

Working with Young Women and Girls

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Speakers:

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Rebekah Enoch: [00:00:06]

The International Symposium on Girls in Conflict with the Law is the work of the following organizations: The Dui Hua Foundation, a nonprofit organization that brings clemency and better treatment to at-risk detainees through dialogue; Patricia Lee, the managing attorney for the juvenile division of the San Francisco Public Defender's Office; Penal Reform International, a nongovernmental organization working globally to promote criminal justice systems that uphold human rights for all and do no harm; the Centre for Criminology and the Centre of Comparative and Public Law of the University of Hong Kong.

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Before we dive into today's topic, I wanted to just show you the previous webinars and let you know that on International Women's Day, March 8, we will be launching a public website where you can view all of the past webinars that you can see here and engage with the panelists, learn

more, and read more materials about the subject. I also wanted to tell you about the last webinar symposium that was just confirmed last week and represents the historic and unique opportunity to hear from representatives from the Supreme People's Court in China on the topic of girls in conflict with the law. On March 30th at 6:00 PM Pacific Standard Time, we will host a webinar with Mr. Jiang Jihai, director of the Juvenile Defender's Office of the Research Office of the Supreme People's Court of China, and Ms. Dai Qiuying, director of the Center of the Protection of Minors. We will send out a registration link in our follow-up email to this webinar. More details about the topic and a formal invitation will be sent out closer to the event.

Many of the previous webinars in the Symposium have illustrated the connection between abuse, whether it's physical, sexual, emotional, or a combination of multiple factors, and girls becoming justice-involved by committing a crime. We've heard from judges, lawyers, advocates, and scholars about how these factors contribute to the challenges of working with justice-involved girls and to the urgency of building a criminal justice system that is responsive and sensitive to those same factors.

I would now like to introduce our two panelists today who will draw from their in-depth experience and research working in the field, present on Scotland's distinctive approach to young people who offend, discuss the challenges of working with justice-involved young women and girls, provide insights into best practices for working with young women and girls, and develop a case for feminist youth justice, Dr. Susan Batchelor and Dr. Michele Burman.

Dr. Susan Batchelor is the senior lecturer in the School of Social and Political Sciences at the University of Glasgow based in the Scottish Centre for Crime and Justice Research. Her research interests center on the intersection of girls, gender, culture, and crime, and most of her publications relate to young women and violence. For the last four years. She's been involved in supporting the work of Girlhood Gang, a group of feminist social scientists interested in the experiences, identities, and perspectives of young women and girls.

With a background in sociology, psychology, and law, Dr. Michele Burman is a feminist criminologist with longstanding research interests in young women and violence, and in responses to gender-based violence. Michele is a professor of criminology at the University of Glasgow and a founding co-director of the Scottish Centre for Crime and Justice Research across institutional partnership between four Scottish universities. Michele was co-editor-in-chief of the *International Journal of Criminology and Criminal Justice* from 2015 to 2020. Michele has published widely on criminal justice responses to rape and domestic abuse, on the punishment of women, and on young women and violence. She's held over 30 research grants from a range of prestigious funders and has provided research-based advice to criminal justice policymakers and practitioners over many years. In recognition of her work, Michele was appointed a fellow of the Royal Society of Edinburgh and a fellow of the Academy of Social Sciences. She was made a commander of the British Empire and on the Queen's birthday list in 2019 for services in criminology. Thank you both so much for being here and now I hand the floor to you.

Susan Batchelor: [00:04:53]

Thank you, Rebecca, and good afternoon, everyone, and depending on when you're joining us from, good morning. My name is Susan Batchelor and, as Rebecca mentioned in her introduction, I'm a senior lecturer in the Scottish Centre for Crime and Justice Research at the University of Glasgow, where I've worked alongside my colleague Michele Burman for the past 15 years. In fact, Michele was the supervisor of my PhD project on young women imprisoned for violent offenses, prior to which we worked together on the Girls and Violence Study, a research project on ordinary girls and their views and experiences of violence.

Around 10 years ago, Michele and I published a couple of papers together on the challenges of working with girls and young women in conflict with the law, and that's the work that we want to revisit today. At that time, very little was written about the distinctive challenges of working with girls within the criminal justice context, although emerging evidence on the efficacy of

gender-specific programs was emerging in relation to adult women who offend, particularly in North America. Much has changed in the interim, both in terms of the evidence relating to girls and young women, but also in terms of wider policy and practice development, some of which we intend to reflect upon today. Given our paper's intended for an international audience of researchers and practitioners, we're going to spend some time today introducing Scotland's distinctive approach to young people who offend, the children's hearings system, as well as reflecting on recent developments that have implications on the ways we work with girls and young women who've been drawn into the justice system in Scotland. In doing so, we'll trace the development of welfare-based approaches to working that are trauma-informed and underpinned by a feminist understanding of gender inequality, before reflecting on how these themes are critically developed in our current research with practitioners, both in the justice system and in the community.

So, to begin with, I'm going to spend a few minutes revisiting Michele and I's previous research in order to provide a little bit of background context on the challenges of working with girls and young women. So, our work in girls and young women was developed largely in response to a perceived increase in their offending, presented in the media in very sick, stereotyped ways, often characterized as a direct result of feminism and the supposed emancipation of girls and young women who were seen to be behaving in increasingly masculine ways. This concern was to some extent substantiated by the official statistics, both in Scotland and across western jurisdictions more generally with increased reporting, recording, and prosecuting of young women, especially those accused of violent offenses. This, in turn, resulted in growing numbers of young women within youth and adult justice systems, both within the community and secure or custodial settings. Such young women were perceived as a problem largely as a result of their distinctive needs which were not being met within a system dominated by and designed for men. We refer to girls' marginalized position within the system as falling between two stools, that is between responses to youth offending that focused primarily on young men, ignoring gender, and policies in relation to women offenders which fail to differentiate between older and younger women, thereby ignoring each.

A gendered reading of youth problems shows that although young men and young women in trouble share a set of universal needs, most notably poverty and socioeconomic deprivation in Scotland, there are also key differences in terms of domestic expectations, behavioral issues, and associated risk factors, particularly child sexual abuse. Key features of gender-specific programs for female offenders include recognizing and addressing abuse issues as well as providing a safe space for them to participate in positive relationships. Young women not only differ from young men in terms of the routes towards and away from crime and criminalization, however, they also differ from adult women who offend, for example, in terms of the relative significance of peer groups with offending link to the search for identity versus other utilitarian motivations or stressors.

One of the key threads running through our joint work was the desire to interrogate gendered stereotypes relating to girls and young women who offend and trace their effects in terms of policy and practice. Given the multiple deprivations that so many women take with them into prison, it's perhaps unsurprising that policies, services, and programs, which have been developed for women, have tended to focus on their status as a victim. This has tended to result in the medicalization and pathologization of female offenders within policy discourse, reinforcing an image of the female offender as dependent and responses which emphasize empowerment over the broader context of limiting social and structural conditions. Yet young women do not always fit the stereotype of passive dependent victims, meaning that in practice, they're often portrayed as emotionally manipulative, malevolent, and therefore, difficult to work with.

As a range of feminist scholarships has demonstrated, while welfare concerns have always dominated professional responses to girls in trouble, concerns to provide protection to girls have always been mingled with anxieties about the wildness and dangerousness of girls who are out of control. Consequently, girls and young women are now more likely to become caught up in the youth justice system as a consequence of gender inappropriate behaviors, such as

unsanctioned sexual activity, running away and willfulness, activities that question feminine stereotypes of passivity, chastity, and submissiveness.

Moving on then, the remainder of today's presentation will focus on what has changed since we wrote "Between Two Stools" in the Scottish context, pointing to some major policy and practice developments. I'll begin, however, by providing a cursory introduction to that context and Scotland's distinctive welfare-based system.

So, the key feature of the approach to use just in Scotland that I want to emphasize today is its grounding in welfare principles. This means that girls and young women who commit offenses and those who are in need of care and protection are dealt with within the same system in Scotland. This system is based on an acknowledgement that children who offend have key welfare needs that must be addressed, and likewise that children whose welfare needs are not being met are often in danger of offending. The genesis of this approach lies in the report published by the Kilbrandon Committee in 1964, which in turn formed the basis for the Social Work Scotland Act in 1968 and the establishment of the children's hearings system in 1971.

The hearing itself is a lay tribunal of three panel members, a group of volunteers who represent a cross-section of the local community and who together make decisions about whether compulsory measures of social work supervision are in the best interest of the child. They're supported in this process by a children's reporter, a locally-based official. Most children and young people on a supervision requirement stay at home, but some supervision requirements include conditions, for example, about where a child or a young person should live. For example, whether they need to stay in secure accommodation.

As the following slide illustrates, the number of young people referred to the children's reporter on offense grows sort of just from a peak of around 17,000 in the mid to late 2000s, around the time that Michele and I were writing together, to under 3,000 in 2019 and '20.

These significant decreases can be attributed in large part to the increased focus in Scotland on early and effective intervention, which Michele is going to discuss further in a moment.

Between 2018/19 and 2019/20, the number of girls and young women referred to the reporter fell by almost 3%, and these changes occurred due to decreases for girls and young women referred both on care and protection grounds, and for offending, although the biggest decrease is related to offending, so about a 5% decrease in young women referred on offense grounds.

These downward trends and referrals to the system are really important to bear in mind when we look at the number of girls and young women being referred to secure accommodation in Scotland, which is somewhat contradictorily increasing. As will no doubt be familiar to this audience, both historically and internationally, girls and young women are more likely to be placed in secure accommodation for their own safety, having their liberty restricted for being identified at-risk, rather than because they are a risk.

Recent research carried out by Annie Crowley with practitioners in Scotland does show that there is much more emphasis on the vulnerability of girls and young women compared to young men. Gendered ideas of difficulty and of vulnerability and perceived neediness for care and protection appear to drive patterns of action, whether conscious or not, towards longer stays in state custody and towards risk-averse decisions, and this certainly seems to be supported by further and recent research carried out by Ross Gibson at the Centre for Youth and Criminal Justice in Scotland, who found that staff within the secure estate in Scotland assessed girls and young women as encountering adverse childhood experiences, or ACEs, far more often than their male peers as is demonstrated in the bar chart on that slide.

So, I'll pass over to Michele now, who will offer some further background in the policy practice developments that lie behind these shifting patterns of referrals.

Michele Burman: [00:15:41]

Thank you, Susan, and thank you to Dui Hua for inviting us to give this presentation. As Susan said, in this next section, I'm going to briefly discuss some more recent developments that help to explain the changes we have seen and the shifting patterns in the numbers of referrals to the children's hearings system and the youth crime drop.

I'm going to talk about something called "Getting It Right for Every Child," or otherwise known as GIRFEC. Now, this is a Scottish national policy framework aimed at supporting the well-being of children and young people. It embeds the articles of the United Nations Convention on the Rights of the Child into practice and, hence, promotes a rights-based approach. It was developed as a new approach to multi-agency practice with the aim of improving outcomes for all children and young people in Scotland. So now, GIRFEC, which was introduced in 2005, is central to all government policies which support children and their families, and it's delivered through services and service providers who work directly with them.

GIRFEC is a way of working which focuses on improving outcomes by placing the child or young person at the center of all thinking, planning, and action. It applies to all services that impact on children and it places children and young people's needs first. It advocates that they're listened to and that they understand decisions which affect them. It aims to tackle any needs early in order to prevent problems developing later on, and it advocates and requires that they get coordinated help where this is needed for their wellbeing, health, and development. Now, GIRFEC requires multi-agency working and joined-up thinking to ensure the best outcomes. All services for children and young people like social work, health, education, police, housing, and NGOs, the third sector, are required to adapt their systems and practices to improve how they work together to support children and young people, which includes strengthening around information provision.

The second development I want to talk about is something that we call the "whole system approach" to youth offending. Now, our changing government in 2007 in Scotland led to quite a

shift in tone and emphasis in national youth justice policy with more effort and resources directed towards early intervention to prevent offending, and diversion to get people out of the justice system as part of their strategies for youth justice were placed within the context of wider children's policy and children's rights. Now, the whole system approach introduced in 2010 is Scotland's national program for addressing the needs of young people up to the age of 17, who are involved in offending. Now, importantly, it's underpinned by GIRFEC, that I spoke about in the previous slide, which aims to ensure that support for children and young people puts their and their families' needs first. Like GIRFEC, the whole system approach works across all agencies and involves putting in place streamlined and consistent planning assessment, and decision-making processes for young people who offend, ensuring they've received the right help at the right time. The ethos of the whole system approach is similar to that of the children's hearings system referenced earlier by Susan, that many young people involved in offending behavior could and should be diverted from statutory measures, prosecution, and custody through early intervention and the use of robust community alternatives.

So, the whole system approach provides a single holistic approach to working with young people who offend. It includes importantly early and effective intervention, offering support and advice to young people in order to address needs and change behavior, diversion from prosecution where the needs and risks of the young person may be addressed outside the criminal justice system, robust alternatives to secure care and custody where young people's risks and needs can be managed in the community, effective risk management measures by partners through the children's hearings system as opposed through the criminal system, and encouraging cases to be dealt with through the children's hearings system rather than through criminal justice.

Now, research undertaken by myself and colleagues in 2015 revealed that the whole system approach has definitely supported more streamlined planning, assessment, and decision-making processes for children and young people who come into conflict with the law. This

includes diversion from statutory measures, prosecution, and custody through early intervention.

Whilst not specifically concerned with youth justice, we thought it important to draw attention to Equally Safe, Scotland's strategic framework for preventing and eradicating violence against women and girls in order to demonstrate the important history of feminist policy within Scotland, and Scotland's explicit acknowledgment of the impact of structural gender inequality on the lives of women and girls.

Now, some of you may know that Scotland is recognized internationally as leading the way in promoting gender equality as a means to challenge and eradicate violence against women and girls. The Equally Safe strategy, which was introduced in 2014 and subsequently updated twice in 2016, and most recently in 2018, focuses on the need for prevention of violence and its priorities are achieving greater gender equality, intervening early and effectively to prevent violence, and maximizing the safety and wellbeing of women, children, and young people, and tackling perpetrators of violence effectively. Like Scotland's other strategies, Equally Safe is premised on joined-up thinking, promoting a shared understanding of violence against women and girls, the impact of such violence on women and girls who experience it as well as children and young people who are affected by it, the causes of such violence, the scale of the problem in Scotland, and the risk factors which increase vulnerability to the abuse of young women and girls.

Scotland, like many other jurisdictions in the world, has adopted a trauma-informed approach, which incorporates awareness of trauma or its impact. In Scotland, this has had the effect of galvanizing institutions and policymakers in many service sectors to consider invoking the concepts of trauma and adversities, as Susan referred to in the slide on the ACEs in policy and practice, it's rapidly taken hold across many sectors in Scotland, and a trauma-informed approach has been incorporated into many aspects of organizational process and practice. Scotland is now considered everybody's business. So, we have a knowledge and skills

framework for psychological trauma, which lays out the knowledge and skills that are needed to ensure that the needs of children and adults who are affected by trauma are recognized, understood, and responded to in a way which recognizes their individual strengths and acknowledges their rights, and ensures timely access to effective care, support, and interventions, and we have a national trauma training program designed to implement that framework and to support all sectors of the workforce to upskill staff in trauma-informed practice.

So, that's a very, very brief overview of the wider policy and practice landscape in Scotland against which these changes in the overall picture of young women and girls in conflict with the law in Scotland can be placed, and in this next section, I'm very briefly going to move on to talk about our current research.

Now, the focus on ACEs has been welcomed in Scotland as elsewhere as helpful in understanding resilience and bringing a focus on the impact of trauma throughout the life course and crucially the factors that can enable people to thrive despite adversity and trauma, and it's heartening that there has been so much enthusiasm for efforts to be more aware of the impact of trauma reflected in this introduction of trauma-informed services. That said, there has been relatively limited evaluations of these approaches, and also, in Scotland, as in elsewhere, a growing skepticism and critique of these approaches. So, for example, criticisms of the ACEs approach refer to the tendency to conflate risk with outcome, and the emphasis on adversity within the family at the expense of wider structural inequities and inequalities. From a social science perspective, a danger of the ACEs approach is that it reduces the individual into an object who is subjected to experiences as opposed to a human being who interprets those experiences. ACEs, for example, do not consider the meaning of such experiences for the individual, thereby effectively erasing the unique agency and subjectivity of people affected in different ways by experience. A person's ACEs score is taken to be itself a marker or determinant of physical and mental health outcomes as if events affect everyone equally and in the same way, unmediated by subjectivity, consciousness, and individual psychic structure.

The discourse of trauma conceives of trauma survivors as a general category. Now, being called to feel concerned for a broad class of self-described survivors, we can be easily led away from specific questions about what structures and policies enabled this, and what must be done so it will not happen again. As we all know only too well, vulnerability is more often accentuated for girls and young women, as Susan was saying earlier, resulting in more being placed in secure accommodation for their own safety. And as Susan's research on victimization and agency in the lives of younger women who are offenders highlighted, within youth justice, this is reinforced by the risk factor paradigm, which reframes structural disadvantage as individual criminogenic need or risk. This approach contributes to an erasure of the gendered, racialized, and classed contexts of youth crime criminalization, and several feminist scholars have highlighted justice for girls has been narrowly conceived as the delivery of gender-specific programs designed to address personal histories of trauma and abuse, enhance girls' sense of self-efficacy and self-esteem, and help them develop and maintain healthy relationships, and in this way, gendered abuse and exploitation are reconstructed as the outcome of young women's own risky choices, rather than to structural inequalities and injustice.

I want to move now to talk briefly about research I'm involved with colleagues, both in Scotland and in the US, which focuses on some of the challenges for those who work closely with young women and girls who are at risk or currently in contact with the justice system. This research entailed interviews with 30 service providers working in both community and carceral settings in Scotland, including secure accommodation in prisons, and I wonder how much of what I'm going to say now will reflect your own experiences of working with girls. As you know, for the most part, this is highly gendered work. It's done by women for women and young girls. For many workers, the work takes place 24/7/365 days of the year. It's very grueling work, but as many service providers told us, it can be extremely rewarding work.

Young women and girls in or at risk of contact with justice are widely considered to have experienced high levels of victimization, abuse, loss, bereavement, and trauma. These

traumatic life experiences typically shaped their pathways into crime and/or risk-taking behavior. Work with both young women and girls in both community and carceral settings tends to involve close contact with traumatized individuals or groups often in what may be described as volatile working environments, typically trauma saturated, and where the emphasis is on understanding and working through that trauma. There's expectations that staff will provide support guidance and emotional scaffolding in this work, but certainly, this work in Scotland is carried out within the wider context of contracting statutory and voluntary services. Following years of austerity, we've seen spending cuts which have led to gaps and inadequacies of provision, and the constant concern over sustainability of projects and smaller organizations that work with young women and girls. Unrelatedly, it's a sector where there is job insecurity, short staffing, and long shifts; and COVID, of course, has exacerbated this. So, it's rewarding work, but it can be personally and professionally perilous. It comes at a cost.

It's well-established in the research literature that developing and sustaining positive relationships are key for effective working with young women and girls. Relationship-based practice is a cornerstone for effective working. It's a key to enabling young women to engage properly in work that's intended to address their needs, and such practice assists with both therapeutic and practical concerns; for example, helping to rebuild or maintain strong prosocial bonds helps young women gain insight into ways of resolving conflicts. It can address their current living or health conditions, and the development of strong relationships requires an ethos on practice of commitment and has often involved the personal and empathic engagement between the service provider and the individual young woman or girl.

In the building of relationships and the provision of support and services offered to young women and girls with whom workers are in close contact, discussions often take place which elicit information about girls' lives, their involvement in the criminal justice system, the circumstances leading to their current offense or risk-taking, their hopes and fears for the future. These discussions with young women and girls frequently reveal personal backgrounds characterized by multiple and intersecting instances of emotional trauma from their histories of

abusive relationships, their experiences of loss and bereavement, and also often from the shame and guilt they may feel associated with their lawbreaking. Yet importantly, the effects of hearing about and working through the impact and consequences of traumatic events and experiences can, in certain circumstances, have really negative effects, not only on the service providers' personal lives, but also on their colleagues, their families, and the organizations in which they work their professional lives as well.

So, our research focuses upon vicarious traumatization, a form of manifestation of psychological distress as it may be experienced by those working with girls and young women in criminal justice settings. Vicarious trauma is different to burnout or compassion fatigue. It's a process that takes place over time. It's a developing constellation of traumatic effects in someone who isn't a therapeutic or other helping role with individuals who've experienced trauma, though the helping professional has not directly experienced the trauma relating to the events under discussion, and from our research, we argue that the impacts of vicarious trauma may be exacerbated by, on the one hand, demands or expectations of delivering such work, but also importantly, by having to deliver this work in a trauma-informed manner, and through our research, we are calling for more durable, sustained, and meaningful strengthening of supports for staff at both personal, organizational, and also at structural levels in order to build vicarious resilience within and across services for this group.

Sorry. I'm going to hand over now to Susan to talk about working with girls and young women in the community.

Susan Batchelor: [00:33:39]

Thanks, Michele. So, as Michele has intimated, whilst the recent emphasis on ACEs and trauma is to be welcomed in terms of highlighting the relationship between victimization and offending, criticisms of these approaches relate to the tendency to conflate risk with outcome and the emphasis on adversity within the family at the expense of wider structural inequities

and inequalities. In addition, the development of policy and practice for women who offend has tended to draw on research with the more serious or violent female offenders to promote interventions that link offending and associated problems to individualized experiences of trauma without adequate attention to girls' and young women's strengths and resilience, nor the established expertise of allied professionals out with criminal justice.

So, one recent project that I've been involved in attempts to address this gap, focusing on ordinary or typical girls, and exploring key features of girls' work in the community in Scotland, from the perspective of practitioners and professionals. This ongoing study aims to gather insights into best practice for engaging girls and young women in community settings, and then use this to reflect on the implications for criminal justice policy and practice relating to this group.

Girls' work is a long tradition in youth and community work, in particular, unlike in criminal justice, ranging from early pioneers in the 1930s and '40s through second-wave-influenced feminist youth work in the 1970s and '80s. Whilst interest and funding in girls' work practice ebbed in the 1990s, there's been a resurgence of feminist youth work practice in the year since Michele and I wrote "Working with Girls" with traditional youth work organizations, like the Girl Guides and YWCA, adopting an explicitly feminist agenda, engaging girls and young women in campaigns relating to body image, period, poverty, sexual harassment in schools, and political participation amongst others. Crucially, rather than adopting individualized frameworks for understanding girls' and young women's experiences, these organizations have promoted the development of collective narratives and social activism to overcome barriers, providing safe spaces for young women to build relationships and develop a positive sense of identity and belonging.

So, the current project with Amanda Ptolomey and Hannah Walters seeks to draw on this knowledge and expertise to identify the wider issues facing girls and young women at risk of

entering the criminal justice system and to develop an understanding of evolving best practice, paying particular attention to the role of feminist thinking and activism.

Moving onto our conclusions then, the specific needs of girls and young women have historically been ignored in criminal justice policy and practice, partly because they make up such a small proportion of the offender population. Following increases in crime and criminalization, however, there has been an increasing focus on identifying those risk factors that have a stronger association for women who offend, drawing on research with serious or violent offenders to promote interventions that link offending and associated problems to a life of abuse and trauma. Whilst this attention to the relationship between victimization and offending is to be welcomed, the individualized model of trauma adopted fails to take a kind of wider structural context on issues relevant to the lived experiences of girls and young women.

In addition to drawing on the integrated and holistic approach of the children's hearings system, in which the best interests of children and young people are the paramount consideration, and key features of gender-specific programs for female offenders which are relationship-based and trauma-informed, we argue that good practice and working with girls and young women requires the recognition of intersectional inequalities and barriers alongside young women's resilience and strengths. Poverty and deprivation are key features of the backgrounds of girls and young women in conflict with the law in Scotland, and these need to be addressed if we wish to reduce offending and improve the life chances of this group. This, in turn, necessitates a focus on social justice rather than criminal justice, and points to the value of community-rooted feminist youth work practice. In doing so, we need to be mindful of feminist critiques of welfarism and the net widening potential of protectionist concerns, which continue to drop vulnerable girls and young women into the system. Practitioners may intend to be helpful rather than punitive, but unfortunately, the outcome for girls is often much the same.

We conclude the presentation today, therefore, by making the case for a feminist youth justice, which supports girls' and young women's development by acknowledging the strengths and resilience alongside the structural disadvantage and associated experience of trauma and injustice. Agency and activism must be at the heart of such an endeavor, alongside durable, sustained, and meaningful strengthening of supports for staff. Thank you.

Rebekah Enoch: [00:39:20]

Thank you so much. It was really, I think, one of the most inspiring presentations that we've had, given the subject matter that we're dealing with, and while I can hear that both of you still have frustrations and areas where you can see more growth potential, that it sounds like there's so much positive happening in Scotland in terms of the reframing of the criminal justice system for young women. I was particularly interested in the community engagement aspect. It's something that in my own study of law, I saw as a sense of community responsibility and like the legal practice in Japan, and it felt like a gap to me in a lot of the western legal practices of that sense of community responsibility towards the offender and whether the community failed that person, and so much of what we've heard about from our previous panelists involves the social services and the safety nets, and the family structure, and a robust and healthy social services sector, as you've mentioned, to prevent some of these girls and youth going into crime from the beginning, and it sounds like you guys have had so much real progress there and a refocus on it, and as I've said, I'm sure you could see more room for growth, but it was really inspiring to hear the changes and the focus, and particularly the NGOs and community-based organizations that are allowed to be involved and are able to participate and really help with some of those services.

We definitely have some questions coming in, so I'm going to go ahead and check out some of them. Let's see. John Kamm, our CEO and founder, is asking about the Scottish model compared to other systems in other parts of the UK, and if you could kind of address the

differences, the wins, the losses, and how - what the comparison is really from your perspective.

Michele Burman: [00:41:17]

Well, there is very little scope for comparison across the UK jurisdictions. The children's hearings system, which is the kind of cornerstone of the Scotland's approach to the best interests of the child, is distinctive to Scotland. It's not replicated in the other jurisdictions. Elements of the whole system approach are replicated in some of the other systems, but not at the level of national strategy that we see in Scotland. So, Scotland is very distinctive, we think, in relation to its approach to youth justice.

Rebekah Enoch: [00:42:01]

Thank you. Another question that we have is: Does the Girlhood Gang engage in advocacy and how can we get these policies in front of politicians? I know that Susan is involved with the Girlhood Gang. I don't know if Michele has anything to add around that, but Susan, could you speak to that?

Susan Batchelor: [00:42:19]

Yes. So, I don't want to take the credit for Girlhood Gang, which is a feminist collective of social scientists that are led by my former and current PhD students who I am involved and supporting their work, am assisting them in getting funding and so on. So, these are a group of researchers whose PhDs are in the area of girlhood studies, but not specifically in the context of criminology or criminal justice. So, they're doing work – Amanda, for example, is doing work in relation to disabled girls. Hannah's looking at working class girls and sort of beauty education. Dawn is looking at girls and consumer culture. So, a lot of the work that they've done is broader than criminology and criminal justice, but they have been involved in a lot of events where

they're looking at the lived experience of girlhood and how that is mediated running film workshops, also working with groups of young women to develop zine-making, telling them to express their participation. So, if anybody's interested in Girlhood Gang, they are on the Internet and you can search them, and they've got their own website.

Rebekah Enoch: [00:43:35]

Thank you. We have a question from a previous moderator at one of our sessions, Judge Leonard Edwards, and he's asking, "How does the juvenile court fit into the Scottish legal social system and with regards to girls?"

Michele Burman: [00:43:54]

The children's hearings system proposed a move away from courts as places for adjudication. So, for those up to the age of 16, it's extremely rare that they would appear in the youth court, because their offending would - unless it was a schedule one offender, which is very serious offending, it would be dealt with entirely within the criminal - at the children's hearings system. So, we have really the youth court, as we call it in Scotland, is really only reserved for those who commit very serious crimes. Thankfully, there's not a lot of those. We're talking here about crimes like murder, or those aged 16 and 17 who are persistent offenders. So, the children's hearings system and the whole system approach has effectively diverted through this early event into early and effective intervention, diverted offending young people away from these formalized processes.

Rebekah Enoch: [00:45:15]

Thank you. I had a question about what Susan mentioned earlier in her presentation about community members volunteering to act as a panel. Could you speak more to how that works

and how the - just that whole process? I think it's a really interesting aspect, and we could learn a lot from that.

Susan Batchelor: [00:45:33]

I think both Michele and I are former children's panel members. So, the local Scottish Children's Reporter Association would put adverts out that will go in the national press to recruit for panel members within the local community and ordinary members of the community apply. They then go through a fairly rigorous training process and become appointed to a local panel, and then when children's hearings are arranged, three members of the panel will convene to have a discussion with the child and family, social work and any other relevant representatives, and those three panel members will make a decision about whether compulsory measures of supervision are required based on that discussion and also the reports that are being provided for the hearing.

So, children's panel members are not paid for participation in the system, and that's perhaps one of the reasons that the children's hearings system has such a longevity, in some senses, it's a relatively cheap form of justice, although they may be recompensed for loss of earnings and so on. Yes. So, to remain a panel's member, they have to attend regular training with their sort of local panel. Out of the panel, one - there has to be a gender balance, so there has to be at least one male and female on the panel, and out of the three members, one person will be the chair and they will be the person that's responsible for sort of convening the meeting and making sure that the notes are taken and the decision is recorded appropriately. Michele, I don't know if you want to add anything?

Michele Burman: [00:47:26]

No, I think that's summed it up. I think the - at the children's hearing, the panel itself, when it convenes, there are the three panel members, the lay tribunal, if you like, and then there is the

person that Susan described, the children's reporter who's a legally qualified official, the child and the child's family, and there may also be other people there. There may be people from education, from the school. There's often a social work person there that may be working with the child. There may be a police officer if it's an offense ground and so - and there may be someone from psychological or psychiatric Child and Adolescent Mental Health, depends on the issue. So, it's a kind of informal discussion with a range of representatives from a number of sectors with the child in the middle. Great efforts are given to try to incorporate the child's views to get the child to speak about his or her circumstances and wishes and so on during that meeting, but it's supposed to be a very supportive, a very kind of inclusive meeting to hear to determine the best interest of the child.

Rebekah Enoch: [00:48:45]

Right. It reminds me a little bit of - I was a volunteer as a guardian ad litem in our courts here and, obviously, towards a different direction, but I know my participation in that system, I found it very rewarding, but also very challenging to my heart, and I'm wondering, both of you said had served on as volunteers for these panels. How did you feel about that process? Do you feel like it was well-run, effective or are there any experiences you had that you would want to share?

Susan Batchelor: [00:49:17]

I generally find it a very positive experience. I mean, to be honest, as somebody coming from an academic background with a knowledge of some of the issues, I did - when I did the training about 20 years ago - find some of that quite challenging in terms of some of the attitudes of ordinary members of the public who sat in the panel, and that's the point that these are ordinary people from a range of different backgrounds, and of course, some people will be weaned out because of particular attitudes and so on. But, one of my concerns when I left the panel - and I just left the panel because I had my own children and less time - was that some of

the gendered natures of the decisions that were being made and the paternalism of some of the male panel members, many of whom in Glasgow are taxi drivers, for some [Laughter] reason, in terms of some of the decision-making in relation to girls and young women, but that probably reflects my own interests, but it's important to recognize that that was 15, 20 years ago, so things may well have changed since then.

Rebekah Enoch: [00:50:25]

Sure. We have just some general queries around the idea of COVID and how COVID may have affected the work that you're doing or what you see are the effects on the systems that you've been working on putting in place and anything around that that you guys would want to share in Scotland.

Michele Burman: [00:50:45]

One of the things that I would want to say that have been marked in Scotland and probably elsewhere is the strain that COVID has put onto small community-based organizations and projects that are delivering advocacy and support, therapeutic or practical support to young women and girls in contact with or at risk of being drawn into the criminal justice system. So, these organizations have had to really radically redesign and realign what they're doing. They can no longer provide face-to-face work, for example. They've had to really kind of shift the focus. Many have shifted from the delivery of therapeutic support to more practical needs around health, around food poverty for so long, and this is, I think - it's something I referred to earlier in the slides. What we've experienced here in Scotland, across the United Kingdom, in fact, has been a contracting of statutory and voluntary services over a long period of time due to a long period of austerity, funding cuts, spending cuts, rollback of services and so on, and so along with the contraction of statutory services, we've really seen the third sector stepping into that gap. So, they have done - they've been absolutely fantastic, but my concern is at what costs? They're inadequately funded as it is. They're having to - we're still in lockdown here in

Scotland. We're now in another phase of lockdown and we've got several more weeks before we think that we may even come out of it. So, this is still happening and it's been happening for over a year now.

So, my concern has been on this impact of these organizations who are absolutely vital for working with young women and girls, and keeping them out of the justice system, keeping them within the ambit of the children's hearings system, delivering all of this effective early intervention and support and relationship building and all of these kinds of things that we know that are absolutely vital for working with young women and girls. We have got real concerns around funding models that are associated with funding those groups. It's very uncertain funding. It's very short-term. It's very precarious.

So, I think my things, I would say, is COVID has really exposed some of these gaps in provision that have been there – obviously, were there before COVID. I mean, we've had this impact of the consequences of austerity for some time, but COVID has really exposed that and made that much, much more evident.

The other thing that I would say just very briefly is what it also exposed is the massive digital divide that we have in Scotland and I guess elsewhere, where some services have tried to move online to deliver their services via telephone or via digital technology that is being more or less accessible for different groups, and often young women and girls have not the resources to have their own Wi-Fi. They might have a phone, but they don't have enough phone top-ups and so on to continue that kind of ongoing work.

So, I think the effect on these - the grassroots community-based organizations, which often rely on volunteers as well as paid workers, and the exposure of these kind of more structural inequalities of which the digital divide is just one manifestation.

Rebekah Enoch: [00:54:40]

Yeah. What you've shared very much echoes what a lot of our panelists who've spoken to similar concepts have been speaking to, the challenges that COVID has created with - you mentioned relationship building as being so key to really addressing some of the issues and really getting any traction with the young women that you're working with and that the - also the access to services and again that digital divide, we've heard that from a lot of our other panelists, judges and lawyers involved in the system. So, it's a challenge that we're all - like you said, it's all being highlighted and hopefully some good will come out of it.

I guess that that's pretty much our time and I really appreciate all of what you both have shared about the experience in Scotland and it's been really, like I said, one of the most hopeful and I think there's so much to unpack here that we can learn from, and we'll be trying to pull out some of your recommendations and systems, and sharing that on the website, because there's a lot that could be learned and shared across with all of the panelists that we've been working with, who are working on similar - the same issue in different contexts, and I think there's a lot of learning that can happen there from what's working and where the challenges are that you've experienced. So, thank you both so much for that.

I want to remind you that we'll be sending out an – well, today we'll be sending out for everyone who've attended a follow-up email with a link to register for the next webinar on March 30th, again a presentation by the Supreme People's Court of China in Beijing, and the registration link is also posted in the chat feature right now. I also wanted to remind you that on March 8th, International Women's Day, we will be launching the public site for this symposium. It's at girlsjustice.org. Right now, it's unavailable, but when you go there, it will act as a virtual symposium for all the webinars that we've held previously. It'll be a space where we can watch the webinars and see our panel discussions, ask questions of the experts using the “start a conversation” button on each bio page for the panelists, and keep the dialogue going around this issue. If you subscribe to Dui Hua Publications, we'll be more easily able to tell you about other upcoming events, webinars, and let you know about the public launch of

girlsjustice.org. So, please subscribe if you want to stay in touch and I thank you all for joining us today.

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