

COVID, Youth Justice and Challenges

Dr Anthony Charles

Introduction

- Member of Faculty at Swansea University
- Criminologist who leads teaching in youth justice at Swansea (UG and PGT)
- Former local authority CYP Policy Officer and Youth Justice Research Officer linked to Swansea YOS
- Currently Criminology Co-ordinator for the Observatory on the Human Rights of Children, Co-ordinator of the Innovative Youth Justice Team and Lead for the Swansea School Research Partnership
- Made an Associate of the Centre for Children's and Young People's Justice in 2019

Today



- Trying to understand what has happened
- Reflecting on the experiences of individuals involved in providing services for children and young people
- Considering how disruption has created challenges (and opportunities)

Setting the scene



Welsh Parliament & Government

Legislation and policy

Children and Families (Wales) Measure (2010)
Rights of Children and Young Persons (Wales) Measure (2011)
Social Services and Well Being (Wales) Act (2014)
Well Being of Future Generations (Wales) Act (2015)



Welsh Local Government

Local co-ordination

Local Government Act (2000)
Crime and Disorder Act (1998)
LASPOA (2012)
Anti-Social Behaviour, Crime and Policing Act (2014)
Community Safety Partnerships



Schools

Front line services

Education providers
Local service hubs
Family support
Multi-agency co-operation
'First point of call'

Criminal Justice is not devolved. However, in terms of influence...



YJB / YOT's

ECM, diversion and community support



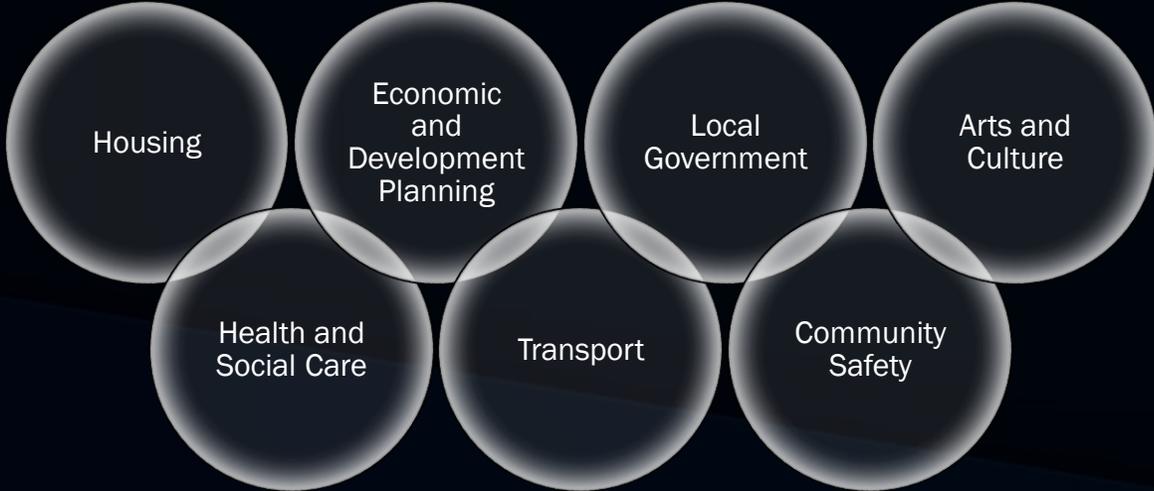
Welsh Government

Youth Justice Blueprint



Councils

Due Regard Policy Framework, ASB, Social Services, Recreation



Health

CAMHS, GP support, early intervention



PCC's

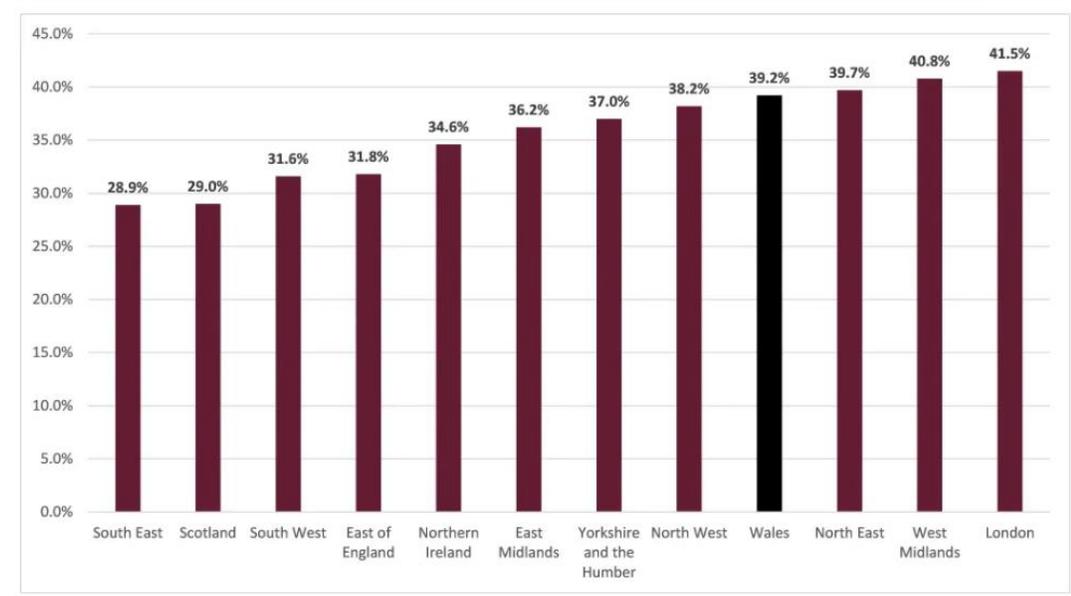
ACE's, Youth Trust and MoJ / Welsh Government interface

However...

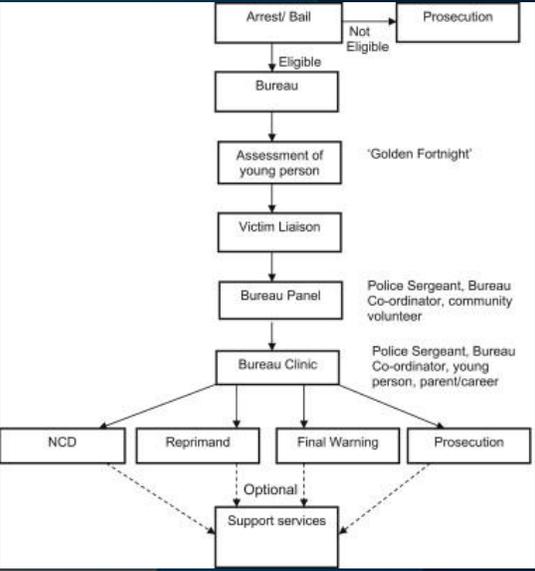
"Throughout this crisis, our Committee has closely monitored the pandemic's impact on children and young people. **There is little doubt that coronavirus and the measures taken to manage it have impacted the lives of children and young people significantly.** This is clearly highlighted by the disruption to children's right to education and the right to play, restricted contact with friends and family in particular for care experienced children, and the restrictions on access to clubs and activities. **What is less clear is whether there has been systematic consideration of children's rights within government when developing its response to the pandemic.** We are determined to monitor the First Minister's recent commitment to consider how best to present assessments of "the potential impacts of maintaining or easing restrictions on equalities and the rights of children and meeting other statutory duties."... **Our inquiry on children's rights has led us to conclude that there is still progress to be made... children's rights are not driving the Welsh Government's decision-making as the legislation intended."**

(Lynn Neagle MS, Chair, Children, Young People and Education Committee, Welsh Parliament, 2020: 5-6)

Estimated % of children in poverty 2019-2020 to 2020-2021



Putting things in context




Youth Justice Blueprint for Wales

Preventing children from entering the criminal justice system, minimising their contact with it and maximising opportunities for diversion is essential in supporting them to lead crime free lives. The statutory aim of the youth justice system is to prevent offending by children. The Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015 sets out requirements to ensure local services are provided to prevent children from offending and to promote their future welfare. Adverse childhood experiences (ACEs) can have a significant effect on mental well-being throughout life leading to negative outcomes such as involvement in crime.

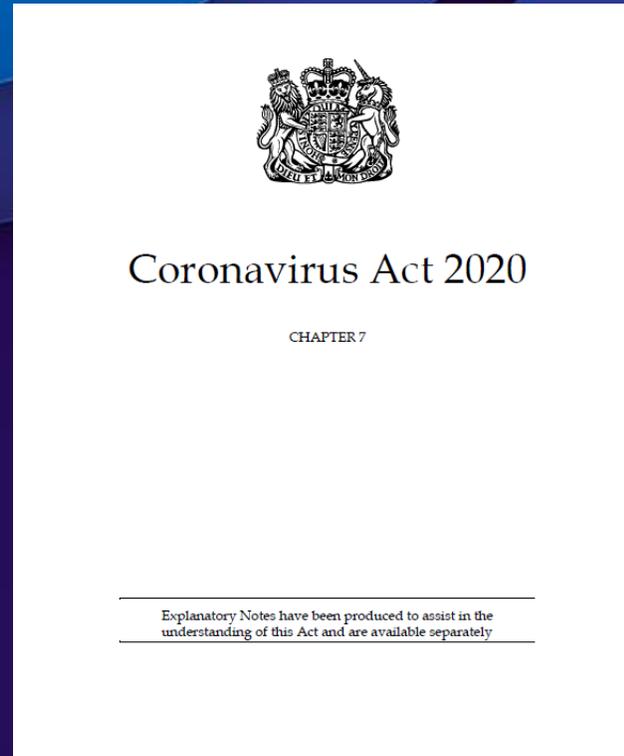
Those with four or more ACEs are 15 times more likely to commit violence and 20 times more likely to be imprisoned. Policy is therefore focused on preventing and minimising the impact of ACEs, of stopping inter-generational problems and developing resilience to improve life chances. The Youth Justice Blueprint also recognises the commitment to the delivery of children's rights in Wales. The whole-system approach described below takes account of the relevant articles of the United Nations Convention on the Rights of the Child in the design of youth justice services for Wales. It sets out the ambition for a rights-based and trauma-informed system, which will support services to deliver positive outcomes for children in Wales.

<p>Our aspirations are to:</p> <p>Develop a youth justice system which treats children with fairness and respect and helps them to build on their strengths and to make positive changes and choices in their lives.</p> <p>Support children to live crime free, positive and healthy lives, improving well-being and making communities safer.</p> <p>Reduce the number of children in the youth justice system through effective diversion and prevent offending by addressing the vulnerabilities that often lead to crime.</p> <p>Reduce re-offending and create safe environments in which children are protected from harm and supported to thrive.</p> <p>Deliver a bold ambitious approach with transformative, sustainable services that provide continuity of care throughout the system.</p> <p>Work with key stakeholders to strengthen the integrated partnership approach to the delivery of youth justice services which prioritises 'child first' and improves outcomes for children.</p>	<p>The Whole-system Approach will focus on:</p> <p>Prevention: Targeted prevention activity in Wales should continue to be prioritised through dedicated funding. The intention is to prevent children from entering the criminal justice system, who may not yet have offended. We will explore options to:</p> <ul style="list-style-type: none"> Align preventative services offered to children (including those targeted at reducing the number of looked after children, the prevention of school exclusions and homelessness) with a joint framework model and shared risk or intervention trigger factors to improve outcomes for children. Develop effective monitoring of prevention activity to demonstrate impact and to align reporting to Welsh Government, Youth Justice Board and Police and Crime Commissioners where possible. <p>Pre-Court diversion: Existing models and practice in pre-court diversion are a strength and should continue to be supported and funded because of their proven impact in reducing first time entrants. We will explore options to:</p> <ul style="list-style-type: none"> Further develop diversionary practices and a more co-ordinated approach to establish consistent rights-based practice across Wales, including notification between the police and youth offending teams when community resolutions are issued. <p>Community: Children in the system can experience complex needs including a background of emotional trauma and ACEs. We will scope options to:</p> <ul style="list-style-type: none"> Roll out a trauma-based approach in Wales, which is embedded as systematic practice, starting with the identification of and response to ACEs when children first come to the attention of police. Develop the Enhanced Case Management (ECM) approach nationally for complex and high-risk cases, a psychology led, multi-agency approach, enabling effective tailoring and sequencing of interventions, recognising the trauma and adverse events children have experienced. Align with the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, to benefit children who have become victims through experiencing or witnessing domestic abuse or sexual violence in their home environment and reduce the risk of perpetrating such offences. Support the youth justice sector with resources, training and qualifications to improve practitioner skills in recognising and responding to trauma. <p>Custody: There have been long-standing concerns about the distant placing of Welsh children away from their home area. We will explore options for:</p> <ul style="list-style-type: none"> All Welsh-resident children being placed in secure accommodation in Wales and near to their home communities. This will include reciprocal arrangements with England so that cross-border arrangements are in place for individual cases on an exceptional basis. Trauma-informed secure provision, drawing on best practice in multi-agency working to develop a centre of excellence with delivery of mental health, health care education and training. <p>Resettlement and transitions: Resettlement is most effective when there is multi-disciplinary, collaborative working between agencies providing support in custody and the community. We will consider how:</p> <ul style="list-style-type: none"> A 'Constructive Resettlement' approach can be adopted, so work with children is constructive, co-created, customised, consistent and co-ordinated. Resettlement practice can be broadened to encompass family-focused work to prepare the home environment for the child's return; improving reintegration. Multi-agency responses to reintegration and resettlement can be further strengthened. Transition arrangements to adult criminal justice services other adult services such as mental health, substance misuse can be improved. <p>System oversight: Effective delivery of youth justice services requires robust oversight and partnership arrangements. We will explore options for:</p> <ul style="list-style-type: none"> A national trauma-informed approach for the delivery of youth justice services in Wales. This will require continued partnership arrangements between the UK Government and Welsh Government to enable the co-ordinated exercise of respective functions to deliver the Blueprint and embed new systems and arrangements. Strengthened partnership arrangements between the Welsh Government, Her Majesty's Prison and Probation Service Wales, Youth Custody Service and the Youth Justice Board to enable the co-ordinated exercise of the respective functions to deliver the Blueprint and embed new systems and arrangements. 	<p>Our guiding principles</p> <p>The Youth Justice Blueprint for Wales sets out our vision for youth justice in Wales. It will:</p> <p>Take a 'children first' approach to youth justice, ensure that it is child-centred rather than service focused, ensure that it meets the individual needs of children and responds to their best interests.</p> <p>Take a trauma-informed approach throughout the various stages of the youth justice system, from prevention and early intervention to resettlement from custody, recognising and responding to ACEs and indicators of complex need.</p> <p>Embed trauma-informed approaches into community and custodial practice to effect cultural and systemic change and deliver consistent approaches in meeting children's needs.</p> <p>Align devolved and non-devolved services through a shared vision, values and approach which underpins the design and delivery of services.</p>
<p>What success looks like</p> <p>The youth justice system has experienced significant reductions in first time entrants, and custodial populations. This Blueprint builds on this success. It aims to improve criminal and social outcomes for children in contact with the youth justice system and to support them to develop resilience and to fulfil their potential. It aligns with the principles and objectives of the Well-Being of Future Generations (Wales) Act 2015 by modifying services to improve outcomes for children, their families, victims and the wider community. Recognising and responding appropriately to the impact that trauma and ACEs have on children, will result in more effective responses, reduce the likelihood of perpetuating ACEs in successive generations and inter-generational criminal behaviour.</p> <p>This whole-system approach is intended to ensure that children in, or at risk of entering the youth justice system will have access to services that act in their best interests, are non-discriminatory, encourage their active participation in decisions which affect them and ensure their access to rights and entitlements. The Blueprint sets out a commitment for realising how devolved and non-devolved services can work together to realise children's rights and develop a youth justice system in Wales which is based on rights-based principles.</p>		

The implementation of the Youth Justice Blueprint will be overseen through a specialist programme under the oversight of the Wales Youth Justice Advisory Panel.



What has happened in 2020?



NEWS

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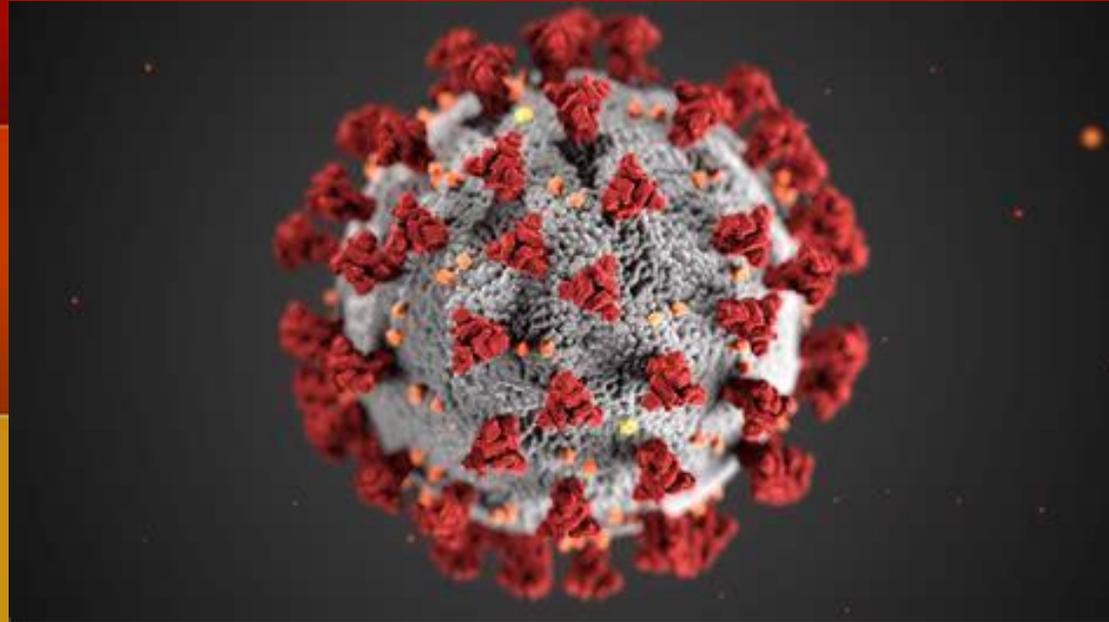


Coronavirus lockdown in Wales: What are the new rules?

People from different households can now meet up outside in Wales. But they will have to maintain social distancing and stay at least two metres apart. The Welsh Government says people should only travel locally - using five miles as a "general rule". Those who have been advised to "shield" at home can also go outside if they want, but the health minister said they should still avoid shopping.

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Two examples of change and potential consequences:

Work in schools

Shifts in local youth justice practice

Pre-COVID – ‘Welshtown Primary School’

Appropriate Interventions and Support

Rights Embedding
School

Cultural awareness:
WIMD; FSM; FSI and
CSI scores; behaviour;



Early intervention and
prevention

Focus on well-being, RP,
and a ‘community hub’

Restoration

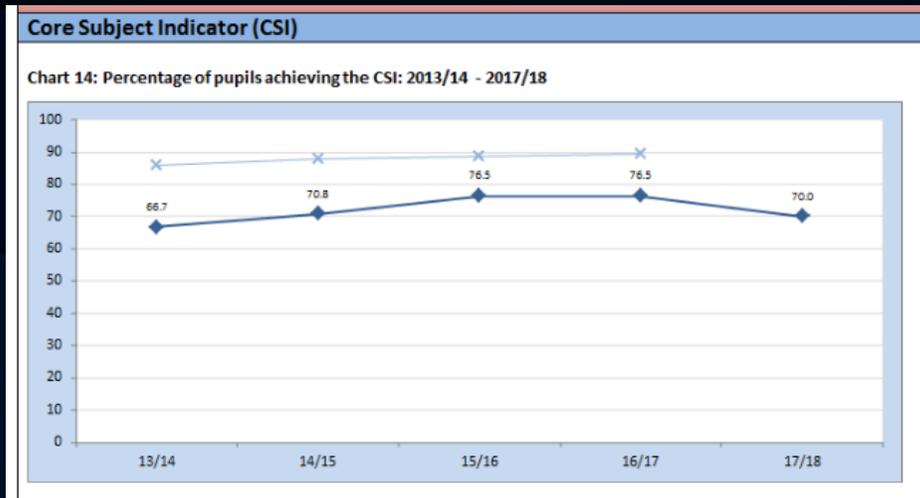
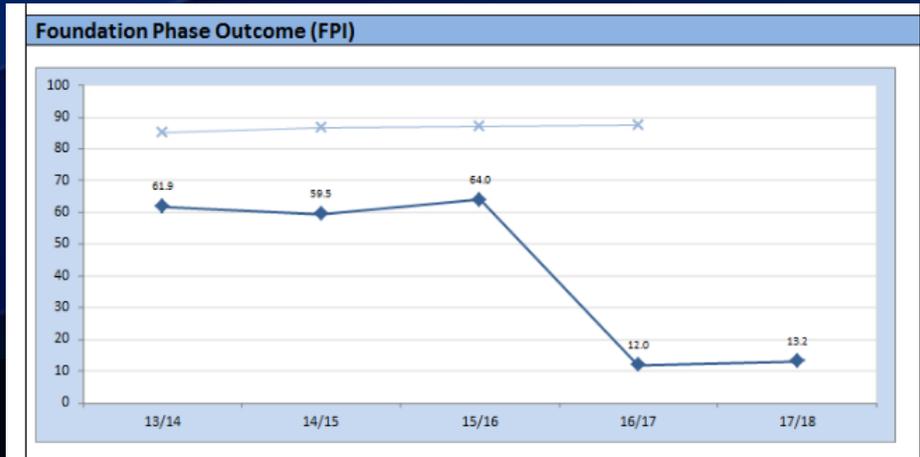
Behaviour

Participation

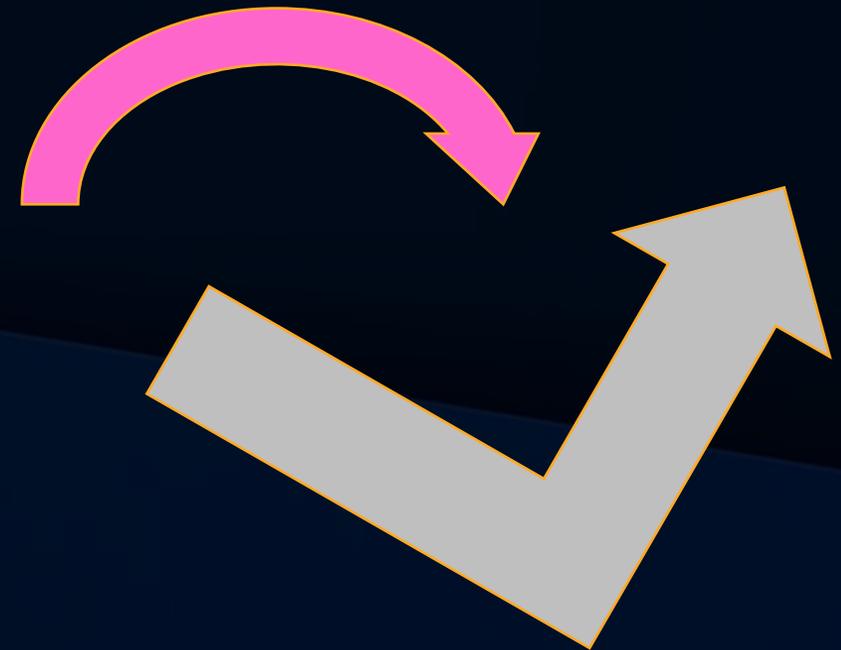
Interventions



Progress in improving behaviours

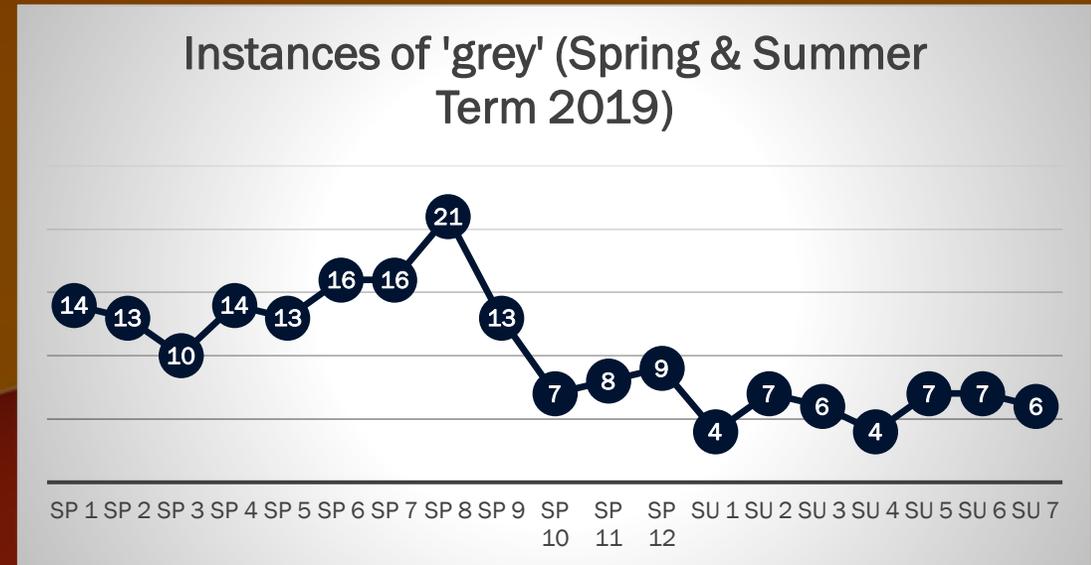


PURPLE Methodology
Positive
Resourceful
Determination
Improvements
Reflective
Effort



Outcomes

- Foundation Phase Indicator target 16% - Actual, 32%
- Core Subject Indicator target 55% - Actual, 68%
- **68% decrease in exclusions in 1 year**
- Strengthening of teaching practice (including strengthening of training)
- Optimised deployment of Family Support and agency referrals
- Behaviour learning and flow-through





“This is an investment. We invest time and resource to make sure that children, especially those who might not otherwise have support know that someone is there to help them. We want them to do well and develop.”

“People think school is just about classes... but when we’re here Miss [form teacher] listens to us, if we’re sad or upset, someone is always there to help and our friends are there for us. And, we get to know about our rights and how to use them.”

“The school has had to turn the power up on its community role and shift service provision. There has been a shift to helping parents and families more, for instance, with mental health issues. Services have not been able to get to families, and families could not get to services for help. But, we were there... We are thinking ahead though because this can have serious consequences.”

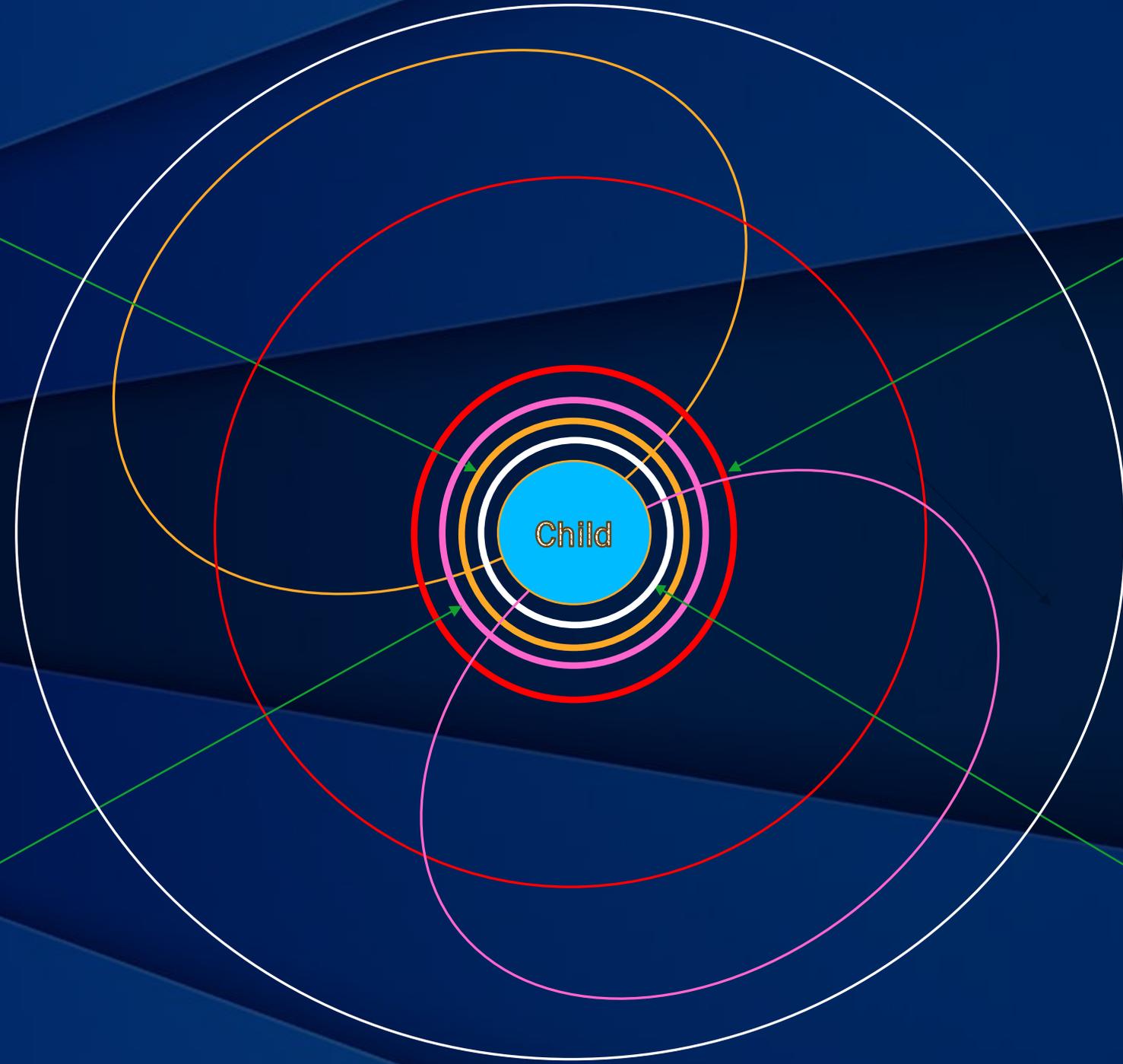
Learning activities

Welfare support

Child

Routine /
behaviour
support

Engagement
with staff and
specialist
school teams



Youth Justice?

Increased levels of engagement
between YJB Cymru and YOT's

Shifts in working patterns and modes

Statutory and community-based work
continuing

Reflection



Rheolwyr Timau Troseddu Ieuenctid Cymru
YOT Managers Cymru



Youth Justice Board
Bwrdd Cyfiawnder Ieuenctid

**A summary highlighting good
practice in Youth Justice
during the COVID-19 pandemic
in Wales (July 2020)**

Interesting effects?



Child-Friendly?

- Children preferring on-line 'e-communications'
- Increased accessibility to children
- Using methods that children like



Appropriate interventions

- Providing appropriate, local interventions:
- Using community assets and capital
 - 'Keeping it local'
- Adapting and providing enjoyable interventions



Adjusting access to justice

- De-stigmatising justice processes:
 - E.g. virtual Bureau
 - Centrality of the home and parents/carers
 - Community work

Something else...

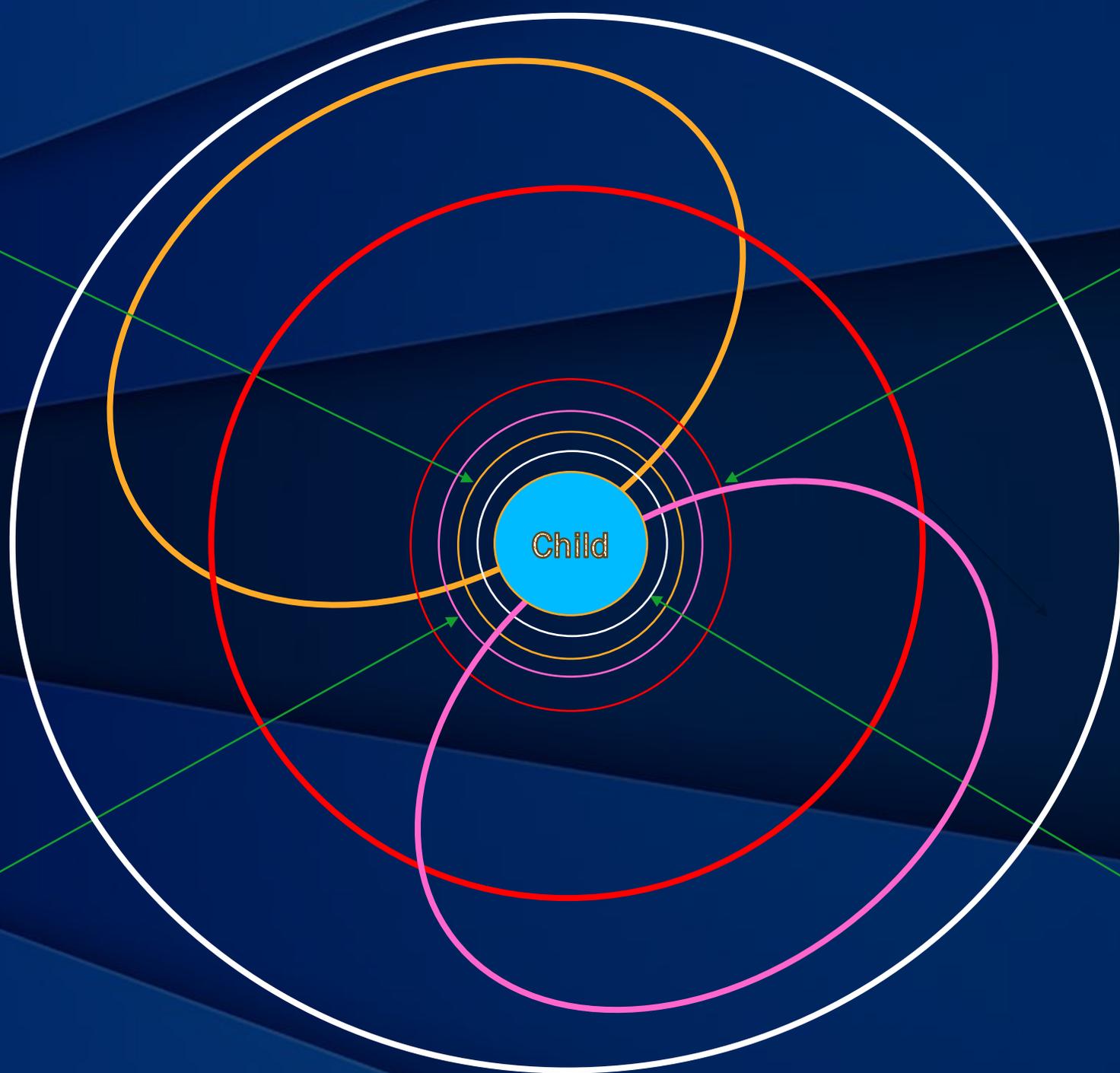
- Not just about the children, but something that may benefit them:

“Do you know maybe I’ve done five or six visits in a day and come home and then done my admin work... in terms of work life balance, it’s brilliant. I’m not stuck in an office just for the sake of it... I’m not walking across town because I can park only a mile and a half away... I just think it’s far more flexible. I think especially for young people as well, if you’re willing to have your phone on, maybe that time is even harm reduction as well. You’re supporting young people... it takes core hours out of it... Let’s go out to the families in their communities. We can be seen in the communities so they know who we are. You’re going to get far more preventative... This is how it used to be...”

(Youth Justice Officer)

Learning activities

Intervention support



Routine /
behaviour
support

Engagement
with YOT staff

**Denial v
Enhancement of
Art 40 Rights (&
GC 24
expectations)**

**Government v
Public perceptions
of service shifts**

Innovation?

**More meaningful
forms of 'youth
justice'?**

**Greater
engagement with
the vulnerable in a
time of less
contact**

Emerging COVID-related challenges

Relationships

- Many of the things that 'work' are relationship heavy and have traditionally worked within institutional settings
- YOT practice may actually have become more focused upon relationships, rather than process and intervention
- Relationships with rights at school?

Shifts in support

- Poor take up of school supplied virtual learning systems. Also, on-going positive programmes such as healthy eating, emotional support and nurture have been disrupted
- The 'you will come to the office' approach for YOT's has changed. Also, due to facility closure, community-based and local support is being more widely provided, e.g. park-based activities

Changed behaviours

- Redefining youth justice?
- Domestic violence and ASB?
- Shifts in the 'routines' of families
- Fear and isolation
- The unintended consequences of staff and family work from home and lockdown family time

Reflections 1 – Youth Justice?

Does COVID give us a chance to pause and think about what ‘youth justice’ is?

- Devolved and reserved interface?

“In Wales, the Welsh government provides additional funding to YOTs and, as responsibility for education, health and wider services for children are devolved, can play a significant role in promoting enhanced partnership working between these different agencies.” (Taylor, 2016: 14)

- Time to revisit Morgan (2009), Silk (2014) and the JCW (2019)?

- Blueprint implications?

Reflections 2 - Three 'R's?

Responsiveness

Reassurance Reliability

Reflections 3 – Remembering the dangers of not respecting children's rights?



Ministry
of Justice



1 Duty to have due regard to Convention on the Rights of the Child

- (1) From the beginning of May 2014, the Welsh Ministers must, when exercising any of their functions, have due regard to the requirements of—
 - (a) Part I of the Convention,
 - (b) articles 1 to 7 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, except article 6(2), and
 - (c) articles 1 to 10 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- (2) From the beginning of May 2012 until the end of April 2014, the Welsh Ministers must, in making any decision which falls within subsection (3), have due regard to the requirements of Part I of the Convention and the Protocols.
- (3) A decision falls within this subsection if it is a decision about any of the following—
 - (a) provision proposed to be included in an enactment;
 - (b) formulation of a new policy;
 - (c) a review of or change to an existing policy.
- (4) References in this Measure to the Welsh Ministers' duty under this section are—
 - (a) from the beginning of May 2012 until the end of April 2014, to the duty in subsection (2); and
 - (b) from the beginning of May 2014, to the duty in subsection (1).
- (5) This section applies to the First Minister as to the Welsh Ministers (and any reference in this Measure to the duty under this section is to be read accordingly).

United Nations



Convention on the
Rights of the Child

10. Building on the reducing numbers of children and young people in custody and those entering the criminal justice system, youth justice policy should be determined and delivered in Wales¹⁰.
11. The age of criminal responsibility should be raised to at least 12 years old in Wales¹¹.



Llywodraeth Cymru
Welsh Government

Poignant thoughts?

“See for me, I got really angry about it... You can't do it, you can't have people tell you that you have rights and things and then, when it doesn't suit them [adults], they switch it off and its like, 'just do as you're told!' That's not fair... They wanted me to get involved in things, but they never asked me if you get what I'm saying? All they had to do was say, 'have a go' or 'this could help'... I know that they can tell me some things to do, but I should still have a say and feel that I can talk to them. I don't think that's weird or too much?... When people just do things, don't explain and don't hear you, you can get mad and like I said, so much for my 'rights'.”

(Young Person)

“You [University researchers] are some of the only people who listen to us. It's like you want to listen. I wish everyone did because you know what, we know stuff too and we can help people like you to change things... When [name redacted] was in another school he said he got in trouble, he was having stuff at home and no-one even asked... When he came to this school, they found out really quick and it stopped bad things... His Mam and Dad needed help and they got it. His sis, she had things happening and was into stuff and they helped her too and they asked him what he needed... Doesn't seem like much does it? But [name redacted] got respected, you know? They cared about him and if he was okay and was doing well and he was happy again... If everyone did that, things would be so good.”

(Primary School Pupil)

Thank you – Any
questions?

