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# **Responding to harm: The challenge of children's perspectives**

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## **Abstract:**

This article draws upon research undertaken in South Wales to understand children's views concerning what it means to be a 'victim' of crime and their experiences, in that context, of engaging with the criminal justice system. Significantly, and moving beyond traditional policy and service provision concerns, child participants argued passionately that not only did adults fail to provide them with appropriate advice and support, but that their understandings of victimhood were inaccurate. Rather, children articulated an almost zemiological understanding of 'harm' which was the basis for an alternative way of understanding what it was to be a 'victim'. Furthermore, children suggested that they were not taken seriously by an adult-led criminal justice system, and that the operation of that system did not address their needs. Reflections are offered in this article concerning children's views, and the profound implications that their alternative discourse poses for criminal justice policy makers and practitioners.

## **Keywords:**

Children; participation; victim policy; service provision; consultation

“All that we want is to be listened to and helped... It’s been awful ‘coz no-one believed me, or wanted to even to listen to me. Things had happened and it was like no-one cared and I felt like I was on my own with this...”  
(Nerys<sup>1</sup>, Child Research Participant)

The statement above, made by Nerys, a Looked After Child who had suffered domestic abuse, summarises the core message articulated in this article. This message is that children who have been harmed by others want to be heard, understood and helped by those who have the resources and power to support them. In Nerys’ case, whilst she believed that the state should have acted to help her, in reality, the experience she took away from engagement in the criminal justice system was one where officials did not believe her. Rather, they rejected her account, despite the courage and strength that was required by her to report what had happened. In doing so, the criminal justice system itself, in Nerys’ view, harmed her. Thus, as a pre-existing victim, she was again, victimised.

Through this article, the challenges which the views of children who might traditionally be considered to be ‘victims’ pose to criminal justice decision makers and the providers of services are explored. Drawing upon what children themselves have said, following their engagement with ‘the system’, it quickly becomes clear that there is, from their perspective, an understanding that the political rhetoric underpinning recent policy and the ‘victims (of crime) movement’ are primarily informed by and intended to meet the needs of adults. As the literature suggests (see Anderson et al., 2017) children’s voices<sup>2</sup> largely are not sought or nor often heard in framing the debate or responses to those who have been harmed. This article, reporting what children said during research undertaken in South Wales, seeks to address this imbalance. Flowing from the views of a purposive sample of children who had engaged with a variety of victim support agencies, this article demonstrates that there are profound

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<sup>1</sup> Pseudonyms have been used throughout this report to protect the identity of the children who participated in the research. Such pseudonyms respect gender.

<sup>2</sup> Following the UNCRC, a child is a young person up to the age of 18 years.

differences between what children understand by the term ‘victim’ and how those who have been ‘harmed’ (their preferred term) should be treated. This seemingly simple difference creates serious challenges for the criminal justice system, impacting upon understandings of victimhood, service planning, delivery and appropriateness. Without doubt, the perspectives shared by children do not sit well with more orthodox criminal justice discourse.

Crucially, the research presented in this article suggests strongly that a re-visitation of the definition of ‘victim’ is required, as well as the types and delivery of services that are provided for those ‘harmed’. Importantly, what is stated derives not from reflections on the extant victim’s policy environment, but from the real life and often harsh experiences which children faced after being harmed by someone else. Such reporting gives vitality to the findings and, to emphasise the power and importance of children’s views, what they said has been included verbatim in the text of this article. In seeking to enable the hearing of the voices of children who had been hurt by others (suffering a variety of harms from bullying to domestic abuse), it is noteworthy that their views regarding ‘the system’, whilst often negative, were deeply passionate (in their desire for ‘fair treatment’ – not necessarily revenge). After having engaged with traditional criminal justice and related public sector agencies including the Police, social services and the Courts, few children had experienced either positive or constructive interactions.

It is commonly acknowledged that young victims of harms encounter difficulties in accessing their entitlements to support and assistance. As the Victim’s Commissioners Office recognised in 2017:

“... the children and their families did not feel that they were treated with dignity and respect by criminal justice agencies, with some feeling that they were not believed nor taken seriously because of their age... Children and children’s experience of the criminal justice system does not always reflect what is known to help support victims cope and recover... Some children and children reported a perceived lack of procedural justice in which they were made to feel like criminals themselves.”

(Victims’ Commissioner, 2017: 6)

Such conclusions by the Victims’ Commissioner echo long-standing and currently unresolved concerns (see Payne, 2009). They also suggest that the orthodox functioning of the criminal justice system, which relies on laws, processes and institutions, is failing to understand the harms that have been inflicted on children and their impact (see Hillyard et al., 2005).

Poignantly, many of the children participating in this research described how their needs were not met by agencies – especially those in the public sector<sup>3</sup>. Yet, at the same time that criticism was levelled at public bodies<sup>4</sup>, praise was expressed concerning the voluntary sector: specifically, specialist voluntary organisations, for example, those who helped children who had been harmed by domestic abuse. Children argued that a more flexible and

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<sup>3</sup> A notable exception were Youth Offending Services, who had adopted more innovative and harmed-person appropriate practices.

<sup>4</sup> ‘Public sector’ in this paper refers broadly to key criminal justice and support service agencies such as the Police, Courts, health-related bodies, Councils and social services. Where comments have been made concerning specific agencies, they are detailed within the paper.

harmed-person focused voluntary sector<sup>5</sup> existed which provided regular, community targeted and imaginative personal support and advice services for them and their families. Contrasting with those offered by the public sector, voluntary sector services were considered to be of a high quality and deeply appropriate. One young person commented that:

“You know, when no-one else would help [providers name] were there. It’s horrible thinking that no-one cares or is willing to help you. But them, they supported me and they did more, I think, than they were supposed to. What [providers name] did was to keep in touch, make sure I was okay and come and just talk. That was what I needed and they were there for me.”

(Liz, Child Research Participant)

Perhaps unsurprisingly, service providers, notably those in the public sector, had differing views about children. Certainly, there was divergence of opinion regarding appropriate levels and quality of service provision offered to children who had been harmed. Due to reasons of challenges associated with inter-agency communication, tensions in multi-agency working, the impacts of austerity and multiple demands placed on agencies, the possibility of shifting service provision to a more harm focused mode was seen as a possible aspiration, but elusive.

During the research, children participants offered very similar messages: these coalesced around their view that the current settlement for children who have been harmed requires significant improvement (see CJJI, 2015, Muncie, 2003). Whilst pockets of good practice

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<sup>5</sup> The term ‘voluntary sector’ in this paper refers to specialist voluntary organisations that provide support and advice to those harmed in specific ways, for example, hate crimes rather than to the sector as a whole.

were visible, many children felt deeply let down by the criminal justice system and agencies that should be supporting them in the community (c.f. Ministry of Justice, 2015a). That some of the most vulnerable individuals in society had found it difficult to access support and advice created significant personal impacts:

“They think I’m just worthless, that’s why they [the agencies] don’t care, because they don’t think that I matter... It doesn’t matter what’s happened to me. I’m not important so no-one bothers to help me. I haven’t got money and don’t know people, so who else is going to be there for me?”

(Lisa, Child Research Participant)

Although many negative views were offered by children concerning how they had been treated, the findings from the research should be seen in a positive context. The children who participated saw the research as an opportunity for them to explain what had happened to them and how in their view things could be improved for others (see Checkoway, 2012, Pain and Francis, 2004, Kirby and Bryson, 2002). In this article, whilst criticisms of the current criminal justice system are articulated, potential solutions are also offered. The research exposed a reality for those harmed by others which is not expressed in contemporaneous research, it is a reality that has significant implications for the way that ‘victimhood’ is understood and the needs of those harmed responded to by service providers (see Newburn, 2007).

## **Methodology**

A qualitative approach was adopted to enable children to offer their views concerning the types and quality of support and advice that is offered to those who have been harmed by

others. The adoption of a qualitative methodology was to ensure that the lived experiences and voices of participants could be heard and to locate opportunities to share their views in a flexible, comprehensible and participant-focused manner (see Tewksbury, 2009, Marvasti, 2004). This was considered to be especially important for children, who often are unable to get their voices heard, but nonetheless have vitally important contributions to make (see Charles and Haines, 2014, Middleton, 2006).

To comply with the ethical approval underpinning this research, questions posed to children focused on: a) support services offered; and b) types of advice that were being offered to those harmed by others. A conscious decision was taken not to ask participants about specific incidences of harm, so as to help prevent re-victimisation or generate occasions when individuals would feel that they needed to ‘re-live’ what had happened to them (see Morrow, 2009). Some participants wished to discuss what had happened in their lives. In such instances participants were reminded about safeguarding requirements.

For all participants informed consent was sought. The ability of participants to ‘opt-out’ of the research was similarly made clear when introductory information during data collection sessions was shared. Communication of ‘opt-out’ arrangements for the research included ensuring that participants knew that they could refuse to answer specific questions, without having to justify why and at any time, without penalty.

A purposive sample of participants was selected which embraced service providers located across South Wales. The sample was generated using contacts with public and voluntary service providers, who offered information and invitations to the children with which they were working to participate in the research. Through the approach adopted, 17 children



participated in the research. Engagement occurred with them through either one to one or focus group interviews: an assessment of appropriateness was made prior to each session and with advice from those working with the children, to ensure their safety, comfort and to gauge the degree to which they were harmed and/or vulnerable. An important facet of the research was that it should not re-harm children.

During data collection sessions, discussions were recorded (with consent) and detailed contemporaneous notes were maintained.

### **Key messages from the research**

An important, yet unanticipated, facet of the data collection process was the decision by children, without prompting or request, to share their life stories. These stories, which sometimes related to system failure or personal tragedy, spoke of great harms but also evidenced hope for a better future. The willingness to share their stories, the openness and honesty of participants in the research should be acknowledged. For some children, engaging in this research was the first time that they said they had been, “...properly listened to...” (Dave, Child Research Participant).

The views of children were thematically analysed and analysis enabled the discernment of three key themes:

- Being a victim: Understandings and conflicts
- Children: Being taken seriously?
- Providing victim-focused support and advice

These three themes are explored below.

### **Being a victim: Understandings and conflicts**

In this theme, two key findings will be focused upon. Firstly, the different ways that children understood the term ‘victim’ will be explored. Secondly, the alternative and nuanced way in which children understood the ways that harms affected them and the interplay of this with existing, adult understandings of ‘victimhood’ will be discussed.

#### ***Adult defined concepts: ‘I’m not a victim’***

An unexpected but important finding from the research concerned the reality that children were deeply confused about what it meant to be a ‘victim’. The confusion expressed by children echoed similar, contested views within the literature (see Davies et al., 2017, Goodey, 2005, Rock, 2002, United Nations, 1985). In particular and this was noteworthy when young males participated in the research process: they initially believed that some of the harms done to them were expressions of ‘normal’ behaviour, for instance, bullying or school-yard fights:

“It’s just what happens... It’s not crime and I’m not a victim. You just get on with it and it happens a lot.”

(Ed, Child Research Participant)

It was interesting that, when children discussed what it meant to be a ‘victim’, their views changed after they had thought about events that had happened to them. A particular example of how young males challenged their acceptance of harms against them became apparent when a young male acknowledged that racist insults that had been expressed against him had

probably turned him into a ‘victim’ of crime (he did not want to admit this ‘on tape’ – something which was itself revelatory):

“I’d never really thought of it that way. You know, you take it that it’s going to happen. But when we’ve been talking, I can see it now... If you did that in the street, you’d probably be arrested wouldn’t you? So why is it different just because I’m young?... I guess we get used to banter and stuff, but it goes further than that doesn’t it?... I suppose then that I’m a ‘victim’.”

(Amir, Child Research Participant)

Children’s concern about the label ‘victim’, however, went deeper than the above account into conceptual matters, with them regarding the label ‘victim’ as inappropriate. For many children, this inappropriateness was due to: the disempowerment associated with becoming a ‘victim’; stereotyping that could be invoked by the term; and being subjected to an adult concept of what it was to be a ‘victim’ (see Rock, 2007). The children felt that the use of the term ‘victim’ was something that effectively transformed a person in a negative way (see Carrabine et al., 2004). For example, Harri described ‘victims’ as being people who were “Vulnerable...” (Harri, Child Research Participant) – irrespective of what harm had been done to them. The children made it clear that they did not want to be perceived in such a negative fashion. What the children described when discussing the term, ‘victim’ was something that they felt could consume a person, re-configuring them as an individual, negatively affecting their identity (see Spalek, 2016). Some concern was raised about the longevity of the label too. How long did a person remain a ‘victim’? These factors, when combined could, in the children’s eyes, make a person a ‘victim-person’, rather than a person who had been harmed by someone else:

“Sometimes though, people keep on calling other people ‘victims’ and they treat them a certain way, like they can’t shake it off... That’s not a good thing...”

(Jerry, Child Research Participant)

Adopting alternative terminology (see Shapland et al., 2011, Marshall, 1997), children spoke of harm that had been done to them and there was a general consensus that such restorative language was more constructive. ‘Harm’ is easier to understand and it can be healed: even if formal systems do not always perceive it (see Hillyard and Tombs, 2017). Referring to restorative practices which had been introduced into some of the schools that children participants attended, they reflected that these, in their view, more constructive approaches led to: avoidance of labelling, i.e. there are no ‘victims’ or ‘offenders’; make children partners for change; and enables pragmatic solutions to remedy harm to be identified and acted upon. By emphasising reconciliation (a positive action) and promoting healing (a further positive action), the type of language and the concept underpinning children’s explanation of harm is powerful. It is powerful because it avoids the negative (adult proscribed) terminology of ‘victimhood’. Furthermore, by avoiding the negative connotations of victimhood, children felt that they were not cast as powerless. Instead, children who have been harmed can be seen as part of the solution, not passive recipients of processes and systems which seek to impose and resolve a ‘victim’ support service, sometimes without due regard to the ‘victims’ views. Such a redefinition has profound implications for criminal justice policy and practice.

### *Mediated harm: Children's differing views of harm*

In addition to rejecting the use of the term 'victim', children reported that they had a different view of harm. Rather than reflecting a more adult and legally aligned approach to offence/non-offence, the children evinced a greyer, more socially protean reality to harms which might have been done to them (see Tombs, 2018). Children did not see that certain harms or acts should or even could make them, in a conventional manner, 'victims' (c.f. Victim's Commissioner, 2015). Instead, a mediated understanding of what is otherwise a legal construct had been adopted. This mediated understanding was widely reported by children and there were two factors underpinning the rationale which justified it.

Firstly, children contended that only high tariff crimes were capable of transforming individuals into 'victims' and that children should be empowered to deal with lesser harms themselves. A type of harms continuum was articulated by children, with only those things which sat near to its apex constituting, in their views, acts serious enough to create 'victims' (c.f. Stewart, 2010). It appeared that the concept of harm itself was in this context malleable, located in what was experienced every day and in local circumstances and situations. Serious crime, to many, was something that did not occur in their lives. However, many harms occurred in children's everyday lives and at a lower scale, but these were not perceived to be crimes, merely 'normal behaviour' (albeit behaviour that was not always welcome). For example, although Government had publicised the danger of cyber-bullying, children saw it in a different manner and understood the practical harm-related dichotomy that existed concerning on-line communication:

“There’s two sides to it [on-line bullying]. Some of it’s like when you’re chatting to people and you post things for a laugh... but it can turn nasty.”

(Leyla, Child Research Participant)

Leyla and other children adopted a more nuanced understanding of harm, one that included acts that could be construed as criminal and also those things that were not. For instance, in respect of on-line bullying, comments that “... shamed” (Helen, Child Research Participant) or lowered the social standing, “... if they diss you...” (Patrick, Child Research Participant), were considered to be serious acts.

Children’s understanding of being a ‘victim’ is markedly different from the rhetoric of the criminal justice system and what is strictly specified in law. Instead, harms (that traverse law and social interaction) were described as existing in children’s worlds (see Muncie, 2009). Interestingly, what children conveyed is that traditional criminal justice definitions and categorisations simply did not work for them. Rather, they favoured what in reality is more complex, but also more relatable: a zemiological comprehension of harm (see Hall and Winlow, 2018).

Secondly, children who had harms committed against them said that when they had engaged with the criminal justice system, little useful information had been given to them. This was despite them formally being described by the system as a ‘victim’. (c.f. Code of Practice for Victims, 2015B). The irony of this reality was not lost on the children:

“So they tell you you’re a victim. You get upset because of that and then nothing happens. When you put it together, it’s like, ‘You’re a victim

now and you don't deserve anything'. If you go to the effort of making me a victim, at least treat me like one!"

(Craig, Child Research Participant)

Generally, little was known (and this was to be expected) about the criminal justice system by children. Those who had been harmed and were being supported within the system were however concerned by the lack of communication that took place between them and staff, even concerning simple issues such as case updates (see Victims' Commissioner, 2015). In this context, the already negative label of 'victim', was seen as doubly problematic. Not only did the children get labelled as 'victims', but post-labelling, they were not even enabled to gain the services that should be provided to those so termed.

When discussing what being a 'victim' meant, children believed that schools and/or education providers should play a greater role in explaining to them, from an early age, what such terms meant. It was reported that at Secondary School time devoted to broader social education had diminished. Articulating why such activity was important, one research participant said:

"I've got to be honest, before this all happened, I didn't know anything about what it was to be treated like the way I was, but when you look at TV and what's on the internet, you see that this happens to lots of people. I bet lots of them feel like me. We should be told in school what to do if someone hurts us and who to go to. Isn't that something that's really important?"

(Dewi, Child Research Participant)

The message that Dewi offered is important, especially in Wales, given the evolving statutory and policy framework (see National Assembly for Wales, 2015, 2014, 2011) and the current development of a new national curriculum for Wales, one which seeks to balance academic attainment with a pupil's well-being (Welsh Government, 2017).

In this research children, when discussing what it meant to be a victim of crime, articulated a mixed message. The existing legal terminology was not understood to have a uniform meaning and this lack of clarity was overlapped with often complex and mediated understandings of harm, even arguably, an acceptance of certain, low level harms. It was also clear that insufficient information had been offered to children who had been harmed to enable them to understand how, when and if they became 'victims' (if an adult lens is applied). Children also rejected the label of 'victim' on the basis of its negativity, longevity and the manner in which it can inhibit recovery.

### **Children: Being taken seriously?**

In this theme, two key issues are considered. Firstly, that children felt that they were not taken seriously by individuals within the criminal justice system and could not get their voices heard. Secondly, children believed that they were essentially 'invisible' to the criminal justice system and were unable to access entitlements which they should have received.

### ***Falling on deaf ears?***

In 2010, the Commissioner for Victims and Witnesses suggested that improvements had been made within the criminal justice system to support 'victims' of crime. Her views were, however, qualified and she noted that:



“Despite all the changes in the system, and in spite of the range of initiatives, the raft of codes, charters, guidance notes and performance targets, it is simply wrong to say that ‘victims are at the heart of the justice system’. They are not.

At virtually every step through the tangled processes of the criminal justice system, victims and witnesses remain a side-show compared to the ‘interests of justice’... They are the ‘poor relation’...”

(Commissioner for Victims and Witnesses, 2010: 2)

Although referring to the experience of adults, the former Commissioner’s views reflected the findings in this research. This was that children did indeed feel like a, “... side-show...” and that their ability to influence adults in authority was significantly restricted.

Rather than being recognised as valuable members of the community who had been harmed and should have a voice, children reported experiencing something which was radically different. Fundamentally, children asserted, in very strong terms, that their voice was not heard by those within formal systems (c.f. Welsh Government, 2014, Uprichard, 2008, Sinclair, 2004, James et al., 1998). In emotionally charged but heartfelt explanations, children repeatedly reported that, when they had sought support from agencies, they had been ignored.

For example, Jimmy, a young male you had been harmed through violence perpetrated at home and who subsequently felt suicidal, had self-referred himself to the Child and Adolescent Mental Health Service (a specialist, public service for children which is supposed

to provide medical and therapeutic support for those facing mental health and related well-being challenges), tried to get social services support and sought help from his GP. At each engagement opportunity, despite his want for support and willingness to work with professionals, Jimmy was rebuffed. Professionals told Jimmy that they would make referrals to get him help or, alternatively did not have access to case notes and thus did not understand what he was going through. This was despite the fact that Jimmy tried, unsuccessfully to commit suicide on three occasions and was known to the relevant agencies. Indicative of the level of disengagement of service providers, Jimmy reported that his GP had told him that he was, “a hormonal teenager...” (Jimmy, Child Research Participant). Compounding this, following a short meeting with a healthcare professional at the Child and Adolescent Mental Health Service, which Jimmy said was characterised by the health professional present adopting a judgemental and dismissive attitude, he reported that:

“... she said for me not to kill myself before our next meeting... how do you think that made me feel? Someone’s diary was more important than me. I felt that what was happening and what happened at home just didn’t matter... I felt like no-one and that I was just a nuisance.”

(Jimmy, Child Research Participant)

Jimmy’s case was not isolated. A recurring theme from the children participating in this research was that they simply were not heard, even when they actively sought help from bodies which are required to provide support and advice to them (c.f. Welsh Government/Youth Justice Board, 2014, Welsh Assembly Government/Youth Justice Board, 2004). Such a reality sits oddly with claims by central Government that:

“Victims of crime should be treated in a respectful, sensitive, tailored and professional manner... They should receive appropriate support to help them, as far as possible, to cope and recover and be protected from re-victimisation. It is important that victims of crime know what information and support is available...”

(Ministry of Justice, 2015b: 1)

To draw out the ways that the system failed children, it is revelatory to consider what happened to Lizzie. Lizzie had applied for a restraining order to protect her from a person that had harmed her. In Lizzie’s case, there was a catalogue of failures, notably little support from Witness Care at Court. Despite being prepared to attend Court and testify (something which was stressful and upsetting in itself), Lizzie was not told the date of the trial, nor asked whether she would like to complete a Victim Statement. The Court eventually imposed a restraining order upon the person that had harmed Lizzie and she had emphasised to criminal justice system staff that she wanted to remain hidden and protected. However, within a short period of time, the perpetrator of her harm contacted her and read out her new address over the telephone, revelling in the fact that the Court had sent him confidential papers with her contact details on them. This led to strong feelings of anxiety, fear and re-victimisation (see Tseloni and Pease, 2003): feelings which during the time of the research had not been addressed by agencies within the criminal justice system. This failure by ‘the system’ affected Lizzie profoundly. Lizzie had done everything that the system required of her: she had engaged with officers and built up her courage to participate in the trial process. Yet, she had been failed. Lizzie told us that she can only ask the question: “How could they have got this so wrong?” (Lizzie, Child Research Participant). To date, Lizzie has not been given an answer.

As Lizzie's case illustrates, children reported suffering two problems simultaneously. Firstly, their voices had been muted (they could not be heard); and secondly, even when they managed to be heard, their views were not acted upon. This is an important point and not simply a matter of participation or consultation policy. The impacts of not hearing the voices of children who had been harmed, itself harmed them, creating a sense of worthlessness, irrelevance and powerlessness. Jimmy, for example, when reflecting on how he had been treated by health agencies stated that he felt disempowered and frustrated. He was deeply upset that practitioners had not in his view taken time to listen to him, acknowledge the seriousness of the things that he wanted to discuss nor to offer appropriate support, despite the fact that he needed help and had actively sought it.

### *Unheard and invisible?*

The agencies most praised by children were in the voluntary sector. Although Youth Offending Service's were appreciated for being supportive (in contrast with other public agencies), the services provided by often specialist voluntary bodies<sup>6</sup> was described as exemplary. One of the key reasons for the praise offered concerning voluntary sector bodies was that they 'saw' and understood children (see Lundy, 2007, Clark and Statham, 2005). Children believed that busy public bodies did not see their problems as being important or consequential. Rather, they were cases to be processed or dealt with. Reflecting what voluntary sector staff themselves said about their services, children pointed to the personalised approach to services that were offered, allied with a more friendly, local and community focused emphasis: this, it was posited, contrasted with the model of operation of larger, public sector bodies:

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<sup>6</sup> For example, those supporting ethnic communities or those harmed by hate crime.

“When you go to them [voluntary sector provider] it’s like they make time for you and they see you as an individual and try to understand all the things that have gone on. This is really different from when you speak to people in the law. All they want to do is get something written down. They promise they’ll do something and, I remember this, they give you a letter with a number on it. You get told that’s your number. So you just get turned into a number... The [voluntary sector provider] workers always tell me I’m important as a person and that they’re working with me because I matter and someone has done bad things to me. I think that’s the right way to do it.”

(Isaac, Child Research Participant)

This emphasis on the way that the voluntary sector recognised individuals, being open to them and ensuring that services were appropriate for them was repeatedly reiterated by children. Attempting to rationalise the diversity in treatment that they received from the voluntary and public sectors, children rationalised that because they were minors, they simply did not matter to public agencies.

Furthermore, children held an assumption that agencies were pre-occupied with addressing systems and processes rather than the individual needs of harmed persons. This was considered to be something that enabled agencies to make excuses for not providing services (see Dignan, 2005). Tacit recognition was voiced by children that agencies were busy and under strain. Yet, there was a simultaneous call for a greater emphasis to be placed on the needs of those who wanted (and needed) support and advice. After all, as children

recognised, this was their right. However, and repeatedly, research participants felt that processes and systems were prioritised over their specific and individualised needs (see Walklate, 2007). Quite reasonably, children therefore queried the purpose of systems which were allegedly designed for them, since they felt that rather than providing justice for them as harmed individuals they instead existed to justify the work of officials.

Unsurprisingly, a sense of injustice permeated the research when the invisibility of those harmed was discussed. Individuals from specific socio-economic backgrounds or who belonged to certain social groups felt that their invisibility was exacerbated. For example, Looked After Children, Black and Minority Ethnic community members, individuals from ‘bad’ families (this was how the children felt that agencies saw their families), or those in areas of multiple deprivation all believed that their status increased the likelihood of their invisibility (see McDonald, 2018, Mawby and Walklate, 1994). In such cases, whatever had happened to individuals from these groups, they did not believe that their needs would be seen by the system and acted upon. Instead, in many cases, individuals felt that certain agencies were mainly interested in box ticking, in achieving managerialist performance indicators, rather than effective service delivery to those in need.

Sammy’s case helps to illustrate this. Harmed whilst at school, Sammy had reported what had happened to him to the Police. He had made a statement and understood that action would be taken. He subsequently discovered that no further action was taken against the person that harmed him. The Police, however, did not tell Sammy about their decision. Sammy felt that he had been re-victimised, his voice ignored and his concerns ignored. He was invisible:

“In school, we’re told we’ve got rights and one of them is to have a voice. But then, when you use that, the adults don’t respect it back. I told the Police about something... I was interviewed... They [Police] didn’t do anything... I was never told.”

(Sammy, Child Research Participant)

In Sammy’s case, all that was wanted was for local officers to contact him and his family. In response to the silence that he experienced, Sammy had become angry and disillusioned. He felt that he simply was not respected.

The key finding here is that children felt strongly that their voices had not been heard. In fact, they queried whether, in reality, they even had a voice because when they sought to express views, they had not been taken seriously. Research participants felt that they were invisible to the public bodies which should have been helping them. In contrast, children valued the approach and the services provided by the voluntary sector and particularly the efforts made by specialist organisations to listen to and to respond directly to their needs.

### **Providing victim-focused support and advice services**

In the final theme, two main messages emerge concerning the ways that appropriate, ‘victim-focused’ support and advice services are provided. Firstly, that existing provision is neither necessarily designed nor appropriate for children. Secondly, there is a need for long term and localised services.

*Are services really designed for children?*

Building upon the views of children that described their treatment by agencies as making them feel disrespected, voiceless and invisible, a further, pertinent point was articulated. As a consequence of not engaging children as partners, agencies often offered services which did not reflect their needs (see Charles, 2012). Instead, adult constructed services that were (in the view of participants) designed for adults were imposed upon children (see Haines and Case, 2015). Children suggested that a type of managerialist, ‘one size fits all’ approach was easy for agencies. Such an approach could however result in the needs of those harmed disappearing and not being met.

Despite political rhetoric which emphasises the importance of justice services being made appropriate for those for whom they are offered (see Welsh Government/Youth Justice Board, 2014) children argued that service simply did not meet their needs. For instance, a core deficiency within the criminal justice system which was associated with service provision concerned advocacy. It was noteworthy that in cases where more intensive support was obtained for a young person, either parents/carers or agencies advocated for them or there was evidence of existing, multi-agency engagement. Yet, there was no evidence of either uniform or comprehensive methods to assess the needs of harmed children, or of advocacy systems to optimise children’s voices. Neither was there common practice regarding responses concerning needs, i.e. children reported being treated very differently by agencies (of the same and different types). Needs identification and service delivery were also reported as being disjointed and criticism was expressed regarding the lack of communication between agencies (c.f. Ministry of Justice, 2015a).



Despite this criticism of agencies, children recognised their potential role (and this strengthened their call for reform of agencies' approaches). For example, concerning the Police, Addi reflected that:

“If something serious happened, of course I'd go them... But they don't help themselves, you know?... We feel like they target us sometimes and we don't want anything to do with them. How can you trust them?”

(Addi, Child Research Participant)

Put succinctly, children knew that agencies had the potential to offer support and advice. However, when children tried to engage with agencies, what they felt was that their needs, created by harms done to them, were overlooked. Rather, standardised solutions, not bespoke services were offered: these were often perceived to be irrelevant and consequently children felt disempowered and disregarded.

### ***Long-term victim support: Local services for local communities***

An interesting area of potential reform to justice services which was proposed by children concerned their location and the length of time that they should be provided for. Consistently, children proposed that services for individuals who had been harmed should be provided on a long term basis and locally: rather than on a short term, reactive basis and via large, often remote, agencies.

With regards the provision of long term services, children criticised those agencies that they considered to be 'permanent', for example, social workers, court officers and Police

personnel. Children's experiences were of staff that had other priorities and would not make time to spend with those who had been harmed:

“They're out doing things... They don't get back to you... When I got through one day, I was asked did I know how many people they were dealing with? How can you work like that?”

(Phil, Child Research Participant)

It was in terms of long-term planning that most anger flowed from children concerning service delivery. The 'permanent' agencies that should have been helping children were not; yet, other organisations such as charities were. Displaying a sophisticated appreciation of the fragility of voluntary sector services, children were concerned that these vital infrastructure and providers of assistance were frequently at danger of closing, thus shutting off a critical service lifeline to them.

To illustrate this point, when the research was on-going, in one area a voluntary service, which helped children and was deeply valued by them, had been scheduled to close imminently. Children service users had not been consulted despite the significant benefits that they felt were derived from the project's existence. The sense of loss, in anticipation of the closure of the voluntary service was acute:

“We were shocked. We'd go there a lot and it was great. They'd give you support and stuff... No-one asked us, they just said that they are closing at the end of the month. I mean, why weren't we asked? We're the ones most

hit by it... It made me think what would happen if where we are now closed?

I wouldn't know what to do, I honestly wouldn't. How would I cope?"

(Tina, Child Research Participant)

Tina's opinion is imbued with a sense of betrayal and of worry. Especially noteworthy in the case of the planned closure (without consultation) of the service that she used, children were anxious about: losing the positive and transformative relationships between children and staff (see Drake et al., 2014, Lemma, 2010); a sense of dread that children would have to try to engage with public agencies, despite all the difficulties that they had experienced in trying to navigate process and officer diaries; and, without specialist support providers, children would have to manage themselves, thus being further let down by the 'system' (see UK Children's Commissioners, 2008). Commenting upon their ability to access services from a public sector body to date, one child stated that: "It's hard enough now... What do you do when there's less help about?" (Emily, Child Research Participant).

Another deeply held concern related to the location of services. This appeared to be an aspect of the voluntary sector's success: most voluntary sector services were local and accessible. A comparison was made between this and the national/regional nature of criminal justice services – children clearly expressed a desire for services to be located close to them. Even at a county level, the physical and emotional distance between children and those who were empowered to support them was evident:

“It’s like they are far away... You just need to talk to someone sometimes and not wait ages for an appointment. You can’t plan when you feel bad can you?”

(Tina, Child Research Participant)

Children who have been harmed by others are entitled to support and advice that meets their needs. However, children felt that an adult lens was again being applied to the types and quality of services offered. Service provision by national state agencies tended to be distant and unresponsive to the particular needs and circumstances of children. In contrast, local voluntary sector organisations were seen as providing a more appropriate, needs-led and valued service.

## **Conclusion**

This article seeks to give voice to children who, being harmed by others, feel that their views, needs and opinions do not matter. Through the research the real-life stories of children have been represented. These accounts are sometimes heart wrenching, but always powerful, illustrating problems that they perceived to exist in the criminal justice system. Allegedly, individuals who are ‘victims’ are assured, by statute and policy, support, advice and service provision. Yet, what this research highlighted was that a real and important chasm exists between the views of adult decision makers and children.

Critically and this poses a serious challenge for policy and law, children rejected what they considered to be negative, disempowering and entrapping definitions of what being a ‘victim’ means. Instead, they proposed a more zemiological mode of understanding harm and how

this could be comprehended and addressed. Allied to this new appreciation of ‘harmed persons’, children proposed that a more complex vision of harm itself should be adopted by justice practitioners. The current structural and legally orientated understanding of what could trigger victimhood and even the ways that harm could be identified and applied was seen as deficient by children. In their view, some harms could be managed by them: yet for others, specialist support was needed, support that often was not provided to them.

Children also felt that they were not listened to. The impacts of this were considerable and the denial of being listened to hurt children. This was especially the case for those who, despite difficulties, rose to the challenge of engaging in formal systems, only to be let down by them. Echoing the rhetoric of legislation and policy which emphasises a young person’s right to participate, children criticised agencies and demanded that they should be heard. The disenfranchisement of children in terms of their voice resonated in another aspect of the research, namely concerning support and advice that was sometimes offered. These, it was stated by children appeared to be adult developed, determined and focused. Yet, children had, in their opinion, different needs and systems appeared not to take account of what they wanted.

Compounding issues around service delivery, children found the process of getting satisfactory support from mainly statutory public services difficult. Referral processes, the affordance of time for children and being treated as individuals, were all things that the children felt were deficient. Instead, they found engaging with public agencies to be a difficult, frustrating and often counter-productive experience. Despite this experience with public agencies, children valued immensely the services provided to them by specialist voluntary sector bodies. These, it was argued, were often the providers of high quality, needs-

led and local services. However, there was a clear understanding (and dissatisfaction) concerning the fragility of voluntary sector service providers, something which children felt unable, despite their support for these providers, to influence.

Each of the points above are more than interesting. Grounded in the experiences of children, imbued with passion, pain and yet hope for the future, children's views and aspirations for 'the system' present potentially transformative options for change. It is clear that despite assurances offered by Government, the way that young 'victims' (as they would term them) are being provided a service that they do not consider to be effective, accessible nor supportive. Empowered by children's views, this article concludes by recommending that:

- Criminal justice providers should re-examine, in partnership with children, the ways that they define, apply and respond to the term 'victim' and to investigate whether harm-focused approaches are instead more appropriate
- Systems to hear children are revisited to enable meaningful listening by adults and the provision of robust feedback mechanisms, especially when services are being designed for or provided to children
- Referral, service provision and service standards should be reviewed in public sector agencies to ensure that what they provide meets the needs of harmed children and that children are part of decision making concerning provision design and implementation
- Voluntary sector service providers should be recognised for the good work that they do and a more secure funding process to guarantee their work be devised and applied

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