

Commission on Justice in Wales

Work Stream 1: Criminal Justice *A short note on youth justice*

1. An essential feature of 'youth policy' in all countries is to limit or minimise the reach of 'negative' (regulatory and problem-oriented) interventions in young people's lives and to maximise the reach of 'positive' (emancipatory and opportunity-focused) interventions in young people's lives.
2. Criminal justice, including youth justice, is NOT a devolved function for the Welsh Government, but all connected 'youth policy' domains relevant to young offenders are: education and training (and employment), health (significantly mental health), housing and social services. When I was a Board Member of the Youth Justice Board for England and Wales, I argued for ensuring 'parallel and equivalent' policy development. Young offenders in or from Wales have occasionally benefited from additional resources and more creative youth policy development (the Swansea bureau is a case in point) but, certainly at the start of my tenure on the Board, more often have been overlooked as initiatives have been developed from an England-only perspective (for example, through working with the Sports Council).
3. Linked to this, however, is the 'politics of devolution'. Lord Thomas made the point during the Commission's visit to the University of South Wales that one objective of the Commission's work was to build an argument based on evidence, not anecdote. I interjected that a third dimension was ideology. Welsh Government politicians – in harmony and agreement with senior professionals in the field - have sometimes been helpful in ensuring the limited reach of some negative interventions (cf ASBOs) and taking considerable care in their application, particularly in South Wales. At other times, they have opposed evidence-based initiatives (such as parenting orders, and Youth Inclusion and Support Panels) on very spurious grounds – seemingly largely because they were forged in England (latterly under a Conservative administration)!
4. Though a supporter of devolution, I have never advocated the devolution of youth justice. This position is not forever and a day, but it has been my position to date. My concern is that the middle ground of policy delivery would be emptied through the promotion of key actors to Welsh Government positions, shaping arguably more child-focused youth justice strategy but having limited efficacy in making it happen. To date, I have favoured a 'delegated' position, whereby the expertise concentrated in London shape youth justice initiatives across England and Wales, with a small YJB office in Wales capable of debating and reflecting on how goals are best achieved in the Welsh context, through discussion with Welsh Government. Policy proposals may be rejected, adopted or adapted, subject to a 'parallel and equivalent' test (see above).

5. Both the All Wales Youth Offending Strategy and Children and Young People First (which draws from a line in the AWYOS that states that young offenders are children first, offenders second) are embedded in the philosophy of Extending Entitlement, the youth policy framework established in Wales in 2000. Though the policy context in Wales has evolved, the philosophy of Extending Entitlement remains. This is premised not on pathologising young offenders, alongside pregnant teenagers, school drop-outs and young substance misusers (as the Blair government had done in a laudable effort to address social exclusion and restructure socially inclusive policy). It is anchored in a view that, in the 21st century, 'sorted out young adults' become so through a fairly clear list of opportunities and experiences – what I termed a 'package of entitlement'. This includes, predictably, family support and decent schooling, but also access to reliable and trustworthy information, advice and guidance, away from home experiences, membership of youth organisations, learning about and through technology, access to culture, music and sport, and being taken seriously when you have something serious to say. The Extending Entitlement list is ten-fold. Most items on the list have rarely reached many of our more or most troubled and troublesome young people, so we should not be surprised that they are localised, often homophobic and xenophobic, defensive (and aggressive) individuals hostile to difference and surprise. The job of public policy, surely, has to be to endeavour to extend such opportunities and experiences more effectively to those young people.
6. Extending Entitlement has often been conflated and confused with children's rights. This is a lapse in historical memory, though the rights-based agenda in Wales has certainly, subsequently, informed the youth policy agenda.
7. Informing the primary objective of the youth justice system in England AND Wales – the prevention of re-offending – are the three Rs: responsibility, restoration and re-integration. The first two should be matters for the courts and the first task of youth offending services. But the latter can and will only be achieved and secured if relationships are built with young offenders that support both personal and positional change – an attitudinal shift in what matters and works for them, and a systemic shift away from (for example) substance misuse towards more constructive use of time – both within education, training and employment, and beyond (through sport, music or something else). In Wales, we had the prospect and potential of making the right connections through what started as a Youth Justice Board Committee for Wales and a Welsh Assembly Government Youth Justice Committee. These were separate bodies, with different chairs, but largely composed of the same individuals and determined to connect YJB (England and Wales) thinking – on social services support, health care, education and training provision, accommodation and resettlement – to Welsh (Assembly) Government policy and practice. It achieved moderate success. As I departed the YJB, it morphed into a united Youth Justice Committee for Wales.

8. I know this can be done. I have succeeded (but also failed, though with more success than failure) as a youth worker. But it takes time. It takes skills. It takes conviction. It takes confidence. And it requires trust.

9. I heard testimony from many at the verbal session about the value and effectiveness of new arrangements in Wales, from PSBs and better 'partnership' working to basing thinking and intervention on the ACEs research. I am not persuaded or convinced. Petronius said that reorganisation was a wonderful way of producing an illusion of progress. Systemic reorganisation only ever goes so far. Within any system, committed individuals always, ultimately, make the difference in turning young lives around, so long as wider systemic responses are timely, relevant, and meaningful to the young person concerned. Skilled professionals can help young people to recognise these elements in a renewed offer to change the direction of their lives. But here lies the caveat: only if – as I said in the speech that launched the Children and Young People's Unit in 2002 – politicians and funders learn the art of patience. There is a lot of one step forward, two steps back but, ultimately, the skilled, reflective professional practitioner (teacher, police officer, careers counsellor, psychologist, youth worker), who is given the discretion, time and space to make an informed judgment as to when to press on the accelerator and when to press on the brake, will make progress. We have lost sight of that and, until we recover it, we will continue going round in circles. We may spend plenty of time hitting the target, but we will go on missing the point.

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