

Simple Toughness Meets Tough Complexity

Barry Goldson assesses the New Youth Justice.

The government's determination to tackle youth crime and fundamentally reform the youth justice system is unmistakable. A draft of consultative documentation and a major White Paper, significantly entitled *No More Excuses: A New Approach to Tackling Youth Crime in England and Wales*, was introduced within months of New Labour's election in 1997. This was followed by wide-ranging and radical legislation in the form of the Crime and Disorder Act 1998 and the Youth Justice and Criminal Evidence Act 1999. At the national level the legislation has ushered in a new executive non-departmental public body: the Youth Justice Board for England and Wales. At the local level the Crime and Disorder Act has imposed new duties on Local Authorities including the requirement to produce an annual Youth Justice Plan, and the Police, the Probation Service and the Regional Health Authorities are obliged to contribute to, and co-operate with, such arrangements. In April 2000 one hundred and fifty five new multi-agency Youth Offending Teams (YOTs) were formally established across England and Wales in order to operationalise such locally-based plans for 'tackling' youth crime. All of this amounts to the most radical reform of the youth justice system for over fifty years and it expresses the government's apparent resolve to be 'tough on crime'.

Simple toughness

Toughness rhetoric has defined the contours of the "no more excuses" agenda. Senior politicians continually state and re-state the government's determination to protect the public from "thugs" and

"jobs" and the Home Secretary has observed that "the government has embarked on nothing less than a crusade against crime" (Straw, 1999). The Introductory Guide to the Crime and Disorder Act 1998 explains that "the purpose of the youth justice system is to cut offending (and) action must be taken quickly to nip youth offending in the bud". Accordingly, "fast track punishment" has been promised (Home Office, 1998) as a key element of a wider "culture in which it is a matter of shame to appear in a youth court" (Youth Justice Board for England and Wales, 1999). Apparently such a punitive spirit, with its concomitant emphasis on parent blaming and its claim that children and young people (however young) must accept the full weight of responsibility for their behaviour, has widespread public appeal (Drakeford and McCarthy, 2000; Bandalli, 2000). This may be, but the aetiology of youth crime is complex and involves rather more than feckless parents and irresponsible children (real or imagined). Moreover, whilst early intervention and tough penalties may resonate with 'common sense' there is ample evidence to suggest that they are just as likely to compound the problem of youth crime as they are to solve it (Goldson, 2000).

Tough complexity

Section 1(1) of the Children Act 1989 states that: "When a court determines any question with respect to (a child) ... the child's welfare shall be the court's paramount consideration".

However, in cases where a child has committed an offence and is thus subject to the jurisdiction of the criminal courts, the complex tensions between child welfare/care and criminal justice/punishment are at their most apparent. Such complex tensions are further emphasised when conventional obligations and the provisions of international standards, treaties and rules (to which the UK government is formally committed) are applied. Here the United Nations Convention on the Rights of the Child is perhaps the most noteworthy, and the Human Rights Act 1998, which is due to be

implemented in October 2000, will do little by way of obviating such legal complexity. However, it is not just at the interface between criminal justice and child welfare law that complexity exists.

Indeed, the social circumstances that many child offenders endure are themselves complex and invariably comprise layered patterns of disadvantage including: Social Services involvement; fractured and impoverished families; neighbourhoods beset with multiple forms of deprivation; disrupted, incomplete, unhappy and relatively unproductive school careers; unemployment, boredom and poverty; and health related problems invariably connected to alcohol and drug misuse. "Get tough" rhetoric, pious moralistic essentialism, and the "increasingly child blaming tone (which) has crawled into British politics in the 1990s" (Campbell, 1999) is conspicuously misplaced against such complex and difficult social contexts. Moreover, to take account of the compelling hardships faced by many children in trouble can hardly be legitimately dismissed as the mobilisation of lame "excuses".

The ultimate expression of the punitive approach to juvenile crime is child incarceration. Although the available statistics are incomplete they suggest, nevertheless, that the UK locks up proportionately more children and young people than most of its neighbour states in the European Union. The new youth justice reforms will bring no relief to this pattern of child incarceration. Indeed many commentators are suggesting that the new Detention and Training Orders provided by the Crime and Disorder Act 1998, together with the recently extended court powers to remand children and young people into secure and penal settings, will swell the numbers of incarcerated children further. Her Majesty's Chief Inspector of Prisons has been a staunch critic of prison detention for children. He is joined by all of the major penal reform and child welfare organisations. Academic research continually evidences the counter-productive and corrosive impact of youth custody. Bullying and self-harm are commonplace. The recent death of Phillip Griffin who took his own life at Wetherby Young Offender's Institution, and the



Ilderton Motor Project in Deptford, Southeast London, provides a motor-related crime prevention and training programme. Young people aged 13-25 attend voluntarily or are referred by probation, youth justice or court order. Groupwork and one-to-one contact is central to the project's efforts to empower young people, in part through motivating non-criminal behaviour by focusing on the possibilities of regular lawful driving. The project is open four days a week for work with young people, with regular racing events at weekends. A training programme leading to a City and Guilds Certificate in Basic Motor Vehicle Repair and Maintenance provides young people with a progression route into further education or employment.

Photographs by Kath Wilkinson, who visited the young people at Ilderton during the weekday training programme and weekend motorbike 'scrambling', are featured throughout this issue.

resignation of Ian Thomas, deputy governor of Feltham Young Offender's Institution, because he was no longer able to tolerate the 'Dickensian' conditions of the largest children's jail in Western Europe, are graphic reminders of the utterly inadequate nature of incarcerative responses.

A negative assessment?

Despite all of this however, and "while it would not be true to say that all concern with the welfare of children and young people in trouble has disappeared" (Smith, 1999: 149), the emphasis in recent years has been heavily tilted towards control, regulation, correction, retribution and punishment. If the new youth justice is to succeed, not only in tackling youth crime but also in meeting the compelling needs of young offenders, then policy reform and political debate have to reach beyond simple toughness. The lives that such children lead and the circumstances in which they are led are tough and complex. The interface between criminal law

and civil law, together with obligations provided by international standards, treaties and rules are equally complex. The Human Rights Act will pose new legal challenges to crude and condemnatory responses to children in trouble. Tough talk may have some electoral appeal but it will do little to guide the multi-agency Youth Offending Teams through the complexities of their everyday practice. More than anything, child incarceration will continue to fail the public, will continue to damage children and will continue to cost the tax-payer. If such a negative assessment of the new youth justice is to be reversed then the government must dispense with cheap populist rhetoric and engage with the real and rather more difficult issues that face the most disadvantaged children and young people together with the communities in which they always live and sometimes offend.

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See the last page of this issue for a review of *The New Youth Justice*.

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