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From rhetoric to reality: Participation in practice within youth justice systems

Hannah Smithson^a, Thomas Lang^b, Paul Gray^c

^{a, c} Manchester Centre for Youth Studies, Manchester Metropolitan University, UK

^b Manchester Youth Justice Service, UK

Introduction

Since 2015, we (the authors of this chapter) have been working together through a formal partnership between Manchester Metropolitan University and the ten youth offending teams (YOTs) in the Greater Manchester region of north west England¹. This partnership, termed the *Greater Manchester Youth Justice University Partnership* (GMYJUP), is the first of its kind in a youth justice context. GMYJUP has predominately focused on strengthening justice-involved children's participation in decision-making processes and embedding meaningful participation in youth justice service delivery and practice (Smithson *et al.*, 2020; Smithson & Gray, 2021; Smithson & Jones, 2021). In this chapter, we outline the Child-First narrative that is becoming increasingly apparent in the youth justice system in England and Wales, before describing our own body of participatory work which has resulted in the co-creation (with justice-involved children) of a transformative framework of practice that we term *Participatory Youth Practice* (hereafter referred to as PYP). The chapter goes on to provide a candid account of the facilitators and barriers that youth justice practitioners have encountered when endeavoring to embed PYP into existing youth justice processes. We conclude with a consideration of the value of child-centred practice for children and practitioners.

Children's participation: Actions speak louder than words

The United Nations Convention on the Rights of the Child (UNCRC, 2007; 2008) states that children in conflict with the law have the legal right to have their opinions considered and are entitled to be able to contribute to a criminal justice system's response to their own behaviour. More recently, the UNCRC General Comment No 24 (2019, art. 40(2)/b/iv) on young people's rights in the justice system states that 'a child who is above the minimum age of criminal responsibility should be considered competent to participate throughout the child justice process'. Gratifyingly, progress is being made to incorporate these UNCRC principles into legislation. For example, across Europe, child participation strategies and government bills have been passed in Ireland, Belgium, and Sweden to ensure that children's participation is embedded in government departments (Byrne & Lundy, 2019), while Scotland have committed to undertaking an audit to ascertain the extent to which these UNCRC principles have been incorporated into policy and practice (Scottish Government, 2018).

In England and Wales, there has been a noticeable shift over the last five years in how children in the justice system are viewed. Central to this shift is Haines and Case's (2015:45) 'child first, offender second' (CFOS) philosophy, founded on the belief that 'children are part of the solution, not part of the problem'. Indeed, the 2016 Taylor Review of the English and Welsh

¹ There are 157 YOTs in England and Wales. YOTs have a remit to work with children at risk of, or involved in, offending behaviours. Greater Manchester's youth offending teams cover one of the largest metropolitan areas in England comprising of ten boroughs: Bolton, Bury, Oldham, Rochdale, Stockport, Tameside, Trafford, Wigan, Salford, and Manchester.

youth justice system called for ‘a system in which young people are treated as children first and offenders second’ (Taylor, 2016:48). Since then, the CFOS philosophy and its associated principles have gained increasing traction within the youth justice system in England and Wales. As evidenced in the Youth Justice Board’s (hereafter referred to as the YJB²) *Participation Strategy* (YJB, 2016) and *Business Plan 2020/21* (YJB, 2020), as well as Her Majesty’s Inspectorate of Probation’s framework for youth justice services (HMIP³, 2017). The culmination of this shift towards embedding the principles of CFOS within the youth justice system in England and Wales has been the inclusion of a Child First strategic objective in the YJB’s *Strategic Plan 2021-2024* (YJB, 2021)⁴.

While the embedding of CFOS is clearly something to be welcomed, we use the adage ‘actions speak louder than words’ to emphasise the point that there needs to be much more of a focus on how youth justice policymakers and practitioners translate the CFOS philosophy into practice. In our experience, the terms Child First, child participation, children’s voice, and co-production are used interchangeably with little thought as to what they mean for youth justice practice ‘on the ground’. This is problematic. Not least because tokenistic approaches to participation have the potential to be extremely damaging for children (Smithson & Gray, 2021). It is with this in mind that we supported the development of the PYP framework. In line with the CFOS philosophy, the ideological underpinnings of PYP are grounded in respecting children’s rights, responding appropriately, and enabling children to contribute to decision-making around the justice system’s response to their offending behavior. However, where PYP differs from, and advances, the CFOS philosophy is its unique co-productive approach. Within the broader Child-First narrative, PYP provides a tangible model of children’s participation. This is crucial because, as we have argued elsewhere (Smithson *et al.*, 2020; Smithson & Gray, 2021; Smithson & Jones, 2021), any meaningful reform of youth justice systems at both a macro and micro level needs to be developed with significant input from justice-involved children. Without this input, youth justice system reform will achieve ‘little more than repeated iterations of flawed practices, as those tasked with the responsibility will lack both the fundamental understanding and knowledge needed to achieve meaningful improvement’ (Smithson *et al.*, 2020:334).

The co-creation of the PYP framework

As explained at the start of this chapter, the authors are all part of GMYJUP. The evolution of GMYJUP was an organic process. For many years, the university had informal connections with the youth justice teams across the Greater Manchester region. Like so many partnerships, it simply took a couple of meetings with invested individuals to recognize the mutual benefit of academics and practitioners working together in a formal, joined-up way. The principle aim of GMYJUP was to embed wide-ranging, effective practice within the Greater Manchester youth justice service by enhancing the ability of practitioners to link theory to practice (to enhance interventions with children and young people) and embed a knowledge-base and research capability that would provide more inclusive ways to work with children and young people in the criminal justice system.

² The YJB is a non-departmental public body responsible for overseeing the youth justice system in England and Wales. It is sponsored by the Ministry of Justice.

³ Her Majesty’s Inspectorate of Probation is the independent inspector of probation and youth offending services in England and Wales.

⁴ See Case & Browning (2021) for a detailed report on the evidence base for a Child First approach within a youth justice context.

In 2015, GMYJUP reached a critical juncture and we acknowledged that without any funding the partnership would not be able to fully realise its potential. In 2015 we successfully secured funding from Innovate UK for a Knowledge Transfer Partnership (KTP) project. KTPs are aimed at facilitating the bi-directional transfer of knowledge between universities and businesses in the UK. In this instance, the KTP resulted in one of our academic colleagues being seconded to the Greater Manchester YOTs for a period of two years. This secondment was integral to developing the focus of the KTP project.

Observations of practice revealed that, overall, the principles of managerialism and responsabilisation were creating barriers for practitioners to get much beyond the building of a good rapport with children. It was therefore decided that the KTP project would seek to firstly, redress the balance of youth justice practice by emphasising the participation of justice-involved children, and secondly, explore a new model of working by focusing on the transfer of knowledge between justice-involved children and the KTP project team.

The methodological approach that was adopted for the KTP was informed by participatory research methods grounded in democratising the research process, valuing lived expertise, and challenging power dynamics and social injustices (Kim, 2016). In total, we worked with 28 justice-involved children. They were all male, had an average age of 17, and a third were from ethnic minority backgrounds. Over two thirds had been exposed to at least one adverse childhood experience growing up, including, bereavement or significant loss, physical abuse and/or neglect, emotional abuse and/or neglect, and familial substance use. Additionally, more than half were, or had previously been, in local authority care.

By spending a considerable amount of time with the children, we got to know them and most importantly we built a trusted relationship with them⁵. We spoke with them about their experiences and views of the youth justice system. Additionally, we used the time to find out about their interests, their likes, their dislikes, and how we could work with them to use these interests in the KTP project. Our colleague seconded to the youth justice services, ‘hung around’ the respective youth justice offices and used this time to have informal conversations with the children about the workshops. They were candid in their responses to what they would and wouldn’t like to do. We discussed with them the practicalities of the workshops, i.e. timings, venues and the structure and content of the workshops. Working on the premise that participatory research should promote active youth engagement, with activities reflecting the interests of children (Iwasaki *et al.*, 2014), we co-developed a series of participatory workshops with the children. Co-developing the workshops enabled the children to guide the KTP. The role of the project team was simply to support the children and help to break down the power dynamics between the researchers and the ‘researched’ (Driskell, 2002). We provide a detailed account of the value of co-creating the workshops with the children in an earlier publication (see Smithson and Jones, 2021). Co-creating the workshops built trust amongst the children and having the children identify the activities they were interested in, ensured that they had the skills to take part in the workshops. They were the experts and as such it helped to break down some of the hierarchical power dynamics often found in research projects involving children.

⁵ See Perkins *et al.* (2007) for an overview of trust in participatory research.

The participatory workshops

The children spoke of their interests in sport, music, and graffiti. Based on these interests, we were able to co-design three workshops: boxing, lyric-writing, and urban art. In our supporting role as adult facilitators, a key participatory principle of participatory research (Ozer, 2016), we invited professional facilitators to each of these workshops⁶. While it is not the purpose of this chapter to re-visit the workshops in detail, what follows is a brief description of the ways in which the workshop activities produced the initial themes that resulted in the PYP framework.

The day-long workshops were held at appropriate venues for the respective activities: a boxing gym, a music studio, and a community arts building. They were each designed for the children to take part in the activities, while interspersed with discussion about their experiences of the youth justice system. It should be noted that not all 28 children took part in the participatory workshops. In the main, this was due to the challenging nature of their lives, such as homelessness, returning to custody, and mental ill-health. Nevertheless, we did manage to work with 15 children as part of the workshops. The challenge of trying to get children's 'full' participation in participatory research projects is not uncommon. The children in our project developed ownership of different elements of the KTP project; what Franks (2011:22) refers to as 'pockets of participation'. For example, despite not attending the workshops, those children were still able to influence the project through their earlier contributions.

The emergence of PYP

The data produced from the discussions and interviews with the 28 children in the earlier stages of the project was combined with the outputs from the three workshops. These outputs included recordings of discussions, flip-chart exercises, artwork, and lyrics. The project team undertook the initial stage of data analysis and coded the data and outputs using inductive and deductive theorising (Thew *et al.*, 2020). Foster-Fishman *et al.* (2005) view data analysis as crucial in providing co-researchers in participatory research with an opportunity to critically reflect on their lives. Committed to co-creating each stage of the project with the children, we hosted two further analysis workshops. Despite all 15 of the participatory workshop participants being invited, as noted above, the challenging nature of the children's lives meant that only three children were able to participate in the analysis workshops.

In the first analysis workshop, the themes that had emerged from the initial stage of data analysis were shared with the children. Working with the children, these themes were revised based on their feedback and interpretations. Each theme was discussed in turn, and although each resonated with them, the children changed the language and re-explained certain things based on their experiences. Some themes were expanded while others were collapsed until six themes were eventually agreed upon⁷. These were then taken to a series of regional working groups where they were presented to youth justice practitioners and discussed in detail. The outcome of the working groups was the creation of the PYP framework and its six underlying principles. These principles are: let them (young people) participate (in decision-making), always unpick why (their offending behaviour), acknowledge their limited life chances, help them to problem solve, help them to find better options, and develop their ambitions.

⁶ See Smithson & Jones (2021) for a detailed account of the merit of each activity.

⁷ These themes were: young people having little say in their lives; the need for others to recognise that they have experienced hardships in their lives; a desire to change their lives but not having the social capital to do so; others not understanding their lives; not been given a second chance; and adults ignoring their strengths and skills.

We then ran a second analysis workshop for the children with the aim of co-creating a research output to disseminate the PYP principles. The children decided that they wanted to create some lyrics and we invited the grime artist who had supported the earlier lyric-writing workshop to support the children in writing lyrics that illustrated what they intended each principle to mean. Supported by the grime artist, the children fine-tuned their lyrics and performed them at the end of the workshop. With the permission of the children, we had a local filmmaker set the lyrics to a short film. The film is now used to introduce and explain PYP to children, policy makers and practitioners⁸.

The challenge of embedding PYP in the youth justice system

As we have argued elsewhere (Smithson *et al.*, 2020), the most significant challenge to the embedding of PYP in youth justice service is its acceptance and prioritisation among youth justice practitioners. As discussed earlier in the chapter, the emergence of the CFOS philosophy, and its influence on the workings of the YJB, is a step towards policymakers prioritising the rights of children to participate and engage in the decisions made about them. Since 2016, the YJB has appeared committed to participatory policy and practice. Particularly relevant to the embedding of PYP in practice is the YJB's (2019) *Standards for Children in the Youth Justice System* which explicitly state that the planning of all youth offending work must be undertaken in collaboration with children and their families. However, the extent to which the new-found Child First narrative of the YJB cascades down to youth justice practitioners 'on the ground' remains to be seen. This is largely because embedding the principles of PYP relies on an acceptance that justice-involved children have a right to participate in decision-making. Indeed, PYP compels practitioners to question some of their own beliefs about children's rights and the purpose of the justice system. Furthermore, across the globe, youth justice systems are predominantly grounded in the management of risk and the responsabilisation of children. In England and Wales, for example, youth justice practitioners are required to assess children's risk of (re)offending and to ensure that they comply with court-mandated orders. As such, before youth justice practitioners will prioritise PYP, they need to have the confidence that the wider youth justice system is committed to shifting towards Child First and participatory approaches. With this in mind, this chapter will now explore the facilitators and barriers that we encountered when it came to embedding the PYP framework across the Greater Manchester region.

As mentioned in the preceding section, following the first analysis workshop, we convened a series of regional working groups where the PYP framework and its six underlying principles were finalised. These working groups also resulted in a series of co-designed (with youth justice practitioners) guides to support practitioners to embed the principles of PYP into their daily practice. Furthermore, each of the 10 YOTs in Greater Manchester identified a Participation Champion whose role it is to support their youth justice colleagues in understanding and embedding the framework. The KTP project team provided a series of training events for the 10 Champions, and we continue to work with them. As part of this ongoing work, in 2019⁹, we undertook an assessment of how well PYP had been embedded within youth justice service delivery and provision. The assessment comprised of an online survey of youth justice practitioners in the Greater Manchester region¹⁰, and one-to-one interviews with each of the Participation Champions.

⁸ The film can be watched here: https://www.youtube.com/watch?v=AljXXpOxi5Q&feature=emb_logo

⁹ Approximately 18 months after the original KTP project had finished.

¹⁰ There were 83 respondents to the survey across the 10 YOTs in Greater Manchester.

Over nine tenths (91 per cent) of the survey respondents agreed that their YOT worked in a participatory way. When practitioners were asked, 'What does participation mean to you?', responses differed between professional roles, and both within and across YOTs. For some, participation quite clearly mirrored the principles of PYP of letting children participate.

Giving young people a voice and choices. Involving them in the plans for improving their future. (Youth Justice Support Worker)

Ensuring young people are fully engaged in service delivery and have opportunities to inform and co-design services. (Operational Team Manager)

Allowing young people to have a voice and be involved in decision-making processes. (Youth Justice Case Manager)

Interestingly, several practitioners, while positive in their language about participation and the engagement of children, used words to describe participation which emphasised the need for children to take responsibility for, not just their offending behaviour, but also the extent to which they engaged in the youth justice system.

Giving the young people the best opportunity to take an active role in the process of making amends and avoiding future offending. (Senior Manager)

Young people actively engaging in the support and interventions offered to them. (Youth Justice Case Manager)

Young people being pro-actively engaged with their plan and the work that they need to do. (Senior Manager)

Just over three quarters (76 per cent) of youth justice practitioners stated that they felt able to respond to how children want to be worked with. Over four fifths (85 per cent) stated that they were able to include children in their intervention planning, and two thirds (66 per cent) felt able to include children in decision-making about their cases. Indeed, the interviews with the Participation Champions identified some concrete examples of the PYP framework in practice. For example, one YOT now co-creates intervention plans with children.

You get their [the child's] version of the offence, in their words so they are owning the description of the offence. And we ask them, 'What would be the barriers to completing this intervention? What do you want to achieve from the intervention?' ... The targets are [then] derived from the conversations with the kids, rather than me saying, 'You need to do this'.

Another of the YOTs has set up panels and working groups with children to enable them to participate in decision-making about that YOTs development of, and use of, new initiatives and programmes.

Any new projects we have coming up I run it by young people. You know, 'What do you think to this? Do you think it's something that people would engage with? Do you think you would like it? What ideas have you got?' Literally anything that comes up, I will set up the groups for it, and I will run everything by them.

The Champions were very candid about their roles and the challenges they encountered ‘educating’ their colleagues about the PYP framework. As previously mentioned, the role of the Champions is to support their colleagues in understanding the framework, and how best to embed the PYP principles into their everyday practice. All but one of the Champions were enthusiastic about PYP, prioritising it in their own work, and supporting colleagues to prioritise it in theirs.

Oh yeah, it’s a priority, because it [the intervention] becomes more successful if they [children] are involved from the beginning. Plus, if it’s their idea, the chances are they’re going to do it more.

Structurally, the framework gives us permission to ... be courageous. It encourages certain behaviours, you know, innovation, challenge, and I think that’s really important. ... It absolutely allows for more practitioner discretion.

Several Champions, however, were frustrated by their YOT’s lack of interest and engagement with the PYP framework. Conflicting views about the rights of the child were evident in the responses from Champions when explaining their colleagues’ reactions to participation, and PYP more specifically. Although not mentioned explicitly, children’s rights and the extent to which justice-involved children should participate in decision-making was a source of consternation for some practitioners and reinforces our earlier point about PYP compelling practitioners to question their own beliefs.

We [the Champions] need to really sell it to staff ... in terms of what they will get out of it. Because how they see it is, ... by listening to young people, they are condoning their behaviour.

People struggle sometimes with the concept [of PYP], particularly when they feel like the engagement [from the child] isn’t happening ... and they [the practitioner] might have done all sorts to try and encourage that [engagement]. To then continue and in some way concede some power and control to a young person who you feel isn’t helping themselves can be difficult.

The YJB’s (2019) *Standards for Children in the Youth Justice System* state that Child First should guide the work of the youth justice system. However, the notion that participation, and PYP specifically, runs in parallel with youth justice service delivery and provision rather than being embedded within it is a concern. As several Champions highlighted:

It [PYP] has not been embedded at all. ... Some people perhaps can’t see the usefulness of it, and it’s something else you have to do on top of everything else. I think that’s the biggest barrier to things.

We did the quick [participation] wins and produced a report about the changes we made, but that to me was more about listening to the voice of a child, rather than embedding the [PYP] principles into the way we work as a [youth justice] service.

There is a long way to go. I feel we are still in the infancy of having a service which truly allows the kids to participate.

We concur with Case and Browning (2021) who argue that a significant barrier to practitioners’ motivation and willingness to embed participation into their daily practice is the risk-based and enforcement-led nature of youth justice systems. The wholesale system narrative that is

evolving around participation needs to be developed alongside the recognition that risk and enforcement are in direct contrast to the Child First philosophy and the PYP framework. Added to this, many of the Champions discussed the prescriptive nature of much youth justice work, and the pressures practitioners are under from management to deliver their work in this way. The Champions were acutely aware that prescriptive working approaches and the setting of targets and time constraints is also at odds with the principles of PYP.

It [PYP] is an approach. It's not a solution, and it will continue to evolve and be fluid and grow in the service. And with something like this [PYP] framework, you don't put barriers in place and time constraints and say, 'This is what I need done by this certain date' or 'I want everyone to do this workshop', because it means nothing.

They [management] need to give us the confidence to say, 'When a kid starts an order, we don't want to write this prescriptive intervention plan. We want to have a period of time to work with the child and get to know them'. And have the confidence as a service to say, 'For the first four weeks this is what we are going to do', rather than say, 'For the first four weeks, I am going to work on peer pressure'.

As we have written elsewhere (Smithson & Gray, 2021), it is crucial that youth justice policymakers accept that meaningful participation takes time. It cannot be viewed as a tick-box exercise or a 'quick-win'. Indeed, the view that it takes time to do participation well and to properly embed PYP into practitioners' daily practice was one that was strongly expressed by the Participation Champions. This is important to remember, especially when one considers that participation done badly (i.e., through tokenistic approaches to participation) has the potential to be extremely damaging for children (Smithson & Gray, 2021). Nonetheless, we must not lose sight of the fact that, when done properly, PYP does have the potential to lead to positive outcomes for justice-involved children. As one of the Champions reflected:

It [PYP] is linked to valuing participation, valuing young people's voices. If we improve the service through participation, we will naturally improve outcomes for young people.

Conclusion

The aim of this chapter was to present a candid account of the emergence of PYP and the facilitators and barriers to embedding the framework in youth justice practice. While the KTP project preceded the YJB's (2016) *Participation Strategy* and the *Standards for Children in the Youth Justice System* (YJB, 2019), since we undertook our assessment of PYP in 2019, the discourse around Child First has intensified (YJB, 2021). Our work has made a unique contribution to this discourse and the evidence base around participation in practice. It has been formative in promoting a tangible model of children's participation in youth justice systems. Indeed, its unique co-productive approach has advanced other participatory models of youth justice practice.

Reflections and feedback from our GMYJUP practice colleagues have demonstrated that the KTP project has had a significant impact in contributing to the wider Greater Manchester Strategy for youth justice. The PYP framework aligns with the national, local and regional strategic drive to improve the voice of the child within youth justice. It has been described by heads of service across the region as taking a 'gold standard' approach to participation through the triangulation of service user, service provider and academic contributions; strengthening

the strategic commitment across the region to deliver a youth justice system based on the principles of inclusion and participation.

Our experiences of co-creating PYP and supporting youth justice practitioners to embed it in their daily practice have highlighted several important issues. Firstly, is the acknowledgement that, while the Child First discourse and narrative is becoming more prominent in youth justice policy, there is still a substantial amount of work that needs to be done before the youth justice system can confidently claim that it is grounded in meaningful participation. Secondly, our assessment of PYP found that the underlying ethos of the youth justice system, in terms of managing risk and enforcing sanctions, is a significant barrier to practitioners being able to properly develop and embrace participation. The argument made here is that meaningful participation requires moving beyond a system characterised by top-down approaches and a preoccupation with risk management, to a system that provides children with space, voice, audience, and influence (Lundy, 2007). We have argued elsewhere that “the ideological underpinnings of participatory research approaches including power sharing and valuing authentic understandings and lived expertise, underline the need for youth justice systems to be underpinned by an ideology of respecting young people’s rights, responding appropriately, and enabling them to contribute to the decision-making around their own lives and the system’s response to their offending behaviour (Smithson *et al* 2020:334). Unless youth justice systems accept that children have the right to be heard and taken seriously (Byrne & Lundy, 2019), the Child First rhetoric will struggle to be translated into reality.

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