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RISKS, RIGHTS OR BOTH? EVALUATING THE COMMON AETIOLOGY OF NEGATIVE AND POSITIVE OUTCOMES FOR YOUNG PEOPLE TO INFORM YOUTH JUSTICE PRACTICE

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SUMMARY

The policy and practice of the Youth Justice System of England and Wales has become dominated by risk-focused, offender-first approaches underpinned by the deterministic, reductionist and psychosocially-biased risk factor prevention paradigm. Using the All Wales Youth Offending Strategy and the evaluation of the Welsh Assembly Government's 'Extending Entitlement' youth inclusion strategy as its touchstones, this paper explores a rights-and entitlements-based, children first model of working with young people. This model critiques the management of risks and the purported 'common aetiology' of negative and positive behaviours/outcomes and evidences the potential advantages of pursuing a proactive, inclusionary, children first, children's rights agenda when seeking to reduce youth offending.

Key words: *risk model, rights-and entitlements-based model, juvenile justice*

Introduction

In the modern era, most European jurisdictions have developed constructive, inclusionary and rights-based strategies for working with children and young people. However these strategies, the positive perceptions of children and young people that they embody, the positive practices that have sprung from them, and their acknowledgement of children's rights (in line with the UN Convention on the Rights of the Child – UNICEF 1989), have belied separate punitive trends in youth justice in many countries. Young people who offend have more often than not been portrayed and treated as a separate group of young people beset with deficit and presenting risk to themselves and others, bereft of rights and meriting punitive intervention (Goldson, 2005). Disparities between the promotion of rights, social inclusion and pro-social behaviour of children and young people in general and the punishment and social exclusion of young people who offend resonate across Europe, nowhere more sharply than in England and Wales.

England and Wales: The youth justice policy paradox

There is a significant complexity surrounding youth justice arrangements in England and Wales following Welsh devolution (Haines, 2010). Although the Welsh Assembly Government (WAG) has responsibility for a host of social issues related to the well-being of young people, including education, health, social services, substance use and youth services, *youth justice* in Wales is not currently a devolved policy area. Responses to young people who offend in Wales are subjected to overall policy, financial and audit control by the UK Government based in Westminster, England and its Ministry of Justice and Department for Children, Schools and Families. Consequently, England and Wales

share the same formal youth justice system (YJS), with youth justice policy and practice prescribed by a government quango called the Youth Justice Board for England and Wales (YJB)[1]. With this centralised, non-devolved youth justice context in mind, one could be forgiven for thinking that the governance, policy, strategy, management and practice of youth justice in Wales are equivalent to that in England. However, there is important and significant divergence between the two countries in their approach to young people (see, for example, Drakeford, 2009; Williamson, in Barry, 2005, Muncie, 2010). This divergence is emphasised by the bifurcated treatment of young people who offend; labelled as 'offenders' and marked out for risk- and offence-focused intervention in England, whereas seen as 'children first' and young people with universal entitlements and rights in Wales (see Haines, 2010).

Youth justice in England: Risk management, preventing offending and conditional rights

The English youth justice largely defines and responds to young people in terms of the *risk* that they present – risks of offending, reoffending, reconviction, harming themselves and harming others. The risk agenda has, its proponents argue, been evidence-led; informed and guided by a growing body of 'risk factor research' (see Case and Haines, 2009 for a comprehensive critical review of this field), which has typically focused on individual deficit and the psychosocial factors (i.e. 'risk factors') associated with the presence of negative outcomes for young people or correlates (i.e. protective factors) with the absence of negative outcomes. The recent dominance of risk-based explanations of youth offending within the discipline of Criminology has encouraged and supported politicians and policy makers in their fervour for controlling and offence focused interventions that are targeted on the management of risk – rather than, for example, welfare or justice or children's rights. The risk management agenda has been pushed hard by the YJB through practice prescriptions centred on risk assessment which prescribe the nature, frequency and intensity of interventions with children in conflict with the law: the so-called 'Scaled Approach' to youth justice (YJB, 2009) The risk management focus on young people's flaws and failings that has been promulgated by the risk management agenda consolidates the Governmental perspective that rights should be conditional on young people taking responsibility for their actions:

> *'with rights and opportunities come responsibilities and obligations' (Tony Blair, at that point the UK Prime Minister, speaking in 2002).*

The English 'Every Child Matters: Change for Children' strategy builds services around children and young people that 'maximise opportunities and minimise risk' (Department for Education and Skills 2004). In this policy context, *opportunity* substitutes for rights and is wedded to 'responsibilisation', such that children who fail to take advantage of opportunities or break the rules (i.e. those who offend or are anti-social) will have these opportunities taken away (Haines, 2010; Haydon and Scraton, 2009), rendering their rights 'conditional' on compliance with governmental prescriptions for behaviour.

The risk management approach to youth justice has been subject to widespread and sustained methodological criticism in relation to, *inter alia*, its inherent reductionism, determinism, psychosocial bias and definitional ambiguities (see Case and Haines, 2009; O'Mahony, 2009; Haines and Case, 2008; Kemshall, 2008; Case, 2007, 2006), combined with ethical criticism relating to its governmentality, interventionism and potential to stigmatise young people (see Armstrong, 2004; Goldson, 2003). In his report to the Welsh Assembly Government on the potential for devolving youth justice to Wales, Professor Rod Morgan (former chair of the YJB) stated that:

> *'Use of standardised risk assessment tools and scores serves in practice to validate a blame-laden discourse justifying more active management and punishment of young offenders in a manner which is inimical to their rights, and possibly their welfare interests' (Morgan 2010: 15).*

Beyond critiques from policy makers and academics, the main vehicle employed to attack the risk-based approach has been the children's rights agenda. The use of risk assessment within the Youth Justice System of England and Wales has been lambasted for neglecting the *rights* of children and young people to participate in, contribute to and have a voice in the processes by which they are defined and which inform the way they are treated. For example, the evaluation of the Asset risk assess-

1 Following the 2010 UK election victory by the Conservative-Liberal Democrat coalition, the Youth Justice Board is to be abolished and its functions brought into the Ministry of Justice.

ment instrument identified a general system failure to obtain sufficient information within the one area of the tool completed by the young person, despite disagreements between practitioners and young people regarding risk levels and interpretations (Baker et al, 2002). As a consequence of critiques of youth justice from within and beyond academia, Scraton and Haydon (2002) bemoan the punitive English approach to youth justice and advocate instead 'a "positive rights agenda" grounded in the principles and provisions of the UN Convention' (p14). Subsequently, in 2010/11, the YJB instigated a review of 'the risk and protective factors paradigm, which is the foundation of the current assessment and planning framework' due to this paradigm having been 'extensively critiqued in academic literature' (YJB 2011). This review has been underpinned by a consultation with academics regarding potential improvements to the current system (YJB 2011). Furthermore, the incumbent coalition UK Government has initiated their own review of youth justice in England and Wales through the Centre for Social Justice, which is seeking alternatives to the risk-dominated policies of the previous government.

Youth justice in Wales: Entitlements, rights and the promotion of positive outcomes

'Wales has a structure and governance commitment to a child rights approach that warrants close attention' (Keith Towler, Children's Commissioner for Wales, 2009: 43).

A distinctively Welsh youth justice has begun to emerge that attempts to draw upon a wider set of ultimately benevolent social policy-making principles developed since devolution, including progressive universalism, treating young people as citizens not consumers and prioritising equality of *outcome* rather than equality of opportunity (Drakeford, 2009). Devolution has undoubtedly created the space for this distinctive 'dragonisation' of youth justice (Haines, 2010) beginning with the 'Extending Entitlement' national youth inclusion strategy (National Assembly Policy Unit 2000, 2002) which draws heavily on the UN Convention on the Rights of the Child (UNICEF 1989). This ideological approach eschews the prioritisation of risk, responsibility and containment that characterises youth justice in England[2] in favour of a commitment to giving all young people aged 11-25 years 'a set of rights, which are, as far as possible: free at point of use; universal and unconditional' (Morgan, 2002; see also Sullivan and Clutton, 2005). This distinctive Welsh approach stands in start contrast to that in England: it is therefore the responsibility of adults and service providing agencies (including those within the Youth Justice System) to ensure that young people have access to these rights/entitlements[3] and to promote equality of outcomes for all young people, not just opportunities for some. This contrasts with the 'conditional rights' (to opportunities) approach adopted in England (Kemshall, 2008) that is underpinned by a rhetorical equality of opportunity without any regard to equality of outcome (Goldson, 2000).

National commitment to promoting young people's entitlements/rights in Wales has fostered and fed into the development of the All Wales Youth Offending Strategy (WAG and YJB, 2004), which explicitly embraces the treatment of young people in trouble with the law as 'children first, offenders second' (WAG and YJB, 2004; see also, Haines and Drakeford, 1998, Haines, 2010, Drakeford, 2009) within the framework of Extending Entitlement. The All Wales Youth Offending Strategy (AWYOS), therefore, promulgates a progressive universalism by maintaining that young people in conflict with the law should not be cast as 'young offenders', but as children and that children-first interventions should prioritise the support and access to services etc that children and young people need in order to enjoy equality of outcomes in life, in the firm belief that this approach fosters pro-social behaviour (Drakeford, 2009). This is a radical approach in responding to youth crime as it understands children in conflict with the law not as young offenders, but as children first, as ordinary youngsters who have offended (rather than ascribing to them the master status of 'offender'), it privileges their rights and mobilises resources to build on their potential.

As such, the AWYOS is a formalised articulation of the nascent dragonisation of youth justice in Wales; an attempt to reconcile tensions between the children first, rights-based policy ethos of the WAG and the risk-focused prescriptions for practice from the Westminster Government and the YJB in England (see Haines, 2010). The overarching children first, rights-based and pro-social ethos of the

2 However, practitioners remain compelled to adhere to prescribed elements of standardised and statutory risk management practice such as conducting risk assessments and framing intervention within a 'scaled' approach.

3 Entitlement to education, training and work experience, basic skills, volunteering activities, responsive services, careers advice, personal support, health advice, recreational and social opportunities, (e.g. sport, art, music) and the right to be consulted (National Assembly Policy Unit 2002, see also: Haines et al 2004).

AWYOS dominates policy in Wales and marks the point of departure with England and, as such, it formally advocates that risk/criminogenic need should be de-emphasised in favour of supporting:

> *'universal entitlement for all children and young people including those children and young people at risk of offending and those who do offend.' (WAG and YJB 2004: 3).*

Risk- or rights-based youth justice? Examining the common aetiology of negative and positive outcomes for young people

The Welsh policy context has provided the space to at least consider a reorientated rights-based approach to practice with young people who offend as a complement to, or even replacement for, the established risk-led agenda of assessment and intervention. However, is it feasible, desirable or evidentially-justified to conceive of an approach to youth justice grounded in a 'positive rights agenda (see Haydon and Scraton, 2009) as opposed to a risk management agenda? A useful measuring stick for this debate it the purported 'common aetiology' of outcomes for young people.

In recent years, researchers working within a 'positive youth development' movement (e.g. Catalano et al, 2004) have attempted to break the shackles of risk paradigms by investigating prosocial behaviour by young people, largely in an effort to explore whether negative and positive outcomes share a 'common aetiology' of risk and protective factors. The Social Development Model (Hawkins and Catalano, 1992; Catalano and Hawkins, 1996) is perhaps the most notable attempt to evolve the risk factor paradigm into an approach that gives equal consideration to a set of five factors that, they argue, contribute to both positive outcomes ('prosocial pathways') and negative outcomes ('antisocial pathways'), namely young people's perceptions and experiences of their:

1. *Opportunities for involvement and interaction* with significant others in conventional activities;
2. *Degree of involvement and interaction* with significant others in conventional activities;
3. *Skills* to participate in these involvements and interactions;
4. *Reinforcements for behaviour;*
5. *Exogenous factors* - constitutional and physiological traits (e.g. cognitive ability, aggression), socio-structural status (e.g. age, gender, socio-economic), external constraints (e.g. formal and informal social reactions to behaviour) (Catalano and Hawkins. 1996).

A subsequent review of large-scale evaluations of youth intervention programmes in the USA enabled the authors to explore the 'common denominators' for positive and negative behaviours, concluding that:

> *'the same individual, family, school, and community factors often predict both positive and negative outcomes for youth' (Catalano et al 2004: 1).*

If this is indeed the case, then the most appropriate form of youth justice practice would be one targeted on the same body of factors that could simultaneously counteract risk factors and enhance protective factors, thus reducing offending and promoting positive outcomes. Our experience in Wales, however, is that risk and protective factors are not simply and uniformly two sides of the same coin(s). Predicting and controlling/managing risk is not simply the negative corollary of identifying and promoting positive, pro-social behaviour and outcomes. These distinctions are crucial underpinning elements of the distinctiveness between, for example, English and Welsh approaches to juvenile offending. Turning to our own research on the Welsh Extending Entitlement strategy and mirroring the methodologies and analyses commonly utilised in risk factor research, we explore the common aetiology hypothesis, concluding that whilst there is an overlap in salient risk and protective factors there are also some important differences and that these differences underscore the relevance of specific protective/promotive factors in enhancing positive behaviour and outcomes for young people.

Evaluating Extending Entitlement and the common aetiology of outcomes to inform youth justice policy and practice

Suggestions of a common aetiology for negative and positive outcomes for young people have particular implications for a dragonised approach to youth justice (that seeks to reconcile the promotion of positive outcomes and children's rights via access to a set of universal entitlements) espoused by WAG youth policy and the AWYOS, with the targeting of risk factors that is prescribed in England. A crucial question, therefore, is: does the research evidence support the notion of a common aetiology of negative and positive behaviours and outcomes in the youth justice (rather than youth development) context and what are the implications of this for the

emerging dragonised Youth Justice System in Wales and juvenile justice systems more broadly?

The evaluation of the Extending Entitlement youth inclusion strategy offered a valuable opportunity to interrogate the variables associated with negative and positive outcomes for young people in Wales in order to contemporaneously evaluate the extent and nature of a common aetiology for those outcomes. Thus, two central questions drove the evaluation:

1. **What variables are linked to negative and positive outcomes for young people?** To what extent is it possible to identify the variables in young people's lives that are associated with negative outcomes (e.g. offending, lack of access to universal entitlements), the absence of negative outcomes (e.g. non-offending) and the presence of positive outcomes (e.g. high levels of access to universal entitlements).
2. **Is there a common aetiology for different outcomes for young people?** Do the same variables influence positive outcomes, negative outcomes and the absence of negative outcomes for young people or do certain variables exert an independent influence on different outcomes?

Three main composite measures formed the focus of this enquiry:

1 - Offending

The UK version of the International Self-reported Delinquency inventory (Graham and Bowling, 1995) was chosen as a validated survey instrument to elicit quantifiable measures of offending behaviour (a negative outcome for young people) in the past year. Furthermore, *non-offending* was also identified as an appropriate outcome measure. Although non-offending does not constitute a positive outcome per se (it is actually the absence of a negative outcome), it remains an important objective for a Youth Justice System committed to the prevention of offending and, indeed, the reduction of risk. Consequently, the exploration of non-offending as an outcome allows an evaluation of whether the reduction of risk or the promotion of rights (or both) is the most promising means of preventing or reducing offending. Participants were adjudged to have offended if they reported having committed at least one of the inventory offences in the past year. Those who did not report having committed at least one offence were categorised as non-offenders. This method of categorising offending accords with much UK Government-sponsored risk factor research (typically self-report surveys), such as the Youth Lifestyles Survey (Flood-Page et al, 2000; Graham and Bowling, 1995), the Offending, Crime and Justice Survey (Wilson et al, 2006; Budd et al, 2005), the On Track Youth Lifestyles Survey (Armstrong et al, 2005) and the YJB Role of Risk and Protective Factors Study (YJB, 2005).

2 - Perceived levels of access to entitlements

The crux of the questionnaire was the measurement of a specially-developed, innovative dichotomous outcome measure labelled 'perceived level of access to entitlements' (PLATE)[4] (in the past year). Young people were asked to rate their levels of access to each of the 10 universal entitlements set out under Extending Entitlement using a 5-point Likert scale. This resulted in an overall, aggregated PLATE score for each young person ranging from 10-50, with the lowest quintile of aggregated PLATE scores constituting a negative outcome measure labelled 'lower PLATE' and the highest quintile constituting a positive outcome measure labelled 'higher PLATE'. It should be stressed that both the PLATE measure (and the psychosocial background variables - see below) were drawn from previous risk factor research, but modified to make them child-friendly and developed in consultation with focus groups of young people prior to questionnaire administration. These measures were then validated through intensive piloting with young people across Wales in a previous piece of empirical research, wherein full methodological details are available (Case, Clutton and Haines, 2005; see also Haines et al, 2004a, 2004b).

3 - Psychosocial background variables

A large body of risk factor research, highly influential in guiding UK Government youth justice policy and practice, has claimed that a series of psychosocial *risk factors* (related to family, school, lifestyle, neighbourhood, psychological health) can be identified that predict later offending, whilst the absence of these factors can predict non-offending (see Farrington, 2007; Utting, 1999). This research was used to populate a risk factor instrument designed to assess the extent to which young people were exposed to the traditional range of risk fac-

4 There has been a lack of consensus within social and positive youth development research regarding appropriate and valid positive outcome measures for young people. This, coupled with the requirement for the research to evaluate levels of young people's access to entitlements, drove the development of the PLATE measure.

tors which underpin much youth justice policy and practice.

These three instruments were administered to an opportunity sample of 5131 young people aged 11-16 years old was drawn from 22 Welsh secondary schools and selected Welsh Youth Offending Services. The sample distribution is displayed in table 1.

Table 1. *Demonstrating the overlap between variables statistically-associated with negative and positive outcomes for young people*

Variable	Offending	Non-offending	Lower PLATE	Higher PLATE
Acceptance of and exposure to ASB	Yes	Yes	Yes	Yes
Impulsivity and risk-taking	Yes	Yes	No	No
Negative thoughts	No	No	Yes	Yes
Pupil-school interactions	No	No	Yes	Yes
Child-parent interactions	Some (5)	Some (5)	Yes	Some (2)

Yes = Whole sample;
Some = Sample sub-groups only (number of groups);
No = No associations.

Young people in the sample were asked whether they had been exposed (in the past year) to a range of psychosocial background variables situated in the domains of family (e.g. relationship with parents, marital discord), education (e.g. affection for school, experience of bullying), neighbourhood (e.g. crime rates, availability of facilities), lifestyle (e.g. hanging around the streets, criminality of peers) and psychological (e.g. stress, ability to empathise). Exposure to these variables was assessed using a 5-point Likert scale that measured strength of agreement with statements phrased as continuous, interval level data to indicate either risk of a negative outcome (i.e. risk factors) or chance of a positive outcome (i.e. enabling factors). The intention of this element of the questionnaire was to enable an exploration of whether certain psychosocial variables (e.g. disaffection for school) were statistically associated with offending and lower PLATE and thus could be identified as risk variables (equivalent to risk 'factors') for these negative outcomes. In addition, it was important to learn whether the absence of these risk variables was associated with the non-offending outcome and could this be considered to support the prevention of offending.

The psychosocial variables associated with the positive outcome of higher PLATE were labelled 'enabling variables' to indicate that they ostensibly enable/contribute to this positive and desirable outcome. The creation of the enabling variables measure enabled an exploration of variables linked to (and possibly promotional of) a substantive positive outcome (higher PLATE). The purported common aetiology of outcomes for young people was evaluated through comparisons between the enabling variables associated with higher PLATE and the risk variables associated with negative outcomes in the study (lower PLATE, offending).

Inferential analysis of relationships between psychosocial variables and outcomes

To facilitate inferential analysis of the relationships between psychosocial background variables and different outcomes, the statistical technique of factor analysis was employed to reduce the large data set of variables to a more manageable, practical output. Therefore, factor analysis enabled the identification of multi-component, composite variables to feed into logistic regression analyses in order to measure their statistical links with negative outcomes (offending, lower PLATE), the absence of a negative outcome (non-offending) and a positive outcome (higher PLATE). Logistic regression was chosen as the most appropriate inferential test due to the nature of the psychosocial predictor data (continuous) and the outcome criterion measures (dichotomous), and the requirement to investigate statistical associations between the two – as has commonly been applied in risk factor research (see Farrington, 2007).

Each composite variable was continuous, with higher scores on these variables indicating the presence of risk (when positively associated with offending and lower PLATE) and lower scores indicating enablement (when negatively associated with non-offending and higher PLATE). Although the absence of risk does not necessarily indicate the presence of enablement *prima facie*, in this research participants understood the psychosocial variable statements as dichotomous, with agreement indicating risk (if associated with a negative outcome) and disagreement indicating enablement (if associated with a positive outcome).

Five composite psychosocial background variables were identified through factor analysis:

- **Impulsivity and risk-taking:** impulsivity, dangerous behaviour, ability to defer gratification, stress;
- **Acceptance of and exposure to antisocial behaviours:** acceptance of drug use, accept-

ance of alcohol use, acceptance of smoking, criminal peers, antisocial peers, drug using peers, drug-induced problems;
- **Negative thoughts:** depression, worry about the future, eating/sleeping problems, thoughts of self-harm;
- **Negative pupil-school interactions:** perception of school, truancy, consultation with pupils, clarity of school rules, relationship with teachers, respect from teachers, extracurricular activities;
- **Negative child-parent interactions**: quality of parental supervision, clarity of parental role-setting, fairness of parental discipline, child's relationship with parents, degree of parental consultation with child.

Separate binary logistic regression exercises (stepwise enter) were conducted to assess the strength of bivariate relationships between the five composite independent variables and 'offending', 'non-offending', 'lower PLATE' and 'higher PLATE'. There were no statistically-significant associations between any of the outcome criterion variables – offending/non-offending and lower PLATE (Pearson's = 0.6), offending/non-offending and higher PLATE (Pearson's = -0.33) and lower PLATE and higher PLATE (Pearson's = -.109) – indicating an absence of multicollinearity and no potential influence on the interpretation of common aetiology between criterion variables.

The regression model containing all five independent variables was internally consistent (Cronbach's Alpha = .282) and was statistically significant when related to offending/non-offending ($x^2 = 2153.879$, $p < 0.001$), lower PLATE ($x^2 = 323.794$, $p < 0.001$) and higher PLATE ($x^2 = 264.096$, $p < 0.001$), indicating that the model was able to distinguish between respondents who reported the presence or absence of each of the target outcomes.

Results: Examining the purported common aetiology

The common aetiology hypothesis is not sustained by the results from this research. Overall, certain variables were associated with every outcome measure (at least for specific sub-groups within the sample), indicating a qualified common aetiology containing those specific variables. However, other variables were associated with specific outcome measures only for certain sample groups, indicating only a partial commonality and the absence of a simple common aetiology. An underlying issue for the purportedly wide ranging and universal common aetiology, therefore, is that it is possible for a psychosocial variable to be associated with multiple outcomes (e.g. lower and higher PLATE, offending and non-offending) for the whole sample and different gender and/or age groups within it, yet it is also possible for other psychosocial variables to be associated only with a specific outcome for certain groups. Table 2 illustrates the extent of statistical associations across and within the sample for each identified psychosocial variable. Further tables providing detailed statistical breakdowns of associations between outcomes and psychosocial variables by gender and age respectively are provided in appendices 1 and 2.

Table 2. *Demonstrating the overlap between variables statistically-associated with negative and positive outcomes for young people*

Variable	Offending	Non-offending	Lower PLATE	Higher PLATE
Acceptance of and exposure to ASB	Yes	Yes	Yes	Yes
Impulsivity and risk-taking	Yes	Yes	No	No
Negative thoughts	No	No	Yes	Yes
Pupil-school interactions	No	No	Yes	Yes
Child-parent interactions	Some (5)	Some (5)	Yes	Some (2)

Yes = Whole sample;
Some = Sample sub-groups only (number of groups);
No = No associations.

These overall findings implicate the inconsistent and partial extent and nature of any common aetiology of outcomes for young people and not only call into question a risk focused approach to crime reduction, but further fracture and dichotomise risk-based versus rights-based approaches to responding to children in conflict with the law. Taking each variable in turn:

Acceptance and exposure to antisocial behaviours (ASB)

This variable provided the most compelling evidence of a common aetiology of negative and positive outcomes, in that its presence (reported acceptance of and exposure to ASB) was associated with both negative outcome measures in this study (offending and lower PLATE) for the whole sample and for each gender- and age-related subgroup within it (see appendices one-three). Similarly, the absence of this variable (reported lack of acceptance of and exposure to ASB) was associated with the absence

of a negative outcome (non-offending) and reports of a positive outcome (higher PLATE) for the whole sample and for each sub-group within it. An important and common caveat within risk factor research has been that although (acceptance of and exposure to) ASB is commonly identified as a risk factor for offending (see Farrington, 2007), it is actually questionable whether this measure actually is an active risk factor for offending or whether it simply enjoys a tautologous relationship with offending behaviour. However, as stated, we tested our data for multicollinearity and found none, so the variable of ASB and the outcome of offending in the current study were *not* measuring the same statistical phenomenon. In addition, ASB is a highly subjective variable with a variety of ambiguous definitions and typically is constituted by many non-criminal behaviours, thus its analysis independently of offending is commonplace within risk factor research and informs (at the level of theory, policy and practice) a broader and more nuanced understanding of the aetiology of negative and positive behaviours.

Impulsivity and risk-taking

The (presence/absence of) impulsivity and risk taking variables was associated with offending/non-offending, but not with lower or higher PLATE, for the whole sample, for both genders and for each of the age groups. Although it was possible that the impulsivity and risk taking variable, or at least components of it (e.g. dangerous behaviour) could be so similar to the offending outcome measure as to render any associations the product of multicollinearity, we statistically tested for and eliminated this possibility (as we did for the ASB variable), thus identifying impulsivity and risk taking as a variable independent of (but associated with) the offending outcome.

Negative thoughts

The negative thoughts variable clearly indicates the inconsistency, partiality and lack of commonality across and within the sample. For the sample as a whole, for male and for females, (presence/absence of) negative thoughts was associated with lower and higher PLATE (i.e. a negative and a positive outcome measure), but not with offending or non-offending (see table 2). Although this pattern of results is shared between the age groups to a large extent, there are some notable exceptions in that 14-15 year olds were the only age group to demonstrate statistical associations between negative thoughts and offending/non-offending and with lower PLATE, but not with higher PLATE. Furthermore, the data from 14-15 year olds and 15-16 year olds showed no association between (absence of) negative thoughts and higher PLATE, although this association was present for all other age groups. In terms of the negative thoughts variable, therefore, the data analysis indicates the absence of a common aetiology across all outcome measures in the study for the whole sample and for any group within it. There was a commonality across two outcome measures (lower and higher PLATE), although even this was not shared by every age group within the sample, indicating a speciality, partiality and inconsistency in the relationships between variables that belies any claim to a simple common aetiology.

Negative pupil-school interactions

The variable of (positive/negative) pupil-school interactions had relationships with the outcome measures equivalent to that of negative thoughts in that, for the whole sample, there were statistical associations between the variable and lower and higher PLATE, but no associations with offending/non-offending. This pattern was also present for males, but not for females, who demonstrated no associations between pupil-school interactions and any of the outcome measures. There was further variability when the sample results were analysed by age group. Although pupil-school interactions were not associated with offending/non-offending for any specific age group, there were sporadic associations with the PLATE measures – with associations found relating to lower PLATE for younger groups (11-12 year olds, 12-13 year olds, 13-14 year olds), but not for older groups (14-15 year olds and 15-16 year olds) and associations with higher PLATE identified for every other year group (i.e. 11-12 year olds, 13-14 year olds, 15-16 year olds). Consequently, this variable offers another cogent example of the inconsistent and partial 'commonalities' from the analyses, which implicate that there is no substantive or conclusive common aetiology demonstrable across the data set.

Negative child-parent interactions

Young people's perceptions of (either negative or positive) child-parent interactions was a variable in this study that offered some, albeit partial, support for the presence of a common aetiology. Self reports of (negative) child-parent interactions associated with both negative outcome measures (offending and lower PLATE) for the whole sample and each gender- and age-based subgroup within it (see appendices one-three). In addition, self reports of positive child-

parent interactions were associated with the absence of a specific negative outcome (non-offending) and the presence of a positive outcome measure (higher PLATE) all the whole sample and both genders. However, the demonstrable scope of any common aetiology was restricted and rendered partial by the age-related findings. Although there was an association between (negative) child-parents interactions and lower PLATE for all age groups, this was not the case for the other negative outcome measure of offending, which was not associated with the variable for young people aged 12-13 years, 13-14 years or 15-16 years. For the common aetiology thesis to hold, there must be positive correlations between all independent and dependent variables across the study. Our results clearly show that this is not the case.

An uncommon aetiology and its implications for youth justice?

So what do these findings, when taken together, indicate about the existence of the purported common aetiology of negative and positive outcomes for young people and what are the implications for youth justice in Wales and beyond? Any common aetiology between the variables in this study was demonstrated inconsistently, sporadically, partially and to a diminishing degree across the findings. Only one variable, 'acceptance of and exposure to antisocial behaviours', was associated with all four positive and negative measured outcomes for the sample as a whole and each of the subgroups, indicating a common aetiology in relation to this variable. Another variable, 'impulsivity and risk taking', was associated with two outcomes (offending/non-offending) for the whole sample and all gender and age groups within it, but had no associations with lower or higher PLATE. Two other variables (negative thoughts, pupil-school interactions) demonstrated the converse pattern (associated with lower and higher PLATE, but not with offending/non-offending) for the whole sample, but there were gender and age differences in relation to these associations for both variables. The final variable, child-parent interactions, was associated with all four outcome measures, but only to a certain degree (e.g. for certain sub-groups rather than for the whole sample in the case of all outcomes except lower PLATE). Therefore, overall, our results do not support the simple assertion of a common aetiology between cause and effect in (psychosocial) variables and positive and negative behaviours/outcomes for young people.

The picture is more complex and nuanced than has been recognised to date. Previous research and analysis of common aetiologies has been restricted and inappropriate, particularly due to it being wedded to the risk factor paradigm (see Farrington, 2007; Hawkins and Catalano, 1992). It has prioritised the reductionist quantification ('factorisation') of complex psychosocial elements of young people's lives and understood these factors in an holistic, uncritical, invalid and deterministic manner as somehow predictive or causal of (rather than simply correlated with) broad, over-generalised outcome measures such as offending (Case and Haines, 2009). Exploration of common aetiologies has been further weakened by grounding its explanations of the individual's behaviour (typically offending) in group-level risk factors, an 'aggregation' process that invalidates conclusions because they are not representative of or necessarily applicable to any individual group member (see Goldson, 2005). Several of these criticisms are, to some extent, applicable to the current research (e.g. factorisation, aggregation, broad outcome measures); although some clearly do not (e.g. statistical associations are interpreted as correlational, not causal). We have written at length on these criticisms (Case and Haines, 2009; Haines and Case, 2008; Case, 2007, 2006) as they apply to risk factor research generally and to the conclusions reached on the basis of much risk factor research. Part of our position here, however, is that even when, as we do in this study, make use of traditional methodologies and analyses, an openness to the possibility of non-risk-related findings produces results which challenge the negative, risk hegemony. Thus, we have attempted to demonstrate that risk and promotion (of rights) are not necessarily dichotomous or synonymous processes; neither are risk variables/negative outcomes and enabling variables/positive outcomes necessarily two sides of the same coin. Although we remain cautious when interpreting enabling variable results, as these could still be statistical artefacts, our findings suggest two things:

1. The research that underpins risk-based approaches to youth justice can only tell half the story (at best) when describing, interpreting and explaining the lives of young people who offend;
2. This research begins to tell the other half of the story and to point in a different (more positive) direction that enables a change in how young people who offend are perceived and responded to.

Our view is that aggregated data (e.g. measures of risk and enabling variables) should only be utilised to illuminate broader social policy questions, thus leaving youth justice practitioners free to decide how to address identified variables and implement interven-

tions. Therefore, whilst the current research identified a series of variables linked to negative and positive outcomes, none are claimed as explanatory or indicative at the individual level (particularly as the study design was cross-sectional). The study sought to identify factors correlated with, rather than explanatory of, different outcomes and did not conceive of these variables as necessarily generalisable to other populations of young people (particularly as the sample was opportunity in nature), but rather as indicators to guide the development of social policy and professional assessment and intervention. We have thus provided a nuanced analysis that engages with methodological critiques of the flawed, partial and deficit-based risk-based approach and its stubborn influence within the Youth Justice System, exemplified by the hegemonic managing risk approach. In particular, this research has highlighted how a focus solely on risk and deficit, especially when combined with a focus on negative outcomes only and an uncritical presumption of common aetiologies, is liable to overlook a host of important variables linked to specific negative outcomes and the possibilities of enabling variables and positive outcomes for young people. These disparities, alongside the correlational relationships identified between psychosocial background variables and different outcomes, guards against conclusions of a 'common aetiology' of negative and positive outcomes for young people, supports recommendations to explore and evaluate each outcome as an independent entity and indicates that aggregate-level correlates should be understood as means to guide broader social policy formation.

Implications for youth justice in England, Wales and beyond

The methodologies and analyses traditionally-employed to investigating common aetiologies have produced an invalid and deficient set of conclusions; not least that the risk factor paradigm is a suitable and valid basis for animating youth justice policy and practice. The Extending Entitlement evaluation research tentatively suggests that it is possible, even desirable within youth justice practice, to 'do good' with young people who have offended by exploring and targeting psychosocial enabling factors, maximising higher PLATE and reducing lower PLATE as a complement to focusing on preventing offending and reducing risk factors. The evidence from this study suggests that such an approach could prioritise a 'children first' ethos and be entitlements- and rights-based, promoting positive behaviours and outcomes for young people (see also Haines 2010; Haines and Case 2009; Case et al 2005), rather than prioritising risk reduction on the basis of a presumed common aetiology, because sole focus on negative outcomes and risks may serve to disadvantage, even criminalise young people and to perceive of them predominantly in terms of threat and deficit rather than as children first with inherent rights.

At a policy level (and, we would argue, increasingly so empirically) the differences between the risk-based and rights-promotion approaches are increasingly stark. A risk management model is inherently offender-focused, has at its heart the identification of risk variables associated with negative outcomes and is entrenched within an unconstructive, stigmatising, deficit-focus, looking backwards at young people's 'flaws' as both an explanation for their previous behaviour and a guide for future intervention – thus taking practice 'forward' in a negative manner. In contrast, rights-based approaches can emphasise the promotion of enabling variables through a rights and entitlements-based, 'children first, offenders second' agenda (in line with Extending Entitlement and the AWYOS). Therefore, an entitlement- and rights-based youth justice model would coalesce with the Welsh perspective that social justice is a precondition of criminal justice and would offer a more humane and constructive way of addressing the issues that Wales shares with its English counterpart in the arena of youth justice (see also Drakeford 2009). The Extending Entitlement evaluation findings implicate potential for a methodological, analytical and conceptual movement beyond defining, exploring and responding to young people solely in relation to adult-prescribed risk and negative outcomes. A rights-based, children-first, consultative and prosocial methodological element can thus be employed within youth justice practice to pursue understandings of the whole child/young person and the variables that play a role in different (connected and unconnected) areas of their lives.

To conclude, this research raises serious questions as to the proposed common aetiology between negative and positive outcomes and the resultant focus on risk management and punitive, offence-focused interventions within youth justice. The research also calls into question the validity and comprehensiveness of hegemonic offence-focused, risk-based approaches to youth justice. The risk variables linked to offending, are not necessarily synonymous with those linked to other negative outcomes (e.g. lower PLATE) or the absence/prevention of negative outcomes (i.e. the non-offending measure), nor are they synonymous with those variables linked to promoting positive outcomes (higher PLATE). Therefore, targeting risk only

could overlook and neglect the enabling factors linked to the absence of problems and the achievement of positive outcomes (and vice versa). This highlights the significant tensions between the narrow, retrospective, offence-focused, risk-based approach in England and the more expansive and proactive 'children first', children's rights approach to youth justice championed in Wales and underpinned by the tenets of Extending Entitlement and the AWYOS. The conclusion of this research, therefore, is supportive of a 'dragonised' approach to youth justice (see Haines, 2010) which envisages a focus on promoting the rights, enhancing enabling factors and thus reducing the risk of young people who have offended through the sensitive targeting of psychosocial background variables evidenced to be associated with negative and positive outcomes for young people.

REFERENCES:

Armstrong, D. (2004): A Risky Business? Research, Policy, Governmentality and Youth Offending. Youth Justice. 4 (2), 100-116.

Armstrong, D., Hine, J., Hacking, S., Armaos, R. Jones, R, Klessinger, N. and France, A. (2005): Children, Risk and Crime: The On Track Youth Lifestyles Survey. HORS 278. London: Home Office.

Budd, T., Sharp, C., Mayhew, P. (2005): Offending in England and Wales. London: Home Office.

Case, S.P. (2007): Questioning the 'evidence' of risk that underpins evidence-led youth justice interventions. Youth Justice. 7 (2), 91-106.

Case, S.P. (2006): Young people 'at risk' of what? Challenging risk-focused early intervention as crime prevention. Youth Justice. 6 (3), 171-179.

Case, S.P., Haines, K.R. (2009): Understanding Youth Offending: Risk Factor Research, Policy and Practice. Cullompton: Willan.

Case, S.P., Clutton, S., Haines, K.R. (2005): Extending Entitlement: A Welsh policy for children. Wales Journal of Law and Policy, 4 (2), 187-202.

Catalano, R., Berglund, M., Ryan, J., Lonczak, H., Hawkins, D. (2004): Positive Youth Development in the United States: Research Findings on Evaluations of Positive Youth Development Programs. Annals of the American Academy of Political and Social Sciences. 59, 98-124.

Catalano, R.F., Hawkins, J.D. (1996): The Social Development Model: A Theory of Anti-social Behaviour. In: J.D. Hawkins (ed) Delinquency and Crime: Current Theories. Cambridge: Cambridge University Press.

Centre for Social Justice (2010): Youth Justice Review. London: Centre for Social Justice. Department for Education and Skills (2004): Every Child Matters. London: DfES.

Farrington, D. (2007): Childhood Risk Factors and Risk-Focused Prevention. In: M. Maguire, R. Morgan and R. Reiner (eds) The Oxford Handbook of Criminology. Oxford: Oxford University Press.

Flood-Page, C., Campbell, S., Harington, V., Miller, J. (2000): Youth Crime: Findings from the 1998/99 Youth Lifestyles Survey. HORS 209. London: Home Office.

Goldson, B. (2000): The New Youth Justice. Lyme Regis: Russell House.

Goldson, B. (2003): 'Tough on Children: Tough on Justice', paper presented at the Centre for Studies in Crime and Social Justice (Edge Hill) in collaboration with the European Group for the Study of Deviance and Social Control. Chester, UK.

Goldson, B. (2005): Taking Liberties: Policy and the Punitive Turn. In: H. Hendrick (ed) Child Welfare and Social Policy Bristol: Policy Press.

Graham, J., Bowling, B. (1995): Young People and Crime. Home Office Research Study 145. London: Home Office.

Haines, K.R. (2010): The Dragonisation of Youth Justice. In: W. Taylor, R. Hester and R. Earle (eds) Youth Justice Handbook. Cullompton: Willan.

Haines, K.R., Case, S.P., Isles, E.I., Rees, I., Hancock, A. (2004a): Extending Entitlement: Making it real. Youth Policy Team, Welsh Assembly Government: Cardiff.

Haines, K.R., Case, S.P., Portwood, J. (2004): Extending Entitlement: Creating visions of effective practice for young people in Wales. Youth Policy Team, Welsh Assembly Government: Cardiff.

Haines, K.R., Drakeford, M. (1998): Young People and Youth Justice. Basingstoke: Macmillan.

Hawkins, J.D., Catalano, R.F. (1992): Communities that Care. San Francisco: Jossey-Bass.

Haydon, D., Scraton, P. (2009): Children's Rights: Rhetoric and Reality. Criminal Justice Matters, (76), 16-18.

Kemshall, H. (2008): Risk, Rights and Justice: Understanding and Responding to Youth Risk. Youth Justice, 8 (1), 21-38.

Morgan, R. (2010). Report to the Welsh Assembly Government on the Question of Devolution of Youth Justice Responsibilities. Cardiff: WAG.

Morgan, R. (2002): Annual Lecture of the National Centre for Public Policy. Swansea University, Swansea: UK.

National Assembly Policy Unit (2000): Extending Entitlement: Supporting Young People in Wales. Cardiff: National Assembly for Wales.

National Assembly Policy Unit (2002): Extending Entitlement: Support for 11 to 25 year olds in Wales. Direction and Guidance. Cardiff: National Assembly for Wales.

O'Mahony, P. (2009): The Risk Factors Paradigm and the Causes of Youth Crime: A Deceptively Useful Analysis? Youth Justice, 9 (2): 99-115.

Scraton, P., Haydon, D. (2002): Challenging the Criminalisation of Children and Young People: Securing a Rights-based Agenda. In: J. Muncie, G. Hughes and E. McLaughlin, (eds) Youth Justice: Critical Readings in History, Theory and Policy, 311-328. London: Sage.

Sullivan, M., Clutton, S. (2005): The State of the Nation or Welsh Devolution. Wales Journal of Law and Policy, 4 (1), 54-65.

Towler, K. (2009): Treating our Children as Children First. Criminal Justice Matters, 76 (1), 42-43.

UNICEF (1989): United Nations Convention on the Rights of the Child. London: UNICEF.

Utting, D. (1999): A Guide to Promising Approaches. London: Communities that Care. Welsh Assembly Government and Youth Justice Board (2004) All Wales Youth Offending Strategy. Cardiff: WAG and YJB.

Williamson, H. (2005): Young People and Social Inclusion: An Overview of Policy and Practice. In: M. Barry (ed) Youth Policy and Social Inclusion, 11-26. London: Routledge.

Wilson, D., Sharp, C., Patterson, A. (2006): Young People and Crime. London: Home Office.

Youth Justice Board (2011): http://www.yjb.gov.uk/en-gb/practitioners/Assessment/Assessmentandinterventionstrategy (Accessed January 2011).

Youth Justice Board (2009): Youth Justice: The Scaled Approach. London: YJB.

Youth Justice Board (2005): Role of Risk and Protective Factors. London: YJB.

RIZICI, PRAVA ILI OBOJE? EVALUACIJA OPĆE ETIOLOGIJE NEGATIVNIH I POZITIVNIH ISHODA ZA MLADE KAO INFORMACIJA ZA PRAKSU

SAŽETAK

Nacionalna politika i praksa u sustavu maloljetničkog pravosuđa u Engleskoj i Walesu postala je dominantno fokusirana na rizičnost. Pristup je primarno usmjeren na počinitelje kaznenih djela, čemu doprinosi i deterministička, redukcionistička i u psihosocijalnom smislu pristrana paradigma prevencije temeljene na rizičnim čimbenicima. Rad se bavi modelom rada s mladima temeljenom na građanskim i socijalnim pravima (engl. rights i entitlements), a kao osnova uzima se Strategija maloljetničkog pravosuđa pod nazivom "Svi mladi Walesa" te evaluacija Strategije Vlade u Walesu o uključivanju mladih pod nazivom "Proširivanje prava". Spomenuti model u području redukcije maloljetničkog prijestupništva kritizira tzv. menadžment rizika i "opću etiologiju" negativnih i pozitivnih ponašanja / ishoda te dokumentira potencijalne prednosti od usmjeravanja k proaktivnom, inkluzivnom, na djecu i njihova prava usmjerenom pristupu.

Ključne riječi: *model rizika, model građanskih i socijalnih prava, maloljetničko pravosuđe*

Appendix 1. *Relationships (coefficient B) between psychosocial background variables and negative and positive outcomes for young people in Wales x gender*

	All				Male				Female			
Variable	**O**	**N**	**L**	**H**	**O**	**N**	**L**	**H**	**O**	**N**	**L**	**H**
Acceptance of and exposure to ASB	2.08*	-2.08*	.188*	.336*	2.120*	-2.12*	.311*	.323*	2.043*	2.043*	.246*	.331*
Impulsivity and risk-taking	.420*	.420*	.036	-0.34	.349*	.349*	.042	-.013	.458*	-.458*	.038	-.063
Negative thoughts	.109	-.109	.370*	.322*	.028	-.28	.316*	.285*	.122	-.122	.464*	.385*
Pupil-school interactions	.133	-.104	.283*	.149**	.131	-1.31	.365*	.249*	.034	-.034	.142	-.020
Child-parent interactions	.405*	-.405*	.237*	.066	.253**	--.253**	.288*	.014	.233***	-.233***	.135***	.173**

O = Offending; N = Non-offending; L = Lower PLATE; H = Higher PLATE
* = p<0.001; ** = p<0.01; *** = p 0.05

Appendix 2. *Relationships (coefficient B) between psychosocial background variables and negative and positive outcomes for young people in Wales x age group*

	11-12 yrs				12-13 yrs				13-14 yrs				14-15 yrs				15-16 yrs			
Variable	**O**	**N**	**L**	**H**	**O**	**N**	**L**	**H**	**O**	**N**	**L**	**H**	**O**	**N**	**L**	**H**	**O**	**N**	**L**	**H**
Acceptance of and exposure to ASB	1.989*	-1.989*	.275**	.252**	2.384*	-2.384*	.323*	.244**	1.913*	-1.913*	.250**	.455*	2.284*	-2.284*	.383*	.428*	3.022*	-3.022*	-.392*	.603*
Impulsivity and risk-taking	.528*	-.528*	.097	-.139	.391**	-.391**	.050	-.053	.696*	-.696*	.029	-.054	.327***	-.327***	.136	-.194	.000	-.000	-.075	.245
Negative thoughts	.210	-.210	.418*	.318*	.156	-.156	.311*	.474*	-.050	-.050	.400*	.380*	.269***	-.269***	.362*	.310	-.077	-.077	.472*	.187
Pupil-school interactions	.133	-.133	.313**	.343*	.265	-.265	.244**	-.178	.028	-.028	.486*	.416*	.011	-.011	.180	.198	-.124	-.124	.030	.446*
Child-parent interactions	.440*	-.440*	.182**	.087	-.059	-.059	.187***	.272*	.019	-.019	.247**	-.139	.291***	-.291***	.284**	.067	.045	-.045	.293*	.160