

Paper 2

Children and the Youth Justice System: an *Ideas Wales* Policy Discussion Paper

Jonathan Evans, Julian Buchanan, Gordon Hughes and Katherine S Williams

Correspondence: Dr Jonathan Evans, Centre for Criminology, University of Glamorgan, Pontypridd CF37 1DL. Email: jwevans@glam.ac.uk

Children and the Youth Justice System

an *Ideas Wales* Policy Discussion Paper

Jonathan Evans, Julian Buchanan, Gordon Hughes and Katherine S Williams

Correspondence: Dr Jonathan Evans, Centre for Criminology, University of Glamorgan, Pontypridd CF37 1DL. Email: jwevans@glam.ac.uk

1 Introduction:

This paper aims to do three things: first, to identify the essential principles of good practice in the field of youth justice; second, to provide a brief critical overview of the current state of youth justice policy in Wales, in terms of both the content and framework within which it is developed and delivered; and, finally, to consider a set of practical measures designed to make Welsh communities safer by helping our young people integrate and participate in them more fully.

2 Principles of Good Practice:

At the outset it is worth stating that the youth justice system in England and Wales deals exclusively with children (i.e., those aged below 18 years). Leaving aside the often negative connotations that cluster around media discourses of teenagers and young adults (Cohen, 1972; Pearson, 1983; Brown, 2005), the very use of the term ‘youth’ tends to ‘adultify’ children who offend: a thirteen year old ‘youth’, for example, sounds much more threatening than a thirteen year old ‘child’. The use of language matters enormously in all social policy discourses, but in the field of youth justice it can be particularly influential in terms of affecting young people’s trajectories in the criminal justice system. Whereas it can sometimes feel reassuringly permissible for a court to sentence a ‘youth’ to custody, putting a child behind bars is likely to be rather more troubling to the conscience. It is therefore important that the political classes and the commentariat choose their words carefully, especially when the concept of youth becomes conflated with populist notions of yobbery. Ultimately, careless words can cost the taxpayer money, corrode the quality of community life and damage young lives. Discussing youth crime in these exaggerated terms increases public anxiety which, in

turn, can lead to mounting public pressure for expensive custodial sentences. Such custodial sentences not only put many young people at risk of harm (Goldson, 2002), but are also demonstrably ineffective (National Audit Office, 2004).

Moving beyond language and labelling, it is important to reflect on why the condition of childhood requires us to treat young people rather differently from most adults who commit offences. Drakeford (2001: 43) outlines four main reasons for regarding young people in trouble with the law as 'children first, offenders second':

"In comparison with adults, children do not possess a similar degree of independent agency.

Their characters are not fully formed and neither, whatever Mr Straw may say, are their capacities to frame fully informed moral judgements.

They remain dependent upon adults for almost all the key necessities of life.

The law itself determines that they are unable to take their own decisions in a whole series of areas which are available to adults."

Two broad practice implications flow from this analysis. The first relates to the need for practitioners to understand properly the nature of child and adolescent development. The second concerns the social position of young people in contemporary Welsh society and the corresponding need to ensure that their social rights are met. An additional consideration is the issue of the risk posed to young people by the welfare and criminal justice systems.

Whilst children should not be regarded as devoid of independent agency and personal responsibility, it is important to recognise that they have yet to reach maturity; their intellectual and emotional competences being very much in the process of development. Given that individual child and adolescent development paths vary enormously (Smith *et al*, 2003), the degree of criminal culpability which can be attributed to each young person needs to be calibrated carefully. This not only has implications for assessing culpability in respect of criminal acts but is an important consideration when determining the most effective and appropriate sentence. Moreover, there will be differences between young people in terms of vulnerability and the degree to which they are able to make informed decisions as competent social actors. This means that whilst young people should be consulted and actively encouraged to participate in decisions that affect their lives, they should also simultaneously be protected from making poor choices. Practitioners therefore need to make nuanced judgements that strike a balance between child empowerment and protective support.

The second practice implication concerns the position of relative powerlessness that young people occupy within our society. Given that children rely upon adults to supply all of their basic needs, it is vitally important that their entitlement to the full range of social rights and services are duly met. These include, for example, income security,

accommodation, health, education and employment training. As democratic socialists we would argue that justice should ideally be dispensed to individuals under conditions of wider social justice: equality of access to opportunities and high quality services are critical. In the case of the least powerful members of our society, which include children, it is important that this principle is affirmed. It is worth underlining the point, moreover, that young offenders typically experience multiple problems and a complex set of interconnected and mutually reinforcing social disadvantages (Welsh Assembly Government, 2006: S2, 13.2; Farrington, 2007) that make negotiating the transition to adulthood problematic. It is therefore hardly surprising that one of the most vulnerable of groups of young people, those with a background in public care, are over-represented in the criminal justice system in general (SEU, 2005) and juvenile custodial establishments in particular. According to the HM Inspectorate of Prisons and the Youth Justice Board (2006), 29% of boys and 44% of girls have a background in the 'looked-after' system. Many of these children, it should be understood, have experienced neglect and abuse of a physical, emotional and sexual nature.

In addition to the risks that are inherent in many young people's family and social backgrounds, the criminal justice and welfare systems designed to address some of these problems can inadvertently pose additional direct risks to these children. The paradox of rehabilitative criminal justice interventions, especially those involving incarceration, is that there is an inevitable risk of accelerating a young person's pathway into social exclusion and further offending (National Audit Office, 2004; SEU, 2005) through the processes of labelling and 'contamination'. The acquisition of a criminal record can represent a formidable barrier to a young person's reintegration and participation in wider society. A custodial sentence, moreover, can weaken and even fracture bonds with family, community, school, training providers and employers. In some cases it can also brutalise and endanger the safety of these young people (Goldson, 2002 and 2006). The hidden curriculum in even the best run custodial regimes may bequeath the fledgling offender a wider repertoire of criminal skills, a set of attitudes that are supportive of anti-social behaviour and access to an expanded network of deviant peers (Goldson, 2002; Williamson, 2004, 67-98). All the evidence shows that custody is an expensive way of making troubled children worse (National Audit Office, 2004). For an advanced democratic society that seeks to promote social justice, it is a matter for concern that the United Kingdom has the highest rate of child imprisonment in Western Europe (Howard League, 2008) with on average 3,000 children locked up on any given day and approximately 10,000 passing through the Secure Estate annually.

It is sobering to bear in mind, though, that some non custodial interventions delivered by welfare agencies can also pose direct risks to young people and, in the case of residential settings, even emulate some elements of the custodial experience (Haines & Drakeford, 1998; Butler, 2007; Evans, forthcoming). It should not be forgotten that the background against which the office of the Children's Commissioner was established was one of 'institutional abuse' within the 'looked after' system (Waterhouse, 2000). It is therefore imperative that all services to children, including those delivered in the criminal justice domain, are informed by a rights-based approach; one which supports and safeguards young people by helping them access independent and effective advocacy schemes. The

commission of an offence should not obscure the fact that the perpetrator is a child with rights and developmental needs.

3 The Current Policy Position:

As Drakeford observes, the present constitutional arrangements have left some 'ragged edges' (Drakeford, forthcoming) in terms of the division of responsibilities between Cardiff and London. This is certainly the case in the sphere of youth justice. Indeed, it should be noted that the former Chair of the Youth Justice Board, Professor Rod Morgan, has been commissioned by the Welsh Assembly Government's Minister for Health and Social Services to report on the benefits and risks of devolving responsibility for youth justice to Cardiff. That report is due to be delivered in 2010.

The present position is that youth justice is the responsibility of the Youth Justice Board, an executive non-departmental public body whose members are appointed by the Secretary of State for Justice in London. Policy in this area is steered by a unit that is jointly managed by the Ministry of Justice and the Department of Children, Schools and Families. At ground level services are delivered locally through multi-agency Youth Offending Teams/Services which draw core staff from the police, probation service, social services, education and health as well as other areas such as housing and employment training. Whilst the strategic policy steer comes from London, the Welsh Assembly Government actually contributes between 50-70% of the total budget to Welsh Youth Offending Services (Drakeford, forthcoming) through the provision of staff and services in the core domains of social services, health and education. Inevitably, therefore, the Welsh social policy agenda has had some impact on youth justice services from the very beginning (Cross *et al*, 2003), including such areas as substance misuse and community safety. Indeed, in the latter case Youth Offending Services have long been tasked with a crucial role in crime prevention. In recognition of the devolution settlement, policy in Wales is mediated by a Youth Justice Committee for Wales. This forum facilitates the negotiation of policy positions that can accommodate the respective philosophies and priorities of the Youth Justice Board and the Welsh Assembly Government. To date, the main product of this committee has been the *All Wales Youth Offending Strategy* (Welsh Assembly Government, 2004).

It is important not to caricature the relationship between the Youth Justice Board, New Labour in England and the Welsh Assembly Government as one of ongoing conflict. It is probably now more accurate to describe it as an '*uneasy constitutional embrace*' (Drakeford, forthcoming). Nevertheless, it is fair to say that the approach to criminal justice favoured in London has sometimes been at odds with that taken in Cardiff Bay (Cross *et al*, 2003). In more recent years, moreover, there has been the emergence of a distinctively Welsh Labour agenda based on the principle of progressive universalism (Drakeford, 2007; Davies & Williams, 2009). In terms of youth justice, the approach from London has tended towards the disciplinary and socially authoritarian, although in fairness this has been tempered by a commitment to eliminating child poverty, investing in children's services and drafting progressive legislation in respect of care leavers. The Welsh Assembly Government, meanwhile, has consistently viewed young people who

commit crime as ‘children first, offenders second’. This approach has been promoted through an opportunity-focused, social rights based youth policy and is well encapsulated in the document *Extending Entitlement* (Welsh Assembly Government, 2000). Although the differences in approach between the Youth Justice Board and the Welsh Assembly Government may give rise to some tensions, efforts to align these respective sets of policies and priorities have nevertheless been realised reasonably successfully in the work of the Youth Justice Committee. The *All-Wales Youth Offending Strategy* (WAG, 2004) has been drafted within the framework of the *United Nations Convention on the Rights of the Child* (United Nations, 1989) and the priorities of the present delivery plan for 2009-2011 (Welsh Assembly Government & Youth Justice Board, 2009) include:

- 1) Reducing the number of first-time entrants to the youth justice system;
- 2) Reducing the rate of reoffending by young people;
- 3) Reducing the proportion of young people who, on receiving a conviction in court, are then sentenced to custody;
- 4) Increasing engagement in education, training and employment by young people in the youth justice system;
- 5) Increasing access to suitable accommodation for young people in the youth justice system; and
- 6) Ensuring that children and young people in the youth justice system with identified substance misuse needs gain timely access to appropriate specialist assessment and treatment.

These are all aims which the authors of this paper support and would like to see translated into strategic policy and practice proposals.

4 Policy Proposals:

The purpose of this section is not to delineate the contours of a perfect youth justice system in a Welsh Utopia. Rather, it is to identify short and medium-term policy proposals that could make a positive difference to young people and their communities. In the longer term legislation may be required to meet some of the stated objectives, but others are capable of being realised by reaching agreement with key stakeholders. It should be recalled that in the 1980s it was through the development of a ‘*quiet consensus*’ between juvenile justice practitioners, researchers, magistrates, civil servants and politicians (Haines & Drakeford, 1998) that the number of children in custody fell so dramatically in an otherwise difficult decade.

Summarised below are three areas of policy in which progress could be made in the foreseeable future.

1 **Reducing Entrants to the Youth Justice System:**

There are two main issues considered under this broad heading: (a) crime prevention and (b) screening and diversion.

1(a) Crime Prevention:

This section of the paper draws heavily on work conducted in the field of community safety by Hughes and colleagues (Hughes *et al*, 2009a). The subject is, moreover, dealt with in a forthcoming *Ideas Wales* paper (Hughes, *et al.*, 2009b).

Specifying objectives for community youth crime prevention

Youth crime prevention can be considered across five basic dimensions¹:

1. type of prevention (primary, secondary and tertiary tiers);
2. purpose of prevention (risk-containment and enhancing entitlement);
3. audiences for prevention (young people and ‘everybody else’);
4. timescales for prevention (immediate, medium and longer-term); and
5. targets for prevention (individuals, groups and populations).

The dimensions above illustrate the broad variety of combinations of activity that can be devised under the heading ‘community-based youth crime prevention’. The *All Wales Youth Offending Strategy* provides little steer on the appropriate weighting for tactical versus medium-to-long-term intervention; or risk-containment versus enhanced entitlement approaches. This grants local partnerships enormous discretion over the selection of objectives they wish to prioritise. There are compelling reasons why the Assembly Government may wish to be more explicit on how its youth crime prevention funding should be used. In particular, a number of research respondents (Hughes *et al*, 2009a) acknowledge that this fund is really the only dedicated source of support for youth crime prevention. More explicit guidance from the Assembly Government on the balance of effort across the five dimensions of youth crime prevention may help to avoid confusion among, and tension between, community safety and youth justice partners.

Systemic evaluation of community-based youth crime prevention

A matrix for mapping the diversity of youth crime prevention work can be developed, using both the five ‘dimensions’ listed above and the five ‘types’ of crime prevention used to classify interventions in this evaluation:

1. Directed leisure-based activities (DL);
2. Self-directed leisure-based activities (SDL);
3. Family-based activities (FAM);
4. School-based activities (SCH); and
5. Youth Justice-based activities (YJ).

Such an approach would provide a simple way of mapping activity across Wales and of identifying any gaps in the intervention approach. It provides a matrix for planning evaluation work, so that a detailed, comprehensive and cumulative understanding of the breadth and diversity of youth crime prevention can be built up.

We suggest that the use of such a matrix to structure (1) the commissioning of youth crime reduction evaluations and (2) the analysis and reporting of findings could help to address the current dearth of detailed knowledge in relation to ‘what works’ in youth crime prevention. Some clarification of recommended approaches to strategic-level problem-solving in this area of work could also help both local targeting and the collection and dissemination of the kind of evidence referred to above.

Youth Participation and Community Safety

The Safer Communities Fund (SCF), the Welsh Assembly Government’s major programme for funding local youth crime prevention programmes, prioritises work with young people at risk of crime and disorder. It should be noted, however, that children and young people are also vulnerable to crime and disorder (Howard League, 2007). In line with the United Nations Convention on the Rights of the Child (1989) we would therefore wish to promote the participation rights of young people in relation to community safety projects and PACT (Police and Communities Together) meetings. In the latter case, PACT meetings aimed exclusively at children and young people would be particularly welcome. In the circumstances we ask the Welsh Assembly Government to highlight existing good practice in Welsh local authorities and, under the umbrella of SCF, encourage innovative projects that promote child and youth participation in the field of community safety.

1(b) Screening and Diversion:

At the outset it should be noted that, compared with many other countries in Europe, the age of criminal responsibility in the United Kingdom is extremely low (Howard League, 2008). In England and Wales the age of 10 years compares unfavourably with France (13 years), Germany and Italy (14 years), Norway (15 years), Spain (16 years) and Luxembourg (18 years). Labour’s abolition of *Doli Incapax*, a legal presumption (open to challenge by the Prosecution) that children below the age of 14 years do not understand the full moral implications of their actions, has left many immature young people in a vulnerable position in our criminal justice system. Given criticisms levelled at the UK by international bodies on this very subject (UN Committee on the Rights of the Child, 2008; Council of Europe, 2008) and the recent announcement that in Scotland the age of criminal responsibility is to be raised to the age of 12 years (Scottish Executive Website), we would urge the Welsh Assembly Government to examine this question very closely. In our view it is unacceptable that we are falling well below accepted international standards. To that end, we would recommend that an appropriate Assembly Committee is established in order to take this matter forward.

In the meantime it is important to apply Article 3 (1) of the UN Convention on the Rights of the Child (“...*the best interests of the child of the child shall be a primary consideration...*”) with greater rigour in respect of potential new entrants to the youth justice system. There are many children who, for a variety of reasons, should be diverted from formal criminal justice processes. These include children with learning disabilities,

complex special educational needs, health problems (including mental ill health) and the more vulnerable young people in public care. The latter group may include those who have experienced physical abuse, sexual assault, emotional trauma and neglect. It is our view that such children should, as far as possible, be diverted from the formal criminal justice process and dealt with in ways appropriate to their level of understanding and resilience. This may, for example, include informal restorative and reparative measures as well as welfare and rehabilitative interventions. In the case of 'looked after children', it should not be difficult for social workers to assist in the process of assessing the appropriateness of prosecuting children in their care. However, given the levels of unidentified educational, health and welfare needs of children caught up in the youth justice system (Arad & Evans, forthcoming), there is a pressing need for more systematic screening and assessment of young people in mainstream education (i.e., before they have contact with the care and criminal justice systems). It is a matter for concern that the youth justice system is having to deal with such high numbers of young people with complex and often poorly identified needs. In an English study, for example, Chitsebesan *et al* (2006) reported that of 301 young offenders (151 in custody and 150 in the community), one in five was identified as having a learning disability. How many of that number could have been dealt with more appropriately and effectively outside of the criminal justice system in mainstream services?

In the circumstances it is our view that the Welsh Assembly Government should explore ways in which more vulnerable and troubled young people can be diverted from the formal youth justice system. It is recommended that the issue be taken to the Youth Justice Committee for Wales with a view to establishing pilot projects based on different models of diversion. These projects should be evaluated rigorously and good practice guidelines subsequently developed and disseminated.

2 Reducing the Use of Custody

The debate about custody in Wales has been dominated by a concern to expand provision west of Offa's Dyke. Whilst it is important that our young people are kept as close to home as possible - not least because their educational, cultural and linguistic needs can be better met in Wales (Hughes & Madoc-Jones, 2005; Arad & Evans, forthcoming) – there is a nagging worry, based upon previous experience, that if more custodial facilities are built they will simply be filled very quickly. Consequently, whilst we would not oppose the development of small secure units throughout Wales the priority must be to reduce the overall use of custody. If new custodial accommodation is developed in Wales for young people, we would argue that the opportunity should be taken to develop a less brutalising and more humane regime, perhaps more akin to open adult prisons. The arguments against custody have already been rehearsed in this paper, but it is worth emphasising the point that Article 37 of the UN Convention on the Rights of the Child (UNCRC, 1989) declares that custody should be used “*only as a measure of last resort and for the shortest appropriate time.*” To that end we make the following proposals.

2 (a) Children below the Age of 14 Years:

The Welsh Assembly Government, through the Youth Justice Committee for Wales, should seek an agreement between stakeholders that no child below the age of 14 years should receive a custodial sentence.

2 (b) Custody Panels:

Wessex Youth Offending Team piloted a Custody Panel in North Hampshire between 2007 and 2008 and achieved a 42% reduction (78-45) in children sentenced to custodial sentences (Howard League, 2009b). Custody Panels should – in addition to the Youth Offending Service - ideally comprise representatives from the court and core mainstream services in the fields of accommodation, health/mental health, education (schools and colleges), bail support, intensive fostering and, crucially, Children’s Services. As the Report explains, “...*representation from Children’s Services were essential since the support and services they are able to provide to children and their families have a critical influence in the likelihood of custody*” (Howard League, 2009b:8). Custody Panels have three main purposes:

- 1) To review all cases where young people have been sentenced or remanded to custody and identify whether this outcome might have been avoided. Information considered by the Panel includes the pre-sentence report, offence and sentencing history, and other relevant reports (ISSP, psychiatric, education, *etc.*).
- 2) To provide feedback to individuals and agencies, and develop strategies to reduce the use of custody in future. The issues identified in North Hampshire, for example, included improving the quality of pre-sentence report writing, achieving a closer alignment of objectives between children’s services and the YOT, and making access to accommodation and mental health services easier.
- 3) To aggregate, analyse and publish the information.

Clearly, it would also be possible to extend the use of this model to those young people on Youth Offending Service caseloads who are considered at risk of custody. It is our recommendation that Custody Panels should be established in all local authority areas. The Reports from these Panels should then be collated and analysed at a national level.

2 (c) Breach and Enforcement:

It is a matter of concern that there are more children imprisoned for breach of community-based statutory orders than for burglary (Prison Reform Trust, 2009). The Welsh Assembly Government, through the Youth Justice Committee for Wales, should review the threshold for breach proceedings and seek agreement between stakeholders that custody should not be imposed for breach of a community order.

3. Looked After Children and Custody

It is important to recognise that many children and young people who are accommodated under Section 20 of the Children Act 1989 are as vulnerable and needy as those where full Care Orders apply (Section 31). It is therefore an unacceptable anomaly that when Section 20 children enter penal custody they lose their 'looked after' status and corresponding entitlement to services from the local authority. It is our recommendation that such children should retain their 'looked after' status when entering custody. This will entitle them to ongoing social work support during their period of incarceration and enable them to receive a seamless service in terms of resettlement in the community, (including accommodation on release). This would, of course, require legislation.

5 Conclusion:

We believe that the policy recommendations outlined in this paper are consistent with the values of Welsh Labour to promote the needs of children, uphold social justice and develop a more inclusive society. These proposals, in line with the Welsh Assembly Government's current position, reflect a practical commitment to realising the principles of the United Nations Convention of the Rights of the Child. On that basis we commend them to you.

Summary of Recommendations:

Crime Prevention:

1. The specification of clearer objectives for community youth crime prevention.
2. A systemic evaluation of community-based youth crime prevention work.
3. The promotion of child and youth participation in community safety projects.

Screening and Diversion:

4. The establishment of an Assembly Committee to review the age of criminal responsibility.
5. The Youth Justice Committee for Wales to explore strategies for diverting vulnerable children from the formal criminal justice system.

Reducing the Use of Custody:

6. The Welsh Assembly Government, through the Youth Justice Committee for Wales, should encourage an agreement between stakeholders that no child below the age of 14 years should receive a custodial sentence.
7. Custody Panels should be established in all local authority areas in order to better inform and develop practice that will reduce the use of youth custody in Welsh courts.

Breach and Enforcement:

8. The Welsh Assembly Government, through the Youth Justice Committee for Wales, should a) review the threshold for enforcement proceedings and, b) encourage agreement between stakeholders that custody should not be imposed for breach of a community order.

Looked After Children and Custody

9. The Welsh Assembly Government should seek to introduce legislation that will ensure children accommodated under Section 20 of the Children Act 1989 will retain their 'Looked After' status should they ever enter penal custody.

Notes

1. These dimensions are not mutually exclusive. It is, for example, possible to have a strategy that focuses on immediate 'early' interventions with individuals and groups who are at risk of offending that contain these risks whilst also enhancing the entitlements of those targeted.

References

Arad Consulting & Evans, J (forthcoming), *Analysis of support for young people with special educational needs (SEN) in the youth justice sector in Wales*, Cardiff: Welsh Assembly Government

Barnardos (2008) *Locking up or giving up – is custody for children always the right answer?* Ilford: Barnardos

Brown, S (2005) *Understanding Youth and Crime (Crime and Justice)*, Maidenhead: Open University Press

Butler, I (2007) 'Abuse in Institutional Settings' in K Wilson & A James (eds.) *The Child Protection Handbook*, Edinburgh: Balliere Tindall, 181-192

Chitsebesan, P, Kroll, L, Bailey, S, Kenning, C, Sneider, S, MacDonald, W & Theodsiou, L (2006) 'The Mental Health Needs of Young Offenders in Custody and the Community', *The British Journal of Psychiatry*, 188, 534-540

Cohen, S (1972/2002) *Folk Devils and Moral Panics: The Creation of Mods and Rockers*, London: MacGibbon & Kee

Council of Europe (2008) *Memorandum (17/10/2008) by Thomas Hammarberg, Commissioner for Human Rights following his visit to the UK*, Strasbourg: Council of Europe

Cross, N, Evans, J & Minkes, J (2003) 'Still Children First? – Developments in Youth Justice in Wales', *Youth Justice*, 2 (3), 151-162

Davies, N & Williams, D (2009) *Clear Red Water: Welsh Devolution and Socialist Politics*, London: Francis Boutle Publishers

Drakeford, M (2001) 'Children's Rights and Welfare: Towards a New Synthesis', *Youth Justice*, 1 (1), 40-44

Drakeford, M (2007) 'Devolution and Social Justice in the Welsh Context', *Benefits*, 19:2, 173-180

Drakeford, M (forthcoming) 'Devolution and Youth Justice in Wales', *Criminology and Criminal Justice*, 10: 2, 2010

Evans, J (forthcoming) 'Institutional Abuse and Children's Homes' in F Brookman, M Maguire, H Pierpoint & T Bennett (eds.) *The Handbook of Crime*, Cullompton: Willan

Farrington, D (2007) 'Childhood Risk Factors and Risk-Focused Prevention' in M Maguire, R Morgan & R Reiner (eds.) *The Oxford Handbook of Criminology*, Oxford: Oxford University Press, 602-640

Goldson, B (2002) *Vulnerable Inside: Children in Secure and Penal Settings*, London: Children's Society

Goldson, B (2006) 'Penal Custody: Intolerance, Irrationality and Indifference' in B Goldson & J Muncie (eds.) *Youth and Crime*, London: Sage, 139-156

Haines, K & Drakeford, M (1998) *Young People and Youth Justice*, Basingstoke: Macmillan

Hansard (2008) *House of Commons written answers, 17th November 2008*, Cal 23 W, London: The Stationery Office

Howard League (2007) *Children as Victims*, London: Howard League for Penal Reform

Howard League (2008) *Punishing Children: A survey of criminal responsibility and approaches across Europe*, London: Howard League for Penal Reform

Howard League (2009a) *To Devolve or Not to Devolve? The pros and cons of making local authorities financially responsible for children in custody*, London: Howard League for Penal Reform

- Howard League (2009b) *Custody Panels: Impact of a Pilot Scheme on juvenile sentencing rates*, London: Howard League for Penal Reform
- HM Inspectorate of Prisons and Youth Justice Board (2006) *Young People in Custody 2004-2006: an analysis of children's experiences of prison*, London: HMIP and YJB
- HM Prison Service (2008) *HMPS Annual Report and Accounts, 2007/08*, London: The Stationery Office
- Hughes, C & Madoc-Jones, I (2005) 'Meeting the Needs of Welsh Speaking Young People in Custody', *The Howard Journal*, 44 (4), 374-386
- Hughes, G, Case, S, Edwards, A, Haines, K, Liddle, M, Smith, A & Wright, S (2009a, in press) *Evaluation of the Effectiveness of the Safer Communities Fund*, Cardiff: Welsh Assembly Government
- Hughes, G, Buchanan, J, Evans, J & Williams, KS (2009b) 'Community Safety in Wales: in retrospect and in prospect', *Ideas Wales* (forthcoming)
- Jewkes, Y (2006) *Media and Crime*, London: Sage
- National Association of Youth Justice (2009) *NAYJ Newsletter May 2009*
- National Audit Office (2004) *Youth Offending: The Delivery of Community and Custodial Sentences*, London: National Audit Office
- Pearson, G (1983) *Hooligan: A History of Respectable Fears*, Basingstoke: Macmillan
- Prison Reform Trust (2009) *Submission to the Communities and Culture Committee Inquiry into Youth Justice in Wales*, Cardiff: National Assembly for Wales
- Scottish Executive Website (accessed on 15/10/2009):
<http://www.scotland.gov.uk/Topics/justice/criminal-justice-bill>
- Smith, PK, Cowie, H & Blades, M (2003) *Understanding Children's Development*, Oxford: Blackwell Publishing
- Social Exclusion Unit (2005) *Young Adults with Complex Needs*, London: Office of the Deputy Prime Minister
- Statistical Directorate (2009) *Statistical Bulletin, Crime in Wales, 2008-09, SB 46/2009*, Cardiff: Welsh Assembly Government
- United Nations (1989) *The United Nations Convention on the Rights of the Child*, New York: United Nations

United Nations Committee on the Rights of the Child (2008) *Consideration of Reports Submitted by States Parties over Article 44 of the Convention, Concluding Observations. United Kingdom of Great Britain and Northern Ireland, 3rd October 2008*, New York: UN

Waterhouse, R (2000) *Report of the Tribunal of Inquiry into the abuse of children in the care of the former county councils of Gwynedd and Clwyd since 1974 – ‘Lost in Care’*, London: HMSO

Welsh Assembly Government (2000) *Extending Entitlement: Supporting Young People in Wales*, Cardiff: Welsh Assembly Government

Welsh Assembly Government (2004) *All-Wales Youth Offending Strategy*, Cardiff: Welsh Assembly Government and Youth Justice Board

Welsh Assembly Government (2006) *Inclusion and Pupil Support – National Assembly No: 47/2006, November 2006*, Cardiff: Welsh Assembly Government

Welsh Assembly Government & Youth Justice Board (2009) *All-Wales Youth Offending Strategy: Delivery Plan 2009-11*, Cardiff: Welsh Assembly Government

Williamson, H (2004) *The Milltown Boys Revisited*, Oxford: Berg

Authors:

Julian Buchanan is Professor of Criminal and Community Justice at Glyndwr University and a core member of the Social Inclusion Research Unit.

Jonathan Evans is a Senior Lecturer in the Centre of Criminology at the University of Glamorgan

Gordon Hughes is Professor of Criminology and Director of the Centre for Crime, Law and Justice at Cardiff University

Katherine S Williams is a Senior Lecturer in Criminology in the Department of Law and Criminology at Aberystwyth University