

# WORKING WITH YOUNG WOMEN AND GIRLS IN CONFLICT WITH THE LAW

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SCCJR

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for Crime &  
Justice Research



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of Glasgow

# Overview

## Working with girls and young women: 'Between two stools'

### The Scottish context

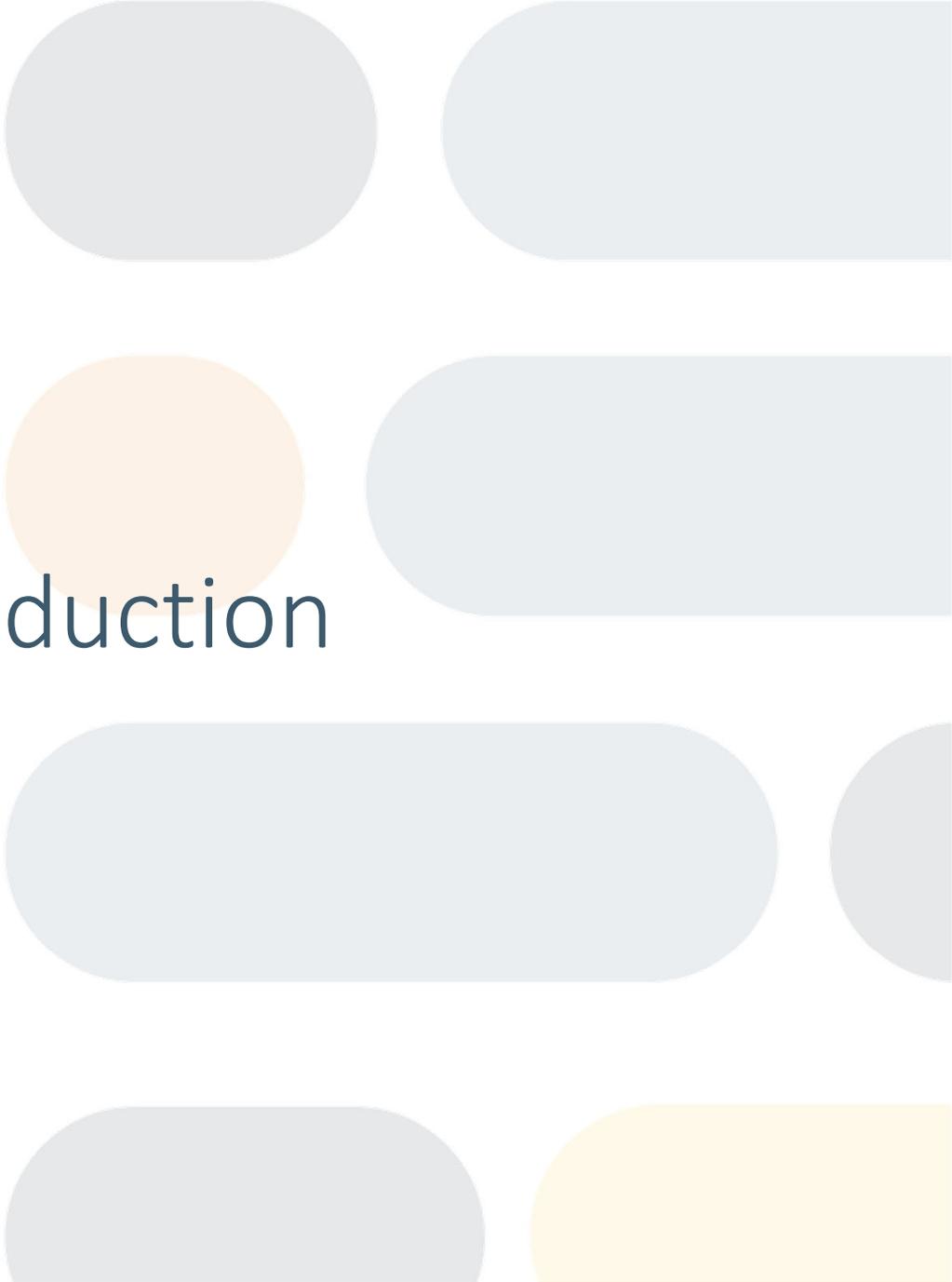
- The Children's Hearing System
- Girls, young women and the youth crime drop

### Recent developments in Scotland

- GIRFEC: Getting It Right For Every Child
- WSA: The Whole System Approach to young offending
- Equally Safe: Preventing and eradicating violence against women and girls
- NTPP: The National Trauma Training Programme

### Current research: engaging with practitioners

- Working with girls and young women in contact with the justice system
- Working with girls and young women in community settings



# Introduction

# Working with girls and young women in Scotland: Between two stools

The 'problem' of girls and young women

Increased reporting, recording and prosecuting of young women, esp those accused of violent offences

Attributed to changing *responses* to young women's violence and disorderliness

An invisible minority in policy and practice

Perceived to be a difficult group to work with

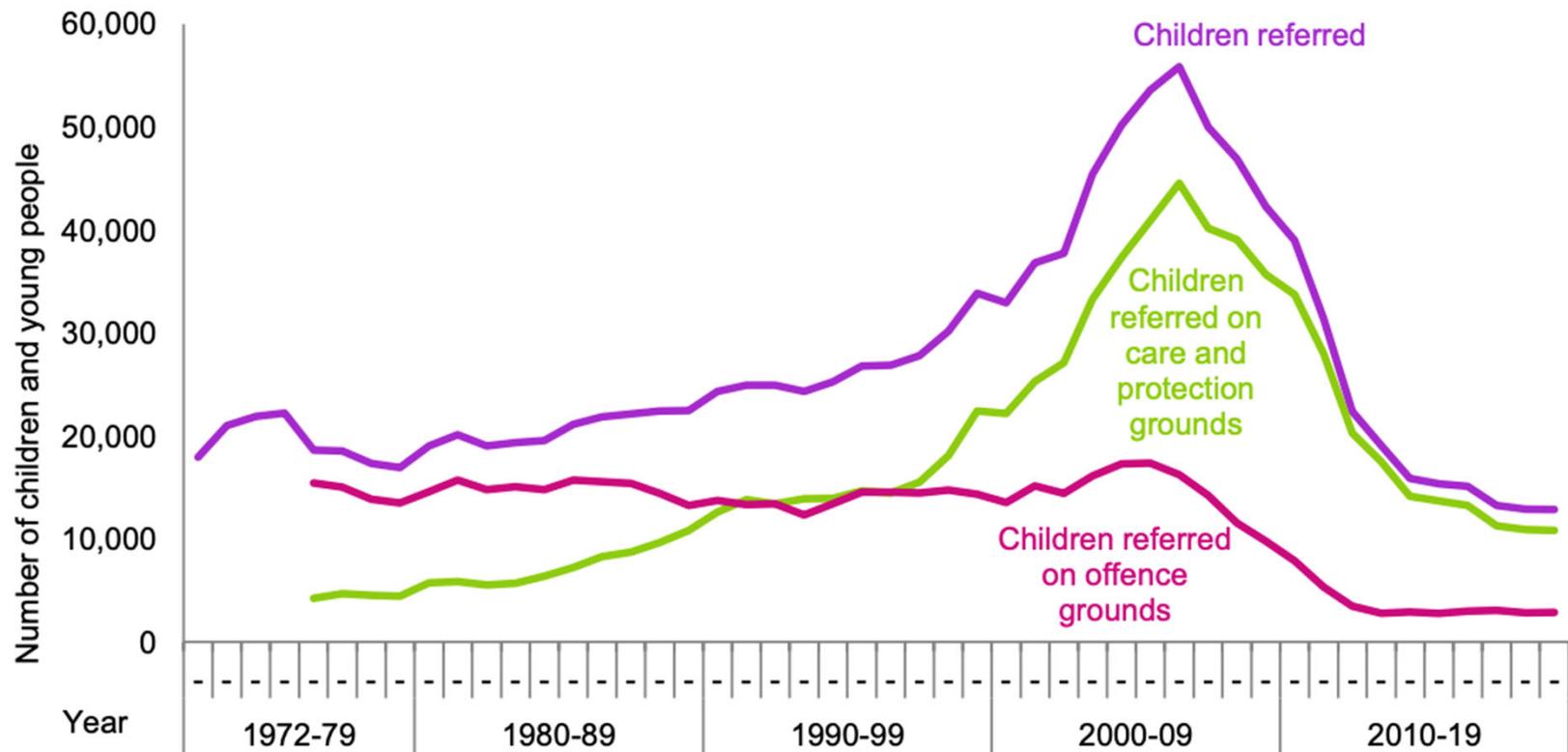
'Emotionally unstable' and 'vulnerable to exploitation'

# The Scottish Context

# The Children's Hearing System (1971)

- Juvenile courts replaced by Children's Hearings, which deal with both children in need and children who offend
- Lay tribunal of three Panel members, supported by a Children's Reporter, who make decision as to whether compulsory measures of supervision are required and, if so, whether any conditions should be attached (e.g. secure care)
- Takes an integrated and holistic approach to care and justice, in which child's best interests are paramount consideration
- Built upon the principle that children and young people who offend, as well as those who require care and protection, should equally be considered 'in need'

# Children and young people referred to the CHS in Scotland, by year\*

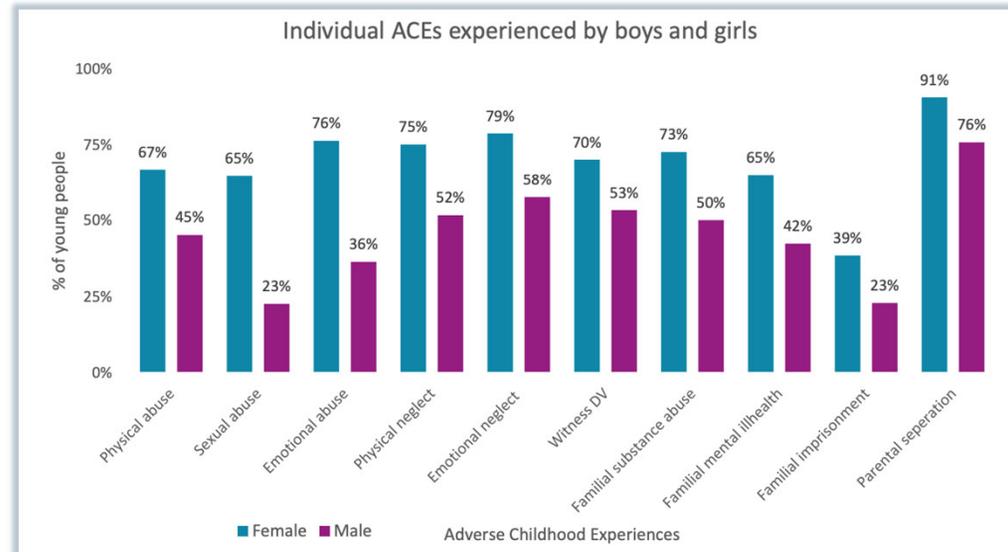


\* please note that offence and care and protection splits are unavailable prior to 1976.

# Girls and young women in secure care

Increasing use of  
secure to meet needs/  
respond to risk of girls

Girls assessed as  
encountering ACEs at  
much higher rates  
than their male peers  
(Gibson 2020)



*‘Gendered ideas of difficulty, and of vulnerability and perceived neediness for care and protection, appeared to drive patterns of action – whether conscious or not – towards longer stays in state custody and towards risk-averse decisions. It appeared that this population of young women was viewed as more vulnerable than young men, impacting upon the ways in which they are treated.’ (Crowley 2021)*

# Recent developments

# Getting It Right For Every Child framework GIRFEC (2005)

An overarching strategy which unifies and coordinates policies, services and programmes for children and young people in Scotland, GIRFEC

- is child-focused - it ensures the child or young person (and their family) is at the centre of decision-making and the support available to them
- is based on an understanding of the wellbeing of a child in their current situation - it takes into consideration the wider influences on a child or young person and their developmental needs when thinking about their wellbeing, so that the right support can be offered
- is based on tackling needs early - it aims to ensure needs are identified as early as possible to avoid bigger concerns or problems developing
- requires joined-up working - it is about children, young people, parents, and the services they need working together in a coordinated way to meet the specific needs and improve their wellbeing

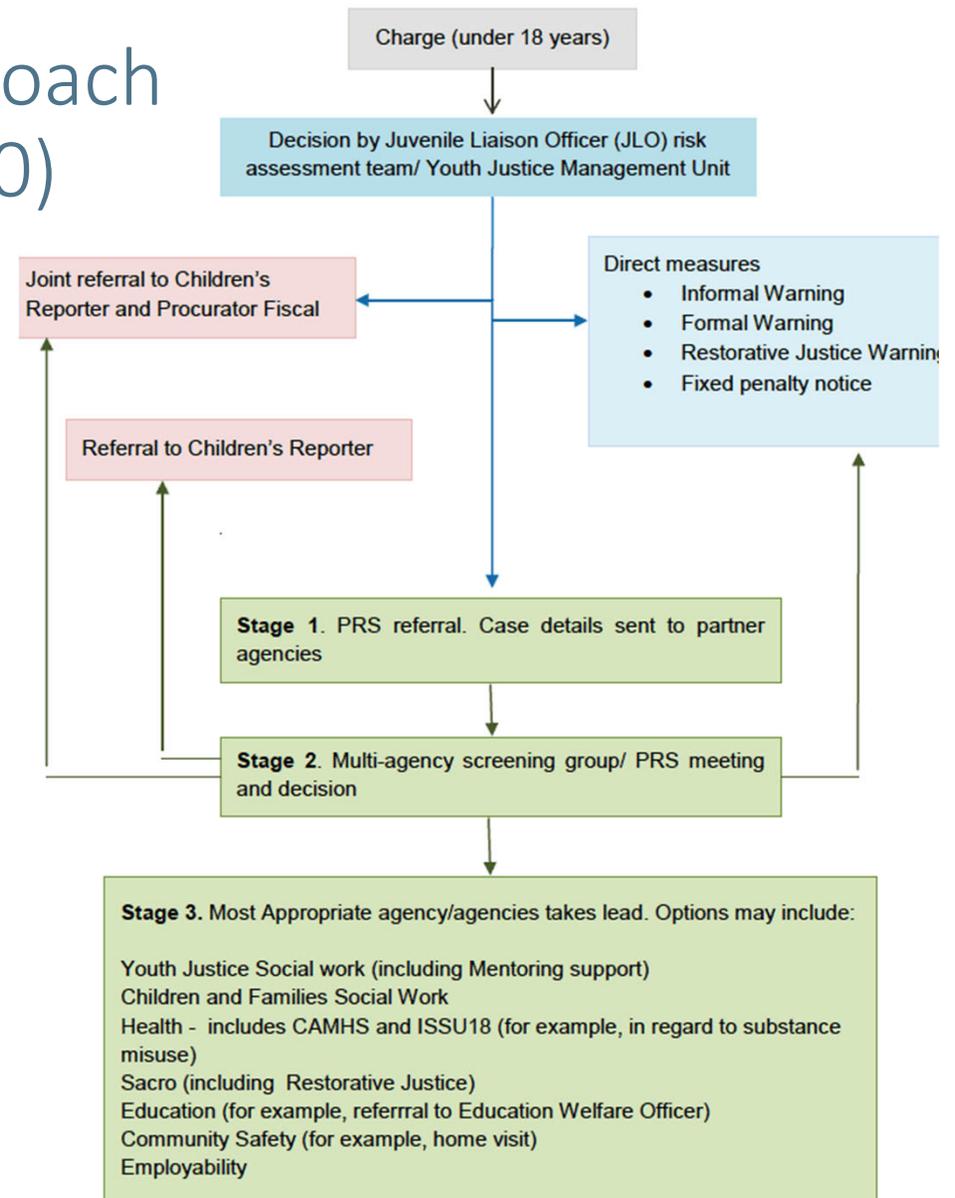
# The Whole System Approach to youth offending (2010)

The WSA was designed as a new way for agencies to work together to keep young people (up to the age of 18) out of the criminal justice system, avoiding labelling and using early intervention as quickly as possible

Intended to ensure that only those who really need formal measures – such as compulsory supervision by the Children’s Hearing System, prosecution, secure care or custody are taken through such a process

Three main policy strands:

- Early and effective intervention
- Diversion from prosecution
- Reintegration and transitions



# Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls (2014, 2016, 2018)

## Vision

A strong and flourishing Scotland where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse – and the attitudes that help perpetuate it

## Aim of Equally Safe

To work collaboratively with key partners in the public, private and third sectors to prevent and eradicate all forms of violence against women and girls

## Priorities

Scottish society embraces equality and mutual respect, and rejects all forms of violence against women and girls	Women and girls thrive as equal citizens – socially, culturally, economically and politically	Interventions are early and effective, preventing violence and maximising the safety and wellbeing of women, children and young people	Men desist from all forms of violence against women and girls, and perpetrators of such violence receive a robust and effective response
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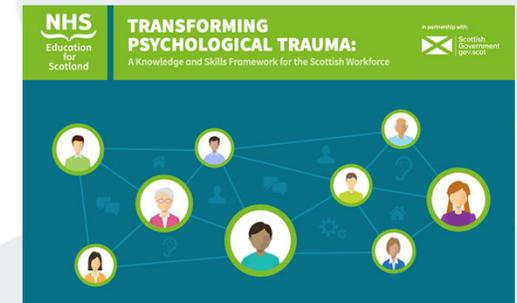
## Objectives

Positive gender roles are promoted	Women and girls are safe, respected and equal in our communities
People enjoy healthy, positive relationships and children develop an understanding of safe, healthy, and positive relationships from an early age	Individuals and communities recognise and challenge violent and abusive behaviour
Women and men have equal access to power and resources	Justice responses are robust, swift, consistent and coordinated
Women, children and young people access relevant, effective and integrated services	Men who carry out violence against women and girls are identified early and held to account by the justice system
Service providers competently identify violence against women and girls, and respond effectively to women, children and young people affected	Men who carry out violence against women and girls change their behaviour, and are supported to do so
Women, children and young people's voices are heard and their rights respected	Relevant links are made between the experience of women, children and young people in the criminal and civil justice systems

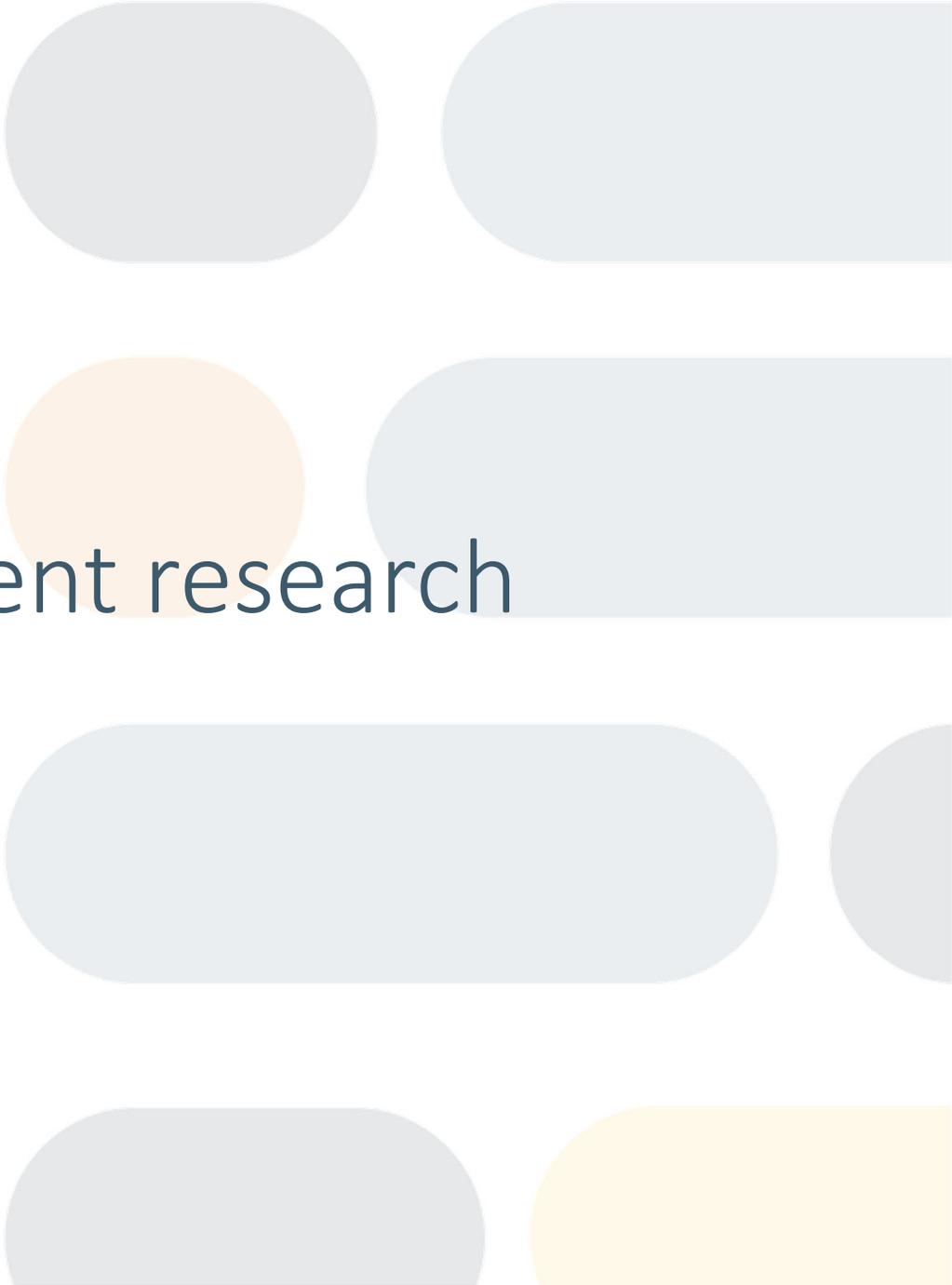
## National Outcomes

We live our lives free from crime, disorder and danger	We have tackled the significant inequalities in Scottish society	We have strong resilient and supportive communities where people take responsibility for their own actions and how they affect others	Our children have the best start in life and are ready to succeed
We have improved the life chances for children, young people and families at risk	Our public services are high quality, continually improving, efficient and responsive to people's needs	We realise our full economic potential with more and better employment opportunities for our people	We live longer healthier lives

# The National Trauma Training Programme (2018)



- Scotland was one of the first countries to develop a robust Knowledge and Skills Framework for Psychological Trauma
  - Published in 2017, this framework lays out the knowledge and skills needed by the Scottish workforce to ensure that the needs of children and adults who are affected by trauma are recognised, understood and responded to in a way which recognises individual strengths, acknowledges rights and ensures timely access to effective care, support and interventions
- In 2018, the Scottish Government established a National Trauma Training Programme to implement this framework and to support all sectors of the workforce to upskill staff in trauma informed practice, as well as to embed and sustain this model of working
  - The programme of work is being led by NHS Education for Scotland and informed by people with lived experience, to create and deliver quality training resources



# Our current research

# ACES, trauma, vulnerability and risk: a critique

Awareness of the impacts of adversity and trauma on young people's lives and psychological development – applies to individual-level contact, as well as to the level of systems and services

Wide take-up across sectors, but limited evaluation and expanding critique (Batchelor et al. 2019):

- Much still to be learnt about definitions, conceptual understandings, methods, outcomes, practice changes, overall benefits
- Less concern with socio-political structural systems - more narrow focus on institutional, intra-organisational, and interpersonal factors
- Decontextualisation - erasing agency and subjectivity

Vulnerability more often accentuated for girls and young women, resulting in more girls and young women placed in secure accommodation for their own safety – hence having their liberty restricted by being identified 'at risk' rather than 'a risk'

Girls and young women often firmly reject this view of themselves as 'vulnerable', positioning themselves as responsible for their own actions (Batchelor 2021)

# Working with girls and young women at risk/in contact with the justice system (Burman, Crowley & Robinson 2018)

Highly gendered work - done by women for young women and girls

24/7/365 nature of the work

Close contact with highly traumatised individuals/groups in an often volatile working environment ('trauma-saturated')

Expectations that staff will provide support, guidance, emotional scaffolding in the context of

- Contracting statutory and voluntary services - austerity, roll-backs, cuts
- Job insecurity, short-staffing, and long shifts common in this sector

Rewarding work but can be personally and professionally perilous (comes at a 'cost')

# The precariousness of relationships: contexts for vicarious traumatisation

Positive interpersonal relationships are key to effective working (Crowley 2021)

Relationship-based practice a cornerstone in working with girls/young women

- Discussions often elicit information about girls' lives, their involvement in the criminal justice system, the circumstances leading to their current offence or risk-taking, and their hopes and fears for their futures.
- Frequently reveal personal backgrounds characterised by multiple and intersecting instances of emotional trauma – from their histories of abusive relationships, experiences of loss and bereavement and also shame and guilt.

The effects of hearing about traumatic events can, in certain circumstances, have negative effects, not only on service providers but also on their colleagues, their families and the organisations in which they work, and affecting efficacy of service.

(Burman, Crowley and Robinson 2018)

# Working with girls and young women in the community (Batchelor, Ptolomey & Walters)



Unprecedented pressures impacting negatively on girls' wellbeing  
Related to gender inequality and stereotypes

- Academic achievement and perfectionism
- Everyday sexism and sexual harassment
- Sexualisation and social media
- Bullying and body image

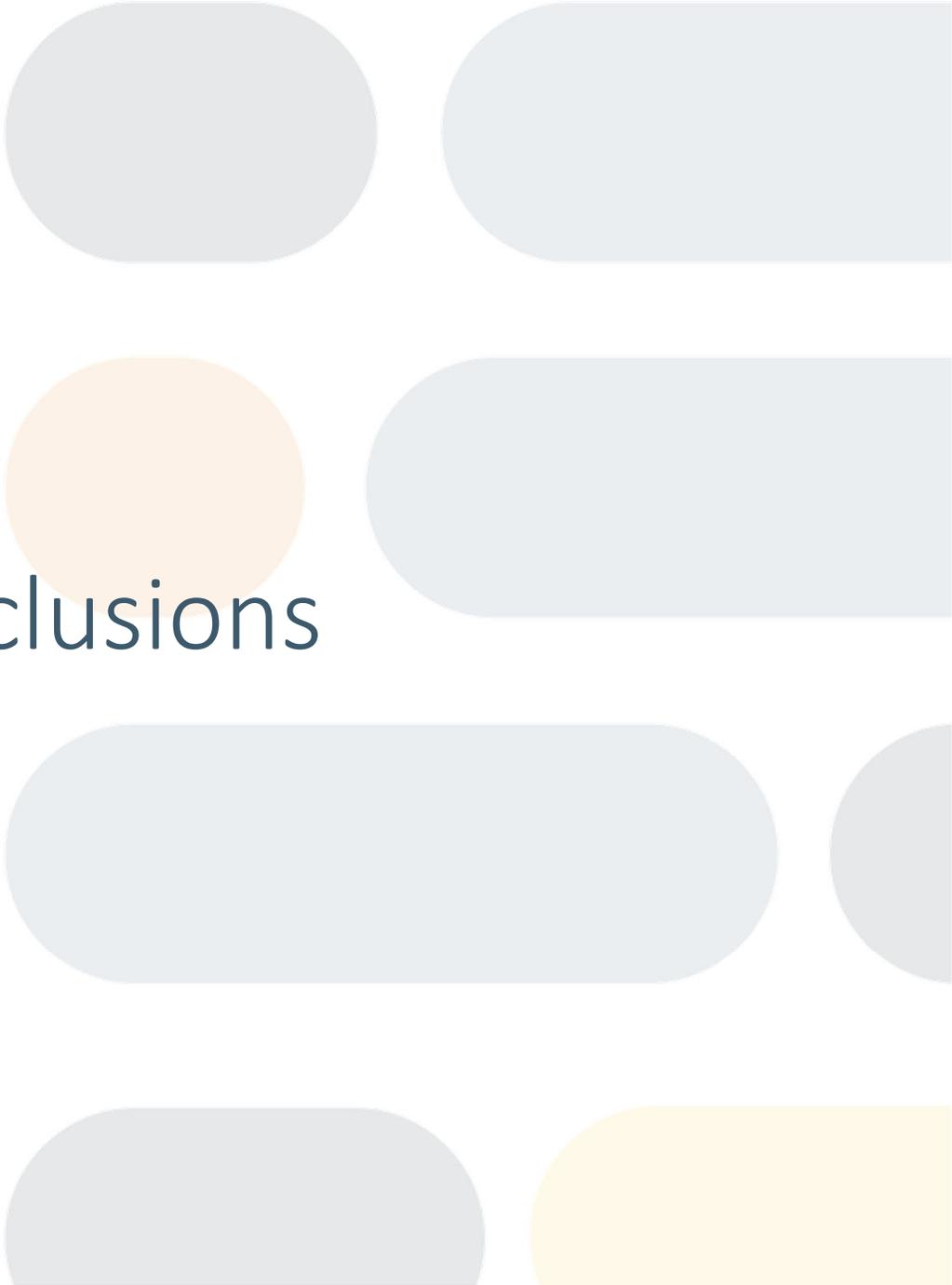


Improving support for girls and young women

- Safe spaces for girls to build **relationships** and develop a positive sense of personal agency, identity and belonging
- Strengths and **resilience** cultivated through relationships offering emotional and practical support

Promoting social activism and structural change

- Rather than adopting individualised empowerment frameworks, youth and community organisations adopted an explicitly **feminist agenda**, promoting development of collective narratives, political participation and **social activism**



# Conclusions

# Best practice with young women and girls?

Holistic and integrated

Needs and deeds

Relationship-based

Practical support

Trauma-informed

Strengths-based

Individual agency

Intersectional inequalities

# The case for feminist youth justice

Girls and young women who offend are commonly constructed as a vulnerable population, suffering from poor mental health and difficulties regulating emotions – stemming largely from traumatic histories of abuse

Within a risk-orientated paradigm, the target for intervention becomes the individual rather than society, with concept of gender stripped of structural and political significance (emphasis on psychological empowerment)

Over-attention to victimisation and trauma at the expense of:

- strengths and resilience
- structural disadvantage and social change

Need to develop a more holistic understanding of young women's lives, addressing both the gendered context of their offending as well as their individual and collective agency

## Further reading

Batchelor, S. (2021) Fighting like a boy? Victimization and agency in the lives of young women who offend' in M.A. Vogell and L. Arnell (eds.) Living Like A Girl: Agency, social vulnerability and welfare measures in Europe. Oxford: Berghahn Books.

Batchelor, S. and Burman, M. (2004) 'Working with girls and young women' in G. McIvor (ed.) Women Who Offend. London: Jessica Kingsley.

Batchelor, S. and Burman, M. (2009) 'The Children's Hearing System' in J. Johnstone and M. Burman (eds.) Youth Justice in Scotland. Edinburgh: Dunedin Press.

Batchelor, S., Armstrong, S. and Maclellan, D. (2019) Taking Stock of Violence in Scotland. SCCJR Research Report 03/2019. Glasgow: SCCJR.

Burman, M. and Batchelor, S. (2009) Between Two Stools? Responding to Young Women who Offend. Youth Justice 9(3): 270-285.



## Further reading

Burman, M. Crowley, A. and Robinson, R. (2018) Working with women and girls: researching experiences of vicarious traumatisation SCCJR Research Report 02/2018. Glasgow: SCCJR..

Crowley, A. (2021) Practitioner perspectives on working with young women in the criminal justice sphere: the importance of relationships.. SCCJR Scottish Justice Fellowship Briefing Paper. Glasgow: SCCJR..

Gibson, R. (2020) ACES, Places and Status: Results form the 2018 Scottish Secure Care Census. Glasgow: Centre for Youth and Criminal Justice.

Murray, K., McGuinness, P., Burman, M. and McVie, S (2015) Evaluation of the Whole System Approach to Young People Who Offend in Scotland. SCCJR Research Report 07/2015. Edinburgh: SCCJR.





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