

## Commission on Justice in Wales: Call for Evidence

### Positive Youth Justice: Children First, Offenders Second – Professor Stephen Case

Question 1 asked:

1. What is working well in the justice system in Wales? What is not working well? Are there examples of innovation and good practice, both in and beyond Wales, which should be adopted and shared?

In response to this call for evidence, in particular your first question, I would like to offer the following regarding the evidence-based, principled model of 'Positive Youth Justice' that has been developed in Wales and since rolled out across areas of England and internationally (e.g. certain states in the USA). The Positive Youth Justice model, subtitled 'Children First, Offenders Second', provides youth justice professionals with a guiding philosophy of practice for their work with children; a sense of objective and purpose to frame and animate their knowledge, expertise and skills.

#### ***Children First, Offenders Second* advocates for:**

- Child-friendly and child-appropriate, not adulterised justice – offending is 'only one element of a much wider and more complex identity' for children and should be addressed by through joined-up, inclusive and rights-based social policies' (Drakeford 2009: 8);
- Diversionary, not Punishment/Justice/Welfare-based – the formal YJS has harmful properties and normal child rearing practices should be prioritised when dealing with the child's behaviour. The best place to do this is in the context of the family;
- Prevention as inclusionary, not exclusionary – the prevention of offending is a proper, even primary, goal of the YJS. Associated intervention should pursue children's inclusion, participation and engagement in order to prioritise the promotion of positive behaviours and outcomes;
- Legitimate to children, not labelling and stigmatising – systemic responses to children must be seen as legitimate in the eyes of children. If children consider the Law to be moral, right or just (and fair) they are more likely to live their lives within the confines of the Law and social order will be promoted;
- Evidence-based partnership, not programme fetishism – for responses to children who offend to be properly inclusionary and legitimate, they should be based on genuine partnership working that is evidence-based, not the programme fetishism for pseudo-psychological, Americanised 'what works', risk-obsessed prevention that is promoted by government.;
- Systems management, not unprincipled net-widening – the YJS is an inter-connected, mutually-reinforcing series of decision-making points (e.g. arrest, bail, remand, sentence, divert, imprison, punish) that can be targeted to meet specific (child-friendly) goals, rather than to widen the net of intervention/interference that can label and criminalise children;
- Partnership with the State, not distrustful of the State – *CFOS* has found its fullest expression in relation to the emerging principles of Welsh social policy for children. The State, at both central and indeed local levels, is a critical partner in developing effective youth justice policy, strategy and practice;

- Responsibilising adults, not responsabilising children – children are not given the full social responsibilities of adulthood, so it is wrong to invoke this responsibility when they come into contact with the YJS. Instead, adults should take full responsibility for facilitating children’s access to their rights and entitlements and for promoting social inclusion, participation, engagement and positive outcomes for children.

## EVIDENCE

A large evidence-base supporting the practical utility of these principles has been generated through research in Wales (most notably in Swansea) conducted by Professor Stephen Case, Professor Kevin Haines and Dr Anthony Charles (among others) – references to this research and its impact are attached:

- **Youth Justice: A Critical Introduction (Case 2018)** – a research-informed textbook outlining innovation and good practice in Welsh youth justice (chapters 5 and 6);
- **Positive Youth Justice: Children First, Offenders Second (Haines and Case 2015)** – a research-based book detailing the evolution of the approach (chapters 1-2), its links to Welsh policy (chapter 3) and its large evidence base around prevention, diversion and social inclusion work (cf. chapters 5-6);
- **The Swansea Bureau: A Model of Diversion from the Youth Justice System (Haines, Case, Charles and Davies 2013)** – an empirical research article detailing the evolution of the Bureau model in Swansea (now rolled-out across Wales) and its ‘children first’, principled successes in reducing first-time entry into the Youth Justice System and reoffending amongst young people.