

Childhood Policy Programme

Childhood Policy Panel Discussions

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Foreword

The British Academy's Childhood Policy Programme was set up to reframe debates around childhood in both the public and policy spaces, and to break down academic, policy and professional silos in order to explore new conceptualisations of children and young people in policymaking. Over the last 150 years, the experience of being a child in the United Kingdom has changed hugely in terms of how children are viewed, valued and cared for. During this period, policymaking and research relating to children have also undergone dramatic changes. This programme has investigated different aspects of these changes through a range of activities and outputs.

The programme centres on three key themes. These are:

- **Children's voice and participation:** Focusing on how children's voices can be built into policy, and how children's voices can most effectively be heard and acted upon by policymakers.
- **Rights-based approaches to policy coherence:** Developing a deeper understanding of what childhood policy could look like were a rights-based approach to be more central to policy formation, delivery, and enactment across the UK.
- **'Being a child versus becoming an adult':** Investigating how children are positioned in policy and exploring whether improvements could be made through altering the balance between the two perspectives of 'being' and 'becoming'.

In addition to these three themes, the programme has a focus on inequalities, which cuts across the themes, and it is underpinned by a commitment to examine all four parts of the UK and the differences within and between them.

As part of the programme, the Academy has published a series of childhood provocation papers, *Reframing Childhood Past and Present*, written by experts from across the SHAPE disciplines (the Social Sciences, Humanities and the Arts for People and the Economy). The provocation papers have provided an opportunity to explore a wide variety of important and challenging childhood policy topics.

To accompany the publication of the provocation papers, in 2020 the Academy held a series of four panel events exploring some of the topics raised in the papers. In each of these virtual events, participants heard from a panel comprising provocation authors, alongside other experts such as academics, policymakers, representatives from NGOs, and child-focused practitioners. Recordings of the events are available to view on the Childhood Policy Programme webpage.

The first of these panel events brought together different perspectives to consider the complex relationship between children and the digital world. Issues explored included the difficulty of policy keeping pace with fast-changing technologies, and the question of where the balance of responsibility for keeping children safe online should sit.

The second discussion explored children's engagement with the environments around them and included discussion on the diverse engagement children have with nature, the fact that children's experiences will be differentiated, also how there is a need to move beyond a narrow understanding of what constitutes child's play.

The third event focused on education and considered the question of whether it is possible to plan for children's futures. Speakers discussed how policymakers have sometimes struggled to fully grasp the complexities of teenager's lives, the tendency for policy to be made based on past patterns and experiences rather than on current circumstances, and how studies of the brain and behavioural development have implications for how children make educational choices.

The final discussion explored how children and young people accused of a crime should be treated within the justice system. Issues explored included the age of criminal responsibility, how children are 'constructed' by the law, and the need for a welfare ethos to be integrated within the youth justice system.

Each panel event saw a fascinating and wide-ranging conversation on the topic under discussion. The concept of children's voice and participation was a common theme in all four events, and there was considerable emphasis on the importance of listening to children and young people.

The summary notes of these panels contained in this report form part of our evidence base, and they – along with a number of other outputs – will be considered and synthesised within a final Childhood Policy Programme report, due to be published in 2022.

Perspectives on children navigating a digital world

On 25 June 2020, the British Academy hosted an online panel discussion which brought together different perspectives to consider the complex relationship between children and the digital world.

This event provided an opportunity to debate and discuss issues surrounding two of the provocation papers that accompany the programme, namely Professor Sonia Livingstone FBA's paper 'Can We Realise Children's Rights In A Digital World?' and Dr Amy Orben's paper 'Outpaced by Technology' which explore how our understanding of the implications for children of new technologies is currently outpaced by technological innovation.

The event was chaired by Dr Molly Morgan Jones, Director of Policy at the British Academy.

Speakers at the event comprised:

- Professor Sonia Livingstone FBA, Professor of Social Psychology, Department of Media and Communications, London School of Economics and Political Science
- Dr Amy Orben, College Research Fellow, Emmanuel College, University of Cambridge and Research Fellow, MRC Cognition and Brain Sciences Unit, University of Cambridge
- Baroness Beeban Kidron OBE, Founder and Chair, 5Rights Foundation
- Rhian Beynon, Assistant Director Policy & Campaigns, Barnardo's
- Professor Lorna Woods, School of Law, University of Essex

Provocation Speeches

Sonia Livingstone and Amy Orben opened the event by building on the arguments in their respective provocation papers.

Sonia Livingstone discussed how, while the full range of children's rights (as set out in the UN Convention on the Rights of the Child) apply to the online world, it is very challenging to apply them in a fast-moving, fast-innovating, globalised digital environment. Many platforms contain 'adult' themes – sex, gambling, hate, aggression – but the fact that it can be nearly impossible to identify who is a child online means that children's rights are not protected in these spaces, and children are essentially left to their own devices in online spaces designed for adults. Sonia raised the question of where the balance of responsibility for keeping children safe online should sit – should the onus be on children (and their parents and carers) to become safe, knowledgeable digital citizens, or the internet companies to protect children from harm? Sonia also spoke of how we are moving from a past of children's invisibility online to one where they are hyper-visible. A 'digital panopticon' exists in which children can be recorded, profiled, tracked, nudged and targeted by corporations and states. The consequences of this transformation are not yet known.

Amy Orben discussed the insights into children and the online world that can be gained from exploring reactions to past technologies. There are some similarities: reports from the 1940s spoke of children ‘addicted’ to the radio, of concerns they spent too much time doing this and the fears of parents who feel this new technology is something beyond their control. There are also differences, a key one being the speed at which online technology now develops and changes. The ability of research to keep up with rapid and accelerating online development is a challenge. Research, by design, is a slow-moving, rigorous, robust process. Also, funders and researchers may only turn their attention to a topic once there are already concerns, which can be too late. Amy spoke of ‘technological entrenchment’ and the difficulty of changing a technology after it is already widespread. This can mean that there is only a small time window for effective intervention with regards to a new technology.

Panel Responses

Rhian Beynon, Lorna Woods and Beeban Kidron then responded to the two provocation authors. Points put forward during this section include:

- Vulnerability is inherent in childhood, but aspects of the digital world, such as social media, create additional vulnerabilities for children at different life stages. Certain groups of children are particularly vulnerable, such as children in care, those who have suffered abuse, and those with mental health difficulties.
- Online technology offers many advantages to children, and during the recent lockdown many children have benefited from the support and socialisation the online world offers. However, this must be balanced against children being exposed to the many risks.
- The pre-internet regulatory framework which makes the distinction between publishers (who have liability) and platforms (who don’t) does not translate well online. Many internet services do not sit neatly in this framework, but instead inhabit a middle ground between the two. Social media companies, for instance, might not create the content on their platforms but they do design algorithms that determine who sees the content.
- Organisations have a duty of care to those who use their spaces, whether physical or online, and must design spaces in a way that mitigates the potential risks to those likely to use them. In the same way that a playground should have certain safety features, an organisation which creates an online environment that is aimed at or can be accessed by children should have a risk-identification and risk-mitigation strategy in their product design and in the operation of their services.
- Society shouldn’t be so quick to accept ‘new normals’, such as accepting that social media in its current form is here to stay. If a ‘new normal’ is harmful and producing poor outcomes for children, it should be possible for it to be challenged.
- Regulation should be seen as non-negotiable, not as an add-on. Also, regulation is a floor, not a ceiling: it outlines what is unacceptable, but it does not prescribe limits to how positive something can be. In this sense, regulation should not be seen as a hindrance to creativity and innovation.
- A cost/benefit framing that sets out the advantages and disadvantages of children’s engagement with the digital world only provides a partial picture. It is important to consider the bigger picture: what kind of world do we want to live in? What world do children deserve? What conditions will best allow children to flourish?

- “Freedom of speech” should not necessarily equate to “freedom of reach”: the right to speak does not give a speaker the right to access the maximum audience possible.
- Tech companies having the freedom to reach children partly in order to nudge and influence them – especially for commercial purposes – should not be something that is unquestionably accepted.

Actions and Policy Changes

During the final part of the event, panellists and participants discussed some of the topics raised and considered what changes are needed to ensure that children can engage with and flourish in a digital world.

Prioritisation: Honest and open conversations are required on the relative importance of aspects such as children’s mental health, their potential exposure to abuse, advertising revenue, and the freedom of platforms to distribute information (and mis-information). Only once the priorities have been clearly articulated can meaningful steps be taken towards improving children’s relationship with the digital world and moving towards the desired outcomes.

Children’s voice and participation: It is essential that children’s voices and perspectives are included in discussions on how the digital world can best meet their needs and keep them safe. The tech sector should be encouraged to work productively with children’s charities and other stakeholders on this.

Responsibility: Should the onus be primarily on children (and their parents) to become safe, knowledgeable digital citizens, or should primary responsibility sit with internet companies to protect children from harm? Expecting children to ‘defend’ themselves in an environment that has not been designed with them in mind does not feel like a fair environment. Parents, and vulnerable parents in particular, cannot be expected to keep up with all of the developments in technologies. Instead, the online world needs to be regulated: governments have a duty of care, and sanctions should be applied when rules are broken.

A multi stakeholder approach: Tech companies are largely organisations that have commercial interests at heart, rather than children’s interests or children’s rights, and some of these organisations have remained largely unaccountable. The challenge is to get the interests of these organisations and other stakeholders to align, within a more cooperative model than that which exists at present. Other stakeholders need to have strong ongoing dialogue with these organisations in order to understand how they operate, with policy circles actively encouraging such dialogue. Additionally, stronger and more open relationships between tech companies, policy makers and researchers, in terms of collaboration, data sharing and knowledge transfer, would enable research to better evidence the impacts of technology on children. A development of frameworks for such relationships could encourage rapid research into newly developing technologies while also balancing access to user data by researchers (or others) with the danger of imposing another layer of privacy infringement on the users.

Global perspectives needed: ‘Meaningful participation’ is vital. It is not enough to ensure that children in the Global South have access to laptops, for instance: they also need to have the necessary software, support and knowhow required in order to engage with the online world safely and meaningfully. Additionally, children in the Global South need to be able to have their voices heard in discussions on these topics that directly affect them.

Regulation: Self-regulation of the tech sector has not been successful, and there is a need for an online harms regulator, who can implement a robust package of sanctions when required. Additionally, a distinction needs to be made between regulating the system that lies beneath the content and regulating the actual content. In cases where an algorithm pushes harmful content to vulnerable children, the platform itself need to be held to account.

Perspectives on children's engagement with the environments around them

On 9 September 2020, the British Academy hosted an online panel discussion which brought together different perspectives to consider children's engagement with the environments around them.

This event provided an opportunity to debate and discuss issues surrounding two of the provocation papers that accompany the programme, namely Professor Peter Kraftl's paper 'Including Children and Young People in Building Cities' and Dr Nadia von Benzon's paper 'The Need for Nature in the National Curriculum'.

The event was chaired by Dr Molly Morgan Jones, Director of Policy at the British Academy.

Speakers at the event comprised:

- Professor Peter Kraftl, Chair in Human Geography, School of Geography, Earth and Environmental Sciences, University of Birmingham
- Dr Nadia von Benzon, Lecturer in Human Geography, Lancaster University
- Tim Gill, independent scholar, advocate and consultant on childhood, and author of *No Fear: Growing up in a risk averse society*
- Susan Aglionby, founder of Susan's Farm which offers a range of educational experiences for children and young people
- Judy Ling Wong CBE, poet, painter and environmentalist, best known as the Honorary President of the Black Environment Network
- Matt Larsen-Daw, Education Manager, WWF-UK

Provocation Speeches

Peter Kraftl and Nadia von Benzon opened the event by building on the arguments in their respective provocation papers.

Peter Kraftl discussed how, despite considerable urban growth in both the UK and elsewhere, and the existence of a UNICEF child-friendly cities initiative, children's voices and needs are often underestimated or ignored when urban spaces are being designed. Peter raised four provocations on this theme:

1. **Beyond 'independent' mobilities:** there has been a focus on children's independent mobilities (how far children travel by themselves) and concern over the reduction in this over the last few decades. However, this focus does not recognise the full complexity of children's movements, and the extent to which children do spend time outside playing and socialising either alone, with other children or with adults.
2. **More than (child's) play:** there is a need to move beyond a narrow understanding of what constitutes child's play. Planning for play is often limited to the inclusion

of a designated playground aimed at younger children, rather than embedding play throughout the urban environment. Children do still play in areas such as wastelands and building sites, and so this kind of play should be incorporated in new urban spaces.

3. **Valuing diverse urban knowledge:** children often possess deep and diverse urban knowledge from growing up in a particular space. This knowledge should be valued and taken into account in activities that attempt to engage children and elicit their views.
4. **Rethinking ‘natures’:** there have been efforts to create ‘green’ urban spaces (e.g. the Garden Communities initiative) however further thought is required as to what kinds of ‘nature’ are valued? Initiatives need to take into consideration the assumptions that can underpin the benefits of nature that we assume for children. Children’s relationships with nature can be complex and situated, and dependent on background and experience.

The above themes have implications for new (and existing) urban spaces in terms of: recognition of the diverse engagement children have with the spaces around them; consideration of the ways we can foster children’s meaningful participation; supporting diverse types of knowledge or critiques that children have about their environments; and the need to not consider children’s voices in isolation, but rather as part of intergenerational collaboration and conversation.

Nadia von Benzon discussed how opportunities for engagement with nature need to be strengthened through policy and curriculum-based recognition of the holistic benefits of nature and of being outdoors. Nadia spoke of the common discourse that children are increasingly disconnected from nature, often choosing to stay indoors doing screen-based activities, and also the discourse that contemporary children lack opportunities to engage with nature as compared to previous generations due to a lack of independence. However, also important is the extent to which children’s experiences of nature are differentiated: not all children experience nature in the same way, with aspects such as poverty, wealth and class as factors here. Also, discourses that posit children’s lack of access to nature as a contemporary and new phenomenon do not hold true. Rather, limited access to outdoor green space has been an issue for poorer urban children from the Industrial Revolution onwards.

Nadia outlined the manifold benefits that nature can offer children, as follows:

- Numerous physical benefits (exercise, gross motor skills, immune system)
- Excellent opportunities to develop skills such as risk-taking, decision-making, and problem solving.
- Formal learning opportunities, such as opportunities for cognitive development and hands-on learning, for example through ordering and categorising
- Children’s access to natural environments encourages the building of lifelong connections with nature, with research demonstrating that children with strong exposure to nature exhibit more pro-environmental behaviour when they’re older
- Mental health benefits from spending time in relaxing and restorative environments

As there are so many benefits to experiencing nature, there is huge therapeutic potential in outdoor green spaces being able to make a positive difference in the lives of young people. Nadia stressed that this is especially true for those children who have previously had limited opportunities to engage with nature.

Panel Responses

Tim Gill, Susan Aglionby, Judy Ling Wong and Matt Larsen-Daw then responded to the two provocation authors. Points put forward during this section include:

- There needs to be stronger recognition of the adverse effects of poor city design and planning on children around the world. Change has been slow in terms of creating places that meet the needs of children, and there is a need to strengthen the case for more child-friendly built environments. The number of children suffering, and sometimes dying, from factors such as air pollution and pedestrian deaths in car accidents, remains high. There are also equity issues, with poorer children adversely affected.
- Child-friendliness can be condensed into two dimensions: one of these consists of ‘things to do’ (playgrounds, seeing friends, contact with nature, etc) and the other dimension is children’s mobility (the opportunities children have to access what is on offer). A truly child-friendly city must fulfil both of these requirements.
- Cities that have succeeded in taking action to become more child-friendly have focused on three themes: economy and demography; sustainability and community; and children’s rights, health and well-being. Many cities have found that working towards child-friendliness is a ‘win-win’ situation in that it also addresses other strategic concerns.
- A key progress measure of a city becoming more child-friendly is the extent to which municipalities put money and resources towards achieving this goal, rather than simply stating it is something they want to achieve. A municipal official who champions the move towards a more child-friendly city can also be vital.
- For children who struggle in mainstream education or are at risk of exclusion/have already been excluded, spending time (e.g. one day a week) in an environment such as a working farm can bring huge benefits: they learn about themselves and their capabilities, leadership and teamwork skills, as well as about the natural world around them. Early referral to places such as Susan’s Farm¹ can mean that the child is more engaged at school during the rest of the week. While there will be a cost for such programmes, paying for a day a week on a farm is better value in the long run than allowing problems to escalate and paying for the child to attend a Pupil Referral Unit: prevention is better than treatment.
- Some children do not have the opportunity to experience rural life and to explore the outdoors in their day-to-day life. For these children, organised visits to places such as working farms can have a huge positive impact – the freedom to explore woodlands, muddy fields, etc – are experiences that can leave a lasting positive impression. Working with animals imparts vital skills and can increase the self-esteem and confidence of young people. Experiences such as the birth and death of an animal can enable young people to explore philosophical, ethical and religious topics in a real-life situation.
- Consulting with children and young people over the design of the environments they live in is vital. It is important for architects, designers and others to recognise the value of lived experience, including that of children. An initiative by Enfield Council was highlighted as a successful example of encouraging designers and other

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Susan’s Farm is a working Care Farm near Carlisle that provides opportunities for learning and practical work experience.

The farm’s activities focus on educational visits for school and community groups, therapeutic working for those with long term mental health support needs, and alternative provision for those who need a different learning environment.

professionals to transform their working practice to be more inclusive and to consult more with marginalised groups, including children. However, consulting with children (or any other group) should not be seen as doing a ‘favour’ to that group, but about creating a cohesive and inclusive vision of society.

- It was noted that enabling children to effectively articulate their needs and understanding the complexities of their lives can be challenging and time-consuming, but the benefits gained make it worthwhile. One danger can be that consulting with children is seen as a ‘nice to have’ rather than an essential, which means that in times of austerity, initiatives such as children’s consultative groups are vulnerable to cuts.
- One example of good practice, and a demonstration of what can be gained through consultation and good investment, is the redevelopment of Burgess Park, London. Redevelopment focused on creating a range of spaces and activities that appeal to a range of ages, including elements such as a BMX track, café, library, lake, outdoor gyms, tennis courts and free-play areas.
- The linking of outdoor activities to the national curriculum can be a strong incentive for schools to increase their focus on these activities. Some organisations offer programmes targeted to certain school types; for example, Natural Thinkers in Lambeth was highlighted as a programme designed to be low-cost and adapted to urban schools with limited space.
- A holistic approach to children’s lives is needed. Tackling issues in one sphere (e.g. the provision of more and better green spaces) while ignoring or not tackling issues in other areas (e.g. poor housing, food poverty) limits effectiveness, and an integrated approach is required. Covid-19 has highlighted that many children in disadvantaged communities are digitally poor, lacking access to broadband or laptops and tablets. To address this disadvantage, locally focused research is needed to drive evidence-based policy and the effective implementation for specific groups in specific localities.
- Enabling children and young people to build a strong connection and passion for nature can reap long-term benefits through creating adults with the understanding and desire to protect environments and act in a sustainable way. Instilling a love for nature is important, but it is also vital to ensure that children *understand* nature and their local environments and the need to protect and enhance them. Global issues, such as biodiversity loss, can be hard for children to comprehend, but values such as living in harmony with nature can be successfully embedded and fostered at local levels through direct experience of local environments. Introducing children to the complexity of nature can involve the use of online apps with gamified elements that incentivise kids to go outside and explore.
- Children, and young children in particular, do not differentiate between playing and learning, and often do both simultaneously. This means there’s a limit to the concept of the designated play area, and we should not assume that all of a child’s play needs will be met by the creation of a designated, purpose-built play area. We need to expand our thinking beyond the narrow purpose-led uses as designated by adults (e.g. a slide is solely to slide down) as children will naturally use an item for a wide range of play and imaginative opportunities.

- Schools can help enable children to connect with their environments in many ways. They can play an important role in levelling access to nature across children, model positive action in the use and design of outdoor space; involve young people in design decisions, and build understanding of the connection between people and landscapes.

Actions and Policy Changes

During the final part of the event, panellists and participants discussed some of the topics raised and considered what changes are needed to ensure that children can successfully engage and interact with the environments around them.

Inclusive, child-friendly spaces: The ways in which urban environments can signal (explicitly or implicitly) whether they are inclusive was discussed, including the messages sent by needing to have playgrounds and play equipment present in order to ‘legitimise’ the presence of children in a public place. This is a message sent by adults (developers, planners etc) to other adults (parents and carers) as adults have been socialised to view different behaviours as appropriate for different places and spaces, in a way that children are not yet aware of or constrained by. In a city that is truly child-friendly and inclusive, symbols such as playgrounds are not necessary, and it was noted that some cities are starting to reject conventional ‘fenced off’ playgrounds and investing in attractive, inclusive spaces aimed at a range of ages instead. The idea of children’s ‘secret spaces’ was also discussed – children enjoy having what feels like their own private spaces, which allows them a level of autonomy and independence (within a controlled safe space).

The planning system and sustainable neighbourhoods: A prerequisite for an effective planning system is efficient planning departments that are well-resourced and have the capacity to deal with their workload. A key consideration for planners and developers must be sustainability, and the need to take climate adaptation targets, and the goal of net zero emissions, into consideration. The strongest strategic argument for creating more child-friendly spaces is that a child-friendly neighbourhood looks like a sustainable neighbourhood – it encourages more walking and cycling, and the design of more compact communities.

Involving children and young people in decision-making: Some planning authorities are taking steps towards involving children more within the planning process, and a statutory planning document that sets out principles for engaging with children, which then structures the planning process from early stages onwards, is currently being co-developed with some planning authorities. In terms of including children (and communities in general) in decision-making, some form of nurturing or capacity-building is necessary to enable people to become ‘consultable’. For example, if an individual is not familiar with examples of good design then how are they going to be able to articulate what good design should look like? Additionally, it was noted that consultations can be tokenistic, and so a challenge is how to ensure that children’s engagement in consultative processes is meaningful.

Socio-economic factors and inequality: Participants considered whether, particularly in marginalised urban communities with limited funding for social infrastructure, it is realistic that the provision of outdoor spaces can have a direct economic benefit. It was noted that developers are beginning to recognise that if they build developments that are child-friendly and inclusive, with green spaces, this will also benefit them economically: it makes the communities more desirable, and therefore easier to sell properties in these developments. Additionally, the economic investment needed is relatively small when compared to the social and cultural gains.

Schools and education: Participants discussed the role of schools and education, in the context of the ongoing Covid-19 pandemic. There was concern that schools attempting to catch-up on lost education time during the lockdown school closures would result in more regimented school days, with less time spent outdoors or in engaging with free, open-ended play. There was also a feeling of missed opportunities in relation to outdoor learning – as the Covid-19 virus spreads to a lesser degree outside, initially some schools expressed the intention to make greater use of teaching outdoors. However, this potentially exciting and innovative development did not become the reality; the necessary money and support did not materialise and there were concerns about effectively and efficiently managing interactions between children outdoors to prevent virus transmission.

How can we plan for our children's futures? Should we even try?

On 5 November 2020, the British Academy hosted an online panel discussion which brought together different perspectives to consider how we plan for a child's future outcomes through education policy, and to discuss what agency a child should have to determine their own choices.

This event provided an opportunity to debate and discuss issues surrounding one of the provocation papers that accompany the programme, namely Professor Peter Mandler FBA's paper 'Does it matter what we study in school? which explores the trends in the uptake of different subjects at secondary school level in the UK over the last 50 years.

The event was chaired by Dr Molly Morgan Jones, Director of Policy at the British Academy.

Speakers at the event comprised:

- Professor Peter Mandler FBA, Modern Cultural History at Gonville and Caius College, at the University of Cambridge.
- Professor Carol Robinson, Professor of Children's Rights, Edge Hill University
- Dr Chae-Young Kim, Visiting Research Fellow, King's College London
- Jane Driver, Deputy Principal, Queen Katharine Academy, Peterborough
- Jack Andrews, MRC PhD Programme in Neuroscience and Mental Health, University College London

Provocation Speech

Peter Mandler opened his talk by considering the recent historical development of the mass education system. As set out in his provocation paper, politicians and policymakers have struggled to truly grasp the complexities of teenagers' lives and their futures. Social change became so rapid over generations that governments were using past patterns and modelling the future based on their own experiences, rather than taking current circumstances into account. Even recently politicians have been heavily reliant on big data which confined them to quantifiable factors that were better at illustrating correlations and forecasting than they were at diagnosing causes. There was little consideration given to hearing children's views and perspectives. Peter proceeded to offer three case studies to illustrate where politicians have faced difficulties in attempting to grasp the intricacies of the education system and in ensuring that the system evolved in order to keep up with changes and developments within society.

- Peter led with his first case study speaking on the post war period where secondary education was made compulsory. During such times assumptions were made that there would only be 20-25% of the population that could benefit from an academically focused education. However, the number of people wanting to take O and A levels started to increase, beyond the capacity of the grammar schools.
- Peter's second example detailed the huge growth of numbers in secondary schools offering O and A levels, that continued to rise in the years after the war: this led politicians to forecast an increase in the demand for higher education. However,

the survey data that was being collected proved misleading as politicians were only collecting participation rates of 18–19-year olds. They did not measure the participation rate of older generations who were also taking up higher education. More specifically, Peter points towards the larger numbers of women over the age of 19 that were not being accounted for. He noted that attitudes to women's education, careers and futures were changing dramatically. Changes including the drop in family sizes and an increased average age of marriage raised led to an increasing number of women being in a position to contemplate higher education.

- Peter's third case study detailed the development in government policy where politicians from the 1960s onwards attempted to steer larger proportions of young people to study science and technology subjects, with the intention of contributing to Britain's economic growth. However, this intended rise in STEM study failed to materialise, and in fact the proportion of students taking science subjects dropped over time. Peter discussed how this should be seen in conjunction with cultural changes at the time which led to some reactions against science, and an assertion by some individuals of the valuing of people over things and of the importance of social relations. This new orientation of discovering the relationship between self and society became a key component in the increasing uptake of subjects such as biology which allowed students to then progress to study social science subjects like psychology at higher education level.

Finally, Peter covered the reasons for politicians not to try and steer teenagers into particular subjects or subject areas. The Dainton report of 1968 commissioned to steer students to science praised instead the British tradition of respecting the choice of an individual in terms of their education. It was not thought right for a liberal state to tell people what they should or should not do in this regard.

Panel Responses

Carol Robinson, Chae-Young Kim, Jane Driver and Jack Andrews then responded to the provocation author. Points put forward during this section include:

- A focus on whether the English education system and education policy in the UK incorporates article 29 of the UN Convention on the Rights of the Child (UNCRC) (UN, 1989), which states that children have a right to an education that develops their personality, talents, mental and physical abilities to their fullest potential.
- Examination results are used for a variety of purposes: to measure children's level of knowledge; to indicate individual progress; to measure school quality; and to create league table school rankings. This emphasis on rigorous testing, and particularly on achievements in the three core subjects of English, science and maths sends a clear message to children that these are the most important subjects, when compared to other areas of their school education.
- The emphasis within English education policy on limited curriculum areas and high-stakes testing from an early age steer children and young people towards certain subjects. This raises questions about whether children and young people have agency with respect to making subject choices, and whether the English education system supports the development of their personality, talents and mental and physical abilities to the full as stated in article 29 of the UNCRC.
- Adjustments of interests during childhood and youth are natural and inevitable processes that occur as children and young people construct and reconstruct a sense of who they are. Yet, their interests and choices are not value-free. The formation of and changes in both during childhood are influenced by various factors including their socioeconomic background. Therefore, rather than focusing on a choice between STEM vs. non-STEM subjects, policy needs to consider more closely what influences the formation of young people's interests and choices, in order to help them to better identify and maintain what they are truly interested in and to cultivate their potential.
- Children are often aware of what it takes to pursue a certain area of study or an occupation in terms of the level of academic ability required and the effort needed to achieve it. Within what they perceive as being possible, they form and adjust their interests and preferences and make unconscious and conscious decisions concerning their pathways.
- Common challenges faced by many educators in the UK stem from pressure for schools to focus on outcomes that contribute towards league tables and OFSTED reports which have historically been based on raw grades.
- The move in curriculum policy to Progress 8/Attainment 8 and the English Baccalaureate led to schools narrowing the curriculum and are also associated with the use of harsher grading systems in certain subjects. Children who are not highest achievers can be dissuaded from particular subjects because it could ultimately impact how the school is rated or perceived.
- Studies of the brain and behavioural development across childhood and adolescence might have implications for how children make educational choices. For instance, heightened sensitivity to social risk/rejection and the influence of peer group norms mean that young children are more likely to change their views and behaviours based on what others in their age group are doing.

- It was noted that during childhood and into adolescence there are introspective and metacognitive abilities that are still developing which means that young people may not be certain exactly what they like or what they are good at.
- Early specialisation in the national curriculum hinders adolescent exploration and therefore can lead to children taking on subjects without fully pursuing their self and social development.

Actions and Policy Changes

During the final part of the event, panellists and participants discussed some of the topics raised and considered what changes are needed to ensure that children have agency to determine their own choices within the education system.

Education based on exploration: Schools must encourage children to take on subjects driven by their curiosity, interest, or passion rather than following solely on rigorous demands set by the national curriculum which focus on outcomes, grading and achievement. Schools and children should feel supported by education policy in embracing more creativity and exploration and they should be offered opportunities and resources to develop creative art skills and flourish in these areas.

Children's voice and participation: It is essential that we do not rely solely on large databases that tell us about correlations and not causations. Young people are making decisions as early as 13 that are going to have major implications in the future and can potentially close off certain avenues to them. Therefore, there must be an attempt to speak to young people on subject choice, particularly those younger than 18, to get in-depth perspectives as to why children choose their subjects for GCSE and A level. Participation of children in education policy is key; we need to listen to teenagers' own hopes and expectations for the future and ask them more directly what they would like to see in their schools.

Practical skills: Education policymakers and practitioners should consider that the modern labour market has changed and that many graduate employers are not looking for subject specific skills but, rather, young students with high levels of cognitive performance, flexibility and trainability. Additionally, the practicalities of life that children will inevitably face as they grow into adulthood, such as banking, taxes, and mortgages, are something that policymakers could think about incorporating as part of the national curriculum. Education policymakers also need to acknowledge the importance of developing children and young people's life skills including, for example resilience, critical thinking, problem solving and effective communication, and consider where these fit within the education system.

Purposeful schooling: there needs to be a more concise and common understanding about the purposes of schooling from education policy. What is the balance between preparing young people to contribute to the large economy /labour market, individual choice and wellbeing, and the betterment of society as a whole?

How should children and young people accused of a crime be treated within the justice system?

On 8 December 2020, the British Academy hosted an online panel discussion which brought together different perspectives to consider how children and young people accused of a crime should be treated within the justice system.

This event provided an opportunity to debate and discuss issues surrounding two of the provocation papers that accompany the programme, namely Dr Michelle Donnelly's paper 'Scottish youth justice and the legacy of Kilbrandon' and Dr Harriet Pierpoint's paper 'Age of criminal responsibility'.

The event was chaired by Dr Molly Morgan Jones, Director of Policy at the British Academy.

Speakers at the event comprised:

- Dr Michelle Donnelly, Lecturer in Law, University of Stirling
- Dr Harriet Pierpoint, Associate Professor, Centre for Criminology, University of South Wales
- Professor Claire McDiarmid, Head of the Law School, University of Strathclyde
- Dr Kathy Hampson, Lecturer in Criminology, Aberystwyth University
- Junior Smart, Business Development Manager, St Giles Trust

Provocation Speeches

Michelle Donnelly and Harriet Pierpoint opened the event by building on the arguments in their respective provocation papers.

Michelle Donnelly discussed Scottish youth justice from a legal perspective, reflecting on the legacy of the Kilbrandon report, and highlighting inconsistencies between the Scottish approach to youth justice and the UN Convention of the Rights of the Child (UNCRC). The Kilbrandon report of 1964 continues to have a profound effect on youth justice, and led to the present children's hearings system. This system recognises that children who offend, and those who are maltreated, are both equally in need of protection within an integrated tribunal system of youth care and justice, in which the welfare of the child is paramount. However, the overall welfare ethos is undermined somewhat as the power to prosecute serious offences in the criminal court system remains. The blending of welfare and justice agendas results in contradictions and compromises that can undermine the rights of the child. Three inconsistencies were highlighted, as follows:

- **The age limit of the children's hearings system:** This limit is generally 16 but in some cases will be 18 years. 16/17 year olds who are already involved in the hearings system stay within it, however 16/17 year olds who are new offenders are not brought within the hearings system but are instead processed in the criminal justice system and can be prosecuted in adult courts. This leads to a stark difference in treatment

between the two groups of young people, and conflicts with the UNCRC. A solution to this inequality would be to amend the definition of a ‘child’ and to raise the age limit to 18 years in all cases. A public consultation is currently taking place on this issue.

- **Criminal records and disclosure of childhood offending:** The fact that children within the hearing system are subject to criminal records is out of step with the welfare orientation of the hearings system. Childhood criminal records have a harmful effect and impact negatively on individuals’ later life chances. Some improvements have been made, for example disclosure periods have been reduced, but the legal framework remains contradictory. A solution to this would be to exclude children’s hearings proceedings from the Rehabilitation of Offenders regime.
- **Prosecution in the adult criminal courts:** Most crimes committed by children are treated within the children’s hearings system, but it remains possible for serious offences to be prosecuted within the adult criminal courts. There is a presumption that children are referred to the children’s hearings system unless it is in the public interest to prosecute. Nevertheless, a significant amount of children are prosecuted within adult criminal courts (nearly 4,000 children in 2016/17). This defeats the point of having a dedicated youth justice system, and a more consistent approach would be to use children’s hearings to respond to all childhood offending.

The inconsistencies outlined above could be collectively resolved by raising the age of criminal responsibility (the ACR), and the upper age limit of the hearings system, to 18 years. The ACR in Scotland was recently raised from 8 to 12, but this is still very low by international standards. An ACR of 18 would effectively convert child offending from a criminal to a civil matter. Children would be seen as incapable of committing crimes but harmful behaviour could be addressed by children’s hearings on a welfare basis and compliance with children’s rights standards would be strengthened.

Harriet Pierpoint discussed the position in England and Wales, where the ACR is currently 10 years of age. Previously there existed the doctrine of *doli incapax* which meant there was an assumption that children aged 10-14 were incapable of committing crime unless the prosecution could rebut that presumption – so while there was a conditional ACR of 10, this existed alongside an absolute ACR of 14. The *doli incapax* doctrine was abolished in the wake of the James Bulger case in the 1990s. Harriet spoke of the tendency for children to traditionally be viewed as angelic or innocent, however if a child then acts inappropriately they are instead seen as ‘devils’ who can be treated in ways in which society wouldn’t treat other children.

It was noted that an ACR of 10 can seem inconsistent within a wider system in which for example an individual needs to be 12 years old to watch some *Star Wars* films, or needs to be 18 years old in order to vote or sit on a jury. Additionally, it was stated that within an international context England and Wales’ ACR of 10 is extremely low.

The ACR was set at a time when there was no access to brain-scanning technology, and we did not have the knowledge we do now about the brain developments that underpin behaviour. Neuroscience has now established that during adolescence individuals are more predisposed to risky behaviours, and do not have the same ability as adults in terms of controlling impulses. Additionally, it has been widely observed that criminal behaviour peaks in later adolescence, and that many individuals ‘grow out of crime’.

There are many negative implications of having a low ACR, including:

- Having contact with the criminal justice system can extend the criminal careers of young people, rather than curtail them, and can cause difficulties when applying for jobs, education courses etc. Also, ‘labelling theory’ indicates that children who are categorised as offenders are more likely to perceive themselves as offenders and also be treated as such by others.
- A low ACR bears more acutely, and can be seen as criminalising, those young people with more complex social needs.
- Criminal proceedings are expensive, and therefore having a low ACR effectively costs a significant amount of money.

Two potential paths forward were outlined: 1) increase the ACR to 12 or 14, underpinned by appropriate resources and infrastructure, or 2) reintroduce the doctrine of *doli incapax* as either a rebuttable presumption or as a defence. Harriet stated that her preference would be for the ACR in England and Wales to be increased to 14 years of age.

Panel Responses

Claire McDiarmid, Kathy Hampson and Junior Smart then responded to the two provocation authors. Points put forward during this section included:

- How children are ‘constructed’ by the law: they can be seen as simultaneously vulnerable/in need of protection and also developing agency and autonomy. This can be difficult as the law generally finds it easier to respond to one of these characteristics at a time. Criminal law has a tendency to view a child who has committed a crime as an autonomous agent. A welfare response – in the best interests of the child offender – can fully recognise the status of the child as a child and can also allow the taking of some responsibility at the same time.
- While an ACR can be deemed necessary, it is not sufficient in and of itself: it does not account for those individuals who have reached the ACR but whose personal development means they lack the understanding needed to be held criminally responsible. Additionally, setting an ACR is always going to be somewhat arbitrary as children develop at different rates.
- The question of what understanding is required before a child can be said to be responsible for their behaviour is complex, and there are many aspects children need to understand:
 - Legal wrongness - what is criminal and what isn’t, criminal consequences
 - Moral wrongness - difference between right and wrong
 - Causation (e.g. that committing an assault could result in death)
 - Ability to control actions
 - Ability to explain actions
 - Understanding of criminal law terminology (e.g. murder v manslaughter)
- UN guidance states that 14 is the youngest age at which an ACR should be set. European countries have an average ACR of 14, while the average worldwide is 12. This puts England and Wales’s ACR of 10 as significantly low within an international context. Additionally, it was noted that in England and Wales many under 18s are tried in Crown criminal courts.

- There can be an erosion of children's rights when they are accused of committing a crime, which should be guarded against. This is especially important as trauma and adversity are common factors for a lot of these children. Linked to this point, it was stated that it can be unhelpful to overly individualise why a child commits a crime, and instead it is important to keep societal factors and wider systems in mind as well.
- The question of whether a child or young person is fully capable of having a thorough understanding of a crime they have committed is always going to be complex, with many shades of grey. However, it was noted that the *doli incapax* argument can be seen as difficult to justify when applied to 16/17 year olds.
- Nearly 30 years on, the James Bulger case is still very influential, and can make policymakers wary of relaxing the treatment of young people accused of a crime in any way. The Bulger case also highlights the vulnerability of youth justice policy in relation to political pressures and populist understandings of a case.
- There is growing evidence in England and Wales that the current system is damaging children, and so there should be careful thought about pulling more and more children into it. The system tends to responsabilise children, and to treat them as adults with an adult's legal knowledge and understanding. In Wales, the Youth Justice Board is promoting 'child first' justice, but it is difficult, if not impossible, to deliver this within a system that has an ACR of 10.
- There is a strong link between child criminal exploitation in relation to county lines activity (which can groom and exploit children as young as 10), and school exclusions. Also, numeracy issues, literacy issues and mental health issues are prevalent amongst young people who come into contact with the justice system. As there are several 'red flags' there is the question of when an intervention could and should be made regarding these individuals.
- It is important to bear in mind how costly the prison system is (it costs more to put a young person in prison than it does to send them to private school). And crucially, prison often does not succeed in reforming and rehabilitating offenders, as demonstrated by the high repeat offending rate.
- The disproportionality of BAME groups in relation to the criminal justice system cannot be overlooked, and there are systemic elements that need to be reformed. However, this cannot happen on a short timescale and so it is imperative that we try to lessen the damage that those young people who are involved with the justice system experience, e.g. in terms of future employment prospects. Labelling young people as criminals is damaging and dangerous, and can lead individuals on a downward slope, and towards a 'revolving door' of repeat offending.
- Extremely high percentages of young offenders have experienced mental health issues, and/or have experienced multiple difficulties or vulnerabilities during their lives. It does these individuals a disservice to treat them 'just like anyone else', without considering the details of their particular situation, including any trauma they have experienced.

Actions and Policy Changes

During the final part of the event, panellists and participants discussed some of the topics raised and considered what changes are needed to ensure that children and young people accused of a crime are treated fairly within the justice system.

Flexible approaches to an ACR: The panel considered whether adopting a flexible approach to an ACR incorporating a case-by-case assessment would be feasible and beneficial. It was noted that the *doli incapax* doctrine was designed to take account of individual children and their specific circumstances. However, while individualised assessments do have potential, one point made was that court-based structures are not always designed to achieve this. There is also a danger in adopting a case-by-case approach without any minimum safeguards or standards in place, there is a risk that when exceptional cases do take place there is a knee-jerk reaction, resulting in overly harsh judgements being made. A balance is needed between welfare and justice.

The legacy of the James Bulger case: The Bulger case has had a huge impact and is still referred to frequently when discussing public opinion and views on youth justice. The panel discussed moving the narrative towards a more welfare-based conversation, which focuses on the best interests of the child - both as perpetrator and victim. It was noted that discourse can tend to go in phases. For example in Scotland in the 1960s and 1970s a welfare discourse was dominant, following the Bulger case a more punitive discourse predominated in the 1990s and 2000s, and there is now a sense that this punitive discourse may be softening to an extent. Additionally, it was noted that policy should not be made based on one case. A related point is that only 0.4% of child offences fall under the 'very serious' category, therefore the vast majority of children's crimes are not within the same level of severity as the Bulger case.

The role of community and society: Instead of focusing solely on the young person who has committed a crime, the justice system needs to take into account the context of the community and society in which the young person lives. There can be an argument made that responsibility extends beyond the young person as an individual, and that the system and society can be criminogenic in a sense. The narrow focus on the child who offends sits in contrast with responses to other aspects of children's behaviour and welfare, where the child's family and possibly the wider community would be brought in or considered in some way. Mechanisms are required to think this through and to work out how to bring the wider context to the fore in youth criminal justice processes.

Permanent school exclusions: Panellists considered the link between school exclusions and young people who go on to offend, and whether there are strategies that can lessen this link. One example given was a programme in Camberwell, London under which young people are excluded from the 'main' part of the school, but not from the school site altogether. The issue of whether exclusions are sometimes used before they absolutely need to be, rather than as a very last resort, was also raised.

United Nations Convention on the Rights of the Child: In Scotland the incorporation of the UNCRC into domestic law is underway, and panellists stated that this will help in addressing the accountability gap around children's rights violations, including in relation to youth justice. Incorporation will mean that alleged breaches of convention rights can be considered in the courts, plus importantly it will put a duty on state agencies and public authorities to act consistently within a children's rights framework. The move therefore opens up a host of opportunities to challenge the state and to hold it to account to ensure that all children are treated fairly within the justice system.

