



Young people's participation in the youth justice system

Di Hart and Chris Thompson

NCB's vision is a society in which all children and young people are valued and their rights are respected.

Published by NCB. Registered Charity Number 258825.
8 Wakley Street, London EC1V 7QE. Tel: 020 7843 6000

© NCB, December 2009

Acknowledgements

We would like to thank the following for their help with this project:

- The policy makers and practitioners who gave up their time to assist us and to reflect openly on the strengths and frustrations of current practice.
- The eight young people who openly described their experiences.
- Participants at the invited seminar who contributed their expertise, knowledge and ideas.

Contents

Key points	4
Recommendations	5
Introduction	6
What is participation?	7
The law and policy regarding participation	9
Messages from the literature	15
Why involve young people?	15
How effective are the systems for participation?	16
What happens in practice?	17
Conclusions	19
Young people's perspectives	21
Interview process	21
Communication with YOT workers	22
Communication with other professionals	22
Written communication	23
'What Do YOU Think?'	23
Participation in case planning	24
Involvement in the development of the youth justice system	24
Conclusions	25
Adults' perspectives	27
Policy and expectations	27
Participation in practice	28
Developing a commitment	28
Developing the mechanisms	29
Individual assessment and intervention planning	32
Public perceptions	33
Conclusions	33
References	34

Key points

- Although young offenders have the same right to have their views taken into account as other young people, there is a lack of strategic direction as to how this should be implemented. Expectations are limited to the 'engagement' of young offenders rather than enabling them to have a say in decision-making.
- Some services are choosing to exceed these expectations and are developing local consultation mechanisms or other participative approaches.
- There are a number of barriers to these participative approaches, including political ambivalence about whether young offenders 'deserve' a say; staff culture and commitment; knowledge and skills in effective methods; the duality between the enforcement and enabling functions of the youth justice system which can inhibit young people's willingness to be open.
- The involvement of young people in their own assessment is underdeveloped and, even where they provide useful information, this may not be used to inform the plans that are made by youth offending teams (YOT), courts or custodial settings.
- Young offenders have low expectations about their ability to influence the plans that are made for them but would welcome the opportunity to have more say.
- The involvement of parents is similarly underdeveloped.
- Youth justice services are not sufficiently held to account for their ability to actively involve young offenders and there are shortcomings in the monitoring and independent scrutiny of their effectiveness in this aspect of the work.
- Participative approaches can improve outcomes. If young people feel listened to, they value the experience and their behaviour is likely to improve and the job satisfaction of staff is increased.

Recommendations

- The YJB should develop a participation strategy covering all aspects of the youth justice service. This should set out the legal and policy framework underpinning participation and the links to a cross-departmental approach.
- The strategy should establish mechanisms that will support the development of a culture of participation throughout youth justice services, in recognition that staff commitment is key. For example, all staff within the youth justice system should receive training in participative approaches.
- The strategy should endorse the further development of effective mechanisms for involving young offenders, and their parents, in policy and service development.
- The formats and approaches to involving young people in their own assessment and case management should be reviewed, in partnership with young people. This should also be informed by the views of parents.
- All aspects of participation work should be evaluated in order to build an evidence base of the extent to which it adds value at both a societal and individual level. Evaluation should include information about the impact of participation on young people's outcomes, including breaches and re-offending.
- A performance framework should be developed so that services collect information and produce reports on their participation work, and this should be subjected to independent scrutiny.
- Youth justice agencies should give consideration to the way young offenders are portrayed, and should take steps to encourage perceptions that they do deserve a voice, stressing the benefits for the young people, the services and wider society.

Introduction

Only that individual can help adults to know what will really work for them – and more importantly what won't work. This is important for getting it right for all, especially where the adults might not know what life is really like for the individual child or young person... (NACRO 2008, p.6).

There is an increasing expectation, both nationally and internationally, that children and young people should be involved in decisions that affect them (Children Act 1989; UN Convention on the Rights of the Child). A range of mechanisms have been developed for ensuring their participation in mainstream policy and service development. For example, the Youth Parliament contributes to the development of national policy, schools have developed school councils and most local authorities have employed children's rights or participation officers.

Guidance on the youth justice system also refers to the need to involve children and young people but with less apparent emphasis, and fewer formal mechanisms, than other children's services. At an individual level, attempts have been made to involve young offenders in their own assessment and intervention plan, but frontline staff are critical of the formats within the youth justice assessment framework (Asset) for seeking young people's views and there is no equivalent of the independent reviewing officer for children in care (IRO) or other quality assurance role to ensure that their voice is represented. Complaints systems are also less independent than those within social care services.

Why is this? Some contributors to this report have suggested that the underlying discourse of punishment is in conflict with a commitment to participation: young people who have done something wrong don't 'deserve' to have a say in what happens to them. However, this report will suggest that involving young people in a meaningful way can produce benefits beyond the conferring of rights: outcomes are more likely to be positive where young people have been active partners in shaping the services they receive.

NCB project

In order to stimulate debate about the ways in which children and young people are enabled to have a say within the youth justice system, NCB has undertaken a scoping project. The overall aim was to explore the ways in which children and young people are currently involved in the planning and delivery of youth justice services, both from the perspective of individual case-management and the service as a whole. This was undertaken with a view to establishing what more needs to be done to strengthen the involvement of young people in order to improve their outcomes.

Specific project activities were:

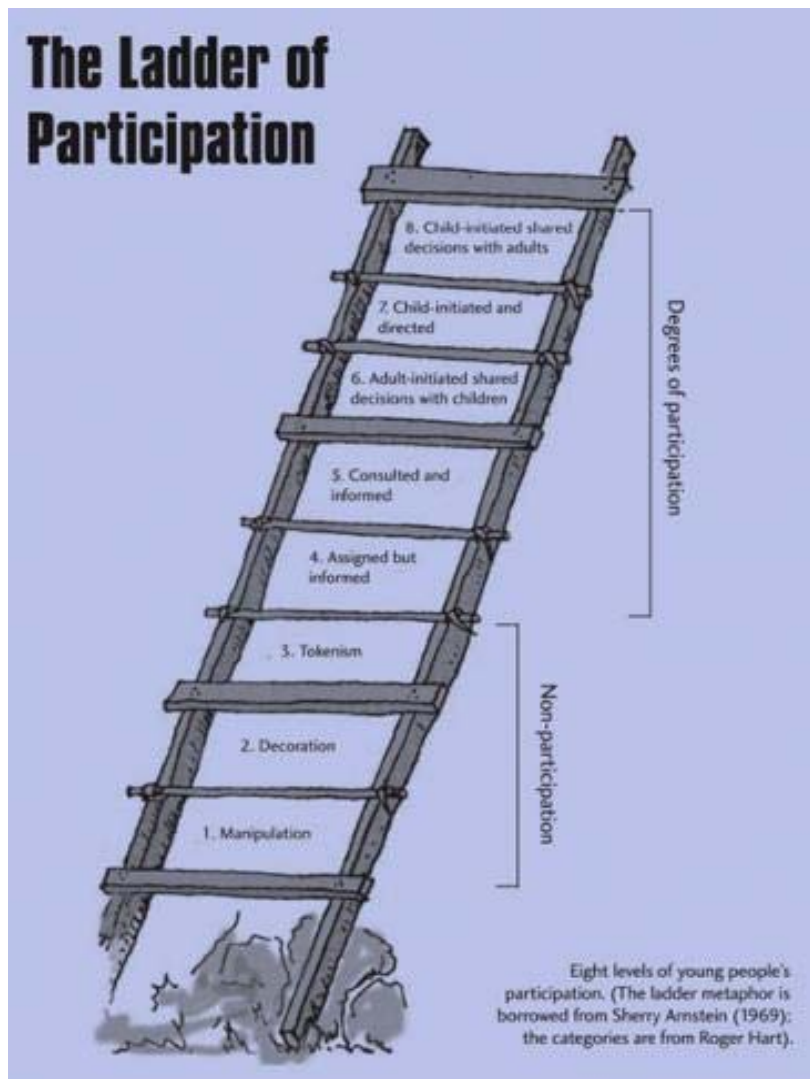
- Review the current legal, policy and practice framework for young people's participation at different stages of the youth justice service.

- Review the relevant literature on participation within youth justice services.
- Interview a sample of national experts/stakeholders.
- Seek the views of local practitioners and young people involved in the youth justice system, including YOTs, service providers and secure establishments.
- Convene an invited seminar to share findings, explore key issues and identify areas for development.

What is participation?

Participation is the process by which children and young people influence decision making which brings about change in them, others, their service and their communities (National Youth Agency; <http://hbr.nya.org.uk>).

The term 'participation' is not straightforward, and means different things to different people. In reality, there are many different levels of participation, and ongoing interaction between a practitioner and a young person is likely to involve more than one level. For example, a young person who appears before a court having committed an offence can reasonably expect to have their views listened to but is not in a position to decide on the sentence they will receive. A helpful model of the different levels of involvement by young people is described by the National Youth Agency within their 'Hear by Rights' materials.



Reproduced with permission from http://hbr.nya.org.uk/pages/contexts_participation

As a minimum, it is important for those working with young people to consider how to meaningfully involve them at each stage of their contact with services. This is not just in relation to their own circumstances: young people can be valuable informants by providing insights into the causes of offending and the services that are likely to be most effective.

It is the position within this report that true participation involves at least some element of empowerment: the young person is not just allowed to speak, but their voice is taken into account in any decisions that are made with/about them. If this component is lacking, the invitation to express a view does not go beyond the tokenistic. This is not to suggest that the young person's views must always prevail but that they must be respected and taken seriously. The young person is also entitled to an explanation of the way in which decisions have been reached, and the part that their views have played. None of this can happen without the young person being supported to understand how the youth justice system operates: they cannot express an informed opinion about what they think should happen if they do not know what the options are. This information needs to be provided in a range of formats that take into account the young people's age and level of maturity: knowledge is power.

The law and policy regarding participation

The UK is a signatory of the UN Convention on the Rights of the Child which applies universally to all children and young people under the age of 18, regardless of the specific service or setting involved. It states that:

State parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child (Article 12).

This commitment is reflected in recent children's policy in England. The Children Act 2004 established the post of children's commissioner to ensure that all children and young people have a voice in public life and to promote their involvement in matters that affect them. *Every Child Matters: Change for children* (HM Government 2004) set out the government's vision to ensure that services are based on the needs of children and young people rather than the interests of separate agencies. It was not just children's social care services that were expected to work in this way: Section 11 of the Children Act 2004 created a duty for partner agencies, including YOTs and custodial establishments, to make arrangements to safeguard and promote the welfare of children and young people. One element of this approach is that:

... children and young people are listened to and what they have to say is taken seriously and acted on in an appropriate manner (HM Government 2007).

Subsequent policy, such as *The Children's Plan* (Department for Children, Schools and Families 2007), has reinforced this principle and arrangements are being put into place to monitor implementation through the National Indicator set. Delivery Agreement 14 requires local authorities and their partners to 'Increase the number of children and young people on the path to success', including young offenders. A priority area of action in order to deliver this agreement is:

... embedding and building on strategies to empower and secure the active participation of young people and their families in the commissioning, design and delivery of services – actively seeking the engagement of all groups, including the most vulnerable (HM Government 2008a, p.9).

Looked after children

The commitment to participation is perhaps most evident in the field of children's social care services, where the active involvement of children and young people in decision-making is now widely accepted. The Children Act 1989 required family proceedings courts and local authorities to have regard to the wishes and feeling of the children and young people when making decisions that would affect them. The Care Matters reform programme for looked after children sought to further embed this principle, requiring every local authority to establish a 'children in care council' with direct links to directors of children's services and lead members

(Department for Education and Skills 2006). It also stated the intention to monitor local authorities' arrangements for involving children through Ofsted's inspection arrangements, with reports feeding into the new annual stock take of looked after children's services.

Local authorities are also required to support the participation of children in their own assessment and plan. They must appoint IROs to ensure that the care plan for each looked after child serves their best interests and is being properly implemented. IROs operate independently from the child's or young person's social worker and are accountable through different line management arrangements so that they are in a position to challenge inadequate practice. Their role has been strengthened through the Children and Young Persons Act 2008 to ensure that they can exercise even greater independence. IROs are now required to elicit the child's or young person's views and to make sure these have been given proper consideration by the local authority. To support their capacity for meaningful involvement, local authorities are expected to provide children and young people with information in the form of leaflets or other media so that they understand what they are entitled to and how systems work. There are also formats that enable children and young people to contribute their views to reviews of their care plan. They are also entitled to an 'independent visitor', if it would benefit them, to befriend and otherwise support them.

The commitment to the participation of looked after children is supported by the requirement to report on performance. Indicators include the extent to which children and young people have participated in their review, not just in terms of their attendance but whether they have been able to communicate their views and, if so, how this was achieved.

The interests of looked after children and others living away from home are represented by the children's rights director, who also undertakes regular thematic consultations with children and young people living in regulated settings.

Participation within youth justice policy

Young offenders fall within the remit of general laws and policies relating to children but how is the issue of participation specifically reflected within youth justice policy? The term 'participation' is used in a number of documents, such as the *Youth Crime Action Plan* (HM Government 2008b), but in the sense of *joining in* a particular activity rather than *having a say* in decisions, which is the meaning adopted throughout this paper. The focus is on participation in positive activities as a preventive measure.

Once young people have become offenders, the expectation that they will be actively involved in planning is less evident. Instead, there is a focus on a narrower aspect of participation: that of 'user feedback'. For example guidance to YOTs on developing their youth justice plan mentions the need to engage with and seek feedback about the quality of YOT services from a number of sources, including:

- children and young people at risk of offending and re-offending
- children and young people as victims, and children and young people as witnesses

- parents and carers including corporate parents (YJB 2008a, p.11).

There are no mechanisms suggested as to how this feedback should be elicited.

Throughout English youth justice policy there is no mention of participation as a human right. Wales has, in contrast, made an explicit statement of principle within their youth justice strategy:

Young people should have the opportunity to participate in decision making on all matters that affect them (Welsh Assembly Government 2004).

It could be argued that this principle is implicit and does not need spelling out in this way but the fact that it is not emphasised within English policy could be seen as giving a message to practitioners – and young people – that it is unimportant.

Assessment and intervention

Aside from such general aspects of participation, there is clearly an expectation that young offenders should be involved in their own assessment and intervention planning. The YJB's *Key Elements of Effective Practice* (KEEP) publications describe the quality of practice that is expected within central areas of YOT activity. They are supported by source documents that summarise the underpinning evidence. The KEEP on *Assessment, Planning Interventions and Supervision* states that:

Assessors will need to employ individually-oriented interviewing skills which allow them to explore with the young person their own story. The self-assessment questionnaires, 'What do YOU think?' and 'Over to you!' are also designed specifically to capture the young person's perspective about life and its problems. They should be used routinely as part of the assessment process (YJB 2008b, p.15).

The 'What do YOU think?' form reflects the various aspects of the young person's life that are relevant to the risk of re-offending, such as their attitude to and engagement with school, college and work. The young people are asked to consider various statements and to rate the extent to which they match their own circumstances. There are also open questions that invite the young person to comment on their lives and what is important to them. It is intended that the self-assessment will be repeated at various points throughout the young person's involvement with the YOT to see how their perceptions change over time. The National Standards for Youth Justice Services state that all young people must be invited to complete the 'What do YOU think?' form and must be given 'any necessary assistance to do so' (YJB 2004, p.28). It is not clear, however, how this expectation will be measured and there is no requirement for the YOT to report on their compliance with the standard.

Although critics of the Asset formats see them as too narrowly focused and mechanistic, guidance emphasises that they should not be used as rigid interview schedules. They should be seen more as a 'mental script' offering

prompts to guide the assessment process and to begin to engage the young person in a collaborative approach. Interviews should use accessible language with open questions:

Young people quickly become disinterested or disengaged from interventions, if they do not feel valued or listened to. Skills in engagement and collaborative goal setting are, therefore, essential for practitioners (YJB 2008b, p.8).

Young people involved within the youth justice system are known to have more physical and mental health problems than their peers and YOTs are expected to have a health worker in post to ensure that these needs are identified. A recent review, however, identified weaknesses in the way in which health assessments were undertaken (Commission for Healthcare Audit and Inspection and Her Majesty's Inspectorate of Probation 2009). Ten per cent of YOTs had no mental health worker and thirty per cent had no general health worker. In addition, the health workers were not providing sufficient training to YOT staff to enable them to identify unmet needs. As a result, assessments of health needs were not always adequate. It is essential that young people are meaningfully involved in identifying their health needs, and are given an opportunity to influence their care and treatment. The YJB have developed mental health screening tools (SQIFA and SIFA) but there is little available information about their use in practice.

Perhaps the most crucial decisions affecting young offenders are those made by the criminal court, including whether the young person will lose their liberty. Yet there is no explicit requirement to have regard to the wishes and feelings of the young person as would be the case in family proceedings. The Youth Court Bench Book does refer to the need to 'engage' the defendant but not to establish their views, nor does it mention the UN Convention on the Rights of the Child. Given the adversarial nature of the youth justice system in England and Wales, young people facing prosecution are entitled to a legal representative who will advocate on their behalf in court. If they are convicted, the YOT worker will submit a pre-sentence report (PSR) to support the court in making a decision about the appropriate disposal. The extent to which the young person's wishes and feelings are conveyed to the court is therefore variable, depending on the quality of the contributions made by the YOT worker and legal representative. Young people may be invited to speak in court, but there is evidence that they find this difficult to do. They may also be fearful that if they do speak out, it will count against them.

It may be that policy will change to reflect the recent *European Rules for Juvenile Offenders Subject to Sanctions or Measures* (The Council of Europe 2008). These state that:

Any justice system dealing with juveniles shall ensure their effective participation in the proceedings concerning the imposition as well as the implementation of sanctions or measures (para 13).

Participation or engagement?

Rather than 'participation', the existing policy and practice framework issued by the YJB uses the language of 'engagement'. A new KEEP has recently been issued on *Engaging Young People Who Offend*. This is to be welcomed in its recognition of the importance of good communication between practitioners and young offenders. It speaks of the need for assessment to engage young people in the planning process, using 'collaborative, interactive and motivational methods' (YJB 2008c, p.3). However, young people are described in an essentially passive way throughout, with the emphasis on the skills needed by the practitioner rather than on opportunities for the young person to exercise their autonomy. For example,

Practitioners should have the ability to be persuasive and directive without being confrontational, thereby motivating the young person towards agreed outcomes (p.6).

Although there is clearly some overlap with the notion of empowerment, the document warns that 'engagement is not an end in itself'. The purpose of using techniques to engage young people is rather aimed at:

... gaining their interest and willing participation in interventions or services intended to prevent or reduce offending (p.8).

The Scaled Approach (YJB 2009), which establishes the way the youth justice service will operate from Autumn 2009, describes the need for targeted interventions based on each young person's level of risk but makes no mention of the need to involve them in either the assessment of that risk or determining the interventions that will help them. Individual young people may be further disempowered if their own perceptions do not accord with the scores assigned to them by the YOT assessor, particularly as this will now mean a differentiated service. It may be that forthcoming case management guidance will address these issues.

Children in the secure estate

For young people remanded or sentenced to custody, there are similar expectations about the provision of opportunities for them to comment on the service in general and to be involved in their own case planning. *Prison Service Order (PSO) 4950*, which sets out the expectations regarding the treatment of young people in young offender institutions, states that:

The children in [name of establishment]'s custody will be involved collectively in decisions about regime provision and facilities and about the physical environment by means of [describe whatever consultative arrangements/forums have been established locally] (HM Prison Service 2008, para 7iii).

The YJB has established remand and sentence planning systems for young people in custody, which require each young person to have a 'training plan' setting out the objectives for their time in custody. Young people have the opportunity to attend regular planning meetings and can record their views

in advance on a form: 'C&YP: Consultation'. The form is in a small font and likely to be daunting for many young people. Although there are some opportunities to comment in free text, it is essentially narrow in focus, asking a series of closed questions such as: 'Do you think you will try for early release? Please answer "Yes" or "No"'. The tone throughout implies that it is primarily the responsibility of the young person whether they succeed or fail, asking them what they want to achieve rather than how they can be supported.

HM Inspectorate of Prisons has set out the aspects of participation they will look for when inspecting young offender institutions for young people under 18, such as:

Children and young people can influence and participate in the development of life on their unit (HMI Prisons 2009, Section 2: 7).

There are also specific expectations that they will be consulted on a range of matters, such as the food and canteen items, race equality and the rewards/sanctions scheme.

For the small number of children and young people placed in secure children's homes, the expectations reflect the more broadly based approach evident in social care systems. The *National Minimum Standards* state:

Children's opinions, and those of their families or others significant to the child, are sought over key decisions which are likely to affect their daily life and their future. There are systems in place for doing this, such as written agreements, private interviews, key worker sessions, children's or house meetings. The systems reflect children's differing communication needs (Department of Health 2002, para 8.1).

Messages from the literature

Why involve young people?

The purpose of the youth justice system in England and Wales is to tackle offending and, although it does not seek to infringe the human rights of young offenders, neither does it actively promote them. There is another reason cited in the literature, however, for promoting the participation of young offenders: because it 'works':

Whether the youth justice system works for individuals effectively can depend on their involvement in assessment, planning, implementation and review. The more that participation principles are adhered to, the better the chance of success (NACRO 2008, p.6).

This has long been recognised and advocated by those writing about young people's services, even in secure settings:

A punitive, retributive approach was less successful in moderating the behaviour of delinquent adolescents than a regime which won their support (Millham and others *in* Department of Health, Support Force for Children's Residential Care 1995, p.33).

More recently, Utting and Vennard (2000) came to similar conclusions:

Programmes work best when they are carefully structured and the learning styles of individual offenders and the staff working with them are well-matched. The learning styles of offenders tend to require active, participatory methods of working (p.21).

A research summary on outcomes for young offenders leaving secure care settings makes the same point on the critical need to involve young people in planning:

Interventions must be based on a clear analysis of the underlying problems and a thorough assessment of need. The planning process should involve the young person, their families and significant carers, and community service provider (Howell 2007, p.1).

Advocates of the importance of a focus on desistance from offending point to the necessity of ascertaining the views of young people and their families. They argue that, as the journey towards desistance is a difficult one for those undertaking it, then learning from them about what might persuade them to desist and what support they might need to reach that end, is critical.

The message that it is vital to involve young people is reinforced by practitioners. YOT staff, asked what they perceived to be the best way of motivating young people to engage with education, training and employment programmes during their time in custody and to continue with them upon their release, cited the need to increase young people's

'ownership' of plans. To this end there was a pressing need to involve young people in their own target setting (YJB 2006).

How effective are the systems for participation?

If young people are to be meaningfully involved, mechanisms need to be available to support the process. What have commentators said about existing systems? Most of the literature refers to the involvement of young people within their assessment, and specifically Asset. There does not appear to have been an equivalent focus on systems for young people to become involved in sentence planning or more general service development.

Baker argues that, used appropriately, Asset should enable practitioners not only to collect key information but should also help to engage young people in the assessment and planning processes:

The 'What do YOU think?' self-assessment provides a clear opportunity for young people to express their own views about their circumstances, behaviour and the problems they may be facing (Baker 2004, p.83).

An interim report to the YJB – the 'Validity and Reliability of Asset' – considered the 'What do YOU think?' form to be the most positively received part of Asset:

Most practitioners used the form and said that it was both informative and a useful way of engaging a young person in the discussion (Roberts and others 2001, p.4).

There are some qualifications, however, about the format itself:

There were some concerns about the design of the form (for example whether the language was too complex or the layout too boring for young people). It is hoped that the development of interactive electronic versions of the form will help to resolve these difficulties (Roberts and others 2001, p.4).

A more fundamental criticism relates to the fact that Asset is designed to assess risk. Young people who participate in the process are therefore contributing to an assessment of their own 'riskiness', and it could be argued that this is not in their interests. Neither does it take into account the reasons why young people are able to stop offending. The 'desistance' literature argues that there are complex pathways determining whether individuals change their offending behaviour and that these need to underpin practice rather than simplistically apply a 'what works' approach (McNeill 2002). The three broad theories explaining pathways out of crime are:

- Maturational reform theories – i.e. 'growing out' of offending.
- Social bonds theories – i.e. having a reason to go straight such as becoming a parent.
- Narrative theories – i.e. the importance of the person's sense of self so that they want to construct a different 'story' about who they are.

In order to capitalise on these factors, the practitioner must listen to what the young person has to say and develop an understanding of the subjective meanings that events hold for them.

What happens in practice?

Assessment and planning

However sound the systems are, their effectiveness is dependent on the way in which they are implemented. There appears to have been little evaluation of young offenders' participation in practice and, again, the only analysis has focused on the use of Asset. In spite of the above statement by practitioners that they were using the 'What Do YOU Think?' form, there is some counter-evidence. HM Inspectorate of Probation, responsible for the programme of YOT inspections, found that:

Children and young people were invited to complete a What Do YOU Think? self-assessment in less than two-thirds of cases ... The lack of inclusion of the child or young person's self-assessment is often a serious omission. (HMI Probation 2009, p.23).

The authors also stated that this had not changed over the course of the inspection programme, and recommended that the form be used more often because of the rich source of information that it provides.

Studies have also revealed weaknesses in the extent to which practitioners made use of the young person's self-assessment, even when it had been completed. An analysis of self-assessments (Baker and others 2003) showed that they had elicited significant new information regarding the young people's difficulties, but there was considerable disagreement between the ratings of the young people and the core Asset. Practitioners tended to underestimate both the extent of the young people's difficulties and the degree of remorse they felt. For example, 90 per cent of the young people said that they were sorry for the harm they had caused but only 77 per cent of Assets reflected this. Practitioners also overestimated the number of young people who committed offences for excitement (49 per cent) as opposed to the young people's self-assessment (27 per cent). As Baker says:

It is perhaps a weakness in the design of Asset that, whilst providing an offender self-assessment tool, there is currently no requirement for practitioners to incorporate the views expressed by a young person into their own core assessments (Baker 2008, p.1468).

Appearing in court

These disparities are of concern, as it is the practitioner's perspective that will be reflected in the pre-sentence report placed before the court. Worryingly, HMI Probation (2009) found that a copy of the report was provided to the young person and their parents/carers in less than half the cases inspected, which denied them the opportunity of challenging its accuracy. The quality of pre-sentence reports has been an ongoing concern

for the Inspectorate. Criticisms have included the failure to offer an analysis of the young person's motivation for the offence (HMI Probation 2006); lack of balance and accuracy; a failure to address diversity, health and education issues; and a lack of information on vulnerability (HMI Probation 2009). These are all important factors that may influence sentencing decisions, and it could be argued that a failure to present them to the court is a breach of the young person's right to be properly heard. Although sentencers may give the young person an opportunity to speak, many will find it hard to express themselves under these circumstances. A district judge commented positively on the opportunity to visit and talk to young people in a secure training centre because:

In the courtroom children and young people are notoriously difficult to engage with. Many are tongue-tied and their lawyers often discourage them from speaking out (Cook 2009).

Custodial settings

Those responsible for inspecting custodial services clearly do expect to see evidence of young people's involvement at both a collective and individual level. One valuable source of information is the analyses of surveys undertaken with young people by HM Inspectorate of Prisons. The most recent version notes the improvements that are gradually taking place, but it still remains of concern that only 76 per cent of young men felt that most staff treated them with respect. Just 34 per cent of those who had made a complaint felt that it was dealt with fairly and, of those with a training or sentence plan, only 70 per cent knew what targets had been set for them and only 39 per cent knew that they were able to see their individual plan (HMI Prisons and YJB 2009). These responses clearly illustrate that there is a long way to go in creating a participative culture.

Young people in custody may also be alienated and mistrustful. A study of black young people within the youth justice system found that they felt that their point of view is not listened to, that discrimination and open racism are common, that their complaints are not taken seriously and that staff will invariably collude to back each other up if there is a complaint. They assert that it is best to keep quiet, do your time and just 'play the game' (Wilson and Rees 2006). However successful this may be as a survival strategy, it precludes the development of a trusting relationship with staff or genuine collaboration with programmes.

In a study of looked after children in custody Hart found that, despite the rhetoric and good intentions, sentence planning was a service-driven rather than a needs-led system, with a tendency to slot children and young people into whatever was available. In practice this made for sentence planning meetings which were formulaic, with each child or young person receiving essentially the same plan – education, gym, substance misuse programme – and the child or young person, discouraged from raising issues of concern, became passive and disengaged and just 'going along with it':

All they done was write it and ask me to sign it (young person quoted in Hart 2006, p.6).

Restorative justice

Restorative justice techniques are currently cited as a potentially useful way of involving young people in decisions, making meaningful reparation for their actions and, at the same time, being treated with respect and fairness and helped to develop new skills (YJB 2008d). Restorative justice techniques emphasise the value of participation, empowerment, communication, dialogue and negotiated agreements between offender and victim.

At the heart of a restorative justice philosophy lies a concern with a particular mode of participatory conflict resolution. This is concerned with consensus building... Restoring a sense of control to the central parties is a key aspect of the restorative process (Crawford and Newburn 2003, p.23).

The same emphasis on empowerment and active participation is made by Morris and Young (2000):

Restorative justice processes require more than the presence of the offender: they require their inclusion. They are expected to directly participate in the process, to speak about their offending behaviour ... to interact with the victim (pp.17–18).

The use of referral orders for first-time offenders who plead guilty is based on a wish to actively engage young people and their parents in collaborating to develop their own action plan, including restorative elements. There are also increasing attempts to create dialogue between victims and perpetrators through involving them in the development of the plan.

Nonetheless, as with the use of Asset, some observers comment that even such useful techniques are only as good as the skills and commitment of those implementing them and the context in which they are practised. Writing about restorative justice practice in Canada, Hogeveen (2006) points out that it too can be dominated and manipulated by adults:

Despite ratification of the UNCRC in Western countries, a culture of alienation remains endemic ... three factors condition the ethos of non-participation: discourses that question the appropriateness of children's political involvement, people who doubt youth's ability to participate, and uncertainties about the form participation should take (p.55).

Conclusions

The literature illustrates both the reasons for developing participative approaches when working with young offenders, and the difficulties that may be encountered. This must be considered within the wider context of our youth justice system, based as it is on the concept of reducing risk factors rather than promoting desistance. It will be important to develop more of an evidence base on the outcomes of participative approaches if practice is to change. Many studies have evaluated specific 'treatment'

programmes, but it is more difficult to research the impact of less clear-cut aspects of intervention, such as whether a young person feels listened to by their YOT worker.

Young people's perspectives

This section of the report details the findings from eight interviews conducted with a range of young people who are or have been involved with youth justice services.

The main areas for enquiry within these interviews were:

- quality of relationship with youth justice services
- communication methods between youth justice services and young people
- methods of participation on a case management level and a strategic level.

Interview process

A questionnaire was drawn up with a view to the first two interviews acting as pilots. The questions would then be adapted based on suggestions from the first two young people interviewed.

An introduction to the project and invitation to participate was sent to every YOT in Greater London. We also gained access to potentially interested young people through contacts within local authority social services departments and a custodial setting. Where referrals to the projects were made through social services, the relevant YOTs were notified of the young person's involvement.

Of the eight interviews, four came through a direct referral from the young person's YOT (two YOTs in total), two came from social workers who identified young people for whom they thought this project might be of interest and two were identified within a YOI. Most interviews were carried out in person, and in one case the interview was conducted by telephone. Consent was sought for interviews.

At the time of interview the young people had been involved with the YOT for between four months and three years. Some of the participants were on referral orders, others were on an Intensive Surveillance and Supervision Programme (ISSP); one reported having previously served a custodial sentence and two were currently in custody. Two young people were looked after under section 31 of the Children Act 1989. We interviewed three females and five males, and the young people represented a range of ethnic backgrounds.

The feedback from the initial two pilot interviews suggested that the questions were relevant and accessible. It must be noted that these eight interviews should be considered as an initial scoping exercise rather than as a piece of formal research.

Communication with YOT workers

Young people generally reported that they had good relationships with their individual YOT workers.

The ongoing nature of this relationship meant that young people who were at first shy or hesitant to engage in the relationship had the time to feel more confident in the process.

It was clear from the interviews that young people felt listened to. They knew that they were being listened to because their YOT workers noted down their conversations, raised particular issues/discussions on a weekly basis and phoned them up in between appointments to check on their progress.

One young person described finding it easy to talk to his YOT worker because he had disclosed that he had himself been involved in the youth justice system when he was younger. According to this young person, knowing this gave the YOT worker's advice more validity.

'They are there for you but they're not as well 'cos they can go against you. If I don't monitor what I say I'll be back in the Pen.'

Although young people felt that it was easy to communicate with their workers over a period of time, they were also aware of a seeming contradiction within the role. In order to build up trust, young people were expected to disclose personal information in sessions. However, they were also aware of the YOT worker's ability to affect change in their circumstances. For example, a YOT worker has the means to 'breach' young

people if necessary, and several young people felt that this imposed limits on the issues that they could talk about with their YOT workers. The young people in custody were less positive about the relationship with their YOT workers. It is not clear whether this was because they were having less current contact with them or because they felt the YOT worker had contributed to their being in custody.

Communication with other professionals

As well as examining the relationship between young people and their YOT workers, we also asked the interviewees to reflect on the quality of their relationships with other professionals during their time in the youth justice system.

'She [my YOT worker] protected me and gave me confidentiality.'

The police scored consistently low, with most young people feeling that they didn't listen, whereas solicitors, mentors and substance misuse workers scored consistently more highly. When young people gave high scores they commented that the professional would listen as opposed to expressing their own views. Interestingly, the two young people currently in custody said that both prison and support staff were easy to talk to. They were in a specialist and innovative unit, however, and felt that this was an exceptional setting rather than being typical.

Written communication

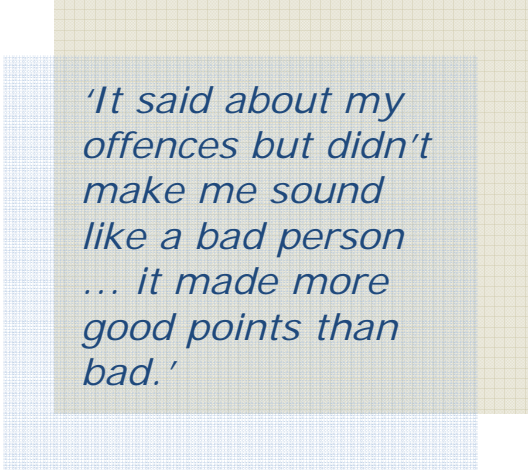
In every case, young people felt that what was happening to them had been sufficiently explained verbally. In the majority of cases young people also felt that there was adequate written communication.

In all cases, young people recalled being given a leaflet that explained the youth justice system. In some cases a YOT worker had gone through this leaflet with the young person in their first meetings, and those young people described this as a helpful thing to have done.

Young people were consistently given copies of documents relating to their cases such as PSRs, although in some instances the young people chose not to read them.

One young person described the report as 'dodgy', but in the majority of other cases they felt that the reports were accurate and, in fact, frequently drew out the positives.

Even in the cases where young people felt positive about their PSR, none of them identified having been involved in the writing of the report. Although they are clearly not the authors, it would appear that these young people did not consider themselves to have participated in the writing of such reports. It could be argued that the good quality of the relationships with their YOT workers enabled them to participate in the formulation of positive PSRs even if the young people themselves weren't aware of it explicitly.



'It said about my offences but didn't make me sound like a bad person ... it made more good points than bad.'

'What Do YOU Think?'

All young people were asked about the 'What do YOU think?' form. They were each shown a copy and asked to comment on how it had been used with them.

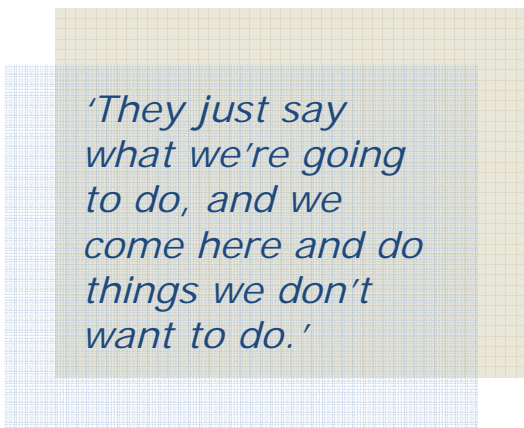
In every case, the young people recognised the form and said that they had been asked to fill a copy in. None of the young people had seen their form since.

Having said that, the interviewees generally liked the form because it was quick and easy to complete. They felt it asked the right questions, and afforded them the opportunity to formally put their views down. They did not think any further questions should be added to the form. One young person said she filled it in because she thought she had to, rather than because she recognised its purpose.

It is interesting to note that, generally speaking, young people were positive about the form because it gave them a chance to formally record their views. This can be taken as a strong indication of the value that young people place on having their views listened to and recorded. That the young people's forms were never shown to them again might suggest that Asset may not cater for the *ongoing* recording of young people's views.

Participation in case planning

The interviewees were questioned about their experiences of being involved



'They just say what we're going to do, and we come here and do things we don't want to do.'

in their case planning. The young people reported being given choices about the times of their appointments. They also said that they were sometimes given the choice about which services they could access in the YOT. Although the level of participation was relatively low in all cases, there was variation across the young people we interviewed.

Young people were sometimes given the choice based on what services

were available, but none of the young people described approaching their YOT worker with an idea of what might work for them. Despite the positive relationships that some young people had with their individual workers, they described their experiences in very passive terms – something that happens to them, or is done to them, rather than something they can actively engage with, and help shape and design. It would appear that the idea of contributing to their case planning in this way seemed foreign to the young people we spoke to. The young people in custody were positive about the opportunities available to them and one felt he was being given more say than on a previous ISSP, but again the specialist nature of the setting means that this may not be typical.

Involvement in the development of the youth justice system

There were no recorded examples of how young people felt that they had contributed to the bigger picture of the youth justice system as a whole, although the young people in custody were able to describe how their status as 'spur reps' (representing their residential unit) had allowed them to get additional resources, such as goalposts, for their peers. Young people did, in general, express an interest in having a say in how services were

developed. For the majority of them it seemed a somewhat alien idea at first because ultimately the YOT represents some form of punishment to this group of young people – something that was being done 'to' them and that they had to accept. That said, they gave a range of ideas of what they think needed to be changed within the system. Their ideas included:

- 'Give me more opportunities to choose what I do rather than just talking about my week.'
- 'Choose what days and times I come in.'
- 'Have more of a say in the activities I do.'
- 'Involve my church.'
- 'I'd like them to come to my house sometimes, rather than me going to them all the time.'
- 'I'd like some optional activities that won't result in me being breached if I don't come.'
- 'Contacting young people by email.'

It should be noted that across this group of young people, each of them had a different number of hours they had to complete per week for their order. Obviously there are more opportunities to look for a range of activities for a young person on a 25-hour ISSP than a young person who has a 2-hour per week order.

Conclusions

These initial scoping interviews identified several trends across eight very different young people's involvement with the youth justice system.

Young people generally enjoy positive relationships with their YOT workers. They find them easy to talk to and are able to demonstrate that their YOT workers have listened to them. Although the young people we spoke to value this relationship, they are also aware of an apparent duality of the role that leaves some young people feeling unable to be completely open for fear of being breached.

From the interviews we conducted, it is also clear that young people

A quote box with a grid background. The text inside reads: 'Ask me "Is there anything you want to say?" for starters!'

responded positively to the opportunity to formally record their views. While it might be said that the Asset 'What do YOU think?' form is not without limitations, this was far outweighed by the positive feeling that completing the form engendered in the young people. A future point of investigation could be to look at using the form as part of a process that is revisited, rather than a

one-off isolated event.

It is clear that young people feel they have little say in how they spend their time with YOT. Without exception, the young people spoke in passive terms, describing something that happened to them rather than a process with

which they actively engaged. Although young people had suggestions as to what they might like to change and ways in which they could become involved, the idea of formalised participation in individual cases and in the wider system was an alien concept for them. It is interesting that mechanisms for consulting the young people were better developed in the custodial setting where two of the young people were serving sentences, although this is not necessarily typical. In a sense, the fact that such young people are a captive audience makes it easier to establish consultation meetings.

However it would appear that there exists a mechanism of participation that, while subtle, has had a positive impact on young people. Where there is a good relationship between a YOT worker and young person, this resulted in pre-sentence reports that young people felt were fair, positive and enabling. Yet young people did not feel that they had participated in these reports – despite them describing their actions and their views being realised through a strong relationship with the YOT worker. The positive impact this has had on young people would suggest there is surely a case for building on this productive dynamic and evident quality of relationships in other areas of the youth justice system.

Adults' perspectives

A number of key individuals and agencies from within youth justice and related services were invited to contribute their views, including the YJB, relevant inspectorates, a number of YOT practitioners and managers, custodial settings, advocacy services and those representing children's rights. There was a surprisingly high degree of consensus about the fact that the current approach to young people's participation is inadequate. To some extent participants were self-selected so this may not be representative of the range of opinions.

Policy and expectations

There was a shared perception of a lack of strategic direction in relation to participation. Unlike other aspects of children's services, national policy directives on youth justice do not include statements of principle about the importance of giving young offenders a say. There were different theories as to why this is the case, but the main reason suggested was the political imperative to be seen as being tough on crime. The National Offender Management Service (NOMS) is primarily concerned with adults and the issue of children's and young people's rights is not seen as being 'on their radar' – and neither would they probably want it to be. There is some optimism, however, that young people's involvement is beginning to be of interest within the YJB: the joint sponsorship between the Ministry of Justice and the DCSF may be having an impact on this, as may changes in senior management at the YJB itself. The issuing of a KEEP on 'engagement' is seen as a sign of this shift and a step in the right direction but the YJB has not 'really taken the plunge'.

This increased interest is yet to be translated into a clear policy that sets a framework for staff to follow. Although the YJB are interested in developing consultation with young people, there is no forum for doing this, and where it has taken place it has been on an ad hoc basis. Young people's perspectives are usually represented in some capacity at the Annual Youth Justice Convention but, in the absence of a proper participation strategy, this was described as potentially tokenistic.

The new structural arrangements in local authorities mean that many YOTs are now directly managed within children's services or have new strategic links with the children's trust. This has led to contact with children's


'It's a big issue locally – the participation worker from children's services is setting up four groups: hard to engage young people and young offenders will be one of them. They'll have reps on the Youth Parliament.'

rights officers who have initiated discussion about the participation of young offenders. In some cases, the council's children's rights staff have also been able to support the YOTs in undertaking service user consultations. Some YOTs are now devising their own participation strategy, although it is not possible to indicate how widespread this is. In some cases these will be specific youth justice policies: in other settings, the expectation will be that YOTs are bound by a council-wide policy.

Participation in practice

Developing a commitment

Although there has been no national requirement to consult their service users, some YOTs have taken the initiative to do so anyway because they believe it is important. This seems to have been prompted by having a 'child-centred' YOT manager who is prepared to find the money to hold events or to create a dedicated post to develop participation. It is also dependent on practitioners being able to see the value of working in this way, and a range of contributors said that this is not universally the case



'It's about getting the whole ethos of participation embedded.'

within youth justice services. The job can be seen as one of 'processing' the young people through the system and there can be resistance to taking on the additional work that a participative approach would demand. A need for more education for practitioners about the benefits of involving young people was identified – and some questioning of the lack of this element within the current curriculum for training the

youth justice workforce. There can however, be 'political' blocks at a local as well as a national level, particularly where the YOT is managed within adult/crime reduction services. In this case, it was suggested that it is important to communicate the intention behind developing participative approaches: to 'sell it as a contribution to crime reduction as well as meeting their needs' but that this would also need to be balanced with mechanisms for hearing the voice of victims.

Keppel Unit, which is a specialist unit within a YOI for boys experiencing difficulties with the normal regime, has adopted a particularly participatory approach. This has been enabled by the deliberate policy of recruiting staff from the local community alongside experienced prison officers so that entrenched attitudes are challenged and a new culture can be forged. Staff were given much more extensive training than is usual and are offered individual supervision. Young people are active participants in their own case management, and are involved in a series of care planning meetings in addition to the usual training plans. In addition a range of easy-to-use formats have been devised for them to record their views and aspirations. Consultation forums are held with young people's representatives and it is possible to identify improvements that have been a direct result of these meetings. Staff are delighted by the impact that this way of working has

had on the young people's behaviour and their own job satisfaction and feel it should be rolled out more widely.

The issue of culture cannot be ignored. One respondent made the important point that the prison service is a hierarchical organisation where managers do not consult staff: it may therefore be unrealistic to expect them to see the value – or fairness – of giving young people a say. Although formal consultation opportunities are increasing, these may not allow for 'true' participation unless the relationships and culture support it. Young people may be afraid to speak out or may not see the point if nothing positive comes out of it.

'If there's no conversation with staff, that works against the spirit of participation.'

Developing the mechanisms

At least one YOT is attempting to establish an ongoing consultation forum: the Hackney Youth Board. Various contributors welcomed the idea but there was also acknowledgement that it is not straightforward, and that there are fundamental differences between youth offending and other services. Young offenders attend the YOT, in the most part, for a short time only and because they have to, which raises issues both about their motivation to retain contact after their order is completed and the appropriateness of them doing so. The aim of intervention is to support them to move on and

'In an ideal world, we'd have young people who have turned their lives around feeding into intervention plans but how would that work? We'd almost be asking them to act like paid employees.'

to access mainstream activities rather than for them to retain an identity as an offender. There are also a number of practical difficulties, some relating to the issues of representation: should forums aim to attract the young people who are doing well or those who are struggling to comply? Other dilemmas raised were: How can behavioural/peer problems best be managed? What are the most suitable activities for the forum to undertake? How can the perception that positive activities are 'rewarding' offending behaviour be avoided?

YOTs are building experience in how best to consult young people and their parents, and have experimented with a range of methods – some more

successfully than others. They would welcome more support and guidance from the YJB about this. Some have held dedicated events; others have used existing group work activities to seek young people's views. Another method is to undertake surveys of young people either on specific topics or the service in general through exit interviews. One YOT is currently doing a

small-scale questionnaire with every young person when they come for an appointment, asking:

- if there's anything they'd like to change about the service
- what activities they would like the YOT to provide.

Responses have been thoughtful, in the main, and a large number said they thought the reception area was 'horrible'. This has already resulted in a plan to refurbish it, and to involve young people in the design and work. Although it seems to be at an early stage of implementation, some YOTs are also involving young people in staff recruitment

Participation in 'mainstream' events

Consultation topics have not been restricted to youth justice services: one YOT invited other agencies such as local health agencies or Local Safeguarding Children's Board (LSCB) to consult young people attending groups so that they had the opportunity to express their views on mainstream services, where young offenders rarely have a voice. This worked well from both sides – and the other agencies were able to give a small material reward for the young people's contribution in a way that the YOT cannot. Other opportunities for young people to participate in general consultation activities were particularly welcomed: these include nominating YOT service users as 'young inspectors' or participating in the local Youth Parliament.

Resources and skills

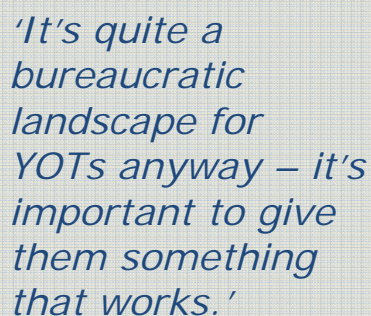
The National Youth Agency (NYA) has developed a standards framework called Hear by Right¹ for organisations wishing to improve their policy and practice on the active involvement of young people. This has been adopted by Staffordshire YOT and others are expressing an interest. It supports staff to audit all aspects of their service to ensure that 'young people's involvement is built in and not just bolted on' so expects a strategic approach based on shared values rather than ad hoc consultation activities. Again, it is acknowledged that the process is not easy. The standards were developed with other services in mind and may need some adaptation. The Local Government Association have recently commissioned the NYA to review and adapt the Hear by Right framework specifically for use within youth justice services. Barnardo's and NACRO have also developed a package of information and resources: 'Committed to Rights', which includes suggestions about skills and techniques.²

'One of the lessons we learned was that a whole day is too long – we probably won't do that again. It was hard to hold their attention and break down barriers – peer pressure came in and they were competing about their offences.'

¹ <http://hbr.nya.org.uk>

² <http://www1.barnardos.org.uk/committedtorights/resources.html>

The knowledge and commitment of staff is an important consideration, particularly as youth justice is increasingly becoming a career in its own right: some respondents reported that people with a background in youth work or social work found it easier to see a value in empowering young people, and have the skills to do it. It was suggested that advocates could have a useful role in ensuring that the voice of young people is heard but such services are not generally available to young offenders unless they are in custody. Even there, their role is variable and they do not automatically get involved in young people's consultation forums or in advocating for



'It's quite a bureaucratic landscape for YOTs anyway – it's important to give them something that works.'

young people in relation to complaints or disciplinary matters. If young offenders have an issue they want to raise, it may be that their only avenue is through the practitioners that they want to complain about.

There are perhaps more opportunities for young people in custody to express their views about the service in general than young people in the community. Not only do secure establishments provide advocates but they are expected to have consultation forums where representatives from the various

residential units are able to discuss areas of concern. HMI Prisons also undertake surveys to establish young people's views as part of their methodology and regularly publish an analysis (HMI Prisons and YJB 2009). There is no equivalent opportunity to hear the voices of young people on community orders, although HMI Probation have sought out the views of a sample during YOT inspections.

There is also no routine opportunity to hear the voice of parents. Although parenting work is an increasing element of both preventive and youth justice services, their voice is largely silent. Some YOTs do seek their views through exit questionnaires, and this is thought to be the case particularly where the young person has been subject to a referral order, but the previous requirement for YOTs to canvass their satisfaction as part of the quality assurance system has been dropped. One YOT said that they had carried on doing it because they feel it is important.

Participants were asked if they felt a YOT with no real commitment to participative practice could 'get away with it'. The consensus was that to some extent they could. The main mechanism for monitoring is through the Youth Justice Planning Tool. Each YOT must complete and submit a self-assessment to the YJB, and this is followed up by a visit from YJB staff as part of a validation process. A feedback report includes ratings in five areas, one of which is 'Citizens and service users', as well as an overall rating. It remains to be seen what impact this will have if there is a desire to give young offenders a more effective say.

Individual assessment and intervention planning

In relation to young people's individual involvement in their own case planning, the expectations are that practitioners will use their skills to engage them and offer the opportunity of completing the 'What do YOU think?' form or, for those in custody, the young people's consultation form. A number of weaknesses were identified by respondents within this approach. First, it is difficult to establish the extent to which practitioners are actively trying to elicit young people's views. There is no statistical data on the proportion of forms that are filled in or the reasons for non-completion: Was it offered but refused? What support was provided to help the young person make use of it? One local service that had undertaken a file audit found that about half had a completed self-assessment but these were of variable quality. In some cases, the notes made by the YOT worker described the young person's point of view more effectively but this was dependent on the worker's skills and attitudes towards inclusive practice.

Secondly, there is a perception that the formats 'need refreshing'. One practitioner said that some questions always seem to elicit the same response: for example young people asked to identify the person most important to them invariably answer 'my mum' which makes it seem pointless to keep asking it. The respondent wanted a way of eliciting more meaningful information about that young person as an individual.

'Young people aren't going to admit to the risky stuff – it would be better if they had their own separate assessment rather than a reflection of Asset.'

The changes that were suggested included:

- adapting the content to reflect the young people's concerns rather than their riskiness
- combining the 'What do YOU think?' and sentence planning consultation forms
- involving young people in redesigning the forms to make them more user-friendly
- developing IT based/interactive ways of self-assessment
- training young people as peer interviewers.

Some teams are using Viewpoint, a software package that can be used to consult young people in general or for self-assessment. The 'What do YOU think?' form can be used or teams can develop their own formats. One difficulty is its incompatibility with the main youth offending software systems. Again, arrangements are ad hoc, with teams developing their own systems and little opportunity for sharing experiences across YOTs. The providers of Viewpoint are reportedly responsive to developing materials that suit the needs of particular service user groups and to be open to negotiation about cost, but no specific resources have been made available to YOTs to pursue this.

Public perceptions

The extent to which young people are entitled to have their say is determined in part by public perceptions, which in turn are influenced by the way young offenders are portrayed in the media. Descriptions of young people as 'thugs' does not encourage a climate in which their views are valued. It is important to consider how policy makers can inadvertently feed into negative imagery by, for example, issuing pixilated pictures of young people. Where young people have been given opportunities to influence the way they want to be portrayed, this has resulted in more creative and positive images. For example, the YJB invited some young people involved with Rochdale YOT to talk at the Youth Justice Convention about their experiences of resettlement. This received a very positive response and resulted in the young people being commissioned to produce a DVD and to attend the programme board to suggest how resettlement could be improved. The young people have grown confidence as a result of this opportunity and their first-hand description of their experiences has raised the awareness of those responsible for shaping policy.

Conclusions

The messages from adults with knowledge of the youth justice system accord with those of the young people: the principles of participation are not yet embedded in either policy or practice, but there are encouraging signs. Where there are good relationships between staff and young people, and a willingness to listen, there are clear benefits for both parties which can help to compensate for the lack of formal mechanisms. Conversely, formal consultation exercises may be ineffective in the absence of a culture of participation. Policy makers and practitioners would welcome stronger strategic leadership on the importance of participation, and practical support in making it a reality. There is, however, a recognition that imposing new requirements from above is not the answer: genuinely participative approaches will only be achieved if the practitioners are convinced that this is the best way to work. When the challenges can be overcome, young people's participation can be both a means to an end in making the system more effective *and* an end in itself in affording them the right to be heard to which all young people are entitled.

References

- Baker, K (2004) 'Is Asset really an asset?', in Burnett, R and Roberts, C *What Works in Probation and Youth Justice: Developing evidence-based practice*. Cullompton: Willan Publishing.
- Baker, K (2008) 'Risk, uncertainty and public protection: assessment of young people who offend', *British Journal of Social Work*, 38,8, 1463–480.
- Baker, K, Jones, S, Roberts, C and Merrington, S (2003) *The Evaluation of the Validity and Reliability of the Youth Justice Board's Assessment for Young Offenders: Findings from the first two years of the use of ASSET*. London: Youth Justice Board.
- Commission for Healthcare Audit and Inspection and Her Majesty's Inspectorate of Probation (2009) *Actions Speak Louder: A second review of healthcare in the community for young people who offend*. London: Healthcare Commission.
- Cook, P (2009) 'Judge for yourself'. *Healthier Inside Magazine* Issue 4, 16–17. London: NCB.
- The Council of Europe (2008) *European Rules for Juvenile Offenders subject to Sanctions or Measures*. Strasbourg: The Council of Europe.
- Crawford, A and Newburn, T (2003) *Youth Offending and Restorative Justice: Implementing reform in youth justice*. Cullompton: Willan Publishing.
- Department for Children, Schools and Families (2007) *The Children's Plan: Building brighter futures*. London: DCSF.
- Department for Education and Skills (2006) *Care Matters: Transforming the lives of children and young people in care*. London: TSO.
- Department of Health (2002) *National Minimum Standards: Children's homes*. London: TSO.
- Department of Health, Support Force for Children's Residential Care (1995) *Good Care Matters: ways of enhancing good practice in residential child care*. Department of Health
- Hart, D (2006) *Tell Them Not to Forget about Us: A guide to practice with looked after children in custody*. London: NCB.
- HM Government (2004) *Every Child Matters: Change for children*. London: TSO.
- HM Government (2007) *Statutory Guidance on Making Arrangements to Safeguard and Promote the Welfare of Children under Section 11 of the Children Act 2004*. London: TSO.

HM Government (2008a) *PSA Delivery Agreement 14: Increase the number of children and young people on the path to success*. London: HM Treasury.

HM Government (2008b) *Youth Crime Action Plan 2008*. London: Central Office of Information.

HM Inspectorate of Prisons (2009) *Expectations for Children and Young People in Prison Custody*. London: HMI Inspectorate of Prisons.

HM Inspectorate of Prisons and YJB (2009) *Children and Young People in Custody 2006–2008: An analysis of the experiences of 15–18-year-olds in prison*. London: HM Inspectorate of Prisons and YJB.

HM Inspectorate of Probation (2006) *Joint Inspection of YOTS: Annual Report*. London: HMI Probation.

HM Inspectorate of Probation (2009) *Joint Inspection of YOTS: End of programme report 2003–2008*. London: HMI Probation.

HM Prison Service (2008) *Prison Service Order 4950: Care and Management of Young People*. London: HM Prison Service.

Hogeveen, B (2006) 'Unsettling youth justice and cultural norms: the youth restorative action project', *Journal of Youth Studies*, 9, 1, 47–66.

Howell, S (2007) *Resettlement of Young People Leaving Custodial Establishments*. (Highlight 235). London: NCB.

McNeill, F (2002) *Beyond 'What Works': How and why do people stop offending?* Edinburgh: Criminal Justice Social Work Development Centre for Scotland.

Morris, A and Young, W (2000) 'Reforming criminal justice: The potential of restorative justice', in Strang, H and Braithwaite, J (eds) *Restorative Justice: Philosophy to practice*. Aldershot: Ashgate, 11–31.

NACRO (2008) *Principles of Participation for Youth Justice*. (Youth Crime Briefing). London: NACRO.

Roberts, C, Baker, K, Merrington, S and Jones, S (2001) *Validity and Reliability of Asset: Interim report to the Youth Justice Board*. Oxford: University of Oxford, Centre for Criminological Research.

Utting, D and Vennard, J (2000) *What Works with Young Offenders in the Community?* Basildon: Barnardo's.

Welsh Assembly Government (2004) *All Wales Youth Offending Strategy*. YJB and Welsh Assembly Government. London: YJB.

Wilson, D and Rees, G (2006) *Just Justice: A study into black young people's experiences of the youth justice system*. London: Children's Society.

Youth Justice Board (2004) *National Standards for Youth Justice Services*. London: YJB.

Youth Justice Board (2006) *Barriers to Engagement in Education, Training and Employment*. London: YJB.

Youth Justice Board (2008a) *Youth Justice Planning Framework 2008/09: Guidance for YOT managers and management boards in England*. London: YJB.

Youth Justice Board (2008b) *Assessment, Planning Interventions and Supervision. Key Elements of Effective Practice*. London: YJB.

Youth Justice Board (2008c) *Engaging Young People Who Offend. Key Elements of Effective Practice Quality Assurance Toolkit*. London: YJB.

Youth Justice Board (2008d) *Restorative Justice. Key Elements of Effective Practice*. London: YJB.

Youth Justice Board (2009) *Youth Justice: The scaled approach*. London: YJB.