



‘Child friendly’ international human rights standards and youth offending team partnerships

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Abstract

International human rights standards stipulate that youth justice should be ‘child friendly’ and protect the ‘best interests’ or welfare of young people who offend. The multi-agency composition of youth offending teams (YOTs) in England and Wales seems to offer the ideal arrangement to achieve these standards. Yet while official inspections generally praise YOTs highly for reducing the risk of reoffending, independent research reveal significant shortfalls in their work to address the social welfare difficulties of young people who offend. This article uses an empirical study of YOT partnerships to explore why young people’s social welfare needs are not being met. It challenges explanations which blame the audit culture and public spending cuts, and argues that such failure stems from the way young people’s social welfare problems are framed. The article ends on a positive note by considering how a rights-based approach could be used to uphold young people’s social rights.

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1. Introduction

International human rights standards set out an explicit message that youth justice systems should be ‘child friendly’ and protect the ‘best interests’ or welfare of children in conflict with the law (Kilkelly, 2011; Moore, 2013), who, research repeatedly inform us, have experienced high levels of socio-economic disadvantage (Jacobson et al., 2010). Article 3 of the 1989

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United Nations Convention on the Rights of the Child (UNCRC), which the United Kingdom ratified in 1991, states that the latter principle should be ‘paramount’ in youth justice, and in the European context guidelines for ‘child friendly justice’ were formally adopted by the [Council of Europe in 2010](#).

Throughout the 20th century the pursuit of these standards has influenced the development of youth justice policy and practice in England and Wales.¹ The first juvenile courts were established in 1908 with the somewhat ambiguous aim of providing ‘for the rescue as well as the punishment of children’ (cited in [Parsloe, 1978: 139](#)), but as the century progressed welfare principles were more explicitly spelt out in legislation such as the iconic *1933 and 1969 Children and Young Person Acts* ([Parsloe, 1978](#)). The efforts to integrate welfare considerations into youth justice proceedings have continued into the 21st century. While the *1998 Crime and Disorder Act* effected significant changes to the delivery of youth justice for children between the ages of 10 and 18 years by creating multi-agency Youth Offending Teams (YOTs) made up of representatives from probation, education, health, children’s services and the police, its initial aim was simply to prevent offending amongst young people by addressing the risk factors ([National Audit Office, 2010](#)). However, as the heightened welfare focus of the ‘every child matters’ agenda ([Department for Education and Skills, 2003](#)) and of the *1989 and 2004 Children Acts* ([Muncie, 2015](#)) has been progressively translated into youth justice ([HM Government, 2008](#)), these teams have been given the more specific remit of preventing offending by forming partnerships with a variety of social service providers to offer young people ‘holistic’, ‘child-friendly’ support to sort out the welfare problems which were seen to place them ‘at risk’ ([Centre for Social Justice, 2012](#)). The recommendations of the Munro Review in relation to child protection has further emphasised a ‘child-centred’ approach to youth justice ([Department for Education, 2011](#)).

Unfortunately, this apparent commitment to protecting the child’s ‘best interests’ or welfare through the provision of ‘child friendly’ youth justice measures has not led to improved welfare outcomes for young people who offend. YOTs are subject to regular inspection and in recently completed inspections they have generally received high praise² for the quality of their work to safeguard young people and reduce their risk of offending and harm to others ([Criminal Justice Joint Inspection, 2013](#)). Partnership work has also scored highly in these inspections, with the thematic inspection of offending behaviour, health and education, training and employment noting that in all the YOTs visited ‘partnership work was a key strength’ ([Criminal Justice Joint Inspection, 2011: 41](#)). But inspections provide a distorted picture of success because they focus on ‘processes’ rather than ‘outcomes’, and when they do measure outcomes these are mainly centred around reducing the risk of reoffending rather than alleviating young people’s social welfare difficulties ([Centre for Social Justice, 2012](#)).

Independent research reveals a more negative picture than the inspections, providing powerful evidence that YOTs, in partnership with children’s and other social services, often fail to resolve the complex family, education, employment, emotional and mental health needs of young people who offend ([Soloman and Garside, 2008; Centre for Social Justice, 2012; House of Commons Justice Committee, 2013; Carlile, 2014](#)). As long ago as 2008 the Committee on the Rights of the Child ([CRC, 2008: 7](#)), which monitors the implementation of the 1989 UNCRC, condemned the UK for its failure ‘to ensure that the principle of the best interests of the child ... is adequately integrated in all legislation and policies’ impacting on young

¹The age range and title of juvenile/youth courts have substantially varied during this period (see [Parsloe, 1978](#)).

²This contradicts the criticisms of YOT partnerships in the [Criminal Justice Joint Inspection \(2012\)](#) of ‘Looked After Children’.

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