

Challenging Justice Inequalities with Children in Conflict with the Law

Policy Briefing

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The Project

Challenging Justice Inequalities was funded by the Nuffield Foundation and aimed to address a gap in the evidence about children's intersectional experiences of justice in Scotland.

The project was coproduced with a Youth Advisory Group (YAG) of children, aged 14-17, with diverse experiences of the justice system. The YAG explored child-led understandings of protected characteristics, intersectionality and justice, and played a central role in designing Phase 2 of the project. Phase 2 brought together children's experiences of front-line policing and police officers' perspectives, through creative zine-making workshops and semi-structured interviews.

Participants

42 children aged 14-17 participated in 11 exploratory focus groups.

9 children aged 14-17 participated in the YAG, meeting across 24 sessions over 18 months.

31 children aged 14-17 participated in 5 zine-making workshops

10 police officers participated in child-led interviews

Top-level summary of findings

The full report and summary report provide a more detailed account of the findings and are available at www.challengejustice.org/outputs. This policy brief highlights five key findings from the research.

- 1** Despite participants' diverse backgrounds, age emerged as the common feature influencing their experiences and shaping the significance of other characteristics, long before contact with the justice system occurred. Children encountered dismissive attitudes in health, education and other settings, where they were not always taken seriously.

Many children reported surveillance, restrictions or exclusion from public spaces and amenities. While children acknowledged that some children and young people did cause issues in retail and hospitality premises, or in the community, their experiences reflected widespread age-based stereotyping.

These findings suggest that children's experiences of age-based discrimination are not adequately addressed by the Equality Act 2010. The Equality Act protections against age discrimination only apply to under 18s in limited circumstances (such as employment rights). Although differential treatment based on age and development may sometimes be necessary and lawful, it should not resort to detrimental stereotypes or assumptions about children, in ways that would be seen as unacceptable for adults.

- 2 For many children, school was their first point of contact with the justice system through the presence of campus police officers. Contact ranged from passive exposure to direct involvement, including surveillance, disciplinary action and, in some cases, criminalisation during the school day.

Children often viewed campus officers as having little relevance to their daily lives and reported limited meaningful engagement. However, their presence also created anxiety about the escalation of everyday incidents and the potential for overreaction. Some children described blurred boundaries between police roles in relation to crime detection, community safety and protection within communities and their more pastoral and educative role in schools. Incidents that may previously have been managed by families or teachers were perceived as increasingly subject to police involvement and potential criminalisation.

These findings suggest early justice interactions are important. Even informal and everyday exchanges with police in schools can shape, often detrimentally, children's trust, confidence and perceptions of legitimacy within the wider justice system.

- 3 Children's experiences of policing have changed little over the past two decades¹ with fear, mistrust and avoidance continuing to characterise many police encounters, despite policy and practice reforms. At the same time, children acknowledge that policing is an important and difficult role that often requires officers to make quick decisions in challenging circumstances.

However, age-based assumptions were often amplified in justice interactions. Children felt judged, labelled and targeted and also reported concerns about how they were treated as victims or witnesses to crime because of their age. Police contact was described as pervasive and routine rather than exceptional. Children reported being both overlooked and overpoliced, simultaneously surveilled and dismissed. These seemingly opposing responses of inaction or overreaction often produced the same result: a sense of not being heard, believed, or taken seriously due to their age. These experiences were often shaped by intersecting factors, including race, class, community and appearance, which were not always adequately recognised or protected.

This complexity in children's experiences contributed to profound ambivalence towards the police.

¹ See, for example: McAra, L. & McVie, S. (2005). The usual suspects?: Street-life, young people and the police: Street-life, young people and the police. *Criminal Justice*, 5(1), 5–36. **Or:** Deuchar, R. (2010). 'It's Just Pure Harassment... As If It's a Crime to Walk in the Street': Anti-social Behaviour, Youth Justice and Citizenship – The Reality for Young Men in the East End of Glasgow. *Youth Justice*, 10(3), 258–274.

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- 4 While awareness of children's rights and the UNCRC appeared to be present among children, understanding of protected characteristics and intersectionality was more limited. Children had limited knowledge of the care and justice systems, including their rights during police contact and how to navigate formal justice processes. Even where children were aware of their rights, many felt unable to assert them because of power imbalances and concerns that doing so would be viewed as disrespectful or make their situation worse.

Schools, and other education settings, were identified as offering important opportunities for improving children's engagement with, and understanding of, justice, rights and inequalities. However, education about justice tended to be largely theoretical and did not always equip children with the practical knowledge and skills needed to navigate real-world justice interactions.

- 5 Police officers showed varied understanding and confidence in relation to children's rights. Some officers described how they were embedding the UNCRC in their practice, while others reported limited knowledge of its provisions. The principles of Article 12, which outlines children's right to be heard, were generally well understood across divisions, although this was often applied in a procedural rather than genuinely participatory way.

While officers expressed commitment to the UNCRC, some voiced concerns about its implications for everyday policing practice. In particular, officers described feelings of uncertainty and tension when balancing the rights and needs of those who had experienced harm with those of children accused of causing harm, especially when policing older children.

Training on policing children and young people appeared limited. Initial police training did not seem to consistently address child development nor significantly engage with protected characteristics, beyond race-related issues. Access to ongoing professional development varied across divisions and officers highlighted competing demands on their time as a barrier to keeping training up to date.

Officers also recognised that policing is a demanding role. They brought their own intersecting personal and professional experiences to their work and often experienced verbal and physical abuse in the course of their duties. Participants highlighted the importance of humanising both children and police officers, recognising the challenges, perspectives and experiences that each bring to police interactions.

Recommendations

These recommendations were developed from the project team's synthesised findings from Phase 1 and Phase 2, as well as ongoing discussions and reflections from the YAG throughout all stages of the project.



Government and organisational policy

- Review the rights-based framework of protected characteristics under the Equality Act 2010 to ensure that it adequately protects children against age-based discrimination.
- Develop clear guidance to support the interpretation and application of the Equality Act 2010 in ways that avoid reinforcing age-based discrimination for children, and that account for the cumulative effects of intersecting forms of inequality and disadvantage.
- Raise awareness among childcare, education and justice practitioners that the Equality Act 2010 protections do not account for children's intersectional experiences. Encourage organisations to review policies and practices to ensure inclusive, non-discriminatory approaches for children with 'missing' characteristics, such as care experience, socioeconomic status, and prior contact with services.



Education

- Provide formal education within schools on children's rights, protected characteristics and intersectionality and facilitate the application of knowledge through practical skills in how to navigate justice interactions and systems.
- Review the benefits and drawbacks of 'campus cops' and, where officers are deemed necessary within schools, develop a clear and consistent remit which is co-produced with pupils and communicated clearly across the entire school.
- Consider also providing rights-based education and practical skills training beyond formal school-based environments, such as in colleges, youth work or community education settings.



Police

- Provide mandatory training for all frontline officers on child development, children's rights, protected characteristics, and intersectionality, and consider the introduction of specialist frontline officers for work with children and young people.
 - Facilitate dialogue between police and children and young people from minoritised communities to better understand their contexts, experiences and concerns. Work together to address the sense of being overpoliced and being overlooked.
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Police continued...

- Consider how intersectional approaches might be further embedded across policing, from frontline practice through to senior personnel and management. This could begin by considering internal practices, staff experiences and wellbeing, alongside opportunities to reflect on how these approaches shape the policing of children and members of the public more broadly.
- Consider how police uniforms can be redesigned to be functional and protective without relying on intimidating and overly militarised insignia.
- Explore how restorative approaches could inform policing practice, including through co-designed and participatory approaches which create opportunities for children and young people and police to come together to understand experiences, repair relationships and identify constructive ways forward. This project offers an example of how such approaches might be developed collaboratively, with children and young people involved in shaping both the process and potential responses.



Children and young people

- Continue to build on the networks, relationships and collective forms of action already developed by and evident amongst children and young people, recognising these as important sources of knowledge, support and potential for change.



Wider justice systems / research funders

- Undertake focused intersectional research on specific justice experiences. Our project focused on policing as the shared justice experience across diverse participants. Intersectional research bringing together diverse perspectives in relation to school, Children's Hearing System, courts, or secure care settings is also needed.
- Value children and young people's contributions appropriately. Their time, knowledge and expertise should be recognised and resourced, including through appropriate compensation, practical support and accessible participation arrangements.
- Consider how to reach, inform and include children and young people who are the most marginalised or without current access to social or service support networks.



Find out more, or get in touch:



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