Article

The Role of Higher Education in Youth Justice: A 'Child-First' Approach to Diversion

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Abstract: This article examines the perspectives of justice-involved children regarding the obstacles to accessing higher education (HE). It outlines the regulatory approach of the Office for Students (OfS) aimed at ensuring the sector aids disadvantaged children in 'raising attainment' through outreach activities to enhance the equality of opportunity. The analysis incorporates both desistance theory and ecological systems theory to understand children's viewpoints on how being outside mainstream education affects their transition from specialised programs to further learning beyond secondary school. This approach is anchored in the 'Child-First' principle, a core aspect of the Youth Justice Board's strategic plan for 2021–2024, emphasising the importance of children's voices in efforts to divert them from the youth justice system, thereby reducing victimisation and fostering safer communities. The findings indicate that justice-involved children not in mainstream education who have supportive micro- and mesosystems are more likely to develop an identity aligned with continuing education post secondary school, through positive encouragement and relational environments that promote educational pathways. Thus, higher education can contribute to raising attainment for justice-involved children not in mainstream education by focusing on the broader ecological system surrounding the child, which can encourage a pro-social and pro-educational identity.

Keywords: justice-involved children; child first; youth justice; higher education; inclusion; policy; desistance; ecological systems

1. Introduction

Individuals with lived experience of childhood incarceration, who later become youth justice practitioners, emphasise the need for society to create ecological, institutional, and relational environments that support children to move away from persistent criminality [1,2]. Furthermore, in conclusion to their edited edition of '*Desistance and Children: Critical Reflections from Theory, Research and Practice* [3]', prominent youth justice scholars posit that children's desistance from crime is a social justice issue. It is incumbent of wider society to construct non-stigmatising socio-structural support, requiring society to look beyond youth justice and into the wider society to promote positive outcomes for this group of children. As it stands, there are currently four Young Offender Institutions (YOIs), one Secure Training Centre (STC), and fourteen Secure Children's Homes (SCHs) operating in England and Wales, and in May 2023, they held 440 children, which is a reduction of 83 percent from approximately 2700 in 2000 (Youth Justice Statistics, published 2023) [4]. Although this is a significant reduction in the number of children being sentenced to custody, there is no obvious link between this reduction and children's positive experiences of childhood incarceration [5]. The reoffending rate for children within 12 months of release remains the second highest of the prison population at 62.2% [6], behind women at 73% [7], illuminating a challenge of the youth justice system in achieving its own objectives of reducing offending

and reoffending for children who enter it [8]. Research exploring international evidence has found that 'policies designed to encourage schooling among more crime-prone groups, are likely to produce the greatest benefits from crime reduction' [9] (p. 54).

It is for this reason that we decided to speak to children and explore their perspectives of what they believe would help them remain focussed on education beyond their secondary educational experience as a pilot test [10]. Exploring the literature, the research team found little to no empirical investigation focussed on the lived experiences of children who encounter schooling outside of mainstream educational settings and their perspectives of barriers to progression beyond secondary school. Research also highlights that a child being excluded from school can be a factor for already vulnerable children encountering the youth justice system [11]. Explaining the complex relationship between school exclusion and youth offending, it has been argued that 'school exclusion can have life-long unfavorable consequences, including increased likelihood of criminal victimisation, involvement in crime, and imprisonment' [12] (p. 88). Furthermore, higher education (HE) providers are regulated by the Office for Students (OfS) who request that providers within the sector raise attainment and widen participation for underrepresented groups. HE is education at universities or similar educational establishments, especially to degree level. This pilot study aims to explore whether targeting children not in mainstream education with the dual experience of youth justice contact may bear fruit in terms of developing pro-social identities whilst supporting children to refocus on education. This study uses two frameworks to build on within this research: desistance and ecological systems theory (EST), which bridges the internal and external features of a child's life to investigate their educational experience.

2. Literature and Context

For this pilot test, Springwell Academy (South Site) is identified as a research partner institution for Leeds Trinity University (LTU), as in Leeds, Springwell Academy is the primary Specialist Provision that enrols children who have been identified as requiring an Education, Health, and Care Plan (EHCP) for Social, Emotional, and Mental Health (SEMH) needs. Springwell Academy is a Specialist Provision which only teaches children who have an EHCP for various SEMH needs. The academy receives children who may in other locations in England receive their education in Alternative Provision. Alternative Provision is funded by Local Authorities and can teach children who are excluded from mainstream education, require additional or targeted support, or struggle to manage mainstream education for various reasons who may not have an EHCP. Therefore, the scope of this study will enhance the understanding of justice-involved children's experience in both Alternative and Specialist Provision. An EHCP is a statutory plan that replaced the pre-existing Statement of Special Educational Need in 2014 as a result of the Children and Families Act, 2014, and the new Special Educational Needs and Disability SEND Code of Practice to reform how children and young people with Special Educational Needs and disabilities are supported in England [13]. By virtue of attending this provision, the 105 students who attended Springwell Academy at the time of this research have additional educational and social needs and therefore can be identified as vulnerable, particularly outside of the school setting.

Many of the children selected for this pilot test have current or historical social care interventions and have been assessed within a support service context as 'at risk'. Whilst this term has been challenged in the contemporary youth justice literature, it has historically been framed towards those children exposed to risks that predict a later life of ill health, poverty, criminality, or social disrepute [14]. Consequently, many of the children enrolled at Springwell Academy have the dual vulnerability of being justice-involved children and having Special Educational Needs (SENs) [15]. Therefore, this pilot study examines the perspectives of justice-involved children regarding their access to HE. This investigation is crucial in the criminology and youth justice literature as it provides insights into addressing perceived barriers. These insights can support youth justice services in improving

educational pathways, which research highlights as essential for reducing offending, particularly among male populations [16]. Indeed, research has found that even 'preschool participation was linked to higher educational attainment and lower rates of crime as a function of promoting both cognitive and non-cognitive skills' [17] (p. 15).

Going beyond the criminology and youth justice literature, we outline the role of HE in supporting some of society's most vulnerable children and improving their educational outcomes which could play a vital role in reducing educational barriers and improving this group of children's positive outcomes. In early 2022, the Office for Students (OfS) set out new priorities to build on their previous work in 2018 to address the gap between the most and least represented groups through improving working relationships between HE and both primary and secondary schools through the notion of widening participation [18]. In March 2023, the OfS released their Equality of Opportunity Risk Register (EORR) to support HE providers to develop their Access and Participation Plans (APPs) through sharing sector-wide research to identify groups that face specific barriers to HE [19]. As the OfS are the regulators within HE, this illustrates that the regulatory landscape places a mandatory requirement for HE providers to intervene early to partner with both primary and secondary schools and other local organisations to raise the attainment of young people.

There is a recognised necessity to improve the empirical research evidence on the effectiveness of interventions aimed at increasing participation among underrepresented groups. This highlights the need for further research in this area to support HE practitioners in widening participation efforts and to bolster empirical evidence on effective strategies [20]. Furthermore, although 'ex-offender' is a group recognised by the OfS as an underrepresented group, justice-involved children are not identified and consequently seem to fall into a research gap, resulting in a failure to receive any resource from this regulatory mechanism [21]. Recognising this limitation, this pilot test may provide a link between what is known within contemporary youth justice knowledge, in reference to the benefits of education in preventing offending, and research within the widening participation agenda of the OfS, as it has been identified within the literature that interventions need to start early and engage young people at different stages of their educational career [22]. Acknowledging that 'ex-prisoners' are an underrepresented group in HE and that students with educational needs are a group recognised within the OfS approach to widening participation, this study directly targets a group that seem to be neglected within this framework. We aim to bridge this gap within the literature that negatively impacts on this group and question whether they would benefit from widening participation approaches and 'early' intervention support to 'raise attainment' from HE targeted interventions.

Looking further afield from the UK, a recent US study of justice-involved children identified that this group with the intersectional experience of having Special Education Needs (SENs) were more likely to reoffend than children with no SENs [23]. Furthermore, numerous studies have identified that children with specific characteristics such as being in the care of the Local Authority, being male, being of Black Caribbean origin, and having a disability all increase the likelihood of being permanently excluded from school [12]. Springwell Academy receive high levels of children with these intersecting characteristics which ensures this study includes participants who are often experiencing many intersectional disadvantages simultaneously [24], placing them at risk of exclusion or reduced timetables. A large collection of criminological scholarly work highlights that many adults and children involved in criminality have experienced school exclusion from mainstream education [25]. This illustrates that the identification of 'ex-prisoners' is often too late for justice-involved children through an early intervention lens. This link or correlation between school exclusion and crime has been conceptualised in both the US and UK as the 'school-to-prison' pipeline [26]. Although the school-to-pipeline metaphor is contested in the literature as a limited way of critically exploring the link between school exclusion and the prison experience [27], studies of education and prison have found that 42% of the adult prison population were permanently excluded from school [25]. Therefore, this pilot test can contribute to the educational and youth justice literature by developing evidence to

build strengths-based approaches to divert children away from youth justice services and focus on maintaining educational pathways. In the very least, as a pilot test should, this empirical exploration of children's lived experience can highlight areas for further research.

Although the effectiveness of processes and outcomes when diverting children away from the youth justice system are questionable, the contemporary evidence of diversion itself does seemingly represent a sea change from the New Labour's youth justice reforms within the Crime and Disorder Act 1998 [28]. Youth justice scholars have argued that a youth justice system which focusses on positive factors and promotes children's well-being is a far more effective way of preventing or reducing offending, promoting well-being, and creating safer communities while maintaining children's rights than risk-based interventionist approaches [29]. This evidence has led to the Youth Justice Board (YJB) adopting 'Child First', and it is four key tenets of the Child-First evidence base that set standards for children in youth justice [30]. Child First is a practice and policy shift in 'redefining "youth offenders" as children in trouble who present with unmet needs' [31] (p. 21). The key tenets that international evidence suggests prevent offending and create safer communities with fewer victims are to see children as children, develop a pro-social identity for positive outcomes, collaborate with children, and promote diversion from the justice system to reduce stigma [32,33]. This pilot test aims to use desistance theory as a framework to recognise the value of future thinking that can develop a 'pro-social identity' and children's ability to see themselves maintaining educational pathways, instead of pathways towards youth justice interventions which can be harmful and stigmatising.

2.1. Desistance

There are both similarities and critical differences between the theory of desistance and the Child-First evidence-based framework. The theory of desistance primarily explores how adults transition to non-offending lifestyles and identities after persistent offending, while the Child-First framework centres on fostering positive self-identities in children. Both frameworks emphasise the importance of developing positive self-identities. However, adult-oriented desistance focusses on changing identities, strengthening social bonds, promoting cognitive transformation, and enhancing individual agency [34]. In contrast, the Child-First evidence framework recognises the importance of identity development rather than change, presenting evidence of effective strategies for preventing offending in children. Additionally, it encompasses children's rights, addresses system inhibitors, incorporates childhood development, recognising that children's identities are not fully formed, and considers the growing pains of adolescence [35]. On the contrary, studies that focus on transformation within the desistance literature argue that social bonds such as a spouse provide opportunities for cognitive transformation as a potential 'hook for change' [36] (p. 992), which may be problematic as children develop, grow, and mature, as opposed to change cognitively.

Desistance as a theoretical concept is not simply the termination of offending behaviour by those previously involved but the underlying causal process [37]. Desistance as a process has three theoretical stages of the primary and secondary cessation of crime, with the secondary encompassing an identity shift to embrace the non-offending identity or a changed self, whereby the primary stage is simply a period of non-offending [38]. Criminology scholars have also introduced tertiary desistance, which is having the new non-offending identity accepted by others [39]. There are three identified theoretical desistance schools of thought, which are age-related and maturation, life transitions and social bonds, and changes in personal and social identity, the latter two being the most important components of the framework most relevant for this study [40]. For some desistance scholars, institutions such as marriage, parenthood, employment, and education play the most significant role in desistance through the life course [41]. For others, 'cognitive transformation' needs to take place on behalf of those justice-involved individuals through a symbolic interaction with external social factors, identified as hooks for change [36], whereas others have presented the argument that people involved in offending can develop

a coherent pro-social identity for themselves [42]. This is a critical phase whereby the Child-First approach enhances desistance theory within a child-focussed context. While desistance theory focusses on developing a positive identity to help individuals move away from offending behaviour, the Child-First approach offers successful, internationally evidence-based practices specifically designed for working with children [32]. Indeed, the notion of cognitive transformation could present problematic implications, as this proposes the idea of a pre-formed identity unlikely with children.

Although desistance theory has been implemented into AssetPlus, which is the commonly used assessment tool within youth justice risk processes, 'practice has yet to really reflect desistance approaches, possibly because of the emphasis on adult-orientated studies in the literature, leaving the sector somewhat risk-dominated' [43] (p. 23). The utilisation of desistance as a framework for this pilot test is not to advocate that this is the most appropriate framework for young people in practice but to explore how youth justice, HE providers, and the OfS can indeed reimagine how such local institutions can work together to widen participation and develop pro-social identities for a group of children that often fail to reach the highest levels of education. This pilot test will use the theory to explore whether HE can improve educational outcomes for a population that has often missed out on early years' opportunities before their school experience. Unpacking their much-needed investigation of whether desistance theory could or indeed should be applied to children in their edited edition, '*Desistance and Children: Critical Reflections from Theory, Research and Practice*', Wigzell and colleagues outline that the application would need to be a child-friendly desistance model to prevent a move away from 'Child-First' ideals given that preventing offending and risk management are the modi operandi of the youth justice system and desistance is a model that seeks to move people involved in offending away from criminality [3]. It could be argued that while the youth justice system focusses on reducing reoffending in children, desistance as a theoretical framework, if not embraced as a child-friendly model, could negatively impact the sea change and progress made over recent years.

2.2. Ecological Systems Theory

This pilot test will also use Bronfenbrenner's ecological systems theory (EST) to better understand how the systems around children do or do not develop environments that are conducive to children with these intersectional disadvantages maintaining their education and creating a belief that education can indeed be 'for them' [44]. The EST consists of four key systems that impact on childhood development. The first is the 'microsystem', consisting of the roles and relationships that a child encounters. The second is the 'mesosystem' which consists of the interrelationships between two or more of the elements within the microsystem. An example might be how well parents interact with school or how well peers interact with parents. The third is the 'exosystem' which can influence the mesosystem; however, the child does not encounter the exosystem directly. An example could be the parents' workplace, as the parents being stressed within the workplace is likely to impact on the child indirectly, but the child seldomly encounters that workplace. A further example could be the school board making decisions about the school, often with little contact with the child but influencing the child's environment, nonetheless. The final system is the 'macrosystem' which is the cultures, values, and often the political decisions within the country of the developing child [45]. Although all the layers of the ecosystem involved play a role in childhood development, this study will concentrate on the 'micro-' and 'mesosystems' to investigate how the mesosystem, or breakdown in relationships between the microsystems such as parents and school, impacts on children's experience of education and their belief that they could continue in education—if they wanted to.

However, to achieve this, researchers must first speak to this group of children and identify whether this is what they would like to achieve, what they perceive the barriers to be, and most importantly, what they perceive to be the solutions to developing such

pathways. Through a desistance lens and Child-First tenet of developing a pro-social identity, if children can maintain education and believe that HE is obtainable, they are less likely to encounter the youth justice system and more likely to thrive in education, inadvertently diverting this group away from the youth justice system, which is a key tenet of the Child-First approach [diversion]. This study therefore set out to examine the role that the micro- and mesosystem play in developing that self-narrative and identity or self-script. However, it must be acknowledged that not all children would like to continue to engage in education post school, regardless of barriers, and may seek alternative pathways into adulthood. However, given that continued education is a factor for developing a pro-social identity and influences desistance in terms of building a positive identity and developing social bonds to education, for example, this research can go some way to helping services recognise how to reduce barriers and support this group to get the best out of their educational experience.

This constructs the questions that the researchers aimed to answer within this study, which are as follows: (a) What are the barriers to higher education from justice-involved children's lived experience? (b) How can we co-create solutions to increase access and participation for this underrepresented group?

3. Methods

3.1. Design

A qualitative mixed-methods approach was adopted for this research, as it allowed the researchers to gain rich, in-depth information and understanding of the barriers to HE encountered by justice-involved children and their perception and solutions to increase/improve access and participation. The research design involved two stages of data collection: two separate focus groups, consisting of four children in one and six children in another, and one-to-one semi-structured interviews. The focus groups enabled the research team to engage with a larger number of children and facilitated a discussion and an exchange of views and perspectives on the research topic. The focus groups took a participatory research approach [46]. Waller and Bitou found that engaging children in participatory approaches to research redresses power and acknowledges children's skills and expertise. This approach was deemed most appropriate due to the specific needs of this vulnerable group of children, to guide the discussion and develop a thick description of their views and perspectives resulting in a rich data set. The one-to-one interviews were semi-structured, and although all children were asked if they wanted to take part, only six children gave consent to do so.

3.2. Focus Group Activity

Using the resources, can you create a profile of a university student.

In your groups can you produce or create a profile of someone that attends college or university. You have 20 min to create the profile using all the materials you have been provided. After both groups have finished, we will bring the groups back together and talk through the details of your project.

3.3. One-to-One Interview Questions

(1) What does going to college and university mean to you when you think about it?

   (a) Have you thought about going to college or university?
   (b) Has anyone asked if you want to go to college or university?

(2) What would you like to do for a job and how would college or university help?
(3) Have any of your friends or family members attended college or university?

   (a) Have you thought about going to college or university?

(4) Thinking about you going to college or university, what would be some of the problems and challenges to you attending?

   (a) Challenges at school

(b)   Challenges at home
(c)   Community challenges
(d)   Financial challenges
(e)   Interview challenges

(5)   If you were thinking of going to college or university, what help or support do you think you would like or need, and from who?

3.4. Participants

The participants were eight males and two females (three other participants dropped out due to behavioural challenges and being assessed by Springwell as unsuitable at this stage) who attended Springwell South Academy in Leeds. They met the inclusion criteria of being aged 14 to 16 years old and being justice-involved. For research purposes, it is important to define the concepts used within the selection process and justification of those definitions. Justice-involved children for this study were defined quite broadly to ensure the research was able to include those children who are often described as 'youth at risk'. The term justice-involved children was defined by both researchers and Springwell staff as children who have been in contact with the youth justice system themselves—including diversionary interventions—or have an immediate family member (microsystem) who had received a criminal justice intervention. The participants were recruited using purposive sampling [47], as they were intentionally selected by Springwell South Academy for meeting the inclusion criteria and were the only children within the age range that met the criteria. One member of the research team had a previous working relationship with several of the participants involved. This proved to be helpful in providing some familiarity for the participants.

3.5. Procedure

The research team delivered a participation information session with the identified children at Springwell to go through the details of the assent form and what the research entailed. This was an opportunity for relationships to form between the research team and children and to identify which children were willing to take part (subject to parental/care giver permission). The project was explained in a child-friendly way using the dual child assent form and information sheet to reduce unnecessary information for the child. The children were made aware that this is a voluntary project and that although parental consent was obtained they could refuse to be involved or decide at any stage of the project that they no longer want to take part. Ethical approval was obtained prior to data collection from the Leeds Trinity University ethics committee in accordance with the British Psychological Society (BPS) Code of Ethics for Human Research.

Due to the attention and ability of some of the children, the focus groups lasted around 45 min and took place in a classroom they were familiar with in their own school setting. Colucci found the inclusion of some 'exercises' as an alternative way to gather information within the focus group agenda to be beneficial with children in discussing sensitive topics [48]. This also helped to relieve any boredom and focussed their attention on the study topic. Additionally, Colucci suggests that children tend to be more active in expressing their feelings and ideas than adults. Therefore, following an initial icebreaker exercise, the children were given resources and in smaller groups were asked to create a profile of the type of person they believe attends college and university. As suggested by Krueger [49], the children verbally expressed their ideas while the researchers recorded them on a flip chart. They were then brought back to the main group to share their work with each other and explain why they created their profile or person.

The semi-structured interviews took place two months after the focus groups. They were anticipated to present different perspectives to the focus groups, as these were more likely to be influenced by the presence of peers. The children that gave appropriate and reflective responses in the focus groups assessed by Springwell staff were approached and asked to take part in the interviews. Six children from both focus groups agreed to take

part in the interviews. At this stage, consent and assent were requested from the children and their parents. Each interview lasted around 15 min and took place at Springwell South Academy, led by researchers (including student researchers). Again, as with the focus groups, this ensured that the children were in a safe and familiar place and with very little disruption to their day-to-day activities.

3.6. Data Analysis

Thematic analysis was used to analyse the data according to the six-phase process outlined by Braun and Clarke [50], which is as follows: familiarisation of data, generating initial codes, searching for themes, reviewing themes, defining and naming themes, and producing the report. The researchers actively read the transcripts several times to become familiar with their content, noting any initial coding ideas to return to in the next phase. Once the researchers were immersed in the data, the initial codes were generated. The themes were then reviewed and refined to ensure they have enough data to support them. This meant that themes were either kept, combined, discarded, or re-coded to ensure they were meaningful and distinct. A further thematic map of this analysis was created. Each theme was further analysed to identify its focus, and final theme names were decided, and we present the themes in Table 1.

Table 1. Definition and Names of Themes.

Principle Themes	Subthemes
Identity	Personal identity Social identity
Perception	School perception Post-school perception

4. Results

Through the completion of the thematic analysis process, two principal themes and four subthemes were identified across the transcripts. These were regarded as critical factors in providing lived experience explanations of the barriers children face when considering their transition from Specialist Provision School to FE and HE. Moreover, the children's narratives also provided potential suggestions of appropriate interventions that may reduce barriers and develop a sense of belonging that could possibly provide insights into constructing transformational educational transitions. The first principal theme was identity, including two subthemes of personal and social identity, and the second was perception, including two themes of school and post-school education.

4.1. Identity

The thematic analysis of the data populated a principal theme of identity, and this study found that some of the children were experiencing an 'Ecological Distraction'. Here, we define this as an ecological system that can inhibit the child's belief that education beyond school could be 'for them' which seems to be fuelled by inequality and social exclusion. The concept of 'Ecological Distraction' was formulated, as some of the children did not claim to have an identity that was conducive to transitioning to HE (personal identity) whilst simultaneously believing that HE students have a personal identity that aligns with attending HE that emerges from their more privileged social circumstances (social identity). The quotes that outlined this position from their lived experience perspective are as follows:

'Posh people go to university.' (Mark).

'University students have a good social life.' (Jessica).

'They [university students] think they are better than everybody else.' (Millie).

'Like their parents are like Doctors and Lawyers and stuff.' (Malaki).

The data here illuminate that those children who viewed their identities to be in conflict with their perceived identities of a university student felt HE was for other types of students with different social circumstances and more supportive micro- and mesosystems. Some children even othered those students who they believed were more likely to attend university, indicating they felt university maybe an unsafe and unwelcoming space as a result of potential judgment. For this group of children, it seemed as if the 'Ecological Distraction' was less related to them having been identified as having additional needs and their EHCP but mainly through the development of an identity or personal profile that did not correlate with their understanding of the identity of HE students, which seemed to be shaped by their ecological system outside of school. Therefore, the idea of 'cognitive transformation' or social bonds such as education providing 'hooks for change', as described in the desistence literature, seemed to be less impactful [36] due to their relational environment inhibiting a pro-educational identity. Given that Child First coalesces around cognitive development as opposed to 'transformation', Child First provides a more solution-focussed developmental lens to view the children's educational pathways, as the understanding of the child's identity and cognitive development remains in maturation stages. However, at this stage, their identity being so distant from their understanding of HE students' identity was a significant barrier to their motivation to maintain education beyond secondary school. Indeed, identity for them seemed to 'compound' their experience of not being in mainstream school or being identified as having additional educational needs, and they were unable or unwilling to commit to HE at this stage as a result. These children found it difficult to reconcile that their identities—whether social or personal—with their understanding of the identities of students who stay in education beyond school. The following quotes from the children illustrate this point:

> 'I don't feel like I want to go to college. I wanna get a house, get a job and I am done with education.' (Malaki).

> 'Uni is not for people like me.' (Mark).

> 'I don't want to be posh and go to university.' (Millie).

> 'I have been told that my ADHD might hold me back.' (Jonny).

These quotes from the children outline that they are seemingly 'othering' those students who go on to do well in education and go on to HE whilst simultaneously denying that their own identity is one that could transition into HE. These epistemological ideas and discussions if taken place between peer groups within school are also likely to influence their belief that they can identify with students who maintain education post school if this narrative is prominent in their social spaces. Peer pressure amongst children has been shown to be significant during middle adolescence [51]. This was witnessed within the focus groups, as once the profile of HE students was frowned upon, the children seemed reluctant to challenge this, even though they did not hold the same view of HE progression.

It was interesting that the data also suggested that those students who could identify as students who could go on to HE if they wanted to seemed to have access to micro- and mesosystems of family and community members who made post-school learning normative, even while they attend a Specialist Provision, outside of mainstream school. This differentiation seemed to have a strong impact on the sense of belonging to education or whether they felt an estrangement to post-school learning which seemed to formulate from their social identity (microsystem). Having access to a personal identity that they could positively reconcile with their understanding of HE students' identity seemed to have a positive impact on the children's belief that they could go on to post-school education. For this group of children, due to their self-identity being shaped by their microsystem, they seem to feel comfortable with having a choice of whether they wanted to continue in education post school. Their identities—both personal and social—being coherent with their understanding of HE identities were shaped by their intimate relationships and

they did not seem to have the same 'Ecological Distraction'. The quotes below illustrate this point:

> 'Mum used to be a Headteacher and encourages me to go to college.' (Phil).

> 'I would rather get family support than school support to go to college.' (James).

> 'I want to be a self-employed mechanic like the family friend who I work with up the road.' (Leroy).

> 'I know lots of people who have been to college and university, so I could go if I wanted to.' (Malcolm).

Identity, both social and personal, certainly played a role in how the children view themselves and their ability or willingness to transition from their Specialist Provision into and through HE. Their identity seemed to be constructed from their intimate and close familial relationships (microsystem) that developed an identity that was aligned—or at least did not reject—the notion of continuing into HE post secondary school. This finding does indicate that in terms of self-narrative scripts [42] their close relationships outside of school are a significant factor as to whether the children develop identities that could set the foundation for them to believe that HE is indeed something they could, or indeed should want to, identify with. The finding of identity being so relevant to children developing positive pathways in education is closely aligned with Hazel and colleagues' evidence that youth justice services working with this group must 'focus on promoting a pro-social identity and aiding desistance from crime' [35] (p. 6). One of their key arguments is that a child's behaviour is influenced by their identity, and a child should not have to take responsibility for their developing identity, which is shaped by the world around them. It is also argued that a focus on developing positive identity allows services to focus on helping them develop their behaviour towards positive outcomes within the Child-First framework.

4.2. Perception

The second key theme across the data was the children's perception of school, which appeared to correlate with their microsystem relationships, which often had a positive view of education [44]. This perception seemed to form a formula of 'Ecological Approval' of education. Here, we define this as an ecological system that promotes the child's belief that education beyond school could be 'for them' which is promoted by a relational system that can mitigate inequality and social exclusion. Several children perceived school (school perception) in a negative light, describing school in the ice-breaking activity within focus group one as 'shit', 'boring', and 'depressing'. Those children who had family members, be it parents, siblings, grandparents, uncles, aunties, or cousins, who had gone on to HE (post-school perception) seemed to perceive school and post-school education in a more positive light than those children who made no such disclosures. As one of the researchers had prior 'insider' knowledge of the students through previously working within the school, there was an insight into some of the students' backgrounds and experiences, such as which children were in the care of the Local Authority due to abuse and neglect or children who were experiencing socio-economic poverty and relational challenges, which linked to the children's perceptions that HE was not for them. This gave some understanding of the students' microsystems and how this influenced a negative or positive perception of education and the children's perception as a response to their 'Ecological Distraction' or 'Ecological Approval' toward education. The following quotes illustrate such findings:

> 'I just want to get a job and get out of school.' (Mark).

> 'University students have parents who work.' (Millie).

> 'University students come from nice areas, not like mine.' (Malaki).

> 'I don't know people who go to university, so it can't be for people from my endz.' (Jessica).

However, other children with more positive perceptions of school and the post-school experience seemed to disclose that they had a microsystem which included family and community members with more positive perceptions of education and the post-education transition. This was captured in the following quotes:

'I don't need school to help me go onto University, I can get that from my mum.' (Alex).

'I have enough support from my family, but they would be shocked if I told them I wanted to attend College or University.' (Malcolm).

'Mum wants me to go to college, but I don't know if I want to. She will help me if I want to, but I might do an apprenticeship instead.' (James).

Given the nature of all the children's circumstances, there seemed to be a relationship between their identities and perceptions, but there were also some distinct differences. There seemed to be no clear relationship between having a positive self-identity and them perceiving themselves as children who perceived HE to be 'for them'. However, identity and perception seemed to be more strongly connected than the children not being in mainstream school or having been identified as having additional educational needs. As the data illustrate, they had very diverse views on post-school education and their ability or motivation to stay in education. The most significant finding seemed to be how their microsystem and their mesosystem being made up of people who had positive perceptions or experiences of education and post-school education seemed to positively impact the child's perception of others who took that education journey and then perceive it to be something they could identify with if they had the desire. However, the children who were more negative in terms of their own perception of education and their understanding of the identities of those students who continue within education and certainly whether they perceive post-school learning to be something they would be able to do if they wanted seemed to be shaped by their micro- and mesosystem being less encouraging about the educational experience.

5. Discussion

The purpose of this pilot test was to examine the perspectives of justice-involved children in Specialist Provision regarding the obstacles to accessing HE. In this article, we have outlined the regulatory approach of the OfS aimed at ensuring the sector aids disadvantaged children in raising attainment through outreach activities to enhance the equality of opportunity. The analysis incorporated both desistance theory and ecological systems theory to understand children's viewpoints on how being outside mainstream education affects their transition from specialised programs to further learning beyond secondary school. This approach was anchored within the 'Child-First' principle to ensure it is posited within international evidence of what works in preventing offending by children. The theory of desistance has an interesting relationship with identity [52]. Indeed, it has been argued in the adult criminological literature, for example, that for someone to have a sustained period of desisting from crime, it is most likely to take place when we see a fundamental and intentional shift in identity [42]. Although the definition of justice-involved children in this study was too broad to suggest or assume all the children in this study would go on to persistent offending, our findings suggest that identity played a key role in whether the children identified with traditional educational pathways. Youth justice scholars have conceptualised resettlement after periods of custody as an important opportunity to support children to develop a positive self-identity. Hazel and Bateman highlight that the 'Beyond Youth Custody' (BYC) model proposes that the evidence clearly points to two distinct, but reciprocal forms that are fundamental to enhancing the prospects that children will make the necessary shift: (1) personal support to guide their identity shift and (2) structural support to enable it' [53] (p. 81). Although desistance has been historically focussed on ideas of 'redemption' and 'self-narrative scripts', youth justice scholars are also in agreement that promoting positive self-narratives and supporting children to develop

pro-social identities are critical components to helping children avoid contact with the law and reoffending if they do [43]. The work around Constructive Casework by Hazel and colleagues has further enhanced the understanding of promoting pro-social identity for children [35]. They argue that moving away from identify shift and towards identity development allows for personal support to guide identity development and structure support to enable identity development (p. 14), which strongly aligns with the findings in this article that both personal and structural factors impact on children's positive identity development which aligns with a positive perception of education.

The findings in this study concur that the development of these positive self-identities is critical to enhancing children's motivation to obtain educational attainments and has a positive impact on preventing offending in children. However, this study also found that these identities can start to be shaped by micro- and mesosystems through close, interpersonal relationships that are not conducive for children to develop social bonds with institutions such as education. Furthermore, as the most effective way to address this, considering the perspectives of the children in this study, the relational environment seems critical through a prevention lens to ensure this group of children develop pro-social identities that can become conducive to a healthy educational experience. Moreover, any interventions that are focussed on developing a belief that HE is 'for them' must also take place inside and outside of the school. Place and microsystems must be considered, as they play a role in the child's ability to identity with and perceive post-school education to be 'for them'. All these children attended the same school and all had EHCPs, yet the most significant factor identified here seems to be their 'identity' and 'perception'. The most significant difference between the belief that post-school education is indeed an option for these children seemed to be the cohesive link between the school and the child's microsystem such as family and friends. This highlights that a robust educationally supportive mesosystem is a strong indicator for children to believe the education system is for them, which lends itself to understanding how to break down barriers for this group of vulnerable children to promote the belief that they can go on to HE.

There were several limitations to this pilot study that need to be outlined. The first limitation is that the sample size only represented the perspectives of a small group of children within a Specialist Provision. Although this pilot study was an invaluable empirical test to investigate what children's perceptions of HE are, a larger research project would provide a more generalisable outcome and stronger evidence that would make a stronger case to shape HE policy and the regulatory framework of the OfS. A further limitation was that the children were all in one location in Leeds; therefore, further studies in this area should build on this pilot test, which would produce more robust findings if undertaken across various locations and institutions to examine a broader scope of the views and perspectives of children. The attention and regulation of children with SEMH needs was not conducive to collecting thick data. The children not being able to focus for long periods of time before becoming restless and distracted meant that the data are limited. Future research may require an ethnographical approach to overcome this challenge and enable data collection through observations.

6. Conclusions

We conclude that using desistance theory and ecological system theory was very helpful throughout this study, as it enabled us to explore both the child and their wider relational context in how they identify with and perceive education. Alternative Provision and Specialist Provision Schools may be providing effective educational interventions and experiences but seemingly fighting an uphill battle for many children at risk of becoming or indeed already involved in the youth justice system. This group of children can be exposed to wider ecological systems that are at odds with the messages being provided by teachers and schools. Therefore, we believe there is a moral responsibility for the HE sector to focus on early intervention for this group of children to improve equitable outcomes across the board. Given the findings of this study, this would require those responsible for regulating

the sector such as the OfS to encourage resources to be focussed on the ecological system around the child to have the most positive effect. If the adults in and around children are more positive and supportive towards post-school education, this seems to have a positive effect on the children's identity and perception. Therefore, targeted work with the children's ecological systems as well as the children directly would have a positive effect.

It is crucial for Alternative and Specialist Provisions, which likely have justice-involved children (as defined in this pilot test) in their student population, to access training on both the Child-First evidence base and the toolkits developed by Hazel and colleagues [35]. These resources emphasize how children's identities are shaped by their attachments and relationships, promoting the development of pro-social identities, and supporting desistance from crime. This evidence-based understanding of the importance of identity development is vital for children experiencing 'Ecological Distractions' and not in mainstream education. Although it is suggested that HE institutions can and should focus resources on supporting this group of children to raise attainment, this pilot test indicates that further research is required to determine how to effectively target resources to promote pro-social and pro-educational identities.

Mentoring for this group of children through widening participation approaches would likely help, as they often feel they are not supposed to attend HE, so having people they perceive to be 'like them [2]' such as Credible Messengers and Peer Mentors to discuss the potential transition would likely mitigate that fear [54]. Growing evidence suggests that desistence can be promoted and encouraged by peers, and therefore, some research about how effective this could be with this group for educational pathways and transitions is our suggestion [55].

Youth justice could facilitate macrolevel interventions such as developing partnerships between Specialist and Alternative Provision and schools with high levels of need and HE to take a desistance approach for children which aligns with the Child-First tenets of developing pro-social identities and diversion which in turn prevents unnecessary contact with the youth justice system.

Finally, we suggest that the Office for Students identify justice-involved children as a group of children who require targeted interventions from the sector. Ex-prisoners being identified as a group who need support fails to recognise that justice-involved children also require additional support to raise attainment. If they are not identified within their Equality of Opportunity Risk Register, they are unlikely to receive support by the sector, which we argue compounds their experience of social marginalisation.

References

1. Brierley, A. *Connecting with Young People in Trouble: Risk, Relationships and Lived Experience*; Waterside Press: Hook, UK, 2021.
2. Brierley, A.; Myles, K. In conversation: An inside perspective of youth justice practice and experience. *Probat. J.* **2024**, *71*, 02645505241241586.
3. Alexandra, W.; Paterson-Young, C.; Bateman, T. What next for desistance and youth justice? In *Desistance and Children*; Policy Press: Bristol, UK, 2024; pp. 277–289.
4. Youth Justice Statistics 2022 to 2023 England and Wales. 2024. Available online: https://www.gov.uk/government/statistics/youth-justice-statistics-2022-to-2023 (accessed on 8 July 2024).
5. Brierley, A. Clear approach: Peer-led approaches in youth offender institutions. *Scott. J. Resid. Care* **2023**, *22*. [CrossRef]
6. Ministry of Justice. Proven Reoffending Statistics: April to June 2022. Proven Reoffending Statistics: April to June 2022—GOV.UK. 2024. Available online: https://www.gov.uk/government/statistics/proven-reoffending-statistics-april-to-june-2022/proven-reoffending-statistics-april-to-june-2022 (accessed on 8 July 2023).
7. Prison Reform Trust. Bromley Briefings Prison Factfile February 2024—Winter-2024-factfile. 2024. Available online: https://prisonreformtrust.org.uk/wp-content/uploads/2024/02/Winter-2024-factfile.pdf (accessed on 31 May 2024).
8. Youth Justice Board (YJB). *Strategic Plan 2024-27*; Report; YJB: London, UK, 2024.
9. Hjalmarsson, R.; Lochner, L. The impact of education on crime: International evidence. *CESifo DICE Rep.* **2012**, *10*, 49–55.
10. Junyong, I. Introduction of a pilot study. *Korean J. Anesthesiol.* **2017**, *70*, 601.
11. Sanders, J.; Liebenberg, L.; Munford, R. The impact of school exclusion on later justice system involvement: Investigating the experiences of male and female students. *Educ. Rev.* **2020**, *72*, 386–403. [CrossRef]
12. Arnez, J.; Condry, R. Criminological perspectives on school exclusion and youth offending. *Emot. Behav. Difficulties* **2021**, *26*, 87–100. [CrossRef]
13. Department for Education (DFE) and Department of Health (DH). Special Educational Needs and Disability Code of Practice: 0 to 25 Years. 2015. Available online: https://www.gov.uk/government/publications/send-code-of-practice-0-to-25 (accessed on 24 January 2020).
14. Reidun, F. Youth at risk or terms at risk? *Young* **2015**, *23*, 240–253. [CrossRef]
15. Winter, E.; O'Raw, P. *Literature Review of the Principles and Practices Relating to Inclusive Education for Children with Special Educational Needs*; National Council for Special Education: Trim, UK, 2010.
16. Machin, S.; Vujić, S.; Marie, O. Youth crime and education expansion. *Ger. Econ. Rev.* **2012**, *13*, 366–384. [CrossRef]
17. Reynolds Arthur, J.; Judy, A.T.; Suh-Ruu, O. Preschool education, educational attainment, and crime prevention: Contributions of cognitive and non-cognitive skills. *Child. Youth Serv. Rev.* **2010**, *32*, 1054–1063. [CrossRef] [PubMed]
18. Office for Students. Our Approach to Access and Participation. *Our Approach to Equality of Opportunity—Office for Students.* 2022. Available online: https://www.officeforstudents.org.uk/for-providers/equality-of-opportunity/our-approach-to-equality-of-opportunity/ (accessed on 9 November 2023).
19. Office of Students. Equality of Opportunity Risk Register, Equality of Opportunity Risk Register—Office for Students. 2022. Available online: https://www.officeforstudents.org.uk/for-providers/equality-of-opportunity/equality-of-opportunity-risk-register/ (accessed on 9 November 2023).
20. Younger, K.; Gascoine, L.; Menzies, V.; Torgerson, C. A systematic review of evidence on the effectiveness of interventions and strategies for widening participation in higher education. *J. Furth. High. Educ.* **2019**, *43*, 742–773.
21. Wonk, H.E. Thinking through Access and Participation Work for Those Who Have Experienced Prison | Wonkhe. 2023. Available online: https://wonkhe.com/blogs/thinking-through-access-and-participation-work-for-those-who-have-experienced-prison/ (accessed on 1 December 2023).
22. Moore, J.; Sanders, J.; Higham, L. Literature review of research into widening participation to higher education. In *Report to HEFCE and OFFA. Aim Higher Research & Consultancy Network*; HEFCE: Bristol, UK, 2013.
23. Bo-Kyung, E.K.; Johnson, J.; Rhinehart, L.; Logan-Greene, P.; Lomeli, J.; Nurius, P.S. The school-to-prison pipeline for probation youth with special education needs. *Am. J. Orthopsychiatry* **2021**, *91*, 375.
24. Devon, W.C.; Crenshaw, K.W.; Mays, V.M.; Tomlinson, B. INTERSECTIONALITY: Mapping the Movements of a Theory1. *Du Bois Rev. Soc. Sci. Res. Race* **2013**, *10*, 303–312.
25. Coates, S.; Unlocking Potential: A Review of Education in Prison. Coates Review. 2016. Available online: http://hdl.voced.edu.au/10707/405021 (accessed on 8 July 2024).

26. Skiba, R.J.; Arredondo, M.I.; Williams, N.T. More than a metaphor: The contribution of exclusionary discipline to a school-to-prison pipeline. *Equity Excell. Educ.* **2014**, *47*, 546–564. [CrossRef]
27. Hodgson, P.; Webb, D. Young people, crime and school exclusion: A case of some surprises. *Howard J. Crim. Justice* **2005**, *44*, 12–28. [CrossRef]
28. Kelly, L.; Armitage, V. Diverse diversions: Youth justice reform, localized practices, and a 'new interventionist diversion'? *Youth Justice* **2015**, *15*, 117–133.
29. Case, S.; Haines, K. Transatlantic 'Positive Youth Justice': A distinctive new model for responding to offending by children? *Crime Prev. Community Saf.* **2018**, *20*, 208–222.
30. *Standards 1–5 for Children in the Youth Justice System 2019*; Ministry of Justice and Youth Justice Board (YJB): London, UK, 2019.
31. Case, S.; Haines, K. Abolishing youth justice systems: Children first, offenders nowhere. *Youth Justice* **2021**, *21*, 3–17.
32. Case, S.; Browning, A. *Child-First Justice: The Research Evidence-Base [Full Report]*; Loughborough University: Loughborough, UK, 2021.
33. Deakin, J.; Fox, C.; Matos, R. Labelled as 'risky' in an era of control: How young people experience and respond to the stigma of criminalized identities. *Eur. J. Criminol.* **2022**, *19*, 653–673.
34. Healy, D. Changing fate? Agency and the desistance process. *Theor. Criminol.* **2013**, *17*, 557–574. [CrossRef]
35. Hazel, N.; Drummond, C.; Welsh, M.; Joseph, K. *Using an Identity Lens: Constructive Working with Children in the Criminal Justice System*; University of Salford Manchester: Salford, UK, 2020.
36. Giordano, P.C.; Cernkovich, S.A.; Rudolph, J.L. Gender, crime, and desistance: Toward a theory of cognitive transformation. *Am. J. Sociol.* **2002**, *107*, 990–1064. [CrossRef]
37. John, H.L.; Sampson, R.J. Understanding desistance from crime. *Crime Justice* **2001**, *28*, 1–69.
38. Shadd, M.; Farrall, S. Desistance from crime: A theoretical reformulation. *Kölner Z. Soziol. Sozialpsychol.* **2004**, *43*, 171–194.
39. Graham, H.; McNeill, F. Desistance: Envisioning futures. In *Alternative Criminologies*; Routledge: Abingdon, UK, 2017; pp. 433–451.
40. Maruna, S. Desistance from crime and offender rehabilitation: A tale of two research literatures. *Offender Programs Rep.* **2000**, *4*, 1–13.
41. Laub, H.L.; Nagin, D.S.; Sampson, R.J. Trajectories of change in criminal offending: Good marriages and the desistance process. In *The Termination of Criminal Careers*; Routledge: Abingdon, UK, 2017; pp. 433–446.
42. Maruna, S. *Making Good*; American Psychological Association: Washington, DC, USA, 2001; Volume 86.
43. Hampson Kathy, S. Desistance approaches in youth justice–The next passing fad or a sea-change for the positive? *Youth Justice* **2018**, *18*, 18–33. [CrossRef]
44. Bronfenbrenner, U. *The Ecology of Human Development: Experiments by Nature and Design*; Harvard University Press: Cambridge, MA, USA, 1979.
45. Anthony, J.O.; Collins, K.M.T.; Frels, R.K. Foreword: Using Bronfenbrenner's ecological systems theory to frame quantitative, qualitative, and mixed research. *Int. J. Mult. Res. Approaches* **2013**, *7*, 2–8.
46. Waller, T.; Bitou, A. Research with children: Three challenges for participatory research in early childhood. *Eur. Early Child. Educ. Res. J.* **2011**, *19*, 5–20.
47. Gill Sara, L. Qualitative sampling methods. *J. Hum. Lact.* **2020**, *36*, 579–581. [CrossRef] [PubMed]
48. Erminia, C. Focus groups can be fun: The use of activity-oriented questions in focus group discussions. *Qual. Health Res.* **2007**, *17*, 1422–1433.
49. David, L.M.; Krueger, R.A.; King, J.A. *Planning Focus Groups*; Sage: Los Angeles, CA, USA, 1998.
50. Virginia, B.; Clarke, V. Using thematic analysis in psychology. *Qual. Res. Psychol.* **2006**, *3*, 77–101.
51. Laurence, S.; Monahan, K.C. Age differences in resistance to peer influence. *Dev. Psychol.* **2007**, *43*, 1531.
52. Bushway, S.D.; Paternoster, R. Identity and desistance from crime. In *Effective Interventions in the Lives of Criminal Offenders*; Springer: New York, NY, USA, 2013; pp. 63–77.
53. Hazel, N.; Bateman, T. Supporting children's resettlement ('reentry') after custody: Beyond the risk paradigm. *Youth Justice* **2021**, *21*, 71–89.
54. Creaney, S. Children's voices—Are we listening? Progressing peer mentoring in the youth justice system. *Child Care Pract.* **2020**, *26*, 22–37. [CrossRef]
55. Brierley, A. Experiential peers cultivate a participation culture in youth justice. *Safer Communities* **2023**, *22*, 78–90.