

## **CHILDREN'S PARTICIPATION IN YOUTH JUSTICE: ACTIONS SPEAK LOUDER THAN WORDS**

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### **Abstract**

In theory, children in conflict with the law have the legal right to have their opinions taken into account and are entitled to contribute to a criminal justice system's response to their own behaviour (see United Nations Committee on the Rights of the Child (UNCRC), 2007; 2008). Indeed, the UNCRC General Comment No 24 (2019) reflects developments that have occurred since 2007 with effective participation in justice proceedings (art. 40 (2) (b) (iv)) stating that 'a child who is above the minimum age of criminal responsibility should be considered competent to participate throughout the child justice process.' Pivotal to this is a commitment to ensure that children are provided with meaningful opportunities to participate in inclusive and collaborative decision-making processes (Creaney and Burns, 2024; Peer Power / YJB, 2021). However, in practice, systemic neglect of children's views and an inability to view children as capable co-producers pervades contemporary youth justice systems and practices (Smithson and Gray, 2021; Burns and Creaney, 2023). Whilst a 'participatory rights-compliant' culture should be central to the ethos of how children are responded to, institutional and structural barriers may inhibit opportunities for them to input into processes or exercise agency. The adage 'actions speak louder than words' is used in this special edition to emphasise the point that there needs to be much more of a focus on how children's participation is translated into policy and practice. For instance, the terms child first, child participation, children's voice, and co-production are used interchangeably with little thought as to what they mean for youth justice practice 'on the ground'. The papers in this issue critique models of youth participation and offer insight into how professionals can embrace children's voices in youth justice and wider services.

This special issue includes articles which provide critical reflection on participatory practice in working with children in justice services, empirical studies on participatory research with children, practice-based papers focusing on the key components of relational practice, and international evidence that draw attention to the challenges of, and enhance the debate around, the power dynamics in research processes involving children in youth justice systems.

Anna Bussu and her colleagues use insights from practitioners and young people to evaluate the successes and challenges of a peer mentoring scheme supporting children and young people involved with social care and criminal justice systems. An important finding is the central role of shared experience in creating trusting relationships between mentors and mentees: this stripped away young people's suspicions of ulterior motives in their relationships with professionals. Challenges for operationalising peer mentor schemes in youth justice settings included maintaining a healthy balance of relatability and boundaries, particularly in the context of safeguarding disclosures. The role of power imbalances between mentors, mentees, and the professionals who work with them is recognised as a key area for future study.

Lina Ponnert provides a fascinating glimpse into the secure youth estate in Sweden, focusing on the stories of eight young people housed within these 'total institutions'. Concepts of behavioural diligence as positive participation were explored with young people, including their perceptions of the extent to which their efforts

are recognised and rewarded. Findings include the dichotomy experienced by young people who understand that “being bad” results in censure and punishment, while “being good” attracts no concrete benefits beyond the usual course of care and treatment offered. The author communicates clearly the young people’s sense that good behaviour is therefore ‘necessary but meaningless’, leaving them powerless to positively affect their situation.

Georgia Watkinson, Daniel Marshall and Stephanie Kewley provide a practitioner perspective of the realities of implementing Child-First practices within existing youth justice structures, framed within the four tenets of this approach: Treating children as children; Building pro-social identities; Collaborating with children; Diverting from stigma. Findings include the tension between the need for structure and the desire for creativity in risk assessment, and the urgent need to make processes and paperwork accessible. The authors report practitioners’ frustrations about how time constraints can impact the process of relationship-building, and the conflict which can arise when balancing the rights and expectations of victims with respect for the needs and wishes of children when planning interventions.

Another perspective on Child-First practice is offered by Kathy Hampson, Andrea Nisbet and Stephen Case in their ‘Child First: Realising Effective Participation’ (CF REP) project, using inclusive research practice with children to explore their journeys through the YJ system. The differences between participation and true collaboration and co-production is explored in the context of entrenched epistemic injustice for those with offending histories – in particular justice-involved children. By identifying and addressing potential barriers to involvement, the authors show us how children’s voices can be made central in discussions about the policies and practices which directly affect them.

Paula Carroll and her colleagues use a Positive Youth Development (PYD) lens to explore Liverpool Football club’s ‘Onside’ programme which aims to help children build motivation, reduce risky behaviours, and develop a pro-social sense of self, while avoiding stigmatising language. By measuring outcomes such as self-reported resilience, aspirations, and incidence of risky behaviours pre- and post-programme, the authors were able to discern a number of positive benefits from the programme, such as increased coping ability, self-esteem and feelings of self-efficacy.

Steven Carr offers a practitioner’s insight into imbalances of power and the stifling of children’s voices in youth justice services, even when these services purport to take participatory approaches. Introducing his concept of ‘preferential credence’, Carr describes the inevitable foregrounding of professionals’ perspectives in youth justice practice, cemented by frameworks such as National Standards and the AssetPlus assessment model. He champions an alternative to adult-centric approaches to working with children through diversionary programmes such as the Guernsey model, in order to avoid their criminalisation and stigmatisation.

Hannah Smithson, Sean Creaney and Ruth Parkes

Guest Editors for this special issue

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