce pro-offending identity?
5. Is it future focused, not backward focused?
6. Does it focus on positive child outcomes, not manage offender outcomes/deficits?

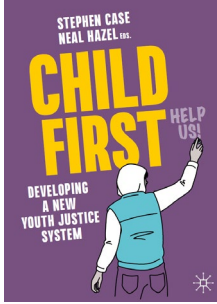
Collaborating with children

7. Is the child involved meaningfully in its development?
8. Does it promote the child to feel engaged and socially included?

Diverting from stigma

9. Does it divert away from the system, not draw in?
10. Does it minimise stigma from contact with the system?





Child First

- Doesn't mean treat as offenders afterwards, or victims second.
- Child First is a convenient way to summarise all we know from contemporary evidence that leads to safer communities and fewer victims.

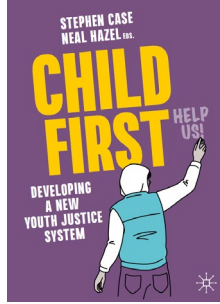
As children

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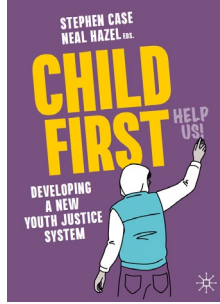
The book



Child First: Challenging Youth Justice Systems

- Challenging Punitive Youth Justice – Tim Bateman
- Challenging the Risk Paradigm – Stephen Case
- Challenging Historical Populism – Kevin Haines, Sue Thomas
- Child First and Children’s Rights – Ursula Kilkelly

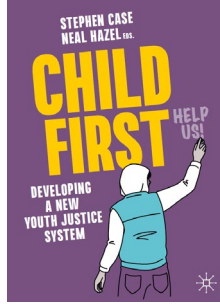
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Child First: Developing Youth Justice Policy

- Developing CF Youth Justice Policy – a view from inside the YJB and Westminster – John Drew
- Developing CF as the Guiding principle for Youth Justice – Neal Hazel and Paula Williams
- Child First in the Criminal Courts – Kathryn Hollingsworth

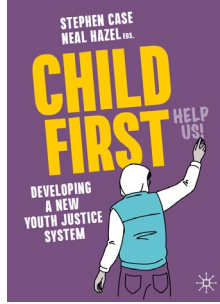
The book



Child First: Developing Youth Justice Practice

- Thinking through the implications for policy and practice – Ben Byrne
- The place of risk: The perspectives of practitioners – Anne-Marie Day
- Cementing ‘Child First’ in practice – Kathy Hampson
- Embracing children’s voices – Samantha Burns and Sean Creaney
- Progress and Challenges – Neal Hazel and Stephen Case

The book



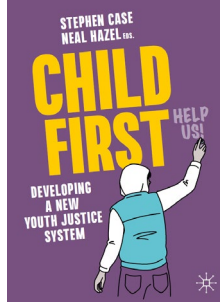
Forewords

- Mark Drakeford, First Minister of Wales
- Charlie Taylor, Chief Inspector of Prisons
- Keith Fraser, Chair of the Youth Justice Board

“This consolidated body of learning will serve as a bulwark against any future temptation to bring large numbers of children back into the criminal justice system.”

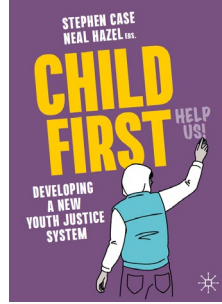
(Charlie Taylor, HM Chief Inspector of Prisons for England and Wales)

Progress



- Underpins national standards and case management guidance
- Built into training for all new youth justice professionals (Effective Pra Cert)
- Annual youth justice plans require self-assessment against 4 tenets
- YCS has CF underpinning its new policies
- In Wales, CF is the first principle in the Blueprint
- Recognition and results in YOTs (Swindon YJS – “outstanding”)
- Language shifts

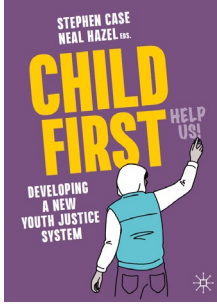
Challenges



- Navigating wider and new ideas (e.g. desistance, neurodiversity)
- Navigating others' policy agendas (e.g. victims, general election)
- RCT restricted discourses of good practice
- Limited positive child outcome measures (although new KPIs, PID)
- Deficit faced assessments – ASSETPlus
- Confidence of YJSs (with adoption, other agencies, and children)
- Partners on board

Bigger questions

- Decision making bodies (courts?)
- Children in prison as a last resort
- Age of criminal responsibility, doli incapax
- Justice environment for youth justice (punishment, inspectorate, department etc)
- “Bulwark against a punitive turn”?



STEPHEN CASE
NEAL HAZEL EDS.

CHILD FIRST

HELP
US!

DEVELOPING
A NEW
YOUTH JUSTICE
SYSTEM

