

**CRITICAL ANALYSIS OF  
RIGHTS-BASED APPROACHES  
TO CHILDREN  
'AT RISK OF OFFENDING'  
IN  
NORTHERN IRELAND:  
SUMMARY**

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## THE RESEARCH

### CONTEXT

Following the 1998 *Good Friday/ Belfast Agreement*, Northern Ireland has experienced unprecedented social and political change as its communities transition from armed conflict. In 2007 devolution of powers from the British Government to the Northern Ireland Assembly was finally secured, with policing and criminal justice devolved in 2010. Since the late 1990s, the UK Government has consolidated 'early intervention' strategies targeting children and young people considered 'at risk' of 'negative outcomes', including their involvement in 'anti-social' or 'offending' behaviour. Pre-devolution these strategies influenced policy development in Northern Ireland, albeit with significant differences reflecting the jurisdiction's particular circumstances. This research explored the implementation of Northern Ireland's 'Early Intervention for the Prevention of Offending' Programme, introduced in 2008. Funded by the Department of Health, Social Services and Public Safety and the (then) Northern Ireland Office, the Programme was delivered by three independent NGOs through five discrete Projects.

### PROCESS

Having considered the contexts in which 'early intervention' aimed at prevention of offending has been promoted, the research focused on: the impact of 'risk' discourses, the social constructions of childhood underpinning conception and delivery of the Programme, and the significance of 'children's rights'. Following a detailed policy review analysing relevant legislation, policies, strategies and children's service planning processes since the mid-1990s, the qualitative research carried out in 2010 included semi-structured interviews with eighteen children aged 8-14 referred to the Programme, focus groups with staff in the five Projects delivering the Programme, and structured interviews with the Project Worker for each interviewed child.

This Summary provides an outline of relevant policies before considering the key research findings in terms of: the social constructions of childhood underpinning policy, popular, and professional discourses; children's understanding about potential harms associated with involvement in risk-taking behaviours and the categorisation of children as 'at risk'; policy and practice concerning early intervention for the prevention of offending; promotion and protection of children's rights within policy/ practice and children's understanding of rights. The section on referred children focuses on definitions of children 'at risk of offending'/ 'getting into trouble'; how interviewed children described themselves, their concerns and aspirations; their understanding about 'unacceptable', 'anti-social' and 'criminal' behaviour; and their perceptions about being referred to the Programme. Finally, the Summary considers the policy and practice implications of this research.

## RELEVANT POLICIES

**CHILDREN'S SERVICES PLANNING** was based on:

- a **'whole child' model** which recognises the important dimensions of a child's development (incorporated into the UNOCINI common assessment framework: 'health and development', 'education and language', 'identity, self-esteem and self care', 'family and social relationships') and views the child as an active participant in her/his world;
- an **outcomes-based approach to address the needs and rights of all children and young people**;
- provision of high quality **universal services at all stages of a child's life, supported by targeted interventions** to remove or narrow the gaps for **particular groups (ie the most disadvantaged and marginalised)**;
- adaptation of Hardiker et al's (1991) model of prevention in child care to develop the **'Northern Ireland family support' model based on inter-agency planning and provision of intervention from levels 1-4** (ie: universal services for all children and young people; additional support for those considered 'vulnerable' or 'at risk'; a mix of community-based services to address the chronic or serious problems experienced by children 'in need'; intensive specialist intervention for those requiring 'rehabilitation' via a care placement, in-patient care or custody).

***Northern Ireland Regional Children's Services Plan 2008-2011 (Eastern, Northern, Southern and Western Area Children's and Young People's Committees, 2008)***

- **This Plan emphasised the participation** of children, young people, parents and carers, including development of a Participation Strategy.
- **Reinforced commitment** to the **'whole child' model**, affirming: 'children are not and should not be passive recipients, but are active participants' (Eastern, Northern, Southern and Western Area Children's and Young People's Committees, 2008: 9).
- **Planning was 'locality-based'** (Eastern, Northern, Southern and Western Area Children's and Young People's Committees, 2008: 11-12) and, linked to the outcomes identified in the ten-year *Strategy for Children and Young People*, **indicators to measure achievement of outcomes were devised using previous needs assessments alongside existing information systems**. Outcome monitoring reports compared data at District/ Trust/ Board/ Northern Ireland/ GB levels and trends over time.
- Consolidating the 'Northern Ireland Family Support Model', this Plan stated: **'planning services for vulnerable children cannot be done in isolation from planning for all children across the four levels of need'** (Eastern,

Northern, Southern and Western Area Children's and Young People's Committees, 2008: 10). At **Levels 1 and 2**, the aim was 'to strengthen communities and locality networks so children and families can have a wider and more **easily accessible range of family support services**'. The goal was 'to create **community based support which promotes early intervention as well as providing additional support for more vulnerable families and children**' (ibid: 10). At **Levels 3 and 4** (including specialist services for children with complex needs), the aim was to ensure co-ordination of '**necessary services ... across agencies**' to address the **needs of individual children and their families** (ibid: 11). Support and services would be **provided 'at the earliest point'**, rather than 'at a late stage when their needs can only be addressed by specialist services, or when the family has broken up' (ibid).

- One of the five cross-cutting themes related to family support services. This included: development and implementation of Area Commissioning Plans for the funding allocated to family support services; implementation of the *Families Matter* Strategy; development of parenting education and support standards; and ensuring 'a **consistent model of family support emphasising early intervention and prevention** is implemented across the region' (Eastern, Northern, Southern and Western Area Children's and Young People's Committees, 2008: 24).
- The Plan identified **specific groups** of children 'deemed by agencies to be children in need or at risk and **for whom a more focused approach is required** if their health and well-being is to be improved' (Eastern, Northern, Southern and Western Area Children's and Young People's Committees, 2008: 4), **including young offenders**.
- **Implementation of a Regional Strategy for the Prevention of Offending Action Plan** and the **monitoring of Early Intervention Services for the Prevention of Offending** were priority themes to be addressed regionally.
- Specified actions in each Area included **implementing an early intervention for the prevention of offending Project**.

## HEALTH AND SOCIAL CARE

### **1995 Children (Northern Ireland) Order** and Guidance

- This Order prioritised a strategic **shift from emphasis on child protection to intervention based on supporting families in their role of promoting children's health and development**.
- **Prevention of offending** was incorporated within the remit of children 'in need' - Schedule 2(8a:ii and b) states that authorities are expected to take reasonable steps to reduce the need to bring a range of proceedings, including

criminal proceedings, and to encourage children not to commit criminal offences.

***Our Children and Young People - Our Pledge. A Ten Year Strategy for Children and Young People (OFMDFM, 2006)***

- This Strategy was based on **six high level outcomes**: '... children and young people are: Healthy; Enjoying, learning and achieving; Living in safety and with stability; Experiencing economic and environmental well-being; Contributing positively to community and society'; 'Living in a society which respects their rights'.
- Noting that they have '**rights as individuals**', **all children and young people** were considered '**entitled to both adult protection and opportunities to exercise their independence**'; '**support to explore and achieve their individual potential**'; '**support and encouragement through the transition from childhood to adulthood**' (OFMDFM, 2006: 11).
- Acknowledging the complexity of children's lives, the Strategy affirmed adoption of the '**whole child**' approach; **recognising the 'individuality'** characterising children's growth, development and expression **and the 'rich diversity of pathways through childhood and youth'** (OFMDFM, 2006: 14). Promoting a perception of **children and young people as competent social actors**, it noted their **capacity to 'shape their own lives as they grow and to learn from the mistakes they may make along the way'** (ibid).
- Affirming the **primacy of parental responsibility 'for promoting children's development and well-being'**, it acknowledged **parents' need for assistance and support**, particularly those 'living in difficult situations or in distressed communities' (OFMDFM, 2006a: 16).
- The Strategy promoted a '**gradual shift to preventative and early intervention approaches without compromising those children and young people who currently need our services most**' (OFMDFM, 2006: 13).
- Rather than being remedial (preventing a problem worsening or a situation deteriorating further), 'the '**aim is to improve the quality of life, life chances and living for all our children and young people and reduce the likelihood of more serious problems developing in the future**' (OFMDFM, 2006: 18).

***Families Matter: Supporting Families in Northern Ireland. Regional Family and Parenting Strategy (DHSSPS, 2009)***

- This Strategy 'gives **priority to prevention and early intervention in supporting families to parent confidently and responsibly, especially when they are facing difficulties**' (DHSSPS, 2009: 3).
- The Strategy emphasises '**access to the universal services to which [parents] and their children are entitled**' **with additional support in stressful**

**circumstances** (such as unemployment, homelessness, marital/ relationship breakdown, bereavement) (DHSSPS, 2009: 6).

- **Direct intervention** by state agencies would be **confined to 'extreme circumstances when the welfare of the child is at risk'** such as domestic violence or abuse (DHSSPS, 2009: 6).
- It stresses that **universal support and preventative early intervention services** should be **available** 'not only at particular times of need or stages in the development of their child, but continuously **throughout children's lives**' (DHSSPS, 2009: 24).

## YOUTH JUSTICE

**1998 Belfast/ Good Friday Agreement** included a review of the Criminal Justice System in Northern Ireland. A number of the recommendations made by the **Criminal Justice Review Group (2000)** specifically concerned youth justice.

- The '**focus of the juvenile justice system in Northern Ireland should be the prevention of offending**' (Criminal Justice Review Group, 2000: 236).
- The Review Group proposed that **the system should 'pay particular regard to the provisions of the *United Nations Guidelines for the Prevention of Juvenile Delinquency*, and the duty to regard the best interests of the child as a primary consideration under Article 3 of the *United Nations Convention on the Rights of the Child*'**, noting that 'there is considerable merit in enshrining such a statement of aims and principles in future juvenile justice legislation' (Criminal Justice Review Group, 2000: 236).
- Reflecting a **commitment to diversion**, the Review Group stated that 10-13 year olds should be diverted away from prosecution unless they are persistent, serious or violent offenders.

### **2002 Justice (Northern Ireland) Act**

- This Act establishes that '**The principal aim of the youth justice system is to protect the public by preventing offending by children**' (Part 4, Section 53(1)).
- Those exercising functions in relation to the youth justice system are expected to have regard to this aim 'with a view (in particular) to **encouraging children to recognise the effects of crime and to take responsibility for their actions**' (Section 53(2)).
- They are also expected to 'have **regard to the welfare of children ... with a view (in particular) to furthering their personal, social and educational development**' (Section 53(3)).
- Includes **three diversionary disposals**: Informed Warning, Restorative Caution, and Diversionary Youth Conference.

***Draft Strategy for the Prevention of Offending by Children and Young People in Northern Ireland (YJA, 2006)*** developed by the Youth Justice Agency Community Services in consultation with multi-agency Children's Services Planning Working Groups

- Youth justice as '**part of both the child care system and the criminal justice system**' (YJA, 2006: 12).
- '**Children at risk of offending cannot readily be differentiated from children at risk of other dangerous outcomes**' (YJA, 2006: 2).
- This Strategy sought to **reduce vulnerability factors and promote protective factors in familial, educational, community and individual aspects of children's lives**.
- '**... effective interagency communication to allow the early identification of vulnerable children is required, though this need not, and indeed should not, be exclusively for the prevention of offending**' (YJA, 2006: 3).
- The **objective should be 'to promote the achievement of positive outcomes generally for children'** (YJA, 2006: 2-3).
- Emphasised appropriate responses to individual needs although stated '**interventions focusing on the individual should not be offered in isolation**' (YJA, 2006: 3).
- Parents/ carers and schools were regarded as key elements, with a **focus on provision of family support, interventions to enhance educational achievement, and** collaboration between local statutory, voluntary and community organisations aimed at **increasing 'the stability of children in the community'** (YJA, 2006: 4)
- The Strategy sought to '**avoid the use of a criminal vocabulary** and, while acknowledging that children can and do offend, **treat them with respect**' at the same time as being '**mindful of the need to meet the criminal justice requirement to protect the public**' (YJA, 2006: 5).
- It aimed '**to challenge the perception of children as a threat through recognising normal and transitional features of childhood**' (YJA, 2006: 6).

## **POLICY DEVELOPMENTS SINCE 2010**

Numerous health and welfare strategies produced since 2010 have included a stated commitment to 'early intervention' and 'prevention', emphasising the importance of 'early years' provision (pre- and ante-natal to 3 year olds); universally available information and parenting programmes; family support; additional support for young people not involved in education, employment or training; and provision for those experiencing mental health problems or substance misuse. These include: a framework for the universal child health promotion programme (DHSSPS, 2010); a child poverty strategy (OFMDFM, 2011); a new strategic direction for alcohol and drugs (DHSSPS, 2011); a service framework for mental health and well-being (DHSSPS, 2011); a suicide prevention strategy

(DHSSPS, 2012); a strategic direction for public health and well-being (DHSSPS, 2012); a framework for early years education and learning (Department of Education, 2012); a strategy to prevent young people becoming 'NEET' (Department of Education, 2012); strategic plans for health and social care services (DHSSPS, 2013); a childcare strategy (OFMDFM, 2013).

### ***Children and Young People's Strategic Partnership Plan 2011-2014***

The Children and Young People's Strategic Partnership (CYPSP) was established in 2011, replacing the four Area Children and Young People's Committees. Constituting leaders of statutory agencies concerned with children's issues and representatives from voluntary and community organisations working with children and families, the CYPSP is responsible for planning and commissioning children's services across Northern Ireland.

- The CYPSP has adopted the **principle of 'mainstreaming'** (ie that vulnerable children are best supported and protected through an integrated approach based on the 'Northern Ireland Family Support' Model) (CYPSP, 2011: 8).
- It stated there is '**increasing emphasis**, through the ... UNCRC and human rights legislation, **on rights based approaches to the provision of services** (CYPSP, 2011: 16), noting that increased focus on early intervention is underpinned by UNCRC Article 18 (ibid: 39).
- The **regional sub-group 'Children, Young People and Offending'** is responsible for identifying and suggesting responses to the issues concerning children and young people 'at risk of offending' and involved in anti-social or offending behaviours.
- As the main forum for discussion and developments concerning children's services planning, **Area Outcomes Groups have a key role in identifying gaps in provision and agreeing how these can best be addressed.**

### ***Review of the Youth Justice System in Northern Ireland (Youth Justice Review Team, 2011)***

The *2010 Hillsborough Castle Agreement* pre-empting the devolution of policing and criminal justice powers to the Northern Ireland Assembly included a review of 'how children and young people are processed at all stages of the criminal justice system, including detention, to ensure compliance with international obligations and best practice'.

- The Review Team stated that '**shifting resources from dealing with the consequences of problems rather than their prevention will take a concerted effort and will require strong leadership**' (Youth Justice Review Team, 2011: 35).
- It noted that most professionals consulted during the review considered the **Department of Justice and justice agencies 'should be involved in jointly funding programmes'** but that **early intervention services 'should be delivered on the ground by trusted voluntary agencies working in**

**partnership with universal service providers such as health and education'** (Youth Justice Review Team, 2011: 35).

- It **recommended development** by the Northern Ireland Executive of **'an early intervention and prevention strategy, to be delivered locally through the Children and Young People's Strategic Partnership'** as part of a 'revised and reinvigorated children's strategy' and **establishment of a 'cross-cutting, inter-departmental' Early Intervention Unit** to: co-ordinate policy and ensure prioritisation of early intervention across relevant Departments; identify and remove barriers to pooled funding and collaborative working; disseminate evidence of good practice, co-ordinate research and evaluation on early intervention for 0-13 year olds; oversee the development of guidance and standards for early intervention and prevention programmes/ initiatives; explore further funding options with public, third sector and private sector providers (Youth Justice Review Team, 2011: 37-38).

### ***Building Safer Shared and Confident Communities (DOJ, 2012)***

- The intention of this Community Safety Strategy is to **'increase our focus on prevention rather than cure, by intervening earlier to reduce the risk of people, particularly young people, coming into contact with the justice system, and to support them away from offending and re-offending'** (DOJ, 2012: 4).
- The Strategy **recognises** that **'the causes of crime and anti-social behaviour are often complex and varied**. Offending behaviour can be influenced by a range of individual, family and community risk factors, such as lack of educational attainment, deprivation and poverty, poor parenting, substance misuse and mental health issues' (DOJ, 2012: 6).
- **Emphasis** is placed on **'prevention, diversion and early interventions' and partnership working** at all levels (DOJ, 2012: 8).

### ***Strategic Framework for Reducing Offending (DOJ, 2013)***

- This Framework noted that **addressing the root causes of offending behaviour and crime extends beyond the criminal justice system**, requiring a wider Governmental commitment.
- **'Prevention and early intervention'** is a **core principle, based on addressing the 'socio-economic issues associated with offending behaviour'** to 'improve outcomes and life chances of vulnerable individuals who are at risk of future offending' and 'set them on a life trajectory away from offending behaviour' (DOJ, 2013: 21). This includes supporting families and parents; improving educational attainment; increasing opportunities for employment, training and skills development; providing appropriate accommodation; and reducing poverty.

- **'Diversion'** of children from the criminal justice system is to be achieved through early action to deal with minor misdemeanours or first time offences. Recognising that, 'when young people are drawn inappropriately into the justice system, the likelihood of them becoming a repeat or more serious offender can actually increase, rather than decrease' (DOJ, 2013: 21) **emphasis** has been placed on addressing underlying causes and giving young people **'the chance to take different choices'** (ibid) through provision of purposeful and engaging activities; establishing strong family/ community ties and positive influences (eg via mentoring or befriending); tackling drug and alcohol use; using restorative approaches; and responding to mental health issues using community-based options.

### **'Delivering Social Change' Framework (Northern Ireland Executive, 2012)**

The 'Delivering Social Change' (DSC) Framework is intended to create 'a new culture' which emphasises **'cross-cutting work to achieve social benefits'** by **'focusing at a strategic level on early intervention both to tackle issues before they develop into problems and to give children a good start in life'** (Robinson and McGuinness, 2013).

- £26 million was allocated in October 2012 to develop six new **'signature programmes'** to improve numeracy and literacy levels, **increase family support through an additional 7 Family Support Hubs** (leading to a total of 25 by 2015), **develop nurture units and positive parenting programmes, and assist young people not involved in education, employment or training** through a Community Family Support Programme.
- A *Children and Young Persons Early Action Document* (OFMDFM, 2012) outlines how the **DSC Framework 'seeks to co-ordinate key actions between Government Departments'** to **'deliver a sustained reduction in poverty and associated issues across all age groups; improve children and young people's health, wellbeing and life opportunities; break the long-term cycle of multi-generational problems'** while **'fulfil[ling] obligations under a number of international conventions'**, including the UNCRC (ibid: 3-4).
- The *Early Action Document* acknowledges that during consultation events a range of key stakeholders emphasised the need for 'more early intervention, particularly in relation to family support' (OFMDFM, 2012: 10). Consequently, **early years and early intervention programmes** have been **established as a priority** (ibid: 12-13) alongside literacy and numeracy, transitions, integrated delivery, joined-up planning and commissioning.

***'Early Intervention Transformation Programme' [EITP]***

- Established in 2013, the EITP is **jointly-funded by six Government Departments** (Department of Education, Department for Employment and Learning, Department of Health and Social Services, Department of Justice, Department for Social Development, the Office of the First Minister and Deputy First Minister) **and private philanthropy** (Atlantic Philanthropies).
- Its **three work streams aim to:**
  - equip all parents with the skills needed to give their child 'the best start in life';**
  - support families when problems first emerge via referral to local Family Support Hubs** which then identify appropriate local services to meet the needs of vulnerable families;
  - address the impacts of adversity by intervening earlier and more effectively** to reduce the risk of poor outcomes later in life **using new approaches within mainstream services** (eg long term family support through home visits during pregnancy and the first year; sustained/ intensive support where concerns are raised about a child's or young person's care, safety, protection or family stability; supporting employment opportunities and development of parenting abilities with young people leaving care or custody).
- **The Projects delivering the 'Early Intervention for the Prevention of Offending' Programme fall within the remit of the EITP.**

## KEY FINDINGS

### SOCIAL CONSTRUCTIONS OF CHILDHOOD IN CONTEMPORARY NORTHERN IRELAND

#### 'Policy' discourses

While direct rule from Westminster was influential before devolution, the process of 'policy transfer' has been negotiated at the local level. Development, interpretation and implementation of policy within Northern Ireland has enabled the introduction of **health and social care policies** that **contest traditional assumptions about 'children' and negative stereotypes about 'youth'**, reflecting positive constructions of childhood.

Key strategies reinforce **understanding** about **child development**. Projecting **children and young people as active participants** in their everyday lives and communities, they are **valued during childhood and as future citizens**. The expectation is that they will inform identification of their needs and participate in decisions affecting them. While **entitlement to adult protection is recognised**, this is **alongside opportunities to exercise independence**.

Rather than emphasising the reduction of 'negative outcomes', policies are based on a **commitment to the achievement of positive outcomes for all children and young people, including 'living in a society which respects their rights'**.

Promoting **social inclusion**, the *Strategy for Children and Young People* states that communities which are 'supportive and respectful of children and young people', valuing their contributions to the local community and wider society, are more likely 'to receive those contributions and have that respect reciprocated' (OFMDFM, 2006: 16). The *Draft Strategy for the Prevention of Offending by Children and Young People* aimed to **challenge perceptions of children and young people as threats** through 'recognising normal and transitional features of childhood' (YJA, 2006: 6).

However, within **youth justice** the low age of criminal responsibility (10) and removal of *doli incapax* for 10-13 year olds place an **expectation on children aged 10 and over to accept responsibility for their behaviour**. This has been incorporated into the *2002 Justice (Northern Ireland) Act*.

#### 'Popular' discourses

The Programme's age-range included 'middle childhood' (5-11) and 'early adolescence' (12-14), incorporating 'children' and 'youth'. Project staff, interviewed children and young people affirmed that the **language used in communities to describe 'young people' was negative and associated with 'deviancy'**. With

generic terms commonly describing teenagers - "*anti-social*", "*nuisance*", "*hooligans*", "*disrespectful*" "*troublesome*" and "*threatening*" - being used in relation to 'children', **negative stereotyping** was applied to those of a younger age.

**Media coverage emphasises negative events or relatively minor misbehaviour, rarely acknowledging children's positive contributions** within their communities. **Negative stereotypes about 'troublesome' or 'threatening' youth are consolidated by representations of 'anti-social' behaviour**, particularly pictures or stories about "*badly behaved*" young people involved in "*vandalism*" and "*rioting*".

**Negative stereotyping contributes to public disquiet and influences policing practices.** The assumption that groups in public spaces are likely to be involved in 'anti-social' behaviour leads to their regulation in the guise of 'community safety' or 'early intervention' justified on the basis of preventing their involvement in 'anti-social' behaviour or 'disorder'.

### 'Professional' discourses

Regardless of policy commitment to a positive view of children and young people, **negative stereotypes** remain pervasive. **Adult intolerance and definitions of typical childhood activities as 'anti-social' or 'anti-community'** were described by Project staff.

'Anti-social' behaviour as a form of 'deviance' has been incorporated into political, media, legal and professional discourses, leading to an expansion in the 'anti-social' behaviours now within the remit of statutory agencies seeking to impose restrictions on the behaviour and movement of individuals. Project staff raised **concern about referred children not understanding the meaning of 'anti-social' behaviour or perceiving their behaviour as problematic.** However, staff also considered that groups of young people in public spaces were being inappropriately defined 'anti-social', leading to unnecessary regulation by the police.

'**Under-socialisation**' was raised as an issue by Project staff, who considered that the parents of many referred children had not established appropriate boundaries or provided adequate supervision.

Workers suggested that '**compromised parenting**' (as a result of domestic violence, substance use, mental health problems, previous experience of abuse or neglect) affected parents' ability to help their children appreciate the consequences of their actions and behaviour, learn to follow rules or negotiate relationships.

**Behaviours considered 'acceptable' by some parents** were described by Project staff as **breaching societal 'norms'**. Some children and young people suggested that children 'getting into trouble' could be influenced by their parent's involvement in 'anti-social' or 'offending' behaviours, noting that domestic violence and 'rioting' were also learned from parents and other adults.

Project staff commented that **lack of 'consequential thinking'** was an issue for many referred children. Contrary to workers' assumptions, however, the responses of those interviewed to specific actions *were* influenced by consideration of possible consequences. For 8-11 year olds, 'serious wrongdoing' was determined by potentially harmful or dangerous consequences although the examples they gave were often exaggerated or unrealistic. 13-14 year olds considered acts 'serious wrongdoing' only if they resulted in harm to people or damage to property - if this was not the *intention* or the *outcome*, they did not consider the action problematic.

## Issues

Despite positive intentions, policy development has not been impervious to the rhetoric of **political opportunism** which **reinforces unfounded fears about crime and anti-social behaviour**, particularly in relation to young people. For example, in a consultation paper about Northern Ireland's second Community Safety Strategy produced by the Northern Ireland Office (NIO) in 2008, the direct rule Minister of State noted the 'devastating effect on people's lives' of crime, fear of crime and anti-social behaviour, stating that the underlying causes of these problems must be dealt with 'to prevent them spiralling out of control' (NIO, 2008: 3). Following devolution, this rhetoric was challenged by the Minister of Justice who commented: 'statistics show ... Northern Ireland is one of the safest places to live on these islands ... I do not believe that we should exaggerate or sensationalise the risk of crime' (DOJ, 2011: 3).

**Youth justice** legislation prioritises prevention of offending, encouraging children to recognise the effects of crime and take responsibility for their actions. This informs a **focus on responsabilisation** and 'self-regulation' in early intervention programmes which are 'packaged as a courtesy to the child' (Goldson, 2000a: 52). In contrast, human rights standards concerning 'juvenile delinquency' emphasise promotion of the individual's personal development and well-being, addressing the needs and rights of the child, and an age of criminal responsibility consistent with other social responsibilities (see OHCHR, 1985; OHCHR, 1990a).

According to Becker (1963: 9), **the 'deviant is one to whom that label has successfully been applied'** by the social groups who make rules. The 'perspectives of the people who engage in the behaviour are likely to be quite different from those of the people who condemn it' (ibid: 16). In what has been described by Presdee (2000, cited in Hayward, 2002: 87) as the 'creeping

criminalisation of everyday life', experiences enjoyed by previous generations 'have been relabelled as troubling or dangerous, while the adults who still permit them are branded as irresponsible' (Gill, 2007: 10).

Consistent with other Northern Ireland research (Haydon, 2007; McAlister et al, 2009; NICCY, 2008; 2011), interviewed children, young people and professionals revealed the **negative reactions of adults to children and young people**, particularly when they occupy public space.

The Northern Ireland Policing Board (2011: 13-15) acknowledges that children and young people have been subjected to **negative stereotyping** 'which then **feeds perceptions of anti-social behaviour**', reinforcing the '**demonisation**' of **young people**.

The **potential negative impacts of relatively harmless acts are exaggerated and** incorporation of ambiguous, **arbitrary definitions of 'anti-social' behaviour** into the criminal justice process **have contributed to increased** police and community **regulation of children/young people**.

Ironically, **some examples of 'anti-social' behaviour reflect social and cultural 'norms' learned from adults** (including drinking, interpersonal and/or inter-community violence and 'rioting'). Yet, a '**double standard**' is applied in which such behaviours bring harsher responses when engaged in by children or young people.

## THE IMPACT OF 'RISK' DISCOURSES

### The existence of 'risk' and children's understanding about the potential harms associated with involvement in 'risk-taking' behaviours

Discussion of 'risk' tends to **focus on managing uncertainty or the occurrence of specific (often untypical) events**. This **reinforces a 'risk averse' culture within many organisations** which inhibits opportunities for children's involvement in *potentially* dangerous activities. Yet risk is unpredictable and, although many actions include possible risk of harmful consequences, these are generally rare. Highlighting the benefits associated with risk-taking, children talked about the personal and social development resulting from their involvement in Project activities which enabled them to "*get better at things*" and "*face fears*".

Development and implementation of **preventative and regulatory interventions** have been **grounded in the perceived vulnerability of young people to a range of risks**: external risk as a consequence of abuse or accidents, personal risk as a consequence of their own behaviour or decisions, and risk to others through their 'anti-social' or 'offending' behaviour. The latter two were the focus of Projects' work.

Application of risk assessment and management is based on the assumption that people are 'prudential' (ie, once they understand risks they will avoid them). The **process of 'responsibilisation' assumes that individuals make prudential choices**. Sometimes implied by Project staff in references to children who "put themselves at risk", this assumed an awareness of negative potential consequences that children were actually unlikely to have considered - usually because they lacked understanding or experience (a particular issue for children with learning disabilities).

### Categorisation of children and young people as being 'at risk'

The 'risk factor prevention paradigm' (Farrington, 2000) has significantly influenced contemporary policy and practice in the UK. Focused on the impacts of adverse experiences or circumstances on their well-being and development, risk assessments have informed the development of **'early intervention' programmes targeting children 'at risk' of various 'negative outcomes'** such as educational underachievement, poor physical and mental health, substance misuse, homelessness, involvement in 'anti-social' or 'offending' behaviour **in England and Wales** (see HM Government, 2003). **However, this use of the term 'at risk' has been less prolific in Northern Ireland's policies.**

**In Northern Ireland policy and practice, the phrase 'at risk' remains associated with child protection concerns.** Rather than interventions targeting those 'at risk' of negative outcomes, **emphasis has been placed on addressing 'need' or 'vulnerability' to promote achievement of positive outcomes for all.**

The **'whole child' perspective and 'Northern Ireland Family Support' model** adopted in Children's Services Planning **informed development and implementation of the 'Early Intervention for the Prevention of Offending' Programme.**

Grounded in Bronfenbrenner's (1979) ecological model of development and Hardiker et al's (1991) model of prevention in child care, **children 'at risk of offending' were considered 'vulnerable' - requiring 'Level 2' services based on provision of additional support to ensure their development and well-being.**

In the **Programme's Terms of Reference, key indicators included a decrease in risk factors related to offending** plus an increase in offending-related protective factors. Long term intended outcomes focused on reductions in the number of children among the local population entering the criminal court system, the number receiving custodial sentences, and re-conviction rates.

One Project used *Understanding the Needs of Children in Northern Ireland* (UNOCINI) as its referral framework, prioritising children involved in 'offending' or 'anti-social' behaviours and focusing provision on reducing these behaviours. The other **four Projects used 'criminogenic risk factors' as the basis for referral**, although one worker questioned the value of 'scoring' risk factors.

Once a referral had been accepted, staff in all five Projects conducted what they described as a detailed, **holistic assessment of needs within the family**. Involving parents, children and relevant agencies, this identified strengths, difficulties and potential solutions.

Highlighting definitional tensions, **concern was expressed in one Project about the Programme "almost criminalising ... a helping process"** as children did not receive support unless they met referral criteria based on offending-related risk factors, even though many were not offending. One Worker stated: "we're looking at it from welfare provision for a child rather than this sort of 'offending' tag that's with them." In contrast, **at a different Project staff justified their intervention as preventative**: "You'd be more concerned and want to do something about it, rather than try to criminalise or label them".

Staff in one Project stated that **social workers prioritise the identification of 'high risk' families, limiting their capacity to respond to 'Level 2' families** not reaching this threshold. This affected their completion of Project referral forms: "if you're looking at Level 2 families, then they were less priority than Level 3 families."

**Despite being established as a form of Level 2 provision (for 'vulnerable' children), a significant proportion of referrals were Level 3 (children 'in need')** experiencing chronic or serious problems: "[the commissioners] actually wanted referrals coming prior to families with children needing Social Services intervention ... But ... there's no demarcation line here. Those children who were coming from Social Services were probably those children who were most in need."

Workers recounted proactively supporting referrers by assisting with completion of referral forms. Their description of "campaigning" for referrals suggested that **referral was based on knowledge about Projects and existing gaps in Level 2 provision at a local level as much as on categorisation of children 'at risk of offending'**.

Rather than defining referred children 'at risk of offending', **staff across the Projects discussed provision of family support for 'vulnerable' children and young people; reflecting the complex range of issues affecting their circumstances and developmental opportunities**. A referred child's potential involvement in offending behaviour was considered one among a range of possible

negative outcomes related to their personal and social development, health, well-being, education, family relationships and community interactions.

## Issues

**Perception of individuals as 'prudential' ignores the impact of feelings, personal experiences, priorities and the meanings they ascribe to 'risky' behaviours** (Kemshall, 2008; 2010). For children and young people, involvement in such behaviours may relieve boredom or stress, provide excitement, enhance a sense of group belonging (France, 2007; MacDonald and Marsh, 2005).

**Focus on children's presumed impulsivity and lack of consequential thinking reinforces traditional assumptions about their irrationality and vulnerability.** This is assumed to undermine their capacity to calculate risks or act wisely following receipt of information about risks. In fact, children and young people routinely calculate and negotiate risk, developing strategies for risk avoidance or reduction (see Austen, 2009; Harden, 2000; Madge and Barker, 2007; Mitchell et al, 2004).

**Engagement in risk-taking behaviours is an important element of personal and social development** as children and young people learn to assess potential harm, consider the possible consequences of their actions, negotiate peer pressure, try out activities and acquire new skills, learn from mistakes, etc. (see Gill, 2007). **Lack of opportunities to engage in 'risky' activities limits the extension of children's competence and evolving capacities.**

**Gaining increased autonomy requires children's gradual acceptance of greater responsibility for their actions and behaviour.** However, their relative lack of experience means that **adults need to retain responsibility for the care and protection of children** while their knowledge and skill acquisition progresses. This includes negotiation of boundaries and provision of information/ support to help them make informed decisions and deal with adversities.

Despite adult concerns about specific risks (eg playground injuries, 'stranger danger' and paedophilia), **children and young people are most at risk of harm from accidents at home, poor health as a result of drug and alcohol use, obesity, victimisation** (Madge and Barker, 2007) **and abuse/ neglect/ domestic violence in their families** (NSPCC, 2011; 2013). Although emphasis is placed in the media on harms experienced by younger children, **a significant proportion of those on the child protection register are aged over 11.** For example, of the 2,401 children in Northern Ireland on the child protection register on 31<sup>st</sup> March 2011, 528 were aged 12-15 and 152 were aged 16+ (DHSSPS, 2011).

Project staff raised the **false distinction between children 'at risk of offending' and those 'in need' of care and protection** previously identified by Goldson (2000b) and McGhee and Waterhouse (2007).

## EARLY INTERVENTION FOR THE PREVENTION OF OFFENDING

### Policy priorities

Reference to children involved in 'anti-social' or 'offending' behaviour as a specific group is limited in health and social care policies.

**Prevention of offending is incorporated in the remit of children 'in need' within the 1995 Children (Northern Ireland) Order.** Schedule 2(8a:ii and b) states that authorities are expected to take reasonable steps to reduce the need to bring a range of proceedings, including criminal proceedings, and to encourage children not to commit criminal offences.

**The Strategy for Children and Young People** (OFMDFM, 2006) aims to improve outcomes for *all* children and young people, at any point in childhood, through measures designed to alleviate the adverse impacts experienced by many and delivery of positive impacts for those experiencing disadvantage. **Early intervention is intended to 'improve the quality of life, life chances and living for all' and 'reduce the likelihood of more serious problems developing in the future'** (OFMDFM, 2006: 18). Investment in early intervention and prevention is intended to reduce demand for higher levels of support.

**Families Matter** (DHSSPS, 2009: 3) prioritises prevention and early intervention 'in supporting families to parent confidently and responsibly, especially when they are facing difficulties'. It highlights the importance of access to universal services plus additional support in stressful circumstances such as unemployment, homelessness, marital/ relationship breakdown and bereavement.

Part 4, Section 53(1) of the **2002 Justice (Northern Ireland) Act** establishes that the 'principal aim of the youth justice system is to protect the public by preventing offending by children'. The main objectives of youth justice intervention include 'encouraging children to recognise the effects of crime and take responsibility for their actions' (Section 53(2)) alongside 'furthering their personal, social and educational development' (Section 53(3)).

The **Draft Strategy for the Prevention of Offending by Children and Young People** emphasised that early identification of vulnerable children 'should not be exclusively for the prevention of offending' - the objective should be 'achievement of positive outcomes generally' (YJA, 2006: 3).

In practice, prevention of offending has occurred locally through inter-agency communication across statutory, voluntary and community sectors within Children's Services Planning based on identifying 'vulnerable' children and young people whose development may be affected by their needs not being addressed.

### **'Early Intervention for the Prevention of Offending' Programme**

**Programme indicators reinforced an emphasis on the personal, social and educational development of referred children**, including: increases in self-esteem, emotional well-being and coping strategies; positive peer influences and role models in children's lives; personal and social development; educational engagement; reduction in risk factors and increase in protective factors associated with offending. The primary role of parents in children's development was reinforced through enhancement of parenting skills, encouraging participation in their child's education and engagement with relevant services.

**In contrast, the Programme was related explicitly to *prevention of offending* in its title and intended long term outcomes**, which focused on reduction in the numbers of children and young people entering the criminal court system, custodial sentences, and the one-year reconviction rate.

The Programme was delivered by three NGOs - Extern, NIACRO, and Action for Children - through five Projects (one in each Trust Area). At an operational level, **reference to prevention of offending was clearly articulated in Project information leaflets** with all five Projects intended to "support" or "address the needs of" 8-13 year olds who were "at risk of engaging in anti-social/ offending behaviour", "displaying early signs of offending behaviour" "identified as being at high risk of offending based on recognised indicators" or having difficulty accessing education.

In outlining their **objectives**, the three NGOs **established that Projects worked with children and their parents/ carers/ families, provided support, built on children's and parents' strengths or ability to change and achieve**. NIACRO and Extern objectives also included linking children to local activities, projects, initiatives, support services and developing inter-agency co-operation in the provision of services to children and their families.

**Differences in Projects' articulation of their provision reflected different points on the 'justice - welfare' continuum. Project 4 prioritised prevention of offending**; accepting referrals on the basis of children's persistent involvement in 'anti-social' or 'offending' behaviour and stating a "determination to reduce the number of young people at risk of becoming significant offenders". Referred to Farrington's work, **Projects 3 and 5 emphasised "factors known to be associated with vulnerability to offending" and "risk/compensatory factors**

for delinquency". **Projects 1 and 2 accentuated provision of 'family support', using a 'resiliency model'** to "reduce vulnerability to risk", "promote coping mechanisms" and "strengthen protective factors".

Having initially commented that they were usually known to the police, staff in Projects 1, 2, 3 and 5 acknowledged that **the majority of referred children were not involved in offending behaviour, they were experiencing significant problems at home, in school and in their community.**

**Rather than 'prevention of offending' *per se*, for staff in these Projects provision of support was aimed at contributing to the achievement of positive outcomes** identified in the *Strategy for Children and Young People* which, in turn, would reduce the likelihood of children's involvement in offending: "there's more of an acceptance now, that if you can get in at that family support end of it, then it will have a dividend at the justice end further down the line".

Staff in **all Projects defined their intervention supportive, non-judgemental, strengths-based, and predicated on voluntary engagement.** Employed by non-statutory organisations, they considered they had the time and flexibility to establish positive relationships with families, respond to identified needs and encourage the development of parenting capacity. Providing necessary support for individual family members, they regarded such intervention as pre-emptive - reducing demand for intensive and expensive 'crisis intervention' by statutory services.

While the Programme frame of reference specified 'early intervention for the prevention of offending' the research demonstrates that, in its **implementation Projects focused on reducing conflict within families, educational underachievement, poor physical and emotional well-being, and social exclusion.** Support from Project Workers provided children and young people with strategies for negotiating tensions in their immediate families and resisting peer pressures, increased their self-confidence, improved their communication and social skills, and broadened their social and leisure opportunities.

Programme objectives emphasised **increased engagement with education** among referred children. Projects' work included assessment of special educational needs, supporting school attendance and educational attainment. This implied that some children's needs were not being appropriately identified and addressed in schools. While Project 1 resisted staff involvement in 'educational' roles, the other four Projects had appointed or engaged educational workers.

Those referred included children and young people who had experienced **exclusion from schools and youth services**. Project staff raised concern that underlying reasons for 'challenging' behaviour had been neither identified nor addressed, reasons for exclusion were not explained, and there was no opportunity to appeal decisions. Failure to inform children about reasons for exclusion resulted in a sense of injustice and rejection. Being barred from school or community-based leisure activities increased the likelihood of a child 'hanging about' with older young people in their community, or boredom. Both situations were noted by Project staff, children and young people as catalysts for 'getting into trouble'.

Programme objectives also emphasised the significance of **positive peer influences**. Most neighbourhoods in which those referred to the Programme lived lacked affordable leisure facilities or spaces where children and young people could meet informally in the evenings, at weekends or during school holidays. For some the threat of being bullied, or anticipated confrontations with young people from the 'other' community, were ever-present. Among those interviewed, Project-based activities were valued opportunities to meet peers of a similar age, have fun, develop practical and social skills in safe and encouraging environments, gain confidence and have new experiences.

**Positive role models** were another Programme objective. Some interviewed children and young people recommended that those 'getting into trouble' should attend Projects where workers discussed their behaviour. Access to social workers was raised as a suggestion when considering how adults could ensure children's health, safety and happiness.

Most **parents** of referred children were being **supported to develop their parenting skills**. They also required proactive support to develop **the knowledge and confidence to access existing services or negotiate with schools and health services**.

Project staff denied **labelling** referred children and described challenging other professionals about this issue. At a Feedback Workshop, one Manager stated that Projects did not predict who would offend and target these specific individuals but addressed need as a likely antidote to future offending behaviour. None of the children interviewed appeared to have internalised a specific label (other than a child who linked his problems to "*having ADHD*"). Nor did they describe feeling stigmatised by involvement with the Projects, although they were not necessarily aware that the overarching Programme objective was prevention of offending.

## Issues

Many of the children and young people referred to the Programme experienced multiple difficulties in their families, schools and communities, suggesting **lack of Level 2 'preventative' support within existing provision.**

A key issue is whether aspects of Project work were a **duplication of statutory provision or**, alternatively, provided **necessary support not available in 'mainstream' education and youth work.**

The research confirmed the **importance of 'significant adults'**, external to the family and school, with whom children and young people can develop affirming relationships, access non-judgemental support, discuss issues of concern, talk through their experiences, consider how they might deal with future situations, and access other services (see Martynowicz et al, 2012).

Of particular significance was the **ability of workers to address the impact of parental behaviour** on children when this was **rooted in sensitive personal experiences** such as domestic violence or histories of abusive and/or neglectful parenting. These experiences were often revealed only when the worker had established a trusting relationship with the family, sometimes when a programme of work was nearing completion, and required specialist therapeutic or social work interventions.

**Prioritising 'prevention of offending'** within the Programme title and long-term outcomes, **labelling** those referred 'pre-delinquent' or 'potential offenders' **through application of the term 'at risk of offending', and linking provision to 'risk of offending' undermines broader promotion of personal, social, and educational support for the child within the context of family support.**

Despite Project activity being focused on broader objectives, **emphasis on prevention of offending also has the potential to net-widen** - bringing more children and families to the attention of statutory agencies, including the police, and increasing the likelihood of their behaviour being criminalised. In addition to potentially labelling children and creating a self-fulfilling prophecy, early intervention may be counter-productive given evidence that **increased 'system contact' can have damaging long-term effects** - including amplifying rather than diminishing offending (McAra and McVie, 2010).

While children, young people and families may require additional support, the language of 'risk factor prevention'/ 'protective factor promotion', and location of the causes of 'problematic' behaviour in individual or social pathology, lead to **interventions aimed at changing individual behaviours and attitudes.** Armstrong (2006: 272) describes this as 'micro level' intervention - supporting individuals to manage their own risk; focusing on 'psychogenic antecedents of

criminal behaviour' assumed to originate in the 'immediate social environment of the child' rather than in wider socio-economic, cultural and political contexts (Armstrong, 2004: 103). Children's 'problematic' behaviour should be viewed 'as a symptom of disadvantage and need, rather than indicative of criminality; as a failure of society and responsible adults rather than of the individual child' (Bateman, 2012: 15).

The complex factors placing children 'at risk' have been recognised in demands for 'advocacy and services aimed at maximising social inclusion and remedying social injustice' (NAYJ, 2011: 8). The **'challenge is to rethink a policy framework that recognises the variable risks that different groups face in society, but without engaging in the dubious and ultimately futile exercise of identifying risky individuals' and intervening in their lives** (Garside, 2009: 11).

Clearly, 'risk factors' are more prevalent in the lives of children and young people whose vulnerability is related directly to living in families without necessary personal, social and financial resources. While children and families may benefit from additional support, **emphasis on 'protective' factors and resilience cannot overcome persistent, severe, multiple adversities** such as on-going family conflict and long-term poverty (Devaney et al, 2012). This requires fundamental change in the development and implementation of social and economic policies.

Although immediate benefits were reported by interviewed children and young people, **lack of on-going support alongside continuing social and economic marginalisation are likely to present significant barriers to achievement of the 'positive outcomes'** promoted within official policy discourses, Programme objectives and Project activities.

## PROMOTING AND PROTECTING CHILDREN'S RIGHTS

### Policy

**Northern Ireland policies** concerning children and young people refer to the UNCRC as a 'policy driver', yet they **rarely define how intended policy objectives ensure realisation of children's rights** other than to state that children will be involved in evaluation processes and their 'best interests' promoted.

The ten-year **Strategy for Children and Young People** recognises that **decisions affecting children are often made without appropriate consideration of their views and needs** (OFMDFM, 2006: 20). Although specifying commitment to respecting and progressing children's rights, **the Strategy includes no mechanisms to ensure compliance with rights standards by Government Departments and no indicators regarding the outcome 'living in a society which respects their rights'**.

**Children's Services Planning processes** incorporated an outcomes-based approach **intended to be responsive to children's needs and rights** (see McTernan and Godfrey, 2006).

## Projects

Reference to children's rights in Project documentation was confined mainly to children's participation in service planning, delivery and evaluation. The **work of Projects was not linked explicitly to realising specific rights or the implementation of relevant human rights standards.**

**Conceptualisation of children as 'rights-holders'** was **considered** by Project staff to be **dependent on 'cultural' assumptions** about relationships between adults and children, **or a 'personal' issue.**

Although their views were untypical among the professionals interviewed, **two Project Workers believed that children's right to protection from harm constituted an inhibition on legitimate forms of 'discipline'**. Their definition of 'harm' concerned child abuse and did not include smacking or the threat of physical punishment, contravening UNCRC Article 19.

Other Project **Workers noted that many parents and adults consider children 'know too much about their rights'**, with children voicing their rights perceived as precocious despite often raising legitimate concerns about adult behaviours detrimental to their well-being. They also commented that **parents articulating their child's needs or entitlements were perceived as demanding or 'annoying' by agencies.**

**Staff noted that children's rights were often linked inappropriately to responsibilities** and that concerns about child protection, health and safety, fear of crime and 'anti-social' behaviour undermine children's right to play.

Personal **knowledge about children's rights and international standards was limited among staff.** Although Project Co-ordinators rooted their work in the Northern Ireland *Strategy for Children and Young People*, they did not refer to the specific outcome 'living in a society which respects their rights'. Staff at two Projects identified **lack of rights training** as an issue.

Some Project **staff considered that the rights to which children should be entitled included care, protection, education, play, health services and participation** - rights central to the Projects' work and promoted in the UN Committee's (2007) *General Comment No. 10: Children's rights in juvenile justice*. Staff did not mention the rights to an adequate standard of living or assistance to parents in their child rearing responsibilities, which were clearly significant to referred families.

**Perceived barriers to implementation of children's rights** included the culture in which services operate not being 'rights-based'. Staff considered that some professionals in positions of power are resistant to parental requests for support which would aid realisation of their child's rights. Risk aversion, particularly within Social Services, limits opportunities for children's involvement in risk-taking activities. There is a lack of specialist provision regarding young people's mental health and provision for families who have endured intimidation in their community is limited. Many families live in accommodation which is not appropriately maintained. Decisions leading to the suspension or exclusion of children and young people from school obviously inhibit their access to education. Resource allocation was highlighted as a key issue, alongside poverty. Negative views about children were perceived to affect their right to play. Lack of special protection for those in conflict with the law and a low age of criminal responsibility were considered significant barriers, as was an 'anti-rights' media culture.

**For Project staff, a 'rights-based' approach included holistic responses** based on provision of **community-based support to children and their parent(s)**, with **Projects working closely with other agencies to address the needs identified by families**, often in an advocacy role. Staff also emphasised the **voluntary** nature of families' **engagement**, stressing the importance of providing **non-stigmatising support**. They discussed the **involvement of children** when first visiting families and during programmes of work, describing how they 'modelled' negotiation of boundaries and encouraged children's contribution to decision-making.

**Promotion of children's personal development and well-being were perceived** by Project staff as **central elements in changing 'unacceptable' or potentially harmful behaviour**, consistent with international standards relating to prevention of offending and 'juvenile delinquency'.

While some Project Workers mentioned providing information about their rights to children and parents this was more often achieved implicitly through **advocacy work**; encouraging families to access services and claim entitlements through developing the confidence and skills to 'speak up for themselves'.

## Children

Most interviewed **children and young people were unfamiliar with 'children's rights'**. Those who professed an understanding focused on the right to express an opinion or prohibitions on specific actions by the police, teachers or parents.

The **entitlements they considered children should have included basic necessities, care, education, health services and play**. Need for adult help focused on practicalities and support to change behaviour or deal with specified difficulties. They proposed that all adults - parents, teachers, social workers - have

responsibility to ensure that all children are happy, healthy, safe and able to express their views.

In contrast with policies claiming to promote children's participation in decision-making and social inclusion, the interviewed **children and young people recounted their frustrations about being monitored in public spaces, excluded from school, and not being listened to.**

Two children highlighted the **distinction between *being involved* in decision making**, which most considered important, **and *taking full responsibility for decisions*** which they believed should not occur until adulthood.

## Issues

**UNCRC** standards are not enforceable in Northern Ireland because the Convention has **not been incorporated into domestic legislation**. While cited in High Court judgements, there has not been a consistent approach concerning the Convention's standing or applicability (Haydon, 2008: 6-10).

Lack of knowledge about children's rights resulted in **interventions neither being 'adapted to' nor 'focused on the needs and rights' of referred children**, as recommended in the Council of Europe guidelines on child friendly justice (Committee of Ministers of the Council of Europe, 2010) or their 'well-being, development, *rights* and interests' as specified in Riyadh Guideline 5 (OHCHR, 1990).

The **Projects did not conceptualise their work within a framework grounded in the promotion and protection of children's rights**. No mechanisms existed across the Programme to ensure knowledge and understanding of UNCRC principles and provisions, the obligations of the state, or how referred children could be supported to claim their entitlements. This is indicative of, and contributes to the reason for, a mismatch between the rhetoric of 'rights-based' approaches and their implementation in practice (see Kilkelly et al, 2004; NICCY, 2008). As Lundy (2103) notes, there needs to be a shift in focus from children's 'welfare' (children *needing* protection and provision) towards their *entitlement* to the minimum standards articulated in the UNCRC and other human rights instruments.

The **interviewed children and young people considered 'having a say' an important but rarely implemented right**, demonstrating how cultural attitudes continue to reinforce unequal status and power relations in which children and young people are generally considered the objects of socialisation.

## REFERRED CHILDREN

### DEFINING CHILDREN 'AT RISK OF OFFENDING'

#### Project staff definitions

Project staff rejected the notion of a 'typical' child 'at risk of offending'. Interviews with children/ young people affirmed **diversity of experience and circumstances, although among those referred to the Projects delivering the Programme there were common experiences of unmet personal, social, economic, educational and health needs.** A significant group (primarily those aged 12-14) were in conflict with the law but they also lived in families experiencing difficulties, predominantly in economically disadvantaged communities with few facilities.

**Staff rejected the stereotyping and labelling** they considered to be a significant element of popular and political discourses about children and young people. **However,** when discussing the issues faced by those referred to the Programme, they specified **drinking, young women's involvement in sexual activity with older young men and boy's preoccupation with fighting.** These were **significant issues for some of those referred.**

Children and young people were referred to the Programme because of concerns about their behaviour - usually parental difficulty in managing the child's 'challenging' or aggressive behaviour at home among the 8-11 year olds and their behaviour in the community for 12-14 year olds. Project staff considered that the **'unacceptable' behaviour of those referred was often a symptom of unmet need, an understandable response to parental behaviour or their circumstances.**

Acknowledging that those referred sometimes displayed aggressive or impulsive behaviours, staff raised concern about such behaviours "being attributed to the child" – **as attention focused on the child's behaviour, the underlying causes remained unaddressed.**

Staff identified **two main causes of 'problematic' behaviour - personal issues** included the child's 'nature'; impulsivity; developmental delay; special needs or ADHD **and familial issues** centred on parenting (in particular, inadequate socialisation and parental involvement in, or condoning of, anti-social or offending behaviour). Some referred children were described as being "burdened" by caring responsibilities as a consequence of their parent's drug, alcohol or mental health problems or witnessing domestic violence.

## Children's definitions

### Children's views about why children 'get into trouble' were consistent with Project staff descriptions of those 'at risk of offending'.

For many, their suggestions about what might be going on in the lives of children 'getting into trouble' reflected their own reasons for referral, although they did not make a direct connection to personal experiences:

*"Not doing their work, and talking back to the teachers, and swearing at the teachers. The Mum's like, 'I'm going to ring Social Services' or something and swearing at them and hitting them and stuff. It'd be kind of ... the police would be around there a lot, checking. It wouldn't be good anyway [in the community]"* (Lewis, 10)

*"Being naughty [at school]. Fighting, hitting each other, being racist, being bullies to each other, not getting on, not listening to each other, disobedient [at home]. They could be messing around, seriously, like hurting people an' all [in their community]." (Sarah, 11)*

*"They'd probably be getting accused or bullied or something [at school]. They're probably getting, like, abused [at home]. It would be like a rough area, with graffiti on the walls and the trees are all no leaves 'cos they've pulled them off and stuff. The windows are smashed and that." (Kate, 11)*

*"They might not be having the best of times. They'd be getting into trouble, their homework would be building up and they'd be feeling they couldn't take it no more. They'd be fighting with their Mum and Dad. Hanging out with the wrong people." (Leo, 13)*

*"Expelled for misbehaving, fighting. Just staying out late. It depends where they live ... Guns and drugs and knives and alcohol, stuff like that. Fightin' and that." (Terry, 13)*

*"Always getting into trouble with the Education Board. Stealing. Hitting their Ma and Da. I'd never hit my Ma and Da, my Dad would just kill me. Not doing what they're told. Rioting." (Conor, 13)*

*"ADHD ... there's a girl I used to work with, she told me it's your nerves or something. It doesn't give you time to think, to stop and think" (Jim, 14)*

*"Misbehaving ... Telling teachers to "Fuck off". Fighting. Graffitiing the toilets. Drinking, smoking, joy riding." (Riona, 14)*

When **discussing the main reasons for children and young people 'getting into trouble'**, their **explanations focused on the individual and their friends and/or family**. They emphasised personal kudos, bravado, gaining attention, peer pressure, the way someone is brought up, and the influence of parents or friend's parents.

## CHILDREN'S LIVES

A key element of the research was whether a correlation existed between popular and professional assumptions about children 'at risk of offending' and how children/ young people ascribed this label conceptualised themselves and their lives.

### Characteristics of interviewed children

Those interviewed experienced many of the **characteristics** identified by Project staff as typical of the children with whom they worked.

Of the eighteen:

- 12 lived with a **single parent** (eleven with their mother, one with her father)
- 11 were **'known' to Social Services**
- 9 were **'known' to the police** - 6 for specific incidents in their community, all aged 13-14; 2 whose names had been mentioned as a group of children in their community allegedly involved in stealing, throwing stones at cars although no formal action had been taken; 1 because of the actions of his siblings
- 9 were diagnosed as having **special needs**, including 1 with a statement of Special Educational Needs; 1 at Stage 2 of the Code of Practice; 1 with dyspraxia; 2 with learning disabilities, attending a special school; 4 with ADHD
- 2 young people mentioned the influence of **paramilitaries** in their local community during interviews, and their Project Workers noted this in relation to a further 3
- 3 talked about their experience of **bereavement** - the death of a sister, an uncle and a friend respectively - although this was not raised as an issue for these children by their Workers. One child's father had died when he was young.

## Children's descriptions of themselves, their concerns and aspirations

Despite awareness of negative attitudes towards 'children' and 'young people', **most** of the 8-14 year olds interviewed **described themselves positively and identified personal strengths at school or in activities**. They enjoyed a range of school subjects, social or sporting activities and spending time with friends.

**Their concerns were personal** – maintaining friendships, the health and well-being of parents and siblings, homework or specific subjects in school. Bullying was an issue for some, as was the influence of paramilitaries in their communities.

For the younger children, **worries** focused on moving from primary to secondary school and 'not getting on' with siblings. The main concerns of the 13-14 year olds included school exclusion, getting into trouble with the police and other young people in their communities. Poverty, or living in disadvantaged and divided communities, were not mentioned by any of those interviewed; consolidating their focus on issues relevant to their interpersonal interactions.

Presenting exciting new opportunities and more autonomy, **adolescence** was viewed as a time of anticipated tensions, including school exams, changes in friendships, more onerous responsibilities and potential conflict with the law.

Expressing some ambivalence about '**growing up**', they noted the additional responsibilities, greater expectations and pressures associated with getting older. Conversely, these were also a positive acknowledgement of gaining 'maturity' and increased independence.

Some children and young people looked forward to the anticipated roles of **adulthood**, others raised concerns about marriage, parenthood, financial responsibilities, job-related stress and potential ill-health. Contrary to Project staff assumptions, they expressed ambitions and anticipated employment. While realising that school exclusion and being known to the police could affect future prospects, their primary concerns related to the present.

In discussing their lives and experiences, children **rarely referred to parenting, the broader circumstances affecting their opportunities** (eg poverty, lack of opportunities for play) **or personal difficulties** (low self esteem, special needs). Few talked in detail about their own family circumstances. The 12-14 year olds rarely mentioned problems concerning siblings or parents (eg substance use, gambling, poor mental health, involvement in offending), despite the impact these were likely to have had on them and on dynamics within their families. Those interviewed did not define themselves 'at risk' or 'in need', nor did they mention 'prevention of offending'.

## CHILDREN'S UNDERSTANDING ABOUT DIFFERENT TYPES OF BEHAVIOUR

### 'Unacceptable', 'anti-social' and 'criminal' behaviour

The research explored children's understanding about different types of behaviour. Each child was asked to describe what they thought was **'unacceptable behaviour at home'**. The behaviours they described **focused on "fighting with siblings" and "being cheeky" to parents** (arguing, talking back, swearing), with two mentioning *"hitting their parents"*. Two also referred to *"not helping with chores"* or *"doing the housework"*. When considering 'unacceptable' behaviours **in school**, most referred to **"being cheeky", "talking back", "swearing" and "being disobedient" to teachers**. Four talked about **"fighting" [with peers]**. 'Unacceptable' behaviour **in the community** included **"being cheeky", "bullying" and "fighting", "smashing windows", "graffiti" and "vandalism"**.

In their **definitions of 'anti-social' behaviour**, children and young people talked about **graffiti and vandalism**. They also mentioned **"shouting", "being aggressive", "fighting" and "bullying"**. Some related 'anti-social' behaviour to alcohol and drug-taking. Two young men talked about sectarian-based 'anti-social' behaviour. **They understood the types of behaviour defined 'anti-social' but not necessarily the term**. When asked to describe behaviours that others might find 'annoying' or 'upsetting', children's responses matched definitions in popular discourse and legislation. A few considered behaviours defined 'anti-social' *"just messing about"* or *"being daft"* and the 13-14 year olds considered it inappropriate that *"hanging around"* or *"being a bit noisy"* in public spaces was being categorised 'anti-social'.

**Considering 'criminal' behaviour**, the children were asked 'If you were a crime reporter on BBC Northern Ireland, what sorts of things would you be investigating?' While a couple of suggestions related to 'low level' crime - *"Fireworks"*, *"People breaking car windows"* - **the majority mentioned serious crimes such as "Knife crime, burglary, arson, joy riding, murder, fighting, riotous behaviour."**

**'Unacceptable', 'anti-social' or 'criminal' behaviour** were explained by those interviewed as **expressions of bravado and 'being hard', boredom, being encouraged by or wanting to impress others** (friends, older young people, siblings or parents), **being bullied, not thinking or 'being daft', and excitement** - motives rooted in personal and social identity, suggesting actions carried out 'in the moment'.

## Distinguishing between 'bad behaviour' and 'serious wrongdoing'

When considering the difference between 'bad behaviour' and 'serious wrongdoing' using specific examples, **interviewed children were clear about what is 'seriously wrong' and what is 'bad behaviour' or being naughty:**

All considered **setting fire to a car** to be 'serious wrongdoing', noting the potential danger of the car exploding or people being in the car.

16/17 considered that **breaking into someone's house** was 'serious wrongdoing' because it was stealing property that belonged to other people. Three children mentioned the potential for people to be hurt in this process.

12 were of the view that **carrying a knife** was 'serious wrongdoing'. However, 5 suggested that this depended on the *reason* for having a knife. For them, it was not serious if the person had "*borrowed*" the knife, was going fishing, was "*just scraping stuff*" or didn't use the knife.

The majority (14/17) felt that **shouting names at a person** was 'bad behaviour', unless this included racism or was directed at someone who was bereaved or disabled.

**There was less agreement over behaviours generally categorised 'anti-social' behaviour.**

**Painting graffiti on a wall** was described as harmless, although a few considered that damage to someone else's property was serious wrongdoing.

Perceptions about **fighting** and **stone throwing** reflected their views about whether the actions had the potential to (physically) hurt other people, with younger children providing examples of extreme consequences such as serious injury or death.

**Getting drunk** was considered part of life. Two children talked about people doing amusing things when drunk. However, references were also made to a range of negative consequences including involvement in fighting, drug-taking and the potential of overdosing. For two children the threat of alcohol-related domestic violence was very real and a young woman with learning difficulties raised the potential of sexual assault.

Among **those who expressed an opinion**, children and young people **suggested that the age at which someone knows the difference between 'bad behaviour' and doing something 'seriously wrong' ranged from 7 to 16 or 17. The majority considered the age to be at least 12.** Despite considering that children

understand when something is 'serious wrongdoing', many suggested that they don't think about the potential consequences of their actions. Some 13-14 year olds commented that this does not happen until people are in their 20s.

### Suggestions about what could be done to help children change the way they behave

**There was no consensus in suggestions about what could be done to help children and young people change the way they behave:**

Discussing '**unacceptable**' behaviour, suggestions included: showing respect and helping them; ignoring bad behaviour; going to a Project like the one they attended, where they *"teach you from naughty and bad"*, *"settle you down with your Mum"*; anger management; *"talking about the stuff what's going on with them, what's making them do it"*; explaining why behaviour is not acceptable and helping them behave differently; medication; *"getting in with the right group"*.

They proposed that '**anti-social**' behaviour might be changed by relieving boredom; youth clubs; *"giving them something better to do"*; providing places for teenagers where there is no supervision; anger management; PIPS (suicide prevention).

While one young person felt that children involved in '**serious wrongdoing**' should receive a Warning, be given a second chance and told what will happen to them if they do it again, two considered that such behaviour should lead to involvement of the police and one proposed sending them to jail.

### CHILDREN'S PERCEPTIONS ABOUT BEING REFERRED TO THE PROGRAMME

8 of the eighteen interviewed children and young people had been referred to the Programme by Social Services; 3 by health professionals (2 by a Community Paediatrician and 1 by a GP); 2 by Education; and 1 was a self-referral by the child's parents. 4 had been referred by the police (via Youth Diversion officers), all 13-14 year old boys.

During interviews each child/ young person discussed why they thought they were referred to the Programme, what they did with their Project Worker, and what they considered were the outcomes of their involvement with the Project.

## Referral

**They did not generally contextualise their circumstances or reveal the complexity of issues affecting their interactions at home, school and in their communities.**

**Many were unsure about why they had been referred to the Programme. Most of those who provided an explanation related this to a particular difficulty within their family. A few mentioned personal issues and two described a specific event which led to involvement with the police and subsequent referral.**

**The majority were not involved in 'offending' behaviour.** Young people (13-14 year olds) were more likely to have been involved in behaviour defined 'anti-social' or 'sub-criminal', although they tended to understate their reasons for referral.

## What they did with Project Workers

While Project Workers emphasised the significance of establishing a 'holistic' overview of family circumstances and the needs of different family members, **children's discussion about involvement with the Programme and perceived outcomes focused on their own behaviour.**

**Descriptions of what they did centred on "talking" with their Workers and participating in group activities, with no reference to educational support, programmes of work with other family members (parents or siblings), or liaison by Project staff with other agencies to ensure additional individual or family support.** This raises the question of whether children were aware of broader concern about unaddressed needs or difficulties within their family.

## Perceived benefits

**Perceived benefits of attending the Projects related primarily to personal or social issues** - the majority considered that the Project had initiated **positive changes in their behaviour, particularly in interactions with family members and friends.** They reported calmer familial relationships, taking greater responsibility at home and listening more to parents or teachers, involvement in cross-community groups, improved attitude in school and not spending time with other young people who get into trouble in the community. These were **beneficial outcomes, but illustrative of emphasis in interventions on the child and their behaviour.**

## IMPLICATIONS OF THE RESEARCH

### IMPLICATIONS FOR POLICY

At a legislative level, **removal of 'prevention of offending' from the remit of the youth justice system, together with raising the age of criminal responsibility in line with other social responsibilities, would commit intervention to welfare priorities.**

It is vital that the Northern Ireland Executive and Departmental Ministers **acknowledge the pervasiveness of structural inequalities underpinning the social and economic marginalisation experienced by families living in 'disadvantaged' communities.** In particular, this requires long-term commitment to addressing severe and persistent poverty.

Government commitment to early intervention has been stated in numerous strategies. However, **inter-Departmental approaches to policy development and cross-Departmental co-ordination of policy implementation have been absent.** The Youth Justice Review Team (2011: 32) noted **'ambiguity over who should be responsible or take the lead in prevention and early intervention services within government'**.

**Cross-Departmental commitment to shared or co-ordinated, jointly-funded policy and practice emphasising rights-based family support** would ensure that resources are used to deliver appropriate universal, preventative and diversionary services to all children and young people in their local communities. **A statutory duty to co-operate** would ensure achievement of this objective.

While OFMDFM is the lead Department for children and young people, it is not a delivery Department and is therefore dependent on the **Departments of Justice; Health, Social Services and Public Safety; Education; Employment and Learning; Social Development to prioritise and fund relevant services.**

The outcomes identified in the ten-year ***Strategy for Children and Young People*** apply to all children and young people, including those 'at risk of offending' or in conflict with the law. This Strategy **provides a framework to ensure that children's needs are addressed, their well-being is promoted, and their rights are realised through universal services supported by preventative services within mainstream education, health, youth work, voluntary and community sector provision.** Achievement of the 'Delivering Social Change' objectives should be via the existing ten-year Strategy for Children and Young People and its successor (due to run from 2016).

Fulfilment of state obligations depends on 'duty-bearers' understanding their obligations to respect and implement children's rights. **Departmental policies should specify the rights they promote and protect, including UNCRC general principles** (non-discrimination, the best interests of the child as a primary consideration, ensuring children's right to survival and development, participation); **provision** in terms of health and welfare, education, play and leisure, care and protection in the family and alternative care, adequate standard of living, support to enable parents to fulfil their childrearing responsibilities; **and special protections in relation to the administration of juvenile justice**. The latter should also draw on *General Comment No. 10 (2007) Children's Rights in Juvenile Justice* (UN Committee on the Rights of the Child, 2007), the Riyadh Guidelines concerning prevention of 'juvenile delinquency' (OHCHR, 1990), and EU Guidelines concerning 'child-friendly' youth justice (Committee of Ministers of the Council of Europe, 2010).

**Departments and the Northern Ireland Executive should establish processes of accountability for ensuring realisation of specified rights**, beyond the process of periodic reporting to the UN Committee on the Rights of the Child. This should include **annual reporting to the Northern Ireland Assembly**.

## IMPLICATIONS FOR PRACTICE

### Early intervention and diversion

Interventions should **identify the unmet needs of individual children/ young people and their families, lack of appropriate provision in local communities and the additional support required**.

There needs to be a significant **shift in emphasis from what is deemed the 'problematic' behaviour of the child or young person to understanding their familial, social and economic circumstances, with additional support responsive to their specific needs rather than focused on changing or regulating their behaviour**.

This extends to **addressing underlying reasons for 'compromised parenting' - supporting parents to access necessary services** (eg in relation to domestic violence, substance misuse, mental health) **as well as helping them develop the skills, strategies and confidence to provide a secure, safe and caring environment** for their children **and on-going support** throughout childhood and adolescence.

The Youth Justice Review Team (2011) recommended provision of additional resources to support the **expansion of youth work**; enabling other agencies to

draw on the skills and expertise of youth and community workers in engaging with young people, particularly those in conflict with the law.

The research has implications for **youth work and educational provision addressing the impacts of physical, emotional and social changes experienced during adolescence**. Children and young people have a right to accessible, accurate information and confidential advice (particularly services providing 'harm minimisation' guidance, practical and emotional support regarding drug and alcohol use, sexual health and relationships, and mental health issues) as well as opportunities to develop the skills to resolve conflicts in non-violent ways.

**In early intervention initiatives**, on the basis of differences in experience and evolving capacities, **'prevention' should address the range of issues affecting personal well-being and development for 'children' (under-12s) while 'prevention' should be integrated with voluntary involvement in 'diversion' programmes for those aged over 12.**

In the research Project staff, children and young people recognised the necessity of children understanding the parameters of 'acceptable' behaviour. However, this requires **interventions which take into account children's evolving capacities and provide opportunities for their active participation**. Those with a learning disability, special needs or ADHD require support which is sensitive to their needs, and all children/ young people require opportunities to develop their capacities.

Clearly, **all provision should reinforce the personal and social development of children and young people**, particularly: increasing self-confidence; identifying and addressing 'unacceptable' behaviour; and developing strategies for responding to peer pressure. Access to locally available play, leisure, social and cultural opportunities is significant in reducing boredom and developing alternative friendship opportunities.

Children and young people experiencing difficulties in their families, under-achieving or not attending school, involved in disruptive behaviour or in conflict with the law require **information and guidance relevant to each individual's specific context**, particularly as they reach 'critical moments' in their lives.

In Northern Ireland, children and young people (particularly young men) who are insecure about their personal and cultural identities may be influenced by adults involved in interpersonal and inter-community, sectarian violence. In this context, support should include **encouraging adults in their extended families and local neighbourhoods to behave as positive role models** - challenging negative stereotypes and prejudices, promoting respect for cultural diversity and political difference, developing constructive non-violent resolution of disputes, and encouraging young people's involvement in democratic processes.

Development of **interventions that enable children's effective participation in their communities are also central to ensuring their inclusion and sense of belonging.**

**Interventions intended to 'prevent offending' should not be regulatory,** nor should they produce records on young people which might be cited in a Court or made available to potential training providers/ employers.

### The 'Early Intervention for the Prevention of Offending' Programme

Projects currently play a central role in bringing together the range of support required by families. Yet this remains locked into prevention of *offending*. A more appropriate, alternative conceptualisation would be **focus on 'family support' to ensure children's development and well-being.** This would reflect the broader Programme objectives and work undertaken by Projects.

The main 'risks' faced by those referred to the Programme were not offending-related but included educational underachievement, placement in care, mental ill-health, self-harm, suicide, domestic violence, alcohol and substance misuse. **Programme indicators and intended outcomes, therefore, should include all dimensions of child development and well-being.**

In responding to 'vulnerability' or 'need', Projects should use the **UNOCINI Assessment Framework as the basis for referral.** This would consolidate links with other agencies and ensure that provision is responsive to shared knowledge and understanding about the circumstances of each family.

Rather than classify these children 'at risk of offending', **identified 'risk factors' should be re-defined as 'needs' and articulated as 'rights' or entitlements to be realised through additional, tailored support.**

**Service provision should be framed in the language of rights,** drawing on relevant Articles of the UNCRC; international human rights standards such as the Beijing Rules about the 'administration of juvenile justice' (OHCHR, 1985) and Riyadh Guidelines on the 'prevention of juvenile delinquency' (OHCHR, 1990); *General Comment No. 10: Children's Rights in Juvenile Justice* (UN Committee on the Rights of the Child, 2007); and the Guidelines 'on child friendly justice' (Committee of Ministers of the Council of Europe, 2010).

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