

Module: **Children, Young People and Families**

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Transcending the North American's view of the "first primitives" evolving from wildness to civilization, according to Montgomery (2009), the Western European perspective proposes a new ideology and approach of this transitional period. Instead of seeing infancy as a time when all children are dependent and weak, the sociological approach sees childhood as a cultural phenomenon impacted by temporal and locative elements. From society's point of view, a normal development of children must be within the limits set by its norms, with only small deviations being accepted. When the deviations seriously attack the moral norms, the child becomes deviant, and when those violated are criminal norms, the deviance turns into delinquency. The essay will introduce the child and childhood concepts from Middle Age until now, as well as analyse and evaluate the British Youth Justice System (YJS)'s strengths and downfalls regarding the proceedings of protecting and respect the basic children's rights of freedom, voice and identity

For the first time in history, the Ariès' notes (1962) make reference to ordinary children engaged in society as "little adults" with no place for nostalgic familial ties (James and James, 2004; Woodhead and Montgomery, 2007). The prominence of uncertainty and vagueness in regard to the character of concepts and feelings surrounding childhood in various historical times was noted by Heywood's (2001) insightful remark. Two of Heywood's (2001) dichotomies concern children's behaviour, which alternates between two opposed extremes: morality and impurity, as well as the nature versus nurture debate, which has to do with a person's genetic heritage and socialisation. The strong religious ideologies of evil and innocence were reinterpreted as children's traits that needed to be educated through regulation and teaching (Woodhead and Montgomery, 2007). Continuing the idea, Woodhead and Montgomery (2007) state that the inadequate supervision and moral instruction contributes to a rise in belligerent, distant children, while on the other hand, respect for their "inner good" allows them to flourish and progress at their own pace. The brutal reality of the seventeenth and eighteenth century's children was described by DeMause (2006) in his book "The history of childhood", where abuse, torture, punishment, and infanticide were the correctional nightmare tools justified by religious morality for eradicate the sinful child at that time. The mentality changed as centuries advanced, and James, Jenks and Prout (1998) reclaim that Freudian psychoanalytical theory explains human growth by identifying the causal chain that links infancy to abnormal adult behaviour. The notion views the child as more than a

"blank slate" or developing being. The extensive use of child labour during the early stages of industrialization took place in a culture culturally suited to "making children useful," (Humphries, 2003) since they may be economically engaged starting age of five. The dynamics of the parent-child connection clearly demonstrates the absence of "parental altruism," since children, who are lawfully the ownership of their parents, are employed by them as family assets with adverse impact on academic achievement (Humphries, 2003). A welcoming step ahead in recognising the concept of "universal childhood" was the **Factory Act 1833** that placed restrictions on child labour and regulated the maximum number of hours that may be worked by children over nine years old (Muncie, 1999). In order to make up for missed income, working class children were either left alone while their parents were at work or pushed to sell things on the streets. Since there was no system of mandatory education, youngsters were more and more noticeable on the streets. Being different from adults in look and behaviour, there was some fear among the adult population, which resulted in contrasting perceptions of the innocent kid and the dangerous teenager (Muncie, 1999). The pertinent view of Wyness (2000) stresses that the dissolution of families due to a purported lack of control and authority catapulted youngsters into the stereotype of the adult child, the devilish, overly cautious delinquent who has become all too plainly evident as a concern for community. In modern western culture, contrasting ideologies about children who are at risk and children who are violent are frequently approached by deconstructing the idea of childhood itself and the remainder of the division of later childhood as adolescence. A variety of rights and obligations are codified in law for people who are younger, even though children are frequently classified in national and international law as those under the age of 18. The penal culpability age is ten in England and Wales. This age might be thought of as the beginning of adolescence and the loss of childlike innocence (Zwozdiak-Myers, 2007)

Enacted in 1989 as a component of human rights law, the **United Nations Convention on the Rights of the Child** (UNCRC) was created to act in the "best interest" of children under the auspices of broadly accepted guidelines and global agreement, and it encompasses rights to provision, prevention, protection, and participation (Woodhead and Montgomery, 2007). James and James (2004) and Prout (2005) have criticised the Convention's framework for not being fully applicable worldwide and demonstrating that it is less effective at producing relevant changes in

human benchmarks for children. Despite fervent attempts at international consultation and agreement, the legislative provisions will remain merely verbal, with very little impact on children from countries with a different culture, economy, and politics from highly developed countries.

Woodhead and Montgomery (2007) present the notorious James Bulger case, which shocked Britain in the early 20th century, marked the turning point for the juvenile justice system, and required the reconfiguration and implementation of new legislation and the amending of criminal procedure codes in relation to juvenile delinquency under pressure from the media and the general public. The incident upset the community and generated a discussion on children's dual image in society. The young age of both the victim and the criminals, the heinousness of the crime, and the filmed proof of the kidnapping, which shocks onlookers by not involved themselves in aiding the visually distressed infant, make this incident exceptional.

For Allen (2002), both the **Youth Justice and Criminal Evidence Act 1998** and the **Crime and Disorder Act 1998** were populist reform policies that established a variety of measures with the primary objective of deterring crime. Several improvements in re-education, rehabilitation, and welfare programmes have been made thanks to new civic and correctional interventions that are supported by a well-resourced local and national infrastructure. At the same time, the UK government faced backlash from the United Nations Committee for its low legal culpability and eligibility age for youths to receive a prison term. According to Antonopoulos and Wintdyk (2003) the **Crime and Disorder Act 1998** incorporate elements of a restorative strategy as part of a comprehension reaction to teenage crime in both England and Wales. The foundational components of the restorative concept: responsibility, restoration, and reintegration were completed with the new element: the reconciliation. The novelties of this provision are: under Section 68, the victim's involvement as part of the reparation order, which has the freedom to claim punitive compensations; and under Section 34, removing the premise of "doli incapax" and giving children over the age of 10 the same status as adult offenders. Smith's (2001) strong disapproval of the provisions of the **Crime and Disorder Act 1998** relates to new measures to prevent young people from offending or reoffending through interventions designed to control and change behaviour through a strategic and operational approach to surveillance, **assessment**, measurement, control and behaviour management. Interdisciplinary organisations are in charge of customising

interventions to each situation after rigorous assessments that will identify the proper sanctions meant to generate the desired change in offenders' behaviour.

The "risk factor prevention paradigm" (RFPP) is a standardised assessment and intervention strategy adopted by the Youth Justice Board for application in youth system policy and practise in England and Wales. Practitioners estimate each risk factor's correlation with the probability of subsequent offences using Asset, a Likert scale standard evaluation instrument (Brigs, 2013). As markers of upcoming criminality, Farrington's (1989) study emphasises following: family depravity and delinquency, inadequate education, school failure, hostile and reckless behaviour. These factors recur in patterns of aggressiveness and brutality in childhood and adolescence as results of emotional self-suppression and disappointment over academic underachievement, poor parenting, and a lack of moral guidance from parents. In order to guide "evidence-led" initiatives for decrease risk and prevent crime, Case (2007) casts doubt on the effectiveness of the actual strict and unembellished methodology. A grade obtained through a quantitative method and a cross-sectional study is limited to an empirical value as a result, and cannot have a direct and particular usefulness in addressing the offending. In other words, the risk evaluation process has the predisposition to prioritise the numerical recognition of requisite samples of risk/protective aspects, at the expense of disregarding a more in-depth analysis of the crime's awareness and its determinant factors, as tangible situational perceptions of the direct engaged parties, such as professionals and juvenile offenders. Case (2007) advocates a symbiotic connection between the current strategy and the more humanistic proposed technique to use qualitative methods to depict analytic potential risks; that might result in an RFPP more receptive to community matters, more sympathetic to diverse subgroups of the population, and more adaptable to new crime trends, social issues, population and organisational changes, and shifts in young people's cultures. In a more strong statement, Goldson (2009) discusses how universal services envision the use of constrained settings of categorization, control, and discipline to assign 'alleged' or 'potential' offenders into the proper intervention programmes. The corrective intervention approach demonstrates the absence of judicial openness since it only considers the bureaucratic appraisal, subjective judgement, and erroneous forecast, ignoring the evidence of the offender's guilt in committing the crime. Criminalising etiquette and interventionist tactics based only on suppositions and factual

predictions runs against basic justice principles and, additionally, violates the international human rights norms.

Morris and Messenger Davis (2018) state that the idea of welfare has been used by juvenile courts to weighing between a child's rights to privacy against the journalists' rights to report on events. Considering the Rule 8 of the Beijing Rules (Penal Reform International, 2013), a magistrate court has the responsibility to firstly determine if a child's Article 8 privacy rights, under the European Convention on Human Rights (ECHR), is respected and then consider to grant the conflicting freedom of speech right under Article 10 (Morris and Messenger Davis, 2018).

As an alternative legislative framework, Case and Haines (2014) advocate the **All Wales Youth Offending Strategy**, published in 2004, that is a reinvented vision of the juvenile system based on the provisions of the UNCRC and aims to respect the integrity of the child through its motto "children first and criminals second." This is what Case and Haines (2014) appreciate, an example of a totally rights-based and pro-child strategy meant to promote excellent equality of achievements rather than equality of chances by clearly aiming to include both children and practitioners in voluntary action for constructive rehabilitative and preventative interventions. The preventing programme Promoting Positive Behaviour (PPB) was focused on academic expulsion for children over 12, through a collaborative partnership between Youth Justice Board, family, local community and school, taking preventive actions, distinctively: families meetings and norms of conducts for students. The successful achievements of the initiative go further in extending its fundamental principle also in education system through schools' Rights Respecting status where teachers and pupils are partners in promoting "the child' best interest" Case and Haines (2014).

The essay has presented a temporal evolution of representations and discourses of childhood that shape and impact children's innocence, growth, and development. The generational line was evidently altered over the centuries as human mentality evolved to reconsider childhood as a socially constructive structure where children are more "visible" as active participants within adult culture. The beginning of the delinquent child cannot be precisely defined, but societal laws and regulations have taken immediate action both for children and for adults to restore social order. Scientifically proven, Britain has a developed juvenile justice system that is not without flaws. However, public policy aimed at reforming juvenile justice

legislation, as well as training and education to teach young people to respect the law and the rule of law, has contributed to addressing these issues. However, certain successes in this field permit a critical attitude of "tempered optimism," which denotes both the expectation of failures, which are inevitable in a system undergoing change, and of successes that are imminent.

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