'Child First' and desistance

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Introduction: there's 'desistance' and there's 'desistance'

Neoliberalist jurisdictions globally have fixated on directly addressing offending children's behaviour and bringing about 'desistance' from that offending. In England and Wales, for instance, the principal aim of the youth justice system (YJS) is 'preventing offending'. Introduced in the Crime and Disorder Act 1998 (Section 37), it is the statutory duty for all people and agencies working within the system to have regard to preventing offending. Having this aim for a YJS is, of course, a specific political choice and not inevitable. Nor is it universal around the world. For instance, an established principal aim in other jurisdictions is for the system to act in whatever is the best interests of the child (Hazel, 2008), reflecting a primary principle in the UN Convention on the Rights of the Child (UNCRC) (Article 3). That aim is similar to the 'consideration' also present in England and Wales that courts 'shall have regard to the welfare of the child' (Children and Young Persons Act 1933, Section 44).

Nevertheless, the focus of the system's principal aim of preventing offending is clearly on crime reduction. There is no sense that there is any political will or intention to change this in the foreseeable future. While we may argue its shortcomings, this is the context within which policy and practice bodies in the system, and academics and other commentators outside of it, must try to drive improvement. For children who have not been in the criminal justice system, 'preventing offending' means ensuring policies and practice support children to not start offending. For those children who have already offended, it means ensuring policies and practice that stop the offending behaviour and any recidivism. The latter is 'desistance' in its broadest criminological sense.

In the 21st century, the dominant approach to pursuing desistance from offending by children has been the neo-correctionalist targeting of the 'risk factors' allegedly predictive of youth offending. However, this dominant 'risk management' approach is fundamentally flawed, lacks a theory of change and has negative consequences, including stigma in defining and treating the child as 'risky'. The criminogenic effect of stigma has long been recognised since

early 'labelling theory' in youth delinquency research (Becker, 1963), but we also recognise it running contrary to more recent messages from adult–focused 'desistance theory' (see Chapter 1) around the need to allow progress from an 'offender' status. Accordingly, a broad consensus has developed among contemporary youth justice academics around the need for non-stigmatising youth justice that sees children as 'children first and offenders second' (Haines and Drakeford, 1998). Key messages from contemporary research advocate for youth justice that fundamentally emphasises the importance of promoting positive child outcomes, for example the Positive Youth Justice (PYJ) model (Haines and Case, 2015). However, we recognise in this chapter that this evidence-based model has similarly lacked a 'theory of change' in linking positive outcomes with the broad sense of desistance, which has limited its policy and practice traction. We argue that an appropriate theory of change can be recognised in research on the resettlement of children from custody, translated into the Constructive Working (CW) practice framework (Hazel et al, 2020), which recognises the central importance of facilitating children's 'pro-social identity'. Although derived from empirical research with younger people, this theory of change again reflects a central aspect of adult 'desistance' theory, that sustainable desistance requires an individual to 'shift' to a pro-social identity. To be appropriate across the YJS, however, it is necessary to recognise that the development of a pro-social identity does not need to assume the existence of an embedded pro-offending identity from which to shift.

The problems of pursuing desistance through risk management

The statutory duty of having 'regard to' desistance has, in effect, been interpreted as practitioners being able and expected to change children's behaviour directly. At the very least, youth justice agencies are expected to impact on children's attitudes and circumstances that are considered to determine their offending behaviour. As such, policy makers' and practitioners' attention has been on factors that are specifically understood to directly lower the 'risk' of reoffending as a vehicle for pursuing the primary aim of preventing negative outcomes (offending and reoffending, for example), as evidenced by desistance. This dominant risk management approach is fundamentally flawed, as is the research and its interpretation that has determined the 'factors' on which interventions have been based.

Risk management and its underpinning evidence base derived from the 'Risk Factor Prevention Paradigm' (RFPP) foster individualised and responsibilising explanations of offending by framing risk factors as personal 'deficits' (flaws, weaknesses) in psycho-social domains of children's lives (psychological, family, education, peer group, neighbourhood) that children somehow fail or refuse to resist or negotiate (Case and Haines, 2009). The

RFPP rests on an evidence-based central preventative premise to 'identify the risk factors for offending and implement prevention methods designed to counteract them' (Farrington, 2007, p 606). The evidence base has proven very attractive to youth justice stakeholders, who have readily and uncritically accepted the deterministic and decontextualised explanations of reductionism when seeking to prevent offending directly (Case, 2021). Explaining children's criminality on the basis of risk and the alleged deterministic, criminogenic influence of risk factors also treats children as objects whose fate is largely determined by the risks they embody, rather than regarding them as active individuals with a capacity to make choices, albeit that their options may be constrained by their socio-economic position (Case and Haines, 2009, p 20). Interventions in the United States have been criticised precisely because they ignore personal agency and individuals' interpretation of the immediate context (see Barton, 2006). To compound matters, the research and 'evidence-based' risk assessment tools erroneously reconstruct macro-level influences such as socio-economic deprivation and social marginalisation as individualised risk factors (see Harcourt, 2007; Tonry, 2019).

In England and Wales particularly, a neo-correctionalist punitiveness mobilised by risk-based crime-prevention (risk management) priorities has come to dominate policy and practice, mirroring the new penology in adult criminal justice (Feeley and Simon, 1992). It seeks to correct the perceived deficits of children who offend and to punish non-compliance and non-engagement with ameliorative, controlling interventions focused primarily on managing the risk of offending (see Hazel, 2008; Dunkel, 2014; Smith and Gray, 2019). Following the Crime and Disorder Act 1998, the newly created Youth Justice Board (YJB) commissioned academics to produce a series of Key Elements of Effective Practice (KEEP) based on systematic reviews that were inherently reductionist due to their elevation of quasi-experimental methodologies (Randomised Controlled Trials, for example) as a gold standard, which privileged studies that focused directly on RFPP studies of 'what works' to address offending and bring desistance directly. This predominance of quasi-experimental, risk-based studies focusing on desistance outcomes (themselves privileged by the 'what works' evaluation framework – Case et al, 2022) directly rendered 'certain research questions … "unaskable" because they cannot be addressed using experimental methods' (Prior and Mason, 2010, p 219), typically omitting theory of change questions of 'how' interventions may work, 'with whom' they work best and 'why' they may work with some children in some situations but not others.

The KEEP documents underpinned the use of 'Asset' as a standardised assessment framework for use across the YJS. Asset generated an evidence base through practice that was overwhelmingly populated by the 'risk factors associated with offending behaviour' (YJB, 2003, p 27) that had been widely replicated in artefactual RFPP and which were all situated within or

interpreted as psycho–social risk categories/domains (living arrangements, family and personal relationships, education/training/employment, neighbourhood, lifestyle, substance use, physical health, emotional/mental health, perception of self and others, thinking and behaviour, attitudes to offending, motivation to change). Associated planning, judgements and decisions were framed almost entirely and inevitably by risk evidence and associated explanations. Practitioners were instructed to assess exposure to risk factors as a binary measure (yes/no) and to quantify their perceptions of the extent to which exposure to risks aggregated across each domain were associated with 'the likelihood of further offending': from 0 (no association) to 4 (very strong, clear, direct association). These were then added together to produce an overall one- or two-digit score for how 'risky' the child is for future offending. Quantitative judgements were supplemented with qualitative, narrative explanations in a small, summative 'evidence box' at the end of each section (Case and Haines, 2009).

Asset therefore embodied a staged process of reductionism when trying to bring about desistance directly that has rendered risk a decontextualised and dehumanised artefact and hindered the possibility of understanding children's individual lived realities and how these might be influenced (O'Mahony, 2009; Phoenix, 2009; Cox, 2020). Application of RFPP peaked in November 2009 with the inception of the 'Scaled Approach' assessment and intervention framework, which dictated that formal youth justice intervention must be proportionate to the child's assessed risk of offending (YJB, 2010; see Sutherland, 2009), formally extending processes of risk–based reductionism and invalidity into the sphere of intervention but justified by an under–theorised, partial and inconsistent evidence base for the 'effectiveness' of risk assessment and risk–based interventions (Case et al, 2022).

The fatal explanatory flaw with risk management for desistance: no theory of change

Risk management approaches deliberately eschew articulating a theory of change, even though this could provide an overarching understanding of the process within which individual strands of activity might cohere to achieve desistance (Hazel et al, 2017). The absence of an explicit 'theory of change' within the risk paradigm is a limitation that its proponents have nevertheless attempted to construct as a benefit: '[R]isk factors and interventions are based on empirical research rather than theories. The paradigm avoids difficult theoretical questions about which risk factors have causal effects' (Farrington, 2000, p 7). However, without a cogent theory of change, it is difficult to see how critical, reflective practice can be employed in order to rationalise, evaluate, improve and even replace contemporary (risk–based) youth justice interventions to benefit children. Research examining custody

and re-entry, for example, has found that the decontextualised nature of the risk-focused practice messages has hindered practice (Hazel and Bateman, 2021). Any possible theory of change that could be discerned from the risk paradigm evidence base would inevitably reflect the reductionist nature of the model, constructing children who offend as laden with deficits (risk factors) that they cannot negotiate without the support of adult practitioners and enforced intervention.

Moreover, in focusing interventions directly on the offending behaviour and desistance from it, risk-based youth justice brings 'negative', punitive features. These include the (inadvertent) labelling and stigmatisation of children, excessive intervention, 'net-widening', doing justice 'to', not with children, and over-emphasising the prevention of negative outcomes (exposure to risk factors, reoffending, for example) (Case and Haines, 2009). This negative consequence of RFPP research and practice is now recognised by the YJB: 'Since the YJB was created, our understanding of how to prevent offending, has moved beyond a focus on managing the risk posed by children who offend. We now understand the criminogenic effects of children's involvement in the justice system and the damage that this can cause' (YJB, 2019, p 7). Such a concern is founded in long-established recognition of the criminogenic effects of 'labelling' through children's participation in the criminal justice system, where the deeper the contact (controlling for other factors) the more likely is further serious offending (see, for example, Huizinga et al, 2003; Petrosino et al, 2010; McAra and McVie, 2015; Smith, 2017). However, it would be amiss not to recognise that these arguments also relate to concepts and evidence in 'desistance theory' in the adult-based literature, which recognises the need to move on from criminogenic labels (Maruna, 2001). This is a more specific criminological understanding of what prevents offending in adults, which, among other principles, emphasises the need for those who offend to be allowed and facilitated to move beyond that status (see, for example, Maruna and Roy, 2007). In order to facilitate that, we contend that youth justice needs a paradigm shift and a new conceptual framework to understand its role in relation to the broad criminological understanding of desistance (preventing reoffending), informed by a cogent theory of change. In particular, this would need to counter the persistent weaknesses identified above in RFPP, by reconceptualising youth justice and desistance in a way that allows a strengths-based approach that is relevant to the child and integrated with the rest of their support towards positive outcomes, such as desistance and reduced recidivism.

Positive Youth Justice: a consensus of contemporary research understanding

Building on the academic understanding that these aims are best achieved when the system sees and treats children as 'children first and offenders second'

(Haines and Drakeford, 1998), this chapter's second author has summarised the principles that have emerged in this consensus in a model termed Positive Youth Justice (PYJ) (Haines and Case, 2015; Case, 2023; also Butts, 2014). Through this model, all youth justice practice should be child-friendly, child-appropriate and focused on the whole child, examining the full complexity of their lives, experiences, perspectives, needs, wishes and multi-faceted, context-specific interactions. Its adoption reasserts the position of the whole child, rather than an offending risk factor, as the primary focus of concern and intervention. The primary aim of PYJ is to promote positive behaviours and outcomes rather than prioritising the prevention or risk management of negative outcomes (which occur as by-products of poor child outcomes – Haines and Case, 2015). It is an engaging and positive child-friendly approach that radically re-orientates traditional offence/offender-focused and deficit-facing youth justice by emphasising that all provision should prioritise the central principle of 'children first, offenders second'. PYJ conceives of offending as only one element of the child's broader social status (see Drakeford, 2010) rather than as their defining master status. Positive Youth Justice practice should ensure that work with children at all stages of the YJS is developmentally appropriate and acknowledges their inherent 'child' status and capacity rather than 'adulterising' children (treating them like they were adults) in relation to their offending behaviour and desistance.

Fundamentally, we argue that this model points to the need for the YJS to focus primarily on achieving positive child outcomes. The aim of 'desistance' is best considered as a secondary outcome, which reduces the negative consequences of it being a direct focus. Professionals working within juvenile justice systems should prioritise the *promotion of positive behaviours/outcomes*: focusing prospectively on facilitating positive behaviours (engagement in pro-social activities, for example) and positive outcomes (such as educational attainment, employment) rather than primarily focusing retrospectively on the prevention of negative behaviours (such as offending) and outcomes (exposure to risk, for example) (Haines and Case, 2015; see also Case and Haines, 2018).

Youth justice should prioritise the facilitation of children's meaningful *engagement* (belief in, commitment to) across youth justice processes and decision-making that affects them rather than doing justice 'to' them in 'adult-centric' and non-inclusive ways. Crucially, youth justice practice should be perceived as *legitimate* (Tyler, 2011, 2007)*,* enabling children in the YJS to feel that their treatment by official agencies is 'legitimate' in the sense of fair, moral and just (rather than unfair, unjust, punitive), which can increase the likelihood of their engagement and of intervention success, as well as children building positive relationships with the police and youth justice agencies. Finally, juvenile justice systems must focus more on *responsibilising adult professionals*, holding them primarily responsible for

enabling children who offend to achieve their full potential and to gain access to support services, guidance and opportunities, rather than holding the relatively powerless and immature child primarily responsible (after Haines and Case, 2015).

Accordingly, a Child First conceptual framework that draws on the Positive Youth Justice model would prioritise the following overarching principles in relation to desistance in the broad criminological sense of preventing offending:

- *Positive primary foci*: practitioners should be diverted from the deficit–focused primary concern with desistance towards a positive, child–appropriate approach in which children are rewarded for their achievements, encouraged to maximise their strengths and provided with structural support that helps achieve positive child outcomes. Desistance is the secondary outcome but not the direct focus.
- *Children as part of the solution*: practitioners and policy makers should work in partnership with children to hold their interests, needs, rights and views as paramount throughout the youth justice process. The child is in a unique position to inform and engage with solutions that are relevant to their own strengths, aspirations and outcomes, which will then inform desistance.
- *Child-focused adults*: adult professionals must view themselves as working for the children rather than as representatives of other (often adult–focused) interest groups (for example the YJS, community, victims). The starting point for planning and delivery is the individual aims, motivations and lived context of the child (Brazier et al, 2010). The broader concerns with a crime-reductionist framework will be met in consequence of positive child outcomes.
- *Children's rights*: the priority for adult youth justice professionals must be to facilitate the expression of the child's views on issues that affect them (see UNCRC Article 12), enable equitable participation in decision–making regarding their crime-free futures (Taylor, 2016) and promote access to universal entitlements as set out in progressive policy statements and international conventions.
- *Engagement-based relationship building*: youth justice should emphasise positive and trusting relationships through which constructive interactions can be facilitated, rather than formal interventions per se. Positive relationships have been recognised as key in managing behaviour (Elwick et al, 2013) and role modelling (Knight, 2014) and are also vital for fostering engagement (Taylor, 2016). Engagement is conceptualised here not just as participation but as feeling a commitment based on the child's perceived relevance of that participation to their lives and positive futures (Bateman and Hazel, 2013).

Constructive Working: 'developing pro-social identity' as the theory of change for youth justice

Akin to the RFPP that it challenges, however, PYJ has also lacked an explicit 'theory of change' to understand how working with children in line with its constituent principles can facilitate its primary goal of promoting positive outcomes and its secondary goal of preventing offending (evidenced by desistance, for example). The rationale has been that youth justice specialist organisations or professionals are not needed to support development as children (Haines and Case, 2015). However, the consequent lack of a narrative, that is, a theory of change, to explain how interventions targeting positive child outcomes lead to desistance inevitably restricts the defensible decision-making of agents operating within a system with a crime-reductionist aim. Similarly, without such a theory of change, it is difficult for policy makers and governance agencies to justify progressive policy reform within the deficit-focused crime-reductionist political discourse, which has limited its policy and practice traction.

Therefore, we contend that the relationship between Positive Youth Justice, positive child outcomes and desistance is best understood through a theory of change developed from research on the resettlement (also known as re-entry) of children and young adults after periods in custody (Hazel et al, 2017; Hazel and Bateman, 2021). The 'Beyond Youth Custody' (BYC) research programme concluded that successful re-entry of children after custody can be understood as a personal journey involving a shift in identity (Hazel et al, 2017). Where the resettlement process is successful, it involved children being enabled to change the way they see themselves and their place in the world from one that is pro-offending to one that is pro-social. This theme dominated narratives, although it was sometimes uncomfortable for some children who were specifically involved with resettlement projects (BYC, 2017) to reconcile their own comments about a change from 'the old me' with a sense of continuous agency. As such, resettlement should not be seen as a single transition point from custody to community, nor even as following a sentence path, but as a desistance journey from an identity conducive to offending to one that promotes a crime-free life and social inclusion:

> 'I'd always had intelligence and vocabulary to talk to people in a different way and portray myself in a different way, but before, I was "street" and using slang. But it doesn't get me far in life. … If you conduct yourself in a good way … and portray myself in a good way, people will warm to me more. … Everybody I know says I seem like a man now – I can't go round talking like a child in a hoody.' (23-year-old ex-offender, now construction worker; cited in Hazel et al, 2017, p 8)

As the journey in the quotation suggests, this understanding of identity is social and interactional (Jenkins, 2008), seeing the more positive narrative as fostered and reinforced through involvement in constructive activities and interactions and in the adoption of roles that promote it (Bateman and Hazel, 2013). This is a social interactionist view of identity (Jenkins, 2008), understanding that a sense of self and place in the world is co-constructed through relations with sociocultural contexts and others (Cote, 2006; Roeser et al, 2006). It becomes apparent that such facilitation is not primarily about intervening to address identified risks – or facilitate desistance – in a linear fashion but consists of providing support to the child to become agents of their own development towards positive outcomes and desistance.

This research has been translated into a practice model called Constructive Working (CW) (see, for example, YJB, 2018; Hazel et al, 2020). Fundamentally, the theory of change recognised in the research was that children and young adults who successfully resettled and desisted experienced a 'shift' to a more pro-social identity. Consequently, support should be reconceptualised not as addressing decontextualised risk factors solely as a means of reducing negative outcomes but as facilitating the child's pro-social identity development to encourage the promotion of positive outcomes (Hazel and Bateman, 2021). Within the proposed model, such constructive activities can be reframed as offering opportunities for children to enjoy positive interactions with others, develop skills for the future and provide them with confidence and an opportunity to take up roles that can help develop a pro-social identity. The model argues that youth justice practitioners are responsible for presenting children with the fresh 'AIR' of activities, interactions and roles that are the building blocks for exploring and developing pro-social identity for children in trouble (Hazel et al, 2020). It is, in other words, not a question of trying to manage the risk – or ensure desistance from offending – directly but of providing future-oriented structural support that can assist the child to achieve a pro-social identity. Within the crime-reductionist discourse, this leads to both prevention of, and desistance from, offending within the sense of the system's statutory principal aim.

Although a child's identity is deeply personal, and so requires their engagement, this does not mean that the development of a pro-social identity is the responsibility of the child. Nor does it mean that the solutions to facilitating identity development towards desistance are not structurally based. However, it does mean that forms of structural support (such as education and training) are not just 'ends in themselves' (HMIP, 2015, p 22). The maximum benefits from constructive activities are, however, only likely to be derived where they are clearly designed in the context of, and contribute to, the child's identified route in developing a pro-social identity. The evidence points to two distinct but reciprocal forms that are fundamental

to enhancing the prospects that children will make the necessary shift: (1) personal support to guide their identity shift, and (2) structural support to enable it (Hazel et al, 2017).

The BYC/CW model highlighted five principles for support (the 5Cs) that were found by reinterpreting messages from existing research in light of contemporary understanding of the importance of identity development (Hazel et al, 2017; Hazel and Bateman, 2021):

1. *Constructive*: provision centred on a pro-social identity must necessarily be future-focused, strengths-based, empowering and motivating. Interventions that replay the negativity of past behaviour can be counterproductive (Bateman and Hazel, 2014).
2. *Co-created*: identity development is a personal journey taken by the child themselves, dependent on their agency, so their being and feeling engaged is a prerequisite of effective work (Bateman and Hazel, 2013; Bateman et al, 2013; Wright et al, 2015).
3. *Customised*: each child's identity, and route for developing pro-social identity, is unique, so the package of support – personal and structural – will need to be unique. In developing tailored interventions, particular attention should be paid to issues of diversity which are fundamentally relevant to identity and the framing of future aspirations. Children from particularly disadvantaged groups or those facing discrimination, girls and those from minority ethnic backgrounds may face additional obstacles in exercising agency, which, in turn, may require higher levels of support that takes explicit account of those barriers (Bateman and Hazel, 2014; Wright et al, 2015).
4. *Consistent*: the focus on developing a pro-social identity needs to be maintained throughout contact with the system and beyond (Hazel et al, 2012). Stable relationships and positive, consistent messages from practitioners should facilitate, rather than undermine, the child's identity development.
5. *Co-ordinated*: brokering support from a range of different agencies (Hazel et al, 2012) is needed to enable the child's route to pro-social identity. A coordinated response can build a network of trusted supporters, both formal and informal (Hazel et al, 2016), to ensure that the child is supported through any period of relapse, discrimination or labelling that challenges their identity development (Wright et al, 2015).

While grounded and developed empirically from research with children and young adults, it is recognised that this theory of change both mirrors and elaborates key conclusions within the adult-based 'desistance theory' literature. Criminologically, this is a more specific understanding of 'desistance', or what brings it about (discussed in more detail in this book's

opening chapter). In particular, a shift to pro-social identity in adult offenders is considered within the literature to be central to sustained or 'secondary desistance' (see Maruna and Farrall, 2004).

We argue that fundamentally, CW's emphasis on pro-social identity development is also the converse of the dangers recognised in criminogenic stigma, which reflects our understanding of labelling theory, established largely with children and young adults (see, for example, Becker, 1963) and still very evident in youth justice research today (see, for example, Deakin et al, 2020; Day et al, 2023). In addition, the BYC study is certainly not isolated in pointing to the importance of children's changing identities in relation to their behaviour and status. It can be positioned within an established and growing literature that places the guiding and enabling of the child's development of their sense of self within youth justice and wider practice contexts, generally 'upstream' from custody. For example, empirical studies have pointed to the importance of allowing children in the YJS to 'reconceptualise' themselves and to 're-imagine their own capabilities' (Drake et al, 2014, p 33). Others have highlighted the importance of a sense of 'self-development' and 'self-hope' in the construction of a positive future identity (see, for example, Wainwright and Nee, 2013). Others have noted the importance of children's changing narratives about their situation in the world to their desistance from crime (Haigh, 2009). Other empirical research with children more explicitly uses adult-derived desistance theory discourse to point to the need for children to find a 'hook for change' to increase the chances of 'identity change' and 'confidence' in desistance (Mcmahon and Jump, 2018). Accordingly, the BYC research and CW model articulate a vital *theory of change* for how PYJ can influence children's behaviour and development, simultaneously addressing the restricted evidence base regarding the nature of the relationship between positive outcomes for children and desistance (Hazel and Bateman, 2021).

However, it should be noted that in order to ensure that this 'theory of change' is understandable and applicable beyond the context of resettlement to all youth justice, it is necessary to recognise a development in our interpretation of its central conceptual messaging. Although the central importance of pro-social identity for desistance clearly remains, we should be careful not to imply that children have an embedded 'pro-offending identity' from which to 'shift' (Hazel and Williams, 2023). We instead advocate for an emphasis on pro-social identity *development*. This emphasis is also a clear distinction from a dominance of 'redemption' within the adult-based 'desistance theory' literature (although it is sometimes noted that there may not always be evidence of 'an established criminal identity' in adults [McNeill and Weaver, 2010, p 3]). We acknowledge children's relative lack of development and maturity compared to adults – physically, cognitively, emotionally and in terms of social status and power. Likewise, children's

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identities are evolving, and adolescence has long been conceptualised as a key period of flux or development for identity – starting to 'find oneself' as an adult (since Erickson, 1968). We also recognise that children upstream in the YJS are less likely to have their identity tarnished by pro-offending stigma. Also, having transitory elements of an identity that are conducive to offending may not be uncommon or 'abnormal' for children (fighting as a schoolchild, for example). Furthermore, a child may have a pro-social identity generally but offend in response to its disruption (temporary or longer term) from an interruption to their status, roles or constructive relationships (for example, from being taken into care) (Hazel et al, 2020; Day et al, 2023). For these reasons, we advocate for the role of agencies in building positive child outcomes to be understood as encouraging and enabling the positive *development of resilient pro-social identity*, irrespective of the child's starting point.

Child First: an evidence-informed principle with accompanying theory of change

The central features of the PYJ model and CW have been amalgamated into 'Child First' – a four-tenet framework that acts as a decision making guide for evidence-based youth justice policy and practice. An operationalised version of this framework was first presented in a YJB information paper (YJB, 2018), in a development led by this chapter's first author, with an accompanying evidence report later developed by the second author (Case and Browning, 2021). Child First as the guiding principle for and animator of youth justice *practice* in England was first officially articulated in the 'Standards for children in the justice system' document (MoJ/YJB, 2019), which provided a 'framework for youth justice practice' and the 'minimum expectations for all agencies' to ensure that positive outcomes for children align with the new Child First principle (YJB, 2019, p 4). These revised 'national standards' for practitioners were, therefore, 'indicative of a clear distinction between the philosophy now espoused by the YJB [Child First] and that which informed the previous iteration of the standards [risk management]' (Bateman, 2020, p 4).

Revised somewhat in the YJB's 2021 Strategic Plan, the operationalised Child First read as four interrelated 'tenets' (YJB, 2021, pp 10–11):

1. Prioritise the best interests of children, recognising their particular needs, capacities, rights and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children.
2. Promote children's individual strengths and capacities to develop their pro-social identity for sustainable desistance, leading to safer communities

and fewer victims. All work is constructive and future-focused, built on supportive relationships that empower children to fulfil their potential and make positive contributions to society.
3. Encourage children's active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.
4. Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.

It is in the second tenet that the theory of change for youth justice is most clearly stated. It presents the development of pro-social identity as the conduit by which working with children in the system in a strengths-based way will result in 'sustainable desistance'. Reflecting the interactionist definition developed in the BYC research, 'identity' has been defined in the policy and practice literature as 'how a child sees themselves and their place in the world' (YJB, 2022: Definitions). Pro-social identity specifically is defined as:

> Children see themselves as someone who will benefit other people or society as a whole and are less likely to get involved in negative or criminal activity. … If a child has a pro-social identity then they feel empowered to make the right choices in their behaviour and with wider life decisions, including relationships. (YJB, 2022: Definitions)

No longer is it expected that practitioners will work in a decontextualised way, addressing a 'risk factor' that is assumed will result in desistance, regardless of individual circumstances or relevance. Indeed, no work should be undertaken like that – 'all work is constructive … and positive', with that wording deliberately chosen here and in related documents to reference PYJ and the CW models (Hazel and Williamson, 2023). Relatedly, it is notable that this tenet, which focuses on what work should be done with children, omits any mention of sending them to any formal 'addressing offending' programmes, like 'knife crime awareness' courses (see, for example, MOPAC, 2021). In fact, by not including it in 'all work', this was intended as a signal to the sector that ideas of 'what works' had changed, and sending children to programmes underlining their offences was no longer seen as good practice (Hazel and Williamson, 2023).

Perhaps more importantly, the presence of this conduit of developing pro-social identity as the theory of change means that it is not expected that those working in the system should be focused on achieving a child's desistance directly. Unlike the RFPP, or indeed much of the adult 'desistance theory' literature, preventing offending does not need to be the primary goal – that will be a consequence of the goal of having helped the child to develop

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their pro-social identity. This shift in primary goal, and to see prevention of offending as the consequential or longer-term goal, is made even more explicit in the YJB's 'Vision' statement for how it sees a 'Child First' YJS: 'A youth justice system that sees children as children, treats them fairly and helps them to build on their strengths so they can make a constructive contribution to society. This will prevent offending, and create safer communities with fewer victims' (YJB, 2021). In this vision, the primary and secondary goals are delimited even more, into separate sentences. In a Child First YJS, the sector is responsible for achieving the 'constructive' process of building positive child outcomes through treating them fairly and appropriate to their age, and by engaging them in positive 'activities, interactions and roles' (the fresh AIR) in society. Here, it is presented as not being within the gift (or perhaps role) of the YJS to directly prevent offending. However, desistance 'will' happen as a separate secondary consequence of working on the whole child and achieving positive child outcomes, in turn ensuring the safer communities and fewer victims that are the concern of a crime-reductionist political discourse.

Again, we understand the criticism from progressive academics that a Child First framework should see children's positive outcomes as a goal in itself, rather than leading to desistance and less offending (see Wigzell, 2021). However, the current context for Child First to be implemented is within a YJS that has an overall statutory aim of 'preventing offending' (Crime and Disorder Act 1998) under the overall governance of a justice ministry. To omit the positive effect of this way of working on reducing offending would clearly have been to turn a strength of Child First into a weakness and render it irrelevant to ministerial and civil service constituencies and their concerns. Nevertheless, both the second tenet and the mission statement, in quite a revolutionary move within the justice system, present the child's positive inclusion in society as the fulfilment of their potential as children as the primary goal.

Conclusion: promoting children first within a crime reduction discourse

In this chapter, we have argued that the neoliberal focus on crime reduction has meant that youth justice systems, in seeing 'desistance' in its broadest criminological sense as their primary goal, have tried to address children's offending behaviour too directly and literally. This has promoted a reductionist, negative-facing and flawed 'evidence-based' approach that has been partial (biased and incomplete) in its privileging of RFPP evidence, understandings of how interventions work (lacking theory of change), its chosen, static outcome measures (preventing negative outcomes) and its limited operationalisation of desistance. This has fostered youth justice

interventions that are decontextualised, without a 'theory of change' to understand how they might work, and dangerous in their stigmatising deficit-focus, always treating children as risky potential offenders.

Partly in response to recognition of these flaws, a broad consensus in contemporary research in youth justice has emerged that emphasises the importance of promoting positive child outcomes, collated into a model of Positive Youth Justice. However, we recognise that lacking a coherent and explicit theory of change explaining how the promotion of positive child outcomes prevents offending has limited its traction in policy and practice within a crime-reductionist political discourse. An appropriate theory of change was drawn from the BYC/Constructive Working framework, which developed a set of practice principles that highlighted the central importance of facilitating children's 'pro-social identity' for effective resettlement after custody (and found to be useful more broadly in youth justice). Although developed from empirical research with children, and positioned here within a growing body of research highlighting the importance of how children see themselves to their outcomes within and beyond youth justice, it is recognised that this theory of change mirrors the concept of 'secondary desistance', through shifting from a criminal identity to a pro-social one, that has emerged in the adult 'desistance theory' literature. To be appropriate across the YJS, however, it is necessary not to assume that the child has an established criminal or pro-offending identity from which to shift but instead to emphasise the role for all agencies in 'developing' each child's pro-social identity. Crucially, the approach advocated here is more expansionist and holistic than the RFPP/risk-based desistance approach that it challenges – drawing on a broader (child-friendly) evidence base, an explicit (theory of change) understanding about how interventions may work, dynamic, process-led positive outcome measures and, thus, a more child-centric and appropriate operationalisation of desistance in a youth justice context.

The thrust of our arguments is illustrated by the amalgamation of two evidenced-based models to form the four-tenet principle of Child First, which has been adopted as the guiding principle for the YJS in England and Wales. In Child First, prevention of offending is recognised as a secondary consequence of developing pro-social identity; this allows practitioners to move away from the stigmatising deficit-focus of treating desistance from crime as a primary goal that they could directly achieve. This reframing enables policy and practice to focus on the whole child and on achieving positive child outcomes while also being compatible with the aims of a crime-reductionist discourse (but without the criminogenic stigma).

Indeed, the Child First guiding principle has already shown that it has benefitted from the theory of change to gain acceptance in policy and practice in England and Wales, and specifically in navigating the concerns of stakeholders with clear crime-reductionist mandates and priorities. For

example, the Youth Custody Service has Child First underpinning its new policies (such as early and late release), and has adopted the development of children's pro-social identity as its theory of change (Hazel and Case, 2023). Similarly, the current HM Chief Inspector of Probation, while having some concerns about the fourth tenet around diversion, has publicly supported Child First, "believing that there should be a focus on developing each child's strengths and pro-social identity" (HMIP, 2022, p 5). Notably, more recently, HM Inspectorate of Probation praised as 'Outstanding' a youth offending team that has introduced an operating model that explicitly focuses on identity development, which 'ensures a Child First approach to desistance and positive outcomes for children' (HMIP, 2023, p 7). This is a reassuring message and model for practitioners who have been concerned about how to navigate perceived tensions between Child First and inspection criteria[1] that have been felt to be based on the narrow RFPP rather than the broader evidence base incorporated into the principle's four tenets (Day, 2022).

In conclusion, while arguing that the integration of a theory of change for desistance has allowed traction for progressive, evidence-informed, youth justice practice within the present political discourse, we further contend that it also provides a guiding principle that will inevitably raise challenging questions about assumptions within that discourse (Hazel and Case, 2023). Ultimately, this may lead policy makers to question whether a 'justice' system with a principal aim of preventing children's (re)offending is the most conducive environment to achieve that desistance.

Note

[1] In referencing inspection criteria, however, we are conscious that it is imperative that Child First's move from a deficit-based model to one that is focused on positive child outcomes requires an accompanying change in performance indicators by which the system can measure success (Case and Browning, 2021). Crucially, given its place as a theory of change, there is no current child-focused measure of pro-social identity in practice use (although a new scale has recently been found to be reliable in tests [Hazel and Birkbeck, forthcoming]).

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