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GIRLS AND YOUNG WOMEN IN THE YOUTH JUSTICE SYSTEM -VULNERABLE OR RISKY?

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Introduction

This short briefing paper examines the complexities around identification and effective intervention for girls and young women viewed as vulnerable and who may be at risk of future offending. The CJSW Development Centre's National Development (Champions) Group for vulnerable girls and young women undertook a profiling exercise in an attempt to obtain a better understanding of the needs and vulnerabilities of girls and young women involved in, or on the periphery of, the youth justice system. While limitations of the data collection tool and methodology preclude wide generalisations, the complexities in attempting to identify individuals who may be at future risk of offending based on assessment of present and past needs and vulnerabilities is apparent. Despite the identification of often substantial vulnerabilities and needs in a sample of 12 to 16 year olds, it appears the majority of girls and young women were not involved in serious or persistent offending behaviour. The findings have implications for policy and practice development, which are now focussed on the development of effective and early interventions for all young people considered to be at risk of future offending.

Girls and young women in the justice system

In response to concerns about an apparent increase in female offending, youth justice policy has focused on the issue of the criminal behaviour of girls and young women. However, despite a reported rise in offending, especially serious and violent behaviour, amongst young women, it is unclear if there has been a substantial increase either in incidents or seriousness of offending (Burman and Batchelor 2009).

The apparent 'increase' may be largely a result of different approaches to reporting and responding to crime perpetrated by girls and young women (Steffensmeir et al 2005; Burman & Batchelor 2009; Zahn et al 2008). Behaviour previously labelled 'status offences' may now be being brought under the jurisdiction of the youth justice authorities and responded to through a justice approach, rather than being welfare

oriented (Feld 2009).[1] Chesney-Lind (2006) identified two particular changes in public policy that may have contributed to the apparent increase in girls' violence – a 'zero tolerance' approach of schools and care homes to behaviour that may have previously been ignored or dealt with informally and the relabelling of domestic arguments as assaults.[2]

Following a comprehensive study in England and Wales, the Youth Justice Board (2009) suggested there does not appear to be a rise in the number of girls committing offences, while indicating that more girls are entering the youth justice system and being convicted at a younger age (YJB 2009). In Scotland Burman and Batchelor (2009) also suggested it is possible the perceived increase is due to increased reporting, recording and prosecuting of young women accused of violent offences.

Whatever the perceptions of offending amongst females the knowledge base around risk factors for general delinquency, as well as research addressing girls' serious, violent, and chronic offending, has been insufficient to draw any firm conclusions as to what may work in addressing risk factors (Johansson and Kempf-Leonard 2009). In Scotland there have been few academic studies possibly due to the relatively low numbers and perceived lack of threat (Batchelor 2005; Batchelor and Burman 2002). Despite a limited knowledge base there is little disputing that many girls and women in the justice systems have experienced a range of traumatic social and personal circumstances (Batchelor 2005; McIvor and Barry 2009). What is not always clear is how these experiences have contributed to their involvement in both the adult and youth justice system and if, at a younger age, they can simply be seen as 'risk factors' to predict future offending behaviour.

The risk factor paradigm evident in the youth and criminal justice systems has been criticised for contributing to the number of females involved in justice systems as girls and young women's needs and vulnerabilities have been rebranded as criminogenic (crime related supporting) needs and risks (Worrall 2001; Sharpe and Gelsthorpe 2009). Sharpe and Gelsthorpe suggested there has been a conflation of needs and risks/criminogenic needs, justifying youth justice interventions at earlier stages of contact, which previously may have been addressed through a general welfare oriented service. This may be 'up tariffing' girls and young women, who previously would have been recognised as vulnerable, needy or at risk by identifying them as 'risky'.

While the language of risk factors (Farrington, 2007) is now widely used in practice, the notion of risk(y) processes is underemphasised. Practitioners need to exercise caution as the risk factor prevention paradigm individualises offending, suggesting that risk factors are 'modifiable' by the individual alone rather than by society. In reality many risk factors appear to be beyond a young person's control. While practice aimed at prevention and desistence will require changes within individual young people, effective practice should incorporate the connections between social structure, personal agency and identity and aim

[1] Status offence (predominantly a US term) refers to behaviour that is only prohibited to a certain class of people. This may include underage drinking; smoking; truancy; absconding; underage sex

[2] Comprehensive discussion of the perceived increase in female offending and responses to it is provided by Batchelor and Burman (2004); Burman and Batchelor (2009).

to meet needs, reduce risks and (especially) develop and exploit strengths and build resilience in the context of family and community. It is equally important for practitioners to identify potential points of risk where young people may become detached from meaningful service provision essential to build their personal resources (human capital) and to act as an advocate for social resources (social capital) (Whyte 2009).

One stream of work at the Criminal Justice Social Work Development Centre was the formation of a National Development (Champions) Group with a specific remit to look at 'vulnerable girls and young women involved in serious offending'. The notion of champions or opinion leaders has developed to bridge the divide between evidence based knowledge and its translation into practice (Bywood et al 2009). The CJSW Centre definition of a 'champion' is an experienced practitioner / manager nominated from practice to 'champion' the national agenda and contribute to the evidence led practice and policy agenda of local services. The establishment of a group to share expertise and knowledge was welcomed as an important development in understanding and responding to the experiences of girls and young women in the youth and criminal justice systems in Scotland (Burman and Batchelor 2009).

Early and effective interventions

The promotion of 'early intervention' to target and work with children identified at risk of offending at an early age has been a priority since Scotland's Action Programme to Reduce Youth Crime was published in 2002, identifying early intervention as one of the principle aims of the youth justice system. The Action Programme sought to prioritise a focus on prevention before offending behaviour commenced and early intervention for those young people with one or two minor offences, with early intervention defined as *"providing help and support at the stage before a set of circumstances has turned into a difficulty"* (Scottish Executive 2000; annex 2b).

More recently the Scottish Government's Framework for Action (2008) highlighted prevention and early intervention, located in the wider 'Getting it right for every child' programme, as two key priority areas for practice, in approaches to dealing with young people who offend. Following the establishment of the National Youth Justice Development Team at the Criminal Justice Social Work Development Centre, a Champions group focussed on early and effective interventions was established to support the evaluation, promotion and dissemination of best practice in respect of multi agency early and effective interventions for children and young people who have started to offend, or are on the cusp of offending.

There is now little disagreement in criminological literature about factors affecting the extent and nature of offending such as age, gender, criminal history, early family factors, schooling and criminal associates. There is a substantial research base that correlates a number of risk factors in early life with later offending behaviour. These include family factors, psycho-social factors relating to relationships with parents, peers and parents; school experiences; community factors and individual factors (Farrington 1996; Graham and Bowling 1995; Flood-Page et al 2000; Rutter et al 1998).

However, there has been much debate about which factors are more readily open to change (dynamic) and when changed in a positive direction, are likely to be associated with a reduction in re-offending. Crucially, the Youth Crime Review of 2002 also recognised that research was not able to say how many, and which, children exposed to these risk factors do not offend later.

> *"Although longitudinal studies have contributed to our understandings of risk and protection and its relationship to offending, it is still difficult to predict which individual children have a propensity to offend later in life."* (McCarthy et al 2004: 18)

Sutton et al (2004) indicate that even with the accumulated knowledge base, any notion that individual young children can be adequately screened and identified as future serious and persistent offenders is fanciful.

Prevention and early intervention, based on notions of risk and criminogenic need raises many practical, theoretical, legal and moral issues, not least because not enough is known about the various pathways to crime, with only a limited understanding of the relationship between risk and protective factors to later offending and antisocial behaviour (McCarthy et al 2004; Whyte 2004). There is increasing concern that early targeted youth justice intervention on the basis of risk or future risk factors may be highly problematic and may even make things worse (McAra and McVie 2007; 2010).

> "*Early intervention measures, unless routed through the existing childcare system, are likely to reinforce criminalising pathways for children and young people"* (Whyte 2009: 103)

Vulnerable girls and young women champions group

The champions group sought to establish baseline figures about the levels and types of vulnerability and need experienced by girls and young women as assessed by the professionals working with them. The group set themselves an initial task of attempting to identify the numbers of females who may be vulnerable, risky and needy, including those who were involved in offending behaviour. There was recognition in the group that in attempting to identify this group care was required to ensure that girls and young women were not criminalised because of their vulnerabilities. Consideration was also given, as part of the group's remit, to the value of a data collection exercise which might contribute the establishment of a needs inventory or even a predictive tool, although concern was also noted about the potential use of such an aid because of the difficulties in identifying pathways into crime for young people.

A range of needs / risk categories was established by the group (based on a piece of work undertaken by Glasgow Youth Justice Research and Development Team, from a profile of 63 girls and young women subject to Vulnerable Young People procedures in Glasgow). On the basis of this work the group developed a short data capture form, with the intention to identify numbers of girls and young women that youth justice services were aware of in

their local authority areas and considered to be vulnerable. From this initial exploratory phase it was hoped further work could be developed to help identify those vulnerable girls who were becoming involved in serious offending behaviour and intervene early to reduce risk.

An initial draft of the document, circulated to all 32 local authorities, encountered problems as it became apparent that each local authority applied different criteria and thresholds in their definitions of vulnerability, compounded by the fact that definitions of risk factors are not consistent (Haines and Case 2008). A further covering letter with definitions and explanations was circulated with a redesigned form explaining that the data collection form was intended to *"define risk, need and vulnerability in order to build a profile of vulnerable girls and young women across Scotland"* and move *"towards a working definition of high and very high levels of vulnerability*" that could be adopted by workers to assist them in their practice.

Following substantial debate in the Champions group a questionnaire document, including 11 identified needs categories, was circulated to all youth justice co-ordinators and members of the Champions group. They were requested to facilitate completion the forms in relation to their own council identifying the numbers of girls and young women who had come to the attention of welfare or justice services between 1 April 2008 and 31 March 2009 and were considered to be vulnerable.

Findings

From 32 Scottish local authorities responses were received from 12 areas, 3 of which were from the larger urban conurbations. A total of 406 individual girls and young women, 208 12-15 year olds and 198 16-17 year olds, were identified as having assessed needs in one or more of the identified areas (Table1). Forty five 12-15 year olds and 31 16-17 year olds were considered to be highly vulnerable, having needs identified in five or more of the identified areas.

Table 1	Number of individuals where risk / need has been identified		
	12-15 year olds	16-17 year olds	Total
Family circumstances	236*	112	348
Chaotic behaviour	86	47	133
Substance misuse	108	76	184
Aggressive / angry behaviour	61	36	97
Self harm	36	31	67
Mental health/emotional distress	47	38	85
Sexual exploitation	3	37	40
Education	70	30	100
Domestic violence	23	14	37
Accommodation	52	50	102
Offending (persistent / serious)	59	45	104
Any other identified needs / risks	-	-	-

* This figure appears to indicate more concerns in this area than the total number of individual 12-15 year olds identified

The findings of this data collection exercise from across a third of Scottish local authority areas provide some indication of the extent of the perceived vulnerabilities and needs of girls and young women involved with youth justice services. In this respect it replicates the findings of previous work that has identified the many economic and social factors that females in contact with justice systems in Scotland have experienced (Batchelor 2005).

However, the data also appears to indicate, that despite the existence of numerous vulnerabilities and needs, only 25% of the girls and young women identified as vulnerable had been involved in offending behaviour considered to be persistent or serious. From the available data there were no indications that the remaining 75% were involved in offending, although the Champions group members suggested some may have been on the periphery, or commencing lower level offending. While all the girls and young women had been identified as vulnerable, and had been assessed as requiring support to meet needs, the debate within the Champions group centred around whether they were at risk of future offending and should fall within the broad remit of youth justice.

Support services Table 2			
Intensive (ISMS, Intensive community support etc.)	101	3	104
Secure Care	17	9	26
Residential placements (Children's Unit, Residential School etc.)	57	33	90

One hundred and four of the girls and young women were in contact with intensive services (table 2), which is likely to have a variety of meanings in different authorities. Twenty six were in secure care and a further 90 in residential placements. Whether those individuals in receipt of intensive support and residential services includes those involved in serious and offending behaviour is not known as it was not possible to identify how the support services were distributed amongst individuals in relation to the risk / needs area. These figures appear to indicate that there are twice as many girls and young women in contact with intensive support services than involved in serious offending behaviour. However, without a breakdown of individual profiles it is not possible to indicate which individuals with which needs are in contact with which service.

In relation to the risk – needs – responsivity (RNR) debate the data highlights the difficulties of looking at vulnerable girls and young women as a homogenous group that may be at risk of offending because of multiple concerns. Most of the girls and young women were considered to be highly vulnerable, but not offending. It is also worth noting that the data collection was limited to those aged 12+, suggesting that even earlier youth justice prevention and early intervention between ages 8-12 based on 'risk factors' may be even more problematic as most of the girls do not appear to be involved in offending behaviour by the age of 12 even though signal 'risk factors' were present. The Champions group data suggests that for most girls considered vulnerable, support and service provision is likely to be more appropriate in a welfare oriented, non justice setting, reducing the possibility of the amplifying effect of justice interventions (Whyte 2009; McAra and McVie 2010).

Limitations of the data

The data collection exercise was conceived and implemented to inform the development of the Champions group by providing an indication of baseline numbers of girls and young women identified as vulnerable and in contact with youth justice services. There are a number of limitations to the data - while the figures provide indications of the numbers of individuals assessed for each 'risk' category, there was no way of identifying which categories were apparent for those rated as highly vulnerable, and if these corresponded with those involved in offending. It was also not possible to identify relationships between categories, or which of the 'need' and 'risk' categories were most prominent in girls and young women in secure or residential care. Overall, it was difficult to differentiate between the most and least vulnerable in terms of specific needs.

The completion of the data gathering forms may also have been inconsistent in terms of definitions and thresholds for inclusion. It is likely that some of the data may relate to girls and young women not involved in youth justice services. A second phase of the work to collate anonymised data on individuals known to be involved in serious / violent offending was curtailed because of resource issues and the complexity of the information requested, which was not routinely recorded by agencies. Without this additional data it is not possible to comment further on the potential differences between those vulnerable girls and young women involved in offending and those not.

While there are limitations with the available data, the findings may provide a useful indicator of the widespread nature of vulnerabilities amongst girls and young women known to services in Scotland. The data is also useful as a baseline for discussion about early interventions and the ability to identify individuals at risk of offending based on present vulnerabilities.

Implications for practice

The formation of the Champions group has been welcomed as an important contributor to discussion of the place of girls and young women in the youth justice system (Batchelor 2009), and the initial data collected by practitioners has begun to inform the debate. The completion of this early task attempting to begin profiling this group across Scotland is useful for identifying the complex lives and vulnerabilities of young women who may be considered to be at risk of future offending. However, this initial data also provides an indication of the problems for practitioners of identifying vulnerable and 'at risk' girls and young women as being at risk of becoming involved in offending behaviour. Despite often high levels of assessed vulnerability, now regularly classified as risk or criminogenic factors, the majority of girls and young women do not appear to be involved in serious or persistent offending behaviour.

In terms of practice there are potential implications for assessment of risk and need and provision of appropriate services. The present data, albeit limited, raises further questions about whether we are identifying girls and young women at too early a stage as potential future offenders based on vague concepts of vulnerability and risk (see Worrall 2001;

Sharpe and Gelsthorpe 2009). The young women identified by practitioners were in need of help and support; the key question for service providers is whether this is best delivered outwith the youth justice arena as a response to need, and not potential risk of offending. Vulnerability and risk (of offending) are not necessarily the same and any conflation of the two creates ethical and legal dilemmas, especially when the dangers of intervening too early with children who may be at future risk are now well documented (McCara and McVie 2007; 2010; Goldson 2009; Whyte 2009).

These concerns about mixing vulnerability with risk of offending were expressed in the Champions group, and the capture of even this limited amount of data indicates these concerns were well founded. Girls and young women assessed as highly vulnerable are not necessarily involved in problematic offending behaviour. The findings should highlight caution in the use of youth justice focussed early intervention strategies for girls, based on possible 'risk factors' for future behaviour. Without any apparent link to serious and persistent offending behaviour, many of these girls and young women, even with incidences of minor offending, should be routed through existing child welfare systems to avoid criminalising pathways (Whyte 2009). The developing early and effective multi-agency discourse (Scottish Government 2009b) may facilitate this, although care is required to avoid net widening.

Concluding remarks

While many girls and young women involved in offending behaviour have histories of trauma and vulnerability (McIvor and Barry 2009; Batchelor 2005), identifying specific individuals who may be at future risk of offending on the basis of their level of vulnerability and need, reinterpreted as 'risk factors' may indeed be 'fanciful', ethically questionable and fraught with interpretive difficulty (Sutton et al 2004; Utting 1999). The routes into serious and persistent offending are varied and complex and, at least with this group of young women, would certainly appear to defy any easy pathway linking vulnerability and offending.

The youth justice early intervention discourse and practice, underpinned by a risk factor paradigm, while much favoured by policy makers and managers, has been the subject of much critical debate (Sutton et al 2004; Blythe & Solomon 2009; Goldson and Muncie 2006; McAra & McVie 2007; 2010), and specifically in regards to criminalising pathways for young women (Sharpe and Gelsthorpe 2009;). From the available evidence the plethora of needs identified by the work of the Champions group are those that are, for most young women, probably best met in a welfare oriented system that takes account of the specific needs of a group that are 'vulnerable' but not necessarily 'risky'. The existence of high levels of need and vulnerability is not an automatic route into persistent or serious offending. The present findings, while limited, support previous work that has indicated inherent problems of intervening too early with a justice focus and indicate the need for additional Scottish based research to inform early and effective interventions with vulnerable girls and young women. The girls and young women and early and effective interventions champions group, or future equivalents, may be in a position to develop and contribute to future work in this respect with their policy, practice, research interface.

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