



Children First, Offenders Second Positive Promotion: Reframing the Prevention Debate

Youth Justice
2015, Vol. 15(3) 226–239
© The Author(s) 2014
Reprints and permissions:
sagepub.co.uk/journalsPermissions.nav
DOI: 10.1177/1473225414563154
yjj.sagepub.com


Stephen Case and Kevin Haines

Abstract

This article explores the concept of ‘prevention’ in youth justice, which is dominated by negative, retrospective, risk-focused, offender-first approaches that individualise the causes of offending by children and responsabilise children for failing to resist and negotiate these causes. We offer an alternative ‘prevention’ model that prioritises the promotion of positive behaviours and outcomes for children. *Children First, Offenders Second* positive promotion is grounded in child-friendly principles of universalism, diversion and normalisation, progressed through inclusionary, participatory and legitimate practice and evidenced through measurable behaviours and outcomes such as engagement with youth justice processes and access to universal entitlements.

Keywords

children first, diversion, engagement, entitlements, legitimacy, participation, partnership, positive, prevention, promotion

Prevention within the field of youth justice is a complex, dynamic and contested practice, characterised by disparate approaches to its definition, objectives, measurement and implementation. In this article, we subject the concept of ‘prevention’ to critical scrutiny in a position piece arguing that youth justice prevention policy and practice, particularly in England and Wales, has been dominated by negative, retrospective, risk-focused, offender-first approaches to working with children.¹ We assert that neo-conservative *correctionalism* has been employed to *individualise* the causes of offending by children, while neo-liberal *responsibilisation* has served to blame children for failing to resist and negotiate their exposure to psychosocial and socio-structural risk (factors) and adult-centric, intractable decision-making processes. Furthermore, prevention practice struggles to

Corresponding author:

Stephen Case, Centre for Criminal Justice and Criminology, Swansea University, Vivian Tower, Singleton Park, Swansea SA2 8PP, UK.

Email: s.p.case@swan.ac.uk

demonstrate effectiveness as it is wedded to measuring the *absence* or *reduction* of negative behaviours and outcomes (e.g. exposure to risk factors, offending, reoffending, reconviction, substance use, antisocial behaviour) as its 'evidence' of success. We clearly state our position throughout, advocating for an alternative 'prevention' model that prioritises the *promotion* of *positive* behaviours and outcomes for children within and outside the Youth Justice System (YJS). *Children First, Offenders Second (CFOS)* positive promotion is grounded in child-friendly principles of universalism, diversion and normalisation, progressed through inclusionary, participatory and legitimate practice and evidenced through substantive, measurable behaviours and outcomes such as engagement with youth justice processes (e.g. interventions, decision-making) and access to universal entitlements and rights.

The Iatrogenic Hegemony of Negative Prevention in Youth Justice

It shall be the principal aim of the YJS to prevent offending (including re-offending) by children and young people. (Crime and Disorder Act 1998: section 37)

Prevention is the cheapest and most effective way to deal with crime. Everything else is simply picking up the pieces of failure that has gone before. (UK Prime Minister David Cameron October 2012, speech to the Centre for Social Justice)

Prevention policy and practice in the YJS of England and Wales is *negative* – irrevocably linked to *risk*, driven by assessment and intervention focused on identifying and responding to measured 'risk factors' for a host of negative behaviours (e.g. offending, reoffending, substance use, antisocial behaviour) and negative outcomes (e.g. contact with the formal system, conviction, reconviction, custody).² Youth justice policy and practice proclamations since the Crime and Disorder Act (1998) and moving through to the Prolific and Other Priority Offenders Strategy (2004) to the Youth Crime Action Plan (2008) to Breaking the Cycle (2010) to Prevention Matters (2011) and most recently the Legal Aid, Sentencing and Punishment of Offenders Act (2012) have espoused a Government commitment to risk-based assessment and early intervention as the key vehicle with which to pursue prevention objectives. Risk-based assessment and intervention has been established by the Youth Justice Board (YJB) for England and Wales as a 'Key Element of Effective Practice' for Youth Offending Team (YOT) practitioners (YJB, 2003; see also Stephenson et al., 2010), animated by the 'Scaled Approach', which matches assessed levels of risk (using the *Asset* risk assessment tool) to the intensity, frequency and duration of subsequent intervention (Sutherland, 2009; YJB, 2010; for a critique, see Bateman, 2011; Haines and Case, 2012; Paylor, 2010). Concurrently, the prevention and reduction of first-time entrants into the YJS, reoffending and custody are the three most important 'Key Performance Indicators' against which each YOT is judged. This risk obsession within prevention practice has expanded beyond the YJS to encompass the prevention of broader negative personal and social behaviours and outcomes (many of which are perceived as criminogenic) such as social exclusion, academic underachievement and disaffection, psychological and physical ill-health, teenage pregnancy,

unemployment and poverty (cf. Government strategy documents such as ‘Bridging the Gap’ – Social Exclusion Unit, 1999; ‘PAT 12: Young People’ – Social Exclusion Unit, 2000; ‘Every Child Matters’ – Department for Education and Skills (DfES), 2003; ‘Youth Matters’ – DfES 2005; see also Turnbull and Spence, 2011).

The *neo-conservative correctionalism* of risk-based assessment and intervention – seeking to ‘correct’ and reduce the ‘problem’ of offending by targeting perceived deficiencies in the individual (see Goldson, 2005; Kelly, 2012) – begets an offender-first and offence-focused approach to the implementation of youth justice prevention policy and practice. Punitive, frequently retributive sentencing is accompanied by excessive, pre-scriptive, coercive intervention, which can result in deviancy amplification rooted both in the individual and in systemic causes (cf. Bateman, 2011; McAra and McVie, 2007; O’Mahony, 2009; Paylor, 2010). The associated *individualisation* of the purported causes of offending by children engenders the equally problematic *neo-liberal responsabilisation* of children for their behaviour and for desisting from it. Combining correctionalism and responsabilisation is a recipe for the negative treatment of children in the YJS – fostering interventionism, net-widening, labelling, stigmatisation, marginalisation and adult-centric control. Contemporaneously, a negative prevention model eschews positive and progressive objectives such as nurture, protection, facilitating access to rights, support and the promotion of children’s strengths, capacities and positive behaviours and outcomes through their participation and engagement (see Haines and Case, in press).

In this position article, we advocate for a *CFOS* model of positive promotion to replace negative prevention practice in the YJS. *CFOS* animates and expands the policy standpoint articulated in social and youth justice policy for children in Wales, which asserts that ‘prevention is better than cure’ (All Wales Youth Offending Strategy – Welsh Assembly Government (WAG) and YJB, 2004: 3) and that prevention outcomes should be pursued by treating children who offend as ‘children first, offenders second’ (Children and Young People First Strategy – Welsh Government and YJB, 2014: 4). We extrapolate this policy perspective by arguing that a positive, participatory and entitlements-based *CFOS* approach that prioritises promotion (rather than prevention) is possible and desirable with all children who come to the attention of the YJS. We assert that both the prevention of (first-time) offending and the reduction of identified offending (i.e. prevention through the reduction of *reoffending*), along with their associated negative behaviours and outcomes, should be reframed into work with children that targets the *promotion* of measurable, demonstrable and achievable *positive* behaviours and outcomes. Put simply, the absence of a negative behaviour/outcome does not constitute or imply the presence of a positive behaviour or outcome and should not be represented as such. Establishing a key element of effective practice or a key performance indicator based on the absence of something is not only extremely difficult to measure and evidence, it is also particularly difficult for practitioners to operationalise and could confound and disengage children (see Case and Haines, in press-a). It is much more realistic and meaningful, in policy, management and practice terms (for both practitioners and children), to establish targets founded on the promotion of positive behaviours (e.g. school achievement, prosocial behaviour, engagement, participation) and positive outcomes (e.g. social inclusion, employment, qualifications, access to rights and entitlements – see Figure 1; see also Case et al., 2005; Haines and Case, 2011).

The Welsh Government's 'Extending Entitlement' youth inclusion strategy (National Assembly Policy Unit 2000) established that all children aged 11-25 in Wales have unconditional access to ten universal entitlements to opportunities, services, support and guidance relating to: education, training and employment; basic skills; volunteering and citizenship; personal life; health and housing; recreation and social life; sport, art and music; consultation and participation regarding decision-making that affects them. The concept of 'entitlements' is grounded in a forward looking and proactive approach to the pursuit of *maximum outcomes* for children in terms of the (adult-facilitated) realisation of the support and service they can expect from adults, rather than the rights-based *minimum standards* for service established by the United Nations Convention on the Rights of the Child (UNICEF 1999). As such, the concepts of children's entitlements and children's rights remain philosophically and practically distinct.

The independent evaluation of the Welsh Government's 'Extending Entitlement' strategy (2005-2008) employed self-report questionnaires with over 3000 secondary schoolchildren across Wales to identify their perceived levels of access to their universal entitlements as set out under the strategy (Case et al 2005; Haines, Case, Isles, Rees and Hancock 2004). Analysis of the questionnaire data identified significant statistical differences between children who reported higher 'perceived levels of access to entitlements' (PLATE) and those who reported lower levels. Children reporting lower PLATE were statistically more likely to also report negative behaviours and outcomes, both actively (in the past year) and over their lifetime (ever): offending, illegal drug use, underage alcohol use, impulsivity, risk taking, negative thoughts and acceptance of and exposure to antisocial behaviour. In contrast, children reporting higher PLATE were more likely to have never offended, never used substances and, most importantly, to report positive behaviours (e.g. positive relationships and interactions in the family and school environments, commitment to school, constructive use of leisure time, positive perceptions of local neighbourhood, psychological well-being) and positive outcomes (e.g. enhanced access to the ten universal entitlements set out under 'Extending Entitlement' – Case and Haines, 2011; Case et al 2005).

The implications of these research findings are that focusing promotional strategies on enhancing children's 'perceptions' of their ability to access their rights (an ability that should be facilitated by adults) could pay both promotional and preventative dividends in terms of prioritising positive behaviours and outcomes, whilst avoiding negative behaviours and outcomes. When this principled approach is consolidated by responsibilising adults to ensure that children access their entitlements in reality (not just in perception), the increased likelihood of positive behaviours and outcomes is manifest.

Figure 1. The efficacy of *Children First, Offenders Second*, entitlements-led positive promotion.

The Prevention–Promotion Constellation in Youth Justice

The youth justice prevention agenda as currently conceived is highly problematic, not only due to its creation of negative and restricted understandings of children and their behaviour but also on methodological grounds. The evidential basis for prevention approaches is dubious – beset by ambiguities and divergences regarding appropriate targets, objectives and evidence base. The precise nature of the *targets* for youth justice prevention activity has been heterogeneous and contested (notwithstanding the consensual focus on the negative), with interventions often targeting one or more of a range of possible negative behaviours and negative outcomes. There have been further ambiguities regarding the *objectives* of prevention activity. Youth justice prevention approaches have vacillated between the pure *prevention* of the onset of negative behaviours and outcomes, to *early intervention* with children identified as 'at risk' of developing problem trajectories, to the *reduction* of identified, established negative

behaviours and outcomes (see Case and Haines, in press-b). Indeed, much activity defined as ‘prevention’ can be more accurately portrayed as ‘reduction’ because it seeks to reduce identified, existing negative behaviours and outcomes and exposure to identified, existing risk factors in the child’s life. Finally, the existence and impact of prevention in the youth justice arena has been notoriously difficult to *evidence* due to its paradoxical focus on demonstrating and measuring absence. This raises the question of exactly how the absence of a negative behaviour or outcome can be demonstrated. At what point, for example, should practitioners stop measuring or looking for a negative behaviour or outcome and conclude that it has been successfully ‘prevented’? These questions remain rhetorical and relatively neglected in prevention work, and the result is an unconvincing, partial and patchy evidence base for prevention success – which is both ironic and problematic for a UK Government so committed to ‘evidence-based’ and ‘evidence-led’ practice as the foundation of all work with children.

The definition, foci, objectives, nature, measurement and preferred outcomes of prevention activity in the YJS of England and Wales (and juvenile justice systems internationally) have not been overwhelmingly or consistently negative, but certainly have been beset by ambiguities, divergences, controversies and evidential voids. Complexity and lack of consensus over what does and should characterise youth justice ‘prevention’ approaches with children inside and outside of the formal YJS can be illustrated along what we conceive of as a six-point *prevention–promotion constellation*:

1. The *targeted reduction* of established negative behaviours and outcomes for (convicted) children within the YJS (e.g. Offending Behaviour Programmes – YJB, 2003);
2. The *targeted reduction of risk* (factors) of negative behaviours and outcomes for (convicted) children within the YJS (e.g. the ‘Scaled Approach’ to assessment and intervention – Sutherland, 2009; YJB, 2010);
3. The *targeted early intervention* into the established behavioural trajectories of children identified as ‘at risk’ of negative behaviours and outcomes (e.g. Youth Inclusion and Support Panels – Walker et al., 2007; Youth Inclusion Programmes – Morgan Harris Burrows, 2003) and experiencing critical transitions that may trigger negative behaviours and outcomes (Early Intervention Foundation, 2014);
4. The *universal prevention* of negative behaviours and outcomes for all children (e.g. the All Wales Youth Offending Strategy – WAG and YJB, 2004);
5. The *targeted promotion* of characteristics and circumstances (e.g. ability to access rights/entitlements) that promote positive behaviours and outcomes (e.g. competencies, strengths) (e.g. *Positive Youth Development* – Catalano et al., 2004; *Positive Futures* – Catch 22, 2013; the *Pentrehafod Prevention Project* (PPP) – Case et al., 2012);
6. The *universal promotion* of characteristics and circumstances (e.g. exposure to ‘enabling factors’ linked to enhanced access to rights and entitlements – Haines and Case, 2011) that promote positive behaviours and outcomes (e.g. competencies, strengths) (e.g. the *CFOS* model – Case and Haines, 2011; Haines and Case, 2012).

Each of these six approaches is live within contemporary youth justice in England and Wales (and beyond), all are embraced by the general term ‘prevention’ (even when this label is misapplied) and all represent different and distinct approaches to youth justice practice with children. However, much current prevention provision delivered by youth justice services embodies one or more of the reduction and early intervention objectives of the first three approaches on the prevention–promotion constellation through risk-focused working with children who have already entered or come to the attention of the YJS and who are often experiencing exposure to risk factors and/or pre-formed, entrenched problems. This neo-liberal conception and execution of prevention has negative (even if unintended) consequences (see Kelly, 2012), leading many critical youth justice academics (cf. Cohen, 1985 onwards) to assert that *any* involvement in the formal YJS (including that which aims to do good) is actually and actively harmful to children (see, for example, Goldson, in Bateman and Pitts, 2005). Arguments condemning the iatrogenic nature of prevention are difficult to refute, but it tends to overlook that the majority of youth justice prevention work takes place with identified offenders (or those deemed to be antisocial) and is situated within the formal YJS – thereby reflecting confusion over and conflation of the prevention of offending, early intervention and the reduction of reoffending.

CFOS Positive Promotion

The alternative model of *CFOS* positive promotion offers a comprehensive, multi-faceted approach to delivering youth justice that is constituted by independent and mutually reinforcing practice principles. Prevention is a central element of *CFOS*, pursued through a promotional emphasis on fostering positive behaviours and outcomes through universal services within and outside of the YJS (i.e. a whole child approach), safeguarding children (i.e. child-friendly), enabling children to avoid the iatrogenic impacts of contact with the formal YJS (i.e. diversionary), privileging normalising, decriminalising and meaningful practice (i.e. child-appropriate) that is perceived by children as moral, fair and justified (i.e. legitimate). All services, interventions and relationships must be underpinned by child-focused decision-making at all stages of the youth justice process (i.e. systems management) that prioritises the child’s best interests (i.e. children first) and works together with children by facilitating their participation and engagement (i.e. child-friendly and child-appropriate partnership).

CFOS offers a progressive, principled and practical approach underpinned by positive promotion that thinks outside and beyond existing restricted prevention models and challenges the punitive, risk-led, individualising, responsibilising and negative execution of prevention with children within and outside the YJS (Haines and Case, 2011, in press). *CFOS* promotes positive behaviours and outcomes, but also promotes positive views of children as agentic and as part of the solution, not part of the problem. *CFOS* is child-friendly and child-appropriate, seeking to engage with children on territory they are capable of engaging with – not subjecting them to adult-centric punishment, correction and restriction. *CFOS* promotes an approach that goes beyond the individual to target system and community blockages to the achievement of positive behaviours and outcomes. *CFOS* positive promotion champions positive behaviours and outcomes as the primary targets

Table 1. *Children First, Offenders Second (CFOS)* positive promotion versus negative prevention.

CFOS positive promotion	Negative prevention
Promoting the positive	Preventing and reducing the negative
Children first, child-friendly	Offender first, anti-child
Universal	Targeted
Child-appropriate	Adult-centric
Offending normalised	Offending problematised
Participatory, engaging, legitimate	Exclusionary, stigmatising

for youth justice practice – not a narrow, reductionist focus on avoiding negativity, deficit, risk and harm. This forward-looking, promotional focus distinguishes *CFOS* from ostensibly similar ‘positive’ models such as the ‘Positive Futures’ programme in the United Kingdom and the ‘Positive Youth Development’³ movement in the United States (see Catalano et al., 2004). Table 1 outlines the key features of *CFOS* and offers a contrast with those of the neo-conservative correctionalist and neo-liberal responsibilising negative prevention approaches.

CFOS positive promotion approaches offending as a normalised and minor element of a child’s broader identity and behaviour (Drakeford, 2010) and holds the status of ‘child’ as paramount in all policy and practice, which demands an acceptance of the child’s inherent vulnerability by virtue of age, immaturity (biological, cognitive), their relative powerlessness, restricted socio-structural position (see also Robinson, 2014) and their entitlements and rights to access support, guidance and opportunities from adults and society. Indeed, it is adults (not children) who are responsibilised under *CFOS* to facilitate children’s access to and capacity to realise these entitlements and rights. Thinking about prevention through the lens of *CFOS* recommends that offender-first understandings of offending behaviour that engender reductive, restrictive, preventative responses should be disavowed in favour of a focus on promoting positive behaviour and positive outcomes for *all* children (i.e. universal promotion, not targeted reduction, prevention or early intervention), including (but not limited to) children within the YJS (see also Welsh Government and YJB, 2014; WAG and YJB, 2004). We reject negative-facing, deficit-focused, neo-conservative and neo-liberal approaches to prevention in favour of a ‘progressive universalised’ (Drakeford, 2010) and normalised approach that works with children to identify the problems they experience in their localities and supports them in developing appropriate solutions.

CFOS Positive, Promotional, Participatory Intervention

Youth justice prevention practice in England and Wales, like social policy for children and young people more broadly, is adult-centric. Adult decisions and understandings underpin every stage of the youth justice process, from the identification of children who require attention (e.g. arrest decisions, antisocial behaviour management, risk assessment, sentencing), to the choice of the theories of children’s (offending) behaviour that guide practice (precipitating individualisation and responsibilisation), to the interpretation of the

outcomes of risk assessment, to the choice of interventions to respond to assessed risk levels, to the relationships (often court-ordered and restrictive) between youth justice staff and children. Contact with the formal YJS can be iatrogenic (see McAra and McVie, 2007), disengaging and even (unintentionally) criminalising. These deleterious outcomes are not a product of malevolence, but of the adult-centric, prescriptive structures and processes of the YJS that privilege enforcement and compliance, thus neglecting to fully account for the status, needs, entitlements, rights, views and experiences of children and fail to deliver services in a child-friendly, child-appropriate manner (see Charles and Haines, in press; Hart and Thompson, 2009; Nacro Cymru, 2009). In accordance with the principles of *CFOS* and evidence from local and national preventative–promotional programmes, we advocate that the prevention of offending by children is an objective best achieved through the promotion of positive behaviour via universal services that safeguard children, are normalising, decriminalising and which are located out with the formal YJS (see also Goldson and Muncie, 2006). Moreover, both the promotion of positive behaviours and outcomes and the prevention of offending are objectives best served by interventions which see the child as part of the solution, not part of the problem and which aim to promote a range of positive outcomes (rather than focusing on the somewhat negative objective of reducing undesirable behaviours and outcomes). A universalised, non-formalised promotional approach would, of course, seek to address the needs and problems identified by a child, but would do so by prioritising diversion from the formal YJS and the potentially damaging effects of formal contact with it. Intervention should instead be provided through a non-responsibilising, inclusionary model that engages children and enables their participation in decision-making processes that affect them. A key question emerges here regarding what this ‘positive’ prevention actually looks like in practice beyond the outlines of its key features and its more clearly defined and measurable objectives when compared to the narrow and restrictive objectives of negative, neo-correctionalist approaches. While we have provided some evidence of the ‘preventative’ interventions that demonstrate features of the *CFOS* approach and their impact (Case and Haines, in press-b; Haines et al., 2013), our position is that there is, currently, a paucity of academic research to draw on evidencing the effectiveness of youth justice interventions generally (see, for example, Haines and Case, in press) and that academic research is unlikely to ever provide comprehensive, detailed and nuanced evidence to proscribe practice. In this article, we are attempting to set out the overall philosophy that should guide practice and to set parameters within which practice should take place (and be measured), but that there is (and will remain) considerable scope for practitioners to use their professional judgement and discretion in developing practice that is coincident with *CFOS*.

Case Study: Participatory Positive Promotion in Schools, YOTs and Communities

Research-based partnership working between children, youth justice practitioners and university researchers in a local authority area in Wales over a 20-year period has produced evidence of successful outcomes from a set of *CFOS* programmes, situated at various points of the prevention–promotion constellation.

The *Promoting Positive Behaviour* (PPB) programme that ran from 1996–1999 used child-friendly, targeted early intervention (stage 3 in the constellation) with the objective of preventing secondary school exclusion (see Haines and Case, 2003) in partnership with children. Researchers surveyed local secondary school children (using questionnaires and focus groups) and conducted a systems analysis to identify the main correlates of school exclusion (e.g. perceptions of poor curriculum and teaching, low self-image, negative future aspirations, unconstructive social activities). The evaluation concluded that these correlates were being targeted by the PPB Steering Group through the creation and extension of bespoke child-friendly preventative service provision (see Haines and Case, 2003): whole school behaviour codes, Family Group Conferencing and Action Planning Panels (working with children to identify and implement positive solutions to disaffection and disruptive behaviour in school), a Youth Access Initiative (alternative educational provision for disaffected children) and a Community Service Volunteers scheme (in-school mentoring and out-of-school befriending by young adults). Identifying interventions through inclusionary partnership (i.e. children's participation and engagement) had produced child-friendly responses that were viewed as meaningful to children (e.g. addressing their fears about the future), as opposed to adult-centric intervention planning, which had been previously more focused on implementing systemic, structural changes (see Case and Haines, in press-a). Although the long-term impact of PPB on secondary school exclusion and school processes could not be determined within the time limited evaluation (1996–1999), the evaluation tested the underlying assumptions and the early implementation of the PPB system – identifying an evidence-based example of targeted prevention – grounded in the CFOS principles of inclusion, engagement, promotion (rewarding positive behaviour) and systems management (of disciplinary and reward procedures) and framed in a child-friendly manner, wherein adult practitioners were responsabilised to facilitate children's access to external support services that responded to their expressed needs and problems.

The multi-agency *Promoting Prevention* programme (2000–2004) aimed to prevent offending by children through child-friendly targeted reduction and early intervention (stages 2 and 3 in the constellation), which evolved into universal prevention services (stage 4). As with PPB, local secondary school children were surveyed to identify the potential correlates with their problematic behaviour (in this case, offending and drug use), but the research was expanded to explore the factors that could enable them to desist from problematic behaviour and to achieve positive outcomes (see Haines and Case, 2004, 2005). Children's feedback was utilised by the Promoting Prevention Steering Group to target child-friendly, meaningful support services both within and outside of the YOT (e.g. in the school and family): Swansea Training Centre and the Guiding Hand Association (vocational, educational, recreational and social skills courses to socially and educationally disaffected children), the Careers Business Company (independent careers advice for children working with the YOT) and Involve 'Just Us' (adult mentors for disaffected children in and out of school). Although direct causal linkages are impossible to conclude from multiple intervention prevention programmes in the real world, the evaluation (2000–2004) identified a preventative effect that could be related in some way to Promoting Prevention on a number of negative behaviours and outcomes

locally: annual decreases in the *percentage of school exclusions* over 5 days and the *number of officially recorded offences* by children, and a statistically significant decrease in *self-reported active offending* (committed in the past year) – while positive behaviours and outcomes such as social inclusion, academic achievement, prosocial leisure activities and constructive family relationships were all evidenced as improved within the Promoting Prevention cohort (Haines and Case, 2004). Since the inception (and, indeed, cessation) of the programme, local partners have reflected critically on Promoting Prevention and have sought to progress its *CFOS* principles across local mainstream practices with *all* children, including those within the YJS. *CFOS* practice principles (e.g. diversion, inclusion, normalisation, responsabilising adults) have been animated and evidenced by the local ‘Bureau’ diversion scheme (see Haines et al., 2013), and other *CFOS* positive principles can be discerned locally (e.g. adult-facilitated universal access to vocational education and careers advice, Rights Respecting Schools – see below). The objectives and principles of ‘prevention’ within Promoting Prevention (and PPB) have broadened locally into a prevention–promotion model that moves beyond the simple prevention (through targeted intervention) of negative behaviours, negative outcomes and their associated risk factors (traditional youth justice prevention approaches anchored to stages 4–6 of the prevention–promotion constellation) and into the promotion of positive behaviours and outcomes for children.

In 2010, the PPP was born from PPB and Promoting Prevention. The PPP seeks to promote social inclusion and positive outcomes for children through family, school and community intervention (stage 5 and 6 targeted and universal promotion – see Case et al., 2012). The two-stage evaluation methodology consisted of quantitative secondary data analysis of education data (academic achievement, attendance, careers pathways, exclusion) and crime and disorder data (antisocial behaviour, entry into and engagement with the YJS) and qualitative interviews and focus groups with key stakeholders (children and practitioners working within PPP). Post-PPP improvements were identified in a series of positive educational outcomes (improved academic achievement, attendance and post-education employment) and preventative crime and disorder behaviours and outcomes (decreases in antisocial behaviour, offending and sentencing), which were consolidated by positive qualitative feedback from key stakeholders (children and adults) that these outcomes could be explained by improvements in the nature of (engaging, rights-based and respectful) relationships between children and adults locally and enhancements to service effectiveness. The evaluation indicated an early influence locally in terms of PPP pursuing an entitlements- and rights-led *CFOS* approach to working with children. The local secondary school is the first in Wales to be recognised as a ‘Rights Respecting’ school – placing the United Nations Convention on the Rights of the Child at the forefront of its planning, policies and practices (United Nations Children’s Fund (UNICEF) UK, 2014). The school’s Rights Respecting status is monitored and evolved through a ‘Child Rights Committee’ to inform school policy and practice and to engage children in the development and implementation of school policies (see Charles and Haines, in press). PPP constitutes third-generation prevention–promotion, progressing beyond first generation provision within schools (PPB) and second-generation community-based out-of-school services (Promoting Prevention) into universal promotion

penetrating the everyday lives of all children through systemic changes to how agencies and children engage with one another to achieve positive life-changing outcomes. Consequently, the PPP should be retitled *Pentrehafod Promotion Project* because as it has been evidenced as a *CFOS* model of prevention–promotion that could be adopted and adapted more broadly.

Local experience and evidence indicates that intervention with children should be promotional rather than primarily preventative and should be ‘children first’ at heart. The extent of intervention should be the minimum amount necessary in that child’s individual circumstances, and the nature should be diversionary, inclusionary and participatory. The inclusionary and participatory emphases of *CFOS* are the driver for child-friendly and child-appropriate provision. *CFOS* is developed and conducted *with* children rather than *done to* them by over-controlling adult practitioners. Promotional youth justice practice (e.g. assessment and intervention) must be implemented in ways that children can understand, perceive as ‘legitimate’ (i.e. fair, justifiable – see Hawes, 2013), fully participate in (e.g. in decision-making processes, the interpretation of assessments, the planning of interventions) and engage with (i.e. commit to, comply with). *CFOS* positive promotion centralises the concept of ‘legitimacy’ as a tool to understand children’s compliance, participation and engagement with promotional practice. It is crucial that children perceive their treatment by, and interactions with, ‘the State’ (e.g. adults in the form of police, Youth Offending Services (YOS) staff, teachers, courts) as moral, just and fair if they are to engage with promotional activities, participate in decision-making processes and comply with the Law and the conditions imposed by formal promotional interventions (cf. Hawes, 2013; see also Haines and Case, in press; Ugwudike and Raynor, 2013). Research with local secondary school children into perceptions of their everyday interactions with adult authority figures (typically teachers and police) found that children’s perceptions of legitimate treatment (e.g. trust, respect, fairness, open communication) precipitated positive and sustainable child–adult relationships and enhanced prosocial attitudes and behaviour when compared with children who perceived these interactions as illegitimate (Hawes, 2013).

It is evident that the *CFOS* model has evolved in the context of national and local social/youth justice policy contexts in Wales favourable to its central features (e.g. diversion, inclusionary prevention, children’s entitlements and rights, responsabilising adults). This raises questions as to the likely and actual challenges of implementing the *CFOS* model beyond the Welsh context. Despite the practice prescriptions emanating from the YJB, YOTs in England are managed through local authorities and are under the direction of management boards. In this context, there remains scope for innovations in local practice. A good example of this is the Durham Pre-Reprimand Disposal, a diversionary, needs-led intervention with evidenced effectiveness in reducing entry into the YJS and reducing reoffending (C4EO, 2014), which contains similar promotional and rights-led features to the *CFOS* model of positive promotion. The constitutional position of YOTs, therefore, in both Wales and England, and the strategies and so on that guide practice, permit considerable scope for local innovation and practice development such that, if they so choose, YOT managers and practitioners are not constrained in the implementation of a *CFOS*-based approach.

Conclusion: CFOS Positive Promotion – Progressive ‘Prevention’ Practice

This article has provided a critique of contemporary risk-based, negative prevention practice in the YJS of England and Wales, depicting it as a criminalising, reductionist pursuit dominated by the targeting of risk factors as a means of reducing identified, existing negative behaviours by and negative outcomes for children (see also Bateman, 2014; Kelly, 2012; McAra and McVie, 2007). The only ‘promotional’ aspect of such negative-facing practice has been the promotion of negative perceptions of and experiences for children who come into contact with the YJS. We have argued that the prevention agenda as currently conceived is problematic on multiple levels – conceptually, methodologically, evidentially and ethically. Conversely, although relatively nascent, CFOS positive promotion affords an evidence-based, principled and progressive alternative approach to delivering youth justice – one grounded in the promotion of positive behaviour and positive outcomes for children in the YJS and beyond through their inclusion, participation and engagement in child-friendly and child-appropriate youth justice partnerships and decision-making processes, universal service provision, minimum necessary (child-appropriate) intervention and adult-facilitated access to entitlements and rights.

Funding

This research received no specific grant from any funding agency in the public, commercial or not-for-profit sectors.

Notes

1. We use the terms ‘child’ and ‘children’ instead of ‘young person’ and ‘young people’ throughout in accordance with the United Nations Convention on the Rights of the Child, which defines a ‘child’ as anyone aged below 18 years of age (UNICEF, 1999).
2. Youth justice policy and practice proclamations since the Crime and Disorder Act (1998) and moving through to the Prolific and Other Priority Offenders Strategy (2004) to the Youth Crime Action Plan (2008) to Breaking the Cycle (2010) to Prevention Matters (2011) and most recently the Legal Aid, Sentencing and Punishment of Offenders act (2012) have espoused a Government commitment to risk-based assessment and early intervention as the key vehicle with which to pursue prevention objectives.
3. Positive Futures is a Home Office-funded national youth crime prevention delivered in socially deprived local communities to target and support 10- to 19-year-olds ‘at risk’ of being drawn into offending and substance use by using skills development and positive activities such as volunteering (e.g. Catch 22, 2013). The Positive Youth Development model pursues positive behaviours and positive outcomes such as social, emotional, cognitive, behavioural, moral competence, connection, character, caring/compassion, confidence, self-efficacy, positive identity and prosocial norms (cf. Catalano et al., 2004). However, the model prioritises the negative-focused reduction of exposure to, and increase in, resilience to *risk* (factors) through early intervention (cf. Catalano et al., 2004; see also Positive Futures – Catch 22, 2013).

References

- Bateman T (2011) Punishing poverty: The scaled approach and youth justice practice. *The Howard Journal of Criminal Justice* 50(2): 171–183.
- Bateman T (2014) Where has all the youth crime gone? Youth justice in an age of austerity. *Children and Society* 28: 416–524.
- Bateman T and Pitts J (2005) *The RHP Companion to Youth Justice*. London: Russell House.

- C4EO (2014) [http://www.c4eo.org.uk/local-practice/validated-local-practice-examples/pre-reprimand-disposal-\(prd\)-durham.aspx](http://www.c4eo.org.uk/local-practice/validated-local-practice-examples/pre-reprimand-disposal-(prd)-durham.aspx) (accessed January 2014)
- Case SP and Haines KR (in press-a) Children First, Offenders Second: The centrality of engagement in positive youth justice. *The Howard Journal of Criminal Justice*.
- Case SP and Haines KR (in press-b) Risk management and early intervention. In: Goldson B and Muncie J (eds) *Youth, Crime and Justice*. London: Sage.
- Case SP and Haines KR (2011) Protection, prevention and promotion: The restricted evolution of the protective factor in criminological research. *Social Work Review* 2: 109–122.
- Case SP, Clutton S and Haines KR (2005) Extending entitlement: A Welsh policy for children. *Wales Journal of Law and Policy* 4(2): 187–202.
- Case SP, Haines KR and Charles AD (2012) *Pentrehafod Prevention Project: Report for the NISCHR*. Swansea: Swansea University.
- Catalano RF, Berglund LM, Ryan JAM, Lonczak HS and Hawkins DJ (2004) Positive youth development in the United States: Research findings on evaluations of positive youth development programs. *Prevention and Treatment* 5: Article 15.
- Catch 22 (2013) Positive futures: Impact report. Available at: <http://www.catch-22.org.uk/wp-content/uploads/2013/11/Positive-Futures-Impact-Report-2013.pdf> (accessed June 2014)
- Cohen S (1985) *Visions of Social Control*. Cambridge: Polity Press.
- Department for Education and Skills (DfES) (2003) *Every Child Matters: Change for Children*. London: DfES.
- Department for Education and Skills (DfES) (2005) *Youth Matters*. London: DfES.
- Drakeford M (2010) Devolution and youth justice in Wales. *Criminology and Criminal Justice* 10(2): 137–154.
- Early Intervention Foundation (2014) Available at: <http://www.earlyinterventionfoundation.org.uk/> (accessed March 2014).
- Goldson B (2005) Taking liberties: Policy and the punitive turn. In: Hendrick H (ed.) *Child Welfare and Social Policy*. Bristol: Policy Press, 225–268.
- Goldson B and Muncie J (2006) *Youth Crime and Justice*. London: Sage.
- Haines KR and Case SP (2003) Promoting positive behaviour in schools: The youth social audit. *Youth Justice* 3(2): 86–103.
- Haines KR and Case SP (2004) Promoting prevention: A multi-agency initiative to prevent youth offending through consultation in Swansea schools. *Youth Justice* 4(2): 117–132.
- Haines KR and Case SP (2005) Promoting prevention: Targeting family-based risk and protective factors for drug use and youth offending in Swansea. *British Journal of Social Work* 35(2): 169–187.
- Haines KR and Case SP (2011) Risks, rights or both? Evaluating the common aetiology of negative and positive outcomes for young people to inform youth justice practice. *Social Work Review* 2: 109–122.
- Haines KR and Case SP (2012) The failed approach? *Youth Justice* 12(3): 212–228.
- Haines KR and Case SP (in press) *Positive Youth Justice: Children First, Offenders Second*. Bristol: Policy Press.
- Haines KR, Case SP and Charles AD (2013) The Swansea Bureau: A model of diversion from the Youth Justice System. *International Journal of Law, Crime and Justice* 41(2): 167–187.
- Haines KR, Case SP, Isles EI, Rees I and Hancock A (2004) *Extending Entitlement: Making It Real*. Cardiff: Youth Policy Team, Welsh Assembly Government.
- Hart D and Thompson C (2009) *Young People's Participation in the Youth Justice System*. London: NCB.
- Hawes M (2013) *Legitimacy and Social Order: A Young People's Perspective*. Unpublished PhD thesis, Swansea : Swansea University.
- Kelly L (2012) Representing and preventing youth crime and disorder: Intended and unintended consequences of targeted youth programmes in England. *Youth Justice: An International Journal* 12(2): 101–117.
- McAra L and McVie S (2007) Youth justice? The impact of system contact on patterns of desistance from offending. *European Journal of Criminology* 4(3): 315–345.
- Morgan Harris Burrows (MHB) (2003) *Evaluation of the Youth Inclusion Programme*. London: MHB.
- Nacro Cymru (2009) *Youth Justice and Participation in Wales*. Cardiff: Nacro Cymru.

- National Assembly Policy Unit (2000) *Extending Entitlement: Support for 11 to 25 Year Olds in Wales. Direction and Guidance*. Cardiff: National Assembly for Wales.
- O'Mahony P (2009) The risk factors paradigm and the causes of youth crime: A deceptively useful analysis? *Youth Justice* 9(2): 99–115.
- Paylor I (2010) The scaled approach to youth justice: A risky business. *Criminal Justice Matters* 81(1): 30–31.
- Robinson A (2014) *Foundations for Youth Justice*. Bristol: Policy Press.
- Social Exclusion Unit (SEU) (1999) *Bridging the Gap*. London: SEU.
- Social Exclusion Unit (SEU) (2000) *PAT 12: Young People*. London: SEU.
- Stephenson M, Giller H and Brown S (2010) *Effective Practice in Youth Justice*. Cullompton: Willan.
- Sutherland A (2009) The 'scaled approach' in youth justice. Fools rush in ... *Youth Justice* 9(1): 44–60.
- Turnbull G and Spence J (2011) What's at risk? The proliferation of risk across child and youth policy in England. *Journal of Youth Studies* 14(8): 939–959.
- Ugwudike P and Raynor P (2013) *What Works in Offender Compliance? International Perspectives and Evidence-Based Practice*. Basingstoke: Palgrave Macmillan.
- UNICEF (1999) *United Nations Convention on the Rights of the Child*. Geneva: UNICEF.
- United Nations Children's Fund (UNICEF) UK (2014) Rights respecting schools. Available at: <http://www.unicef.org.uk/rrsa> (accessed May 2014).
- Walker J, Thompson C, Laing K, Raybould S, Coombes S, Proctor S and Wren C (2007) *Youth Inclusion and Support Panels: Preventing Crime and Antisocial Behaviour?* London: DfES.
- Welsh Assembly Government and Youth Justice Board (2004) *All Wales Youth Offending Strategy*. Cardiff: WAG and YJB.
- Welsh Government and Youth Justice Board (2014) *Children and Young People First*. Cardiff: Welsh Government.
- Youth Justice Board (YJB) (2010) *Process Evaluation of the Pilot of a Risk-Based Approach to Interventions*. London: YJB.
- Youth Justice Board (2003) *Assessment, Planning Interventions and Supervision*. London: YJB.

Author biographies

Stephen Case is Associate Professor in the Centre for Criminal Justice and Criminology at Swansea University. His research interests in the youth justice field include children's rights, diversion and the Risk Factor Prevention Paradigm.

Kevin Haines is Director of the Centre for Criminal Justice and Criminology at Swansea University. He co-wrote the seminal 'Young People and Youth Justice' (Haines and Drakeford 1998) and the follow-up 'Positive Youth Justice: Children First, Offenders Second' with Dr Case (Haines and Case, in press).