

Impact case study (REF3b)

Institution: Swansea University
Unit of Assessment: 20 - Law
Title of case study: Reshaping the youth justice framework in England and Wales through a research-led critique of the Risk Factor Prevention Paradigm
1. Summary of the impact

Research and critical analysis by Swansea researchers Haines and Case has challenged the methodological basis and policy consequences of widely accepted approaches to risk factor research (RFR) and the risk factor prevention paradigm (RFPP) in youth justice, and has led to fundamental changes of direction and emphasis in youth justice policy and practice. The work precipitated a review of assessment and intervention planning in youth justice by the Youth Justice Board for England and Wales (YJB), provided evidence which has led the YJB to abandon 'risk' as the central animator of youth justice policy and practice, and provided further evidence which underpins the YJB's new 'AssetPlus' framework for assessment and intervention planning in youth justice.

2. Underpinning research

From 1995, two researchers in the Centre for Criminal Justice and Criminology at Swansea University, Professor Kevin Haines (Senior Lecturer: 2005; Reader: 2007; Professor: 2010 onwards) and Dr Stephen Case (Lecturer: Jan 2005-June 2010; Senior Lecturer: June 2010; Associate Professor: April 2013 onwards) have engaged in original empirical risk factor research and conducted a critical methodological assessment of existing RFR. Key findings from this research uncovered underlying flaws/issues in the RFR that have influenced the subsequent debate and reshaping of the youth justice framework. In addition to the work of others, our research has made distinctive contributions in three main areas:

- 1) **Adding to the broader critique of RFR:** by exploring the potential for the existence of protective and/or enabling factors and the nature of the relationship (if any) between risk factors and protective factors, and by addressing the extent to which RFR can be used to inform strategy and policy (as opposed to individual interventions) (e.g. outputs R2, R3 and R4);
- 2) **Conducting our own RFR and offering a distinctive contribution to the field:** by engaging young people in questionnaire design, empirically investigating and analysing the role of protective and enabling/positive factors and their relationship to risk factors, exploring contextual influences on the production, negotiation and interpretation of risks, eliciting young people's voices in terms of constructing their own lived experiences of risks (e.g. R6);
- 3) **Conducting the first systematic methodological critique of international RFR studies, evidencing:**
 - a) an over-reliance on a restricted, partial and over-simplified evidence-base;
 - b) excessive determinism in explaining and responding to youth offending, reliance on imputed and invalid extrapolations of basic data/evidence to (mis)inform and (mis)guide narrow risk-based policy and practice;
 - c) utilisation of ambiguous and ill-defined conceptions of 'risk' and 'offending', such that the nature of the risk-offending relationship is poorly understood and insufficiently specified;
 - d) excessive use of restricted and crude measurement scales that: i) fail to capture the realities of young peoples' lives and ii) readily permit erroneous statistical correlations;
 - e) insensitivity to the dynamic and contextualised nature of youth offending by employing individualised, aggregated and temporally- and conceptually-fixed measurements of risk;
 - f) underplaying of the importance and utility of the views and perceptions of young people and over emphasis on adult-prescribed developmental understandings of risk that characterise young people as passive and helpless recipients of the detrimental effects of exposure to risk, and failure to distinguish between (crime-related) risks and (welfare-related) needs when assessing young people's lives and planning responsive interventions;

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- g) a lack of sufficient focus on desistance, strengths and promoting positive behaviour in preference to pursuing more negative and deficit-based understandings of young people's lives;
- h) excessive generalisation and over-imputation of the link between risk and offending (often based on inadequate – cross sectional – research) and inadequate criticality in the interpretation of RFR and its translation into policy (e.g. R1).

RFR and its application in youth justice policy and practice has long been the subject of academic critique, but Swansea research has had the distinctive features noted above. This research provides the backdrop to the specific impact detailed in this case study which has been sustained through intense engagement between the researchers and key members of staff at the YJB, including the Chief Executive (following his appointment in January 2009).

3. References to the research

Swansea authors given in **bold**.

- R1. **Case, S.P.** and **Haines, K.R.** (2009) *Understanding youth offending: Risk factor research policy and practice*. Cullompton: Willan. MONOGRAPH. A peer-reviewed academic monograph (quality controlled by the editor and reputable publisher) serving as a comprehensive critical evaluation of the RFR, its dominant theory, research methodologies and applications within youth justice policy and practice. ISBN: 978-1-84392-341-1. This book has been positively reviewed by eminent academics in the field as, for example, '[T]he most rigorous analysis of 'risk' discourses currently available' (Goldson 2009) and 'This is an important and necessary book. All youth justice academics, practitioners and managers should take note' (Paylor 2010). Over 1,000 copies of the book have been sold. [30 citations Google Scholar]
- R2. **Case, S.P.** (2007) Questioning the 'evidence' of risk that underpins evidence-led youth justice interventions. *Youth Justice*, 7 (2), 91-106. JOURNAL ARTICLE. A peer-reviewed journal article evaluating the RFPP on theoretical and methodological grounds, critiquing the paradigm's lack of understanding of risk and its relationship to the offending of specific individuals. The article recommends re-orientating assessment and intervention through systematic consultation with young people and practitioners. doi: 10.1177/1473225407078771. *Youth Justice* is the leading British journal in the field and it has an international Editorial Board and readership. [37 citations Google Scholar]
- R3. **Haines, K.** and **Case, S.** (2011) Risks, Rights or Both? Evaluating the Common Aetiology of Negative and Positive Outcomes for Young People to Inform Youth Justice Practice, *Criminology and Social Integration (Kriminologija & Socijalna Integracija)*, Vol. 19(1): 1-13. JOURNAL ARTICLE. A peer-reviewed journal article critiquing the management of risk and the purported 'common aetiology' of negative and positive outcomes for young people and exploring an alternative rights- and entitlements-based children first model of youth justice.
- R4. **Haines, K.** and **Case, S.** (2008) The Rhetoric and Reality of the Risk Factor Prevention Paradigm Approach to Preventing and Reducing Youth Offending, *Youth Justice*, Vol. 8 (1): 5-20. JOURNAL ARTICLE. A peer-reviewed journal article critiquing the evidential, methodological, ethical, practical and political issues associated with a risk-focused approach to youth justice interventions, notably implementation issues and the conceptually-restricted nature of the dominant 'what works' intervention model. doi: 10.1177/1473225407087039. [23 citations Google Scholar]
- R5. **Haines, K.** and **Case, S.** (2012) 'Is the Scaled Approach a Failed Approach?', *Youth Justice*, Vol. 12 No. 3 pp. 212-228. JOURNAL ARTICLE. A peer reviewed journal article in which we subject the Scaled Approach to an empirical test of its impact on re-offending using YJB data from Scaled Approach Pilot. doi: 10.1177/1473225412461212
- R6. **Haines, K., Case, S., Isles, E., Rees, I.** and **Hancock, A.** (2004) *Extending Entitlement: Making it Real*. Cardiff: Welsh Assembly Government. This reports the results of a national survey of young peoples' access to entitlements.

Grants made to Haines and Case to support the above programme of research include: £128,000 (National Institute for Social Care and Health Research) 'Evaluation of the Impact of the Pentrehafod Prevention Project' (Mar 2010 – Mar 2011), £276,000 (Welsh Assembly Government) 'Evaluating the implementation of Extending Entitlement' (Jan 2003 – Jan 2004 and Jul 2005 – Mar

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2007) and a total of £251,000 (Swansea Youth Offending Service) for an ongoing programme researching YOT interventions (commencing 1999).

4. Details of the impact

Our research has been influential on the YJB. For example, in 2008 the YJB published '*Assessment, Planning Interventions and Supervision: Source Document*', to accompany YJB guidance on the '*Assessment, Planning Interventions and Supervision*', citing two criticisms from the Swansea work (citing R2 page 93; in YJB 2008 page 12), asserting that risk assessment in the YJS has become: too individualised '*by focusing on individual, family, school and peer group influences and neglecting the role of wider structural and socio-political factors.*'; and too insensitive '*to individual, social and temporal differences relating to age, gender, ethnicity, socio-economic status, local area, country, type of offending...and cultural, political or historical context.*' Making direct further reference to R2, the YJB encouraged practitioners and managers to improve their assessment and intervention practice by taking '*more account of the social and cultural context of young people's lives*' (YJB 2008 page 12) and through '*the qualitative, appreciative investigation of young people's experiences, aspirations*' (R2 page 102; in YJB 2008 page 49).

In 2009, Haines and Case's critique of RFR and the application of the RFPP in youth justice was published as a monograph under the title '*Understanding Youth Offending: Risk Factor Research, Policy and Practice*' (R1). Prior to and post publication we engaged with the Chief Executive of the YJB in a series of informal discussions about the findings emerging from the research underpinning the book, which precipitated his decision to instigate a review of current policy and practice. In an email dated April 1st, 2010, the Chief Executive of the YJB stated that, following his reading of R1, he now believed that 'Clearly this is a moment to pause and think about the fundamentals that underpin our [YJB] approach to assessment'. This was followed in June 2010 with invitations to Haines and Case to contribute to a 'YJB Seminar' (along with six other academics and the Chief Executive, Director of Performance and Director of Strategy for the YJB) to explore the future of the YJB's assessment and intervention framework. As a consequence, in April 2011, the YJB initiated a formal review of the existing assessment and intervention framework for the YJS, in which Haines and Case were subsequently invited to participate, including reviewing a draft of the YJB's proposals for a new assessment and intervention planning framework entitled '*Assessment and Planning Interventions: review and redesign project. Statement of intent: Proposed framework*' (YJB 2011).

Culminating in its new 'AssetPlus' assessment and intervention framework (YJB, 2011), the YJB proposes to abandon the RFPP and its reliance on RFR. In doing so the YJB now rejects the central propositions of RFR that it is possible to identify risk factors in the lives of young people and target these factors to reduce (re-)offending – the central critique we advanced in R1. To replace the RFPP, the YJB's new framework proposes that interventions with young people should be based on, *inter alia*, enhanced levels of engagement with them in assessing their needs and aspirations, a clear focus on current life circumstances and interventions which are focused on supporting young people in achieving positive future outcomes – the arguments we have advanced in several publications (e.g. R1-R6) A letter from the Chief Executive of the YJB to Professor Haines (dated June 17th, 2011) stated:

'The research and publications of Haines and Case ...made a significant contribution to the YJB's review of the Scaled Approach. Your critique ... was influential in the review process...your research was particularly important in highlighting the potential pitfalls of relying over-heavily on limited research evidence and in adopting a too deterministic framework for youth justice policy and practice...Your research, alongside some other key pieces of research, was also extremely informative in re-shaping the YJB's new proposed framework for youth justice'.

A wide range of specific proposals in YJB (2011) can be directly traced to outputs from the Swansea research, including: a) the YJB's new emphasis on the strengths of young people and on factors which support/hinder desistance from offending, notably 'interventions targeted on those

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aspects of young people's lives that promote positive and pro-social behaviour', is, in part, drawn from Swansea research, which evidences the importance of interventions that enhance enabling factors/strengths and promote positive behaviour (e.g. R1, R3-R6), b) the YJB's recognition that there should be a clearer distinction between the identification of need and the likelihood of reoffending, such that 'need and risk should be separately considered and both addressed', draws on our critique of the ill-advised conflation of criminogenic needs with welfare needs (e.g. R1, R2), c) that the 'link between assessed level of risk and the scale and nature of intervention [is] too prescriptive' is based on Swansea research which demonstrates the methodological weaknesses of a wide corpus of RFR and the inability of RFR to demonstrate causal linkages between risks and offending (R1), d) the need for 'redefining and clarifying the notion of 'risk'' follows from Swansea research which has provided a critique of the definitional ambiguities surrounding the conception and measurement of risk and how this produces a false confidence in the validity of empirical research evidence from RFR (e.g. R1, R2), e) recognition that 'the 'one size fits all' approach is too restricted and greater flexibility in the assessment process is required' and 'the range of risk factors included in Asset and the Scaled Approach are overly limited and that non-individualised factors should be taken into account', draws on Swansea research which has evidenced the consequences of the overly-prescriptive, inflexible, psycho-social, aggregated and decontextualized approach to assessment and intervention pursued within RFR and by the YJS (e.g. R1, R2, R5; see also Case 2010), and f) the need for assessments of young people which are far more iterative and dynamic than at present, offering 'greater scope for professional judgment and assessment', such that 'assessments and interventions should be.. part of a dynamic process' and a 'greater recognition of the importance of the views of young people' in the assessment and planning process, draws on Swansea research which has evidenced the value of increasing practitioner discretion and in assessing young people in a more holistic, contextualized and qualitative manner based, in part, on enhanced participation by and engagement of young people (e.g. R1, R2).

The YJB's '*Assessment and Planning Interventions: review and redesign project. Statement of intent: Proposed framework*' (YJB 2011), now named 'AssetPlus', rejects the over-reliance on RFR and notions of risk that have hitherto dominated youth justice policy and practice. In its place a new framework focused on individualisation and promoting positive behaviour based on future oriented objectives has been proposed. Swansea research has been instrumental in bringing about both of the above changes. The YJB's proposal and the case for change has been accepted by Ministers and the Ministry of Justice (in June 2012) and on 28/02/2013 the YJB announced formal Cabinet Office approval for 'AssetPlus' implementation in YOSs – piloting commencing in March 2013. When fully implemented, the new framework and AssetPlus will radically change the orientation of the work of staff in Youth Offending Services across England and Wales, and will significantly alter interventions with the approximately 50,000 (59,335 young people were sentenced in 2011/12) young people who enter the YJS every year, bringing about a shift away from retrospective risk onto a clear focus on enhancing positive outcomes for young people.

5. Sources to corroborate the impact

Reports and reviews

Ministry of Justice (2011) *Assessing the predictive validity of the Asset youth risk assessment tool using the Juvenile Cohort Study*. London: MOJ. – references to Case and Haines (2009) on pp. 13 ('key literature' on needs of young people in YJS), 18, 41 (both critique of Asset)

Youth Justice Board (2010) *Pre-reading for the Assessment and Intervention Strategy Evidence Gathering Questionnaire*. London: YJB. – suggested further reading Case (2007)

Youth Justice Board (2008) *Assessment, Planning Interventions and Supervision. Source Document*. London: YJB. Case (2007) cited on pp. 9 (disagreement over RFR), 12 ('key criticism' of RFR – 7 line quote and 5 line criticism), 49 (3 line quote)

Factual statements

Chief Executive YJB (2011) *Assessment and Planning Interventions*. Letter to Professor Kevin Haines, 17th June, 2011 - 'my own thinking has been greatly informed by central parts of your thesis'.