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PRESS

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Youth Studies Ireland

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Balancing Due Process Values with Welfare Objectives in Juvenile Justice Procedure

Some Strengths and Weaknesses in the Irish Approach

Dermot P.J. Walsh

Abstract

This article is based on a paper delivered at the Irish Youth Justice Service Conference, 'Best Practice for Youth Justice, Best Practice for All', in March 2008. It examines how the tensions between welfare values and due process protections are being moderated in the context of a significant injection of welfare based reforms in the Irish juvenile justice system. The two examples used are the Garda Diversion Programme and the family conference facility in the Children Court as provided for by the Children Act 2001, as amended by Part 12 of the Criminal Justice Act 2006. The broad conclusion is that the benefits to be gained from these welfare reforms are being purchased at the cost of a dilution of judicial norms and processes.

Keywords

Juvenile justice; youth justice; Children Court; due process

Introduction

It has long been accepted that it would be unjust and contrary to the best interests of the child offender and society as a whole to process him or her through the criminal justice system as if he or she was an adult (Tanehaus 2004; Crawford and Newburn 2003:6–11; White 2002: 9–31; O'Malley 2006: 360–367). Protecting the welfare of the child offender is still accepted as a primary objective in the juvenile justice system (Van Bueren 2006). This is reflected directly in the growth of measures which encroach upon the freedom and autonomy of the child for the purpose of rehabilitation as distinct from punishment, and indirectly through measures which protect him or her from the full rigours of the regular criminal process. Indeed, it might not be an exaggeration to say that the child offender has a right to have his or her welfare needs catered for in the criminal process.[1] It would also seem self evident that the welfare rights of the child in the criminal process should increase as his or her age decreases.

It is also firmly established that the child has other rights as an independent, autonomous human being Kilkelly 2006: xvii–xxv). In the criminal context these rights derive from universal principles such as the right to due process in the determination of guilt and in the application of penal measures.[2] They encompass basic values such as the right not to be subjected to punishment or similar constraints on personal freedom and autonomy, unless convicted of a criminal offence in a court chaired by an

independent juvenile justice judge and in accordance with fair procedures. Related values include: the right to legal advice and assistance, the right to equality of treatment and the right to proportionality between the severity of the penalty or coercive measure and the gravity of the offence (Emmerson, Ashworth and Macdonald 2007). It must also be remembered that due process values are not concerned only with the defendant. They also concern the victim and the public as a whole. So, for example, they require that the criminal trial should normally be heard in public. These rights are fundamental to fairness in the criminal process. They cannot be ignored or overridden to achieve what adults or the State consider to be in the best interests of the child (Van Bueren 2006).[3]

Inevitably, there is potential for conflict in an attempt to accommodate the welfare needs of the child with these due process rights in the juvenile justice system. How that conflict can best be resolved in theory and in practice has been the subject of debate among researchers and policy-makers for quite some time and no doubt will continue for the foreseeable future as new ideas and experiences are examined among the welfare, justice, managerialist, rights, child-centred and other approaches to juvenile crime (O'Malley 2006: 360–364; Crawford and Newburn 2003; Goldson 2000; Muncie and Goldson 2006; Muncie, Hughes and McLaughlin 2002). This paper aims to make a very modest contribution to that debate by exploring how and the extent to which traditional due process values in the Irish juvenile justice system have been affected by recent welfare oriented developments. The selected developments are the statutory reform and expansion of the Garda Diversion Programme and the introduction of restorative justice methods to the trial stage of the criminal process. In each case, the primary welfare features are outlined, followed by a critical examination of the due process sacrifices that have been made to deliver them. What emerges is that the Irish system incorporates a strong welfare component at the heart of both the prosecution and trial stages. While some commendable efforts have been made to balance these with due process protections, the underlying reality would appear to be the displacement of due process values by the growth of executive control and a lack of transparency

For the most part the critique is based on an analysis of the underlying statutory provisions in the Children Act 2001. This is supplemented, where possible and appropriate, by reference to the official data, reports of an Oireachtas Joint Committee on Restorative Justice and a government appointed Commission on Restorative Justice, and the growing body of independent research on these aspects of the juvenile justice system. Unfortunately, the manner in which the official data has been gathered and presented is such that it is not yet possible to offer a comprehensive evidence-based assessment of the reforms.

The Garda Diversion Programme

The Garda Diversion Programme has been in operation now for over 45 years (Shanley 1970; O'Dwyer 2002; Kilkelly 2006: 66–99; Shannon 2005: 406–409; Griffin 2005a). Its statutory objective is defined as being to divert a child from committing further offences or engaging in anti-social behaviour where the child has accepted responsibility for his or her criminal or anti-social behaviour.[4] Accordingly, it might be described as one of the major welfare oriented features of the Irish juvenile justice system. Once admitted to the

Programme, the child is protected against prosecution or antisocial behaviour proceedings in respect of the conduct in question,[5] and is spared a criminal record.[6] Instead of seeking retribution for the harm done by the child's offending, the Programme offers support to the child to help him come to terms with his criminal or anti-social behaviour and to render it less likely that he will engage in repeat behaviour. Accordingly, the child is cautioned instead of being formally punished.[7] This can be accompanied by a period of supervision by a Garda juvenile liaison officer and a restorative justice type conference.[8] There is also provision for the victim to be invited to attend the administration of a formal caution for the purpose of engaging in a discussion about the child's behaviour and, possibly, to facilitate an offer of an apology and/or reparation from the child.[9] These are termed restorative cautions.

Broadly, supervision entails the child meeting with a Garda juvenile liaison officer at regular intervals to review his behaviour and progress and his compliance with an action plan, if any. It can also entail the officer calling at the child's home and liaising with parents, guardians, teachers/employer and so on. The officer is a source of advice and assistance to the child in matters such as relationships, schooling, training and employment.[10]

The conference is an interesting innovation in the Diversion Programme.[11] It is a meeting of persons concerned with the welfare of the child with a view to: establishing why the child became involved in the behaviour; discussing how they can help the child to avoid engaging in such behaviour in the future; and reviewing the child's behaviour since admission.[12] While the victim has no absolute right to attend, the facilitator is under a duty to invite him or her. One of the primary functions of the conference is to draw up an action plan for the child which can include: making an apology and reparation to the victim; attendance at school or a training programme; participation in sport or recreational activity; being at home at certain times; and staying away from certain places.[13] In effect, it represents an injection of restorative justice methods at the diversion stage, with the circumstances of the child offender being a central focus (O'Dwyer 2002; Griffin 2005a).

It is worth noting that the Diversion Programme has an unusually broad scope (Kilkelly 2006). Potentially it can be applied to any criminal offence from the most minor to the most serious.[14] It is also applicable to children who have behaved anti-socially (not a criminal offence)[15] and to children as young as 10 years of age.[16] Any such child can be considered for admission so long as he or she accepts responsibility for his or her offending or anti-social behaviour.[17] From a welfare perspective this conveys a sense of reaching out to as many 'at risk' children as possible and to intervene as early as possible.[18]

In 2007, which is the last full year for which statistics on the Programme have been published, 27,853 cases, involving 21,941 children, were considered for admission. In the course of the year almost 17,000 child offenders were processed through the Programme by means of a formal or an informal caution rather than by a prosecution through the courts. These figures are part of a steady increase in referrals to the Programme since the implementation of the statutory provisions in 2002. Significantly, the age of children referred are heavily weighted towards the upper age groups. More than half of the 2007 referrals are in the 16 and 17 year old bracket, while only three per cent are less than 13 years of age. Although this broadly reflects the age profile of

young offenders (Walsh 2007: 320–350), it also suggests that an effort is being made to reach out to young offenders and divert them from an offending lifestyle before they cross the threshold into the adult criminal justice system. Further support for this assessment can be found in the range of offences for which children are being referred. While most of the cases concern alcohol offences, road traffic offences, theft, criminal damage and public order offences, there are significant representations from more serious offences such as burglary, drugs and assault.[19]

There were 378 restorative events in 2007, an increase of 71 on 2006. Of these, 373 were restorative cautions, while only 5 were restorative conferences (down from 14 in 2006). It is too early yet to determine whether these figures signify the early demise of the restorative conference in the Diversion Programme. The signs are, however, that the Garda are displaying a preference for administering cautions without embarking upon the more time consuming restorative process (Kilkelly 2006: 80–82). The net effect is that the family/community are pushed out of the process as it becomes almost exclusively an internal Garda procedure.

Despite the relatively low numbers of restorative events, the global figures suggest that the Diversion Programme is making a valuable contribution to its primary welfare oriented objective of addressing child offending without resorting to the formal criminal trial process. Equally, however, they reveal the extent to which the State is dealing with child offenders, frequently for serious offences, beneath the radar of the public courts system. It is important to consider, therefore, how and to what extent due process values are preserved in these cases.

A positive feature from a due process perspective is that the Programme is now placed on a statutory foundation and operates in accordance with law. For almost the first forty years of its existence the Programme operated exclusively on the basis of administrative guidelines internal to the Garda (Walsh: 24–26). The principles and procedure governing the eligibility of a child for admission are now set out in the Children Act 2001. Moreover, the Programme is managed by a statutory Director who is a senior member of the Garda Síochána appointed by and answerable to the Garda Commissioner.[20] He or she is given certain specific powers and duties by the legislation, including the decision whether to admit a child in any individual case.[21] The administration of cautions is also the subject of statutory regulation.[22]

A key element in the procedure is the requirement for the child to accept responsibility for his or her criminal or anti-social behaviour in order to be admitted to the Programme.[23] This is the equivalent of a guilty plea and an acceptance of remedial interventions in his or her autonomy and freedom (Griffin 2003: 5). These interventions can be far-reaching and prolonged, and can be more severe than punishment that may have been inflicted by a Court if it had found the child guilty of the behaviour in question. It would not be unusual, for example, for the Children Court to impose no formal penalty on a child offender for a first offence at the lower end of the scale (Carroll and Meehan 2007: 45). If, however, the child is dealt with through the Garda Diversion Programme, it is possible that he or she will be subject to a period of supervision by a Garda juvenile liaison officer for a period of up to 12 months.[24] Moreover, while admission to the Programme technically does not amount to a criminal record, circumstances may arise subsequently where the prosecution may inform a court of the child's acceptance of responsibility for the underlying criminal or

anti-social behaviour and/or involvement in the Programme.[25] This can happen where the court is considering the sentence to impose on the child for an offence committed after admission to the Programme. It is vital, therefore, that the child should be afforded due process protections equivalent to those that would attach to the accused in respect of a plea and sentencing in the criminal process (Kilkelly 2006: 75–77).

Commendably the child retains a veto over admission. He or she can refuse to accept that he or she committed a criminal offence or engaged in anti-social behaviour, thereby placing the onus on the Garda and the DPP to consider prosecution. Critically, before making this key decision, the child must be given a reasonable opportunity to seek advice from his or her parents and legal advice.[26]

Once the child has admitted responsibility for his or her behaviour, the due process protections diminish. The substance and direction of the subsequent procedure, while broadly regulated by law, are heavily dependent on the discretion of the Director, gardaí and, where relevant, Probation Officers (Kilkelly 2006; Griffin 2005a). It is a matter for the Director to decide whether or not to admit the child. She can admit a child where she considers admission appropriate in the best interests of the child and not inconsistent with the interests of any child or victim.[27] The Director also decides whether the caution shall be an informal or a formal caution and, in the case of the latter, whether it shall be a restorative event.[28] Despite the fact that there are significant differences between them, the Director has a very extensive discretion to choose in any individual case. The criticism has been made that the Director's discretion to admit is increasingly being exercised in a manner which catches children who would not previously have been processed formally through a police procedure in respect of their behaviour (Griffin 2005b).

The Director's discretion extends to the conference. She enjoys a very broad discretion in determining whether the conference option should be offered in any individual case.[29] It seems that each case is considered on its merits, and no particular offence or class of offender is excluded (O'Dwyer 2002). Unfortunately, there are no published principles or criteria to guide decisions on the merits.[30] The Director also appoints the convenor and chair of the conference (they can be, and usually are, the same person).[31] The former is designated the facilitator in the conference proceedings. Critically, he or she enjoys extensive discretion over the composition, timing and location of the conference, the procedure to be followed and the manner in which it conducts its business.[32] Clearly the facilitator plays a key role in the conduct and outcome of the conference. Significantly, he or she is almost invariably a member of the Garda Síochána (O'Dwyer 2002). Once again, there are no published principles or criteria on how his or her discretion should be exercised in these matters.

The action plan which may result from a conference can be viewed as a significant departure from due process norms (Kilkelly 2006: 82–83). Despite the fact that it can impose obligations on the child more severe than those that would have been imposed by a court,[33] it is more like a private contract drawn up among several unequal parties, rather than a public judicial decision handed down by an impartial judge applying established sentencing principles. The child, in particular, is potentially in a very weak bargaining position in such a conference. There is no guarantee that family members will represent his or her interests, and he or she is not represented by a solicitor. It is possible, therefore that the child will be confronted by what might seem to him or her

to be a large number of adults, all of whom appear to be pressurising him or her to accept the action plan.

There is no requirement or facility for an action plan to be approved by a court. Instead a report on the conference and the plan is submitted to the Director.[34] She has a discretion to determine whether the child's period and level of supervision should be varied and, if so, to what extent.[35]

What emerges from all of this is a process that is almost wholly under the control of gardaí acting in an executive capacity (Kilkelly 2006: 83–84), as distinct from judges or other independent officials acting in a judicial capacity. The emphasis is on a negotiated agreement to which the child is a relatively weak and passive party. There is also a distinct lack of transparency in that it all happens behind closed doors, and the victim may not necessarily be a participant. In short, the diversion process reflects a major departure from due process norms, even though it deals with a child for a criminal offence by imposing constraints on his freedom and autonomy that can surpass those that might have ensued in the formal criminal process. The welfare trade off is that the child is spared the experience of the formal criminal process and is given support to avoid getting sucked in to further criminal activity. It should be possible, however, to retain these advantages while at the same time injecting a greater degree of due process and transparency into the Programme (Kilkelly 2006). The latter could be enhanced through, for example, the formulation and publication of policies governing the key decisions at each stage of the Programme, together with the publication of detailed data that will facilitate an informed assessment of the extent to which the Programme is operating equitably and is diverting children away from crime.

The Children Court's Jurisdiction and Procedure

The jurisdiction and procedure of the Children Court reflect several welfare oriented modifications compared with the criminal trial procedure for adults. Two of the major procedural modifications have the effect of blurring the distinction between formal criminal proceedings and extra judicial interventions aimed at rehabilitating the child. The first of these enables the Court to divert the child out of the criminal process and into the care and supervision jurisdiction of the Health Service Executive (HSE). Instead of proceeding with the trial of the child, the Court can direct the HSE to convene a family welfare conference (as distinct from the 'conference' of the Garda Diversion Programme).[36] This is another restorative justice type conference which considers the circumstances of the child with a view to recommending the making of a care and supervision order application under the civil procedure of the Child Care Act 1991. On being informed of the HSE's action in the matter, the Court may dismiss the charge against the child on its merits if it is satisfied that it is appropriate to do so.[37]

The second major modification is the power of the Court to adjourn the criminal proceedings and set up a family conference (as distinct from a Garda Diversion Programme conference or a family welfare conference) to devise an action plan to address the child's offending.[38] A fundamental pre-requisite for this option is that the child accepts responsibility for his or her criminal behaviour.[39] The family conference is another restorative justice type mechanism, very similar to the conference in the Garda Diversion Programme, except that it is convened and chaired by a Probation Officer, as distinct from a member of the Garda.[40]

The role of the family conference is to: identify why the child became involved in criminal behaviour; determine how he or she can be diverted from such behaviour; mediate between the child and the victim; and address the concerns of the victim. The overall aim is to formulate an action plan which the child will be expected to follow over a defined period. This may include matters such as: attendance at school or work; participation in a training programme; staying at home at specified times; staying away from specified places or persons; and an apology and/or compensation to the victim.[41] The plan is submitted to the Court for approval.[42] Where this is forthcoming, the Court will deal with the case on the basis of the plan.[43] If it is satisfied that the child has complied with the plan, the Court can dismiss the criminal charge against him or her on its merits.[44] Otherwise it will proceed with the criminal proceedings and impose a sentence in the normal way in the event of a conviction.[45]

This family conference option represents the adoption of a distinctly restorative justice procedure at the heart of the criminal trial (Crawford and Newburn 2003; Hudson, Morris, Maxwell and Galaway 1996; and Morris and Maxwell 2001). In effect the twin objects of rehabilitating the child offender and reconciling him or her with the victim displaces the administration of justice through the formal adversarial and accusatorial procedure.

The sentencing jurisdiction of the Children Court also reflects a distinct welfare orientation. The Children Act 2001 lays down a set of statutory principles to guide courts, and family conferences, in dealing with a child offender. It will be seen later that they include respect for due process values. Nevertheless, the clear emphasis is on the welfare, as distinct from the punishment, of the child offender. They stipulate that any penalty imposed on a child for an offence should cause as little interference as possible with the child's legitimate activities and pursuits. It should take the form most likely to maintain and promote the development of the child and should take the least restrictive form that is appropriate in the circumstances.[46] The importance of preserving the child - family relationship and the uninterrupted education, training or employment of the child is emphasised. A period of detention should be imposed only as a last resort.

It is also worth noting the more visible modifications to the trial procedure which have been devised specifically to cater for the special needs of the child. Some of them have a welfare or rehabilitative aspect. These include the establishment of a separate Children Court, protections for the privacy of the child and the restriction on publicity (Kilkelly 2006: 132–146; Walsh 2005: 70–85).[47] Others have welfare and due process aspects. These include: the efforts to achieve a more informal atmosphere, restrictions on public access, dispensing with the wigs and gowns and the avoidance of technical language (Kilkelly 2005). By enhancing the capacity of the child's awareness and participation these measures can enhance due process values.

Despite these welfare-oriented features, there is still an emphasis on formal due process in the Children Court (Walsh 2005: 85–93, 105–115; Griffin 2003). A child will only appear before the Court to answer charges consequent on a lawful arrest or as a result of being summonsed to appear before the Court at a specified date, time and location. Either way he or she is entitled to be legally represented in the proceedings. The legal representation will be paid for by the State where the defendant cannot afford it. If charged with an indictable offence the child can assert his or her right to a

jury trial. In the event of a guilty plea the case will often be adjourned to allow for the preparation of probation and other reports on the child to assist the judge in determining an appropriate sentence. In the event of a not guilty plea the trial proceeds in the normal way. The decision on guilt and sentence, if applicable, is made by the judge in accordance with established principles of law and procedure.[48] It is worth noting at this point that he or she is an independent judge of the District Court (Kilkelly 2005; Walsh 2005: 77). Where a child is convicted and sentenced in the Children Court he has a right of appeal to the Circuit Court.

Even the statutory sentencing principles retain a strong sense of due process values. It is significant, for example, that the first principle underpins the court's duty to have regard to the rights of the child as an autonomous individual. It states that the court must have regard to the principle that children have rights and freedoms before the law equal to those enjoyed by adults.[49] In particular, they have the right to be heard and to participate in any proceedings of the court that can affect them. A related principle is that criminal proceedings cannot be used solely to provide any assistance or service needed to care for or protect a child.[50] It follows that a child cannot be treated as a criminal even to ensure his or her basic entitlements of bodily safety, food, clothing, shelter, medical care, education and a modicum of family life. Equally, the child's rights to due process in criminal proceedings cannot be set aside in order to pursue paternalistic goals of rehabilitation which are likely to be in the longer term interests of the child. The court is specifically permitted to take into consideration as mitigating factors the child's age and level of maturity when determining the nature of any penalty, unless the penalty is fixed by law.[51] The Act goes on to say that the penalty imposed on a child should be no greater than that which would be appropriate in the case of an adult who commits an offence of the same kind.[52] The due process rights of the victim are also given express recognition. When dealing with a child offender, the court is specifically required to have regard to the interests of any victim and the protection of society as well as the best interests of the child.[53]

Does it follow that the welfare based modifications to procedure and jurisdiction have been achieved without impacting significantly on core due process values?

The results of Kilkelly's work on the Children Court would suggest that the experiences of child defendants continue to fall significantly below due process standards (Kilkelly 2005). Despite the modifications, the trial procedure operates in practice more like an administrative bureaucracy where the defendants are processed in a manner that leaves them largely detached from and confused by the proceedings and decisions affecting them. In addition to excessive pre-trial delays caused by repetitive adjournments, contributory factors include: 'hanging around' outside the courtroom for several hours while waiting for their cases to be called; poor acoustics in the courtroom; rushed proceedings; judges with no specialist training in juvenile justice issues attempting to cope with excessively heavy caseloads; prosecutors and defence lawyers with no specialist training in juvenile justice issues; lack of coordination between agencies; and significant differences between court areas (Kilkelly 2005).

Even more fundamental questions are raised by the family conference. Where a conference is convened, the immediate effect is to remove the substance of the sentencing stage from the floor of the court and judicial procedure to the closed room

of supervised discussion among a potentially wide range of individuals. In addition to the child, these will include the child's parents or guardians and, quite likely, one or more members of the child's family and/or relatives, the victim and one or more members of the victim's family and/or friends, a Garda Liaison Officer, one of the child's teachers (and/or employer, youth leader, sports coach and so on), and representatives from the Probation Service and the Health Service. The conference is convened by a Probation Officer, as distinct from an independent judicial figure. Apart from that, its purpose and procedure largely follow that of the conference in the Garda Diversion Programme. Despite the best efforts of the chairperson, the dynamics of the setting are such that much, if not most, of the discussion will be dominated by the adults, with the child being a relatively passive participant. The purpose, however, is to draw up an action plan for the child in the manner of a private agreement between the parties. As with the action plan in the Garda Diversion Programme, it would not be unusual for this action plan to impose more onerous constraints and obligations on the child, in respect of his or her liberty and privacy, than might have resulted had he or she been convicted and sentenced by the Court in the traditional manner.[54] Overall, it would seem that by submitting to the conference the child is accepting a diminution in his or her formal due process rights in return for a sharper and more sustained focus on his or her rehabilitation.

Admittedly, the child enjoys the protection of a veto and legal advice in respect of submitting to a conference.[55] The fact that the victim must be invited helps ensure that it does not function purely as an administrative procedure dealing only with the circumstances of the child. A further important protection in this regard is the retention of judicial oversight. Any action plan agreed by the conference must be approved by the Children Court.[56] If agreement is not reached then the Court proceedings resume and proceed to a conclusion in the normal manner.

While these due process concessions are useful, they do not change the reality that the family conference largely replaces the more transparent judicial procedure with an administrative procedure that is conducted largely among private parties behind closed doors. It represents a significant re-alignment in the trial procedure of the Children Court which had already been modified in an effort to strike a reasonable balance between formal due process rights and standards and the special needs and the future welfare of the child defendant. As Kilkelly's research has shown, however, the established modifications have not succeeded in engaging the child fully in the process in a meaningful manner (Kilkelly 2005). It is by no means clear, therefore, that the longer term interests of the child and the common good will be better served by the re-alignment which favours a restorative justice process conducted by the parties behind closed doors, than by a trial process which keeps the traditional focus on the centrality of the independent judge, formal procedure and the transparency of the courtroom. An evidence based assessment of the merits of the re-alignment will have to await more research on how and the extent to which the restorative justice method is used and, critically, on the impact it has on the rate of recidivism among the offenders concerned compared with those dealt with in the traditional manner.[57]

The early indications are that the restorative justice family conference is not being widely used. An examination carried out by Mary Burke found that there had only been 62 references to a family conference by March 2006. This compares with a total

of more than 2,500 cases being prosecuted in the Children Court per annum. Undoubtedly, pressure on resources is a significant factor on the low uptake. Preparation for, the conduct of and follow up to these family conferences are resource intensive, particularly but not exclusively for the Probation Service (National Commission on Restorative Justice, 2008: 5.14). Where resources are scarce, there will be a temptation to avoid the family conference by processing cases through the traditional procedure of the Children Court. Without a major injection of new resources, which has not been forthcoming, it is simply not practicable to divert large numbers of cases through the family conference procedure.

Another operative factor that should be noted is the consequential impact of the Garda Diversion Programme and associated restorative caution and conference facilities. This is diverting many of the cases that might otherwise have been deemed suitable for a court directed family conference (Burke 2006). There may also be an element of judicial reluctance to use the family conference option. This may be due, at least in part, to unfamiliarity with the procedure. From October 2004 to March 2006 there was a gradual decline in the number of referrals by the Court. Most were made by a single Dublin-based judge. However, there is evidence of a distinct increase in 2007.

For those child offenders who were referred to a family conference, the initial results are encouraging; bearing in mind that these tend to be at the more serious end of offending and class of offender. Very serious offences such as: robbery, burglary, arson, assault, causing harm and possession of drugs with intent to supply have been among those referred (National Commission on Restorative Justice 2008: 5.9). Of the 62 referrals made up to March 2006, 50 (81%) resulted in a conference. The victim attended in 38 (76%) of these cases. Virtually all of the conferences (98%) resulted in an agreed action plan. When those still under review are excluded (10 cases), the rate of successful completion is 65 percent. Twenty two percent were unsuccessful and arrest warrants had to be issued in the other 13 percent (Burke 2006). When it is considered that these statistics include many cases which were deemed not suitable for admission to the Diversion Programme because of the nature and gravity of the offence and/or criminal record of the offender and/or some other factor, the success rate can be considered promising. There is no Irish data on the recidivism rate among offenders who completed a family conference and action plan successfully. International data suggests a marginal decrease in recidivism among offenders who participated in a restorative justice programme (Joint Committee on Justice, Equality, Defence and Human Rights 2007: 34).

Despite these encouraging signs, there is still room for improvement in the operation of the family conference procedure from a due process perspective. The most noticeable issue concerns transparency in the manner in which cases are selected for referral. Superficially, the decision is taken openly in the Children Court. In practice, it is effectively pre-determined behind the scene by the parties involved, either on their own initiative or consequent on a request from the Court to consider the matter. Usually, these parties will be the Garda/DPP, the Probation Service and the child's legal representatives and parents. The problem with this approach is that there are no published principles or criteria to guide these parties in making a recommendation to the Court, or to guide the Court in making the determination. It

is possible, therefore, that similar cases could be treated differently in the matter of a family conference on the basis of arbitrary factors. In the absence of published principles or criteria it is very difficult to reach conclusions on whether the option is being used fairly and efficiently.

Due process rights can also be diminished by delay in the trial procedure. This is particularly problematic in the case of child offenders as it is generally recognised that the potential benefits of corrective action will be lost on a child if it is not taken close in time to the associated offending (Ashford, Chard & Redhouse 2006: 2.101 et seq.). Moreover, there is evidence to suggest that where there is a lengthy period between the commencement and completion of proceedings, a child offender can accumulate many additional charges during that period (Kilkelly 2005: 51). Unfortunately, delay has been a feature of the Irish juvenile justice system for several years. Even before the restorative justice modifications were introduced it was normal for a child offender to appear several times over a period of at least six months before his or her case was completed. In their study of 400 cases dealt with by the Children Court in 2004, Carroll and Meehan found that each child had an average of eight Court appearances before his or her case was finalised (four children had over fifty appearances each). This was compounded by the fact that each child waited on average for six months for his or her first Court appearance (Carroll and Meehan 2007). As yet there is no clear data on whether resort to the family conference is having the effect of prolonging court proceedings beyond the norm in cases where the conference is not used. If managed carefully, it is possible that the family conference could actually result in a swifter process. On the other hand, if it is used in a manner that does not dispense with or significantly reduce the current practice of repetitive adjournments for sentencing, then the result will be even greater delays with all of the implications that that will have for due process.

Conclusion

The prosecution and trial stages of the Irish juvenile justice system clearly incorporate significant welfare measures aimed at the rehabilitation of the child offender. Some of these actually have the potential to enhance the due process rights of the defendant by making the trial process more accessible and meaningful to him or her. Others, however, entail a significant departure from traditional due process values in the criminal process. The primary examples are the Garda Diversion Programme and the family conference set up by the Children Court. Both of these require the child to forego his right to have his guilt determined in accordance with due process norms in return for the welfare benefits that they are believed to offer. They both reflect a distinct move away from a model based on judicial norms and process to one that is controlled by the executive in the shape of the Garda and the Probation Service. Another distinctive ingredient in these reforms is the increased opportunity for resort to the restorative justice method in which the child is encouraged to admit his guilt and to submit to a process behind closed doors where individuals from a range of backgrounds, including possibly the victim, encourage him to make amends and submit to rehabilitative measures which they devise.

The pragmatist might be inclined to ask, 'but does it work?' in the sense of steering large numbers of child offenders away from criminality. Others might want to know how it is working with a view to assessing its fairness against relevant international

norms. Providing answers to these questions will require research and the availability of comprehensive, consistent, detailed, hard data on the operation of all aspects of the system.

There is a small, but growing, body of research on the operation of the Garda Diversion Programme and the Children Court. The primary examples have been cited at points throughout this paper. Research in these areas, however, has been hampered by the historically poor quality of the data. The officially published data is spread over at least five sources, each dealing with distinct aspects of the subject. Some of them overlap, but none of them seem to be consistent with each other in terms of methodology or coverage. Some have not sustained internal consistency over recent years. While improvements are being made, especially in the area of the Garda Diversion Programme, there is still a dearth of systematic and detailed data on the operation of the restorative justice methods in both the Programme and the Children Court. There is also a lack of comprehensive and consistent data on relevant matters such as sentences being handed down in the Children Court and the criminal records of child offenders. Until these deficits are fully addressed, further critical insights and perspectives on the operation of these vitally important aspects of juvenile justice will be limited to what can be achieved through empirical observation and critical analysis of the deficient data available.

Notes

1. See UN Convention on the Rights of the Child, Articles 3 and 40(1), (2)(vii), (3) and (4).
2. Universal Declaration on Human Rights, Articles 10 and 11.
3. UN Convention on the Rights of the Child, Articles 12, 37 and 40(2).
4. Children Act 2001, s.19(1).
5. *Ibid.*, s.49.
6. *Ibid.*, s.48(1). Paradoxically, if the child is subsequently convicted of an offence, the Prosecution may inform the court of the child's admission to the Programme on a previous occasion at the sentencing stage; s.48(2).
7. Children Act 2001, s.25.
8. *Ibid.*, ss.27–31.
9. *Ibid.* s.26.
10. There are now over 100 juvenile liaison officers. These are specially trained gardaí who work exclusively with young people. A parliamentary committee has recommended an increase in their number to facilitate an increase in the use of the conference procedure (Joint Committee on Justice, Equality, Defence and Women's Rights 2007).
11. It has been described as a major innovation in Irish criminal law (McDermott and Robinson 2003: 65).
12. Children Act 2001, s.29.
13. *Ibid.*, s.39.
14. The Minister for Justice, Equality and Law Reform has the power to exclude specific offences from the Programme; Children Act 2001. ss.23(3) and 47. This power has yet to be exercised.
15. Anti-social behaviour is defined as behaviour which causes or, in the circumstances is likely to cause, to one or more other persons who are not of the same household as the child: harassment; significant or persistent alarm, distress, fear or intimidation; or significant or persistent impairment of their use or enjoyment of their property; Children Act 2001, s.257A(2).
16. Children Act 2001, s.23(6).
17. *Ibid.*, s.23.
18. This aspect of juvenile diversion has been criticised on the basis that it draws in a wider range of children

to State intervention at an earlier stage in a manner which can have prejudicial consequences for them in the criminal process in subsequent years (Kilkelly 2006: 90).

19. The concern has been expressed that admission to the Programme is being managed in favour of children who are less likely to re-offend (Kilkelly 2006:75).

20. Children Act 2001, s.20.

21. *Ibid.*, ss.23 and 24(1)

22. *Ibid.*, ss.25 and 26.

23. *Ibid.*, s.23(1).

24. *Ibid.*, s.27(1).

25. *Ibid.*, s.48(2). Kilkelly suggests that this may be in breach of the child's right to due process under both Article 40 of the UN Convention on the Rights of the Child and Article 6 of the European Convention on Human Rights (Kilkelly 2007: 6) .

26. Children Act 2001, s.23(1).

27. *Ibid.*, ss.23 and 24(1).

28. *Ibid.*, s.25.

29. *Ibid.*, ss.30 and 31.

30. Kilkelly (2006: 81) notes that overall the number of restorative events is modest and that there is considerable disparity in the number of restorative events taking place across the country.

31. Children Act 2001, s.31(4).

32. *Ibid.*, ss.33–37.

33. As noted earlier, it would not be unusual for the Children Court not to impose a formal penalty on a child. Even where a formal penalty is imposed it will not always involve a significant intrusion on the liberty or privacy of the child. The empirical research suggests that anything between one third and one half of the formal penalties do not entail a custodial order, community service order or a fine (Carroll and Meehan 2007: 45; Kilkelly 2005: 26). Action Plans adopted in the Diversion Programme conferences, on the other hand, can entail significant restrictions and obligations on the child. These can include: providing some form of recompense to the victim, staying away from particular localities or persons, undertaking a course or programme of activities and submitting to regular meetings with a Probation Officer and/or Garda Juvenile Liaison Officer (O'Dwyer 2002).

34. Children Act 2001, s.41.

35. *Ibid.*, s.42.

36. *Ibid.*, ss.76A–C and 77.

37. *Ibid.*, s.77(3).

38. *Ibid.*, s.78.

39. *Ibid.*, s.78(1)(a).

40. *Ibid.*, s.79.

41. *Ibid.*, s.80(2).

42. *Ibid.*, s.81.

43. *Ibid.*, s.82(1).

44. *Ibid.*, s.84.

45. *Ibid.*, s.83.

46. *Ibid.*, s.96(2).

47. *Ibid.*, s.56.

48. Kilkelly found that in the application of these general principles there was considerable inconsistency in practice between individual judges and between courts (Kilkelly 2005: 53–54). Walsh and Sexton (1999) found a similar problem in the application of community service orders.

49. Children Act 2001, s.96(1)(a).

50. *Ibid.*, s.96(1)(b).

51. *Ibid.*, s.96(3).

52. *Ibid.*, s.96(4).

53. *Ibid.*, s.96(5).

54. Griffin (2003) makes the valid point that the victim is given a significant role in the restorative justice aspects of the juvenile justice procedure, and that this can be reflected disproportionately in sentencing.

55. Children Act 2001, s.78(1)(a).

56. *Ibid.*, s.82.

57. Recent research suggests that there is a very high rate of recidivism among child offenders who are convicted and sentenced to a term of detention. More than 80 per cent of offenders detained in Trinity House (the State's most secure detention unit for young offenders) had re-offended within one year of being released in 2006 (O'Brien 2009; see also Carroll and Meehan 2007: 48–49). It seems that these recidivism rates may be significantly higher than the comparable figures for certain classes of adult offender in Ireland (see O'Donnell, Baumer and Hughes 2008).

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Choice and Resistance

Young People's Perspectives on Food and Eating at School

Michelle Share

Abstract

This article reports on a qualitative investigation of the perspectives of young people in Ireland on food and eating. Twenty focus groups were conducted with young people attending second-level schools in both Northern Ireland (NI) and the Republic of Ireland (ROI) (n = 154). Young people held multifaceted perspectives on food and eating and showed an appreciation of why healthy eating is difficult for them. Themes and issues arising included confusion about dietary communications, the importance of taste, the availability of junk food and the view that the healthy eating message was being 'overdone' by adults. Young people's views on the school food environment revealed that they used the school council to deal with food issues but were resistant to changes towards healthy eating. Choice and price were important and respondents reacted against changes seen as controlling their choice. Rather than continued emphasis on health promoting schools (HPS) approaches to healthy eating, this article suggests that an understanding of young people's responses may be better informed through an examination of the social and cultural context of resistance, drawing in particular on concepts of youth and health resistance.

Keywords

Youth; healthy eating; school; resistance

Introduction

Every new survey about Irish young people's dietary practices re-establishes that they eat too much junk food and that childhood obesity is a serious current and future issue. What young people eat at school has also attracted attention and so policy-makers, teachers and parents debate the perils of vending machines and the need for schools to 'do more'. Debate in Ireland has been fuelled by the well-publicised efforts of celebrity chef Jamie Oliver to improve school meals in Britain. Oliver has located the difficulty of changing school food practices, both in terms of structural and organisational factors and in the resistance of young people themselves. While the Oliver campaign has given some voice to young people, there has been limited academic research into how they encounter food in and around the school environment.

This article examines the perspectives of young people in Ireland on their dietary practices and on the school food environment. Based on qualitative focus group research, the aim is to examine young people's perspectives on food and eating in the school context.

Obesity and Health

In Ireland there is concern about young people's food consumption, particularly in the context of obesity (Irish Universities Nutrition Alliance, 2008). It has been established internationally that sedentary lifestyles and high intake of energy-dense and micronutrient-poor food and drink are among the factors that increase the risk of overweight and obesity (WHO, 2003). Another factor is the fact that adolescent eating is marked by erratic eating patterns that involve skipping meals and frequent snacking (Livingstone, 1998; Martin, 2004). It is acknowledged that overweight and obesity is a multifaceted issue shaped by social, economic, environmental and cultural factors (Hugo and Franzon, 2006; Gard and Wright, 2005).

While emphasis has been placed upon the excessive consumption by Irish young people of energy-dense nutrient-poor foods, such as crisps, sweets and soft drinks, attention has also extended to what young people are eating when they are at school. Schools have been labelled as sites of risky food consumption and 'obesogenic environments' (Carter and Swinburn, 2004).

Although quantitative survey research reports that young people's dietary practices are a cause for concern, and some recent qualitative investigations have examined young people's perspectives on food and eating (Wills et al., 2005; Stevenson et al., 2007), comparatively little attention has been paid to young people's own perspectives on this issue, particularly in Ireland and in the situated context of school life.

Government and Educators' Responses

Irish Government thinking on these issues has been expressed through its Taskforce on Obesity. While the Taskforce report (Department of Health and Children, 2005) sees young people's dietary practices as problematic, their perspectives did not form part of the consultation exercise that contributed to the report. The report calls for multi-sectoral action and 'joined-up' responses: the education sector, in particular, receives much attention. Schools are considered to be environments where healthy eating can be supported and obesity prevented through Social Personal and Health Education (SPHE), Physical Education, guidelines for healthy lunch boxes, and educational interventions in the classroom.

Much of what is proposed, particularly in relation to SPHE, acknowledges the need for 'whole-school' or health promoting school [HPS] approaches (Council of Europe, 2005). This means, amongst other things, attempting to connect what students learn about food and eating in the formal curriculum with what happens in the school food provision environment. It also means trying to incorporate the views of all stakeholders through partnerships of students, parents, teachers, caterers and food suppliers (Council of Europe, 2005). This approach emphasises the empowerment of young people to take action to address health issues such as food and eating by allowing them meaningful and active engagement as partners in decision-making processes that affect them.

The Whole School Approach – Rhetoric or Reality?

While policy-makers and educators emphasise that health education should be provided in an HPS framework, in practice it is often delivered as a stand-alone subject or through specific classroom-based programmes or interventions (West, 2006).

St Leger (2001: 202) argues it is 'the exception rather than the norm' for schools to be actively engaged in school and community health issues. This reflects research findings that reveal: the limited adoption of the HPS approach at school level (Lynagh et al., 2002); its 'silo-intervention approach' (Wagner et al., 2003: 182); and the failure to link HPS with the needs of the education sector (St Leger, 2000; Wagner et al., 2003; Leurs et al., 2005).

The limited ability of school-based interventions to address healthy eating and obesity is well-documented (Thomas, 2006). While the voice of young people is encouraged through HPS and student councils (Department of Education and Science, 2002), barriers exist within schools that impact on young people's participation in healthy eating interventions (Parker and Fox, 2001). In the UK lesser involvement has been found among secondary school students, compared to primary school students, in decision-making about school food (Ofsted, 2007) and there is little evidence of young people's involvement in the development of school meals policy (Gustafsson, 2004).

Resistance to Healthy Eating Discourse

There is an almost universal acceptance of the need to hear young people's voices in issues that concern their lives (UNHCHR, 1989). There is also an awareness that lay perspectives on health can provide valuable insights as to why health behaviours can be difficult to change (Keane, 1997; Fox, 2002; Fuller et al., 2003). Nevertheless, there has been little attempt to understand food and eating issues for young people in a way that acknowledges where they are at in their lives. I would suggest that an understanding of young people's food and eating practices at school may be usefully informed by reference to studies of youth resistance and 'health resistance' (Crossley, 2001; 2002).

In the youth studies literature the concept of resistance has been well-developed (Hall and Jefferson, 1976; Hebdige, 1979; Giroux, 1983). Sharpe et al (2000, cited in Raby, 2005: 151) suggest that the concept of resistance has become so commonplace that it has almost 'become meaningless'. Yet Raby (2005) still considers it a useful concept, but one that must be contextualised within debates on power and agency.

For Raby (2005) the concept of resistance can be addressed from modernist and postmodernist perspectives. The former sees resistance as 'oppositional, aiming to disrupt, or gain the upper hand in, what actors perceive to be dominant power relations' (Raby 2005: 153n). Postmodern perspectives, by contrast: 'frame [resistance] as much more fragmented and transitory, and what seems like unified opposition may in fact be diverse as people's investments and commitments to an activity vary. Postmodernists thus focus on more localised, contextualised analyses' (Raby, 2005: 154n). This approach suggests that resistance may be more pervasive, yet also contradictory, uneven and fluid.

The youth studies literature has tended to focus on resistance from the modernist perspective, and also from a positive evaluative stance: either as working class youth resistance towards dominant middle class systems of education or through activism in youth sub-cultures, where particular patterns of consumption (for example fashion, music) challenge dominant ideologies and provide alternative means of self-expression to adult definitions of their lives (Skelton, Valentine and Chambers, 1998).

Similarly, health promotion literature uses the concept of 'health resistance' to seek to understand how people react to health promotion advice, in such areas as sexual health (Crossley, 2001) and recreational drug use (Fox, 2002). For instance Fox (2002), in an analysis of ecstasy use, asserts that while users are deemed to be resistant to research evidence about the negative impact of the drug, the accounts of ecstasy users themselves reveal a different set of knowledges, based upon their own experiences of what a 'risky body can do' (Fox, 2002).

While some of the literature accounts for health resistance in terms of individual differences (Dowd, 2002) other writers (Crossley, 2001; Fox 2002) emphasise the importance of understanding the diverse, complex and contradictory social and cultural contexts in which such resistance takes place. This latter approach is more aligned with the postmodern perspective as outlined above.

Interestingly, despite the research attention paid to healthy eating, and in particular young people's so-called problematic dietary practices, the discourse of resistance seems to be mute. Whereas the youth studies literature emphasises the positive side of youth resistance, in terms of young people and healthy eating it is clear that such resistance is viewed by health educators primarily in negative terms, or even as rebellion. But, as Raby (2005: 157) points out, young people's 'rebelliousness' is framed as natural, inherent or irrational, and thus is undermined as a political strategy, in contrast to the more directed strategy of 'resistance':

> The rebellious teenager, it can be argued, is not fully conscious but rather 'irrational' or unreflective in his/her actions. In contrast, resistance suggests conscious, political and directed actions, yet is rarely used outside of sociological, cultural studies, activist projects and psychoanalysis to describe the activities of teenagers (Raby, 2005: 157).

In both the youth studies literature, and in writing about health promotion, the phenomenon of resistance emerges. In each case it has been evaluated by external observers, and this evaluation has tended to label it in either a positive or negative way. The 'directedness' and the coherence of the resistance has also been judged. Arguably resistance can be seen as, on the one hand: modernist, directed, rational, political and conscious; on the other as postmodernist, fragmented, contradictory, irrational and unconscious. Drawing on these themes, we can attempt to locate and interpret young people's responses to the messages they receive about food and 'healthy eating'.

Methods

This paper is based on a broader programme of research that aimed to comprehensively study young people's experiences of food within the school environment, through talking with teenagers and other stakeholders in a sample of second-level schools in both the Republic of Ireland (ROI) and Northern Ireland(NI)[1]. As part of the process of eliciting young people's views, focus group discussions were carried out in secondary schools in May 2005 and in September–December 2005.

Focus groups have been used as a way to access meanings and understandings of adolescents in studies related to food and dietary behaviour (Warwick et al., 1999; Green et al., 2003; Trew et al., 2005). As food and eating takes place in group settings in schools, and as eating is an inherently social occasion, focus groups offer the

opportunity to examine adolescent group norms and practices as they relate to food in terms of consumption, provision and education.

Sample

Twenty focus group discussions were conducted in ten second level schools in ROI and NI (n = 154). In each jurisdiction there were four single-sex and one co-educational school. Two focus group discussions were conducted in each school that comprised existing class groupings of older students aged around 17, and younger students aged around 14. The mean number of participants was eight (range 5–10). In co-educational schools attempts were made to have groups evenly divided between boys and girls.

Group selection processes varied between schools. In some schools volunteers were approached while in others a form teacher advised who could take part. The location, composition and school type for focus groups is indicated in Table 1.

Location	School type	Groups/participants	
Northern Ireland (NI)	Boys' grammar school (NI, BGR)	2	8 younger 8 older
	Girls' grammar school (NI, GGR)	2	8 younger 8 older
	Coeducational secondary (NI, COEDSEC)	2	7 younger 7 older
	Girls' secondary (NI, GSEC)	2	7 younger 5 older
	Boys' secondary (NI, BSEC)	2	8 younger 6 older
Republic of Ireland (ROI)	Boys' private school (ROI, BPR)	2	8 younger 8 older
	Girls' private school (ROI, GPR)	2	8 younger 8 older
	Coeducational secondary (ROI, COEDSEC)	2	10 younger 9 older
	Girls' secondary (ROI, GSEC)	2	8 younger 8 older
	Boys' secondary (ROI, BSEC)	2	7 younger 8 older

Table 1: *Location, composition and school type for focus groups*

It is important to acknowledge the limitations of the focus group method in the school setting. Most groups in this study were comprised of students from existing class groups who self-selected for involvement and appeared to have differing reasons for participation – to miss a scheduled class; to be with classmates or because they were interested in the topic. In other schools students were selected for participation by teachers and this may have resulted in, according to students, more favoured students'

involvement or students specifically enrolled in Home Economics. In this way, as is common in focus group research, some student groups of friends could dominate discussion and others participated to a much lesser extent. Yet the limitations of the focus group method may be countered by the extent and diversity of the groups: 20 groups were conducted that involved 154 participants in 10 schools representing older and younger groups of boys, girls and mixed groups. To this extent the findings can usefully inform understandings on critical issues related to food, eating and adolescence across gender and age-group.

Procedure

Following telephone contact to determine interest, schools were formally invited to participate. Confidentiality was assured: no school, staff or pupils would be identified in any publications. Schools were advised they would be given feedback on the research process. Each principal signed a consent form and was asked to provide information to the school community about the research.

Student consent was obtained through a two-stage process. Each school provided its own cover letter that endorsed the study. This was sent to the parents of students invited to participate, accompanied by an information sheet and a parental consent form. On receipt of parental consent, students were given verbal and written information about the study and a consent form for their own completion. Focus group discussions took place in a free classroom or other space such as a library or special purposes room. After an ice-breaker exercise that asked students to record (by drawing) what they had eaten and drunk in the last 24 hours, a pre-piloted questioning route was followed that asked the group about food and health issues and the school food environment.

Data Analysis

Each focus group discussion was recorded and transcribed verbatim and analysed using NVivo qualitative data analysis software. Initially a deductive approach was taken whereby broad content categories were developed in the database based on the questioning route. This was followed by a more inductive and iterative process in which a more detailed category index was developed after closer analysis of the text allocated to the broad codes. On completion of the allocation of text to categories, areas of agreement and disagreement were reviewed and instances of between and in-group variation were recorded.

The focus group findings are reported under two broad themes: teenagers' views on young people's dietary practices; and views about the school food environment. These correspond with the main topic areas of the questioning route. Within these, distinct sub-themes emerged and are reported below.

Respondents' Views on Young People's Dietary Practices

The students were asked what they thought about research evidence on teenagers' consumption of high-fat, high-sugar products such as crisps, chips, soft drinks and confectionery. Amongst all groups there was general acceptance that the research evidence reflected the world they lived in (for key to abbreviations, see Table 1):

I don't think it is very surprising. You see most people, at least nine out of ten people at school will be walking around eating bags of crisps and bars of chocolate rather than fruit (girl, older group, ROI, GSEC).

You can't turn the paper without seeing it (boy, younger group, ROI, BSEC).

Discussion then focused on why this was the situation for young people today. Responses were multifaceted and included perspectives on: confusion about nutrition information; the importance of taste; the availability of junk food; and resistance to healthy eating advice. Each of these sub-themes is dealt with in turn below.

Confusion about Nutrition Information

Talk about young people's dietary practices revealed that students recognised the contradictory nature of nutrition information, largely due to conflicting reports about what is 'good' or 'bad' for you:

Yes. It's like every week you hear that chips are bad or crisps. It's like there is something new every week that you are not supposed to have (girl, older group, ROI, GSEC).

They have had a crack at nearly all types of food now. They have said about red meat, they've said about junk food, they've said about coffee. They have said about nearly everything – so you are going to have to eat something (boy, younger group, NI, BGR).

There are that many diets about – there's the Atkins that was big for a while. There's [unclear] *diet and somebody else's diet and just everything and they are just confused what they eat and if you look at them they are like completely different things – they are going from like these wee tiny portions to these massive portions twice a day and stuff. Everybody's like confused like. I do know what is good and bad cause I learned stuff in Home Economics but a lot of people are very confused – especially boys* (girl, older group, NI, COED SEC).

As well as holding the view that there was a good deal of conflicting advice about what one should or should not be eating, younger groups appeared to want nutrition information that was more about 'how much' to eat of particular items such as crisps or how much weight might be put on from eating certain foods:

Well they tell you what you are not meant to eat and what you should eat but they very rarely tell you how much of say crisps or junk food you are allowed to eat (boy, younger group, NI, BGR).

While a minority of individuals in groups saw food labelling as useful to them because of allergies, most did not regard food labelling as helpful to them:

They have started the – the government have got a new scheme for healthy eating like the traffic light system. It's red, amber and green and green stands for it's OK to eat. But it's a bit screwed because mackerel is really good for you but they've stuck a red on it because it has got oil in it. It's not really good. They haven't really thought it through (boy, older group, NI, COED SEC).

I wouldn't read it, anyway. It wouldn't interest me. Like it says protein and energy and whatever, in grams. How do we know what we're meant to have? (girls, older group, NI, GGR).

In all groups there was a view that nutrition information can be confusing to young people owing to the extent of conflicting information about what is good and bad to eat. In younger groups, in particular, statements about nutrition information portrayed the view that one should just be told how much to eat and how much weight will be put on as a consequence.

The Importance of Taste

Taste was typically reported to be a strong indicator for why young people ate foods deemed to be unhealthy. Simply knowing what was 'good' 'bad' or 'healthy' was overridden by taste:

> Girl 1: *Yes – it's sugar and it tastes so nice and you know you should be having something that is like good for you but you still want the nicer thing that's like not – even though you know it is bad for you.*
>
> MS: *What do you think of this idea?*
>
> Girl 2: *I agree with* [name]*, it is like you want to eat healthy but like you just don't because the other one tastes nicer.* (girls, younger group, ROI, GPR)

Other views included:

> *It's the taste of things – like Hunky Dorys and pizza has more appeal.* (girl older group, ROI, GSEC)

> *Everyone knows that foods are bad for you but they still – the flavour issue – if you don't like the taste of something then it is not as nice.* (boy older group, NI, BPR)

Availability of Junk Food

In addition to the importance of taste, most groups considered the availability of junk food made it easier for young people to consume more of this type of food than healthier options such as fruit. Issues of availability related to the numerous fast-food outlets; the extent of junk food available in convenience stores; convenience; and price.

> *I think the companies kind of make it hard for children, they're coming out with these reports saying 'you should eat less of this' but when you go to the shop there may be fruit there but nothing else healthy and there is chocolate, you're kind of stuck for choice.* (boy, younger group, ROI, BPR)

> *I think it depends […] when you get off at Pearse Street there is like a Centra they have vegetables and they have fruit and stuff but I think like you go in first and you feel like something to eat and you look and where you pay I mean there's chocolate bars and crisps – so you are not going to kind of – I mean I personally I might sort of say I feel like having a piece of fruit – I wouldn't mind a piece of fruit I wouldn't mind if there was fresh fruit there – but like you walk in and you see all this and you're kind of like – OK you know I am not going to go off and look and try to find it because there is just something here that's quick so I can get it.* (girl, older group, ROI, GPR)

> *… like O'Brien's sandwiches like the cheapest one there from what I can see is actually like about 5.50 [euro] and I go into Marks and Spencer's and you can get cookies for 80 [cent] – they're amazing or you can go into any random shop and get a like a chocolate bar or crisps cheaper – extremely cheaper.* (girl, younger group, ROI, GPR)

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For students there were very obvious reasons why young people consumed excessive amounts of junk food and their views support other research that has examined food and eating in adolescence. Yet the discussion also illustrated that healthy eating was problematic for young people because they were tired of hearing about it from adults and it did not seem not relevant to them at their life-stage. As a result they responded to healthy eating advice in a resistant fashion insofar as they had 'switched off' or went ahead and did what they wanted anyway.

Healthy Eating Overkill and Resistance

While all groups considered that young people were aware of the evidence about teenagers' dietary practices, there was a general view that the healthy eating message had become something of a monotone coming from adults. One boy stated that 'I don't really listen to it because you hear it so much you're like "OK, we know, we've heard it like 20 times a week"'. Student responses echoed this jaded view, coupled with resentment that it was another thing for adults to get on top of young people about:

> But they are always on about young people doing this and young people doing that so you just ignore it at the end of the day. It might be true but at the same time they are always on at young people do this and young people do that. (girl, older group, NI, GSEC)

> And like old people – 'like young kids these days'. (girl, younger group, ROI, GPR)

> I know if someone told me not to eat them because they were bad for me I'd be like, I don't care. (girl, younger group, NI, GGR)

Students appear to be caught in the middle of competing forces of the power of taste, limited finances, cheapness of accessible unhealthy foods, and an underlying pressure of knowing what they are eating is 'bad' but confused about its overall nutritional impact. They have grown tired of hearing about healthy eating from adults and showed resistance in their 'don't care' attitude to such advice.

Influence over Food Available at School

We now turn to the topic of the school food environment. Specifically, students were asked about their influence over the food available at school. Within this broad theme, a number of sub-themes emerged, including the role of the school council, the price of school food, and choice.

The Role of the School Council

Students were asked about the influence they had over school food provision. Most felt that they had no influence. Some spoke about the school council as providing them an opportunity to influence what was available. Yet students' descriptions revealed they were using the school council to complain about changes that had curtailed the supply of junk food, or about prices:

> MS: So what influence do you have over what food is available at school?

> Group: None

Girl: *You can! I am in the student council and we are discussing this in the student council because it has been a huge problem because the school has been trying to make things healthier because of the government policy* [there is no government policy]. *We were told that there is an education policy, that there has to be guidelines – maybe it is not policy – but just guidelines and well they did put healthier stuff in the vending machines – they have got like nuts and stuff but then there has been a huge array of complaints from the pupils they didn't want this stuff in the vending machines and the stuff hasn't been bought. So it is there but it wasn't being bought and then somebody's mother said it wasn't actually the snack foods because that is down to choice it was the hot food that was the problem because the amount of salt and stuff in that so they are looking at that again but like I think really it comes down to choice basically as regards the vending machines and snack foods because they did have the healthy options there for a long time like and they still do.* (younger group, ROI, GPR).

It has been brought up at student council. The student council said they wanted vending machines. (boy, older group, NI, BGR)

We have a student council. Last year they tried to put up the prices and the students got on to the caterers so they put the prices down for a few months but put them up again. So really we don't have any affect on them. (girl, older group, ROI, GSEC)

In the ROI boys' private school the school council was acknowledged to be an avenue for influencing decisions about food provision, but there was some disagreement about the need to influence. In common with other groups 'influence' would seem to conflate with 'resistance':

MS: *So the school council students, they have an influence over it, do they?*

Boy: *Yeah but most students would object to that. Most of them like it the way it is so you wouldn't really be able to convince anyone to make it healthier.* (boy, younger group, ROI, BPR)

Price of School Food

The price of school food was a dominant theme in students' accounts, with students suggesting that high prices could deter purchasing. At the ROI girls' secondary school this was not only in relation to the meals – which students agreed were nice, but expensive – but also to snacks and drinks:

If they made the healthy food cheaper I think a lot more people would get it. (girl, younger group, ROI, GPR)

The following exchange took place in a boys' private school.

MS: *What about the prices? We already said the meals were expensive, what about the other things?*

Boy 1: *There is some things that you would buy in a shop down town that are put up in price at school, sometimes doubled. They don't have the prices on them here. Lucozade is €1.60 normally but it is €2.00 here.*

MS: *The water is €1.20. What would you pay here for a chocolate bar?*

Boy 2:   *About 70 cent here and you would pay 60 cent anywhere else. Sausage rolls here are 90 cent and you can get them in town for 70 cent and they are bigger* (younger group, ROI, BPR)

Students made price comparisons between food at school and outside, particularly in relation to snack items:

Take 5 and Double Decker. They just keep on going but I think they are wasting their money because 50, 60 pence they are in the vending machine; you get them cheaper outside of school. (girl, younger group, NI GGR)

Fruit was also deemed too expensive.

Boy: *They provide fruit but I'm not going to pay a euro for a few grapes and a little tiny piece of an apple.*

MS: *So what would you want for a euro?*

Boy: *You'd want maybe a few apples.* (boy, older group, ROI, BPR)

Choice

Students' views on school councils and the price of school food were interwoven with the theme of choice. This concerned the desire to have a wide range of choice of school food and to their feelings about being controlled in their choices. Choice was an issue both in schools with very limited and with extensive food provision. It featured strongly in students' accounts in cases where schools had made some intervention in terms of reducing the opportunities to consume chips and/or through changes to vending machines, for example to stock cereal bars and low-fat crisps. For some, the limitation of choice to healthy foods was problematic if choice was seen to be forced in one direction:

There used to be more. There was a lot of fatty food over the last five years it has been taken down and down but it is not fair because people have that they can make the choice whether to eat or drink the bad or the healthy stuff if they give you the option of both you could pick but since they are only giving you the one option. (boy, older group, NI, BGR)

I think there is a huge problem in that it is either this or this – they either go extreme this or extreme that. We had crisps right and then all the crisps are lite crisps, 'cause I don't like lite crisps, and they would be better off changing what like what we have to eat like the dishes into stuff that is nicer – they are concentrating on the wrong things. (girl, younger group, ROI, GPR)

Similarly, choice strongly featured at the ROI boys' secondary school, where lunchtime food choices were limited to juice or soup. The participants felt that they should, like a nearby school, have a wider range of foods such as chips, sausage rolls and sandwiches available to them as: 'it's better then, at least gives a choice'.

While most students recognised the need for healthier choices, as long as they felt that this was not a controlling force, there was a minority of individuals within the groups who held very strongly resistant attitudes to any sort of healthy eating intervention or advice 'You should let people eat what they want. Like if they want to eat chips and be fat then let them'.

Discussion

Notwithstanding the concerns about young people's dietary practices, and the consequent pressure placed on schools to address matters of food and health, there is still comparatively little research evidence about young people's perspectives on these issues, especially as related specifically to the school setting.

Issues that have been identified in extant research include the multi-dimensionality of adolescents' understanding of healthy eating and of the barriers to its practice (MacIntyre et al., 1998; Neumark-Sztainer et al., 1999; Croll et al., 2001; BMA, 2003; Ludvigsen and Sharma, 2004; Trew et al., 2005). Students in the study reported here eloquently express such a complex interplay of meanings about food and eating. All were very aware of what young people 'should' be doing and considered the evidence about young people's poor dietary practices to be an accurate reflection of the world they lived in.

Students' reflective comments revealed a multifaceted view of food and eating issues and an appreciation of why young people's dietary practices are regarded as problematic. They highlighted the conflict between knowledge and practice; the dominance of taste; availability of junk food; adult pressure and condemnation about young people and food; young people's orientation to the present; and confusion about nutritional information. These findings support other research that has examined young people's knowledge and attitudes to healthy eating (MacIntyre, 1998; Neumark-Sztainer et al., 1999; Croll et al., 2001; McKinley et al., 2005; Story and Stang, 2005; Stevenson et al., 2007).

This study highlights that young people's responses about food and eating go beyond the commonly accepted view that they are knowledgeable about healthy eating, yet present-oriented. While the young people in this study assert that they are tired of hearing from adults about what they should and should not be eating, they also show their agency through reported acts or attitudes of resistance. This features not only in their accounts of healthy eating but also and perhaps more convincingly in relation to their responses to the school food environment.

Students' accounts of the school food environment highlighted the role of the school council in dealing with food issues and the importance to them of price and of choice. The findings show that students were generally not consulted nor involved in school food issues. Despite the emphasis placed on school councils, research points to their lack of effectiveness. A Northern Ireland Young Life and Times survey of 16 year-old students reported that while 57 per cent attended a school with a school council, two-thirds (69%) considered it to be ineffective (Schubotz, Simpson and Tennant, 2007). The operational constraints of school councils and the differing perspectives of teachers and students on students' roles in terms of involvement or consultation have been noted by Lynch (1999) and Keogh and Whyte (2005). Students may not take school councils seriously if they are seen not to make a difference (Lynch 1999; Warwick et al., 2005).

Although the students identified the School Council as an avenue for dealing with school food issues, their representations tended to be reactive and involved using the school council to resist changes. While the students' accounts reveal strong opinions on school food issues it would seem that their voice has not been engaged in a constructive and meaningful way on the issue of food and eating in the school environment.

Research points to the lack of involvement of students in school food provision and the opportunity that such involvement can contribute to the integration of curriculum and food service provision (Maddock, Warren and Worsley, 2005; Ofsted, 2007).

Choice

Students strongly focused on issues of choice in relation to their school food practices. They report that when attempts have been made to limit or remove less healthy food items and introduce 'healthier snacks' they strongly resent that their choices are being controlled and resist, in some cases, by not making purchases.

Choice has been raised as an important issue in school meal provision (Brannen and Storey, 1998; Ludvigsen and Sharma, 2004; Shepherd et al., 2005). For many students a benefit of being at secondary school, compared to being in primary school, is the opportunity to spend money and to make one's own food choices (Brannen and Storey, 1998). Students clearly favour individual choice and, as Gustaffson (2002) notes for the UK, school meals policy tends to support such individualised choice-making, such as through provision of cafeteria-style catering outlets and vending machines.

In the UK discourse around school food provision now points to the availability of choice between healthy and unhealthy school food as a problem (Nelson et al., 2004), with calls for a return to the days of straightforward 'top-down' provision. Clearly this is at odds with how young people see the situation. Furthermore, it should be considered in the light that individual choice over school food sits comfortably with adolescence, a stage of life when young people look forward to and welcome the opportunity to make their own choices and decisions. In reality there are few areas other than food and eating where they can do so. Youth studies literature (Furlong and Cartmel, 1997; Dwyer and Wyn, 2001) suggests that many young people today place emphasis on individual choice but 'overestimate the degree to which they are shaping their own life patterns' (Dwyer and Wyn, 2001: 92).

Young people are, to some extent, in a vulnerable position: they have little power to influence what food is available to them other than, perhaps, in the home. Where opportunities have been given to them through the school council their agency is shaped in reactive forms of resistance. Young people are constrained on several fronts: they have limited financial resources; have strong desires for tasty foods – those most likely to be high in salt, fat and sugar; they are bombarded with unhealthy food promotions; and they have easy access only to low cost junk foods. It seems therefore they are relatively disempowered to make changes that support healthy eating.

Resistance

Research points to the need to deal with structural and organisational issues in relation to healthy eating and for young people to be empowered to change their own diets (Council of Europe, 2005; Stevenson et al., 2007). Young people themselves appreciate the complex reasons why healthy eating is problematic for them. Yet educational efforts that aim to support healthy eating and even to harness young people's participation often encounter active and passive resistance. As argued earlier there would seem to be merit in an examination of the debates around young people, food and school in the context of resistance, as informed by studies of youth resistance and health resistance.

We have seen how most youth studies literature positions resistance as a positive feature of youth in that it emphasises young people's agency in response to adult definitions of their lives: a perspective at odds with the dominant view of 'youth as problem'. Alternatively, in the context of young people and healthy eating, health educators may perceive resistance as rebellion. From a modernist perspective, young people's resistance to the healthy eating discourse reflects a directed and rational response that suggests positive agency. The responses of the young people in this study, for example in complaining via the school council about the removal of junk foods; or in practices of non-purchasing and eating in alternative locations, represent a form of resistance that is passive, fragmented and wavers between the conscious and the unconscious. This suggests an interpretation more akin to a postmodernist stance on resistance. Therefore, when there are calls for young people to participate in issues that impact on their lives, and for them to be empowered to change their dietary practices, what can the concept of resistance contribute to the debate on young people and healthy eating?

On the one hand, young people's responses to messages about what is 'good for them' are considered as acts of rebellion. This view serves to undermine young people's position in encounters with adults and reinforces an adult-youth dualism. On the other hand, if young people's responses are viewed as resistant this suggests they are directed and agentic in their response to healthy eating discourse. Arguably, both of these interpretations are valid. Therefore, it is important that health educators recognise that young people have the potential to demonstrate resistance in a variety of forms, from the rational and directed to the irrational and fragmented. This means that engagement with young people in relation to food and eating should: a) recognise the existing knowledge that young people bring to the encounter, and b) recognise that the engagement around the issues is likely to be far more complex than is suggested by simplistic healthy eating messages, such as 'five-a-day' and following the food pyramid.

Importantly such attention to resistance should be considered more fully in the context of everyday school life, where food and eating takes place and where young people receive information about healthy diets. This would mean seeing resistance as a socio-culturally influenced phenomenon that can be explored as a product of social interaction (Crossley, 2002). Such an approach would mean an engagement with young people about food and eating in a way that is open and allows for critical thinking and debate. Rather than an oppositional, top-down approach that reinforces an adult-youth dualism, resistance to healthy eating advice may be more fully understood if people are 'encouraged to reflect on the reasons and motivations for their behaviour, and to discuss the validity and legitimacy of their actions' (Crossley, 2002: 110).

Conclusion

This study has shown that despite the attention paid to food and eating in adolescence and at school, and the adoption of health promoting schools [HPS] approaches to food education and provision, meaningful and active engagement of young people in schools on food issues is limited. There is a need for greater attention by schools and policy makers to what young people think and say about food and eating. Although the dominant discourse for health issues in schools continues to be that of health

promoting schools there is limited evidence of significant changes to school ethos, or of the active participation of young people (Stewart-Brown, 2006). This is echoed in the present study, which reveals the minimal meaningful involvement of Irish secondary school students in school food issues.

As well as a lack of student involvement in school food issues there are dominant issues of choice and resistance. We live in a free market economy where individuals are encouraged to be free-choosing. A feature of adolescence is that the movement towards personal choice and responsibility is welcomed as an important rite of passage. But young people must choose from an ever expanding array of competitive junk foods which they find attractive and affordable. At the same time schools have been charged with the responsibility of educating young people about food and eating through HPS approaches and interventionist subjects such as SPHE, as well has having responsibility for a broad and ever-expanding range of other educational objectives. It is difficult to see how schools can fare given the strength of commercialism, the simplistic approach of SPHE and young people's demonstrated resistance to adult communication about healthy eating.

The approach adopted by governments and educators to obesity risk in young people in schools is not one that acknowledges the complexities of food issues for young people. Rather it continues to support individualised responses of choice and responsibility. Food issues for young people may be more fully understood by a critical examination and engagement with young people on the dilemmas of choice and resistance. This might provide a key to unlocking the barriers and enablers to understanding food issues in the context of second-level schools.

Notes

1. Ethical approval was granted by the Office of Research Ethics Committees for Northern Ireland (ORECNI) (05/NIR02/42).

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Youth Participation and Youth Work

A Conceptual Review

Matthew Seebach

Abstract

Young people's right to be heard on issues that affect them is now generally recognised in democratic societies (Tisdall et al, 2008; Barber, 2009). Recognition of this right is also evident in youth work practice and policy within Ireland and beyond. At the same time, youth participation is somewhat incoherent as a concept and difficult to define as a practice. The source of this incoherence is attributed variously to the fact that youth participation has been developed and embraced by several disciplines (O'Donoghue et al, 2002; Hinton et al, 2008) and to the tendency for youth participation to be incorporated into policy and practice without sufficient reflection upon the variety of meanings and purposes it can have (Graham et al, 2006). This article reviews the youth participation literature that has emerged within several disciplines over the past two decades and relates it to the practice of youth work. Following a summary of the disciplinary sources of youth participation theory, policy and practice, the paper examines the contributions that youth participation can make to realising and reinforcing the key goals and principles of youth work. A number of themes emerging from these two separate but interlinked discussions are explored.

Keywords

Youth work; youth participation

Introduction

Youth work is concerned with young people's participation in a range of contexts, not all of which are relevant to the discussion here. In the broadest sense participation can refer to the collective involvement and engagement of young people in social, political and economic life (for example through education or employment). In a narrow sense, simply attending a youth group is a form of participation. Here we are concerned with more active forms of participation such as consultation, decision making and public action. This article will discuss youth participation as an activity in which 'the involvement of young people results in an impact on a process, influences a decision, or produces an outcome' (Checkoway, 1998: 770).

Youth participation theory has many sources; so many, in fact, that the disjuncture between source disciplines has led to confusion in relation to its meaning and purpose. This paper will attempt to summarise several, but not all, of the disciplines and perspectives that have contributed to youth participation theory, policy and practice in

order to identify and clarify the key themes and concerns that arise. The disciplines reviewed here will be those that can clearly be seen to have influenced youth participation in youth work, and those that have made a major contribution to youth participation theory in general (based on the number of citations of their key theorists). The disciplines and perspectives discussed are: children's rights (and specifically the United Nations Convention on the Rights of the Child), spatial planning, international development, community work, public administration and youth work itself.

Children's Rights

Of all the articles within the United Nations Convention on the Rights of the Child (UNCRC), Article 12 is considered to be the most innovative and radical (Lansdown, 2001). Article 12(1) commits States party to the UNCRC to :

> … assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 12 is particularly notable in that it is a right that applies to even the youngest children: as the Committee on the Rights of the Child has interpreted it, this right 'begin(s) from the child's earliest involvement in family and community life' (Graham et al, 2006: 204). This means that Article 12 ascribes competency and agency to all children and young people. They are regarded as citizens now, rather than possible future citizens. The *National Youth Work Development Plan* (NYWDP), which was designed to provide the 'blueprint for youth work in Ireland' (Department of Education and Science, 2003a: iv) directly connects participation in youth work to Article 12 and the view of young people as citizens:

> The emphasis in youth work on the importance of the active and critical participation of young people is in keeping with the view that young people have rights as citizens (Department of Education and Science, 2003a:14).

A further notable feature of Article 12 is that it upholds the child's right to express a view and have it considered on all matters that affect the child. This must include any area of private life or public business. This means that children have a right to influence decisions about matters which have impact not just directly on their own lives, but the lives of others as well and on the community at large (Alderson, 2007).

Moreover, children and young people's views are meant to be 'given due weight in accordance with [their] age and maturity'. From this point of view, Article 12 defines a right that is continuously expanding. It is a right that begins early in life and then broadens as the child or young person's capacity to engage and understand broadens (Alderson, 2007).

The UNCRC is also a binding international treaty, which Ireland ratified in 1992. In doing so, Ireland committed to making progress towards realising the rights of children and to regularly reporting on its progress towards that commitment. Ireland's first State Party report on progress was submitted in 1998, to which the UN Committee on the Rights of the Child responded that is was 'concerned that the views of the child are not generally taken into account, including within the family, at schools and in society' (Committee on the Rights of the Child, 1998).

These concerns gave impetus to legislative and policy efforts on the part of the Irish Government to provide for children and young people to be heard (Pinkerton, 2004). In 2000, it published the *National Children's Strategy* (NCS). Goal one of the NCS links directly to Article 12: 'Children will have a voice in matters which affect them and their views will be given due weight in accordance with their age and maturity' (Government of Ireland, 2000:). One result of this goal has been the development of structures for youth participation including 32 Comhairlí na nÓg (youth councils) under the City/County Development Boards and a national 'youth parliament', Dáil na nÓg. As a result of these efforts, the UN Committee on the Rights of the Child noted 'with appreciation measures undertaken to promote the respect for the views of the child, including through the Children and Youth Parliaments, and progress made to establish effective student councils in post-primary schools' (Committee on the Rights of the Child, 1998). It should be said that the literature on youth participation includes extensive commentary and debate about participatory structures such as youth and student councils. This debate will be returned to below.

As well as policy, the UNCRC has inspired practice in youth participation. Several typologies or models have derived from a concern amongst practitioners to provide guidance in realising children's right to participate. Roger Hart's Ladder of Participation (1992), with which many readers will be familiar, specifically references the UNCRC. Hart's work is linked with spatial planning and will be dealt with below in that context. Other models include those of Philip Treseder and Harry Shier.

Treseder's model (1997) developed out of the context of explicitly rights-based programming in the organisation Save the Children. Save the Children is a rights-based organisation, the founder of which, Eglantyne Jebb drafted the Children's Charter, the inspiration for the UNCRC. Treseder's model is unlike either Shier's or Hart's in that it is non-hierarchical. There is no suggested correct progression from one type or stage of participation to the next. Treseder resists recommending any particular form of participation; rather he suggests that different degrees of involvement are appropriate in different circumstances depending on the situation and the capacity of the young person (Barber, 2007). Treseder emphasises power sharing and attaining democratic youth participation. This model also validates consultation as an appropriate approach for young people, which is why McAuley and Brattman (2002) suggested in the National Youth Council of Ireland/Children's Rights Alliance review of consultation and children that Treseder's model is most appropriate.

Harry Shier's model, introduced in an article entitled 'Pathways to Participation' (Shier, 2001) emerged out of the author's experience in a consultancy programme that sought to realise the rights of children to play (Article 31 of the UNCRC). The model is based on a table or modified ladder that indicates a 'pathway' to participation along five levels:

- Children are listened to;
- Children are supported in expressing their views;
- Children's views are taken into account;
- Children are involved in the decision-making process;
- Children share power and responsible decision making;

At each level Shier identifies degrees of commitment and emphasises the importance of partnership with adults (Percy-Smith, 2006a). Full participation 'requires an explicit

commitment on the part of adults to share their power; that is, to give some of it away' (Shier, 2001: 115) Also distinctive about Shier's approach is the recognition that participation initiatives take place within an axis of institutional and individual values. Thomas (2007) suggests that this focus has been particularly useful to practitioners who are responsible for youth participation at an organisational level.

Spatial Planning

Spatial planning has a long history of concern for participatory processes and has contributed a number of participation models, including Arnstein's ladder of citizen participation (1969) and Rocha's ladder of empowerment (1997). Most important of all is Roger Hart's research into the participation of children in the planning and design of children's environments which led to Hart's 'Ladder of Children's Participation' (1992).

It is important to point out that Hart never intended the 'ladder model' to have had the monolithic influence it has had and rather intended to stimulate debate and discussion. Nevertheless, Hart's model has been identified as being the most influential typology of youth participation (Barn and Franklin, 1996). This model had an almost immediate effect on youth work as can be seen by its incorporation into youth work curriculum frameworks in the early 1990s (Ord, 2007) and it also had a significant influence on Ireland's *National Children's Strategy* (Government of Ireland, 2000) which specifically names and presents Hart's ladder.

Hart's ladder presents 'degrees of participation' ascending up from lower rungs at which young people are 'manipulated', used as 'decoration' or 'tokenised' (these not in fact being participative at all according to Hart), through middle rungs at which they can be 'assigned and informed' or 'consulted and informed', to the 'highest' three rungs where, respectively, 'adults initiate, and share decisions with young people', 'young people lead and initiate action', and (at the 'top'), 'young people and adults share decision-making' (Hart, 1992).

This model has been criticised for implying that all participation of children and young people should be at the highest rung and suggesting that there is a natural progression from one rung of the ladder to the next (Barber, 2007). Apart from these specific concerns Hart's Ladder is subject to the general concerns that have been expressed about youth participation models. Youth participation models have been criticised for their focus on the narrow context of the intervention with young people and their failure to attend to the wider social context (Moses, 2008) or to consider who is left out (Hinton, 2008). Youth workers are well placed to appreciate that models also tend to simplify clear-cut categories or types of participation which may not correspond to the chaos of real-world situations. In practice participation may have a dynamic that is much more complex that these models suggest (Barber, 2007: 30).

It has also been suggested that youth participation typologies are insufficiently concerned with the relationship between adult and young people (Hinton, 2008) which can isolate young people's participation and lead to their further marginalisation (Percy–Smith, 2006a). Models variously place youth acting independently, or in partnership with adults at the apex of the model. Hinton (2008) describes this dichotomy as a 'zero sum game'. Youth workers likewise need to be cognisant of the implications of choosing one or the other model and as Hinton suggests resist creating a false dichotomy.

International development

Since the early 1980s the active participation of community members has become increasingly prioritised in international development and poverty reduction efforts (Hinton, 2008, Hart, 2008). This movement has promulgated participation as a practice (Couch and Francis, 2006) and has contributed numerous methodologies including participatory action research and participatory learning (Chambers, 2007). International development has also contributed models of participation, including Guijt and Veldhuizen' s (1998) typology which proposed that local involvement in the project stages of development initiatives corresponds to four levels.

The United Nations development agencies are key drivers of development theory, policy and practice as well as of international treaties such as the UNCRC. As such, it is natural that the development of the UNCRC in 1989 would give impetus to practice within international development that realises the right of young people to be heard (Hart, 2008). The result of this acknowledgement is a significant field of youth participation practice, which is typified by its objective of using participation to simultaneously transform children's lives, their relationships with adults and society as a whole (Hart, 2008). This view of social transformation from the bottom up can be seen to be shared by youth work initiatives such as those featuring in North American youth work literature, which conceive of youth participation as primarily a means for community transformation (O'Donohue et al, 2002; McLaughlin et al, 2001; Checkoway et al, 2003; Checkoway and Richards-Schuster, 2004; Youniss et al, 2002; Villarruel et al, 2003).

The field of international development has also introduced a significant critical theme into the discourse of participation (Singh and Wakeford, 2008, Chambers, 2007). This critique has focused on the common disconnect between local participatory efforts and larger systems, structures and power relations (Hart, 2008). Hinton (2008) has commented on these concerns suggesting that they have influenced the current debates and concerns about youth participation in modern democracies.

Community Work

Community development workers have drawn heavily on Latin American liberation theologists and their efforts to create political consciousness through education for the poor; efforts which subsequently found expression in Freire's pedagogy (Taylor and Percy-Smith, 2008). An example of the confluence of these ideas can be found in the community work publication *Training for Transformation*, which explicitly references both the social gospel and Freireian pedagogy (Hope and Timmel, 1984).

A concern for participatory processes is evinced in community development not just in the empowerment of the poor through Freireian pedagogy, but also through an explicit concern for 'voice'. Again, *Training for Transformation* provides an example of this concern: 'all of us who are involved in community, are immediately confronted with the real life problems of people – people who are caught in a never ending struggle for survival, with … no voice or power in decision making' (Hope and Timmell, 1984: 3).

The Freireian pedagogy employed in community development has contributed to the development of the concept of participation in international development (Couch

and Francis, 2006) and also to the construction of youth work models such as critical social education (Hurley and Treacy, 1993; Smith, 1982). In youth work Freireian pedagogy provides a practical pathway towards social action (Forrest, 2005). Social action theory has been explicitly referenced in youth work programmes in the United States and the United Kingdom which involve activities such as young people campaigning for social change (Arches and Fleming, 2006). Specific examples of these can be seen in the action research work of Checkoway et al (2003), Checkoway and Richards-Schuster (2004) McLoughlin et al (2001).

Public Administration

Public service administration reform is a global reform agenda which encourages accountability in public services through a number of means, including listening to and consulting with service users (Siurala, 2005). Goal One of Ireland's *National Children's Strategy* specifically cites public administration reform objectives and processes.

> The Government is committed to delivering better public services under the Strategic Management Initiative. One of the aims of this Initiative is to give increased recognition to service users as clients and customers. This focus is driving improvements in the performance of those public services. Children's services will benefit from this approach (Government of Ireland, 2000: 30).

A range of commentators view the public administration reform agenda as a co-option of participation in order to achieve public service imperatives rather than the realisation of the right to participate (Clark and Percy-Smith, 2006; Singh and Wakeford, 2008; Arnott, 2008). It has been suggested that a mechanism for this co-option is the emphasis on and resourcing of formal structures for youth participation (Badham and Davies, 2007; Thomas, 2007; Taylor and Smith, 2008). Formal participation structures have been criticised, particularly in the United Kingdom (Tisdall et al, 2008; Taylor and Percy-Smith, 2008; Hill et al, 2004; Thomas, 2007; Hinton, 2008), though there is also research from contexts such as Australian schools (Harris, 2006) and Norwegian and Slovenian youth parliaments (Thomas, 2007) that reflects poorly on the representativeness and the independence of formal structures. Specific criticisms of formal arrangements are that they often don't suit the diversity of backgrounds of young people and wide range of skills and capacities (Taylor and Percy-Smith 2008), and children and young people are encouraged to mimic the forms of discourse of adult politicians rather than to find creative ways to have their voices heard (Thomas, 2007).

The literature presents informal and ad hoc participatory social action as an alternative to formal structures. Hill et al (2004) examine informal social action amongst young people in Ireland and the UK and find that such initiatives provide young people with greater independence of action, as well as a greater degree of inclusion. Such actions are similar to the participatory initiatives described in North American youth work and referred to above.

However it is probably over-simplistic to view formal structures as 'bad' and informal structures as 'good'. Certainly, this doesn't take account of all the experiences of all young people involved in formal structures. Indeed, Pal's (2008) description of

Indian children's decision making through elected representatives in local councils presents an account of a strictly representative and yet meaningful formal participation structure. With examples such as this in mind, as well as the need for pragmatism, Prout (2005) encourages practitioners to eschew a dogmatic and polarised view in favour of a practical and considered understanding of which types of participatory structures are most appropriate in any given situation. Moreover, there is evidence (Taylor and Percy-Smith, 2008) that the greatest potential for impact of young people's participation is at the interstices between formal and informal space.

Youth Work

Youth work is not a well theorised discipline nor is it replete with accounts of practice (Williamson, 2006; Kiely, 1996). For this reason, speaking meaningfully about youth participation as it exists generally in Irish youth work practice is difficult if not impossible. There is no doubt however that youth participation is a core element of Irish youth work theory and policy. Theoretical discussions of youth work models and typologies have included youth participation for some time. Hurley and Treacy (1993) provided the first framework to understand youth work models from a sociological perspective and took youth participation as a key dimension. This is notable as other frameworks do not (see Edjington and Randall, 2005 and Ginwright and James, 2002). As has been noted elsewhere, youth services in the United Kingdom have incorporated participatory models into their curricula since the early 1990s (Ord, 2007). In fact, it is notable that a youth work-based model of participation actually pre-dates Hart's (1992) model of youth participation: a 'continuum of youth involvement' was developed in 1987 by Gill Westhorp of the Youth Sector Training Council of South Australia (Sercombe, 2002).

In Northern Ireland, participation has been central for many years to the development of the youth work curriculum; for example the *Participation: Youth Work Curriculum Guidelines* were published in 1993 . The current curriculum framework from *Youth Work – A Model for Effective Practice (2003)*, identifies participation as one of the three core principles underpinning the personal and social development of young people (Youth Work Northern Ireland, 2003). The discussion of participation in Northern Ireland echoes that of the *National Youth Work Development Plan* in the Republic in stating that 'the emphasis in youth work on the importance of the active and critical participation of young people is in keeping with the view that young people have rights as citizens' (Department of Education and Science, 2003a: 14; Youth Work Northern Ireland, 2003: 14).

The *National Youth Work Development Plan* built on many years of policy commitment to youth participation in youth work. The Costello Report (National Youth Policy Committee, 1984) named youth participation as the first of its core values. The Youth Work Act 2001 provides for the active involvement of young people in the governance of youth work through their entitlement to at least one fifth of the seats on Voluntary Youth Councils. Lastly, the Quality Standards Framework for the Youth Sector, which has recently completed its pilot phase, includes youth participation as one of the 18 standards for youth organisations (Department of Education and Science, 2008).

Why Youth Participation in Youth Work?

The following discussion will highlight the range of contributions that youth participation can make to realising and reinforcing the key goals and principles of youth work. To begin with, youth participation in youth work is seen as inherently valuable, not just a means of achieving other goals. In other sectors youth participation is often articulated in terms of its ability to contribute to the key goals of public policy makers (Hill et al, 2004). The *National Youth Work Development Plan* (NYWDP), however, identifies youth participation as a key principle. It explains that all youth work activities have a common 'focus on process … . and – essential for this to happen – on the active and critical participation of young people' (Department of Education and Science, 2003a: 13).

Young People's Safety

The first duty for youth worker is a duty of care for the young people in their charge and youth participation has a vital role to play in realising that duty. The right to be heard is recognised in the *Code of Good Practice – Child Protection for the Youth Work Sector*, which explicitly references children's rights as an active principle in child protection.

> In promoting the development of young people, youth organisations/groups have a responsibility to ensure that they have sufficient knowledge and confidence to reject any behaviour from their peers or from adults which may threaten them in any way. To achieve this, young people should be facilitated to recognise their rights and obligations to one another and to adults(Department of Education and Science, 003b: 7).

This guideline is grounded in research-based evidence. Practice that makes young people aware of their right to be heard and facilitates that right assists children to report abuse (Lansdown, 2001; Davis, 2007). Conversely, child abuse inquiries repeatedly find that it is the absence of such practice, and environments where children are not listened to, that allows for abuse to take place (Sinclair, 2004).

Moreover, youth participation is a protective factor as it has been demonstrated to foster resilience in children and young people (Couch and Francis, 2006; Werner, 1990 cited in Camino, 2005; Oliver et al, 2006). Resilience is the ability to cope with stress and is one of the key outcomes identified in the *Agenda for Children's Services* which is intended to apply to all services working with children in Ireland (Office for the Minister for Children, 2007). Resiliency research has found that young people are better able to deal with the negative impacts of neglect and poverty or other difficult life experiences if they have opportunities to participate meaningfully in their communities and in society through solving problems, setting goals and planning (Werner, 1990, cited in Camino, 2005).

Social Inclusion and Citizenship

Social inclusion is a key concern of youth work in Ireland. Goal 2 of the NYWDP is to 'enhance the contribution of youth work to social inclusion, social cohesion and active citizenship' (Department of Education and Science, 2003a: 17). Youth participation contributes to the realisation of social inclusion; in fact 'participation can be thought of as the opposite to the process of social exclusion' (Stevens 1999: 3; cited in Hill et al,

2004). By the same token, the lack of opportunities to make decisions and be heard is, by definition, social exclusion (Davis, 2007, Sinclair, 2004). In promoting young people's participation in the process of combating social exclusion It is important to note that they define it differently from adults. Children and young people experience poverty uniquely and the solutions to their social exclusion must inevitably reflect their experience (Hill et al, 2004). Evidence from evaluation of participatory initiatives demonstrates that engaging young people in identifying solutions to their social exclusion leads to better services, supports and accessibility (Sinclair, 2004).

Meaningful participation by young people fosters democratic habits of mind, such as tolerance, healthy disagreement, self-expression and cooperation as well as understanding of rights and responsibilities (Graham et al, 2006, O'Donoghue, 2002, Sinclair, 2004, Checkoway et al, 2003). At the same time, the literature suggests that care needs to be taken in how we view young people's citizenship. Internationally, several authors have argued that many youth participation initiatives amount to a 'public panic' that focuses on young people's citizenship as problematic (Sinclair, 2004, Harris, 2006, Cahill and Hart, 2007). Whether that is a view that informs public policy and practice in Ireland is debatable. The Task Force Report on Active Citizenship found that 'there is a clear and growing problem about the level of participation in the democratic process, in particular amongst younger people' (Taskforce on Active Citizenship, 2007:16). It has also been observed that citizenship debate can sometimes generate views of young people as citizens in the making (Davis, 2008; Howe and Covell, 2005). This notion that young people are not full citizens and require maturity in order to take a meaningful place in society is in essence a deficit view which, as discussed earlier, is in contrast to the view of young people held by most youth workers and is contrary to the provisions of the UNCRC.

Closely related to the notion of active citizenship is the currently fashionable concept of social capital. Social capital refers to 'features of social organisation such as networks, norms, and social trust that facilitate coordination and cooperation for mutual benefit' (Putnam, 1995). The chief contemporary promoter (but not originator) of the concept of social capital, Robert Putnam, believes that decreasing levels of social capital and engagement with democracy, particularly on the part of young people, are endangering society. The active participation of young people in youth work organisations leads directly to their developing social capital and contributing to social inclusion (Jarrett et al, 2005). For this reason, the recent concern within public policy for the generation of social capital should lead to greater public recognition and support of youth participation through youth work.

However, the concept of social capital is limited in several ways. For one thing, young people develop social capital differently than adults do, yet most studies of social capital have little to say about young people (Bassani, 2007). Moreover, an uncritical understanding of social capital does not acknowledge social conflict and inequalities of social and structural resources (Morrow, 1999). To ensure young people's social engagement, we need to begin with the view that they are citizens and full members of society and acknowledge that they often experience frustration and conflict when they attempt to assert their right to engage in decision making, or to have their voice heard in society (Morrow, 1999).

Personal, Social and Community development

Youth work is 'about adults and young people working together to further personal, community and social development' (Department of Education and Science, 2003a:14). Many researchers have found evidence that active participation in decision-making leads to various elements of personal development, including self-esteem (Morrow,1999; Alderson, 2008), leadership (Larson et al, 2005; Checkoway et al, 2003), efficacy (Alderson, 2008) and confidence (Checkoway et al, 2003). Most crucially, young people in youth-led programmes report that the skills they have developed carry over into other areas of their lives (Larson et al, 2005). It is in view of the cumulative strength of evidence for the developmental value of youth participation that the UNICEF makes the argument in the *State of the World's Children* (2003) that youth participation is not simply helpful but is in fact 'essential to ensuring [children's and young people's] growth and development' (UNICEF, 2006: 9). The same argument can be made in terms of community and social development. There is a substantial literature in which youth participation initiatives are demonstrated to be effective entry points to create positive social change within the community (Checkoway et al, 2003; Hill et al, 2004). The key role that young people and children play in community development becomes clearer when one considers that they constitute 35% of the Irish population (CSO, 2006) and as such should constitute the focal point for service provision in community contexts.

A Positive View of Young People

Youth workers and young people are very aware that young people are often viewed negatively in society (Devlin, 2006). News media accounts of young people are most likely to portray them as victims or perpetrators of problematic behaviour. The thinking behind some youth participation initiatives can reflect a similarly dichotomised view of young people, either as active participants or vulnerable and requiring protection (Clarke and Percy-Smith, 2006). Most contemporary youth work policy and practice, however, is based on an unequivocally positive view of young people. This is made explicit in the *National Youth Work Development Plan* (Department of Education and Science, 2003a: 14). Likewise, the *National Children's Strategy* (Government of Ireland, 2000) takes a view of young people as individuals worthy of respect and dignity (Pinkerton, 2004). Youth participation practitioners and organisations also must have a positive and respectful view of young people in order to engage them meaningfully (Devlin and Healy, 2007; Sinclair, 2004; Checkoway, 2003; O'Donohue et al, 2002; Clark and Percy–Smith, 2006; Cahill and Hart, 2007).

It follows then that negative views of young people limit their opportunities to participate. This happens in various ways. Firstly, negative views have the result of focusing interventions on young people's deficiencies rather than their strengths (Checkoway et al, 2005). Secondly, by focusing on young people's deficiencies, negative views weaken the ability of young people to help themselves and empowers the professionals who serve them (Checkoway et al, 2003). Thirdly, such views provide an excuse to delay engagement of young people until they have developed skills require to participate (O'Donohue et al, 2002).

Young people do need support. This however should not serve as a justification for delaying their involvement, or excluding already marginalised young people from participation initiatives. Rather it suggests that young people be given time and space to learn by doing. As the National Children's Strategy suggests: 'participation skills will be best learnt by providing children with opportunities to engage and participate i.e. active learning' (Government of Ireland, 2000: 31).

Discussion

This article has thus far explored two separate, but interlinking topics. The first deals with the sources of youth participation theory, policy and practice. The second examines the contribution of youth participation to realising the key goals and principles of youth work. Within and between these discussions a number of themes are evident and recurring. These include citizenship, the debate about non-formal versus formal approaches, and the link between adults' attitudes and young people's perceived skills.

Citizenship

There is a recurring concern with young people's citizenship in youth participation literature. While there are contrasting views on citizenship and on the closely related concept of social capital, the *National Youth Work Development Plan* (Department of Education and Science, 2003a), the *National Children's Strategy* (Government of Ireland, 2000) and the UNCRC collectively provide clear guidance for practice and policy; young people are citizens now rather than potential citizens. This principle provides an unambiguous imperative to youth work organisations to counter citizenship discourses which frame young people as citizens in waiting and suggests that the simulation of political involvement is a not a sufficient participatory activity. Rather, citizenship involves having rights and duties and a key element of young people's participation in Ireland is their active engagement with local and national issues and affairs of importance to them.

Non-formal versus Formal Approaches

Many criticisms have been made of formal structures for their potential to manipulate young people. At the same time, non-formal projects in which young people actively engage with issues in their community have been presented as the ideal form of youth participation. We have seen that the two approaches are often presented as mutually incompatible.

However, it is not helpful to stereotype formal structures as necessarily manipulative. As discussed above, there exist a number of strategies for proofing organisations and participatory activities, formal or otherwise, against manipulation by adults. Not the least amongst these strategies is reflection on the part of adult partners on their own motivations and goals and on whether their formal participatory structures genuinely allow for children and young people to challenge adults' views (Davies and Badham, 2007).

The view that non-formal social action projects or initiatives are the necessary antidote to tokenism and manipulation of young people appears several times in the literature reviewed. Certainly, social action projects are attractive to those working in youth work contexts in that they usually employ an approach to learning that is

common in youth work and is described in the *National Youth Work Devlopment Plan* as 'the ongoing educational cycle of experience, observation, reflection and action, and – essential for this to happen – on the active and critical participation of young people' (Department of Education and Science, 2003a: 13).

Social action projects are also not dependent on participants possessing a particular skill base, and are therefore much more inclusive and amenable to the various interests and abilities of young people. As such they provide a strategy for engaging with the key concern of social inclusion. Lastly the active engagement with social issues is in keeping with the view of young people as citizens discussed above.

In practice, it may be that a mix of formal structures and social action projects is to be preferred. Certainly, Taylor and Percy-Smith (2008) suggest that the greatest potential for impact on decision-making exists at the interstices between formal and non-formal participation structures.

Skills and Attitudes

The skills perceived to be important for participation are closely related to adults' attitudes towards young people. The link is evident when one considers that the emphasis is usually on the lack of skills on the part of young people, rather than on the part of adults (Larson et al, 2005). As Badham and Davies (2007) point out:

> Adults often emphasise the need for young people to learn effective participation skills. Young people agree, but know from their experience that adults have far more learning to undo to create a climate of mutual respect and develop an attitude and approach that promotes effective participation with a focus on substantial change, not smoke and mirrors (Badham and Davies, 2007: 87).

We need to ensure that our emphasis on skills for participation is not an enactment of a deficit view of young people, or a failure to find creative ways to engage young people as they are. Certainly, it can be argued that with sufficient creativity and innovation active participation is not dependent upon the possession of any particular skills at all (Hill et al., 2004). This is not to suggest the skills deficit, if any exists, is on the part of adults alone. It is, however, adults who must take responsibility for the challenge to engage young people through dialogue and to identify and respond to their needs (Davies and Badham, 2007). In this way youth work can offer a diverse array of participatory activities, appropriate to the interests and needs of young people.

Conclusion

Youth work theory and policy have embraced youth participation, specifically referencing Article 12 of the UNCRC as a principle for practice and holding youth participation as a goal in itself, with its own inherent value as well as being a means of realising other goals and principles in youth work. Indeed, as UNICEF (2003) suggests, youth participation is *essential* in order to realise the personal growth and development of young people, which is one of youth work's central goals.

Following on from the adoption of Article 12, youth work policy can be seen to view young people as citizens *now* rather than citizens in the making. This view has a number of consequences for youth work practice, not the least of which is a rejection

(or at the very least a questioning) of youth participation activities which are designed primarily as a preparation for young people to become citizens in the future. Arguably, there are other consequences of this view that have not been considered here. It is hoped however that the discussion above will contribute to debate and discussion about the nature of youth participation within the Irish youth work sector.

Acknowledgements

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Biographical Note

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Past Perspectives

Adolescence and the
Vocational Education Bill (1930)

Rev. Richard S. Devane, S.J.

Introduction

The Vocational Education Act of 1930 built on the system of technical education that had originally been established under the Agricultural and Technical Instruction (Ireland) Act of 1899, and that for its own implementation rested in part on the local authority system established by the Local Government (Ireland) Act of 1898. The Vocational Education Act replaced the former technical instruction committees with vocational education committees (VECs) whose remit extended beyond technical instruction to include also 'continuation education', defined as education 'to continue and supplement education provided in elementary schools [including] general and practical training in preparation for employment in trades, manufactures, agriculture, commerce, and other industrial pursuits, and also general and practical training for improvement of young persons in the early stages of such employment' (Section 3). This provided the basis for the establishment not only of the vocational school system throughout the country but also for the first (and for many years only) significant statutory intervention in youth work with the setting up in Dublin in 1942 of Comhairle Le Leas Óige (Council for the Welfare of Youth, now the City of Dublin Youth Service Board). The Youth Work Act of 2001, which gave VECs throughout the country the responsibility for ensuring the provision and coordination of youth work within their areas of operation, was the logical – if long overdue and even now not fully implemented – extension of these earlier initiatives.

The vocational education system provided for in the 1930 Act differed from the existing national (primary) and secondary systems in that the schools were to be non-denominational and under secular control. The Catholic hierarchy agreed to accept this arrangement after being explicitly assured by the Minister for Education of the day that continuation education did not involve 'general education' and was to be 'severely practical and vocational in its emphasis' (see John Coolahan, *Irish Education: History and Structure*, IPA, 1981, chapter 3). Committees were encouraged to make provision for religious instruction but had considerable discretion in this regard. It was this that prompted Fr Richard S. Devane, a Jesuit priest with a strong interest in what we now call youth studies (his collected articles appeared as *Challenge from Youth*, Browne and Nolan/Richview Press, 1942) to publish the following article in the *Irish Ecclesiastical Record* (1930 B: 20–36). The article is of interest not only because of the issues it raises concerning church-state relations in education policy (and social policy more generally) in post-independence Ireland, but because of its uncritical acceptance (and application in the Irish context) of the views of writers such as G. Stanley Hall and Cyril Burt. Fr Devane's hopes in relation to religious education within the vocational system

were not immediately fulfilled, but in 1942 (five years after the adoption of a constitution which stressed the role of religion in society and explicitly recognised the 'special position' of the Catholic Church) the Department of Education issued Memorandum V.40 which specifically included religious studies as part of the courses offered within the vocational schools and placed greater emphasis on the Irish language and 'other distinctive features of national life'.

Maurice Devlin

The Vocational Educational Bill has been received with much approval by many employers, trade-unionists and educationists, and for various reasons unnecessary to state. Criticism has been practically confined to the question of finance. There is one incidental, or, shall we say, fundamental aspect which has attracted relatively little notice, and to which, it seems to the writer, immediate attention ought to be directed – that is the devising of some plan, either within or without the Vocational Educational System, for the moral and religious formation of the nation's youth.[1]

The general body of our growing boys and girls are soon to be brought into Continuation and Technical Schools, and compulsion will, to a considerable extent, be exercised in doing so. The significance of the possibilities, not only to the State but also to the Church, may be judged from the numbers involved. The last Census does not give us the figures for the period from 14 to 18 years, which is the age-base of the new system, but from 15 to 19 inclusive. If we deduct, as I have done, one-fifth, so as to get a four year estimate, we shall have, with fair accuracy, grasped the extent of the problem.

Total 14–18	Catholic	Prot. Episc.	Presbyterian	All Others
228,911	213,928	11,158	2,178	1,647

Total All Ages	Catholic	Prot. Episc.	Presbyterian	All Others
2,971,992	2,751,269	164,215	32,429	25,066

Making all allowance for those between 14 and 18 in Secondary and other schools, we have roughly 200,000 young people, in what is the most critical period in their lives, to provide for in the new system. If one is to judge from the discussions of some public bodies and from the opinion of individual public men, as reported in the Press, one is led to believe that the full significance of the adolescent period is not appreciated as it ought to be. The purpose of this paper is to draw attention to the unique opportunities which will offer from the gathering together of the youth of the country in the new schools, particularly to the Church, for the moral up-building and religious formation of our growing boys and girls, who up to the present were compelled by circumstances, at least in the vast majority of cases, to go out to work, leaving behind them, not only the discipline of the school, but also, largely, the influence of the home, and one may add, to some extent, that of the Church also.

Adolescence and its vast importance, not only for the individual, but also for the nation, received much attention, in which ritual played a significant part, not only from the cultured Greeks and Romans, but from all the primitive races. Though regarded a

puber at fourteen, the young Roman did not reach his civic majority till seventeen, when he took the *bulla aurea* from his neck and gave it, and his flowing locks, cut for the first time, as an offering to the gods. He then laid aside the *toga praetexta* and donned the *toga virilis* amid the rejoicing of his friends. At Athens the boy reached his place of pride as a man at eighteen. He was initiated at a special feast, *Ephebia*, at which, having been examined and adjudged physically and morally worthy, he took the oath and was put in the ranks of the *epheboi*, and inscribed in the lists of the citizens. The oath ran thus:

> I will never bring disgrace to these arms, nor desert the man next me in the ranks, but will fight for the sanctities and the common good, both alone and with others. I will not leave the Fatherland diminished, but greater and better (by sea and land) than I received it. I will listen to those always who have the power of decision, and obey existing laws and all others which the people will agree in ordaining; and if anyone would nullify or refuse to obey them, I will not permit it, but will defend them, whether alone or with others. I will honour the religion of my native land, and I call on the Gods to witness.

Impressive ceremonies, sometimes, and, only too often, revolting, attended the introduction of the savage boy into the ranks of the warriors in almost all the primitive peoples. Medieval Europe, with its chivalry centering round the pages, squires, and knights, had also availed of the adolescent in the making of the flower of its manhood. The page became a squire at fourteen, and after seven years of service to his lord in tourney and battle passed into the goodly company of the knights. The Church's ceremonial, *Benedictio novi militis*, was most impressive. Fasting for a day and night, together with the vigil spent in the church before the Blessed Sacrament, and a general confession, preceded the investiture. In the morning was a symbolic bath; then Mass, at which he received Holy Communion, taking the knightly oath, 'To be a brave, loyal, generous, just and gentle knight, a champion of the church, a redresser of the wrongs of widows and orphans, and a protector of ladies.' He was then struck lightly with the sword that had been blessed and so 'dubbed' knight in these words: 'In the name of God, St. Michael and St. George, I make thee a knight; be valiant, courteous, and loyal.' The Jews, from the Middle Ages onward, had also a ritual ceremony for the passing of the boy under the law. During the last few centuries the importance of this period has been considerably ignored by the modern States, and it is only in recent times, with the birth of the Youth Movement, that once again adolescence is coming into its own. Is it too big a dream to hope that, some day, when the nation is united, we, too, shall have a ceremony of initiation, with suitable civic or religious preparation, when our young people take their place in the ranks of the citizens or in the fighting line of the Church Militant?[2]

Scientific study of youthful psychology somewhat preceded Youth Organisations, and stimulated the latter and was in turn stimulated by it. One of the first, and the greatest, of the modern students of this period, is Stanley Hall, whose monumental work, in two large volumes, is still the classic. Many other Americans have since followed in this footsteps. The French have done some useful work; but it is the Germans,[3] especially since the Great War, who have been in the forefront of scientific

investigation. England is now waking up, but up to the present has turned out no work of outstanding merit. This country, so backward in youth organisation, may be said to have done nothing by way of real scientific study of youth.

It is to be greatly feared that too many take the study of psychology of youth as one in which he who runs may read. It will be well to remove this illusion. Stanley Hall, in a few significant words, sums it up as: 'A vast and complex theme.'[4] Stephen Paget : 'One of the hardest subjects … . It needs more than a man to understand adolescence; it needs, at the very least, a Royal Commission.'[5] Borden Veeder, of Washington University: 'Adolescence is a difficult chapter in human evolution, and the adolescent is an elusive figure, not merely to understand, but to talk or write about.' [6]Professor William Clark Trow, University of Michigan : 'Adolescence is still an enigma. Although the word designates a period of development recognised as of sufficient importance to be attended by State and religious ceremony since the earliest times, its nature, its boundaries, and its full significance have not yet been satisfactorily established.'[7]

Perhaps this will be sufficient; confirmation may be had in attempting to fathom the mind or soul of a girl or boy, with all their involved and conflicting ideas, ideals, dreams imaginings and emotions. While the boy has been the subject of much investigation, the girl has found few to try to adventure the difficult tasks of studying her very complex and emotional nature. Of her, Hall says in his preface to Phyllis Blanchard's *The Adolescent Girl*.

> To my mind the psyche of the budding girl has seemed the very most unknown of all the domains of psychology. We do know something, which many years ago I tried to summarise, about the crisis in a boy's life, but the corresponding changes in the soul of the young woman are far more hidden, not only to herself but others.

Perhaps, with the spread of the Scout and Girl-Guide Movements, and the initiation of a national scheme of adolescent education, some interested persons of both sexes may take up the study of the psychology of our Irish Youth, and that, as a consequence the nation will awake to the full significance of the adolescent years, and that suitable organisations will develop accordingly. While the study is difficult it is both most practical and at the same time fascinating. Stanley Hall confesses:

> As, for years, an almost passionate lover of childhood and a teacher of youth, the adolescent stage of life has long seemed to me one of the most fascinating of all themes, more worthy, perhaps, than anything else in the world, of reverence; a most inviting study, and in most crying need of a service we do not yet understand how to render aright … No age is so responsive to all the best and wisest adult endeavour.[8]

It seems a pity that much of the research that has been done has been by those outside the Church, and that the Catholic side of adolescence has yet found no adequate scientific study. How helpful such would be to priest and teacher and to all engaged in the training of youth! Unfortunately, many of the works on this subject give undue prominence to materialism, evolution, Freudian psychology and the sexual instinct, and are, therefore, unsuitable to the ordinary Catholic reader.

It is impossible, within the limits of a short article, except in a very passing way, to

point out some of the chief characteristics of this most important period. It has been described as a 'new birth,' 'a rebirth,' 'a second birth.' Of it Jean Jacques Rousseau has said: 'C'est ici que l'homme naî véritablement á la vie, et que rien d'human ne lui est étranger'' (*Emile*, IV). Paul Gaultier, in *L'Adolescent*, speaks of it as 'l'epoque où, avec la puberté, commence à s'organiser une personalité nouvelle.' With some the progress of development is slow and gradual, with others it is tempestuous and volcanic,[9] but with the vast majority it is spasmodic and *per saltus*.

It is the period of the disintegration of the old personality and the making of the new. It is pre-eminently the period of conflict. It is the age of mental exploration and empiricism; of questioning, indecision and doubt. Egotism and independence struggle side by side against the conviction of the need for guidance and dependence. Idealism and enthusiasm rub shoulders with materialism and pessimism. Violent temptation and noble aspiration to virtue are inextricably entangled. Intense religion and doubts about the very fundamentals of religion are found hopelessly mixed up. Pious practices and personal devotion may dwell with sordid sin. Intellect and emotion are in riot and rebellion with each other. Sensibility and extreme sensitiveness may be mated to a strange harshness and even cruelty. It is the age of excitement and morbid depression; of crude and obtrusive self-expression; of painful self-centered silence; of unintelligible selfishness and of most generous self-denial. Is it any wonder it has been described by the psychologists as 'the period of storm and stress'? It is the period of gestation and labour. The infant has given birth to the child during the first seven years of existence; the child to the youth in the second; and in the third, from fourteen to twenty-one, the youth is bringing forth, with many pains and much travail, the woman and the man. It is with the very heart of adolescence that our new system of education will deal. What forces shall we bring to bear on those sacred years of youth ? Stanley Hall stresses the importance of adolescence in these striking words:

> It is the age of sentiment and religion, of rapid fluctuation of mood, and the world seems strange and new. Interest in adult life and vocations develops. Youth awakes to a new world and understands neither it nor himself. The whole future of life depends on how the new powers, now given suddenly and in profusion, are husbanded and directed. Character and personality are now taking form, but everything is plastic. Self-feeling and ambition are increased, and every trait and faculty is liable to exaggeration and excess. It is all a marvelous new birth, and those who believe that nothing is so worthy of love, reverence, and service as the body and soul of youth, and who hold that the *best test* of every human institution is how much it contributes to bring youth to the ever fullest possible development may well review themselves and the civilisation in which we live to see how far it satisfies this supreme test.[11]

Let us hope that such a test will be now accepted by the nation, as it sets before itself the drafting of its Adolescent Education Bill, and that not merely the development of the physical and mechanical powers of our youth will be envisaged but also their moral and religious. Indeed, there is some ground for this hope for the Minister of Education, speaking at the Technical Congress at Limerick, 12 June 1928, said : 'Technical Education ought not to be merely the teaching of the trade and the

handicraft, but its aim should also be to build up the personality of the individual as a member of the trade, as a member of the family, and of the community'. Replying, in the Dáil, to a proposal by Deputy Fahy that provision should be made in the Bill for 'the Irish language and literature, national history, music, topography, and folklore,' Mr O'Sullivan said that the amendment was unnecessary, and he objected, in a Bill that was essentially a Vocational Education Bill, to the singling out of certain things. The matters dealt with in the amendment, he said, would be adequately provided for. Deputy Fahy had said that these subjects were not expressly excluded, but he thought they should be expressly included. May we conclude that, like these subjects, Religion will also find its place in the new educational system.

Kerschensteiner, the great German authority on Continuation Schools, and the maker of the Munich system, sets before us his ideal of Vocational Education – it is a noble one and one that we would do well to reflect upon:

> The end of all education is not the technically competent workman, but the citizen of the State, who not only seeks to advance his own welfare through his work, but also places his work in the service of the community. The next essential element of the Continuation School is, therefore, the attitude of regarding *Technical Education as a means for mental and moral training. Not until the organisation has entered this path will the compulsory continuation day trade-school prove itself valuable enough to justify the large expenditure which it requires.*

This statement by a master authority of great practical experience cannot be lightly set aside. This is true education, indeed.

Best and Ogden, two Englishmen, who made a personal study of the Munich system, are emphatic on this point in their published report:

> *The ennoblement of a community is impossible without first ennobling the individuals of the community; therefore, the moral and ethical training of the individual must necessarily precede*. It follows that our aim must be a training which shall give scope for the cultivation and practical exercise of the virtue of consideration for others, devotion, and constancy and for the formation of the unselfish character. But nothing requires such thorough and fundamental work as just this kind of character training, for we are now up against the difficult barrier of the scholar's egotism. The other material teaching is *comparatively easy*.

There is, however, one point they missed in the Munich system, and that is, the inclusion of religion as an essential element in the building of personality and the formation of youth. One is forcibly reminded of the similarity of ideas and the strong contrast of ideals of these Englishmen with those of the present Pope, when one reads the Papal Encyclical of last December, *De Educatione Christiana*:

> There can be no ideally perfect education which is not Christian Education. From this we can see the *supreme importance of Christian Education, not merely for each individual, but for families and for the whole of human society, whose perfection comes from the perfection of the elements that comprise it*.[12]

In Munich, out of the small number of hours which, each week, must be spent in the Continuation School, one hour is devoted to the moral and religious instruction of the students. The following are typical time-tables:

Coachmen and Drivers[13]	Hrs	Printers[14]	Hrs	Bakers	Hrs
Religion	1	Religion	1	Religion	1
Book-keeping	1	Composition and Reading	1	Compostion, Reading and Literature	2
Essays and Reading	1	German Language	1–2	Trade Arithmetic	1
Citizenship, Hygiene	1	Arithmetic, etc	1	Citizenship	1
About Horses	1	Citizenship and Trade History	1	Materials	–
Locality and Police Regulations	1	Materials, Tools, etc	1	Chemistry and Physics	–
		Practical Work	2–1		
		Trade Drawing	2		
Total	**7**	**Total**	**9**	**Total**	**6**

According to the *London County Council Report*, 'Religion is common in all courses for the first two years for one hour per week, and is taken by clergymen of different denominations' (p. 58). We find that those engaged in the teaching of religion were composed of 53 Catholics, 6 Protestants, 1 Jew and 1 Old Catholic (p.12).

I wonder if we can make some similar arrangement, not confining ourselves, however, to those between 14 and 16, but including those between 16 and 18, a far more important period in the life of the adolescent. A forcible reason is that religion does not make its *compelling* appeal until adolescence is under way and adolescence does not generally begin with Irish Boys until, roughly, 14 to 15. According to the distinguished criminological psychologist, Dr. Healy, of Chicago, the American boy reaches puberty normally at 14 to 15 years. The Rev, The Hon. E. Lyttleton, writing of English boys in *The Training of the Young in the Laws of Sex*, says: 'The average age appears to be between 14 and 15.' Those who mature at the latter age will not experience the big influences of religion till they are at least one year older. Dr Cyril Burt, Professor of Education in the University of London, and psychologist in the Education Department of the London County Council, states: 'As regards puberty, suitable figures for comparative judgments are in this country entirely lacking. Data for trustworthy standards, showing the normal age of pubescence, and the frequency of durations above and below, are urgently needed both for boys and for girls.' From a special enquiry based on 'a random sample of non-delinquents' of some hundreds of each sex, he found 'an average of 14.8 years among boys and 14.2 years among girls – brunette girls being some what later than blonde. The standard deviation for the girls was 1.9 years, for the boys 1.1 years.'[15]

As we have no published scientific enquiry into the religious awaking of our adolescents, may I say that after several years intimate and personal interest in boys of roughly the same age, who make three-day retreats, in compact groups of forty (which, by the way, gives one ample opportunity for dealing with the individual; with larger numbers this is impossible), at Rathfarnham Castle, I believe that the most important *single year* in the adolescent's life is that of roughly 16 to 17, and I am convinced that the period 15 – 18 is the biggest with possibilities for good or evil in the life of a man. It seems to me, to say the least, unwise to withdraw religious training from a boy's life at 14, or even 16, when the real crisis has not yet fully developed. Mr. Paton, Headmaster of the Manchester Grammar School, sums up one aspect of the adolescent problem in a very telling way:

> It is these adolescent years of 13 to 17 (or is it 14 to 18?) which are the crucial years of life. All the powers of the body, mind, and character are then in their most plastic condition. These are the years of preparation of the crisis of sex and for domestic independence. At no other time is right training and supervision more important. What the young fellow becomes then, physically, mentally, morally, so for the most part he will remain to the end of the chapter. It is at this point, which it is no exaggeration to describe as a time of new birth, that our educational system comes to an abrupt end. We have built a bridge out in the middle of the stream, and there, where the water is deepest and the current runs strongest, we launch our young swimmers into the flood.[16]

Surely it will be nothing short of a national tragedy it these facts are forgotten when a national system of adolescent education is being worked out.

May I support this view and stress the importance of the marvelous potentiality and affinity for religion that enters the soul of the growing boy and girl during these adolescent years. Dr Slaughter, in The Adolescent:

> The chief facts illustrating the new orientation of thought and feeling are presented in adolescent religion. Religious sentiment is, at least for a time, the *dominant one* in the youthful character … . *At no other time* of life is the problem as to the inner meaning of things more pressing than now; at no other time are ultimate conceptions so much a matter of daily thought … . It is, therefore, a matter of interest to find how the adolescent reacts to the religious influences now brought to bear upon him … . *It is impossible to urge too strongly the importance, for development of adolescent religion*.[17]

Harbuck, a disciple of Hall, has made a very interesting study of this subject in his *Psychology of Religion*, and sets forth one of his conclusions in the form of a law: 'We may safely lay it down as a law, then, that among the females there are two tidal waves of religious awakening, at about 13 and 16, followed by a less significant period at 18; while among the males the great wave is about 16, preceded by a wavelet at 12, and following by a surging up at 18 or 19.'[18] This is the age when devils or saints are in the making. Hall asserts : 'The forces of sin and those of virtue never struggle so hotly for possession of the young soul. As statistics show, the age of most frequent conversions to true religion is precisely the years of the largest percentage of first commitments to houses of detention

for crime.'[19] Dr Healy, in *The Individual Delinquent*, says : 'It appears that the principal age for recruiting into the ranks of criminal life is between 15 and 20, as judged by the first convictions of 2,204 English habitual offenders.'[20] Kupky, in his arresting study of *The Religious Development of Adolescents*, says: 'On the basis of the material available for this study, it would seem that the religious development had definitely begun with the *completion* of the fifteenth year, and that after the twenty-second year came a definite cessation.'[21] In other words, the period of intense religion was *the middle 'teens'*, after that there was a subsidence, and the end took place on entering the twenties. In giving the main outline of this religious development Kupky proceeds:

> In the case of a child one cannot properly speak of 'religious' development; religious instruction usually produces a thoughtless taking over of religious ideas ; the child is highly receptive and accepts the religious, like the other, values of his environment, because he has to. Youth finds out for himself 'spontaneously,' the real meaning, the true significance, of religious thoughts and values. He is not religious because he has to be, but because be wants to be. Therefore, we may not speak of a religious development, of a steady growth from within, before adolescence. Religion is present in the first impression at the beginning of puberty, but it is not completely developed till the end of this period … . Personal and conscious conviction, pervading and determining the young person's whole spiritual life, seems to be the 'goal' of development … . Not before the end of adolescence does the search for the value of all values find its fulfillment … . Doubts arise which are overcome by new religious experiences. These in turn are doubted and further new experiences carry the development forward. This process, which is accompanied by so many periods of excitement and calmness, finally, in the religious youth, ends in the conviction that inner tranquility comes solely by yielding to God. With St. Augustine youth admits at the end of his development: *Cor meum irrequietum est,donec requiescat, Domine, in Te*.[22]

As the result of our experience at Rathfarnham Castle of hundreds of boys each year, in what is perhaps the best possible way of studying youth – the small group enclosed retreat – we exclude, except in rare exceptions, boys under 15 years, as not yet having been sufficiently religiously developed to adequately benefit by the Spiritual Exercises. We further find that the real convictional and permanent results lie within the 16 – 18 period. This is the very *heart* of adolescence. Never again will the hidden springs of religion swell up so torrentially and so forcefully as in these momentous years. Will it not be a national tragedy if something be not done, in an *organised* way, to canalise those vital streams of adolescent religion ? If ever there were a tide in the affairs of men leading on to temporal and eternal fortune it is the religious tide then surging up in the soul of youth. How much time, by way of attempted reformation, will be saved, in the years to come, how many dismal failures avoided, if special organised attention were brought to bear on the lives of growing boys and girls of the nation in these crucial years ? Owing to the rather unique experience referred to above, I have an intense conviction of what can be done if we concentrate whole heartedly on this period of perfervid religion, of noble aspiration to high ideals, and of unhesitating

generosity, when religion becomes a conscious and living force in the soul of youth. I do not, on purpose, enter into details as to how this organised effort shall be made, or as to how far Church and State should co-operate. I merely hope to awake interest, and, maybe, lead to discussion.

Perhaps, in passing, I may say that for some time I have felt that *special parochial retreats*, given to adolescent boys and girls, separately, where they could hear sermons suitable to their age and special needs, and where particular attention could be given to each individual, would repay a hundred fold, by way of prevention, any sacrifice in time or money involved. Only too often do the ordinary missionary sermons pass over their youthful heads; and, as for special direction in confession, it becomes largely impossible owing to the great numbers. There are difficulties in this suggestion, but, perhaps, some zealous parish priest in a town or city may consider it, and find it not quite unpractical.

At any rate, the growing boys and girls will now be gathered together into schools. *In many towns and rural areas one hundred per cent. will be Catholic*. These elusive individuals will be organised in city, town and countryside. A new opportunity for reaching them on special organised religious lines is at hand, shall we avail of it to the full? Cannot Sodalities at least be organised for those young people in conjunction with the schools. I am not unaware that the *last* Maynooth Synod had the *old* type of Technical Schools under special consideration, and directed that: Debet parochus, per se aut per vicarious, si capellanus specialis non nominetur pleniore religionis doctrina alumnus illarum scholarum excolere.'[23] But since the meeting of the Synod and the publication of the Decrees this *new* system has entered in, which could not then have been envisaged, and so new opportunities now offer, not hitherto available, and new needs arise to be filled.

The significance of the impending change may be briefly summed up as follows. The old system was mainly technical, voluntary, and dealt with the relatively few of whom a considerable number were adults. Those enrolled in Technical Schools in 1926–1927 numbered 22,718. Of these 11,084, practically half, were centered in Greater Dublin (7,086), Cork, Limerick and Waterford (3,998). The new system will deal much more with general education, will be compulsory, and will have within its possible ambit the vast majority of 200,000 of our boys and girls of 14–18 years, throughout the whole country. What exact numbers will be actually included remains to be seen from the amendments to the Bill, and from some years' working of the system. It will be probably seven or eight times as great as in the old system. Hence new opportunities and new needs.

Lest some may think that the purpose of this paper is unpractical and visionary, may I direct attention to the resolution of the Cork Chamber of Commerce, composed of hard-headed business men, and, I presume, men of different religious beliefs. I had just finished this article when I was heartened by the following lines, appearing in the *Irish Independent*, May 22 last, under the caption The Vocational Education Bill:

> Cork Chamber of Commerce approved of the principles of the Vocational Education Bill, *but suggested religious and secular education go hand in hand*, and that attendance of young persons between the ages of 14 and 16 at continuation classes be compulsory.[24]

The Cork Chamber is one of the foremost and most progressive bodies in the country. It is composed of 'Big Business' men, who are supposed to be proverbially materialistic in their outlook. It is well that Big Business has not blinded them, but rather opened their eyes, to the importance of religion to the youth of the country. Where the Cork Chamber has led other public bodies may follow. Let us hope labour will not lose sight of the true education of the young workers, and of the need for religion in the building up the future men and women of their ranks. Meantime, let us not forget these impressive appropriate words, adopted by the Pope, in his recent Encyclical on the Christian Education of Youth:

> The more closely the temporal power of a nation aligns itself with the spiritual and the more it fosters and promotes the latter, by so much the more it contributes to the conservation of the commonwealth. For it is the aim of the ecclesiastical authority, by the use of spiritual means, to form good Christians in accordance with its own particular end and object; and in doing this it helps at the same time to form good citizens, and prepares them to meet their obligations as members of a civil society. This follows of necessity because in the City of God, the Holy Roman Catholic Church, a good citizen and an upright man are absolutely one and the same thing. How grave therefore is the error of those who separate things so closely united, and who think that they can produce good citizens by ways and methods other than those which make for the formation of good Christians.

Moreover, the ideal that lies at the back of Irish education has been accepted by the nation, and has been categorically set forth in the preamble on Religious Instruction, with which the National Programme Conference prefaces its formal programme of the Primary Schools:

> Of all the parts of a school curriculum Religious Instruction is by far the most important, as its subject matter, God's honour and service includes the proper use of all man's faculties, and affords the most powerful inducements to their proper use. We assume, therefore, that Religious Instruction is a fundamental part of the school course. Though the time allotted to it as a specific subject is necessarily short a religious spirit should inform and vivify the whole work of the school.

In conclusion, may I sum up the situation in a few words. We have admirable programmes of Religious Instruction for our children in the Primary Schools,[25] and for our young people in the Secondary Schools. Will it not seem anomalous if our adolescents, numbering most of 200,000, in the new, largely compulsory, *national* system, are alone without some similar formative religious influence, especially when this problem is viewed in the light of what has been said in the foregoing pages as regards the supreme importance of the critical years of that crucial period of adolescence. Let me add once more : this paper has been written in the hope of awaking interest in this important subject and perhaps of leading to discussion.

Notes

1. Since the above was written a short telling article (with editorial comment) has appeared in the June issue of the Irish Rosary; this will well repay reading.

2. There was an interesting discussion, quite recently, in the *Catholic Times*, as to the advisability of postponing Confirmation till the adolescent period, regarding it as a ceremony of enrolment, with suitable preparation, for the passing of the youthful soldiers into the Church's fighting ranks. The Fascists have, I believe, some such civic ceremonies in their youth organisation.

3. 'The psychology of adolescence is the youngest branch of German psychology, even younger than that of child psychology; and the religious development of the adolescent is one of its most special investigations.' – Kupky, *The Religious Development of Adolescence*, (the Preface).

4. *Adolescence*, vol. i. xix.

5. Oxford University Extensions Lecture, 'Adolescence,' Aug., 1917.

6. The Adolescent, Schwab and Veeder, p. 349.

7. Preface to English translation of *The Religious Development of Adolescents, Karl Kupky*.

8. P.5.

9. On se couche enfant, on se reveille homme.' (Chateaubriand.)

10. The ending of adolescence is variously estimated; its final and less important phase is the early twenties.

11. *Adolescence*, vol. i. p. xv.

12. Official English translation, p. 4.

13. *The Problem of the Continuation School*, Best and Ogden, p. 14.

14. [Data for printers and bakers] 'Trade and Technical Education in France and Germany,' *London County Council Report*, p. 38.

15. *The Young Delinquent*, p. 625

16. *The Higher Education of Boys in England*, Norwood and Hope – article on the 'The Secondary Education of the Working Classes,' by Paton.

17. *The Adolescent*, p. 42.

18. P. 34

19. Vol. ii. P. 83

20. P. 11.

21. P.66

22. Pp. 110, 114

23. Decree 402 (3)

24. Compulsion refers to those who have left school at fourteen and are yet unemployed. The Cork Chamber wishes that these should make the same attendance as the child in the Primary School and not the few hours required in the new Bill. Otherwise it would be an inducement for children to finish at fourteen years.

25. The following is an extract from the Editorial Note of the *Irish School Weekly* (June 6), which appeared since the above was written.

    'While preparation for life as an objective of Education is not to be despised, this preparation must have a sound Christian foundation if it is to fit the boy or girl for is or her duties to others in after life. The views to which the Very Rev. Rector of Belvedere College gave expression the other day are those insisted on by the I.N.T.O. Vocational preparation is an essential in this busy and competitive age, but during the child's time in the primary school the cultural and moral side should alone be stressed. When the time arrives for vocational training the child has thus a groundwork of religion and morality on which any superstructure can well be raised to fit him to perform his duties as a Christian.'

Review Article
Putting Children First?
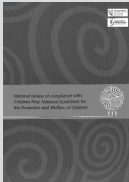
Office of the Minister for Children and Youth Affairs
National Review of Compliance with Children First: National Guidelines for the Protection and Welfare of Children
Dublin: Stationery Office, 2008. 22 pp. €5.00
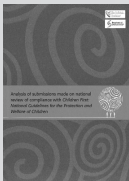
Sinead Hanafin and Anne-Marie Brooks
Analysis of Submissions made on the National Review of Compliance with Children First: National Guidelines for the Protection and Welfare of Children
Dublin: Stationery Office, 2008. 41 pp. €5.00

Helen Buckley, Sadhbh Whelan, Nicola Carr and Cliona Murphy
Service Users' Perceptions of the Irish Child Protection System
Dublin: Stationery Office, 2008. 83 pp. €5.00

Majella Mulkeen
Applied Social Studies, Institute of Technology, Sligo

The above publications form the basis of the recent government sponsored review of the implementation of *Children First: National Guidelines for the Protection and Welfare of Children* (Department of Health and Children, 1999) and the first carried out by the Office of the Minister for Children and Youth Affairs (OMCYA).

 Children First is an overarching set of procedures to improve professional practice in both voluntary and statutory agencies that provide services to children and families. The guidelines were designed to assist people in identifying and reporting child abuse and to guide staff in the steps to take in response to such concerns. The Department of Health and Children (DOHC) itself adapted the *Children First* guidelines to meet the information and awareness needs of the voluntary sector with the publication in 2002 of *Our Duty to Care*; and the Department of Education and Science (DES) applied them to the youth work context in the *Code of Good Practice: Child Protection for the Youth Work Sector* (2003). Together with the Child Care Act 1991 and the Children Act 2001 they form the basis of state provision for the welfare and protection of children.

National Review

The introduction to the *National Review* document states that this review is different to other government commissioned reviews (Social Services Inspectorate, 2003; National Children's Advisory Council, 2003) because the context and focus are different: it is based on wider consultation and partnership with relevant government departments. The publications above do suggest a comprehensive and enlightened approach to genuine partnership and consultation. The *National Review* team undertook the review along four parallel strands: a public consultation, a review of previous reports on the implementation of *Children First*, meetings with key stakeholders, and contact with the Secretaries General of each Government Department.

Of the 136 submissions received through the public consultation, the majority came from organisations rather than individuals and from service providers rather than service users. In fact, only 4% of responses came from service users. This is not uncommon in this kind of public consultation and the commissioning of a specific study on the experiences of service users in this regard is welcome.

The findings contained in the research reports will be of specific interest to those involved in the voluntary and community sector, including youth work, because the issues raised by organisations and by service users are ones which impact on their work – whether in family support, working with young people or child protection – on a daily basis. For those working with young people in a developmental capacity, welfare issues also arise. The primacy of young people's voluntary participation, the egalitarian ethos of much youth work practice and the centrality of the value of building relationships means young people may choose to disclose abuse to youth workers.

The *National Review* highlights a key concern relating to the issue of access and engagement with the child protection services. Engagement is fraught with difficulties for children, young people, their families and those organisations who work to support them. Submissions highlighted the lack of consistency in how *Children First* is implemented across the HSE and the significant problems relating to feedback to those who report a concern, as well as problems in the availability, timeliness, quality and quantity of services available once investigation and assessment is completed. Unfortunately these findings reflect a pattern, evident over many years and continuing today, of failure to act to adequately protect children in Irish society. Central to the experience of many children and young people has been the failure of statutory authorities to act decisively in cases of neglect and abuse.

Recent events suggest that recommendations from previous reviews must be acted upon urgently by Government so that there is public confidence in the capacity to implement the recommendations of the 2008 *National Review*. As indicated above, two independent Government-commissioned reviews of the *Guidelines* have already been carried out (by the Social Services Inspectorate the National Children's Advisory Council, both in 2003) and yet difficulties persist with the implementation of the *Guidelines*. Key recommendations from these Reviews are reiterated in the findings and recommendations of this *National Review* and require a committed government response: clearly delineated departmental responsibilities and inter-departmental working arrangements for implementing *Children First*; improved structures to promote interagency cooperation at national, regional and local level and a public education campaign to highlight child protection as a key national issue

In addition to the above, there have been calls by children's services to place the *Guidelines* on a statutory footing, and these calls were reiterated in the submissions to this Review, although such a development does not feature in its final recommendations. The refusal of Catholic Bishops to answer questions in 2008 for a HSE Audit relating to allegations of abuse, citing legal reasons, are directly related to the lack of legal backing for the *Guidelines*. There is little accountability, in part because there are few sanctions. As long as the protection of children relies on guidelines which have no constitutional or statutory basis, there is no obligation to report children in danger.

The second Government action must be to introduce legislation to allow for the use of 'soft' information in vetting procedures in relation to the suitability of individuals to work with children or vulnerable adults. Such legislation will have the support of children's organisations throughout the country. The issue of 'soft information' exchange is one that was considered by the Joint Oireachtas Committee on the Constitutional Amendment on Children, which found that there is no constitutional impediment to the enactment of legislation with regard to the exchange of such information. These problems were identified more than three years ago in the *Ferns Report* (Murphy et al., 2005) and the government has so far failed to introduce changes in the law that it admits are necessary.

There is considerable agreement about the steps necessary to ensure the full implementation of the *Children First* guidelines. The political will to act is less forthcoming, as a brief perusal of the inquiry reports of recent past will testify. Before the *Ferns Report*, just mentioned (Murphy et al., 2005), there was the report of the Kilkenny Incest Investigation Team (1993), the Kelly Fitzgerald 'A Child is Dead' report (Keenan et al., 1996) and the 'West of Ireland Farmer' report (North Western Health Board, 1998), to name a few.

It is in the context of these and other reports that a review of compliance with the *Children First* guidelines and an analysis of the experience of services users is timely. One of the challenges of the *National Review* was to incorporate the experiences of the service-users but this did not occur to any great extent. As already stated just 4% of responses to the public consultation were from service users. The OMCYA did commission a significant piece of research into their experiences, but the findings were not incorporated into the final *National Review* document. While the focus of the Review was on compliance with the *Children First* guidelines – the responsibility of the professionals and service providers involved – very instructive and insightful information was available from service users about their experience of the *Children First* guidelines in operation.

Analysis of Submissions

There is a considerable convergence and some divergence between the *National Review* document and the *Analysis of Submissions* document with regard to the key findings and recommendations, which will be examined below. The provision of a detailed qualitative and quantitative analysis of the submissions gives visibility to the work of organisations and individuals who contributed to the findings of the *National Review* while allowing the reader to identify where differences emerged in the priorities of the non-governmental sector and the OMCYA. Many areas of good practice were highlighted in the submissions and for each area of the review there were positive comments and a proportion of responses indicating that the guidelines were working well. Inevitably in a review

attention is likely to focus on the problems and difficulties arising. Below is a summary account of common issues across the two documents, identifying where divergence occurs.

1. It is acknowledged that in every aspect of the review issues were raised about the lack of consistency in the implementation of *Children First*, including training, assessment, interventions, support services and interagency working. This forms the basis of the *National Review* recommendation on Standards, Integration, Monitoring and Implementation.

2. The documents share a common concern, stated in submissions and by key stakeholders time and again, with the lack of resources to implement the *Guidelines* in respect of support services for children and families, and in respect of vulnerable children. Difficulties in the lack of support services were consistently highlighted, in particular in respect of early intervention, and generated more commentary than any other area. The *National Review* takes cognisance of this and incorporates the call for the integration of child protection work in the context of increased support for child and family services as one of its five recommendations.

3. It is vital that people seeking to raise a specific child protection concern or make a referral are facilitated to do so, and the difficulties individuals and organisations experienced in accessing the HSE in this regard were so frequently stated in submissions that the *National Review* has a separate recommendation relating to it. This difficulty is in my view a very significant measure of the difference between what people outside the child protection system consider a threshold for concern, and that held by those working within it. People have specific concerns about children's welfare and protection. When they seek to report, their efforts are often frustrated by a lack of access, a lack of protocol on feedback and above all, a lack of sensitivity to what this means for the person reporting and for the children at risk.

The *National Review* does not recommend mandatory reporting despite a strong call for this by major advocates in the children's sector including the Children's Rights Alliance, the ISPCC, Barnardo's and others. Likewise the *National Review* does not recommend any changes to the *Guidelines* even though two thirds of submissions indicated that they should be revised, specifically to take into account the needs of non-Irish national children, particularly those who are unaccompanied, children whose first language is not English, children with an intellectual disability, children in care settings and teenagers as a group with separate and different needs to younger children. Notwithstanding these divergences, there is significant agreement about the need to realise the core objectives of the *Guidelines* rather than simply comply with procedures.

It is acknowledged both in the *National Review* and in the *Analysis of Submissions* that child protection work is difficult and emotionally demanding, particularly for frontline staff delivering child protection and welfare services; that the commitment and dedication of staff is significant and that awareness and commitment to child protection generally has grown considerably. Despite the technical nature of review documents such as this, it is clear that the authors and the OMCYA are committed to representing as forcefully and as accurately as possible the strategies required to enhance child welfare and protection in Irish society.

Service Users' Perceptions

In many ways the study of service users' perceptions is the most interesting and insightful of the three reports, containing as it does an in-depth study, one of the most comprehensive of its kind in Ireland, of the perceptions of service users of the child protection system. While many of the findings and recommendations in the *National Review* are framed, of necessity, in technical and systems-led language, using terms such as 'access', 'integration', 'monitoring' and 'evaluation' to describe institutional and organisational changes necessary to protect children, this study is an account of how individual people experienced the child protection system. Yet what people have to say about their experience is an enormously valuable contribution to any review of compliance with the *Children First Guidelines*. The findings are testament to the fact that the system is in need of radical change but also to the existence of therapeutic alliances between service users and professionals that have delivered tangible supports, enabling people to rebuild their lives. There is some remarkable congruence between the experiences outlined in submission and those recounted by service users in the child protection system.

This research study was commissioned by the Office of the Minister for Children with the overall aim of examining the views of service users on the child protection services, taking into account their experience of inclusion and having their views taken seriously. It was carried out with the input of 67 service users who were involved with the HSE's Child and Family Services which delivers its child protection services. The service users in this research are the children, young people, caregivers and extended families involved with child protection services through their own initiative or who have been referred by others.

Of the total, 39% of respondents initiated contact themselves and 61% were referred by others. As regards gender breakdown, 28% of respondents were male and 72% were female. In terms of age, 19% of participants were 13–23 years; 46% were in the 24–40 year age group and 35% were aged 41–70 years. Most participants were from Leinster, (60%) 27% from Connacht, 10% from Munster and 3% from Ulster.

The specific focus of the research was on:
- Service users' experience of initial contact;
- Service users' involvement with assessment and investigation of reported concerns;
- Their genuine participation in the process;
- The quality of the child protection services they received; and
- The extent to which their needs were addressed.

It must be acknowledged that this study presented many challenges for those who volunteered their time to contribute their experiences, for the service providers who made contact with participants and for the researchers themselves, working together on a very sensitive topic. The integrity shown by all involved is to be commended.

The 83 page study is divided into sections addressing current research and literature in this field, an account of the methodology used, several chapters detailing the findings of the study and a final chapter summarising the work and making recommendations.

The literature review section makes fascinating reading, with some excellent examples of evidence-based research on child protection and family support work. I was particularly struck by research into the extent to which worker/service-user relationships in child protection cases impact on outcomes or improvements in measurable aspects of child welfare and parenting performance. In research carried out in Canada, De Boer and Coady (2007) categorise relationship qualities into two themes: 'soft and judicious use of power' and 'humanistic attitude and style that stretches traditional professional ways of being'. The former consists of acknowledging power differences, responding to negativity, anger and apprehension supportively, being honest, open-minded, respectful and empathetic; while the latter category includes being down to earth, friendly, and 'real', strengths-focused and 'going the extra mile'. In many ways the approach reminded me of the central qualities of good youth work discussed by Spence in an article in an earlier issue of this journal in which she identifies professionalism as involving communicating something personal so to enable young people to commit their trust. The youth workers in her study believed that 'relationships' were at the core of their practice and it is in this difficult area of relationships, love and friendships that youth workers do their work and challenge dominant discourses of professionalism (Spence, 2007: 14–15).

The study is detailed and the space available to a review cannot do justice to its analysis of a complex system such as child protection. What follows is a summary of some of its main findings, with a sample of service users' own comments on their experiences, focusing both on difficulties and on the positive alliances created with workers in the system.

1. For those who were involved with the child protection system for whatever reason, the overwhelming experience is one where the system is seen as powerful and somewhat hostile institution with common misconceptions about the power of social workers to take children into care.

2. Service users experienced delays in intervention, with victims of domestic violence having particular difficulty in accessing the system or having their concerns taken seriously. The experience of perceived threats and feelings of abandonment dominated service users' accounts of early engagement with the child protection system. This was not the case universally and positive experiences of relationships with professionals were also related, where a well managed encounter turned initial hostility into an awareness of the need for change. However, a frequently expressed sentiment is encapsulated in the following quote (respondents are identified by anonymised codes in the report; only page numbers are given here):

   I think there is an awful lot of shame and stigma attached to getting involved with social work services … like there's something wrong with you. (p. 33)

3. Respondents reported that the dynamics of living with a violent partner were not understood by the professionals; they felt too much responsibility was left to them even when they were too weak or traumatised to take action. They reported that there were unrealistic standards of parenting demanded of them. They also related examples of positive working alliances with helpful and empathetic approaches on the part of professionals.

4. In relation to Child Protection Plans, service users reported that they were not involved in drawing them up but did know what they had to do and what the consequences of not complying would be. Their acquiescence was often grudging and based on avoiding their children being placed in care. For others such plans were helpful. For example a mother whose children were considered to be neglected was required to develop a routine.

    The children had to be well looked after, be well dressed … not just once but every day … I had to make sure that … the house was clean … clean enough … a quick clean when the social worker was coming. (p. 44)

5. The majority were satisfied with the out-of-home care provided and believed rapport with the child's carer was important; nevertheless they did not have a clear understanding of the legal and administrative processes in care proceedings and thought that decisions were unchallengeable. Some service users reported being supported and informed throughout the legal process.

    I had never been in Court in my life and I didn't know how things worked and I found the solicitors very hard to understand … .but my social worker or the manager here would tell me what had been going on if I missed anything … we would go over it on the way home, which was nice. (p. 44)

6. Young people in out-of-home care highlighted the importance of honest open communication with them to help them deal with trauma and develop a sense of identity. In this regard, a change of worker was very disruptive as relationships were central to the quality of the work. The turnover of workers and having to build new relationships was experienced as indifference by service users.

7. In reflecting on the quality of the service they received from the child protection system, the centrality of the relationships forged between themselves and professionals was central, as mentioned above, for service users. Respectful alliances were identified as those based on trust, friendliness, empathy, open-mindedness, being believed and being understood. One woman told how the workers being accessible was helpful to her during a stressful period

    She was very reassuring you know with me … said to me I could ring her any time if I was stressed out … .several times I did actually have to ring her. We would have a chat about it and it would pass. (p. 49)

8. Negative practice was identified as bossiness, intrusiveness, indifference, unreliability and lack of respect. Lack of respect was shown by telephone calls and messages not being returned, and workers being difficult to access especially at critical moments. Such unresponsiveness, delays and unreturned phone calls left people feeling insulted and abandoned. Punctuality was important to service users and several commented on how irritating they found it when appointments were broken.

    They'd make an appointment and you're waiting and they wouldn't turn up, you know … like 'I'll come on Tuesday at 3 o'clock'. We'd still be waiting for her on Friday at 3'o'clock, you know … .You're still waiting and you're left hanging there. (p. 49)

The implications of these findings are considered by the authors who acknowledge that it is difficult to carry out an investigation that reconciles the child's need to be protected from danger with protecting the carer's integrity. Nevertheless, a key implication from the research is that not all children are in dangerous circumstances and a more proportionate response would be beneficial. It is also clear from the findings that services users defined the quality of the service in terms of the manner in which it was delivered, with responsiveness and accessibility from workers highly valued. Finally the implication of discussions with children and young people is that they need the child protection system to work to keep them safe. Waiting for services for long periods even when their needs were acute and poor resourcing and planning for leaving care are very damaging to the young people.

Some of the recommendations of this study converge with those of the *National Review* and the *Analysis of Submissions*, for example in relation to: consistency in service provision; communication with service users to enhance their participation and involvement in what is a difficult and complex process; a public information campaign and competence of frontline workers on specific topics; and evidence about the most effective interventions in different situations. Valuable additional insights have been gained which add significantly to the human face of the *Children First* guidelines and should be incorporated into any further review of their operation.

This is a detailed analysis of a very complex process engaging parents and caregivers with an issue central to their lives, regardless of how they come in contact with the child protection system: the welfare of their children. It is instructive reading for frontline workers as well as for managers and policy makers who wish to ensure that compliance with the *Children First* guidelines is a matter of substance as well as form, and that the experiences of services users are well and truly incorporated into any future analysis of the work of the child protection system.

Conclusion

Taken together, the three studies reviewed here indicate significant challenges for the child protection system: in how it manages communication and information sharing among professionals directly engaged with children, either in the statutory or non-governmental sectors; in how it manages communication between the community it serves and the relevant child protection authority (in this instance the HSE) and its communication with the public who are guardians of children's right to safety and protection and to whom the child protection system in particular is responsible. The child protection system faces a political and a practical challenge to engage the voice of the child so as to centre its decision making processes explicitly 'in the best interests of the child'. Finally it must seek to challenge discourses about children as central to the rhetoric of our image as a nation yet marginal to 'the national interest' as expressed in political debate, policy formation and most crucially, in the allocation of resources. The ultimate test of a commitment to supporting families to care for their children and to the protection of children from neglect and abuse is that it is adequately and appropriately resourced at all levels, with commitment, flair and ingenuity, reflecting as only such financial commitments can the centrality of children and young people in Irish society. Political commitment is required at national level to co-ordinate implementation consistently across the HSE, and at local and regional level to ensure

protection, share information and best practice to ensure that the resources of buildings, budgets, training and staffing are focused on the implementation of the *Children First* guidelines.

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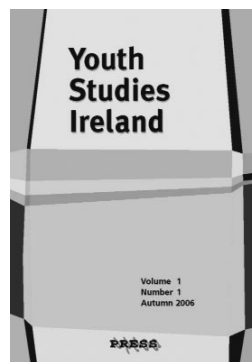
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