

Institution: University of Northumbria at Newcastle		
Unit of Assessment: 18 (Law)		
Title of case study: Changing education practice in a Secure Children's Home, and guiding youth justice policy development in England, Wales, and New Zealand		
Period when the underpinning research was undertaken: 2015 - 2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Ray Arthur	Professor	01/06/2013 – present
Nicola Wake	Associate Professor/Professor	01/08/2012 – present
Rachel Dunn	Senior Lecturer	01/11/2017 – present
Period when the claimed impact occurred: May 2018 – December 2020		
Is this case study continued from a case study submitted in 2014? N		
1. Summary of the impact (indicative maximum 100 words)		
<p>According to penal reform charity the Howard League, secure children's homes (SCH) provide the highest standards of care and rehabilitation for the children in trouble with the law who have to be detained in custody. However, researchers at Northumbria University identified that children still feel a lack of agency and autonomy, and that evaluative tools are a neglected method which can empower children as active participants in SCH. Developing and implementing the Diamond9 evaluative tool captured new perspectives into rehabilitative processes from a hard-to-reach community. Due to the intervention the children in the SCH were more engaged with staff, improved academically, and benefitted from a sense of empowerment. Consequently, the SCH recruited a new creative-activities-focused staff-member, incorporated the workshops and collaborative evaluation tools into their curriculum, and was subsequently judged 'outstanding' by Ofsted for the first time. These successes led to Northumbria's model being agreed for implementation in every Youth Justice Residence in New Zealand. The research findings have been used beyond SCH to inform policy implementing human rights-based child protections in England and Wales regarding communication during court proceedings and the use of restraint.</p>		
2. Underpinning research (indicative maximum 500 words)		
<p>In 2015, the <i>Northumbria Centre for Evidence and Criminal Justice Studies</i> and the <i>Sydney Institute of Criminology</i> collaborated to create a multi-disciplinary, cross-collaborative, and practitioner-focused conference hosted at Northumbria University. The conference, which developed into a peer-reviewed Special Journal co-edited by Professor Ray Arthur and Professor Nicola Wake [R1], applied existing sociologically informed insights on empowering marginalised voices in institutional structures, to address the harmful treatment of young people in the Youth Justice System (YJS). This conference identified that children in Secure Children's Homes (SCHs) are a hard-to-reach, under-researched group that lack the strong evidence base of other groups within the youth justice system [R1]. Arthur, Wake, and Dr Rachel Dunn 's research addressed this lack of a strong evidence base in the YYS and SCH [R2-R6].</p> <p>The UK, as a party to the United Nations Convention on the Rights of the Child (UNCRC) has a legal obligation to develop legal and social institutions that foster the autonomy and capacity for self-determination of its youngest citizens, including those subject to criminal justice processes. Arthur's research investigated and confirmed that young people in YYS flourish when they are viewed as autonomous subjects and empowered to build relationships, and when they feel their experiences, including the context and pressures contributing to their offending, are considered. This research demonstrated that young people in the youth criminal justice system feel dislocated from the processes that determine their fate and that these feelings of dislocation and disempowerment impact upon their rehabilitation and reintegration into society [R2-R3]. Arthur's research also showed that the use of force in YYS authorised by the 2015 Criminal Justice and Courts Act created adverse effects including severe physical consequences and mental distress which causes children to disengage from constructive engagement with authority and</p>		

rehabilitation initiatives. Specifically, experiences of undue or excessive restraint contribute to a lack of agency – the capacity to act independently and make one’s own decisions – and a feeling of voicelessness [R2]. Arthur further showed that the UK failed to meet its obligations under the UNCRC through a lack of support to help children, especially those from disadvantaged backgrounds, to participate effectively in pre-trial, trial, and other criminal justice proceedings [R3]. The research demonstrated that the legal system lags behind other sectors, such as healthcare, in the recognition of children’s need for additional support in ensuring they understand their options, their role in the process, and in making informed decisions [R3].

In parallel, and in coordination with Arthur’s research into the use of restraint and children’s engaged participation in YJS, funding from Society of Legal Scholars [G1] supported Wake’s project to address the lack of studies on using evaluative tools to enhance rehabilitation in the criminal justice system. Wake’s project demonstrated the extent to which arts activities promote emotional and psychological well-being and improve engagement with further education and training in the criminal justice system. Wake and Arthur collaborated to create a stronger evidence-base from which to improve policy and practice related to the YJS generally and young people in SCHs particularly. This study identified how children in SCHs face unique challenges that are not fully addressed by the policy or practice lessons drawn from other parts of the criminal justice system [R4]. Arthur and Wake teamed with Dr Rachel Dunn to apply, for the first time in the YJS context, the Diamond9 tool (Fig. 1). Adapted from its development in primary education, the Diamond9 tool foregrounds and captures the emotional and symbolic aspects of children’s experiences [R5]. The application of Diamond9 into the YJS by Northumbria researchers generated new insights through the innovative exploration of an existing but under-utilised method.

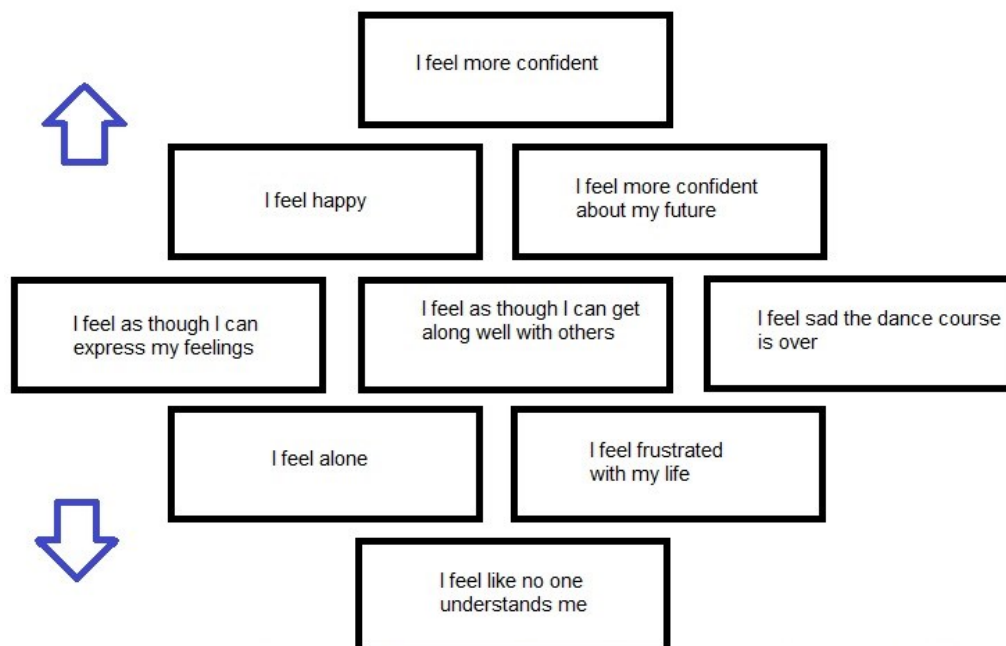


Figure 1: example of the Diamond9 data tool from Northumbria’s research with Newton Aycliffe SCH

Arthur and Wake, with the support of professionally qualified facilitators with expertise in creative arts, developed and delivered a series of collaborative workshops focussed on arts, dance, and performance. These were co-produced with the children using the evaluation and prioritisation tool Diamond9, in Newton Aycliffe SCH in North East England [R4]. The Diamond9 allows each participant to rank their views, emotional responses, and experiences, allowing a numerical value to be assigned. This approach produces easily digestible data for a richer and consistent dataset and ease of comparison across cohorts and over time [R5].

The Diamond9 tool was used to capture the over-arching emotional experience of the children, rather than employing traditional interview techniques which, in isolation, struggle to establish expressive relations within the legal/disciplinary environment and may inhibit collaboration and inclusivity of the child in the research process. The Diamond9 was adapted from being a group

activity with children and staff to an engaged session with the individual child, to keep the participants' responses private and personal. This privacy and personal attention encouraged the children to express themselves and engage in discussion about their own views, the relative importance of competing factors, and their role in shaping and pursuing the outcomes they want [R4]. The physical and visual collaborative method opened the expressive space to facilitate more free-flowing exploration of emotional experiences through which children feel safe and maintain autonomy of the data collection. The children worked in partnership with the researcher in which they were agents of change, not subjects of research. The group creative activities, combined with the individual participatory evaluation method, encouraged greater expression from children and contributed to the development of the skills underpinning engagement and rehabilitation [R4-R5].

Wake also built upon Arthur's research findings through Leverhulme Trust funding to build research links with Auckland University of Technology, New Zealand, exploring the parallel challenges and lessons from comparative jurisdictions [G2].

3. References to the research (indicative maximum of six references)

R1. Nicola Wake, Ray Arthur, and Crofts, T. (2016) 'Editorial' in Wake, N., Arthur, R. and Crofts, T. (eds.) 'Special Issue: Age of Criminal Responsibility' *Northern Ireland Legal Quarterly* **67**(3): 263-406 <https://nilq.qub.ac.uk/index.php/nilq/article/view/116/83>

R2. Ray Arthur (2016) 'The Criminal Justice and Courts Act 2015 – Secure Colleges and the Legitimation of State Sponsored Violence' *Modern Law Review* **79**(1): 102-121 <https://doi.org/10.1111/1468-2230.12168>

R3. Ray Arthur (2016) 'Giving effect to young people's right to effectively participate in criminal proceedings' *Child and Family Law Quarterly* **28**(3): 223-238 <http://nrl.northumbria.ac.uk/27172/>

R4. Ray Arthur, Rachel Dunn, and Nicola Wake (2020) 'Empowering young people: multi-disciplinary expressive interventions utilising Diamond9 evaluative methods to encourage agency in youth justice' *International Journal of Mental Health and Capacity Law* **25**: 79-196 <http://nrl.northumbria.ac.uk/id/eprint/43216/>

R5. Rachel Dunn (2020) 'Diamonds are a girl's best friend... and a great data collection tool!' *International Journal of Clinical Legal Education*, **27**(3): 32-75 <http://dx.doi.org/10.19164/ijcle.v27i3.1039>

Research Funding

G1. PI, **Nicola Wake**, Society of Legal Scholars, 2018-2019, SLS Small project and events fund, GBP3,000

G2. PI, **Nicola Wake**, Leverhulme Trust, VP2-2016-023, Leverhulme trust Visiting Professor - GBP5,244

4. Details of the impact (indicative maximum 750 words)

The application of the Diamond9 data tool at Newton Aycliffe SCH in 2018 helped children develop their communication skills, improved academic performance, and increased their sense of agency and ownership of their role in the rehabilitative process, leading the SCH to hire a new staff member and change their curriculum. These successes shaped a new approach to fostering children's agency in every Youth Justice Residence in New Zealand, and Northumbria research has informed rights-based protections in the wider YJS in the UK.

4.1 Empowered people and created new educational roles and practices in SCH

There are 14 secure children's homes in England and Wales caring for around 180 of the countries' most vulnerable young people aged 10 to 17. Newton Aycliffe in County Durham provides secure accommodation for up to 38 young people and is the only SCH in the North of

England between Leeds and Morpeth in Northumberland. SCHs are notoriously difficult to gain access to due to their closed nature and safeguarding issues. Ann Haigh, Deputy Centre Manager-Aycliffe Secure Services, explained how the projects helped the children take greater ownership of their role in rehabilitation, saying the *'young people demonstrated greater confidence, and progression in their school work...[and] increasing their self-esteem and helping to rehabilitate them'* [E1]. As a result of Wake, Dunn, and Arthur's *'direct contribution to this positive change'* Newton Aycliffe SCH changed their operations. They created a new job role - *'employed a drama teacher from September 2018'* – added *'additional dance-based activities'* to their curriculum, and *'changed future themed works to involve the Diamond9 model'* [E1; E2, p12].

Working directly with individual children facilitated fostering the free expression of their own views and individual voice through the Diamond9 evaluation tool which prioritises their decision-making and autonomy. On average children spend one year in SCHs, so maximising the value of the time spent there is essential. The visual format alleviated any anxieties which the children may have felt during the research process and allowed the data to be collated and analysed for implementation through policy and practice change [E2]. The creative element of the dance classes empowered young people to express themselves in a way which overcame systemic barriers to self-expression. Data collection in this environment was challenging but the Diamond9 process and subsequent interviews revealed that young people, *'feel more confident...because of the dancing'*; and positive statements had a higher ranking such as *'I feel happy'*; *'I feel as though I can get along well with others'* with negative emotions such as *'I feel alone'* reducing in significance [E2, p13-14].

Participants indicated that the programme clearly influenced how they considered their role in shaping their future. Another stated, *'I could express emotions in the dance. One move I made up, like an angry step (stamping foot) ended up in the final performance. It felt good to express yourself'* [E2, p14]. This is supported by comments made by staff, who said that they noticed, once the young people became comfortable with the dance, that they seemed more confident afterwards and enjoyed focusing on something positive, rather than the attention on them being negative [E2, p13]. One particularly engaged participant recorded *'[i]t took me away from arguments in the house, gave me some space. I was so happy doing it and was upset when it was over. I'm glad I've got the memory of it and what they taught me. It upped my confidence. I used to get angry and punch things. I don't feel as angry as much I think the week helped'* [E2, p14] and staff noted that this person appeared *'like a different person'* following the intervention [E2, p15].

In 2019, Newton Aycliffe was rated as *'outstanding'* in all areas for the first time by Ofsted, who inspect and regulate services that care for children and young people [E3, p1-3]. Alongside other improvements in support, the inspection specifically highlighted the exciting theme weeks for children to participate in during school holidays (which is when the research team ran their intervention) [E3, p5]. In addition to better personal decision-making and responsibility, the report emphasised the unusual degree of agency and positive engagement with the life of the SCH, explaining, *'[c]hildren are empowered and encouraged to have a voice and to influence the development and running of the home... They become independent learners, grow in self-esteem and make exceptional progress academically'* [E3, p5-9].

4.2 Shaped awareness of empowering children's agency in Youth Justice Residences in New Zealand

The results of the Newton Aycliffe projects were shared with contacts in New Zealand which resulted in Ben Hannifin, the General Manager for Youth Justice Residences at the Ministry for Children to commit to running the project in New Zealand. In New Zealand there are four Youth Justice Residences with 150 beds, 600 staff and a NZD40,000,000 (GBP20,000,000 September 2019) operating budget. Ben Hannifin has committed to using the work *'as part of a holistic programme to develop the workforce across all four of New Zealand's Youth Justice Residences'* [E4]. Hannifin described how using Wake and Arthur's work had changed his thinking, saying *'[t]heir programme does not identify institutional engagement with young people*

as a “problem to be solved” but rather as an opportunity for staff and institutions to help the young people to discover agency and purpose in themselves...[t]he success of their partnership with Newton Aycliffe in the UK shows the value of this approach’ [E4].

4.3 Improving policies in the Youth Justice System by promoting the ‘voice of the child’

Key messages from Arthur’s research on the use of violence and physical restraint in youth justice [R2] have been used to underpin the implementation of reforms throughout the youth justice system more broadly, beyond Secure Children’s Homes. Arthur’s research provided a blueprint for understanding how the authentic voice of the child (in terms of Article 12 of the UNCRC) can be elicited and understood to inform their treatment within the youth justice system. In 2018-2019 the UK Parliament Human Rights Joint Committee employed Arthur’s research-led contribution on children’s perception of unfairness, broken spirit, and traumatisation, to underpin their recommendations on regulating staff-to-child relations, determining that the use of restraint *‘is counterproductive for children’s rehabilitation ... it harms children, it harms staff, it undermines the objectives of detention, and contributes to a vicious circle of problems... The use of restraint upon children can amount to inhuman or degrading treatment which is a breach of children’s rights’* [E5, conclusions 2 and 9, pages 32-33].

In 2019 Arthur also contributed to the Youth Justice Board’s (YJB) consultation on the standards for children in the youth justice system [E6]. The new standards took effect on 1st April 2019. Arthur’s contribution (drawing from R3) emphasised the clear link between young people in YJS feeling they are rendered voiceless and the negative impact this has upon their rehabilitation and reintegration [E7, p6]. Arthur’s recommendations are reflected in the 2019 standards where new requirements to *‘check for understanding’*, *‘evidence’*, and to ensure *‘recording of their understanding’* [E7, p21] have been added. This obligation to actively check and record creates a much-improved level of accountability that replaces the weaker and unmonitored previous standards which asked only that the child’s *‘level of understanding’* should be considered in reports alongside multiple other factors including *‘risk, needs and protective factors... CPS information... previous convictions, likelihood of reoffending, etc’* [E7, p77].

5. Sources to corroborate the impact (indicative maximum of 10 references)

Ref.	Source of corroboration	Link to claimed impact
E1	Testimonial - Ann Haigh, Deputy Centre Manager-Aycliffe Secure Services	Benefits of the increased engagement of children for staff, and consequent new job role and change in curriculum
E2	See [R4] – research showing results from compiled data sets and evaluations from two sets of week-long workshops	Benefits of the creative activities and Diamond9-led collaborative workshops for children’s agency and self-expression
E3	Office for Standards in Education, Children’s Services and Skills – Full Inspection Report, Aycliffe Secure Children’s Home – report ID SC035648 September 2019	Official report showing the improvement at Newton Aycliffe between 2017-2019 to ‘outstanding’ level with particular mention of improvements in child engagement and staff-to-child relations
E4	Testimonial - Ben Hannifin, General Manager of Youth Justice Residences at Oranga Tamariki-Ministry	Guiding youth justice strategy, workforce training, and policy development for all four New Zealand SCH
E5	Joint Committee on Human Rights Youth Detention: solitary confinement and restraint Nineteenth Report of Session 2017–2019	Role of Northumbria research informing policy understanding and discussions
E6	Letter - Colin Allars, Chief Executive - YJB England and Wales	Role of Northumbria research informing policy understanding and discussions
E7	YJB document compilation	Role of Northumbria research informing policy understanding and new standards