

**Exploring the Youth Court Experience of Children and Young People (CYP)
with Special Educational Needs and Disabilities (SEND): Implications for
Educational Psychology Practice**

Emily Kenny

Doctorate in Educational Psychology (EdPsyD)

University of East Anglia (UEA)

The School of Education and Lifelong Learning

May 2022

Student Registration Number: 100290961

Word Count: 44,803

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Acknowledgements

Firstly, I would like to thank the young people and YOT practitioners who participated in my research. Your contributions and insights have been invaluable. Thank you.

Secondly, I would like to thank the Youth Offending Service who hosted my research and to the many YOT practitioners who facilitated participant recruitment. I would also like to thank Dr Melanie Sehgal and Dr Andy Keay for their valuable insight and support. Without you, my research would not have materialised. Thank you.

I would like to thank members of the University of East Anglia EdPsyD tutor team for their support and guidance. I would particularly like to thank Dr Miriam Craddock, Dr Andrea Honess, Dr LeMarra Williamson, Dr Kimberley Bartholomew and Ryan Cullen for their valuable expertise and support over the past few years. Thank you.

I would also like to thank my supervisor, Dr Corrinne Twomey, for her support and guidance throughout my research journey. I am very grateful for her insight, patience, and kindness. Thank you.

Finally, I would like to thank my parents, family and friends, who have all been instrumental in helping me to complete my research. For the endless love and support, thank you.

Summary

This thesis document is formed of three parts: a 'Literature Review' paper, an 'Empirical Paper', and a 'Reflective Account'. Firstly, the 'Literature Review' paper provides an overview of current literature and research findings pertaining to the research topic. This explores the prevalence of SEND within the youth offending population, the role of the EP working alongside YOTs in a multi-agency context and the nature of the Youth Court setting for CYP with SEND. Secondly, the 'Empirical Paper' comprises a two-part qualitative study that explores the Youth Court experiences of CYP with SEND and how this population are supported throughout proceedings. This was achieved with the use of semi-structured interviews with CYP (Part I) and focus groups with YOT practitioners (Part II). Finally, the 'Reflective Account' provides an insight into the reflections and decision-making processes that occurred at all stages of the research journey. Such reflections pertain to the study rationale, research design, ethical considerations and how the research contributes to both personal and wider knowledge bases.

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List of Abbreviations

BPS	British Psychological Society
HCPC	Health Care Professions Council
EP	Educational Psychologist
TEP	Trainee Educational Psychologist
CYP	Children and Young People
YP	Young person
UEA	University of East Anglia
SEND	Special Educational Needs and Disabilities
SEND CoP	Special Educational Needs and Disabilities Code of Practice
LA	Local authority
DfE	Department for Education
DfES	Department for Education and Skills
SEMH	Social, emotional and mental health
SLCN	Speech, language and communication needs
ASD	Autism Spectrum Disorder
TBI	Traumatic brain injury
EHCP	Education Health and Care Plan
COVID-19	Coronavirus
YOS	Youth Offending Service
YOT	Youth Offending Team
CJS	Criminal Justice System
YJS	Youth Justice System
CPS	Criminal Prosecution Service
CPD	Criminal Practice Directions
YJB	Youth Justice Board
MoJ	Ministry of Justice
ECHR	European Convention on Human Rights

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PART I: LITERATURE REVIEW

1.0 Overview

This literature review will commence with a definition of Special Educational Needs and Disabilities (SEND) as stated in the SEND Code of Practice [CoP] (2015). The term 'Children and Young People [CYP]' is also defined in both educational and legal terms. These definitions are provided at the beginning of this chapter in order to give some context, within the scope of this review, for what is meant by CYP and SEND within the Youth Justice System (YJS). Following this introduction, findings pertaining to the prevalence of SEND within the youth offending population in England and Wales are explored. Critical discussion is pursued with regards to the definitive number of CYP with SEND involved with the YJS, including those with unidentified SEND, and the range of needs that are commonly identified amongst this population. An introduction to Youth Offending Teams (YOTs) is then provided with links made between the YOT practitioner role and the regard that should be held for the SEND CoP (2015) in the fulfilment of YOT duties.

The next section of the review builds upon the topic of SEND within the YJS by exploring the evolving role of the Educational Psychologist (EP) in recent years and how, due to an increased recognition of SEND amongst CYP who offend, the practice of working alongside YOTs is becoming increasingly common. This review explores this working practice in more depth through the adoption of an Ecological Systems Theory (Bronfenbrenner, 1979) framework whereby the existing, yet limited, research findings in relation to EPs working within the YOT context are reviewed. The role of the EP working at both individual and multi-systemic levels is thus summarised. This section is concluded with the presenting argument for conceptualising the Youth Court as a microsystem that many of the youth offending population participate in.

The final section of this review explores the nature of the Youth Court setting in detail. Research findings and review papers are critically discussed in relation to the difficulties CYP reportedly experience throughout Youth Court proceedings. Through critically interpreting these findings, the implications for CYP with SEND effectively participating within the Youth Court is discussed. The review concludes by highlighting significant gaps in the literature pertaining to the experiences that CYP with SEND have of the Youth Court and a lack of clarity with regards to how they are supported throughout proceedings. The importance of addressing this gap in the literature is considered from both a social justice and critical theory perspective and the opportunity for future research is highlighted.

2.0 CYP with SEND in the Youth Justice System

2.1 Definition of SEND

Research has increasingly identified that 'learning difficulties' or 'learning disabilities' are common amongst individuals involved with the Criminal Justice System (CJS) (Jacobson, 2008). It has been argued that these terms are often used interchangeably within adult services and that the term 'learning disability' is a 'relatively recent linguistic construct' (Fyson & Yates, 2011, p.108). Reviews by the UK government, such as The Bradley Report (Bradley, 2009), have highlighted how a 'lack of consensus in defining the boundaries between intellectual disability, borderline intellectual disability and learning difficulty' (Bradley, 2009, p.20) have created challenges in identifying the needs of this vulnerable population (Marshall-Tate et al., 2020).

The complexities surrounding such terminology can be extended to the youth justice context whereby the terms used to describe learning difficulties and disabilities in education settings for children and young people (CYP) differ to those used in adult settings (Fyson & Yates, 2011). Such differences may be dependent on whether a medical or a social model is used to describe the needs of an individual (Talbot, 2006) and whether there is a 'genuine desire to avoid stigmatising labels' (Fyson & Yates, 2011, p.108). In this sense, a medical model can be said to focus on 'limitations' or 'impairments' and how these are the 'root cause of any disadvantage' experienced by an individual (Crow, 1996, p.57). In contrast, a social model can be said to refer to how 'social, environmental, and attitudinal barriers' can disable a person as opposed to their needs in isolation (Crow, 1996, p.57).

The term 'learning disability' has been medically defined within guidance produced by organisations such as the National Institute for Health and Care Excellence [NICE]. NICE (2022) outline how definitions of learning disability are generally encompassed by three components including 'lower intellectual ability (usually an IQ of less than 70)', 'significant impairment of social or adaptive functioning' and 'onset in childhood.' In a similar vein, Public Health England (2018) provide a brief overview of the medical 'causes' of learning disabilities and outlines how 'a learning disability needs to be viewed as a complex way of being.' Such definitions thus appear to align with a medical, within-person model when describing a learning disability and thereby draw attention to individual 'limitations' and 'impairments.' Descriptions of learning disabilities included within legal documentation, such as the Criminal Practice Directions [CPD] (2015), appear to draw upon such medical definitions in order to specify when a defendant should be deemed as 'vulnerable' and as requiring special measures during their court appearance. The CPD (2015) thus state that 'vulnerable' individuals are 'those

under eighteen years of age and people with a mental disorder or learning disability; a physical disorder or disability; or who are likely to suffer fear or distress in giving evidence because of their own circumstances or those relating to the case' (p.14). In line with the arguments presented by Bradley (2009) however, other forms of legal guidance appear to blur the boundaries between 'learning disabilities' and 'learning difficulties.' The Equal Treatment Bench Book (2022), for instance, outlines how professionals should no longer use the term 'mental handicap' but should instead use 'learning disability' or, alternatively, 'learning difficulty' as 'some people now dislike the term learning disability, although it is still widely used as a diagnostic tool' (p.141). It is thus apparent that some ambiguity exists with regards to what is defined as a 'learning disability' and a 'learning difficulty' within a legal context.

Within an educational context, the term 'Special Educational Needs and Disabilities' (SEND) is now widely recognised in the UK as an established term to describe whether a CYP has a learning difficulty or disability. Introduced in relation to part three of the Children and Families Act (2014), the SEND Code of Practice (CoP) (2015) defines a CYP as having a 'learning difficulty or disability' if he or she 'has significantly greater difficulty in learning than the majority of others the same age' or 'has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age' (p.16). As such, the code outlines four broad areas that 'give an overview of needs that should be planned for' (p.97) which include: Communication and Interaction; Cognition and Learning; Sensory and/or Physical; and Social, Emotional and Mental Health (SEMH).

The SEND CoP (2015) uses the term 'CYP' to describe individuals between the ages of 0 – 25 years old. It therefore defines a young person (YP) as someone who is 'over compulsory school age and under 25' (p.12). It is necessary for the context of this review, however, to outline how in legal terms, CYP in England and Wales are considered to be criminally responsible for their actions at the age of ten and are classified as adults when they turn eighteen (UK Government, n.d.). Interestingly, despite SEND legislation referring to CYP as up to the age of 25 years, research suggests that YP are often not 'developmentally ready' (Livanou et al., 2017, p.303) to transition to the adult criminal justice system with many becoming involved with adult services as soon as they reach eighteen. Due to a recognition that the needs of YP are unlikely to change once they reach this age (Barrow Cadbury Commission, 2005), there is significant argument for the reconsideration of using age as the 'only criterion for transitioning YP to adult services' (Livanou et al., 2017, p.303) due to many having significant vulnerabilities such as SEND (Swift et al., 2013).

Due to the Educational Psychology context in which this review is situated, the author has adopted the definition of SEND outlined in the SEND CoP (2015) to define what is meant by 'learning difficulty or disability.' The author has chosen to use this definition due to the clarity in which it defines a learning difficulty or disability as a collective term (SEND) which cannot reasonably be discerned from definitions contained within medical or legal guidance. The author will also use the term 'CYP' when referring to individuals aged between 10 – 17 years old who are involved with the Youth Justice System (YJS).

2.2 Prevalence of SEND

Increasing bodies of evidence have sought to gain a greater understanding of the multi-faceted risk factors to youth offending (Arthur, 2010). Research has, for instance, established links between low educational attainment and rates of reoffending (Stephenson, 2006) whilst also identifying the protective influence of education (Spratt, 2004; Sutherland, 2011; Higgins et al., 2020; Twells, 2020). Such evidence has thus highlighted the importance of educational inclusion in preventing youth reoffending. The evidence base does, however, also suggest that CYP who offend often have poor experiences of education with many experiencing detachment or disengagement due to school exclusions (Stephenson, 2006). The evidence base has also highlighted the high prevalence of SEND within the youth offending population (Council for Disabled Children, n.d.; Zabel & Nigro, 2007) and how this may increase the risk of reoffending (Kim et al., 2021). From a social and historical perspective, trends in the literature thus appear to indicate how there has been a greater interest and awareness of SEND within the youth offending population in recent years (Wyton, 2013).

In an effort to understand the educational background of this population, the Ministry of Justice (MoJ) and the Department for Education (DfE) (2016) produced a joint report that analysed the attainment outcomes and characteristics of CYP in England and Wales who received a sentence in 2014. This report highlighted how there was a 'greater proportion of CYP with SEN, with and without a statement, when compared to the overall pupil population' (p.11). As the report analysed data acquired in 2014, it can be argued that its findings are relatively outdated and are not reflective of recent changes in legislation, such as the implementation of the Children and Families Act (2014), which changed the 'statement of SEN' to the Education Health and Care Plan (EHCP). Nonetheless, it can be posited that, in line with the increase of the overall number of statutory plans issued since the change in legislation (UK Government, 2021), the number of CYP with SEND involved with the YJS is likely to be the same or may have increased in number.

More recent reports, such as that published by the YJB (2021) highlight the concerns youth offending professionals often have regarding the needs of this population. In this report, it is posited that the range of 'important, interdependent and interrelated needs' (p.2) of this group are recorded by professionals using the assessment tool 'AssetPlus'. Findings thus illustrate that out of the total number of CYP sentenced in 2019-20, professionals recorded high-level concerns relating to the speech, language, and communication (SLC) (71%), mental health (72%) and learning, education, and employment needs (68%) of this group.

Whilst it would be useful to gain a general overview of the number of CYP with SEND involved with the YJS, a 'robust, comprehensive and current picture' of this 'does not yet exist' (Arad Consulting & Evans, 2009, p.2). The empirical evidence base does, however, highlight the common needs identified in this population.

Rayner et al (2005) suggest that 23 – 32% of YP in custody have a reported learning disability compared to 2 – 4% of the general population. In a similar vein, Hughes et al (2012) report that the prevalence of neuro-developmental conditions, such as Autism Spectrum Disorder (ASD), and neuro-disabilities, such as Traumatic Brain Injury (TBI), are more common in CYP who offend than the wider population. As such, this group may present with associated speech, language, and communication needs (SLCN) (Sentenac et al., 2019) and more specific learning difficulties in areas such as spelling, reading fluency and reading comprehension (Chitsabesan et al., 2007; Chitsabesan et al., 2012). Large bodies of evidence have supported the notion that there is a high prevalence of SLCN in this group (Bryan et al., 2007; Snow et al., 2015) including developmental language disorders (Winstanley, 2018; Winstanley et al., 2020). Games et al (2012) found that in a sample of children attending a Youth Offending Service (YOS) in the UK, 90% of the sample 'displayed some form of language difficulty' (p.135). Despite the small sample included in this study, these results seem to be reflective of a wider recognition that CYP with SLCN find it difficult to understand the complex terminology used in the YJS. Research also suggests that adults working with this group often have limited understanding of how SLCN can have an impact on the CYP they are working with (Games et al., 2012; Communication Trust, 2014). Such evidence has prompted organisations, such as the Communication Trust, to produce reports and guidance for YOS professionals (Communication Trust, 2010) in an effort to raise awareness of the 'scope and impact of SLCN' in this population (Communication Trust, 2014, p.7). Research has also demonstrated the scope of SEMH needs amongst CYP who offend with evidence suggesting that mental health difficulties are highly prevalent amongst this group (Anderson et al., 2004; Burnett-Ziegler et al., 2012; Wong et al., 2013).

Although the evidence base indicates the general difficulties experienced by CYP who offend, it is important to recognise that individuals with SEND are not a homogenous group and should be viewed as 'individuals with a wide range of different life experiences, strengths, weaknesses, and support needs' (Talbot, 2009, p.143). It should also be recognised that not all CYP with SEND engage in offending behaviours (MoJ & DfE, 2016). In the context of this review, it can, however, be argued that CYP with SEND who do offend often have needs that fall into most, if not all, of the categories outlined in the SEND CoP (2015). This ultimately makes this group of CYP especially vulnerable as they travel through the justice system (Talbot, 2007).

2.3 CYP with *Unidentified SEND*

An increasing body of evidence has highlighted how a 'considerable proportion' of CYP 'enter the YJS with unidentified SEND' (Arad Consulting & Evans, 2009, p.2). This suggests that many CYP do not receive appropriate support for their needs (DCELLS, 2009). It has been posited that this is due to a lack of knowledge and awareness of SEND amongst youth offending professionals (Fyson, 2007; Chitsabesan et al., 2007; DCELLS, 2009; Games et al., 2014; Ministry of Justice, 2016). The AssetPlus assessment has been subject to change in recent years (Ward & Maruna, 2007; YJB, 2014) whereby the identification and analysis of concerns relating to the SLCN of CYP has been improved (YJB, 2014). Research has highlighted, however, that the completion of this assessment can be 'problematic' (O'Carroll, 2016, p.158) as information relating to the educational needs of CYP is not always 'consistent' (Arad Consulting & Evans, 2009, p.5). YOSs are thus not always aware of whether a CYP has identified SEND with categories such as 'not known' and 'missing data' often recorded (O'Carroll, 2016). Such inconsistencies raise questions about the consequences for CYP who have unidentified needs (Hepworth, 2011; Twells, 2020) and how this may significantly add to their vulnerability (Talbot, 2006).

Amongst this backdrop, the UK Government introduced the Children and Families Act (2014) which included measures to improve the identification, assessment and support available to this group of CYP (Council for Disabled Children, n.d.). The Act places duties on local authorities and youth offending institutions in relation to supporting CYP with SEND who are in youth custody. Sections 70 – 75 of the Act, for instance, places a duty on local authorities to complete an EHC needs assessment for those in secure institutions if such a request is made. The Act also outlines how youth offending professionals are entitled to 'bring a CYP to the attention of the authority as someone who has or may have SEN' (Children & Families

Act, 2014, s.77). A range of institutions and bodies working with this population must, therefore, have regard to the SEND CoP (2015).

2.4 Youth Offending Teams

Youth Offending Teams (YOTs) can be described as 'multi-agency partnerships' who work to fulfil the YJS's statutory aim of 'preventing offending by CYP' (YJB, 2015, p.4). Introduced as part of the Crime and Disorder Act (1998), YOTs are statutory bodies that must be established by each local authority and should be comprised of professionals from police, social, health, probation, and education services (Crime and Disorder Act, 1998). As set out in the Act, YOTs have a range of duties to fulfil which include the supervision of CYP serving community sentences, assisting police with out-of-court disposals, and providing courts with reports and information about a CYP upon request (Ministry of Justice, 2016). In relation to the Children and Families Act (2014), YOTs are thus classified as professional bodies that must have regard to the SEND CoP (2015) in the fulfilment of these duties.

The multi-agency nature of YOTs and the emphasis placed on collaborative working are in line with legislation such as the Children Act (2004) which requires local authorities to 'promote cooperation between each of [its] relevant partners' in order to 'improve the wellbeing of children' (Children Act, 2004, s.10). Due to the recognition that education is a significant protective factor in reducing the likelihood of reoffending (Ministry of Justice, 2016), there is a growing emphasis on YOTs to work closely with education professionals in order to improve the outcomes for CYP who offend (Ryrie, 2006; Ministry of Justice, 2016). As referred to in the SEND CoP (2015), such collaborative working is arguably essential when working to improve the outcomes for CYP with SEND with the expertise of professionals such as Educational Psychologists (EPs) becoming ever more relevant and valued in this area (Jane, 2010; Wyton, 2013; Parnes, 2017).

3.0 Multi-Agency Working

3.1 The Role of the EP

The role of the EP has been subject to continual change over the past few decades (Kelly et al., 2008) due to evolving social and political contexts in which educational policies and practices have been frequently reviewed and implemented (Fallon et al., 2010; Beal et al., 2017). Fallon et al (2010) posit that whilst the role of the EP has generally remained the same, these changes have seen the profession employed in a variety of ways, partly due to pressures from wider systems and budget cuts (Lee & Woods, 2017). Amongst this backdrop,

research completed on behalf of the DfE has subsequently indicated that there is a shortage of EPs in numerous local areas across England (Lyonette et al., 2019).

Many local authorities have adopted traded models of service delivery to generate income from schools in order to meet some or all of its costs (Truong & Ellam, 2014). Such decisions have ultimately influenced the work EPs are able to do and the skills they can utilise (Fallon et al., 2010). As such, a central argument has emerged regarding what the distinct contribution of the EP role is in relation to other education professionals, what the role can offer (Ashton & Roberts, 2006) and whether EPs are best suited to instigating change at the individual or systems level (Boyle & Mackay, 2007). Farrell et al (2006) highlight how many EPs are working within multi-agency contexts outside of the school setting. This is due to a growing recognition that many vulnerable CYP, such as those who offend, are not always accessed by EPs through such settings (Smith, 2005; Jane, 2010).

The reforms initiated by the British Government's 'Every Child Matters' [ECM] agenda (DfES, 2004) emphasised the need for agencies providing services to CYP and their families to work more closely together as part of a multi-agency approach. There has, for instance, been a particular emphasis placed on partnerships between mental health services and YOSs due to the high level of mental health need in the youth offending population (Walsh et al., 2011; Howarth-Lees, 2020). Although this agenda has been replaced in England, the ideal of multi-agency working has remained (Parnes, 2017) and has been incorporated into governmental guidance such as the SEND CoP (2015). As such, due to the growing recognition that many CYP who offend have SEND (MoJ & DfE, 2016), EPs are increasingly working alongside YOTs (Howarth-Lees, 2020) as part of a multi-agency approach.

3.2 Educational Psychologists and Youth Offending Teams

In response to the government's ECM agenda, Farrell et al (2006) completed a review into the function and contribution of the EP role and found that the profession provides a distinct contribution when working with CYP who offend in school, home, community and YOS settings (Farrell et al., 2006; Hall, 2014). The contribution of EPs has also been outlined in more recent research with findings suggesting that by working in increasingly close partnership with YOTs, EPs are able to apply their expertise in various ways in order to support professional understanding of SEND (Jane, 2010; Wyton, 2013; Parnes, 2017). The literature indicates, however, that there 'does not appear to be consistent multi-agency practice between EPs and YOTs' (Parnes, 2017, p.42). This argument is strengthened through Farrell et al (2006)'s finding that only 31% of Principal Educational Psychologist respondents reported that EPs within their local authority were working alongside YOTs. Talbot (2010) also found that

out of a sample of YOT staff, 34% recorded that their YOT had access to an EP whilst 23% recorded that access to EPs is achieved through indirect means, such as via schools or other agencies, with formal service agreements not in place. These statistics may have changed since the publication of this research. However, the fact that there does not appear to be a national picture of the working relationship between EPs and YOTs suggests that this inconsistency may still be present (Parnes, 2017). In a similar vein, although interest in this area appears to be growing, there has been little research into the role of the EP working within the YOT context, perhaps due to professionals from a range of other psychological disciplines (Warnock, 2005), such as Forensic Psychologists, having a more familiar role within the youth justice arena. This review has thus adopted the use of Ecological Systems Theory (Bronfenbrenner, 1979) as a conceptual framework in order to review existing findings in relation to the role of the EP working within the YOT context.

3.3 The EP role from an Ecological Systems Perspective

Since its initial inception, Ecological Systems Theory (Bronfenbrenner, 1979) has undergone significant changes and reformulations (Tudge et al., 2009; Rosa & Tudge, 2013). Rosa and Tudge (2013) argue that in later formulations, Bronfenbrenner increasingly stressed the role of the individual and the impact of time on child development. A central tenet that continued to be ingrained in later formulations, however, is the concept that development emerges 'from the interaction of individual and context' (Rosa & Tudge, 2013, p.244) and that there is an 'intertwined system of contexts in which human development takes place' (Palacios, 2009, p.72). Bronfenbrenner (1979) thus outlined how the developing individual is influenced by a range of ecological systems. The literature denotes that EPs are able to adopt a 'meta-perspective' (Beaver, 2011, p.16) of these systems due to them existing outside of the immediate contexts surrounding the CYP thereby allowing them to gain a holistic view of need. As such, the findings of previous research exploring the role of EPs working in the YOT context can be interpreted at both individual and systemic levels.

At an individual level, the evidence base indicates that there is a role for EPs in working directly with CYP who offend (Ryrie, 2006). This can involve assessing the needs of a CYP suspected as having SEND (Hall, 2014; Newton, 2014; Parnes, 2017) which may include the use of psychological assessment tools (Ozarow, 2012). In line with principles set out in the SEND CoP (2015), findings also suggest that EPs may adopt an advocate role when working with CYP by completing activities designed to elicit their views (Newton, 2014; Parnes, 2017). Research findings additionally suggest that there is a role for EPs in completing therapeutic

intervention work with CYP who offend (Newton, 2014) in which psychology can be applied to support the development of problem-solving skills (Twells, 2020).

Although there is evidence that EPs can work with CYP who offend at an individual level, the majority of research has highlighted how EPs can improve the outcomes of this population by working at a more multi-systemic level (Hall, 2014; Twells, 2020). Bronfenbrenner (1979) outlined how a developing child actively experiences multiple contexts where they spend 'significant time' and have 'significant relationships' (Palacios, 2009, p.72). These contexts, or 'microsystems' (Bronfenbrenner, 1979), therefore refer to 'the immediate settings containing the person' (Bronfenbrenner, 1977, p.515) which may have 'particular physical and material characteristics' (Bronfenbrenner, 1979, p.22). Palacios (2009) highlights how, in Western cultures, microsystems such as the school and family are both 'fundamental' contexts that 'all children participate in' (p.74). The literature indicates that there is a clear role for EPs in working within these particular microsystems of CYP who offend. For instance, findings outline how, within the school system, EPs can deliver training to staff (Twells, 2020) and can support the delivery of therapeutic work (Ozarow, 2012) whilst also playing a fundamental role within the family system (Ryrie, 2006) through eliciting parental views (Parnes, 2017).

When considering that a microsystem can be referred to as a context in which a CYP has 'significant relationships' (Palacios, 2009, p.72), it is argued that a YOT is a microsystem that many of the youth offending population participate in. Despite not having particular physical and material characteristics, such as that of the school microsystem, CYP in this population still actively participate in this system through the 'interpersonal relations' and 'pattern of activities' (Bronfenbrenner, 1979, p.22) they engage in whilst working with YOT professionals. The evidence base thus suggests that EPs can work within the YOT microsystem in a variety of ways. Research demonstrates, for instance, that EPs can enhance the knowledge and skillsets of YOT professionals through sharing knowledge of learning needs, SEND and child development (Hall, 2014; Davidson, 2014; O'Carroll, 2016), making the links between educational disengagement and offending clear (Cameron, 2006; Ozarow, 2012) and explicitly linking and sharing psychology during consultations (Jane, 2010; Games, 2014). EPs can also work to develop the skillsets of YOT professionals by providing training on SEND (Jane, 2010; Wyton, 2013; Newton, 2014; Parnes, 2017) and psychological models of learning (Davidson, 2014) whilst also providing professionals with support in designing, implementing, and evaluating interventions (Ozarow, 2012; Games, 2014). Research findings also suggest that EPs can draw upon their knowledge of consultation and reflection (Davidson, 2014) during supervision sessions (Jane, 2010; Parnes, 2017; Beal et al., 2017) in which YOT

professionals are supported to develop their own reflection and problem-solving skills (Hall, 2014; Wyton, 2013; Newton, 2014). EPs may additionally apply their knowledge as scientific practitioners to complete research within the YJS itself (Games, 2014).

The literature suggests that the role of the EP can be observed within wider ecological contexts outside of microsystems in isolation. Bronfenbrenner (1979) describes how the 'mesosystem' is comprised of 'the interrelations among two or more settings in which the developing person actively participates' (p.25). The mesosystem is therefore conceptualised as a 'system of microsystems' that are interconnected in a variety of ways, such as through 'indirect linkage' (p.210). Bronfenbrenner (1979) describes this as a process whereby a connection between two or more microsystems is established 'through a third party who serves as an intermediate link between persons in two settings' (p.210). Research findings therefore suggest that EPs can form this 'indirect linkage' between the YOT, school and family microsystems of CYP who offend through encouraging and facilitating collaborative working between members of these respective systems (Hall, 2014; Swift, 2013; Twells, 2020).

Research findings do not, however, seem to outline the role of the EP within wider ecological contexts, such as the exo- and macro-systems. Bronfenbrenner (1979) defines these as 'one or more settings that do not ordinarily contain the developing person' (p.238) but in which 'events occur that affect, or are affected by, what happens in the setting containing the developing person' (p.25). Thus, when considering CYP who offend, it can be posited that strategic decisions made by bodies, such as Educational Psychology and Youth Offending Services, can influence which microsystems EPs work within and the skills they are able to utilise within each of these systems (Fallon et al., 2010).

To summarise, Ecological Systems Theory (Bronfenbrenner, 1979) ultimately outlines how environmental interconnections 'impact on the forces directly affecting psychological growth' (Bronfenbrenner, 1979, p.8). This section has outlined the research uncovering the role of the EP in working within the environments that are 'most critical for the cognitive, emotional and social development' (Bronfenbrenner, 1979, p.8) of CYP. This can be applied further to CYP who offend, most notably the EP role within the family, school and YOT microsystems.

Bronfenbrenner (1979) outlines how a microsystem can 'set in motion and sustain patterns of motivation and activity' and thereby influence 'developmental potential' (p.285). Bronfenbrenner (1979) also denotes that a 'critical term in the definition of the microsystem is *experienced*' (p.22). An environment *experienced* by many CYP who offend, but which has received little attention in the literature, is that of the Youth Court setting. This is despite recent

statistics suggesting that from March 2020 – 2021, 18,649 CYP in England and Wales were ‘proceeded against at court’ with 12,217 of these having been sentenced (YJB & MoJ, 2022, p.7). It is therefore argued that, due to the potential impact and repercussions of court attendance, Youth Court proceedings can ‘set in motion and sustain patterns of motivation and activity’ and can thereby influence the ‘developmental potential’ (Bronfenbrenner, 1979, p.285) of CYP who offend. In this respect, it can therefore be conceptualised as a microsystem that many of the youth offending population participate in. This review will therefore now consider the nature of the Youth Court as a microsystem experienced by many CYP who offend, the specific implications for CYP with SEND participating in this system, and the potential role of the EP working alongside YOT professionals within this context.

4.0 The Youth Court

4.1 Searches and Sources of Information

Access to the literature reviewed within this section and which pertains to the Youth Court setting was achieved through the use of online search databases. These included Google Scholar, the Elton B. Stephens Company (EBSCO) database and the British Library E-Theses Online Service (EThOS). Databases were accessed through the University of East Anglia (UEA) library facility. Through these databases, a range of journal articles and e-books were reviewed. The key search terms entered were:

- 1) “youth offending” OR “young offender” OR “child offender” OR “child” OR “young person” AND
- 2) “special educational needs” OR “special needs” OR “learning difficulty” OR “learning disability” AND
- 3) “youth court” OR “magistrates court” OR “court”

Other documentation, such as governmental reviews and legislation, were obtained through generic internet search engines. Websites and Twitter accounts of relevant organisations, such as the Youth Justice Board (YJB), were frequently reviewed for current information pertaining to the YJS. The identification of other relevant research and literature was achieved through reviewing the reference lists of articles obtained through database searches. An initial literature search was conducted in October 2020 – February 2021 with follow-up searches completed in January 2022 and March 2022. There were no search restrictions in terms of publication dates as it was deemed important to obtain an understanding of the social, political and historical context of this topic area. It is important to note that this review was primarily concerned with exploring the literature pertaining to the

Youth Court system in England. As such, literature pertaining to the legislation and legal systems of other Western jurisdictions, such as Scotland and the United States, were excluded from this review due to the systemic differences in which youth offending is addressed. This did not however preclude other Western studies that have explored the impact of court attendance on the emotional wellbeing of CYP. The inclusion of such research was thus caveated through considering the transferability of findings to the English Youth Court context. Whilst this section provides a comprehensive overview of relevant literature, it is recognised that an exhaustive review could not be achieved due to the expansive topic of youth offending. The literature explored within this chapter has thus been deemed as within the scope of this review.

4.2 The Youth Court Setting

The Youth Court can be described as a 'special type of magistrates' court for CYP aged between 10 and 17' (UK Government, n.d.). Youth Courts deal with 'all but the most serious cases involving YP' and with 'cases up to a significantly higher level of seriousness than in the adult magistrates' courts' (Centre for Justice Innovation, 2020, p.5). Rap (2016) describes how Youth Courts were established due to a trend emerging in the Western world advocating that 'juvenile offenders' should be separated and treated differently from adult offenders. Many countries have thus established separate legislation, courts, and sentences for CYP (Sloth-Nielsen, 2001). This is due to a recognition that CYP are 'in the midst' of development, both emotionally and cognitively (Rap, 2016, p.72), which can impact on their ability to comprehend criminal proceedings (Weijers & Grisso, 2009; Rap, 2016). It is argued that this may also influence their ability to understand the attitude that is expected from them in court (Rap, 2016). The Youth Court itself therefore differs from the adult court in various ways with particular adjustments made so that CYP can effectively participate in proceedings (Bevan, 2016).

Youth Court proceedings are typically overseen by three magistrates or a district judge and are designed to be 'less formal than adult courts' (UK Government, n.d.). Youth Court magistrates are specially trained to work with CYP and are required to use simplified language to enhance the CYP's understanding of proceedings (Magistrates Association, n.d.; Bevan, 2016). Proceedings are normally held in a less intimidating courtroom where the CYP is able to sit with their parent or guardian when available (Magistrates Association, n.d.; Bevan, 2016). A member of the YOT, as opposed to the National Probation Service, is also present to talk with the CYP (Magistrates Association, n.d.). Members of the public are not allowed into the court, unless permission is granted, and there are specific reporting restrictions in place to

ensure that the identity of the CYP is protected (UK Government, n.d.). There are a range of sentences available to the Youth Court which differ to those available to adults. For instance, the court can give a range of community-based sentences such as referral orders, reparation orders or youth rehabilitation orders. The Youth Court can also give custodial sentences, such as detention and training orders, which are completed in secure centres for CYP. Such sentences are designed to 'support the welfare and rehabilitation' of CYP who offend (Magistrates Association, n.d.).

In a report providing an overview of what is known about the nature and prevalence of youth crime in England and Wales, Bateman (2017) describes how there has been a 'shift towards a greater use of informal responses to youth crime' whereby the 'benefits of diverting children wherever possible' has been 'rediscovered' (p.59). As such, data suggests there has been a 'much-diminished court throughput' and a 'substantially smaller custody population' (Bateman, 2017, p.59). Many CYP who have offended, particularly first-time entrants into the YJS, are therefore diverted through out-of-court disposal pathways and are often not required to attend the Youth Court.

Despite this positive trend, the last half decade has been described as an 'uncertain period for youth justice' (Bateman, 2017, p.3). In 2015, Charlie Taylor, former Chief Executive of the National College of Teaching and Leadership, completed a departmental review of the YJS which called for its extensive reform, with particular reference to the Youth Court setting. Despite the adaptations made to the Youth Court largely being acknowledged as suitable for assisting most CYP through criminal proceedings (Bevan, 2016), it is of particular concern that the review acknowledges how many CYP attending court have 'learning difficulties, mental health or speech and communication problems' yet 'courts aren't set up to ensure the full participation of children in criminal proceedings' (Ministry of Justice, 2016, p.27). This view has been supported by independent bodies who advocate the need for significant reform of the Youth Courts with respect to the participation difficulties CYP may have (Michael Sieff Foundation, 2009; Law Commission, 2016; Youth Justice Legal Centre, 2020).

4.3 Effective Participation

The concept of effective participation in criminal proceedings has been increasingly emphasised in the youth justice literature (Children's Workforce Development Council, 2009) with this being cited as an 'essential aspect of the right to fair trial' under Article 6 of the European Convention on Human Rights [ECHR] (Bevan, 2016, p.4). This ability has been interpreted as requiring that the CYP has a 'broad understanding of the nature of the trial process and what is at stake for him or her' (Law Commission, 2016, p.10). Child defendants

should thus be 'able to understand the general thrust of what is said in court' (Law Commission, 2016, p.63) and the court is required to 'take every reasonable step' to facilitate the participation of the defendant (Bevan, 2016, p.7). As such, the 'pretrial and trial process should, so far as necessary, be adapted to meet those ends' (Criminal Practice Directions [CPD], 2015, p.11).

The Crown Prosecution Service [CPS] (2020) state that 'neither youth nor limited intellectual capacity necessarily leads to breach of the Article 6 ECHR right to effectively participate in a trial'. However, it is acknowledged that there are some minimum requirements to ensure that vulnerable CYP receive a fair trial including 'keeping the youth's cognitive functioning in mind', 'using concise and simple language', 'taking additional time to explain court proceedings' and 'explaining possible outcomes and sentences' (CPS, 2020). In addition, the CPD (2015) outline specific measures that the court should consider for vulnerable defendants which include: giving consideration to the 'communication needs of all CYP' (3F.24, CPD, 2015); ensuring, where appropriate, the defendant visits and familiarises themselves with the courtroom during out-of-hours (3G.2, CPD, 2015); ensuring that 'what is to take place has been explained to the defendant in terms he or she can understand' both at the beginning and throughout proceedings (3G.9, CPD, 2015); and conducting proceedings in accordance with a timetable that takes 'full account of the defendant's ability to concentrate' with the use of 'frequent and regular breaks' (3G.10, CPD, 2015).

Such measures are thus arguably important for ensuring the effective participation of CYP with SEND who may find the 'stressful' and 'confusing' (Jacobson & Talbot, 2009, p.34) experience of attending court challenging (Grisso, 2000; Snow & Powell, 2004; Rost & McGregor, 2012). Jacobson and Talbot (2009) state that 'if most child defendants find court processes confusing and difficult to understand, it can be assumed that these difficulties are compounded for the substantial numbers who have mental health or emotional problems, or cognitive impairments of one kind or another' (p.44). They therefore argue that CYP with SEND can be deemed as 'doubly vulnerable' (Jacobson & Talbot, 2009, p.9) due to the combination of their age and additional needs (Fairclough, 2017). Research findings have indicated that CYP with SEND may find participating in court difficult for a variety of reasons. Grisso (2000), for instance, suggests that those with additional needs are less likely to understand court proceedings and that this ability is further hindered by the stress associated with attending the court setting. This idea has been supported by other research findings denoting that, when compared to those without additional needs, CYP with SEND generally have little understanding of legal proceedings (Grisso et al., 2003; Lansdown, 2005; Scott & Steinberg, 2008). It can therefore be posited that those with specific cognition and learning

needs may find processing and comprehending information during proceedings especially challenging (Murphy & Mason, 2014).

A large body of research has focused on the emotional impact of court attendance with many having investigated the effect of stress on child witnesses in court. For example, in their study of 128 child witnesses, Davies et al (1988) found that having limited understanding of court proceedings can be a significant source of stress for children with many experiencing anxiety prior to court attendance. It has been demonstrated that such stress can impact on attention, motivation, and memory performance (Saywitz & Nathanson, 1993; Nathanson, 2003). Whitcomb (1992) suggests that the concept of speaking in front of an adult audience and having limited understanding of what will happen during proceedings are both common sources of anxiety for child witnesses. In a similar vein, in a study investigating knowledge of legal vocabulary and criminal court procedures in a sample of 90 children, Flin et al (1989) found that many reported feeling anxious about whether they would understand the questions posed to them. Despite the majority of this research having focused on hypothetical child witnesses, it can be posited that child defendants may experience similar, if not higher, levels of anxiety due to the 'significant repercussions' the outcomes of court proceedings will have on them (Jacobson & Talbot, 2009, p.43). It can also be argued that the stress of attending court for child defendants without additional needs may be experienced to a greater extent by those CYP with SEND who have significant SEMH needs (Anderson et al., 2004; Burnett-Ziegler et al., 2012; Wong et al., 2013). Furthermore, it can be posited that this stress is compounded by the fact that child defendants are often required to address the court in an 'environment that is completely alien to any other situation in which they might find themselves asked to speak' (Ministry of Justice, 2016, p.27).

Research has demonstrated that many CYP with SLCN find the Youth Court challenging due to the linguistic demands placed on them (Snow & Powell, 2005; Rost & McGregor, 2012; Swain et al., 2020). In relation to this, it is argued that CYP with SLCN are at an increased risk of having SEMH needs or 'behaviour difficulties' (Durkin & Conti-Ramsden, 2010; St Clair et al., 2011; Conway et al., 2017). This research hypothesises that CYP with such needs may resort to less productive ways of communicating, such as by using aggression, due to the vulnerability associated with difficulties in expressing themselves (Brownlie et al., 2004; Cole et al., 2010). CYP with SLCN may thus display hostile behaviours in an effort to mask these difficulties (Plotnikoff & Woolfson, 2002). As such, the evidence base suggests that these CYP often become involved in disputes with authority figures, such as court officials, and may avoid the use of positive communication (Hopkins et al., 2018). The literature also indicates that particular environmental stressors, such as long court delays

(Wigzell et al., 2015), can influence the likelihood of such behaviours with findings suggesting that 'by the time many actually come into the courtroom, they are irritated and less likely to respond positively to court staff' (Centre for Justice Innovation, 2020, p.15).

The particular linguistic demands placed on CYP in the form of legal terminology has been frequently reported in the literature. Early research conducted by Cavenagh (1959) suggested that many CYP had difficulties in understanding court terminology such as 'prosecution' and 'defence'. This was later supported by Stevens & Berliner (1980) who argued that 'children in the legal system are regularly subjected to legal jargon and terminology that even their parents do not comprehend' (p.254). This theme is apparent in more recent research conducted by Crew and Ellis (2008) who found that, in a small-scale study investigating the SLCN of CYP who offend, those with severe communication needs had particular difficulties in understanding courtroom language. Due to the now widely established view that there are high levels of language difficulties in the youth offending population (Games et al., 2012; Hopkins et al., 2018), including developmental language disorders (Winstanley, 2018; Winstanley et al., 2020), it is perhaps worrying that such concerns are still being recorded in contemporary reports (Wigzell et al., 2015). In his governmental review, Charlie Taylor (Ministry of Justice, 2016), for instance, reports how 'children are alienated by the frequent use of opaque legal argument and arcane terminology' and that 'not all magistrates do enough to explain what is happening in language that children can understand' (p.27). The report also suggests that children often leave the courtroom 'confused by the outcome' with YOT professionals having to explain this to them (Ministry of Justice, 2016, p.27). Thus, in line with Jacobson and Talbot (2009)'s view, it can be argued that CYP with SLCN are doubly vulnerable when considering the additional challenges they can have in keeping up with new terminology (Snow & Powell, 2005).

In addition to the measures outlined in the CPD (2015), the literature indicates that there are further forms of support for vulnerable defendants, such as those with SEND, aimed at ensuring their effective participation during proceedings. For instance, O'Mahony (2009, 2012) completed interviews and questionnaires with registered intermediaries in England and Wales and found that these professionals have a key role in supporting the communication needs of vulnerable defendants. In a similar vein, Liaison and Diversion Services, such as those provided by the National Health Service (NHS), have been highlighted as influential in diverting those with conditions such as ASD out of the CJS (Haines et al., 2012; Marshall-Tate et al., 2020). There does, however, appear to be significant argument within the literature pertaining to how there is an inequality between the support available to vulnerable defendants compared to that available to vulnerable witnesses (Plotnikoff & Woolfson, 2007; Bevan, 2016)

with the latter having more 'statutory rights to help and support' (Jacobson & Talbot, 2009, p.9). The quality of defendant advocates has also been disputed with evidence suggesting that many do not have adequate knowledge of the developmental, communication or mental health needs of this population which is crucial for facilitating engagement during proceedings and accessing the appropriate courtroom provision (Wigzell et al., 2015). Thus, it is perhaps unsurprising that the evidence base suggests that the provision for vulnerable defendants outlined in the CPD (2015) is not 'necessarily adequate and nor is it always properly implemented' (Wigzell et al., 2015, p.9). Findings additionally suggest that this difficulty is further compounded by the fact that the specific needs of CYP are not always identified by the time they appear in court (Wigzell et al., 2015). As such, the literature indicates how there has been increasing demand for the establishment of a screening process in which those who may have participation difficulties can be identified at an early stage (Michael Sieff Foundation, 2009; Wigzell et al., 2015; Bevan, 2016; Law Commission, 2016). Such a measure does not, however, currently exist (Law Commission, 2016).

4.4 YOTs and the Youth Court experience of CYP with SEND

Trends within the literature indicate how there is currently a lack of clarity and consistency with regards to what support is available for vulnerable CYP defendants, such as those with SEND, throughout court proceedings. This argument is perhaps reflected in a report completed by the Independent Commission on Youth Crime and Antisocial Behaviour (2010) which found that many CYP often feel unsupported throughout the court process.

YOTs have been identified as 'key players in the court setting' as the information provided by them 'influences the decisions taken by the CPS, the defence and the judiciary' (YJB, 2014, p.6). As such, the Standards for Children in the Youth Justice System (YJB, 2019) outline how YOTs must provide a court duty service, provide court reports on request, and ensure that the CYP understands the outcome of court proceedings. In a document produced by the YJB (2019), it is also stated that practitioners should 'facilitate communication between children, parents/carers and the court taking account of SLCN, mental health concerns and learning disabilities' (s.3.3). As such, 'preparation before court and in-court presentation is consequently crucial to the general working of YOTs' (YJB, 2014, p.6). In this respect, the literature suggests that YOTs have an arguably important role to play in ensuring that CYP with SEND are adequately supported within the court setting. It can also be argued that due to their role in court, YOT practitioners have insight into both how CYP with SEND are supported throughout proceedings and how these CYP might experience the Youth Court itself (Plotnikoff & Woolfson, 2002).

There have been relatively few studies that have solely focused on gaining an insight into the Youth Court experiences of CYP. The findings of such studies are, however, in line with previous evidence highlighting the common difficulties CYP often experience. Plotnikoff and Woolfson (2002), for instance, found that during interviews with CYP who had experience of attending court, many reported being 'actively disengaged' (p.6) from proceedings and did not understand the decisions made by the court. In a similar vein, Hazel et al (2003) completed interviews with CYP in order to explore their experiences of the CJS, including court appearance. They found that CYP reported difficulties including misunderstanding proceedings, struggling to comprehend what the sentencers were saying and experiencing feelings of isolation and confusion in the courtroom itself. During interviews with twenty-five young defendants, Wigzell et al (2015) found that a common theme arising from the data was CYP misinterpreting the language used in court, including that of their advocate. Such findings are similar to those found by independent bodies who have conducted research into the experiences of young defendants in the Youth Court (ICYCAB, 2010; Youth Justice Legal Centre, 2020). It can be argued, however, that such research has focussed on the Youth Court experiences of CYP in general. They do not, therefore, provide an insight into the particular experiences of CYP with SEND nor do they provide an insight into how these CYP are supported throughout proceedings. There is thus a significant gap in the evidence base in this respect.

4.5 A Critical Theory & Social Justice Perspective

The importance of addressing such a gap in the evidence base can be acknowledged through the application of social justice and critical theory principles.

Definitions of social justice vary in wording but have many commonalities among them, including the principles of equal rights, equal opportunity, and equal treatment (San Diego Foundation, 2016). Such principles are arguably dependent on the accomplishment of four essential goals including the consideration of human rights; ensuring equal access to resources; recognising the impact of discrimination on achieving equitable outcomes; and ensuring the participation of those that are marginalised in society (Human Rights Careers, n.d.). Principles of social justice can be found embedded in judiciary guidance, such as the 'Equal Treatment Bench Book' (Judicial College, 2021), which states that:

People who have difficulty in coping with the language or procedures of the court or tribunal, and are perhaps less engaging litigants as a result, are entitled to justice in the same way as those who know how to use the legal system to their advantage. Any disadvantage that a person faces in society should not be reinforced by the legal system (p.7).

Such a statement aligns with the 'Social Model' at the centre of the United Convention on the Rights of Persons with Disabilities (UNCRPD, 2008) which recognises that the difficulties those with SEND face in justice settings, such as courtrooms, are due to contextual and structural barriers, rather than their specific needs in isolation (Kirby, 2021). The UNCRPD thus emphasises the need to eliminate the barriers that are created by 'exclusionary structures of health, protection, education and justice systems' so that CYP with SEND are able to 'participate fully in justice procedures in the same way as children without such impairments' (Hughes et al., 2020, p.1). The prospect of an 'inclusive justice system' has thus been advocated by organisations such as the Equality and Human Rights Commission (2020) who, following a recent inquiry into the barriers to participation faced by those with SEND in the justice system, concluded that 'the system should be designed around the needs of its users' (p.14) and should be 'accessible' (p.16) by design.

Capeheart and Milovanovic (2020) suggest that 'social justice is concerned not in the narrow focus of what is just for the individual alone, but what is just for the social whole' (p.4). As such, social justice principles advocate for the 'consideration of and sensitivity to all voices and concerns' (p.4). Through adopting a critical theorist perspective, Barry (2016) highlights the importance of achieving social justice by eliciting the voices of CYP who offend who are often 'marginalised' and 'subject to socioeconomic and cultural injustices' due to their 'age and liminality' (p.103). As such, Barry (2016) goes on to argue that CYP often 'bear the brunt of criminalisation and stigmatisation resulting from criminal justice and wider social policy' (p.103). For CYP with SEND who can be deemed as 'doubly vulnerable' (Jacobson & Talbot, 2009, p.9), this marginalisation and stigmatisation may therefore be more pronounced. In adopting social justice and critical theory principles, it is thus necessary to consider the 'existing forms of practice' (Bronner, 2011, p.1) of the Youth Court in order to think about 'how things... might be and should be' (Bronner, 2011, p.2) for CYP with SEND attending this setting.

5.0 Conclusion

The literature outlined in this review has highlighted the prevalence of SEND within the youth offending population and the needs that CYP who offend commonly have, including those associated with neurodevelopmental conditions (Hughes et al., 2012), developmental language disorders (Winstanley et al., 2020) and SEMH difficulties (Anderson et al., 2004; Burnett-Ziegler et al., 2012; Wong et al., 2013). This review has also outlined the range of microsystems (Bronfenbrenner, 1979) that this population often participate in, including that of the YOT through the 'interpersonal relations' and 'pattern of activities' (Bronfenbrenner,

1979, p.22) they engage in whilst working with YOT professionals. An additional microsystem that many CYP who offend participate in, but which has not received much attention in the literature, is that of the Youth Court.

The research presented in this review indicates that many CYP have difficulties in effectively participating in the Youth Court due to factors such as complex courtroom terminology (Ministry of Justice, 2016) and the confusing nature of legal proceedings (Jacobson & Talbot, 2009). It is argued that these difficulties are compounded for CYP with SEND who can be classified as 'doubly vulnerable' due to their age and additional needs (Jacobson & Talbot, 2009, p.9). There are a range of adjustments and provisions available to the court to ensure that this vulnerable group are better able to participate in proceedings (O'Mahony, 2009; CPD, 2015). However, the literature indicates that such provisions are often not adequate or implemented (Wigzell et al., 2015). YOT practitioners can be seen as having an influential role during court proceedings in terms of ensuring that CYP with SEND receive the appropriate support (YJB, 2014; 2019). This role thus makes them knowledgeable with regards to how CYP with SEND are supported throughout court proceedings.

There appears to be a gap in the evidence base with respect to research having not yet explored the support available to CYP with SEND throughout the court process. In relation to this significant gap in the literature, there appears to be scope to elicit the voices of CYP with SEND in order to understand their experiences of the Youth Court. As scientific practitioners, this area of focus should be of particular interest and relevance to EPs who are increasingly working within the YOT context (Ryrie, 2006; Jane, 2010; Parnes, 2017). It is argued that due to the high prevalence of SEND in the youth offending population, the ongoing debates surrounding the effective participation of this group in the Youth Court setting and the key role YOTs have in such settings, EPs may be well-placed to provide this support. In terms of future research, it would therefore seem appropriate to explore how CYP with SEND experience the Youth Court setting; how this population are supported throughout proceedings; and how EPs can support the Youth Court experience for CYP with SEND at both individual and systemic levels.

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PART II: EMPIRICAL PAPER

1.0 Abstract

In recent years, the high prevalence of SEND within the youth offending population has been recognised. Large bodies of research have identified the range of needs within this population including those associated with neurodevelopmental conditions, developmental language disorders and mental health difficulties. The Youth Court setting is a system that many CYP participate in when involved with the YJS. However, findings suggest that this system is not currently suitable for the effective participation of CYP with SEND and significant reform is needed. Whilst a small body of research has explored the experiences of CYP in the Youth Court, there has been limited research into the experiences that CYP with SEND, in particular, have of this setting and the support they receive throughout proceedings. This study was thus conducted in two parts. During Part I, semi-structured interviews were conducted to explore the Youth Court experiences of five CYP with identified SEND. Using Thematic Analysis [TA], four overarching themes were identified that provide an insight into how the Youth Court setting gives rise to these experiences: 'Devoid of Power', 'Preparing for the Unknown', 'Staying out of Jail', and 'A Need to be Nurtured'. During Part II of the study, three focus groups were conducted with twelve YOT practitioners (FG1 = 3, FG2 = 4, FG3 = 5) in order to explore how CYP with SEND are supported throughout Youth Court proceedings. Using TA, five overarching themes were identified that provide a systemic insight into available support and the barriers that can impact on the availability and quality of such support: 'Identifying CYP with SEND', 'Supporting the Effective Participation of CYP with SEND', 'Professional Understanding of SEND', 'Understanding Stress and Behaviour in the Courtroom' and 'Suitability of the Current System'. Through adopting an Ecological Systems Theory (Bronfenbrenner, 1979) framework, the findings of Part I and Part II were collectively interpreted and discussed in relation to the potential role of the EP in supporting the Youth Court experience of CYP with SEND. The findings of this study thus suggest that EPs may be well placed to provide this support at individual and multi-systemic levels.

2.0 Introduction

In a review completed on behalf of the UK government, the Bradley Report (2009) highlighted how there is a 'lack of consensus in defining the boundaries between intellectual disability, borderline intellectual disability and learning difficulty' (p.20). Medical descriptions of 'learning disability', such as that provided by the National Institute of Health and Care Excellence [NICE] (NICE, 2022), highlights IQ as a key component of defining a learning disability. There is much legal guidance that refers to the term 'learning disability.' The Criminal Practice Directions [CPD] (2015), for instance, defines 'vulnerable' individuals as those who have a 'mental disorder or learning disability' or a 'physical disorder or disability' (p.14). Other legal guidance, such as the Equal Treatment Bench Book (2022) however, appears to blur the boundaries between what is meant by 'learning disability' and 'learning difficulty' and suggests that these terms can be used interchangeably.

Within an educational context, the term 'Special Educational Needs and Disabilities' (SEND) is now widely recognised in the UK as an established term to describe whether a child or young person (CYP) has a learning difficulty or disability. Introduced in relation to part three of the Children and Families Act (2014), the SEND Code of Practice (CoP) (2015) thus provides a collective term (SEND) to define what is meant by 'learning difficulty or disability' and defines a CYP as having SEND if he or she:

has significantly greater difficulty in learning than the majority of others the same age' or
 'has a disability which prevents or hinders him or her from making use of facilities of a
 kind generally provided for others of the same age (p.16)

In recent years, there has been a growing recognition that many CYP involved with the Youth Justice System (YJS) have SEND with reports suggesting that there are a 'greater proportion of CYP with SEN' in this group 'when compared to the overall pupil population' (MoJ & DfE, 2016, p.11). More recent reports, such as that published by the Youth Justice Board (YJB, 2021), have also highlighted the concerns youth offending professionals often have regarding the mental health; learning, education and employment; and speech, language and communication needs (SLCN) of this group.

Although a 'robust, comprehensive and current picture' of the number of CYP with SEND involved with the YJS does not yet exist (Arad Consulting & Evans, 2009, p.2), the empirical evidence base does provide an insight into the common needs identified in this population, including a high prevalence of neurodevelopmental conditions such as Autism Spectrum Disorder (ASD), and neuro-disabilities, such as Traumatic Brain Injury (TBI)

(Hughes et al., 2012). In addition to research identifying the commonality of specific learning difficulties in areas such as spelling and reading comprehension (Chitsabesan et al., 2007; Chitsabesan et al., 2012), there has been a large body of research evidencing the high prevalence of SLCN amongst CYP who offend, including developmental language disorders (Bryan et al., 2007; Games et al., 2012; Snow et al., 2015; Communication Trust, 2014; Winstanley, 2018; Winstanley et al., 2020). In a similar vein, research has also demonstrated the high prevalence of mental health difficulties amongst this group of CYP (Anderson et al., 2004; Burnett-Ziegler et al., 2012; Wong et al., 2013). Although there is a vast array of research highlighting the common needs identified in this population, evidence pertaining to how there is a 'considerable proportion' of CYP entering the YJS with unidentified SEND (Arad Consultation & Evans, 2009, p.2) should be noted. As such, it is argued that many CYP can be deemed as especially vulnerable as they travel through the justice system (Talbot, 2007).

2.1 The Youth Court

Bronfenbrenner (1979) outlines how a microsystem can 'set in motion and sustain patterns of motivation and activity' and in so doing, influence the 'developmental potential' of an individual (Bronfenbrenner, 1979, p.285). Bronfenbrenner (1979) also denotes that a 'critical term in the definition of the microsystem is *experienced*' (p.22). It is thus argued that an environment *experienced* by many CYP who offend, but which has received little attention in the literature, is that of the Youth Court setting. This is despite recent statistics suggesting that from March 2020 – 2021, 18,649 CYP were 'proceeded against at court' with 12,217 of these having been sentenced (YJB & MoJ, 2022, p.7). In this respect, it is argued that due to how Youth Court proceedings can 'set in motion and sustain patterns of motivation and activity' and in so doing, influence the 'developmental potential' (Bronfenbrenner, 1979, p.285) of CYP who offend, it can be conceptualised as a significant microsystem that many of the youth offending population participate in.

The Youth Court can be described as a 'special type of magistrates' court for CYP aged between 10 and 17' (UK Government, n.d.). Youth Courts deal with 'all but the most serious cases involving YP' and with 'cases up to a significantly higher level of seriousness than in the adult magistrates' courts' (Centre for Justice Innovation, 2020, p.5). Table 1 summarises the features of a Youth Court that are designed to make justice proceedings more accessible for this age range.

Table 1*An outline of Youth Court features and adjustments*

Adjustment	Reference
<ul style="list-style-type: none"> • Typically overseen by three magistrates or a district judge 	UK Government (n.d.)
<ul style="list-style-type: none"> • Designed to be 'less formal than adult courts' 	UK Government (n.d.)
<ul style="list-style-type: none"> • Magistrates are specially trained to work with CYP 	Magistrates Association (n.d.)
<ul style="list-style-type: none"> • Magistrates and judges are required to use simplified language to enhance understanding of proceedings 	Bevan (2016)
<ul style="list-style-type: none"> • Proceedings are normally held in a less intimidating courtroom where the CYP is able to sit with their parent/guardian 	Magistrates Association (n.d.) Bevan (2016)
<ul style="list-style-type: none"> • A member of the YOT is present to talk with the CYP 	Magistrates Association (n.d.)
<ul style="list-style-type: none"> • Members of the public are not allowed into the court, unless permission is granted, and there are specific reporting restrictions in place to ensure that the identity of the CYP is protected 	UK Government (n.d.)

Despite the adaptations made to the Youth Court largely being acknowledged as suitable for assisting most CYP through criminal proceedings (Bevan, 2016), findings of governmental reviews, such as the Taylor Review (Ministry of Justice, 2016), acknowledge that many CYP attending court have 'learning difficulties, mental health or speech and communication problems' yet 'courts aren't set up to ensure the full participation of children in criminal proceedings' (Ministry of Justice, 2016, p.27). Such findings are supported by independent bodies who advocate the need for significant reform of the Youth Courts due to the participation difficulties many CYP often have (Michael Sieff Foundation, 2009; Law Commission, 2016; Youth Justice Legal Centre, 2020).

2.1.1 Effective Participation

The concept of effective participation in criminal proceedings has been increasingly emphasised in the youth justice literature (Children's Workforce Development Council, 2009) with this being cited as an 'essential aspect of the right to fair trial' under Article 6 of the European Convention on Human Rights [ECHR] (Bevan, 2016, p.4). This ability has been interpreted as requiring that the CYP has a 'broad understanding of the nature of the trial process and what is at stake for him or her' (Law Commission, 2016, p.10).

The Crown Prosecution Service [CPS] (2020) state that 'neither youth nor limited intellectual capacity necessarily leads to breach of the Article 6 ECHR right to effectively participate in a trial'. However, it is acknowledged that there are some minimum requirements to ensure that vulnerable CYP receive a fair trial including:

- 'keeping the youth's cognitive functioning in mind'
- 'using concise and simple language'
- 'taking additional time to explain court proceedings'
- 'explaining possible outcomes and sentences' (CPS, 2020)

In addition, the Criminal Practice Directions [CPD] (2015) outline specific measures that the court should consider for vulnerable defendants which include:

- giving consideration to the 'communication needs of all CYP' (3F.24, CPD, 2015)
- ensuring, where appropriate, the defendant visits and familiarises themselves with the courtroom during out-of-hours (3G.2, CPD, 2015)
- ensuring that 'what is to take place has been explained to the defendant in terms he or she can understand' both at the beginning and throughout proceedings (3G.9, CPD, 2015)
- conducting proceedings in accordance with a timetable that takes 'full account of the defendant's ability to concentrate' with the use of 'frequent and regular breaks' (3G.10, CPD, 2015)

Such measures are arguably important for ensuring the effective participation of CYP with SEND who may find the 'stressful' and 'confusing' (Jacobson & Talbot, 2009, p.34) experience of attending court challenging (Grisso, 2000; Snow & Powell, 2004; Rost & McGregor, 2012). Jacobson and Talbot (2009) therefore state that:

If most child defendants find court processes confusing and difficult to understand, it can be assumed that these difficulties are compounded for the substantial numbers who have mental health or emotional problems, or cognitive impairments of one kind or another (p.44)

It is thus argued that CYP with SEND can be deemed as 'doubly vulnerable' (Jacobson & Talbot, 2009, p.9) due to the combination of their age and additional needs (Fairclough, 2017).

Research findings have indicated that CYP with SEND may find participating in court difficult for a variety of reasons including having limited understanding of legal proceedings (Grisso et al., 2003; Lansdown, 2005; Scott & Steinberg, 2008) and the stress of attending the court setting (Grisso et al., 2000). Research has also demonstrated that many CYP with SLCN find the Youth Court challenging due to the linguistic demands placed on them (Snow & Powell, 2005; Rost & McGregor, 2012; Swain et al., 2020). Taylor (Ministry of Justice, 2016), for instance, reports how 'children are alienated by the frequent use of opaque legal argument and arcane terminology' and that 'not all magistrates do enough to explain

what is happening in language that children can understand' (p.27). The report also states that children often leave the courtroom 'confused by the outcome' with YOT professionals having to explain this to them (Ministry of Justice, 2016, p.27). Research thus suggests that CYP with SLCN may display hostile behaviours in an effort to mask such difficulties (Plotnikoff & Woolfson, 2002; Durkin & Conti-Ramsden, 2010; St Clair et al., 2011; Conway et al., 2017). Particular environmental stressors, such as long court delays (Wigzell et al., 2015), can increase the likelihood of these behaviours with findings suggesting that 'by the time many actually come into the courtroom, they are irritated and less likely to respond positively to court staff' (Centre for Justice Innovation, 2020, p.15).

In addition to the measures outlined in the CPD (2015), there are further forms of support for vulnerable defendants, such as those with SEND, aimed at ensuring their effective participation during proceedings such as intermediaries (O'Mahony, 2009, 2012) and Liaison and Diversion Services (Haines et al., 2012; Marshall-Tate et al., 2012). It has been argued, however, that there is an inequality between the support available to vulnerable defendants compared to that available to vulnerable witnesses (Plotnikoff & Woolfson, 2007; Bevan, 2016) with the latter having more 'statutory rights to help and support' (Jacobson & Talbot, 2009, p.9). As such, there has been increasing demand for the establishment of a screening process in which those who may have participation difficulties can be identified at an early stage (Michael Sieff Foundation, 2009; Wigzell et al., 2015; Bevan, 2016; Law Commission, 2016). Such a measure does not, however, currently exist (Law Commission, 2016).

2.1.2 Experiences of CYP

There have been relatively few studies that have solely focused on gaining an insight into the Youth Court experiences of CYP. The findings of such studies are, however, in line with previous evidence highlighting the common difficulties CYP often experience. Plotnikoff and Woolfson (2002), for instance, found that during interviews with CYP who had experience of attending court, many reported being 'actively disengaged' (p.6) from proceedings and did not understand the decisions made. In a similar vein, Hazel et al (2003) completed interviews with CYP in order to explore their experiences of the CJS, including court appearance. They found that CYP reported difficulties including misunderstanding proceedings, struggling to comprehend what the sentencers were saying and experiencing feelings of isolation and confusion in the courtroom itself. During interviews with twenty-five young defendants, Wigzell et al (2015) found that a common theme arising from the data was CYP misinterpreting the language used in court, including that of their advocate. Such findings are similar to those found by independent bodies who have conducted research into the

experiences of young defendants in the Youth Court (ICYCAB, 2010; Youth Justice Legal Centre, 2020). It can be argued, however, that such research has focussed on the Youth Court experiences of CYP in general. They do not, therefore, provide an insight into the particular experiences of CYP with SEND nor do they provide an insight into how these CYP are supported throughout proceedings and the extent to which the outlined recommended adaptations are translated into real life experience. There is thus a significant gap in the evidence base in this respect.

2.2 The Current Study

The current study was concerned with exploring the Youth Court experiences of CYP with SEND and how this group are supported throughout proceedings. The term 'throughout', in the context of this study, refers to support received prior to, during and immediately after court appearance. In line with the principles set out in the SEND CoP (2015), this research aimed to address gaps in the literature by eliciting the views of CYP with SEND in order to understand their experience of the Youth Court and how they can be better supported while participating in this microsystem (Bronfenbrenner, 1979). Furthermore, due to the lack of a clear view with regards to how this group are currently supported in court, the current study also intended to gain this understanding through YOT professionals who can be deemed as 'key players in the court setting' (YJB, 2014, p.6).

It is argued that this study has particular relevance to Educational Psychology practice due to the increasingly common role of the EP in working within the YOT context at both individual (Ozarow, 2012; Newton, 2014; Parnes, 2017; Twells, 2020) and multi-systemic levels (Swift, 2013; Wyton, 2013; Games, 2014; Hall, 2014; Davidson, 2014; O'Carroll, 2016; Beal et al., 2017). This study thus intends to add to the knowledge base by exploring how EPs can support the Youth Court experience for CYP with SEND at both individual and systemic levels. Ecological Systems Theory (Bronfenbrenner, 1979) has therefore been adopted as a framework in which to interpret findings in relation to their significance for EP practice.

2.2.1 Research Questions

The research questions of this study were as follows:

RQ1: What are the experiences of CYP with SEND in the Youth Court?

RQ2: What support do YOT practitioners identify as available to CYP with SEND throughout Youth Court proceedings?

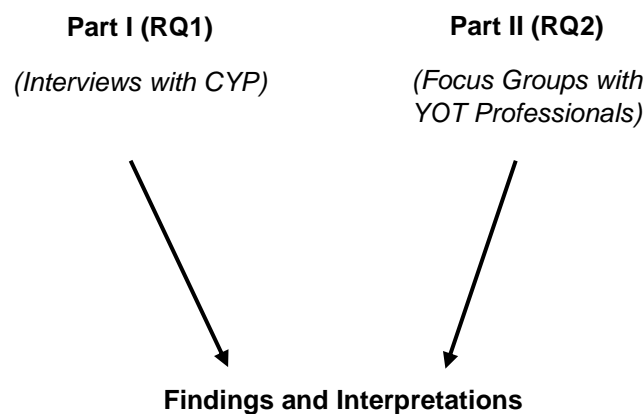
3.0 Methodology

3.1 Design

Due to the open-ended nature of the research questions, a multiple-method, qualitative paradigm was adopted. The research was thus formed of two parts. Each part utilised a different qualitative method to produce the types of knowledge required to answer each research question (Willig, 2013). The multimethod design was concurrent in nature with data collection for Parts I and II occurring more or less at the same time (Hesse-Biber et al., 2016). This was to allow for sufficient time to recruit participants for each part of the study and to account for any anticipated recruitment difficulties. Each part of the study produced different data sets that were analysed separately (see Figure 1) with results from Part II supplementing the results of Part I (Hesse-Biber et al., 2016).

Figure 1

Multimethod Concurrent Design



The use of this paradigm allowed the researcher to generate knowledge that 'captures and reflects as truthfully as possible' (Willig, 2013, p.15) the reality of experiences that CYP with SEND have of the Youth Court and how they are supported during this experience. It was the position of the researcher that this knowledge would not, however, constitute a direct reflection (Ayers, 2011) of this reality due to how interpretations, including that of the researcher, are dependent on individual experience, culture, and history (Bhaksar et al., 1998) and therefore give rise to 'perspectival and contextual truths' (Braun & Clarke, 2021, p.109). This study therefore adopted a critical realist position in which the researcher sought to understand individual interpretations as a reality that is shared (Bhaksar, 1978) amongst CYP with SEND and the YOT professionals that work with them. Furthermore, in line with a critical

qualitative approach, this study was 'orientated' to interrogate 'wider social meanings and consequences' through the exploration of its findings (Braun & Clarke, 2021, p.145).

3.2 Participants

This study was hosted by a large Youth Offending Service (YOS) in the East of England from which all participants were recruited. Both purposeful and volunteer sampling techniques were adopted so that 'information-rich' cases from which 'the most can be learned' (Merriam, 2009, p.77) about the Youth Court could be obtained. Summaries of the inclusion criteria for each part of the study can be found in Figures 2 and 3 respectively. A more detailed outline of the supporting literature for these criteria can be found in Appendix A.

Figure 2

Inclusion criteria for Part I (Interviews with CYP)

- Between the ages of 14 – 18 years old
- Have identified SEND by having either:
 - SEND outlined in an Education Health and Care Plan (EHCP) and/or;
 - SEND identified and recorded on the AssetPlus system and/or;
 - A SEND support plan created by an education setting
- Had experience of attending the Youth Court within the past year
- Can engage in a two-way conversation (as confirmed by their YOT caseworker)
- Would be comfortable in talking to the researcher about their experiences (as confirmed by their YOT caseworker)

Figure 3

Inclusion criteria for Part II (Focus Groups with YOT Professionals)

- Works as a member of a YOT within the host local authority
- Has knowledge and experience of working in the Youth Court context as part of their role within the YOT. This could be past or current experience.

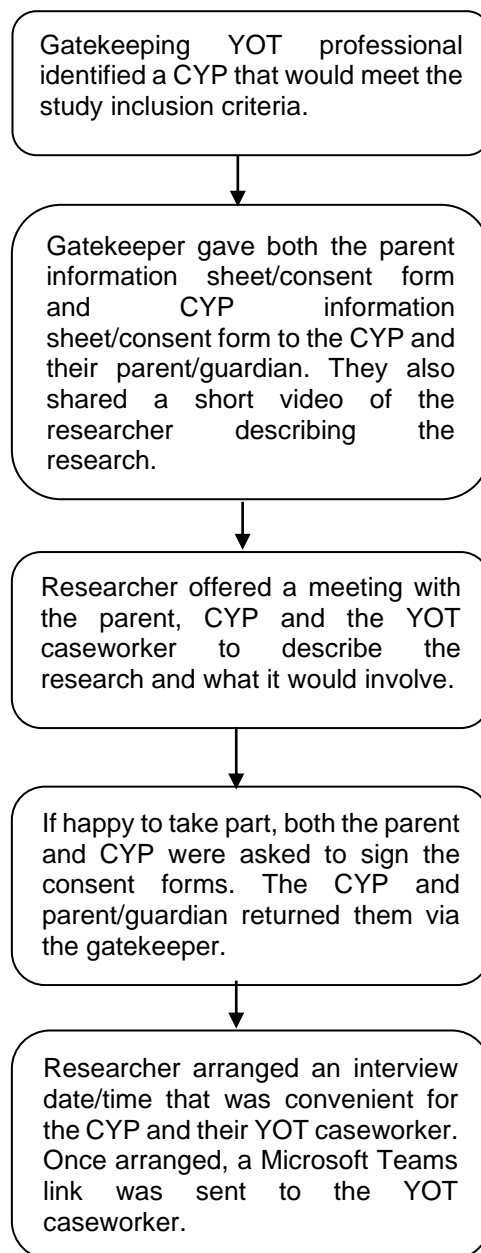
Part I: CYP Interviews

Remote interviews were conducted with five CYP (m=4, f=1) aged between 15 – 17 years old. Each participant was recruited through a YOT caseworker who, for the purposes of scientific integrity (BPS, 2014), were briefed on the aims of the research. YOT caseworkers adopted the role of qualitative criterion judges who ascertained, from their working relationship with the CYP, whether the inclusion criteria would be met. Due to the potential vulnerability of participants (BPS, 2014), consent was sought from parent/guardians

as well as the CYP. Due to initial difficulties with recruiting participants, an incentive was introduced. Participants were offered a £10 food and drink voucher or the option of using the interview to contribute towards reparation hours. These incentives were agreed by senior YOS management and by the UEA Ethics Committee. The procedure for participant recruitment is presented in Figure 4.

Figure 4

CYP Participant Recruitment Procedure



A summary of demographic information for CYP participants is presented in Table 3.

Table 2*Demographic Characteristics of CYP Participants*

Name (Pseudonym)	Age	Gender	SEND Details	Number of appearances in Youth Court	Interview Duration
Megan	16	F	EHCP in place (SLCN identified as primary area of need)	4	21 minutes
Callum	16	M	EHCP in place (SEMH identified as primary area of need)	30+	62 minutes
Jordan	15	M	SEND Support Plan; EHCP being drafted	4	35 minutes
Michael	17	M	EHCP in place (SEMH identified as primary area of need)	10	32 minutes
Lenny	16	M	EHCP in place (SEMH identified as primary area of need)	16	44 minutes

Part II: Focus Groups

Three remote focus groups were conducted with twelve YOT practitioners (m=3, f=9). Each focus group differed in size with groups ranging from 3 – 5 participants depending on work schedules and availability (FG1=3, FG2=4, FG3=5). Although the methodological literature suggests that focus groups should range from six to twelve individuals (Hennink et al., 2019), it was recognised that there would be numerous communication challenges accompanied with online delivery (Rivaz et al., 2019). As such, in line with previous research, small groups were created to ensure maximum participant interaction and comfort (Hallam, 2021; Krueger & Casey, 2000; Woodyatt et al., 2016).

Participants were recruited via a blend of both purposeful and volunteer sampling. The researcher advertised the study during YOT team meetings whilst also liaising with team managers to identify those who met the inclusion criteria. Invite emails containing information sheets and consent forms were sent to prospective participants with the option of 'opting in' to the research. Participants returned consent forms via email. The researcher

arranged convenient dates and times for the focus groups and a Microsoft Teams link was sent to each participant.

A summary of demographic information for focus group participants is presented in Table 4.

Table 3

Demographic Characteristics of Focus Group Participants

	Name (Pseudonym)	Gender	Job Title	Description of Role (related to Youth Court)
FG1	Jill	F	Senior Youth Offending Practitioner	Court Officer trained
	Sarah	F	Practice Supervisor	Court Officer trained
	Janice	F	Youth Offending Practitioner (Court Lead)	Court Officer trained (Specialist for Remand Courts)
FG2	Patrick	M	Restorative Justice Worker	Court Officer experience in previous role
	Sam	M	Practice Supervisor	Court Officer trained
	Karen	F	Social Worker (seconded to YOT)	Court Officer trained
	Jemma	F	Intensive Supervision and Surveillance Practitioner	Court Officer trained (Specialist for Remand Courts)
FG3	Tina	F	Senior Youth Offending Practitioner	Court Officer trained
	Sadie	F	Social Worker (seconded to YOT)	Court Officer trained
	Nora	F	Social Worker (seconded to YOT)	Court Officer trained
	Cheryl	F	Senior Youth Offending Practitioner	Court Officer trained (Court Duty Lead)
	Mike	M	Senior Youth Offending Practitioner	Court Officer trained

3.3 Data Collection Methods

Part I: CYP Interviews

One-to-one semi-structured interviews were used in order to explore the experiences of each participant. The interview method was deemed as well suited to the sensitive nature of the research topic (Guest et al., 2013). The structure of the interview schedule was based upon existing research findings that highlighted the common difficulties CYP can experience before, during and immediately after Youth Court attendance (see Appendix B). The semi-structured nature of the interview schedule (see Appendix C) served to guide the progress of the interview but was flexible in nature so that participants could

express themselves openly (Sparkes & Smith, 2014). Prior to the interview, questions were reviewed by YOT caseworkers to establish whether each participant would understand the interview vocabulary and whether adaptation was necessary. The researcher also reviewed each CYP's EHCP or SEND support plan, when possible, to inform them on how best to conduct the interview in accordance with particular needs.

In line with research suggesting that particular interview techniques should be used in order to ensure full participation of those with SEND (Sigstad, 2014; Corby et al., 2015), the researcher adopted techniques including: allowing periods of silence between each question to allow time to process and respond; using simple language and encouraging prompts; repeating, paraphrasing, and summarising responses; and rephrasing questions if necessary (Sigstad & Garrels, 2017). A visual timeline (see Appendix D) was also presented to participants to support understanding of which part of the Youth Court experience the researcher was referring to e.g., 'before court', 'during court' and 'after court'. When designing the interview schedule, the researcher reflected on cultural and power dimensions (Nimmon & Stenfors-Hayes, 2016) and the expectations that participants may have of 'interviews' whilst involved with the YJS. Participants were thus given the option to have their YOT caseworker or parent/guardian present during the interview for support and as individuals who are 'culturally sensitive' to their situation (McGrath et al., 2019, p.1003). As seen in Table 2, interview durations ranged from 21 minutes – 62 minutes with each guided by participant engagement with questioning and ongoing consent to participate.

Part II: Focus Groups

To generate rich data pertaining to how CYP with SEND are supported in the Youth Court, focus group methodology was used to allow 'statements to be challenged, extended, developed or qualified' amongst participants (Willig, 2013, p.35). This method provided the opportunity for a 'rich body' (p.3) of data where 'deeper levels of meaning' and 'important connections' could be obtained (Stewart et al., 2007, p.7). This was in contrast to other qualitative methods, such as individual interviews, that may miss deeper insights that can be instigated by the facilitating of idea elaboration amongst participants (Halliday et al., 2021).

Focus group participants were asked to discuss their thoughts relating to how CYP with SEND are supported prior to, during and immediately after their attendance in Youth Court (Appendix E). In line with Stewart et al's (2007) recommendations, each focus group began with the researcher setting the tone and agenda by explaining the research aims, the topics that would be discussed and the 'ground rules' for the session, including the importance

of anonymity. Due to the possible communication issues posed by online delivery, ground rules pertaining to contributing to the discussion were also outlined. The researcher also paid careful attention to the group dynamics throughout each focus group (Willig, 2013). In order to steer participant discussions, a variety of probes were used (Stewart et al., 2007) in addition to techniques such as prompting where participants were encouraged to 'respond to the issues raised by others' (Willig, 2013, p.34).

3.4 Procedure

Data collection for both parts of the study occurred between May – December 2021. Due to the circumstances posed by the COVID-19 pandemic, all data was collected remotely via Microsoft Teams to ensure the health and safety of both participants and the researcher (Parry, 2020; Halliday et al., 2021). At the start of both interviews and focus groups, the researcher ensured that participants were in a comfortable, confidential location so as to maximise the building of rapport and flow of conversation (Guest et al., 2013). In line with the recommendations of Guest et al (2013), timings for interviews and focus groups were carefully arranged with participants so as to accommodate to their schedules.

3.5 Ethics

Ethical considerations were informed by the British Psychological Society's (2014) Code of Human Research Ethics, Code of Ethics and Conduct (2018) and UEA research guidelines. Full ethical approval was given by the UEA Ethics Committee. Documents relating to ethical considerations, including examples of information sheets, consent forms and invitation emails, are presented in Appendix F.

3.6 Data Analysis

Data sets for each part of the study were recorded and transcribed verbatim. In line with a multimethod concurrent design, each data set was analysed separately (Hesse-Biber et al., 2016). An inductive approach (Boyatzis, 1998) to Thematic Analysis [TA] (Braun & Clarke, 2006) was used as this approach enabled a 'broader, more expansive analyses' of each data set as opposed to 'honing in on particular aspects' of the data (Kiger & Varpio, 2020, p.848). TA also allowed the researcher to search for 'common or shared meanings' as opposed to examining 'unique meanings or experiences from a single person or data item' (Kiger & Varpio, 2020, p.847) through an alternative method such as Interpretative Phenomenological Analysis (IPA). IPA was thus not chosen as an analysis method for Part I of the study due to its interest in understanding each participant's 'subjective experience of the world' rather than the 'objective nature of this social or material world' (Willig, 2013, p.96).

TA was thus well suited to the critical realist position (Bhaksar, 1978) of the researcher in this respect due to the analytic emphases placed on identifying patterns across data sets and thereby gaining a more focused understanding of the shared reality of CYP with SEND attending the Youth Court.

The six-stage template of TA proposed by Braun & Clarke (2021) was followed to analyse each data set. These stages included: familiarisation with the data; coding; developing themes; developing and reviewing themes; refining, defining and naming themes; and writing the report. The researcher chose to adopt Braun and Clarke's (2021) most recent revision of this template due to its emphasis on the 'reflexive' nature of TA whereby the researcher continuously engages in the 'practice of critical reflection' (Braun & Clarke, 2021, p.5) throughout data analysis. Reflexivity was thus achieved through writing brief diary entries where 'explicit and implicit assumptions' (Korstjens & Moser, 2018, p.121) were examined.

The process of code validation via a fellow doctoral candidate was considered as to whether this would enhance trustworthiness. However, it was deemed that this practice aligned with a positivist ontology in which it is assumed that the meaning of data is fixed and not open to interpretation. This was therefore in contrast to the critical realist position of the researcher where it is recognised that our 'experiences and representations of reality are mediated by language and culture' (Braun & Clarke, 2021, p.286) and, as such, are subject to differing interpretations. Other processes to enhance trustworthiness, such as the use of member checking, were also considered. However, due to the 'critical' orientation of the research, it was felt that the analysis may not be 'recognisable' to participants and was therefore avoided in order to 'minimise harm in interpretation' (Braun & Clarke, 2021, p.277). The researcher therefore reflected on the quality and rigour of analyses by using the 'fifteen-point checklist for good reflexive TA' proposed by Braun and Clarke (2021). The researcher also frequently reflected on the analysis process during supervision sessions in order to enhance confirmability of findings (Korstjens & Moser, 2018). Example extracts of data transcripts and diagrams that present examples of each analysis stage can be found in Appendix H and I respectively.

4.0 Findings

This section presents the findings for Part I and Part II of the study in turn. Each set of findings is introduced with a description of the overarching themes and constituent themes identified during analyses. In line with Braun and Clarke's (2021) definition, 'themes' can be defined as a 'pattern of shared meaning organised around a central concept' whereas 'overarching themes' can be defined as 'an umbrella concept or idea that embraces a number

of themes' (Braun & Clarke, 2021, p.87). Thematic maps that present the relationships between overarching themes and constituent themes for each dataset, and tables presenting supporting data extracts, are provided in Appendix J and K respectively.

4.1 Findings: Part I

Following the analysis of interview data, four overarching themes were identified that provide an insight into the reality and shared experiences that CYP with SEND have of the Youth Court setting:

- **Overarching Theme I:** Devoid of Power
- **Overarching Theme II:** Preparation for the Unknown
- **Overarching Theme III:** Staying out of Jail
- **Overarching Theme IV:** A Need to be Nurtured

A conceptualisation of overarching themes and constituent themes is presented in Table 5. Subthemes contained within each overarching theme are outlined and discussed in turn.

Table 5

Master List of Overarching Themes and Themes for Part I

	Overarching Theme	Themes
1	<i>Devoid of Power</i>	<ul style="list-style-type: none"> • <i>Feeling Passive and Powerless</i> • <i>Accepting your pre-determined fate</i> • <i>Going into the unknown</i>
2	<i>Preparation for the Unknown</i>	<ul style="list-style-type: none"> • <i>It's better to be prepared</i> • <i>Learning through friends and family</i> • <i>Good preparation is dependent on the professional</i>
3	<i>Staying out of Jail</i>	<ul style="list-style-type: none"> • <i>Prison is the worst outcome</i> • <i>Professionals either work to send you to jail or keep you out</i>
4	<i>A Need to be Nurtured</i>	<ul style="list-style-type: none"> • <i>Fear and Vulnerability</i> • <i>Professionals can provide comfort to an extent</i> • <i>Family can provide comfort when they're allowed to</i> • <i>Supporting yourself</i>

Overarching Theme I: Devoid of Power

The theme 'Devoid of Power' was apparent in all interviews. This relates to the diminished sense of power CYP with SEND experience whilst in the Youth Court setting due to the perceived power dynamics between court professionals and themselves. Findings highlight

the various ways in which CYP are stripped of power in relation to their role within proceedings, knowledge of what awaits them in court, accepting a fate that has already been decided for them and being powerless to challenge what is said and done in the courtroom itself. The following themes comprised this overarching theme:

- i) Feeling passive and powerless
- ii) Accepting your predetermined fate
- iii) Going into the unknown

Feeling Passive and Powerless. Participants regularly highlighted how they have experienced feelings of passivity within court and described themselves as bystanders who observe court professionals fulfilling an active role during their proceedings. For example, Callum described the experience of “watching the [prosecutor and solicitor] fighting during your case” and how “you’re just there... you feel like... the tension between them two people and they’re nothing to do with me” (222 - 224). Callum’s comments indicate a sense of powerlessness where despite being physically present in the courtroom, his voice is not. The outcome of his court session is subsequently dependent on the “fight” occurring between unfamiliar adults who have “nothing to do” with him. The concept of having an absent voice in the courtroom was highlighted by most participants who described their passive role in the courtroom and having limited opportunities to use their voice. Michael described his experience of observing the judge directing his communication at adults within the courtroom and how “they won’t really speak to me really... they’ll be talking to the prosecutor to see his point of view and the solicitor’s point of view and from there he’ll [solicitor] tell you what’s going on after” (200 – 202). In a similar vein, Jordan described how magistrates “just address our solicitors... so they was like telling us what was happening” (176). Michael and Jordan’s comments thus both highlight how judges and magistrates have positioned them as passive recipients of information within the courtroom.

For most participants, an apparent power imbalance has existed between adults and themselves where professionals have used their power to either suppress or allow their voices to be heard, acknowledged, and valued. Lenny, for instance, described how he was told “it’s up to the judge to say whatever you wanna say and that... I was like ‘ah cool’ but I was still annoyed... honest to God, even still...” (99 – 102). Lenny’s comments suggest that there has been scope for his voice to be heard and acknowledged, but this has been at the judge’s discretion. Some participants did however suggest that there is limited value to using their voice within court. Michael, for instance, expressed how “it’s better to speak to the solicitor really... ‘cause I think... he’ll [judge] listen to the professional people more really” (213 – 215).

The power dynamics between CYP and professionals were often described by participants as clear and observable. Jordan, for instance, described the apparent power imbalances he has perceived between himself and the magistrates and how “everyone thought they think they’re better than everyone else... magistrates sitting up like...” (167 – 169). Lenny described experiencing such power dynamics first-hand whilst in the court cells and alluded to how professionals, such as security staff, are aware of the power they have and can act on it accordingly:

I’ve witnessed them actually walk past my cell and I’ve called them back and they kept walking. I was just like banging on my door like are you lot just mocking it fam. Like I’m asking for water and you lot are taking the piss like... They’ve got more control so whatever they wanna do they can do... (208 – 210)

Lenny’s comments appear to evoke a sense of helplessness where despite attempting to challenge an apparent power imbalance, he is unsuccessful in his attempts to have his voice heard due to the omnipotence of court staff. Lenny did not therefore have the necessary power or agency to fulfil his basic needs in this instance.

In a similar vein, Callum highlighted how power dynamics have left him feeling powerless to use his voice in the courtroom. He thus described the experience of “struggling to hear” the magistrates and how “every single time I’ve been in there, I can never actually fully understand but I’ve always been too scared to actually speak up and say, ‘I can’t hear you’” (404 – 406). In this instance, it appears that this sense of powerlessness has impacted on Callum’s ability to effectively participate in proceedings.

Some participants further described feeling powerless to use their voice in order to challenge inaccurate depictions of their identity. Participants described having to adopt a passive role when listening to professionals constructing their identity in negative ways. Lenny described how it is “annoying when the prosecutor’s saying something to the judge and starting chatting bare rubbish” (219 – 222). Despite experiencing clear annoyance, Lenny goes on to acknowledge how “you can’t stop them from saying what they need to say” (219 – 222). Callum described similar experiences in terms of listening to the court construct inaccurate truths. For Callum, this experience has been particularly difficult due to the nature of the words used to construct his identity:

He [judge] started to use a bit more like... harmful words like he started making me feel a bit bad in myself... things like started calling me a bully and things like that... and calling

me a... prolific offender to the society or... I couldn't remember the actual words, but they said a lot of strong words that... I struggled to take on board but things like that... but it just affected me innit... like being called a bully from a judge like... It's a lot to take in because I was... hearing like one of them people say a lot of bad things about me innit and like...it's actually horrible... when someone's telling you that, you know you're not that person (61 – 66)

Participants occasionally described moments where professionals have altered power differentials by directly addressing them and giving them an opportunity to speak. Jordan described that a key difference between his experience of magistrates and judges was how the latter “actually spoke to us and that” (174). Callum similarly described how he’s “been asked once by the judge to actually get up... maybe twice to get up and talk innit...” However, “that’s happened twice maybe... they don’t normally talk to you. They don’t ever interact with the young people much I would say” (427 – 430).

In all, these findings collectively appear to suggest that the positions commonly experienced by participants during court proceedings have been passive and powerless in nature. For Lenny, he views the power dynamics created by the court as fixed as “it’s the court innit so... there’s no way of changing it ‘cause it’s the court and in my eyes, I see them as crazy... they’re just full of red” (466 – 468).

Accepting Your Predetermined Fate. In addition to experiencing feelings of passivity and powerlessness in relation to their role and positioning within court, some participants highlighted how going to court also means submitting to the power it has over their future. Participants often described how their fate has already been decided by the court and that they have no power to change the outcome within proceedings. Callum described his thoughts on how his fate has been predetermined by a piece of paper read by the judge and outlined how:

They’ll be gone for five minutes... I thought it was five minutes to actually think about what they’re gonna do with someone but me, I just feel like it’s five minutes to go and read that bit of paper one more time and then just come back and sentence you (490 – 492)

Callum’s comments appear to allude to the simplicity with which such decisions are made and how despite hoping that the judge will consider a range of options, this is not the case as

the piece of paper has the overriding power. In a similar vein, Lenny alluded to a sense of resignation when describing the inevitable fate of going to “jail”:

Standing there and just looking... it just looks like it's time to go like... you're gone now. Like when you step in there for like certain people, they'll just step in there and think yeah, it's karma, I'm going back like it's nothing... but other people just look at it like gone... I'm gone... like gone straight to jail. Yeah, it's like the end... (243 – 246)

Lenny's comments suggest that, for some CYP, going to jail is the worst fate to accept as it means resigning yourself to the reality that you're “gone” and it's the “end”. A sense of impending doom is thus evoked here where he has felt powerless to stop this fate being imposed on him by the court. Callum similarly described the feeling of having limited power due to how the court can either maintain or release him as a component within the “system”. He thus described how “there's nothing worse than the system. The system is just something that locks you and you can't unlock it. But... it's only down to the system to like release you out of the system” (461 – 463).

Despite feeling powerless to alter their fate, some participants often highlighted how, in order to gain power in what seems a hopeless situation, self-preservation and preparation is necessary. Callum for instance, highlighted how the only way to regain power and a sense of agency over what happens in court is to expect the worst outcome and hope for the best:

I'd always go in there expecting the worst, you take it on board quicker then if it actually does happen... a lot of the time you really... it does work out good for you because when you get let out it's such an extra bonus because you didn't think that was gonna happen. You just took what was gonna happen on the chin and you didn't get that. You got a result at the end of it (323 – 329)

Lenny described having a similar mindset and preparing himself for the worst outcome. He explained how “I keep that in my head innit like I know I'm going to jail... that's what I say... if I walk out then that's it, I say I'm just lucky innit” (470 – 475).

Going Into the Unknown. Many participants described their experiences of attending court with limited knowledge of what to expect. Such experiences were particularly pertinent during their first court attendance where participants often described having little awareness of who would be there, what the courtroom would look like and the possible sentences they

would receive. Megan described how there were “people that I don’t know” (44) in the courtroom whilst Callum similarly described how “there was normally a lot of people in there that I didn’t actually know” (246 – 249). Michael also described the limited information he received during his first court attendance and how he was reliant on what he had heard from others:

No... they didn’t tell me what it looks like and things like that... I just found out when I went in there... I didn’t know what I was gonna do really but I’d heard of it [sentences] before, referral orders and things like that (52 – 53)

For some participants, receiving limited information has often led to fearing the worst. Lenny, for instance, described how he was arrested and subsequently thought:

I’m going straight to court now and then I was like oh wow... like ‘cause I didn’t know what was gonna happen like. This was like the third time I got arrested and that and I was like oh yeah, it’s jailtime now man (87 – 90)

Callum described having similar thoughts with regards to wondering what was going to happen next. During his first court attendance, he described how “the first thing that comes to my head in there is like ‘what’s gonna happen to me?’ and things like that” (180 – 181). For Callum, a sense of fear was also described when outlining his experiences of receiving little information during later court attendances and whilst held in the court cells:

You ring the bell, you say, ‘what’s going on?’ They say, ‘we don’t know until you get called up’ and then maybe your solicitor might come down and you get put in a room with your solicitor and then... even then you’re thinking ‘this ain’t a room I’ve ever been in before... like why does me and my solicitor have to be in here?’ It does affect in your head because if you haven’t been to court as well before like, you don’t generally know what’s gonna happen (193 – 194)

Such comments suggest how receiving limited information and preparation has diminished the sense of power and agency he has felt when faced with the prospect of the unknown.

Some participants alluded to the benefits of receiving adequate information and preparation and described what they would have found useful prior to their first court attendance. Lenny for example talked about how he would have benefitted from:

...more about the courts and that and then like what's the process and that, you get what I'm saying. Some people do that in court 'cause that's what they're meant to do. But some people ain't doing that like... they'll just take you straight there' (236 – 238)

Megan, on the other hand, described how she would have liked to know 'that I wasn't gonna go jail' (107).

Overarching Theme II: Preparation for the Unknown

This overarching theme relates to the forms of support CYP have received in order to prepare them throughout Youth Court proceedings. Participants highlighted the benefits of being adequately prepared and the individuals within their surrounding microsystems that have provided them with such support. Although participants highlighted individuals that prepared them well, including members of the YOT and Youth Court microsystems, participants also highlighted how the quality of support can vary. The following themes comprised this overarching theme:

- i) It's better to be prepared
- ii) Learning through friends and family
- iii) Good preparation is dependent on the professional

It's Better to be Prepared. The notion of being well prepared was alluded to by a few participants who highlighted the emotional benefits of knowing what is going to happen in advance. Jordan, for instance, commented on how "I weren't really worried 'cause I got told what my sentence was likely to be" (107). Jordan's comments suggest that although professionals could not provide him with definitive assurances with regards to what sentence he would receive, knowing the possibilities provided him with some comfort and perhaps made going into the unknown less anxiety-provoking. In a similar vein, Callum described how "it's always nice to have the month notice so it's never straight away" (137). Callum's comments suggest that he has had differing experiences of going to court depending on whether he's had time to prepare in advance or whether he's been to court "straight away". The experience of being taken to court 'straight away' was a reality for some participants who described going to court from custody. Lenny described his experience of being told "you're going to court'... 'you've got court in the morning' and then 'cause like... they just tell you things that might happen and that" (99 – 102). Despite being made aware of his court attendance with relatively short-notice, Lenny seemed to receive some form of preparation relating to possible outcomes.

In addition to preparation prior to court attendance, Jordan highlighted how professionals, such as judges, have prepared him for his sentence by explaining what is going to happen next within the courtroom:

He [judge] was just explaining everything like... 'you're being remanded to the local authority' but he would actually tell you instead of just waiting to leave court and your solicitor explaining it to you (184 – 186)

Jordan's comments thus suggest that he has benefitted from receiving adequate information and preparation for his sentence within the court session itself as opposed to receiving later explanations from other professionals.

Learning Through Friends and Family. Some participants highlighted how they have gained knowledge about the Youth Court through friends who have previously been involved with the YJS. Michael, for instance, described how "I've had friends on youth offending and all that like way before, so I knew what it was about anyway" (247 – 248). Michael's comments suggest that having this prior knowledge helped prepare him for understanding the sentence he might receive. In a similar vein, Callum described how family members can prepare you for court, but only if they have experienced this life event:

So... the only people you wanna ask is someone like a family member and unless your family member's been in the same situation as you before, they're never actually gonna know like... because they're just gonna tell you things that you don't wanna hear either! (321 – 323)

Callum highlights how, although family members are most often the providers of guidance and advice in the first instance, they have often been unable to adequately prepare him for court due to not having lived experience. Callum suggests that this absence of experience means that he has not been able to relate to the information that family members provide. As such, this information has been unhelpful. Michael, on the other hand, identified how his father was able to provide some helpful information due to having first-hand experience of the Youth Court:

My dad... my dad told me things about it and that 'cause obviously he's been in trouble before when he was younger (93 – 94)

Such findings suggest that when being prepared for court, Michael and Callum have appeared to benefit from receiving information that is factual and based on a reality that has been lived and experienced. Callum thus described how receiving inaccurate information from friends and family has impacted on his emotional wellbeing:

When I was about eleven years old, all people would used to tell me is things like 'ahh if you drop the soap in prison' or 'if you go to the police station, they do this and that'... like they would tell me nothing but scary things about the court... 'oh you go in there, he's wearing a wig and he doesn't care about you'... when you hear things like that and you're quite young... you don't wanna go in there... I've previously run off (140 – 143)

For Callum, CYP are therefore “a bit bugger booed” if they do not have a YOT worker as “the only people you can then ask is people like your mum and dad and the only thing they're gonna tell you is don't go to prison” (303 – 306). YOT workers are thus highlighted by Callum as important for court preparation and alleviating any anxieties that are underpinned by unhelpful information in this respect.

Good Preparation is Dependent on the Professional. Participants highlighted a range of professionals that have prepared them for court with many identifying the role of their solicitor. Lenny described how his solicitor “helps me out and tells me like what's good, like what's gonna happen or what she can do” (269 – 270). Megan similarly described how her solicitor “told me what's gonna happen” (159). Michael, in turn, described how “no one really explains nothing, it's just your solicitor really” (227). Participants, however, also alluded to the notion that solicitors can vary in quality in relation to the services they provide for CYP. Lenny, for instance, described how his experiences of solicitors have varied depending on their knowledge and experience of supporting CYP in Youth Court:

Depends on what one... sometimes you get solicitors that act like a s***** and then you get other ones that actually are so good. They've been doing it a long time like... they know it from the back of their head you get me... 'cause when I say they're not very good, they'll just come in, explain and say what they need to say, not say anything about what they can erm like... provide for you, and they don't say none of that. They just go and make sure they get everything done and then they go their way, I go my way... (286 – 289)

Lenny's comments suggest that in his experience, a good solicitor has been one that invests in him and is able to provide a person-centred service, as opposed to fulfilling their role at a basic level. The notion of receiving variable solicitor support is also evoked in Callum's comments who described the almost unpredictable and inconsistent support he's received from his solicitor whilst in the court cells:

My solicitor... he might not come back down. He might come back down and just tell me what's happened. He might come down and just... I dunno... sometimes he'd never come

down but the odd time he'll come down and give a message saying like he'll get in touch with me soon (563 – 568)

In this instance, Callum has not been provided with a definitive offer of support after his court session and is left uncertain as to whether he'll receive the support needed to understand what is going to happen next.

In addition to solicitors, most participants highlighted the positive role YOT professionals can have in preparing a CYP for court. However, similarly to solicitors, participants also described how the quality of YOT support can vary. Jordan described how one YOT professional “didn't really help properly until the last hearing but when [YOT worker] came we had help... when we had the other one, they didn't really do anything” (227 – 229). Jordan's comments suggest that his experiences of YOT workers have differed depending on whether they've provided support during particular court sessions or throughout proceedings. Jordan thus appears to have benefitted from receiving continuous support throughout proceedings rather than during isolated sessions.

Participants also alluded to how judges can offer support within court sessions, but the quality of this can vary depending on what judge is present. Michael, for instance, described how judges can differ in terms of how they present themselves during court sessions as “some are alright, some moody... depends on the day really” (188). In a similar vein, Lenny also described the differing experiences he has had with male and female judges with the latter knowing “how to speak more like... but you see the males... they just wanna talk about... and like will make someone say something rude to them” (324 – 327). Lenny's comments thus suggest that he values judges who are able to communicate in a respectful manner. For those who do not, Lenny appears to view them as disrespectful and thus warrant being disrespected in return.

The way in which judges communicate with CYP was described by most participants who identified how this can influence the atmosphere of the courtroom. Jordan, for instance, described the differing atmospheres he has experienced and how these have depended on whether the session is presided over by a judge or by magistrates:

We only had them [magistrates] once so they were alright, but they were like... everyone thought they think they're better than everyone else... magistrates sitting up like... but we had... the judge was better to be honest... he was just a funny judge anyway... like he wasn't really serious (167 – 169)

Jordan's comments highlight how power dynamics can be created via the way in which magistrates or judges relate to CYP. In identifying what the judge did to support him in court, Jordan highlighted how they addressed power dynamics and prepared him for his sentence by explaining complex information "as simple as possible" (198 – 199). In a similar vein, Lenny described how court professionals explained his sentencing outcome to him. However, Lenny also highlighted how aspects of his SEND, associated with his ADHD diagnosis, made processing this information in a verbal format difficult: "I just don't listen innit like... they'll say in one ear and it'll come out of the other so..." (394 – 395).

Overarching Theme III: Staying out of Prison

This overarching theme relates to the associations CYP have with attending Youth Court and receiving a custodial sentence. For all participants, being sent to custody, otherwise labelled as 'prison' or 'jail', was a realistic prospect that was deemed as the worst outcome that can be achieved at court and a reality they wish to avoid. Participants alluded to the notion that receiving other sentences, such as referral orders, are the desired outcome of court. Participants described, however, that there is often a battle between court professionals who are intent on sending CYP to custody and professionals who work to ensure that this does not become a reality. The following themes comprised this overarching theme:

- i) Prison is the worst outcome
- ii) Professionals either work to send you to jail or keep you out

Prison is the Worst Outcome. The prospect of going to 'prison' was highlighted by all participants as the worst outcome that can be achieved at court. The associations between court and being sent to prison were very real for some participants who described their experiences of receiving a custodial sentence. Callum, for instance, highlighted the punishing nature of being sent to prison due to how it has stripped him of his normality and freedom:

You don't have to be punished once you're in prison. That is the whole punishment. Like... you don't just deserve to be punished every day after being sent to prison. Being in there away from everything and away from everyone, losing what you can do, not being able to go out when you wanna go out... not being able to cook when you wanna cook... not being able to drink when you wanna drink... (576 – 582)

Callum's comments provide an insight into how a custodial sentence can impact on a CYP's sense of growing independence and freedom. Callum thus views prison as the worst court

outcome due to how this can remove him from his normality and those who are important to him. Some participants described how particular features of the court can make the prospect of going to prison more of a reality. Michael, for instance, described how “if you’re behind the glass door, that... that don’t look like a good sign because... the first time I ever got nicked, I was behind the glass door... it looks like you’ve got more chance of custody than coming out” (128 – 132). Michael’s comments evoke a sense of unpredictability and uncertainty where he has actively interpreted his surroundings in order to gain an understanding of whether custody is likely. Michael appears to have gained this understanding through experience and has subsequently made the link between the ‘glass door’ and going to prison.

For many participants, a positive outcome is achieved when an alternative to custody has been issued, regardless of what this entails and what is required of them. The positives of receiving a referral order compared to a custodial sentence, for instance, were regularly highlighted with most participants appearing to perceive an ‘order’ as the better alternative. Jordan described how he “didn’t really mind ‘cause [an order] is better than prison” (274). Michael similarly highlighted how he was “happier ‘cause... it’s more better than custody innit” (70 – 71) whilst Lenny identified how “it’s better than jail innit... like it’s way better so... why not” (410 – 411).

Such comments highlight how participants have prepared themselves for their sentencing by adopting the mindset that anything is better than jail. The notion of achieving success is thus evoked here where participants have perceived their court session as having been successful if they are able to leave the court and continue to live their lives without the restraints of custody.

Professionals Either Work to Send You to Jail or Keep You Out. The image of a divided courtroom with professionals either fighting to keep you out of jail or to send you to it was regularly evoked by most participants. For some participants, their solicitors have fulfilled an active role in battling to avoid a custodial sentence being imposed on them. Lenny described how his solicitor has kept him out of jail through careful strategizing:

Like she tells me like... she explains to me what she can do to help me and what they can go against, you get what I’m saying so... if she like, if she says like we’re gonna have to do that order or something that I have to go on, yeah... so I don’t go to jail yeah, then I’m gonna have to agree to that (277 – 278)

In a similar vein, Michael described the strategic role of his solicitor and how he “will tell the judge what I’ve said and... things like that and obviously try other angles for me not to go

to jail... he just tells me things what's gonna keep me out of jail really" (162 – 163). Michael's comments suggest that, in his view, the purpose of his solicitor is to ensure that he does not go to jail. It appears that Michael has played a fairly passive role during this battle where his solicitor has told him what to do and say in order to achieve this goal.

The concept of there being a battle between professionals within the courtroom was alluded to by Callum who described how:

Some people are trying to help you, some people are trying to get the worst for you... that is the prosecutor's job... prison or a sentence. Their job is to get you a sentence and the solicitor's job is to get you away with... away from something that you don't need to be convicted for' (226 – 229).

Callum's comments highlight a clear distinction between supportive adults and those who have negative intentions for CYP. For some participants, such negative intentions are clear to see due to the way in which professionals communicate with them. Lenny described how, in his view, judges often reveal their intentions to send CYP to jail through the way in which they speak:

Just the way they talk. They just... just sounds like yeah, just send them all to jail... gone, gone. Send them to jail, yeah. Let's get to the next case. Send them as well like... that's how I see it still (122 – 124)

Lenny's comments appear to construct judges as individuals who operate a continuous conveyor belt of sending CYP to custody without thought or hesitation. Such comments appear to highlight a dichotomy between the level of thought that should be incorporated into this decision-making process and the lack of thought that judges seemingly have when sentencing to custody. Lenny appeared to perceive such decision-making as an easy process for judges and prosecutors due to it being part of their daily routine and job description:

I just look at the judge and prosecutor as demons... like yeah, they're ready to send me to fire cuz. Literally... put me straight to jail and that's it bro. They get done, they get their pay and that's it. You get what I'm saying. 'Cause more times, they don't care if you go to jail. They just wanna get what they need to get done and that's it (460 – 463)

Although some participants seemed to suggest how judges and prosecutors inevitably work to send CYP to jail, the concept of being given a 'chance' was alluded to by the majority as something that is possible and can be given by judges at their discretion. Participants thus constructed being given this 'chance' as being sentenced with orders that enable them to remain part of their community as opposed to being removed from it:

They'll either say 'we feel like if we did do this today then we would cause more of a risk to society or more of a risk to the public and things like this... if we was to release you' or they'd say 'do you know what Callum, even though everything bad that's been said about you, we feel like with this new ISS [Intensive Surveillance and Supervision] thing, all of this tag and that, we feel like we might actually give you a chance' (Callum, 491 – 497)

Probably give people a bit of a chance but if there's like a serious one then I think they get charged for that but if it's not that serious, they feel like... yeah they should put you on an order or be on a GPS tag or something but sometimes they just look at... 'cause it's so big or the tiniest thing and sending you to jail (Lenny, 423 – 430)

Overarching Theme IV: A Need to be Nurtured

This overarching theme relates to the range of thoughts and feelings experienced by participants in the Youth Court. For many participants, court was conceptualised as both a fear and thought-provoking experience that can instigate a range of stress responses. Participants described the various forms of emotional support they have received whilst attending court with many highlighting the role of professionals and family members as providers of this support. However, the limitations and extent to which participants have been able to receive this support was highlighted in addition to the self-regulation strategies some participants have adopted in order to support themselves. The following themes comprised this overarching theme:

- i) Fear and vulnerability
- ii) Professionals can provide comfort to an extent
- iii) Family can provide comfort when they're allowed to
- iv) Supporting yourself

Fear and Vulnerability. For most participants, going to Youth Court was described as an experience that can evoke a variety of emotions. Megan and Callum both expressed

feelings of fear and being “scared” (66, 609) whilst Lenny and Michael evoked feelings of “anger” (92, 80). Some participants indicated how the stress of attending court has led them to adopt a fight or flight response due to their sense of safety and security feeling threatened. Callum described the physical bodily sensations he has experienced when faced with the daunting prospect of addressing court:

I was just shaking and I was scared... so when you're in there and you're just looking at everyone... your hands are shaking, they're starting to sweat and sweat and sweat and then you get told to stand up in front of everyone and then they say 'what's your name? what's your date of birth?' and you can't even talk properly because you're stuttering (209 – 211)

Callum's comments illustrate how he has experienced the court as a highly stressful and threatening environment. In this instance, Callum has experienced such a significant amount of stress, he is unable to speak and perform the functions he ordinarily would when feeling calm, safe, and secure. The concept of adopting a fear response was also apparent in Lenny's comments who indicated how he has often wanted to flee the stressful courtroom environment and “just wanna get out of there innit” (186). For some participants, the emotions they have experienced whilst attending court were difficult to label and were often referred to as thoughts rather than feelings. Michael for instance, described how he was “just thinking really” and that he “weren't really feeling nothing” (76).

The notion of ‘thinking’ whilst in court, and the sense of vulnerability associated with this, was alluded to by other participants who described being faced with opportunities to ‘reflect’ on their lives. Lenny, for instance, described how he was “just in the middle thinking ‘I don't know what to do next’... and then sometimes, it just makes you reflect like ‘oh why did I go do this like...’” (414 – 416). Lenny's comments indicate that, in this moment of stress, he has actively tried to process the information that is being given to him and what the repercussions will be. The concept of being able to process thoughts and feelings was similarly alluded to by Callum who describes the speed at which CYP are expected to understand what they've been told and process their emotions:

You don't get a chance to express your feelings. You just get told to turn around and go... like literally... you don't hear what's happening until the very last couple of words the judge says (523 – 529)

Although it can be argued that reflection is beneficial in terms of reducing the likelihood of reoffending, Callum highlighted how the vulnerability associated with reflection was detrimental to his emotional wellbeing. These feelings were perhaps more pertinent to Callum due to him already experiencing a limited sense of safety and security:

It makes you reflect on everything you've done so so much and it like... it makes you wanna do bad things... Like no one knows if the court's safe, especially as a young person... you don't know whether you're gonna go in there and someone... something's gonna happen to you (621 – 622)

Professionals Can Provide Comfort to an Extent. Most participants described how some professionals have provided them with emotional support during their court attendance. For some participants, like Megan and Callum, YOT workers were described as professionals who have contained their anxiety whilst in court. Megan described how her YOT worker “just told me like... not to worry and stuff” (163) whilst Callum described how “the YOTs will come and they're the people that will be there to try and comfort you as much as they can” (257). Callum and Megan's comments thus highlight how YOT workers have provided them with co-regulatory support during moments when they have needed reassurance. Callum further described how YOT workers can provide emotional support in the cells as they can:

...come down and can say your mum's upstairs and something and she says she loves you... things like that, that benefits you a lot innit... that does help you especially when you're down there and all you want to see is your mum' (257 – 263)

Callum's YOT worker has thus been able to provide a link through which he can be comforted by his mum, albeit indirectly. Although Callum acknowledged the benefits of having a YOT worker to provide him with comfort, he also described how the way in which they can offer this support is limited as “there wasn't a lot of things she could do but tell me what's gonna happen” (570 – 573).

Despite the recognition that they could only support him in a number of ways, Callum does however describe how his YOT worker was able to provide him with comfort by preparing him for the unknown and what was going to happen next. In a similar vein, Jordan described how his solicitor provided him with emotional support by mitigating the seriousness of particular court sessions. He outlined how “they pretty much just said this don't matter... I was just waking up, going to court and then going home 'cause the solicitor pretty much every time we was going, they said don't worry about it” (64 – 68). Jordan's comments appear to highlight

how professionals who are knowledgeable about the court and its processes, such as solicitors, have supported his emotional wellbeing by encouraging the adoption of helpful mindsets to prevent a build-up of anxiety. In this instance, Jordan describes how being prepared in this way enabled him to think of court attendance as a simple routine that did not cause significant disruption to his daily life.

In terms of other professional support, Callum described how security staff have provided him with emotional support that has been realistic and validating in nature:

They wouldn't try and smoothie it. They would tell you, but in a way where they'd tell you to listen. It's fine. And that is what they say to you. They'll say you'll get through it innit. They say do not worry innit. They say it's... although it's scary, they'll say, 'listen after the first night, you'll be alright in the morning' (536 – 539)

Callum thus described how security staff acknowledged the negativity of his situation and validated the emotions he was experiencing. By providing him with realistic reassurance, security staff appeared to prepare Callum for custody in this instance.

Family can Provide Comfort When They're Allowed To. In addition to professionals, most participants identified how their family have had an important role in providing them with emotional support during court. Megan, for instance, identified how she spoke to her '*mum and dad*' (98) about how she was feeling prior to her court attendance. Most participants described how their family members were present in the courtroom. However, some participants highlighted how the emotional support received from family members was limited with comments suggesting that the court either allows or prohibits this support. Jordan described how his mum "was pretty near to be honest... on my last day when they gave me the sentencing, she was allowed to sit near me and all that... like she was sitting beside me" (142 – 143). Jordan's comments indicate that the value of familial emotional support is recognised by the court. However, such an understanding may be limited due to the restricted nature of when this support is 'allowed'.

Callum, however, described differing experiences of receiving familial emotional support whilst held in the court cells. He described how "when you're down there and all you want to see is your mum and you just... you can't innit like... you don't get to see her until you're up in the courtroom" (262 – 264). Callum's comments suggest that he has felt deprived of seeing his mum who can support him to regulate his emotions and provide him with some comfort whilst in an unfamiliar and fear-provoking environment. In Callum's view, CYP should

be allowed access to their family before their court session due to the positive impact this can have on a CYP's mindset and emotional wellbeing:

I think... this would probably never happen, but I think always being able to see your family before you go into the courtroom. That is a big thing where you... you don't get to see them unless you've been out... if you come from the police station and you go into court, you don't get to see your family until you're up in the courtroom. But I think one thing that will help a lot of people and maybe if it makes... a lot of people change their ideas of what they're gonna do or what they're gonna say or how they're gonna act once they get their sentence... yeah, a big thing with that is family (448 – 455)

Supporting Yourself. Alongside the emotional support provided by court professionals and family members, some participants also alluded to the individual self-regulation strategies they have adopted in order to cope with the emotional impact of court. In order to prevent feelings of frustration, for instance, Lenny described how “I don't care what they've got to say, I just do my own thing” (266 – 267). Lenny appears to have adopted the strategy of mentally distancing himself from what is being said in the courtroom whilst recognising how he can exert some control by focusing on himself. Callum, through describing his SEND with respect to his mental health needs, similarly highlighted the concept of accepting that he has limited control and how he has adopted humour as a coping strategy whilst in court:

I'm meant to have mental health issues but they ain't been diagnosed yet so... I had to just adapt to it cause you like... you can cry as much as you want... you can ask for help as much as you want... you can ask for your mum as much as you want... no one is gonna do nothing... you're absolutely stuck and there's nothing for you to do. You're just left in predicaments. After a while I started trying to... make a bit of a joke out of it myself but that's because I was on it so many times like it become a regular to me innit (234 – 242)

It was, however, acknowledged by Callum that being your own emotional support in court is not ideal and that, in his view, the court does have available resources to provide this support to CYP when they need it most:

All of them security people there that they've got in there... you don't need people there ready to restrain people all the time. Have people there ready to go talk to people. Someone

that's hurting themselves downstairs [the cells] and that needs someone to talk to... send someone down there and go sit with them for ten minutes and have a chat with them just so they're not on their own like... (647 – 653)

4.2 Findings: Part II

Following the analysis of focus group data, five overarching themes were identified. These themes supplement the findings of Part I by providing a systemic insight into how CYP with SEND are supported throughout Youth Court proceedings from the YOT practitioner perspective. In addition to highlighting the support available, such themes also relate to the systemic barriers that can impact on the availability and quality of support. These overarching themes were as follows:

- **Overarching Theme I:** Identifying CYP with SEND
- **Overarching Theme II:** Supporting the Effective Participation of CYP with SEND
- **Overarching Theme III:** Professional Understanding of SEND
- **Overarching Theme IV:** Understanding Stress and Behaviour in the Courtroom
- **Overarching Theme V:** Suitability of the Current System

A conceptualisation of overarching themes and constituent themes can be found in Table 6. Themes contained within each overarching theme are outlined and discussed in turn.

Table 6

Master List of Overarching Themes and Themes of Part II

	Overarching Theme	Themes
1	<i>Identifying CYP with SEND</i>	<ul style="list-style-type: none"> • <i>Missed opportunities for early identification and SEND support</i> • <i>Knowledge of SEND is dependent on professional involvement</i> • <i>Preparation for court is dependent on available information</i> • <i>Active investigating and information-gathering</i>
2	<i>Supporting the effective participation of CYP with SEND</i>	<ul style="list-style-type: none"> • <i>Courtroom confusion</i> • <i>Role of the YOT practitioner</i> • <i>Role of the Solicitor</i> • <i>Supportive provision in court</i> • <i>Systemic barriers to effective support</i>
3	<i>Professional understanding of SEND</i>	<ul style="list-style-type: none"> • <i>The varied understanding and skills of court professionals</i> • <i>Enhancing professional understanding of SEND</i>

4	<i>Understanding Stress and Behaviour in the Courtroom</i>	<ul style="list-style-type: none"> • <i>Recognising stress and its impact</i> • <i>Negative perceptions of behaviour</i> • <i>Emotional support within court</i>
5	<i>Suitability of the Current System</i>	<ul style="list-style-type: none"> • <i>Participating within an adult system</i> • <i>Punitive vs rehabilitative function of the Youth Court</i>

Overarching Theme I: Identifying CYP with SEND

This overarching theme relates to the information that is commonly known about CYP attending the Youth Court and the inconsistent nature in which information pertaining to SEND is gathered. Participants highlighted a range of reasons as to why this inconsistency occurs, including the prevalence of unidentified SEND in the youth offending population and systemic barriers related to information-sharing between YOT and education systems. Participants described how having limited information on the SEND of CYP, particularly those who have not had previous involvement with the YJS, can impact on how they are prepared for court. As such, participants outlined the investigative role they fulfil in order to identify those with SEND. The following themes comprised this overarching theme:

- i) Missed opportunities for early identification and SEND support
- ii) Knowledge of SEND is dependent on professional involvement
- iii) Preparation for court is dependent on available information
- iv) Active investigating and information-gathering

Missed Opportunities for Early Identification and SEND Support. The prevalence of SEND within the youth offending population was highlighted by most participants with many describing how their caseloads often include CYP with an EHCP or diagnoses of conditions such as ASD and Attention Deficit Hyperactivity Disorder (ADHD). Participants also described, however, the high prevalence of CYP who become involved with the YJS with unidentified SEND. Sam, for instance, highlighted how “there’s a lot of undiagnosed need... and there’s a lot of speech and language difficulties that aren’t necessarily picked up on” (FG2, 53 – 58).

Participants frequently described how the high prevalence of unidentified SEND is due to there being missed opportunities for early identification and intervention within education. Some participants, such as Jemma, described how:

You see more and more cases coming through and you just think ‘wow yeah... that person hasn’t got an assessment, how has he slipped through the net?’ or you know... we’re

picking up things that have been missed over years and now perpetuating into offending but actually if it had've been picked up earlier... (FG2, 718 – 722)

As such, participants highlighted how YOT practitioners are often reliant on their own knowledge of SEND when trying to understand a CYP's presenting needs. Some participants described how, for many CYP, receiving a formal diagnosis has only been achieved once involved with the YJS due to a limited acknowledgement of SEND within education settings. Sarah, for instance, described her experience of working with a YP whose SEND had not been identified:

He'd been attending a grammar school... he'd got quite a good education background... his mum was also a special needs support teacher for the last 45 years, so she's got really good knowledge of it and always felt that there was something not quite right there but because of the schools that he went to, the schools didn't particularly want to acknowledge it... and then he's ended up coming through for a really serious offence and it's taken for him to go into custody to be able to get that diagnosis really (FG1, 141 – 147)

Many participants thus highlighted the importance of receiving factual information pertaining to educational needs due to how this can inform the support available in court. The methods in which this information can be gathered, however, were frequently described as restrictive in nature due to the barriers to accessing information held by education systems. One such barrier was described by Sam who outlined how "we wouldn't do education checks before they go to court as standard because we need to get consent from them to do that" (FG2, 84 – 89). In a similar vein, Janice described how there is currently no established link between the YOS and SEND Services and subsequently expressed how:

We need to have a real contact... in SAS [Statutory Assessment Services] or whatever it is... so when we do our court prep, if we don't know that YP to see if they've got any educational needs... 'cause I think that would be a helpful piece of information to have (FG1, 160 – 164)

Knowledge of SEND is Dependent on Professional Involvement. Most participants described how information relating to SEND can be acquired through accessing existing records, most notably from YOT and Social Care systems. Jill described how "if we've got a YP who is open... when we do our basic checks on Mosaic to see if they're open to

social care... we can gather the information from there... and equally if they're open to a YOT previously, we can get the information from there" (FG1, 165 – 172). Participants thus highlighted how for CYP who have past or current involvement with YOT or Social Care services, knowledge of their SEND can be gathered and used to inform subsequent practice in the courtroom. Although this information was highlighted as valuable, many participants also described how little information is known about CYP who have not had such past agency involvement. Tina, for instance, described how "if they're not open, we wouldn't have any knowledge whatsoever" (FG3, 84 – 87) whilst Sam similarly described how if information is "recorded there [police and social care] then we might... but other than that, we wouldn't necessarily know" (FG2, 84 – 89). Such comments suggest that, whilst there are benefits to information-sharing between agencies, knowledge of SEND can be dependent on previous professional involvement.

Preparation for Court is Dependent on Available Information. Participants frequently highlighted the distinction between the information known about first-time court attendants and those who have reoffended. This distinction was described as largely impacting on the extent to which a CYP with SEND can be prepared for court. Participants outlined, for instance, how CYP known to YOT and who are going back to court can be prepared during a YOT session where time can be taken to explain possible court outcomes. Sarah described how:

With kids that are going to court with a pre-sentence report, you've got that time with them... you can make as much time as you need to go through the stuff so if you know there's additional needs, you know that you're probably gonna need more than one assessment appointment ... and you can plan that in (FG1, 445 – 449)

In contrast, however, many participants described the limited information available about CYP attending court for the first time. Sam outlined how:

Some YP we have nothing on before they come to court and they've not previously offended and they're charged straight to court either because of the seriousness or they didn't admit the offence, or the police didn't consider an out-of-court even if it's potentially available... and so they're coming to court with no knowledge of us and us with very limited knowledge of them... they'd be an unknown... it would be a very alien environment to them (FG2, 75 – 81)

For most participants, meeting a first-time attendant on the day of court was described as a common occurrence where, in addition to meeting with a YOT practitioner, many CYP meet with a duty solicitor for the first time. As such, due to the limited knowledge and time that both professionals have, information pertaining to whether a CYP has SEND is not always obtained. Some participants described how having limited information prior to court attendance can significantly impact on their practice in terms of how they can prepare a CYP for the court session. Sarah, for instance, described her experience of supporting a YP with SEND despite not having met with them previously:

I remember I was in court... it's going back a couple of years now... a YP who was a looked after child from another area, but she was placed within [area] in a children's home and although she was 15, she was functioning at the age of a 7-year-old... obviously we didn't know any of this until we'd gone to meet her and... the cell staff had said she's like banging her head on the wall and they didn't really know what to do with her... and that [information] would have been really helpful to us to put some kind of... you know be a bit more prepared in what support we could have offered rather than just kind of turning up and being you know... 'can you do something with this young person?' (FG1, 188 – 196)

Participants often described how there is no 'standard' practice amongst YOT practitioners for explaining court processes to first-time attendants who are not known to professionals on the day of court. Cheryl therefore described how "routinely... we wouldn't explain that to them because we wouldn't know them... so there isn't a standard... response I suppose to YP who we don't always know" (FG3, 310 – 314).

For many participants, improvements to court paperwork were identified as a solution to increasing the information available about first-time court attendants. Participants described how there are current court systems in place that involve CYP and their families completing paperwork. However, these do not currently collect information pertaining to whether a CYP has identified SEND or not. Participants thus described potential ways that these systems can be adapted to capture this information. Janice and Jill, for instance, discussed reviewing the "court front sheet" and how this can be adapted to collect relevant information pertaining to SEND:

Janice: Do we need to start looking at the court front sheet? 'Cause I go round... I have the court front sheet and I always go round, and I write down who their solicitor is, and you know... just check...

Jill: Is there a box on there that says SEND?

Janice: No (FG1, 802 – 806)

In a similar vein, Tina outlined how a “means form” is given to families on the morning of court to collect information pertaining to income in the event of a fine. She thus described how “a form could be given at the same time as that so the ushers will know if that YP... has any additional needs and then they can convey that to us and the clerks and the solicitors and the bench... maybe that’s something that could be... looked at” (FG3, 536 – 542).

Active Investigating and Information-Gathering. Participants frequently described how, in the absence of recorded information pertaining to the needs of first-time attendants, active investigating and information-gathering is required. Participants highlighted the importance of having initial conversations with CYP and their families prior to the court session where information on SEND may be gathered. Sam described how it is “best practice for our court officers to have a quick word with anybody coming in especially if they’ve not been there before... explain who we are, what our role is, what might happen in the courtroom and there may be something that’s picked up there” (FG2, 91 – 95). For many participants, information pertaining to SEND has often been gathered through having such initial conversations. Sadie, for instance, described how “only when you get to court and you speak to the YP and their carer or parent... then they will make you aware that they’ve got... some needs” (FG3, 131 – 135).

Although initiating parental conversations was highlighted as ‘best practice’, participants also described how there is a need for consistency amongst YOT practitioners with regards to ensuring that pertinent questions relating to SEND are being asked. Janice, for instance, described this need for consistency and expressed how:

We need to go back and have that... conversation with not just new starters but even just with us like you know... the ones that have been doing it for so long and have maybe got complacent about having that better awareness of having those conversations and finding out about additional learning needs and then being able to try and advise the court (FG1, 745 – 750)

Some participants described how solicitors are sometimes aware of a CYP's SEND and are able to relay this information to them. However, participants also described how solicitors do not always know whether their client has identified SEND or not. Some participants thus discussed how there may be a need to highlight the inherent responsibility solicitors have in gathering this information. Janice, for instance, described how in doing this, "the more they're [solicitors] gonna start thinking about 'oh maybe I should ask if they've got any additional learning needs'" (FG1, 871 – 880).

Active information gathering was thus deemed by many participants as crucial in ensuring that adequate adjustments are made for CYP with SEND. Some participants described how, once aware of a CYP's SEND, they are able to inform court professionals of their needs and how to engage with them in the courtroom. Jill described her experience of informing the court of a YP's SEND and the adjustments that were made once this had been identified:

Well for example, think about the girl with the hearing impairment, she changed position didn't she within the court, Janice? She was able to sit closer so she could hear... As YOT, we also advised the magistrates about that in advance so that they were aware so that they could, you know, talk slowly and clearly and obviously her solicitor also said... would have said similar... so... we can do practical changes within the courtroom sometimes can't we, Janice? (FG1, 291 – 298)

Although some participants described experiences of directly communicating with the bench, court clerks were often highlighted as figures who can also effectively communicate the needs of CYP to magistrates and judges. Cheryl, for instance, described how clerks are a "good person to communicate that [SEND] to" particularly when the bench is not present in the courtroom as "they can then go into the room out back and... give them that information" (FG3, 124 – 129).

Overarching Theme II: Supporting the Effective Participation of CYP with SEND

This overarching theme relates to how CYP are supported to understand the court and its processes. Participants described the limited information CYP and their families often have about the court and how this can lead to confusion and misunderstandings. Professionals such as YOT practitioners and solicitors were highlighted as individuals who can prepare CYP for what to expect and, in turn, increase their effective participation in proceedings through addressing potential confusion. Participants also described other

provisions available that can aid a CYP's understanding of court processes. However, participants also outlined how support to ensure the effective participation of CYP with SEND is not always guaranteed due to systemic barriers present within the court. The following themes comprised this overarching theme:

- i) Courtroom confusion
- ii) Role of the YOT practitioner
- iii) Role of the solicitor
- iv) Supportive provision in court
- v) Systemic barriers to effective support

Courtroom Confusion. Attending Youth Court was often described by most participants as a confusing experience for CYP with SEND, many of whom have not attended before. As such, participants described how many CYP have a limited knowledge of court processes and what to expect with many receiving their summons and attending court with no prior preparation. Some participants highlighted how CYP can be left feeling overwhelmed and anxious as a result. Cheryl imagined this confusion and the range of thoughts a CYP with SEND may have:

Somebody who's not got a clue about any of it, their mind's on overload as to you know... not only being in a courtroom and who all these people are, and where everybody's sitting and who's that person who's talking and why are they going over all the details of my offence again, but also what is YOT? What does that look like? Who am I going to see? Am I going to see this ginger-haired person in court or am I gonna see somebody else? But you know, they just haven't got a clue. So that's overwhelming I think. (FG3, 459 – 466)

In contrast, participants described how CYP who have previous experience of attending court are less likely to be overwhelmed due to having a better understanding of processes, terminology and what orders will involve. Tina described how the court “can be a really chaotic place... but in my experience, the YP that have been to court before and quite possibly a number of times are the ones that understand what's gone on... if they've got any additional needs... I think it's a real struggle for them to take it in” (FG3, 446 – 450).

Some participants highlighted, however, how courtroom confusion is also experienced by parents who often have limited understanding of court processes and feel disempowered as a result. Janice described her experience of asking a parent “do you

understand that?’ and they said ‘no I haven’t got a clue, but I didn’t wanna ask because I didn’t wanna look stupid’” (FG1, 678 – 684).

For many participants, inaccessible language was highlighted as the main source of confusion in the courtroom due to the common use of acronyms used by professionals. Some participants commented on how YOT practitioners themselves are often confused by these and are required to ask for clarification. Cheryl, for instance, described how “if you’re in a highly stressful situation then not only are there huge amounts of acronyms and legal speak that sometimes I’ve stood there before thinking ‘I don’t know what that means’” (FG3, 276 – 283). Sarah and Janice similarly described the confusion instigated by courtroom acronyms:

Sarah: And they talk about stuff that I don’t understand as well sometimes, and I have to ask for clarification as well.

Janice: Yeah. There’s so many acronyms thrown about isn’t there. But you know... if you’re not in the know, you’re not going to know are you and the parents must be thinking ‘what on earth are they talking about?’ (FG1, 678 – 684)

In a similar vein, some participants highlighted how the use of standardised scripts, such as those used for issuing referral orders and overnight remands, can cause confusion due to the ambiguous nature of the language used. Tina described how:

They [judges] read it off a sheet... you’re expected to do this... your mum and dad have to come... if you don’t attend, you’re gonna come back to court blah blah... and quite often they come out and they have no real understanding of what that means (FG3, 440 – 446)

Participants such as Jill also reflected on how “there’s a heavy reliance on verbal processing and understanding” (FG1, 272 – 273) which for those with SEND can be especially difficult.

Role of the YOT Practitioner. Participants often described how a key part of the YOT practitioner role within court is to explain court processes in order to prepare a CYP for what to expect and address potential misunderstandings. Although participants highlighted how there is no ‘standardised’ way of explaining court processes to a CYP with SEND, most commented on how this will often include describing the layout of the courtroom, informing them of who will be present and explaining possible outcomes. Janice described how she commonly prepares a CYP for what the courtroom will look like:

Sometimes there's posters up on the wall and I might take them over and show them the poster and kinda explain to them like... you know... this is... up here is where the bench is gonna be sitting, they're gonna be sitting higher... this person here is the legal advisor so they make sure that these people know exactly what they're doing... you'll be sitting here and your mum or dad will be sitting there and I'll be sitting over... (FG1, 406 – 415)

Participants also highlighted the role of the YOT practitioner in ensuring that CYP with SEND understand the outcomes that have been reached. For many participants, this was often described as reviewing pre-sentence reports alongside the CYP to ensure they understand the sentences being recommended to the court. Participants also described ensuring that conversations are had with CYP after their court session in order to assess their understanding of the outcome. Janice, for instance, described how “as soon as we've come out of court, I always take them to one side and say, 'okay so what did you understand about that?' and ask them what they understood... and then I'll clarify depending on what they've said to me” (FG1, 587 – 592).

Although it was acknowledged that it is not common practice, some participants also highlighted the role of the YOT practitioner in supporting other professionals, such as social workers, to prepare CYP with SEND for court. Jill described how “I've had it previously where a social worker will talk to me... perhaps they don't have so much knowledge of YOT and they'll say they're supporting a YP in court and ask some questions about how they can support, but that's not a common thing” (FG1, 370 – 373).

Despite recognising their role in ensuring that CYP are able to effectively participate in court, participants also described how this is not always achieved due to time constraints and inconsistent practice amongst practitioners. Karen highlighted how:

Sometimes it [preparation] can be forgotten because you're all just so used to doing it like going into court... you kind of forget that actually for that YP... it might be their first time or... they've not done it as often as you have, not been there as often... so I think we kind of have to be reminded to give that information' (FG2, 321 – 325)

In a similar vein, Janice described how “some of us do... not all of us do... because of time constraints or if you're running around like a headless chicken, you don't get enough time to have those conversations... you might miss out on stuff” (FG1, 431 – 433).

Role of the Solicitor. The role of the solicitor in preparing CYP with SEND for court was also frequently highlighted by participants who described their role in explaining court processes, potential outcomes and clarifying the determined sentence after the court session. Mike described how the duty solicitor is often the first source of information and experience that many CYP have of being prepared for court:

Some people turn up at court and have duty solicitor on the day so won't have had any contact with a solicitor or at a police station. Others might have instructed their main solicitors... I would say that's rare... rarer and they might get a bit more preparation, but I would say more commonly people speak to the duty solicitor on the day and that's sort of the first experience they would have. (FG3, 344 – 348)

Participants did however describe how the information provided by duty solicitors is not always adequate in preparing a CYP for court. Some participants, for instance, highlighted how duty solicitors are not always able to provide detailed, clear information due to the fast-paced nature of court and the high numbers of CYP on their caseload. Janice described how CYP can “pick up a duty solicitor who's running around like a headless chicken trying to dip in, dip out of different kids” and as such, they often “get their kids mixed up and the language that they're using... they're going at a hundred mile an hour... if you've got a kid that's got you know... additional needs, they're not gonna understand what's going on. They're not gonna be able to process that” (FG1, 236 – 241).

Furthermore, participants additionally described how there appears to be an inconsistency between solicitors who have the skills and experience of working with CYP, and those who have not. Janice described how for some solicitors, “YP is their bag... they're really good at engaging with them and talking to them on a level... others just dip in, dip out” (FG1, 363 – 369). Cheryl similarly described how:

You do get some really good ones who are very child-focussed and predominantly will work with the Youth Court who are more familiar perhaps with how they might need to respond to a child as opposed to working sixty percent of their time with an adult and forty percent of the time with kids' (FG3, 335 – 339)

Sam also hinted at how solicitor skillsets can be limited: “how au fait solicitors are working with young people with learning needs... I wouldn't like to comment on” (FG2, 161 – 166).

Supportive Provision in Court. Participants described the varying practices and resources that are available to further ensure the effective participation of CYP within the courtroom. Participants for instance highlighted the use of visuals in supporting a CYP's understanding of what the courtroom looks like and who will be present during their session. Karen described how there is "a visual thing... in the court... that says who sits where and what all the names are" (FG2, 325 – 326). Sam similarly described how he completed a "peer review in [area] YOT and they had a website there and there was a video that they had about the courtroom... it was really quite good". Sam did however raise questions pertaining to accessibility including "how do you get people to access it and use it and where can they do it? I mean everybody has got a smartphone... you could give it to them as they come through the doors at court and ask them to watch it but whether they've got data or a means to do that then I dunno" (FG2, 348 – 353).

The use of paper visuals was also described as being used by some practitioners to explain the layout of the courtroom. However, issues relating to their usage were often highlighted with participants citing the high disposal rate of previous commissioned materials and the lack of standard tools available to practitioners. Sarah, for instance, described how previous leaflets would normally "end up left on the road outside the court building" (FG1, 781 – 786) whilst Sam highlighted how "there might be one or two practitioners that have a couple of tools they use but... on the whole... we certainly don't have anything standard" (FG2, 269 – 271).

In terms of other supportive provisions, participants highlighted how professionals can support a CYP's understanding of what is being said whilst in the courtroom itself. Nora, for instance, highlighted how solicitors can sometimes "take a moment to whisper back so they understand it... unless we've got prior knowledge that they need extra support, it's just the... infrequent small conversations between them and their solicitor" (FG3, 363 – 367). Some participants also described how YOT practitioners can provide clarification on court processes within the courtroom itself. Janice, for instance, described how she has previously supported the emotional wellbeing of a YP by:

...making a point of getting up and going over to the YP and saying to them 'don't be afraid, they're going out to speak, it's only because of COVID restrictions and they can't have close conversation or a private conversation, they've gone outside to speak openly' because I think the minute they [the bench] go out, they think they're done for don't they? (FG1, 482 – 490)

Similar to previous findings however, inconsistency was also raised in terms of the quality of support available to CYP with SEND in the courtroom. Some participants for instance highlighted how social workers, although sitting beside a CYP, may not be able to provide effective support due to themselves having limited knowledge of court processes. Cheryl, for instance, described how “they [social workers] might have a physical presence sitting next to them... my experience is a lot of social workers don’t know... they don’t know what we do, they don’t necessarily know the sort of court procedures either” (FG3, 371 – 377).

Systemic Barriers to Effective Support. Despite participants describing many ways in which CYP with SEND can be supported to understand the court and its processes, the systemic barriers to effectively providing this support were often highlighted. For many participants, the ability to have conversations with CYP in order to clarify court processes is often dependent on the time available. The fast-paced nature of court was thus often identified as a significant barrier to providing this information. Mike described how “if someone’s there and seen their solicitor, they’ll go ‘right who’s ready, let’s get them on’ at which point they’re rushed into court and that’s that... you see them after court then” (FG3, 358 – 360). In a similar vein, Tina also highlighted the impact of time restrictions and described how:

You’ve sort of said to a YP and their family ‘I’ll be there to see you in a minute’ and they get taken into a room by their solicitor and you then don’t know where they’ve gone [laughs] and before you know it, they’re sort of you know... bringing them before the bench... it’s a bit of a struggle on court days sometimes’ (FG3, 105 – 111)

Participants also described the lack of confidential space within the court building in which conversations with CYP and their families can be had. Sadie described how practitioners often have to arrange times after the court session so that adequate explanations of the outcome can be provided:

It’s a real struggle to get a room to... be able to talk to the YP and their family... we don’t even have a room to work out of so that has been raised, that there’s no confidential space for us to be able to speak to the YP... before or after so it’s kinda trying to speak to them in a corner in the main corridor... which obviously isn’t ideal. So... what we’ve said, we’ll give you a call... and explain it to you or do a virtual Teams (FG3, 427 – 432)

The need to have adequate space in which to have these conversations was described by some participants as being of particular importance for those CYP with sensory needs who can find processing information difficult due to the busy court environment. Janice, for instance, thought about how “if these people have got... additional needs and... they’ve got sensory overload... there’s plenty of little like... little nooks and crannies in court that we could find, and you know... probably put a YP in” (FG1, 750 – 756).

Overarching Theme III: Professional Understanding of SEND

This theme relates to how SEND is understood by court professionals and how this is subsequently applied to courtroom practice. Participants highlighted how this understanding is variable amongst professionals and the subsequent impact this can have on how well a CYP is able to engage in court proceedings. The ways in which YOT practitioners work to enhance professional understanding of SEND was often described. However, barriers to effective understanding, including the variable extent to which YOT input is acknowledged, were raised. The following themes comprised this overarching theme:

- i) The varied understanding and skills of court professionals
- ii) Enhancing professional understanding of SEND

The Varied Understanding and Skills of Court Professionals. Participants frequently highlighted how the understanding of SEND amongst court professionals, such as magistrates and judges, can vary. This was with particular regards to how ‘invested’ they are in understanding a CYP’s needs and the ‘approaches’ they adopt as a result. Some participants, such as Janice, recalled occasions where they have observed magistrates and judges to have a good understanding of SEND and have applied this understanding in order to make processes accessible:

Some magistrates are better than others. Some magistrates are very good at explaining stuff. There’s... one bloke... I love him. Because what he does is, especially if there’s... a generalised discussion going on... so say for instance they’ve put in a not guilty plea, and the prosecution and defence are going on about this form thing, and there’s all this mumbling and going all legal or whatever, and he’ll... always take the time to explain to the YP ‘I bet you’re sitting there wondering what’s going on’ and ‘there’s a lot of jargon going on but what these guys are trying to do is they’re trying to sort out amongst themselves

what would be needed for your trial so we can prepare it' and he's fantastic. There are a few that are like that but not all (FG1, 473 – 481)

Participants also highlighted how some prosecutors appear to have a good understanding of SEND and can subsequently apply this knowledge to inform the sentences they are advocating for. In contrast, however, participants also described how some magistrates and judges do not have the skills or knowledge to effectively communicate with CYP with SEND, despite receiving information pertaining to their needs. Cheryl described how she has had:

... experiences of magistrates where you do give them the information that there are concerns there, and it's as though it's just completely gone over their head and they just talk and you kind of think... well you know, this YP hasn't got a clue what's just been said or what they've been sentenced to and although we would always go over that again when we're with them afterwards... it's just not helpful (FG3, 206, 212)

Cheryl also described her experience of 'arguing' to ensure that reasonable adjustments could be made for a CYP with SEND:

I've been in court where a YP has had... and mum as well actually... they both had difficulties with hearing... it was last year when COVID was obviously in place, but we had the really hot spell at the beginning and the air conditioning at [area] court wasn't working so they had a big air con machine at the back of court... and obviously that became very difficult and I probably would say actually the magistrates... I don't think were that impressed that they had to have the air con off... even though we were making it very clear that the YP was unable to hear what was being said... but they did it, but we had to put up a bit of an argument really as to why that needed to happen. (FG3, 114 – 122)

Furthermore, participants often highlighted how court formats can negatively impact on the opportunities available to professionals to understand the SEND of CYP and implement appropriate support accordingly. Participants thus described the apparent differences between the Youth Court and Crown Court. Mike, for instance, described how in the Crown Court, "there are maybe more processes to actually stop and consider what the YP

needs and whether they understand it and then that can be put forward to the judge, whereas with the Magistrates Court, you're generally dealing with things quickly" (FG3, 252 – 258).

Enhancing Professional Understanding of SEND. Participants often highlighted how YOT practitioners can work to enhance the knowledge that court professionals have of SEND. Tina, for instance, described how she has approached the bench in order to outline a CYP's needs and support magistrate understanding of presenting behaviours:

We've actually made it clear to the court that a YP... really struggles in social situations so I'd noticed that the young lad was really struggling and was laughing and the magistrates were getting really cross about that ... but we were able to sort of speak to... approach the bench and explain that this isn't because he's laughing at the situation and making light of it, but it's actually how you know... how this is impacting on him and... and you know, and just give a bit of background information. (FG3, 99 – 105)

YOT practitioner reports were also highlighted as an effective way of providing the bench with a detailed overview of a CYP's SEND. Participants did, however, express frustration at how their reports are not always read. Sarah described how "it's also a little bit of a slap in the face when you've taken the time to prepare a really detailed report and they [the bench] say they don't even want to read it" (FG1, 335 – 336) whilst Jill similarly described how "sometimes you find you know... 'sir have you had the opportunity to read the report?' and they say 'no' and that's more so, I would say with a district judge over the magistrates" (FG1, 321 – 323).

Some participants thus discussed how, due to not reading or acknowledging the information provided in reports, some magistrates and judges do not understand how a CYP's SEND has contributed towards their offence. Karen, for instance, described an occasion where a judge appeared to give little acknowledgement of how a CYP's SEND contributed towards their offending behaviours; a lack of understanding which was ultimately reflected in the sentence given:

His basis of plea was on self-defence. He [judge] said I don't agree with the self-defence. And at that point he could have really talked about the ADHD like this was what was in my report about his you know... the way he's impulsive and... all that. All that stuff that we know by what I put in my report... and he said he's read my report, but then didn't follow it through in sentencing... in kind of really understanding it (FG2, 747 – 753)

In order to enhance professional understanding of SEND, participants thus highlighted the need for training amongst magistrates and judges so that, once the needs of CYP have been identified, they are able to apply this understanding to practice. Karen therefore highlighted how “it’s the training as well... they’ve got to know what to do with that information” (FG 2, 556 – 560).

Overarching Theme IV: Understanding Stress and Behaviour in the Courtroom

This overarching theme relates to the stress that CYP with SEND often experience within the court environment and the behaviours that are commonly observed by professionals. Participants described how CYP can experience a variety of stressors and can therefore adopt various stress responses during periods of emotional dysregulation. However, participants described the negative perceptions that court professionals can have of such stress responses and how these can impact on attitudes towards CYP and their offending behaviours. Furthermore, participants described the differing, yet limited, forms of regulatory support available for CYP with SEND. The following themes comprised this overarching theme:

- i) Recognising stress and its impact
- ii) Negative perceptions of behaviour
- iii) Emotional support within court

Recognising Stress and its Impact. Participants often described how many CYP attending court have SEMH needs and experiences of trauma. Although it was acknowledged how attending court is often a stressful experience for many CYP without SEND, participants highlighted how, for those CYP with SEND, the stress of attending court can be experienced to a greater extent. Sam, for instance, highlighted the intimidating nature of the courtroom and the stress that CYP can experience once in this environment. He described how:

The courtroom’s an intimidating place... the magistrates are sat up on that high above with their clerk sat in front of them and a number of professionals even before the YP and their family sits... so just being in that space... they might have spent the whole time stressing about the physical space rather than being able to take on what’s going on’ (FG2, 131 – 135)

Many participants thus described the variety of stressors that CYP with SEND can experience within court and the range of stress responses they have observed as a result.

Jemma, for instance, described how long waiting times can often instigate heightened emotions:

Before it used to be like everyone turns up at nine o'clock, you can still be sitting there at five o'clock. Now if you've got a special need... I've been in court now... I can't remember ages ago... where a mum said 'please try and get one quickly because she's really bouncing off the walls here, like she's really agitated, she's gonna run... she's gonna go and like breach her bail...' yeah 'cause she's agitated. (FG2, 620 – 627)

Participants also highlighted how waiting in the busy court environment can be overwhelming and difficult for CYP with SEND, particularly those with sensory needs. Janice described how “there are people rushing around all over the place, there's the occasional scuffle, there's security guards walking up and down, occasionally there's police... it's loud... yeah, I'd say it is quite confusing” (FG1, 664 – 669).

The fear of going to custody was highlighted by most participants, however, as a significant stressor for CYP with some describing how particular courtroom practices can ultimately feed such fears and provoke major stress responses. Some participants, for instance, described how CYP can learn that they are going to custody by hearing the sound of keys '*jangling*' (Sarah, FG1, 658) before they have been told what is going to happen by the bench. One participant commented on how such a practice should be amended in order to reduce the fear evoked by it:

And at that point, the kid's turned around and you can see the fear in their face can't you Sarah can't you and they... don't understand a word of what the magistrates just said. Because all they can think of is 'I'm going to prison' 'I'm going to prison' and I know it's... and I understand why they're doing it but at the end of the day, they're in a safe environment, they're in a locked dock, they're not going anywhere... why not just have the magistrates come in, explain what's gonna go on and then the cell staff come in... and then take them away. I just don't understand why we can't just swap that about and I've raised that a couple of times as well because I think that just... it's an awful process. (FG1, 643 – 656)

Furthermore, the impact of stress on the ability to process information was described by many participants who explained how CYP are often unable to fully understand what has been said by the bench due to fear of going to custody. The importance of providing explanations after the court session was thus frequently highlighted. Cheryl, for instance, highlighted how “if they’ve heard ‘you’re not going to prison’ that’s... pretty much what they hear and it takes an explanation afterwards to sort of take in everything else and what that might mean” (FG3, 437 – 439). In a similar vein, Janice described how:

They need to have it explained to them afterwards. I think in that courtroom with all of that anxiety and nervousness... even those kids that are coming back for new offences because... for them as well... there’s more of a heightened sort of panic isn’t there like what’s gonna happen? Am I gonna end up being thrown in prison? And stuff like that you know... I just don’t think they hear it’ (FG1, 639 – 643)

Some participants, such as Cheryl, did however describe how the bench can alleviate such fears within the court session itself so that CYP are better able to process and comprehend the information presented to them:

So, I have been in court and you know... again Crown Court the example I gave earlier where the judge was very good, he said very soon on ‘I am going to follow the recommendations of the YOT so don’t panic, you’re not going to go to custody, so try and relax and hopefully you’ll be able to take on a little bit more information’... and I have been in magistrates where they have done that as well to be fair... and they have given an indication which means that that YP is then able to relax... and perhaps take in a little bit more information. (FG3, 265 – 276)

Negative Perceptions of Behaviour. Participants frequently described how the behaviours displayed by CYP are often not understood as stress responses and are thus perceived negatively by court professionals. The court’s lack of understanding and ability to view “behaviour as communication” (Patrick, FG2, 523 – 527) was alluded to by many participants. Some participants, for instance, commented on how behaviours adopted in response to feeling anxious can be interpreted by the bench as disrespect or as not caring about the seriousness of the court environment. Karen, for instance, described an example of how the behaviours of a YP have been interpreted as “oh he doesn’t care’... actually he does

care... that's why he's anxious about it... that's why he's acting the way he is... he does care about it" (FG2, 530 – 531). Mike similarly described how:

A YP might be in a dock and smile like obviously because they're... you know, they don't know how to respond in a situation and anxiety and whatever... and I think generally that sort of thing is viewed upon negatively by magistrates... and I think there's quite a limited understanding of why that might be and I think it's just seen as a bit of you know... this YP thinks it's funny but actually not taking into account that they're standing in a dock and they might be going to prison and that might actually be quite concerning for them (FG3, 284 – 290)

Participants also described how other court professionals, aside from magistrates and judges, can have negative perceptions of behaviour and how, due to having little understanding of stress responses, can inadvertently increase the stress experienced by CYP. Some participants, for instance, discussed how ushers may interpret a stress response as a CYP behaving 'badly' and how this may influence their decision-making with regards to their 'position' on the court session list:

Karen: Again, it's about behaviour isn't it. They see the negative... the bad behaviour and think you're being bad. Why should you be put on the top of the list?

Jemma: Yeah

Karen: Why? actually... I think it's the attitude as well

Jemma: Others that'll be sitting there really nicely and patiently... oh you can go first

Karen: 'Oh you can go first' (laughs) It's an attitude thing (FG2, 628 – 634)

Furthermore, some participants highlighted how, due to limited understanding of stress responses amongst professionals, the importance of adhering to court processes is often given greater consideration than the emotional wellbeing of CYP. Janice, for instance, reflected on the process of standing up in court and expressed "how I understand it's the showing respect and stuff like that but you're in a Youth Court... why can't these YP sit down? Because to make them stand up makes their anxiety ten times worse" (FG1, 278 – 285). In a similar vein, Jemma reflected on observing a YP standing in the dock and how "we raised it with the court... he still couldn't get away from the situation, he's still in a court, he's there to be sentenced, he's in a dock... should we have put him in a dock? But actually, he's there to

be sentenced. So that's a process rule isn't it" (FG2, 502 – 504). Janice and Jemma's comments both thus appear to highlight how the rigidity of process rules can impact on the stress experienced by CYP in the courtroom.

Emotional Support Within Court. Despite highlighting the limited understanding of stress responses amongst court professionals, participants did describe how CYP with SEND can receive regulatory support whilst in court. YOT practitioners, for instance, were often highlighted as individuals who can provide effective co-regulatory support due to the relationships they have built with CYP. Jill described how, for those who are known to YOT, "you've got that relationship with the YP, sometimes just looking over... they look to you don't they for reassurance and you can just give them that look" (FG1, 491- 493). In a similar vein, Jemma described how her relationship with a CYP meant that she was able to provide him with co-regulatory support during a significant period of distress:

Yeah, when he came to court, he thought he was going to prison. He was gonna be remanded and he was kicking off. I said, 'I need to go down and see him' and they said 'you sure? Like he's really...' and I said, 'no he'll be fine with me, honestly I know he'll be fine'. But he was being really violent in the cells. I mean... he saw me and was like 'oh hello Jemma, you alright?' (laughs) (FG2, 600 – 604)

Some participants also highlighted the often unexpected role of security staff and the impact they can have in supporting a CYP to regulate their emotions. Sarah, for instance, described how a member of security staff was able to provide co-regulatory support for a CYP who was finding the cell environment particularly stressful:

This particular YP had seemed to have formed some kind of like... attachment to one particular member of staff from the cells. And it actually... they facilitated it so that he could bring her up into the courtroom and... I think actually that was really useful to stop her from sort of kicking off further really and... I'm not sure in terms of how much explaining he did to help her understanding but just in terms of her emotional health and keeping her... sort of stable for the hearing... that did make a big difference. And... I think sometimes they're overlooked... in terms of like... how helpful they can be as well. (FG1, 506 – 514)

In terms of targeted support, Sam identified how there is a mental health service available for CYP "if there are particular concerns." However, he went on to describe

the restricted nature of this support and how “that’s not... commonly used... it’s used mostly for YP that are in the cells and being presented from the cells” (FG2, 245 – 248).

Overarching Theme V: Suitability of the Current System

This overarching theme relates to the current Youth Court system in England and Wales and its suitability for addressing youth offending. Participants discussed how the current system, although designed for CYP, is not suitable for this age range, regardless of whether a CYP has SEND or not. The concept of the current system being more punitive than rehabilitative was additionally discussed. Participants thus described the need for change within the system so that the Youth Court can simultaneously act as both a deterrent and rehabilitative, meaningful method of reducing the likelihood of reoffending. The following themes comprised this overarching theme:

- i) Participating within an adult system
- ii) Punitive vs rehabilitative function of the Youth Court

Participating Within an Adult System. Despite the adjustments in place to make the Youth Court suitable for CYP, participants often discussed how such adjustments are not conducive to a “child-friendly” environment (Janice, FG1, 287). Many participants, for instance, described the differences between adult and youth trained magistrates and the attitudes and approaches each utilises when presiding over Youth Court sessions. Participants thus appeared to suggest that adult magistrates are less-skilled at communicating with CYP and can appear ‘harsher’ than youth-trained magistrates. Janice, for instance, stated “they’re quite harsh aren’t they adult magistrates” (FG1, 541) whilst Mike similarly described how “some talk to children as if they’re adults, whereas others will talk to them far more as if they’re children” (FG3, 216 – 218).

Participants also appeared to highlight the seemingly negative attitudes adult-trained magistrates have towards CYP due to their experiences of presiding over adult court sessions. Janice expressed how she has commonly perceived the attitudes of adult magistrates working in the Youth Court:

I kind of feel like mostly in the adult court, the kids are like an inconvenience. They’ve got an adult list and they’re used to dealing with adults and they’re quite quick dealing with adult cases so when it comes down to YP... it’s almost like some of the magistrates just haven’t got the time to be dealing with that ‘cause they’ve got like... they’ve already got this massive list and they’re looking at it thinking ‘you know we could be here til six o’clock as

it is, I don't want a kid in my court giving me a sob story'. Do you know what I mean? And they're not... they're just not geared up that way. (FG1, 551 – 557)

As such, some participants expressed how current Youth Court adjustments are not enough to make this environment suitable for CYP to participate in and further consideration is therefore needed. Sam, for instance, expressed how “the magistrates... their response to dealing with youths is that they don't have to wear their wigs and sit and not stand and... they're less formal in their language but I don't... I don't think that goes far enough” (FG2, 149 – 152).

Punitive vs Rehabilitative Function of the Youth Court. In addition to highlighting the suitability of current adjustments, participants also discussed the dichotomy between the punishment and rehabilitative purpose of the Youth Court. Some participants discussed the punitive function of the court and how this fulfils society's expectations that CYP should be punished for their offences. Karen described how the court “have a bit of a difficult job...they've got to uphold the law, they've got to show the public that they're being you know... they're being punished for their... we're a society that likes to see someone punished aren't we... we're not like a rehab thing are we” (FG2, 811 – 814). Some participants, such as Patrick, however also highlighted the implications of such a punitive system on a CYP's sense of self and beliefs about society:

Well, you just reinforce to that YP that ... you know, at the end of the day that you are a problem and if you can understand the reasons behind why the person does what or is the way they are, then surely that's got to give them more faith and trust that the system is there to help them? But if you're gonna punish me, I ain't gonna listen to you. Who do you think you are? Do you know what I mean? You don't understand me so I ain't gonna listen to you. And yeah... it just perpetuates and causes more problems. (FG2, 772 – 777)

As such, many participants indicated how the “seriousness” of the court (Sam, FG2, 300 – 304) needs to be maintained in order to reduce the likelihood of reoffending. However, changes can be made in order to make the Youth Court environment 'softer' and more 'meaningful' for CYP. Participants thus discussed how the rehabilitative function of the Youth Court can be emphasised by adopting similar approaches to countries that have less 'intimidating' approaches to reducing the likelihood of reoffending. Patrick described his thoughts on how:

We're quite miles behind sort of New Zealand, Australia etc... with their youth disposals or you know... court appearances... they just seem to have a lot more time to do... I think more meaningful work really or get a better outcome. I think we process... we still look at behaviour as not communication. We still look at behaviour as an attitude or a person's persona and I just think we're quite still behind the times really (FG2, 137 – 142)

In a similar vein, Sam reflected on his experiences of visiting a court in another country and how this appeared to adopt a more meaningful, less punitive approach to address youth offending. He thus described how “they did have courtrooms that we've got here but they're Youth Court... if there wasn't a risk of custody... then they were sat around a table... it's a big table and they were all on the same level and that was a less intimidating approach” (FG 2, 144 – 147).

5.0 Discussion

This study aimed to explore the experiences that CYP with SEND have of the Youth Court setting and how they are supported throughout proceedings. In addition to directly exploring the shared experiences of CYP with SEND, this study also gained a systemic overview of the support available to them, and the barriers to receiving such support, throughout court proceedings from a YOT practitioner perspective. The following section considers the implications of the findings for both Part I and Part II of the study and thereby addresses each research question in turn. By discussing these findings in relation to previous research and wider literature, potential recommendations for how CYP with SEND can be better supported whilst participating in the Youth Court microsystem will be offered. The potential role of the EP in providing this support will also be conceptualised through an Ecological Systems Theory (Bronfenbrenner, 1979) framework.

5.1 RQ1: What are the experiences of CYP with SEND in the Youth Court?

The findings of Part I suggest that, for CYP with SEND participating in this study, the Youth Court has been an environment that has positioned them as individuals with limited power or agency. Participants highlighted the various power dynamics experienced between themselves and court professionals. Such power dynamics were described as being both implicitly and explicitly apparent with some participants perceiving a clear divide between themselves and professionals who can exert power over them. Such exertions of power were described as being demonstrated by not just magistrates and judges, but by professionals also working within the Youth Court system, such as security staff.

The impact of power dynamics on the passive roles that participants have fulfilled during proceedings was often described. Such a finding presents a dichotomy with regards to how CYP with SEND are positioned during proceedings. On the one hand, they are placed at the centre of proceedings due to the 'significant repercussions' (Jacobson & Talbot, 2009, p.43) court outcomes will have for them. On the other hand, they are positioned at the sidelines where they appear to observe professionals actively contributing to and determining what their future will hold. Such findings are thus in line with previous research denoting how CYP can feel 'actively disengaged' from proceedings (Plotnikoff & Woolfson, 2002, p.6) and experience feelings of isolation whilst in the courtroom itself (Hazel et al., 2003).

When considering the extent to which participants have felt engaged during proceedings, the concept of having an absent voice in the courtroom was frequently alluded to. Participant descriptions included instances of being powerless to use their voice in order to fulfil their basic needs (Maslow, 1949) and, in turn, effectively participate in proceedings. This finding thus raises questions regarding the extent to which having an absent voice can impact on the effective participation of those with SEND particularly during moments of difficulty and confusion within the courtroom. Although some participants described having the opportunity to speak, it was acknowledged that this was not a regular occurrence and that this has often been at the discretion of the bench. Participants also alluded to how the bench can position CYP with SEND as passive recipients of information within the courtroom by communicating with professionals as opposed to addressing them directly. The power that magistrates and judges have in constructing the role of those with SEND during proceedings and ensuring that their voices are heard, acknowledged, and valued is thus clear in this respect. These findings also highlight how there may be differences between education and justice settings with regards to the emphases placed on the rights of a CYP with SEND to 'express an opinion and to have that opinion taken into account in any matters affecting them from the early years' (SEND CoP, 2015, p.20). The findings of this study thus lend support to the arguments presented by Bevan (2016) who states that 'passive presence of the defendant' is not enough and that 'he or she must be able to have a level of active involvement in the trial process' for proceedings to be 'fair' (p.5).

The power dynamics experienced by participants can be interpreted through a social psychology lens in which, due to the hierarchy of authority embedded within the court system, there is a legitimate base of power (French & Raven, 1959) in which CYP are required to 'accept the legitimate authority' of court professionals who 'occupy a superior office in the hierarchy' (French & Raven, 1959, p.154). As such, court professionals have been deemed by society as having the cultural values and characteristics required to 'prescribe behaviour'

for CYP who offend who 'may not have these characteristics' (French & Raven, 1959, p.153). For some participants in this study however, it can be argued that the 'obligation to accept' (French & Raven, 1959, p.154) the power influence of court professionals has been limited perhaps due to the perceived cultural divides between themselves and the professionals whose role, as believed by the majority of participants, is to punish them. Such an argument can be supported by the findings of the Centre for Justice Innovation (2020) where young defendant interviewees suggested how cultural and demographic divides exist between themselves and court professionals which, in turn, can impact on willingness to engage during proceedings.

The findings of this study thus allude to how participants have formed an association between the Youth Court and going to custody with some highlighting how there is a clear divide in the courtroom between professionals who are 'fighting' to send CYP to custody and those who are working to avoid this outcome. Similar parallels can be drawn with previous study findings, such as the Centre for Justice Innovation (2020), where young defendants perceived there to be 'arbitrariness' or 'deliberate manipulation of the system against them.' It can thus be argued that despite sentences imposed by the Youth Court having been designed 'to support the welfare and rehabilitation of CYP who offend' (Magistrates Association, n.d.), participants in this study did not appear to recognise the rehabilitative, supportive function of the court and instead recognised its punitive nature. The concept of a systemic struggle is thus presented in which CYP, as components of a punitive court system, are faced with professionals whose apparent intentions, as perceived by participants, is to punish them.

When interpreting these findings through the arguments of Honneth (1995), it can be posited that from a psychological perspective, the punitive nature of the court system can negatively impact on a CYP's social identity and relationship with themselves due to the limited opportunities for 'intersubjective recognition' (Barry, 2016, p.95) of their abilities and achievements during court proceedings. In order to ascribe 'intersubjective recognition', Honneth (1995) thus argues that the social identity of a CYP can be promoted through the investment of love, respect, and esteem. The findings of this study appear to suggest, however, that CYP participants have felt limited investment, love, respect and esteem from members of the court system during proceedings. Participant experiences, in this respect, thus appear to align with critical theorist and sociological ideas which suggest that CYP who offend are often 'purposefully marginalised from mainstream culture, vilified for their subsequent behaviour, blamed for their own predicament and contained within a punitive rather than a reintegrative social welfare and justice system' (Barry, 2016, p.103). The psychological impact of a punitive court system can be further understood through the

application of Self-Determination Theory [SDT] (Ryan & Deci, 2017) which examines how 'biological, social and cultural conditions either enhance or undermine inherent human capacities for psychological growth, engagement, and wellness' (p.11). This theory thus outlines how basic needs, including autonomy, competence and relatedness, are essential for motivation and wellbeing. An argument can therefore be presented for how a punitive court system may undermine these basic needs. The 'person-focused criticism' adopted by the court and identified in current study findings, for instance, may impact on a CYP's felt competence and 'feelings of mastery' (Ryan & Deci, 2017, p.11) over their life outcomes. The practices adopted by court professionals, such as positioning CYP as passive recipients of information, may similarly impact on felt autonomy, relatedness and sense of being 'integral to social organisations beyond oneself' (Ryan & Deci, 2017, p.11). With respect to SDT, significant questions can thus be raised regarding the extent to which a punitive court system enhances the 'psychological growth, engagement and wellness' (Ryan & Deci, 2017, p.11) of CYP and thus enables optimal intrinsic motivation for desisting from criminal activity.

It can be argued that the findings pertaining to CYP with SEND having limited power, agency and voice are likely applicable to the majority of CYP attending the Youth Court, not just those with SEND in isolation. There are clear similarities, for instance, between the findings of this study and those produced by the Centre for Justice Innovation (2020) who, following interviews with twenty-five YP without recorded SEND, interpreted findings through the lens of 'procedural fairness.' There are thus clear parallels between such findings and those of the current study with respect to YP having limited understanding of court processes and having limited agency and voice during proceedings. Findings relating to power dynamics were similarly found within a study completed by Hazel et al (2003) who, following interviews with thirty-seven young defendants, suggested that work to address power differentials between court professionals and YP would serve to increase engagement during proceedings. Although clear parallels can be drawn between current findings and those of previous studies, it is, however, posited that for CYP with SEND, a diminished sense of power may be more apparent due to the added vulnerability and marginalisation posed by their additional needs (Jacobson & Talbot, 2009). The divide between the lived experiences and circumstances of CYP with SEND and those of court professionals is thus necessary to consider and raises the question of whether further input is necessary in order to 'deconstruct' the 'power relationship' (Partridge, 2019, p.2) between those defendants with SEND and court professionals. Through the adoption of models such as the Social GRRRAACCEEESSS (Burnham, 2012), professionals can be supported to understand, for instance, how 'aspects of personal and social identity' can afford people 'different levels of power and privilege' (Partridge, 2019, p.2)

and how they can subsequently position themselves (Divac & Heaphy, 2005) within the courtroom when working with CYP with SEND. The concept of intersectionality (Crenshaw, 1994) can also be introduced here in terms of highlighting how SEND, as an identity characteristic, may make CYP 'doubly vulnerable' (Jacobson & Talbot, 2009, p.9) and at further risk of marginalisation (Barry, 2016). This is whilst recognising that many of those with SEND within the youth offending population may have other identity characteristics, such as those associated with race and socioeconomic class, that can further diminish their privilege within society (YJB, 2018; MoJ, 2020). Furthermore, although the deterrent function of the Youth Court is recognised in terms of its role in reducing the likelihood of reoffending, the deconstruction of power relationships may serve to support the development of a court system that has more of a social welfare (Barry, 2016) and 'child-centred' (ADCS et al., 2021) focus. Such a development, it is argued, may benefit CYP both with and without SEND.

When considering other aspects of the Youth Court experience for CYP with SEND, such as court preparation, participants in this study described the little information conveyed to them particularly prior to first-time court attendance. Participants thus described having little awareness of who would be there, what the courtroom would look like and the possible sentences they would receive. Although participants described the varying individuals within the peer, family and YOT microsystems (Bronfenbrenner, 1979) that provided them with information about the court, findings suggest that the quality of court preparation can vary and is dependent on whether members of these respective systems have adequate knowledge or lived experience of the court. Findings also suggest that the quality of solicitor support can vary in terms of how invested they are in ensuring that adequate information is provided and to what extent this support is person-centred in nature. Although the role of the bench in providing adequate information and preparation during proceedings was described by one participant, this experience was not described in other accounts. Such findings thus collectively suggest that, with respect to the provision outlined in the CPD (2015) for 'vulnerable' defendants, there appears to be inconsistency with regards to ensuring that 'what is to take place has been explained to the defendant in terms he or she can understand' both at the beginning and throughout proceedings (3G.9, CPD, 2015). It is also worth highlighting that other measures for vulnerable defendants contained in the CPD (2015), such as visiting and familiarising themselves with the courtroom during out-of-hours 'where appropriate' (3G.2, CPD, 2015), were not identified by participants as having been part of their court preparation. Questions can therefore be raised in relation to when a CYP with SEND is deemed as 'vulnerable', when such measures are deemed 'appropriate' and to what extent these are applied in the Youth Court setting.

Furthermore, findings suggest that for CYP with SEND participating in this study, the Youth Court has instigated a range of emotions and stress responses. Such findings are in line with previous research outlining how CYP with SEND can find attending this setting 'stressful' and 'confusing' (Grisso, 2000; Snow & Powell, 2004; Rost & McGregor, 2012). Similarly to previous research identifying the stress experienced by child witnesses (Whitcomb, 1992), findings of this study suggest that CYP with SEND, as defendants, can experience similar stressors due to having little information about the 'unknown'. For one participant, standing up to address the court was identified as an experience that provoked significant physiological stress responses. Such a response, it can be argued, is not surprising considering how previous reports have acknowledged how CYP are required to address the court in an 'environment that is completely alien to any other situation in which they might find themselves asked to speak' (Ministry of Justice, 2016, p.27). From a psychological perspective, stressors within the court environment are thus likely to impact on a CYP's sense of safety and security (Maslow, 1949). Although similar acknowledgements can be made in relation to how these findings are likely applicable to CYP in general, it is argued that for CYP with SEND, such stressors may be experienced to a greater extent (Jacobson & Talbot, 2009), particularly by those with SEMH needs who may have significant emotional regulation difficulties.

For participants in this study, a range of adults were identified as having provided emotional regulatory support. These were described as including members of the family and YOT microsystems. Members of the Youth Court microsystem, such as security staff, were also identified as having an influential role in supporting participants to regulate their emotions. Although the findings of this study suggest that CYP with SEND are able to sit with their parent or guardian when available, as specified in previous literature (Magistrates Association, n.d.; Bevan, 2016), questions can be raised with regards to whether the benefit of receiving familial emotional support throughout proceedings is recognised. This is due to findings suggesting that this support may be limited to particular court sessions or prohibited altogether during particular aspects of court attendance, such as when held in the court cells. Such findings highlight how there may be a need for increased understanding of Attachment Theory (Bowlby, 1969) within the court and how caregivers can provide effective co-regulatory support to CYP with SEND whilst participating in a distressing and unfamiliar environment. With this enhanced understanding and recognition of the role of attachment relationships, court processes can be developed in order to support the emotional wellbeing of CYP with SEND. Such processes can be adapted, for instance, by allowing direct comfort from a caregiver whilst being held in the court cells.

5.2 RQ2: What support do YOT practitioners identify as available to CYP with SEND throughout Youth Court proceedings?

The findings of Part II of this study suggest that the support available to CYP with SEND throughout court proceedings is dependent on whether information is known about individual need. Participants highlighted how, due to missed opportunities for identification of SEND within education, many CYP come to be involved with the YJS with unidentified SEND with some receiving diagnoses of neurodevelopmental conditions, such as ASD, once participating within the system. Such findings are in line with previous research denoting that despite there being a high prevalence of neurodevelopmental conditions within the youth offending population (Hughes et al., 2012), there are a 'considerable proportion' of CYP entering the system with unidentified SEND (Arad Consulting & Evans, 2009, p.2). In line with previous findings highlighting the 'problematic' and inconsistent nature (O'Carroll, 2016) of acquiring educational information about CYP, the findings of this study also suggest how systemic barriers relating to information-sharing between YOT and education systems can contribute to this inconsistency.

When applying such findings to the Youth Court setting, it can be argued that due to the inconsistent nature in which information pertaining to SEND is known, the extent to which a CYP can be prepared and supported throughout proceedings is variable. These findings are thus in keeping with previous research highlighting how the individual needs of CYP are not always identified by the time of court appearance thereby impacting on the adjustments that can be made to ensure effective participation (Wigzell et al., 2015; Equality & Human Rights Commission, 2020). Participants often described how information about an individual's SEND can be acquired through accessing Social Care or YOT records if a CYP has had previous agency involvement. However, this finding appears to suggest that in order to receive adequate support within court, it is necessary for a CYP to have been an established component within the YJS or Social Care system. A potential inequality is thus highlighted between those who are known to authorities and those who are first-time entrants into the YJS.

The limited information known about first-time court attendants was frequently described by participants with findings suggesting that YOT practitioners often fulfil the role of active investigators by gathering information on SEND via family members. Findings of this study also suggest, however, that there does not appear to be a standardised way in which first-time attendants are prepared for court prior to their session with many arriving having received limited information on what to expect beforehand. Such findings appear to relate to

the experiences of CYP outlined within Part I of the study where the anxiety associated with attending court for the first-time with no prior preparation or knowledge of what to expect was highlighted.

In order to improve the identification of SEND amongst first-time court attendants, participants described how current court systems can be adapted in order to gather information pertaining to a CYP's needs. Paperwork, such as finance forms, for instance, can be adapted to include questions pertaining to whether a CYP has identified SEND. Such information can subsequently inform the practice of YOT practitioners prior to court sessions and the appropriate adjustments that can be made to ensure effective participation (Equality and Human Rights Commission, 2020). Although this method of information-gathering may not be as efficient as screening tools designed to identify participation difficulties at an early stage (Michael Sieff Foundation, 2009; Wigzell et al., 2015; Bevan, 2016; Law Commission, 2016), it may serve to gather information that is not available via other agencies and that which cannot be obtained from education systems directly.

In line with previous research highlighting the inaccessibility of courtroom language and terminology (Cavenagh, 1959; Stevens & Berliner, 1980; Ministry of Justice, 2016; Equality and Human Rights Commission, 2020), findings of this study suggest that CYP and their parents are often confused by courtroom language due to the abundant use of acronyms and the terminology used within standardised sentencing scripts. Participants themselves also identified the marginalisation they can experience as YOT practitioners due to the inaccessibility of such terminology. These findings thus raise questions regarding the extent to which the linguistic demands of the courtroom can act as a barrier to CYP with SEND effectively participating within the courtroom (Snow & Powell, 2005; Rost & McGregor, 2012; Swain et al., 2020). Despite Youth Court guidelines outlining ways in which this barrier can be diminished through measures such as 'using concise and simple language' (CPS, 2020) and 'giving consideration to the communication needs of all CYP' (3F.24, CPD, 2015), findings suggest that further development may be needed in order to ensure these measures are 'properly implemented' (Wigzell et al., 2015, p.9).

In light of the confusion experienced by many within the courtroom, findings of this study suggest that professionals, such as YOT practitioners and solicitors, have an important role in supporting CYP with SEND and their families with regards to ensuring they have a good understanding of court processes and outcomes. The use of visuals, although unstandardised, were often highlighted as additional measures that can be used to aid in addressing this confusion. Whilst recognising that practitioners themselves can experience marginalisation

due to inaccessible terminology, these findings do appear to support existing literature outlining the YOT practitioner's role in ensuring CYP understand the outcomes of court proceedings and facilitating communication between CYP, their families and the court (YJB, 2019). Participants did, however, highlight how systemic barriers, such as the fast-paced nature of court and having limited space to have confidential conversations, can impact on the quality of support CYP with SEND receive. Similar to the findings of Part I, participants also described how there are inconsistencies in the quality of support available and how this is often dependent on the knowledge and experience that professionals have of working with CYP with SEND. It can therefore be posited that YOT practitioners and solicitors working within the Youth Court context may benefit from further training to enhance their knowledge and understanding of SEND and how to effectively prepare this group of CYP for proceedings.

In a similar vein, the findings of this study suggest that there is a varied understanding of SEND amongst court professionals who have a constant position within the Youth Court microsystem. The varying knowledge and skills of professionals such as magistrates and judges were thus often highlighted. Participants described the differences between those professionals who apply their understanding of SEND to practice, which is often reflected in how they communicate with CYP, and those who are unaware of how to support understanding despite having access to information about individual needs. The Equal Treatment Bench Book (Judicial College, 2021) outlines how 'effective communication underlies the entire legal process: ensuring that everyone involved understands and is understood.' It further states that 'treating people fairly requires awareness and understanding of their different circumstances, so that there can be effective communication, and so that steps can be taken, where appropriate, to redress any inequality arising from difference or disadvantage' (Judicial College, 2021, p.3). In the context of this study's findings however, it can be argued that court professionals do not always take such steps perhaps due to having a limited awareness of SEND (Equality and Human Rights Commission, 2020) and how to work with CYP who have particular needs associated with neurodevelopmental conditions for instance (Hughes et al., 2020). In line with literature outlining the role of YOTs in 'influencing the decisions' taken by the judiciary (YJB, 2014, p.6), this study highlights how practitioners can enhance professional understanding through outlining the SEND of CYP within reports or by communicating these needs to the bench directly. The extent to which this input is acknowledged and applied to courtroom practice is, however, questionable with findings suggesting that reports are not always read or fully understood by the bench. It can therefore be posited that training for court professionals, such as magistrates and judges, is also

necessary to increase understanding of SEND and how they can apply this understanding to courtroom practice.

The emotional impact of attending Youth Court was often alluded to by participants who identified the varying stressors that can be experienced by CYP with SEND. These stressors, in line with previous research, were described as including long waiting times (Wigzell et al., 2015) in which CYP can display a range of behaviours indicative of stress responses. Such a finding can be related to the experiences of CYP during Part I of the study where descriptions of stress responses were given. Participants also alluded to the fear CYP can experience when faced with the prospect of receiving a custodial sentence. This finding can similarly be related to the findings of Part I which highlight how the fear of going to custody can be very real for many CYP attending court.

Participants highlighted the impact of stress on the ability to process information within the courtroom. Such a finding can be understood through the application of psychological theory where, when in a heightened emotional state, it can be difficult to access higher level cognitive processes necessary for fully processing and comprehending information (Siegel, 1999). The application of this theory is thus useful in highlighting the value of YOT practitioners in supporting CYP with SEND to understand court outcomes after their session. Similar to the CYP in Part I of the study, participants identified how professionals within the court, such as security staff and YOT practitioners, are well placed to support CYP with SEND to regulate their emotions. In line with Attachment Theory (Bowlby, 1969) principles, participants also appeared to highlight the importance of relationship in supporting a CYP to self-regulate through co-regulation (Shanker, 2016).

The findings of this study do, however, suggest that the extent to which stress responses are understood by the court is limited with professionals often having negative perceptions of behaviour and failing to understand how behaviour is often indicative of unmet need (Shanker, 2016), such as the need for feeling safe and secure (Maslow, 1949). As such, participants described how there is often greater consideration for adhering to court processes, such as insisting a CYP with SEND stands to address the court, than catering to their emotional needs. This finding highlights how the 'complexity and rigidity of many criminal justice processes' (Hughes et al., 2020, p.2) can disadvantage CYP with SEND and evoke further distress. It is thus argued that by supporting the court to view CYP more holistically, such as through trauma-informed approaches for instance, professionals can gain an enhanced understanding of the communicative function of behaviours that CYP with SEND

display in the courtroom and how they can be better supported to self-regulate whilst participating in this stressful environment.

Furthermore, the findings of this study suggest how CYP with SEND are currently participating in a system that in many ways does not acknowledge their age or liminality (Barry, 2016). Participants thus described how factors, such as the attitudes that adult-trained magistrates have of youth crime, mean that CYP are participating within an adult justice system where the concept that they are 'in the midst of development both emotionally and cognitively' (Rap, 2016, p.72) is not always fully acknowledged. In line with previous research, the findings of this study appear to support the notion that current Youth Court adjustments are not entirely suitable to assist most CYP through criminal proceedings (Bevan, 2016), most notably those with SEND. Similar to the observations of some CYP in Part I of the study, participants alluded to the punitive nature of the court and how this differs to other court systems that operate from a social welfare perspective. It is thus argued that when thinking about how CYP with SEND are supported throughout court proceedings and by the wider justice system, it is necessary to consider sense of belonging (Maslow, 1949) and whether the court system perpetuates a sense of 'othering' (Garrett, 2010; Barry, 2016). Questions can therefore be raised as to whether the adoption of a court approach that encourages 'mutual trust, respect and esteem' (Barry, 2016, p.93) at a systemic level, and thereby operates from a 'child-centred' (ADCS et al., 2021) and social welfare perspective, will support CYP with SEND to reduce the likelihood of reoffending and participate within the YJS in a more meaningful way. Such a perspective is arguably essential in order to understand how the Youth Court 'is and must be recognised as, a very different environment to the adult Magistrates' Court or Crown Court' (MoJ, 2016, p.30).

5.3 Implications for EP Practice

The findings of this study suggest that there is clear scope for EPs working alongside YOTs in supporting the Youth Court experiences of CYP with SEND. In line with previous literature, this study's findings highlight how EPs can provide this support by working at both individual and multi-systemic levels (Boyle & Mackay, 2007; Hall, 2014; Twells, 2020). The following section outlines the potential role of the EP in providing this support through collectively interpreting the findings of the overall study through an Ecological Systems Theory (Bronfenbrenner, 1979) framework. This framework has been chosen due to the 'disciplinary orientation' of the researcher (Merriam, 2009, p. 67) and its common use within EP practice.

Individual Level

At an individual level, the findings of this study suggest that there may be a role for EPs in working directly with CYP who offend (Ryrie, 2006) in order to support YOT understanding of individual needs and how these may impact on effective participation within the courtroom. In line with previous findings highlighting the role of the EP in using psychological assessment tools (Ozarow, 2012), it is argued that EPs can assess the needs of CYP suspected as having SEND (Hall, 2014; Newton, 2014; Parnes, 2017) so as to inform the court adjustments that may be needed to ensure effective participation. Such needs can subsequently be relayed to the court through YOT practitioners via direct communication with the bench. EPs can also support YOT practitioners to produce accessible documents, such as One-Page Profiles, that can provide court professionals with a quick, simple overview of individual need and how best to communicate with a CYP. Due to findings highlighting the systemic barriers associated with supporting first-time attendants however, it is recognised that such assessments may only occur with CYP who currently participate within the YJS and are already working with YOTs. The EP role in completing assessments of this nature may not be permissible for first-time court attendants due to there being limited opportunity to determine whether such assessments would be informative. Further consideration of how to overcome this barrier is therefore necessary.

The findings of this study also suggest that there may be a role for EPs in working directly with CYP with SEND who have experience of attending Youth Court in order to design and produce useful resources. Such resources may include information leaflets or remote applications (e.g., smart phone apps) that can provide others with information about the court and its processes prior to attendance. In doing so, the lived experiences of these CYP can be utilised in order to better prepare others with SEND for Youth Court attendance.

Microsystemic Level

In line with previous literature, the findings of this study suggest that EPs can provide a range of support at a microsystemic level (Hall, 2014; Twells, 2020) within both YOT and Youth Court microsystems.

Within the YOT microsystem, findings suggest that there may be scope for EPs to enhance the knowledge and skillsets of YOT professionals through providing training on learning needs, SEND and child development. Such findings are in line with previous research that has identified how EPs can support the professional development of YOT practitioners (Jane, 2010; Wyton, 2013; Hall, 2014; Davidson, 2014; O'Carroll, 2016; Parnes, 2017). EPs

can provide training in order to support practitioners with effective ways of preparing and explaining court processes/outcomes to CYP with SEND through the application of psychological learning theories. Within this, EPs can also support YOT practitioners to design visual resources, including videos, that can be used to explain the court process to CYP with SEND with information pertaining to what the courtroom looks like, who will be there and what particular terminology and sentencing outcomes mean. It is argued that by having standard resources across the YOT microsystem, practitioners will have access to effective tools to use within their practice when providing CYP with bespoke court preparation. The use of such resources will also mean that CYP with SEND, particularly those who are first-time attendants and who may have unidentified SEND, will receive a form of preparation before their court session. Videos explaining the court process can, for instance, be sent to them in advance at the point of a court summons being issued. Such resources can also be made available within the court building itself.

In relation to the role that YOT practitioners have in actively gathering information pertaining to the SEND of CYP, EPs may be well placed to provide training on identification of SEND and useful questions to ask when liaising with family members prior to the court session. Within this, EPs can support practitioners to develop effective prompt sheets for information-gathering and provide further input on how to use this information to inform adjustments in the courtroom.

Within the Youth Court microsystem, findings suggest that there is also a clear role for EPs in enhancing the knowledge and skillsets of court professionals. Such findings thus allude to how the role of the EP in supporting professional development, as highlighted in previous studies (Jane, 2010; Wyton, 2013; Hall, 2014; Davidson, 2014; O'Carroll, 2016; Parnes, 2017), can be extended to outside of the YOT microsystem. It is argued that EPs can utilise their expertise in order to enhance professional awareness and understanding of SEND, how SEND can impact on effective participation within proceedings and what court professionals can do within the courtroom to support understanding of processes and outcomes. Professionals can be trained, for instance, to interpret information presented in YOT reports, or One-Page Profiles, and how this information can inform communication with CYP. EPs can also provide professionals, such as magistrates, judges, and security staff, with training on stress responses in CYP and the impact of stress on emotional regulation. In doing so, court professionals can be supported to understand the range of behaviours they often see within the courtroom, what these behaviours are communicating (Shanker, 2016) and the approaches they can adopt in order to support CYP to self-regulate. Within this, the effective co-regulatory support that family members can provide can also be highlighted through the

application of psychological theory such as Maslow's Hierarchy of Needs (1943) and Attachment Theory (Bowlby, 1969). In addition, the impact of particular court processes can be explored through psychological theory application. The impact of standing up to speak can be explored, for instance, in relation to feelings of safety and security (Maslow, 1949). Furthermore, there is also a possible role for EPs in delivering training on SLCN in order to develop professional understanding of needs within the youth offending population. By facilitating such training, EPs can indirectly work to ensure that measures such as 'giving consideration to the communication needs of all CYP' (3F.24, CPD, 2015) and 'using concise and simple language' (CPS, 2020) are implemented.

In relation to other forms of systemic change, it is argued that EPs may be well placed to support the development of court processes. EPs can, for instance, support court professionals to reflect on their practice and how they position CYP within proceedings. Reflective questions may include 'how often do you directly communicate with CYP in the courtroom?' Such questions may encourage professionals to reflect on their role in positioning CYP as either active or passive participants within the courtroom. It is also argued that, in line with previous findings highlighting the reflective and reflexive nature of the EP role (Davidson, 2014; Hall, 2014; Wyton, 2013; Newton, 2014), EPs may be well-placed to work with court professionals in order to enhance understanding of power, social identity, and the marginalisation that CYP with SEND participating within the YJS can experience. There is clear scope for EPs to facilitate this understanding by using frameworks, such as the Social GRRRAACCEEESSS (Burnham, 2012), to encourage reflection and contribute towards a process of 'power deconstruction' (Partridge, 2019, p.2) amongst court professionals.

Mesosystemic Level

At a mesosystemic level (Bronfenbrenner, 1979), the findings of this study suggest that there may be a role for EPs in developing relationships, and establishing 'indirect linkage' (Bronfenbrenner, 1979, p.210) between education and YOT microsystems whilst adopting a 'meta-perspective' (Beaver, 2011, p.16). By applying knowledge of Joint-Systems Theory (Dowling & Osborne, 2003) for instance, it is posited that EPs can work with members of each system in order to establish effective ways in which the educational information of CYP, particularly that of first-time attendants, can be gathered in ways that abide by data-protection and information-sharing principles. As scientific practitioners (Games, 2014), it is argued that EPs are well placed to complete such work due to their knowledge of soft-systems methodology and how this can be applied to instigate change within established systems.

Wider Ecological Levels

Although previous research does not seem to outline the role of the EP working alongside YOTs within wider ecological contexts, it is argued that the findings of this study highlight how there may be scope for EPs to play a part in supporting the Youth Court experiences of CYP with SEND at an exo- and macro-systemic level (Bronfenbrenner, 1979). Bronfenbrenner (1979) describes the exo-system as being ‘one or more settings that do not ordinarily contain the developing person but in which events occur that affect, or are affected by, what happens in the setting containing the developing person’ (p.238). Governmental bodies responsible for producing legislation and policies relating to the Youth Court can thus be identified as being part of the exosystem. The macrosystem on the other hand refers to the ‘belief systems or ideology’ (Bronfenbrenner, 1979, p.26) that ‘embraces the institutional systems of a culture’ (Rosa & Tudge, 2013) such as social, educational, political, and legal systems. It is thus argued that, in addition to working with members of the YOT and Youth Court microsystems, there is scope for EPs to advocate for an inclusive (Equality and Human Rights Commission, 2020) and trauma informed YJS at an exosystemic policy level in which existing macrosystemic attitudes and ideologies that inform the processes and functions of the Youth Court can be developed.

6.0 Critical Reflections

6.1 Methodological Limitations

The findings of this study will be disseminated to the LA YOS of which this study was hosted. Whilst the value of such findings can be considered in terms of how they will inform service development, the transferability of findings to other LA YOSs can be questioned in terms of how ‘safely’ analyses can be applied to other contexts and settings (Braun & Clarke, 2021, p.143). It should therefore be recognised that YOS practices and Youth Court systems in other LAs may be different. However, if noticeable inconsistencies are apparent, it is argued that this demonstrates a potential inequality with regards to the support that CYP with SEND receive throughout court proceedings, dependent on their location, and how there may be a need for greater consistency across the YJS.

It must also be recognised that, due to recruitment challenges, the findings of Part I of this study are based upon the experiences of a small sample of five CYP. Questions can thus similarly be raised with regards to transferability of findings and whether these experiences are reflective of all CYP with SEND attending the Youth Court. However, due to the qualitative underpinnings of this research, it may be useful to recognise the information power (Malterud,

2016) inherent in these findings as opposed to recognising positivist concepts of data saturation and generalisability. In doing so, the 'richness of the dataset' and how it 'meshes with the aims and requirements of the study' can be recognised (Braun & Clarke, 2021, p.28).

It is also worth noting that this study was completed during the COVID-19 pandemic. As such, data collection methods were remote in nature. Despite making the logistical nature of data collection simpler, numerous communication challenges were encountered including poor internet connections which may have impacted on the building of rapport and flow of conversation (Guest et al., 2013). Conducting in-person interviews and focus groups may therefore have facilitated a form of rapport that could not have been obtained through using virtual methods (Rockcliffe et al., 2018).

6.2 Future Research Directions

The findings of this study have provided a valuable insight into how CYP with SEND experience the Youth Court. Whilst doing so, it is acknowledged that questions still remain with regards to how the experiences of CYP with SEND differ to those without. Future research would therefore benefit from directly exploring how the experiences of those with SEND differ to CYP more generally. In doing so, a greater understanding of what is uniquely different about having SEND as a CYP participating in the Youth Court system can be gained.

Due to the critical realist underpinnings of this study, it is recognised that findings have not been interpreted in line with a phenomenological approach in its purest sense. Findings have not, therefore, been interpreted in order to understand the personal worlds (Willig, 2013) of individual CYP and how they have constructed their experiences of the Youth Court. In order to further the findings of this study, future research may therefore wish to adopt a more phenomenological approach in order to explore how CYP with SEND construct Youth Court attendance as a life experience. A case study approach that uses IPA or Narrative Inquiry, for instance, would achieve this aim and provide an interesting insight in this respect. Such research may choose to focus on aspects of Youth Court attendance that were alluded to in both Parts I and II of this study and that may warrant further consideration (see Appendix K).

Whilst highlighting the experiences that CYP with SEND have of the Youth Court, the findings of this study have also alluded to the confusion and misunderstandings that can be experienced by parents and caregivers. Future research may therefore aim to explore the experiences that parents/caregivers have of the Youth Court and the support they receive throughout their child's proceedings. Such research would be valuable in highlighting the

support family members would find beneficial whilst navigating the YJS themselves and may provide further insight into how EPs can work with YOT and family microsystems to support this process (Ryrie, 2006).

Furthermore, the findings of this study have often alluded to the knowledge that court professionals, such as magistrates and judges, have of SEND and how this can impact on courtroom practice. It is thus argued that future research into how SEND is understood by court professionals would be valuable in terms of providing an insight into the perceived impact of SEND on effective participation and the support professionals would find useful in developing their practice. Such research could subsequently inform training delivered to court staff by professionals such as EPs (Jane, 2010; Wyton, 2013; Newton, 2014; Parnes, 2017).

7.0 Conclusion

The findings of this study have addressed significant gaps in the literature by offering an insight into the experiences that CYP with SEND have of the Youth Court setting, how they are supported throughout court proceedings and the apparent barriers that can impact on the availability and quality of this support. Whilst this study has highlighted positive examples of courtroom practice, findings also raise important questions regarding the extent to which the effective participation of CYP with SEND is affected by the contextual and structural barriers apparent within the Youth Court setting rather than due to their specific needs in isolation (Kirby, 2021). As such, the role of the EP in identifying and overcoming barriers to effective participation at an individual and multi-systemic level has been explored through an Ecological Systems Theory (Bronfenbrenner, 1979) framework.

It is hoped that the findings of this study will encourage reflection and discussion amongst professionals who work with CYP with SEND participating within the Youth Court microsystem and the array of barriers they may face due to their age, liminality, and additional needs. By adopting social justice and critical theory principles, this study hopes to add to existing literature that highlights the need for CYP with SEND to be able to 'participate fully in justice procedures in the same way as children without such impairments' (Hughes et al, 2020, p.1). This is whilst recognising, however, that current Youth Court adjustments may not be suitable for those CYP without SEND in general. In line with the arguments presented by the Equality and Human Rights Commission (2020), this study's findings support the notion that the Youth Court system 'should be designed around the needs of its users' (p.14) and should be 'accessible by design' (p.16). It is therefore hoped that by eliciting the voices of CYP with SEND themselves, this study has highlighted the significant need for a more inclusive Youth

Court system and 'how things... might be and should be' (Bronner, 2011, p.2) for CYP with SEND.

8.0 Reference List

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PART III: REFLECTIVE ACCOUNT

1.0 Introduction

As a Trainee Educational Psychologist (TEP), I am required to 'demonstrate self-awareness and work as a reflective practitioner' (British Psychological Society [BPS], 2019, 10.2). Throughout my training, I have thus developed my skills of reflection and reflexivity when working with CYP, families and education settings. The process of applying these skills to the research context, however, has been both daunting and thought-provoking in equal measure. This account therefore outlines the various reflections I have had at different stages of my research journey and how these have influenced my decision-making. By reflecting on both the 'peaks' and 'troughs' of this journey, I have also highlighted my successes and areas for future development.

2.0 Rationale

2.1 Positionality

The beginning of my thesis journey can be understood through the values that have underpinned my professional career to date. Since studying psychology at an undergraduate level, I have been particularly motivated by social justice principles and how those disadvantaged by society can be marginalised by the structures, contexts, and processes of societal systems. During my undergraduate research, for instance, the Social Model of Disability (Oliver & Barnes, 1998) was influential in understanding what independence means to people with acquired brain injuries and how structures within society can disable a person rather than their individual needs in isolation. Social justice principles were also influential in informing my decision to complete teacher training through an organisation that aims to address educational disadvantage. In a similar vein, social justice principles have underpinned my practice as a TEP in which I have frequently reflected on the impact of 'inequality, socioeconomic and cultural status' and the implications of this for accessing resources and services (BPS, 2019, 3.7).

2.2 Placement Experiences

It was through completing a multi-agency placement within a YOS that I came to recognise the disadvantage that CYP who offend can face within society and the subsequent marginalisation they can experience (Barry, 2016). When observing YOT professionals discuss CYP during case management forums for instance, I was struck by the number of individuals described as having experienced sexual exploitation, domestic abuse, and child poverty. The disadvantage experienced by many CYP who offend also became

apparent during other placement experiences where I was able to reflect on how those with SEND are at an added disadvantage due to their additional needs and vulnerability (Jacobson & Talbot, 2009). One such experience involved shadowing a meeting in which the fulfilments of a YP's order were reviewed. It was clear during this meeting that the YP was not able to understand the complex terminology being used. In other conversations with YOT practitioners, I came to understand how CYP can experience similar difficulties within the Youth Court setting. After having these conversations, I felt disheartened at the seemingly little support available to CYP with SEND attending the Youth Court. As I was not an established member of the YOT system however, I was conscious not to draw any conclusions as to what support is available for this population. This did, however, lead to the exploration of existing literature pertaining to CYP with SEND attending Youth Court and what support currently exists for them.

2.3 Reviewing Literature

Upon reviewing the existing literature, I was struck by the range of reviews and commissioned research that highlight the common difficulties CYP experience in the Youth Court setting despite its 'child-friendly' adjustments (ICYCAB, 2010; Ministry of Justice, 2016; Centre for Justice Innovation, 2020; Youth Justice Legal Centre, 2020). I was also struck by the seemingly little research completed into the experiences that CYP with SEND, in particular, have of this setting. This was despite a recognition that there are a large number of CYP with SEND participating within the YJS (Arad Consulting & Evans, 2009; MoJ & DfE, 2016). The literature also appeared to highlight how provisions for 'vulnerable' defendants are not always adequate or properly implemented (Wigzell et al., 2015). I thus reflected on the extent to which 'social justice' principles are adopted by 'justice settings' with regards to recognising the disadvantage that CYP with SEND can experience. The arguments of Capeheart and Milovanovic (2020) were particularly pertinent to my reflections in this respect:

'Law courts, police, and other social control agents inform many of our conceptions of justice. But do the blindfolded woman, stories of crime and punishment, or social control agents truly represent justice or social justice?' (Capeheart & Milovanovic, 2020, p.4)

Despite the increasingly common role of the EP working alongside YOTs, I found there to be limited research on the role of the EP working within the YOT microsystem. I also found there to be no research into how EPs can support CYP with SEND participating in the Youth Court system in particular. These significant gaps in the evidence base led to the development of research questions that were underpinned by my social justice values. I

therefore aimed to utilise my skills as a TEP to give voice to CYP with SEND and gain a broad understanding of how they are supported in the Youth Court.

2.4 Competence

Before embarking on this research journey, it was necessary to reflect on my positionality in terms of the knowledge I had about Youth Court and YOT systems. I thus reflected on my 'competence' (BPS, 2019, 2.3) in relation to the little information I knew about legal processes within the YJS. Despite having previous legal education, the area of youth offending was relatively unfamiliar. In this respect, I reflected on my 'conscious incompetence' (Howell & Fleishman, 1982) in relation to the limited skills and knowledge I had within this topic area and how this may impact on the efficacy of my research. On the other hand, I also reflected on my knowledge of SEND and my subsequent 'conscious competence' (Howell & Fleishman, 1982) in this area. With respect to my research stance, I would therefore be interpreting my findings through an 'Educational Psychology/SEND lens' as opposed to a 'legal' lens in isolation. Due to the open-ended nature of my research questions, I would also be adopting a 'meta-perspective' (Beaver, 2011, p.16) through which I would position myself as 'meta' to both the Youth Court and YOT systems in order to answer the research questions in an exploratory way. I did, however, also reflect on the importance of addressing my areas of 'incompetence' as they arose. For instance, I was aware that my unfamiliarity with legal terminology would impact on the interview/focus group question schedules. In order to address these blind spots, I thus sought clarification from members of the YOS system when needed.

3.0 Research Design Reflections

3.1 Choosing a Paradigm and Epistemological Position

The purpose of qualitatively driven research is to understand (Hesse-Biber et al., 2016) and to shed light on 'aspects of reality that can't be quantified' (Queirós et al., 2017, p.370). Although it can be argued that quantitative methods, such as questionnaires, could have been used to address the research questions, I felt that these would have provided a restricted and reductionist understanding of the research topic. I therefore adopted a qualitative paradigm that would provide a comprehensive understanding of the experiences that CYP with SEND have of the Youth Court and how they are supported throughout proceedings. Although interviews alone would have provided some insight into the support available to those with SEND, I felt that focus groups with YOT practitioners would 'supplement' the findings of Part I and thus 'further the goals' (Hesse-Biber et al., 2016, p.24) of the research in this respect. In choosing a multimethod qualitative design, I would obtain a

'more detailed and comprehensive perspective' (Hesse-Biber et al., 2016, p.23) of this phenomenon.

In establishing a multimethod design, it was necessary to reflect on whether data collection would occur in stages or concurrently. A staged approach (e.g., completing CYP interviews before focus groups) would have allowed for a deductive analysis whereby the findings of Part II could be interpreted through the findings of Part I (further discussion of this reflection is provided in section 3.5). Such an approach would have also allowed for a more tailored focus group schedule whereby questions specifically relating to the findings of Part I could be included and presented to YOT practitioners for discussion. It was however necessary to reflect on the limited time available for completing this research and the potential recruitment difficulties I would encounter. As such, I deemed it necessary to adopt a concurrent approach to data collection in order to enhance the time available for successful participant recruitment and thereby generate the rich data necessary to answer each research question.

The process of reflecting on my epistemological position was a thought-provoking and, at times, daunting experience. Prior to beginning my training as an EP, I had limited understanding of 'ontology' and 'epistemology' and how these would influence my decision-making within research. The distinction between realist and phenomenological approaches was clear to me in terms of how knowledge is generated and how this influences interpretation of data (Willig, 2013). I did not, however, feel that each of these approaches in isolation truly represented my own position within the context of this research. My position, to some extent, was phenomenological due to my interest in the 'experiences' of CYP with SEND. I reflected on how I was not, however, interested in the 'experiential worlds' of each participant but rather in how the 'reality' of the Youth Court gives rise to these 'experiences' (Willig, 2013, p.16). Critical realism thus appeared to align with my assumptions in terms of how data would need to be 'interpreted' in order to further my understanding of the 'underlying structures' which 'generate' (Willig, 2013, p.16) the Youth Court reality of CYP with SEND. The 'critical' assumptions embedded within critical realism also appeared to align well with social justice principles in terms of how 'wider social meanings and consequences' (Braun & Clarke, 2021, p.145) can be explored with the hope of 'bringing about a more just society' (Merriam, 2009, p.36).

3.2 Participant Recruitment

3.2.1 Negotiating Research

The process of recruiting suitable participants was complex and involved utilising my skills of contracting and negotiating. Key considerations included how I would need to work alongside members of the host YOS at all stages of the research journey, including its design, implementation, and dissemination. Partnerships with gatekeeping YOT practitioners would also be necessary for the recruiting of CYP participants. Through multiple negotiation meetings with senior YOS management, I was thus able to contract how my research would align with service priorities and inform service development. The process of effective negotiation was crucial in determining how access to participants (for both Part I and II) would be achieved in accordance with UEA research ethics guidelines.

The negotiation stage did, however, lead to frequent reflections on my positioning within the YOS system and how the title of 'trainee' may have impacted on perceptions of my research. I also regularly reflected on how my own identity characteristics may have influenced power dynamics during the negotiation process. The Social GRRRAACCEEESSS (Burnham, 2012) framework was therefore beneficial in supporting my reflections in this respect. It was thus through supervision and liaising with EPs familiar with the YOS system that I was able to devise an effective and systematic way of presenting my research to YOS management. This was ultimately achieved through collaborative meetings between myself, a member of YOS management and Senior Specialist EPs for youth offending who were familiar with my research proposal.

3.2.2 Recruiting CYP Participants

In line with interview sample size recommendations (Morgan et al, 2002; Guest et al, 2006), I aimed to recruit at least six CYP who had experience of attending the Youth Court. Inclusion criteria for participants was based upon existing research that had recruited members of the youth offending population (Ashkar & Kenny, 2009; Ozarow, 2011; Lacey, 2012; Ackland, 2018). When devising these criteria, I reflected on whether I should include a criterion related to the time elapsed between Youth Court attendance and the research interview. I wondered whether arranging interviews a week or so after court attendance would increase the 'validity' of findings as CYP would have a detailed memory of this event. However, I also reflected on how this concept has positivist connotations and suggests that data may be 'invalid' or 'inaccurate' as time has passed (Docherty & Sandelowski, 1999). In choosing criterion specifying that CYP will have attended Youth Court in the past year, I thus aligned myself with a more qualitative approach as this would have given enough time for CYP to have

'storied' their experiences (Sandelowski, 1993). This amount of time would also mean that gatekeeping YOT practitioners would be well-placed to comment on the suitability of potential participants due to having developed relationships with them.

Recruiting CYP participants was challenging for a number of reasons. My original inclusion criteria specified participants should have SEND outlined in an EHCP. This criterion was chosen for the purposes of clarity due to evidence suggesting that the educational needs of CYP are not always consistently recorded on YOS systems (O'Carroll, 2016). However, due to recruitment difficulties, I subsequently widened the inclusion criteria to those with SEND recorded on the AssetPlus system or have a SEND support plan. Although this change led to the recruitment of one participant, it was interesting to reflect on the difficulties YOT practitioners had in identifying whether these criteria were applicable to the CYP on their caseload. I was therefore able to see the 'inconsistencies' recorded in the literature first-hand.

After various supervision sessions, I reflected on how it might be necessary to introduce an incentive to boost recruitment further. The introduction of an incentive therefore enabled the recruitment of four other CYP who each had an EHCP. Although I was relieved at almost recruiting my target participant number, I was also feeling disheartened and frustrated at the barriers to recruitment. One such barrier included receiving limited email responses from YOT practitioners where frequent follow-up was required. There were also a number of occasions where CYP changed their mind about participating at the point of arranging an interview time. Despite feeling frustrated, this was a great professional development point in terms of how to manage disappointment and remain both resilient and motivated in spite of setbacks.

3.3 Choosing Interviews

The decision to use one-to-one semi-structured interviews was made due to the sensitive nature of the research topic (Guest et al., 2013). I therefore felt that by choosing an alternative qualitative approach, such as focus group methodology, participants would not feel as comfortable to share their experiences amongst unfamiliar others. Although questions pertaining to the circumstances behind court attendance were purposefully avoided due to issues of confidentiality, the prevention of such information-sharing could not be guaranteed. One-to-one interviews would ensure greater confidentiality in this respect. It was, however, necessary to reflect on the negative experiences that CYP may have had of 'interviews' whilst participating within the YJS. The option of having a YOT caseworker or parent/guardian present during the interview was thus deemed as an important and ethical element of the research design in this respect.

On reflection, the semi-structured nature of the interview schedule successfully guided the interviews and allowed participants to express themselves openly (Sparkes & Smith, 2014). By structuring the schedule in accordance with existing research findings, I feel that I was able to gain a holistic overview of the Youth Court experience in relation to each 'stage' of proceedings (e.g., before, during and after). I do, however, wonder whether designing the interview schedule in this way inadvertently impacted on the inductive nature of data collection through the implementation of a 'pre-defined' framework. Data pertaining to other aspects of the Youth Court experience may therefore have been missed. An unstructured interview schedule may have served to utilise more of an inductive approach. I do however feel that without adopting a semi-structured interview schedule, participants would have found talking about their experiences difficult due to conversations having unclear structure and direction. I therefore believe that a semi-structured schedule was appropriate in encouraging the flow of conversation and subsequent data generation.

When designing the interview schedule, I regularly reflected on whether a question that explicitly referred to the impact of having SEND should be included. Such questions may have included 'How has your SEND impacted on your time in court?' From an ethical perspective however, I reflected on how I did not know to what extent each participant had knowledge of their SEND and their beliefs around having this 'label'. This question may have thus heightened participant anxiety in this respect. Although a direct question pertaining to SEND was not included, I thought about how transparency would still be achieved due to participants understanding the aims of the study and why they had been identified as suitable (e.g., having identified SEND in an EHCP/SEND support plan) via information sheets and the researcher video. These reflections were thus informed by the need to balance ethical implications with the desired aims of the study in this respect. On reflection however, I feel that a question relating to having an EHCP may have instigated discussion about each CYP's needs and would have thus elicited a greater understanding of how they perceived their SEND to impact on their experience of court. This would have perhaps provided a way in which to address pertinent issues relating to SEND in a sensitive and contained manner.

The inclusion of a pilot interview had originally formed part of the research design. However, due to challenges with participant recruitment, I was keen to include all interviews within data analysis. After completing the first interview however, I did reflect on how questions can be adapted in order to encapsulate the entirety of participant experiences. After discussion with the accompanying YOT practitioner for instance, the need to amend questions for those who have attended court on more than one occasion became apparent.

Due to the remote nature of each interview, the use of a visual timeline to demonstrate each stage of proceedings was easily displayed. However, the format of Microsoft Teams often meant that faces were obscured or displayed at the side of the screen within small frames. I have therefore reflected on how this may have impacted on the building of rapport and flow of conversation between myself and each participant. In a similar vein, I have also reflected on the varying lengths of each interview and how the remote nature of the research may have impacted on whether all participant experiences were represented equally. As stated in the empirical paper, interview timings ranged from 21 – 62 minutes with some participants providing more detail about their experiences than others. As such, I have thought about whether conducting the interview in person with physical resources, such as prompt cards, may have supported and encouraged participants, such as Chelsea, to provide further detail about their experiences. Such resources could have been displayed on screen. However, due to the prior sharing of the timeline, this would have been difficult to navigate and may have impacted the flow of conversation. Although there have been many benefits to remote data collection, I aim to consider the impact of using such methods on the richness of data within my future practice.

3.4 Choosing Focus Groups

My decision to use focus groups during Part II of the study was in contrast to my methodological reasoning during Part I. Focus groups can allow 'statements to be challenged, extended, developed or qualified' amongst participants (Willig, 2013, p.35) and thereby allow 'deeper levels of meaning' and 'important connections' to be obtained (Stewart et al., 2007, p.7). I thus felt that by using other qualitative methods, such as one-to-one interviews, deeper insights into the support available to CYP with SEND would have been missed. Interviews would not, for instance, have allowed for the facilitating of idea elaboration (Halliday et al., 2021).

There were various successes in utilising focus group methodology. Participants regularly engaged in passionate discussion about current YOT practices and how these can be amended in order to improve the support available to CYP with SEND. Although I guided each focus group to some extent, participants frequently navigated discussion freely and extended the ideas of each other. I thus feel that one-to-one interviews would not have generated the same richness of data.

Similarly to Part I however, I have reflected on both the benefits and challenges of conducting focus groups remotely. The use of Microsoft Teams allowed for participants to join a focus group with ease and in flexible accordance with their work schedules. It would have been logistically challenging to arrange in-person focus groups due to the differing work

locations of each participant. This degree of flexibility was, however, challenging in terms of participants dedicating protected time to participate within a focus group. Some participants joined late due to other remote meetings overrunning. As such, introductions and group rules were missed and had to be repeated thus impacting on the flow of conversation. In future practice, I therefore aim to outline the importance of dedicating protected time and the reasons for this from the outset. It will also be important to consider the appropriateness of in-person focus groups and whether these would positively limit the likelihood of interruptions in this respect.

3.5 Data Analysis

The decision to adopt Thematic Analysis [TA] was informed by my epistemological position of critical realism. In the initial design phase, I thought carefully about the differences between TA and IPA and the ontological/epistemological underpinnings of each method. This did, at times, cause confusion due to the term 'experiences' used in RQ1. As IPA is traditionally used to explore the lived experiences of participants (Smith, 1996), I wondered whether this would be an appropriate method to use. However, during supervision sessions, I reflected on how my interests as a critical realist lie within how the 'reality' of the Youth Court 'gives rise' to these experiences (Willig, 2013, p.16). My interests are therefore more aligned to 'what is really going on' (Willig, 2013) and the wider implications for CYP with SEND participating within this setting as opposed to how each participant constructs this experience. TA was thus deemed a more suitable method in terms of achieving an understanding of wider implications in this respect. Aside from epistemological justifications, I also reflected on how, due to the needs of the participant group, IPA may not be a suitable analytical method due to its reliance on the 'representational validity' of language (Smith, 1996). This participant group may have found articulating their experiences in detail difficult which would have impacted on the extent to which the 'quality and texture' of experience could be gained (Willig, 2013, p.87) through using IPA as an analysis method.

Furthermore, reflection was also necessary when considering whether an inductive or deductive approach would be most appropriate for analysing data for Part II. A deductive approach was initially considered in which I would use the findings of Part I as an 'interpretative lens through which to code and make meaning of the data' (Braun & Clarke, 2021, p.57). However, as the research was designed to be in two parts in order to produce the types of knowledge required to answer each research question, I deemed it necessary to adopt an inductive approach so that RQ2 could be addressed in a broad and holistic manner. I thus felt that a deductive approach would limit the purpose (Braun & Clarke, 2021) of the research design in this respect.

4.0 Ethical Considerations

The HCPC Standards of Proficiency [SoP] (2015) outline how psychologists are required to 'practise safely and effectively within their scope of practice' (1.0). Familiarity and adherence to ethical research guidelines was thus of crucial importance at both the design and implementation phases of my research. Due to the nature of the study topic and the vulnerability of CYP participants, there were various ethical dilemmas to consider. The process of gaining ethical clearance from the University of East Anglia (UEA) Ethics Committee involved application resubmissions due to new ethical dilemmas presenting themselves as the study progressed.

4.1 Informed Consent

The BPS Code of Ethics and Conduct [CoEC] (2018) states that psychologists should consider consent and thereby hold high standards of respect for participants within research. Due to the vulnerability of CYP participants, I thus reflected on the need to ensure that each individual was given 'ample opportunity to understand the nature, purpose, and anticipated outcomes' of the research (BPS, 2014, 10.1). Such an understanding would be crucial for the giving of informed consent. In order to 'maximise understanding and ability to consent' (BPS, 2014, p.15), various methods were used including the creation of a 'child-friendly' information sheet and consent form. I also created a 'researcher video' where I filmed myself describing my research and what it would involve. This was shared with CYP via their YOT caseworker. In line with ethical guidelines (BPS, 2014), additional consent was also sought from parent/carers who were given an information sheet and access to the researcher video. Following feedback from the UEA Ethics Committee however, I reflected on how I had a relatively passive role in the consent process with the original proposal outlining how consent would be gained solely through YOT gatekeepers. In order to fulfil a more active role in this process, I thus offered joint meetings with parents/carers, YOT gatekeepers and the CYP so any questions regarding the research could be answered before consent was gained. Despite offering these meetings however, parent/carers appeared to consent without feeling the need to meet. Although creating the video was an odd and somewhat uncomfortable experience, I thus feel that it was an effective method for relaying accessible information and maximising ability to give informed consent in this respect.

It was necessary to reflect on the emotional impact of Youth Court attendance and how, from an ethical perspective, this may affect participant wellbeing during interviews. I therefore ensured that I remained aware of participant responses to questions and their body language and whether these were indicative of emotional dysregulation. During the interviews, I ensured that I offered each participant a break or reminded them of their right to leave the

interview without explanation. Such considerations were crucial in ensuring informed consent was given for the duration of each interview. Following each interview, I contacted YOT caseworkers in order to review the wellbeing of each participant which, in line with ethical guidelines, was crucial in ensuring that 'psychological harm, discomfort or distress' (BPS, 2021, p.10) had not occurred from participating in the research.

4.2 Obligation to Participate

The BPS CoEC (2018) outlines how psychologists should adopt principles of honesty, openness and candour and thereby hold high standards of integrity (3.4). Psychologists should also consider the impact of power dynamics between themselves and participants (BPS, 2014; BPS, 2018). When recruiting for both Part I and Part II of the study, it was therefore important to consider whether potential participants would feel an obligation to take part due to their positioning within the YOT system. For CYP, this obligation may have been felt due to the role gatekeeper's have overseeing the progress of their YOT order. For YOT practitioners, this obligation may have been felt due to the involvement of YOS management in approving the study. I thus reflected on how it was essential to highlight how there is no obligation to participate at the outset of advertising the research. This was made clear in all information sheets, consent forms and invitation emails. I also made this clear within the CYP information video. The need to reflect on this was also apparent during the re-submission of an ethics application to introduce an incentive for CYP participants. The BPS Code of Human Research Ethics (2014) was thus hugely informative when reflecting on the 'potential for coercion' (p.21) arising from power relationships and the steps that should be taken to avoid this within my research.

4.3 Accessibility

Due to the individual needs of CYP participants, it was necessary to consider the accessibility of my research methods and the extent to which CYP could 'effectively participate' within them. With research highlighting the common difficulties that CYP who offend can experience, including those associated with SLCN (Winstanley, 2018; Winstanley, et al., 2020), I reflected on the different tools commonly used in EP practice that could be incorporated into research interviews. In supervision for instance, I reflected on how reviewing EHCPs or SEND support plans, with parent/carer permission, would be beneficial in tailoring interviews to accommodate to specific needs. During one interview for example, arrangements were made so that a YP with a diagnosis of ADHD could have regular movement breaks if needed in order to accommodate for his sensory needs (Welsch et al., 2021). The terminology used within the interview questions was also carefully considered and was subject to changes

upon receiving feedback from research supervisors and YOT practitioners. I thus aimed to ensure that sentence structures were not complex, and that interview terminology was colloquial in nature. An additional measure that I had aimed to include within my research was meeting with CYP before the interview in order to build rapport. Due to time constraints and the limited availability of YOT practitioners however, I found arranging rapport-building opportunities difficult. On reflection, it may have been beneficial to propose meeting with the CYP during a YOT appointment, with caseworker permission, so brief introductions could take place. Sending my one-page profile may have also served to build rapport in this respect.

4.4 Confidentiality

The BPS CoEC (2018) states that 'psychologists should consider privacy and confidentiality' (3.1). The HCPC SoP (2015) also similarly highlights how 'psychologists must understand the importance of and be able to maintain confidentiality' (7.0). During the research design phase, I regularly reflected on the importance of anonymity and how aspects of the design would meet confidentiality requirements. In order to protect participant identity for instance, transcripts were anonymised with the use of pseudonyms. At the beginning of both interviews and focus groups, participants were also asked to avoid mentioning names. Despite the incorporation of these measures however, there were occasions where names and identifiable information were used. This was most apparent during focus groups where some YOT practitioners mentioned the first names of CYP they had supported in court. I reflected on how this may have been due to them having little understanding or experience of taking part in research and the ethical importance of anonymity. Some practitioners may have also missed information regarding anonymity practices at the start of the focus group due to arriving late. In these instances, I abided by the measures outlined within my ethics application and removed all identifiable information from transcripts so that data could not 'be traced back to them by other parties' (BPS, 2014, p.9). Nonetheless, this experience has led to reflections pertaining to how easy it can be to assume that other professionals understand ethical research principles when this may not, in reality, be the case. This will therefore be a key reflection to hold in mind when conducting future research with professional groups who have limited experience of research activities.

5.0 Contribution to Personal Knowledge and Skill Development

Throughout the research journey, there have been ample opportunities for personal knowledge and skill development. As a researcher, my ability to negotiate and contract research has been a key area for development in terms of how I have demonstrated 'effective personal and professional management and organisational skills' (BPS, 2019, 10.8).

Within this, I have also reflected on the development of my interpersonal skills in terms of effectively managing professional relationships and thereby 'fostering collaborative working practices' (BPS, 2019, 10.9) with members of the YOS system. Although the research journey has been tumultuous at times, I feel that the 'peaks' and 'troughs' have contributed to my development as a resilient, reflective, and reflexive scientific practitioner (BPS, 2019, 10.2). As I have come to the end of my journey, I therefore feel proud of my achievements and my ability to tolerate the stress associated with completing research in the midst of a global pandemic.

Whilst contributing to the development of my skills as a researcher, this process has also informed my practice as a TEP in many ways. My understanding of ethical decision-making has been reinforced particularly with regards to the meaning of 'informed consent' in day-to-day EP practice (BPS, 2019, 2.1). The research process has also developed my ability to adopt creative methods when working remotely via the use of Information Technology (IT) tools. Perhaps most importantly, the research journey has led me to reflect on my own power and privilege when working with vulnerable CYP and those who have different life circumstances to my own. I have found using tools, such as the Social GRRRAACCEEESSS (Burnham, 2012), useful in reflecting on my own personal and social identity. The reflexive nature of TA, as proposed by Braun and Clarke (2021), has also been helpful in reflecting on my interpretations of data and how power differences can impact on my understanding of the difficulties CYP with SEND can experience.

6.0 Contribution to Knowledge and Impact

Throughout the research process, I have experienced feelings of frustration at the barriers to effective participation CYP with SEND can experience due to the current contextual and structural barriers apparent within the Youth Court. I have therefore reflected on how this study has provided a distinct contribution in highlighting and addressing these barriers. This study has, for instance, addressed significant gaps in the literature by enabling CYP with SEND to share their experiences of the Youth Court setting. It has also provided a broad insight into how they are supported whilst participating in this system. These findings have thus contributed to the existing, yet limited, literature that outlines the role of the EP in working alongside YOTs. By conceptualising findings through an Ecological Systems Theory framework (Bronfenbrenner, 1979), this study has also provided suggestions for how the role of the EP can be extended to supporting the Youth Court experiences of CYP with SEND at both individual and multi-systemic levels. I therefore ultimately hope that this study will instigate positive change within existing YOT and Youth Court systems and will encourage reflection amongst those who work with CYP with SEND within the youth offending population.

7.0 Dissemination

In terms of research dissemination, I hope to highlight the contribution and potential impact of the study in a number of ways. Firstly, in addition to providing CYP participants and their parents/guardians with a one-page summary of study findings, I plan to share the findings of my research with the host YOS during an in-service professional development day. Within this, the current working relationship between the YOS and EP Service can be discussed with regards to how EPs can work to provide the support outlined at individual and multi-systemic levels. In order to support YOT practitioner development, an audit tool which outlines aspects of current good practice in the Youth Court and areas for development (as identified by participants) will also be shared (see Appendix L). Secondly, I would like to share my research with wider platforms, via conference presentations for instance, as I feel it will be important to make the findings accessible to a wider audience. This will include presenting to professionals outside of the EP system, such as solicitors, social workers, magistrates and judges, who work with CYP who offend and who can provide valuable support throughout Youth Court proceedings as well as instigate systemic change to processes and resources available to CYP with SEND. Within such presentations, discussions can be encouraged with respect to the transferability of findings to other YOSs and Youth Court systems across England and Wales and whether greater consistency is needed across the YJS. Thirdly, I feel the publication of my study would contribute to this wider discussion and perhaps instigate change at a wider social policy level.

8.0 Summary

This research journey has ultimately affirmed my beliefs in social justice and how structures and systems can act as barriers to this being achieved. In the context of this study, it is clear that such barriers exist within the Youth Court setting. I am hopeful that this research can at least instigate reflection and discussion amongst those who work with CYP who offend as they participate within the Youth Court system. It is also hoped that this study has highlighted the vulnerability of those with SEND attending the Youth Court and how the current system can be improved in order to ensure their effective participation. As stated in the 'Equal Treatment Bench Book' (Judicial College, 2021), 'any disadvantage that a person faces in society should not be reinforced by the legal system' (p.7). As professionals whose values are underpinned by inclusion, it is argued that EPs are well placed to address the barriers that can 'disadvantage' CYP with SEND as they participate in Youth Court proceedings.

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Appendices

Appendix A: Supporting Literature for Participant Inclusion Criteria

CYP participant sample and inclusion criteria

	Inclusion Criteria	Justifications with Supporting Literature
Age of Participants	14 – 17 years old	<p>Past research Much past research with this population has been with CYP in adolescence (Ashkar & Kenny, 2009; Ozarow, 2011; Lacey, 2012; Ackland, 2018)</p> <p>Ability to communicate experiences</p> <ul style="list-style-type: none"> • Older children will have increased ability to communicate more details of their experiences (Docherty & Sanderlowski, 1999) • Past research has found that interviews with younger children are 'less successful' with younger age groups (Mahon et al, 1996) • Younger children require more 'task-based' activities during interviews (Harden et al, 2000). Due to the remote nature of this research, this would not be appropriate. <p>Remembering Youth Court experience</p> <ul style="list-style-type: none"> • The complexity, length and amount of information in autobiographical memories increase during adolescence while accuracy rates remain stable (Lamb, Sternberg & Esplin, 1995; Sutherland & Hayne, 2001) • Young adolescents typically provide narratives with factual content and action statements but with less emotions and interpretations than older adolescents (Willoughby, Besrocher, Levine & Rovet, 2012) • Accounts become more rich and coherent as age increases (Given-Wilson, Hodes & Herlihy, 2018)

SEND identification	<p>CYP will have special educational needs outlined:</p> <ul style="list-style-type: none"> • in an Education Health and Care Plan (EHCP) and/or; • Recorded on the AssetPlus system and/or; • In a SEND support plan produced by an education setting 	<p>Due to evidence suggesting that the educational needs of CYP are not always consistently recorded on YOS systems (O'Carroll, 2016), it is for the purposes of clarity that participants will have SEND identified within an Education Health and Care Plan (EHCP), on the AssetPlus system or in a SEND support plan.</p>
Length of time elapsed between Youth Court experience and interview	<p>Up to one year</p>	<ul style="list-style-type: none"> • There are concerns within the literature that are related to the accuracy or credibility of CYP interview data 'often linked to the time elapsed between the target event'. However, this 'connotes positivistic ideas' associated with the concept of reliability and validity (Docherty & Sandelowski, 1999) • It is argued that these concepts should not be a key focus within qualitative research exploring the experiences of a particular group, however, due to conceptions that there needs to have been 'sufficient time to have passed after an event has occurred for it to become storied' (Sandelowski, 1993) • Up to one year after their Youth Court experience will have allowed enough time for the CYP to have established a working relationship with the recruiting YOT practitioner and for their Youth Court experience to have become 'storied' (Sandelowski, 1993) • From a logistical and practical viewpoint, this will also 'open up' the pool of potential participants.
Quality Criterion Judge	<p>In order to ensure that the recruiting YOT practitioner is able to ascertain whether the CYP meets the inclusion criteria, they must have:</p> <ul style="list-style-type: none"> • Established a working relationship with the CYP. 	

	<ul style="list-style-type: none"> • They must feel confident that they know the CYP well enough to know whether they meet the inclusion criteria e.g., they will have had prior sessions with the CYP before the research has taken place. <p>The recruiting YOT practitioner will determine, from their working relationship with the CYP, as to whether the CYP:</p> <ul style="list-style-type: none"> • Meets the inclusion criteria specified above (i.e. age, recorded SEND, experienced the Youth Court up to a year ago) • Can engage in a two-way conversation • Will be comfortable in talking to the researcher about their experiences 	
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Focus Groups – Participant sample and inclusion criteria

	Inclusion Criteria	Justifications with Supporting Literature
Participant criteria	<p>Focus group participants will meet the following criteria:</p> <ul style="list-style-type: none"> • Participant works as a member of a Youth Offending Team within the local authority in which the research is taking place. This can include professionals who work within any of the YOT bases within the local authority. • Participant will have knowledge and experience of working in the Youth Court context as part of their role 	<p>Purposeful sampling – As the purpose of this study is to explore the experiences of CYP with SEND in the Youth Court, the researcher will select a sample of ‘information-rich cases’ (Patton, 2002) from which ‘the most can be learned’ (Merriam, 2009). Focus group participants will therefore have knowledge and experience of working in the Youth Court context as it is from these participants that we can learn about the issues of ‘central</p>

	within the Youth Offending Team. This could be past or current experience.	importance to the purpose' of the research (Merriam, 2009).
Identification of potential participants	The researcher will liaise with the ETE manager and team managers within the YOS in order to identify potential focus group participants that will meet the above inclusion criteria and confirm recruitment procedures.	

Appendix B: Rationale and References for CYP Interview Schedule

Themes	Interview Question - CYP	Reference
Demographics	1) How old are you? 2) When did you attend the Youth Court?	

	3) How many times have you attended the Youth Court?	
Understanding of Youth Court	4) In your own words, can you describe what the Youth Court is?	
Before court	5) Can you describe the moment you found out that you were going to the Youth Court?	<p>Independent Commission (2011) – Ppts had not been clear about who court personnel were, about what they should do and about what to say</p> <p>Centre for Justice Innovation – People attending the Youth Court experienced long delays on the day of their hearing... by the time many actually come into the courtroom they are irritated and less likely to respond positively to court staff</p> <p>ECHR (Article 6) – Everyone charged with a criminal offence has the following minimum rights... to have adequate time and facilities for the preparation of his defence</p> <p>Criminal Practice Directions (2015) – May be appropriate to arrange that a vulnerable defendant should visit out of court hours and before the trial, the courtroom so that he or she can familiarise him or herself with it</p>
	6) Can you describe how you were prepared for your trial?	
	7) How prepared did you feel?	
	8) What other support would you have found useful before your trial?	
During court	9) How did you feel on the day of your trial?	<p>Taylor Review (2016) – Courts are often large spaces and the considerable distances between the different parties do not make for effective communication. Not all magistrates do enough to explain what is happening in language that children can understand</p>
	10) What was the courtroom like?	
	11) Can you describe what the magistrates/judges were like?	
	12) What was the trial like for you?	
	13) What helped you understand what was going on during your trial?	

	14) What was most difficult about your trial for you?	<p>Independent Commission (2011) – Ppts, particularly those younger, reported feeling anxious and nervous prior to, and while in, court; and feeling unsupported through the process</p> <p>CPS (2020) – Youth has to understand what he is said to have done wrong</p>
	15) What other support would you have found useful during your trial?	
After court	16) Can you describe what happened at the end of your trial?	<p>Communication Trust (2014) – CYP with SLCN may not understand the terms of their sentence or what is required of them by the YOT</p> <p>Taylor Review (2016) – On many occasions, children leave the court confused by the outcome and need to have their sentence explained to them by a YOT worker</p> <p>CPS (2020) – Youth Court should take appropriate steps to enable a youth with learning difficulties to participate in his trial including explaining possible outcomes and sentences</p>
	17) Can you tell me about the sentence you received?	
	18) What helped you to understand your sentence?	
	19) What would have helped you to understand your sentence better?	
	20) How were you supported after your trial?	
Overall experience	21) Overall, what was it like going to the Youth Court?	

Appendix C: CYP Interview Schedule

- Hello, my name is Emily Kenny and I am a Trainee Educational Psychologist. I work with children and young people to find out what they are good at and what they might need some help with in school or college. I also work with schools, parents, carers,

and other professionals, like Youth Offending Teams, to make positive changes for CYP.

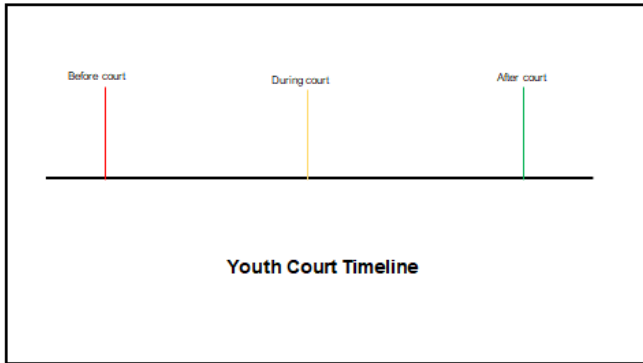
- I am doing this research to find out more about the experiences of CYP with special educational needs and disabilities in the Youth Court. I am really interested in doing this research because I want to think about how the Youth Court can be made better for CYP.
- Thank for you agreeing to take part in my research. Today I will ask you some questions about your experience of going to the Youth Court and how you were helped before, during and after your time there [display visual timeline and explain the structure of the interview]
- When I ask you questions, you can choose which ones you want to answer. If you don't want to talk about something, that's ok. You can stop talking to me at any time if you don't want to talk to me anymore.
- I won't tell anyone else what you say to me, except if you talk about someone hurting you or about you hurting yourself or someone else. Then I might need to tell someone to keep you and other people safe.
- Do you have any questions before we start?

Themes	Interview Question - CYP	Prompts
Demographics	1) How old are you? 2) How many times have you been to the Youth Court? 3) When was the last time you went to Youth Court?	
Understanding of Youth Court	4) In your own words, can you describe what the Youth Court is?	<ul style="list-style-type: none"> • What is it? • Who goes there? • Why do they go there?
Before court	5) Can you tell me about the moments you have found out you're going to the Youth Court?	<ul style="list-style-type: none"> • How have you found out? • How have you felt? • What did you think about?
	6) Can you tell me how you have been prepared for going to Youth Court?	<ul style="list-style-type: none"> • Who has prepared you? • What were you told about... <ul style="list-style-type: none"> - the layout of the courtroom? (pictures/diagrams used?) - who would be in the courtroom? - what was going to happen during your time in court? - the possible sentences you might get?

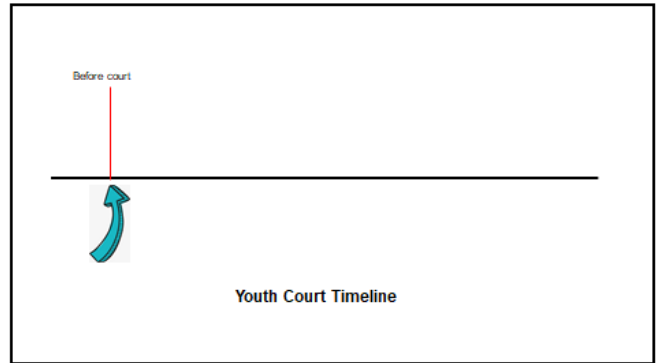
		<ul style="list-style-type: none"> • When were you prepared? • How did you prepare yourself?
	7) After being prepared, how ready have you felt for Youth Court?	<ul style="list-style-type: none"> • Were you feeling comfortable? • What sort of feelings have you had?
	8) What other help would you have found useful before going to Youth Court?	<ul style="list-style-type: none"> • From other people?
During court	9) How have you felt on the days you've been to Youth Court? 10) Have you always been to the same court?	
	11) What is the courtroom like?	<ul style="list-style-type: none"> • Who was/has been in the courtroom? • Where were you sat? • Who was with you?
	12) Can you tell me what the adults in the courtroom are like? (show visual of courtroom)	<ul style="list-style-type: none"> • Who has been there? • Examples of adults including magistrates/judges, ushers, legal advisors, solicitors. • What did they look like? • Where did they sit? • How did they talk? • What sort of things did they say? • What was it like listening to them speak?
	13) What has helped you understand what was going on?	<ul style="list-style-type: none"> • Who has been there to help you? • What have adults in the courtroom done to help you understand? • Has there been anything else in the courtroom that you've found helpful?
	14) What did you find most difficult about your time in Youth Court?	<ul style="list-style-type: none"> • What wasn't helpful?
	15) What other help would you have found useful?	<ul style="list-style-type: none"> • From other people?
After court	16) Can you tell me about the decisions the	<ul style="list-style-type: none"> • Did you understand what these meant?

	judge/magistrates have made at the end?	<ul style="list-style-type: none"> • How were these explained to you? • What did you know about these/that type of sentence/order? • How have you felt when you got these sentences? • What were your thoughts?
	17) What helped you to understand your sentence/order?	<ul style="list-style-type: none"> • Did anyone explain this to you? • When was this explained to you?
	18) What would have helped you to understand your sentence/order better?	
Overall experience	19) Overall, what was it like going to the Youth Court?	<ul style="list-style-type: none"> • What words would you use to describe your experience?

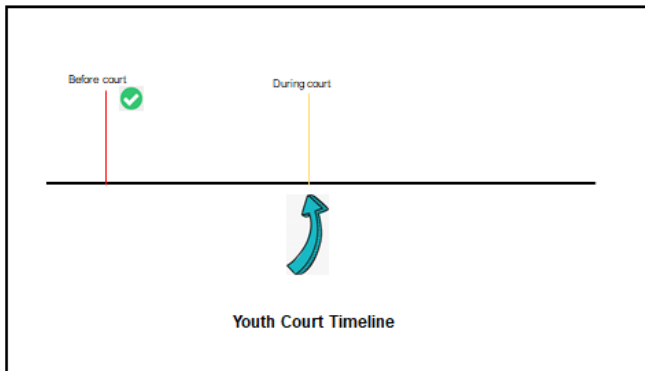
Appendix D: Visual timeline for CYP Interviews



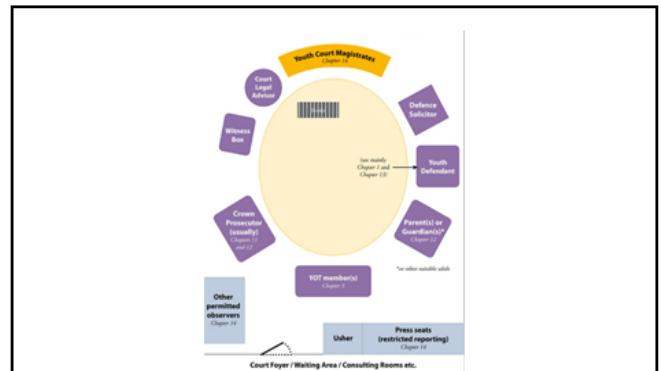
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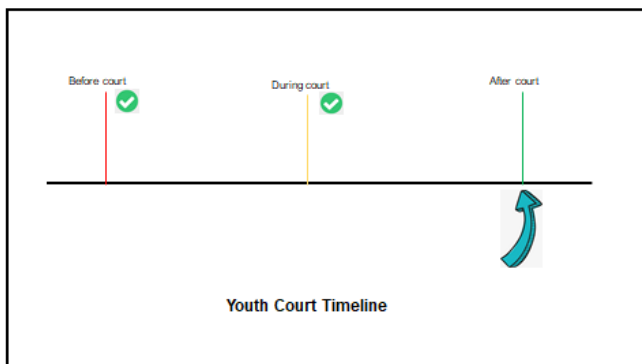
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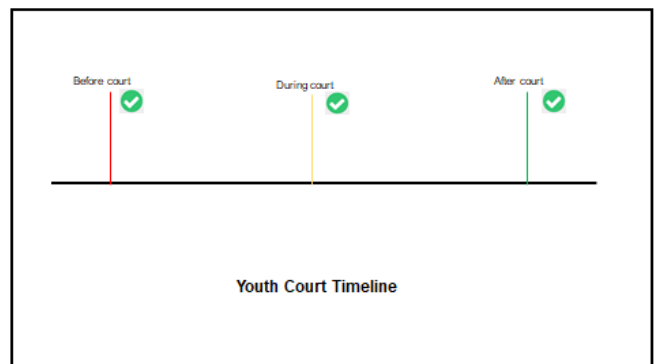
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Appendix E: Focus Group Question Schedule

- Hello everyone. Thank you for agreeing to participate in this research. As the information sheet outlines, the title of this study is “Exploring the Youth Court Experience of Children and Young People (CYP) with Special Educational Needs and Disabilities (SEND): Implications for Educational Psychology Practice’
- Within this focus group, I will ask some questions for you to discuss relating to how CYP with SEND are supported prior to, during and after their time in the Youth Court.
- I will be making an audio recording of the focus group which will be analysed. In order to maintain confidentiality, please try to avoid using the names of particular individuals.
- Before we start, I am aware that all of you have completed a written consent form and have sent this back to me. I would just like to check that everyone is still happy to participate [gain verbal consent from all participants]. If, at any point, you are feeling uncomfortable, you are welcome to leave the focus group without any explanation. Does anyone have any questions?

Themes	Interview Question – Focus Group	Prompts
SEND within YOS	1) How would you describe a Special Educational Need or Disability?	<ul style="list-style-type: none"> • Definition
	2) How often do you work with CYP with SEND as part of your role?	<ul style="list-style-type: none"> • Both in and out of court context
	3) How do you support CYP with SEND as part of your role in the Youth Court context?	
Information about CYP's SEND	4) How much information is known about a CYP before they are due to appear in the Youth Court?	<ul style="list-style-type: none"> • Crime committed? • Social care involvement? • EHCP/SEND?
	5) How do you come to know if a CYP has SEND?	<ul style="list-style-type: none"> • How are you informed? • Who tells you? • When are you told?
	6) Can you describe how much information you know about a CYP's SEND before they go to the Youth Court?	<ul style="list-style-type: none"> • Main areas of need? • How this may impact on effective participation in court? • Recommended adaptations?
	7) In your experience, how is this information used within the Youth Court setting?	
Before court	8) In your experience, how are CYP with SEND supported prior to going to the Youth Court?	<ul style="list-style-type: none"> • Who prepares them? • What are they told about... <ul style="list-style-type: none"> - the layout of the courtroom? (pictures/diagrams used?) - who will be in the courtroom? - what is going to happen during their time in court? - the possible sentences they might get? • When are they prepared?
During court	9) In your experience, how are CYP with SEND supported	<ul style="list-style-type: none"> • Who is there to help them?

	during their time in the Youth Court?	<ul style="list-style-type: none"> • What do the adults do in the courtroom to help them understand?
After court	10) In your experience, how are CYP with SEND supported to understand the outcome of their time in Youth Court?	<ul style="list-style-type: none"> • Sentence/order explained?
Experiences of CYP with SEND	11) In your own words, can you describe how you think CYP with SEND find the Youth Court?	<ul style="list-style-type: none"> • Are there any words that come to mind?
	12) How do you think the Youth Court experience can be improved for CYP with SEND?	

Appendix F: University of East Anglia Ethics Application Materials

UEA Ethics Committee Approval Letter

EDU ETHICS APPROVAL LETTER 2020-21

APPLICANT DETAILS	
Name:	Emily Kenny
School:	EDU
Current Status:	EdPsyD Student
UEA Email address:	e.kenny@uea.ac.uk
EDU REC IDENTIFIER:	2021_03_EK_LW

Approval details	
Approval start date:	15.04.2021
Approval end date:	30.06.2022
Specific requirements of approval:	
<p>Please note that your project is only given ethical approval for the length of time identified above. Any extension to a project must obtain ethical approval by the EDU REC before continuing. Any amendments to your project in terms of design, sample, data collection, focus etc. should be notified to the EDU REC Chair as soon as possible to ensure ethical compliance. If the amendments are substantial a new application may be required.</p>	

Victoria Warburton EDU Chair, Research Ethics Committee

CYP Interview Information Sheet/Consent Form

Emily Kenny
EdPsyD student
22/01/2021

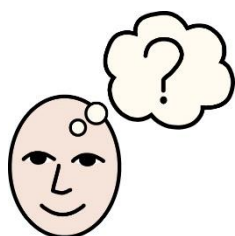
Faculty of Social Sciences
School of Education

University of East Anglia
Norwich Research Park
Norwich NR4 7TJ
United Kingdom

E.Kenny@uea.ac.uk

Web: www.uea.ac.uk

Study Information Sheet: My Experiences of the Youth Court



Hello. My name is Emily Kenny.

Court.

I am doing a research study to find out more about the experiences of children and young people with special educational needs and disabilities in the Youth

I am asking you to be in our study because you have been to the Youth Court and you have an Education Health and Care Plan [EHCP] (a document that describes the extra help you need in school or college), a One Plan (a document created by your school/college that describes the support you need) or special educational needs/disabilities recorded on the Youth Offending Service computer system.

You can decide if you want to take part in the study or not. You don't have to - it's up to you.

This sheet tells you what I will ask you to do if you decide to take part in the study. Please read it carefully so that you can make up your mind about whether you want to take part.

If you decide you want to be in the study and then you change your mind later, that's ok. All you need to do is tell me that you don't want to be in the study anymore.

If you have any questions, you can ask me or your family or someone else who looks after you. If you want to, you can email me any time at E.Kenny@uea.ac.uk

What will happen if I say that I want to be in the study?

If you decide that you want to be in my study, I will ask you to meet with me on a Microsoft Teams call. I will ask you some questions about your experience of going to the Youth Court and how you were supported before, during and after your time there. I will also ask how old you are and how

many times you have been to the Youth Court. Before the interview, I will look at your EHCP/One Plan so that I can ask questions in a way that's best for you. You can have your Youth Offending Team caseworker or parent/carer nearby during the interview if you like.

When I ask you questions, you can choose which ones you want to answer. If you don't want to talk about something, that's ok. You can stop talking to me at any time if you don't want to talk to me anymore. If you say it's ok, I will record what you say on Microsoft Teams. After our interview, I will type up our conversation into a transcript. You can read through this afterwards if you would like to.

Will anyone else know what I say in the study?



I won't tell anyone else what you say to me, except if you talk about someone hurting you or about you hurting yourself or someone else. Then I might need to tell someone to keep you and other people safe.

All of the information that I have about you from the study will be stored in a safe place and I will look after it very carefully. I will write a report about the study and show it to other people but I won't say your name in the report and no one will know that you were in the study.

How long will the study take?



The interview will take between 45 – 60 minutes.

Are there any good things about being in the study?



You will help me to think about how the Youth Court can be improved for children and young people with special educational needs and disabilities. To thank you for your time, you will receive a £10 food/drink e-gift voucher after your interview. This will be sent to your YOT caseworker's email address who will be able to give this to you. Alternatively, you will be able to take part in order to contribute towards your reparation hours, if deemed appropriate by your YOT caseworker.

Are there any bad things about being in the study?

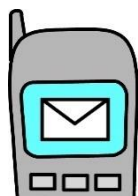


This study will take up some of your time. Some of the questions might make you feel upset if the Youth Court was stressful for you. If you feel upset or uncomfortable during the interview, we can stop at any time. I will also contact your Youth Offending Team caseworker or parent/carer a day after our chat to check that you are okay.

Will you tell me what you learnt in the study at the end?

Yes, I will if you want me to. There is a question on the next page that asks you if you want me to tell you what I learnt in the study. If you circle Yes, when I finish the study, I will tell you what I learnt.

What if I am not happy with the study or the people doing the study?



If you are not happy with how I am doing the study or how I treat you, then you or the person who looks after you can:

- **Call** the university on 01603 456161
 - Write an **email** to Lemarra.williamson@uea.ac.uk
 - Contact your YOT caseworker

This sheet is for you to keep.

My Experiences of the Youth Court

Consent Form 1

If you are happy to be in the study, please

- **write** your **name** in the space below
- **sign** your **name** at the bottom of the next page
- put the **date** at the bottom of the next page.

You should only say 'yes' to being in the study if you know what it is about and you want to be in it. If you don't want to be in the study, don't sign the form.

I,[PRINT NAME], am happy to be in this research study.

In saying yes to being in the study, I am saying that:

- ✓ I know what the study is about.
- ✓ I know what I will be asked to do.
- ✓ Someone has talked to me about the study.
- ✓ My questions have been answered.

Emily Kenny
EdPsyD student
22/01/2021

Faculty of Social Science
School of Education

University of East Anglia
Norwich Research Park
Norwich NR4 7TJ
United Kingdom

E.Kenny@uea.ac.uk

Web: www.uea.ac.uk

Exploring the Youth Court Experience of Children and Young People (CYP) with Special Educational Needs and Disabilities (SEND): Implications for Educational Psychology Practice

PARENTAL INFORMATION STATEMENT

(1) What is this study about?

Your child is invited to take part in a research study about the experiences of children and young people with special educational needs and disabilities in the Youth Court. This study is one of three pieces of research within a wider programme completed by Educational Psychologists working with X Youth Offending Service. I am interested in your child's experiences of the Youth Court, how they were supported before, during and after their time there and how Educational Psychologists can work with Youth Offending Teams to support them. Your child has been invited to take part because he/she has been to the Youth Court and has special educational needs/disabilities outlined within an Education Health and Care Plan [EHCP] (a document that describes the extra help they need in school or college), recorded on ASSETplus (an electronic recording system used by the Youth Offending Service) or outlined within a One Plan (a document created by your child's education setting) or equivalent.

This Participant Information Statement tells you about the research study. Knowing what is involved will help you decide if you want to let your child take part in the research. Please read this sheet carefully and ask questions about anything that you don't understand or want to know more about.

Participation in this research study is voluntary. By giving your consent you are telling us that you:

- ✓ Understand what you have read.
- ✓ Agree for your child to take part in the research study as outlined below.
- ✓ Agree to the use of your child's personal information as described.
- ✓ You have received a copy of this Parental Information Statement to keep.

(2) Who is running the study?

The study is being carried out by the following researcher: Emily Kenny, Educational Psychology Doctoral student, School of Education and Lifelong Learning, University of East Anglia. Emily is a Trainee Educational Psychologist and is currently on placement with X Educational Psychology Service. Emily will be completing this research under the supervision of Dr LeMarra Williamson who is an academic tutor on the UEA Educational Psychology Doctorate Programme.

(3) What will the study involve?

This study will involve your child taking part in an online interview with Emily on Microsoft Teams at a time that is convenient for them. Your child will be asked a number of questions about their experiences of going to the Youth Court and how they were supported before, during and after their time there. Emily will also ask your child about their age, gender and number of times they have been to the Youth Court. They will not be asked any questions about the offence(s) for which they attended court. With your permission, Emily will look at your child's EHCP/One Plan or equivalent so that she can interview your child in a way that best suits them. Your child is welcome to have you or their YOT caseworker with them during the interview if they wish. The interview will be audio and video recorded. Emily will type up the interview into a transcript before analysing it and will remove any information that might identify your child. Your child will be given the option to read through their interview transcript if they wish to.

Your child has been identified by their Youth Offending Team (YOT) caseworker as being suitable to take part in this study as they:

- are between the ages of 14 – 18 years
- have been to the Youth Court within the past year
- have special educational needs/disabilities outlined within an Education Health and Care Plan (EHCP), recorded on the Youth Offending Service's ASSETPlus system, or outlined within a One Plan or equivalent.
- can take part in a two-way conversation and would be comfortable with talking to the researcher about their experiences of the Youth Court

If you and your child are interested in taking part, Emily will arrange to meet with you virtually so she can describe the research to you. She can also answer any questions you may have. If, after this meeting, you are happy for your child to take part, you will be asked to sign the consent form at the bottom of this information sheet. If your child consents to take part in the study, they will also be asked to sign a consent form. You can send these forms back to Emily at E.Kenny@uea.ac.uk or your child's YOT caseworker can send them to Emily if this is more convenient. Emily will then contact you or your child's YOT caseworker to arrange a suitable time and date for the interview to take place. A Microsoft Teams link will be sent to the email address you have provided for the agreed date and time. This invite can be sent to your child's YOT caseworker if this is more convenient.

(4) How much of my child's time will the study take?

It is expected that the interview will take between 45 – 60 minutes.

(5) Does my child have to be in the study? Can they withdraw from the study once they've started?

Being in this study is completely voluntary and your child does not have to take part. Your decision whether to let them take part will not affect your/their relationship with the researcher or anyone else at the University of East Anglia, the Youth Offending Service or the Educational Psychology Service, now or in the future.

If you decide to let your child take part in the study and then change your mind later (or they no longer wish to take part), they are free to withdraw from the study at any time by emailing the researcher or telling their YOT caseworker. Your child is free to stop the interview at any time. Unless you say that you want us to keep them, any recordings will be erased and the information your child has provided will not be included in the study results. Your child may also refuse to answer any questions that they do not wish to answer during the interview. If you decide at a later time to withdraw your child from the study, their information will be removed from our records and will not be included in any results, up to the point we have analysed and published the results.

(6) Are there any risks or costs associated with being in the study?

The Youth Court can be a stressful experience for some children. Your child can stop the interview at any point if they feel uncomfortable talking about their time there. The researcher will contact you or your child's YOT caseworker a day after the interview to check on how your child is feeling. If there are any concerns about your child's wellbeing, the researcher will contact your child's YOT caseworker.

(7) Are there any benefits associated with being in the study?

It is hoped that by taking part in the study, your child will have a chance to voice their thoughts about the Youth Court. Your child's contributions will be highly valuable for thinking about how the Youth Court can be improved for children and young people with special educational needs and disabilities. Your child will receive a £10 food/drink e-gift voucher to thank them for their time. This will be sent to their YOT caseworker's email address to give to your child. Alternatively, your child will be able to participate as part of contributing towards their reparation hours, if deemed appropriate by their YOT caseworker.

(8) What will happen to information that is collected during the study?

By providing your consent, you are agreeing to me collecting personal information about your child for the purposes of this research study. Their information will only be used for the purposes outlined in this Participant Information Statement, unless you consent otherwise. Data management will follow the 2018 General Data Protection Regulation Act and the University of East Anglia Research Data Management Policy (2019).

Your child's information will be stored securely and their identity/information will be kept strictly confidential, except as required by law. Any information given in the interview that would indicate a safeguarding concern will be shared with the relevant professionals. Audio recordings will be transcribed and will be used for analysis purposes only. Study findings may be published in journal publications and conference presentations. Anonymised findings will be shared with the X Youth Offending Service and other researchers within the research programme. These findings will form a basis for future discussions around how children and young people with special educational needs and disabilities can be better supported in the Youth Court.

(9) What if we would like further information about the study?

When you have read this information, Emily will be available to discuss it with you further and answer any questions you may have. You can contact her on E.Kenny@uea.ac.uk.

(10) Will I be told the results of the study?

You and your child have a right to receive feedback about the overall results of this study. You can tell us that you wish to receive feedback by ticking the relevant box on the consent form. This feedback will be in the form of a one-page summary and you will receive this feedback after the study is finished.

(11) What if we have a complaint or any concerns about the study?

The ethical aspects of this study have been approved under the regulations of the University of East Anglia's School of Education and Lifelong Learning Research Ethics Committee.

If there is a problem, please let me know. You can contact me via the University at the following address:

Emily Kenny
 School of Education and Lifelong Learning
 University of East Anglia
 NORWICH NR4 7TJ
E.Kenny@uea.ac.uk

If you would like to speak to someone else, you can contact my supervisor:

LeMarra Williamson
 School of Education and Lifelong Learning
 University of East Anglia
 NORWICH NR4 7TJ
Lemarra.williamson@uea.ac.uk

If you (or your child) are concerned about the way this study is being conducted or you wish to make a complaint to someone independent from the study, please contact the Head of the School of Education and Lifelong Learning, Professor Yann Lebeau at Y.Lebeau@uea.ac.uk.

(12) OK, I'm happy for my child to take part – what do I do next?

You need to fill in one copy of the consent form and return this to your child's YOT caseworker. Please keep the information sheet and the 2nd copy of the consent form for your information.

This information sheet is for you to keep

PARENT/CARER CONSENT FORM (1st Copy to Researcher)

I, [PRINT PARENT'S/CARER'S NAME], consent to my child[PRINT CHILD'S NAME] participating in this research study.

In giving my consent I state that:

- ✓ I understand the purpose of the study, what my child will be asked to do, and any risks/benefits involved.
- ✓ I have read the Information Statement and have been able to discuss my child's involvement in the study with the researcher if I wished to do so.
- ✓ The researcher has answered any questions that I had about the study and I am happy with the answers.
- ✓ I understand that being in this study is completely voluntary and my child does not have to take part. My decision whether to let them take part in the study will not affect our relationship with the researcher or anyone else at the University of East Anglia, the Youth Offending Service or the Educational Psychology Service, now or in the future.
- ✓ I understand that my child can withdraw from the study at any time.
- ✓ I understand that my child may stop the interview at any time if they do not wish to continue, and that unless I indicate otherwise any recordings will then be erased and the information provided will not be included in the study. I also understand that my child may refuse to answer any questions they don't wish to answer.

- ✓ I understand that personal information about my child that is collected over the course of this project will be stored securely and will only be used for purposes that I have agreed to. I understand that information about my child will only be told to others with my permission, except as required by law.
- ✓ I understand that the results of this study may be published. Although every effort will be made to protect my child's identity, they may be identifiable in these publications due to the nature of the study or results.

I consent to:

- **Recording of my child** YES NO
- **The researcher reviewing my child's EHCP/One Plan or equivalent** YES NO
- **I am happy for my child to read their interview transcript** YES NO
- **Would you like to receive feedback about the overall results of this study?**
YES NO

If you answered **YES**, please indicate your preferred form of feedback and address:

Postal: _____

Email: _____

.....

Signature

PRINT name

Date

Focus Group Invitation Email

Dear (name),

My name is Emily Kenny and I am a Trainee Educational Psychologist completing the Educational Psychology Doctorate programme at the University of East Anglia. I am currently placed in X Educational Psychology Service and am working with X Youth Offending Service as part of a multi-agency placement. In accordance with the UEA doctoral programme requirements, I am completing a piece of research titled:

Exploring the Youth Court Experience of Children and Young People (CYP) with Special Educational Needs and Disabilities (SEND): Implications for Educational Psychology Practice

This study forms one of three distinct pieces of research within a wider research programme conducted by Educational Psychologists working with X Youth Offending Service.

I am sending this email to invite you to take part in one focus group with me and 4 - 6 other YOT professionals who work or have worked in the Youth Court context as part of their role. During the focus group, you will be asked questions relating to how children and young people with SEND are supported prior to, during and after their time in Youth Court. This will take place via Microsoft Teams and will last for approximately one hour.

Attached to this email is an information sheet which provides further details about the study. Knowing what is involved will help you decide if you want to take part. If you would like to take part, please sign the consent form (this can be done electronically) and send this back to me. Once I have received this, I will be in contact to arrange a convenient time/date for the focus group to take place.

Being in this study is completely voluntary and you do not have to take part. If you do not wish to take part, this information will not be shared with anyone else, including YOS management. Your decision whether to participate will not affect your current or future relationship with the researchers or anyone else at the University of East Anglia, Youth Offending Service or Educational Psychology Service.

If you have any questions about the research, please do not hesitate to contact me.

Thank you for taking the time to read this email.

Best wishes,

Emily Kenny

Focus Group Information Sheet/Consent Form

Emily Kenny
EdPsyD student
22/01/2021

Faculty of Social Sciences
School of Education

University of East Anglia
Norwich Research Park
Norwich NR4 7TJ
United Kingdom

E.Kenny@uea.ac.uk

Web: www.uea.ac.uk

Exploring the Youth Court Experience of Children and Young People (CYP) with Special Educational Needs and Disabilities (SEND): Implications for Educational Psychology Practice

PARTICIPANT INFORMATION STATEMENT – Focus Group

(1) What is this study about?

You are invited to take part in a research study about the experiences of children and young people with special educational needs and disabilities in the Youth Court setting. This study forms one of three distinct pieces of research within a wider research programme conducted by Educational Psychologists working with X Youth Offending Service. You have been invited to participate in this study because you work/have worked in the Youth Court context as part of your role in a Youth Offending Team. This Participant Information Statement tells you about the research study. Knowing what is involved will help you decide if you want to take part in the study. Please read this sheet carefully and ask questions about anything that you don't understand or want to know more about.

Participation in this research study is voluntary. By giving consent to take part in this study you are telling us that you:

- ✓ Understand what you have read.
- ✓ Agree to take part in the research study as outlined below.
- ✓ Agree to the use of your personal information as described.
- ✓ You have received a copy of this Participant Information Statement to keep.

(2) Who is running the study?

The study is being carried out by the following researcher: Emily Kenny, Educational Psychology Doctoral student, School of Education and Lifelong Learning, University of East Anglia. Emily is a Trainee Educational Psychologist and is currently on placement with X Educational Psychology Service. Emily will be completing this research under the supervision of Dr LeMarra Williamson who is an academic tutor on the UEA Educational Psychology Doctorate Programme.

(3) What will the study involve for me?

Your participation will involve taking part in one focus group with me and 4 – 6 other YOT professionals who work/have worked in the Youth Court context as part of their role. This will take place on Microsoft Teams at a time that is convenient to you. The focus group will be audio and video recorded. You will be asked questions relating to how children and young people with SEND are supported prior to, during and after their time in Youth Court. The researcher will collect demographic data relating to your gender, the amount of time you have worked for the YOS and a brief description of your role/experience of working in the Youth Court context.

(4) How much of my time will the study take?

It is expected that the focus group will last for approximately 60 minutes.

(5) Do I have to be in the study? Can I withdraw from the study once I've started?

Being in this study is completely voluntary and you do not have to take part. Your decision whether to participate will not affect your current or future relationship with the researcher or anyone else at the University of East Anglia, Youth Offending Service or Educational Psychology Service. If you do not wish to participate, this information will not be passed to YOS management. If you decide to take part in the study and then change your mind later, you are free to withdraw at any time. You can do this by emailing the researcher at E.Kenny@uea.ac.uk. If you take part in a focus group, you are free to stop participating at any stage or to refuse to answer any of the questions. However, it will not be possible to withdraw your individual comments from our records once the group has started, as it's a group discussion.

(6) Are there any risks or costs associated with being in the study?

Aside from giving up your time, we do not expect that there will be any risks or costs associated with taking part in this study. In order to maintain confidentiality, the researcher asks that you avoid mentioning names of any individuals. It is not anticipated that any issues of concern will be brought up during the focus group. However, we are able to stop the focus group at any time if you feel uncomfortable.

(7) Are there any benefits associated with being in the study?

Your contributions will be hugely valuable in highlighting how children and young people with SEND are currently supported prior to, during and after their Youth Court experience and how this experience can be improved for them. This may also provide you with an opportunity to reflect on your own practice in this area.

(8) What will happen to information about me that is collected during the study?

By providing your consent, you are agreeing to me collecting personal information about you for the purposes of this research study. Your information will only be used for the purposes outlined in this Participant Information Statement, unless you consent otherwise. Data management will follow the 2018 General Data Protection Regulation Act and the University of East Anglia Research Data Management Policy (2019). Your information will be stored securely and your identity/information will be kept strictly confidential, except as required by law. Audio recordings will be transcribed and will be used for analysis purposes only. Study findings may be published in journal publications and conference presentations. Anonymised findings will be shared with the X Youth Offending Service and other researchers within the research programme. These findings will form a basis for future discussions around how children and young people with special educational needs and disabilities can be better supported in the Youth Court. Your information will be stored securely, and your identity/information will be kept strictly confidential, except as required by law. Study findings may be published, but you will not be identified in these publications if you decide to participate in this study. In this instance, data will be stored for a period of 10 years and then destroyed.

(9) What if I would like further information about the study?

When you have read this information, Emily will be available to discuss it with you further and answer any questions you may have. If you would like to know more at any stage during the study, please feel free to contact Emily at E.Kenny@uea.ac.uk

(10) Will I be told the results of the study?

You have a right to receive feedback about the overall results of this study. You can tell us that you wish to receive feedback by ticking the relevant box on the consent form. This feedback will be in the form of a one-page summary and you will receive this feedback after the study is finished. You will also learn about the results of the study during a 'Research Programme Service Day' where Emily, alongside other researchers within the programme, will present their study findings.

(11) What if I have a complaint or any concerns about the study?

The ethical aspects of this study have been approved under the regulations of the University of East Anglia's School of Education and Lifelong Learning Research Ethics Committee.

If there is a problem, please let me know. You can contact me via the University at the following address:

Emily Kenny

School of Education and Lifelong Learning

University of East Anglia

NORWICH NR4 7TJ

E.Kenny@uea.ac.uk

If you would like to speak to someone else, you can contact my supervisor:

LeMarra Williamson

School of Education and Lifelong Learning

University of East Anglia

NORWICH NR4 7TJ

Lemarra.williamson@uea.ac.uk

If you are concerned about the way this study is being conducted or you wish to make a complaint to someone independent from the study, please contact the Head of the School of Education and Lifelong Learning, Professor Yann Lebeau at Y.Lebeau@uea.ac.uk

(12) OK, I want to take part – what do I do next?

You need to fill in one copy of the consent form and email this back to Emily at E.Kenny@uea.ac.uk. Please keep the letter, information sheet and the 2nd copy of the consent form for your information.

This information sheet is for you to keep

PARTICIPANT CONSENT FORM (1st Copy to Researcher)

I, [PRINT NAME], agree to take part in this research study.

In giving my consent I state that:

- ✓ I understand the purpose of the study, what I will be asked to do, and any risks/benefits involved.
- ✓ I have read the Participant Information Statement and have been able to discuss my involvement in the study with the researcher if I wished to do so.
- ✓ The researcher has answered any questions that I had about the study and I am happy with the answers.
- ✓ I understand that being in this study is completely voluntary and I do not have to take part. My decision whether to be in the study will not affect my relationship with the researcher or anyone else at the University of East Anglia, Youth Offending Service or Educational Psychology Service now or in the future.
- ✓ I understand that I can withdraw from the study at any time.
- ✓ I understand that I may leave the focus group at any time if I do not wish to continue. I also understand that it will not be possible to withdraw my comments once the group has started as it is a group discussion
- ✓ I understand that personal information about me that is collected over the course of this project will be stored securely and will only be used for purposes that I have agreed to. I understand that information about me will only be told to others with my permission, except as required by law.
- ✓ I understand that the results of this study may be published. Although every effort will be made to protect my identity, I may be identifiable in these publications due to the nature of the study or results.

I consent to:

- **Being recorded** YES NO
- **Would you like to receive feedback about the overall results of this study?** YES NO

If you answered **YES**, please indicate your preferred form of feedback and address:

Postal: _____

Email: _____

.....

Signature

.....

PRINT name

.....

Date

Appendix G: Sample Data Transcripts

CYP Interview Example Extract

Interviewer: Mm, mm... okay. So basically, my final question for you Lenny is in your own words, how would you describe the youth court? Any words that come into your mind?

Lenny: How would I describe it?

Interviewer: Yeah

Lenny: It's not a good place to go to. It's shit man.

Interviewer: Yeah...

Lenny: It's just... like I said, it's full of like bare demons... bad spirits. Bad spirits. I'm telling you, it's a bad spirit when you go in there still...

Interviewer: Can you... without mentioning any names, can you think of any bad spirits... so those people that you feel are kind of bad spirits?

Lenny: I just look at the judge and prosecutor as demons... like yeah they're ready to send me to fire cuz. Literally... put me straight to jail and that's it bro. They get done, they get their pay and that's it. You get what I'm saying. 'Cause more times, they don't care if you go to jail. They just wanna get what they need to get done and that's it...

Interviewer: Mm... so is there anything that the judges can do to kind of flip that feeling, so you don't feel like they're demons? Is there anything they can do?

Lenny: Nah it's just the court innit. Like it's a demon like... they work like... this is how I see it. It's the court innit so... there's no way of changing it 'cause it's court innit and in my eyes I see them as crazy like... they're just... they're just full of red innit so... the way I see it is...

Interviewer: As red?

Lenny: Yeah it's full of... I see like seventy percent of me going jail then fifty percent or like twenty percent of me walking out, you get what I'm saying. So that's how I see it as... and like... let me not say I'm walking innit and I'll just say yeah I don't care man, I keep that in my head innit like I know I'm going jail. That's what I say. If I walk out then that's it I say I'm just lucky innit. That's how you have to look at it. If you can't say I'm walking... there's no way you step into a court and say that to yourself... I'm coming straight back out. You say that like you're going straight there, swear down.

Focus Group Example Extract

Interviewer: Mm...mm. Okay so I know Janice you just touched on this... around kind of the information that's available before the young person goes to court. So... generally how much information is known about a young person before they're due to appear in court?

Janice: Not enough and I think what we need to do going forward, I think I said to you before, we need to have a really contact in erm... I don't even know what it's called now... I'm gonna show my age and called it SENCAM and it's not that is it... it's SAS or whatever it is... so when we do our court prep, if we don't know that young person to see if they've got any educational needs like with them sort of thing... cause I think that would be a helpful piece of information to have.

Jill: Yeah because often if we've got a young person who is open to... when we do our checks.. basic checks on Mosaic to see if they're open to social care... we can gather the information from there. And equally if they're open to youth offending team previously, we can get the information from there. But we get a lot of young people, particularly erm... the ones that are from out of [area] as well...

Janice: Yeah... yeah

Jill: we just don't know... we just don't have that information and we could only get that from having the time prior... if you've got the time... prior to the.... You know the court hearing to have those discussions. But it's about making sure you are asking the right questions because I think... when we were talking about this at the SEND meeting the other day Emily... it's actually you know... some of us workers are really proactive and we were talking about how we prepare young people and the conversations we'd have with parents but I don't think the standard potentially across the whole of the service is exactly the same level and whether some... as part of the training that we should have maybe on court prep... but you know like... not court prep but training for new workers, is actually what is expected of you. Like you know like... it might seem like general knowledge to us but I don't think it is...

Janice: No...

Jill: to be asking those questions of parents, or checking in with a young person...

Interviewer: Mm...mm.

Sarah: I think that's a really good point in terms of being able to have that information on kids that we don't know beforehand but then I guess... do you come into problems with like information governance and data protection stuff as well don't you?

Jill: Yeah...

Sarah: So it's trying to find that balance I guess between the two. But it would certainly be helpful. I remember I was in court... it's going back a couple of years now erm... a young person who was a looked after child from another area but she was placed within [area] erm in a children's home and although she was 15 she was functioning at the age of a 7 year old. Erm... obviously we didn't know any of this until we'd gone to meet her and erm... the cell staff had said she's like banging her head on the wall and they didn't really know what to do with her. Erm... and it... that would have been really helpful to us to put some kind of... you know be a bit more prepared in what support we could have offered rather than just kind of turning up and being you know... 'can you do something with this young person?'

Interviewer: Mm...mm. So how do you come to know if a young person has SEND or not? So in those cases where you do know, or you have learnt that they have SEND, how does that come about?

Janice: Generally if they're known to us isn't it? So if we've got a young person that's already known to our service and they've... even if they've just had a light touch in the past... had a community resolution or something... or we've done an assessment of some description and we've found that out from the school.

Jill: Or sometimes unfortunately if you haven't had a chance to... if it's a difficult day you could be sitting there and then you listen to the solicitor talking and then they'll say you know... this young person's got ADHD or something and you'll be scribbling down like thinking 'right okay you need to

tell the case worker' you know... whatever significant information is coming up there but sometimes there's a gap, you wouldn't necessarily have had the discussion you know... good practice you'd obviously have had that discussion before but it doesn't always happen. So that's sometimes where you... you know... if you're listening for the right things it kinda comes out and then you'd be scribbling bits down and I would pass that onto whichever team so that the caseworker can explore it further.

Interviewer: Mm...mm. Okay.

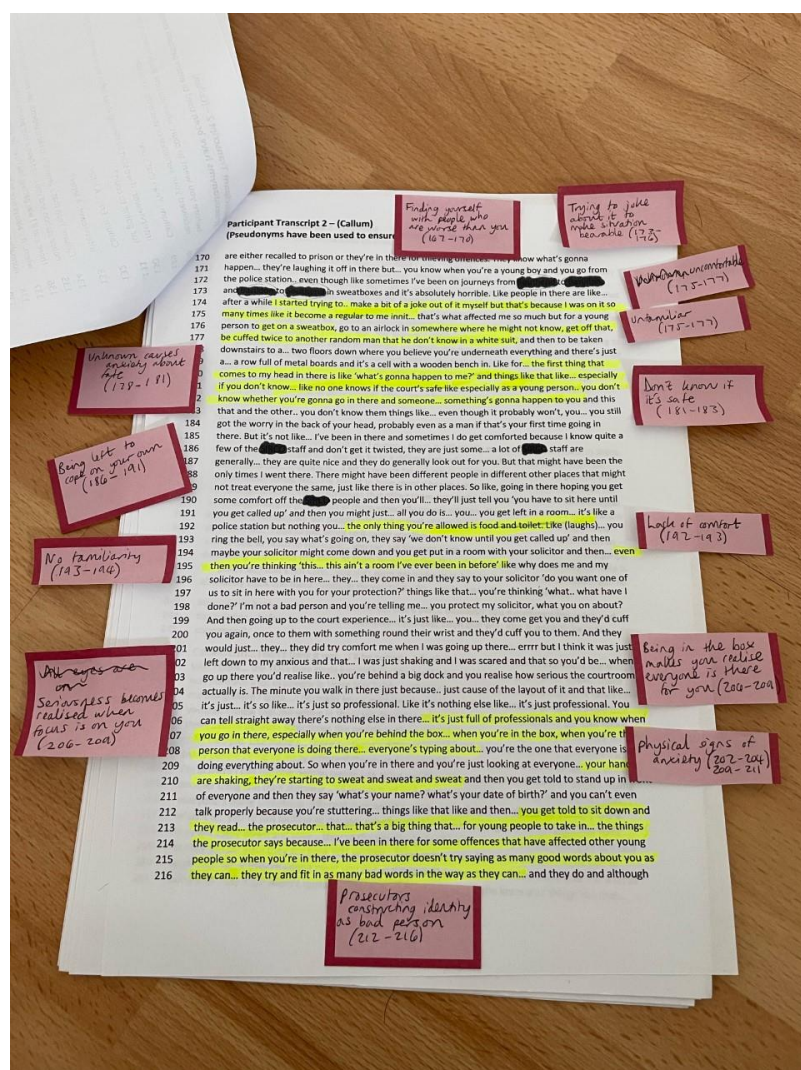
Jill: You get tit bits of information. It's not... you know...

Janice: It's not structured is it.

Jill: No

Appendix H: Thematic Analysis Process Example

This first image displays an example of the initial coding stage with the use of post-its and highlighters.



This second image displays the process of inputting codes and supporting extracts into a table format. Codes were refined at this stage.

CYP Interview Example

Data Extract	Initial Code	Transcript	Line Numbers
Just... so you get three magistrates, you sit in there with a solicitor, and they just... go up there to update you on your bail or to tell you what's happening with your trial or whatever	Court as information-giver for bail and trial processes	2 (Jordan)	31 - 32
I can't even remember. I think I was in a police cell and they pulled me out and said 'you're going to court on screen'	Memory of being informed of court vague	2 (Jordan)	37 - 38
I can't even remember. I think I was in a police cell and they pulled me out and said 'you're going to court on screen'	Police as informants of court attendance	2 (Jordan)	37 - 38
Half and half. I was told about a few things... I was told about half of it but not all of it	Limited information given when first informed of court appearance	2 (Jordan)	45
Oh yeah yeah, I got told how it would be laid out and all that. Like who would be sitting where... we got told like we'd have to stand up, give our names and like our birth dates and all that	Information given on court lay-out and how to perform in court	2 (Jordan)	50 - 51
The magistrates at the top like three... or the judge sitting up top. The usher sitting one away from him like one in front of him then some people sitting on the side like youth workers or the jury or whatever if it went to trial	Awareness and knowledge of who would be in court	2 (Jordan)	53-55
Yeah, they said... they pretty much just said this don't matter	Court attendance framed by adults as technicality that does not matter	2 (Jordan)	64
Yeah, they said... they pretty much just said this don't matter None really. I was just waking up, going to court and then going back home 'cause the solicitor pretty much every time we was going, they said don't worry about it	Supporting adults as preservers of emotional wellbeing by mitigating seriousness of court appearance	2 (Jordan)	64 - 68
None really. I was just waking up, going to court and then going back home 'cause the solicitor pretty much every time we was going, they said don't worry about it	Going to court became a casual routine	2 (Jordan)	67 - 68
None really. I was just waking up, going to court and then going back home 'cause the solicitor pretty much every time we was going, they said don't worry about it	Solicitors tell you if you should worry or not	2 (Jordan)	67 - 68

Focus Group Example

<p>He'd been attending a grammar school... he'd got quite a good education background erm... his mum was also a special needs support teacher for the last 45 years so she's got really good knowledge of it and always felt that there was something not quite right there but because of the schools that he went to, the schools didn't particularly want to acknowledge it. Erm... and then he's ended up coming through for a really serious offence and it's taken for him to go into custody to be able to get that diagnosis really.</p>	<p>Identification of needs through involvement with YJS</p>	<p>FG 1 (Sarah)</p>	<p>141 - 147</p>
<p>I think we're kind of treading in unknown waters really</p>	<p>Lack of information about CYP's needs</p>	<p>FG 1 (Janice)</p>	<p>156</p>
<p>Not enough and I think what we need to do going forward, I think I said to you before, we need to have a real contact in erm... I don't even know what it's called now... I'm gonna show my age and called it SENCAM and it's not that is it... it's SAS or whatever it is... so when we do our court prep, if we don't know that young person to see if they've got any educational needs like with them sort of thing... cause I think that would be a helpful piece of information to have.</p>	<p>Establishing communication with SEND Services would support understanding of CYP's needs</p>	<p>FG 1 (Janice)</p>	<p>160 - 164</p>
<p>Yeah because often if we've got a young person who is open to... when we do our checks.. basic checks on Mosaic to see if they're open to social care... we can gather the information from there. And equally if they're open to youth offending team previously, we can get the information from there. But we get a lot of young people, particularly erm... the ones that are from out of [area] as well... we just don't know... we just don't have that information and we could only get that from having the time prior...</p>	<p>Knowledge gained about CYP's needs through social care</p>	<p>FG 1 (Jill)</p>	<p>165 - 172</p>

Image 3 displays the process of sorting codes into developing themes. Coding tables (as presented above) were cut and sorted into these developing themes.

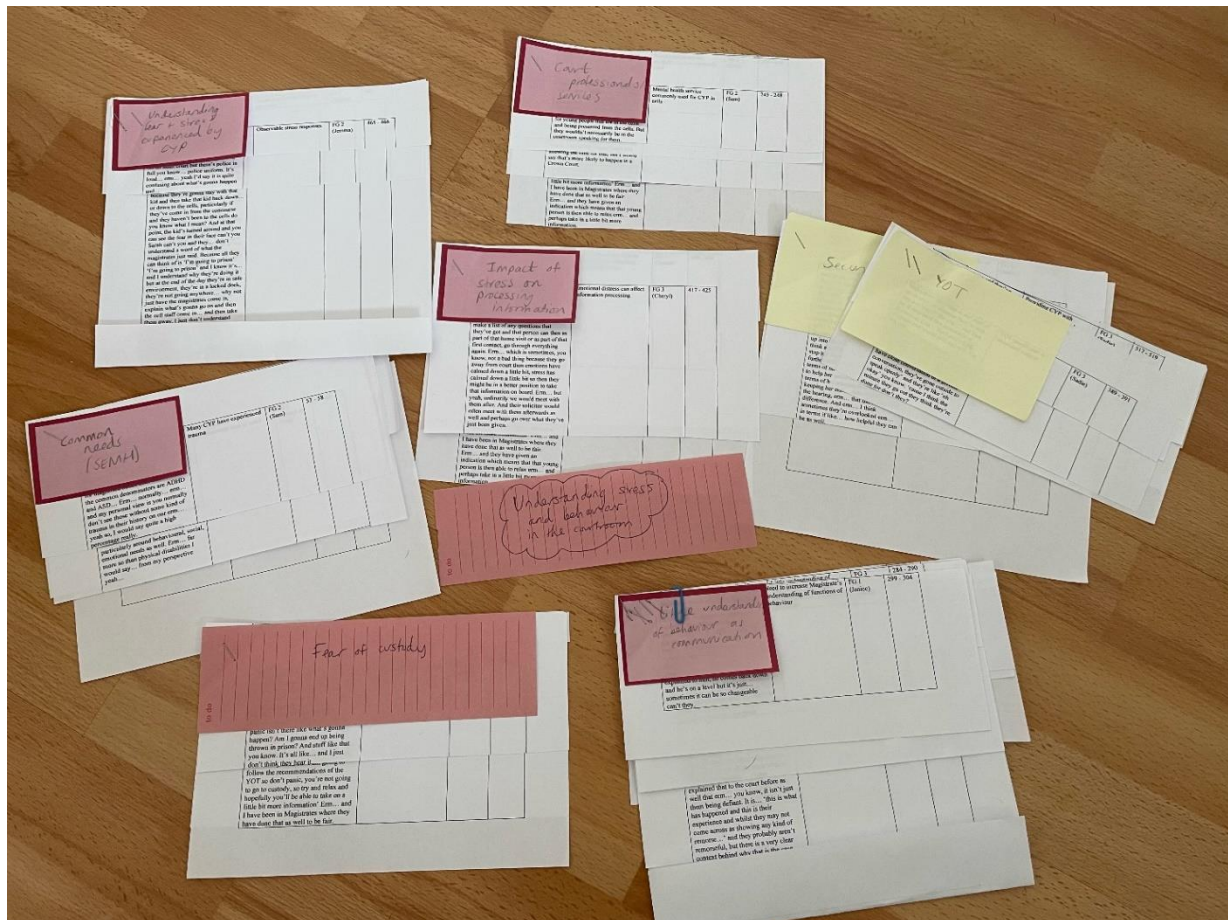


Image 4 displays the process of refining, defining, and naming themes.

Overarching Theme: Understanding Stress and Behaviour in the Courtroom

Undeveloped Themes:

- Understanding fear and stress experienced by CYP
- Impact of stress on processing information
- Fear of custody
- YOT as providers of emotional support
- Security staff as providers of emotional support
- Limited understanding of behaviour as communication
- Common SEMH needs



Refined Themes:

- Recognising stress and its impact**
 - Common SEMH needs
 - Understanding fear and stress experienced by CYP
 - Impact of stress on processing information
 - Fear of custody
- Negative perceptions of behaviour**
 - Limited understanding of behaviour as communication
- Emotional support within court**
 - YOT as providers of emotional support
 - Security staff as providers of emotional support

Overarching Theme: Supporting the Effective Participation of CYP with SEND

Undeveloped Themes:

- YOT as information gatherers
- Solicitors as providers of information
- Variable skills of solicitors working with CYP
- YOT as assessors of understanding
- Use of visuals
- YOT liaising with other professionals
- Solicitors providing inadequate information and preparation
- Little understanding of court process
- Parental Confusion
- Inconsistent practice amongst YOT practitioners
- Inaccessible language
- Adults sitting with CYP
- Fast pace of court
- Practical actions
- Lack of suitable space

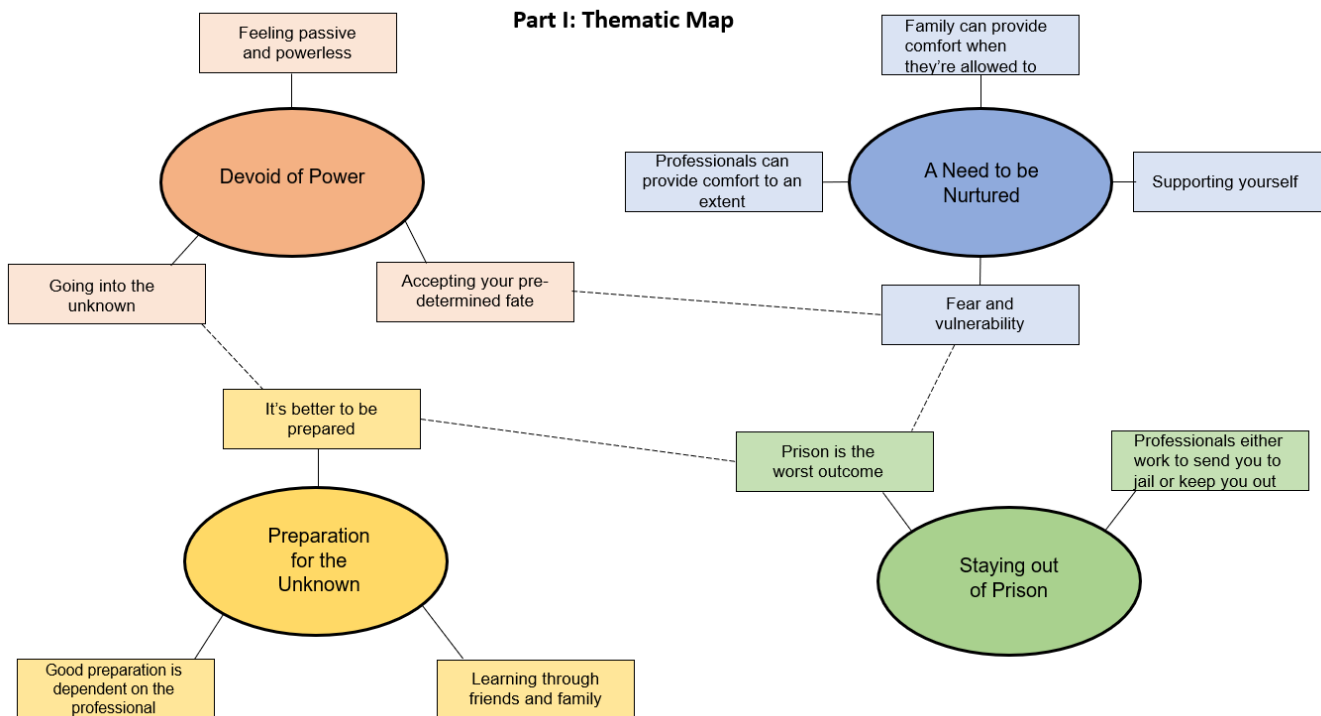


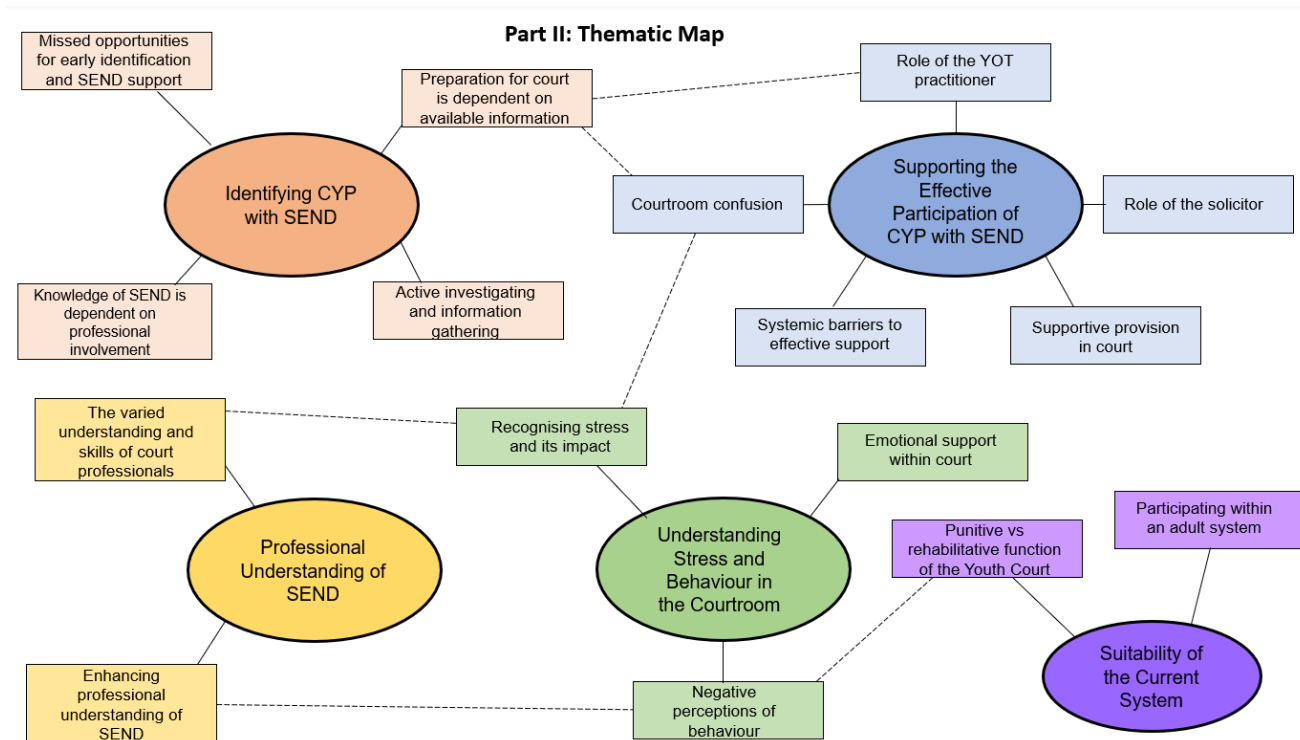
Refined Themes:

- Courtroom Confusion**
 - Little understanding of court process
 - Parental Confusion
 - Inaccessible language
- Role of the YOT Practitioner**
 - YOT as information gatherers
 - YOT as assessors of understanding
 - YOT liaising with other professionals
 - Inconsistent practice amongst YOT practitioners
- Role of the Solicitor**
 - Solicitors as providers of information
 - Variable skills of solicitors working with CYP
 - Solicitors providing inadequate information and preparation
- Supportive Provision in Court**
 - Adults sitting with CYP
 - Use of visuals
 - Practical actions
- Systemic Barriers to Effective Support**
 - Fast pace of court
 - Lack of suitable space

Appendix I: Thematic Maps

Part I: Thematic Map





Appendix J: Supporting Quotations

Part I: What are the experiences of CYP with SEND in the Youth Court?

Overarching Theme	Themes	Supporting Quotations
Devoid of Power	Feeling Passive and Powerless	<p>Callum: When I'm in there I can see one person typing one thing and then stopping and then another person typing another thing then stopping... I'll watch it all and I'll notice all of them things and I realise that everyone's doing something different innit and it's... things like that like... you don't actually know what it is... you're just looking at random people (255 – 257)</p> <p>... You feel like you've had enough and you just feel to give up when you're in places like that... you don't feel like to put effort in, you don't feel like to carry on trying or nothing like that (442 – 445)</p> <p>... I had to just adapt to it cause you like... you can cry as much as you want... no one is gonna do nothing (238 – 240)</p> <p>... You're listening to the mic and you just generally can't hear nothing. It's... when I'm outside the glass I can hear it but it's when I'm behind the dock and I can't hear nothing innit. It's just coming through one little mic and I can't hear a thing (408 – 411)</p>

	<p>Accepting your predetermined fate</p>	<p>... It's not nice but it's... I suppose there's nothing you can do about it (434 – 439)</p> <p>Michael: What's it called... they won't really speak to me really.... What they do is erm... they'll be talking to the prosecutor to see his point of view and the solicitor's point of view and from there he'll tell you what's going on after (200 – 202)</p> <p>... I think it's better to speak to the solicitor really... 'cause I think... what's it called... he'll listen to the professional people more really (213, 215)</p> <p>Lenny: Say you're in the courts now yeah and you're waiting to go to get seen now, you'd be ringing the buzzer and no one will come like... I swear down, they won't come but when other people ring the buzzer, they'll go to it and they try to mock it and like... they can't see me ring the buzzer like... so that'll just piss me off like to show them that like... you can see me knocking and that and calling you lot... you're just going to other cell doors and like... it's not just one of you. There's like seven of you lots (189 – 194)</p> <p>... They've got more control so whatever they wanna do they can do, you get what I'm saying. So whatever... in their own time so say if they wanna keep me waiting or whatever, I'll have to wait, you get what I'm saying. But I've asked for it now (446 – 448)</p> <p>... No, no, no... I've witnessed them actually walk past my cell and I've called them back and they kept walking. I was just like banging on my door like are you lot just mocking it fam. Like I'm asking for water and you lot are taking the piss like (208 – 210)</p> <p>Jordan: We only had them once so they were alright but they were like... everyone thought they think they're better than everyone else... magistrates sitting up like... but we had... the judge was better to be honest (167 – 169)</p> <p>... Cause they were just addressing our solicitors so they was like telling us what was happening (107 – 110)</p> <p>Callum: You should expect the worst to happen and whatever better happens is a bonus (72 – 74)</p>
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	Going into the unknown	<p>.... You don't get any sympathy. Like you don't... like it's just... it's cold. It's a cold world out there anyway but when you get into the system, when you're locked in the system it's so horrible man (458 – 460)</p> <p>.... Sometimes I've been asked to speak but that's when I've volunteered sometimes or sometimes if they've asked me to. But more times I've just gone in there, they've read a bit of paper or maybe two bits of paper and made a decision and dealt with it like that (108 – 112)</p> <p>Lenny: Standing there and just looking I don't even know you know... like I dunno, just... it just looks like it's time to go like... you're gone now. Like when you step in there for like certain people, they'll just step in there and think yeah it's karma, I'm going back like it's nothing, but other people just look at it like gone... I'm gone like that's how it is to them in their eyes (243 – 246)</p> <p>.... Let me not say I'm walking innit and I'll just say yeah I don't care man, I keep that in my head innit like I know I'm going jail. That's what I say. If I walk out then that's it, I say I'm just lucky innit. That's how you have to look at it. If you can't say I'm walking... there's no way you step into a court and say that to yourself... I'm coming straight back out. You say that like you're going straight there, swear down (470 – 475)</p> <p>Megan: Oh erm... I dunno (shrugs shoulders)...People that I don't know (laughs) (44)</p> <p>Callum: When I'm in there I can see one person typing one thing and then stopping and then another person typing another thing then stopping... I'll watch it all and I'll notice all of them things and I realise that everyone's doing something different innit and it's... things like that like... you don't actually know what it is... you're just looking at random people (255 – 257)</p> <p>.... To be fair you only actually know err... about three of them. Maybe four. Because you only know your family, the YOT and your solicitor. You don't actually meet or know anyone else in there. (348 – 350)</p> <p>... I found it a bit more as a joke until I started getting a bit older and I started realising 'ahh look where I am it's quite serious now, I'm</p>
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	<p>Good preparation is dependent on the professional</p>	<p>... Erm... it depends really. Some... some are alright, some moody... depends on the day really (188)</p> <p>... They tell me what decisions best to make and things like that (58)</p> <p>Jordan: It was still explained to me by the judge because that's his job but yeah (288)</p> <p>... Yeah to us, he was telling us what was happening and all that...he was just explaining everything like... like he was like yeah you're being remanded to the local authority but he would actually tell you instead of just waiting to leave court and your solicitor explaining it to you (182 – 186)</p> <p>... Well I got it explained to me by a social worker, by [YOT worker], by [YOT worker] and all that (293 – 294)</p> <p>...We had a worker normally sitting there but as I said they didn't really help properly until the last hearing but when [YOT worker] came we had help. When we had the other one, they didn't really do anything (227 – 229)</p> <p>Callum: My solicitor... he might not come back down. He might come back and down and just tell me what's happened. He might come down and just... I dunno... sometimes he'd never come down but the odd time he'll come down and give a message saying like he'll get in touch with me soon (563 – 568)</p> <p>Lenny: Depends on what one... sometimes you get solicitors that act like a s***** and then you get other ones that actually are so good. They've been doing it for a long time like... they know it from the back of their head you get me... (286 – 289)</p> <p>... 'cause when I say they're not very good, they'll just come in, explain and say what they need to say, not say anything about what they can erm like... provide for you, and they don't say none of that. They just go and make sure they get everything done and then they go their way, I go my way, you get what I'm saying (294 – 297)</p> <p>... Yeah 'cause like they know how to speak more like... but you see the males... they just wanna talk about [inaudible] and like will make someone say something rude to them (324 – 327)</p>
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		Megan: They [solicitor] just told me what's gonna happen (159)
Staying Out of Prison	<p>Prison is the worst outcome</p> <p>Professionals either work to send you to jail or keep you out</p>	<p>Megan: That I wasn't gonna go jail (laughs) (107)</p> <p>Jordan: Well I didn't really mind 'cause it's better than prison (274)</p> <p>Callum: You've still been punished and like... but then again that is what people say... prison is a punishment. You don't have to be punished once you're in prison. That is the whole punishment. Like... you don't just deserve to be punished every day after being sent to prison. Being in there away from everything and away from everyone, losing what you can do, not being able to go out when you wanna go out... not being able to cook when you wanna cook... not being able to drink when you wanna drink... (576 – 582)</p> <p>Michael: Well... I was more happier than... I was more happy 'cause what's it called... I could have gone... it's more better than custody innit (70 – 71)</p> <p>Lenny: I was like yeah why not, I'll take it still... it's better than jail innit. Like it's way better so... why not (410 – 411)</p> <p>Lenny: Like she [solicitor] tells me like... she explains to me that what she can do to help me and what they can go against, you get what I'm saying so... if she like, if she says like we're gonna have to do that order or something that I have to go on, yeah... so I don't go to jail yeah then I'm gonna have to agree with that. (277 – 278)</p> <p>... Just the way they [judges] talk. They just... just sounds like yeah just sent them all to jail... gone, gone. Send them to jail, yeah. Let's get to the next case. Send them as well like... that's how I see it still. (122 – 124)</p> <p>... No I just think like the court's full of demons bruv. Like they're just all demons like... they've got some weird spirit in them. They're just gonna send everyone to jail and that. But if you try to be nice and smile, they might not send you to jail [laughs] (109 – 111)</p> <p>... Yeah... there's a difference between a female and male judge. The females give you a chance and like another chance, but the males they don't care bruv. They'll send you straight (309 – 310)</p>

		<p>Callum: They'll either say 'we feel like if we did do this today then we would cause more of a risk to society or more of a risk to the public and things like this... if we was to release you' or they'd say 'do you know what Callum, even though everything bad that's been said about you, we feel like with this new ISS thing that ISF are offering or the YOTs are offering, all of this tag and that, we feel like we might actually give you a chance (491 – 497)</p> <p>... Some people are trying to help you, some people are trying to get the worst for you... trying... some people cause... that is the prosecutor's job... prison or a sentence. Their job is to get you a sentence and the solicitor's job is to get you away with... away from something that you don't need to be convicted for. (226 – 229)</p> <p>Michael: The solicitor will tell the judge what I've said and erm... things like that and obviously try other angles for me not to go to jail and things like that... He just tells me things what's gonna keep me out of jail really (162 – 163, 223 – 224)</p>
A Need to be Nurtured	Fear and vulnerability	<p>Callum: Like no one knows if the court's safe especially as a young person... you don't know whether you're gonna go in there and someone... something's gonna happen to you (181 – 183)</p> <p>... I was just shaking and I was scared... So when you're in there and you're just looking at everyone... your hands are shaking, they're starting to sweat and sweat and sweat and then you get told to stand up in front of everyone and then they say 'what's your name? what's your date of birth?' and you can't even talk properly because you're stuttering (202 – 204, 209 – 211)</p> <p>... I was just shaking and I was scared and that so you'd be... when I go up there you'd realise like... you're behind a big dock and you realise how serious the courtroom actually is. The minute you walk in there just because... just cause of the layout of it and that like... it's just so professional (202 – 205)</p> <p>... It is generally hard and things like... when I... when I was a bit younger, I used to just want my mum. Like there was nothing else I'd want (80 – 82)</p> <p>... The first thing that comes to my head in there is like 'what's gonna happen to me?' and things like that (180 – 181)</p>

	<p>Professionals can provide comfort to an extent</p>	<p>Megan: Scared... just scared (66, 96)</p> <p>Lenny: Just wanna get out of there innit. But yeah man. Is what it is. (186)</p> <p>... It's like... like one of them ones that 'oh shit' in my mind like... a speech bubble and it's like I'm just in the middle thinking I don't know what to do next. And then sometimes it just makes you reflect like oh why did I go do this like... I should have done the next thing like... bare long (414 – 416)</p> <p>Michael: Erm... dunno... thinking more erm... just thinking really... I dunno... I dunno really what's it called... I was just thinking what... I weren't really feeling nothing really. I was feeling angry at the same time as well (122, 143 – 144)</p> <p>Callum: The YOTs will come down and they... they're the people that will be there to try and comfort you as much as they can because they are your YOT worker... they've been working with you or they're due to work with you if they're gonna meet you out of there so they would come down and give you a bit of beneficial... say 'your mum's upstairs' and something and 'she says she loves you' things like that... that benefits you a lot innit... that does help you especially when you're down there and all you want to see is your mum (257 – 263)</p> <p>... I've been in there and sometimes I do get comforted because I know quite a few of the security staff and don't get it twisted, they are just some... a lot of security staff are generally... they are quite nice and do generally look out for you (185 – 187)</p> <p>... That's the one person who would come down and it would be normally be... I would have had [YOT worker] coming down every day so... it would have been [YOT worker] coming down and err... there wasn't a lot of ways she'd be able to benefit me... maybe give me a hug cause I was sitting there crying but... there wasn't a lot of things she could but tell me what's gonna happen (570 – 573)</p> <p>Jordan: Yeah, they said... they pretty much just said this don't matter... None really. I was just waking up, going to court and then going back home 'cause the solicitor pretty much every time we was going, they said don't worry about it (64 – 68)</p>
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		<p>... You never ever wanna be left alone innit and it's just when you're left alone and then there's no one there to look out for you or no one there to talk to like... there's just nothing you could do. You have to take it on the chin and... a lot of people have said to me 'you're a man for doing all them things and taking it on the chin and still going back and doing it after' I said to them well if I... I just didn't take it in that way innit but... it is... it does take a man to take it on the chin innit because it's fucking scary like! I'm sorry but it is... it's really scary innit and that's why I don't ever wanna go there again (629 – 634)</p> <p>Lenny: I'm going to straight to court now and then I was like oh wow... like cause I didn't know what was gonna happen like. This was like the third time I got arrested and that and I was like oh yeah, it's jailtime now man. That's long...so I was like oh yeah forget about it, I don't care about it (72 – 73)</p> <p>... The judge is there, the rest... I don't even know you know... I don't prove too much. I don't care what they've got to say, I just do my own thing (266 – 267)</p>
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Part II: How are CYP with SEND supported throughout proceedings?

Overarching Theme	Themes	Supporting Quotations
Identifying CYP with SEND	Missed opportunities for early identification and SEND support	<p>It depends what we define as special educational need. I think there's a lot of undiagnosed need erm... and there's a lot of speech and language difficulties that aren't necessarily picked up on (Sam, FG 2, 53 – 58)</p> <p>Also, if we did have the information, if erm... they've not actually been involved with an EP or anyone at the school to highlight any difficulties, they wouldn't be known either so... it might be that they have some but obviously no one's aware of them at the time. (Sadie, FG 3, 79 – 81)</p> <p>He'd been attending a grammar school... he'd got quite a good education background erm... his mum was also a special needs support teacher for the last 45 years so she's got really good knowledge of it and always felt that there was something not quite right there but because of the schools that he went to, the schools didn't particularly want to acknowledge it. Erm... and then he's ended up coming through for a really serious offence and it's taken for him to go into custody to be able to get that diagnosis really (Sarah, FG 1, 141 – 147)</p>

	<p>Knowledge of SEND is dependent on professional involvement</p>	<p>I think a lot of our young people are children that have not been in school... have left school at a very early age... for example one of my young people who's got an acquired brain injury erm... left school when he was like 14 and then never went back. So actually, there should have been services in place to support him and he has got additional needs, but we can kind of surmise and guess what he's got from his behaviours and try to understand that... But there's a lot of young people that I think do slip through the net and we don't have formal diagnosis for them. (Jill, FG 1, 128 – 137)</p> <p>Unless it was recorded, we wouldn't necessarily know erm... so we wouldn't do education checks before someone comes to court... before they go to court as standard because we need to get consent from them to do that. (Sam, FG 2, 84 – 89)</p> <p>Not enough and I think what we need to do going forward, I think I said to you before, we need to have a real contact in erm... I don't even know what it's called now... I'm gonna show my age and called it SENCAM and it's not that is it... it's SAS or whatever it is... so when we do our court prep, if we don't know that young person to see if they've got any educational needs like with them sort of thing... cause I think that would be a helpful piece of information to have (Janice, FG 1, 160 – 164)</p> <p>Especially doing this court role now... you see more and more cases coming through and you just think 'wow yeah... that person hasn't got an assessment, how has he slipped through the net?' or you know... we're picking up things that have been missed over years and now perpetuating into offending but actually if it had've been picked up earlier... or assessment... once we get hold of the young people... we can learn to work with them differently. That's got to be more beneficial hasn't it (Jemma, FG 2, 718 – 722)</p> <p>Yeah because often if we've got a young person who is open to... when we do our checks... basic checks on Mosaic to see if they're open to social care... we can gather the information from there. And equally if they're open to youth offending team previously, we can get the information from there. (Jill, FG 1, 165 – 172)</p>
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		<p>We will do agency checks before they come to court so we might be able to read a little bit about them if they've got history on... with social care. (Sam, FG 2, 165 – 172)</p> <p>Generally, if they're known to us isn't it? So, if we've got a young person that's already known to our service and they've... even if they've just had a light touch in the past... had a community resolution or something... or we've done an assessment of some description and we've found that out from the school. (Janice, FG 1, 199 – 202)</p> <p>We've got an out-of-court disposal system now which is trying to divert anybody that doesn't need to be in the courtroom erm... and so sometimes we'll have some young people that have already had an assessment and a brief intervention with us on the out-of-court disposal and then get charged for an offence to court so we'll have a bit of contact, they'll know who we are. And they'll know what we're about (Sam, FG 2, 70 – 75)</p> <p>Very little for the most part. If they're not known to us previously erm... then you know... or if they're not known to any YOT so if you have a young person on your case load who is from another borough in [area] or from another area, then we would naturally undertake checks with the local social care team and the YOT team erm... to see if they are known. Erm... and then obviously if they are known, even though they're not known to us, then we would gather all that information so that we were aware of that before going into court. (Cheryl, FG 3, 70 – 75)</p> <p>But if you have a young person who's not been known on an out-of-court disposal order before or if they... yeah, if they're just not known to us at all, then we'd have very little information actually. Erm... if not, none at all apart from address and birth date but that would come on the generic court team list anyway so erm... yeah. (Cheryl, FG 3, 75 – 78)</p> <p>Only by checking... I mean the majority of checks we do is on our own systems and on Mosaic so it might be that something is stored on Mosaic that we could have access to that would give us some understanding of... or some knowledge. Erm... but again, as everybody has said, if they're not open, we wouldn't have any knowledge whatsoever. (Tina, FG 3, 84 – 87)</p>
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	<p>Preparation for court is dependent on available information</p>	<p>Sometimes we don't always... if we don't know the young people we don't know if they've got any additional learning needs unless in the course of like... I try and chat... if I've not known this kid before I try and just like engage with their parent and have a little chat and talk to the kid about you know... have you been to court before? De..de...de...de..duh. Is there anything we need to know? Because we've had before experiences where kids have come into court and actually they've got a hearing impairment but no one's thought to say anything (Janice, FG 1, 101 – 106)</p> <p>We're okay looking at police records and social care records because that's obviously... it could very much inform what we're doing in the courtroom so if it's recorded there then we might erm... but other than that, we wouldn't necessarily know. (Sam, FG 2, 84 – 89)</p> <p>But yeah routinely, erm... we wouldn't explain that to them because we wouldn't know them. Erm... so there isn't a standard erm... response I suppose to young people who we don't always know. If we do know them and they've on out-of-court disposal, so it might be their first time in court, and they are current to us and we've been working with them, then yeah we would have those conversations. But again that's you know... very dependent on whether they're still with us or not. (Cheryl, FG 3, 310 – 314)</p> <p>For young people particularly that we don't know, the first time we will meet them will be in the court. Erm... and they will quite often first meet their solicitor on the morning who will be a duty solicitor who will know as much about them as we do [laughs] basically... erm... so I would say it depends on the case but for first time people, minimal [laughs] (Mike, FG 3, 298 – 302)</p> <p>I think we're kind of treading in unknown waters really (Janice, FG 1, 156)</p> <p>I remember I was in court... it's going back a couple of years now erm... a young person who was a looked after child from another area, but she was placed within [area] erm in a children's home and although she was 15, she was functioning at the age of a 7-year-old. Erm... obviously we didn't know any of this until we'd gone to meet her and erm... the cell staff had said she's like banging her head on the wall and they didn't really know what to do with her. Erm... and it... that would have been</p>
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		<p>really helpful to us to put some kind of... you know be a bit more prepared in what support we could have offered rather than just kind of turning up and being you know... 'can you do something with this young person?' Sarah, FG 1, 188 – 196)</p> <p>And I've done it with other young people as well and I've broken down the whole session which was a recommendation from one of the other Educational Psychologists, so you know like... you know... a twenty-minute session was broken down into five-minute slots so we're gonna do this, this, this and this, just to give structure and to know what they're doing in the session. But it's really hard to change that to court when you're in a arena where you don't know these young people (Jill, FG 1, 796 – 801)</p> <p>First time in court, we don't know if they've got an educational need necessarily do we? And I think it's something we really do need to be aware of. (Jemma, FG 2, 466 – 468)</p> <p>Some young people we have nothing on before they come to court and they've not previously offended and they're charged straight to court either because of the seriousness or they didn't admit the offence or the police didn't consider an out-of-court even if it's potentially available. Erm... and so they're... they're coming to court with no knowledge of us and us with very limited knowledge of them. So we will do agency checks before they come to court so we might be able to read a little bit about them if they've got history on... with social care. Erm... but other than that, we yeah... they'd be an unknown... it would be a very alien environment to them. (Sam, FG 2, 75 – 81)</p> <p>I think with the young people that are known to us erm... if we're writing reports and stuff, I think generally we're quite good in terms of finding out that information, being able to relay that through the reports. Erm... so with the pre-sentence reports, we might tend to like gatekeep you know... quite a lot of that stuff and erm... it's always laid out really clearly and I have seen reports where they've gone into quite a lot of detail around how best to work with the young person as well which is quite nice when you see that then reflected in their intervention plan erm... when they've been sentenced but it... it is really hard to manage it when you don't know them coming in really and you do just get the little snippets. (Sarah, FG 1, 313 – 320)</p>
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		<p>If we know that young people, then we're able to convey that... and if kind of a report has been requested, we'll put that information in the report if we know a young person and a report hasn't already been requested, then we might have a word with the bench or the clerk and just convey that information verbally before that young person comes into court to provide a bit of context I suppose (Cheryl, FG 3, 188 – 192)</p> <p>When the summons goes out or the notification, maybe if there's... I don't know if it's on there now, but a way to say... I know it's always on forms what extra requirements are in there, but like when you think of that, you always think 'oh do we need a ramp, do we need a....'... maybe extra explanations, extra... to word it in a way that makes this person not only think about what society thinks are typically extra needs. So when they get their postal order to come to court, there's something in there where they can reply back and say... but is there an extra need and maybe some examples to explain that it's not only physical needs, but extra things that I might need to understand (Nora, FG 3, 525 – 535)</p> <p>But that's a good idea though Janice about on the front sheet, there isn't anything on there that actually highlights 'has this young person got any special educational...' you know, is it known? 'Cause... we do are they open to social care, are they previously known to YOT? (Jill, FG 1, 838 – 840)</p> <p>Janice: Do we need to start looking at the court front sheet? 'Cause I go round... I have the court front sheet and I always go round, and I write down who their solicitor is, and you know... just check... Jill: Is there a box on there that says SEND? Janice: No (Janice & Jill, FG 1, 802 – 806)</p> <p>And maybe, I mean every morning, the clerks will always give out... the ushers will always give out the means form won't they... for the families to fill in to say you know... this is how much money we've got coming in, so if you're gonna fine a family, they'll take that into account. Maybe a form could be given at the same time as that so the ushers will know if that young person.... I've got the fire alarm going off now [laughs]... if the young person has any additional needs and then they can convey that to us and the clerks and the solicitors and the bench. I don't know...</p>
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	Active investigating and information-gathering	<p>maybe that's something that could be... looked at. (Tina, FG 3, 536 – 542)</p> <p>At the very basic level, I know that's gonna be at the very basic level but it may give us... it might give the court some understanding of what that young person is potentially gonna be going through or how to best help or you know... I don't know. (Tina, FG 3, 545 – 547)</p> <p>At least if there's some awareness... might amend the way the magistrates approach (Mike, FG 3, 548)</p> <p>When they arrive at court then it's best practice for our court officers to have a quick word with anybody that's coming in especially if they've not been there before...erm... explain who we are what our role is, what might happen in the courtroom and there may be something that's picked up there but that's a very... very pressured period of time and a very short period of time and normally... (Sam, FG 2, 91 – 95)</p> <p>We need to be having more of those initial meetings and getting... gathering that information. I mean obviously you've got to be careful about what you're asking and that but... you know... 'have you got any needs?', 'do I need to know anything?' I mean... I always say to kids 'have you ever been to court before?' and they say 'no' right... 'do you know what you're gonna expect when you go in there?' and I explain the layout and who's sitting where and try and sort of... (sigh) I dunno... like just massage those fears a little bit... even the parent... the parents are normally quite anxious as well and you kind of like... try and take the sting out of it and then while you're doing that, you're almost assessing, building a little bit of rapport with the parent and then they start to then unleash little bits you know like 'ADHD' and you know... (Janice, FG 1, 220 – 228)</p> <p>Sometimes we don't always... if we don't know the young people we don't know if they've got any additional learning needs unless in the course of like... I try and chat... if I've not known this kid before I try and just like engage with their parent and have a little chat and talk to the kid about you know... have you been to court before? De..de...de...de..duh. Is there anything we need to know? Because we've had before experiences where kids have come into court and actually they've got a hearing impairment but no one's thought to say anything (Janice, FG 1, 101 – 106)</p>
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		<p>And I always say to them you'll get an opportunity to talk, your defence... or your solicitor will talk on your behalf and... try and explain like the process. And that can take what... ten, fifteen minutes? And I just think it's... so well worth doing that because then like you say... you'll put in that conversation 'is there anything I need to know?' you know... blah blah blah. And then you'll talk to the mum. And you'll say to mum 'how are you feeling about this?' and... you just build up that little kinda tiny little nugget of trust you know? And they'll go 'blergh' don't it... normally. They'll just tell you everything don't they? (Janice, FG 1, 423 – 429)</p> <p>But how we find that information out... like I mentioned to you before Emily, that I think it would be useful in our court prep that... if we did look for 'have they got an EHCP' before and actually perhaps give the parents a call or something like that beforehand (Jemma, FG 2, 470 – 472)</p> <p>But again, unless we know, it's really difficult for us to do any of that and be able to step in. It's only because I knew him and I'd managed to speak to mum beforehand and speak to the young person. Erm... but sometimes there just isn't... isn't the capacity to do that if you've got solicitors running around and you know... you've sort of said to a young person and their family 'I'll be there to see you in a minute' and they get taken into a room by their solicitor and you then don't know where they've gone [laughs] and before you know it, they're sort of you know... bringing them before the bench and you're... it's a bit of a struggle on court days sometimes. (Tina, FG 3, 105 – 111)</p> <p>I'd say only when you get to court and you speak to the young person and their carer or parent and then they will make you aware that they've got erm... some needs and then obviously take it from there and like Cheryl and Tina have said, let the clerk know or so the Magistrates are aware... and obviously each diagnosis erm... affects everyone differently so it just depends on how they are. (Sadie, FG 3, 131 – 135)</p> <p>You know, maybe if we as court workers start going to the solicitors 'so have you asked your client have they got any additional learning needs?' or 'has your client got any additional learning needs?' and if they say, 'I don't know' we'll say, 'well why don't you know?' (Janice, FG 1, 770 – 772)</p>
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		<p>Janice: Yeah and I think we do... we need to be like you say... I think it needs to be more of a consistent approach. I think it needs to be spoken about louder. I think we need to just keep harking on... like we were saying you know, ask the solicitor 'have you spoken to your young person, have they got any additional learning needs?' and if they say: Jill: 'what does that look like and how do you manage that? 'Cause that's what we've gotta get it from. Parents... Janice: Yeah exactly. Yeah... and if we just keep batting back and saying to the solicitor 'why don't you know that about your client?'.... go and find out (laughs) not in a nice way... the more you do it, the more they're gonna start thinking about 'oh maybe I should ask if they've got any additional learning needs' you know? (Jill & Janice, FG 1, 871 – 880)</p> <p>We do sometimes erm... when you're at court, obviously we will converse with the solicitors.....and things like that in the morning. Erm... and obviously if the solicitor... it's different if erm... that person is a duty solicitor and that young person is you know... they've not met that young person either, but if they are a solicitor who has been present at the police station for example, then they might have an awareness of difficulties, in which case they would erm... you know perhaps raise that with us.... And give us the heads up, but otherwise yeah... we wouldn't know. (Cheryl, FG 3, 92 – 96)</p> <p>I think going back to what Jill said right at the very beginning about having consistency amongst court staff. Maybe we need to go back and have that conversation and I say 'we'... SLT... off you go (laugh). Erm... have that conversation with not just new starters but even just with like us like you know... the ones that have been doing it for so long and have maybe got complacent about having that better awareness of having those conversations and finding out about additional learning needs and then being able to try and advise the court (Janice, FG 1, 745 – 750)</p> <p>There are some situations where it's been made clear to the clerk... to the magistrates and they're really careful about the language that they use and ask like erm... clarifying questions and things like that. Erm... but... I think our magistrates on the whole are pretty good with that. They don't... they're quite... there's a couple that kind of... maybe are a little bit sterner in their approach but most of</p>
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<p>Supporting the effective participation of CYP with SEND</p>	<p>Courtroom confusion</p>	<p>them are... will take the time to try and make sure the young person has an opportunity to say... erm... will give their views and erm... acknowledge what they understand but whether they just go 'yeah I get it' when they don't erm... that's obviously a question. (Sam, FG 2, 120 – 127)</p> <p>Sometimes the ushers are pretty good at sort of erm... you know in [area] there's a couple of good ushers who we have good relationships with. Erm... but again it's all... it all comes back to how much we know about that young person erm... and if we know that information then we can speak to whoever we need to but if that young person isn't known, then there wouldn't be anybody in court to specifically support them with their needs really. (Cheryl, FG 3, 377 – 382)</p> <p>... If these people have got erm... additional needs and their sensory... they've got sensory overload, being able to then be able to go off to the usher or whatever and say 'look this young person's got erm... undiagnosed autism or sensory needs or whatever... can we find somewhere quiet for them to sit?' You know? Just to kinda let them bring them down a little bit, 'cause there's plenty of little like... little nooks and crannies in court that we could find and you know... probably put a young person in (Janice, FG 1, 750 – 756)</p> <p>Generally speaking, I think because we go in quite regularly, you kind of build up, not necessarily up a good relationship with the Magistrates as such, although there are the odd couple that you know are familiar with us... but with the clerks, the court clerks so actually they're a good person to communicate that to... and they can then go into the room out back and you know... if the Magistrates aren't in the court and erm... give them that information. So yeah... (Cheryl, FG 3, 124 – 129)</p> <p>If we can picture and have an idea because it's semi-familiar to us, then we can almost park that side of it because we get that, but somebody who's not got a clue about any of it, their mind's on overload as to you know... not only being in a courtroom and who all these people are, and where everybody's sitting and who's that person who's talking and why are they going over all the details of my offence again, but also what is YOT? What does that look like? Who am I going to see? Am I going to see this ginger-haired person in court or am</p>
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		<p>I gonna see somebody else? But you know, they just haven't got a clue. So that's overwhelming I think. (Cheryl, FG 3, 459 – 466)</p> <p>I have what Cheryl said as well with a social worker asking me if I could just explain it which is absolutely fine but the majority I would say that... they just receive their summons and go to court and don't actually know what's gonna happen and then we will have a conversation with them and explain. Erm... but up until that point, unless they've had contact with their solicitor, erm... as Mike said, I don't think they are aware of what's gonna happen on the day. (Sadie, FG 3, 316 – 320)</p> <p>It can be a really chaotic place. Sometimes really difficult. Erm... but I think it's... in my experience, the young people that have been to court before and quite possibly a number of times are the ones that understand what's gone on. There is young people that haven't or if they've got any additional needs... I think it's a real struggle for them to take it in. (Tina, FG 3, 446 – 450)</p> <p>They do read out about what a referral order is and talk about a panel and stuff and start introducing these things to them that they've got no idea about so it's inevitable it's going to be confusing. Erm... and I think you've said it Cheryl about erm... you know parents saying 'do I have to come to every appointment?' and things like that. I think that's quite common because I don't think in court it's said to parents 'oh you need to come to that and you need to attend with them and your name is gonna be on the order' erm... and then parents suddenly think 'oh it's my order as well and I've got to...' so I don't think it's particularly clear in court and I think it is important for us to speak with them. (Mike, FG 3, 468 – 475)</p> <p>There are some situations where it's been made clear to the clerk... to the magistrates and they're really careful about the language that they use and ask like erm... clarifying questions and things like that. Erm... but... I think our magistrates on the whole are pretty good with that. They don't... they're quite... there's a couple that kind of... maybe are a little bit sterner in their approach but most of them are... will take the time to try and make sure the young person has an opportunity to say... erm... will give their views and erm... acknowledge what they understand but</p>
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		<p>whether they just go 'yeah I get it' when they don't erm... that's obviously a question. (Sam, FG 2, 120 – 127)</p> <p>I just go through it again and that only takes five, ten minutes and I think that's well worth it as well 'cause a lot of kids you say to them 'have you read your report?' and they go 'no' and then you start talking and they go 'ahh yeah yeah I remember this' or they say 'yes' and then you go through it and they look at you like you've got a welly on your head. They've got no idea what you're talking about. And it's not that their case manager hasn't shared it with them but it's just maybe they didn't understand it or they didn't take it in or didn't retain it. So it's always worth going over that again just before you go into court. (Janice, FG 1, 463 – 469)</p> <p>If you're in a highly stressful situation then not only are there huge amounts of acronyms and legal speak that sometimes I've stood there before thinking 'I don't know what that means' [laughs] erm... but also just the general kind of stuff that goes on within a courtroom. It's very easy I think for a young person to not understand any of that and for the court to not even take that into consideration whether there are additional needs or not, and obviously if there are additional needs, then that makes it ten times more stressful and you know... upsetting for that young person so erm... yeah, I've had experiences of both. (Cheryl, FG 3, 276 – 283)</p> <p>Erm... if they're given something that they're unsure about, then the solicitor can explain the information and then we explain that information of what it is, but... I'm trying to think of an example of them maybe not necessarily knowing... I suppose if they're not known to us at all and they suddenly just pop up then that's when you know... that's when that situation arises where you really have to explain what's going on (Karen, FG 2, 399 – 403)</p> <p>Just gonna make a quick comment about erm... sort of our overnight remands and I know obviously there's a difference between sometimes if you've got an overnight remand, they appear in front of an adult bench and... they aren't youth trained magistrates there and I think there's quite a clear difference usually between our youth trained magistrates and the... obviously the ones that aren't youth trained. Erm... and I think for young people appearing on an overnight remand and then</p>
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		<p>having to... like there's no explanation... it's rare that I've ever seen any kind of explanation really. It's just sort of the standard script is reeled off and it's expected that they're gonna take that in and remember what was said. (Sarah, FG 1, 532 – 540)</p> <p>I think as well those that have been to court before, they kind of get YOT, they get what the meetings are about, they kind of... so in some respects they have an understanding of what an order... they might not understand exactly the requirements of that order but they understand what that might look like whereas somebody who's never been to court before as Tina just said... quite often you know... when the magistrates read off about a referral order, erm... you know where mum and dad have to come along, erm... even sometimes the parents will say 'do I have to come along to every week?' and you're like 'no, no, no it's just sort of once every three months for a review'. So you know, what they pick up on what that means... you know, they just don't have a clue. (Cheryl, FG 3, 451 – 458)</p> <p>Sarah: And they talk about stuff that I don't understand as well sometimes, and I have to ask for clarification as well. Janice: Yeah. There's so many acronyms thrown about isn't there. But you know... if you're not in the know, you're not going to know are you and the parents must be thinking 'what on earth are they talking about?' You know... and some of the parents who I've spoken to before, I've said 'oh do you understand that?' and 'no I haven't got a clue but I didn't wanna ask 'cause I didn't wanna look stupid'. (Sarah & Janice, FG 1, 678 – 684)</p> <p>If they're sentenced to a referral order, they read it off a sheet what they're you know... 'you're expected to do this... your mum and dad have to come blah blah blah blah, if you don't attend you're gonna come back to court'... and quite often they come out and they have no real understanding of what that means or you know... I've had young people come out and say 'do I have to see you just once then and then I don't see you again?' You know... and it can be really really confusing so I think it's really important for us to have a space to go through it all with young people afterwards. That doesn't happen as Sadie said... there isn't really any in [area]. (Tina, FG 3, 440 – 446)</p> <p>Maybe we need to think about like the format as well of how we present the information</p>
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	<p>Role of the YOT Practitioner</p>	<p>'cause everything's generally quite verbal isn't it rather than erm... written down. I know that we've probably gone through cycles of giving leaflets and things out and normally they end up left on the road outside the court building but... maybe where we do know where young people have got sort of those additional needs and they might benefit from something a bit more visual. Erm... having that available as and when we need it might be something that we could think about. (Sarah, FG 1, 781 – 786)</p> <p>Sarah: I think that's it isn't it... with the referral orders it's generally like a standardised script that they would read out at the point of sentence to just... kind of explain it that... I think within that it's not particularly erm... Janice: It's not helpful is it Sarah: No (laughs) (Janice & Sarah, FG 1, 623 – 627)</p> <p>But I think in court, erm... I don't know if it's happened up at yours Sarah, but I know that I raised with [YOT manager] the language that the magistrates were using... when they said about particular referral in cases of referral orders... 'you will meet with a panel of people'. And I fed back to [YOT manager] and I said I don't like that because that makes them think that it's almost like a... and I always take them out and make it a joke when I say that and I go to them 'don't think it's X Factor 'cause it's not' you know... and erm... 'what he meant to say was that you will meet with two people from the community' and I'll explain to them that they'll meet two panellists and a YOT worker. But so now I think they've changed it, particularly down in [area] they're saying you'll meet with erm... I think they say two panellists or two community workers and a YOT worker. Because... when you say to a kid you'll meet with a panel of people and they just think that there's gonna be like you know... a tonne of people they've got to go and stand in front of and that's not fair either to let them go away with that kind of you know... panic and anxiety. (Janice, FG 1, 611 – 622)</p> <p>I still think there's a heavy reliance on verbal processing and understanding. You know like... no matter what you say, the most of it... if you can't process the information given to you at speed... (Jill, FG 1, 272 – 273)</p> <p>Just making sure the young people are aware of the process, what's gonna happen before and after court erm... doing some background if they're known to us... if they've got any</p>
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		<p>additional learning needs... anything like that. (Sadie, FG 3, 41 – 43)</p> <p>I'll go over, I introduce myself, and the first thing I'll say to them is 'have you ever been to court before?' 'cause it might be that they've been to court before and they've got other disposals or whatever on it. You know. You don't know do you. 'Have you ever been to court before?' 'No' 'Okay so have you got any idea of what to expect?' 'No' And sometimes there's posters up on the wall and I might take them over and show them the poster and kinda explain to them like... you know... this is... up here is where the bench is gonna be sitting, they're gonna be sitting higher... this person here is the legal advisor so they make sure that these people know exactly what they're doing erm... keep them in check. And you'll be sitting here and your mum or dad will be sitting there and I'll be sitting over... and I'll try and explain who will be sitting where and why and the prosecutor... (Janice, FG 1, 406 – 415)</p> <p>But it's about making sure you are asking the right questions because I think... when we were talking about this at the SEND meeting the other day Emily... it's actually you know... some of us workers are really proactive and we were talking about how we prepare young people and the conversations we'd have with parents but I don't think the standard potentially across the whole of the service is exactly the same level and whether some... as part of the training that we should have maybe on court prep... but you know like... not court prep but training for new workers is actually what is expected of you. Like you know like... it might seem like general knowledge to us but I don't think it is... (Jill, FG 1, 173 – 180)</p> <p>I go to court and advocate for the kids really (Janice, FG 1, 100)</p> <p>What I've tended to say is that if I've not been able to speak with that young person then I've made it clear that you know... erm... that we would make contact with them fairly soon as part of their order anyway. Erm... and maybe make a list of any questions that they've got and that person can then as part of that home visit or as part of that first contact, go through everything again. Erm... which is sometimes, you know, not a bad thing because they go away from court then emotions have calmed down a little bit, stress has calmed down a little bit so then they might be in a better</p>
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		<p>position to take that information on board. Erm... but yeah, ordinarily we would meet with them after. And their solicitor would often meet with them afterwards as well and perhaps go over what they've just been given. (Cheryl, FG 3, 417 – 425)</p> <p>When you're doing court reports, you prep your families and stuff on the court process and what to expect when you're going through the report and the assessment. Erm... and erm... as a duty worker, after the young person's seen, you go out, you talk to them erm...beforehand when you know your families are coming in, the background work... (Nora, FG 3, 46 – 49)</p> <p>just making sure the young people are aware of the process, what's gonna happen before and after court erm... doing some background if they're known to us... if they've got any additional learning needs... anything like that. (Sadie, FG 3, 41 – 43)</p> <p>So I am court trained so that will entail erm... going to court with young people, supporting them and their families erm... doing as much preparation for that process as I can before I go so I know as much about a young person that's appearing there as possible if at all possible. Erm... and then doing my level best to support them after the process and making sure that they have understood what's going on and again to the best of my ability. (Tina, FG 3, 19 – 23)</p> <p>It's kind of just letting them know what could happen. Erm... and then it would be explained to them again afterwards or at a first appointment. (Karen, FG 2, 411 – 412)</p> <p>When they arrive at court then it's best practice for our court officers to have a quick word with anybody that's coming in especially if they've not been there before...erm... explain who we are what our role is, what might happen in the courtroom and there may be something that's picked up there but that's a very... very pressured period of time and a very short period of time and normally... (Sam, FG 2, 91 – 95)</p> <p>I think they need to have it explained to them afterwards. I think in that courtroom with all of that anxiety and nervousness... even those kids that are coming back for new offences because... for them as well erm... there's more of a heightened sort of panic isn't there like what's gonna happen? Am I gonna end up</p>
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		<p>being thrown in prison? And stuff like that you know. It's all like... and I just don't think they hear it. (Janice, FG 1, 639 – 643)</p> <p>You're waiting all day long right? They deal with this case and you've done nothing for like three hours and all of a sudden they've decided they're gonna call another case on the back of that one. And I make them wait. And I go to them 'no, I need to have this conversation with this young person, I'll be in in a minute'. And I know it's horrible but I do make the magistrates wait. (Janice, FG 1, 595 – 598)</p> <p>Yeah I always do. I always... as soon as we've come out of court, I always take them to one side and say, 'okay so what did you understand about that?' and ask them what they understood, and then they'll tell me what they understood. And then I'll clarify depending on what they've said to me. Okay 'that means this, this means that so going forward this is what's going to happen' and I'll go through it all about what's gonna happen with panels and stuff like that and explain it to mum (Janice, FG 1, 587 – 592)</p> <p>I just go through it again and that only takes five, ten minutes and I think that's well worth it as well 'cause a lot of kids you say to them 'have you read your report?' and they go 'no' and then you start talking and they go 'ahh yeah yeah I remember this' or they say 'yes' and then you go through it and they look at you like you've got a welly on your head. They've got no idea what you're talking about. And it's not that their case manager hasn't shared it with them but it's just maybe they didn't understand it or they didn't take it in or didn't retain it. So it's always worth going over that again just before you go into court. (Janice, FG 1, 463 – 469)</p> <p>See, I generally... if I'm in court and I've got a breach or a PSR I'll go through with the young person and I will say to them 'have you seen your report?' and they go 'yeah' 'okay so do you understand your report? You understand what's being asked for today?' and I go over that again. You know, this is what this means, this is what that means, and like Sarah said, 'this is what we're proposing and we come in and we're advocating our.... We're not on your side but we're advising to the magistrates but ultimately they can make their own decision' (Janice, FG 1, 457 – 462)</p>
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		<p>Sometimes helping them understand why we're asking them something makes... helps them to understand the process a little bit better as well. But I think because we've... with kids that are going to court with a pre-sentence report you've got that time with them. You can make as much time as you need to go through the stuff so if you know there's additional needs you know that you're probably gonna need more than one assessment appointment or... and you can plan that in. (Sarah, FG 1, 445 – 449)</p> <p>It also gives us a chance to say although we're recommending this, it could be that the bench or the judge may want to go with something else and these are the other options. Erm... but I think a lot of it does come down to time and being able to have that time to explain things properly. (Sarah, FG 1, 453 – 456)</p> <p>If they've had a pre-sentence report erm... then we would meet with them, we'd go through the pre-sentence report with them and the family. We have erm... CPRM meeting as well so we'd look to... we'd look to plan erm what we want the outcome to be. So obviously we can't guarantee it but we try where possible to go through and help them understand you know... we're always open and honest with our young people as much as possible to kind of get that across. Erm... you know... what we're gonna recommend to the court. (Jill, FG 1, 436 – 441)</p> <p>I always explain to them as well is like... probably because one of my kids said to me once (laughs) about a prosecutor 'oh she hates me'... and I said 'she doesn't hate you, she doesn't even know you, she is literally reading a black and white your offence' you know... 'that's what you did and that's how it's written' so I explain to them that the prosecutor will tell the... you know the magistrates or the judge... like give them an overview of what the offence was, how it came about... because again that can be like... not even kids with additional needs, just any kids, they hate it... they squirm. Like... all of this information is being shared with all these people that they don't know about what they've done and why they've done it. (Janice, FG 1, 415 – 423)</p> <p>I think it's quite individual. I wouldn't say there's a set process from my experience. I just kind of work on what that young person knows and kind of just fill in the gaps for them</p>
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		<p>and if there's more of a specific need somewhere then I'll kind of hone in on that. I don't think there's necessarily a process I suppose. (Karen, FG 2, 318 – 321)</p> <p>obviously we tend to speak... we speak with solicitors as well erm... and in court. Erm... and obviously if there are any other people supporting them in court, we would speak with them as well. (Mike, FG 3, 193 – 195)</p> <p>Well for example, think about the girl with the hearing impairment, she changed position didn't she within the court, Janice? She was able to sit so she was able to sit closer so she could hear. 'Cause I think there was something... because she didn't wear her hearing aid did she... was part of... 'cause she felt embarrassed about her hearing aid so she didn't want to wear it but they positioned her, but we erm... as YOT we also advised the magistrates about that in advance so that they were aware so that they could, you know, talk slowly and clearly and obviously her solicitor also said... would have said similar. Erm... so we make practical... we can do practical changes within the courtroom sometimes can't we, Janice? (Jill, FG 1, 291 – 298)</p> <p>Sometimes you have... so if we've got a young person that, you know, is open to social care... I've had it previously where a social worker will talk to me. You know... perhaps they don't have so much knowledge of YOT and they'll say they're supporting a young person in court and ask some questions about how they can support, but that's not a common thing. (Jill, FG 1, 370 – 373)</p> <p>I have had it erm... a couple of times where erm... I've been contacted by a social worker to say I know you guys don't know this particular case but is there any chance you could have a chat with them because they are erm... due to be attending court and they're pretty anxious. They don't really know what to expect so is there any chance you could you know... meet with them and just talk them through... and I have done that. That doesn't tend to be a standard thing. (Cheryl, FG 3, 303 – 307)</p> <p>I think sometimes it can be forgotten because you're all just so used to doing it like going into court and doing... you kind of forget that actually that young person it might be their first time or they erm... they've not done it as often as you have, not been there as often...</p>
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	Role of the solicitor	<p>so I think we kind of have to be reminded to give that information (Karen, FG 2, 321 – 325)</p> <p>But again, like Jill said, that's just something that we... you know, some of us do. Not all of us do. And sometimes, time constraints or if you're running around like a headless chicken you don't get enough time to have those conversations, you might miss out on stuff. (Janice, FG 1, 431 – 433)</p> <p>So I would be confident enough to ask the bench to say so you know... would you take some time to read it? Whereas perhaps other workers that weren't so confident or experienced might just accept it and go with it. I don't know. (Jill, FG 1, 349 – 351)</p> <p>It would all come down the solicitor wouldn't it really to kind of, explain how it all works because we wouldn't have those... we wouldn't have the contact with them at that point. (Sarah, FG 1, 360 – 361)</p> <p>It does almost make you feel that actually some of the training should be more on the duty solicitors as well. You know... like the duty solicitors... 'cause they often have the first conversations with the young people at court and it's almost like they're screening questions should then... I mean a lot of the time they do come to us, but I don't know what questions they're asking. Do you know what I mean? Again, like if you've got a young person that's looked after or a long history... you know these are more evident but actually some of the more you know... just... I dunno... there might be some questions that could be asked at that stage that could then flag us up to talk to them. (Jill, FG 1, 229 – 235)</p> <p>Yeah, I think some people... some people turn up at court and have duty solicitor on the day so won't have had any contact with a solicitor or at a police station. Others might have instructed their main solicitors... I would say that's rare... rarer and they might get a bit more preparation, but I would say more commonly people speak to the duty solicitor on the day and that's sort of the first experience they would have. (Mike, FG 3, 344 – 348)</p> <p>So if that solicitor has met them at 2 o'clock in the morning in a police station then it's gonna be a case of dealing with the police interview erm... getting the court date and saying you know... we'll see you at court if it's not a</p>
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		<p>specially serious matter. Erm... you know, I'll meet you there or one of my colleagues will meet you there and erm... you know we'll talk you through it. Erm... so it does tend to be quite loose and actually thinking about it from a young person's point of view, for me... I would think, well I wanna know who's gonna be there, are they definitely gonna be there because what happens if they don't turn up, erm... but it is all quite loose, but you know, to solicitors who do it day in, day out... that's their bread and butter. They probably wouldn't think of that so 'we'll see you on such and such date' you know... 'it'll be fine' kind of thing (Cheryl, FG 3, 326 – 335)</p> <p>Erm... if they're given something that they're unsure about, then the solicitor can explain the information and then we explain that information of what it is, but... I'm trying to think of an example of them maybe not necessarily knowing... I suppose if they're not known to us at all and they suddenly just pop up then that's when you know... that's when that situation arises where you really have to explain what's going on (Karen, FG 2, 399 – 403)</p> <p>Erm... depends on the... yeah... just a say hello and what's going on, ask how they are and get all that out the... like have a chat with them and then explain the potential outcomes so they have some kind of understanding. The solicitor would do that too. (Karen, FG 2, 405 – 408)</p> <p>And it comes down again to the solicitor and how good they are at working with young people so you get some solicitors that really... like young people is their bag. They're really good at engaging with them and talking to them on a level. Others just dip in, dip out or if you've got counsel who've got somebody representing for another firm that's never met this kid before then it's just not... they never really explain anything to be fair. They don't... they don't get down like we do to the nitty gritty of like what the court looks like and what you can expect and stuff like that. They literally just talk about what your plea is and what you need to do... (Janice, FG 1, 363 – 369)</p> <p>But then you do get some really good ones who are very child-focussed and predominantly will work with the Youth Court who are more familiar perhaps with how they might need to respond to a child as opposed to working sixty percent of their time with an</p>
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		<p>adult and forty percent of the time with kids, and they don't differentiate the difference between the two if that makes sense. (Cheryl, FG 3, 335 – 339)</p> <p>I think some solicitors as well... if they've not worked with young people consistently are not even really good at explaining like... so if you was to go not guilty, and you go to trial, you're... you know your outcome could be worse. Because then you won't get a referral order. You'll get a YRO and I think sometimes they don't make that heard particularly well either and the magistrates go over that in court and then there's... you can see the kid looking at the solicitor and the solicitor is nodding, and then they nod like 'yeah I know'. Well yeah... you might have had a conversation but how much of that conversation do you actually understand? (Janice, FG 1, 386 – 392)</p> <p>I don't think there's a standard... there won't be a standard practice. I think like Janice said, it would just depend on who that solicitor is and how well they're... how well they are at working with young people. (Sarah, FG 1, 382 – 384)</p> <p>And do you know what Jill as well... if they on the day pick up a duty solicitor who's running around like a headless chicken trying to dip in, dip out of different kid's... 'cause quite often they'll get their kids mixed up don't they? And actually, the language that they're using, and they're going at a hundred mile an hour... if you've got a kid that's got you know... additional needs, they're not gonna understand what's going on. They're not gonna be able to process that. They're literally in (tongue movement to signify inaudible noise) out and... (Janice, FG 1, 236 – 241)</p> <p>I think it probably comes back to like... the consistency but not only across court workers but also across sort of the magistrates and the solicitors and whether or not that's achievable is... I don't know if it is or not, especially when things change all the time (Sarah, FG 1, 760 – 762)</p> <p>Their defence, if they take defence, or if they accept legal... they should... they would normally explain that to them. Erm... it wouldn't necessarily come from YOT. How au fait solicitors are working with young people with learning needs erm... I wouldn't like to comment on. Erm... so it yeah it might be quite... and as we've said already... the time</p>
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	<p>Supportive provision in court</p>	<p>that we would have before is usually quite limited so... and being able to make sure somebody feels OK about what they're about to walk into... that might not be so great. (Sam, FG 2, 161 – 166)</p> <p>it depends on the... how long a relationship they've had with their solicitor. That might be somebody that they know quite well or as in the case for a lot of lower income families they'll turn up and they will be asked to see the duty solicitor on the day erm... so they wouldn't necessarily be a rapport or a relationship there prior to that (Sam, FG 2, 191 – 194)</p> <p>Normally there's somebody who knows the young person fairly well... not always... but normally there is that sits with them and then the relationship with the YOT worker would depend on the history with the YOT so they wouldn't obviously know the magistrates or the clerk, or the usher. Ushers are quite friendly. They're normally quite well received ushers. (Sam, FG 2, 196 – 200)</p> <p>I'd say, what I've noticed often is erm... sometimes young people can come in with their social worker if they've got one. Their solicitor will sometimes erm... take a moment to whisper it back so they understand it. Erm... but in the courtroom, unless we've got prior knowledge that they need extra support, it's just the odd erm... not the odd... infrequent small conversations between them and their solicitor. (Nora, FG 3, 363 – 367)</p> <p>Patrick: In my experience it was normally a parent/carer. Interviewer: Mm okay. And how would they support them? Patrick: Just by sitting next to them in court. (Patrick, FG 2, 230 – 232)</p> <p>Their mum or dad or whoever's with them is there (Janice, FG 1, 473)</p> <p>Not as a general rule, no. Erm... even a lot of the time, social workers... they don't unless they are... have been to criminal court before or they're very heavily involved with young people who have been in the criminal proceedings, then they often don't know about the court procedure anyway as well. Erm... that can be hit and miss although they might have a physical presence sitting next to them erm... it... you know, my experience is a lot of social workers don't know... they don't know what we do, they don't necessarily know the sort of court procedures either so I would say</p>
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		<p>actually there isn't anyone within the courtroom that would... (Cheryl, FG 3, 371 – 377)</p> <p>I did a peer review in [area]... in [area] YOT and they had a website there and there was a video that they had about the courtroom ... it was really quite good. I can probably find the link and send it to you at some point but again it's how do you get people to access it and use it and where can they do it? I mean everybody has got a smartphone... you could give it to them as they come through the doors at court and ask them to watch it but whether they've got data or a means to do that then I dunno. (Sam, FG 2, 348 – 353)</p> <p>... I suppose it might be used if you're sitting there looking around. When your... a lot of young people just quite like focused aren't they, they're not necessarily 'oh I'm gonna pick up that information leaflet and have a read' you know... that's more of a parent thing isn't it. Erm... they kind of on their phone aren't they or like looking around at who else is in court with them. Erm... they might I suppose might glimpse at it or if it was pointed out to them, they might actually look at it, but I haven't seen... I think it is literally a very new thing. (Karen, FG 2, 339 – 345)</p> <p>They do... they have a good... in court now, a visual thing actually... it's in the court but erm... that says who sits where and what all the names are (Karen, FG 2, 325 – 326)</p> <p>In respect to handouts and things, there used to be a leaflet or a little pack that we gave people coming out of court erm... normally we found them scattered across the road on the way out of the courtroom so... (laughs) I think it stopped being given out... commissioned... (Sam, FG 2, 304 – 307)</p> <p>No they aren't. There aren't. Not in most practice. There might be one or two practitioners that have a couple of tools they use but erm... I don't think on the whole we have... we certainly don't have anything standard. (Sam, FG 2, 269 – 271)</p> <p>There's not very many visual aids that go on in the courtroom. Erm... the only ones that you would normally get would be with the exclusion zones or telling you not to go somewhere and they'd be given a map of places they can't go. Erm... nobody checks that they can read a map but erm... (laughs) (Sam, FG 2, 262 – 265)</p>
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	<p>Systemic barriers to effective support</p>	<p>Maybe we need to think about like the format as well of how we present the information 'cause everything's generally quite verbal isn't it rather than erm... written down. I know that we've probably gone through cycles of giving leaflets and things out and normally they end up left on the road outside the court building but... maybe where we do know where young people have got sort of those additional needs and they might benefit from something a bit more visual. Erm... having that available as and when we need it might be something that we could think about. (Sarah, FG 1, 781 – 786)</p> <p>I have known one who's drawn on a piece of paper like oh you'll sit here and this is where the Magistrates will be erm... but that was only on one occasion. (Sadie, FG 2, 324 – 325)</p> <p>It just goes back to who you've got on the day and you know... I've been in court before where you know, we've made the court aware of something and they have been brilliant and you know... they've said to the young person 'look I know, you've got anxieties or you're this, that and the other and if you need to put your hand up and ask and say you don't understand, that's fine, if you need to speak to your solicitor, just get our attention, that's fine' Erm... and they've really made it sort of, user-friendly as it were for the young person. (Cheryl, FG 3, 259 – 265)</p> <p>I think that's where the fast-pace comes in because..... that duty solicitor might need to see seven young people and their families so it just goes like that [clicks fingers] so you know we're waiting to speak to a young person and maybe help out if they've got any questions, this might happen, and they've just disappeared and gone to see their solicitor and then it's just a knock on effect from that so... that can be the difficulty if there's sort of one duty solicitor and there's only... you know... and there's more than a handful of young people waiting to see him or her. There's very rarely is there a young person who's had a solicitor that they know and has seen them through. (Tina, FG 3, 351 – 357)</p> <p>And the court will be keen to get, if someone's there and seen their solicitor, they'll go 'right who's ready, let's get them on' at which point they're rushed into court and that's that. You see them after court then. (Mike, FG 3, 358 – 360)</p>
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		<p>I've seen it... it improves it for me if a young person is in Crown Court. In the magistrates, it's sometimes so fast-paced that it becomes you know... it becomes really really difficult and I think sometimes the young people come out erm... with more questions than they went in with and then it's left to us to have those kind of conversations which again is really really difficult because sometimes you don't have a room to have those conversations that you can shut the door and no one else is around. (Tina, FG 3, 235 – 241)</p> <p>I think it also varies... it's very much dependent on... it can vary depending on the court and the case that I'm dealing with... a murder case at the moment. That's obviously in the Crown Court. Erm... as part of that, the defence have asked for an intermediary to explain the... what's going on in court to the young person, but that decision is because it's in the Crown Court and it's to do with the murder trial. That decision is out of our hands. That is presented by the defence and that is decision that's made by the judge. Erm... and with that, essentially that comes down to the judge and I know with this case, the judge has said no to the intermediary for the whole thing, but he's allowed it for some of it. Erm... and I think part of that is processes and sort of the additional time that adds on as well. (Mike, FG 3, 218 – 226)</p> <p>But again, unless we know, it's really difficult for us to do any of that and be able to step in. It's only because I knew him and I'd managed to speak to mum beforehand and speak to the young person. Erm... but sometimes there just isn't... isn't the capacity to do that if you've got solicitors running around and you know... you've sort of said to a young person and their family 'I'll be there to see you in a minute' and they get taken into a room by their solicitor and you then don't know where they've gone [laughs] and before you know it, they're sort of you know... bringing them before the bench and you're... it's a bit of a struggle on court days sometimes. (Tina, FG 3, 105 – 111)</p> <p>Court is sometimes very frantic and very fast-paced and you're sort of going from one court to another... (Tina, FG 3, 23 – 24)</p> <p>When they arrive at court then it's best practice for our court officers to have a quick word with anybody that's coming in especially if they've not been there before...erm... explain who we are what our role is, what</p>
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		<p>might happen in the courtroom and there may be something that's picked up there but that's a very... very pressured period of time and a very short period of time and normally... (Sam, FG 2, 91 – 95)</p> <p>Probably... the first word that pops in my head is maybe confusion. 'Cause I just think it is such a busy environment... like even just so much as waiting to go into court, there are people rushing around all over the place, there's the occasional scuffle, there's security guards walking up and down, occasionally there's police. It might not be that the police are in for the Youth Court but the police are in for an adult court but there's police in full you know... police uniform. It's loud... erm... yeah I'd say it is quite confusing about what's gonna happen and... (Janice, FG 1, 664 – 669)</p> <p>It also gives us a chance to say although we're recommending this, it could be that the bench or the judge may want to go with something else and these are the other options. Erm... but I think a lot of it does come down to time and being able to have that time to explain things properly. (Sarah, FG 1, 453 – 456)</p> <p>But again, like Jill said, that's just something that we... you know, some of us do. Not all of us do. And sometimes, time constraints or if you're running around like a headless chicken you don't get enough time to have those conversations, you might miss out on stuff. (Janice, FG 1, 431 – 433)</p> <p>I think with that particular young person it's the... it's the waiting. Erm... is a particular issue and I think I've found that with other young people. The... you know when their anxiety's are going high, especially with additional needs and actually, we often try to get them... you know we'll go and we'll talk and we'll try to get them in first because we know that if actually we can do it quickly, get it done, have that structure, explain what's happening, get it done... it'll be a lot better but unfortunately it's just the way courts run sometimes. That doesn't happen and then we get young people that are waiting and waiting and waiting which makes it more difficult especially as you don't have a lot of time to be checking in on those young people all the time. (Jill, FG 1, 305 – 312)</p> <p>It is very fast-paced isn't it (Jill, FG 1, 242)</p>
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		<p>Yeah, and it might be actually that no one's picked up on that... it's actually... it's the cognitive functioning... the kid's not quite getting it. He's not understanding it... you know especially if they have got undiagnosed ASD... is it ASC now or whatever it is... but they're adamant 'I did not do that' I might have done something else, but what you're saying I did, did not happen like that. And they get stuck on that kind of train of thought and I don't think enough... there's not enough time I think in the court arena for them to be able to explore that and make you know... make sure they completely understand. (Janice, FG 1, 265 – 271)</p> <p>I've only worked in [area], if someone's in the room that you need, you haven't got space to have that conversation. You don't have a room where no one else is talking or it's not very loud. Erm... sometimes you know we've had young people wanting to kick the living daylights out of each other while you're trying to have that conversation with a child and their parent. Erm... when you know they've got difficulties understanding... erm so it's not just about the court itself and you know... going into that environment for a young person. It's also how we have... how we're able to do our job after and try and explain that difficult process and help them through it erm... when we don't have room... have a room or have peace and quiet to even enable that to happen (Tina, FG 3, 242 – 250)</p> <p>Sarah: And then... the sensory side of that in terms of like the noise and if you've got a young person that just is sensitive to that... it's gonna be an absolutely horrendous experience for them. Erm... and I think just generally it's yeah... probably... well it's not as good as it should be and I think for young people who have got those additional needs... they're probably getting the worst service out of... sort of our whole... Sorry I think my internet dipped out then. Erm yeah, they're probably kind of experiencing it worse than anybody else. Janice: Yeah, I agree. I really do. I just think it is just like... even for us sometimes. It's overload. You know, there's people rushing around, there's noise everywhere... (Sarah & Janice, FG 1, 670 – 677)</p> <p>It's a real struggle to get a room to erm... be able to talk to the young people and their family. Erm... we don't even have a room to work out of so that has been raised, that there's no confidential space for us to be able</p>
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<p>Professional Understanding of SEND</p>	<p>The varied understanding and skills of court professionals</p>	<p>to speak to the young people erm... before or after so it's kinda trying to speak to them in a corner in the main corridor erm... which obviously isn't ideal. So the same... what we've said, we'll give you a call erm... and explain it to you or do a virtual Teams (Sadie, FG 3, 427 – 432)</p> <p>In [area] there is the luxury of a number of interview rooms erm... they are often being used by solicitors but occasionally you can dive into one where there isn't and we would have those conversations and normally I think as a general rule, we would go over 'did you understand what's taken place in court? What's your understanding of the order that you've got? Has your solicitor gone through it? Do you wanna explain it back to us?' and then that gives them the opportunity to say actually I don't really understand or whatever. Erm... having been to court quite a number of times during COVID, they've obviously had to limit the contact that we've had and often erm... the rooms are set up with only two individuals in a room which obviously isn't helpful because the young person will often come with a parent or carer and then yourself. That makes three. Erm... so it has often been quite difficult to have that space to be able to talk through an order. (Cheryl, FG 3, 406 – 417)</p> <p>I think some magistrates... some magistrates just have a different... very different approaches (Mike, FG 3, 213 – 214)</p> <p>I think erm... when they're in that situation with an adult bench as well... all they can do is erm... remand or release on bail. So they don't... it's like they're not invested in the case anyway so they don't need to care enough to know the ins and outs of it or how best a young person communicates. (Sarah, FG 1, 560 – 563)</p> <p>I've also had experiences of Magistrates where you do give them the information that there are concerns there, and it's as though it's just completely gone over their head and they just talk and you kind of think... well you know, this young person hasn't got a clue what's just been said or what they've been sentenced to and although we would always go over that again when we're with them afterwards, erm... it's just not helpful. So it does also very much depend on who you have erm... you know, in the Magistrates sort of box as it were and the clerk as well. And some just</p>
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	<p>Enhancing professional knowledge of SEND</p>	<p>naturally will just pick up that they need to explain it. (Cheryl, FG 3, 206, 212)</p> <p>It just goes back to who you've got on the day and you know... I've been in court before where you know, we've made the court aware of something and they have been brilliant and you know... they've said to the young person 'look I know, you've got anxieties or you're this, that and the other and if you need to put your hand up and ask and say you don't understand, that's fine, if you need to speak to your solicitor, just get our attention, that's fine' Erm... and they've really made it sort of, user-friendly as it were for the young person. (Cheryl, FG 3, 259 – 265)</p> <p>It just goes back to who you've got on the day and you know... I've been in court before where you know, we've made the court aware of something and they have been brilliant and you know... they've said to the young person 'look I know, you've got anxieties or you're this, that and the other and if you need to put your hand up and ask and say you don't understand, that's fine, if you need to speak to your solicitor, just get our attention, that's fine' Erm... and they've really made it sort of, user-friendly as it were for the young person. (Cheryl, FG 3, 259 – 265)</p> <p>And some are good. Some are not. Some magistrates are, like you say, they're really good at erm... getting down on a really nice level to talk to young people. There's another lady as well, Mrs [name], she's just really good at... she does erm... she does... a stern face like during, but then I mean... she talks to the kids, she puts a smile on her face and she lightens her voice and she says 'okay so this is what's gonna happen now, you're gonna speak to'... and 'don't leave the room' you know... 'don't leave the court before you've spoken to someone from the youth offending team' and 'they're gonna look after you' and she's just really good at that sort of... you know? Explaining bits. (Janice, FG 1, 628 – 634)</p> <p>I've had incidents where we have more information than the solicitor erm... and we've actually made it clear to the court that a young person erm... really struggles in social situations so I'd noticed that he... the young lad was really struggling and was laughing and the Magistrates were getting really really cross about that... erm... but we were able to sort of speak to... approach the bench and explain that this isn't because he's laughing at</p>
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<p>Understanding Stress and Behaviour in the Courtroom</p>	<p>Recognising stress and its impact</p>	<p>the situation and making light of it, but it's actually how you know... how this is impacting on him and erm... and you know, and just give a bit of background information. (Tina, FG 3, 99 – 105)</p> <p>It's also a little bit of a slap in the face when you've taken the time to prepare a really detailed report and they say they don't even want to read it (laughs). (Sarah, FG 1, 335 – 336)</p> <p>Oh I had that today with my one in court. He's got ADHD. He was in front of a judge. It was quite clear in the PSR about his ADHD... didn't even really talk about it or talk about it in a... erm... in a level of his sentencing or anything or understanding... he was very like 'this, this and this' and he was very hard I think today. But without... maybe if he... (Karen, FG 2, 733 – 736)</p> <p>And the other bit in terms of it's all good with our reports... but we often... well, sometimes you find you know... 'sir have you had the opportunity to read the report?' and they say 'no' and that's more so, I would say with a district judge over the magistrates (Jill, FG 1, 321 – 323)</p> <p>I've also had experiences of Magistrates where you do give them the information that there are concerns there, and it's as though it's just completely gone over their head and they just talk and you kind of think... well you know, this young person hasn't got a clue what's just been said or what they've been sentenced to and although we would always go over that again when we're with them afterwards, erm... it's just not helpful. So it does also very much depend on who you have erm... you know, in the Magistrates sort of box as it were and the clerk as well. And some just naturally will just pick up that they need to explain it. (Cheryl, FG 3, 206 – 212)</p> <p>We've seen people pacing up and down, threatening this that and the other, whereas I should imagine they're sort of having a crisis and... we don't know. (Jemma, FG 2, 465 – 466)</p> <p>It's the jangle of the keys isn't it and then when the parent realises and they start crying (Sarah, FG 1, 658)</p> <p>Probably... the first word that pops in my head is maybe confusion. 'Cause I just think it is such a busy environment... like even just so</p>
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		<p>much as waiting to go into court, there are people rushing around all over the place, there's the occasional scuffle, there's security guards walking up and down, occasionally there's police. It might not be that the police are in for the Youth Court but the police are in for an adult court but there's police in full you know... police uniform. It's loud... erm... yeah I'd say it is quite confusing about what's gonna happen and... (Janice, FG 1, 664 – 669)</p> <p>Trying to get them dealt with first. 'cause I still don't think the court prioritise the list in you know... not so much with COVID 'cause they're staggered a little bit more now... but before it used to be like everyone turns up at nine o'clock, you can still be sitting there at five o'clock. Now if you've got a special need... I've been in court now... I can't remember ages ago... where a mum said 'please try and get one quickly because she's really bouncing off the walls here, like she's really agitated, she's gonna run... she's gonna go and like breach her bail...' yeah 'cause she's agitated. And some of the ushers done it... oh god... just trying to get them in soon you know what I mean... they don't really identify that need. They just think it's a bit of a queue jump. (Jemma, FG 2, 620 – 627)</p> <p>I think they need to have it explained to them afterwards. I think in that courtroom with all of that anxiety and nervousness... even those kids that are coming back for new offences because... for them as well erm... there's more of a heightened sort of panic isn't there like what's gonna happen? Am I gonna end up being thrown in prison? And stuff like that you know. It's all like... and I just don't think they hear it. (Janice, FG 1, 639 – 643)</p> <p>My experience is if they've heard 'you're not going to prison' that's... that's pretty much what they hear and it takes an explanation afterwards to sort of take in everything else and what that might mean. (Cheryl, FG 3, 437 – 439)</p> <p>I think they need to have it explained to them afterwards. I think in that courtroom with all of that anxiety and nervousness... even those kids that are coming back for new offences because... for them as well erm... there's more of a heightened sort of panic isn't there like what's gonna happen? Am I gonna end up being thrown in prison? And stuff like that you know. It's all like... and I just don't think they hear it. (Janice, FG 1, 639 – 643)</p>
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	<p>Negative perceptions of behaviour</p>	<p>Behaviour difficulties you know? If we can say to the magistrates in advance 'just to make you aware this young person has got some behavioural difficulties erm... they might... like because of nervousness or whatever they might put their hands in their pockets...' because they think like that... when they put their hands in their pockets... I know it's a respect thing but for young people that are already anxious and have maybe got learning needs, does it matter if they've got their hands in their pockets? (Janice, FG 1, 109 – 114)</p> <p>I would say as well, things like if a young person might be in a dock and might smile like obviously because they're... you know, they don't know how to respond in a situation and anxiety and whatever... and I think generally that sort of thing is viewed upon negatively by Magistrates. Erm... and I think there's quite a limited understanding of why that might be and I think it's just seen as a bit of err... you know, this young person thinks it's funny but actually not taking into account that they're standing in a dock and they might be going to prison and that might actually be quite concerning for them. (Mike, FG 3, 284 – 290)</p> <p>Karen: And they see that as like negative behaviour don't they. Jemma: Yeah . Karen: As real negative... that's not how you should be acting in court you know like... Patrick: Yeah and that's what's frustrating Emily in the whole system I think. That we don't look at behaviour as a communication. (Patrick, Karen & Jemma, FG 2, 523 – 527)</p> <p>Yeah 'cause they think 'oh he doesn't care'... actually he does care. That's why he's anxious about it. That's why he's acting the way he is. He does care about it. (Karen, FG 2, 530 – 531)</p> <p>I have had it where... I've also had a similar experience to Tina where erm... young people have laughed or have kind of said 'I'm worried about laughing or smirking and what if they take it the wrong way' (Cheryl, FG 3, 122 – 124)</p> <p>And I think the environment's sometimes a bit too harsh for young people that have got SEND as well isn't it. You know, I have asked a few times, I think I raised it with [member of management team], and I understand... again I understand it's the showing respect and stuff like that but you're in a Youth Court... why can't these young people sit down? Because to make them stand up makes their anxiety</p>
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	<p>Emotional support within court</p>	<p>ten times worse. You get some magistrates that say 'no that's fine you stand up and you give your wotsit' and whatever but you can sit and talk to the magistrates rather than... 'cause when you stand and everyone's looking at you... if you've got, you know, additional needs, that's quite harrowing isn't it. (Janice, FG 1, 278 – 285)</p> <p>When the kid's waiting there and everyone's having these secret conversations, I don't think that's very good for kids that have got additional learning needs because they're a bit more anxious. Erm... and also what I try to... particularly at the moment where normally the magistrates would push themselves back and they'd have a little whispered conversation, they've taken themselves out because they obviously can't get close... and I always make a point of getting up and going over to the young person and saying to them 'don't be afraid, they're going out to speak, it's only because of COVID restrictions and they can't have close conversation or a private conversation, they've gone outside to speak openly' and they're like 'oh okay' you know. 'cause I think the minute they go out they think they're done for don't they? (Janice, FG 1, 482 – 490)</p> <p>But I think also when you... when you talk about kids going back to court and you've got that relationship with the young person, sometimes just looking over. They look to you don't they for reassurance and you can just give them that look. (Jill, FG 1, 491- 493)</p> <p>Yeah when he came to court, he thought he was going to prison. He was gonna be remanded and he was kicking off. They said to me like... I said 'I need to go down and see him' and they said 'you sure? Like he's really...' and I said 'no he'll be fine with me, honestly I know he'll be fine'. But he was being really violent in the cells. I mean... he saw me and was like 'oh hello Jemma, you alright?' (laughs) (Jemma, FG 2, 600 – 604)</p> <p>... even on the new ones, if you've had a little five-minute chat, I do think like Janice said, it's only starting to make a nugget and just starting to you know... build a relationship but it's... it's sometimes that's all it takes is a look, just give a 'it's okay it's okay' reassurance. (Jill, FG 1, 495 – 498)</p> <p>when the young people are kind of held in the cells overnight, when they're brought up to... for their case to be heard, they're usually in the box with erm... a cell staff from</p>
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<p>Suitability of the Current System</p>	<p>Participating within an adult system</p>	<p>downstairs. And this particular young person had seemed to have formed some kind of like... attachment to one particular member of staff from the cells. And it actually... he... they facilitated it so that he could bring her up into the courtroom and erm... I think actually that was really useful to stop her from sort of kicking off further really and... I'm not sure in terms of how much explaining he did to help her understanding but just in terms of her emotional health and keeping her erm... sort of stable for the hearing, erm... that did make a big difference. And erm... I think sometimes they're overlooked erm... in terms of like... how helpful they can be as well. (Sarah, FG 1, 506 – 514)</p> <p>There is... there is a erm... mental health service if there are particular concerns that we have about a young person then we can access that in the courtroom erm... but that's not that's not commonly used. It's used mostly for young people that are in the cells and being presented from the cells. But they wouldn't necessarily be in the courtroom speaking for them. (Sam, FG 2, 245 – 248)</p> <p>The magistrates... you know there is... their response to dealing with youths is that they don't have to wear their wigs and sit and not stand and... they're less formal in their language but I don't... I don't think that goes far enough. (Sam, FG 2, 149 – 152)</p> <p>So... it's not very child friendly at all (Janice, FG 1, 287)</p> <p>I know one of my young people before and he hasn't got any additional learning needs and afterwards he went to me 'oh they really don't care about kids do they?' and I was like 'no they don't'. They deal with adults. They don't know how to deal with kids children. It's not their bag. (Janice, FG 1, 543 – 545)</p> <p>Just gonna make a quick comment about erm... sort of our overnight remands and I know obviously there's a difference between sometimes if you've got an overnight remand, they appear in front of an adult bench and... they aren't youth trained magistrates there and I think there's quite a clear difference usually between our youth trained magistrates and the... obviously the ones that aren't youth trained. Erm... and I think for young people appearing on an overnight remand and then having to... like there's no explanation... it's rare that I've ever seen any kind of explanation really. It's just sort of the standard</p>
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	<p>Punitive vs rehabilitative function of the Youth Court</p>	<p>script is reeled off and it's expected that they're gonna take that in and remember what was said. (Sarah, FG 1, 532 – 540)</p> <p>Personally I think... I know this sounds awful but I kind of feel like mostly in the adult court, the kids are like an inconvenience. They've got an adult list and they're used to dealing with adults and they're quite quick dealing with adult cases so when it comes down to young people... it's almost like some of the magistrates just haven't got the time to be dealing with that 'cause they've got like... they've already got this massive list and they're looking at it thinking 'you know we could be here til six o'clock as it is, I don't want a kid in my court giving me a sob story'. Do you know what I mean? And they're not... they're just not geared up that way. (Janice, FG 1, 551 – 557)</p> <p>Jemma: It's still interesting as to how perhaps other countries deal with situations isn't it. How others deal with someone who has an EHCP or the equivalent. Interviewer: Mm...mm Patrick: Yeah I think the Scandinavian countries will probably be a lot more sympathetic and yeah... a lot more focused around that personally (Jemma & Patrick, FG 2, 850 – 854)</p> <p>Yeah, and I think they do have a bit of a difficult job. They've got to uphold the law, they've got to show the public that they're being you know... they're being punished for their... you know... we're a society that likes to see someone punished aren't we you know... we're not like a rehab thing are we. That's why everyone goes to prison and... anyway that's me going political now. (Karen, FG 2, 811 – 814)</p> <p>Well you just reinforce to that young person that erm... you know, at the end of the day that you are a problem and if you can understand the reasons behind why the person does what or is the way they are, then surely that's got to give them more faith and trust that the system is there to help them? But if you're gonna punish me, I ain't gonna listen to you. Who do you think you are? Do you know what I mean? You don't understand me so I ain't gonna listen to you. And yeah... it just perpetuates and causes more problems. (Patrick, FG 2, 772 – 777)</p> <p>I think it's a difficult balance in that you know... there is a certain amount of process that needs to be followed with the courts</p>
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		<p>erm... and they've got to have a standard way of seeing each young person through... so a change of setting would be difficult. Erm... so I think there are difficulties there and also there is a seriousness of going to court that does need to be maintained. Erm... it needs to be meaningful, but I think it could be a softer environment. (Sam, FG 2, 300 – 304)</p> <p>I think we're quite miles behind sort of New Zealand, Australia etc erm... with their youth disposals or you know erm... court appearances. They just seem to have a lot more time to do... I think more meaningful work really or get a better outcome. I think we process... we still look at behaviour as not communication. We still look at behaviour as an attitude or a person's persona and I just think we're quite still behind the times really. (Patrick, FG 2, 137 – 142)</p>
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Appendix K: Aspects of Youth Court attendance highlighted in both Parts I and II of study

- Inconsistencies in quality of support provided by professionals including YOT practitioners, solicitors, magistrates, and judges
- Emotional impact of court attendance and associated stress responses
- The prospect of custody and 'going to jail'
- The punitive nature of the court system
- The co-regulatory support professionals, such as YOT practitioners and security staff, can provide CYP throughout proceedings.

Appendix L: YOT Practitioner Audit Tool

Aspects of Good Practice (as identified by YOT practitioners)

- Having conversations with CYP, parents/carers and solicitors before the court session so as to ascertain information pertaining to SEND.
- Using information gathered from CYP, parents/carers and solicitors to inform the bench of needs and the adaptations that will be necessary for the CYP during their court session. These include physical adaptations, such as ensuring the CYP is sat closer to the bench, or language adaptations (e.g., the importance of speaking slowly and clearly).
- Communicating the specific needs of CYP to court clerks when members of the bench are unavailable.

- Having preparatory conversations with CYP before their court session where visual aids (e.g., posters) are used to explain the layout of the courtroom and the role of each professional, including the YOT role.
- Liaising with ushers to ensure that CYP with SEND are seen first to support emotional wellbeing and prevent dysregulation.
- Efficient information-gathering from online systems (e.g., Mosaic) and education settings/other agencies when writing pre-sentence reports for CYP known to YOT.
- Providing CYP with SEND who are known to YOT with additional appointments to help prepare them for court attendance and review/revisit the content of pre-sentence reports.
- Occasionally supporting other professionals, such as social workers, to prepare CYP for their court attendance.
- Explaining court processes during the court session itself to support emotional wellbeing and inform CYP of what is happening/what is going to happen next (e.g., explaining why the bench have left the room to converse).
- Establishing positive relationships with CYP known to YOT and providing co-regulatory support during differing aspects of court attendance (e.g., whilst waiting for the session, within the courtroom and whilst held in the court cells). Examples of these include phoning CYP in advance to explain processes, visiting CYP in the cells during periods of dysregulation and reassuring glances whilst in the courtroom.
- Having conversations with CYP after their court session to explain the outcome, whilst recognising the impact of emotional dysregulation on information processing.
- Having preparatory/debrief conversations within quiet, confidential rooms within the court building when available.

Areas for Development and In Need of Further Consideration

- Establishing a system in which information pertaining to the SEND of CYP who are not known to the YOS/who are out of area can be obtained so as to inform court preparation.
- Developing consistent practice across all YOT practitioners in terms of highlighting the importance of parent/carer conversations and information-gathering on SEND. The importance of such a practice can be emphasised during court preparation training.
- Developing standardised visual resources that all practitioners can use when preparing CYP for court.
- Reviewing current court paperwork (e.g., front sheet and finance forms) and considering how these can be adapted or further developed to capture information on SEND so as to inform courtroom adjustments/practices.
- Exploring how systemic barriers, such as time constraints and lack of confidential spaces, can be addressed so that useful preparatory conversations can be had with all CYP prior to their court session.