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## Taking the risk out of youth culture

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## Taking the risk out of youth justice

Stephen Case and Kevin Haines

In the contemporary ‘risk society’ of rapid social change and globalisation (cf. Beck 1992), youth justice systems across the industrialised Western world have chosen to understand and respond to youth offending in terms of the ‘risk’ presented by young people – the risk of first-time offending, reoffending, conviction, reconviction, causing harm to self and others and so on. Risk has been explored by academics and represented by politicians and the mass media as an entirely negative phenomenon; as a harm or threat to be managed as opposed to a positive sensation or challenge for young people to pursue (cf. Katz 1988). The reduction of risk has shaped and driven youth justice systems internationally, riding the wave of government anxieties over (alleged) growing youth crime rates and the ineffectiveness, inappropriateness and inefficiency of traditional youth justice responses such as welfare, justice and the rehabilitative ideal (see Haines and Case, in press). The perceived failures of traditional youth justice approaches and the growing influence of ‘risk society’ concerns have encouraged governments to utilise ‘risk’ as a predictor to enable the ‘evidence-based’ and defensible pre-emption and prevention of crime. The emergence of risk prediction has fed into a ‘new penology’ (Feeley and Simon 1992) of actuarial justice based on assessing the statistical probabilities (risks) of future offending in aggregated populations in order to more effectively target resources and preventative activities. Actuarial justice has constituted a practical rather than a principled approach and provided for the accelerating, global ‘Risk Factor Research’ movement that provides the evidential foundation for risk-based youth justice.

However, the hegemonic risk-based paradigm in the field of youth justice is fatally flawed in methodological, philosophical and ethical terms. In this chapter, we illustrate and explore these developments by charting the emergence, rise to power, dominance decline and ultimate fall of risk-based youth justice in the Youth Justice System of England and Wales – a system underpinned by managerialist and interventionist policies that have been animated by risk assessment practice. We explore the theoretical and evidential bases for the risk-based approach that lie in developmental and artefactual ‘Risk Factor Research’ and the ostensible logic of the ‘Risk Factor Prevention Paradigm’, discussing their practical application in the ‘Scaled Approach’ to risk assessment and intervention. From there, we conduct a detailed methodological critique of the reductionist over-simplification, partialities, indefinites and invalidities of risk-based youth justice, moving into a philosophical and ethical critique of its negative-facing, value laden, governmentalist and anti-child nature. The chapter concludes with critical discussion of recommendations for progressive youth justice, focused particularly on *AssetPlus* (YJB 2014) and the *Children First, Offenders Second* approach (Haines and Case, in press).

### **The emergence of risk-based youth justice: Beguiled by Risk Factor Research**

The Labour Government took office in the United Kingdom (UK) in 1997 in a (risk society) climate of escalating media and public concerns over young people’s behaviour and the apparent failure of existing welfare- and justice-based approaches in successfully addressing the youth crime ‘problem’. A foregoing review of the Youth Justice System (YJS) of England and Wales commissioned by the outgoing Conservative Government, entitled ‘Misspent Youth’ (Audit Commission 1996), had

concluded that it was ineffective, inefficient and uneconomical in dealing with youth crime and that youth justice agencies were working poorly together. The central recommendations of Misspent Youth were managerialist and interventionist – focused on the utility of multi-agency partnership working (after Morgan 1990) that is evidence-based and focused on early intervention and risk management. Advocacy of the need for a managed system underpinned by evidence-based practice stemmed from concerns that welfare approaches had been overly-discretionary and subjective – incongruous with the evidential, transparent and defensible requirements of modern practice in the risk society. In turn, justice-based approaches were purportedly lacking in cogent evidence of ‘effectiveness’ in terms of reducing reoffending and the public’s fear of crime, due in large part to the collapse of faith in the rehabilitative ideal, combined with ineffective working practices within and between youth justice agencies.

At a time when the effectiveness of traditional youth justice approaches was under critical scrutiny, the early to mid 1990s witnessed the rise to prominence of an alternative model of understanding and responding to young people’s offending behaviour. The ‘Risk Factor Research’ (RFR) movement was rapidly gaining favour within youth/developmental criminology and across youth justice systems in the industrialised Western world, particularly in the UK and the USA. RFR provided an ‘evidence-based’, (purportedly) objective, deterministic and developmental explanation for youth offending based on a raft of international longitudinal and cross-sectional survey studies that claimed to have identified the personal and social ‘risk factors’ (risk quantified into an ‘artefact’) experienced by young people that predicted their increased (statistical) likelihood/probability of future offending and reoffending (cf. Farrington 2000; Thornberry and Krohn 2003; YJB 2003; see also Case and Haines 2009). Thus, ‘artefactual’ RFR (Kemshall 2008) provided a theoretical (positivist, developmental) and empirical (replicated, evidenced) rationale for a new risk-based approach to youth justice. This rationale was animated and applied through the ‘Risk Factor Prevention Paradigm’ (Hawkins and Catalano 1992), a practical and commonsense assessment and intervention model for working with young people in the YJS:

‘Identify the key risk factors for offending and implement prevention methods designed to counteract them. There is often a related attempt to identify key protective factors against offending and to implement prevention methods designed to enhance them’ (Farrington 2007: 606)

The Risk Factor Prevention Paradigm (RFPP) offered numerous practical advantages to politicians and policy makers seeking an evidence-based alternative to ‘failing’ youth justice practices; crucially an approach that ‘links explanation and prevention .... is readily accepted by policy makers, practitioners, and the general public....[and is] based on empirical research’ (Farrington 2000: 7). In short, the RFPP was an idea whose time had come. The Misspent Youth recommendations for risk-based practice were consolidated in the 1997 Labour Government White Paper ‘No More Excuses: A New Approach to Tackling Youth Crime’ and legislated into existence in 1998 by the ‘Crime and Disorder Act’. The managerialist intent of the new UK Government was animated by the creation of a quasi-autonomous monitoring body entitled the ‘Youth Justice Board’ (YJB) to oversee and guide the operation of the YJS, notably the delivery of youth justice by newly-formed, multi-agency ‘Youth Offending

Teams' (YOTs) in every local authority area in England and Wales - consisting of representatives from each of the 'statutory' agencies (police, probation, local authority (e.g. social services) and health, along with representatives from voluntary and charitable agencies where appropriate. The primary duty of YOTs under the Crime and Disorder Act was to be the *prevention* of offending by young people – a significant step-change from previous (principled) systemic concerns with welfare, rehabilitation and justice.

### **The rise of risk-based youth justice: Risk assessment and intervention**

The prevention goal of the YJS as set out by the Crime and Disorder Act was to be pursued in highly prescriptive, tightly managed, interventionist and, crucially, risk-focused ways. All YOT staff were to complete a new structured risk assessment instrument known as *Asset* in interview with every young person (aged 10-17 years) entering the YJS, in order to produce a risk rating that would inform and guide subsequent interventions to reduce risk and prevent further offending.

#### **In focus: *Asset* risk assessment**

YOT practitioners complete *Asset* to rate a young person's risk of reoffending (more accurately, their risk of reconviction) by measuring their (current or recent) exposure to risk factors in 12 psychosocial domains: living arrangements, family and personal relationships, education, training and employment, neighbourhood, lifestyle, substance use, physical health, emotional and mental health, perception of self and others, thinking and behaviour, attitudes to offending and motivation to change, alongside additional sections measuring positive (protective) factors, indicators of vulnerability, indicators of risk of serious harm to others and a self-assessment 'What do you think?' section (YJB 2000). The risk domains and additional sections within *Asset* contain a series of risk-based statements rated 'yes' or 'no' by YOT practitioners to indicate the presence or absence of that risk factor in the young person's life. Practitioners then quantify the extent to which they feel that the risks in each domain are associated with 'the likelihood of further offending' by that young person: 0 = no association, 1 = slight or limited indirect association, 2 = moderate direct or indirect association, 3 = quite strong association, normally direct, 4 = very strong, clear and direct association – supplementing these quantitative judgements with qualitative, narrative explanations provided in a small, summative 'evidence box' at the end of each section. The standardised and structured completion of *Asset*, therefore, animates, applies and builds upon the 'evidence-base' for understanding (assessing) and responding to (intervening) young people in the YJS of England and Wales.

In accordance with the RFPP, the identification and assessment of risk factors was intended to feed into and shape risk-focused interventions with young people in the YJS, with a focus on intervention at an early stage in the young person's 'criminal career' (i.e. early intervention), as a means of 'nipping crime in the bud' (Blair 2007). Priority was given to interventions (typically pseudo-psychological programmes imported from the USA) that had been evidenced through scientific, quasi-experimental evaluation as 'what works' in the risk-based reduction of crime (see Sherman et al 1998). Taken together, quantitative *Asset* risk assessment and risk-focused 'what works' intervention constituted the 'evidence-base' for practice that the YJB privileged as 'effective'. YOT practice was underpinned by a series of 'Key Elements of Effective Practice' (KEEPs) and their associated guidance documents,

the central KEEP being ‘Assessment, Planning Interventions and Supervision’ or ‘APIS’ (YJB 2003). The APIS guidance prescribed that youth justice assessment and intervention should be risk-based and that the influence of risk factors on young people’s offending should be understood in a developmental and deterministic manner (i.e. risk factors experienced in childhood and adolescence predict and influence offending behaviour in later life (cf. Farrington 1996; Sampson and Laub 1993; Thornberry et al 1997), so any (early) intervention should target the prevention of exposure to risk factors (risk and crime *prevention*) and the reduction of harm caused by previous and existing exposure to risk factors (risk and crime *reduction*). Early evaluations of the *Asset* tool were considered positive by the YJB. Evaluation found that *Asset* was able to successfully predict outcomes for young people (i.e. reconviction or no reconviction) in 67% of cases one year after completion (Baker et al 2002) and in 69% of cases two years after completion (Baker et al 2005); superseding the prediction rates of equivalent assessment tools in the adult system. Criticisms that outcomes for one-third of young people were incorrectly predicted by *Asset* and thus informed potentially disproportionate and unnecessary intervention have been countered by arguments that the risk assessment process is not intended to be rigid and prescriptive, but more of a guide for practitioners, which can be validated and supplemented with other forms of assessment (Baker 2005; for a critique, see Pitts 2001; Case and Haines 2009; see also below). Statistical evidence of the ‘reliability’ of *Asset* (for two of every three children at least) and qualitative practitioner feedback attesting to the user-friendly nature of the tool, consolidated the UK Government’s faith in risk-based youth justice (i.e. assessment and intervention – in line with the RFPP) as a practice model that was not only ‘effective’, but also afforded the YJB a simple and straightforward approach to monitoring and managing the delivery of youth justice at systemic (YJS), organisational (YOTs) and individual (YOT practitioner) levels.

### **The domination of risk-based youth justice: All hail the Scaled Approach**

On the strength of a promising initial evaluation of *Asset* (Baker et al 2002) and an evidence-base from artefactual RFR that self-replicated internationally at an alarming pace, the question for the UK Government moved beyond whether the RFPP was an appropriate practice model (if indeed such a reflective and critical question had ever been asked, as opposed to the evidence following the policy) and into a consideration of how the objective, ‘evidence-based’ and ‘effective’ RFPP could be applied more widely. Beguiled by the evidential appeal of risk-based practice as a means of informing prevention practice (despite a paucity of evidence that targeting risk factors actually prevented future offending), the YJB introduced *Onset*, a condensed baby brother version of *Asset*, for use with 8-13 year olds assessed as being on the cusp of offending (i.e. measuring the risk of the onset of offending) and thus likely to enter the YJS. Young people identified by *Onset* as ‘at risk’ of offending were to be referred to a ‘Youth Inclusion and Support Panel’ (YISP), which would provide early preventative intervention in the form of a risk-focused, individualised support package for the young person (see McCarthy et al 2007). The inception of *Onset* evidenced the strength of the Government’s commitment to the RFPP (i.e. risk assessment and ‘what works’ intervention) through its application to a broader range of (pre-offending, antisocial) behaviours demonstrated by a broader range of young people – those outside of the YJS and those below the age of criminal responsibility (10-17 years old). But the expansion of the RFPP would not end there.

In November 2009, the *Scaled Approach* assessment and intervention framework was born, heralding the zenith of the UK Government commitment to risk-based youth justice (and the RFPP) in policy and practice terms. Concerned to address conclusions from the *Asset* evaluations that YOT practitioners were not consistently or explicitly linking the outcomes of risk assessment to the interventions that followed, the YJB has provided a clear framework to manage and prescribe this link. The *Scaled Approach* prescribes that practitioners aggregate the ratings across the *Asset* domains to provide a total risk score from 0-64 (16 domains x possible 0-4 rating in each). The risk score dictates the frequency, nature and intensity of the post-assessment intervention the young person receives: standard (risk score of 0-14), enhanced (risk score of 15-32) or intensive (risk score of 33-64). Thus, the *Scaled Approach* involves ‘tailoring the intensity of intervention to the assessment’ (YJB 2007: 4). Prior to its roll-out nationally, the implementation of the *Scaled Approach* was evaluated across four pilot YOTs (compared with four non-pilot YOTs). The evaluation concluded that the pilot YOTs were more likely to both provide comprehensive risk (assessment) information to the courts and to have their risk-related recommendations followed by those courts. Crucially, the evaluation identified ‘broad and clearly defined consensus among the practitioners in the four pilot YOTs that the risk-based approach results in better outcomes for young people’ (YJB, 2010: 15), appearing to justify the central rationale for the *Scaled Approach*. However, the short-term evaluation was unable to consider the direct impact of the *Scaled Approach* on reconviction, so claims of ‘better outcomes for young people’ remain unsubstantiated and vague at best. Furthermore, there were ‘variations in implementation and the different elements of risk-based approaches’ (YJB, 2010: 23) between the pilot YOTs in relation to pivotal practice elements such as risk rating and intervention planning (e.g. linking risk profile to recommended intervention). Therefore, the prescriptive, allegedly value-free *Scaled Approach* (RFPP) framework was actually mediated and adapted to suit local need, resources, practices and contexts (Sutherland 2009). Ultimately, the evaluators were forced to concede that ‘lack of information is a constraint in making objective assessments of the variety of practices that were adopted’ (YJB 2010: 14). Indeed, our own research, based on YJB data covering the *Scaled Approach* pilot period, showed that the YOT deemed (by the YJB to have assiduously applied the *Scaled Approach* in practice) evidenced a 64% increase in re-offending (Haines and Case 2012). The YJB’s promotion of the ‘benefits’ of the *Scaled Approach* on the basis of a partial (limited and biased) and problematic ‘evidence-base’ exemplifies how risk-based youth justice more broadly has been over-sold, misrepresented and invalidated by a body of naïve, over-zealous and unreflective politicians, policy makers and academic proponents of developmental and artefactual RFR (see Haines and Case 2012). It is to the methodological weaknesses of risk-based youth justice that we now turn.

### **The decline of risk-based youth justice: Methodological weaknesses**

A small group of vociferous critical youth justice academics and campaigners have consistently castigated the UK Government for its risk obsession, largely due to the negative, value laden and iatrogenic perceptions and treatment of young people in the YJS that are promulgated by RFPP and its various incarnations, notably the *Scaled Approach* (cf. Bateman 2010; O’Mahony 2009; Kemshall 2008; see the following sub-section). There has also been a robust critique of the prescriptive, technical and superficial (box ticking) nature of *Asset* risk assessment and how this has served to ‘deprofessionalise’ YOT practitioners, robbing them of valuable discretionary

capacity and fostering ‘automated’ and ‘routinised’ practice akin to ‘Korrectional Karaoke’ (Pitts 2001). However, few critics have examined in detail the methodological bases of RFR and the RFPP in order to evaluate the validity of its research designs, methods, analytical techniques and conclusions/recommendations – which serve as the evidential rationale for the implementation of risk-based youth justice.

The publication of the evidence-based polemic ‘Understanding Youth Offending: Risk Factor Research, Policy and Practice’ (Case and Haines 2009) radically altered the critical landscape, offering a through-going exposition of the methodological weaknesses that pervade artefactual RFR; a research movement that dominates contemporary theoretical understandings of youth offending and that drives practice in youth justice systems across the globe. Following a comprehensive review of the most important studies in the evolution of artefactual RFR and its application in the YJS through the RFPP, the authors offered a damning evaluation of a methodology undermined by over-simplification, partiality, indefinity and invalidity. Taking each methodological criticism in turn:

- **Over-simplification** – the majority of artefactual RFR studies (as opposed to qualitative, ‘constructivist’ studies that explore how young people understand, perceive, experience, resist and negotiate risk in their everyday lives – see Kemshall 2008) have measured and understood ‘risk’ as a quantifiable, numerical, statistical ‘factor’, thus dumbing down a potentially complex and multi-faceted component of young people’s lives that is experienced, perceived and negotiated contingent on the individual. The ‘factorisation’ of risk (Kemshall 2003) has been a reductionist tool to facilitate statistical analyses (e.g. associating a risk ‘score’ aggregated across a group with the presence/absence of offending) that produce deterministic (yet often imputed, adult-centric and invalid) conclusions regarding the nature of the risk factor-offending relationship – typically developmental conclusions that exposure to risk factors predicts later offending;
- **Partiality** – RFR has privileged the examination of risk factors situated within psychological/individual and immediate social (family, education, neighbourhood, lifestyle) domains of a young person’s life, whilst relatively neglecting the potential influence of broader socio-structural issues (e.g. poverty, unemployment, neighbourhood disorganisation, changes in the Law and the practices of criminal justice agencies) and social interactions with significant adults within and outside of the YJS. This pervading ‘psychosocial’ bias has created a partial evidence base, biased towards and limited to restricted and individualised psychosocial explanations of youth offending and equivalent recommendations for responsive intervention;
- **Indefinity** – there have been divergences between the most influential RFR studies in terms of the measurement and nature of their central concepts, namely the ‘risk factor’ and ‘offending’ behaviour. Both concepts have been measured inconsistently and vaguely, using scales of varying length and nature (e.g. linear, ratings, Likert, dichotomous), differing definitions (e.g. risk factors as independent of or dichotomous to protective factors, offending classified as official, self-reported, first-time, reoffending, serious, persistent,

general, antisocial behaviour), at different ages and developmental stages (e.g. childhood, early and late adolescence, adulthood) and over different time periods (e.g. lifetime, past year, past month, current). Little attention has been given to whether exposure to risk factors or offending behaviour has temporal precedence, time of onset, duration and intensity of exposure etc. This has created indefiniteness and uncertainty over the precise nature and even existence of any identified statistical relationships between the two concepts - e.g. is the relationship predictive, indicative or causal (if so, in which direction)? do the two concepts interact? are they related at all?;

- **Invalidity** – RFR has been characterised by invalid measures of risk (e.g. due to their over-simplification, partiality, indefiniteness and inconsistency across studies) and invalid analyses (e.g. relying on statistical tests of probability that require ‘samples’ of young people and ‘normal distributions’ – neither of which is common in RFR and certainly not in the YJS). The consequence has been invalid conclusions regarding the nature and existence of the risk factor-offending relationship (based on imputation and inappropriate extrapolation of statistical results) and the purported homogeneity of RFR studies (which can actually vary greatly in design and methodology), compounded by invalid recommendations for intervention based on imputed relationships, the application of aggregated risk profiles to individual young people and the ‘scaled’, potentially disproportionate use of intervention based on prospective, subjective risk rather than substantive, actual need.

On these methodological grounds alone, the artefactual RFR movement appears seriously flawed, if not invalidated as a suitable empirical, evidential basis for youth justice processes. When these criticisms are considered in conjunction with the philosophical and ethical problems inherent to RFR, the case for abandoning risk-based youth justice is clear, cogent and pressing.

### **The decline of risk-based youth justice: Philosophical and ethical problems**

Privileging ‘risk’ and the RFPP as the vehicle to understand and respond to young people in the YJS is negative and value-laden. The psychosocial, deterministic bias within RFR has served to individualise the causes of offending and place the blame on young people, rather than considering broader and less controllable socio-structural, political, systemic and interactional influences that may be criminogenic. As such, young people (not adult practitioners, policy makers, politicians, parents) have been responsibilised to resist the negative impact of exposure to risk factors and to respond favourably to risk-focused interventions, despite the influences on, and causes of, their offending being more complex, dynamic, embedded and intractable than they are presented by over-simplified risk assessment and intervention processes. Risk-based youth justice fosters an offender and offence-focused perspective of offending behaviour by young people, using the concept of risk to label and stigmatise young people as personally deficient, feckless, troublesome and dangerous, rather than disadvantaged, deprived, in need or resourceful. The negative-facing, retrospective RFPP provides an ‘evidence-based’ rationale (albeit drawing on a partial and problematic evidence-base) for governmentality, exercised through increasing levels of interventionism, control and surveillance targeted on ‘at risk’ groups of young people and ‘high risk’ neighbourhoods. The premise is straightforward – without early intervention by the adult representatives of the State (Government,



police, YOTs), young people facing certain individual and social problems will inevitably offend. Therefore, the practicality and evidence-base of RFR/RFPF justifies pre-emptive (preventative) targeted intervention *before* offending has taken place, on the basis of what young people *may do*, rather than what they actually have done. This is anti-rights, anti-welfare, anti-due process... anti-child.

### **The fall of risk-based youth justice and the rise of progressive youth justice**

The exponential critique of risk-based youth justice and the application of the RFPF in England and Wales prompted a YJB stakeholder consultation exercise and reflective review of the appropriateness of the *Scaled Approach* to assessment and intervention, less than two years after its introduction. The review was precipitated by developments in assessment practice, theoretical debates around 'risk' and the perceptions and experiences of practitioners and 'offenders' (Baker, for the YJB 2012). In June 2015, a revised assessment and intervention framework entitled *AssetPlus* will come into force (YJB 2013) - intended (and promoted) as an holistic, complex, contextualised and dynamic set of processes prioritising young people's needs (over risks), young people's perspectives and practitioners' discretion (over prescribed assessment procedures), strengths (over deficits) and the promotion of positive behaviours (over the prevention and reduction of risks and negative behaviours). The YJB have championed *AssetPlus* as a direct challenge to extant risk-focused assessment and intervention mechanisms by providing the conceptual and practical space for assessments of positive characteristics (e.g. young people's strengths, capacities, aspirations, motivations to change) and prospective interventions orientated towards the achievement of positive behaviours and outcomes (YJB 2014). Early working models of *AssetPlus* indicate an ongoing assessment cycle (prevention to custody) driven by practitioner completion of a three-stage, iterative Core Record consisting of 'Information Gathering and Description' to inform 'Explanations and Conclusions' to inform 'Pathways and Planning'. Crucially, *AssetPlus* purports to eschew numerical, quantitative ratings and measures, signifying a drastic departure from the over-simplification of risk within the *Asset* instrument.

The *AssetPlus* tool has the potential to affect a culture shift across the YJS away from measuring and responding to psychosocial risk factors using risk-focused intervention and towards a more explicit emphasis on young people's needs, strengths and the child-friendly pursuit of positive behaviours and outcomes. However, there remains a proposed explanatory reliance on assessing 'risk and protective factors' (expressed in the 'Self-assessment' portion of the 'Information Gathering and Description' section) and the rating of 'risk / likelihood of reoffending' ('Explanations and Conclusions' section) as a means of informing an ostensibly 'scaled' (to risk level) response to offending, which would appear to contradict or at least undermine this culture shift. The proposed changes, therefore, do not go far enough in reorientating existing assessment and intervention and seem intent on amending and augmenting existing risk-focused procedures. Whilst *AssetPlus* could offer a promising advance from the methodological and ethical problems of the *Scaled Approach*, it does not attempt a sufficient overhaul of assessment principles, policies and practices to benefit young people in the YJS. Like its predecessor the *Scaled Approach*, *AssetPlus* presents as a technique without a guiding philosophy or purpose; posing a significant threat to its potential to refocus youth justice assessment and intervention in a more positive, risk-free direction.

### ***Children First, Offenders Second: Child-friendly youth justice***

We are conscious to avoid the common accusation levelled at critical youth justice criminologists like ourselves - that negativity and policy scepticism is privileged at the expense of providing constructive and practical alternatives for policy and practice development. We have argued here and elsewhere (cf. Case and Haines, in Goldson and Muncie 2015) that using risk as the central concept to guide youth justice has been largely discredited in academic, policy and practice terms. We assert in the strongest possible terms that youth justice should be underpinned philosophically and practically by the principled and progressive *Children First, Offenders Second* model, which can serve as a touchstone for YOT staff to evaluate their daily practice against (Haines and Case, in press; Haines and Drakeford 1998; see also Welsh Government 2014). *Children First, Offenders Second (CFOS)* eschews risk-based, negative, offender-and offense-focused youth justice practice, replacing this with a primary duty to respond to the status of 'child' possessed by all individuals who enter the YJS (hence 'children first'). Youth justice should be delivered in child-friendly and child-appropriate ways that focus on the child in holistic terms, examining their life, experiences, perspectives, needs and contexts with suitable complexity and sensitivity (as *AssetPlus* claims it will do, clearly is not structured to do in its current form). This approach demands that practitioners and policymakers view children as part of the solution (to responding to offending behaviour and personal and social problems), not part of the problem and that they seek to work in partnership with these young people promote their interests, needs, rights and views as paramount and influential throughout the youth justice process. Adult practitioners must see themselves as working *for* the young people they engage with, rather than as (primarily) representing the YJS, their home organisations, communities or victims. Adults must take the responsibility to enable young people in the YJS to express their views on issues that affect them )in line with article 12 of the United Nations Convention on the Rights of the Child/UNCRC), to participate equitably in decision-making processes regarding their futures and to access the universal entitlements as set out in national policy statements and international conventions (e.g. the Welsh Government's 'Extending Entitlement' youth strategy – National Assembly Policy Unit 2000; the UNCRC). Consequently, children's engagement with youth justice practice and practitioners will move beyond the fundamentals of voluntarism, trust, respect and fairness (albeit essential building blocks of engagement) and towards more progressive notions of partnership, reciprocity, investment and 'legitimate' participation in decision-making processes (see also Hawes 2013).

Risk-based youth justice is anathema to child-friendly youth justice. A *CFOS* model advocates for the total abandonment of risk-based assessment and intervention, but not the abandonment of assessment and intervention per se. Child-focused assessment and principled diversionary responses are championed, particularly those that focus on promoting positive behaviour and outcomes for young people and that enable their access to universal entitlements to services, information, guidance and opportunities. Importantly, there is an accompanying, developing evidence-based that *CFOS* can provide an effective alternative model of youth justice preferable to extant risk-based models (Haines and Case, in press; Haines et al 2013; Haines and Case 2012). To summarise the benefits of the proposed model, *CFOS*:

'has a coherent *philosophy* (children first), an explicit sense of *purpose* (prevention is better than cure, children are part of the solution, not part of the

problem), clear *goals* (responsibilising adults, evidence-based partnership working) and clearly articulated, desirable *outcomes* for children (positive behaviour, access to rights/entitlements)' (Case and Haines, in Goldson and Muncie, in press)

Such a principled and progressive approach contrasts starkly with the negative, poorly-evidenced, methodologically flawed, unethical and anti-child model of risk based youth justice outlined in this chapter.

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