

**‘You Have to Keep Sight of the Fact That These Are  
Children’: YOT Worker Perceptions of  
Responsibilisation in Youth Justice**

by

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Thesis submitted for the Degree of Doctor of Philosophy

2022

## Acknowledgements

I am fortunate to have had the encouragement and support of several people throughout the process of researching and writing this thesis. The superb teaching of Dr Tom Cockcroft got me hooked on all things youth justice related as an undergraduate student, and his enthusiasm and support when I tentatively suggested I might want to undertake further study, many years later, was instrumental to my doing so. I am grateful, too, to my supervisory team, Dr Dominic Wood and Professor Steve Tong; and to Professor Simon Holdaway, Dr Jo O'Mahoney, Dr Martin O'Neill, Dr Barry Blackburn, and Dr Maryse Tennant, for their encouragement and critical insights.

A central theme to this work, as it turns out, is thinking about the role that others can play in our flourishing. With that in mind I owe thanks also to my family and friends, whose wit and encouragement have made this a far happier experience than it would have been without them. I owe particular thanks to Danny, whose support enabled me to write when I would otherwise not have been able; and to Rufus, for whom this thesis has functioned like a problem sibling, forever stealing mum's time and occasionally upsetting her. Thank you for your patience and encouragement, lovely Roo, and for the dances at the end of every chapter.

Two people who were the most instrumental to my beginning and sustaining PhD study are not here to witness my finally completing it: my grandpa, John Charman, and my wonderful father, John Peek. This is dedicated to them both, with my love and gratitude for their being the most perfect of imperfect teachers.

Finally, I wish to thank all the participants in this study for their time and their insights, without which this research would not have been possible.

## Abstract

This research investigates what meaning ‘responsibilisation’ may have for practitioners working with young people who break the law and come to the attention of their local Youth Offending Team (YOT). Within criminological literature, responsibilisation is commonly conceptualised as a negative youth justice practice that can provoke harmful outcomes. However, this does not always consider the perspectives of those working in the youth justice system. This research explores how the concept of responsibility is understood by YOT workers and how it shapes their practice. In this way, the subjective experiences of YOT practitioners can give meaning to what is meant by responsibilisation.

The research is based on 25 hours of interviews with 21 YOT practitioners conducted over a period of eighteen months. It is informed, also, by a critical review of literature on responsibilisation as a youth justice process and that which conceptualises responsibility as a moral virtue. Both sets of literature invite us to consider the role that others play in our social and moral development. This reinforces the need for research to centralise the experiences and perspectives of youth justice practitioners who are tasked with working with young people and encouraging their desistance from crime.

The thesis concludes that within youth justice practice responsibilisation can be seen positively both as a morality of aspiration and as a narrative of dependent human relationships. No practitioner perceived it likely that most of their young people leave the service as fully responsibilised beings; but through building positive and supportive relationships with young people, they can awaken a nascent sense of agency. The thesis provides an insight into the private and subjective judgements made by YOT practitioners about the responsibilities (or otherwise) of the young people with whom they work, and the ways that such judgements can shape practice. It contributes to knowledge by revealing something of the meaning of responsibilisation for those tasked with its implementation. In my conclusions I point to the need to reflect upon the realities of responsibilisation as it is experienced and practiced by YOT workers so that any future reforms to the system are informed.

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### List of Abbreviations

ADHD	Attention Deficit Hyperactivity Disorder
CAMHS	Children and Adolescent Mental Health Services
CCCU	Canterbury Christ Church University
CDA	Crime and Disorder Act 1998
CFOS	Children First, Offender Second
CJS	Criminal Justice System
FTE	First time entrants (to the youth justice service)
GT	Grounded Theory
GGT	Glaserian Grounded Theory
MoJ	Ministry of Justice
NEET	Not in education, employment, or training
NOMS	National Offender Management Service
NYJ	New Youth Justice
SEN	Special Educational Needs
SGT	Straussian Grounded Theory
UM	Unit Manager
YJB	Youth Justice Board
YJS	Youth Justice System
YOT	Youth Offending Team



## CHAPTER ONE: Introduction

In 2006, as an undergraduate Applied Criminology student, I studied a module focused on youth crime and youth justice in England and Wales. This, the lecturer told us, is always an interesting subject: but it is especially interesting right now, because the youth justice system (YJS) has been recently reformed. We learned, in the early weeks of that module, that youth crime and young offenders, and the question of what ought to be done with and for them, and when, and how, had been troubling the collective conscience since at least the Victorian era, when the juvenile delinquent was first 'invented'. We were introduced to literature concerning the aetiology of youth crime: two centuries of 'respectable fears' (Pearson, 1983) about the want of education, inadequate parenting, inadequate policing, lax morals, and circumscribed employment opportunities. We heard about state interventions that were thought too soft, and those that were considered too punitive; and that the UK had the dubious reputation of locking up proportionately more children than most of our European neighbours (Muncie, 2008). Finally, we learned about the construction of what had been termed the 'new youth justice' (NYJ): a 'radical overhaul' expressed through and brought into being by the Crime and Disorder Act (CDA) 1998 and the Youth Crime and Criminal Evidence Act 1999 (Goldson, 2000a).

The 'newness' of this approach was not related to any divergence from those familiar respectable fears, some of which were now embedded within policy as primary motivators and legitimisers for particular youth interventions, but could be found in the unprecedented consensus between the major political parties around the need to be 'tougher' with young people who broke the law. By responding primarily to electoral anxiety, rather than taking perhaps a more considered and compassionate approach to responding to the troublesome and troubled, the NYJ comprised a number of legislative disposals that were crudely correctional: which individualised offending, and blamed

young people and their parents and troubled families in general; which emphasised ‘risk’, and introduced deficit-led practices underpinned by the desire to locate and manage it; and which fundamentally eroded the legal safeguards for young people in trouble with the law via the abolition of the presumptive principle of *doli incapax*. And we learned a new word: *responsibilisation*. The NYJ had “responsibilising’ tendencies’ (Goldson, 2000a:ix). It was a ‘subtheme’ of youth justice initiatives and practices amongst ‘numerous’ others including remoralisation and paternalism (Muncie, 2000:31). It threatened even the more benign initiatives of the CDA such as the centralisation of restorative justice practices. Placing heavy emphasis on the young person’s individual responsibility for their behaviour is provocative of damaging stigma, and the lack of similar emphasis upon the responsibilities of others toward them – including state agencies – led some to conclude the NYJ was ‘morally and ethically problematic’ (Goldson, 2000b:49).

Following an MSc and a stint working for the police, I returned to university in 2015 to pursue a PhD. I knew that I wanted to focus on the responsibilising tendencies of the NYJ and I set about familiarising myself with the criminological literature discussing it. I renewed contact with my lecturer, who was enthused about my desire to undertake a further degree but bemused as to my focus. There’s not much happening there, he told me. I went back to the literature. He had a point: the commentary I read was detailed in its critique of various practices and made persuasive predictions of negative outcomes for those young people involved with the YJS due, in part, to their being responsibilised. There was, though, something of a dearth of empirical evidence to support the continued assertions that the processes of the NYJ (now more commonly referred to as simply, ‘the youth justice system’) constituted a harmful programme of responsibilisation. The phrase appeared with regularity, but exploration of its face and facets, or enquiry into the ‘lived experiences’ of its subjects, appeared limited to a single paper published in 2013. This addressed what the authors describe as a seemingly simple question: what *can* it mean to

claim that young offenders are responsabilised by contemporary modes of governing youth offending? (Phoenix and Kelly, 2013). This assisted me in identifying an aspect of the concept of responsabilisation that was similarly neglected within the current literature about the YJS, almost two decades after its radical overhaul. What do youth justice *practitioners* understand by the concept? Does it inform their work with young people – and if so, how? With what effects? In short, what meaning – if any – does ‘responsibilisation’ have for those in the YJS who are tasked with its implementation?

This dissertation seeks to examine the concept of responsabilisation through consulting with the practitioners who work with young people who break the law and come to the attention of criminal justice agencies. The research questions posed are designed to illuminate the experiences and perceptions of those who work in Youth Offending Teams (YOTs) with ‘some of the most troubled children’ (Taylor, 2016:4). The dissertation also considers the concept of responsabilisation in the context of contemporaneous shifts in the ideological – and, perhaps, soon enough, practical – construction of youth justice, whereby a ‘Child First, Offender Second’ (CFOS) response to youth offending appears to be gaining traction. CFOS was not a familiar term at the start of this research process, but has now become well established, and draws on some themes (such as the significance of child agency) which overlap with those that are relevant to the concept of responsabilisation.

The thesis is divided into seven chapters. In Chapter Two I outline and analyse how responsabilisation has been recognised and discussed within the academic literature and identify those areas where we appear to have some gaps in our knowledge and understanding. In the interests of exploring this further, the second part of this chapter resituates the concept of responsibility back into its philosophical foundations, via a review of the philosophical literature about how responsibility functions as a moral force.

This also permits insight into whether and how children and young people should be included in ascriptions and relationships of responsibility.

Chapter Three begins by outlining the research questions that are the focus of this research. I discuss the research methodology adopted and reflect on its strengths and weaknesses and consider issues of ontology and epistemology. The data on which the thesis is based comprises of in-depth semi-structured interviews with twenty-one YOT practitioners and can be categorised as a qualitative approach to Straussian grounded theory.

The next three chapters relate to the empirical research. Chapter Four sets out the assumptions that YOT practitioners make about the pre-requisites for processes of responsabilisation to occur. It describes the relationship that workers build with their young people, which is characterised by those attributes essential to the development of moral agency such as being heard and supported and experiencing clear boundaries.

Chapter Five contextualises the work that practitioners undertake within the lived experiences of the young people who are most likely to come to their attention. The detail of their lives – neglect or indulgence, trauma, educational under-achievement, and social exclusion – can lead to situations where practitioners can readily explain why these young people behave as they do, which leads some to question the appropriateness of their involvement with the YJS. For others, such considerations provoke concerns that explaining why young people commit crime can become a barrier to their responsabilisation. Uniformly, participants perceived that these young people need help to become responsible people, which is the focus of the chapter that follows.

Chapter Six describes what is done by YOT practitioners, with and for these young people, to encourage them to develop a greater sense of personal responsibility – for the past, the present, and the future – by focusing on their capacity as act-makers who have

agency, even if they feel, and are, somewhat victimised or constrained by their circumstances. It also explores the barriers that may prohibit or make more difficult the processes of learning to take responsibility for oneself. This chapter demonstrates that agency is neither predictable nor linear, but an ontological quality that will adapt to changing circumstances; and that the point, for practitioners, is that responsabilisation refers to a morality of aspiration rather than duty.

Finally, in Chapter Seven, I summarise the key themes that have been generated throughout the research. I provide an interpretation of the concept of responsabilisation and reflect on the limitations of this study and areas for further research. In closing, I make suggestions regarding the need to capture and reflect upon the realities of policy impact before further reforms to the YJS are actualised.

## CHAPTER TWO: Literature Review

### 2.1 Introduction

This chapter describes the concept of responsabilisation as it relates to youth justice and sets out the areas that would appear to require greater investigation. It begins by describing the development of what has been termed a ‘new youth justice,’ but which constitutes the system of youth justice that has now been in place in England and Wales for over twenty years. The purpose of this historical account is to chart the development of a political narrative about youth offending that located its genesis as a rational choice made by irresponsible people (often, in consequence of their being raised by irresponsible parents). The aim is to contextualise academic concerns about the policies and processes of the YJS, which make frequent references to its functioning as a means of ‘responsibilising’ non- or pre-responsible young people.

Responsibilisation, in these narratives, is uniformly presented as damaging and harmful, but the commentary lacks attention upon the human subjects tasked with its implementation within the YJS. This creates gaps in our knowledge about what it means to responsabilise a young offender. Further, I argue that academic summaries of responsabilisation as a youth justice process omit to interrogate the purpose of responsibility as it is defined within moral philosophy, which limits the usefulness of the concept of responsabilisation as an analytical tool with which to comprehend the value, or otherwise, of what is done with young people when they offend. A later section of the chapter resituates responsibility within its philosophical moorings to greater contextualise its possible meanings and functions. This will contribute to the analysis of data generated by the research questions, which will be outlined and discussed in the chapter that follows.

This literature review cuts across disciplines. It considers contributions from academics focused on youth crime and youth justice as well as government reports and

speeches about these issues from the past twenty-nine years. It also examines contributions from philosophy about the concept of responsibility as a moral force that requires nurture. There is, then, inconsistency within the literature in terms of the language used to refer to those who have not yet attained the status of adulthood. For the purposes of this literature review my language reflects this mix of terms, so that the group under discussion are variously referred to as 'children', 'youth' and 'young people'. I consider this terminology in greater depth in the chapter that follows (s. 3.1) and refine it thereafter.

## **2.2 Youth offending and narratives of personal responsibility**

On the 12th February 1993 three-year-old James Bulger was abducted from a shopping centre in Bootle, Liverpool, by two ten-year-old boys. They walked him some distance to an abandoned railway line and murdered him; his body was found two days later (Smith, 1994). In the weeks that followed there was a gradual transition in newspaper reports from a focus on the horror of this single event to a concern about youth crime in general (James and Jenks, 1996). A broader anxiety about children's 'natural innocence' emerged. The case demonstrated that children were not only vulnerable to being the victims of terrible crimes, but of committing them, too. For some, the brutality of the crime appeared to demand that all children be regarded as a potential threat; that childhood itself be 'redefined as a time of innate evil' (Muncie, 2015:5).

The perception that this unusual and distressing crime was indicative of a broader breakdown in moral and social order was expounded by the responses of politicians from both major parties. In an interview with the *Mail on Sunday*, Conservative Prime Minister John Major remarked that he would like the public 'to have a crusade against crime' (as cited in Cavadino and Dignan, 2002:337). Shadow Home Secretary Tony Blair claimed that this and other instances of youth violence were like 'hammer blows struck

against the sleeping conscience of the country'; 'ugly manifestations of a society that is becoming unworthy of that name' (*Independent*, 1993a). Political and mediated explanations for youth deviancy echoed the moralising homilies that had coloured perceptions of crime in the 1980s and pointed to a decline in moral responsibility attributable to the permissiveness of the sixties, a rise in the number of single parents, the disintegration of the nuclear family, and the ready availability of violent films and video games (Goldson and Jamieson, 2002; Scraton and Haydon, 2002; Smith, 1994). There was little effort to explore or make links between crime and the structural contexts to youth offending, such as deprivation, inequality, or social exclusion. These were dismissed as 'excuses'; and, as the Home Secretary put it, 'it is no good finding excuses for a section of the population who are essentially nasty pieces of work' (*Independent*, 1993b). John Major famously advised that society ought to 'condemn a little more and understand a little less' (*Independent*, 1993c). Soon after, Tony Blair wrote an article for the *Sun* in which he emphasised that there could be 'no excuse for crime'; instead, 'we demand responsibility' (as cited in Burney, 2009:19). Young offenders were denigrated in political debates as 'street thugs' and 'hooligans' (HC Deb 1 July 1993). The primary motivator for youth crime and deviance was located at the level of individual choice and moral fault, and exploration of contributory factors beyond this disparaged as indulgent and excusatory.

### **Responsibility reinforced: New Labour, new youth justice**

Despite the cross-party consensus around the need to 'get tough' with young lawbreakers, the Labour party, now led by Tony Blair, took advantage of the public mood to castigate the Conservative government for being 'too soft' to tackle the problem of youth crime (Reiner, 2010; Brownlee, 1998). They were assisted in this by the release of a report from the Audit Commission (1996), which condemned the existing YJS as inefficient,



ineffective, and financially wasteful. Labour promised a new, distinctive approach to policy that would emphasise the personal responsibility of deviant individuals and deal with them quickly. Wider considerations of the social contexts to law-breaking were to be set aside in favour of tackling the 'roots' of juvenile criminality, which were located within the broken homes of inadequate families, the classrooms of ineffectual schools, and the individual pathology of irresponsible people (Home Office, 1997a; Blair, 1995). Crime was a rational choice made by individuals who refused to take responsibility for their own fecklessness; and a Labour government would ensure that such groups were made to take accountability for their actions to become more moralised, self-directing, responsible subjects (Kavanagh and Dale, 1999; Home Office, 1997a). Their reform agenda, set out in the White Paper *No More Excuses* (Home Office, 1997a:4.4), emphasised that what was required to successfully reduce youth offending was a system that could 'reinforce responsibility'. Within this paradigm, considerations of socioeconomic contexts became largely subjugated to a right-realist perspective on moral accountability (Muncie, 2000).

'To respond effectively to youth crime, we must stop making excuses for children who offend. Of course there are social, economic and family factors which affect the likelihood and the nature of youth crime. But understanding this helps us to comprehend, not to condone, youth crime. As they develop, children must bear an increasing responsibility for their actions' (Home Office, 1997a:4.1).

Following their election in 1997 these proposals were actualised in the CDA. The CDA was largely informed by the Morgan Report of 1991, which was set up by the Home Office to look at the delivery of local crime prevention strategies. It recommended a comprehensive and targeted local approach to crime control and clear statutory responsibility for local authorities, which is the genesis of the multi-agency 'partnership' approach to crime prevention (Hughes and Edwards, 2005). The CDA formalised new powers and statutory arrangements for dealing with juvenile offenders (including

reparation orders, antisocial behaviour orders and risk assessments), overseen by new multi-agency Youth Offending Teams (YOTs) and a Youth Justice Board (YJB). Over the course of the following decade several additional Acts and policies were constructed, including the Youth Justice and Criminal Evidence Act 1999, the Criminal Justice and Police Act 2001 and the Antisocial Behaviour Act 2003. These policy developments and organisational changes have been conceptualised as constituting a ‘new youth justice’ (Case et al., 2020; Goldson, 2000a).

The concept of personal responsibility, and its significance to offending and to crime control measures, was emphasised by Blair and other ministers throughout their time in office; and informed New Labour’s ‘vision for Britain’, criminal justice reforms, public health programmes, and other domestic policies (Perri, Fletcher-Morgan and Leyland, 2010; Earle, 2005; Blair, 2002). The nature of this discourse has been defined as one of ‘positive responsibility’ (Bennett, 2008) which links the concept to other values including equality of worth and opportunities. This formed part of the ‘Third Way’ discourse disseminated by the New Labour government, whereby policies flow from the four values ‘essential’ to a fair society: ‘equal worth, opportunity for all, responsibility, and community’ (Blair, 1998:3; see also Temple, 2000). For New Labour, the relationship between citizen and state was ‘a bargain’: ‘everyone has a stake and everyone plays a part – justice for all, responsibility from all’ (Blair, 1995). Implicit within this contractual conception of rights and responsibilities was the assumption that an individual who failed to keep to their side of the bargain, by refusing to behave responsibly, or by rejecting the opportunities that had been offered them, was deemed to have relinquished their stake in the community (Atkins, 2011). This allowed for an element of coercion to sneak into an otherwise communitarian discourse, exemplified in New Labour’s catchphrase of being ‘tough on crime, tough on the causes of crime’. Only by acknowledging the structural links between crime and society, and then implementing ‘tough’ strategies whereby

troublesome groups had the opportunity to improve themselves, could offenders transform themselves into the sorts of responsible citizens that were essential for social cohesion.

As Blair explained,

‘...one cannot build a strong and cohesive society that encourages responsible citizens unless one believes in a strong and cohesive society. We must acknowledge that people are not just individuals but that they are members of a society and a community and that they owe obligations to one another as well as to themselves. To achieve that balance between individual responsibility and social responsibility, we must believe in our country as a society of responsible citizens. It is because the Opposition believe in that concept, and the Government do not, that our programme for fighting crime is better’ (HC Deb 11 January 1994).

Thus, it was imperative for young people who broke the law to be ‘confronted with their behaviour and helped to take more personal responsibility for their actions’ (Home Office, 1997a: Preface). Parental responsibility was equally stressed. Concerns about problem families, and particularly poor parenting, underpinned much of the legislation brought in by the CDA and subsequent Acts. Focus on the ‘causes’ of crime outlined within Labour’s early white paper, *No More Excuses*, was significantly tightened to a preoccupation with parental supervision, claiming it as the single most important factor in explaining criminality (Home Office, 1997a). Accordingly, the CDA gave powers to the police, courts, and other agencies to initiate parenting orders, parenting classes, and compulsory re-education for parents, accompanied by the threat of financial punishment and custodial sentences for non-compliance.

The commitment to reinforcing young peoples’ responsibility for their offending was reflected in what was, probably, the most radical of all reforms to the YJS implemented by New Labour, which was the abolition of the rebuttable presumption of *doli incapax* for 10–13-year-olds. Prior to the CDA, offenders under the age of 14 could only be convicted of a criminal offence if the prosecution was able to show that they knew

that what they did was seriously wrong, on the principle that children's understanding and reasoning are still developing (Home Office, 1990). By 1997 this approach was disregarded as 'contrary to common sense', creating unnecessary time delays to the court system and preventing children from learning to take responsibility for their actions (Home Office, 1997a:4.4). Children did not need protection from the consequences of criminal liability, and it was misguided to make presumptions that under 14s are 'less morally capable' (Home Office, 1997b:1.8). Whilst their 'understanding, knowledge and ability to reason are still developing', they do know 'right from wrong', and assuming otherwise is to denigrate them as 'incapable of the most basic moral judgements' (ibid.:1.13). The numbers of custodial sentences given to young offenders, and the age at which they were sentenced, escalated and dipped respectively during the subsequent decade (Arthur, 2012).

### **A responsibility revolution: From the Coalition to the present day**

The subject of personal responsibility and its relationship to offending and crime control continued to be asserted after Labour's defeat at the 2010 general election. Indeed, Maglione (2021) asserts that the small changes that were implemented to youth justice policy at this time served only to strengthen the focus on the responsabilisation of young offenders, despite some early indications that the Coalition Government would take a more rehabilitative approach to crime control (Painter, 2012). Its rhetoric on 'problem families' echoed that of New Labour and early discussion papers about youth offending set out the need for a greater sense of responsibility amongst parents and young people to overcome personal setbacks, control their behaviour, and become ambitious, pro-social citizens (Allen 2011; DfE, 2011; HM Government, 2010). Throughout the successive administrations since 2010, political discourse has persistently limited consideration of structural contexts to youth offending, such as deprivation, disrupted family life, social

exclusion, or structural inequalities, to an admonition that it does not excuse poor behaviour (May and Javid, 2019; Bateman, 2014a; Davies, 2013; Cameron, 2012a; 2011a; 2010; 2009a; 2007).

There is, however, a particular ‘neo-conservative’ lens to the subject of personal responsibility which distinguishes contemporary rhetoric from that of New Labour (Daddow, 2013; Rix, Johns and Green, 2013). There has been a notable shift in the way that responsibility is framed in relation to deviant groups: away from the New Labour ideal of positive responsibility towards a greater emphasis upon the problems of ‘negative irresponsibility’ (Bennett, 2008). This was distinctly and repeatedly expressed by David Cameron via references to the Government’s duty to mend Britain’s ‘broken society’ by fixing a ‘responsibility deficit’ via a ‘responsibility revolution’, which would overthrow ‘a culture of disruption and irresponsibility’ and allow young offenders, and their parents, to accept personal, social, and civic responsibility (Cameron, 2011a.; 2011b; 2007. See also YJB, 2014a; Casey, 2012; Home Office, 2011). There is also a lessened emphasis upon the role of the state regarding its irresponsible citizens. Conservative ideology positions responsibility in social life as a form of empowering personal agency that requires individuals and communities to take ownership of their own wellbeing, thus enabling the state to govern at a distance (Bednarek, 2011). Indeed, personal agency is presented as both the stimulus for criminal acts and the essential motivator to reform. Since crime is a consequence of ‘individual behaviour and personal irresponsibility’ then the only way for it to be addressed is ‘when people choose [...] to act responsibly’ (Cameron, 2009b; 2009c). Each successive administration has resisted any external pressures to raise the age at which young people can be prosecuted. Delinquent youths should have ‘their right to be treated as adults, with the responsibility to carry the consequences of their actions’, because ‘the foundation of effective criminal justice is personal responsibility’ (Cameron, 2012b; see also House of Commons, 2016). This was recently reiterated by the current

Government in response to calls from the United Nations to increase the age of criminal responsibility in England and Wales. It was stated that the 'UK government believe that children age 10 can differentiate between bad behaviour and serious wrongdoing, and it is right that they should be held accountable for their actions' (UK Government, 2020:36)

The picture of youth crime in England and Wales today is very different to when the NYJ was conceived. There is less of it (rates of offending have been falling since 2008), and it no longer occupies the political priority it once held, featuring not at all in any of the debates or manifestos of the three general elections since 2010 (Ministry of Justice (MoJ)/YJB, 2022; Bateman, 2014a; MoJ/YJB, 2013a). There are also some indications of an ideological shift in the construction and delivery of youth justice, whereby a 'Child First, Offender Second' (CFOS) approach has been formalised as the guiding principle for the YJS (Case and Hazel, 2020). This seeks to divert children from the YJS, so that they do not attract a formal charge or criminal record; respond primarily to the child, rather than the offence; and focus on the role of parents to intervene in ways that can promote positive outcomes for the child (Haines and Case, 2015a). This approach is reflected in new National Standards relating to child custody and re-entry (MoJ/YJB, 2019) but has not been embedded in all policy and practice frameworks (Case and Hazel, 2020). Indeed, a recent publication suggests that any gains within the YJS in terms of it approaching a CFOS ethos are being made 'by stealth', rather than constituting any formal re-imagining of the YJS and all its policies and processes (Case and Haines, 2021:13). Others point out that these sorts of changes have not been matched by any efforts to protect children's wellbeing by tackling poverty or promoting a wider social justice agenda, which is very likely to limit the extent to which the benevolent aims of a CFOS approach can be realised (Gray and Smith, 2019). Further, though the YJB may aspire to pursue a CFOS ethos, its influence on reforming the structural frameworks of the YJS is limited now than in the past (see Chapter Three, s.3.3) and there are no concrete outcomes that can be used as a

measure of child first practice. Thus, ‘it would be premature to describe the experiences of children in conflict with the law as being predicated on child first principles’ (Bateman, 2020:7). Indeed, although CFOS is described as a ‘child-friendly’ model of youth justice (Haines and Case, 2015b) it is questionable how far such a thing is likely to be realised within a broader political and legislative landscape that continues to conceive of youth offending as the outcome of irresponsible choices made by rational people. Actions can be driven by circumstances, which children and young people are often incapable of affecting (Phoenix, 2017).

### **2.3 Youth justice literature and the potential pitfalls of a responsabilising framework**

The policies and frameworks of the YJS since its reforms post-1997 have attracted much academic criticism. This has largely focused upon the dominance of risk narratives, the preoccupation with ‘troublesome’ families, the inclusion of an ever-younger population into formal systems of control, and the denigration of structural links to youth crime. This latter concern runs like a thread through all literary commentary, especially as it relates to the construction of youth deviancy as the result of individual moral choice. This, it is believed, has the potential to shift attention away from the social contexts of offending, elevate young people’s involvement in crime and the CJS, and unjustly responsabilise young people and their parents. The following section will briefly outline these concerns and the literature that discuss them.

Since 1997 all those who come into contact with youth justice agencies must undergo a structured needs assessment (informed by a minimum of one interview) which will identify their individualised risk factors and inform the nature of their intervention. The potential for evidence-based programmes to identify and curb future offending by young people has some academic credibility (Farrington, 2000; Murray, 1990) and when used ‘appropriately’ should work to assist practitioners to make comprehensive and

transparent assessment decisions that improve practice quality (YJB, 2014b; Wilson and Hinks, 2011; Baker, 2005). The introduction of standardised risk factors to determine the potential harmfulness of an individual has been criticised, however, for embodying a formulaic strategy of service delivery that negates professional autonomy, pursues systematic efficiency above long-term impact, and implies that youth justice work can be ‘value free and objective, existing in some vacuum outside of social relationships and cultural formations’ (Muncie, 2009:326; see also Smith, 2017; Case, 2007; Annison, 2005). Several assessments of the use of risk factors for wider evaluation, and particularly predictive tools like ASSET and, later, ASSET Plus, have found problems with consistency in YOTs across England and Wales (Gray and Smith, 2019; Cattell et al., 2013; Simpson et al., 2011; Sutherland, 2009) which could lead to interventionist legislation being widened unsuitably to target young people in relatively low risk situations, justified on the basis that they possess characteristics associated with offending (Case and Haines, 2015a; Goldson, 2013; 2010; Turnbull and Spence, 2011; R. Smith, 2006; Armstrong et al., 2005). Until the recent past, there was an over-reliance on quantifying risks, which acted to omit consideration of any qualitative measures that could be elicited from young people directly, and thus missed opportunities to identify more effective interventions (Case, 2007).

The ASSET system was gradually withdrawn from YOTs from 2015 onwards and replaced with the new, ‘desistance-led’ ASSET Plus (Hampson, 2018). This has been described as reflecting a return, once again, to a welfarist mindset (Gray and Smith, 2019); but the extent to which it has provoked shifts in practice away from risk assessment to a desistance model seems limited (Hampson, 2018) and offense-related factors are still given prominence in guidance to the police and YOTs regarding what to consider when making decisions about young peoples’ disposals (MoJ/YJB, 2013b; see also Turnbull, 2016). The nature of these risks is also significant. Although key social and economic



conditions of crime are recognised by the system as contributory towards the development of criminal careers (Wilson, 2013; Grimwood and Strickland, 2011), the narrowed focus on familial risk factors could fail to impact on the broader social contexts of disadvantage, instead stigmatising ‘failing families’ (Creaney and Case, 2021; Whitehead and Arthur, 2011; Howard League for Penal Reform, 2010).

There is substantial historical antecedent to focusing on ‘the family’ as the site of delinquent development (see Goldson and Jamieson, 2002 for an overview). The ‘newness’ of parental focus in the NYJ referred more, Drakeford and McCarthy (2000) have argued, to the state’s willingness to insist and punish, rather than advise and support (see also Haines et al., 2013; Whitehead and Arthur, 2011). The tone of legislation amounts to a ‘responsibilising’ (even discriminatory) discourse’ whereby emphasis shifts from notions of inadequacy to constructions of the wilful and collusive (Goldson and Jamieson, 2002: 87), which privileges punishment over support (Haines et al., 2013; Peters, 2012; Holt, 2010; Walters and Woodward, 2007; Drakeford and McCarthy, 2000). Yet the notion that parents of young offenders wilfully abdicate their responsibilities is not borne out by research (Peters, 2012; Holt, 2010; Hil, 2008; Crowley, 1998). Further, the insistence that crime must run in certain families legitimises legislation that targets the very young and those involved in antisocial, rather than criminal, conduct. Potentially, this could stigmatise young people, increase the likelihood of subsequent offending behaviour, and lead to greater immersion into the CJS (Deakin, Fox and Matos, 2020; Bateman, 2014b; Arthur, 2013; Goldson, 2013; 2008; McAra and McVie, 2013; Pitts, 2012; Rogowski, 2010).

There are persistent concerns that more, and younger, young people will become embroiled in the YJS as a direct consequence of the policies and orders that resulted from the CDA and other Acts and legislation. The abolition of the presumption of *doli incapax* has been described as constituting the statutory construction of ‘fully responsabilised’ child offenders (Goldson, 2013:114), and framed as an effective lowering of the age of

criminal responsibility (Bateman, 2012). Questions have continued to be raised about the legitimacy of this reform. Crofts (2009) points out that many of the arguments that led to the abolition of the presumptive principle failed to engage with the issue as to whether or not children are developed enough to be criminally responsible by the age of 10; and those that related to children's capacity to understand the wrongfulness of their actions tended not to go beyond 'basic appeals to common sense', such as claiming that children develop quicker in the modern age than the past and are better able to distinguish right from wrong in consequence of compulsory education. These arguments have been described as 'fatuous' (Goldson, 2013: 114); 'a gross simplification of the issue' (Crofts, 2009:285); and indicative of a 'fundamental misunderstanding' of the complexity of the issues it presents (Bandalli, 1998:116), not least because it disregards the wealth of moral dilemmas that can make right, wrong, naughtiness, and serious wrongdoing, complex conceptual issues that any rational adult might struggle with. This construction of the child offender as fully competent is also inconsistent with other conceptualisations of children and childhood in political narratives and policies outside of the criminal law, such as divorce-related welfare discourses (Scalter and Piper, 2000). Further incoherence is highlighted by Bandalli (2000), who raises the point that attempting to responsabilise young offenders *and* their parents is not only potentially stigmatising but also non-sensical. These young people cannot be held responsible for external factors such as poverty or other forms of disadvantage – including parental neglect – that are associated with delinquency.

There are concerns, also, about the implications and consequences of criminalisation and whether it would be preferable to decriminalise young people's transgressions and/or respond to their behaviour without recourse to formal justice interventions (see Case and Haines, 2021; McAra, 2017; Phoenix, 2017; Goldson, 2013; Maher, 2005). Exploration of alternative responses and provisions is often premised on the assertion that these would avoid responsiblising young people, which is uniformly

regarded as negative and harmful. Indeed, the term is often employed as synonymous with criminalisation. Case and Haines (2021:4), for example, talk of the ‘negative excesses’ of youth justice measures, which have ‘labelled, criminalised, adulterized and responsabilised their recipients’, which fuels arguments that ‘the entire youth justice project is harmful, inappropriate, unnecessary and should be abolished’. Salter, Crofts and Lee (2013:304) describe criminalisation and responsabilisation as ‘twin processes’. Wroe (2019:9) refers to the need to move away from ‘responsibilising and criminalising of young people’; Case and Smith (2020:9) of doing away with ‘punitive and responsiblising strategies’. The YJS, states Simak (2018:45), ‘remains riddled with punitiveness, criminalisation, responsabilisation and interventionism’. For Urwin (2018:91), the ‘responsibilisation agenda’ legitimises punitive control and ‘effectually demonises’ those within its orbit.

#### **2.4 The rationale for further enquiry**

##### **A continuing focus upon potential harms**

A review of published works in the early years of the NYJ demonstrates a recurrence of the concerns outlined above. In the necessary absence of longitudinal studies into its impacts and effects, such themes found expression in the abstract and spoke of potential harms. What is striking is the extent to which this abstract narrative still broadly persists. For example, the inclusion of those as young as 10 into the CJS was described as ‘likely to lead to further offending’ (Goldson, 2013:122). Since at the time of publication this had been occurring for fifteen years it is perhaps surprising that discussion had not moved from the hypothetical to an analysis of definite outcomes. Another paper questioned the potential consequences for young people and their families made subject to legislation that disregarded their social and material conditions: ‘at what cost for the

future cohesion and stability of the whole social body; at what cost for children and young people?’ (Whitehead and Arthur, 2011:479).

Commentary about responsabilisation, and the policies and processes that may fall under its banner, is uniformly critical but often stops shy of asserting knowledge, which results in equivocal claims. For example, McAlister and Carr (2014:244) argue that young people’s behaviour is ‘unlikely to change’ if they are made to feel they must accept responsibility for their actions when they lack control over mitigating factors, noting that the likelihood of their actively accepting that responsibility is ‘debated’. Haines et al. (2020) discuss the pervading assumption within youth justice that children are simply adults-in-waiting rather than a distinct, different, and developing class, for whom risk-taking is normative rather than suggestive of delinquency. ‘What then’, they ask, ‘are the implications for youth justice explanations and responses?’ (Haines et al., 2020:10).

At this distance from the CDA accounts of the YJS may have been expected to reflect a growing understanding of its impact and effects, rather than largely perpetuating an echo chamber of probable harms. But a lack of insight into how young offenders subjectively *experience* youth justice policy and practices imposes limitations on the extent to which we can assert what the broader implications of youth justice policy have been and are for young people (McAlister and Carr, 2014; Smyth and McInery, 2011). This is also true for youth justice practitioners, who are ‘not being heard in the youth justice process’ (Case and Haines, 2015b).

### **The exclusion of professional perspectives**

One way to measure the impacts of criminal justice reforms is via system evaluations. Yet inquiries by statutory bodies into youth justice since 1997 offer little insight into how practice is shaped and experienced. Instead, these tend to focus on scientific, statistically grounded, evidence-based methodologies that pursue measurable outcomes such as rates

of recidivism (for example Wilson, 2013). Prior and Mason (2010) suggest that there is something of a disconnect between practice literature (scholarship that seeks to uncover the values, methods, and so on that can facilitate practitioner engagement with young people, for example) and that which is used to contribute to programme evaluation. They attribute this to a tendency within policy research to over-rely on research that uses experimental methods, due to a perception that this has greater usefulness and validity for policy and practice than other designs. This means that questions concerning issues of context, interaction, and perception, and how these may shape and affect the youth justice experience and outcomes, are in effect rendered unaskable because they cannot be addressed using quantifiable methods (Prior and Mason, 2010). D. Smith (2006) makes similar claims and argues that this led to a side-lining of practitioner skills and experience as a basis for policy making during the reshaping of youth justice post-1997, in favour of 'evidence-based policy'. He states that 'whatever was to count as evidence, the skills and experience of youth justice practitioners were definitely not' (p. 79). Similarly, Drake, Fergusson and Briggs (2014) describe how practice literature in youth justice, social work, and probation, has consistently identified that the young person-practitioner relationship is at the heart of youth justice provision, but that this has made a limited impact on policy. In terms of policy formation and programme evaluation, then, it would appear that YJS practitioners are 'listened to even less' than the young people they work with (Earle, 2010:62).

The exclusion of practitioner experiences and perceptions from policy and evaluations, and lack of inquiry within academic literature into how practitioners understand responsabilisation (see next subsection), raises questions about the concerns discussed above. Potentially, they are resting upon assumptions that professionals will blindly follow policy and fail to mediate it in accordance with their own expertise, discretion, and experiences (Case and Haines, 2015b). Yet as Lipsky (1980) explained,

policy ought not be understood (solely) as something made in legislatures and unthinkingly performed by state actors. Instead, policy should be understood as something that is produced via the decisions and routines of street level bureaucrats. These interpretive frames ‘effectively become the public policies they carry out’ (Lipsky, 1980:xii; original emphasis). Additionally,

‘The interaction between young people and their principal professional contact is key to *how* young people’s experiences and views are heard, and to *what* is heard’ (Drake, Fergusson and Briggs, 2014:14; original emphasis).

Enquiry into the experiences of professionals working in the YJS can also permit insight into how policy is interpreted and moderated to fit the real lives of the young people with whom these practitioners work (Haines and Case, 2012). This is, perhaps, especially pertinent at a time when youth justice practice in England and Wales is claimed to be undergoing something of a quiet revolution; or:

‘...the creeping abolition (by stealth) of key elements of (notoriously iatrogenic) formal systems, policies, strategies and practices of youth justice and tentative movement towards integrated, holistic, non-criminalising and non-punitive ‘Children First’ responses...’ (Case and Haines, 2021:13).

Further, professionals working within youth justice often do so ‘under the radar’ of central and local government; and use their expertise, innovation, and discretion to shape their practice (Case and Haines, 2015b) and, sometimes, subvert formal policy intentions (Prior and Barnes, 2011; see also Goldson and Hughes, 2010). It is arguably too simplistic, therefore, to make assumptions about the likelihood of practitioners’ doggedly following youth justice processes; and if those processes appear to be harmful or misguided, to assume also that this must necessarily result in the perpetuation of harmful or misguided

practice. This is especially true when those concerns often rest upon a concept as nebulous as ‘responsibilisation’.

### **What is ‘responsibilisation’?**

Much of the literature discussing youth justice from 1997 onwards is peppered with the terms ‘responsibilise’ and ‘responsibilisation’, usually in the context of claims that many youth justice policies, and the aetiological justifications for those policies, are misguided, unjust, coercive, and punitive. As such, the concept of responsibilisation tends to be used in ways that encompass and describe all the issues discussed in s.2.3 above; and young people involved with the YJS have been defined as constituting ‘the product of processes of responsibilisation’ (Clarke, 2005:451). Although the YJS has been described as comprising a mixture of rival philosophies, approaches, and beliefs, making it hard to identify a central rationale to its policies (Briggs, 2013; Morgan and Newburn, 2007), ‘responsibilisation’ is recognised as a core theme (Maglione, 2021; Case, 2018; Urwin, 2018; Case and Haines, 2015c; Dünkel, 2010; Kemshall, 2008; Muncie, 2006), even while there are differing conceptualisations as to what it really means. Some of the various conceptualisations of responsibilisation are outlined below.

For David Garland (1996), responsibilisation is a strategy of governance which positions non-criminal justice organisations responsible for delivering crime control and producing compliant, pro-social citizens. By ‘rendering responsible’ groups and individuals who had previously relied upon the state for protection against crime, central government is absolved of direct liability for dealing with young lawbreakers but retains authority over those local groups and individuals to whom the responsibility has been passed. This form of governance-at-a-distance represents a new mode of exercising power, which both erodes the notion of the state as primary protector yet also enhances its power by extending its capacity for action and influence.

Garland's (1996) concept has been used to understand the changes to systems of governance affected by the introduction of the CDA, which introduced an entirely new bureaucratic structure to the governance of youth crime by making local agencies such as YOTs responsible for the success or otherwise of crime control and youth justice in their area; and to analyse the imposition of managerialist objectives to the YJS (see, for example, Muncie, 2006; 2004; Skinnis, 2003). The creation of mandatory time limits for all criminal proceedings involving young people, and the introduction of key performance indicators to measure performance, have been viewed as enabling central government to curtail the authority of local agencies while enhancing their accountability (Pitts, 2001; Vaughan, 2000). Although there is broad agreement with Garland's position that 'responsibilising citizens also succeeds in irresponsibilising governments' (Liebenberg, Ungar and Ikeda, 2015:1007), there is also divergence. Matthews (2005), for example, perceives the positioning of individuals and communities as being key to crime reduction as an attempt to extend participatory democracy in the fields of civil and criminal justice, rather than a 'responsibilising strategy'.

The concept of governing at a distance has also been used by Rose and Miller (1992) and Rose (2000) to conceptualise responsabilisation as a means by which neoliberal rule is expanded to include an ever-widening range of subjects, including children of increasingly young age, to promote an ideal active citizen who self-regulates towards social norms (see also Rodger, 2008; Goldson, 2000b). Phoenix and Kelly (2013:424) define this construction of responsabilisation as 'a concept by which to analyse the extent and reach of neoliberal rule into the lives of new populations and individuals', which includes those who are subject to seemingly benign, or welfare-oriented, interventions, as well as those that are punitive. For example, Muncie (2006) links processes of responsabilisation to both the criminalisation of younger and relatively minor offenders and to the



centralising of principles of restorative justice in the CDA and other Acts (see also Gray, 2005).

If responsabilisation can be understood as a mode of governance, it has also been used to delineate the ideal subject of that governance. Here, lines are drawn between the strategies and rationalities of responsabilisation and their impact on social actors who are the 'subjects of' responsabilisation. This is illustrated by Kemshall (2008), who paints responsabilisation as a means of morally obliging young offenders to take responsibility for their own risks and needs to desist from deviant acts. The responsabilised citizen is one that has been reconstructed as a prudential risk-manager who will make moral choices about their conduct. For Gray (2005), responsabilisation involves challenging perceived deficits in the moral reasoning of young lawbreakers, whilst disregarding the social and economic contexts that act to limit their choices. Practices of restorative justice, for example, responsible young offenders by challenging their attitudes and moral reasoning and stressing accountability. The products of responsabilisation are 'morally obliging' young people whose ability to actively manage the risks associated with their lifestyle, attitudes, and behaviour, as well as other social risks such as unemployment, will 'miraculously occur' once they accept responsibility for their actions (p. 947; see also Barry, 2013a). Earle (2005) points out that such approaches emphasise the virtues and rewards of individuals assuming responsibility for their own circumstances but they fail to account for the fact that material conditions can constrain individual capacities for managing the burdens of responsibility. The neglect of social contexts to crime is relevant also to Goldson and Jamieson's (2002) use of the term, whereby the construction of young offenders and their parents as wilfully irresponsible and in need of individualised reform is conceptualised as a responsiblising discourse.

The decontextualization of youth crime is also used to analyse the inclusion of younger subjects into the field of criminal penalties, whereby the hazards associated with

youth – such as impulsivity and lack of consequential thinking – are disregarded as irrelevant to the fact of their offending. Some employ synonyms to responsabilisation to emphasise the unjustness of this. For example, Case (2006:173) refers to the construction of young people as fully rational, responsible actors ‘held responsible for changing their own behaviour’ as ‘adulteration’. Others use ‘adultification’, such as in Goldson’s (2011:11) discussion of the construction of 10-year-old children as ‘fully responsabilised and ‘adultified’ in criminal proceedings’ and his description of the youth offender as ‘a fully responsabilised and adultified agent’ (2013:114). In these narratives, the action of responsabilising/responsibilisation involves a superficial reimagining of the child or young person as being more capable or sophisticated than they really are (or have contemporaneous capacity to be) and applying the same standards and expectations as would befit a rational adult. It is not always clear, however, what *is* expected of this group. One recent publication – which makes several references to processes and practices of ‘adulterisation’ – claims that children ‘are not part formed individuals awaiting or in the process of acquiring the necessary elements of their adult self’ but are in and of childhood itself, which has ‘its own thinking and behaviour’ (Case et al., 2020:36). The former statement is described by the authors as ‘obvious and incontrovertible’; the latter is not explained (ibid.).

Yet despite the wealth of literature about responsabilisation, the existing theoretical frameworks continue to exclude the subjective experiences both of young people who are the subjects of responsabilisation and of the professionals who are its agents. This, arguably, renders the true meaning of responsabilisation unknowable. In an eloquent and articulate exposition of the various conceptualisations of responsabilisation, Phoenix and Kelly (2013) make the point that each of these approaches that explain responsabilisation – whether by referring to it as a reconfiguration of governance; or as an extension of its reach; or by focusing on the reconstruction of its subject – exclude

consideration of the ways in which young offenders make sense of youth justice interventions, by instead conflating the strategies of responsabilisation with their (presumed) effects upon its subjects. To this analysis I would add that the subjective experiences of youth justice practitioners have been equally excluded. The practitioner-young person relationship is at the heart of youth justice practice (Drake, Fergusson, and Briggs, 2014; Burnett and McNeill, 2005), and state interventions into the lives of children and young people are not neutral acts that will necessarily subordinate human agency to administrative objectives but can be constructed and reconstructed via adaption and reinterpretation by those with responsibility for their implementation (Briggs, 2013). Thus, it is important 'not to mistake government rhetoric for what actually happens on the ground' (Arthur, 2017:5) and to consider how professionals inform the lived experiences of implementation (Fergusson, 2007). Exploration of how practitioners make sense of responsabilisation could contribute to a greater understanding of what it could mean within youth justice, via the situated knowledge of those who interpret, shape, and deliver it.

The analyses that inform our understanding of the concept do not only foreclose youth justice practitioners as active social agents; they also omit to situate the concept of attributions of responsibility within its moral and philosophical groundings. Responsibility is first and foremost a moral concept: making judgements as to whether a person is responsible for their behaviour, and holding others and ourselves responsible for actions and consequences, is a fundamental and familiar part of our moral practices and interpersonal relationships (Talbert, 2019). There is acknowledgement of this within the literature we have been discussing, which makes frequent references to responsabilisation as a programme of moralisation or re-moralisation. Recasting needs as criminogenic risks, for example, constitutes a 'moralising mentality' (Gray, 2007:408). This provokes discourses of 'individual responsibility and blame' (Kemshall, 2002:52)

which legitimise youth justice interventions that amount to little more than ‘moralising techniques of ethical reconstruction’ (Rose, 2000:336). In short, formulating crime as the result of individual choice illustrates the ‘moralising in social policy discourse’ (Stephen and Squires, 2004:352), or ‘re-moralisation project’ (Piper, 2001:33), of a system that has adopted a ‘moralising tone toward youth crime’ (Croall, 2012:185). But divorced from any scrutiny of its philosophical moorings, this representation of responsibility is narrowly defined as a system of governance rather than (also) an aspect of interpersonal relationships and human development; and presupposes that processes of responsabilisation will be necessarily harmful and, in the case of younger children particularly, unjust. This is difficult to justify without greater exploration of i) what is meant by responsabilisation/processes of responsabilisation, as above; and ii) whether being held or treated as responsible is harmful or always harmful.

## **2.5 Previous work undertaken in this area**

### **What has been found?**

No study has looked explicitly at youth justice practitioners’ experiences and perceptions of responsabilisation, but several have enquired into youth justice practitioners’ experiences within various contexts that sometimes include some reference to responsabilisation. For example, Jamieson (2005) examined the place of the government’s ‘Respect’ agenda in relation to issues of antisocial behaviour and parenting responsibility and interviewed young people and YOT practitioners to explore how they saw their relationship to their local communities. In Jamieson’s (2005:182) study, YOTs are described as functioning to ‘[facilitate] the diminution of government responsibility through the use of a range of responsabilisation strategies’, but these are not explained. A study by Morris (2015) into the practice and organisational culture of YOTs is more explicit that responsabilisation is a negative practice; but again, it is not explored with practitioners nor explained by the author. This study found that practitioners were likely

to pay greater attention to young peoples' welfare needs than other aspects, which is contrasted with formal expectations that they ought to be responsabilising young people.

'These practitioners acknowledged that they had to deal with a young person's offending behaviour (usually through processes of responsabilisation) however concerns about a young person's welfare were more likely to take precedence' (Morris, 2015).

There have been a greater number of studies that explore the concept of responsabilisation with young people in various settings, either as a sole focus or as part of broader enquiry into young peoples' perspectives and experiences of state interventions.

McAlister and Carr (2014) analysed youth justice interventions in Northern Ireland and discuss responsabilisation inasmuch as it is one of multiple discourses within youth justice. They found that strategies of responsabilisation were evident in young people's recounting of their experiences with the YJS. These young people reported an internalisation of the message that they needed to self-manage their behaviour and felt that the responsibility to change anything about their lives rested firmly on their own shoulders. This resonates with the findings of Phoenix and Kelly's (2013) study into responsabilisation within youth justice. They explore the question of what it means to claim that young offenders are responsabilised by contemporary methods of youth governance, via an analysis of the subjective experiences of young people who had been the recipients of youth justice interventions via YOTs. Responsibilisation in this instance was conceptualised as knowable through an analysis of 'engagement' by young offenders with youth justice practice; or, put simply, how they made sense of their involvement with the YOTs and the interventions themselves, which should aid understanding of what is achieved by strategies and techniques of responsabilisation. Phoenix and Kelly (2013) concluded that for the young people interviewed, being responsible for their transgressions meant coming to terms with the fact that there was no one else – in their

families, their schools, in YOTs, or institutions – that was ‘there for them’, and so they were the only people who could effect change in their own lives. This did not necessarily mean that they intended to make any attempt to transform their lives. Indeed, Phoenix and Kelly warned that in many instances, this recognition of ‘responsible’ self-governance amounted to little more than an acceptance of their problematic circumstances rather than an incentive to try to improve them. A study by Monica Barry (2013a) into the views of looked-after young people in Scotland reflects these findings, with narrative accounts from young interviewees indicating that the focus on their ‘individual deficiencies’ positively discouraged any motivation to change.

Research by Ellis (2018) with girls in a Secure Unit in England contradicts these findings. The girls’ own descriptions of themselves confirmed that they did not perceive themselves, nor did they want to be perceived by others, as being vulnerable, but as responsible citizens who could look after themselves. Professional assertions about vulnerability were experienced as both unhelpful and condescending and challenged by participants via their recounting instances where they had shown resilience and survived hardship. Ellis (2018:161) calls these findings ‘unsurprising’ and locates them as the result of ‘the responsabilisation agenda’ pervasive within the YJS, which the girls, presumably, have internalised. Again, responsabilisation is contrasted with policies of welfarism (p. 156) and is broadly explained as constituting expectations that young people in the YJS will be subject to punitive interventions at ages when they ought to have additional protections because of their youth.

A number of studies have explored how youth justice practitioners interpret and deliver various modes of intervention or other punishments, some of which could be subsumed under the banner of responsabilisation. For example, Briggs (2013) looked at the assessment, intervention strategies, and processes employed by YOT practitioners in England and Wales, to investigate the rationales of ‘risk’ and ‘need’ within a backdrop of

shifting ideologies and modes of governance. Briggs found that practitioner assessment and intervention is a complex process that utilizes several, often competing, rationales and ways of working, but which appeared mainly driven by imperatives of managerialism and welfarism. Briggs' study is illustrative of the ways that practitioners can adapt and subvert administrative narratives and reframe practice in ways that they perceive to be most appropriate and/or effective. For example, despite employing official language around risk and risk factors, these YOT practitioners perceived welfare needs to be at the heart of assessment and viewed young people as presenting with needs rather than constituting risks.

Field (2007) also studied the activities of staff in YOTs and found that the common adherence to welfare values translated into 'a clear desire to resist or limit the impact of political pressures' to prioritise punitive interventions with young offenders (p. 314). Instead, these practitioners adopted strategies that they perceived would enable them to address young people's broader personal and social needs. Again, there was a rejection of risk-focused discourses and paradigms, with many practitioners perceiving that both legislative frameworks and managerial pressures promoted a narrowed practice focus that was unlikely to affect material change in the young persons' life. Similarly, a study by Prior, Farrow and Paris (2006) reported on the activities of antisocial behaviour officers and found them to exercise considerable discretion when assessing the most appropriate form of action to take in each individual approach, out of concerns to minimise the potentially damaging consequences for perpetrators – especially younger perpetrators – if formal action were taken against them.

Studies such as these establish that practitioners can have the power and inclination to modify and adjust the policies that they are tasked with implementing, and they demonstrate professional tendencies toward prioritising welfare above other systemic or political demands (see also Eadie and Canton, 2002). Other studies indicate

the reverse, however, such as Liebenberg, Ungar and Ikeda's (2015) exploration of the ways that child welfare, adolescent mental health, and juvenile justice service providers 'engage in processes of responsabilisation' in Canada. Responsibilisation is defined herein as the self-management of risk by the autonomous individual, which is interwoven with authoritarian social policies that attempt to regulate the individual. The authors point out that this can, potentially, result in tensions for workers between the need to provision support for their clients and simultaneously stimulate their ability to self-regulate and self-manage. There is a brief discussion, within the section that focuses explicitly on responsabilisation, about its pervasive influence in criminal justice policy and processes, where, it is claimed, the aim is to regulate levels of deviance rather than respond to social contexts and causes of crime. The study itself did not include interviews with practitioners, only with young people; but service files, containing written reports and directives from social workers, probation officers, correctional staff, health care workers, and youth care workers, were accessed. These point to 'a systematic discourse of youth responsibility', whereby young people and/or their families were held accountable for clinical progress even when they lacked control over factors that influenced it. Motivation to change, or reluctance to change, were attributed to the clients, while staff assumed little to no responsibility for progress themselves. The authors note that expectations of 'youth responsabilisation' appeared to increase as clients reached the age of sixteen, which is when they would begin to 'age out of' the system.

A recently published review of some contemporary research on youth justice policy and practice makes claims about the potential efficacy of a CFOS approach to youth justice and uses the responsiblising tendencies of the current YJS to illustrate where the authors feel improvements can be made. Though insightful about the need to better hear and centralise children's perspectives in youth justice policy, this paper is also illustrative of the often confused and confusing representations in academic literature as to what



responsibilisation means when it is employed as a catch-all term for problematic practices, and of the contradictions that can result. For example, a footnote tells us that ‘treating children [...] as though they were adults in possession of full capacities for cognition and moral reasoning and ability to accept responsibility’ is ‘a strategy’ that is ‘also known as responsibilisation’ (Case et al., 2020:27). But later, there is talk of adult professionals who ‘assign full responsibility for offending to children’, which is described as ‘a strategy *of* responsibilisation’ (p. 28; my emphasis). This appears to obfuscate the matter of whether what is being discussed is an overarching approach to youth justice, called responsibilisation, which unfairly ascribes adult standards of responsibility to children; or, if the ascription of those adult standards is one tendril that proceeds from an overarching approach called responsibilisation. If it is the latter – what are the other strategies? There are contradictions, too, in the conceptualisation of how practitioners who adhere to this/these responsibilisation strategy/strategies may view and treat children in consequence. The statements above predict that youth justice practitioners will unfairly anticipate a sense of responsibility for offending from the child that the child, by virtue of being a child, is unable to resource. Yet the central premise of the paper, that children’s voices go unheard within youth justice policy and practice, is explained on the basis that many practitioners wrongly perceive children to be ‘devoid of agency’ and ‘unwilling/unable to accept responsibility for their behaviour’; an illustration, it is argued, of ‘the marginalising and adult-centric strategy of ‘responsibilisation’” (ibid.: 27 and 29). According to this perspective, responsibilisation is Janus-faced: the source of unreasonable, adult expectations of childish capacities, which fuel punitive and punishing responses to youth offending; and the motivator of paternalistic misperceptions about children’s competences for agency and accountability.

### **How these findings have been achieved**

All the studies discussed above have enquired into the experiences of young people and/or youth justice practitioners to inform their research into how various youth policies (criminal and otherwise) are experienced. Their findings are based upon thematic analysis of semi-structured interviews and, sometimes, other methods in addition, such as participant observations (Ellis, 2018 and Morris, 2015), questionnaires (Barry, 2013a), analysis of case files (Ellis, 2018 and Liebenberg, Ungar and Ikeda, 2015 and Morris, 2015) and focus groups (Barry, 2013a). The literature review by Case et al. (2020) considers empirical data drawn from a number of studies with different methodologies, including questionnaires, in-depth interviews, and focus groups. Each had distinct research aims which resonate with but do not replicate my own. The study that is closest to my own area of research is that of Phoenix and Kelly (2013) who used a secondary analysis of a data subset that had been produced seven years earlier, for a larger study concerning constructions of risk, to analyse young people's subjective experiences of youth justice. From a total of 35 interviews conducted with young offenders who had been subject to court orders during a period of six months, 29 were selected for analysis and six were excluded because of their young age (10-14) and the fact that they had, by virtue of this, only limited experience of the YJS. The remaining cohort were between 14 and 17 years old and had had intensive involvement with their local YOT, with around half defined as persistent offenders. The interviews that these young people had given some years earlier were thematically analysed to answer five broad areas that included what they understood the aim of YOT work to be, whether it worked or not, and what they understood to have gained from the experience. Together, these themes are described by the authors as constituting 'an empirical analysis of 'engagement' in youth justice practice' (p. 421). This study did not involve interviews with YOT practitioners.

### **A knowledge gap**

Phoenix and Kelly (2013) identify an area of youth justice discourse that has been largely neglected since the inception of the NYJ; namely, that responsabilisation has been conceptualised in ways that exclude the experiences of the social actor, which renders its meaning in real terms 'unknowable' (Phoenix and Kelly, 2013:425). The purpose of their study, however, is not an attempt to discover the meaning of responsabilisation. Instead, they focus upon the engagement by young offenders with youth justice practice, in this case YOTs, in order to understand *what is accomplished by* strategies of responsabilisation.

Their findings – that youth justice supervision is inadequate to address the social circumstances of young people's offending behaviour, and leads to offenders internalising the need to self-manage – are a stark indication of the efficacy of neoliberal governance and the need for authentic relationships between offender and criminal justice professionals; but are arguably unable to address the broader question of what it means to claim that young offenders are responsabilised by contemporary modes of youth governance. This narrower focus is not a weakness but an intentional aspect of their study. Phoenix and Kelly (2013) argue that because our understanding of responsabilisation, as conceptualised by Garland (1996), Rose (2000), Kemshall (2008) et al., forecloses the subject as an active social agent, responsabilisation itself is inadequate as an analytical tool to theoretically inform empirical analyses of individual actors' subjective experiences. To get around this, they use the situated knowledge of young people's experience of the new youth justice to 'unpack what 'being responsabilised' *could* mean to that specific group of young offenders' (p. 434, emphasis in original).

I take the point that common conceptions of responsabilisation exclude the social actor, and that using responsabilisation as a theoretical framework could be inadequate to derive meaning from subjective experiences. But I argue that to gain a fuller knowledge

and understanding of the NYJ, this latter point needs to be turned on its head – and the subjective experiences of YOT practitioners be allowed to *give meaning to* what is meant by responsabilisation. This is done by addressing the question of responsabilisation explicitly with those who have been tasked with its implementation, rather than inferring meaning from what has been accomplished by it. The purpose of doing so is to address a gap in our knowledge and understanding about what ‘responsibilisation’, as a central aspect of youth governance, really means to those who are tasked with ‘responsibilising’ young people who have offended. I do not make any claim that such research will provide unequivocal answers to the various theoretical expositions put forward by the literature that surrounds the new youth justice; but it could illuminate what meaning these events hold for the people working in the service.

There is another reason that responsabilisation could be construed as something of an inadequate analytical tool, and that is the lack of inquiry into how responsibility functions as a fundamental and familiar aspect of our moral practices and interpersonal relationships. The concept of being responsible, or being held responsible, does have negative connotations including the invocation of censure and blame. But it is also associated with agency, self-determination, a sense of identity, self-respect, and reward (Steward, 2011; Fingarette, 2004; Pettit, 2001; Honoré, 1999; Scanlon, 1998). The importance of young people having space to investigate, develop, and assert a sense of agency has been emphasised very recently in literature about contemporaneous shifts in the youth justice landscape, which are perceived as indicative of a return to a more welfare-oriented ethos (Case and Browning, 2021; Wigzell, 2021; Case et al., 2020; Creaney, 2020). For example, it has been proposed that children’s active participation in youth justice processes and practices – one aspect of the CFOS approach – is a ‘moral and ethical imperative’ that must replace old-fashioned notions of youth justice as interventions designed to ‘do unto them’ (Case et al., 2020:37). Only by recognising

children's agency and ability to speak authoritatively about their lives and experiences can we co-construct legitimate (defined herein as 'moral, fair, just') youth justice policies (ibid.:30). But agency is not distinct from responsibility: the experience of agency refers to the feeling that we control our actions, and through them the outside world, so that in many contexts a sense of agency has strong implications for moral responsibility (Moretto, Walsh and Haggard, 2014).

Processes of developing a sense of agency are intricately related to being held responsible and/or being treated as responsible. This seems particularly relevant to the concept of responsabilisation as a youth justice method because the concerns about its damaging impact rest, mostly, upon two distinct areas that are linked with the concept of agency. The first is that the YJS commits *an act of responsabilisation* by prosecuting young people at an age where they might not meet the criteria for being a moral agent, thereby rendering their prosecution unjust. The second relates to perceptions that even if young lawbreakers meet the criteria for being moral agents, they operate in conditions of unfreedom which limit opportunities for self-improvement, and their behaviour has antecedents in structural disadvantage rather than individual fault. To make them subject to *processes of responsabilisation* is to ignore these antecedents, and unfairly or ineffectually penalise an actor with constrained agency. To understand the legitimacy of such claims it seems necessary to examine the conditions under which an actor can be fairly considered as a moral agent, and to explore whether and how external conditions interact with our sense of agency to either imbue an action with moral weight or undermine it. Relatedly, it is important to consider when and how young people develop a sense of responsibility and become legitimate participants in the moral world with other rational actors, which is the key to agency itself.

Perhaps, then, what is also needed to better interrogate responsabilisation is to resituate the concept of responsibility within its philosophical foundations. This could

allow us to contextualise the processes being discussed and permit greater appreciation into whether and how responsibility can and/or should be related to young people. This will involve an analysis of what meaning the concept of ‘personal responsibility’ holds in philosophical terms and an examination of the criteria for qualifying as a moral agent. The conditions under which a moral agent may be considered responsible or non-responsible for their actions and behaviour is especially significant in the case of young people, who are far more constrained than adults in terms of their capacity to self-author their lives. The purpose of this analysis is to determine the extent to which the theoretical lens of moral responsibility can assist in our understating of what ‘being responsabilised’ could mean for young people, and what ‘doing responsabilisation’ could mean for practitioners.

## **2.6 Exploring the moral foundations of responsibility**

### **A concept of moral responsibility**

Responsibility is ‘a central issue in law, in the organisation of social groups, and in everyday life’ (Hamilton, 1978:316); but its conceptual coherence remains vague (Ricoeur, 2000). Indeed, the term itself has such a broad range of meanings that it is often defined through reference to a shared, inchoate conception common amongst Western democracies, rather than to any single overarching concept (Fischer and Ravizza, 1998; Strydom, 1999; Applebaum, 2005; Trnka and Trundle, 2014). Yet while the philosophical foundations of an overall concept of moral responsibility have been described as ‘notoriously shaky’ (Dan-Cohen, 1992) and not well established (Ricoeur, 2000), there are areas of convergence that can assist in our understanding of what it means to be morally responsible for something. The most important of these, for our purposes, is the distinction that has been made between a person who is morally responsible and an object that is not; and the conditions under which the concept of moral responsibility can be rationally applied. The following sections will briefly consider both these points through an analysis

of the principles that have been expressed by theorists in their discussions of moral responsibility.

### **Defining the criteria for being a moral agent**

Questions of moral responsibility are most associated with instances of harm and wrongdoing and a concern with who can legitimately be held culpable and punished. This is reflective of the need to understand the justifications for those punitive measures that we take towards those who cause us harm or who violate social norms (Hart, 1968). Yet such a focus arguably over-states the case for responsibility as a fundamental legal concept and narrows the focus of responsibility-attribution towards a purely negative construct concerned with causality. Responsibility is certainly an important criterion of legal liability, but it is not the only one (Cane, 2002); and questions of moral responsibility are concerned at least as much with the actor himself as with his relationship to the outcome in question (Fischer and Ravizza 1998). Further, the concept of moral responsibility is associated not only with negative responses of blame or censure, but with positive responses too such as gratitude, respect, and praise (ibid.; P. Strawson, 2008). A broader conception of moral responsibility should thus focus our attention away from questions of action-culpability towards an analysis and understanding of the act-maker himself, and of his relationship to the wider world. Accordingly, it is an important aspect of any comprehensive theory of moral responsibility to make clear the distinction between creatures that are moral agents and those who are not.

A general belief in judgements of moral responsibility is the framing of morality itself as a set of uniquely human principles (Fischer and Ravizza, 1998). Morality is, in fact, 'personhood'; and although it may be possible to be a non-morally responsible person, it is not generally thought possible for any non-person to be morally responsible (P. Strawson, 2008; Fingarette, 2004; Pettit, 2001; Arneson, 1998; Scanlon, 1998; Wolf, 1990).

Within the wide framework of philosophical conceptualisations of morality and responsibility, two approaches, both originally articulated in the eighteenth century, are distinct for their influence and contentions: the Kantian idea that human beings make moral decisions on the basis of reason(s); and the Humean perspective that morality is based upon human sentiments.

Hume (1983) conceived of morality as a permanent and enduring part of human nature, and external acts as the signs from which we can learn about an agent's inner character. Hume (1983) argued that people are moral agents because we are equipped with tendencies towards emotional reactions, or sentiments, such as sympathy, disapproval, shame or guilt, and a concern about how others will view our actions and our character. These feelings lead us to be responsive towards one another in ways that support moral conduct and legitimise social penalties for conduct that is immoral. In this way, the inner and outer aspects of human life are unified in morality (Schneewind, 1983). This approach has been adopted within twentieth century philosophy by Peter Strawson, whose classic essay 'Freedom and Resentment', originally published in the 1960s, emphasises the role of 'reactive attitudes' in practices of responsibility (P. Strawson, 2008). Like Hume (1983), Strawson believes that when we regard someone as a moral agent, we react to their actions and behaviour with a unique set of feelings and attitudes in interactions that help us to constitute human relationships (P. Strawson, 2008). For Strawson, being morally responsible means being an appropriate candidate for these reactive attitudes.

Kant (1960) also believed that morality is an enduring characteristic of human nature, describing it as a 'natural law' that forces us to be aware of ourselves as autonomous agents rather than simply creatures of desire. Our true internal nature finds expression in external actions, which are themselves reflections of our moral predisposition. Because moral law is personality itself, the decisions that we make as to



whether to act for good or ill are entirely our own responsibility: we are the author of our actions, and thus they express who and what we are (ibid.). Where Kant diverges from Humean thought is in his occupation with evaluating the self, as opposed to emphasising how people may influence one another. Kant's moral theory centres upon the basis on which a person treats himself as responsible; and the core of his answer is that moral guidance is provided via the working of 'reason', whereby a rational agent makes choices about how to behave in light of his principles (Kant, 1960). This is significant for its relation to another precondition for moral agency: that is, the question of whether an outcome has resulted from the rational and conscious decision of an agent who intentionally passed up alternative actions (Scanlon, 1998). This is crucial to assessing the moral significance of both action and actor, because 'the responsible being, and only the responsible being, knows what she is doing in the relevant sense, and does it on purpose' (Wolf, 1990:77).

According to Kant, we are all free agents, but our choices can be shaped by the incentives that are offered by the existence of a moral law and a conscience that forces an awareness of its authority (Velkley, 1994). The rational agent is one who deliberates among reason(s) to determine which course of conduct or action he will choose to take. Kant thus conceived of morality as presupposing that agents can make things happen by their own free choices, with the moral law either acting as an incentive to that will or not, depending upon the extent to which the actor has taken the moral law into his maxim (Kant, 1960). It is this freedom to choose that makes us accountable.

This 'rationalistic' understanding of moral capacity (Russell, 2015) has found expression in many philosophical accounts of what is necessary to constitute someone as a moral agent. Scanlon (1998), for example, describes the significance of choice as being the last justifying element for the act-maker to be considered morally responsible for an outcome. Moral blame is appropriate when an agent has the capacity to make conscious

decisions about his actions and inappropriate where these general capacities are absent (because of mental illness, for example). Fischer and Ravizza (1998) make similar conditions a prerequisite for attributions of responsibility but name this motivation 'guidance control'. This has two separate components that are Kantian in nature: the mechanism that issues an action must be the actor's own, and the mechanism must be responsive to reason(s). The reasons themselves must be more than prudential, but moral too. Wolf (1990) also identifies reason as the most significant faculty for determining good values. Accordingly, 'what makes responsible beings special' is the ability to recognise good values and behave in ways that expresses appreciation for them (Wolf, 1990:77). The freedom and ability to deliberate amongst options and decide on a course of action or conduct is thus of central significance to questions of moral praise and blame and to ascriptions of accountability (see also Fingarette, 2004; Honoré, 1999; Bok, 1998; Smart, 1961).

Because Hume's (1983) account of our moral evaluations sees them as arising from sentiments, rather than reason, there are suggestions that he is unable to provide any substantial theory of moral capacity; or to explain why some people may not be appropriate objects of moral sentiments (Wiley, 2012; Russell, 1995). Yet Hume does refer to the human habit of 'surveying ourselves' to evaluate how others view our character and actions, and describes this reflective, interactional practice as 'the surest guardian of every virtue' (1983:77). This does then appear to allow for the developmental process of moral personhood, whereby 'animal conveniences and pleasures sink gradually in their value; while every inward beauty and moral grace is studiously acquired' (ibid.). This is conceptualised elsewhere as a developed 'moral sense' (P. Strawson, 1974), and it is this which makes an agent an appropriate candidate for reactive attitudes like praise and blame. Non-moral agents are not appropriate candidates, and our attitudes towards them must be objective rather than reactive. They are 'psychologically abnormal' or 'morally

undeveloped': 'warped or deranged, neurotic or just a child' (P. Strawson, 2008:9). Sentiment may also explain why moral commands constitute a genuine guiding force upon us. The authenticity of moral commands is demonstrated by our emotional reactions to right and wrong behaviour, with no need for any external source of retribution for it to be galvanised (Fingarette, 2004).

### **Defining the conditions under which a moral agent is responsible**

Related to the condition of our choices being freely made is the conditions under which responsibility can extend beyond mere attributability: that is, the extent to which an action can be not only attributed to an agent, but to which this attribution has moral implications. Sometimes, the crucial aspect of attribution is not the *fact* of a choice but the circumstances in which the choice was made; even when other preconditions, such as the actor having the ability to have chosen otherwise, have been met (Scanlon, 1998; Heider, 1958). In short, the possession of a will is contributory to attributions of moral responsibility only when the agent could control his behaviour in accordance with it. This is best defined through reference to states of 'unfreedom' which can undermine or make irrelevant the moral aspect of responsibility. For example, if an action was performed by an agent whilst he was under the influence of hypnosis, or if he left handprints on a wall because of being pushed (Scanlon, 1998; Wolf, 1990). In such cases, the action or outcome that derives from the agent may be correctly attributed to him as its cause, but this attribution would lack moral force. Herein lies the distinction between substantive responsibility and moral blame. When we hold an individual *morally* responsible for an action or event, we do more than simply identify their potentially crucial role in bringing something about; we regard him as a fit subject for credit or discredit based on the role that he has played. In this context, we judge the moral quality not merely of the event, but of the individual himself (Wolf, 1990).

This is why it is so significant that a morally responsible agent be able not just to govern his own actions but that he does so in conditions of freedom, where he is able to act and choose in accordance with his true nature. An agent must in some sense be in control of his behaviour if he is to be morally responsible for it, and the type of control associated with moral responsibility is that which implies not just the *capacity* to do otherwise, but the concurrent existence of an environment in which that capacity can be employed (Pettit, 2001; Fischer and Ravizza, 1998). Thus, the only way that responsibility can be personal – and hence moral – is when an individual acts within this freedom and without determination by external causes (Kant, 1960).

It is at this point within many philosophical accounts of moral responsibility that focus tends to narrow to analysis of whether and to what extent human actions are pre-determined by antecedent events. What if a person's real self – his character, inner nature, and values – is the inevitable product of external forces; and does this make any difference to the moral validity of attributions of responsibility? The doctrine of determinism suggests that human behaviour, besides (or perhaps, instead of) being caused and controlled by the individual, is caused (also, or solely) by earlier events, which lead the agent to have certain beliefs, desires, preferences, values, and so on (Clarke, 1993). Such a position can potentially undermine the freedom that is so crucial to many classical moral theories of responsibility, because it suggests that agents are perhaps not responsible for either their character or for the actions that proceed from it (Hill, 1988). If every human character and action is shaped by what has gone before, then maybe no agent is an author, but simply a vehicle for the inevitable consequences of past events.

There is an alternative and more dominant line of thought that frames determinism as quite irrelevant to the rationality of how we credit responsibility and argues that the distinction between free and unfree actions has nothing to do with its truth or falsity (see, for example, Fingarette, 2004; Honoré, 1999; O'Connor, 1995; G.

Strawson, 1994). According to this viewpoint, if a person deliberates amongst choices and freely decides (inasmuch as any action can be freely chosen) upon an action that is indicative of faulty self-governance then that action retains its moral force – even if the genesis of choice lies in earlier events (Fischer and Ravizza, 1998; Scanlon, 1998; Clarke, 1993). Supporters of this position maintain that if this were not the case, then the autonomy that we enjoy as persons would be nothing but ‘a pale imitation’ of the kind of freedom that makes us moral beings (Clarke, 1993:298). Agent-causal accounts of responsibility that claim an agent’s actions as his own need not, then, deny the possibility that free actions are caused by prior events; but they maintain that freedom itself is an undetermined determinant of one’s actions. The freedom necessary for moral responsibility may thus be conceptualised as ‘a freedom *within* the world, not a freedom *from* it’ (Wolf, 1990:93; original emphasis). Being free and being fit to be held responsible are thus immutably conjoined: they are, for many philosophers, one and the same thing (Pettit, 2001).

The conception of moral responsibility as central to personhood and crucial to who and what we are as persons finds expression in the descriptions of those who, for varying reasons, do not or cannot be expected to take responsibility for their actions and behaviour. In such situations an agent is conceived of as ‘simply a force to be dealt with, like an animal’ (Scanlon, 1998:280); or perhaps a ‘distasteful object’ (Fischer and Ravizza, 1998:213). The significance of a will to determine the choices that we make is similarly bound up with our conceptions of ourselves as persons and moral beings. The capacity for authorship is crucial to responsibility because it renders us accountable for what we make of ourselves (Watson, 2003; G. Strawson, 1994; Clarke, 1993; Nagel, 1986). Responsibility is hereby conceptualised as ‘a necessary – but also naturalised – capacity of individual personhood and rights’, central to our conception of ourselves as independent agents, and to our participation in human relationships (Trnka and Trundle, 2004:138). These general

principles that relate moral responsibility as distinctive to personhood, and dependent upon our freedom to choose between alternative courses of actions, helps us to develop what Rawls (2005) describes as a reflective equilibrium in the domain of attempting to establish a general theory of moral responsibility. It tells us that if an actor is a moral agent, with the possession of a will; if he employs that will to control his behaviour; and if that will be not determined by external factors (beyond the extent that all free actions are potentially related to prior causes), then the act itself possess moral force, and the act-maker meets all conditions for the ascription of moral responsibility.

### **2.7 Relating the concept to children and young people**

The philosophical conceptualisation of morality being distinct to personhood is suggestive that all persons are moral beings with equal basic moral status (Arneson, 1998). Yet there is a psychological criterion to responsibility that can influence an agent's status as a moral being; something that Hart (1968) defined as a minimum link between the mind and body. Moral blame is not broadly thought to be appropriate for agents who, for various reasons, lack the general capacities that are presupposed by moral agency. These reasons usually relate to the extent to which the agent may be unable to comprehend reasons or make reflective judgements about their actions (Scanlon, 1998); or be unable to understand and appreciate moral demands as opposed to those that are simply prudential (Strydom, 1999; Fischer and Ravizza, 1998; P. Strawson, 1974). The concerns expressed by academics about the appropriateness, or otherwise, of younger people's inclusion in the YJS is reflective of these conditions, whereby such actors are not considered by them to be moral agents. Within philosophical literature, the examples provided of non-moral agents include dogs and cats, young children and the insane (Wolf, 1990); smart animals, children and psychopaths (Fischer and Ravizza, 1998); and children and the mentally ill (Ripstein, 1999). Mental capacity and immaturity are thus the only personal

characteristics that are relevant to an agent's fitness to be held responsible, with the latter occupying a distinct position as being both temporary and mutable. The positioning of children in this group is thus conditional to their being in a state of pre-responsibility (Fingarette, 2004). They do not have a developed moral sense *yet*, but this can and should mature via processes of growth and socialisation (Scanlon, 1998; Carr, 1987; P. Strawson, 1974). The development of morality in children is thus of great significance to defining the criteria by which they can be considered a non-moral agent and then a moral agent. This has implications also for defining the conditions under which an older child may be considered responsible for their choices and actions.

### **The nature of children**

Morality itself may have been conceptualised as something innate and unique to the human condition, but its realisation within human agents is thought to require development. A developed morality should act to both self-regulate behaviour and to structure people's perceptions, experiences, and interpretations of the social world (Turiel, 2007; Nussbaum, 1999). It is a set of rules of coordination, which encompass a shared knowledge of values and norms about the diffuse obligations and responsibilities that agents hold towards themselves and others (Strydom, 1999; Piaget, 1997; Hamilton, 1978). The development of moral responsibility consequently takes place within a process of reciprocation, its realisation within individuals largely reliant upon the social and human structures that it will eventually contribute to regulating.

Very young children and, mutably, children, are not considered by most philosophers to be appropriate candidates for developed moral attitudes. Their nature is collectively conceived as one of innocence (Scanlon, 1998; Fischer and Ravizza, 1998). This does not mean that children are incapable of causing harm and injury, or of performing actions and outcomes that naturally provoke praise and approval. Rather, it means that

child agents are not considered to be appropriately responsive to moral demands, and lack understanding of and appreciation for moral reasons, so their actions and outcomes are not morally efficacious (Nunner-Winkler and Sodian, 1998). The circumstance of childhood blocks the attribution of moral censure or praise like ‘a blow to the head or the side effects of medication’ would for an adult (Scanlon, 1998:281). Hence moral criticism of children is usually inappropriate, even where their actions have caused injury or harm.

Furthermore, children lack exposure to the world, so their morality is both underdeveloped and under development. As P. Strawson (1974:20) explains, ‘[children are] creatures who are potentially and increasingly capable both of holding, and being objects of, the full range of human and moral attitudes, but are not yet truly capable of either’. The conceptualisation of children as beings who are in a state of moral development places them outside of the category of those who have attained the full status of personhood. Their dependency upon adult guidance and protection means that they are unable to enjoy the freedom that the status of full responsibility bestows (Pettit, 2001). If systems of morality and moral reasoning function as a form of recognition between rational creatures, then children, by dint of their nature, are not considered to be appropriate participants in the scheme (ibid.; Fischer and Ravizza, 1998). Childhood is conceptualised as a state of moral transition, and children the ‘innocent agents’ who are expected, through processes of growth and training, to eventually transmute into responsible, moral beings (Scanlon, 1998; Wolf, 1990).

### **Developing responsibility**

The development of morality in children is frequently defined as something that is, in part at least, constructed through social interactions. Whilst this would appear to be grounded in the Kantian philosophical tradition that presumes that human beings are reasoning creatures, with ‘the power of moral choice within them’, emotions are still significant



(Nussbaum, 1999:54). Many approaches to explaining the development of morality propose a reciprocal relationship between reason and emotion, rather than treating them as distinct (Turiel, 2007). For example, in his study into children's conception of the world, the psychologist Piaget (1997) claims that early developing or in-born emotions such as fear, affection, sympathy, vindictiveness, and respect, form the basis, or 'raw material', from which morality can develop. According to Piaget (1997), the behaviour of the child towards other persons exhibits the tendencies of this inner life. This combination of emotional responses, when intertwined with social interactions and processes of reasoning, initiates the emergence of a heteronomous respect for those in authority. As the child develops, and his social experiences expand, this should transform into feelings of mutual respect; and it is this that allows for the emergence of autonomous moral judgements (ibid.).

The concept of there being social sources for moral reasoning, and of individuals experiencing a progressive journey of moral judgements, can also be discerned in the work of Kohlberg (1963). Kohlberg (1963) proposed that there are six stages of moral development that he grouped into three levels: pre-conventional morality, conventional morality, and post-conventional morality. Kohlberg (1963) was interested in examining the motivational aspects of moral thoughts and actions, and the cognitive development of children from 'lower' modes of moral thought to higher types. Younger children may curb or modify their instinctive impulses because they anticipate reward or punishment; at later stages, their self-control may be influenced through anticipation of social praise and blame. The 'highest' stage of moral thinking sees children's conduct being regulated by an autonomously held ideal of right behaviour (Kohlberg, 1963).

Unlike many other philosophical approaches to explaining the development of morality in children and adolescents, Kohlberg's theory applies age-specific conditions to the maturation of moral modes of thought. The less mature modes of moral thought

appeared to decrease with the age of the child (to gradually be replaced by higher types), whilst the more mature modes could be anticipated to increase from the age of ten through to sixteen (Kohlberg, 1963). Kohlberg argued that his research provided evidence for ‘internally patterned or organised’ transformations of social concepts and attitudes within the development of moral thought (1963: 32). This, he said, points to the inadequacy of conceptualising moral reasoning as a simple process of internalising cultural rules through verbal teaching or punishment. He further maintained that his work was supportive of claims of philosophers in the ‘formalistic tradition’ from Kant onwards. Specifically, Kohlberg claimed that his psychological explanation of why a child moves from one stage to the next interrelates with philosophical explanations for why the higher stage is related to the criteria of autonomy (White, 2016).

Kohlberg’s work is not without its criticisms or controversy (for an overview see Modgil and Modgil, 2011) and some have warned of a danger that his findings could become ‘exalted’ into a general theory of how morality develops (Peters, 2015). The idea of there being gradual changes in children’s understanding of morality, though, and the perception of autonomy as constituting a primary aspect for the development of a moral sense, are quite normative within philosophical conceptions of moral responsibility. The majority of these do not, however, propose to make any explicit links between the development of morality and age-centric maturation. Rather, they focus on the importance of a moral education, whether that be primarily derived from parental responses to behaviour or a combination of such alongside exposure to cultural norms and values (Strydom, 1999).

Several accounts of responsibility’s development propose that children are ‘trained’ towards developing a self-view of autonomous agency, even when they are so young that they lack the capacity to be fully moral beings (Fingarette, 2004; Pettit, 2001; Fischer and Ravizza, 1998; Wolf, 1990). This moral education (Wolf, 1990), in a typical sense (Fischer

and Ravizza, 1998), envisages parents encouraging their child to view himself as an act-maker whose choices and movements are efficacious in the world (Fingarette, 2004). Through centralising this concept of agency, a child learns what it is to be responsible and subject to the fair praise and blame of others (Pettit, 2001). Provisionally at least, a child who has internalised this self-concept can be held to be morally responsible for their choices, actions, and outcomes; and should begin to extend their own reactive attitudes towards the actions and outcomes of others (P. Strawson, 2001; Fischer and Ravizza, 1998). These are steps in a cycle that must be continually repeated in the process of establishing a child as a fully moral agent. In this way, the development of moral responsibility could be conceptualised as a ‘morality of aspiration’: standards to which child actors should aspire rather than to which they must, necessarily, be held (van der Burg, 2009; Fuller, 1964). MacIntyre (2009) makes this explicit. Drawing on Winnicott’s (1987) ideas about ‘the ordinary good mother’, whose nurture fosters the development of moral sense, he describes the parent/child relationship as necessarily involving ‘a systematic refusal to treat the child in a way that is proportional to its qualities and attributes’ (MacIntyre, 2009: 90).

The concept that morality is an aspirational condition is linked with the conceptualisation of moral personhood being a desirable state. Societal norms and values are a font for moral appraisal and additional training; and the wider, moral community is a distinctive group to which the child actor should aspire to be part of. The development of a sense of moral responsibility allows for children’s inclusion into the ‘social game’ as a legitimate participant (Strydom, 1999; Fischer and Ravizza, 1998). The transformative process of ‘growing up’ involves the child actor moving between two realms: from the demeaning position of innocent dependence towards full and autonomous participation in the responsible, human world (Pettit, 2001; Scanlon, 1998; Wolf, 1990).

Eventually a child will adopt an internal attitude towards himself that corresponds to the external attitudes adopted towards him. This is the case even when the child may disagree with parental assessment of their action, or reacts to their reactions with indignation, or self-pity, rather than remorse or shame. A complete lack of understanding about the reactive attitudes being shown would indicate greater development (or ‘training’) is required; but as long as the child responds in ways that evinces a recognition of their import, then this indicates an ‘appropriate’ self-view (Fischer and Ravizza, 1998). In other words, the actors can disagree with one another, but it does not jeopardise a child’s moral agency simply because he refuses to feel guilt for an action for which others blame him (ibid.; Scanlon, 1998; Wolf, 1990).

These perspectives clearly draw upon the concept of child dependency to explain the development of moral personhood; yet, like childhood itself, the concept of dependency is little explored within contemporary moral philosophy. In contrast, MacIntyre (2009) argues that the development of individual autonomy, which is the basis of the capacity for making independent choices, cannot be understood nor explained without acknowledging and enquiring into the nature of dependency and its contributions to the formation of character. This approach reflects the perceptions above that morality involves something of a journey from centring primitive, infantile desires, to learning how to act other than as our most urgently felt wants may dictate; but challenges the Kantian concept of reason as *a priori*. Instead, MacIntyre (2009) conceives of this transformation as unreachable without the social relationships that nurture and frustrate the emergent actor as an ‘independent practical reasoner’.

No person, claims MacIntyre (2009), can become capable to act without desire; but part of the transformation of child to adult involves their becoming open to considerations regarding both *its* and *the* good, and in so doing become motivated by reasons that direct it towards *some* good. And it is only through encountering others, and being accountable

to them, that the child begins to apply such distinctions to his or herself, and to make appropriate judgements about what is good or best. This proceeds from our earliest encounters with parents and other caregivers, who (should) foster the ability to evaluate, modify, or reject our own practical judgements, and is reinforced by the various social relations we hold with others throughout our life. In this way moral instruction is presented as a holistic characteristic of our interpersonal relationships, rather than a distinctive aspect of a child's education. At some stage beyond infancy, such skills are what allow us to make rational enquiries about the pursuit of the good and to direct (and potentially re-educate) our desires to attain it; a moral exercise that is supported and sustained via social relationships, which provide the occasional correction for our own judgements. For the independent reasoner does not merely parrot what he has learned: knowing how to act virtuously involves more than rule-following. To develop our powers as independent reasoners, each person must transition from accepting what we are taught by our earliest teachers toward the making of our own independent judgements, which we are able to justify rationally to ourselves and to others. There is, then, necessarily a series of conflicts involved in this process, which the child or adolescent must learn to engage with in non-destructive ways. The child who fails to do this, and remains inert within the limitations set by those with the power to delineate them, has failed to internalise a sense of independent agency. They will 'fail badly in their moral development' (ibid.: 87); not least because such inertia prohibits the contemplation of both nearer and more distant futures, in consequence of choosing to act in one way rather than another.

By drawing our attention to the significance of child dependency upon social relationships, MacIntyre opens enquiry into what is needed from those others to perform their part effectively. The adults who teach the child must, themselves, have in good measure the habits that they seek to inculcate; and even then, such instruction can be

‘difficult’ or even ‘impossible’ for some to communicate. A child who is provided too constrained a view of their future possibilities is likely to struggle to attach possibilities to the results of choices that they make in the present; and may further perceive their lives to be constrained by uncontrollable circumstances. A child who is encouraged toward self-indulgence may struggle to differentiate between expectations and wishful thinking and fail to recognise the existence of limitations upon their choices. But we need not speak in extremes to appreciate that this education may go awry: most such learning, MacIntyre tells us, is done imperfectly, and at the hands of imperfect teachers, so that ‘even the best sets of social relationships cannot ensure that no one develops badly’ (p. 102). Nor can we fully divorce ourselves from our experiences of dependency as children, even as these relationships evolve throughout the life course. The attachments and antagonisms of childhood should not constrain the resulting adult (and if they do, that suggests that the agent has failed to acquire an adequate sense of self as an independent person with agency); but must be transcended, via character formation and the development of those virtues that allow individuals to be effective and sound practical reasoners. This transition is not solely a history of self, but a joint history of all those whose presence or absence, intervention, or lack thereof, correction or otherwise, have been of crucial importance in determining the extent to which the agent can successfully complete it. MacIntyre’s (2009) theory of human agency thus proposes that becoming a moral agent inescapably requires and reflects the work of others; that the flourishing of the individual depends upon the flourishing of social relationships.

### **2.8 Reflecting upon the conditions of morality in childhood**

Children’s maturation to adulthood is immutably interwoven with their development into responsible beings. It is this distinction, between beings with full moral status and those without, that provides philosophical narratives with their definition of what it is to be a

child; just as the realisation of moral agency defines what it is to be a person (Fingarette, 2004). Whilst there are some variations in the accounts of how morality develops in children, particularly between those that focus on psycho-social development and others that exclusively emphasise the latter, there are also some unifying themes that may illuminate our understanding of children's moral growth and capacities.

Very young children, and, mutably, children, are naturally 'innocent agents', who develop their morality via processes of growth rather than any radical reform (Scanlon, 1998). A moral education gradually repositions the child as a participant in the configuration of practices that are constitutive of moral responsibility, an important component of which is his coming to see himself as an autonomous agent. This moral education is provided by the parents or guardians of a child and re-affirmed by institutionalised patterns of social practice that regulate behaviour and interactions according to shared, moral values.

Yet there remain some gaps in our understanding of moral development within this conceptual scene. None define what is meant by the categories of child and childhood, even where the condition is referred to in detail, even in those relatively prescriptive psychologically inclined accounts that identify age-related vicissitudes in moral thought. Instead, the representation of both children and moral instruction would appear to rely upon rather normative assumptions about what constitutes childhood and what is a 'typical' moral education. This necessitates further enquiry, because the social categories of development – child, adolescent, and adult – are neither fixed nor universal, and the circumstances that obtain prior to gaining moral status can vary between each child agent. Further, accounts of moral development, when taken in isolation, would appear to imply that children's (biological?) development, coupled with their moral education, results in their automatic re-positioning as autonomous agents fully culpable for their actions. But for an agent to merit the ascription of moral responsibility, their freedom

*within* the world must also be accounted for (Wolf, 1990). Affirming the existence of this additional condition is arguably a much greater challenge for children and young people than it may be for adults, and our attributions of moral responsibility to their actions are consequently much more complex. The following sections will consider each of these points in detail.

### **Constructing childhood: Concepts of age and maturity**

It would seem significant that most philosophical conceptions about the development of morality lack any great specificity when it comes to determining the age-related stages of moral development, or in identifying that moment of realisation whereby a child can be attributed the status of full moral being. This is particularly so when such care has been taken to define all the conditions necessary for meeting the standard of moral agency within adulthood, as described in s.2.6 above. The generally indistinct nature of these discussions is addressed by Fischer and Ravizza (1998) in two footnotes. They locate its cause as being both the indeterminate nature of our practices of responsibility ascription, and the complexity of coherently defining the phenomena of moral responsibility itself. The authors claim that whilst their own intention is to provide a general theory of moral responsibility that makes reflective judgements coherent, it cannot help but reflect the concept's 'pretheoretic fuzziness'. The areas of 'general indeterminacy' include the age-related development of moral reasoning and receptivity; about which, they argue, 'it does not seem fruitful – or necessary – to specify precise numerical (or other) requirements' (Fischer and Ravizza, 1998:40 and p. 77; footnote).

'Consideration of children underscores the sense in which moral responsibility is not a threshold concept; our ordinary ascriptions of responsibility do not seem to be 'all-or-nothing' judgements with no allowances for degrees of responsibility. In the case of children it is most natural to think of young individuals gradually developing an



understanding and responsiveness to a range of reasons, including those that stem from *moral* demands. And it is this gradually expanding range of responsiveness that indicates the class of actions for which the child is properly held accountable' (Fischer and Ravizza, 1998:80; original emphasis).

The case of children, the authors argue, does much to illuminate the difficulties with producing a sharp and lucid analysis of moral responsibility. Any lack of distinction that results from greater enquiry into specifics – the 'fuzziness' to which they refer – is reflective of the indeterminacy of the concept itself.

Concerns about the involvement of young people in the YJS, especially if they are to be punished rather than supported, reflect the normative construction of them as experiencing states of pre- or developing responsibility. This is illustrated in the juxtaposition of responsabilisation with claims that it superficially reconstructs young people as equal to rational adults via processes of adulteration or adultification (Case and Haines, 2021; Goldson 2013; 2011; Case, 2006). These are no less indeterminate and do not make claims about when they can be anticipated to become moral agents who are appropriate candidates for reactive attitudes, or how.

Disputes about where the line between 'child' and 'adult' should be drawn, and by what criteria, have historical precedence in the construction of juvenile delinquency and its systems and institutions. Reformers in the nineteenth century argued persuasively for the need to separate younger and adult offenders because of their very different natures and needs but failed to agree even amongst themselves about when this distinction blurs or fades (May, 1973). In criminal law, determination of *dosli capacitas*, or 'mischievous discretion', was linked to age, but mitigations were dependent upon the child's understanding that what he had done was wrong. In the nineteenth century those under seven years could not be guilty of a crime but the capacities of seven to fourteen-year-olds was more complex, being 'not so much measured by years and days, as by the

strength of the delinquent's understanding and judgement' (Blackstone, 1825, Book IV:23).

It is perhaps undesirable to attempt any greater specification as to when exactly most children can be expected to attain the status of moral being. Humans are not homogenous beasts, and our cognitive and other developmental processes will vary. There is also something inherently unattractive about attempts to instil a deep-seated positivism within our contemporary understandings of children, such as that proposed by Piaget's (1997) genetic epistemology (James, Jenks and Prout, 2002; Archard, 1993). It is also true that, as Fischer and Ravizza (1998) assert, it appears a very natural assumption that judgements about and engagement in responsibility occur as part of our natural development as humans; a growth from psychological infancy to maturity as we move from childhood to adolescence and beyond (Trnka and Trundle, 2014; Wolf, 1990). Yet this position becomes more complex when one considers that the indeterminacy that Fischer and Ravizza (1998) attribute to the very concept of responsibility is equally applicable to the concept of childhood –perhaps more so.

For all its theoretical uncertainty, moral responsibility has at least a tangible framework: it is the property of human agents by which they truly and objectively deserve praise or blame for their actions and the outcomes that result (Fischer and Ravizza, 1998; Scanlon, 1998; Wolf, 1990; P. Strawson, 1974). Whilst the philosophical foundations of moral responsibility may well be precarious and subject to challenge, this fundamental property is something that we are 'naturally non-sceptical about' (Moya, 2006:1). Childhood, on the other hand, is not a fixed concept; it differs between time, place, and culture. Our modern conceptions of the child and of childhood can be traced back, within Western democracies at least, to a time of origin; usually located within the post-Enlightenment industrial society of the nineteenth century (Hendrick, 2006). Prior to this, children were involved in any number of activities that might now be defined as

inappropriate, including drinking alcohol, undertaking manual work, and gambling, and were not subject to any distinctive code of morality or propriety to those of adults (Muncie, 2004). With the decline of this old ‘moral economy’ came altered expectations of what children are and should be; and what emerged was a modern concept of childhood in which a child was considered to require moral and educational training before entering adult life (ibid.).

The history of how our modern understanding of children developed reveals that childhood itself is not a universal biological state, but a social construction in particular historical contexts (see Hendrick, 2006; 1997. This claim is revisited in greater depth in Chapter Three, s. 3.2). This means that it can be reconstructed to better align with modern sensibilities or political imperatives. New Labour demonstrated this when they argued that it was desirable to extend criminalisation more easily to those aged 10-13, on the basis that children nowadays ‘seem to develop faster both mentally and physically’ than in the past (Home Office, 1997b:1.8). It is thus problematic to attempt to explicate children’s experiences through reference to their innate nature, or to that of childhood, as many accounts of moral development attempt. Further, whilst it may be true that specifying precise numerical requirements to the development of moral reasoning seems unnecessary, or indeed impossible, the lack of attempts to define ‘childhood’ and ‘children’ within philosophical conceptions renders these categories meaningful only as antitheses to the developed personhood of fully responsible beings. They illuminate what children are not and say very little about what they are.

Yet the picture is no less ‘fuzzy’ when one allows for the *construction* of childhood rather than positing its naturality. The social shaping of biology – the categories of child, adolescent, and adult – have significant implications for children’s experiences in the world. Our expectations of young people are immutably related to temporal changes in their lives and activities, because concepts of time and maturity shape both children’s

freedoms and adult responses to their behaviour (James and Prout, 1997). This means that our understanding of processes of maturity anticipates that development will occur broadly in accordance to received social standards (ibid.; Pettit, 2001). Yet there is no standardised norm for the realisation of moral personhood: the relation of moral capacity to age is a matter of degree, not one of certainty (Honoré, 1999). The indeterminacy of childhood negates any sharp conceptual divide between the innocent and the worldly, so that we are left to guess at the moral development of child actors and the appropriateness of our reactionary attitudes. Whilst it seems straightforward to claim that a four-year-old is not morally responsible for his actions (Fingarette, 2004), nor yet when he's eight (Honoré, 1999), the case of fourteen-year-olds is more obscure, with some actors being more likely to be responsible than others (Scanlon, 1998).

The plasticity of childhood is reflected in the variations in their legal accountability between different times and places. The minimum age of criminal responsibility in England and Wales has shifted since the start of the twentieth century; from seven years to eight and then ten by the early 1960s. In Scotland, it is twelve; and the average in the rest of Europe fourteen. The appropriateness of our statutory constructions of youth offenders is, of course, the subject of ongoing debate, not least because of concerns around their simplistic approach to conceptualising young people's development in relation to their understanding of morality. In a submission to a Parliamentary Inquiry into Youth Justice regarding the age of criminal responsibility in England and Wales, the Office of the Children's Commissioner remarked that,

'It is clear that even very young children do know the difference between right and wrong but developing morality is – like writing – not a once and for all achievement; it improves with conceptual maturity, and in the process takes on a qualitatively different nature. Just as a child who has learned the rudiments of constructing a sentence is not doing the same thing as William Shakespeare, so too a primary school pupil who appreciates that stealing is 'wrong' is not manifesting an ethical stance that

would [...] allow them to make sophisticated philosophical judgements as to competing claims of right or engage in meaningful discussion of a moral dilemma' (Office of the Children's Commissioner, 2012:7).

The variations in patterns of maturation amongst young people exposes the truth that the concept of moral responsibility for this group is not a straightforward question of fact. For this reason, some accounts of its philosophical conception propose that children be subject not to adult standards of ascription, nor a uniform standard for all children, but a personalised standard that befits whatever the individual himself is capable of according to his general capacities (Pettit, 2001; Honoré, 1999). The question that remains is how such capacities are to be measured and defined. The line between morality proper and morality of the developmental kind is not distinct; and, moreover, there is a palpable reluctance – both rationally and theoretically – to personalise the attribution of responsibility beyond meeting the conditions already defined.

According to Pettit (2001), such reluctance is because social considerations often dictate that fairness in dealing with others requires that they be treated alike, so that people who operate in more or less the same situation (for example, those in the categories of 'children' or 'young people') are judged by standardised norms rather than their own individual capacities. This is despite the fact that it arguably belies common sense to conceive of freedom itself being as being standardised in this way (ibid.). For Pettit (2001), the important point is that if we are to equate freedom with moral responsibility – and being free, and being responsible, are, within the bounds of philosophical thought, one and the same thing – then we ought to recognise the notion of a *personalised* fitness to be held responsible. Freedom can exist in degrees, or it can be missing completely; and a young person's capacity for moral reasoning can render him as unfree as the adult who dirtied the wall with his handprints because he was pushed.

Honoré (1999) concurs with Pettit (2001) as to the notion of internal freedom being circumscribed by children's general capacities for understanding but follows the concept through to raise broader questions to those of age-centric maturation. If account ought to be taken of the extent to which maturity impairs an actor's capacity for self-control, then should we not also consider the extent to which actors may be similarly handicapped by other, equally relevant variables, such as social and moral deprivation? Circumstances can dictate that a person's capacity for choice is limited; and agents may develop their morality within environments where they are subject to pressure to make the wrong sorts of choices (Honoré, 1999). Such a conception would appear to invite us to reconsider the condition of autonomy that is imperative to ascriptions of responsibility. If a child is not responsible for who and how they are, can they be considered responsible for what they do?

### **Constructing responsibility: Children's freedom within the world**

The progression of children learning to take responsibility for themselves and their actions is situated, within philosophy, as part of a 'natural' aspect of human life and growth, with development assisted by being raised in ways that promote the values of morality and responsibility (Wolf, 1990). The 'typical' case involves a young child developing his morality within a 'healthy' moral environment that holds him accountable 'in an appropriate way' to his choices and actions (Fischer and Ravizza, 1998:214). But it is also conceivable that a child's perception of himself and of his obligations to others are not provoked by exposure to appropriate experiences, but to processes of deviant socialisation that can lead to inappropriate self-views. Perhaps the resulting agent can perform an action that he believes to be right, but his judgements about right and wrong are inevitably incorrect (Wolf, 1990). Such a circumstance could suggest that we must suspend, or at least circumscribe, moral judgements towards this agent (Scanlon, 1998).

This kind of upbringing is not so well explored within philosophical discussions of morality, but it is a familiar focus within the literature about youth offending and youth justice. The construction of juvenile crime as a distinctive social problem in the eighteenth and nineteenth centuries was shaped by perceptions about the plasticity and vulnerability of childrens' minds and processes of development, so that 'the family' was conceived as a site of dual possibility: idylls of (middle class) moral values that produced right-thinking, right-acting adults, or loci of insidious harms (Kholke and Gutleben, 2011). Discussion of the young delinquent was often couched in sympathetic terms – one of the first public inquiries into youth crime described their situation as 'dreadful', and the offenders 'victim[s] of circumstances over which [they] have no control' – but narratives about the parents of these young people frequently interpreted their failings as personal rather than structural (*Committee into Juvenile Delinquency*, 1816:25; see also Swain, 2011). They were low, ignorant, idle, drunken, licentious, and immoral (Neale, 1840), and their neglect, misconduct, and bad example, demoralized and depraved their children (Worsley, 1849).

Locating the genesis of youth offending as relative to parental deficit, then, has a long history, and extensions of state powers to intervene with and/or punish failing parents when children offend has characterised developments in juvenile justice from the Victorian era until the present day (Goldson and Jamieson, 2002). Narratives about parental responsibility for children's failings were influential upon the construction of the NYJ, wherein the family was presented as 'the starting place' for children learning 'a sense of responsibility' (Blair, 25 June 1993, as cited in Reyes, 2005:240) and understanding 'the difference between right and wrong' (Straw, cited in *Independent*, 1996). The current movement toward a greater CFOS ethos continues this tendency but seeks to use it to displace the responsabilisation of children and young people.

‘To protect against the dangers of responsiblising children for their ability to move away from offending, practice should be guided by the notion of adult responsibility to support children to overcome constraints and obstacles to change’ (Wigzell, 2021:10).

The principles of a CFOS approach have been defined as including provisions for ‘responsiblising adults’ when their children break the law whilst ‘non-criminalising’ young people (Case and Haines, 2021:11).

Yet this topic is broadly neglected within philosophical accounts of moral responsibility. Fischer and Ravizza (1998) account for this by claiming that to explore the concept of poor upbringings very much further than its simple acknowledgement risks introducing a ‘vicious circularity’ into explanations of moral responsibility. Others subsume the idea within a critique of casual determinism, and argue that allowing for an agent’s behaviour to have its cause in earlier events is unsatisfactory; against our interests; and a threat to the very concept of moral responsibility, because it debases the concept of human authorship and positions us as witnesses to an inevitable fate (Watson, 2003; Pettit, 2001; Honoré, 1999; Scanlon, 1998; O’Connor, 1995; Clarke, 1993; Smart, 1961).

Yet the significance of an *appropriate* moral education – about which, there is general agreement – is predicated on the basis that we evolve in part from the life experiences of our early, pre-responsible years; that our adult character and capacities reflect, at least to a degree, the circumstances that obtained prior to arriving at moral status (MacIntyre, 2009; Fingarette, 2004; Scanlon, 1998). Such a concept does not necessitate our acceptance of a prescriptive determinism that dictates that all agents who have been raised with good values will necessarily go on to perform only good deeds; nor do we withhold our praise for such agents when they do so, on the basis that they could not help but choose well. Rather, this position acknowledges the self-evident fact that our



social and moral development does not take place spontaneously inside a vacuum, and that people's characters can be shaped by accidents of their heredity and environment (MacIntyre, 2009; Scanlon, 1998; Wolf, 1990; Smart, 1961). Acknowledgement of such things need not constitute socio-biological contexts as deterministic, nor must it necessarily threaten the concept of accountability. What it can do, in the case of younger people specifically, is to draw our attention to the concept of freedom as a necessary pre-condition to the ascription of moral fault and lead us to examine how freely chosen some courses of action are when they are taken under conditions over which such agents have little or no control.

It is necessary to clarify first why the nature of this pre-condition is of particular significance to young people rather than adults. To do so, we must revisit the condition of freedom. According to what we could constitute as a general understanding of moral responsibility, freedom of choice is a necessary criterion for a choice or action to meet the conditions necessary for appropriate reactive attitudes. We are free only when we can deliberate among courses of action that are truly open to us and if it is possible for us to perform the action that we desire. Our freedom is thus relative to our circumstances (Bok, 1998). But do we conceive of freedom as relative to the conditions at the time of deliberation, or do we include other, possibly antecedent factors – for example, the idea that one's choices can be influenced by one's character? In the case of adult agents, this latter conception is broadly considered inadequate as an impediment to personal freedom. In addition to the general mistrust of any causal effect for being potentially deterministic, personality itself is considered the construct of the agent (Carr 1987; Kant, 1960). Within contemporary philosophy, Charles Taylor (1989) locates our self-authorship by claiming that human agents have the capacity – via 'strong evaluation' – to examine, challenge and transform the self. Morality and responsibility are here conceptualised as an inexorable

part of people's search for self-identity, through which we create both ourselves and our actions (Rosen, 1991).

This placing of human character within a voluntarist paradigm is not universally acknowledged (for a rebuttal, see Dan-Cohen, 1992), but there are compelling reasons to accept it. The concept of having free agency is intimately woven into our conception of ourselves as persons, distinguishing us from animals and objects and bestowing a sense of identity and self-respect that is immutably tied with morality (Fingarette, 2004; Pettit, 2001). For these reasons, if an agent experiences a deprived or otherwise traumatic childhood, and his lessons about values and responsibilities are poor or inadequate, we are not necessarily reticent to use reactive attitudes towards the resulting adult. After all, if an agent has had certain characteristics for some time and shows no inclination to resist or reject them, it would seem appropriate to attribute any faults to himself, and to hold him responsible for the actions that reflect them (Fingarette, 2004; Scanlon, 1998). But this is arguably less straightforward when we replace the adult agent with a child or young person – even one whose stage of development, however defined, is suggestive of the emergence or realisation of an autonomous self. It is important to remember that context can be all to attributions of moral responsibility. The freedom that is necessary is a freedom *within* the world rather than *from* it (Wolf, 1990), the crucial element not the fact of a choice, necessarily, but the circumstances in which it is made (Scanlon, 1998).

Children's worlds are, by dint of their dependence, small; their life experiences circumscribed by age and maturity (James and Prout, 1997). Further, the ages and stages at which we may anticipate the development of independent agency do not (in Western societies, in general, at least) normally coincide with emancipation from the environment in which the agent has grown up. The opportunities for the type of self-reflection and change that Taylor (1989) describes are thus limited for younger people in comparison to adults and could be further inhibited by individual capacity relative to maturity. If we

concede that it may not be the child's fault that he is who he is, with the values and desires that lead to poor choices; and if their capacity to self-reflect and make changes is inhibited by immaturity and/or constrained by a lack of power to change their lifestyle; then we may conclude that our attributions of moral responsibility are unjustified – even if the laws that link these causes and effects are not deterministic (Pettit, 2001; Scanlon, 1998; Wolf, 1990; P. Strawson, 1974; Hart, 1968). This would appear to be the driving concern of much of the criticism of processes of responsabilisation when these focus attention upon the act-maker and fail to engage with the more intractable forces of social exclusion (see Rose, 2000, for example).

There are some who believe that the relationship between cause and action, if it exists, need not influence the moral responsibility of an actor (for example, Carr, 1987; Hobart, 1934). Smart (1961) accepts the notion that heredity, accident, and incident can influence someone's character and actions, even to the extent that this environment could be deterministic; but argues that, even so, this should not amount to the suspension of moral judgement. In his example, a boy ('Tommy') is subject to several different influences that can impose upon the choice he makes as to whether to do his homework. Some of those influences may be beyond Tommy's control; the natural compulsions of his own character, say, which could have been shaped by inheritance and example. But this does not negate the existence of choice for Tommy. His friend tempts him to abandon his schoolwork; his schoolteacher expects its completion. In this circumstance, Tommy's options are to follow what is perhaps a natural inclination towards a wrong action or subordinate this incentive to a competing interest. If we claim that Tommy's decision to play rather than work is resultant of his nature, we fossilize him: cause becomes deterministic, and morality is nowhere. If we claim instead that Tommy is, as most people are, capable of moderating his behaviour in the interests of others (Ripstein, 1999), then we must conclude that Tommy's action is his own, and the responsibility his also. All

persons will experience natural inclinations towards bad acts (Kant, 1960). The point for the moral being is to choose what incentive determines the will; and the fact of this choice is what makes us the authors of our lives, and accountable for them.

There is, though, a remaining challenge to Tommy's moral responsibility: his inclination towards making wrong choices. If one conceives that the worth of an 'appropriate' moral education lies in the genesis or nurture of 'appropriate' moral values (Fingarette, 2004; Pettit, 2001; Fischer and Ravizza, 1998; Wolf, 1990), then the influence of context upon children's development cannot be dispersed simply through the assertion that choice exists. Put simply, 'if the person hadn't been taught that she ought to act justly, the person might not have discovered this on her own' (Wolf, 1990:73). This sort of 'social handicap' need not be deterministic; but it could potentially be influential upon the likelihood, or not, of an agent choosing well (Honoré, 1999). Perhaps, then, the freedom of such ill-equipped agents is compromised even where there is the capacity and opportunity for choices to be made.

Responses in the literature to this line of argument bring us full circle to the point made at the start of this section: our practices of ascribing responsibility are indeterminate, and the concepts and distinctions employed in its theory reflect this (Fischer and Ravizza, 1998; see also Honoré, 1999; P. Strawson, 1998; G. Strawson, 1994). Perhaps some people are more inclined to choose well, through their luck in being shaped, in their formative years, by things that make them responsive to good values, in an environment that nourished sound reasoning and sentiments (Wolf, 1990). Perhaps others are victims of circumstance, less capable of recognising the things that they ought to be responsible for, and more inclined to choose badly (Honoré, 1999; Scanlon, 1998). But the concept of moral responsibility, immutably tied as it is with our conceptions of ourselves as independent, autonomous persons, makes little allowance for the fact that some people will struggle more than others to get things 'right'. 'We are who we are', (G.

Strawson, 1994), and this does not necessarily undermine the appropriateness or justice of punishment or reward. Indeed, perhaps the only way for an agent to *become* responsible is to ‘play the hand’ that life has dealt (Fingarette, 2004), and fashion one’s life from the world as one finds it (Watson, 2003). Because what is also true, of course, is that even if we do think that some people are less capable than others to act in accordance with what is good and right, this does not mean that they cannot learn the trait of responsibility (Wolf, 1990). And if that be so, then perhaps the practice of being held to account will contribute, as the concept of a moral education predicates, to their developing it. If this is the case, then the value of moral responsibility in this regard is twofold: it encourages a community that is united in the benefits of personhood, self-respect, and identity (Fingarette, 2004; Pettit, 2001; Honoré, 1999; Scanlon, 1998); and bestows the benefits of moral respect from others, by including, without discrimination, every moral being in its reciprocal cycle.

### **2.9 Revisiting the concept of responsabilisation**

Resituating the concept of responsibility within its moral and philosophical foundations demonstrates that the realisation of responsibility (and thus agency) requires development in persons through processes of socialisation. Children’s morality develops via processes of growth, rather than any radical reform or singular moment of realisation. It is evident, therefore, that criminal justice responses to youth offending that seek to activate the responsible citizen solely via the fact of their prosecution will not only fail to realise that aim but are also likely to stigmatise and alienate vulnerable child actors. This links to the concerns we have discussed about the potential harms of criminalising young people, because the justification of criminal sanctions is to be found in its overlap with morality. We are justified in punishing those who commit morally wrong acts to the degree that is proportionate to their moral blameworthiness (Matravers, 2016); so, if we conceive

of younger people as outside of the category of moral blameworthiness (by virtue of their age or of their experiences), their inclusion in that system is unjust. But if this were the sole motivation for such concerns then the literature that discusses youth justice ought to be pushing for its abolition, not critiquing its methods. With some exceptions this is not the case. Usually, what is found is the comparison of responsabilisation (as processes that happen *after* conviction) with alternative and more inclusive models of justice such as welfarism. This presupposes that processes of responsabilisation – or, to put it another way, what is done with those young people from the moment of their conviction until they are released from their obligations to the YJS – will function to individualise blame and assign fault. This forecloses analysis of how the human actors tasked with working with these young people will interpret and understand those processes and disregards their potential as contributory to the processes of socialisation that animate a sense of responsibility. It also, arguably, undermines the status of young people as actors with agency or the potential for developing agency. If we conceptualise their choices as the result of inherent inclinations toward bad actions (provoked by their upbringing, for example, or features of the social environment) then their status as offenders is fixed as an inevitable fate, which would appear to negate opportunities for growth and change.

This does not mean that philosophical conceptions of moral responsibility are straightforwardly benign or unproblematic. Indeed, it is tempting, when one begins to explore them, to become concerned wholly with the negative associations of its ascription. It seems imperative that we be capable of discerning with some accuracy the conditions necessary for an agent to be legitimately held responsible for their actions, to protect that agent from unfair reactions that could potentially cause them harm. This is especially the case for children, for whom the moral case for administering justice can sometimes be difficult to discern (Hart, 1968). It is in these interests that we pursue questions of capacity and autonomy. Arguments that emphasise people's capacity for self-authorship

do much to convince us of the value of moral responsibility but demonstrate also the sometimes-unequal distribution of its obligations. The case of young people illustrates this. Such agents are vulnerable to their environment and to the teachings and examples of others but are held to be ultimately accountable for what they make of themselves. Exploration as to the causes of bad actions is tinged with the spectre of determinism, and roundly rejected as a result, with a circular reasoning that conceives of action as self-willed by a self that is self-authored. This shows little regard to the fact that those who have not yet attained the status of adulthood are not, and cannot be, responsible for whether and how much they *are* responsible (Wolf, 1990). This is unlike the case for adults, who have far more freedom and experience in the world, and who have completed their own unique processes of maturity and socialisation.

Yet theories of moral responsibility shows that there are compelling reasons to accept the necessity of holding young people responsible for their choices and actions. The practice of holding others responsible, and the concept of free agency, are both deeply entrenched in human life; 'intimately woven into the tapestry of inescapable human sentiments and responses' (Pettit, 2001:20). Responsibility is inseparable from our status as persons, and to hold someone responsible is to acknowledge their membership of a system of reciprocal respect. This affords them credit when they do well and sanctions those who do them harm (Honoré, 1999). There is symbolic value, also, in the practice of responsibility ascription: recognising the ability of individuals to choose their own paths acknowledges individual agency, the development of which is an important aspect of moving from the realm of childhood into adolescence and beyond. Though they may operate in conditions of restricted freedom in comparison with adults, young people's sense of identity and self-respect potentially depends upon their being held responsible for their conduct (Honoré, 1999).

### **2.10 Summary**

This chapter has presented and described the concerns about responsabilisation that characterise much of the commentary about youth justice over the past twenty years. It has demonstrated that responsabilisation as a youth justice process is uniformly conceptualised within the academic literature as harmful or contributory to harmful outcomes, but there is a lack of enquiry into the subjective experiences of actors within the YJS in terms of their understanding and interpretation of it. There is, also, a lack of interrogation as to the moral purpose and value to young people of being responsible and/or being treated as responsible. This review has brought out several different issues regarding the concept of responsabilisation as a youth justice process and the concept of responsibility as a moral virtue and attribution, which guided the analysis of subsequent empirical work with youth justice practitioners. It is to this that I turn in the following chapter.



## CHAPTER THREE: Methodology

### **3.1 Research aims**

This research seeks to understand what ‘responsibilisation’ could mean to YOT practitioners and how they put this understanding into practice with the young people with whom they work. It aims to shed light on processes of responsibilisation and examine their meaning and purpose in the context of YOT work. In order to achieve these goals, I inquire into the perspectives of YOT practitioners about whether and how the concepts of responsibility and responsibilisation are meaningful to YOT practice and if and how they inform what they do with young people. In this chapter I outline the research questions and discuss the research methods employed.

### **Research questions**

As can be seen in Chapter Two, there is something of a lack in enquiry in the existing literature into the subjective experiences of youth justice practitioners in terms of their understanding and interpretations of concepts of responsibility and responsibilisation. This chapter demonstrated the importance of contextualising processes of teaching and learning practices of responsibility within interpersonal and dependent relationships. The following research questions thus represent the focus of this research.

- 1. What do YOT practitioners understand by the concepts ‘responsibility’ and ‘responsibilisation’?*
- 2. How does this understanding inform their work with young people?*

These questions encapsulate the central theme of the dissertation, as it seeks to identify what meaning *responsibilisation* may have for those tasked with its implementation.

### 3.2 A note on terminology

The previous chapter (s. 2.8) described childhood as a social construction. This claim proceeds from in-depth exploration of various formulations on childhood within contemporary sociology (for example, Prout, 2000; James and Prout, 1997; Jenks, 1996; James, 1993). These reveal persistent historical and cultural perceptions of children's moral nature and development within Western societies which, it is argued, contribute to an ideological discourse of childhood and children as 'innocence enshrined' (James and Jenks, 1996:315; see also May, 1973).

The sociological theorisation of childhood/children is the subject of continuing debate (Smith, 2009; Shanahan, 2007; Moss, 2002; Gittins, 1998; Mayall, 1994), and, to some extent, such debates go beyond the scope of this thesis. But they are significant in relation to the terminology used to describe the group of people subject to YOT intervention. Theorists of the socially constructed child provide compelling evidence that when younger people behave in ways that violate this intrinsic innocence, they are perceived to exceed the limits of what it is to be a child; and that those who offend against the law, especially if they engage in violence, can be conceptually removed from the category of child altogether (James and Jenks, 1996). This has implications for what are contrived to be appropriate state responses. In particular, they make more likely the potential for children to be subject to punitive punishments and/or increased governing and surveillance (Smith, 2009; Stephen and Squires, 2004; James and Jenks, 1996). It is suggested that the language used to describe this group – for example, the moniker of 'youth offender' – operates to aid this *othering* and sanitise more repressive responses (Muncie, 2021; Haines and Case, 2015a; Barry, McNeill and Lightowler, 2009).

The development of a CFOS approach as the guiding principle for the YJS (YJB, 2022) has provoked something of a recent shift in their terminology, which appears linked

to the issues outlined above. For example, the latest guide to youth justice statistics explains that within the context of such publications,

‘...the term ‘children’ refers to anyone between the ages of 10 and 17, unless stated otherwise. In publications prior to 2017/18, children were referred to as ‘young people’ (MoJ et al., 2022: 27).

This is intended to recognise the developmentally different nature of children in comparison to adults and the associated need for tailored support that recognises their individual capacities and avoids stigma (Hazel, 2022). It also represents a continuation or escalation of efforts to de-stigmatise the language around youth offending. In 2011, for example, it was suggested that due to the negative connotations of terms such as ‘juveniles’, ‘we are increasingly seeking to use the term ‘young people’ (Blakeman, 2011:80).

The YJBs use of the term ‘children’ as an alternative to or inclusive of ‘young people’ is not consistently embedded within the CJS more broadly. Sentencing principles continue to refer to ‘children and young people’ and ‘children or young people’ (Sentencing Council, 2017) and other interested bodies use the terms interchangeably (for example, Crown Prosecution Service, 2022; HMI Probation, 2022) even when ‘child first’ principles are acknowledged (for example, Ofori et al., 2022). This is consistent with s 37 (1) of the CDA, which establishes that the principle aim of the YJS is ‘to prevent offending by children and young persons’. That same Act (s. 117) defines a ‘child’ as anyone under the age of 14, and ‘young person’ as anyone who has attained the age of 14 and is under the age of 18.

In this study, participants used a range of terms to describe their service users. They were ‘children’, ‘adolescents’, ‘kids’, ‘lads’, ‘boys’, ‘girls’, ‘teenagers’, ‘youths’, ‘youngsters’, and, most commonly, ‘young people’. All participants told me that they commonly work with ‘older children’, whom they defined as aged 15-17, though all had

experience of working with ‘younger children’ aged 10-14. Sometimes, some distinction is drawn by participants between ‘young people’ and ‘children’. For example, one participant describes her clients as ‘*very damaged young people and children*’ (see p. 208). At other times any such distinction is blurred by the participant, such as in this claim that ‘*they’re teenagers, they’re still children, they’re not fully developed*’ (p. 189). As noted in the literature review (pp. 13-14) the present research is interdisciplinary in nature and uses contributions from moral philosophy to analyse the data produced in interviews. Moral philosophers are reluctant to be drawn into specifying distinctions between ‘children’ and ‘adults’ beyond the realisation of moral personhood, for which there can be social standards but a variation of individual capacities. For that reason, there are no references to ‘young people’, ‘adolescents’ and so forth within that particular set of literature, and the category ‘child’ more often refers to cultural and/or cognitive or developmental states rather than a condition of biological immaturity.

During interviews, my own language generally mirrored whatever term the participant favoured or, if I were responding to a point they had just made, the term they had employed in doing so. The data presented in this thesis is verbatim to the terms used by participants but, in the interests of both brevity and consistency, from this point forward I use the term ‘young people’ as a catch-all for the group of people, aged 10-17, with whom YOT practitioners’ work. This also reflects the language used most often by my participants and the older age-range of the young people with whom they most commonly work. At times, in this thesis, discussion escapes the confines of the YJS specifically and broadens to consider issues such as practices of child socialisation. Where appropriate, I make references in these discussions to ‘children’ and ‘children and young people’. My intention is not to imply that those young people involved with the YJS are *outside* the category ‘children’, but to emphasise that some practices and issues that are relevant to offending and to learning the trait of responsibility extend to the very young.

### **3.3 Context: YOTs and the young people they work with**

YOTs were established in the late 1990s by the CDA. This gave local government authorities significant additional responsibilities relating to crime prevention and youth justice, including the duty to develop annual youth justice plans and establish new multi-agency YOTs to implement those plans for their localities. The composition of YOTs was prescribed by the CDA as having to include at least one of each of the following working alongside youth justice practitioners: a social worker, probation officer, police officer, health worker, and education officer. YOTs are overseen by the YJB, established at the same time, which is a non-departmental public body with strategic responsibility for the YJS.

The establishment of YOTs was partly motivated by an intention to introduce multi-agency partnership working. This should make it easier and more efficient for a range of agencies to collaborate in the management of a young person with multiple needs or problems (Williams, 2000). Collaborative approaches to youth justice have a clear appeal in terms of reducing delays and bureaucratic divisions and sharing knowledge (Burnett and Appleton, 2004), but they have not always worked as well in practice as they do on paper. The earliest pilots of YOTs identified inter-agency conflicts and difficulties with clearly establishing consistent areas of responsibility and appropriate information-sharing across different partner agencies, as well as cultural differences between practice settings (Holdaway et al., 2001; Williams, 2001; Dignan, 2000; Williams, 2000). More recent publications highlight that these difficulties continue to undermine the effectiveness of multi-agency working (Pamment, 2019; Souhami, 2019). Pitts (2001) perceived the original construction of YOTs to have resulted in something of a ‘de-professionalisation’ of youth justice services, whereby existing staff became outnumbered by actors new to the profession who were more likely to acquiesce to managerialist

imperatives. Bateman (2011) claims that this is borne out by the rise in incidences of breach between 1998 and 2010, which he links to YOT workers perceiving that compliance with national standards was more significant than implementing strategies that were in the best interests of young person (see also Case and Haines, 2016).

The YJBs budget, workforce, and responsibilities, has shrunk in recent years (Hayes, 2019), as has the contribution that the YJB makes to YOT budgets (Bateman, 2020). The localism agenda, which has informed the delivery of local public services for the past decade, means that the YJBs approach to overseeing YOT performance and driving outcomes now constitutes ‘light-touch monitoring’ and reduced central prescription for practice (YJB, 2013a). This was presented as a positive development by the then Chair of the YJB, Charlie Taylor, because it allows for greater flexibility on the part of YOTs as to how they achieve national standards (Hayes, 2019); but it has also been linked to greater difficulties with discerning any changes to youth justice practices at both national and local levels (Bateman, 2020). In particular, the localism agenda makes it harder to identify whether the YJBs move toward a CFOS approach to youth justice (see MoJ/YJB, 2019) has led to any changes in youth justice practice. Case et al. (2020), however, claim that the sharp reduction in first time entrants (FTEs) to the YJS from 2007 onwards is indicative that YOTs do mediate centralised policy and are doing so in a ‘child first’ way (though it should be noted that reductions in FTEs constitutes one of the key performance indicators of youth justice practice, along with reductions in reoffending and use of custody). Similarly, Phoenix (2016) links dramatic drops in the number of FTEs in recent years with a desire on the part of YOTs and local police forces to decrease the criminalisation of young people and divert them from formal processes, although she cautions against making assumptions about practice uniformity that cannot be supported with empirical evidence (see also Gray and Smith, 2019).

The decline in YOT budgets has also seen a reduction in the staffing of YOTs and changes to its original staff structure. Haines and Case (2018) have claimed that the traditional YOT structure as it was originally conceived by the CDA is 'breaking down' across England and Wales, with considerable variations in the design and delivery of services between different local authorities. They trace this to measures of economic austerity and to the considerable power held by senior local authority managers, who can make sometimes 'uninformed' decisions about what services should be provided (p. 139). Smith (2013), however, claims that there has always been a wide range of differing models for the co-ordination and delivery of youth offending services since YOTs were first implemented, which is consistent with Holdaway et al.'s (2001) and the YJB's (2001) early findings. A 'stocktake' of YOTs by Deloitte in 2015 indicated that staffing levels were falling across YOTs nationally and that provision was frequently augmented by the secondment (rather than an embedding) of staff from partner agencies.

Most empirical investigations into YOTs undertaken by academic researchers focus on their occupational culture and practice (for example, Morris, 2015; Field, 2007; Baker, 2005; Ellis and Boden, 2005; Burnett and Appleton, 2004; Cross, Evans and Minkes, 2002; Eadie and Canton, 2002). The organisational culture of a YOT is thought to have a significant impact on the treatment that young people receive because interpretations of national policy are made on a local and individual level. These studies have commonly found that YOT workers are more likely to focus on young peoples' welfare and care than other imperatives (Field, 2007; Ellis and Boden, 2005; Burnett and Appleton, 2004; Eadie and Canton, 2002). Souhami (2007), however, noted that the shifting philosophical and ideological foundations of youth justice contributes to a constant state of ambiguity for practitioners, which results in diverse and conflicting approaches to the delivery of youth justice services. One consistent finding of empirical research involving YOTs is the importance of their establishing authentic relationships

with the young people with whom they work, which is thought to promote and sustain desistance from crime (Drake, Fergusson, and Briggs, 2014; Walsh et al., 2011). Successful cooperation and engagement between offender and practitioner appears to be predicated upon demonstrations from the worker that they genuinely care about the person they are working with, which can facilitate a greater sense of self-worth and belonging and an enhanced willingness to build upon individual strengths and improve resilience (Hood et al., 2019; Byrne and Brooks, 2015; Case and Haines, 2014; Hanson and Holmes, 2014; Neukrug et al., 2013; Ward and Maruna, 2007; Fergus and Zimmerman, 2005). But the fact that youth justice standards, as issued by the YJB, are much less prescriptive now than in the past, means there is increasing diversity in models of youth justice practice between YOTs across England and Wales (Bateman, 2020). Further, studies that have enquired into the perceptions and interactions of professionals in the CJS demonstrate that these can shape criminal justice experiences and outcomes (for example, Paterson-Young, 2022; Hodgson, 2020; Morris, 2015; Ruggiero, 1997; Lipsky, 1980). This makes clear the necessity of thinking about practitioners' roles and intentions in their interpretation of policy and practice (Phoenix, 2016).

It is not uncommon for young people to behave in ways that infringe the criminal law (Bateman, 2020). Mostly, such activity does not result in a formal youth justice sanction; but those people who do come to the attention of criminal justice agencies tend to share similar histories in terms of their adverse life experiences (Muncie, 2021). These are young people 'disproportionately drawn from working class backgrounds with biographies replete with examples of vulnerability' (Yates, 2010:16); and many have unmet needs, including poor physical and/or mental health (Case et al., 2020). There is significant overlap between young people who offend and those who are victimised, with common experiences including abuse, neglect, educational under-achievement, social exclusion, and poverty (Taylor, 2016), as well as a higher prevalence of



neurodevelopmental impairments including autism, especially in custodial institutions (Hughes and Chitsabesan, 2015). Looked-after children (those who have had contact with the care system) are also over-represented at every stage of the YJS and are around seven times more likely to be incarcerated than non-care peers (Day, Bateman and Pitts, 2020).

In the year ending December 2019, just over half (52%) of young people cautioned or sentenced had a criminal history (YJB/MoJ, 2021) and many of those involved with the YJS go on to reoffend within 12 months of receiving a formal youth justice sanction (Bateman, 2020). The rates of recidivism amongst this cohort are persistently high in comparison with other age groups (YJB/MoJ, 2021). This has been explained by some as the result of initiatives to reduce the numbers of young people entering the YJS for the first time. By filtering out those with fewer needs, and a lesser propensity to offend, the smaller youth justice cohort that remains has a higher rate of adverse life experiences and poses a greater risk of reoffending (Bateman and Wigzell, 2019; Taylor, 2016). The YJB (2015:15) has confirmed that those ‘who are left in the system now’ are some of ‘the most challenging to work with’, and have, in comparison with peers, more complex family backgrounds, a greater prevalence of mental health issues, and a greater likelihood of involvement in serious youth violence.

### **3.4 Theoretical framework**

#### **Grounded theory**

Grounded theory (GT) is a methodological approach for developing conceptual frameworks based on data gathering and analysis (Brunson and D’Souza, 2021). Developed by Glaser and Strauss in the 1960s, GT attempts to address and avoid the prioritisation of theory which can hinder researchers’ ability to explain a wide range of social phenomena (Reichertz, 2007). Their method, as originally conceived, is sometimes referred to as traditional, classic, or Glaserian, GT (Evans, 2013; Artinian, 2009; van Niekerk and

Roode, 2009). It views the purpose of research as a means of generating concepts or relationships, which can account for or interpret variations in behaviour in an area of study. The theory emerges from the data and is therefore 'grounded' in it, while creativity is required to create new properties and concepts from the data (Birks and Mills, 2015).

Strauss refined this method in later publications (Strauss and Corbin, 1990; Strauss, 1987), which provoked something of a 'supposed split' between the colleagues (Birks and Mills, 2015:3). The variations between Glaserian GT (GGT) and Straussian GT (SGT) are subtle but important. For example, SGT starts with research questions to guide the research and uses an inductive process to generate concepts from qualitative data to uncover how actors construct and manage their decision-making within specific social environments (Brunson and D'Souza, 2021; Corbin and Strauss, 1990). This conforms to traditional research methods but, according to Glaser (1992), could mean that meaningful data is missed through researcher preconceptions. Strauss (1987) rejects this and posits that his approach establishes a systematic basis to qualitative data analysis via acknowledgement of the interactive process of data collection and analysis. This moves the researcher away from any preconceptions – including those influenced by established theories or research questions – that might colour that process of analysis (Oliver, 2012). More detailed description of the divergences in GGT and SGT can be found elsewhere (for example, van Niekerk and Roode, 2009) but some will be considered in greater depth in the sections that follow this.

Some critics have suggested that GT (both traditional and refined) emphasises the empirical data to the neglect of theory-building, whereby the grounded theory method becomes viewed and employed primarily as a means of coding data rather than as a method for generating theory (Urquhart, Lehmann and Myers, 2010). There are also questions about the extent to which we can claim to discover theoretical categories from empirical data if researchers must always draw on existing theoretical concepts to analyse

that data (Kelle, 2007). It is, arguably, impossible to free empirical observation from theoretical influence, because 'seeing is a 'theory-laden' undertaking' (Hanson, 1965:19), and qualitative researchers will always bring with them their own lenses and conceptual frameworks (Kelle, 2007). Glaser and Strauss (1967) acknowledged this issue and the necessity of researchers to be able to abstract significant categories via scrutiny of the data, which can only happen if they have a perspective that helps them see what data and categories are relevant. Rather than approaching analysis as *tabula rasa*, researchers should have 'theoretical sensitivity' to enable them to 'see relevant data' and reflect upon it with the help of theoretical terms. In other words, by categorising and analysing data, a context-led process of investigation can be attempted, which does not discount existing theory completely, but prevents it from overly influencing the direction of the research. This contrasts with adaptive theory, which lays greater emphasis on the incorporation of theory into the research on the basis that this will provide a 'theoretical scaffold' that can be modified by inductive processes or the formal testing of hypotheses (Layder, 1998:150; Bottoms, 2008).

Research on YOT work, and especially into how occupational and/or professional perspectives, experiences, and insights inform and/or influence YOT practices, is limited and sometimes dated (Case et al., 2020), whilst research into how YOT practitioners make sense of processes of responsabilisation is non-existent. Conceptualisations of responsabilisation in existing literature foreclose subjective experiences and in effect renders them 'unknowable' (Phoenix and Kelly, 2013). Therefore, established theory in the context of the present data is particularly limited, so one cannot rely too much on the literature to explore the research questions and interpret and understand practitioner perspectives. If I do rely on the research on YOT workers I would run the risk of the analysis being outdated and not representative of YOT work in the current climate; and if I rely on the conceptualisations of responsabilisation presented by criminological theory

I could over-determine the extent to which some practitioner perspectives are meaningful and miss others that do not sit comfortably within those existing theoretical frameworks. Therefore, allowing the empirical data to lead this research is important: it strikes an appropriate balance given the limited breadth of previous research.

### **Theoretical sensitivity: Looking through the lens of the literature**

Preparation for any research study is always essential to 'frame the problem in the introduction of the study' (Creswell, 1994:23). With GT, there is something of a fine line between knowing the existing literature (which can embed a sound research design) and being so informed that the research is coloured by preconceived ideas and underlying assumptions (McCallin, 2006). Dey (1993:63) defines this tension as the difference between having an open mind and an empty head. The issue, says Dey, is 'not whether to use existing knowledge, but how' (ibid.). Chenitz (1986), for example, proposes that a literature review is necessary to inform knowledge of the phenomena and appropriate methods for study, but cautions that the researcher must question all underlying assumptions and maintain 'a cautious and sceptical attitude' about the literature throughout the study (p. 44). Others describe the need for the researcher to guard against attempts to develop hypotheses prematurely, based on existing literature, which the data collection then seeks to verify, rather than to build theory (Thistoll, Hooper and Pauleen, 2015; Urquhart, Lehmann and Myers, 2010). What is sought is 'theoretical emergence', whereby the researcher stays open to theoretical codes from multiple theoretical perspectives from which they can organise the emergent theory (Breckenridge et al., 2012).

The concept of theoretical sensitivity highlights some key divergences between Glaser and Strauss. Glaser (2014; 1998; 1992) contends that the researcher should be able to generate and relate concepts and properties that arise from the data; to 'transcend

description' and uncover real, underlying abstract concepts (Glaser, 2014:11). In contrast, Strauss (1987; with Corbin, 1990) places emphasis upon the creation of explanatory theory that closely approximates the reality it represents, which it tries to verify within the data. In other words, SGT produces descriptions, rather than abstractions (Glaser, 2014; Evans, 2013). Because its purpose is to describe the full range of behaviour in an area, SGT starts with research questions; and emphasises the researcher's insight and ability to give meaning to data, via their capacity to distinguish the pertinent from the non-pertinent. To enable this, descriptive literature in the relevant area is read at the beginning of the research project, though in-depth reading is delayed until the emergence of theory grounded in the data. It is this descriptive literature that stimulates theoretical sensitivity and can generate the research questions, as well as guiding initial observations in the analysis stage, while the later reading can support validation. This approach is in keeping with interpretivist philosophy, which recognises that enquiry is always bound by context (Goulding, 1998). Though Glaser does not adhere publicly to any philosophical or ontological perspective (Glaser, 2014) his method posits that theory should both emerge from the data and be returned to if for verification. In principle, this should enable theory to emerge that is 'devoid of interpretivism' (Boyчук Duchscher and Morgan, 2004: 606). SGT, meanwhile, has been labelled by some as an interpretivist GT (Sebastian, 2019; Boyчук Duchscher and Morgan, 2004).

My research questions proceed from my claim that our existing knowledge about responsabilisation is inadequate to explain YOT processes or intentions; therefore, my review of the literature about responsabilisation did not scaffold the questions or analysis but operated as one lens through which the data can be examined. My intention was to apply theory to evidence and to allow theoretical models to come from empirical research rather than to impose previously selected models on the data from the start. Understanding social phenomena through one theoretical perspective can be limiting and

not truly representative of the subject under study, especially when that subject is nebulous and value-laden. For this reason, and because the concept of responsabilisation is linked to processes of re-moralisation (Rogowski, 2014; Martin, Squires and Stephen, 2011; Phoenix, 2003), the conceptual frameworks that underpin our common understandings of 'responsibility' as a moral force formed another part of the literature review. This framework did not influence the design of the research from the beginning but, in keeping with SGT methodology, has been used to analyse the data gathered.

### **Ontology and epistemology**

Research that lays epistemological claim to being interpretive must include the perspectives and voices of those who are under study (Strauss and Corbin, 1994), while GTs concern with recognising bias and maintaining objectivity suggests ontological realism (Niiniluoto, 2002). This may pose something of an epistemological challenge to SGT (Weed, 2017), since an interpretivist paradigm assumes that reality is subjective, as well as culturally and historically situated, and likely to differ between individuals based on their experiences and understandings (Alharahsheh and Pius, 2020; Mack, 2010). Some (such as Charmaz, 1995) suggest that GT should use a constructivist ontology, which rejects the notion of objectivity and focuses on meanings that can be constructed via interpretations of the data, supported by an interpretivist epistemology. Others (such as Schwandt, 1998) contend that 'we are all constructivists if we believe that the mind is active in the construction of knowledge', because knowing is not passive but active (p. 237). This is consistent with the more traditional ontological perspective of interpretivism which posits that reality is only knowable via socially constructed meanings (Ryan, 2018; Ormston et al., 2013). Greene (1992) suggests that this relativist ontology is especially appropriate for research focused on practitioners, because it stimulates an understanding of the meaning created from the dynamic transaction between inner selves and outer

worlds. The concept of ‘reality’ is that which finds its way repeatedly into each interview, document, or observation: the ‘grounding of concepts in the reality of the data,’ which helps guard against researcher bias (Strauss and Corbin, 1990:420).

Previous enquiries into the experiences of youth justice workers have observed and documented the incoherence, conflicts, tensions, local variations, and uncertainties at the heart of youth justice practice (Haines and Case, 2015a; Morris, 2015; Souhami, 2011; 2009; Prior and Mason, 2010) as well as the capacity and agency for professionals to actively change or adapt policy in relation to their own beliefs and experiences (Case and Haines, 2021; Drake, Fergusson, and Briggs, 2014; Evans and Harris, 2004; Gelsthorpe and Padfield, 2003; Lipsky, 1980). Claims for ‘an’ independent reality for youth justice practice or practitioners therefore appear dubious, even when practitioners are acting within similar conditions and/or restraints (I say more about this in s. 3.6 below). Further, the notion that an independent reality can ever be discerned or described via scientific method, however rigorously applied, is highly questionable (Feyerabend, 2011a; Oberheim, 2011). Feyerabend (2011a; 2011b) suggests that this epistemic incommensurability means that rigid adherence to prescriptive methodological principles hinders the attainment of scientific knowledge whilst inducing the researcher to make polemical claims about their chosen methodology. The ontological and epistemological variants of GT do, however, permit different approaches to knowledge contribution, including a GT generated as ‘a truth’ rather than ‘the truth’ in a particular substantive area (Weed, 2017). This recognises the constructive power of human cognition in structuring our knowledge of the world which is consistent with ontological relativism (O’Grady, 2004).

Since my research focus arises from my perception that existing knowledge about responsabilisation in youth justice has failed to acknowledge the significance of practitioner agency, I do not seek to generate some singular formal theory. Instead, the

purpose of this research is to make a wider contribution to knowledge by seeking to uncover if there is diversity in practitioner understandings of the concept, and/or perspectives that differ from the prevailing assumptions within the current literature. This will contribute to a wider understanding of the concept of responsabilisation. The adoption of SGT methodology, with an interpretive epistemology and relativist ontology, seems an appropriate paradigm for such research.

### **3.5 Research strategy**

#### **Quantitative and qualitative research strategies**

Research can be conceptualised as a process of performing systematic and intensive inquiries that aim to discover and interpret facts within a certain reality and can take the form of qualitative or quantitative (Flanagan, 2013). Broadly, quantitative research seeks to obtain accurate and reliable measurements that will allow statistical analysis, and qualitative methodologies intend to understand complex realities and the meaning of actions in a given context (Ochieng, 2009). Quantitative research tends to start from a positivist perspective of what constitutes valid data, while qualitative research can be criticised for subjectivity and a lack of generalisability (Queirós, Faria and Almeida, 2017).

The research evidence that underpins much youth justice policy post-1997 has been criticised for neglecting the perspectives of human actors in favour of statistically grounded methodologies that pursue measurable outcomes (Prior and Mason, 2010; Case, 2007; D. Smith, 2006). It is argued that, in consequence, researchers ‘consistently draw attention to the absence of reliable research evidence that tells us anything about *why* some interventions work better than others’ or ‘*what* makes a difference when applying interventions in practice’ (Mason and Prior, 2008:10, original emphasis; see also Bateman, Hazel and Wright, 2013). To better understand such experiences, we need ‘the depth and



richness of data provided by qualitative research' (Case, 2007:98; see also Creaney, 2020; Hoyle, Young and Hill, 2002). This is not to say that quantitative methods are unsuitable for some types of youth justice research; rather, it is to suggest that, in some cases, the phenomenon under investigation lends itself to qualitative methodologies.

Quantitative research derives from the natural sciences and is based on the premise that phenomena can be explained by objective, factual measures that insulate data from researcher bias. But this is to assume that reality is unitary and objective, and only discoverable via some transcendence of individual perspectives (Morgan and Drury, 2003). For this research, a qualitative approach, which attempts to understand the nature of social reality through the narrated accounts of participants' subjective experiences, is a much more appropriate method of investigation. It recognises that people will construct meanings in relation to their environment and experiences and offers a sound methodological framework for the development of understanding about the implicit subjectivity that occurs within professional practice. The utilisation of qualitative research methods,

‘...provides access to the lived reality of individuals, facilitating the exploration of people's internal construction of their personal worldview’ (Morgan and Drury, 2003:74).

Through the use of a qualitative methodology, the perspectives and experiences of professionals working with young people in YOTs can give insight and meaning to the concept under investigation. Earlier discussions in this thesis have outlined the lack of research available on how YOT practitioners understand and interpret responsabilisation and have pointed to the ambiguity surrounding the concept itself. The fundamental aim of this research is an attempt to understand what meaning the concept holds for those

practitioners who are tasked with its implementation; therefore, enquiry into their subjective experiences and interpretations is essential.

### **Selecting a qualitative approach**

While it seemed appropriate to try and understand the perceptions of YOT practitioners in this study, the manner in which this was to be done was of fundamental importance. There are a variety of data collection methods associated with qualitative research, including questionnaires, focus groups, participant observation, structured interviews, and semi-structured interviews. Questionnaires allow large numbers of individuals from wide-spread geographical areas to be sampled but also carry a likelihood of poor response rates (Polit and Beck, 2008), especially if research participants are busy professionals in work settings (Fowler, 2009). Focus groups ‘explicitly use group interaction as part of the method’ (Kitzinger, 1995:299) and can be a quick way for the researcher to pick up relevant themes around a topic (Vaughan, Shay Schumm and Sinagub, 1996). The issues with using this research method include that one or more dominant individuals may permit only one opinion to be heard, and controversial perspectives may be suppressed in favour of normative discourses (Smithson, 2000). Studies into the occupational cultures of youth justice organisations have sometimes included participant observation as a research method (see Ellis, 2018 and Morris, 2015, for example). This involves counting discernible incidents or behaviours identified on an observation checklist or rating scale which necessitates the careful construction of such (Polit and Beck, 2008). If I am to explore what practitioners perceive ‘responsibilisation’ to involve, the creation of such a checklist would imbue the process with my own preconceived understandings of the concept and undermine the validity of the findings.

Structured or semi-structured interviews, which can ‘yield rich insights into peoples’ biographies, experiences, opinions, values, aspirations, attitudes and feelings’

(May, 2001:120) seem the most appropriate method. A structured interview involves clearly formulated questions in accordance with a standardised interview schedule and are associated with quantitative data collection, since the interview is neutral and the structure is uniform. This makes responses easily comparable and classifiable but it disallows deviation (Coughlan, Cronin and Ryan, 2008). Semi-structured interviewing is one of the key methods of qualitative research, which gives prominence to understanding the actions of participants on the basis of their active experience of the world, and the ways that their actions arise from and reflect that experience (Flowers, Hart and Marriott, 1999). The purpose of semi-structured interviews is to derive interpretations from respondents' talk via 'conversations with a purpose' (Burgess, 1984:102). This method was chosen because of its suitability for addressing the research questions, although there are also weaknesses with this approach. Only a relatively small group is interviewed, so the data may not be representative and thus not generalisable (Carr, 1994). This is arguably compensated for by the richness and depth of the data collected. Personal interviewing requires a fuller, more flexible involvement by the researcher with those from who data is being collected in comparison with a quantitative approach, and this raises issues of reactivity, or the way that the respondent reacts to the interviewer. Reactivity can cause problems with validity, so it is crucial to consider how the context of the interview may impact upon the quality of the data collected (Maxfield and Babbie, 2015). There is also the issue of finding suitable respondents. These and other issues, and my responses to them, are discussed more fully in the next sections.

### **3.6 Research design**

#### **The research sites**

Local authorities have the responsibility to oversee and co-ordinate youth justice services.

Most of the county where my research took place is governed by a county council, below which are more than ten district councils and around 300 town and parish councils. There

are five YOTs (referred to hereafter as Units) serving these areas: North, East (x2), South and West. Two districts in the county are under the control of a unitary authority, which has responsibility for one YOT servicing those districts.

The county itself is large and has a population of 10–17-year-olds that is higher than the national average. Several of its local authority districts are among the ten per cent most deprived in the country but other parts are very affluent. Much of the total land area in the county is rural but the population is mostly concentrated in urban areas. The number of YOTs under control of the county council has remained stable since their inception, but the past decade has seen a fall in the number of full-time equivalent staff in each, including a total loss of more than twenty seconded roles in mental health, probation, and education. Custodial rates, and the number of FTEs, are both lower than the national average. The YOT under control of the unitary authority has much higher rates of FTEs, above the national average, and its staffing levels have remained relatively constant in recent years. It also has a more traditional YOT structure, with a seconded probation officer working alongside youth justice practitioners. The districts that make up this area are as diverse as the county generally: whilst some are in the ten per cent most deprived nationally, others are amongst the least deprived in the country. All the YOTs involved in this research had much higher numbers of 15–17-year-olds on their caseload than those aged 10-14, and most of the young people involved with them are White males.

As described in s. 3.3 of this chapter, the delivery of local public services, including youth offending services, has been informed by the UK Government's localism agenda for the past decade. This has provoked a diversity of service structures and sometimes considerable variation in practices between local authority areas. This was evident in my own study: at the time the interviews were conducted, the YOTs under county control were in the process of being integrated into a broader adolescent service that would

include early help teams, while the YOT under unitary authority had been recently moved into a public health directorate. This diversity has potential implications for youth justice research that enquires into subjective experiences to seek indicators of current practices or attitudes. Such insights cannot be straightforwardly treated as representative of the wider youth justice field, and any differences found that challenge dominant discourses or orthodoxies are not necessarily indicative of some broader cultural shift.

There are of course overarching factors that can contribute to the shaping and reshaping of what has been termed the ‘youth policy landscape’ (Davies, 2013). At the time that this research was conducted these could include the impact of austerity measures, revisions to operational guidance and targets, and the YJB’s emerging commitment to a CFOS ethos (Bateman, 2020). These kinds of critical events and political shifts could, perhaps, provide something of an explanatory frame to account for practices and outcomes in youth justice, even while acknowledging the likelihood of local variations. This type of analysis allowed for the assertion of a ‘punitive turn’ during the 1990s, for example, and of a more welfarist paradigm in the 1960s (Smith and Gray, 2019). Yet even while predating the localism agenda, such efforts can be criticised as indicative of a ‘concretizing tendency’ that characterises discourses and policy frameworks to convey a relatively uniform picture (ibid.:555). Though this may better allow the articulation of coherent models of youth justice policy and procedure, we cannot assume that they translate into monolithic practices or outcomes.

Goldson and Briggs (2021) make the point that youth justice is constantly being made and re-made within both temporal and spatial contexts. Their study identifies differentiated practices and outcomes at both regional and local levels, which can be further distinguished by local penal cultures that give rise to different outcomes. Goldson and Briggs (2021) conclude that the conversion of national policy into local practice is contingent upon and mediated by the discretionary actions, adaptations, and discernment

of local actors, which are moderated or compounded by local penal culture. This chimes with Lipsky's (1980) observations about the significance of 'street-level workers' and that of a broader body of work focused on 'justice by geography' (for example, Ashworth, 2017; 2001; Goldson and Hughes, 2010; McAra, 2004; Hucklesby, 1997). Evidently, youth justice in England and Wales can be 'profoundly and disturbingly differentiated' (Muncie, 2011:53).

My starting point is to address the mediating role of youth justice practitioners in making sense of the concept of 'responsibility' as it relates to their practice. I do not claim that the insights gleaned from my interviews will be necessarily indicative of practitioner consistency on these conceptual points more broadly; nor anticipate that the research will provoke a singular theory of responsabilisation from which we can conclude a uniformity of practices or processes in YOTs in general. Instead, I am interested in how responsabilisation is interpreted, modified, and articulated by some of those who bridge the interface between an overarching YJS and the real-life experiences of the young people with whom they work. This is consistent with the methodological framework for the research, which seeks to contribute to knowledge by offering 'a truth' about a particular substantive area, rather than 'the truth' (Weed, 2017). The research sites are thus suitable for such investigation, but findings may not, necessarily, be representative of the wider youth justice field. This will be revisited and discussed in greater depth in the concluding chapter (s.7.5).

### **Gaining access – boundaries and gatekeepers**

The research involves a rather complex web of gatekeepers who are not located in one place within the organisation. A Head of Youth Justice for the county must give permission for each Unit Manager (UM) to be approached (and provide their contact details to enable this) and a Head of Service from the unitary authority must do the same.

There is no guarantee of access to those working in the YOTs even when this permission is granted because the UM for each YOT must then be approached for their permission to contact staff within the Units (and provide their contact details to enable this). If a UM is unwilling to engage then it is not possible to contact the YOT staff.

Participant recruitment has been described as the most difficult aspect of the research process (Blanton et al., 2006). When negotiating access it is incumbent upon the researcher to be as clear as possible about all aspects of the research project and about how participants will be protected (Williams, 2020). For this reason, some recommend ‘multi-modal’ approaches to explaining the study (including verbal, written, video and pictures) to reassure gatekeepers, but this has the obvious drawback of requiring more time and inclination on the part of the gatekeeper to vet and approve that material (Swaine et al., 2011). My initial draft effort to contact the Head of Youth Justice involved a written summary of the aims and objectives of the research and a copy of the Participant Consent Form, to be sent via email; but despite my best attempt at brevity, it was long enough (I perceived) to provoke deletion by a busy professional rather than engagement. I decided instead to telephone in the first instance. Accounts of gatekeeper negotiations (see Reeves, 2010; Wanat, 2008) have shown that access alone does not guarantee the success of the research. What is needed is the co-operation of gatekeepers, which is often best achieved by developing something of an empathetic relationship or rapport. This would not be served, I thought, by sending un-invited and lengthy emails, but could perhaps develop through conversation. This would also give me greater opportunity to justify the research, especially as it aims to centre the often-neglected perspectives of YOT practitioners, so that their participation was thought worthwhile and valuable.

During our telephone conversation, the Head of Youth Justice expressed support for the research but cautioned me that UMs would need to agree to enable access to their YOT staff. I followed up our phone call with an email that reiterated key aspects of the

study including its purpose and the confidentiality and safety of participant interviews, and the Head kindly replied with an offer to circulate this to UMs so that they could contact me direct if interested. This was very welcome but in my reply I asked also to be given the contact details of each UM so that I could approach them direct, which was given to me. I took the same approach with the Head of Service for the unitary authority, who was swift to provide permission for me to approach the UM.

I contacted each UM via email with a brief explanation of the research and an offer to meet or discuss further over the phone. I decided to do this one Unit at a time, rather than contacting all UMs at once. Twice UMs offered to organise a schedule of participants from their Units to allow me to interview as many staff as possible in one visit; but most of the time the UM replied to indicate agreement and provide me with staff email addresses so that I could contact practitioners in their Unit directly. As soon as a practitioner replied to me, expressing an interest in participation, I set up a time for the interview at their YOT. This meant that, with most YOTs, I made repeat visits to conduct single interviews. My personal circumstances, rather than any methodological justification, influenced this rather ad-hoc process of interview organisation. I accepted a full-time lecturing position during the same period that I was negotiating access with the county and unitary leads and was a single parent to a primary-aged child. I needed to be able to schedule interviews at times that suited participants and allowed me to cover work and child-care, rather than to set aside distinct blocks of time to devote to data collection.

At the time, this felt, to me, rather chaotic; and I worried that I was not approaching data collecting 'right'. In hindsight, it perhaps worked in my favour. Although gatekeepers within the research process are typically defined as the individuals, groups, or organisations that act as intermediaries between researchers and participants (De Laine, 2000), participants themselves can fulfil this intermediary role and encourage others to become involved. This is known as the snowball effect. For example, one



participant re-entered their office after our interview and told the room that *'I feel so much less stressed, now'*. This provoked requests from colleagues that they too be interviewed, although they had originally declined to respond to my emailed invitation. Another interrupted our interview to shout to a passing colleague that they should *'come and book a time for an interview – this is important!'* (and they did). Another left the interview after it had ended and returned to the room with a colleague whom they had persuaded to take part, so another return visit to the YOT was organised. Further, although the make-up of each YOT differed, most had shared office or communal space. Making repeat visits to the same Unit to conduct single interviews made me something of a familiar presence and provoked involvement with the research from practitioners who had not responded to the initial invitations to take part. This kind of prior familiarisation with the researcher can benefit both participant and researcher, and contribute to the development of rapport (Williams, 2020). Some level of rapport and trust is necessary to gain agreement for an interview and taped recordings and, further, to encourage participants to answer questions openly. This is discussed in greater depth in the next section.

In all, 27 interviews were organised and 21 YOT staff were interviewed between January 2018 and July 2019, from 5 different Units across the county. They had a variety of job titles along the theme of YOT Worker. Four participants were qualified social workers and two were UMs. They also had a variety of experience: some had worked in the service for well over a decade and others less than 12 months. There was an almost-even gender split (10 males and 11 females).

### **Interview strategy**

Semi-structured interviews are generally organised around a set of predetermined, open-ended questions, with other questions emerging from the dialogue between participant

and researcher. Most commonly they are only conducted once for an individual and can take between thirty minutes to several hours. Whatever the focus of the study, the basic research question(s) must be sufficiently focused so that a relatively homogenous group will have some shared experiences around the topic; and additional, more specific questions may be developed to delve more deeply into different aspects of the research issue (DiCicco-Bloom and Crabtree, 2006). This is an iterative process. Preliminary data analysis, which coincides with data collection, often results in alterations or additions to the questions as the researcher learns more about the subject (Johnson and Rowlands, 2012). The researcher should also be prepared to depart from the planned schedule of questions during the interview, because ‘digressions can be very productive’ as they follow the participant’s interests and particular knowledge (DiCicco-Bloom and Crabtree, 2006:40). This kind of interviewer latitude allows new information to be discovered and for the principles of grounded theory to be achieved (May, 1997).

The kinds of questions I asked were crucial to the quality of the data collected (Burgess, 1990) but the concept under investigation made the design of these somewhat problematic. Responsibilisation is a vague yet value-laden term, specific to academic discussion rather than common language and understanding. May (2001) suggests that one of the necessary conditions for the completion of interviews is cognition, or an understanding by the respondent of what is required of them in the interviewee role. For this reason, it is important that the research is explained to participants. I sought to do this in the first instance via my initial email to YOT staff inviting their participation (Appendix A), which outlined my intention to ‘explore what YOT practitioners understand by the terms responsibility and responsibilisation’ and ‘whether and how they incorporate this into practice’. This explained that there are ‘gaps in our understanding’ about the meaning of responsibilisation and its face. It was also important, however, that I avoid loading the term with my own understanding of its meaning by *over*-explaining it and

constructing questions around it. Especially, I wanted to avoid ambiguous or loaded questions where I might be in danger of imposing the answer (Burgess, 1984). For these reasons, I did not include a question that included the term ‘responsibilisation’. Instead, I started each interview by asking participants if they had read the information sheet and if they understood the purpose of the research. Often, my participants told me that they were unfamiliar with the term responsibilisation; some asked me to explain it to them. I told them that the term itself appears to be relatively opaque; and that to better understand it, I was interested in exploring, with YOT workers, what they do with the young people with whom they work, why they do it, and whether and how the concept of responsibility was at all relevant to those experiences. From here, I started the interview proper with open questions about the purposes of YOT work and how this translates into the work done with young people; and then I asked practitioners to tell me about the young people with whom they work, and about their relationship with them. Only four questions focused explicitly on responsibility (Appendix B). I gave no direction as to whether these questions of responsibility referred to moral responsibility or action-attribution but allowed participants’ own interpretation of the term to direct their answers and digressions. Follow-up questions extended descriptive answers and probes were used to pursue content or ascertain the meaning of certain cultural terms used by participants. These early descriptive questions allowed participants to provide statements about their activities, and the more structured questions allowed me to find out how participants organised their knowledge and applied meaning to situations. This provided me opportunity to make comparisons.

Most interviews took place at the participants’ workplace. Interviews have been described as a part of the practices that construct reality in the social, structural, cultural, and circumstantial contexts in which it exists (Warren, 2002), so choice of location is a significant, though often neglected, component of the interview process (Herzog, 2012).

The location was suggested by me: when I contacted potential participants, I advised that I would travel to their place at work at a time that suited them. Almost all participants acquiesced to this, but one requested that we meet on their day off in a coffee shop. My intention was to best enable participation, because I was mindful that my sample are professionals with often-heavy workloads, and I wanted to minimise the disruption that participation might cause to them and avoid their having to travel anywhere to take part. These logistical matters perhaps over-shadowed consideration of rapport or the creation of a comfortable atmosphere. Gillham (2000), for example, claims that people will talk more freely 'on their own ground' but also cautions that familiar places can be distracting and constraining. Seidman (1991:40) wants the place of the interview to be 'convenient to the participant' but also one in which 'the participant feels comfortable and secure' which may or may not be true of their place of work. The guiding principle should be equity, whereby the interviewer is flexible and willing to adapt themselves to the preferences of the participant, as I did when I met my participant on their day off.

In a research interview the interviewer introduces the topic of conversation and, through questioning, steers the course of the interview (Loftland, 1971). A first concern is to establish rapport and create an atmosphere in which the participant feels comfortable talking freely. To ensure confidentiality, it is important that the location protects the participants' privacy. All interviews except two were conducted in a private office away from colleagues and service-users, which likely assisted with building rapport (Clarke, 2006); and every interview was conducted face-to-face. Rapport involves trust and respect for the participant and the information that is shared, so the creation of a safe environment can be essential in helping participants share their stories and perspectives (DiCicco-Bloom and Crabtree, 2006). McDermid et al. (2014) suggest that researchers working in similar fields to participants can assist with developing rapport and trust and is associated with greater willingness from participants to reveal their stories and

experiences. I experienced this overtly from one interviewee, who told me that she could talk to me honestly because my academic experience (teaching and studying youth justice) meant that I '*understood*' the issues she described. However, mistrust can occur if the people taking part have concerns about hidden agendas or underlying motivations, especially if they are interviewed in a work context and asked about professional perspectives (McConnell-Henry et al., 2009). Those participants may feel guarded, and so the researcher cannot assume any automatic rapport but must put measures in place to reassure. For example, when I visited one YOT I discovered that the UM had told their staff to present to me for interviews, even when they had little idea what the research was about. In that situation, I was very careful to allow time for all participants to ask questions, raise concerns and withdraw completely, and I reinforced the maintenance of confidentiality and anonymity. This and other challenges are described next.

### **Challenges in the field**

My plan to focus on one Unit at a time triggered the first challenge for my data collection. After an email to the UM failed to provoke a reply, I telephoned their office twice, during a fortnight, and left messages with a receptionist that explained who I was and why I was calling and provided my contact details. After waiting another fortnight, I telephoned again and, this time, was put through to the UM. They seemed interested in the research and supportive of my suggestion that I contact individual staff at their Unit to request interviews; so much so that they suggested that I hang up and send my original email to them again so that they could immediately reply with contact email addresses. I did so, and never heard from the UM again. This had something of an effect on my confidence in my abilities to encourage cooperation from UMs and other staff members and provoked me to re-visit the email that introduced the research to edit it again for brevity. I also worried that I had mismanaged the phone call in some way. In consequence, it was some

months before I initiated contact with the next UM. I did visit that Unit and interview some staff, in the end; over a year after this initial contact, I was informed by a participant that the UM had left the service, and I secured the consent of their replacement to conduct my interviews. However, this was the first of a number of difficulties regarding access to YOT staff for interviews.

There was one Unit under county council control that I did not visit at all. When data collection commenced the position of UM was vacant, and I was advised by staff in other YOTs that there were rumours the Unit would close. Some months after I began data collection a participant provided me with the contact email of someone they thought was perhaps its acting lead. As it turns out, they were not; but they kindly forwarded my email, which had explained my research and request for contact details, to a generic inbox for the Unit, and asked that someone there get in touch with me. I followed this email with two more over the course of a month; and left three telephone messages, too, which briefly stated who I was and why I was calling, and a request for the UM or equivalent to call me back. I did not hear back. I could have contacted the Head of Youth Justice again to ask for the contact details of any newly appointed/acting UM, but I felt very disinclined to do so. There is something of a fine line between tenacity and annoyance, and I was cautious not to cross this. On reflection, I do not think I necessarily got this right. I was conscious, however, that while it was very important to me that I interview staff; and I thought it very important that staff perspectives be centralised in discussions about responsabilisation; it was not, necessarily, very important to the staff themselves, especially when balanced against their professional commitments. My reticence to impose myself only strengthened with the process of data collection because every participant I interviewed talked to me about their heavy workload and the pressures they experience in consequence of being short-staffed. Each time I pressed 'send' on an email, whether to a UM or a YOT worker, I imagined the irritation of the over-worked recipient. This is no

reflection on those who did participate in this research, who were always courteous to me and very generous with their time. It reflects, instead, my own insecurities about imposing myself, as an outsider, into the daily activities of those tasked with delivering youth justice services.

On six occasions interviews were arranged with participants that did not, in the end, take place. None of these were formally cancelled, so I travelled to the YOT but was unable to conduct the interview when I got there. Four such incidents were caused by the dynamics of the interviewee's workload, whereby their diary was interrupted by the need to attend a police station or court, for example, and I was informed by colleagues on arrival that they were now unavailable. I exchanged several emails with another interviewee to organise a date and time, but when I arrived he told the receptionist at the YOT that he had no recollection of agreeing to be interviewed and declined to take part. One interviewee suffered a bereavement the day of our interview and took an immediate leave of absence; my only further contact with them was an email to offer my sympathies. In all these examples I was unable to arrange a new date and time for the interview. Although the prospective participants who had been called away had expressed interest via email, and quickly offered dates and times for when they were available, my follow-up message to rearrange the interview went unanswered by three of them. I was concerned about 'chasing' participants; I did not want to alienate or irritate. I was also conscious that their silence could be indicative of a withdrawal of consent to be involved in the research, and my continuing to contact them would be ethically inappropriate, as well as potentially unwelcome. For these reasons I did not contact them again to try to re-arrange further to this email. The other potential interviewee did respond, and we set up a new date and time for an interview over the phone at her request; but when the time came she did not answer the phone. I emailed to offer an alternative date/time and had no response. Of

course, I did not contact the interviewee who had stated to the receptionist (within my hearing) that he now declined to take part.

None of the participants withdrew from the research after the interview had taken place, despite being given the opportunity to do so. However, it was apparent from a conversation with one participant that his manager had told him – and his colleagues – that they had to make themselves available for the research. I wanted participants to be involved with the research because of personal interest or inclination rather than being somewhat ordered, both in the interests of ethical integrity and because voluntary participation was much more likely to elicit honest responses. I became aware of this during our interview, and subsequently made clear to the participant – and to all others I interviewed from that Unit thereafter – that, from my perspective, they were not obliged to be involved with the research and that their withdrawal would remain confidential. Happily, none withdrew. This experience gave me confidence to direct the interview process on a later occasion when a UM offered to ‘*instruct*’ staff to attend interviews with me on a particular day. I asked that they instead pass along the information about the research (the UM declined to provide individual staff contact details) and encourage anyone interested to let the UM know so that a schedule could be arranged.

Interviews are interactive, which means that interviewers can press for clear answers and probe into any emerging topics. In this way interviewing can be expected to broaden the scope of understanding of the phenomena being investigated (Alshenqeti, 2014) by allowing the interviewee to actively participate in directing the purpose of the research interview, inducing in directions not foreseen by the researcher (Hiller and DiLuzio, 2004). This collaborative process is (or should be) framed by the researcher because it is ‘vital that interviewers maintain control of the interview’ (Britten, 1995:252-3). Some authors (Field and Morse, 1995; Whyte, 1982) offer researchers tips to maintain this control by, for example, asking the right questions, and giving appropriate



verbal/non-verbal feedback; but the question of how to keep participants 'on topic' is less-well explored. Qualitative interviewing is valuable precisely because it is a flexible tool that can open up many new areas for research, but it can result in the generation of lots of information not necessarily related to the researcher's topic (Roulston, deMarrais and Lewis, 2003). This was an issue with several of my interviews, whereby participants would, in the course of their answers, expand upon their experiences of working with fewer staff and resources than they perceive is required. When I transcribed those interviews, I noticed my tendency to follow participants' digressions on this topic perhaps further than I ought, to the detriment of generating data for a specific purpose. In consequence of this, I revisited my interview schedule after I had completed 4 interviews and added a final question: 'Is there anything you would like to do with or for the young people you work with, but can't?'. This question had nothing directly to do with my research questions, on the face of it; but it provided space for those concerns about staffing and other resources to be better explored and did generate very interesting responses concerning participant perspectives about what is truly needed to enrich young peoples' lives.

I continued to reflect upon my ability to 'seek the particular' in my interviews as data collection went on (Richards, 2003:53). Dörnyei (2007:140) claims that a 'good' qualitative interview has two features: '(a) it flows naturally, and (b) it is rich in detail'. Conducting a good interview means researchers must remember that they are there to listen as well as to speak and encourage an atmosphere through which interviewees are at ease and will talk freely. All my interviews flowed naturally (I felt), but this was occasionally to the detriment of rich detail because, in the interests of maintaining the natural flow of our conversation, I sometimes missed opportunities to probe for greater detail about some remarks. These missed opportunities would become evident when I transcribed the interview. For example, one interviewee, during a very long answer,

remarked, as an aside, ‘– *obviously, it’s important not to shame* –’ but I did not explore why this participant felt this way or what they might consider ‘shame’ to involve.

Sometimes, interviews would progress from the open questions at the start to all manner of side questions and issues, which meant that the schedule of interview questions was affected. Literature about research interviews commonly advises this is likely to happen; Britten (1995:312) even states that questions

‘cannot be standardised because the interviewer will try to use the person’s own vocabulary when framing supplementary questions. Also, during the course of a qualitative study, the interviewer may introduce further questions as he or she becomes more familiar with the topic being discussed’.

Yet I often experienced something of an internal panic when an interview proceeded in this way because I worried that not all my questions would or could be asked, or that they may not be framed in consistent ways that would allow comparison between answers. Consequently, I sometimes missed opportunities to pursue further questions because I was concerned with introducing a scheduled question before we ran out of time and the participant had to return to work. It can also be difficult to know when to probe and when to allow conversation to proceed naturally. When a participant tells me (for example) that ‘*I think they are responsible*’, do I stop them to probe for greater detail (who particularly? all the young people with whom you work? why or why not? what do you mean by ‘responsible’ – is this a moral or normative judgement? how have you reached it?) or do I listen to what they will go on to say next? I brought pen and paper to every interview; as data collection progressed, I began to use them more liberally. Earlier notes cover mainly my immediate reflections on the interview; but as time goes on they are increasingly comprised of random key words or phrases, jotted down to remind me to come back to them once the participant has finished speaking, and probe for detail.

All interviews except two were conducted in private rooms at the YOTs. One was conducted in a coffee shop, at the request of the interviewee. The shop was crowded and loud, and I was concerned that the participant's answers would not be clearly recorded. I did not ask any participants to provide specifics of cases that they had worked on or details of individual young people, but stories about specific cases and young people often formed part of participant responses, and these added rich, sometimes emotive detail to the perspectives offered. This is entirely lacking from this interview, in which all answers are framed in general terms. It would have been wholly inappropriate to talk in specifics in such an environment, where we could be easily overheard; but the generality of the responses contributes to something of a superficial narrative in comparison to other interviews, and I regret that we were not able to meet in an alternative, more private location. Another interview took place in a communal staff area of a YOT next to the staff kitchen. The relative publicness of our conversation appeared to have no effect upon the interviewee, but it did affect me: I was often distracted by the presence of other members of staff, which induced a self-consciousness that inhibited my reactions to the interviewee's answers and prohibited exploration of some remarks that I would have pursued had we been somewhere private. I was also concerned that the research was designed to hide participant identities, yet my participant had chosen to conduct the interview in full sight and hearing of colleagues using the staff kitchen. My suggestion that we go to an alternative room where we might be afforded greater privacy was declined on the basis that my participant had '*nothing to hide*', but if I were involved in research of this nature again, I would more proactively advise against this to protect participant identities.

Research has been described as a coproduction of knowledge between researcher and participant (Gergen and Gergen, 2000) but can also be understood as something of a hierarchical relationship (Whitmore, 1994). These relationships can be affected by the

content of inquiry, the institutional context in which the study is conducted, and by the researcher and participants' personal motivations (Karnieli-Miller, Strier and Pessach, 2009). Power relations can also shift depending upon what stage the research is at. Karnieli-Miller, Strier and Pessach (2009) suggest that in the data collection stage, the researcher becomes entirely dependant upon the participants' willingness to take part and share their knowledge; so, control and ownership of the data appear entirely in the hands of the participants. The quantity and quality of the data collected depends, in part, on the relationship that develops between them and the interviewer's success can be measured by their ability to retrieve the participant's story and use it in their research (Woods, 1986) via a process of building rapport (Williams, 2020; Ceglowski, 2000). Some women writers have reported that the power dynamics of their research were mapped along gendered dimensions, with the male participant being powerful and the female researcher unpowerful, and that this remained unchanged regardless of the stage of the research (Willott, 1998; Taylor, 1996). This was not my experience of the research, but it was my experience of one interview. All participants had control over the location of the interview; this participant chose an office down a long corridor away from others in the YOT and directed me to sit in a low beanbag while he sat in front of me in a chair. He brought confectionary as during my previous visits to the YOT he had perceived I looked as if I would '*enjoy something sweet*'. During the interview he told me he did not want to talk about himself any longer; he wanted me to tell him about myself. He commented on my appearance and asked my age.

There are various rapport-building tactics discussed in research literature, which can be interpreted as 'a mask for some type of manipulation or exploitation carried out to obtain the data', including self-disclosure, sharing a meal, or faking friendship (Karnieli-Miller, Strier and Pessach, 2009:282). These types of tactics may be employed consciously or un-consciously by the researcher as they react to the context and atmosphere of the

interview and the responses given by participants. Such reactions can then be explored and analysed retrospectively to identify what social understandings have been produced in the process of research, which requires the researcher to consider how the process of research is structured around issues of dominance, gender, sexuality, class, age, and race (Burman, 1990). This sounds a laudable endeavour, but it is also problematic. Such a process requires, and assumes, researcher objectivity. It has also been criticised for coercing researchers into acting as something of a confessional subject (Burman, 1997). I can attempt to analyse my reactions to this participant and say that I recognise some of these various forms of manipulation in myself. I did self-disclose, to a minimal degree, in response to some of his questions, for example. At his insistence I tried some of the chocolates (and thanked him). I sounded friendly which was indeed faked. If I am to reflect, now, as objectively as I am able, on whether I employed such tactics to build rapport and get my data, I think, in large part, that I did. I had driven a very long way for the purposes of asking my questions and was early enough into my data collection to be experiencing concerns about engaging the cooperation of sufficient numbers of practitioners, enough to motivate my continuing with the interview regardless of any personal discomfort. If I continue to try and be objective, I can claim that these tactics worked. The interviewee's answers become longer and more detailed the more the interview progresses. The data generated is, in places, rich, detailed, interesting, and valuable.

One study (by male authors) suggests my reactivity can be defined as 'opportunistic' – I went along with the behaviour and viewed it as a chance for professional enhancement (Terpstra and Baker, 1989). But that reactivity, while it may have contributed to the generation of useful data by securing cooperation for the duration of the interview and after, was equally reflective of the power dynamic in that room being reflective of power dynamics in wider social relations, and of my own gendered

socialisation (Walklate, 2013). I left the interview asking myself what I might have done wrong and how I could have managed the situation better. This is indicative of a reflective researcher; it is also the reaction of most women when they experience unwanted male attention (Veletsianos et al., 2018). I cannot separate these parts of myself to produce a reflective account that will objectively analyse power differentials and their impact upon the production of knowledge. I am also given to understand that I ought to reflect, here, on what I would do differently should a similar situation ever present itself. My honest reflection is to state that I do not know. There was nothing overt in our exchanges that I could have pointed to and complained to the UM about, had I been inclined to do so. My own reactions troubled me at the time and since, but they were contributory to some good data. The interview upset me; unlike others, which I transcribed as soon as possible, I did not listen to the recording for over a year. The basis of that upset can be neatly summarised, but I struggle to comprehend its usefulness as an analytical frame. In short, I experienced that interview as a female researcher rather than as a researcher, and I found the distinction demeaning.

### **3.7 Data analysis**

Kvale (1996) describes transcribing oral data from a recording as, in itself, the beginnings of analysis. All interviews were recorded on audiotape and then transcribed by me. All recordings were transcribed according to the same standard format to aid analysis. The practical process of data analysis can be done manually, or by using computer software. Some qualitative researchers use NVivo (or similar) for the analysis of interview data. This allows data to be analysed using query and visualisation tools to identify themes and draw conclusions. I gave this option careful consideration and attended a one-day intensive course of instruction at my university but decided against using NVivo in favour of a manual method of data analysis. This was primarily because I found NVivo awkward

to use and, crucially, because I was concerned that using this or a similar programme would create too much distance between me and the data. I felt that while a manual method of analysis might not be as efficient, it would be more effective in terms of my understanding of the data.

The purpose of data analysis is to look for patterns in the data by categorising the information so that links can be made to illuminate the focus of the research study. In qualitative research, data collection and data analysis are not regarded as sequential stages: rather, analysis commences with the process of data acquisition and continues until the end of the project (Hammersley and Atkinson, 2007). The theoretical assumptions behind qualitative research, of expanding on theory from data, rather than testing prior theory, require that researchers remain open to ideas, patterns and new categories or concepts that may emerge during the process of data collecting. Methods of handling qualitative data must therefore contain ways of catching and developing ideas and drawing connections between them and the data from which they derived. In essence, this involved, first, the coding of data, whereby facets were divided into segments that were given labels, names, or codes; second, central codes (those that recurred) were identified; and, lastly, links were drawn between those different codes. The purpose is to discover and draw out themes from the raw data that could generate theory that would be grounded in the experiences of YOT practitioners. At the same time, the connected structures of responsibility as a moral concept, and responsabilisation as a process of youth governance, informed the framework for analysis. The importance, for me, was to adopt a rigorous approach to analysing data but also to reflect on existing knowledge within a theoretically coherent framework.

My approach to data analysis largely followed those stages described by Strauss (1987), which encourages the use of data to think with. The inquiry begins with *open coding* which asks the data questions and searches for answers. This initial unrestricted

stage leads to *axial coding* whereby each category is analysed more intensely and links between categories are explored in the search for a core category. *Selective coding* takes place around the core category. This approach allowed me to use the data as a whole to highlight themes and then focus on these themes to search for detail. This close analysis of the data helped to produce emergent theory to guide further analysis. This analysis was not linear; rather, I split transcriptions up and analysed them section by section and put sections together with other sections that had similar themes. I colour-coded hard copies of transcripts using felt tip pens; created categories and sub-categories; printed the relevant data and stuck these on posters labelled with various category and code names; transitioned this back to the computer and created colour-coded cells in Excel spreadsheets. Emerging themes formed the preliminary categories and then concepts could be grouped around particular themes, and then into sub-categories. This process was repeated many times with constant comparison. Pivotal to this analysis were the links and theoretical connections I made between the analytical categories, and how this process enabled me to break down themes such as '*non-responsible*' into several categories (see Appendix C for a simplified illustration). All interview transcripts were analysed in this manner, which meant I created categories grouped around particular themes.

There were two areas of possible analysis that I did not consider before embarking on data collection, but which could, perhaps, have offered some additional insights and illuminations had I done so. These relate to the gender or sex of the participants, and the length of time that they had worked for YOT. Regarding the latter, I tended to ask participants how long they had worked 'here' (which some took to mean YOT, others, youth justice generally, and others, that Unit in particular) as an ice-breaker question. This was intended to be a very open question: since participants could answer in any way that they chose to interpret it, it provoked a dialogue so that when the interview began proper our conversation felt more natural. But I regret that my collection of this



information was not more systematic. It would have been interesting to know, for example, whether there were perhaps some greater inclinations toward certain perspectives amongst those with longer or shorter careers in YOT. My failure to consistently record this information precludes that analysis.

Regarding gendered differences, this did not occur to me until I began to discuss my findings with others, including my supervisory team and following a conference presentation. I was asked whether I had noticed any gendered themes in participant responses or perceptions. In fact, I had; but I was (and remain) wary about highlighting these distinctions or attempting to draw meaning from them. For example, it appeared to be more common to hear from female YOT workers that they perceived many of the young people with whom they work to need greater care and nurture. It was more common to hear from male YOT workers that they had experienced feelings of anger or frustration toward the adults in those young peoples' lives who appear to have failed them. There is value to be found in exploring gendered responses to crime – Matthews and Smith (2009), for example, found patterns of gendered differences in YOT workers' responses to offending by girls and boys, and recommended that gender specific training be introduced for all staff to better understand and respond to the differing needs of girls regarding their pathways into offending. A study by Hodgson (2020) similarly highlights how youth justice processes can be experienced differently by boys and girls and that staff may differ in their expectations of young people according to their sex. This is an aspect of responsabilisation I do not consider in this study because I am focused solely on the experiences of YOT practitioners, and do not enquire into the experiences – gendered, or otherwise – of the young people with whom they work. This narrower focus raises questions, in my mind, of how valuable it may be to explore whether my participants' responses to youth offending *in general* may differ or converge along gendered lines. The anecdotal differences in practitioner responses that I notice could well be explained, for

example, by numerous other factors, such as whether the practitioner has children of their own; whether they offended themselves as a youth; their level of experience working within youth justice; and so on. Without accounting for these other variables (which is beyond the scope of this work) it is my belief that this kind of analysis would be fairly superficial and offer little of value in terms of addressing my research questions.

### **Ethical considerations**

Social scientific research can pose a number of risks, including the invasion of privacy, loss of confidentiality, embarrassment, stigma, and group stereotyping (Israel and Hay, 2006; Oakes, 2002). Levine et al. (2004) claim that there is something of an assumption underlying modern research ethics that certain populations are more likely to be 'vulnerable' than others, which generates a duty on researchers and ethics committees to provide some special protections. Yet vulnerability-ascription is contested and value-laden (ibid.); and it may be more realistic to recognise vulnerability both as an 'irreducible part of human life' (Martin, Tavaglione and Hurst, 2014:67) and contextually contingent (Hammersley and Atkinson, 2007). For example, Barnes (1979:22) suggests that all social research 'entails the possibility of destroying the privacy and autonomy of the individual'. Similarly, Cohen et al. (2007) claim that interviews are an intrusion into respondents' private lives with regard to the time allotted to participate and the sensitivity of the questions asked. Accordingly, to protect participants' rights and to avoid causing them any harm, a high standard of ethical considerations should be maintained throughout the research project (Alshenqeeti, 2014). Researchers must ensure that data is confidential and anonymous; that participants are involved voluntarily; and that they are aware of their ability to withdraw their consent to participate at any time (ibid.; Wiles et al., 2006).

It is essential that participants give informed consent to participate in research. My contact email (Appendix A) was designed to briefly explain the purpose of the

interview and research more broadly, and all participants were also supplied with a participant information form (Appendix D) which provided further details regarding the confidentiality of the interviews, dissemination of results, and ability to withdraw at any time. Participants were given an opportunity to ask any questions prior to the interview itself, either via email or telephone call or in-person on the day and indicated their consent to take part in a recorded interview by signing a consent form on the day of the interview (Appendix E). This is consistent with established protocols for ethical considerations when dealing with human participants (Alshenqeti, 2014) and it satisfied the requirements of my university's Ethics Committee (Appendix F). However, ethical challenges still remain.

I wanted my participants to feel comfortable with me so that they were open to answering my questions candidly; but while openness and intimacy in an interview situation is conducive to good data (DiCicco-Bloom and Crabtree, 2006) there is also a risk that participants may disclose information that they later come to regret (Alshenqeti, 2014). Though my interview questions focused on professional experiences and judgments (Appendix B), all of my interviewees disclosed some kind of personal information in the course of their answers. Sometimes this involved recounting their own experiences of offending or otherwise misbehaving when young, or, more consistently, the private judgements they make about the young people, and their families, with whom they work. The concept of 'privacy' is itself complex – what is public and what is private is rarely clearcut (Hammersley and Atkinson, 2007), and, as Chapters Four – Six will demonstrate, these judgements and experiences can be instrumental to shaping practitioner/young person relationships and the nature of YOT supervision more generally. Their personal nature, however, made it all the more essential that participants were aware of their ability to withdraw their consent at any time. I closed each interview by reiterating this fact.

It also became clear, as data collection progressed, that I would need to take some additional steps to ensure that the anonymity and confidentiality of participants was protected. The ‘snowball’ effect I describe in s.3.5 above had the advantage of introducing me to new participants but was also a clear indication that my interviewees were not keeping meetings with me private. While most participants’ job title was YOT Worker, there were some job titles that were specific only to that particular Unit or individual member of staff. Even when I changed the name of my participant, therefore, including their job title seemed likely to undermine the purpose of doing so and could present opportunities for interviewees to identify other participants. For that reason, the job title of each participant is not included with the data reproduced in this study. I do indicate which Unit each participant works for, but these Units have been given an arbitrary letter A-E. and I have not included descriptions of the research sites so that these are non-identifiable. The pseudonym given for each participant is gender-appropriate but was assigned at random from an online list of the most common names given to children in the UK over the past fifty years.

Some months after data collection commenced the General Data Protection Regulation (GDPR) came into effect which replaced the Data Protection Act. Article 12 (1) requires controllers to ‘take appropriate measures’ to inform data subjects of how the data collected will be used and should also provide the controller’s identity and contact information. This was provided to participants before the interview commenced in the form of the Participant Information Sheet, which also clarified that all data and personal information would be stored securely within CCCU premises in accordance with GDPR and the University’s own data protection requirements (Appendix E). All personal information associated with each interview was removed at the moment of transcription, with each recording labelled instead with the date of the interview and the pseudonym assigned. The list of names that correspond to those pseudonyms is held securely on

university storage systems, password protected, and only accessible by me. All personal data held on participants, including this list and the recordings of interviews, will be destroyed following submission of this thesis.

### **3.8 Summary**

This chapter has outlined the research context, aims and research questions. It describes the use of grounded theory to provide a structural lens in which the balance of empirical data is supplemented by existing theory. The methods used to collect this data are rooted in the qualitative tradition of semi-structured interviews. In the following chapters I present my analysis of the data collected and explore some of the themes arising from this grounded theory approach.

## CHAPTER FOUR: Building the Relationship Between Worker and Youth

### 4.1 Introduction

The aim of this chapter is to describe the defining characteristics of the relationships that YOT workers seek to forge with the young people with whom they work. Every participant told me that building a relationship with a young person is an essential part of the YOT officer's job. Most (18/21) also claimed that these relationships are distinctly different from those that young people may have, or have had, with other adults and agencies within the criminal justice and other social systems, and with intimate family such as parents. The distinguishing features of a YOT officer's relationship with a young person, as described to me, includes their consistent attention on the young person as a whole, a willingness to listen to them 'tell their story' on their own terms, a commitment to improving the young person's self-perception, the maintenance of a bounded and non-judgemental approach to whatever they disclose, and being willing to advocate for young people.

There are often barriers to overcome before this relationship can develop. Many practitioners stated that the young people they work with have often had prior experience of working with adults from services such as social work, education, the police, and child and adolescent mental health services (CAMHS); and that these past experiences often serve to initially hinder the YOT workers' own potential to build a relationship with the young person. The strategies employed by YOT workers to initiate trust on the part of a young person, and facilitate a productive and genuine relationship between young person and worker, often rest upon efforts to distinguish YOTs from these other agencies and adults with whom young people may have had past negative experiences. This is formulated on the basis that YOT workers are a supportive, rather than authoritarian, presence in a young person's life. The following will describe and analyse this approach and the dimensions of this supportive relationship.

#### 4.2 Presenting YOT as supportive, not authoritative

The fact that a YOT officer's involvement with a young person is often court-ordered can act as a barrier in initial meetings between the practitioner and offender; especially if the young person's first introduction to the practitioner was in the court room where they were sentenced. This can provoke a perception on the part of the young person that the YOT worker is,

*...part of their punishment. Cos once they see you in court, in your suit, they're not really gonna, you know, they'll just think you're another person in court.*

Hayley, Unit D

*This colours their initial... At the start, how they engage.*

Louise, Unit D

Most (18/21) practitioners reported that they use their initial meetings with young people to clarify and emphasise that they do not work on behalf of other agencies with whom the young person may have had past, negative experiences; and that their role is one of support, rather than censure or control.

*As soon as they hear the word social worker their backs go up... they think we're child snatchers. And then I explain, I'm not part of social services, I am from the youth offending team, it's just the title, forget the title. We are here in a supportive role.*

Nicola, Unit B

*I think a lot of these young people have got possibly a negative view of professionals, either because they've been through a system, like a child-care system, or... [...] they've learned that all professionals are to be, you know, feared; you can't trust them; you can't do this with them...*

Leah, Unit B

*I think, in the beginning, it's just about helping break that kind of stigma down, and be like, actually, I'm just a person that is trying to help you in any way that I can...*

## Megan, Unit D

The importance of establishing authentic relationships between practitioners and young people, to promote and sustain desistance from crime, has been well established within practice literature across the fields of youth justice, social work, and probation (Drake, Fergusson and Briggs, 2014). The potential significance of the relationship between young person and YOT worker has been increasingly recognised within the standards for youth justice, which five years ago made no mention of ‘supportive relationships’ but which now emphasises the YOTs role in establishing these with young people and their families throughout its guidance (YJB, 2021a; MoJ/YJB, 2019). A supportive relationship is defined as one that empowers young people to fulfil their potential by building upon their individual strengths and capabilities and fostering the development of a pro-social identity (YJB, 2021a; YJB, 2019a).

The establishment of such positive and productive relationships can be hampered from the outset, however, by the inescapable fact that a young person’s involvement with YOT is very rarely of a voluntary nature. The receptivity of the young person to the support and guidance that the YOT worker can offer is likely to be tempered by the implicit coercion that their rejection of it could lead to a further criminal sanction (Card and Ward, 1998). This was recognised by the practitioners in this study. Megan (Unit D), for example, described young people’s perception of YOT workers – at their earliest interactions – as being ‘*these big, mean people*’. In addition to making the point, early in the meetings between practitioner and youth, that YOT is separate from the police, courts, and social services, many practitioners (18/21) reported that they use initial meetings with young people to define the distinction between their supervision and that of other agencies in negative terms: that is, by emphasising – via their language and body language – what they *will not* do and be. This was described to me in terms that positioned



YOT as distinct to other forms of more authoritarian adult and state relationships that may be present in a young person's life.

*It's more laid back, really, than other services. I'm not, you know, I'm not there to tell them off, you know.*

Andrew, Unit C

*We're not here to point the finger at you and get at you and, you know, make you feel bad, because that's possibly why you're here in the first place.*

Jack, Unit D

*I kind of don't go in with the style of, "I am the authority figure, I am YOT" ...*

Kevin, Unit B

*They never think, oh this is someone who's authority, and I don't go in that way anyhow. [...] I'm trying to get alongside everyone.*

Will, Unit A

Some practitioners defined this approach as indicative of their own understanding about how to get the best results from YOT supervision and succeed where perhaps other interventions have failed in the past.

*It's important not to lecture them, and to speak on their level. I don't really believe in going in strict and going, listen, you need to do this, stop doing that, stop doing that.*

Liam, Unit A

*...it's a supportive role rather than a dictating-to role. [...] When young people feel dictated to, they tell you to fuck off.*

Nicola, Unit B

Equally, it was framed as a means of getting the young person 'onside', by encouraging them to view the YOT practitioner as a fellow participant on their journey through the justice system rather than as an agent working on its behalf. By distancing themselves,

in their attitudes and speech, from other, perhaps more controlling presences in the young person's life, YOT workers align themselves with the young person rather than with the court. This approach is reinforced by acknowledging the coercive aspect of the worker–young person relationship but emphasising the comorbidities of solidarity and support and framing the disposal itself as something that will be participatory between them. This encouragement to view the court's order as a journey of togetherness, rather than an individual obligation, is an early building block to the construction of the relationship between the young person and practitioner. The success, or otherwise, of this effort can be dependent upon, as Kevin (Unit B) put it, '*how you deliver your spiel*'.

*...you kind of get in there and manage to get their engagement where you just kind of just say, yeah, you've committed the crime, the referrals came from the police to us, and it's for us now to assess you, and explore areas that you feel you struggle with. And we're on this journey together to support you the best way we can.*

Kevin, Unit B

*You know, yes, you're being forced to do this order through the court, but also, I'm your YOT worker; my name is [...]; and we're going to do this and we're going to do that and we're going to do it together.*

Leah, Unit B

*You have to put them at ease, you have to say, look, I'm here to help you, [...] we're gonna find some positive things in your life, and we're gonna go with them. OK, you're on a 12 month referral order, OK, if we get everything on this paper done and you don't reoffend then you're gonna end it in 6 months. That's what we're gonna aim for.*

Jack, Unit D

The completion of the order is thus framed as one part of a broader series of social interactions within a supportive relationship. The responsibilities of the young person are presented in ways that highlight their capacity for agency, in terms of managing the information that they will provide to the YOT worker; managing the length of time that they must remain on the order; and managing their desistance from further offending. But

the responsibilities of the YOT worker are also stressed, via the construction of the disposal as constituting a series of social processes rather than a singular legal obligation on the part of the young person. In this way agency is linked with solidarity – the sense of belonging to, interacting with, knowing about, and relating to, other people (A. B. Smith, 2012). Thus the order itself becomes one part of a relationship that will be focused upon meaningful participation and mutual obligation, with the young person positioned as an active participant within that relationship rather than a passive object of adult intervention.

Sometimes, this ‘*spiel*’ does not take, and the practitioner struggles to engage the young person. This lack of engagement was commonly described by practitioners as consisting of the young person exhibiting aggressive behaviour and language, and/or refusing to make eye contact and conversation with the YOT worker. Where examples of such experiences were provided to me in interviews, the reaction from the practitioner differed according to each individual and varied considerably between persistence in emphasising that they are on the young person’s ‘side’ (a position that remains rooted in the distinction between YOT and the agencies that were instructive in the imposition of the order) to reinforcing the statutory and inescapable nature of the relationship.

*...if they've got the barrier, I'll just be like, no, I don't have to share information with [the police and social services], unless there's a risk to yourself or other people, so just don't tell me basically <laughs> and there won't be any problems.*

Megan, Unit D

*You have to be given a chance, though, they have to give you a chance. So, I've got a girl at the moment, and we keep going back and forth, and, like, I've never said this to anyone else, but I said, “**I'm not the enemy**”. You know?*

Olivia, Unit B; original emphasis.

*I say to them, you know, unfortunately, **you won't win**, you know, you've got higher powers, the law, everything like that, and you know, I say to them, make good use of us, because we've got our fingers in many different sort of pies, you know.*

Evelyn, Unit D; my emphasis.

*I'll say [...] if you don't feel comfortable with me, if you'd feel comfortable with another worker, these are all areas that we wanna best support you, so this is the time to just sort of say.*

Kevin, Unit B

*You constantly hear the, "I hate you; I don't like you; I want another worker" and my reaction to that tends to be, "Tough. I'm not here to be liked, I'm not here to be your best mate, I'm here to get you through this order."*

Mike, Unit E

Existing literature on the young person–worker relationship consistently emphasises that the development of a trusting relationship is crucial to reducing the chances of re-offending and to improving the young person's personal, social, and emotional development (Trevithick, 2012; Baker, Kelly and Wilkinson, 2011) but there is less clarity about how to practically secure this engagement to enable the development of such a relationship (Prior and Mason, 2010). The varying responses to such challenges presented in the data above are arguably indicative of individual adaptations to this lack of clarity, and perhaps they also highlight the problematic duality within YOTs concerning their twin obligations of enablement and enforcement (Hart and Thompson, 2009; Eadie and Canton, 2002). But despite the marked differences between these responses to non-receptive young people, this data also demonstrates that practitioners share a broadly similar attitude toward their interpretation of responsibility at this early stage of the supervisory process.

Whilst all participants in this study spoke empathetically of the barriers that can affect young people's receptiveness to YOT, and described their efforts to overcome these, the onus of responsibility for that initial engagement appears ultimately to rest with the young person, not the worker. As Olivia says, '*they have to give you a chance*'. Although the language employed in the data above is perhaps, sometimes, rather coarser than the cajoling tone of the earlier '*spiel*', its substance is not substantially different. What

persists is the positioning of the young person as the director of their own fate. They are encouraged to view themselves as the most central and active agent in the YOT supervision process, and to understand that they are making choices about the nature of that process and potential outcome. This is true even when the practitioner appears to emphasise the young person's relative powerlessness, such as Evelyn's warning that they 'won't win' if they persist in acts of defiance against the legal apparatus that has led them to YOT. What is being offered here is the opportunity for the young person to become *empowered*, by accessing the support that will only become available to them through their active participation in the supervisory process. Of course, it is questionable just how empowering such choices are when they are being made in contexts such as this. Should the young person persist in rejecting YOT supervision, there is always the potential that they will be re-referred to court to face a tougher sanction, including custody. The framing of YOT as a singularly ameliorative organisation, distinct from the broader systems of social control in which it is situated, appears, then, to be relatively frail: if a young person pushes against it, the coercion at its heart starts to be made more visible. In this perhaps we might see some truth in Donohue and Moore's (2009:329) argument that the notion that choice, or empowerment, or agency, is afforded by the state to those in conflict with the law, is 'perhaps one of the greatest (if not most effective) mythologies of contemporary punishment'.

#### **4.3 Dimensions of the supportive relationship**

Yet the framing, to young people, of the distinction between YOT as ameliorative, and other agencies and/or adults as authoritative, is not necessarily one that is merely constructed for the purposes of fostering engagement. Every practitioner in this study exhibited indications that they feel this distinction to be very genuine, and centrally important in terms of defining the purpose and value of YOTs.

*I suppose I hate to say I work for the court. I don't work for the courts. Youth offending team. We're trying to help people.*

Will, Unit A

*We support, we listen. Some of the services don't listen. I know that for a fact.*

Alan, Unit D

*I think [they] see us as the people that will listen. The people who will try and do their best to get them through whatever we've got to get them through. [...] I think we are a phenomenon to them because some of them have never had positive adult involvement.*

Sophie, Unit C

The following sections will outline and describe the dimensions of this supportive relationship as they were described to me.

### **Focusing on the person, rather than the offence**

Although there is little official guidance to inform and direct the establishment of the YOT worker-young person relationship, there are studies that highlight the importance of YOT workers creating a 'safe space' for young people where they can be encouraged to talk about their offence(s) and offending (for example, Caulfield and Sojka, 2023; Creaney, 2019; Newbury, 2011; O'Mahony and Doak, 2009; Feilizer et al., 2004). One evaluation determined that one of the things young people most appreciated about assessment and supervision was the ability to talk about their offences (Feilizer et al., 2004) and the value of referral orders and restorative conferencing has also been located in the opportunity for young people to talk about their offending; be 'held to account'; and have the opportunity to take responsibility for their actions (O'Mahony and Doak, 2009:15; see also Bazemore and Umbreit, 2002; Newburn et al., 2002). The participants in this research did value the opportunity for young people to talk to them about their offending behaviour, but there was a general consensus that this should take place upon the young person's

own terms: that it should occur naturally as part of the holistic development of the relationship between them. There was thus a reluctance to make 'offending' the main focus of the meetings between practitioners and young people, even in the early stages of the relationship when the YOT worker begins the AssetPlus assessment process. There were also some indications of resistance toward making supervision in general overtly offence-focused. This was described, variously, as alienating for the young person, and perhaps ineffective, because adolescents find it difficult to reflect on past actions; may find offence-focused discussions alienating, especially in the early stages of their involvement with YOT; and, without careful management, may perceive such discussion as constituting negative attributions of blame on behalf of the YOT worker. Further, offence-focused, rather than person-focused, supervision, is broadly perceived as rather counter-intuitive, because effective supervision ought to be future-focused rather than preoccupied with past misdeeds. Several practitioners reported that when they do judge it appropriate to talk about the offence(s) specifically, this is often de-railed in practice by the need to deal with more immediate urgencies that are occurring in the young person's life, such as homelessness. This reluctance to make offending the focus of supervision also has implications for the extent to which practitioners appeared to value offence-related interventions, and their willingness to implement these. The following will describe and discuss these perceptions.

The purpose of practitioner assessments of people who have offended is to guide action (Reder, Duncan and Gray, 1993). The expectation is that the practitioner uses their assessment of individual and situational risk factors, and their influence upon the offending, to shape interventions that will encourage desistance and address barriers to change (Baker, Kelly and Wilkinson, 2011). Probing the young person for greater detail about their offence(s) has been identified as a critical aspect of YOT assessment, because it can better inform professional judgements about a young person's needs and risks (ibid.,

Dugmore and Pickford, 2006). But there was some consensus from the participants in this study that the requirement that they discuss the specific offence(s) that have provoked YOT involvement is especially challenging for the cohort of young people with whom they most often work, because of what were perceived to be some cognitive barriers posed both by virtue of their youth and by limitations in their capacity for insight and expression. Several participants in this study told me that adolescents in general find it difficult to reflect on past actions, which can inhibit the extent to which offence-focused discussion is likely to provide the practitioner with the kinds of rich information ostensibly required to determine the nature or delivery of an intervention. There was also some agreement that young people do not *want* to talk about their offending, and that doing so can potentially undermine efforts to build a productive relationship with them. Will's (Unit A) comment, below, is illustrative of both these concerns.

*I think they are in the here and now to be honest with you. A lot of them don't want to look back at the past and you've got to be careful because you don't want to bring that up.*

Practice literature and evaluations of YOT interventions commonly locate the value of talking about the offence(s) as it being a means of exploring a young person's attitude and beliefs in order to determine why the offence was committed (Picken et al., 2019; YJB, 2017a). It has been described as allowing the young person an opportunity to 'describe and make sense of his or her behaviour', which can give the practitioner some insight into their 'patterns of thinking and responding to the outside world' (Farrow, Kelly and Wilkinson, 2007:60); and can assist in identifying the degree of victim empathy, the extent of remorsefulness, and whether there is motivation for change (Woodcock Ross, 2016). But the perception that young people will naturally find it difficult to refer back to their actions in the past was echoed by over half of participants (13/21), who described young



people struggling to engage in these conversations or to articulate their feelings about their offending if they are asked to try and do so.

*I don't think they can find the right words to express... they don't necessarily understand their own journey, but I do think that's indicative of teenagers. I mean, I was **never** self-reflective as a teen. You don't take responsibility, do you? [...] And they don't understand what they're feeling [...], they'll say, their own view, "I'm angry, I'm angry, I'm angry. I get angry. If people piss me off... If they get in my way.... I don't want to be told what to do... Why should I –". So, it's a more comfortable emotion to feel. They can own that.*

Leah, Unit B; original emphasis.

Offence-focused discussions are linked, too, with risk assessing the likelihood of further offending behaviour, because the demonstration of 'antisocial' attitudes is a 'strong' predictor of reoffending (Hollin, Browne and Palmer, 2002). Yet, as Leah describes above, young people may struggle significantly with articulating their genuine feelings about their offence(s); and some may also exhibit 'antisocial' attitudes – such as proclaiming that they 'don't care' about what they have done – which could, in fact, be indicators of genuine feelings of remorse.

*He kinds of gives the responses where you can see the barriers up, and it's just like "Uh, I don't care", like, and deep down, you think, well, you do care.*

Kevin, Unit B

*The times [...] a young person's said, "Well, I don't care", because it's easier. It's easier to say you don't care. Taking shame is hard even for someone of my age to do.*

David, Unit C

This is perhaps more likely if a young person has had past, negative experiences with child welfare or other workers (Smyth and Eaton-Erickson, 2009). Of course, if the practitioner discerns that the display of such attitudes is masking something deeper – as

many indicated to me – then their assessment of that young person would presumably reflect such perceptions. But the commonality of these types of presentations appeared to undermine the value or productivity of spending any significant amount of time attempting to provoke a conversation about the offence(s) specifically.

Sometimes this was linked, too, with the second part of Will's comment, referring to the need to be '*careful*' about bringing up the subject of the young person's offending when they do not want to talk about it. Just under half of participants (9/21) echoed this opinion, which was usually articulated in discussion about the need for the practitioner to focus their attention upon building a genuine and trusting relationship with a young person. Initiating that relationship can rest upon provoking a perception from the young person that the YOT worker is on their side; and focusing overmuch on the behaviour that prompted the YOTs involvement with that young person was generally considered to be counter-productive to this effort.

*It frustrates young people. One young person I worked with, he felt like what he'd been doing before [in youth justice] had just been going over his offence all the time, and it just frustrated him, because that's the past, so he just stopped, didn't turn up anymore.*

Liam, Unit A

*...they generally want to forget about it, and then you're bringing stuff up that might have happened eighteen months ago.*

Emma, Unit A

Difficulties with reflecting on things that have happened in the past can be further exacerbated when the justice system moves slowly, and there are delays between the offence taking place and the young person receiving their referral to YOT. This was mentioned by five of the participants. Emma (Unit A) had just started working with a

young teenager who had committed their offences twenty-four months prior to appearing in court.

*...in the world of that young person, that's been and gone. So, getting them to talk about it – that's very difficult in the world of a young person.*

Delays make it unlikely that discussing the offence with the young person will provoke the kinds of insights into their attitudes or motivations that offence-focused discussions aim to explore. Indications of a lack of care, or lack of accountability, are not necessarily reflective of their true feelings at the time of the event; but can be indicative simply of the short-termism of an adolescent mindset.

*The gaps between the offence and when they actually get to court, that has a big influence on their responsibility-taking. It's done, it's in the past. Move on.*

Mike, Unit E

*That makes it much harder to tap into what they are thinking about it, what their emotions are, around it...*

Andrew, Unit C

The value of discussing the specific offence(s) that provoked YOT involvement can thus be mitigated by the perception that young people are often cognitively inhibited from benefiting by it and are likely to be 'turned off' from the supervision process if it forms the substance of their meetings with the practitioner, which can negatively impact the relationship between them. This has implications, too, for how some participants in this research perceive the value of offence-focused interventions.

Young people referred to YOT are often subject to statutory forms of intervention, whereby the court has ordered, for example, that they undertake some specific offence-

focused work, such as a victim-awareness course or other cognitive behavioural programme designed to ‘address the thinking and attitudes behind the decision to offend’ (YJB, 2019b). Part of the YOT practitioner’s assessment involves exploring the young person’s attitude toward intervention and the likelihood of their engaging with it, and they are also responsible for ensuring its completion by the time the order comes to an end (ibid.). Several of the participants in this research (14/21) perceived there to be a disconnect, or tension, between their obligation to deliver these statutory interventions, and this expectation that their delivery will be guided by their assessment of the young person’s capacities to respond to it. Again, this tension was articulated as arising because of the youthfulness of the offenders with whom they work. These practitioners told me that they do not expect the majority of their young people to be able to meaningfully engage with offence-focused interventions, and/or be capable of expressing (or even, perhaps, experiencing) the kinds of feelings that offence-focused work seeks to provoke, precisely because they are a *young* offender.

*I think a lot of the stuff that we’re asked to do, they just don’t get. [...] victim awareness, victim empathy, consequences of further offending – they don’t get it.*

Mike, Unit E

*So, to actually, really, realistically work on getting young people to empathise with something, it’s simply beyond their ability to do so. It’s like trying to teach a dog chess. You know? They’re never gonna do it.*

Jack, Unit D

*...it’s like trying to teach a child who hasn’t walked yet to ride a bike.*

David, Unit C

*I think sometimes we’re, certain people, professionals, are asking these young people to think as an adult, and to process and be cognitive and develop. Well, that – I didn’t have those skills when I was 15, 16, 17, so how can we – I think we sometimes expect too **much**.*

Leah, Unit B; original emphasis.

Not every practitioner took this attitude. Some told me that forensically analysing the circumstances of a specific offence, with a young person, can produce very rich and useful information about the kinds of criminogenic pressures that they felt they were subject to, and the sorts of emotions that they experienced whilst committing the offence. Yet even when these more positive stories emerged, they were accompanied by a lack of confidence in how effective such analysis is in discouraging similar behaviours in the future.

*“Now you’ve had time to think about it, what are your thoughts?” And actually, often, they can give you some really valid things... But then, stick them in the same situation, it’s, again, it’s gonna be very impulsive, because you’re at that period of adolescence where the part of your brain that’s gonna kick in is not the emotional-rational thinking, because that don’t develop until you’re about twenty, not properly...*

Emma, Unit A

*I mean we try and do consequential thinking. How successful is it? Pffftt... I don’t really know...*

Anne, Unit C

In addition to judgements about the general cognitive abilities of young people to comprehend the purpose of and experience any value from offence-focused interventions, four practitioners claimed that they are even less useful for the cohort of young offenders who have some experience of past or ongoing trauma. Three stated that their recent training on a trauma-informed approach to practice (discussed in Chapter Five, s.5.2) had legitimised prior-held beliefs about the low value of offence-focused interventions. There was a broader feeling that young people generally, regardless of their experiences of trauma or not, could be alienated by offence-focused and/or victim-focused interventions. A third of participants told me that if there is a requirement for the young person to undergo an intervention on victim awareness, or empathetic thinking, they often avoid making their discussions or exercises specific to the offence(s) that the young person has

committed. Anne's (Unit C) explanation, below, is illustrative of the general reasoning for this approach.

*I feel quite strongly about not **blaming**, and I think the only way you can do that is by making [victim awareness work] a little bit generic rather than focusing on their own offence...*

Original emphasis.

Concerns about young people experiencing discussions of their offending as constituting a judgement, or blame, from the practitioner, was a concern for over half of participants, which also has some influence on the persuasion toward focusing on the person rather than the offence(s). This is discussed in more depth in the forthcoming section about the need to remain non-judgemental when young people disclose details about their offending or their life more generally; and is relevant, also, to the next dimension of the supportive relationship, which refers to the need for practitioners to give space and time to young people to 'tell their story'.

### **Listening to young people 'tell their story'**

Almost all practitioners (20/21) expressed some concerns about court-ordered interventions and offence-focused activities. This wariness rested upon a common perception that such things are predicated on assumptions that a young person has offended because of some personal, internal weakness or maladjustment, requisite of a 'fix' in their thinking and behaviour to desist in the future. Sophie's (Unit C) comment, below, is reflective of the general feelings about court-ordered interventions that were expressed.

*A court, I think, tends to focus solely on individual fixing. What can we do with that young person? What do we want to see on this report? Mmm, consequential thinking. All the usual buzzwords. <snort>*

The common antipathy toward an overt offence-focus in supervision does not mean that the practitioners in this research did not see any value in discussing the offence(s) with each young person – uniformly, they did. But there was a common perception that this ought, where possible, to be led by the young person, not the practitioner; and that a young person’s initiation of such discussions is one measure by which practitioners can determine how successful they have been in their efforts to develop a relationship that is characterised by trust, and a feeling, from the young person, that the worker genuinely cares about them. Thus, rather than approaching the topic of a young person’s offending with an intention to better assess them and their thinking, or to instigate their engagement with these ‘individual fixes’, nearly all practitioners (20/21) told me that their preferred method is to allow the young person’s offending to form one aspect of more general, holistic discussions about the young person’s interests, life, and experiences. These kinds of conversations were considered to be much more fertile grounds in which to effectively instigate the active participation of young people in discussing problematic behaviour, especially if they are struggling with feelings of shame or embarrassment that may act as a barrier to engagement if supervision were solely focused on offence-focused conversation as led by the practitioner. Allowing the young person to be the instigator of discussing their offending, within their broader conversations with YOT workers in which they tell their story, means that the offending itself becomes one part of a broader narrative. It situates it within the young person’s lived experiences, which can be helpful for both the practitioner and the young person to better understand and articulate the reasons for their actions.

*Being able to have the time to focus on that relationship, and build that, so that they actually **want** to talk to you about what's going on – not just, “We've done this session; and we've done this session...”*

Hayley, Unit D; original emphasis.

*You need to listen to the individual story. Because everyone's got their own story, everyone's got their own place where they're coming from, and things that have happened to them. [...] Individuals, not kind of like, “Oh, here's your workbook; and here's **your** workbook”; you know, “dadadadadada”.*

Jack, Unit D; original emphasis.

*...building, having a relationship, where they **want** to tell you these things, that's key.*

Leah, Unit B; original emphasis.

Practitioners told me about attempting to instigate the development of a desire on the part of the young person to tell their story by organising their meetings with them away from the YOT Unit. This allows for their interactions feel much more relaxed and natural than if they were conducted in a formal, office environment. Seventeen participants told me that they feel an antipathy toward meeting young people in their YOT buildings, because,

*I want to engage them in the most productive way possible, so I don't want to stick them in a box in a stuffy room with white walls where everyone can hear everything that's going on.*

Emma, Unit A

*Kids do not like coming in and sitting in a room.*

Mike, Unit E

*It's not great is it. It's not the best way to get to know someone.*

Evelyn, Unit D

Practitioners talked about meeting their young people at coffee shops; going for walks around the local area; visiting the young person's home; and driving around town



together. Invitations for young people to attend Units were usually for the purposes of playing pool with them, in those Units that have such provision. The intention is to put the young person at their ease and encourage a natural dialogue between them and the YOT worker. Examples of positive outcomes from this approach involved the young person instigating such dialogue. In fact, practitioner silence, as a tool for encouraging this instigation, was discussed by eleven practitioners. The social context of these interactions was articulated as important for mitigating prejudice on the part of the young person toward formal settings in which they may perceive themselves to be relatively powerless ‘subjects of’ rather than ‘participants in’ conversations with their YOT worker; and the use of silence, or superficial disinterest in focusing on offending per se, rather than ‘getting to know’ the young person, allows for the development of a greater sense of personal control on behalf of the young person in terms of when and how they start to tell their story. Megan’s (Unit D) description of her work with a young person struggling to engage with the YOT process is a really clear example of how this approach is put into practice by practitioners.

*...he really struggled [with offence-focused work]. And then we got talking about food and I’ve decided I’m going to do a cook-off with him, because I think that would be great. So, it’s nothing to do with shop theft, it’s not offence focused, but I think it will be really good to help build that kind of relationship with him, because he’s still relatively new to his order... [...] I’m just trying to help him, and if that’s making a stir fry then we’ll make a stir fry.*

The purpose of eliciting, hearing, and telling these stories is to create meaning and explain ‘why’. They position the ‘offender’ as ‘less bad or wrong than ascribed labels suggest’, and ‘complicate and historicize who he/she really is’ (Presser, 2009:179). This shifts the paradigm experience of youth justice away from a deficit model, in which young people are problems to be ‘fixed’, to one that positions them as active agents with expertise on

their own experiences (Johnson Pittman et al., 2011). Indeed, the action of actively ‘*listening to*’ young people was mentioned by seventeen participants when they were asked to describe the purpose of their role; and this, as with other aspects of YOT practice, was commonly contrasted with young people’s experiences of other adults or agencies elsewhere in their lives, who ‘*do not listen*’ to them. The process of telling their story, and being actively heard, can be a cathartic experience for young people and can encourage the development of a greater future-focus. Nicola (Unit B) was able to describe this process for one of her young people, who was a persistent offender who showed significant antipathy toward Nicola’s involvement in his life and refused to talk to her during their supervision sessions for a period of several weeks. Nicola’s persistence in pursuing a relationship with him – by refusing to leave the sessions when he was rude to her; and instigating meetings away from the office, in settings where the young man may be more comfortable – resulted, eventually, in his beginning to talk to her about his past experiences and their relationship to his offending.

*And then he told me about his adoption breakdown, and you know, how, being removed into care was the worst thing that could have ever happened to him, and he would never have behaved the way that he’s behaved if he wasn’t; and then we did six months of working on his childhood, and getting him to process and understand what had happened to him, and that yes, actually, it was pretty shit, and it’s understandable that he feels the way that he feels. And I don’t think that anyone had ever given him that recognition that, actually, what he had been through **was** hard, and that it **wasn’t** ok, what he had been through. And at that moment, when I was starting to give him that recognition [...], that’s when he then started engaging.*

Original emphasis.

Despite the fact that almost all practitioners (20/21) in this research told me that this is their preferred method of managing their supervision with young people, there were some differences in the extent to which practitioners felt that they were supported in this approach by their management and, sometimes, by the broader justice system in which

YOT is situated. Of the twelve practitioners who raised this subject, three (from two different Units) talked about how appreciative they were that their managers allowed them the ‘*freedom*’ to be ‘*creative*’ in how they approached their supervision. Nine, from four Units, told me that they are sometimes subject to some scrutiny from their management because their young people are not ‘*doing*’ or ‘*accomplishing*’, or, that they are wary of inspections or audits that will pick up on the fact that they have not been able to ‘*evidence*’ their work with young people because it was relationship, rather than offence, based.

*[There] still is a lot of pressure for people to complete tasks. [...] they want to see victim awareness, they want to see good thinking, and consequential thinking, [...]. Things that we know don't really work. [...] But what we are doing [...] is building a relationship with the young person and getting to know them. Listening to their story, OK, just spending time with them, you know. There's a lot of saying, "Oh you're just taking them up the caff". "Yeah, I'm gonna take him up the caff, and I'm gonna listen to him, because no one else does". "Right". [...] "This person's NEET, he's not doing anything, why is he not doing anything, can he do this and this", and I'm all right, cos I'm quite confident to say "He's not ready to do any of that at the moment". But. Yeah. There is that, that pressure on us to try and push young people into stuff **they're** not ready to go to.*

Jack, Unit D; original emphasis.

Mike (Unit E) told a very similar story, both in terms of the perceived pressure for young people to be seen to be doing and completing various activities and exercises, and in his reaction to admonitions from his management about his relationship-based approach to supervision, which he described as ‘*rank induced amnesia*’.

*The further up the line you get the less you appreciate what it's like for the people at the coalface, and how much they actually do. [...] If people in YOT don't sit and talk to a young person about their life, their education, their hopes, their dreams, nobody else is going to do it.*

*You have to, in effect, act like a ring-master. [...] I think they feel the need to add stuff in all the time just to make it look like something's happening.*

Leah (Unit B), who was one of the practitioners grateful for the support of her managers in conducting supervision in the ways she felt was most productive for young people, expressed similar sentiments in terms of the inspections that YOTs are subject to from official bodies.

*Sometimes they don't look for the right stuff and the stuff that really makes a difference.*

Similar sentiments were expressed by Sophie (Unit C).

*All that we seem to get is beaten up for the things we don't do, and ignored for the things we do do. It's more important to cross Ts and dot Is. Statistical. That's it. But I think we're successful when we build up relationships with the kids.*

Two participants told me that the system's approach to monitoring and evaluating YOT work exerts unwelcome pressure upon them to complete more formal exercises, such as offence-focused work, with young people; not because they perceive it to be of value, but so that they can evidence working with them.

*...I feel like I'm doing paper exercises just because I need to make sure that all the boxes are ticked.*

Emma, Unit A

*If those boxes aren't ticked they want to know why.*

Sean, Unit D

There was also a recognition, from participants, that young people's lives are not static; and that there must be some reflexivity on the part of the YOT worker to dynamically alter their expectations of what can be done with or achieved by supervision sessions in

order to manage and respond to external disruptions such as homelessness, bereavement, or pregnancy. Again, there was some feeling expressed here that there is a general lack of appreciation for these dynamic factors within the official framework of how supervision between worker and young person ought to progress.

*Well yeah, I try to be prepared, and say, "I'm gonna do this", but that lad could walk in and he'll say to me, "I've been in a fight"; or, "My girlfriend is pregnant", or, "I've been kicked out my home", or... And so, you have to kick out what you was gonna do and you address the situation, the here and now.*

Will, Unit A

*Often there's something that's much more important than offence-focused work, like finding them somewhere to live, or supporting them through that...*

Rachael, Unit D

*...things have cropped up that have caused him to really go into a bit of a crisis situation [...] The last session, I ended up abandoning the whole idea of what we were gonna do...*

Olivia, Unit B

*[Guidance states] oh, we should be doing this, and we should be doing that; but actually, that's not the world we live in, is it, you know. It's certainly not the world our kids live in.*

Hayley, Unit D

An inspection of YOTs by HMI Probation (2016a) picked up on this disconnect between the potentially more productive, relationship-based desistance work, and the pressure experienced by YOT workers to evidence their work with young people. Their report states that desistance is often wrongly equated with a narrow risk or offence focus, and many YOT workers have reported feeling some pressure from their managers to solely focus on delivering offence-focused interventions, which they can substantiate, rather than being able to focus on building relationships with the young people in their care (HMI Probation, 2016a). This pressure to evidence that productive work is being done with young people can be difficult to manage in relationship-based approaches to working with offenders,

not least because the process of getting the young person to a point where they want to talk about their offending can, depending on the young person, take a significant amount of time (Turney, Ward and Ruch, 2010; McLeod, 2007). Will (Unit A) told me that his approach to supervision was generally – he felt – productive for young people, and contributory to desistance, most of the time; but he was also very mindful of the need to be able to justify what he was doing to his manager.

*I have a good relationship with my manager. But, you know, you've got to show them that they you are... erm... that there's a benefit there. That we are... erm... doing the work.*

David (Unit C) was one of the few participants who did have the freedom, he felt, to manage his supervision in the way he felt was most productive, which was to focus on building a relationship with each young person; and he contrasted this experience with his work in YOT in the past, when he had been under much more pressure to complete offence-focused work.

*Now, I feel like I'm actually doing valuable work rather than... instead of it being like this machine where you tick the boxes and tick the boxes. It's like that analogy, like the surgeon who says that the operation was successful, but the patient still died. Do you know what I mean? It's like, well, "I did everything, so I did well", right? They died, but I still did everything I should have done. And just doing that offence-focused – like, "I did 5 sessions of anger management" – well that young person might have just sat there all the way through it just going "Yeah; yeah; OK; yeah, right"; you know? <laughs> and we don't look deep enough to see if that young person is getting anything out of it. Or if we just did what we said we'd do.*

Original emphasis.

Articulating – and evidencing – that the young person is 'getting anything out of' relationship-based practice, which is manifested and experienced within the personal interactions of YOT worker and young person, remains a significant challenge for YOT

workers. Nods to the value of supportive relationships and pro-social identities, which have gradually crept into the language of the YJB and other interested agencies, is not necessarily matched by any deeper understanding of human complexity and social contexts within contemporary criminal justice policy; nor are they easy to capture for the purpose of evaluating practice (Harvey, 2011). The perception from practitioners, in this study, is that measures of the effectiveness of what they do with young people continue to rely on blunt acknowledgements of such things as workbooks completed; lessons delivered; school attendance improving; boxes ticked.

### **Remaining non-judgemental**

Several studies that investigate the value of relationship-based desistance work have highlighted the importance of practitioners' remaining empathetic and non-judgemental, particularly in their interactions with young people (Knight, 2006; Sennett, 2004; Hopkins, 2003; Farrall, 2002). This is linked with the facilitation of individual drives and motivations to change and achieve (Byrne and Brooks, 2015). As with other areas of relationship-based practice, however, there is less clarity within the literature about what it means in practice for a practitioner to be non-judgemental in their interactions with an offender. Additionally, it is perhaps a rather unrealistic expectation for YOT workers, when the assessment process – which all supervision should contribute to – is intricately related to the need for the practitioner to make a series of professional judgements.

‘Assessment requires the practitioner to exercise a series of judgements about what information to seek and about its meaning and significance; those judgements will influence decision making. In youth justice, judgements are made about the risks posed by young people and those judgements inform decisions about proposals to courts and others... other judgements are being made, for example about the level of need or about a young person's motivation...’ (Baker, Kelly and Wilkinson, 2011:29).

Practitioners do, of course, make judgements about the young people whom they supervise, for all of the reasons that Baker, Kelly and Wilkinson (2011) describe. It is also the case that some practitioners, in this research, made very clear judgements about the aetiology of the offending that had prompted a young person's involvement with YOT and the extent to which they hold a young person fully responsible what they have done; and that this might influence, sometimes and to some extent, the type of work that they will undertake with them. This will be illustrated throughout the following chapter. Yet the notion that avoiding judgement is an important element of YOT worker/young person relationships was articulated by fifteen practitioners in this study. When they described what this meant in their practice, it became clear that they were referring to the need to avoid a young person *perceiving* themselves to be judged, because that could create or worsen negative feelings of shame and contribute to a perception from the young person that the YOT worker is blaming them for the offence. This may have an impact on their willingness to disclose any details about their offending. Avoiding judgement was thus articulated as important for shaping how a young person feels, or may come to feel, about themselves; how they feel about the YOT practitioner; and their openness to discussing their offending behaviour.

One of the ways that practitioners, in this study, demonstrate acceptance of young people is by withholding reactive attitudes when young people disclose any details about their offending. Hayley (Unit D), for example, described a process of gently probing for information about the circumstances that might have led to the offence and managing her own responses to the information that follows.

*I think it's about, you know, just, well, what happened; how were you feeling at the time; and – not dismissing things, but not kind of just going, “Oh, well, that was stupid, wasn't it. You complete idiot, why did you do that?”. You know, because that's probably what their parents have said and that.*



Again, this description of YOT approaches was often compared favourably with the approaches of other adult figures and/or agencies who might be involved in a young person's life.

*Whatever it is, you don't say, "Don't do it". If they're using drugs, not to say, "Don't take drugs", because that what CAMHS do, which means you immediately lose the young person...*

Alan, Unit D

*Mum was blaming the young person. And it was stuff around, "You're the reason we're on a Child Protection Plan"; and, like, "you're the local thief. When things happen it's always your fault". [...] I said, like, you know, "How do you think that makes him feel? Knowing he's to blame for social services being involved. Yeah, partly, his **behaviour** is to blame; but how that's said to him is a different story, you know?"*

Kevin, Unit B; original emphasis.

This withholding of reactive attitudes can help foster greater intimacy between practitioner and young person, which is likely to provoke greater detail about the young person's life and circumstances of their offending.

*...it's trying to get behind the reasons why, you know, things happened and trying to work through them, so. Erm. And actually, not judging them. Because a lot of young people, it brings a lot of shame, you know, they don't like talking about things like that...*

Evelyn, Unit D

Withholding personal judgement contributes to the therapeutic quality of the relationship between YOT worker and young person, which could be undermined, and rendered ineffective, if the worker communicated personal judgements of the young person's actions or thoughts (Winslade, 2012). There was also a perception of a need to make clear

distinctions to a young person between the negative action that they have committed and their own character.

*I think my concern, personally, is always that they'll walk away thinking, like, they're the worst person in the world, like, once you've done this. So, you've got to bring it back and go, look, you're a good person. Because the thing is if you – it is that thing, if you keep telling someone, “You have done something wrong” <smacking table with each word> and you just focus on that, they start to believe that. “Well, I've done something wrong, so I must be – there must be something wrong with me, I'm a bad person, I'm this, I'm that” – and they're not.*

Rachael, Unit D

*You don't want to send them down a path where they can't get over what they've done [...] You have to keep sight of the fact that these are children.*

Anne, Unit C

This concern that overtly focusing on what the young person has done ‘wrong’ can be detrimental to their self-image, and consequent capacity for change, was echoed by all participants (21/21) in their discussions about offence-focused work and supervision meetings, and is contributory to their favoured person-centred, rather than offence-centred, approach to practice.

### **Improving self-esteem**

There has been a shift, over the past two decades, in the way that desistance is conceptualised: away from regarding it as some kind of static, quantifiable event, towards theorising it as a developmental process (Green, 2019; Colnan and Vander Laenen, 2017; Rocque, Posick and Paternoster, 2016; Paternoster and Bushway, 2009; Bushway et al., 2001; Laub and Sampson, 2001). Desistance has been described as form of ‘cognitive transformation’ or ‘identity change’ (Kraeger et al., 2016; Anderson, 2015; Paternoster and Bushway, 2009; Giordano, Cemkovich and Rudolph, 2002; Maruna, 2001), although there are differences of opinion regarding whether structural change, or individual

agency, is the most significant variable for this transformational process (Stone, 2016). Some have adopted an interactionist approach to their theories of desistance, whereby actors who are 'open' to change begin to identify and engage with various prosocial 'hooks' for change that are available in their environment (Giordano, Cernkovich and Rudolph, 2002; Maruna, 2001). The transformational process – whether external or internal to the actor, or a combination of the two – is thought to 'usher in a replacement self which eventually unseats the criminal identity' (Berg and Cabbina, 2017:1525). Such language can be found in publications from the YJB. Their strategic plan for 2019-2022 conceptualises the development of young people's 'pro-social identity' as empowering them to make positive contributions to society in the future (YJB, 2019a). This is part of their CFOS approach and necessitates that all youth justice services promote young peoples' individual strengths and capacities in order to develop this pro-social identity and empower them to fulfil their potential (ibid.). Though desistance studies have largely focused on adult rather than young offenders, there is support for the application of desistance theory to children and young people (McMahon and Jump, 2017; Barry, 2013b).

In this research, practitioners' exhibited a common desire for young people's self-image to be improved by their relationship with YOT, and for them to leave the supervision process better equipped to face the future with confidence that they can make positive contributions. But it was also very common to be told that the young people with whom YOT officers most frequently come into contact have very low confidence and self-esteem; that they do not imagine themselves capable of the sorts of pro-social activities that might dissuade them from engagement in crime in the future, such as attending school or college or training, or achieving qualifications; and that the cognitive limitations of their adolescence prohibits self-examination of anything beyond their immediate present. Thus, a young person's desire to cease offending can be accompanied by a failure to imagine themselves making, or becoming capable of making, any specific changes.

*...if we go a couple of years on; you're no longer involved here, what are you going to be doing? And for some young people, even just asking them that question, they go "Aarrgh! I dunno!"*

Sean, Unit D

*So, I'd say "Right, well, when you're thirty, are you still gonna be dealing drugs?" And they'd be "Oh God no, no, I'm not" – their perception is that people of that age don't do that, but they couldn't see **them** at that age. [...] I think that's something to do with being at that age...*

Jack, Unit D; original emphasis.

*...adolescence... it's very tunnel vision; and they can't, they won't, they can't see the future, it's all just in the here and now.*

Evelyn, Unit D

*I guess we were like that as well. You didn't have big plans, did you? You didn't want to think ten years ahead.*

Leah, Unit B

*They're just scared, got no self-esteem, won't amount to anything. Yeah. It's a common theme.*

James, Unit E

*I think a lot of young people don't think they've got a future.*

Liam, Unit A

The common appreciation, exhibited by participants, for how young people's negative self-image can diminish their sense of possibilities, contributes to their reluctance to overtly focus on the offending behaviour. Instead, the relationship between practitioner and young person is focused, from the outset, on improving the young person's self-perception and encouraging them to focus on their strengths and interests to foster a greater willingness and ability to imagine their future selves and lives. This is reflective of the transitional process that MacIntyre (2009) describes, from childish dependency toward realisation as independent practical reasoner, which necessarily involves a movement from awareness only of the present, toward an awareness informed by an imagined future. Such a process requires the work of others, who aid the development of the right kind of

imagination so that younger people can envisage both nearer and distant futures and attach probabilities to the results of choosing one way to act rather than another. Without this kind of support, they can be provided too constrained a view of their future possibilities, and struggle to develop the knowledge required to act in ways that will better secure them.

Part of this process, as participants described it to me, involves drawing clear distinctions to the young person between the *actions* they commit and the *person* that they are, and encouraging them to view past, negative actions as non-indicative of their character. For example, Rachael (Unit D) told me that,

*I'll tell them: nobody is a bad person, you're a good person, who's done the wrong things.*

It was common to be told that this is a new experience for many of the young people referred to YOT, because they are more accustomed to censorious attitudes being focused upon their character rather than their actions.

*In their backgrounds, **everything** is negative.*

Mike, Unit E; original emphasis.

*Sometimes you're trying to undo, you know, 15, 16, 17 years' worth of them being told that they're a **bad** person, a **bad** kid.*

Rachael, Unit D; original emphasis.

*...he's so cynical, so negative, so down on himself. [...] And I knew what that was to do with, it was to do with his mum saying that he's just like his biological father, who she's estranged with...*

Olivia, Unit B

Changing someone's self-perception can contribute to a greater appreciation of their efficacy in the world, and an enhanced ability to take more control over the direction of their life and the choices that they make in the future (Bacchini and Magliulo, 2003). Lessons about choice, and control, form a significant part of the YOT officers' work toward developing young people into responsible persons, and will be discussed in much greater depth in the forthcoming sections. For the purposes of this discussion, it is key to focus on the ways that these practitioners begin to change young peoples' experiences of how they are perceived by others, which in turn can affect the way that they view themselves. This has implications, too, for how the association between YOT worker and young person progresses and develops, from its statutory starting point to the kind of genuine and warm relationship that can potentially facilitate change (Hood et al., 2019; Byrne and Brooks, 2015; Case and Haines, 2014).

The sociologist Charles Horton Cooley has described self-perception, or the social origin of a sense of self, as a consequence of processes of social interactions, whereby our perceptions of ourselves – appearance, manners, aims, deeds, character, and so on – are determined, in large part, by our perceptions of how we appear to other people. This social self is not a mechanical reflection of *who we are* but is formed of imputed sentiment – the 'imagined effect of [our] reflection upon another's mind', which creates a social 'I' (Horton Cooley, 1983:126). Since so many of the young people who are referred to YOT experience some significant problems with their self-esteem and self-belief, and commonly have experiences of school exclusion and difficult relationships with their family, part of the YOT officers' role – as it was explained to me – is to contribute positively to this sense of social self, by maintaining an awareness of their reactive attitudes in all of their interactions with young people. Sometimes, as described above, this means withholding reactive attitudes so that a young person can feel more confident about disclosing difficult or shaming experiences and attitudes that may be relevant to their offending. But it also

involves exhibiting a particular kind of positive reactive attitude toward the prospect of spending time with a young person; appreciating their company; and noticing when they have done something well.

*Always smile. Always be pleased to see people. [...] Because you may be the only person who is ever pleased to see that young person.*

Jack, Unit D

*...talk to them with respect and kindness. [...] Always be pleased to see them. [...] ...so when they come in, they feel like they're **identifying** as someone, but for the right reasons.*

Leah, Unit B; original emphasis.

*You've got to make them feel that you want them there with you. You know, just smile, just be pleased to see them, you know.*

Sophie, Unit C

*Most of these kids are not very good at recognising their own skills or their own, sort of, positives. You really have to draw it out of them. I try and make a point with, if a session has gone OK, I say, "It's been really nice talking to you". Lots of kids think you're **insane**. But if you come from a background where everything is negative, having something positive can be really quite difficult to pick up on.*

Mike, Unit E, original emphasis.

Research on youth work and engagement has found that relationships that are based on trust and mutual respect are highly valued by young people, and often stand in contrast to other adult relationships they have experienced which are characterised by rejection or negativity (Merton, Payne and Smith, 2004). In all descriptions of how and why practitioners approach supervision this way, emphasis was consistently placed on the young person's future self. Kevin (Unit B) told me that this future-focus is especially important for those young people who have committed more serious offences that have resulted either in a custodial sentence or a longer and more intensive period of supervision under YOT, because their self-image is often dominated by the stigma of their being a young offender.

*There's a lot of work directed at shifting that identity of 'offending', to, 'where can I get to?'. [...] You're trying to restore that belief, and to say, you know, "Everybody makes mistakes somewhere along the line. Let's try to reshape that, and get you where you want to go". So, it's just really about understanding that young person, where they want to get, and just try to empower them to get there; rather than saying, "You've done this wrong; you need to pay for it".*

The relationship between worker and young person is thus characterised by a sense of optimism, which seeks to diminish the power of past offending from colouring a future self. This notion that *'everybody makes mistakes'* was echoed by almost all participants in this research (20/21), who sought to position the offending within the richer context of the young person's lived experiences and expand their self-perception from within its narrow frame. Mike's (Unit E) description, below, of what he called a *'typical exchange'* with young people, is illustrative of these efforts.

*"OK, you burgled a house. How long did that take? Fifteen minutes? What about the other sixteen years of your life?"*

It is thus not in the interests of the young person – according to these practitioners – for the YOT worker to instigate an overt focus on the offence(s) that have prompted their involvement in the young person's life, because this is more likely to amplify those aspects of a person's history, behaviour, and attitudes that the intervention itself is seeking to diminish. It could also, potentially, re-emphasise an idea that may already be present in the young person's mind that their offending is related to problems of individual or personal 'malfunctioning' (Burke, Collett and McNeill, 2018), especially if they have been ordered to complete offence-focused work.



### **Addressing structural conditions**

There was a recognition from all participants in this study that improving someone's self-perception is only part of what can make a real difference in terms of reducing the likelihood of their offending again in the future. Structural changes in a young person's life – such as accessing or moving accommodation; being assessed for special educational and other healthcare needs; receiving appropriate educational provision; getting careers guidance; accessing training opportunities – were also identified as key to the kind of transformational process that the YOT worker is seeking to incite. There appeared to be a common willingness to attempt to 'fix' these structural issues even when such work was perceived to fall outside of the YOTs remit. Olivia (Unit B) described this approach as being,

*...to our detriment, in terms of responsibility, because other services give us that responsibility when we step in. I've seen that far too many times. They step out. Step back, let YOT do the work.*

The willingness to take on this other work, even when practitioners were awake to the fact that some needs ought to be met by other services, was linked to a common perception that offending behaviour is usually intimately linked with those other needs; and, as it is the YOT worker's job to work productively toward desistance, they will work on these other areas when they perceive that they are not being addressed as they ought to by the service(s) responsible. Mike's (Unit E) explanation, below, was typical of this perspective.

*You might supposed to be doing offence-focused work but actually you're not, because actually [...] the kid in front of you has ten other things going on that unless they're dealt with, you are gonna see them again. [...] Because some services, you refer them in, and it's like, you know, you put them down a big pit and they just disappear into the hole.*

Early pilots of YOTs identified inter-agency conflicts and difficulties with clearly establishing consistent areas of responsibility and appropriate information-sharing across different partner agencies, as well as cultural differences between practice settings (Holdaway et al., 2001; Williams, 2001; Bailey and Williams, 2000; Dignan, 2000; Williams, 2000); and more recent publications highlight that these difficulties continue (Pamment, 2019; Souhami, 2019). The sorts of problems that these studies identify were echoed by participants in this study; but the most common complaint, as with Olivia's and Mike's claims above, was that if YOT workers do not undertake work that ought to sit with other agencies, or persistently 'chase' other services for the work to be done, then it would not be done at all (14/21). This is an aspect of youth justice that was highlighted in the *Taylor Report* (2016), which was particularly critical of the support offered by CAMHS. It is not within the scope of this work to explore these criticisms in any depth, and the interviews were not designed to elicit such feedback. But they can tell us something more about the person-centred approach to YOT practice. Despite the expressions of frustration about other services, this perception that the YOT worker is something of an ultimate arbiter and driving-force for effecting change – even when they think themselves misused in such endeavours – seems to affirm the value, for the practitioner, of their person-centred approach to practice. Focusing narrowly on the offence is unwise and unproductive, for all of the reasons discussed above; and neglecting to effect structural changes that may be productive toward desistance limits the effectiveness of improved self-perception and future focus. In short, isolating 'the offending' as the sole priority of YOT work mistreats it as a kind of free-floating compulsion, divorced from the material reality of a young person's life, which means that opportunities to work productively toward desistance could be missed.

### **Offering consistency**

One of the ways in which the distinctive support offered by YOT was emphasised to me was the iteration that YOTs will always provide a young person with one worker for the duration of their time with the organisation; and will see the same worker again, should they be referred in the future. The significance of offering a young person consistency in terms of who their YOT worker will be was discussed by over half (13/21) of participants, and often presented in terms that contrasted this provision with that of other agencies such as social services. Many of the young people referred into YOT have not experienced caring and consistent adult relationships, the lack of which is associated with poorer adolescent outcomes (Whitehead et al., 2019; Rogers and Taylor, 1997). Providing a young person with a stable and consistent relationship with a practitioner can offer them an opportunity to build trust and facilitate disclosures that can help the practitioner to better understand their needs (Lewing et al., 2018). This process is reflected in the YOT worker's assessment(s) of the young person, as described below.

*[Assessment] starts off out of – it's quite clinical really, out of necessity. But then towards, yeah, as things settle down, and as the relationship forms, then you know they'll let you probe a bit further in personal issues and what they need.*

Louise, Unit D

*So, the initial [assessment] can be a little bit... I mean it's as detailed as it can be, but it can be less sort of poignant than the later ones.*

Anne, Unit C

There were a few examples provided to me in interviews of young people who had, for a significant period, refused to engage in conversation with their YOT worker, or had been hostile in the face of any attempts. Here, too, consistency was important, because the worker's refusal to 'give up on' them can provoke feelings of trust that lead to progressive greater engagement. Nicola, for example, told me about a young man who,

*...told me to fuck off, told me he wasn't going to work with me, I was the same as all the rest of them, "[...] you don't give a shit about me". And I went and I saw him, three times a week, and I went to his home address, so that he didn't have to come here, and I think after about... Five weeks? Of awkward conversation, really, it was quite difficult, he just started talking to me. And I just thought, oh my God, he's actually talking. We're having a conversation here.*

Nicola, Unit B

The sorts of information that this young man provided Nicola with, in terms of his past experiences and their contribution to his offending behaviour, allowed Nicola to begin working with him to identify what needed to change to enable him to stop offending in the future, and to make those changes together. Yet although consistency was generally considered to be a very positive aspect of YOT support, with benefits for the young person, a few participants (8/21) drew links between this unique aspect of the YOT/young person relationship and a risk that, in consequence, some young people may become 'dependent' upon their YOT worker or 'entrenched' with the service.

*I've had a young person [who] just kept offending just so that he had a court order, because we were the consistent workers and worked really well with him, and I think that is such a shame that, you know, this young person felt he had to offend just so that we could keep in contact with him.*

Olivia, Unit B

*Some actually commit a crime, cos, one guy says, "It's the only time I get support, if I do something wrong. <laughs> If I do something right, everyone ignores me, so I just end up..."*

Alan, Unit D

*It's not been unusual for young people to get to their last week and then commit another offence. "Why?", "I don't know, I don't know why I did it, I don't know"; and you just think, actually, I do know why you did it. Because when you're with us [...] they get groups, and they get the one to ones, and someone took 'em out for something to eat during the day [...] and whilst we may have tried to scale it down and get them to kind of move on, they're kind of like, no: I need to kind of do something else so I can have another six months of this.*

Jack, Unit D

These same practitioners talked about the need to '*manage endings*' with young people, whereby the temporary nature of their relationship is emphasised from the outset.

The gradual building of a trusting relationship is thus ultimately a means to an end rather than an end in itself. The common antipathetic attitude to court-ordered interventions was often linked in the answers given to the significance of establishing this relationship with a young person. There was a recognition that the delivery of any intervention must be moulded in accordance with the contextual factors that shape a young person's life, about which the practitioner can learn little unless the young person trusts them enough to tell their story. This does not mean that the interventions ordered by the court were ignored by practitioners in favour of relationship-building; but their implementation and chances of success are secondary to and contingent upon it. The significance of consistency to enhancing trust and encouraging disclosures from young people was also linked, by some participants, with the clear establishment and enforcement of boundaries.

### **Establishing boundaries**

Twelve participants made references to young people commonly experiencing a lack of boundaries in their relationships prior to their YOT referral; and seventeen discussed the importance of establishing boundaries with the young people they work with. A lack of boundaries was commonly defined as constituting an absence of restrictions and consequences in young people's day-to-day life. Boundaries are important in relationships because they can foster their growth and maintenance and facilitate desirable and desired functioning (Ryder and Bartle, 1991). Thus, they are linked with processes of socialisation, whereby undesirable behaviour is discouraged via disapproval and/or punishment; and prosocial behaviour is encouraged via social and/or material rewards

(Gruesc and Davidov, 2010). The goal of this socialisation process is to have children and young people internalise those values, so that, eventually, this eternal pressure or force is no longer necessary in order to guide right action (Hoffman, 1970). This promotes feelings of self-direction, which is an important aspect of autonomy (Grolnick, Deci and Ryan, 1997).

One of the ways that YOT workers introduce the concept of boundaries in their relationships with young people is to make the statutory obligations of each young person clear from the start of the supervision process; and this is reinforced by the prospect of being held to account should they fail to comply. Chiefly, this constitutes the power of a YOT worker to 'breach' a young person (YJB, 2019c). A breach can be initiated by the practitioner where a young person has demonstrated that they are unwilling to follow the requirements of their order; for example, by failing to attend appointments with the practitioner, or being unacceptably late for planned appointments without good reason or behaving in ways that are assessed as unacceptable during meetings (YJB, 2013a). When a breach is initiated, the young person is returned to court for breach proceedings, and the court decides how to respond (Grandi and Adler, 2016). Breach of an order can result in wider sentencing options than those which were available for the initial offence, and includes custody (YJB, 2019c). This means a young person can be breached, returned to court, and sentenced to custody, without having committed any further offence (Standing Committee for Youth Justice/Prison Reform Trust, 2019).

Breach appeared to be an element of the YOT workers' toolkit that was broadly valued by the practitioners in this study, because it allows for a clear link to be made to the young person between an action and a consequence. This can contribute to a perception on the part of the young person that their YOT worker will do as they say they will, which can enhance trust.

*I think he gained respect for me for doing what I told him I would do. And I was very clear with him. "If you do this, I will do this; and if you don't do this, I will do this". So sometimes it teaches them that actually, yes, we are here in a supportive role; and to support you, sometimes we have to do things that you're not going to like us doing. So sometimes [breach] can be a really powerful thing, and an empowering thing, to be able to say, "Well, you've got choices here, you need to start making choices that are in your best interest".*

Nicola, Unit B

*I generally do what I say, and I think once you've shown them that you'll do that... I had two that I took back to court, in the past, and then they both went, "Yeah, all right, yeah". And I gave them chances, you know [...] and I say to them, [...] "I gave you the opportunity, you didn't take it".*

Rachael, Unit D

The importance of boundaries, as defined by participants, was not solely linked to practices of breach. Boundaries can help to distinguish the difference between a 'friendly' relationship and a friendship (Austin et al., 2006). In addition to statutory boundaries, practitioners talked about their own limits regarding what behaviour they will and will not tolerate. Megan (Unit D), for example, told me she expects to be notified by a young person if they cannot attend an appointment with her; and has learnt to stress this early in her interactions with a new young person so that the conviviality of their relationship does not mislead them into perceiving that they can 'stand me up'.

*Sometimes you can just click with a young person, you do the work, but you can have a chat and just get to know them, so it's a bit more friendly. And there's that respect so that they don't then break the boundaries. But then sometimes if you do that with some people they kind of get a bit more relaxed, and then they get a bit arsey, I suppose, if you then try to impose the boundaries, [...] so now I kind of do this talk at the beginning, you know, if you can't attend an appointment, you need to let me know...*

Cross (2020) has described the relationships between YOT practitioners and young people as constituting something of a ‘pseudo-friendship’ because it is underpinned and boundaried by professional obligations. Leah (Unit B) alluded to this in her description of her relationship with the young people with whom she works as *‘friendly but not friends’*; an attitude echoed by Sean and Nicola.

*I wouldn't say I would build a friendship with a young person in that style. I don't think.*

Sean, Unit D; original emphasis

*...they see it as a friendship, but we obviously have boundaries...*

Nicola, Unit D

Louise (Unit D) echoed Megan’s concerns that having a friendly relationship with young people can perhaps undermine boundaried practice; but she linked this with the risk of dependency.

*I work in a **very** professional way. And I'm not comfortable hugging them, and I'm not comfortable being, erm, the kind of, the extra parent; [...] it's not my style, erm, I'm very much more professional but actually, it works, it works for me, and our relationships; they feel comfortable with that. [...]. But I've always got very kind of clear boundaries in terms of where our relationship's at. [...] I don't think it's helpful to create that extra dependency, I want to help them form these relationships and progress in their [...] healthy relationships, but not with me; because I'm only here temporarily.*

Original emphasis.

Fostering dependency within therapeutic relationships has been identified, by some, as constituting a boundary violation (see, for example, Simon, 1999; Gutheil, 1994). The risk of a young person becoming dependent on the worker was discussed by half of participants, and each of these told me that part of their boundaried practice is to make



clear to the young person that their relationship is necessarily temporal. Jack's (Unit D) comments, below, are illustrative of such remarks.

*...managing endings, for me, is so important; because the one thing I don't want the young people to do is become entrenched with us.*

Defining the nature of the workers' relationship with young people appeared to differ according to the individual practitioner; and, sometimes, upon the young person with whom the practitioner is working.

*...I've had different managers yeah, you can't make out to be their friend; you can't make out to be a brother, a mate; you know... but actually you do, but it depends what young person you've got.*

Andrew, Unit C

*...people are just people and as long as I'm a person I can work with them, cos you just change yourself, to adapt to work with the people you've got in front of you, don't you.*

Nicola, Unit B

Sophie (Unit C) perceived that the young people with whom she works value her professional approach precisely because she does not attempt to imitate friendship. Sophie perceived that many of those young people will have parents who define their relationship as a friendship rather than that of parent and child, and that they are less likely to trust another adult who offers anything similar.

*But I also think these kids aren't my best friends, they're children. And they've had – "Oh, he's my mate, he's my little mate", and then the next – "Fuck off!" <arm swipe>*

Unlike Louise, however, Sophie was content to define her relationship with young people as being something of a ‘*corporate parent*’. Others (12) also defined their status as – at least at times – constituting something of a parental role; and commonly linked this to their willingness to impose and enforce rules and boundaries. For example, Olivia (Unit B) understood the YOT officer’s role to be one that allows for an overview of the life of a young person, rather than a narrow focus upon their offending behaviours; and described YOT workers’ as having,

*...almost turned into the parent, haven’t we, of bringing up a young person. I feel like that is more and more the job that I’m in.*

This type of perception was often linked, in participant conversations, with that part of the YOT officers’ role that necessitates they communicate and enforce the importance of young people turning up on time to their appointments and take personal responsibility for their active participation in them. It was beyond the scope of this research to explore whether these perceptions of workers’ filling something of a parental role, for their young people, is shared by youths; but one study, which did interview young offenders, concluded that they valued the positioning of YOT practitioners as ‘surrogate parents’; that it provoked their greater engagement; helped to counter the otherwise coercive role of the YJS; and, potentially, acted to drive the effectiveness of interventions (Trivasse, 2017). In this study, too, the parent-child dynamic was linked with the imposition of boundaries, as part of a triptych of parental mechanisms that also included care and education.

### **Advocating for young people**

The experiences and perceptions that are reproduced and described above serve both to further define, and yet make more complex, the relationship between young person and YOT worker. Although this relationship is presented – both to young people, in their early

interactions with the YOT worker; and to me, in these interviews – as constituting something of a journey of togetherness between worker and youth, challenging the orthodoxy of a narrow offence-focus can sometimes reposition the YOT worker as someone who is advocating for, rather than simply working with, a young person. Further, although practitioners in this study showed a consistent appreciation for young people as experts on their own experiences – demonstrable in their uniform appreciation for the processes of provoking, listening to, and centring their personal stories within their supervision – this advocacy often has the effect of repositioning the YOT worker as being the expert on the young person. Mike and Jack were not alone in their experiences of telling managers or other interested parties that a young person they are working with is ‘*not ready for*’ certain of the kinds of pro-social activities that can constitute some measurable indicator of supervision ‘success’. Stories like this were echoed by a further eleven participants, usually in broader discussions about young people’s school attendance. It appeared to be relatively common for practitioners to have told their managers or education providers that specific young people in their care are not ready to begin regularly attending school, and that forced compliance with orders to attend school are likely to result in the young person not managing this aspect of their order; perceiving themselves to have failed, which will worsen an already negative self-image; and potentially lead to their being criminalised for truancy. Sometimes this advocacy escapes the narrow confines of internal discussion and provokes direct contact and conflict between the practitioner and another adult in the young person’s life. One practitioner, James (Unit E), was very angry about what he perceived to be inadequate support from a local high school toward one of the vulnerable students on their roll, who was in the process of completing an order with James as his case worker. He told me that,

*...no one in a position of power there understands children at all. I’ve been trying to get a meeting with the Head, where I will sit down with him and read out his,*

*all his values, his school values, and explain to him how he is not doing that for the one child on my caseload. But he won't meet with me... <sigh>*

*Interviewer – Does your lad know you want to meet with his Head?*

*Yeah, I tell him straight, I'm always open and honest with him. If this is still going on after the summer term I'll be sitting outside his office until he sees me. I would do this if it were my child; if they were my flesh and blood I would do the same. Well, he's on an order with me, and it's getting to the point now where I'm the only one who's gonna do it.*

Leah (Unit B) told me about a young girl on her caseload who had been excluded from school for violating their policy in her choice of hairstyle.

*I thought, what a **ridiculous** policy. I said, show me the policy. **Show** me where it says she can't have her hair cut.*

Original emphasis.

I heard stories of similar interactions that workers had had with other agencies and services including CAMHS, social services and the police, because their own personal knowledge about a young person has indicated that the decisions or actions of these other agencies are inappropriate. For example, Kevin's (Unit B) intimate knowledge about the difficult home life of one young person, and the influence of this upon the young person's behaviour – knowledge which he had gleaned through the development of a trusting relationship with the young person over a period of several months – provoked him to intervene when the local police wanted to take some punitive action against the individual during the period when he was on an order with Kevin.

*...so, then I was having the battle with the police to say, let me have one more chance, let me have one more, I will make sure you get – I will go and collect him, I will bring him here...*

Emma (Unit A) used similar language about ‘*battling the system*’ when she discussed her frustration that some young people are left to reside with parents or guardians who are not fit to take care of them. Hayley (Unit D) told me about a young girl she was working with, whose learning difficulties were contributory – Hayley believed – to her antisocial behaviour. Hayley had had to ask the local police, on more than one occasion, to take this into account and use their discretion in their dealings with her. Alan (Unit D) described interactions with the staff at a local care home, who – he felt – were not supportive of a young man on Alan’s caseload who experienced difficulties controlling his temper. Their tendency to involve the police after, in Alan’s opinion, somewhat provoking this young man, led Alan to believe that they were undermining his and the young person’s efforts for him to take greater responsibility for his outbursts.

*...he does explode, and he really knows that, so he takes himself away and what happens is people follow him, so it’s like, leave him alone! “Oh, we can’t leave him alone”. Well, you know, you’re gonna get hit. That’s **your** decision. If you walk away from him, he won’t follow you.*

Original emphasis.

Alan also reported difficulties with local GP services when he supervises young people who have drug addiction problems.

*Doctors have got a terribly judgemental attitude. I’ve had many face-offs with doctors. Because they think young people are wrong, they’re doing [drugs] because they’re wrong. [...] The way they’ve spoken to him, I’ve heard the way they’ve spoken to him, I would have kicked off<laughs>. I would have gone and said right, I’m not having this. I have said that <laughs>*

Alan, Unit D

Will (Unit A) described feeling ‘*protective*’ over the young people on his caseload, and sensitive to criticism from colleagues and other adults about them.

*...like, one of my colleagues, he was saying, "Your lad got my lad into trouble, and your lad was – there was a fight, and your lad was" – and I'm like, he's not **my** lad, alright I'm his case holder, but I'm not **responsible** for what he done. But at the same time, I'm thinking, well, he **is** my lad, actually, and I want to – there could be a reason why he done that; don't plant it all on my lad.*

Original emphasis.

Leah (Unit B) made similar remarks.

*I think you do, you do feel responsible for them, yeah. You're kind of, "These are mine". Well, not **mine**; but you think, what can I do that's best for this young person. I think if everyone's honest then they would say the same.*

Original emphasis.

Despite the fact that these kinds of examples seemed to be relatively common experiences for the participants in this research, there is nothing in any official guidance regarding YOT practice that says anything about the YOT officer having some role as an advocate for young people. In fact, one review of YOTs and Children's Services' interactions with young people, published over a decade ago, described the tendency of YOT workers to occasionally take on an advocacy role as examples whereby they 'overstep their brief'; and make 'demands' that 'might not be in the interests of the young person' because they could 'discourage [them] from taking responsibility for him or herself' (Hopkins, Webb, and Mackie, 2010:79-80). Yet the latest Standards for Children in the Youth Justice System (MoJ/YJB, 2019) consistently draws attention to the requirement that YOT workers prioritise the best interests of young people by recognising their individual strengths, needs, capacities and so on; and that knowledge of these individual attributes are the means by which a pro-social identity, and desistance from crime, can be achieved. The YOT worker thus appears to have some significant responsibility in terms of accruing knowledge and understanding about each individual young person in their care yet

limited (official) autonomy to employ that knowledge and understanding in order to direct how best a young person can be supported through their order. This is despite the fact that research evidence and practice literature, across the related fields of youth justice, social work, and probation, frequently highlight how crucial it is for practitioners to build relationships with young people that are characterised by trust, support, and advocacy (Drake, Fergusson and Briggs, 2014; Ipsos MORI, 2010; Annison, Eadie and Knight, 2008; Barry, 2007; Farrow, Kelly and Wilkinson, 2007; McNeill, 2006a; Goldson, 2001). France and Homel (2006) argue that young people who break the law do not seek programmes or content; rather, they value having a good, supportive relationship with a non-judgemental adult, who can offer guidance and advocacy. Nicola (Unit B) drew attention to this.

*I think one of the things that was really difficult for him was that he always just felt dictated to. [...] They weren't going to listen to what he wanted. So, when people started fighting **for** him, he was like, oh, actually, people do listen to, I am worthy of being listened to...*

Original emphasis.

The present study is inhibited in regard to the extent that this could be explored, because it does not include the perspectives of young people; but I did ask James (Unit E) if he knew how the young man with the unsupportive school felt about James' intention to challenge the head teacher. His response was indicative that their relationship is consistent with the kind of warmth and familiarity so often recommended in studies about practitioner/vulnerable client relationships.

*I don't know... I think it's nice for him to have someone on his team. Usually he says "Yes geeze, you're gonna knock him out!"; and I'm like, mmm, yeah, depends how the meeting goes. Probably not, but you never know.*

Practice literature from social work has also identified that genuineness, warmth, empathy, and advocacy are essential elements of building relationships with young people (Brandon, Schofield and Trinder, 1998); and a study by Green, Mitchell and Bruun (2013) found that successful relationships between practitioners and youths rely upon a belief that workers should and will act as advocates for the young people in their care.

This tendency towards advocacy adds a final dimension to the relationship between YOT worker and young person. Just as it was perceived to be unusual for many of the young people they work with to have experienced positive reactions, from adults, to the prospect or reality of their company, there was also a perception that having an adult ‘on their side’, willing to advocate for them, is something both unique and special to the relationship between young person and YOT worker. It can enhance that early perception, instigated by the YOT worker, that their relationship stands in isolation from that which they may have experienced with other adults and services; and that YOT itself is distinct from the broader system of justice in which it sits, because it will work with and for, rather than ‘on’, the young person.

#### **4.4 Summary**

The data presented in the sections above describes and demonstrates how YOT practitioners in this study prefer to approach their supervision with young people, by building an authentic relationship with them that can enable change. From the earliest stages of meeting a young person and emphasising that the worker is there to work collaboratively with the young person, the nature of the relationship between worker and youth is framed in ways that distinguish the YOT officers’ role as one of support and solidarity, which recognises the young person as an active participant within the relationship. Feelings of shame, or embarrassment, or hostility, on the part of young people, toward the intervention of an uninvited adult in their lives, which could limit their



engagement, are managed by the practitioner through an approach to supervision that consistently emphasises a whole-person focus, which is characterised by feelings of optimism about the future. It affords the young person agency and control regarding whether and how they tell their story and engage with the support that is on offer. The focus is not on what they may have done wrong in the past; but on what they can become and achieve in the time ahead.

It will become clear, as these chapters progress, that there are elements of apparent incoherence in the data collected. One example of this is that despite a key dimension of the supportive relationship involving the practitioner remaining non-judgemental, there is clear evidence that in the process of establishing these relationships, and learning about the individual's personal story, the practitioner does make a series of private judgements about their responsibility for the offence(s) that provoked YOT involvement. They also made judgements about the need for young people to develop a sense of themselves as responsible actors, which can be fostered and encouraged via their relationship with YOT. The following chapter will describe and analyse this.

## **CHAPTER FIVE: Practitioner Judgements About Responsibility**

### **5.1 Introduction**

The aim of this chapter is to describe and analyse the judgements that participants make concerning the responsibility that young people have for the offence(s) for which they have been referred to YOT. Each participant told me that they are interested in exploring the context and contributions to offending behaviour, and each defined the purpose of YOT supervision as, at least in part, learning about this from the young person. This is not an unanticipated finding. Studies into practice cultures within YOTs have long identified that concern about young people's welfare constitutes a key aspect of practitioners' work (for example, Field, 2007; Burnet and Appleton, 2004). But what was unexpected was the extent to which this process of understanding the circumstances of an offence can often result in resistance from the practitioner in terms of articulating a young person as being responsible for it. This chapter will describe and analyse how participants make judgements about the responsibility, or otherwise, of young people for their offence(s); and will also discuss the judgements made about the perceived need for young people to develop a sense of themselves as responsible actors via their involvement with YOT. These judgements have implications for the type of work practitioners undertake with young people, which is the focus of the chapter that follows.

### **5.2 Foregrounding young peoples' lived experiences**

The personal lives of the young people most likely to encounter YOT has received greater attention in recent years both in the inspections of YOT work by HMI Probation and in practitioner guidance issued by the YJB. An increase in the use of informal and community sanctions for young people who break the law means that the young people who are referred to YOT tend to be 'some of the most troubled and challenging' and to

have complex vulnerabilities and experiences of trauma (HMI Probation, 2017:4). In his independent review of the YJS, Charlie Taylor described them as,

‘those whose offending is a manifestation of a number of things that are going wrong in their lives. These children are often victims of crime as well as perpetrators, and many are in care or known to social services. Many have poor records of school attendance and educational achievement; learning and communication difficulties are common; and many have poor mental and physical health or are on the autistic spectrum’ (Taylor, 2016:7).

This contributed to Taylor’s call for the YJS to become one that sees the ‘child first and offender second’ (ibid.:3). Taylor’s many recommendations for reform of the YJS were not, however, adopted by the government, which nevertheless commended YOTs for being ‘prepared to work with, engage and support some of the most challenging and damaged children and young people’ (MoJ, 2016). This has been described by the National Association for Youth Justice as a ‘severe disappointment, amounting to a missed opportunity’ (Bateman, 2017:59). There have been suggestions that the lack of any reforms to YOTs in the face of the increased needs of its service-users means that young people encountering YOT are often stigmatised by that interaction, rather than being treated as children first and foremost; and made subject to a negative, risk-based approach to justice that focuses on past actions, rather than provided with support for their adverse life conditions (Pammet, 2019; see also Case et al., 2020).

It is questionable, however, how far we should expect youth justice practice to be shaped by central government and implemented from the top down; and how far practice is in fact driven at a local level by relatively autonomous groups of practitioners (Smith and Gray, 2019; Field, 2007). Certainly, every participant in this research was very aware of the complex needs and vulnerabilities of their young people. The quote below is illustrative of the sorts of descriptions of the young people practitioners work with that were provided in all the interviews and echoes their common understanding as to why those young people are offending.

*We deal with young people that have been sexually abused, physically abused, neglected, witnessed horrendous domestic violence, have got brain damage that you can't measure because it's brain damage around their understanding and development; we deal with young people that sexually offend, that have no capacity for insight. In youth justice, you're pretty much... The offending is a symptom of the abuse and neglect that one has experienced from when they're younger. So, we have to manage that.*

Emma, Unit A

There was also a consensus that understanding and tackling the criminogenic needs of young people – those problems that seem to be related to offending – is an integral part of YOT work. All participants expressed the view that to reduce crime or prevent its recurrence these needs must be met or addressed. Whilst there was a general acknowledgement that this concept is nothing new for YOT workers (see below), the majority of participants (20/21) expressed a view that focusing on the potential causes of offending has recently taken root as a conceptual approach to youth justice practice within their county as a whole, rather than being driven by practitioner discretion and common-sense, as in the past; and that this is influencing the type of work that practitioners are undertaking with their young people. There was less certainty as to whether this more context-appreciative approach to youth justice was reflective of YOT practices nationally. It should be noted that there are differences, nationally, regarding the nature of work undertaken by YOT. While some YOTs engage in the provision of preventative services, or other measures designed to divert young people from the formal YJS, others have a more restrictive focus on identified young offenders already embroiled with the system (Haines and Case, 2018). Some of the practitioners involved in this research had been involved in preventative services with young people identified as being 'at risk' of offending; but at the point of our interview all were working exclusively with young people who had been referred to the service after conviction.

The increased focus upon the context and contributions to offending behaviour was discernible to participants via changes to the way that they assess young people and the introduction of training, for some, in ‘trauma-informed youth justice’, which views offending as a cumulative result of traumatic life experiences (YJB, 2017b). This exchange with Hayley (Unit D), who has worked for the service for 15 years, encapsulates these common experiences.

*I think, just, you know, the way the cases are assessed and managed has changed a vast amount in that time. Erm, far more I think emphasis on trying to understand the root causes of behaviour, erm, the role erm that early years experiences have on adolescent behaviour; understanding, you know, brain development, things like that, are quite common-place to think about.*

*Interviewer – Do you think that’s a positive development?*

*Very much so. [...] I think the service as a whole, I don’t know if it’s just [locally], is moving in a better direction, like we’re having some trauma training now, erm, how do you work with a young person in trauma.*

YOT assessments take place upon first meeting a young person and are updated by the worker throughout the duration of a young person’s time with the service. The assessment tool that YOTs use is AssetPlus, which is designed to capture ‘issues specifically relating to the young person’s risk of serious harm to others as well as the overall circumstances of the young person’ (HMI Probation, 2017:27). It is underpinned by the ‘science’ of risk factor analysis, which tends to locate risk in the actions of individuals and their families (Farrington, 1996). Despite questions about the reliability of standardised assessment tools, and their ability to accurately identify future risk, AssetPlus, and its predecessor, Asset, has been used by professionals within YOT for the past two decades to make decisions about appropriate actions and interventions. It has come under sustained criticism since its introduction for categorising and managing young people according to the risks that they embody, rather than focusing attention upon the broader contexts of offending behaviour (Bateman, 2017; Goldson, 2013; Drake and Muncie, 2010). Perhaps

because of such criticism, in more recent years the YJB has encouraged a move away from focusing on risk towards concentrating upon ‘desistance’, and the ‘desistance-led’ AssetPlus was introduced to facilitate this change (Hampson, 2018). HMI Probation (2016a) defines desistance practice as one that ‘take[s] account of the wider social context of children and young people’s behaviour’ and sees individual empowerment and better social inclusion as objectives that are equally as important as reduced offending (p. 12). Early evaluations suggest, however, that while AssetPlus is heavily dependent upon desistance theory and research (YJB, 2014b), it remains primarily an offense-focused tool (Gray and Smith, 2019), especially because the criteria upon which YOTs are judged (namely, the prevention of further offending) remains firmly risk-focused (Hampson, 2018). Hampson’s (2018) study found that practitioners in YOTs were unconfident about their knowledge of desistance, even when they had undertaken relevant training; and some felt insecure about pursuing desistance-related targets rather than those more focused towards risk.

There were no questions directly related to assessment or AssetPlus within this research, although every practitioner was asked to describe their job role and the purpose of YOTs, and assessment was discussed by twenty participants in their answers. Of those twenty, six used the term ‘*desistance*’ when describing part of the purpose of their role, with half that number also mentioning risk assessment. Only three participants defined their role as (at least in part) one of managing or mitigating risk. Twenty practitioners described the role of a YOT worker as (at least in part) providing support for young people. Six practitioners talked about AssetPlus and were able to articulate the differences in approach between this and its predecessor.

*We’ve had a massive shift more towards welfare stuff. I’m not sure if it’s nationally or just here. When AssetPlus came in you could see a shift there. It supposedly*

*gives you a whole overview and the policy is to move more towards trauma-informed work rather than simply risk.*

Mike, Unit E

*It's more person-centred, definitely, than offence-centred, these days. I seem to know my young people a lot more, it isn't just their label of, and their risk label and everything else, I actually know what's gone on in their lives.*

Olivia, Unit B

Even where 'desistance' terminology was not used, though, explanations about the purpose of assessing young people chimed with desistance-theory rather than a risk-based paradigm. Each practitioner who talked about assessments (20/21) framed their purpose as a means of gaining deeper insight into the young person's life and the circumstances of their offending. The primary aim was articulated as using the past to make sense of the present, rather than conceiving of it as a predictor of future behaviour.

*They might have done some horrible things, they're still a person. So what was going on? Why was that being done? Are they a product of the environment that they came from? Are they somebody who really needs some mental health help because that's why they're committing these sorts of offences?*

Anne, Unit C

*It is very much about putting yourself in that place and looking at what their life is like. What has formed them to have the opinions and beliefs they have, that maybe they think it's OK to go out and pull a knife on someone in the street?*

Leah, Unit B

*It's not them that is the problem, it's the behaviour, and their decisions at the that time. So, you know, it needs to be unpicked, and, you know, there is obviously either a trigger, or an event, or, you know, things that were going on, you know. I don't think any kid is born bad. So, I always remember that. It's just about circumstances, you know.*

Evelyn, Unit D

The process of exploring and foregrounding a young person's life experiences was considered helpful for the practitioner in terms of understanding and prioritising what

that young person needs in terms of desisting from crime, whether that be an offence-focused workshop; a referral to another agency such as Addaction; or support in re-joining education. But it was also articulated as significant for the young person to further their own understanding of what might have contributed to their offending behaviours.

*[I]t's a journey of trying to work it out isn't it. It's about understanding – Sigmund Freud said this – it's about making the unknown known. It's about saying, erm, this is probably how you ended up... And there's nothing nicer than seeing a young person's face when they say, do you know, I didn't think of it like that.*

David, Unit C

Only two participants thought a further purpose of the assessment process was to explore whether the young person felt any kind of responsibility, or guilt, for their offending.

*I have to interview young people obviously from the outset, what their understanding is of what they've done and what's happened, and all the rest of it. And then try to get a sense of their culpability for it and, erm, whether they think it was wrong at all, whether they think it was justified.*

Olivia, Unit B

*Why they done it, remorse, you know, are they remorseful.*

Andrew, Unit C

In addition to discussing the changed focus of assessments, several practitioners (12/21) from both local authorities talked of having recently received training on 'trauma-informed youth justice', which views offending as a cumulative result of traumatic life experiences (YJB, 2017b). Sometimes this practice was given an alternate name by the practitioner: '*child-centred*'; '*person-centred*'; '*trauma-based*'; a '*systems approach rather than individual fixing*', a '*therapeutic approach*'. Training for trauma-informed practice encourages the worker to take account of the impact of trauma upon a young person's



personal development, which should, in turn, direct how they work with that young person to affect any kind of change (Wright, Liddle and Goodfellow, 2016). For example, guidance for using trauma-informed practice recommends that priority be given to the building of an effective relationship between the YOT worker and the young person before any specific offence-focused work is undertaken (HMI Probation, 2017). Trauma-informed practice has been described by the YJB as a ‘developing area’ (2017b:5); but each practitioner who discussed their training stated it merely formalised practices that they believed had always been common to YOT workers. Most expressed some incredulity that it had only very recently been formalised as part of YOT worker training.

*[It] seems like people are talking about this like it's really, like, a new, wow, concept; but I don't see why we weren't ever thinking, like, how does this affect this child.*

Leah, Unit B

*[It's] probably training I should have had like years and years ago <laughs> it's catching up.*

Hayley, Unit D

There was some agreement (13/21), even amongst those who did not discuss specific training, that greater emphasis upon the context to offending behaviour has contributed to practitioners being more ‘creative’ with their young people in terms of how they run and manage supervision, and in terms of what activities they undertake with young people throughout the life of their involvement with YOT. But there were also some clearly articulated tensions between understanding that youth offending is symptomatic of need and/or trauma, and that supervision should be used to better inform practitioners of a young person’s life experiences; and implementing interventions that are clearly targeted at ‘fixing’ the individual and require overt focus upon the offence.

As case managers, YOT workers are required to meet with young people regularly throughout the lifetime of a court order. The rate of recurrence of this contact is determined both by the AssetPlus assessment and the YOT worker's own discretion, although there is statutory guidance in terms of how frequent contact ought to be, which is determined by whether the young person's 'level of need' to desist from offending is quantified as low, medium, or high (YJB, 2019c). The statutory guidance for court disposals state that the YOT workers' supervision must take account of 'the child's broader context', including their previous offending and wellbeing, both in assessing their level of need and throughout the course of supervision (MoJ/YJB, 2019). A report into contributions to desistance consistently emphasises this point and recommends that YOTs strengthen their recognition of young people's wider social needs to support their desistance from crime because it is an aspect of practice that has been weak in past inspections (HMI Probation, 2016a). Yet guidance from the YJB defines the purpose of supervision in much narrower terms as a means of addressing 'the attitudes, behaviour and thinking which have contributed to offending behaviour', and most orders include a requirement that the young person complete an activity designed to address specific cognitive and behavioural areas in which they have been judged, by the court, as deficient (YJB, 2019c). These include anger management courses; knife awareness programmes; and violence or victim awareness programmes. The obligation for the YOT worker to implement these types of supervision and orders can sit uneasily alongside this broader objective to understand youth offending as symptomatic of other disadvantages. Nearly all participants (20/21) stated that in their experience, the activity requirements ordered by courts is often ineffective in terms of reducing rates of reoffending precisely because they do little or nothing to address, in any meaningful way, their 'broader context'. As Louise describes it,

*[I]t's more kind of functional, it's more something to please the courts really, it's not really for the benefit of the young person.*

Louise, Unit D

In fact, the implementation of such interventions was described by some (8/21) as a 'tick-box' exercise: an aspect of YOT practice that does nothing beyond demonstrating that the young person (and the worker) has complied with the court. If narrowly implemented without any changes to material circumstances, it will miss opportunities to address young people's risk of reoffending. This finding chimes with other research into the practice tensions that can arise when a focus is split between welfare and punishment (Field, 2007; Burnett, 2004). But the awareness of the significance of context to behaviour also draws attention to young people's status as unfree agents – individuals who are reliant on others who have responsibilities towards them, and who may not yet have developed the cognitive skills necessary to be fully conversant of the harmfulness of their actions. Whilst there was broad acknowledgement that young people who offend must learn to take responsibility for their future behaviour, the offending that has prompted their involvement with YOT was often articulated as not, necessarily, freely chosen. The following will describe and discuss these findings.

### **5.3 From qualifying to removing responsibility**

This section discusses practitioner descriptions of the situations of many of the young people that they work with, and the specific biological, social, and cognitive aspects of adolescents that, in their experience, are most associated with offending. All participants in this study were empathetic in their discussions of young people's lived experiences and sought to contextualise and qualify their responsibility within the framework of these experiences. This process provokes the practitioner to set parameters around an individual young person's responsibility for the actions or behaviours that have resulted

in their involvement with YOT, and sometimes results in the practitioner attributing responsibility to other actors or social structures, rather than the young person. This process of understanding and qualifying the responsibility for offending can result, at times, in expressions of distress or frustration, from the practitioner, particularly when they identify offending as indicative of broader welfare needs that ought to have been addressed prior to the young person becoming involved with YOT; and/or they perceive that their involvement with the YJS is inappropriate or further damaging. For a few participants, this form of empathetic reasoning appears to 'excuse' offending behaviour, especially when it removes individual responsibility from the young person altogether. This causes them concern that the young person's involvement with YOT will be inadequate to address the offending or assist their development into a responsible person. The following describes and discusses these points in further detail and is divided into sections according to those experiences most articulated by participants as associated with youth offending.

### **Adolescence, and other cognitive impairments**

The significance of adolescence to the nature and extent of offending by young people was discussed by almost all participants (20/21). The notion of there being a relationship between adolescence and crime has a long history and has been characterised as one of the few brute facts of criminology (Hirschi and Gottfredson, 1983). There is, as Geoffrey Pearson phrases it, 'tempting evidence in favour of a biologically inspired view of youthful misconduct' (1983:224), including the regular release of statistics from official sources and self-report studies that support the idea that young people generally become more law-abiding as they transition to adulthood (Bateman, 2017). But despite some attempts to distinguish between different effects that may influence this, such as 'age effects' (maturity, puberty); 'period effects' (availability of drugs, for example) and 'cohort effects'

(those that affect all individuals of the same age who share a common experience), differences in the criminal trajectories of young people, particularly regarding the prevalence and frequency of offending, remains relatively under-researched and little understood (McVie, 2004; Farrington, 1986).

The idea that offending is a 'rite of passage' for young people transitioning to adulthood was presented by participants in this research as uncontroversial (20/21), and such claims were often accompanied by the practitioner sharing their own memories of youthful misbehaviour.

*I couldn't put 2 and 2 together at that age, I did not see that my actions had larger consequences [...] I used to go prom jumping all the time when I was younger, now I'm looking over the age thinking ooh, no, it's too high, what if I break my leg and have to have time off work?*

James, Unit E

*I was a complete nightmare as a teenager. You look back and think "I was worse than you!" <laughs> "and you're under YOT!" <laughs>. It's that feeling of immortality, and you've got more courage, more bravado when you're a teenager [...] Experience actually makes you a bit more of a coward I think <laughs> but you'd quite happily go leaping off things, bungee jumping...*

Alan, Unit D

It was common for participants to frame their own cessation from risky or illegal activity as related to their gradual development into adults, rather than because of any kind of intervention or sudden realisation that their actions could potentially be harmful. Indeed, participation in those types of activities was itself framed as part of that development.

*...I think about half the things I did when I was younger and think, what was I, crazy? Like, that was really bad, really dangerous. And I wouldn't do it now. So, I think that it's a development thing, definitely.*

James, Unit E

*I wouldn't do it now. You're having a laugh. But I just think that's what happens. And people forget that they're teenagers, they're still children, they're not fully developed.*

Alan, Unit D

*And you know, part of adolescence, we do make mistakes. God, I remember when I was a teenager, you know, the mistakes... And it is about learning, you know, it's about growing.*

Evelyn, Unit D

*Misbehaving is all part of growing up, really.*

Megan, Unit D

One of the most common links drawn between youthfulness and offending related to a lack of consequential thinking, and/or a heightened inclination towards taking risks. Sometimes this was framed as simply a common-sense understanding of what it is to be an adolescent.

*I don't remember stopping and thinking, when I was a teenager, ooh, this is wrong.*

Leah, Unit B

*A lot of young people like to take risks, but they don't know the consequences.*

Liam, Unit A

More often (14/21) it was explained as a consequence of cognitive impairment arising from the state of adolescence itself.

*...adolescence is a period of experimentation, so naturally boys will be naturally more likely to take risks [and] if you take the development of an adolescents' brain...*

Emma, Unit A

*They're probably the nearest thing to a psychopath at that point they'll ever be.*

David, Unit C; original emphasis.

*...they're not fully-fledged – everyone knows, you know, the brain isn't developed until they're 25.*

Leah, Unit B

*With the adolescent, I think the last, the last part of the brain to develop is the front lobe part, [...], and that's the one that gives you empathy, full understanding, I think, and that's why teenagers are so selfish...*

Andrew, Unit C

*...their brains haven't fully developed yet, so, it doesn't really develop until you're in your mid-20s.*

Alan, Unit D

The most common traits associated with this cognitive under-development, according to the answers given by participants, is a higher inclination towards risky activities; a lack of understanding or appreciation of potential consequences; a lack of empathy towards others' feelings, including when an action has caused someone to experience harm; and an inability to be future facing in their thinking. The expression '*they are in the here and now*' was used by several of the participants who framed adolescence as a form of cognitive impairment (9/14).

There is some empirical support for these perspectives, although it is beyond the scope of this work to explore them in any great depth. Developmental neuroscience focuses on the structural and functional alterations within the brain that occur as the individual matures. Scans of adolescent brains has shown them to be under-developed in comparison with adults in relation to the pace and efficiency at which messages travel from one region to another, and research into the decision-making capacities of young people has suggested that their judgement is impaired in comparison with that of adults, which leads to difficulties in imagining alternative courses of action; thinking through the potential consequences of an action; and deliberating between alternative courses of action (see Kambam and Thompson, 2009, for an overview). Importantly, however, much of this 'knowledge' remains speculative, and theories are often advanced on the basis of a

‘common sense’ link between behaviours observed in the social context and slow maturation ‘at the neuro level’ (Aronson, 2009:917). In a paper that considers the prospective relevance of such findings to youth justice policy, Walsh (2011) cautions that while acknowledging the developmental capacities of young people who offend could emerge as a ‘liberalizing tool’ that promises ‘a higher form of justice’, it is equally likely to act as confirmation for the need of even earlier intervention and a tougher stance. Taking an individualised approach to assessing a young person’s capacity for full comprehension and appreciation of the impact of their behaviour and decision-making might also undermine ‘the carefully constituted myth of real-world equality’ (Walsh, 2011:35).

In this research, the common-place understanding of rule-breaking being a natural part of a young person’s development, perhaps even contributory to their full emergence at the other side as an adult; and of young people as suffering impairment in the parts of their brain that in fully-functioning adults work to curb impulses and alert the actor to consequences; suggests that some of the work required to be undertaken by YOT workers to encourage greater appreciation of behavioural impacts and to develop empathy is potentially rather futile. This was also highlighted by practitioners, as was described in the previous chapter. But it also raised questions in some practitioners’ minds about whether adolescent offending should be pathologized at all.

*[Why] are we surprised these kids behave in the way that they do? They’re teenagers! We should be expecting them to behave in that way.*

Mike, Unit E

*I always find it fascinating that they’re expected to be responsible at the age of 10. [...] I think, at the age of 10, do they know what they’re doing? Why criminalise them for something silly, if it’s like criminal damage or something? I understand, like, I don’t know, if it gets more serious, then yeah, but, I don’t know...*

Megan, Unit D



Three participants suggested that the YJS ought to have some mechanism whereby individual capacity for higher reasoning and consequential thinking is considered at the point of contact and allowed to influence the nature or intensity of that young person's intervention.

*I think we need to get to a point where we think, right, it needs to be scaled based on age and the individual's development, and developmental needs.*

Jack, Unit D

Emma (Unit A) was the most passionate about this approach. She told me that legislation was '*majorly lagging behind developments in neuroscience*' (original emphasis), and that the lack of appreciation for this within policy and legislation was the most frustrating aspect of her job.

*We have an archaic system that doesn't take account of current knowledge and thinking.*

Others told me that they already adopt a scaled approach with their young people and vary their expectations of responsibility to supervision and the completion of activities in accordance with a young person's individual levels of maturation and comprehension; knowledge of which is fostered throughout their relationship with the young person.

*So there are some that, like I say, it's, they may be a little bit younger, and you're still, you know, trying to, they're still learning a lot of skills, or some of them are mentally a bit younger, and so I won't hold them so accountable because I know that they don't **have** the capability to do – they literally just don't get it.*

Rachael, Unit D; original emphasis

Anne (Unit C) expressed concerns that whilst she attempts to take young people's individual capacities into account in the way that she runs their order, she is bound, to a certain extent, by the conditions set out by the court. Young people's inadequacies in understanding those conditions and the consequences of their failure to comply can, she said, make it '*difficult for them to navigate their way through [the system] and out of the other side without running into any bother along the way*', because there are requirements on the YOT worker to breach that young person if they consistently fail to engage with their supervision. She told me that,

*Yes, the youth offending service and the youth justice system are **trying** not to criminalise young people; but actually, that's what they're doing. That is what they're doing. [...] Yes, [the court process] is all slightly more relaxed, but the outcome is still the same. They still end up with a criminal record.*

Original emphasis.

Kevin (Unit B) told me that he will avoid breaching a young person who fails to fully comply with his order if he can discern that the young person's level of maturity is not conversant to the challenge of full compliance.

*Sometimes, like with that young lad, it's the lack of, like, maturity, and the lack of intelligence within him really. I don't think at all it's the whole, I won't turn up... I don't think at all it's, if I don't turn up it will just go away - I don't think it's that at all. I just don't think it was processed well enough.*

Many of the participants who discussed adolescence as a kind of cognitive impairment told me that the vulnerability distinctive to it can be better mitigated if that young person has a supportive family, or good and consistent parental guidance and role modelling; but can be exacerbated if those kinds of relationships are missing.

*So, you're an adolescent that's naturally gonna risk take, that's naturally gonna make difficult decisions, which is normal, but because of the lack of support and structure in place, those decisions are probably going to be far more costly in regards to the consequence or outcome.*

Emma, Unit A

Adolescence was also linked by some practitioners to an increased level of vulnerability and a proclivity towards being easily led. Liam (Unit A) told me that in his experience, it was rare to come across a young offender who '*knew what he was doing*';

*...most of them, the majority of them, don't. They were preyed on or, what's the word, exploited.*

Hayley (Unit D) provided examples of young people she has worked with whose lack of emotional maturity, and desire to be liked by their peers, has led to their manipulation by more powerful, often older, individuals, into committing criminal offences.

*There's that fine line between vulnerability and intentional, negative behaviour, and it's like how, you know, because I think especially young girls who could also be vulnerable to exploitation and it's like, how, yeah, how responsible are they then, if they're doing things because they're manipulated into doing them?*

This was also mentioned by some practitioners (9/21) as a reason for wishing to avoid, wherever possible, young people who fail to comply with the terms of their order being sent to custodial institutions, where they could either be seriously victimised or fall prey to more entrenched offenders recruiting them. The vulnerability that is particular to youth makes it all the more important to understand the individual circumstances of each offence.

*...there has to be some sort of grey area, that you can't, in this day and age, you can't have it as, you did this because you're wrong, you made a decision to do it.*

Nicola, Unit B

Conceiving of youth crime as an outcome of rational choice makes assumptions that the young person commits their action(s) from a position of relative freedom. The cognitive impairments of youth, such as an inclination towards following others rather than thinking for themselves; and their vulnerability, both to the choices and actions of their care-givers and to wider exploitation, raises questions, in participants' minds, about just how free those individuals sometimes are.

The limited autonomy of young people was linked to criminality in other ways, whereby the practitioner believed the offending to constitute some effort on behalf of a young person to take some control of an aspect of their lives.

*You know, with these young people, I think you're asking me to stop doing the **one thing** I've got control over. The one thing I'm good at. Even if they're not good. The one thing I can earn money at, the one thing that makes me feel that my life is mine, whether that's theft or violence or... It's the most powerful draw, absolute most powerful draw.*

David, Unit C, original emphasis.

*I mean it [his home life] is a horrible situation, but his crime is, he made a motorbike out of a mini moto engine; half a BMX; and a wheelbarrow. And he was enjoying himself. You know? Only good thing he's ever had in his life.*

James, Unit E

*I think a lot of the time they just don't feel that they are in control.*

Hayley, Unit D

*...the anger management problems he had wasn't because he can't manage his anger – it's because he's trying to control the situation. He wants to feel like he's in control of something.*

Andrew, Unit C

Control, or its lack, was thus linked to immaturity and the unfreedom of young people to instigate changes in their lives. The perceptions that offending can be, at least in part, motivated by immaturity, was matched by a common appreciation for processes of maturity to be key to the cessation of offending behaviours. Fifteen participants told me that desistance is often underpinned by a young person simply 'growing out of' crime. Working with YOT can assist this.

*...you just sort of plant these seeds and they come to fruition maybe later down the line.*

Will, Unit A

*...you think, oh, it's not having any impact; and then suddenly, something will happen, around that time, seventeen and a half, eighteen...*

Olivia, Unit B

*Some of them, I think, they grow out of it.*

Anne, Unit C

*...a lot of the time I think we'd like to take credit for, you know, for changing them, or having some influence, but it's not, it is just literally a development of maturity.*

Louise, Unit D

*[Desistance is] often because they've grown up. I definitely think we guide them, but I think the majority of it is just done through development.*

James, Unit E

The cognitive (in)abilities of young people, outside of simply experiencing adolescence, was discussed by eight participants, who reported having to supervise young people with significant learning or other mental health impairments. Unlike with maturity, these sorts of issues are unlikely to improve as part of natural processes and require the provision of specialist support.

A lot of the time such difficulties had not been picked up until the young person was referred to YOT. One practitioner told me that she had developed a reputation within her unit for identifying autistic traits amongst her young people, but that this is frequently borne out by assessment when she is able to have them referred. Those missed opportunities to diagnose and provide support earlier can, she told me, have significant affects for the young people involved, who find themselves facing criminalisation because their cognitive impairment has not been recognised and supported or allowed to mitigate their offending.

*The girl I've worked with, I've worked with her for years, I eventually got her her diagnosis and I remember her sitting down with me at the end and going, so what does it actually mean? And I'd explained it to her a number of times, and eventually I managed to get it across, but I said, if you'd had that diagnosis when you was in school, all of this being kicked out of school, and your behavioural problems, actually, it would have been understood very, very differently.*

Emma, Unit A

A review of research evidence in 2012 revealed disproportionately high numbers of young people in custodial institutions who have neurodevelopmental disorders, such as autism spectrum disorder and ADHD, across various international contexts (Hughes, 2015a). In England and Wales, figures from 2015 show that young people with statements of SEN account for around 18% of the youth custodial population, which is six times more than in the general population (Council for Disabled Children, 2015). Cognitive and other emotional traits that are associated with specific neurodevelopmental disorders can increase individual propensity towards antisocial and criminal behaviour (Hughes, 2015b), which makes early assessment, diagnosis, and support even more crucial if young people with such impairment are to avoid being criminalised (Baldry et al., 2018). But Emma was not alone in her experience that very often, such assessment does not take

place until and unless the YOT worker identifies a need and initiates the process; at which point, that young person is already in the CJS.

*[All] of a sudden there's a raft of things this young person suddenly needs. They've always needed them, just no one's actually done anything.*

*Interviewer – So it's not until they've offended –*

*That anything gets taken too seriously.*

Mike, Unit E

Two participants talked of having to persuade their managers to fund individual cognitive assessments for young people who were not, they believed, capable of fully comprehending either the gravity of their offending behaviour or the order that they had been given in response.

*She's just had a cognitive assessment as well and that's come out as showing that she has learning difficulties, you know, she needs specialist educational provision. You know, her IQ was, I think, 70. So it's like, well... And yet the police have been, like, on to her, and it's trying to also get them to understand, you know, that behaviour, a bit more, which is quite difficult.*

Hayley, Unit D

At the time of the interview, Leah (Unit B) had just received a cognitive assessment for one young person who was returning to court because he had been caught in possession of a knife for the second time. His assessment showed that he had a learning age of nine and three months; he was, at that time, seventeen years old.

*I am **hugely** concerned about his general wellbeing and safety. He **hasn't** got the cognitive or the developmental or the emotional skills to manage appropriately in that environment. He will be either very vulnerable or he will be very susceptible to do something on behalf of someone else. [...] I really do worry. I'm so worried about it.*

Original emphasis.

Leah told me that cases like this exemplify why it is important to look at the person, rather than the offence, because: *It's **who**, it's not the order, it's the person that's going into that environment* (original emphasis).

### **Poor parenting**

The influence of parenting upon young people's development and behaviour was mentioned by all participants (21/21). Poor parenting has long been linked to youth offending (see, for example, Brown, 2005; Farrington, 1996; Graham and Bowling, 1995) and recognised in youth justice policy, although the tone of legislation has alternated between one of punishment or assistance, depending upon political context and imperatives (Drakeford and McCarthy, 2000). The swing in attitude between support and censure was echoed in participant discussions about the parents of the young people referred to YOT. Although some participants made references to the likelihood of young offenders witnessing domestic abuse in the home (5/21), or to parental inadequacy as perhaps indicative of trauma or deficiencies in their own childhood (4/21), parental failure was most articulated as an additional burden to – rather than symptomatic of – the deprivations experienced by young people; or, as the very genesis of that deprivation.

*And you think, well, how did [the young person] get out of control? Because it wasn't us that created that dynamic, that was you that created that dynamic.*

Nicola, Unit B

*Parents... <sigh> for the most part wouldn't, haven't been a parent, I don't think. [...] and that has then continued throughout that child's, you know, into their teenage years, and, yeah, that's why they are the way they are.*

Rachael, Unit D



The dependency of children and young people upon their parents as the primary sources of socialisation and nurture sometimes raised questions in the practitioners' minds about the suitability, or justice, of a young person being involved with the CJS when they break the law. This was most starkly articulated by Sophie (Unit C).

*Children can't be responsible. And I often think that the way to deal with youth crime, the simple way, to stop all this, we could move YOT out, would be that parents get punished for the kid's crimes. Because how many times do I hear, "Oh, I don't know why he's like that". And then as I'm getting into the family I'm thinking, "You don't?"*

Although this suggestion was at the extreme end of concerns about parental influence, all practitioners described young people's offending behaviour as, more often than not, symptomatic of inadequacies or abuse within the environment to which they have been subject since birth, rather than constituting a freely chosen action that is reflective of a young person's character. Poor role modelling by parents was mentioned by almost all participants as a contributory factor to young people offending, as was the concept of offending itself being a learned behaviour (20/21). Sometimes, a young person's offending was explained as a direct consequence of, or reaction to, the kind of parenting that they experience, or the quality of their home life.

*You can go into the family, you can look at some of the rules and the way he's treated, and think to yourself, no wonder why he's kicking off a bit.*

Andrew, Unit C

*I always say that if I was brought up like that young person was, or had the experiences they've had, who's to say I wouldn't have done anything different myself, you know?*

Will, Unit A

*[The offence] was against his own father, for what most people would consider very good reasons.*

Jack, Unit D

*I think they were failed by other adults before they did what they did.*

Anne, Unit C.

*Before I started [working in YOT] it was very much, the young person is responsible for their own offending behaviour and we will do what we need to do to stop them from offending. And now the bigger picture is [...] that actually it comes from the home...*

Nicola, Unit B

*Those kids in custody, they've had no real upbringing. They've brought themselves up. They know no other way. They're fight or fly. They will fight.*

Alan, Unit D

YOT practitioners have been described by Eadie and Canton (2002) as 'practicing in a context of ambivalence', because they must reconcile their knowledge about the circumstances of an offence with their statutory obligation to deliver punishment. Eadie and Canton (2002) argue that the ideal, reflective practitioner will manage this tension by using their own discretion and judgement throughout their relationship with a young person, rather than approaching supervision as a means of implementing court-ordered interventions in a narrowly instrumental way, which could exacerbate offending behaviour or miss opportunities to reduce it. There were certainly examples of this type of discretionary practice provided by practitioners in their conversations with me, which will be explored in the next chapter. But it was also the case that this process of reconciliation between knowing about a young person's background, and implementing their punishment, can be a source of some distress to practitioners.

*You know, we can't provide everything that the family is supposed to be providing, so, for instance, I'm pretty sure some of our offenders offend because they want physical contact. Like you get a hug at home. It breaks my heart because I know what they're doing. Sometimes they assault police officers over and over because of the contact, which is heart-breaking. So things like affection, you can't prescribe that. Where are they going to get that from?*

Louise, Unit D

*I had one young person that was living in a car. And you know, I took him back to his family home, and his mum said no, he's not coming back. And I said, you're his mother. I know he's done bad, but it's not him, it's the behaviour – you still love your son. You know. I know it must be very frustrating for her and everything, but you think, this is a 15 year old that is **sleeping in a car**. We've had young people sleeping in tents. And I just think, you know, ultimately, they need love, they need support. You know?*

Rachael, Unit D; original emphasis.

*And actually, what that kid wanted was nurture. He thrived on nurture.*

Emma, Unit A

*I feel like sometimes, obviously I don't do it, but sometimes I feel like some of them just need a big hug and a parental figure to say, yes, you've done bad, but come on now, let's move your life forward.*

Nicola, Unit B

*And I'm thinking, in my head, I'm thinking, how am I more concerned about your son, being a professional, rather than **you**, being his own mother? Like, how? And she's, ugh...*

Kevin, Unit B; original emphasis.

Criminal resolutions were not, then, always considered by practitioners to be an appropriate response to behaviours that were largely understood as symptomatic of a young person's vulnerability, dependency, victimisation, and limited influence over their life, which can make that process of 'reconciliation' quite difficult. This was further demonstrated by a reluctance from some practitioners to hold young people to account within the terms of their order when they have identified that their behaviour is linked with parental failure. For example, the imposition of a parenting order on the mother of one young person under YOT supervision appeared to indicate to the worker that the responsibility for the young person's shop thefts had already been established. When the young person failed to comply with the terms of his order by consistently missing appointments with the worker, she took the decision not to pursue it any further.

*He's 13, so part of me thinks actually it's down to the parent. More so, erm, especially, when they're on a parenting order. So why, why would I criminalise him for it, to an extent. What benefit is that to anyone.*

Megan, Unit D

Rachael also told me about her own disinclination to breach a young person who fails to attend appointments with her because,

*A lot of the time it's their **parents**, as well, that aren't being supportive getting them to the appointments or whatever it might be.*

Rachael, Unit D; original emphasis.

A different young person, who was described by the practitioner as '*slightly engaging*' with YOT, also failed to comply with certain terms of his order but did so much more publicly by neglecting to attend an arranged appointment with the police at his local station. His failure to appear led the police to initiate some punitive action against him, but the YOT worker felt that this was unjust, and he had to, he told me, '*battle with the police*' to give the young person another chance to attend. The responsibility for the young person missing that appointment lay, he felt, with himself, or with the mother; the young person should not be punished for it.

*I feel partly responsible because I think, I sort of think, I **could** have got you there, but I had another appointment with another young person which, kind of, makes it fair, across the board... but then I'm thinking, well, mum, **you** should take part of the responsibility to get him there.*

Kevin, Unit B; original emphasis.

When I asked whether the young person, as the architect of the offence, and recipient of the order, ought not, perhaps, be the person responsible for compliance, Kevin explained:

*Well, calling mum, you know, I said, please ensure he's here, **he** needs to take this responsibility, you know, but also, it's... It's part responsibility. [...] I've sort of said to mum, you know, you are the adult, you know? And this young person [is] mirroring you; mirroring your behaviour. So, take some responsibility for yourself, and at least try and shine in a positive light.*

Original emphasis.

Kevin's work with the young person and his family had alerted him to some indicators of neglect in the young person's home. The fact that the young person had committed several food thefts suggested that he was not being well looked after, and mum's interactions with her son were often negative and aggressive. Further, Kevin perceived that the young person's criminality was 'mirroring' mum's own behaviour. He concluded that,

*I think part of it, for this lad, he's being punished for his mum's lack of parenting. Which isn't fair.*

Kevin's perception that his young person had not been taught by his mother to understand and take responsibility for his actions was discussed by several other practitioners. Developing a sense of personal responsibility was an aspect of child socialisation that was simply not being taught by parents of young people who offend; or parental inadequacy in this area was limiting a young person's opportunity to learn it through observation and imitation. This affected the young person's ability to understand consequences, and to engage with processes that were designed to hold them to account for wrongdoing, such as involvement with YOT.

*I suppose they, you know, being brought up with a lack of structure, it means you're not, you know, you don't necessarily think, you know, you don't worry if you miss an appointment.*

Hayley, Unit D

There was also some reluctance on the part of some parents to accept that their child was personally responsible for what they had done, and those parents sought to find other factors that could explain their behaviour.

*Some parents are very quick to try – he’s got this, he’s got that, he’s got this <bangs table for emphasis> so they’ll give them a diagnosis as an excuse. Some of them do have diagnoses, some of them don’t. And [it’s] simply because there hasn’t been any boundaries there, so [...] it’s just escalated.*

Rachael, Unit D

*And they’ve all got ADHD, every single one of them’s got ADHD, still, even though we’re supposed to be moving away from that, sort of, just diagnosing people for no reasons.*

James, Unit E

This aspect of parental influence upon young people’s proclivity towards offending tended to be articulated in terms of the parent being overindulgent, rather than neglectful or disengaged. One young man who had smashed his house up was described as a straight A student with a pleasant home and a supportive family.

*I think with him it was more spoilt brat syndrome if you know what I mean, without sounding horrible, but he was a very very lovely lad [...] I think he’s too loved, he’s quite a spoilt lad.*

Andrew, Unit C

Some young people, Rachael (Unit D) told me, had been ‘*too mummied*’.

*...and you know, his mum said, I’ve made him that way [...], she had allowed him to get, you know, he’d be the kid throwing sweets in the trolley at the supermarket, and she wouldn’t be, “No, we’ll pick one bag”, you know, it was, “Yeah OK, yeah yeah yeah”. And she said, “I’ve allowed him to be like that and now he thinks he can just get away with whatever”.*

These young people, having never had to do anything for themselves, become entitled; unable to take personal responsibility when their actions have harmful consequences; and inadequate to the challenge of improving themselves without significant support.

*...they've probably not got the skills to sort of think about the consequences, because, it may be that there's always someone there to pick up the pieces...*

Evelyn, Unit D

There was some consensus that parenting practices can be too 'soft', and that this places young people at a disadvantage (7/21). Twelve practitioners told me that many of their young people have experienced a lack of boundaries throughout their lives, primarily from their parents, which has contributed to their eventual involvement with the justice system.

*I can remember the first time I got a clump off my dad and I did not do that again. I'm not, obviously, suggesting that I want to take the kids in here and smack them, but it's the carrot and stick thing. If at one point, if that stick was harsh enough for them, they wouldn't do it again.*

James, Unit E

Jack (Unit D) told me he had heard similar suggestions from the young people he works with. Jack's perception was that boundaries are important for teaching children and young people how to behave appropriately, and to understand consequences; but he did not agree that effective parenting ought necessarily to involve punishment.

*One of the things that young people always say to me is that things should have been tougher earlier on, in terms of punishment and stuff like that. Which I disagree with, but it's interesting that they have that value.*

At the other end of the scale, there were examples of parents who *do* react much more punitively when their children misbehave; but this was also considered to be harmful, because it stigmatises the young person, re-enforces a negative self-image, and excuses the parent for their own contributions to the behaviour.

*[I]t's just all shout, language, it's kind of, "Oh you have to go here!" and "They're just gonna come and arrest you!" That's not, that's not what's gonna happen. So she's sort of saying –I know when I spoke to her today she's sort of saying "Oh I threatened him that if he doesn't attend they're gonna arrest him tomorrow on his birthday", so, it's kind of trying to educate her to sort of say, why, like, **no**.*

Kevin, Unit B; original emphasis

*I think parents put the onus on the young people. They say, well, they did it, it wasn't us, it was them. So it takes a lot of work to get them to understand that actually, it was the contributory factors that created the crime. I don't think they take responsibility at all, really. They almost go back into a child-like state.*

Nicola, Unit B

*They [the young person] get blamed for everything, so if the family's dysfunctional, it's the child's fault, which is rubbish.*

*Interviewer – Who blames them?*

*Families. Parents. I've had so many parents going [...] "Oh well it's his fault". It's like, well, actually, he's 15 years old, there's two adults in the house, and you're blaming him.*

Alan, Unit D

Practitioners also discussed looked after children and their pathways to involvement with YOT.

Children in residential care are more likely to be criminalised than those in the general population, and are more likely to have experienced disadvantage, trauma, and abuse, and to be at risk of criminal and sexual exploitation (Howard League, 2017). They are also more likely than other children to receive sentences in custodial institutions. In 2015-16 it was estimated that around 39% of those held in secure training centres had been in care, despite children in care accounting for just 1% of all under-18s in the general



population (Oakley, Miscampbell and Gregorian, 2018). Nicola (Unit B) described the over-representation of looked-after children in her own Unit as an ‘*obvious*’ outcome of their ‘*traumatised childhood background*’:

*...they’re kind of pre-destined, really, to end up in some sort of crisis, that then results in needing us.*

This was echoed by Evelyn (Unit D) who expressed frustration that the circumstances of a young person’s life are often contributory to their offending but not allowed to mitigate their treatment when they are caught.

*They’re so quick to press charges and all that, but there is a reason why they’re in care! You know? And it’s like, actually, these are very damaged young people and children [...] but there’s other ways that you can deal with it rather than, you know, going down the criminal route. So. Sometimes I just think why, why, why, why are they actually in the criminal justice system?*

Alan (Unit D) had experience of working with a looked-after child whose traumatic experiences were linked directly – Alan believed – with his proclivity towards violent behaviours. At the time of the interview Alan was preparing for a meeting in which he would advocate for this young person to be better understood as harmed, rather than harmful.

*[So] one lad’s very traumatised, so he’s got, he has flashbacks, and when he has flashbacks that’s when he gets angry. He’s got to get out, otherwise he’ll turn it inward, and then you’ve got trouble. So I don’t think he’s responsible, but he’s going to lose his accommodation because he’s breaking things in the house because he just gets so frustrated. [...] So, we’re having a meeting today about that, and say look, you can’t kick him out, this is what’s happening, he isn’t **responsible** for his actions.*

Original emphasis.

In addition to discussions of adolescence, learning difficulties, experiences of being in care and inadequate or neglectful parenting, practitioners referred to other issues that, in their experience, are linked with young people offending.

### **Other articulations of diminished responsibility**

Six practitioners talked of cuts in funding to youth services, especially youth clubs, which has left young people with nowhere to go and nothing to do in the evenings. Discussion of this 'push' towards involvement in crime was often rhetorical, with offending viewed as a natural consequence.

*So then you go and shut all the youth provisions and there's nowhere for them to go other than to hang around and you're going in at 13, no one cares, so you're out until 12 at night, not in any education, what are you gonna do?*

Emma, Unit A

This type of social deprivation was articulated as more significant when it intersected with other deprivations in terms of the quality and safety of a young person's homelife and their involvement, or lack of, in education, and with law-abiding peers.

Education, or rather its lack, was discussed by every practitioner as a common factor in the lives of the young people they work with, and some (9/21) practitioners articulated schools as being partly responsible for a young person's offending. Their explanations for this viewpoint were strikingly similar: the education system expects all children and young people to conform to often rigid rules regarding behaviour and personal expression, which is detrimental to personal development and processes of maturity and is constructed from assumptions about learning ability and styles which alienate or stigmatise young people who cannot (rather than opt not) comply.

*The system how it is, **life** how it is, sets them up to fail. From the word go. Thirty kids in a classroom, in that environment, they just can't do it.*

James, Unit E; original emphasis.

*To me school should be teaching about being individual but we're still so conformist, it's so conformist. [...] we're very stuck on rules, rules rules rules, the rules say this and the rules say that. Be yourself, you know, da-da-da, but you have to **conform**. [...] I think we have to ask ourselves, are they alienating certain children?*

Leah, Unit B; original emphasis.

*We sort of do these questionnaires and say, 'what's their learning styles?' and stuff. And yet, a meeting will be arranged in a room, or we'll put you in a school in a classroom, you know...*

Will, Unit A

*You've got academic kids and non-academic kids trying to be made academic. If you're not into that sort of thing you're not into it. It's just not gonna work. [...] I think it's a stich-up a lot of the time.*

Mike, Unit E

These perspectives chime with recent research on educational provision for young people in custody, where those interviewed expressed feelings of detachment from education, dislike of school, and a sense that it was not for them (Paterson-Young, Bajwa-Patel and Hazenberg, 2021). In the present study, practitioners perceived that offending was a natural consequence, for some young people, of their having too much free time, too few legitimate opportunities, and a lack of self-belief – often exacerbated by school exclusion or alienation – that they could be capable of more aspirational activities than engaging in offending; especially where this lack of provision intersects with other deprivations in terms of their homelife.

As discussed in the previous chapter (s.5.2), it was common for practitioners to express a belief that YOTs are distinctive within the YJS for focusing on the broader context to offending (20/21). Some also expressed frustration this was not allowed to mitigate a young person's responsibility prior to their being charged and referred to YOT.

This was commonly directed at the police, for ‘*targeting*’ young people the YOT practitioner perceives to be vulnerable; and the courts, for treating offending as indicative of a flawed character rather than symptomatic of past or ongoing trauma or deprivation. For example, James was very animated about a young man who had been referred to him by the courts for supervision and completion of a Road Safety Course, after he had been arrested for driving a home-made vehicle on public roads.

*[There] is a completely different side to this story, and the only one that is ever going to be reported to anyone will make him seem like a thug riding about on his motorbike. But there is a complete... That’s just the tip of that typical iceberg thing, where there’s so much more going on underneath.*

James, Unit E

The young man in question had an alcoholic mother and should, James told me, have been taken into care long before the offending occurred. He was not attending school because he believed he had to care of his mum. The vehicle he had constructed was ‘*the only good thing he’s ever had*’; and the course that he had been ordered to complete was, James believed, an utterly inadequate response to behaviour that was indicative of a need for protection and guidance, not correction and punishment.

*Yes, I’ll do some work on road safety, but the main cause of this is that he’s got nothing and thinks he’ll never amount to nothing, and I want to change that [...] We’re not – there’s no point treating the effect.*

*Interviewer – So what sort of things will you do with him?*

*Er, play a lot of pool and just talk like human beings, do you know what I mean? His week consists of him walking around with all the local drunk adults underneath the bus shelters with his mum. Just to give him a sense of normality [and help him] see that he’s got more potential than he thinks he has.*

Evelyn (Unit D) told me a similar story about one young man who had experienced considerable trauma in his personal life and *'on one occasion he just lost it'*. She was frustrated that the life circumstances of this young person had not been allowed to mitigate his responsibility for the offence and concerned that his being charged, rather than helped, would exacerbate that behaviour rather than prevent its recurrence. Like James, who wished that the courts would look *'underneath'* a behaviour to find its genesis, Evelyn wanted them to *'look behind'*.

*...on one occasion he just lost it. Which, actually, is quite understandable, and now he's in court for it, and you just think, should we be criminalising? You know? Should you actually really be criminalising for the way that he dealt with it? It wasn't the most appropriate, and someone was injured, but if you look behind it...*

The appropriateness of a criminal justice response to offending was also observed as unjust when the practitioner discerns that earlier or more effective intervention or support could have prevented behaviour from escalating to the point of offending. This was especially true in relation to young people experiencing chaotic, neglectful, or abusive homes; and having learning or other cognitive difficulties that have not been identified and treated (10/21). Liam's (Unit A) comment to me about this was illustrative of this general feeling.

*I think, by the time they're in the justice system, it's a failure of other agencies to take care of them.*

Because it was so common for participants to tell me that the court ordered work was inadequate to address the broader contexts of offending behaviour, I began to probe for greater detail about what they believed *ought* to be done with young people who are perceived, by the practitioner, to be non-responsible, or only part responsible, for their

offence(s). Their answers contribute to the following chapter. Tellingly, most participants (15/21) told me that one of the most important aspects of YOT supervision was to improve a young person's self-esteem, so that they have a better chance, in the future, of coping with and resisting the criminogenic pressures that they are subject to. Poor self-perception and immaturity were the only common characteristics attributed to the youth offending cohort, by participants in this research, that are innate and malleable rather than external and/or inflexible.

### **From explaining to excusing**

Whilst knowledge of a young person's background was articulated by all participants as important for them to know about, this did not – for most – necessarily infer that it was unimportant for the young person to experience some accountability for their choice(s) to offend. This seems contradictory to the empathic descriptions of these young peoples' lives that are described above, and this will be explored in greater depth shortly. For present purposes, it is necessary to consider the very few participants who perceived that these empathic approaches to contextualising and understanding youth offending risk excusing the individual from their personal responsibilities. Although only four participants expressed this view, five others told me of their perception that some of their youth justice colleagues believe that paying overt attention to the causes or contexts of crime was 'woolly', 'airy-fairy' or 'fluffy'.

Mike (Unit E) told me that trauma-informed ways of working can '*give an explanation to some situations*'; but he was concerned that this can be translated by the YOT worker into, '*if that's happened to you, [we'll] automatically give you a bit of a discount*', rather than contributing to any real analysis of whether the offending behaviour can be clearly linked to past experiences.

*Everybody is looking for an excuse for the behaviour rather than looking at, is there a link between the past and today. No doubt in my mind, most of the time there is, but it's just the assumption that is made that there is a link.*

This tendency was not specific or particular to YOT, in Mike's opinion, but was one part of a broader cultural tendency to under-emphasise people's individual responsibilities for their personal lives and disadvantages. There is too much expectation around entitlements and not enough '*around what your responsibilities are*'.

*Everybody that works with young people will tell you, you go into half the houses, there's no food, you've got to take a food parcel round, but they're sitting in front of a 60-inch TV with Sky. Yeah? Mum and dad are sitting there smoking like chimneys. There's no link between...*

This was echoed by James (Unit E), who believed that what he considered to be modern tendencies towards protecting young people had gone '*too far*', and that this was impeding their personal development. He told me about being beaten by a group of older males when he was a teenager and said that that experience had helped him to move away from the problematic behaviours that had peppered his formative years.

*We know that the answer is definitely not beating children, but then so many people talk about how those hardships and stuff formed them, how they are today; but we want to **protect** everyone so much from these hardships, and we're doing so much to stop and sort of stress or anything coming into them, but actually, I think it makes them worse in their development.*

Original emphasis.

This of course relates to the idea that responsibility is an aspect of human development or behaviour that is not being taught to some young people, as discussed above. But this inclination towards protection could continue to harm young people's personal

development if it was mirrored in their supervision at YOT, James believed. His own approach was to acknowledge a young person's personal difficulties but stress their agency in terms of how they respond.

*I always say to my young people, it's like my catchphrase now: it explains but it doesn't excuse.*

Rachel (Unit D) did not appear to share Mike and James' concerns that tendencies toward contextualising offending may inadvertently excuse young people from their responsibilities for it; but she did express some apprehension about her own practice with a young person whom she perceived to be particularly vulnerable, and the nature of that apprehension reflects the points that James makes here. At the time of the interview, Rachael was coming to the end of an order with a young person with whom she had been working for almost eighteen months. The vulnerability of this young man, which was a consequence of the various difficulties he had experienced in his life from early childhood, had provoked Rachael, as she described it, to have "...*definitely, erm...* <pause> ***assisted him in not being taken back to Court***", when he failed to comply with the terms of his order (original emphasis). She had done this in two ways: by deciding against taking formal action against him, such as issuing warnings or initiating breach proceedings, when he did not attend his appointments with her; and by employing supportive strategies such as sending reminders by text message to try to improve his likelihood of attendance. As he was now approaching his eighteenth birthday, Rachael was having to prepare for a transferral over to the adult Probation Service; and she was worried that a lack of accountability, in his experiences of youth justice with her, might contribute to his not managing himself appropriately upon that transferral.



*...he will have to move over to Probation soon, and I'm becoming very aware... <pause> He's got various, erm, issues, and I'm becoming very aware... <pause> I've not allowed him to, sometimes, take enough responsibility, erm... <pause> And so I am trying to make sure, now, I said, look, you know, this is what's gong to happen, bla bla bla bla bla, so... Previously – to be fair, he didn't have a phone, but – I'd always contact mum, and I'd sort everything out with mum, erm, and mum's become quite reliant on me for things as well and I feel like I... <pause> If he doesn't, then, succeed when he moves over to Probation, I'm gonna be partly responsible for that. Because I haven't enabled him now to take enough responsibility. So now I've said to him, right, you've got my mobile number, I've got yours, I will text you, I will remind you, he's a person who needs a text to remind him, but if you can't attend, or there's something else going on, **you** phone me now. Not mum, not dad, **you** phone me, I said, because that's what it's going to be like...*

Original emphasis.

Rachael's concerns about the level of support she had given to this young man illustrates the often-difficult line that YOT workers' tread between acknowledging and responding to the problems a young person has had and may still be experiencing, and their broader responsibility to equip them to leave YOT with the skills and demeanours that can enable successful longer-term outcomes (Grandi and Adler, 2016; Dubberley et al., 2015). In terms of the YOT workers' relationships with young people, this line could perhaps be conceptualised as constituting a distinction between exhibiting care *for* a young person and taking care *of* them. In this example, that means the difference between the young person relying upon his mother and Rachael to alert him of and motivate him to attend appointments with her, and Rachael fostering an expectation that from now on he will take responsibility for managing his attendance and communicate directly with her.

*And he's so vulnerable. He does not see himself as being vulnerable. Me and mum see him as being vulnerable and so... And I have become, sort of, like, I want to protect him, and I want to look after him, and I want to keep him safe, but I also know that I can't, I can't, I can't do that, so I have to kind of let go of the reins a little bit, and let him have his freedom and take responsibility for his actions and, when he can't attend an appointment, he needs to be telling me that now... And I think he'll, you know, he'll be OK with it, but, you know, he's... Like I say, he's had a lot of difficulties in his life, and mum's always fought his corner... And I think I've taken that on as well <laughs>.*

Rachael, Unit D

There were also some echoes of James' concerns about the potential for YOT practice to perhaps mislead practitioners about the inevitability of offending because of trauma or other disadvantages. For example, Jack (Unit D) was mindful that many young people experience adversity but do not offend. Jack acknowledged that the repetition of factors as significant to a young person's offending can potentially skew a YOT workers' perception of that behaviour as normative, when in fact,

*...there's a lot of looked-after children that aren't offending, but we don't see them.*

Similarly, Will (Unit A) told me that,

*...there's all this training about their upbringing and what's happened, and there might be some people who say, well, actually, he's just a naughty boy. You know, that's what it is <laughs> And it's true, you know.*

But of those practitioners who expressed the belief that acknowledging contributions to criminality does not and should not 'excuse' an offender of their accountability for the crime, each made the same point: that effective YOT practice should not involve the enforcement of a young person's responsibility in a way that attributes blame. This is demonstrative of the value-laden ambiguity of the term 'responsibility', which can mean both action-attribution and moral judgement. Articulating young people as 'accountable' for their offence, because it was their action that caused the harm, was non-controversial. The 'responsibility' for the offence, however, was much more contested and individualised, and made relative to the particular social, economic, and psychological situation of each young person.

Mike and James were the two participants most concerned that YOT workers sometimes excuse young people from their responsibility for their offence(s), but the concept of excuse-making as being potentially harmful to young peoples' development was discussed by a much greater number of participants. Data presented so far in this chapter demonstrates that for almost all participants the process of learning more about a young person's life can contribute to a perception, on their part, that the 'cause' of the offence(s) is external to the individual; and that this can provoke a feeling, on the part of the worker, that the young person with whom they must work bears only part – or perhaps no – responsibility for what they have done. But there is an important difference between acknowledging that conditions are unfavourable toward the recognition or exercise of good choices; and conceptualising choice itself as entirely absent. This is not merely a theoretical distinction, but could, perhaps, have real-world impacts upon young peoples' development and their desistance from crime. This is a perception shared by participants. Thus, even though practitioners themselves frequently claimed, to me, that some of their young people offend *because of* external and internal conditions, such as immaturity and upbringing, there was a general belief that such attitudes ought to be challenged if they are expressed by the young person directly. This is because it suggests a perception on the young person's part that they were powerless to do anything *but* offend. For example, David (Unit C) told me about conversations he has had with young people about their backgrounds and experiences; and how rewarding it is to see young people come to realise that their behaviours can have a genesis in something other than a bad character. But, he told me,

*Part two of the conversation is about saying <laughs> well, it is kind of your fault, because you did have... <long pause>*

*Interviewer – ...Choices?*

*Yeah.*

David's concerns that young people may seek to attribute blame elsewhere, rather than reflecting upon anything they themselves could have done differently, was echoed by several other practitioners (13/21).

*And also, you don't want them to go away with the message of, it's not my fault, my mum and dad... It's such a fine line between them blaming other people and it become that blame culture again rather than accepting...*

Nicola, Unit B

*...they are the one who is doing such an action, so until they take responsibility for that, instead of blaming everybody else, I don't think it's very likely that they're gonna be able to change it.*

Anne, Unit C

It is not only the young person's self-perception about their offending with which practitioners are concerned. Despite the common acknowledgement that the situations of the young people with whom they most commonly work are challenging, and often conducive to deviant or troubling behaviour more broadly, seventeen participants stated that the fact of the young person's agency remains.

*...I think there's a lot to do with what's gone on in their lives, what their background is, what their situation is, but there's normally a lot of choice available. [...] [and] I believe that if you're given a choice you have a responsibility. And all the young people have that responsibility. I've never come across a case where you could turn around and say there was no point at which that kid could not have made a different decision. But their decision making is heavily flawed.*

Mike, Unit E

*I know circumstances might influence it and everything like that but at the end of the day, you know, there's right and wrong [and] it's their decisions.*

Evelyn, Unit D

The common link between these perceptions is the notion that if young people are encouraged to view their offending as a natural consequence of immaturity and susceptibility, or as an inevitable reaction to circumstance, then their realisation as autonomous beings who can choose well will be compromised.

It seems straightforward to claim that all beings are shaped, at least in part, by their heredity and environment (Hopwood et al., 2012; Bleidorn et al., 2009; Johnson, McGue and Jrueger, 2005; McCrae and Costa, 1999); but if we accept the proposition that this, and the situations we find ourselves in, are the edicts for any actions that we ultimately perform, then our behaviour can always be explained by factors and forces that originate outside ourselves. This is the sort of discussion that is largely discouraged within philosophy, because it suggests that no one, ultimately, is responsible for what they do, which renders the concept of autonomy impossible (Wolf, 1990). But there are other compelling grounds on which to reject the notion that young people are passive objects upon which things happen, rather than instigators in their own right; and to challenge the implicit assumption that young people merely reflect their experiences and contribute nothing of themselves. To understand these, we must briefly visit the literature about child socialisation, which is the process by which individuals are guided to become competent members of society (Kuczynski and de Mol, 2015).

There are multiple sources of social guidance in most children and young people's lives, including their parents, peers, schools, and the media; but parents, or any other primary caregiver, are commonly regarded as the most significant of all agents of socialisation, who will lay the foundations for their child's interactions with the wider world (Rotenberg, 1995). Early theories about socialisation tended to position the acquisition of values in children and adolescents' as being the direct result of the action and practices of parents (see, for example, Wrong, 1961), but these have been criticised for determinism and the implicit assumption that children are naturally inert. For

example, the notion that parents are the ultimate arbiters of children's values and actions has been described as reducing processes of socialisation to something of an 'automatic copying process' in which children passively accept and reflect whatever knowledge is transmitted (Barni et al., 2011:106). This is, according to some, a 'serious simplification' that is 'elitist' in its failure to grant children their status as social actors (Alanen, 1988:58-9; see also Collins et al., 2000; Thorne, 1987). Accounts of children and young peoples' actions that subsume their genesis within a paradigm of socialisation-as-action also rest on assumptions of linearity, which paint them as victims of all the influences external to them, against which they are unable or unwilling to resist. These assumptions have been observed and criticised within the research tradition (see, for example, Coraso, 1997) and their rejection contributes to the contemporary positioning of ethnographic approaches as integral to the study of childhood (James and Prout, 1997). Ethnography, it is argued, allows children and young people to be seen as competent informers and interpreters of their lives, and for their accounts to be centralised within analysis (James, 2001). Alanen (1988) argues that if we reject deterministic or linear accounts of socialisation then we must acknowledge that children and young people are social actors who have agency, 'no matter how much they appear as victims in their various real-life situations' (p. 60).

This does not, though, address the fact that freedom – including the freedom to choose – can be dependent upon social conditions. This is especially relevant for children and young people, because social norms and structures that subordinate childhood to adulthood, and restrict children and young people's participation in social life, could well preclude them from inhabiting spaces of autonomous action (Hafen and Hafen, 1996). The specificity of children and young people's experiences of freedom, as distinct from that of adults, is not particularly well explored within the literature about autonomy-as-freedom; but it has been noted that freedom is almost always relational, because its nurture or degeneration requires the involvement of others (Dauenhauer, 1982). This leads some to

conclude that the position of children and young people as dependents need not necessarily preclude their capacity for exerting autonomous action (Mühlbacher and Sutterlüty, 2019). Yet this perspective ignores the necessary reliance of children and young people upon their guardians to support their exercise of agency. Kuczynski and de Mol (2015) point out that while parents and their children may equally be agents, they are unequal in terms of power; and younger people may need to enlist the aid of others to act on their behalf when they cannot exert their own influence, or require access to social, material and other resources under parental control (see also MacIntyre, 2009; Kuczynski, 2003). Thus, children and young people may well ‘continue to act, interpret and resist as agents’, but their ‘effectiveness as agents’ can be diminished by cultural contexts (Kuczynski and de Mol, 2015:9-10). But constraining agency does not disappear it. In her summary of ‘child types’, from Ariès’ small adult to the ‘universal child’ with Basic human rights, Moqvist (2003) notes that every conception of the child necessitates a relational adult other to be understood; but this should not undermine appreciation for the innate competencies of young people. Rather, it suggests the need to maintain balance between protection and self-determination (see also Lowden, 2002), which recognises that children and young people constitute ‘vulnerable but competent’ individuals (Moqvist, 2003:117). Their capacity for present and future autonomy should be nurtured as an essential aspect of human development (ibid; see also Kuczynski and de Mol, 2015; Roose and Bouverne-De Bie, 2007; Johansson, 2001; Freeman, 1997).

This is the balance that participants, in this study, demonstrated in their stories about the young people with whom they work. Whilst they may concede, in confidence, to me, their own feelings that these young people have often been let down by adults in their life; that their ability for acting well has been seriously undermined by those experiences; that young people generally are likely to share predispositions toward short-termism, and struggle with inhibiting factors such as empathy; they still retain a commitment to the

concept of young people as act-makers with agency, whose capacity for autonomous action should be nurtured through their involvement with YOT. The following section describes these perceptions.

#### **5.4 Judging the need to learn responsibility**

Data presented in the previous chapter illustrated how practitioners prefer to build a relationship with the young people with whom they work. This is, of course, a very one-sided narrative of how the relationship between worker and young person develops; and what characterises it and makes it distinct. This is an unavoidable consequence of data that wholly focuses on practitioner perspectives and does not include the perspectives of young people. I was interested to know, however, whether the practitioners in this study believe that their efforts toward building a productive relationship with young people, and their focus on the whole person, rather than the offence, has some discernible impact, to their mind, on how they are perceived by young people. I approached this by asking them whether they believed young people see their referral to YOT as a punishment, or something else; and whether they think this perception alters as time progresses. The results were rather mixed. Nine participants thought that most young people think of their referral to YOT as being a punishment; but four said that they believe this perception to change, as the relationship progresses, toward perceiving YOT as a support instead. Six told me that they think young people perceive it as both punishment and support; the punishment element arising from the fact that the referral is usually not voluntary. Six answered purely in terms of their perceiving it as a support, rather than a punishment; and five said that some young people welcome YOT involvement, because they feel supported and listened to. One participant had been referred to a YOT as a young teenager, after breaking the law, and they describe their perception of the process below.



Their pseudonym has been removed to protect the confidentiality of the data they provided for this research.

*...I used to think [...] they're just wasting my time. Yeah, I did think of it as a punishment. But also, I felt lucky; being on an order rather than being in prison was much better. But later, a few months later, I started to feel like, they're trying to help me change; they're trying to help me; they just want to support me to do well in life and come out of the order. So, I started to realise that yeah, they're actually trying to help me and support me.*

I also asked participants what *their* perception of a YOT referral is. Is it a punishment, or is it something else? The most common response was that a YOT referral is an ‘*opportunity*’ for the young person (16/21); a way of accessing support that might have been missing in their lives until now and learning lessons that will be useful for their development into adults. The concept of ‘responsibility’ is centrally important to these lessons. The reluctance of practitioners to overly focus upon past negative behaviours, and the encouragement toward young people to situate their offending within the broader context of their lived experiences, does not mean that practitioners negate the significance of young people’s personal responsibilities. Instead, their capacity for agency in terms of how their life will progress from now on is central to the interactions between youth and YOT worker, and this forms the substance of the chapter that follows.

The notion that YOT involvement with a young person constitutes an opportunity for the youth to develop a sense of responsibility implicitly conveys some assumptions, on the part of the practitioners interviewed for this study: that these young people are not responsible beings at the moment of their referral to YOT, but that they are capable of becoming so. There are aspects to these assumptions that require some further explanation before we can explore what is done with young people, because responsibility

is a value-laden term that can be used and interpreted in distinctive ways to mean quite disparate things.

The data presented in this chapter indicates that it is not uncommon for practitioners, once they learn about the specific context of a young person's offending and details about their life more broadly, to attribute the responsibility for that offending to persons or situations other than the young person. This leads to the articulation of a young person as being not responsible or less responsible for their offence(s) even when their involvement in the offending is without dispute. This represents an interpretation of responsibility that, for the purposes of clarity, can be defined either as 'moral' or as 'personal' responsibility. Attributions and negations of this kind of responsibility focus attention upon the act-maker and their relationship to the wider world. The second way that responsibility can be used refers to what can be defined as 'action-culpability'. This focuses attention upon the actor as being the mechanism for issuing an action. Some practitioners also used the term in this context, as illustrated by Anne's (Unit C) comment below.

*Are they responsible? I mean they **are** responsible, we have to sort of put that to one side because they've been **found** responsible by the court, they've been found guilty or they've pleaded guilty, so in that sense they **are** responsible...*

Original emphasis.

According to the data gathered for this study, the action-culpability of young people referred to YOT is not in doubt. Indeed, as Anne indicates, it is not something with which these practitioners are very much interested or concerned, since the action-culpability of a young person is determined by others. Young people's personal responsibility is a much more relevant and contested area for YOT workers. At times it appears to be negated by a practitioner: either by reference to outside influences and/or other actors, in discussions

about specific young people; or by virtue of youth, whereby young people in general are conceptualised as incapable of the kind of responsiveness to reason that arguably imbues an action with moral weight. This latter perspective is most starkly articulated by Sophie's (Unit C) assertion that '*children can't be responsible*', but it is echoed in the numerous references made by her colleagues to immaturity acting as a cognitive impairment to making good choices; anticipating consequences; or appreciating the harms that an action can cause. Yet it would not be true to state that the possession of a sense of personal responsibility was solely conceptualised, by these practitioners, as something that is present or un-present purely in consequence of specific stages of natural human development. Rather, having a sense of personal responsibility was articulated as something that requires development in children and young people via practices of socialisation and education. These processes were perceived to be generally lacking or inadequate in the lives of many of the young people with whom YOT practitioners' work. This is demonstrated in the data by the repeat references, instigated by participants, to the influence of parents and other actors or educators upon the attitudes and behaviour of young people, and, sometimes, the fact of their offending. Those who are absent; neglectful; censorious; indulgent; intolerant; negative; irresponsible; have failed to teach, either through modelling or instruction, the lessons necessary for the young person to develop any nascent sense of themselves as responsible actors. Kevin's (Unit B) remarks about this succinctly capture this general understanding of the relationship between this external education and the internalisation of a sense of self as a 'responsible person'.

*But you've kind of got to understand that they... They've potentially been through chaotic lifestyles; and then you have to understand, do they even know what responsibility means? And do they know how to present – do they even know how to be responsible for something?*

This lack of having some internalised sense of what responsibility is, and how to be a responsible person, is also discernible to practitioners via the common struggle their young people experience to recognise when they have done something well, since personal responsibility is associated as much with positive responses, such as gratitude, respect, and praise, as it is with negative responses like blame or punishment (P. Strawson, 2008).

There is, then, a third conceptualisation of ‘responsibility’ within the data: that which relates to the internal sense of self, or personhood. This refers to persons having a sense of themselves as act-makers who are efficacious in the world and capable of making reasoned choices. This is perceived to be lacking in the young people with whom participants most often work, and this is what they seek to impart through their relationship with them. That does not constitute a rejection of the significance of external conditions or influences, which retain their importance for practitioners both when they discuss the responsibility (or otherwise) of young people for their offending and in the likelihood of their desisting in the future; but it transfers attention away from these structural factors to a focus, instead, upon provoking subjective change. The following chapter will describe how this is actualised in interactions between practitioner and young person, and will discuss the disparate ways that the concepts of autonomy and accountability – for the past; the present; the future – are interwoven into all interactions between practitioner and youth, with the intention to demonstrate, and allow practice for, how to become, behave, and be treated as a responsible person.

## **5.5 Summary**

The exploration of young people’s lives that takes place throughout the supervisory meetings between practitioner and offender places their offending within the broader context of the social, cultural, economic, and psychological circumstance specific to that person. This provokes the practitioner to make a series of judgements about who or what

is responsible for the offence(s), which sometimes means that they perceive the young person to be non or part responsible. This chapter has described how this process can sometimes provoke feelings of distress and frustration on the part of practitioners when they perceive state responses to a young person's actions to be unjust, or inadequate, or potentially harmful. It has also described the perceptions of a minority of participants that the tendency of YOT workers to focus on the contexts of crime can act to excuse the young person from their responsibilities.

This latter point is a concern shared by far more participants in the context of their having to work with young people to reduce the likelihood of their offending again. It is in these interests that the judgements described in this chapter are kept private by practitioners; and, instead, the young persons' capacity for agency and control is emphasised to them. The intention of this approach is to assist with their developing a sense of themselves as active subjects who control the direction of their lives, rather than as passive objects that are acted upon. The next chapter will describe and analyse what this approach looks like in practice.

## CHAPTER SIX: Developing A Sense Of Responsibility

### **6.1 Introduction**

The aim of this chapter is to describe how and why YOT practitioners work with young people to develop a sense of themselves as autonomous actors. Autonomy means to be self-governing; and when applied to individual persons, it refers to the idea that individuals are, to a significant extent, the authors of, and therefore in control of, their own lives (Elstub, 2008). The previous chapters have demonstrated that the material and cognitive circumstances of young peoples' lives can act to inhibit the extent to which they can exert such control; and some of these conditions are outside of the influence of YOT, too. But it would not be true to claim that participants perceive these young people to be wholly powerless observers of their own lives. Instead, there is a perception that where there is capacity for autonomous action, many of the young people involved with YOT are ill-equipped to recognise this or to respond appropriately if they do. Their involvement with YOT, then, presents an opportunity to awaken these young people to the existence of choices in all circumstances; develop the skills they need to recognise these, and choose well; and be responsible for those choices. For the practitioner, this process involves both exploration of past actions and contemporaneous efforts to hold young people to account for their choices and behaviours throughout the life of their involvement with YOT. This chapter will describe and analyse the ways that this is put into practice and concludes by considering how a nascent sense of responsibility is observed by practitioners.

### **6.2 “You did have choices”: Exploring autonomy in the past**

There was common recognition from participants in this study that young people are involved with YOT because of choices they made to offend. There was also acknowledgement, from all practitioners, that those choices are not made in a vacuum, and are vulnerable both to external influences, such as a young person's upbringing, and

to the limitations of adolescence. Both these factors were considered to exert some influence upon the extent to which young people have the capacity to appreciate the existence of different choices of action; exercise choice where it is discerned; and foresee consequences. This is articulated by Nicola (Unit B).

*I think they're responsible for what they've done because everyone has a choice, but I think their choices are limited. So, although, you know, in all our guidance, it's about teaching responsibility and understanding and accountability for their actions, I think there are circumstances that are out of their control that have led to them offending. Ultimately, they're responsible because they're the ones that picked up the knife and stabbed someone, for example, but they're not responsible for everything that happened beforehand. And it's about teaching them the difference between the two. In my head. Whether that's right or wrong, I don't know. But [...] their choices, their brain development hasn't allowed them to know their range of choices available, so yes, they did stab someone, but why did they stab someone? That isn't always their fault, no.*

There are several points in this statement that were echoed by other participants in the study. It was commonly accepted that the young people referred to YOT bear action-culpability for the offence(s) but that their actions may well have been influenced by formative or current experiences and/or inhibited cognitive function. This leads practitioners to doubt the moral blameworthiness of young people even when they are action-culpable, which is encapsulated by Nicola's closing remark that, '*yes, they did stab someone, but why did they stab someone? That isn't always their fault, no*'. Young people are thus conceptualised as responsible only for the events and properties over which they can exert control, which often excludes the circumstance(s) in which the choice to offend was made. Yet it does not, necessarily, exclude the fact of the choice itself. As Nicola states, '*everyone has a choice*', although the particular situation of these people as young offenders, neurologically compromised and perhaps constrained by circumstance, may inhibit their ability to appreciate that fact ('*...but I think their choices are limited*'). This perspective was expressed by most participants (17/21), who made references both to

offending being the consequence of choice and to the influence of adolescence and external stimuli upon its exercise. In summary, these are young people who are not behaving responsibly at present and perhaps do not know how to do so; but they have the capacity to learn.

One aspect of YOT work with young people, therefore, is to discuss with them the circumstances of their past offending and to explore, with them, what decisions they made and why. The sensitivities of practitioners to feelings of reluctance, or shame, which may prohibit young people from engaging in analysis about their offending, which were discussed in Chapter Four, s.4.3, persist in these retrospective discussions with young people about their capacities as agents. Rather than constituting censure to the young person that they failed to recognise the existence of alternative courses of action; or, that they did so but chose poorly; participant descriptions of retrospective discussions constituted efforts to convey to young people that they are social actors who construct their everyday social relations.

*I think it's about helping young people to realise they can, you know, that they are in control of their decision-making and their behaviour.*

Hayley, Unit D

*I think it's part of the job, I think part of the job is about showing someone they've got options, not trying to change the way they think, necessarily. They might have had a choice but they might not have known they had a choice. It's like water, isn't it. It takes the quickest route, the easiest route through something.*

David, Unit C

Sometimes, these conversations challenge the young persons' own self-perception that they are primarily being acted upon, even if that is perhaps largely true, for some of them, some of the time. For example, Mike (Unit E) told me about a conversation with one



young man who claimed that he could not help but burgle his neighbour's house, because his friends were present at the time and subjecting him to pressure that he do so.

*“All you had to do was walk 15 yards, walk through your front door, and shut it. And you'd not be talking to me”.*

Around half of participants (12/21) observed that many young people feel that they lack control over their life and a third perceived that offending itself sometimes has roots in a desire to reassert control. This perspective has some support from the literature regarding the aetiology of youth deviancy (see, for example, Liddle et al., 2016) and feelings of powerlessness amongst young people more generally have contributed to perceptions of a decline in their general wellbeing (Princes Trust/Macquarie, 2017). Negative experiences, and those of failure, can provoke a sense of inferiority, which contributes to a sense of lacking control and to feelings of apathy and passivity (Klomp, Kloosterman and Kuijvenhoven, 2004), whereas feelings of resilience and self-efficacy have been shown to act as protective factors that inhibit offending (Ross et al., 2011). It is these such feelings that practitioners desire to provoke in their discussions with young people about their past offending. These misdeeds are re-cast: from markers of personal failure to indicators of the power the young person holds already to direct and control their own outcomes.

Some practitioners described addressing the specific offence directly and asking the young person to think about when alternative courses of action presented themselves; to consider the repercussions of the different choices they could have made; and to think about how their choices impacted on themselves and others.

*“...if you had done **this** on that day that you committed that offence, what might have been different? What might have happened differently?”*

Anne, Unit C; original emphasis.

This can be linked to future behaviour, and the young person is encouraged to consider how their choices and actions could influence an alternative outcome should the same situation present again.

*“...if it was to happen again, because it may happen again, it may not, but we’re just gonna prepare if it was to. How could it happen differently?”*

Kevin, Unit B

*You know, to make them feel that they are, you know, slightly in charge of their future or that their future is linked to their behaviour now.*

Hayley, Unit D

Other practitioners preferred to explore young peoples’ perceptions about their actions via the use of abstract exercises about right and wrong. For example, Jack (Unit D) favoured a group exercise where he asked young people to discuss various moral dilemmas, one of which asked them, “If you found a wallet, what would you do?”.

*And one of the options, that they always generally would pick, “Well, I’d take the money out and throw the wallet away”, OK. And then we’d get to the end of the exercise and say, “Right, the one with the wallet. What is the **right** thing to do?”, and I never encountered a young person that couldn’t tell me that the right thing to do was, actually, hand it in to the police station.*

Original emphasis.

Such discussions proceed on the assumption that these are people with difficulties identifying the existence of choices rather than their value. Young people are thus encouraged to think about why they have made choices that they can objectively recognise as ‘wrong’, and what pressures they may have felt themselves subject to when making those choices.

*Generally, they know they've done wrong, generally they know right from wrong, they know the basics, their moral code's not that far off. In terms of theft, sometimes it's a bit cloudy; but in terms of harming others, they're not far off, you know, middle-of-the-road moral code. So, we don't really need to kind of start from scratch. It's just recognising and applying, for them. From my experience, it's the contributing factors that have influenced their behaviour at that particular time, it's not something that they're thriving on or enjoying.*

Louise, Unit D

Other young people will have difficulties identifying right courses of action, in consequence both of their experiences and stage in the life course.

*Somebody that hasn't had that [stable upbringing] or might have had a consistency of constant states of arousal and stress and overloading of cortisol throughout most of their life, there will be an element of impairment there. [...] If you've been raised in an environment that is synonymous with violence, and actually, your scaffolding is, "I'm stressed, I'm angry, I lash out in violence; I drink alcohol, I lash out in violence", [...] that's what you'll be doing. So that is your, effectively, your grounding in your brain.*

Emma, Unit A

Whether a young person is considered less capable of identifying right actions or less capable of identifying choices of action, all practitioners who described retrospective autonomy indicated an awareness that their discussions with young people, about the existence of alternative choices and/or recognising and managing criminogenic pressures, will not necessarily affect some immediate transformative process for the young person. Instead, the likelihood of young people continuing to make behavioural errors was broadly acknowledged, as were the difficulties inherent within processes of self-reflection and self-improvement. For example, Emma (Unit A) went on to state that she is capable of self-regulation, but that:

*...I have the capacity for insight, and I've had a good upbringing; and I've spent a lot of time reflecting on myself and my own experiences [...], but somebody that's never had that what do you expect? <laughs> [when] that's all they know?*

Similarly, others told me that,

*...we plant seeds, but I don't think we, I think it's just too powerful a... a culture sometimes.*

David, Unit C

*...they don't necessarily know the harm they've caused [and] things aren't always as they see that they are, seeing other people's perspectives. But coming back to the trauma or learning needs or blocks that are missing in their childhood; they might not have developed those skills at that level...*

Olivia, Unit B

I asked Jack (Unit D) if the fact that most young people were able to identify the right course of action, in his abstract exercise, meant that they were unlikely to offend again in the future. No, he told me.

*Because knowing the right thing to do and acting on the right thing to do are so miles apart. I mean, if we as human beings could do that, then none of us would need diets, OK; none of us would need Nicorette, OK; if we... We know what the right things to do are, but putting them into action is much more difficult.*

This perspective was echoed by others.

*...we're all doing stuff, still, probably, you'd think, God, that's probably really not the best thing [...] I mean, I'm in my forties now, you know, [and] you think, I'm gonna still do it but I know it's wrong.*

Leah, Unit B

*...and when you're a teenager you just don't know that – you haven't got that consequential thinking properly yet. [When] you've got nothing, you know, you don't have a sense of purpose, you don't have a responsibility for anything else, why would you want to show up?*

James, Unit E

This reflects the notion that agency is an ontological quality that deepens and develops in response to and within the limits of an individual's social world (Traina, 2009). Simply acknowledging – or learning – ‘right action’ is not sufficient to enable its performance because agency and accountability are not predictable, linear capacities that are permanently acquired. Instead, they continue to develop in response to the unpredictabilities of life (Tessman, 2005). This perspective was reaffirmed in descriptions of young people facing situations in the future whereby they could offend again.

*I mean when you think about the overall aim of like, reducing re-offending, sometimes I struggle with what does that actually mean? Because it's unrealistic for me to sit with a young person and be like, right, now you've done your YOT you are never gonna re-offend, ever again. [...] like, is that a realistic aim for people to never re-offend? And especially when that behaviour is relatively normalised, and they've got that instilled kind of attitude, especially towards violence?*

Megan, Unit D

*I think that's probably the biggest hurdle, you know, it's like, "Are you going to get into trouble again", you know, "in the future; what do you think?" and it's like, "Well, maybe", and it's like, "Well, why is it maybe", "Oh, well, you never know; you could be in the wrong place at the wrong time", and it's like, "Ok, so, you know, but you're in the wrong place at the wrong time; ultimately, you know, what you do in that place and that time is your decision". But I think, you know, obviously, there are external forces that they may not be able to control...*

Hayley, Unit D

These discussions about autonomy could perhaps be conceptualised within what Caruso (2018) defines as a consequentialist-based approach to blame and punishment. Consequentialist-based approaches are forward-looking, in the sense that the agents involved are considered proper targets of reprobation on the grounds that such treatment will prevent them from performing that type of action again in the future. This is distinct from desert-based responsibility, which is backward-looking, and retributivist in the sense that any punitive attitude or response is deemed appropriate by virtue simply of the action or decision itself, irrespective of whether the results of such responses are good

or bad (Pereboom, 2014). In the contexts we are discussing, consequentialist-based discussions about past offending are used to illuminate, for the young person, their power over their present and future. By emphasising their responsibility for the offence – because their choices led to the action which led to the harm which led to their referral to YOT – the young person is framed as an effectual agent. The intended outcome is for the young person to internalise this self-perception of efficacy, which should contribute to their being more awake to their ability to assert control in (some areas of) their life, including (in principle) whether they offend again. We could also perhaps conceptualise these approaches as something of a *morality of aspiration*. Whereas the morality of duty refers to the basic requirements of living in society, and conceives of their dereliction as straightforward wrongdoing, a morality of aspiration refers to the full realisation of human powers. Failing to realise one or more of these is not wrongdoing; but constitutes instead a failure to actualise potential (Murray Jr, 1965).

Yet even while practitioners acknowledge that realising or asserting autonomy is more difficult for these young people than it might perhaps be for others; and though the data indicates appreciation for autonomy as a metaphysical quality, rather than an ability that one lacks today and achieves tomorrow; there persists an expectation that these young people take on the responsibility for identifying what they require from YOT to desist from offending, and retain responsibility for the choices that they make hereon in. Further, despite common agreement with the view that simply knowing right action from wrong can be insufficient to enable its performance, and that external conditions will continue to act upon young people, any substantive changes that might need to occur for its facilitation were uniformly conceptualised as needing to be both identified and actualised by the young person. The next section will explore this in greater depth.

### **6.3 “It has to be led by them”: Developing autonomy in the present**

Young peoples’ autonomy is emphasised in terms of the present in relation to how they will manage their period of supervision under YOT. Sometimes this is communicated to young people in relatively minor ways, such as the willingness of many participants to allow them to decide when and where they will meet up with their practitioner, and in suggestions that they can finish their order early if they comply with all its obligations (see Chapter Four, s.4.3). More substantially, the young person’s autonomy is emphasised by practitioners through their positioning of each young person as an active participant in decisions about what their supervision will consist of. This sees the young person being invited to tell the practitioner about goals they may want to achieve via their involvement with YOT; and/or identifying issues that are contributory to their offending with which they need support.

*[We] need to be working with these children to bring about the changes they need to change their behaviours. So it has to be led by them, and what they need.*

Sophie, Unit C

*You can get the guidance from various places but actually, realistically, it needs to come from the young person, because it’s the young person’s assessment.*

Anne, Unit C

The following subsections will describe and analyse why and how practitioners encourage young peoples’ participation with YOT; the barriers they perceive young people to experience in terms of how substantive that participation might be; and the ways in which young peoples’ wants are explored and incorporated into their experiences with YOT.

#### **Encouraging participation**

McNeill et al. (2005:3) describe participation as actively contributing to the ‘discovery of agency’ whereby the ability to make choices and govern one’s own life is first realised and

then exercised. It has multiple definitions within a criminal justice context, and these sometimes appear to conflict with and contradict one another (Creaney, 2020). Depending upon who and what is discussing it, participation can mean shared decision making between youths and practitioners within the justice system; the active involvement of young people in the design or development of activities; their consultation on the governance and delivery of services; their perspectives being actively sought and heard; their being treated as experts on their own lives; and their being enabled to make decisions about their own lives (Case et al., 2020; Weaver, 2018; Beyond Youth Custody, 2017; 2014; Haines et al., 2013; Farthing, 2012; Nacro, 2008; Cockburn, 2005). The YJB defines participation such that young people should be ‘central to assessment’ and ‘active in shaping plans to address their needs’ (YJB, 2020). This was reflected in participants’ descriptions of conversations with young people, which were framed as a series of questions that posit the young person as the determiner of the activities and discussions they will undertake throughout their period of supervision, and the chooser of their future life.

*What is your skill? What do you enjoy? What will you do, a couple of years on, you’re no longer involved here, what are you going to be doing?*

Sean, Unit D

*What do you want, what do you need, you know?*

Liam, Unit A

*What do you want? How can I help you?*

Kevin, Unit B

*So. What do you need?*

Sophie, Unit C



Participation was described by some participants as offering an opportunity for the young person to take some control in and of their life.

*...I think, you know, they need to retain something, and some feeling of control, and we can give them that.*

Hayley, Unit D

*I think a lot of the time [YOT work is] about them being able to take control of their own life rather than being... <pause> told what to do, and shown what to do, and being given what to do, but not actually ever having to do anything themselves.*

Leah, Unit B

This perspective is supported by research within education settings, which suggests that practices that inquire into and acknowledge the wants and needs of young people, including their goals, values, and interests, allow young people to lead in matters important to them, rather than be led, which supports the development of autonomy (van Gelderen, 2010; Reeves and Jang, 2006; Assor and Kaplan, 2001). It is reflected, also, in critiques of criminal justice practices that are overtly focused on risk assessment and management, on the basis that people are more likely to abide to the terms of a contract if they actively participate in its design and consent to its obligations, which is thought to activate responsibility and self-actualisation (Crawford, 2003). Yet the actual substance of this participation – how wants or goals are identified by the young person; what those might be; and how these are incorporated into YOT work – was not discussed, by practitioners, with the same depth and detail that characterises their more general expressions of approval for participation as a youth justice practice. For example, very few practitioners offered exemplars of a young person's active participation in the design and delivery of activities or programmes from within their own experience; but all were able to articulate the purpose and benefits of participation. Where examples were

provided of young people stating desires or needs, these included learning to read; to improve at football; to broaden their social life; to quit smoking; to learn to cook. The general focusing on the purpose of participation, rather than its face, means that the data reflects a common perception that the very act of young people determining what will be done with and by them is, itself, the key to their developing feelings of efficacy and autonomy. The actual substance of it appears of secondary import. What was consistent was the notion that the inclusion of any self-directed activities within the supervision process will necessarily contribute to a young person's sense of self as an autonomous actor and that this in turn contributes to a greater investment in shaping their future self.

*[It's about] finding something that inspires someone to actually want to do something different than they're doing.*

David, Unit C

It has been pointed out, recently, that there is a paucity of research that explores the abilities of young people within the justice system to exercise preferences and actively shape the development of personalised support (Creaney, 2020). What there is has little positive to say about the capacities of young people to fully participate in these processes, or for the activities they undertake to be necessarily reflective of their own desires or ambitions. Creaney (2020), for example, found common tendencies from young people toward a type of 'passive compliance' with the requirements of their court order, rather than the nature of their supervision being necessarily reflective of autonomous wants; although this can be strengthened by opportunities to proactively influence the decision-making processes and through the development of authentic and supportive relationships with practitioners. Phoenix and Kelly's (2013) study indicated that even when young people feel that they have engaged in discussions about what they want or need from YOT,

in order to provoke change in their lives, many perceive that they have failed to give the kinds of answers that YOT workers ‘want to hear’; and the assorted difficulties that they may be experiencing are often, in any case, outside of the YOTs control. Earlier enquiry by Hart and Thompson (2009) concluded that the involvement of young people in their own assessment is under-developed and that there was little scrutiny of the extent to which practitioners within the YJS were actively involving young people in assessments or supervisory decisions. Van Gelderen (2010) has analysed the provision of autonomous choice to young people in educational settings and cautions that allowing young people to find their own solutions to problems presupposes a certain level of competence that perhaps belies the whole purpose of teaching autonomy. Though clearly supportive of young peoples’ active participation in the design of youth justice disposals – describing a CFOS approach as the ‘ideal vehicle’ for such – a recent publication from Case et al. (2020) concedes that the evidence-base for integrating young peoples’ voices in this way is both ‘nascent’ and ‘woefully limited’ (p. 26; 30).

This research indicated some agreement from participants that the ability of young people to actively participate in YOT decision-making is often imperfect. However, this was not linked to concepts of natural youth passivity or to any difficulties with YOT processes. Instead, there was a common belief that young peoples’ rights to self-determination are often destabilised by other structures, which emphasise instead their powerlessness and reliance upon adult decision-making. This can undermine YOT efforts to encourage active participation, because young people are more accustomed to being inhibited or prevented from developing or expressing autonomous views and actions; and are subject, instead, to the directives of others. This means that they often lack confidence in their abilities to identify what they may need or be able to achieve via their relationship with YOT; or, that they experience difficulties articulating this. For example, half of participants drew parallels with the fact that young people are expected and encouraged

to actively participate in decisions about their supervision but are disallowed from making decisions in other important areas of their life such as where to live or when to leave education. As well as potentially discouraging them from exercising their autonomy in terms of asserting or provoking what they themselves want, because they lack the practice of exercising independent choice, it was also identified as problematic because their experiences at school and home are often contributory to their proclivity to get into trouble.

*Whether it's deliberate government policy or not we've got this thing where we've got to keep children as children for as long as possible. [...] It's like, we're gonna treat you as children cos we're not gonna allow you to do very much or make any decisions until you're 18.*

Mike, Unit E

*It's crazy that you have your eighteenth birthday and the day before you can't do all these things and the next day you can do all these things. And that's the problem. The idea that, you know, that everything is kind of put into a box, OK, and you're allowed to do this on this day and this on this day and that on that day – no, no, life doesn't work like that. And we don't work like that as human beings. People have kind of imposed a system on us at which we cannot, all, possibly succeed.*

Jack, Unit D

There were similar views expressed about the perceived pressures that young people are under to be conformist, rather than being able to experience adolescence as a period of independent decision making and self-expression, which are themselves linked with processes of psychological maturity (Karabanova and Poskrebysheva, 2013; MacIntyre, 2009). Expressions of individuality that reflect independent decision-making are often penalised by education providers. For example, Leah (Unit B) told me about a young person who frequently absconded from school but had managed to improve her attendance during the period that she worked with YOT. She then gave herself a very short haircut and was consequently excluded.

*...she wants to start to form her identity, cos she's a teenager, she feels like she wants to do that for a haircut, we all do that kind of crap. But she's in a classroom and she's engaging and she's listening, so what's the problem? [...] And they said this girl can't have – in this day and age! – a girl can't have hair that short [...] It's crazy. [...] Why can't she have short hair? Why can't she have short hair? Why can't she have short hair?*

James (Unit E) felt similarly about the constraints imposed upon young people in terms of their personal expression by schools and other settings, which he compared with the greater autonomy that is extended to adults in most workplaces, including his own. He told me that,

*We hold children to a higher standard in some ways, definitely. [...] "Ooh, we're really proud of our strict uniform policy". Give me the benefits! You know? There really aren't any. We don't treat other adults that way, I really don't understand why we treat children that way.*

These practitioners perceived those social limitations imposed upon young people, in terms of their abilities to express themselves and make independent choices that direct their lives, impinge upon the development of their sense of self as autonomous beings.

James concluded that:

*I think in terms of taking responsibility I think it is just so much harder for kids nowadays because they just, society as a whole takes so much responsibility away from young people.*

This was also linked, in participant conversations, to feelings of low self-esteem or a lack of self-confidence, which over half of participants (15/21) perceived to be common traits amongst the young people they work with.

There is significant evidence of a relationship between self-esteem and autonomy, with general agreement of a symbiotic connection even where there are variations in the conceptualisation of self-esteem (see, for example, Kwon and Ha, 2018; Ryan and Brown, 2006; Marmot, 2003; Deci and Ryan, 1995; Govier, 1993; Schwalbe, 1985). Being consistently prevented from or censured for exercising individual judgement and making autonomous decisions; and being compelled, instead, to modify responses in accordance with external punishment or reward; seems likely to undermine a person's self-esteem and contribute to a perception of oneself as being 'pushed around like a pawn' (DeCharms, 1965:256), which undermines independent incentive (Hodgins, Brown and Carver, 2007). This perspective is reflected in the definition of engagement offered by the YJB, which suggests that it is contingent upon gaining young people's interest 'and willing participation in interventions or programme of interventions' in order to motivate compliance, because 'passive involvement is not enough' (Mason and Prior, 2008:12).

There are parallels here between participants' understanding of autonomy and that of the philosophers who emphasise the condition of freedom as being central to the exercise and attribution of responsibility. Especially, there are echoes of Susan Wolf's (1990) articulation about the important differences between experiencing freedom *within* the world and experiencing freedom *from* it (see Chapter Two, s.2.6). According to the perspectives described, the social construction of what childhood 'is' and what children/young people 'are' can be negatively *puissant* to their abilities to become responsible people, because they impose artificial limitations upon the exercise of independent choice. The extent of their freedom to act autonomously is bounded not just by the cerebral limitations of youth but by the protective structures designed to mitigate the helplessness that this condition implies. This is not consistent with the expectation that young people – many of whom may not have experienced the kinds of primary socialisation practices that can provoke autonomous development in the domestic

sphere – will be capable of actively participating in and shaping these ‘plans to address their needs’ (YJB, 2020). This data highlights an integral tension that exists between the construction or conceptualisation of childhood and children, and our common understandings of the importance of autonomy and responsibility. The lack of these latter attributes is a defining and enduring characteristic of both childhood and child; but their development and exercise are thought crucial to the well-socialised, conformist adult. Put another way, one could argue that the ideal childhood is defined by dependence upon (right) adult nurture and guidance; but the ideal child and young person is one who both conforms to the boundaries that that nurture imposes and takes increasing responsibility for their choices and actions. Yet childhood itself ‘remains an essentially protectionist experience’ which forecloses children’s responsibilities and opportunities for autonomy (James and Jenks, 1996:318). This tension is further illustrated by the data in the ways that practitioners conceptualised the young people that they work with. According to responses, they can be reasonably described as vulnerable, impressionable, mutable, dependent; yet also rational enough to mould via threats of breach and sufficiently cogent (in principle) to actively participate in YOT processes.

Offering the opportunity, then, for a young person to actively participate in the design and delivery of whatever programme they undertake with YOT ought, in theory, to contribute to improved self-esteem and a greater appreciation of oneself as an autonomous being; but the extent to which a young person can engage with and benefit from such processes could well be inhibited by their experiences elsewhere, as above. The common perception that YOT is unusual in its positioning of young people as active participants who make choices and express preferences, rather than the inert subjects of external directives, might also contribute to the general sense, expressed by all participants in this study, that YOT stands alone in its supportive offering to young people, who are (considered to be) subject to the diktats of other adults and agencies

elsewhere in life. But the relationship between autonomy and participation is made further complex by the significance of ‘wants’ in the activation of autonomy to direct and shape participation. This will be described and discussed next.

### **Focusing on ‘wants’**

All participants (21/21) told me that they could not achieve positive outcomes with young people unless the young person themselves wants to enact change or take the opportunities that YOT supervision could afford them. In this, they share the common appreciation for intrinsic self-esteem that peppers criminological literature about motivation to comply with criminal justice sanctions (for example Bottoms, 2001). If the sole purpose of YOT supervision were to contain offending behaviour for the duration of the young person’s order, then externally controlling imperatives might be sufficient in provoking the sort of contingent self-esteem that could sustain a commitment to conformity for the period that those imperatives are active. But to affect genuine change the young person must experience internal, rather than control, motivation (Hodgins, Brown and Carver, 2007). The young person must *want* support and/or change; and to *want* that support and/or change to be realised through their relationship with YOT. This must be an intrinsic want, not mere acquiescence to external pressures.

*There’s lots of things they can do, through YOT. It’s just if the young person wants it.*

Alan, Unit D

*We can’t compel somebody to attend sessions with us. [...] In my own mind I can see you have to give young people the ability to control their own lies.*

Mike, Unit E



The significance of a young persons' wants extends deeper than mere acquiescence to the terms of their court order. Their successful participation in the order is reliant (according to participant perspectives on this point) with their articulating what they want to achieve in life more generally and/or within the timeframe that they will be with YOT.

Participants often used the term '*future identities*' when they discussed the significance of centring a young persons' wants in their practice. Discussions with young people about what they want to achieve via their relationship with YOT are not narrowly focused upon desistance from offending; but branch out to include consideration of what the young person enjoys doing, or wants to improve at, or what they may want to do with their life more generally.

*...we're going to think about your life in five years' time, and you know, what do you want; like, simple things, like, where are you going to be living; what are you going to be doing; what car are you going to be driving, you know, things like that, just to get them... And it's like, well, how do you get there, and things like that; and what might stop it from happening.*

Hayley, Unit D

There is a symbiotic relationship between self-esteem and wants; and the difficulties that many adolescents experience with imagining their future, discussed in Chapter Four, s.4.3, can be an inhibiting factor to these sorts of conversations. A young person with low self-esteem is likely to struggle to recognise their own skill set and have little confidence in their ability to succeed (Baumeister, 2005). Participant descriptions of their work with young people in this regard frequently included references to their being '*empowered*' through conversations with the practitioner that allow them to start to view themselves in a different way and begin to make links between interests that they hold and conformist activities such as attending school or college or entering employment.

*...just looking at later in life, what sort of jobs would he want to do, and he wants to be a scaffolder, and it's taken him two months to realise that actually, if he gets his maths and English and does a little course, he'll be a scaffolder at first, but then he might be a gang leader [...] You know, just to see that he's got more potential than he thinks he has.*

James, Unit E

*You say look, yeah, you'll be able to get qualifications to get into the apprenticeship you want to do, plumbing; [kids will] say, oh, I don't need maths but I want to be a plumber; but then [...], when I play pool with them, I'm talking about angles, and then I'll relate that to plumbing, and how do you do your, like, u-bends or doing a tap; so I try and make things practical.*

Will, Unit A

As with the concept of participation, however, there was less detail provided by participants about *how* young peoples' wants are incorporated into YOT practice than about the significance of centring these wants within discussions about future identities. Just three participants provided examples whereby a young person's preferences had shaped their practice.

The incorporation of a young person's wants and interests into YOT supervision reflects concerns within criminological literature that an over-reliance upon structured programmes and prescribed interventions, which are not reflective of individuality or social and material contexts, are likely to result in ineffective practice that fails to engage young people (for example, McNeill, 2006b). But there is also the potential for it to become the responsibility of the young person, primarily, whether they succeed or fail; because the focus is on asking them about what they want to achieve, rather than how they can best be supported (Hart and Thompson, 2009). There are indications that this tendency may be becoming further embedded into youth justice practice in England and Wales. The YJB has recently announced intentions to strengthen young peoples' participatory practice within YOTs by partnering with the 'empathy-led social justice charity' Peer Power (YJB, 2021b), which describes its ambition for young people to be positioned as

‘partners’ with YOT in ‘designing the support they want, and in creating the change they want to see’ (PeerPower, 2021). This reflects recommendations about the nature of a CFOS approach, whereby young people are encouraged to ‘negotiate the form and content of supervision arrangements including structural support systems’ to allow for ‘active rather than passive or shallow forms of participation’ that may be experienced as ‘uncomforting’ (Case et al., 2020:34). But as well as potentially positioning the young person as primarily responsible for the success or failure of such endeavours, there are also potential tensions that could arise from the fact that YOT involvement in these young peoples’ lives is often involuntary.

While a young person may well want to make changes in or to their life, or to at least cease or reduce their offending, the extent to which they might be said to want YOT included in that process is questionable. In consequence they may reject the opportunity to actively participate in the design of supervision or their acquiescence could be superficial. These were the findings of Phoenix and Kelly’s (2013) research and that of others who have examined the participatory abilities of involuntary clients (for example, Trotter, 2010). Another concern relates to the potential for superficial engagement in such processes and discussions to suffice the ‘tick box’ nature of supervision but preclude any substantive change. For example, David (Unit C) told me about a young man who attended when told to, and politely responded to enquiries about his wants and needs; but who appeared to lack intrinsic motivation.

*I had a young person once and he played the game. He used to turn up and he’d sit there and we’d go through stuff and he’d stand up at the end of it and go <stretches dramatically> “Ohhhhhhh, that’s better, I feel really rehabilitated now” and he’d walk out and I’d think, you bastard. You’re just playing <laughs> you know?*

David, Unit C

Learning to speak for oneself is an important aspect of developing a sense of independence and autonomy but is threatened by several different kind of obstacles. In addition to the risk that some young people may tailor their responses to meet with adult approval, there could be an unequally unconscious need to be seen as *nonconforming*, and pursue relentless disagreement in consequence (MacIntyre, 2009). In both such cases, the actor 'is not a voice, but an echo' (ibid.:148).

There were some indications from the data that when young people fail to productively engage or participate, and do not proffer their own wants to direct the nature of supervision, this can be construed as truculence rather than being made relative to the social (and, consistent with participant responses on this point, age-specific and cognitive) context. For example, a very few participants (4/21) who talked about young people responding monotonously to questions about their life and future with the repetitious reframe that they '*don't know*' perceived this to be indicative of a lack of engagement with, or interest in, YOT and desistance more generally, rather than constituting honest expressions of uncertainty. But as van Geleden (2010) points out, providing choice simply creates a space that allows for the exercise of autonomy; it does not disappear the likelihood of a young person not knowing what to do in that space. Olivia (Unit B) made reference to this.

*If they suggest things I'll be up for doing it, but they don't often suggest.*

Interpreting non-engagement with questions of 'wants' as attributable to insufficient motivation or some other individual failing risks a negation of the impacts and interactions of other stresses that may be beyond the young person's individual control and suggests that a more neo-liberal interpretation of responsabilisation can be

manifested even in wellbeing-oriented components of the youth justice process (Henry et al., 2014).

The significance of wants to the activation of self-esteem and realisation of autonomy can also raise questions about ‘right’ and ‘less right’ assertions of autonomy within a youth justice framework. This is illustrated by a story told to me by a practitioner who also confirmed he had shared it with colleagues; for this reason, his pseudonym has been removed to preserve the anonymity of his responses. He talked about a young man he had worked with early in his career and with whom he had initially struggled to motivate to engage with YOT.

*I had a little soft top car at the time. And to get him to engage, I said to him, if you come to meet me I'll take you home in my car with the roof down, and we'll go for a nice drive, and he thought that was great.*

The practitioner made this a regular practice, and the young man engaged well with supervision and completed his order. A month after the order had finished, the young man was returned to court, charged with a shop-theft; and the magistrate asked him why he had done it.

*You know what's coming, don't you <laughs> "I did it cos I want to work with [...] again". So, I'd created crime, really. <laughs>*

James (Unit E) told a story about a young man he had worked with who was equally capable of proclaiming his wants. He insisted to James that he did not need YOT intervention; he would ‘*figure it out for himself, and it was going to be fine*’. This claim, coupled with a persistence in offending behaviours, resulted in James referring him back to court, because he perceived the young person to have rejected YOT support. There is

consistency, here, with the assertion of the importance of wants; but it also raises questions about how autonomy is conceptualised, both within the narrow framework of criminal justice generally and by individuals working within it. It seems unlikely, for example, that a young person honestly expressing their desire to become more adept at stealing motor vehicles would be positively received by practitioners or thought reflective of any desirable kind of self-determination; nor is it likely that the magistrate, in that example, was impressed by how proactively the young man managed to re-assert his relationship with a practitioner he would otherwise not see again. This may sound glib; but it draws attention to the fact that what we are discussing, here, is not simply the realisation of autonomy as an important part of young peoples' development into responsible beings, but also the 'how' of its expression and observation. What is sought is not unbridled expressions of wants or assertions of self-governance; but their conformity to pro-social activities and goals as they relate to system objectives. In this, the data appears to align with practice literature. The *Standards for Youth Justice*, for example, marries the concepts of 'active participation' and 'empowerment' with that of a 'pro-social identity' (MoJ/YJB, 2019:6). Autonomy can be distinguished as a fundamental principle of morality (Hill, 1989) or as a trait that individuals can exhibit both in and outside of moral obligation (Dworkin, 1988). Its conceptualisation within youth justice appears consistent with the 'moralising agenda' that is often linked with a focus on individual responsibility in criminological literature (Arthur, 2017; Carrabine, 2010; Muncie, 2002); its value located not, perhaps, in its independent realisation, but in its distinctive type (Santoro, 2003).

#### **6.4 "It's part of growing up": Holding to account for the past**

The term 'accountability' embraces several meanings but is commonly linked to ideas of responsiveness, responsibility, answerability, fault, praise, and blameworthiness

(Gregory, 2009). Responsibility-as-accountability is the obligation to account for something you have done or participated in (van de Poel, 2011), and for this reason is often defined as a retrospective mechanism connected with sanctioning and, less commonly, reward (Bexell and Jönsson, 2017; A. M. Smith, 2012; Bergsteiner and Avery, 2010). The concept of young people being held to account, in the contexts of youth justice, is linked with the prevention of offending and re-offending, on the understanding that to be made accountable lessens the likelihood of the behaviour continuing (Home Office, 1998) and to not risks excusing and exacerbating it (UK Government, 2020; Home Office, 1997a;b).

None of the participants in this study identified ‘holding young people to account’ to be an explicit aim of YOT work; but many (17/21) made direct or inferred references to it when they described their practice. This tended to be in two contexts: the ability of YOT workers to act should a young person fail to adhere to the terms of their order, which will be discussed shortly; and in descriptions of conversations with young people about their past offending (14/17). The retrospective approach aligned with the perspective that young people ought not to be permitted or encouraged to blame others for their offending; but unlike discussions that centralise the individual young person, by focusing on their autonomy, these discussions focus on the harm(s) that have resulted from the choice(s) made. The circumstances of choice will be acknowledged, but so too is the position of the young person as the actor who is responsible for the chosen action(s) that caused the harm(s). This is summarised by Alan (Unit D).

*I think it's about making choices, about them realising that this is something that they've done and that it's had an impact on themselves and their family and others. To put them back into reality. It's about making them realise what happened and what they did and now what they can do to change that. How can you make it right.*

Some practitioners, like Alan, drew links to potentially restorative practices, such as making an apology to those who were harmed or initiating some other action intended to ‘*make it right*’. Proponents of restorative justice, as a crime-reduction tool, argue that it can reduce reoffending via the acquisition of empathy or some other related competency, which lessens the motivation to reoffend (Komorosky and O’Neal, 2015; Wallis, 2014; Jackson, 2009; Van Stokkom, 2002). The subsequent change in attitude may signal to others that the offender is ready to make amends for the harm they have caused, and/or actively seek social reintegration (Ward, Fox and Garber, 2014). Indeed, some theorists suggest that remorse and empathy for victims are the principal emotional tools that prevent recidivism (Karstedt, 2002; Strang, 2002; Van Stokkom, 2002); and that the purpose of holding an offender to account for their misdeeds is to reveal, awaken or provoke these emotional states (Woodcock Ross, 2016; Loeffler et al., 2010; Rodogno, 2008; Fisher and Exline, 2006). Sherman (2003:2) calls this ‘emotionally intelligent justice’; but others caution that focusing overmuch on peoples’ attitudes and thinking neglects the importance of structural factors that can underpin offending behaviours, and individualises the problem of youth offending (Barry, 2009; Barry, McNeill and Lightowler, 2009).

Although several practitioners made references to holding young people to account for past actions, none of them – including those who saw value in restorative efforts – conceptualised this as a means of eliciting indications of regret or remorse (even if such things are welcomed when they occur). Indeed, some entirely divorced the concept of holding a young person to account from their actively taking responsibility for what they have done. Instead, the practice of holding to account was commonly elucidated as a means of reinforcing the relational nature between choices, actions, and outcomes, with the intent that young people internalise their status as effectual agents. This, arguably, *does* fall within the paradigm of encouraging them to ‘take responsibility’, because the



acknowledgement of agency is intricately rooted within the realisation of responsibility; but it represents something of a departure from assumptions within criminological and other literature that the purpose of an actor being held to account, and a measure of how successfully this has happened, involves their actively taking responsibility for their actions and/or exhibiting some appropriate emotional response (Woodcock Ross, 2016; Tagney, Stuewig and Hafez, 2011; Fisher and Exline, 2010; 2006; Van Stokkom, 2002).

For example, Anne (Unit C) expressed a positive view about the value of discussing past offending with young people but did not consider that their exhibiting indicators of responsibility-taking is an essential aspect of such dialogue or a marker of its success or failure. It might, though, allow for conceptual links to be drawn, in the young person's mind, between their actions and outcomes; and this can be the base upon which some deeper, perhaps more moral appreciation may later develop.

*Interviewer – So is part of what you're exploring, when you [talk to them about their offence], are you looking for evidence that they're taking some accountability for what they've done?*

*I don't think, for us, them taking responsibility is one of the things that we **have** to have from them. From some young people you will never get that. But I think, to a certain extent, a lot of that work is about trying to get them to see how their behaviour impacts people, in the hope that they will start then taking some responsibility for their choices.*

Anne, Unit C; original emphasis.

Will (Unit A) also rejected the notion that a purpose of retrospective discussions is to elicit expressions of responsibility-taking (although he did feel that when he is able to observe emotions that could indicate that the young person is taking, or feeling, responsibility, that this is a '*good*' thing).

*I think when you reflect, and not necessarily judging them, trying to be non-judgemental, but maybe in the discussion they might sort of come to be ashamed of what they have done. But you don't know. But I wouldn't set out to sort of... Having them reflect and feel ashamed isn't what we're really trying to get at.*

Eight participants echoed Anne's perspective that 'you will never get' some young people to take responsibility for their actions. Several explanations were offered for this, including the notion that some young people are developmentally immature and lack the skills necessary to be able to take responsibility for their actions, though this may occur later: and in consequence of deficiencies in their social training or other experiences.

*I suppose it is about at what level they are functioning, and how they understand... And they may not be ready to... For some young people, they can't... they're still in that denial stage, [...] so, for them to actually take responsibility for their actions, it's... <pause> Because they are, they're growing, you know, at the moment, they're growing, they're trying to find their way...*

Evelyn, Unit D

*You know, it's like trying to give a mathematical equation to someone who's never understood maths. You can tell me this over and over again, but I am not going to understand why you want me to care about how this [offence] affects my mum. I think sometimes you can waste a lot of sessions doing that.*

David, Unit C

There were suggestions, too, that while a young person may well feel responsible for their offending, they may lack the skills to be able to recognise or articulate such emotions.

*I think it's probably harder the younger they are, just because they're in that, kind of, at the start of adolescence, and, you know, when they're going through a lot of not just physical changes but brain development and there's a lot of transition at that point so...*

Hayley, Unit D

There were also perceptions that some young people will not, rather than cannot, take responsibility for their offence(s).

*“It’s your fault. You should have made sure your house was locked up”. They’ve locked their house up. “Well they should have done it better”. So, he **just** could not, still **cannot** see, that his actions, and his mates’ actions, were – and he was like that from day dot.*

Emma, Unit A; original emphasis.

*...[he] totally rejects the idea that him burgling someone has caused any harm. Sometimes you have to put it into the real world, for them. Say, OK, you’ve got a grandmother you really get on with. How’d you feel if I burgle her house, rifle through her personal belongings, and take stuff while she’s in bed? [...] I think that’s the trouble, kids aren’t able to make those links between what they do and the rest of the world.*

Mike, Unit E

Seeking explicit indications of responsibility-taking from young people can, then, be considered a rather fruitless activity; either because the young person is not (yet) capable of the empathetic reasoning that is necessary for its realisation; or because they are unable to recognise and/or articulate a sense of responsibility; or because they are (considered to be) unwilling to accept responsibility. Conversely, other young people may be (considered to be) taking responsibility for their action(s) at the point of working with YOT; and this, too, undermines the point of their responsibility being overtly emphasised in retrospective-focused discussions.

*Interviewer – Do you ever see evidence of a young person taking responsibility?*

*<Long pause> For me, I wouldn’t take, I wouldn’t take that upon myself. I would suggest they’ve got that already within them, and it’s just a matter of reminding them, or linking it together with what they’ve done.*

Louise, Unit D

*I’ve usually worked from the premise that they, well, most of the time, they are taking, or accepting, or acknowledging what they’ve done.*

Olivia, Unit B

*Some of them do take – probably **too much** responsibility for what’s happened. And that’s a side of the youth offending system, and the YJS, that people **don’t** see, and that’s never written about, that actually, some of these young people, it **does** really affect them...*

Anne, Unit C; original emphasis.

Although no participant believed that a purpose of discussing past offending, and holding the young person to account for this, is to provoke or necessarily incite feelings or expressions of responsibility, there are indications that these interactions can reveal it where it exists already; and that this is positively received by practitioners when it occurs.

*...you could say that if a young person, erm, was tearful after discussing something, you mostly think, that was good, cos I’ve hit a nerve there with them. [...] But you don’t set out to have someone in tears but that could be, I think in your own mind you think, I have got a reaction there, and they are thinking about it.*

Will, Unit A

*Ultimately, giving someone that responsibility is [...] getting someone to the point where they can say, “Do you know what, I’ve had a think about that, and now...”; and you’re allowing them to do that, without judging.*

David, Unit C

Reluctance to provoke feelings of shame, or perceptions of being judged by the practitioner, mean that two participants described actively avoiding using the term ‘responsibility’ in their discussions with young people.

*I think the trouble is, most young people interpret responsibility as blame. That’s what they see it as. So [...] if I made any judgement about what they’d done, about their responsibility for it, I think that that would be interpreted as blame. The word itself is used as a way of blaming.*

Mike, Unit E

*...I think the word 'responsibility' is quite negative; or would be seen quite negatively by a lot of young people. It's just... There's something, just [...] mundane and boring, [which] means you're old, you know? <pause> I suppose you do stuff to encourage responsibility, but not necessarily in a way that says "Oh, look, we're going to do a session on you taking responsibility for your behaviour". You just put it back into the real world.*

Hayley, Unit D

This avoidance of the term 'responsibility', and its positioning as an implicit ascription buried within broader discussions about what the young person has done, is echoed in descriptions of whether and how practitioners are able to observe the action of a young person feeling, or taking, their responsibility for their action(s).

*I mean, a lot of them, you can tell they take responsibility because of how they talk about their offences, and the sort of things that they say and the way they respond to [...] victim empathy exercises and stuff. They will **never** actually say to you, "I know what I did was wrong, I take responsibility for that" <laughs>*

Anne, Unit C; original emphasis.

*Like they just completely put a front on. To defend themselves from actually saying, "Yeah I feel really bad for what I've done, and there's a lot of guilt there".*

Kevin, Unit B

*They can be really aggressive, "I'm not gonna talk to you, I'm not gonna talk to you". And you know there's something there.*

Jack, Unit D

Conversely, young people who verbally articulate a sense of shame or feelings of remorse were viewed – sometimes – with some scepticism by practitioners, who perceived such expressions to be inauthentic.

*Some might say, "Oh, I feel a bit of an idiot"; or, "I am sorry"; but they don't do it with eye contact, or they won't tell you with any kind of conviction, I suppose. [...] Some will say they don't really care but again I think that comes back to the terms of their own survival and their own attachment and their own self-worth, doesn't*

*it. I think any kid who tells you they don't care is just saying to you, I do care, but I want someone to care about me.*

Leah, Unit B

*Cos plenty of kids say "I'm sorry for what I've done", you know, "I'll write a letter", and you think, that's not remorse, you know. That's not real remorse.*

Will, Unit A

These responses indicate something of a shared perception amongst the practitioners in this study about what it means, and how it looks, when someone is taking responsibility for what they have done. Guilty feelings that are swiftly expressed and released with ease can indicate a superficial or inauthentic appreciation of an actor's responsibility, because genuine acceptance of responsibility is a difficult and often emotional process that should require some effort (Fisher and Exline, 2006). In contrast, practitioners were likely to regard avoidance of discussing emotions, or open hostility toward doing so, to constitute a much more genuine presentation of a young person's personality and to be indicative of sincere feelings of shame or remorse.

The data presented in this section can offer insight into how 'responsibility' is conceptualised and understood by practitioners. Retrospective responsibility is an evaluation of a past action; it combines causality with culpability and makes a person answerable for the consequences of their behaviour (Henk, ten Have and Loughlin, 1994). An ascription of retrospective responsibility is 'therefore retributive: it means disapproval and blame' (ibid.:4). But responsibility can also be used as a prospective force. Prospective responsibility refers to future actions, and the obligation upon the individual to make healthy choices. The ascription of prospective responsibility has an educational and motivating function, which can be made to guide and change an individual's behaviour (Newbury, 2008; Henk, ten Have and Loughlin, 1994). In other words,

*Taking responsibility for your actions means learning from them. Which you can't, might not be able to do, right now, but you can do it after [being held to account].*

Emma, Unit A

Being held to account can function as a means of enabling people to assume responsibility for their conduct and regulate it in view of its consequences for others (Dewey, 1994). This forward-looking view of being held to account,

‘can induce people to be more conscientious – to govern their conduct in light of the responsibilities ascribed to them, to act out of a sense of their own responsibility, and thereby to take notice and mastery of the motives by which they act – in the future. This fact is most evident in our practices of praising and blaming children. Young children are not autonomous agents and [...] are not responsible for their conduct. Yet, in praising and blaming them, we hold them responsible for their conduct, as the necessary means by which they can become responsible for their conduct in the future’ (Anderson, 2005).

Hence, practitioner discussions with young people about their past offending are used to demonstrate and emphasise the fact that each young person is an effectual being who makes an impact on the world. Rachael (Unit D), for example, described focusing upon what she called the ‘*ripple effect*’ in her conversations with young people in order to educate them about the various ways that their choices and actions can affect peoples’ lives; while Alan (Unit D) talked of putting young people ‘*back into reality*’.

*...they might just think, “Oh, well, I hit Mr Smith, so he’s the victim”. OK, yeah, but – what about your mum, who had to take you to court, had to take a day off work, and lost money, because you got into trouble? Do you think she’s a victim? Oh, well, I suppose so, yeah. And what about the person who had to cover her shift, so had to do double the work that day because she couldn’t go into work because she was in court or at the police station with you? Oh, yeah...*

Rachael, Unit D

To hold a young person accountable, then, needn't involve an overt emphasis on, or the provocation of expressions of, personal liability; but can guide toward a greater appreciation of efficacy and increased capacity to make positive decisions in the future (Newbury, 2008). This was also articulated by Olivia (Unit B), who asked me to explain 'responsibilisation' before the interview started, because it formed part of the title of the research study and was not a familiar term. I told her it is difficult to define, and its meaning is contested; but that, broadly, it can refer to the idea that people's desistance from crime can be attributable, at least in part, to their being made to feel, or take, responsibility for their offence(s). 'Bollocks', she replied, 'desistance is nothing to do with that'. Later, when the interview had started proper, and the tape was running, I asked her to explain that in a little more depth.

*Interviewer – You said earlier that you don't agree that if someone stops offending that that is down to – necessarily – their being responsabilised.*

*Yeah. It depends if we're looking at being responsabilised for the actual criminal act, or are you talking about me looking at them wholly, like I was saying, holistically.*

*Interviewer – Ah, that's what I need you to tell me.*

*So, it's possible, like I'm saying, that they have been responsabilised, as citizens, if you looked at it as a holistic thing. I thought you meant in terms of, regarding their crime.*

This perspective on the significance – or not – of an offender expressing some indication that they feel responsible for their action(s) further clarifies and distinguishes YOT work from other agencies in the CJS. YOT workers do not ascribe responsibility to a young person for their offence(s), nor, necessarily, seek its expression in their interactions with young people. The ascription of responsibility is linked with the negative attribution of blame: either because that is the association drawn by the young person, or because that is the interpretation of the YOT worker. But responsibility is an important part of a young person's involvement with YOT, because the relationship between worker and young



person is viewed, by the practitioner, as an opportunity for the youth to develop prospective responsibility for their choices and actions via learning accountability for what has gone in the past. As Emma (Unit A) put it,

*Everyone is responsible for what they do to **some** level. I think it, you need to look at each case individually. But everyone needs to take accountability for their actions. Whether they are fully responsible I don't know, but they need to take accountability for their actions. It's part of growing up, isn't it.*

Original emphasis.

This is coherent with the common appreciation expressed by all participants for structural and other contributions to offending behaviour. It is not necessary to stress personal liability, which may, in any case, be unjust; but the capacity for a young person to exert some measure of control over their life – to realise their status as autonomous beings – must involve their understanding of self-efficacy and consequent answerability. This involves practitioners drawing distinctions, to young people, between those contributions to offending behaviour over which they may have little control; and the decisions and behaviours that are within their governance.

*I don't think telling someone that they're responsible for everything that's happened in their life is in any way beneficial, and I would refuse to do that if I was told to. [So] [...] I do think they're responsible, because ultimately, they need to take accountability; but I think accountability and responsibility are two different things. They need to accept what they've done, and that they were the ones that did it. But, yeah, how they got to that point, they need to acknowledge it sometimes was out of their control.*

Nicola, Unit B

*And no one's saying it's not harder, it's **definitely** harder for them, you know, I always say, it's so much more difficult for you to [...] not do these things, and to progress through life in the way that [...] society feels you should; but, [...] you can't walk around saying, oh, it's not my fault because all this happened to me. It doesn't work like that.*

James, Unit E; original emphasis.

The intended realisation, on the part of young people, that they are effectual actors who make an impact on the world; and that their choices and actions affect their present and their future; is further nurtured via their being held to account for adherence, or otherwise, to the conditions of their order. This is the focus of the following section.

#### **6.5 “You need to give children responsibilities”: Holding to account in the present**

The importance of young people being held accountable for their choices and behaviours whilst under the supervision of YOT was discussed by most (17/21) participants. These discussions were both retrospective and prospective in content, although its retrospective face tended to be employed as a means of explaining contemporaneous difficulties with personal accountability. For example, it was common to be told that a lack of accountability in a young person’s life had contributed to their difficulties appreciating the possible harmful consequences of a particular action or behaviour. There were no indications that such perspectives are ever shared with the young people in question. It was equally common to hear that a young person’s relationship with the YOT worker offered an opportunity for a young person to learn the practice of accountability, by being tasked with the responsibility for meeting the obligations of their order and engaging with the supervision process and experiencing some repercussion should they fail to do so. This contemporaneous accountability is made clear to young people. This focus on a young person learning to take responsibility for themselves is not solely focused upon their offending but relates to their competency and development more generally. As Olivia (Unit B) describes it,

*I think YOT is an opportunity. It’s an opportunity, often [...] to offer some continuity and consistency, which they often haven’t had, and boundaries. So [...] if there are firm boundaries and consequences for something, then that’s learnt along the way, and that can help someone take responsibility. So, [...] it’s down to*

*the responsibility for coming on time; responsibility of attending appointments; responsibility for actually talking to me during the appointment. It's not just responsibility for having committed the crime, it's all areas of responsibility that they need to develop as a child or adolescent going into adulthood. So, then, if you don't do this, this will happen, cos they often haven't experienced that.*

All participants who discussed accountability in the present (17/21) linked their discussion to breach; and most also made references to the significance of boundaries in establishing some internalised comprehension of personal responsibility within the young people with whom they work. The following section will describe and analyse these discussions. In addition to holding young people responsible for their engagement with YOT, several practitioners talked about providing their young people with opportunities to behave responsibly in other areas of their life; and to experience recognition and reward when they achieve this. This will be discussed after.

#### **Penalising non-compliance: the use of breach**

The importance of young people experiencing clear boundaries around acceptable and unacceptable behaviour has been linked, within child-development literature, with their developing a sense of personal responsibility, while a lack of boundaries is associated with 'a distorted sense of personal entitlement' (Combrinck-Graham, 1990:12; see also Castrucci and Gerlach, 2006; Dishion and Patterson, 1996). This construction of how and why boundaries are important was reflected in the conversations of participants in this study, who believed that an absence of boundaries in young people's developmental years was contributory toward inclinations to commit bad actions. These actions are not reflective of the young person's nature but rather of a lack of this particular kind of nurture.

*It kind of goes back to the nature/nurture debate I suppose. I mean, you can have a pitbull terrier which is predisposed to be more violent than other dogs in terms*

*of its temperament; but if you bring it up and give it love, and attention, and boundaries, it's as safe as any other dog. You can have a golden retriever who's had none of that, or who's been through some kind of trauma, and it has to wear a muzzle wherever it goes.*

David, Unit C

All participants who discussed breach expressed some support for it as a means of drawing explicit links, to young people, between behaviours and consequences. For the most part, this favourable perception rested upon the threat of breach rather than its actualisation. Only three participants shared experiences whereby the act of breaching had contributed (to their mind) to a young person desisting from offending.

Participants were mindful of taking an individualised approach to their decisions about whether to breach a young person and talked of basing such decisions not solely on a young persons' non-compliance but on their individual capacities for understanding the requirements of their sentence and their ability to comply. There was also acknowledgement that one aspect of learning anything new will involve making mistakes and being allowed to learn from them. This was well summarised by Jack (Unit D), who told me that boundaries, rules, and consequences,

*...need to be introduced in the same way as you'd teach [children] to read. You don't say right I'm going to teach you to read, here's the complete works of Shakespeare, OK? [...] And the same comes with all kinds of things, whether it's social interactions; or [...] understanding the rules, OK? And, you know, someone explains them to you, well, you have to break them to really understand what they are, sometimes, and learn what consequences are.*

Similarly, Leah (Unit B) told me that,

*I think we're [...] very pragmatic in how we apply those breaches or when we step in or give them chances and, come on, this is what we've got to do, and... you know, you can't just come straight out with a punitive solution.*

The recognition that young people are likely to make mistakes in their adherence to the terms of their orders has been recognised, in recent years, through the attribution of greater discretion to YOT workers in their decisions about whether and when to breach (Haines and Case, 2018). The discretionary approach to practice was reflected by the practitioners in this study in the ways that they talked about breach offences, which was often personalised and individualised (*“My own approach is....”*; *“Personally, I...”*; *“I am very...”*). It was also discernible in the common recognition that some young people who have experience of social and other disadvantage may have difficulty in understanding what their order requires of them; may be living chaotic lives; and may lack support from other adults, who have caring responsibilities toward them, in meeting the obligations of their order. The data reflects a common appreciation for the fact that any provision of choice ought to be matched with each person’s capability and circumstances, so that choice supports both autonomy and competence (Ryan and Deci, 2000).

*...they need different levels of care. I mean, with that lad I’ve been speaking about, he will miss his appointment every week, but his lifestyle is so mad that, you know...*

James, Unit E

*[Breach] is my own decision, because I can see the bigger picture...*

Rachael, Unit D

Nearly all participants who discussed holding young people to account, and linked it with breaching practice (16/17), provided examples of where they have exercised their discretion in choices about who and when to breach; and expressed approval, in so doing, for workers’ ability to manage orders in accordance with the differentiation of circumstances that are experienced by young people. The principle of fairness was

important to this because discretion allows for adaption to the demands of each individual's situation, which acknowledges the 'softness of reality' (Austin et al., 2006:83) and avoids routinised responses that may undermine principles of justice and welfare (Eadie and Canton, 2002). Two participants told me that the potential effectiveness of using breach to provoke compliance can be undermined by the unpleasantness of a young person's social circumstances. There was also evidence that some practitioners (9/17) perceive actors in the courts to use their discretion less well than YOT workers, and to be inclined toward punishing a young person disproportionately for noncompliance. This acts to inhibit, or constrain, practitioner decisions about breaching where they might otherwise be actualised.

*I think that I'm not as quick to escalate [to breach] because I'm balancing it... [...], [it] just ends up escalating, and up-tariffing very quickly, I find. That's my opinion, anyway: that once you're in that system, you're in.*

Olivia, Unit B

*I think we need to get away from punishment. Oh, right, OK, it's your second knife crime, so bang, you're going to go and spend some time in [local YOI]; oh, right, you're breached, in you go. That is ridiculous.*

Jack, Unit D

Breach offences can be problematic because there are indications, as above, that they fuel youth imprisonment (YJB/MoJ, 2018; Bateman, 2013; 2011; YJB, 2013b). The risk that young people may incur a custodial sentence should they be returned to court appears to sometimes inhibit participants' decisions to initiate breach action, because such a punishment is generally considered to be disproportionate and harmful. Although all who discussed breach expressed some positive views about its value as a method for holding young people to account (17/17), this potential for what is perceived to be disproportionate punishment can undermine the scaffolding of fairness and accountability that provokes that support in the first place.

In consequence of the above, most practitioners who talked about breach (15/17) told me that they routinely employ supportive strategies with young people so that they can avoid the potential for initiating breach action. As Anne (Unit C) put it,

*You do everything that you possibly can to try and get them to attend their appointments.*

This includes sending text messages to the youth to remind them about appointments (15/15); telephoning them the day before and/or day of the meeting (11/15); liaising with the parents of young people to garner their support in getting a young person to remember and attend their appointments (11/15); and agreeing to meet young people either in their home, or a location near their home, so that travel is unnecessary (4/15). These methods are employed in the interests of avoiding young people being re-referred to court, and in recognition of the difficulties that they may experience with meeting their obligations without such support. But they also, sometimes, provoke concerns, from these same practitioners, that this kind of support, and discretionary practice more generally, could contribute to young people failing to learn the practice and value of taking personal responsibility. Most of the participants who expressed this concern (12/15) contextualised it solely within the YOT supervision process; but some (9/15) made an explicit link between teaching the practice of personal responsibility for attendance and compliance and enabling a successful transition, for the young person, from youth to adult services. This will be described first, and discussion of those more generalised concerns will follow.

Probation services are far less likely than YOT to take a discretionary approach toward non-compliance, even if there are structural or other impediments that are influential upon it. The *National Standards* for probation suggests that ‘rigorous’ enforcement of community sentences is important to promote and secure public

confidence, and its guidance about breach is prescriptive. Proceedings should be commenced, depending on sentence conditions, after the second or third ‘unacceptable absence’ (MoJ/NOMS, 2015). If a young person is to experience successful transition from youth to adult services, then, they need a full understanding both of what is expected of them and of how they are to meet those expectations. That means that YOT practice ought, to some extent, mirror these expectations, so that by the time of transferral the young person is practiced at meeting their obligations, because:

*...the transition into adult services [...], that’s quite a bit about taking responsibility. Because they have to – they do **have** to – you know, remember more; and they’re not gonna have us ringing them up or texting and reminding them about appointments and things like that.*

Hayley, Unit D; original emphasis.

*You’ve gone from quite a protected, child-centred, if you like, place, to, well, you’re an adult, you need to be here at **exactly** the right time.*

Leah, Unit B; original emphasis.

Transition has been identified as a persistently problematic part of YOT practice. An inspection in 2012 resulted in several recommendations for improvement, but barely any had been implemented by 2016; and young people continue to enter the adult service ‘unprepared and uninformed of the expectations they [face]’ (HM Inspectorate of Probation, 2016b:5; see also HM Inspectorate of Probation, 2012). Transition is managed by YOT but ought to be supported by the involvement of a qualified, seconded probation officer, to act as lead contact with the National Probating Service and provide advice and recommendations (HMI Prison and Probation Service, National Probation Service and YJB, 2018). But of the five units involved in this research, only one had a seconded probation officer; and none of the four without were recruiting. This is perhaps reflective of a national shortage of probation officers (Morris, 2016), although there is a lack of



publicly available information to confirm whether this picture is replicated in YOTs across England.

The kinds of supportive strategies that participants discussed in their interviews with me reflect the fact that a significant number of young people referred to YOT will have experiences of disadvantage and adversity (Taylor, 2016), and there are potential dangers to overlooking the importance and impact of such experiences in efforts to promote resilience and independence (Sinason, 1992). Rigid adherence to rules and sanctions can undermine authentic relationships between worker and youth (Smith, 2001) and weaken the importance of care in the relationship (O’Leary, Tsui and Ruch, 2013; Banks, 2004); so, pathways toward resilience and autonomy, in the face of adversities, can be highly influenced by protective factors (Dyer and McGuinness, 1996). But it should also, arguably, involve a requirement for the individual in question to take on responsibilities, which are defined and supported by clear rules and sanctions (Grant, Ramcharan and Flynn, 2007; Egeland, Carlson and Sroufe, 1993); because being given responsibility promotes motivation and self-esteem (Cooper, 2012) which can inspire personal change (Enns, 1992). Successful transition for young people – whether from youth to adult services, or away from the justice system entirely – is also associated with the development of skills such as time and self-management (Paterson-Young, Hazenberg and Bajwa-Patel, 2019). This type of balancing act, between protection and expectation, was summarised by Leah (Unit B).

*You don't want to set them up to fail. So, with the appointments we make with young people, you know the ones that are more likely to be up, and the ones that aren't [...] so then, you don't go out of your way to give them an early start. But then you have to also give them a taste – sometimes they will have to be here earlier, sometimes they will have to – that's, to me, that's a responsible adult, and a responsible practitioner. You can't just give them the bits of life they want; you have to give them a general overview. It's like being a parent, isn't it. It's like tough love. [...]. So, I think if we're not, if we're not promoting some of those values, then we're not really helping young people to develop, either. [...] I think part of our role*

*is – whether we're meant to or not – is we're preparing them for the next stage of their life.*

Others expressed similar sentiments.

*Was it Bowlby who said you've got to love them to leave them? And [...] I know, now, why my mum was kind of got me doing things I didn't like as a teenager; [...] because she's preparing me for the time when I've got to step off on my own and fly for myself <laughs>. It's a whole kind of, there's kind of a parenting journey that goes through that I suppose.*

David, Unit C

*If it's not unusual [for them to miss supervision] I'm like nope, that's it, you got warned... Because I feel like this is like being a parent; you are in some way helping them for their future life.*

Rachael, Unit D

The dynamic interaction between protection and accountability in therapeutic relationships has been defined by Cooper (2012) as a compassionate and boundaried approach; whilst too much emphasis on protection, and too little upon personal responsibility, can make it 'easy to support someone too much' and activate some emotional dependence (see also Young, 2010).

This boundaried approach to practice is perhaps more clearly delineated in literature than it can ever be experienced in real life, however. Recognising and acknowledging an individual's barriers to compliance can lead, as Rachael described in Chapter Five, s.5.3, to a desire to '*protect*', '*look after*', and '*keep safe*' vulnerable young people; and it can be difficult to distinguish and define where holding someone to account is unjust and where it becomes a protective factor in and of itself. This can be difficult for young people to understand, too. Nicola (Unit B) expressed this when she talked about experiencing blame from a young person, or their parents, when she has decided to initiate

breach action for noncompliance. She told me that a common reaction in such situations is to feel some betrayal that she is punishing, rather than supporting, them.

*“You’re not meant to be doing this, you’re meant to be helping me, why are you taking me back to court?” They can’t correlate that the two are the same thing.*

As with contextualising offending itself, which can cause concerns that YOT excuses young people from their responsibilities (see Chapter Five, s.5.3), this balance between protection and personal responsibility can provoke concerns that employing *too much* flexibility with some young people may become the means by which boundaries are infringed and noncompliance enabled. This was raised by most of those who talked about breach (12/17).

*...there’s a fine line between having problems doing everything they have to do and just using that to attempt to control the situation.*

Andrew, Unit C

*You’re trying to minimise [barriers] but it’s a fine line between [...] wanting to make their ability to engage as easy as possible, but also not bending over backwards and making them feel that they’re able to, kind of, you know, <laughs> just not attend appointments or just make you kind of run ragged after them.*

Hayley, Unit D

*I will bend over backwards as much as I can to try and help them out, and then I’ll reach a point where I’m thinking, “Actually, are you taking the mickey here”?*

Anne, Unit C

In these contexts, practitioners appear to feel that they are at risk of being misled by some young people, who, they perceive, may try to use their vulnerabilities as excuses to avoid meeting their obligations under the terms of their order.

The need for professionals who are engaged in ‘helping relationships’ to identify potentially manipulative behaviours has been well documented in social work and other

therapeutic literature (Savaya, Gardner and Stange, 2011; Casement, 2008; Saleebey, 2002; Martinez, 1980). The advice for managing it reinforces the need for practitioners to balance protection and accountability. Hepworth (1993), for example, counsels that professionals should define the relationship with their client, from the outset, as one that shares the responsibility for seeking solutions to any difficulties with attendance and compliance, to avoid the relationship becoming one of dependency; and recommends holding them to rules and prescribed procedures by invoking consequences for noncompliance. Overlooking infractions, and making individual exceptions, can 'foster future infractions and thus do clients a disservice' (Hepworth, 1993:680). There is no advice about this for YOT workers in any of the guidance released from the YJB or other interested bodies; but YOTs have been assessed, in the past, as placing too much stress on compliance and too little upon support. A report from HMI Probation in 2016, for example, is critical of approaches whereby practitioners emphasise, to a young person, the importance of their turning up to meetings and adhering to other requirements of their order. This demonstrates a 'tendency to deal with 16 and 17 year olds more as adults than children' (HMI Probation, 2016a:25). The same report identified that noncompliance was an issue in almost three-quarters of the cases reviewed and was critical that plans to address this tended to centre upon decisions about whether enforcement measures should proceed. This, they state, 'was not good enough'; what ought to be demonstrated is 'concrete remedial action' (ibid.:27). They do not indicate what the substance of concrete remedial action might look like. This chimes with Doel et al.'s (2010) study, which found that organisational guidance tends to ignore ambiguous areas of practice and the complexity of dilemmas that require professional judgements and assumes practice to be clear.

The concerns outlined above demonstrate that issues of compliance and noncompliance are not solely allied with the broader social circumstances in which an

obligation is experienced. Other key aspects of compliance include the individual offender's attitude toward their intervention and their motivation to comply with it (Dubberley et al., 2015). Research literature is clear about a relationship between motivation and desistance from crime (Williams and Schaefer, 2020; Youssef, Case and Day, 2016; Ward and Laws, 2010; Serin and Lloyd, 2009; Farrall and Calverley, 2005; Burnett, 2004; Rex 1999). Motivation for adherence with community and other orders specifically has been discussed by Bottoms (2001), who describes the different social and psychological processes involved in compliance as being prudential (driven by self-interest); normative (driven by moral obligation); habitual (by tradition) or constrained (coercion). Although Bottoms (2001) does not discuss the concept of responsibility in his analysis of compliance, it is arguably relevant to the presence, or otherwise, and the development, or otherwise, of normative motivation. If compliance is normative, then that would suggest that the recipient of the order understands, and is willing to accept, the values that the obligation entails. This constitutes a 'voluntary assumption of an obligation' even where the obligation itself has been imposed upon the actor (Neff, 1969:14). If compliance is prudential, and driven by self-interest, then this suggests that there is a difference in responsiveness to the values that underpin that obligation. In such cases, a person does not, necessarily, understand or accept the values that an obligation entails; but they do assume the legal liability assigned to the performance, or non-performance, of certain acts or duties (Douglas, 1980; Neff, 1969). Neff (1969) proposes that this difference in responsiveness to values constitutes a conceptual difference between responsibility and accountability. Responsibility, he argues, refers to the voluntary assumption of an obligation, while accountability refers to legal liability. In the contexts we are discussing, normative motivation to engage in a community or other order would constitute the actor taking responsibility for it, while prudential motivation is a demonstration of accountability.

Practitioners, in this study, were concerned with initiating normative engagement, which is demonstrated by their efforts toward building a supportive relationship with young people and encouraging their active participation in the supervision process. But in terms of teaching young people the practice and value of responsibility, via their being held to account, many practitioners who discussed breach (14/17) did appear to use it, at times, in a rather more coercive way, intended to facilitate formal compliance on the part of the young person by clearly delineating the consequences of noncompliance. This occurs when the practitioner has determined that the young person is avoiding meeting with their YOT worker, or fulfilling the requirements of their order, because they lack motivation to do so.

*And I just said to him, "I don't think you're getting this. You know, you're heading towards a breach. You're heading towards court. And what's gonna happen there?" [...] You have to say it to them, about the consequences. But some really do push, push.*

Leah, Unit B

*...I [...] took him all the way up to [local YOI], showed him where the gates where [...]. I said, "[...] You can't see anything of the inside from the outside. It's all contained". I told him he'd have to do education. He said, "What, in prison?" I said, "Yeah, if you're school age, you have to go to school". And it was just that idea about the reality of it.*

Mike, Unit E

*You can lay it on a bit more... I'll say, all right, well I was in [prison] and a lad walked by and his head was touching the ceiling, you know, they are big guys in that prison.*

Will, Unit A

If these approaches have the effect of motivating the young person to comply with their order, that motivation is very likely to be experienced as constrained and prudential: it is in their interests to adhere to these statutory obligations because the consequences for not doing so are likely to be adverse. The likelihood of this provoking substantive

compliance with the spirit of the order, or a desire to make the kinds of changes required to generate longer-term compliance with the law, would appear, from the literature about motivation and compliance, to be dubious (Robinson and McNeill, 2008). This is perhaps especially true within youth justice, where engagement and motivation for change seems to be strongly predicated upon genuine collaboration between worker and youth and the development of trusting relationships and meaningful goals, rather than the mere fact of adherence to legal obligations (Trevithick, 2012; Baker, Kelly and Williamson, 2011; Ipsos MORI, 2010). This point has been made by HMI Probation, which defines the relationship between YOT worker and young person as merely ‘functional’ when it is characterised by an overt stress upon the importance of compliance (HMI Probation 2016a:25).

Yet provoking prudential motivation to adhere to something does not preclude the development of normative motivation alongside it (Brown, Maslen and Savulescu, 2019; McNeill and Farrall, 2013). Braithwaite’s (2003) work on ‘motivational postures’ suggests that attitudes towards compliance – and, in turn, compliant behaviour – do not remain static over time. Tyler (2003) highlights the likelihood of attitudes and behaviours changing and developing in the context of significant interactions between regulators and the regulated, especially where it is perceived that boundaries are clearly defined, and the exercise of authority is fair (see also Trinkner, Jackson and Tyler, 2018). MacIntyre (2009) suggests that transcending the limitations of our motivational set is an essential aspect for the development and assertion of autonomous action. In the case of both young people and adults, there will often be a gap between what we have good reason to do, and what would satisfy some more immediate or primal desire. It is by being reactive to external reasons for motivation that we internalise such mechanisms.

The task for the YOT officer, then, if they are successful in motivating prudential attendance on the part of a young person, is to use the subsequent meetings as a means of moving that young person from merely formal to more substantive compliance with the

order. This can be done by, for example, using their interactions to explore and develop the beliefs and attitudes young people hold; by generating positive attachments, or social ties; and by increasing the perceived legitimacy of the workers' authority (Robinson and McNeill, 2008). The development of these internal motivations to engage with official processes should eventually negate the necessity of external constraints to ensure compliance (Tyler, 2006). This concept of dynamic compliance was evident from remarks made by practitioners in this study, who talked about adopting much more relaxed attitudes toward formal compliance once they have established a relationship with a young person and feel assured of their substantive engagement in the YOT process.

*Things tend to settle down as the relationship forms and you understand what's going on with them.*

Louise, Unit D

*...I wouldn't normally wait for an hour, but I thought [...] I haven't seen him for a while, I want to see him, I want to catch up with him [and] I'm gonna wait for him, it's no big deal.*

Leah, Unit B

*.... he's missed a few appointments, but I don't see the point in keep taking him back to court, because, well, I've noticed better changes, so for instance he will get in touch and say actually he's missed the train, he can't come. And that, to me, is a huge, huge thing.*

Megan, Unit D

Even where boundaries are somewhat pushed, then, practitioners who have confidence in young peoples' motivation and engagement are much less inclined to reinforce boundaries via the threat or use of sanctions than they are when there is seemingly no motivation to engage at all. This relates back to the interaction between boundaries and autonomy, discussed in Chapter Four, s.4.3, whereby children and young people are gradually socialised to internalise the values that contribute to positive choices and actions, so that external pressure or force to ensure compliance with those values cease to be necessary



(Hoffman, 1970). It also shows that participant concerns about the unjust punishment of non-responsible young people are somewhat countered by concerns that some responsible young people may unjustly evade accountability. Further, it demonstrates that none of these participants wishes to impose a system of rigid accountability, and that a deal of variation will apply according to both individual practitioner and individual young person. But when the practitioner perceives there to be no motivation, then breach, or threat of breach, becomes the means by which they can provoke prudential incentive. If it works, and the young person begins to attend, then this becomes the means through which substantive motivation and engagement can advance. This has been described as the chicken-and-egg nature of engagement, whereby effective engagement can result from, yet be also contingent to, the establishment of authentic relationships (Johns, Williams and Haines, 2018); but it also highlights how processes of accountability can act as something of a gateway toward the development of responsibility. If we use Neff's (1969) distinction between these two terms, that means the difference between the young person performing certain acts or obligations (turning up to appointments) and the young person accepting and responding to the values that those acts, and obligations represent (engaging with the practitioner; participating in the design of their order; making substantive changes). Arguably, though, we do not need to be strict about such conceptual divisions for this process to be understood. Stott (1976), for example, makes the same point about accountability and responsibility dynamically interacting, but does so by turning them on their head. 'To teach accountability', he argues, 'one must, among other things, hold [people] responsible for their actions' (ibid.:436). Similar beliefs were expressed by some of the participants in this study, most of whom drew no distinction between the concepts of 'responsibility' and 'accountability' and often used them interchangeably.

*Yeah, and that's the thing – how will they learn to be responsible if they're not held – you know?*

Rachael, Unit D

*If you give them responsibility, then they'll accept it back. And it's an equal relationship.*

David, Unit C

*I think you need to, you need to give children responsibilities, because otherwise if you don't give anyone responsibility how on Earth will they ever learn how to deal with responsibilities?*

Jack, Unit D

Again, these perspectives chime with child-development literature (Cline and Fay, 2020; Gordon and Doyle, 2015; Oladipo, 2009), which is consistent that to help children and young people gain responsibility, 'we must offer them opportunities to be responsible' (Cline and Fay, 2020:22). It is consistent also with the perspectives from moral philosophy that responsibility is an aspirational condition for children and young people, and thus part of its development necessarily involves younger members being treated as more capable than is truly proportionate to their abilities (MacIntyre, 2009; van der Burg, 2009; Fuller, 1964). Equally, failing to hold a child or young person to account when they commit infractions can, as Hepworth (1993) argues, constitute something of a disservice toward them. It risks reinforcing any existing perceptions on their part that they are not answerable for their actions and fails to teach the practice of responsibility.

Holding someone to account, then, is a process, not a singular event; and if it achieves its aims, it ceases to be necessary. The intent is to provoke change, away from the practitioner *holding* a young person responsible by compelling their engagement in the YOT process; to the young person *being* responsible, by providing the initiative to engage with the process to achieve desired ends (Bacon, 1991). This is the difference between 'the pawn experience', whereby an individual is externally 'pushed around'; and

‘the origin experience’, which is the strong sense of initiating our own actions (DeCharms, 1972). In this way, the practice and process of being held to account links with developing autonomy. This is further supported by efforts from practitioners to provide young people with opportunities to act responsibly beyond mere compliance, and to experience recognition (or, alternatively, accountability) when they do so. This is described and discussed next.

### **Encouraging, recognising, and rewarding responsibility**

The notion that young people commonly struggle to recognise when they have done well or have little experience of responsibility as a positive attribute, was raised by over half of participants (14/21); and there were common perceptions more generally that young people will tend to associate the concept of responsibility, or being responsible, with negative attributions such as blame and shame. Lewis (2001) suggests that negative associations with responsibility are often the result of aggressive discipline techniques that young people experience in educational and other settings. But misbehaviour is less likely to occur when adult/child relationships are characterised by a balance of sanctions and positive reinforcement, and good behaviour is highlighted with the same consistency as bad. This is likely to induce greater levels of and willingness to assume responsibility on the part of a young person (*ibid.*). Rewarding positive responsibility can also be a means of addressing situations whereby crime can be, or feel, more gratifying than desistance or conformity (McNeill and Weaver, 2010), and can help to develop individual capacities for asserting autonomy and agency in ways that avoid harming others (Ward and Maruna, 2007). This is, potentially, of even greater significance for younger offenders than adults. It has been proposed that adolescents tend to be ‘hypersensitive’ to reward, which is also linked to their greater proclivity to take risks (Van Lejenhorst et al., 2010).

Recognising young peoples' achievements has been identified as important for supporting the development of a pro-social identity amongst young offenders and for motivating desistance (Nugent and Schinkel, 2016). YOTs have been subject to some criticism, in the past, for failing to systemically link recognition or celebrations of achievement to the supervision process; and for taking a somewhat disparate and piecemeal approach that is non-extensive, inconsistent and 'not good enough' (HMI Probation, 2016a:33). There was no evidence, from the data gathered for this study, that processes for recognising and/or rewarding young peoples' achievements are consistently embedded within the supervisory process; and there were indications that some practitioners felt that doing so has become more difficult, in recent years, than it may have been in the past. But many participants did describe taking an individualised approach to acknowledging and, sometimes, rewarding effort and achievements to motivate young people to meet their various obligations and experience a sense of responsibility in ways that are not associated with punishment or censure. For example, Rachael (Unit D) described modifying her responses to young peoples' behaviours depending upon the person she is working with, and what things they may experience difficulties with; and told me that, for some of them, she'll say:

*"You turned up! That's brilliant!", you know. So yeah it depends, depending on the case.*

Similarly, Will (Unit A) told me that,

*I always try to say "well done" to them. It could be just for a little thing, you know.*

One example that Will provided of encouraging young people when they achieve something – no matter how small – concerned a young man who had difficulty applying

himself to a supervisory session for any length of time; but who was gradually increasing the period he felt able to attend.

*...he might walk out after half an hour. And I wouldn't say, well, you've got an hour to do this, actually; you know, it wasn't like that. Just, yeah, OK, that's fine. You done well.*

This reflects an attitude about the importance of acknowledging effort rather than, necessarily, accomplishment. The term 'small wins', to describe these little indicators of positivity, was used by fourteen participants.

*...you try and break everything down into manageable parts and if you get sort of some way, then that's, sometimes, that's kind of, amazing.*

Jack, Unit D

*...it's about goal setting for the young person, and I, you know, "I will work towards", rather than you will do this and you will do that, and recognising that.*

Hayley, Unit D

*...he turns up on time for things, so [...] he's gained that employable skill now [...]. But that's just like, a very small thing, but yet a very significant, really, especially culturally, I think, with him. [...] if you're looking at positive steps you need to put them into the context of that individual.*

Olivia, Unit B

*[He was] outside his house and was waiting on time to be picked up, seems like a small thing but for me that's a big achievement. [...] That boy 2, 3 weeks ago wouldn't have got out of the house, he still would have been in bed. So, he's got out of bed, got dressed, and he's outside waiting. [...] So, to me, I actually think his achievements are coming in all the time.*

Leah, Unit B

There were indications of some feelings that recognising these small efforts is particular to YOT, within a young person's life. For example, Jack talked about a young man with ADHD who was,

*...an absolute bottle of emotions, OK, but he's now not offended for fourteen months; and [I've said to him] "When I first met you, you couldn't sit in a room with me for fifteen minutes or so. And now, I have to get you – I can't get rid of you!" You know? [...] It's amazing. You know. And for some people, they'd say, "Really? That's not much of an achievement", but, yeah, it's not for you, but you haven't had this background and you haven't had the other things that this person had to deal with. But for him that's amazing. And he's pleased with it, and he'll always give me a big smile when I tell him about it.*

Like Jack, Alan (Unit D) perceived that other adults, outside of YOT, can be less supportive of the small ways that young people can demonstrate better behaviour or an increased sense of personal responsibility. He described his encouragement toward a young man who struggled to control his temper, and contrasted this with the reactions from other adults in the young man's life:

*...the thing is he used to hit people, and he realises that's utterly wrong and not acceptable, so now he's breaking things, and now people are saying, well, that's utterly unacceptable; so, it's like, well, what am I supposed to do? It's a vast improvement! I mean, he puts a hole in plasterboard wall; well, I'm sorry, you can replace plasterboard. You can't, you know... So, he's not, he's not hurting himself really, he's not hurting anyone else, so it's a good compromise comes out of it. He's doing well.*

Other practitioners described giving young people responsibilities for something other than mere adherence to their order, so that they can experience a sense of ownership and achievement beyond YOT. Kevin (Unit B) told me about a teenager who had committed a very serious offence, and who struggled significantly with self-esteem issues. She was estranged from both parents and confided in Kevin that she felt isolated, friendless, and unlikeable. At the start of her involvement with YOT she was regularly self-harming and appeared, to Kevin, to be '*literally on rock bottom*'. Kevin focused supervision sessions on exploring, with her, what made her happy; and discovered that she had always wanted to

organise and cater an event but had not had cause or opportunity to do so. Together, over the course of several months, they planned a birthday party for her.

*...she felt that she had a purpose and a belonging because this [...] was for her. And [afterward we] had a good chat, and the smile just never came off her face [...] and I just said, you know, **and** 100% attendance at school, and she was absolutely beaming off that. And [...] I sort of tried explaining to her [that] this is a huge achievement for you, you know, each part of what you've completed is an achievement. So, you have, you have, it's important for you to remember that you've achieved this yourself.*

Original emphasis.

As her self-esteem grew, so too did her engagement at school; and she also began a work experience placement.

David (Unit C) was also able to provide examples whereby he has instigated opportunities for young people to practice and demonstrate their capacities for being responsible, although these tended to be more dialogue-focused than activity-oriented. In such interactions David would position himself as 'the child' and the young person as 'the adult'.

*...I think if you can sort of help a young person to think like an adult, by treating them like an adult for a period of time, there's no doubt about it; there are some young people who have never [...] had anything but a critical parent, which pushes them straight into child mode. To come in as an adult and ask someone what they think, [...] and, even to say to someone, "I've got a bit of a dilemma myself", even if you make it up <laughs> and say to someone, you know, I need your help. Sometimes [...] you've got someone who says, "I've never been asked a question like that before; I've never been made to feel like I'm important enough to have a response like an adult".*

*You're [...] allowing someone to be the child when they want to be, and allowing them to be the adult, too. So a young person comes in and I'll say to him, "I don't know how to set [the pool table] up, do you know?"; "Yeah, yeah, I'll help you out". See, he's the parent now, showing me how to set it up.*

Kevin (Unit B) also used dialogue as a means of encouraging young people to view themselves in a responsible role, by presenting the concept of responsibility as a positive attribute that indicates confidence in a person's character. One young man he worked with was obliged to attend a series of meetings with various actors and agencies in consequence of his offending and other behaviours, and his mother expressed the view to both the young person and Kevin that he would not meet these obligations.

*...I saw him the other day and I have faith in him; and I said to him, you know, "I believe that if I come to your house, you're going to be there". Trying to restore that – give him a bit of ownership to say yeah OK, like, someone's believing in me for once, and I don't want to lose that. You know?*

Will (Unit A) had a similar story.

*...when I got him bailed on his appeal all my colleagues, and even Social Services, were saying, oh, well he'll be breaking his curfew over the weekend. Cos he had done in the past. And I said no, I don't, I really don't believe he will, and I said to him, as well, I said, I believe in you that that you can do this.*

Jack (Unit D) perceived that the experience of having a supportive adult expressing faith in their abilities to meet their various obligations was both novel and significant for many young people.

*The most important thing we do is believe in the young people we work and get behind them and you know, and believe in them. Sometimes for the first time.*

Leah (Unit B) believed that these experiences contribute to a change in the young person's self-perception. For Leah, those 'small wins' constitute an indication, for her, that supervision is having some positive effect, even if the young person persists offending.



*...seeing changes in people that are positive, and start to see them believe in themselves a bit more, and take some, not responsibility, but take that ownership, because they like themselves, they want to get up; for me that's far more rewarding than someone showing me a statistic about reoffending.*

Hayley (Unit D) agreed with Leah's perspective that 'success' with young people is not strictly limited to their ceasing to offend. As an example of this, she told me about one young person she was working with who,

*...[is] sticking to her curfew at the moment, and that's the biggest thing you could ask of her at the moment, [...] yeah, she's coming in at 9 o'clock most evenings and that's amazing, I've said to her, because, you know... <pause> Still got arrested again.*

Sophie (Unit C) preferred to focus her attention on those behavioural aspects that young people are getting 'right', rather than re-direct her focus to those aspects that may still need improvement.

*I think it's really important to congratulate them when they do things and to keep reminding them of the good things and not to remind them of the bad things. I think I would like to hope that I treat my clients as I would want my own children treated. If they're wrong I'll tell them they're wrong; and if they're right, I'll tell them they're right.*

When there is lack of opportunities for a young person to exhibit things that are 'good' and 'right', participants described creating them.

The common perspective that some young people are 'not ready' for the sorts of activities that can indicate engagement with a court order, such as attending school, leads some practitioners to develop alternative obligations. This allows a young person to demonstrate willingness to change and to learn and practice adherence to rules and

commitment to an activity. For example, Hayley (Unit D) worked with a young man who ‘*was not ready*’ to return to full-time education; so, instead, Hayley organised for him to attend regular gym sessions with a sessional worker on the days he was not at school. Megan (Unit D) secured funding from her YOT for a young man interested in cookery, so that she could shop with him and teach him how to select ingredients and manage a shopping budget. Will (Unit A) talked about creating opportunities for young people to succeed by taking them on the park to compete with him on ‘*the climbing things*’, and playing pool against them, to boost their self-esteem and perhaps alter some negative self-perceptions about what they might be capable of. Sophie (Unit C) talked at length about opportunities that she had been able to create, in the past, for young people to learn skills and show off their accomplishments. A particularly successful initiative, she said, had involved a horse-riding project whereby young people from YOT were taught equestrian care and how to ride. One young man went on to become a jockey. Some years ago, Sean (Unit D) had taken a group of twelve young people from his YOT to North Wales to learn how to mountain climb; the first time, for most of them, that they had travelled outside the County.

*I would expect that they would probably now be able to remember it and say it was life changing, it was amazing, that opportunity. [Just] giving them opportunities which will make young people see that there’s a whole different world outside of that street or that gang, and be able to do something... positive.*

Mike (Unit E) had, in the past, involved his young people in the organisation and distribution of hampers for disadvantaged families and children, as well as fund-raising. Nicola (Unit B) had developed relationships with a small number of local businesses to provide young people with work experience opportunities. The young people at Unit B had also been involved with the rebuilding of the local youth centre.

*That kid I was telling you about [...] he was so proud of his work there. I think it's like fifty hours or something that he did; and every session I used to go and see him afterwards and he used to say, "Oh, look what I've done here! I've painted all that room... Oh, they're giving us crap colours, we shouldn't do it like that". It gives them a sense of achievement and reward...*

Nicola, Unit B

This sense of achievement can be undermined if not properly managed. For example, Jack (Unit D) was critical of a programme in his YOT whereby young people not attending education were expected, instead, to participate in a brick building course to give them something to do with their time.

*This young person is [...] just coming to terms with all this stuff that's happened in their life, the last thing they need is to go on a, you know, brick building course, and have their wall kicked down at the end of every day, cos they hate that. Cos that's what brick building is, OK, that's the biggest gripe they have – [...] "This is my wall! And then I go back the next day and I build it and I get it really right and then you have to knock it down again!". You know?*

This, Jack felt, undermined young peoples' sense of achievement and did more to damage their self-esteem because they were not given opportunities to take pride in what they had built or be recognised or rewarded for the skill it employed.

Providing opportunities for young people to exhibit their strengths and skills, learn and develop new skills, abide by rules, retain commitment to an activity, and experience encouragement, support, recognition, and reward, are thought to build self-esteem and broaden horizons (Mason, Walpole and Case, 2020). Much of the literature that underpins these techniques is rooted within youth work practice, rather than focused on young offenders specifically (Merton, Payne and Smith, 2004); and the extent to which they are, or are not, embedded within youth justice practice, is perhaps affected by a lack of research that is 'able to establish the features of effective practice in achieving measurable

outcomes' (Mason and Prior, 2008:31; see also Braga, Weisburd and Turchan, 2018; YJB, 2010). This is likely the result of the value of 'effective practice' being measured by intrinsic, rather than extrinsic, outcomes, because it is far harder to measure intrinsic factors, even when they interlink with extrinsic results. A young person who experiences greater motivation for change, for example, in consequence of the sorts of experiences discussed above, may well be more likely to start to regularly attend school and/or desist from offending; but any measure that captures this will be unable to portray the contribution of intrinsic motivation or its genesis (McNeil, Reeder and Rich, 2012). This issue was succinctly described by Leah (Unit B).

*...no one thinks about all the really good stuff that's going on, and you're never really measured against that [...] It would be nice to see, maybe, one of these inspections kind of done in a way that takes away that bureaucratic crap, really. No one sees the steps you put in to get to that point, even if it's a small thing.*

This is a similar issue to that raised by participants regarding the difficulties with evidencing the value of relationship-based practice, which was discussed in Chapter Four, s.4.3.

This research also highlighted other difficulties with embedding opportunities and processes for encouraging, recognising, and rewarding responsibility. Some participants described feeling limited in terms of organising reparative or other activities because of a general unwillingness, outside of YOT, to facilitate opportunities for young offenders.

*People get really afraid, [as if] every young person's obviously a mass murderer, and they're dangerous. It's rubbish. You've got people here for shop theft <laughs> you know what I mean?*

Alan, Unit D

*...I can remember doing a project, a joint project with other people, we done all the donkey work for them, local MP at the time showed up, wanted to have his*

*photograph taken with all these little old ladies that had picked bits of litter up. But as soon as he realised our young people were young offenders, he didn't want to know. So, we did our own little bit after.*

Mike, Unit E

This issue is compounded when resources are removed from YOTs and practitioners are expected to try to include their young people in existing community initiatives that are not specifically set up for offenders.

*...we had a reparation worker [but] now you have to kind of phone up other organisations [but] a lot of organisations will say, is that young person on an order, you say yeah, they say, well, a lot of my young people won't come up if he turns up...*

David, Unit C

*We don't really have [resources focused on positive activities] here. So, it's kind of on us then to be like, right, what you are you interested in, boxing, OK, there's a boxing club over there, go for it. And maybe fund the first few sessions, you know. So, I think it's kind of lacking a little bit, yeah.*

Megan, Unit D

*We used to have some really innovative stuff [and] the kids would behave themselves and bring about change themselves because they got rewards [...] But I'm limited as to what I've got now for them. I would like YOT to go back to the glory days.*

Sophie, Unit C

*...we don't have a tasty enough carrot or a big enough stick. And obviously everyone in there talks about it. "The glory days of YOT". People say that quite often.*

James, Unit E

There was a common feeling, then, that efforts to encourage, recognise, and reward responsibility are, themselves, the responsibility of the individual YOT worker; and that this represents something of a departure from the past, when such things were better embedded or nurtured within the makeup of YOT. This perception that YOTs are under-

resourced, and under-funded, has some impact, too, on the extent to which participants felt confident in their abilities to empower young people to assert their capacity for autonomy in ways that can positively shape their future.

### **6.6 “It’s like it’s out of their reach”: Autonomy over the future?**

Chapter Five demonstrated how and why offending behaviour is frequently linked, by participants, to external circumstances including family and school and to cognitive conditions such as immaturity. Data presented in this chapter demonstrates that these influences continue to act on the ability of young people to engage with YOT. And they remain relevant to the confidence (or otherwise) that participants expressed about the likelihood of their work with young people affecting real-world change and shaping their life in the future.

*...sometimes I think, how are we ever gonna change this young person’s behaviour, and the way that they’re acting, and the way that they’re feeling, if we can’t change the situation that they’re in? I take that quite seriously to be honest.*

Anne, Unit C

*...you can’t purely just work with the young person in isolation and expect them to change if their home situation hasn’t.*

Hayley, Unit D

Although individual autonomy is generally understood to refer to the capacity to be one’s own person, and to live one’s life according to the reasons and motivates that are one’s own (Christman, 2004), specifying the conditions of autonomy is less straightforward. Raz (1986:155), for example, describes the philosophical ideal of self-authorship as ‘an incoherent dream’, because it relies upon notions that people are without fixed biological and social nature and suggests that man simply ‘creates himself as he goes along’. But autonomy, Raz (1986) argues, necessarily functions within a system of constraints, so the

natural conditions of human life can reduce degrees of autonomy as effectively as coercive intervention. Feminist critiques of traditional conceptions of autonomy (see Govier, 1993, for an overview) have sought to replace this individualism with what has been called ‘relational autonomy’ (Mackenzie, 2019). This rests on a non-individualist conception of the person, and claims that whilst autonomy may be defined as self-government, the ‘self’ is constituted by relations with others. According to this view, autonomy is a fundamental part and function of social relationships. ‘We call people autonomous (or refuse to do so)’, argues Oshana (1998:96), ‘in part by examining their social circumstances’. Similarly, Feinberg (1986:46) notes that being human means to be part of a community and ‘take one’s place in an already functioning group’. This perspective has also been subject to criticism, especially from those who paint the concept of self-determination as an impossibility if we accept that all our endowments are contingent upon contexts (see, for example, Dworkin, 1988). Yet the idea that the nature of a thing (including persons) is dependent upon contexts need not suggest that autonomy does not or cannot exist, because everything exists ‘in contingently precise circumstances’, including autonomous choices (Clarke, 1999:136 as cited in Elstub, 2008:35). Such criticisms also fail to rebuke a central paradox of the literature about autonomy, which consistently indicates that young people need to be taught critical judgement, and so conceives of autonomy as originating from heteronomy (Santoro, 2003). Proponents of relational autonomy thus conceive that our self-awareness, including awareness of our capacities and potential, is an ongoing social process that is mediated by social relationships (Friedman, 1997; Feinberg, 1986).

This is how autonomy was conceptualised by practitioners in this research. The continuing influence of external conditions could destabilise the effectiveness of YOT work from the moment the young person leaves supervision.

*...it's very hard, you know, they might feel really good after seeing you but then the rest of the week, every other hour of the day they're with their peer group, or with their family which may be their main problem...*

Andrew, Unit C

When supervision formally ends, and the young person and practitioner have no reason to continue to see one another, those conditions and social relationships can potentially undermine improvements in self-esteem and sense of autonomy that may have developed in consequence of YOT work.

*...attempting to improve yourself when you're stuck in an environment, say with a dysfunctional or criminal family, it's impossible. It's almost impossible. Isn't it.*

Alan, Unit D

*For a young person who lives in an area where no one goes to work or goes to college or goes to University – that's what other people do, it's not... It's like it's out of their reach, if you know what I mean.*

David, Unit C

*...it's almost like, there's nothing we can do to make any lasting change in that young person.*

Sean, Unit D

There were no indications in the data that such perspectives are ever shared with young people. Rather like the judgements about responsibility discussed in Chapter Five, these are private concerns that the good work achieved by the young person through YOT could be undermined or undone by outside forces. Holding these perspectives does not weaken the strength of feeling that appeared to motivate these same practitioners to focus on young peoples' attitudes and competencies; nor diminish their commitment to the notion that positive outcomes can be mediated by improvements in self-perception and self-determination. Rather, they constitute recognition that other influences will continue to interact and potentially conflict with the efforts being described, which is consistent with



the conception of relational autonomy. Importantly, however, none of these practitioners appeared to perceive that the young person is responsible for their 'failure' should these external forces serve to inhibit the development of pro-social attitudes and behaviour. Instead, they persistently stress the responsibilities of adults and state actors who have the power to undermine the individual efforts that young people may make. This is demonstrated in the data by the inferences made above to young peoples' families and home lives, and to the punitive restrictions of school-life; but also, by references to other bodies who ought (to participants' minds) be instrumental in implementing the structural changes that they need *in addition to* the development of personal capacities. This was frequently linked, in participant conversations, with concerns about under-funding and/or under-investment both in youth justice and in wider support services.

Discussions about under-resourcing related to cuts to public services such as mental health support (12/17) and in terms of staff numbers in YOT teams (10/17), with a lack of specialist staff in YOTs a particular concern that was brought up by every practitioner within the context under discussion (17/17) and almost all participants in general (20/21). Cuts to public funding of support services were perceived to have had an impact on the abilities of YOT workers to be able to affect materially substantive change in young peoples' lives, because they are often unable to access the support they need either before they offend again, or before their order with YOT comes to an end.

*It's very difficult to refer them to where they need to be because that's been cut; and that's been cut; and that's been cut...*

Leah, Unit B

*...I know it's going to happen. But the service isn't available for him to access in time to stop him reoffending. Extremely frustrating.*

Louise, Unit D

Many mental health support services have been decommissioned over the past decade, which means that referral rates to the NHS service, CAMHS, have continued to rise over the same period (Crenna-Jennings and Hutchinson, 2020). But the thresholds for involvement from CAMHS have been identified as ‘impossibly high’ in many areas (Taylor, 2016:9); and if a referral is successful, the wait time for an appointment can exceed twelve months (Crenna-Jenings and Hutchinson, 2020).

Participants told me that this dearth of support leaves the provision of what ought to be specialist help, for young people and perhaps their families, down to the individual YOT worker. But these practitioners can feel ill-equipped to provide it. Sophie (Unit C) appeared to feel particularly strongly about this issue, perhaps because our interview took place the morning after she had spent most of the night with a young person on her caseload who had a history of self-harm. The young person had threatened to hurt herself again; and her mother had telephoned Sophie and asked her to attend for support.

*We’ve lost [...] who was our mental health worker. We’ve lost her [...] and we’ve got nothing in its place. And [...] what commissioned service would have been available to that parent last night, between 9 o’clock and ten past 3 this morning? No one. We actually... you know, we care. [...] <sigh> I mean, this one that I had last night, the self-harmer, I’m really not sure where that will end. You know? I’m not a specialist in mental health. What can I do? You know?*

Sophie, Unit C

Issues with delays or difficulties making outside referrals were frequently linked, as above, to a lack of specialist staff within YOT itself. The value of having integrated specialisms within YOTs has long been recognised for its potential to better support young people who have multiple and sometimes complex needs (for example, Khan and Wilson, 2010; Nacro Cymru, 2009; CAMHS Review, 2008; Pitcher et al., 2004). Having integrated specialists means that young people do not have to be referred and passed on to other

professionals whom they do not know, which can be especially helpful if they are anxious about accessing particular services (Khan and Wilson, 2010); and it can also contribute to a more effective relationship between YOT and other service providers if external agencies are required to become involved (Pitcher et al., 2004). And yet,

*...I get quite frustrated, cos I think, like, in the guidance, they say that we're supposed to have a police officer, probation officer, social worker, education officer, er, all, all these special people that are supposed to be able to help with your young people and then they take them all away and be like right you've got to manage this and it's like, I'm not trained to be an anger management specialist; I'm not mental health; I'm not trained in counselling methods or anything like that, erm, which ends up, you end up signposting; and then there's long waiting times, and by the time they've finished their order they might not have had anything...*

Megan, Unit D

All the Units involved in this research employed at least one qualified social worker and two employed staff with experiences in education, although they were not trained teachers. Only one Unit had a seconded probation officer. Participants in this research uniformly perceived that intra-team specialism was lacking now in comparison with the past, which contributes to a common perception that practitioners are hindered from being able to offer the kind of practical help that should complement the more subjective transformations that this chapter has described.

*...I think we're expected to wear all these hats now.*

Will, Unit A

*So now we're sort of... doing everything, you know.*

Olivia, Unit B

*...[we've] been reduced to nothing, really.*

David, Unit C

*...over the past few years, it's kind of dwindled...*

Louise, Unit D

*I just think YOTs as they were originally founded don't exist. [We're] a jack of all trades and a master of none.*

Mike, Unit E

Under-staffing contributes to participants feeling unable to do and achieve all the things they might like to do with their young people when they are restricted in terms of how long they can spend with each young person on their caseload.

*...we're doing the best we can with limited resources [...] but I feel like an octopus, do you know what I mean? I just have loads of arms doing various different things.*

Rachael, Unit D

*I haven't got the time or the energy to do all [the activities I used to], do you know what I mean? Feels like you're trying to do everything on your own.*

Andrew, Unit C

*Staff at YOT... they're tired. They're very tired. [...] If they were gonna water the service down this much I sometimes think it's best to just get shot.*

Sophie, Unit C

It is clear from the data that practitioners perceive that many of their young people require additional support to that which can be provided to them by their YOT officer; that organising this support is frequently difficult and time consuming, especially without the intra-specialisms they used to have in YOT; that it is often slow to materialise; and that YOT officers, in consequence, attempt to fill the spaces that they perceive should be occupied by professionals with specific expertise. For our purposes, the most important insight that this can offer is that practitioners, in this study, are very aware that material conditions continue to exert their influences upon young peoples' behaviour all the while that they are working with them and, especially, after; and that these contextual structures can potentially undermine young peoples' individual efforts to make the kinds

of subjective changes to their own attitudes and mindset that practitioners, and young people, are attempting to affect.

### **6.7 “It should be little steps”: Observing small wins**

For someone to be morally responsible for something, certain conditions must be met. The choice to commit an action must be made by an actor in possession of a will and in conditions under which they can exercise their will freely (Scanlon, 1998). Thus, the development of autonomy constitutes a primary aspect for the advance of moral sense, which facilitates the movement of children from their pre-responsible state to legitimate participants in the adult social world (Pettit, 2001). Developing autonomy, then, is a prerequisite to responsibility; something of a gateway between the innocent and the worldly (Fisher and Ravizza, 19998). The moral being knows what s/he does and does it on purpose (Wolf, 1990).

This process can be neatly summarised in legal and philosophical accounts of moral responsibility, but reality is a far messier business. The processes and practices described in this chapter are presented in idealised form but are operating in contexts with real people. That makes it highly unlikely that they will produce ‘the responsible person’; but they can provoke positive results or gains. As James (Unit E) put it,

*[Responsibility] can definitely be taught but you’re never gonna get, like anything, you’re not gonna get a child who has absolutely no sense of it, and then six months later, he’s doing everything right; it’s not gonna happen. But you might get him to the point where he comes in a little bit more than he did before; or, five times he’s kicked off at his placement but on the sixth time he’s thought oh, well if I do that again I’m gonna get in trouble. And that’s fine. Those tiny little wins are enough.*

These small wins indicate to practitioners that what they are doing with these young people is positively affecting their development – even when the outcome is not ideal. For

the practitioners involved in this research, indices that a young person is developing a greater sense of their autonomy and personal responsibilities included initiating contact with their YOT worker; asking for help; offering visitors a drink; cleaning; caring for others; apologising when they make a mistake; and telling someone when they offend again. Ceasing to offend was not mentioned by any participant.

*He couldn't hold down a job, and he couldn't sometimes leave the house, and he was still smoking weed. But the fact that he was able to communicate and actually trust [the YOT worker] [...] that was hopefully life changing for him really.*

Nicola, Unit B

*Sometimes success is just a young person [...] committing a less serious offence or just going for a little bit longer without offending. Or telling us when they've offended, rather than burying their head in the sand.*

Hayley, Unit A

*...they start asking "What would you do?" and I know, I know, then, that we're getting there. Because, you know, "I was gonna have a fight with him; and I know that's why I'm here; but what would you do?"*

David, Unit C

*...the other day, he offered me a cup of tea, sat, did our session, [and] then as I got up to leave, before I could grab the mug, he's taken it back and he's washing it up. And it's just tiny little, you know, things like that, or just even the way that he talks to me, you know, or actually asking what we're gonna do today [...] [He's] spinning his scooter around and he caught me on the leg, and he's immediately dropped it, "Sorry sorry sorry sorry sorry", like, and you think, you're the same kid that hit someone and robbed them a few months ago.*

James, Unit E

*...when I spoke to his grandmother, who he lives with, who had always moaned about the mess, he breaks things in the house, and she said to me, I can't believe it, he took my bags up, shopping, carried my bags, went to see his granddad in the care home and [...] he's still continuing with that, and he's taking responsibility.*

Will, Unit A

When the YJS in its current form was implemented by the New Labour government, they claimed that what was needed, to reform youth justice, was a system that would 'reinforce

responsibility' (Home Office, 1997a:4.4). The data collected for this study indicates that the concept of responsibility, its purpose, and its value, is reinforced to young people throughout their time with YOT. Yet the official indices by which we appraise the success or failure of this project of responsabilisation rely upon quantifiable measures of offending, not the small wins that are proffered here. Will (Unit A) alluded to this.

*I went to his house the other day and he was washing up. Now that might seem, what? You know, how can that be an improvement? But seeing that young person wash up, taking responsibility, keeping the kitchen clean, he was trying, that was a massive step in this person's life. But if you wrote that down, I mean, it wouldn't be seen as being responsible, or a major change in his life. But I know that it was.*

Olivia (Unit B) felt similarly.

*Being the sort of person who turns up on time, or does the washing up, is just as valid. It just isn't the brief of which <laughs> you may be set.*

It is, perhaps, impossible to capture any tangible indicator of responsibility beyond such anecdotes. As Jack (Unit D) put it to me,

*...at the end, you realise, right, you've come a long way; but it's a bit like when your partner suddenly notices your hair's getting really long. And you couldn't say which day it was, but you suddenly think, yeah, you do need a haircut, it's got really long all of a sudden. You know? Because that change is kind of gradual, and it should be gradual, it should be little steps, you know. Sometimes, it's difficult to say, oh yeah, **that** was the day that happened.*

Original emphasis.

These little steps signify the movement of young people not only through the process of their engagement with YOT but on their journey from adolescence into adulthood.

*I'm looking for bits, not necessarily the full sense of [responsibility]. It's a moveable feast, isn't it. And when you get to adolescence it's another stage on, isn't it, towards adulthood, so it's getting that balance between what we accept and what we can explore, I suppose, in terms of responsibility and understanding other people's perspectives. It's always a process.*

Olivia, Unit B

Yet conflating YOT 'success' with quantifiably lower rates of offending, as evaluations and practice literature tend to do, means that we potentially miss opportunities to inquire into and capture how YOT practices can contribute to this process. Thus, we lack understanding of whether and how the development of a greater sense of responsibility, observable to practitioners via these small wins, may be contributory to desistance.

### **6.8 Summary**

This chapter has described and analysed the conversations and practices that YOT workers undertake with the young people with whom they work. Conversations about choices, and how these impact young people and others; and processes that encourage active youth participation in the nature and content of YOT supervision; reinforce to young people that they are social actors with the capacity for autonomous action and seek to improve their self-esteem so that they are more greatly inclined toward its practice. Their being held to account for both good and bad actions throughout the life of YOT supervision reinforces this sense of agency but is tempered by the intimate knowledge that YOT workers gain about each young person, so that expectations of effort and achievement differ in accordance with individual circumstances. This recognises both the softness of reality and the ontological nature of autonomy itself.

Participants were not always confident about the abilities of all their young people to begin to assert their autonomy to take control of the direction of their life; and are



awake to the risks that their ambitions may, in any case, be hampered by the social structures that will continue to act upon them. This un-confidence is frequently linked to external provocations. Educational systems that assume homogeny and value conformity may impede the natural development of an independent sense of self; deviant families could belittle personal efforts; organisations that should provide vulnerable young people with the support that they need to thrive and achieve may let them down. YOT practitioners observe gradual improvements and focus on the small wins. The extent to which these processes of responsabilisation affect a reduction in offending, however, remains foreclosed from our understanding. Current methods of programme evaluation, which rely upon quantifiable data about offending and reoffending, means that we know little about how these small gains could, potentially, be instrumental in young people desisting from crime.

## **CHAPTER SEVEN: Concluding Commentary**

### **7.1 Introduction**

This research has sought to enquire into the subjective experiences and perceptions of YOT workers which could give meaning to what is meant by the term ‘responsibilisation’. It is an effort to conceptualise what being responsibilised might look like for the young people who are involved with YOT and what doing responsibilisation means for practitioners. This chapter will summarise the research and key findings from analysis of the empirical data and reconsider the concept of responsibilisation in light of these. It will summarise and clearly state how this thesis is a substantial and original contribution to knowledge in the field of youth justice. It will then outline the limitations of the research and implications for future research. In closing, this chapter will draw out some of the implications of the findings and make recommendations regarding the need to reflect upon the realities of policy impact to inform future reforms to youth justice policies and practices.

### **7.2 Research overview**

This research has investigated what meaning ‘responsibilisation’ may have for practitioners working with young people who break the law and come to the attention of their local YOT. As described in Chapter Two, responsibilisation is an academic term that has been used within criminological literature to describe negative youth justice practices that stigmatise young people and individualise offending behaviours, to the neglect of considering and addressing structural causes, including the fact of youthfulness itself. It is suggested the responsibilisation adulterises young people by recasting them as autonomous actors and applying the same standards and expectations that would befit a rational adult and moralises the issue of youth crime by conceptualising it as a product of individual choice.

- These conceptualisations of responsabilisation within criminological literature do not enquire into the subjective experiences of the young people who are its subjects, nor the professionals with whom they work. This thesis has sought to address this knowledge gap, at least in part, through enquiring into the subjective perspectives and experiences of YOT practitioners. This opens space to examine how the perceptions and interactions of the agentic social actor may shape and affect youth justice experiences and outcomes.

An SGT approach allowed for the simultaneous collection and analysis of data via semi-structured interviews with YOT practitioners. This permits the creation of analytical themes from data rather than relying upon pre-existing conceptualisations of responsabilisation. Responsibilisation does not refer solely to criminal justice processes or systems of governance but has also been linked, within the criminological literature, to processes of re-moralisation. In consequence, the literature used to analyse interview data is interdisciplinary in nature and includes contributions from moral philosophy as to the actualisation and purpose of a developed moral sense. This permits exploration of how practitioners conceptualise responsibility as a moral, as well as procedural, obligation. The following section will summarise the key findings from this research.

### **7.3 Summary of key findings**

The empirical research indicates some consistent themes in how YOT practitioners approach their work with young people. Every participant considered it an essential aspect of their role to build supportive relationships with young people. Their earliest interactions position the young person as the most central and active agent in the YOT process, whose choices and actions will arbitrate its experience. This is embedded via the differing ways that practitioners seek to activate their sense of agency and autonomy, by exploring past and future choices; encouraging active participation; and centralising their personal 'wants'. Accountability is conceptualised by practitioners as an opportunity to

demonstrate to young people the power they hold already to exert some measure of control over their life, via their comprehension of their own self-efficacy and consequent answerability. This involves practitioners drawing distinctions, to young people, between those contributions to their behaviour over which they may be able to exert little control and those decisions and behaviours that are within their governance.

Through building the relationship the YOT worker provides opportunities to the young person to tell them their story. The process of learning these details can contribute to practitioner perceptions that some young people are partly or wholly non-responsible for their offending. Various factors and actors are identified as more actively responsible, including parents and families and the cognitive experiences of adolescence itself. Yet for a few participants focusing overmuch on antecedent contexts provokes concerns that involvement with YOT will serve only to excuse young people from their responsibilities; especially if this reflects their dependent relationships elsewhere in life where responsibility has not been taught or modelled. Though such concerns were expressed by a minority they are consistent with a common view shared by most: that responsibility is not solely a virtue that is present or absent in consequence of one's stage in the life-course but is also an outcome of practices of nurture and education within dependent relationships. These are perceived to be absent or insufficient in the lives of these young people and it is these such relationships that practitioners seek to provide. Consequently, the young people with whom these YOT officers most frequently work are not considered by them to be responsible beings in the moment of their referral to YOT; but, via processes that can awaken and nurture their capacity for agency, activated within boundaried and supportive relationships, they can (begin to) become so.

Practitioners look for opportunities to recognise and reward occasions or incidents that are indicative of responsible behaviour, to better nurture young peoples' understanding of the concept as a desirable attribute that facilitates praise, as well as an

obligation that can entail sanction. These manifestations of responsibility need not have anything to do with offending per se but they are valued by practitioners as indications that such lessons are being internalised. None of these practitioners perceive the young person to have 'failed' should they offend again in the future. Instead, the difficulties faced by them in making these subjective changes effective in transforming their lives is acknowledged by participants as an inescapable aspect of the ontological nature of autonomy. The responsibilities of other adults and agencies to support the nascent responsible actor are also stressed, as they were in the common conceptualisations as to why these young people are offending in the first place.

#### **7.4 Reconsidering 'responsibilisation' in light of these findings**

Undertaking the literature review for this study awakened me to several implications of moral responsibility that had not occurred to me after immersion in the criminological texts. Especially, it drew my attention to its positive attributes, and to its functioning as an essential and inescapable aspect of human relationships and personal development. Though I wished to allow for the subjective experiences of practitioners to give meaning to the concept of responsibilisation, I was sensitive to the theoretical frameworks that would enable me to see relevant data. I thought, when I began the research process proper, that my data would likely point more toward one set of texts or none: that I would conclude that criminology's warnings are prescient, or that the compelling narratives of philosophy are reflected in the processes found, or that some new theoretical categorisation had been discovered.

Yet my analysis of the empirical data persistently blurred and made impossible this neat categorisation. A single interview could see me told that most young people involved with the YJS have little or no control over their lives: that they have been failed by those who should have nurtured and instructed them; that they lack, in any case, the

necessary competencies that imbue an action with moral weight and legitimise moral judgements. The practitioner might explicitly question the involvement of such a vulnerable person in the YJS and perceive it to be unjust and misdirected. But that same interview could then progress to the fact of a young person's capacity to make choices about how to act, and the threats to their development should they be permitted to blame others for the nature or the genesis of those choices. These contradictions haunted my analysis and saw the same sets of data slither between the sub-headings I had constructed for them. I wanted to place a pin on the point at which responsabilisation becomes knowable and coherent. The reality of YOT practice, mediated by the messy complications of the lives of the young people with whom practitioners work, belied this ambition.

The purpose of theoretical concepts is to take us beyond purely empirical or observational laws and provide deeper understanding, insight, and explanation into the phenomena under investigation. Theories help us to understand the world and may enable us to control it, too, via successful predictions about the events studied. But attempting to circumscribe subjective experiences into a neat categorising of *doing* or *undergoing* arguably does something of a disservice to the complexities of human sentiments and relationships, and inescapably either blunts or omits those aspects of them that do not fit within its frame. This, I perceive, is a problem with both the criminological and philosophical efforts to conceptualise processes of responsibility and frustrates my own efforts to construct a clear theoretical frame of responsabilisation.

Both sets of literature invite us to consider the implications of processes of responsibility as they are defined and presented in their purest forms. For criminology, that means we are told about the hazards of responsibility: the damage that its ascription can cause the actor unfairly burdened with its obligation, the stigma this entails, and the poorer outcomes likely to proceed from it. In doing so, one could argue not that criminology overstates the negative implications of attributions of responsibility (certainly the present

study, which did not enquire into the subjective experiences of young people, is inadequate to do so) but that it underplays the potential benefits. These approaches appear also not to fully consider the implications of its own insistence that where 'fault' is discerned in narratives of youth offending it lies outside of the actor. The myriad of disadvantages experienced by young people involved with the YJS – which provide criminology with its critique of responsabilisation – may well include a lack of appropriate care and education, which in turn can contribute to an inadequate development of a moral sense. To dismiss responsabilisation as an inappropriate criminal justice process because, in part, it involves some strategy/strategies of (re)moralisation, indicates a lack of appreciation for the purpose or value of this moral sense and how it comes to be realised within the individual.

Philosophy, meanwhile, concerns itself mostly with the benevolent features of responsibility: the respect and regard that its attribution implies, the nourishing of autonomy this entails, and the flourishing of personhood and reciprocal relationships that will proceed from it. We hear little about those actors who have the misfortune not to be exposed to the sorts of environments and relationships that facilitate our development from pre-responsible states to autonomous beings; nor of those who lack the necessary capacities, because they are immature or otherwise compromised, to internalise the patterns of socialisation that contribute to a developing moral sense. The general dismissal of such cases from philosophical commentary is indicative of a trend to underplay the potentially harmful implications of responsibility attribution, which is justified either on the basis of rejecting theories of determinism or via simple acknowledgement that the world itself is unjust, and so too is this aspect of it. This is frustrating to read but when extrapolated to the real-life situations of the young people embroiled with the YJS it becomes wholly inadequate. We cannot dismiss the fact of disadvantaged young people being involved with the justice system as merely the necessary casualties of a benign yet indiscriminate moral concept.

The data itself points us back, toward these existing theoretical frameworks, and forward, too, to the discovery, perhaps, of something else: that responsabilisation, as a criminal justice process, can also be a narrative of dependent human relationships. The criminological literature assumes that responsibility, as it is conceptualised within youth justice, constitutes an absence of any government or intermediary authority; that reform is solely the preserve of the individual. But what has been found is a cadre of people who have the responsibility to enact and implement responsibility within others. There is no evidence that YOT practitioners are blindly committed to procedural or policy directives. Instead, they consistently mediate young peoples' experiences of the YJS in accordance with the details of their lives that they discern from listening to their stories and in recognition of their often limited and limiting capacities for insight. Practitioner expectations differ according to the individual that they work with yet are consistently embedded within supportive relationships that facilitate efforts toward better developing a sense of self. Far from being ignored, as some criminological texts predict; or dismissed as irrelevant, as some philosophers are wont to do; the broader context of young peoples' lives looms like a shadow over every element of this practice. First, by delineating practitioner judgements about the personal responsibilities of each young person for their offending; then, in the nature of the activities and discussions they will undertake with them; finally, in expectations regarding the likelihood or otherwise of their offending again in the future. Sometimes, practitioner perceptions of responsibility appear contradictory and contribute to seemingly contradictory practice. For example, acknowledging, and experiencing private distress about, the trauma a young person has experienced, and tailoring practice and expectations in light of this, yet threatening to breach that young person when they fail to meet their obligations. This incoherence is reflective of the complexities and contradictions inherent to the relationships that we



build with others, and perhaps especially in those with dependents, who will, on occasion, require correction for their own judgements.

Where responsibility is ascribed to the young person by the worker – in adhering to the terms of their order, substantively engaging with YOT processes, and so on – these ascriptions lack moral weight. They are the training wheels of personhood: proffered with the promise of future realisation, but privately tempered by the knowledge that these are beings under development, who are not yet emancipated from the environments in which they have developed so far, and who are likely to make errors as they practice responsibility. There is no clear outcome that we can summarise as the product(s) of responsabilisation because the process itself is individualised, and vulnerable, too, to the un-predictabilities of people's lives. Clearly, though, no participant in this study considered data about reoffending rates to be indicative of the success or failure of this work; nor was there any expectation that a pre- or non-responsible young person will leave the service as a fully responsible, autonomous being, capable of deliberating between courses of action, consistently choosing well, and striving toward any number of possible futures. When I began to theme my data I initially described this common aspect of it as constituting 'pessimism', but that is a misrepresentation. Rather, it constitutes recognition of the fact that circumstances can and will continue to act upon young people, and that a nascent sense of agency will necessarily change and adapt within and against the limits of the social world it confronts. It recognises, too, that these are young people with their own characters and personalities and strengths and limitations. They will not mirror what they are shown but refract it like a prism. In this sense, then, there is no 'responsibilised' actor, and perhaps no responsabilising agent, either. What has been found, instead, are stories of YOT worker relationships with some of the most vulnerable and disadvantaged young people; of imperfect teachers facilitating imperfect journeys toward a morality of aspiration.

This thesis makes a substantial and original contribution to knowledge by allowing the subjective experiences of YOT practitioners to give meaning to what is meant by responsabilisation. The data and its analysis permit insights that are foreclosed from current criminological literature about responsabilisation, such as the potential benefits for young people of being responsible or being treated as responsible by adult agents. It draws attention to the significance of practitioners' subjective moral judgements about the young people they work with and demonstrates how these judgements can inform practice. These same moral principles determine practitioner perceptions of the legitimacy, or otherwise, of YJS involvement in a young person's life. The significance of young peoples' personal stories to such perceptions demonstrates that context can be very relevant to processes of responsabilisation. Such knowledge is used by the practitioner to mitigate their application of responsibility to the young person, inform their approach to practice, and mediate their expectations of future outcomes.

This research also permits insight into how YOT practitioners conceptualise their role. Participants were most likely to consider referrals to YOT as an opportunity for the young person to access support and supportive relationships that they lack elsewhere in life. None measured the value of such work by virtue of reference to rates of reoffending, which is further demonstrated by the variety of ways that practitioners conceptualise indices of responsibility. Though all participants thought it important that young people learn the value and trait of being responsible, their conception of responsibility is future-focused and aspirational, rather than backward-looking and retributive. Conceptual lines are drawn between responsibility and agency, and there is a recognition that developing the latter attribute allows the former to be realised. This can enable young people to take greater control over their lives. This thesis demonstrates that these YOT practitioners do not seek to subvert policy intent ("to make responsible"), but they do use their expertise,

innovation, discretion, and subjective moral judgements, to mediate the methods of responsabilisation.

### **7.5 Research limitations and areas for further research**

Reconsidering the concept of responsabilisation in light of these findings demonstrates its contribution to knowledge in the field of youth justice. There are also limitations that require acknowledgement. Though there is lack of standards for sample size in most qualitative methodologies there is broad general agreement that a principle for its determination is that the sample size should be sufficiently large to elucidate the aim(s) of the study (Mason, 2010; Kuzel, 1999; Creswell, 1998). Specifying precise sample sizes is contentious and prescriptions vary (Low, 2019), so the concept of 'saturation' is often invoked to describe an exhaustion of emergent conceptual models whereby analysis is complete (Olshanky, 2015; Urquhart, 2013; Guest, Bunce and Johnson, 2006; Morse, 1995). But understanding saturation as being the point at which no new information emerges seems incompatible with research that uses a GT method (Charmaz, 2006), because there is arguably no end point to analysis where nothing new can emerge (Low, 2019). For this reason, Strauss and Corbin (1990:136) describe saturation as a 'matter of degree'. The challenge for the researcher is knowing when to stop refining their analysis and put forth some conceptual model. I found this difficult, because there was no point in my analysis at which nothing new emerged; and though I take the point that defining saturation in terms of sample size could represent some 'fetishism of numbers' (Low, 2019:135), which potentially trivialises conceptual insight and skill, I regret that I was not able to recruit greater numbers of practitioners to participate in this research. This is not because I seek further repetition of the same events or stories; rather, it is in the interests of better accounting for deviant cases (Corbin and Strauss, 1990). For example, I think it possibly significant that the two participants who were most concerned that

explaining youth deviancy can function as excusatory worked for the same Unit (see Chapter Five, s.5.3). I would have liked the opportunity to interview more practitioners from that Unit, and more practitioners across both local authority areas, to explore this further. Since such perceptions do not fit nearly into the emergent patterns in and across the data further research is necessary to explore such deviant cases.

Within an SGT framework saturation is about conceptual rigour. Research should be informed by theoretical sampling, including that of the relevant literature, to generate categories or general concepts connected to form a conceptual model (Corbin and Strauss, 1990; Strauss and Corbin, 1990). This conceptual model is generalisable because it is contextualised within the broader social context (Corbin and Strauss, 1990). Such contextualisation within the field of youth justice is especially challenging in the present climate. As discussed in Chapter Three (s. 3.3 and 3.6) the localism agenda makes difficult the task of discerning changes to youth justice practices at both national and local levels. One cannot assume uniformity at practice level: a range of contrasting models of provision have been identified (Day, 2022; Smith and Gray, 2019). As discussed in Chapter Two (s. 2.2. and 2.4), there are indications that where youth justice practices diverge from policy and practice frameworks this is undertaken 'by stealth' (Case and Haines, 2021:13), which further complicates efforts to apply some conceptual coherence to the delivery of youth justice.

Perhaps I can claim some uniformity within the field which could contribute to a contextualisation of youth justice in England and Wales. The relative withdrawal of centralised state direction, for example, and/or the reduction in resources available to each local authority to support the delivery of youth justice and other relevant services (Bateman, 2020). Yet the impact of austerity is not necessarily uniform or predictable (Davies, 2018) and locally differentiated outcomes could, equally, be explained by a plurality of 'penal cultures' and the discretionary actions of managers and practitioners

(Goldson and Briggs, 2021). Some claim that indicators of a more progressive culture in youth justice at the national level, such as reductions in FTEs, are indicative of a localised ‘child first’ ethos (Case et al., 2020). However, there was little support for this perception within my own study. None of the practitioners involved in this research used this term and only one had heard of the Taylor review. Further, though many of the perceptions offered by my participants in terms of their understandings of why young people offend, and what they need from the YJS in response, chimes with the CFOS literature (discussed in s.7.5, below), *their* perception was that this is how they have always approached their practice (see Chapter Five, s.5.2).

For all these reasons it is difficult for me to conclude that my research is necessarily representative of perceptions about responsibility and responsabilisation within YOTs more broadly, though the sites themselves were suitable for such research (see the discussion in Chapter Three, s.3.6). In fact, I think it likely that other practitioners, in other YOTs, could express different perceptions which could generate new categories or general concepts. I make this claim in part because of the polythetic nature of the current YJS as outlined above, and in part because moral values, which appear to underpin much of my participants’ approaches to their practice, are subjective. There can be no verification of the ‘truth’ or universality of the concept of morality or the extent to which personal judgements of such inform practice (Turiel, 1974). Feyerabend (2011a:96) cautions us that, when it comes to scientific enquiry, ‘[t]here is no ‘the’ answer’. This is, perhaps, especially true when science attempts to enquire into and explain subjective moral judgements, then appeals to some standardized method to support their validity. Potentially, further enquiry with more YOT practitioners would find concurrence with the conceptual model that I present here; but equally likely is the potential that more deviant cases emerge that could challenge this conceptual model.

I accept that this is a limitation of the research. The generalisable study has been described as ‘the highest category of qualitative research’ (Snowden and Martin, 2011:2869), not least because such findings can then be translated to inform practice. However, it was not unanticipated, for all the reasons I have discussed; and the potential that there is a plurality of practitioner perceptions around issues of responsibility is, itself, contributory to our knowledge and understanding of the concept of responsabilisation as it relates to youth justice. Further investigation, including that which could highlight divergences from the conceptual model presented here, will add depth to this analysis and contribute to responsabilisation becoming a more useful analytical frame through which to examine and interpret youth justice practices and outcomes. It could also build on the existing body of work in criminology that highlights the importance of youth justice practitioners’ agency and contribute to current knowledge and understanding about the plethora of penal cultures and the concept of justice by geography.

Further research would also allow for the perspectives and experiences of young people involved with YOTs to inform our understanding of responsabilisation. The data presented in this study clearly indicates that the work practitioners undertake with young people is motivated by benign intentions. Participants spoke compassionately about the lives of those involved with YOT and described efforts to consistently modify their practice to best support and enable each individual. Yet even the most benevolent of objectives can have unforeseen and potentially harmful consequences. It is beyond the remit of this study to explore whether the experiences of *being* responsabilised are as positive as these accounts of *doing* responsabilisation. I feel confident to conclude that doing responsabilisation, for these YOT practitioners, constitutes what we might conceptualise as a welfarist approach to youth justice, but I am unable to judge whether the experience of being responsabilised would mirror this. Further research that centralises the

perspectives of young people who are the recipients of responsabilisation efforts is necessary.

There were some indications from the data that practitioner attitudes towards young peoples' parents or guardians are less supportive than those extended to young people. Participant responses on issues relating to parents/families were much more likely to reflect the individualised and potentially stigmatising attitudes that criminological literature associates with responsabilisation. Such attitudes could, perhaps, be motivated by perceptions that adults have greater freedom than young people to take responsibility for their own, and their dependents', wellbeing (see Chapter Two, s.2.8). YOT practitioners often work with families and are being encouraged, currently, to take a more holistic approach to practice that will better embed this (YJB, 2021a). Further research that focuses specially upon the responsabilisation of parents and families within the YOT context could better illuminate the tensions apparent in my data. This could be especially relevant if there is some forthcoming unidirectional shift towards a CFOS approach, since its proponents have argued in favour of responsiblising adults (Wigzell, 2021; Haines and Case, 2015a).

If the future direction for youth justice is to embed a CFOS approach then the challenges that my participants note regarding young peoples' participation in youth justice processes may also warrant further investigation. As discussed in Chapter Six (s. 6.3), my participants perceived that such difficulties are related, at least in part, to the broader legal and social constructions of childhood and children, which limit or disallow opportunities for the development of a nascent sense of self and agency. There is an evident tension, then, between the messages from CFOS literature about the significance of nurturing personal agency and facilitating active participation in youth justice processes (Case et al., 2020), and the constraints experienced by young people in exercising that agency. In current literature, this is addressed through the assertion that

practice should be guided by the notion of adult responsibility to support young people to overcome such constraints (Wigzell, 2021; Ellis and Kyo, 2019; Haines and Case, 2015a; Case and Haines, 2014). There is a lack of detail about *how* this is to be achieved within the realm of youth justice when the social and legal categories of ‘child’ and ‘young person’ continue to act upon and limit the nascent agent outside of that realm.

### **7.6 Final remarks**

I have claimed, in this chapter, that I feel confident to conclude that doing responsabilisation, for these YOT practitioners, constitutes what we might conceptualise as a welfarist approach to youth justice. This conclusion puts this study at odds with the contemporary literature about the need to reform the YJS, which is often framed as a necessity in response to its responsabilising tendencies and the need to reassert a more welfarist response to young people who break the law. In closing, I suggest that there is a need to reflect upon the realities of responsabilisation so that policy is informed.

The CFOS approach, which has been adopted as the basis of the YJBs strategic planning and in their National Standards for practice guidance, has, at its heart, recognition of child agency and a future focus. The justifications for this approach – ensuring that young people feel a sense of ownership over plans that involve them; promotion of identity development; recognition of their agentic capacities and strengths; the importance of a sense of self (ibid.; Case et al., 2020) – chime with the findings of this study as to the nature and substance of contemporary YOT practices, yet are juxtaposed in current literature with descriptions of practices unfamiliar to it: those that are punitive, individualising, deficit-led, and controlling (Case and Hazel, 2020). Further, the centralising of young peoples’ agency to youth justice policy and practice is represented, within the CFOS framework, as necessary to enable inclusive practice that will facilitate their participation in shaping policy and support plans that are reflective of their



individual wants and needs (Case et al., 2020). It is claimed as crucial that professionals actively support the self-determination of the young people they work with (Wigzell, 2021), whilst also ensuring to avoid the attribution of responsibility for their being in conflict with the law (Haines and Case, 2015). Again, this chimes with the practices noted in this study.

This raises questions about how responsibility – and responsabilisation – have been, and are being, conceptualised by those who seek to better improve the experiences of young people within the YJS. The present study is small and localised, but it indicates that practice is being adapted by practitioners in ways that are unfamiliar to the literature about responsabilisation in youth justice. This suggests that there is a need to better understand YOT workers in this context. To improve youth justice, we need to understand what it is that we are seeking to replace. Responsibility need not refer solely to attributions of blame or individualised fault: it can function, also, as the motivator for the making of our own independent judgements – a crucial development in the journey from childhood to adolescence and beyond – and as a holistic characteristic of interpersonal relationships throughout our life. If we are to extract the responsabilisation of young people from youth justice policy and practices we must ensure we understand what we are dismissing.

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## Appendices

### Appendix A

#### Initial email to YOT staff

Dear [REDACTED],

I am a lecturer in Youth Crime and Justice at Canterbury Christ Church University and I have recently been in touch with [REDACTED] regarding a research project I am working on. [REDACTED] kindly asked [REDACTED] to send me the contact details for staff at your unit, and I am writing to you now to invite you to participate in an interview with me about your experiences and perceptions of working with young offenders.

In short, the purpose of my research is to explore what YOT practitioners understand by the terms responsibility and responsabilisation; and whether and how they incorporate this into practice. Much of the policy literature and political rhetoric around youth offending emphasises the importance of young offenders taking responsibility for their actions, but there appear to be gaps in our understanding about what this really means and how it translates into practice. Most evaluations into the 'effectiveness' of youth justice work favour statistical measures and outcomes, and exclude the perspectives of the people tasked with actually delivering the service. Academic work that is focused on the 'responsibilisation' of young offenders tends to do the same. I am hoping that my study will contribute to redressing this gap by centralising the perspectives of YOT workers.

I would really value the opportunity to visit you at the Unit and ask you some questions relating to your experiences of working with young offenders. The interview will not take any longer than an hour and all data will be anonymised (please see attached for further information). If you would be happy to participate then please do let me know any dates and times that will work for you. I'm also very happy to answer any questions / provide further information over the phone – I can be reached on [REDACTED], or I can give you a call if you let me know a time that would be convenient.

Thank you very much for your time!

Best wishes



## Appendix B

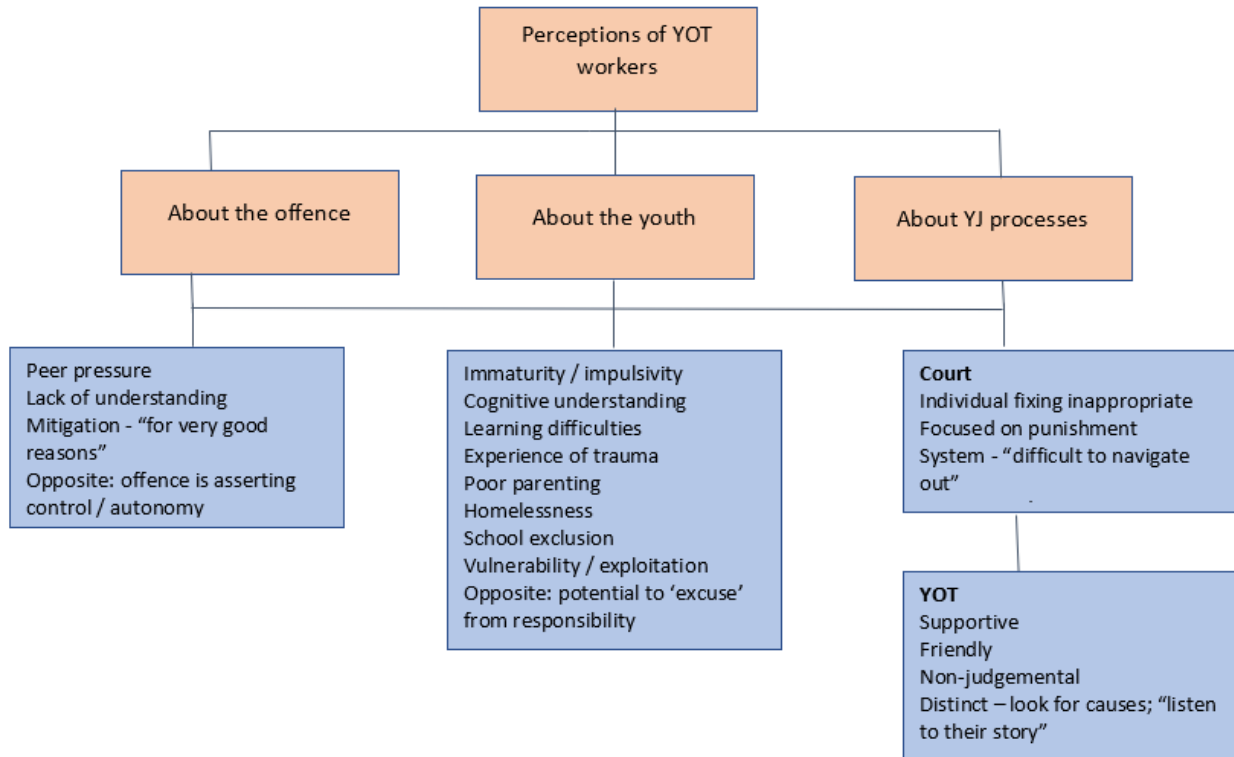
### Interview schedule

1. What is your understanding of the aims or purpose of a youth offending team?
2. What do you think this means / how does this translate in your daily work with young offenders?
  - Examples?
  - Effectiveness? If so, how measured?
3. Can you tell me a bit about the children and young people that you work with?
  - For what sort of reasons are they here? - offence types
  - Any over-representation in terms of background / age / gender /vulnerabilities?
  - Your relationship with them?
4. What is your perception of these young people's understanding about why they're involved with YOT? (what is your perception?)
  - Punishment?
  - Guidance?
  - Welfare?
  - Something else?
5. Do you think many offenders realise that one of the aims of their involvement with a YOT is to make them more responsible for their action/s?
6. What do you do with young people – if anything – that includes some focus on responsibility?
  - Examples?
  - Is this retrospective or otherwise focused?
7. Do you ever see evidence of a young person taking responsibility? (for what they have done? For something else?)
  - In their actions? Speech? Ideas?
  - Is this past or future focused? (centred on their past offending / future desistance)
  - Any relevant variables (age, gender etc.)?
8. Do you ever feel a responsibility *for* them?
9. Is there anything that you'd like to do with young people that you don't feel able to, for whatever reason?
  - Budget restraints; time restraints; staff numbers; workloads
  - Why this in particular?
10. Is there anything else, that we haven't discussed, that you'd like to mention here?

## Appendix C

### Example of coding table

#### Core category: 'non-responsible'



## Appendix D

### Participant Information Sheet



#### RESPONSIBILISATION IN THE YOUTH JUSTICE SYSTEM

##### PARTICIPANT INFORMATION

A research study is being conducted at Canterbury Christ Church University (CCCU) by Jo Mockeridge.

##### Background

I intend to ask practitioners working within Youth Offending Teams [REDACTED] about their experiences of working with young offenders; specifically, whether they perceive that the work they do with young people assists in making them more 'responsible'. The objectives of the research are to describe and analyse participants' understanding of responsibility and responsabilisation.

##### What will you be required to do?

Participants in this study will be required to participate in an interview with the researcher, where they will be asked questions relating to their experiences of working with young offenders.

##### To participate in this research you must:

- Be a practitioner working as part of a Youth Offending Team [REDACTED]
- Be over the age of eighteen

##### Procedures

You will be asked to participate in an interview about your experiences and perceptions of working with young offenders.

##### Confidentiality and Data Protection

All data and personal information will be stored securely within CCCU premises in accordance with the [General Data Protection Regulation](#) (GDPR) and the University's own data protection requirements. Data can only be accessed by Jo Mockeridge. All data will be made anonymous (i.e. all personal information associated with the data will be removed).

##### Dissemination of results

Data will be anonymised, and the results of the study will be included in a PhD thesis and used in publications.

##### Deciding whether to participate

If you have questions or concerns about the nature, procedures or requirements for participation do not hesitate to contact me. Should you decide to participate, you will be free to withdraw at any time without having to give a reason.

##### Any questions?

Please contact Jo Mockeridge on [REDACTED], extension [REDACTED], or [REDACTED] [REDACTED]. Jo is a PhD candidate and staff member at the School of Law, Criminal Justice and Computing at Canterbury Christ Church University, Canterbury, Kent, CT1 1QU.

## Appendix E

### Participant Consent Form



#### PARTICIPANT CONSENT FORM

Title of Project:      Responsibilisation in the Youth Justice System

Name of Researcher:      Jo Mockeridge

Contact details:

Address:      Hpf10, Hall Place Enterprise Centre  
Canterbury Christ Church University

Tel:      0 [REDACTED]

Email:      [Jo.mockeridge@canterbury.ac.uk](mailto:Jo.mockeridge@canterbury.ac.uk)

Please initial box

1. I confirm that I have read and understand the information sheet for the above study and have had the opportunity to ask questions.
2. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason.
3. I understand that any personal information that I provide to the researchers will be kept strictly confidential.
4. I agree to the interview being recorded.
5. I agree to take part in the above study, and I understand that anonymised data will be used in publications.


\_\_\_\_\_  
Name of Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Person taking consent  
(if different from researcher)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Researcher

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Copies:      1 for participant  
                 1 for researcher

## Appendix F

### Approval from the Ethics Committee



2 August 2016

Ref: 16/SAS/297C

Mrs Jo Mockeridge  
School of Law, Criminal Justice and Computing  
Faculty of Social and Applied Sciences

Dear Jo

Confirmation of ethics compliance for your study "*Responsibilisation in the Youth Justice System.*"

I have received your Ethics Review Checklist and appropriate supporting documentation for proportionate review of the above study. Your application complies fully with the requirements for proportionate ethical review as set out in this University's Research Ethics and Governance Procedures.

In confirming compliance for your study, I must remind you that it is your responsibility to follow, as appropriate, the policies and procedures set out in the *Research Governance Handbook* ( <http://www.canterbury.ac.uk/centres/red/ethics-governance/governance-and-ethics.asp> ) and any relevant academic or professional guidelines. This includes providing, if appropriate, information sheets and consent forms, and ensuring confidentiality in the storage and use of data. Any significant change in the question, design or conduct of the study over its course should be notified to the Research Office, and may require a new application for ethics approval. It is a condition of compliance that you must inform me once your research has been completed.

Wishing you every success with your research.

Yours sincerely

A handwritten signature in black ink that reads "Roger Bone".

Roger Bone  
Research Governance Manager  
Tel: +44 (0)1227 923272 (direct line)  
Email: [roger.bone@canterbury.ac.uk](mailto:roger.bone@canterbury.ac.uk)

cc: Dr Dominic Wood

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