

“Everything’s Changed but Everything’s Stayed the Same”: Continuity and Change Within Youth Justice Services

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Abstract:

Recent youth justice policy and practice reforms within England and Wales have placed increasing emphasis upon service decentralisation and professional autonomy. They have thus provided room for manoeuvre for local youth justice services to develop both innovative forms of service delivery and frontline practice that represent a departure from a siloed and risk-centric YOT model of service delivery (Byrne and Case, 2016). Drawing upon empirical data gathered from a comparative case study within two contrasting youth justice services, this thesis explores the extent to which these opportunities have been capitalised upon on the ground. It argues that whilst there have been some examples of innovation in line with emerging critical evidence bases, the local negotiation of the reforms has been problematically characterised by varying degrees of continuity with the largely discredited risk-centric reforms of the New Labour era. The drivers of both continuity and change within local youth justice service delivery are thus explored, as well as the implications of this for service delivery and service users.

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Abstract

Recent youth justice policy and practice reforms within England and Wales have placed increasing emphasis upon service decentralisation and professional autonomy. They have thus provided room for manoeuvre for local youth justice services to develop both innovative forms of service delivery and frontline practice that represent a departure from a siloed and risk-centric YOT model of service delivery (Byrne and Case, 2016). Drawing upon empirical data gathered from a comparative case study within two contrasting youth justice services, this thesis explores the extent to which these opportunities have been capitalised upon on the ground. It argues that whilst there have been some examples of innovation in line with emerging critical evidence bases, the local negotiation of the reforms has been problematically characterised by varying degrees of continuity with the largely discredited risk-centric reforms of the New Labour era. The drivers of both continuity and change within local youth justice service delivery are thus explored, as well as the implications of this for service delivery and service users.

Abbreviations

ACPO	Association of Chief Police Officers
APIS	Assessment, Planning, Intervention, Supervision
BA	Bachelor of Arts
C&D Act	Crime and Disorder Act 1998
CAF	Common Assessment Framework
CBET	Competence-Based Education and Training
CBT	Cognitive Behavioural Therapy
CCJS	Centre for Crime and Justice Studies
CLR	Critical Learning Review
CPS	Crown Prosecution Service
CR	Community Resolution
CV	Curriculum Vitae
DCS	Director of Children's Services
DI	Diversions Initiative
EET	Education, Employment and Training
FJI	Full Joint Inspection
FTE	First Time Entrant
GBH	Grievous Bodily Harm
HM	Her Majesty
HMIP	Her Majesty's Inspectorate of Probation
ID	Identification Document
ISS	Intensive Supervision and Surveillance
IYS	Integrated Youth Service
JLB	Juvenile Liaison Bureau
JR	Justice Reinvestment
LAC	Looked After Children
LASPO	Legal Aid, Sentencing and Punishment of Offenders Act 2012
Moj	Ministry of Justice

NAYJ	National Association for Youth Justice
NDD	New Diversionary Disposal
NEET	Not In Education, Employment or Training
NEF	New Economics Foundation
NPM	New Public Managerialism
NS	National Standards
NVQ	National Vocational Qualification
OBJ	Offences Brought to Justice
OFSTED	Office for Standards in Education, Children's Services and Skills
PCC	Police and Crime Commissioner
PCEP	Professional Certificate in Effective Practice
PETE	Participation, Education, Training, Employment
PNC	Police National Computer
PSR	Pre-Sentence Report
QA	Quality Assurance
RFPP	Risk Factor Prevention Paradigm
RJ	Restorative Justice
SCH	Secure Children's Home
SQS	Short Quality Screening
STC	Secure Training Centre
UK	United Kingdom
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
YC	Youth Caution
YCC	Youth Conditional Caution
YIP	Youth Intervention Panel
YJB	Youth Justice Board
YJS	Youth Justice System
YMCA	Young Men's Christian Association
YOI	Young Offender Institution

YOT Youth Offending Team
YRD Youth Restorative Disposal

Chapter One: Introduction

The youth justice system (YJS) has been a site of almost constant reform over the past two decades, with further reform potentially imminent. Following the May 2015 election of a majority Conservative Government, in September, the then Justice Secretary, Michael Gove, commissioned a review of the YJS within England and Wales (Ministry of Justice (MoJ), 2015). Led by Charlie Taylor, the former Chief Executive of the National College of Teaching and Leadership, the report was published in late 2016. Established to: “consider whether the current arrangements are fit for purpose” (Gove, 2015), it has recommended a range of changes to frontline youth justice practice, and the arrangements in place to monitor and improve its performance. Reinforcing recent policy developments within youth justice, it has recommended providing increased local autonomy and: “greater flexibility in the delivery of youth justice services” (Taylor, 2016: 12). In doing so it has problematised the constraints which the current model of youth justice service delivery - the Youth Offending Team (YOT) model (YJB, 2004a) - has placed upon innovation within youth justice services.

The YOT model of service delivery can trace its origins to reforms to the youth justice policy and practice introduced by New Labour in the 1998 Crime and Disorder (C&D) Act. These radically reformed the machinery of youth justice, introducing centralising structures in an effort to establish a more efficient and consistent YJS (McLaughlin, Muncie and Hughes, 2001). These reforms have been critiqued for: constraining local youth justice services within centralising regulatory and oversight structures (Pitts, 2001; 2003; McLaughlin, Muncie and Hughes, 2001); creating siloed and discrete services for children and young people that offend, which are structurally isolated from other services for children and young people (Fielder, Hart and Shaw, 2008; Byrne and Brooks, 2015; Byrne and Case, 2016); and introducing a prescriptive, standardised approach to assessment and intervention, characterised by positivist technical fixes (Pitts, 2001; 2003; Briggs, 2013). In relation to frontline youth justice practice, some critical commentators have argued that these reforms have served to undermine the relational, person/child-centred, and creative components of effective practice (Eadie and Canton, 2002; McNeil, 2006; Case and Haines, 2015a; 2015b; Creaney, 2015).

The recommendations of the Taylor Review are broadly in line with the trajectory of recent reforms to the YJS made by the Coalition Government. Whilst less ambitious than rhetoric suggested, these reforms also emphasised increased localism and professional autonomy (MoJ, 2010; 2011). Commentators have thus argued that they have provided increased: “room for manoeuvre” (Smith, 2014a: 198) for the development of more innovative forms of service delivery and creative and progressive forms of practice (Allen, 2011a; Smith,

2014a). At the threshold of another potential period of policy and practice reform in youth justice, this thesis examines the current state of youth justice service delivery and frontline practice. In particular, it explores the extent to which these opportunities for innovation have been capitalised upon on the ground.

1.1. Structure of the Thesis

Chapter Two explores the youth justice literature and situates the recent history of youth justice practice, and the emergence of the YOT model of service delivery, within the context of the contemporary politics of risk. The chapter illustrates how the YOT model's centralisation, and risk-centric proceduralisation, of youth justice service delivery has given effect to a governmental need to apportion responsibility for the management of risk, and to forensically apportion blame when risk management fails. The negative consequences of this process for service delivery - in terms of engendering a concern with secondary/reputational risk management (Power, 2004) amongst youth justice staff - are explored. The chapter also discusses the impact of risk-centric proceduralisation upon professionalism within youth justice, and interrogates the efficacy of risk-based forms of proceduralised practice more generally. The chapter then proceeds by outlining the opportunities for innovation created by recent decentralising policy changes, with a particular focus upon the opportunities provided for agentic leadership driven change and pre-statutory forms of diversionary innovation. The research focus - an examination of how recent changes within the service delivery landscape have been negotiated by local youth justice services at strategic-organisational and practice level - is then outlined. The chapter concludes with a discussion of methodology. It outlines the qualitative comparative case study approach devised to explore this focus within two youth justice services in England situated within contrasting local service delivery contexts.

Chapters Three and Four explore the negotiation of the reforms at strategic-level within both youth justice services. They highlight the centrality of local context in shaping the strategic behaviour of each site's local management team. In particular, it outlines how their context specific negotiation of the contemporary politics of risk framed how they differentially responded to changes in the service delivery environment. Chapters Five and Six predominantly explore how changes within the policy and regulatory environment accenting increasing professional autonomy have been negotiated through differential regimes of New Public Managerialism (NPM) implemented within each site. Chapter Seven identifies and evaluates a pre-statutory diversionary disposal - the New Diversionary Disposal (the NDD) - that was designed and implemented within one of the sites.

In the concluding chapter, the thesis finds that despite some positive innovations within both the model of service delivery and within frontline practice, local youth justice services' negotiation of recent reforms have been characterised, to varying extents, by continuity with the reforms of the New Labour era. In particular the actuarial logic of preventative early intervention has been significant in informing the strategic direction of youth justice services, whilst an embedded form of standardised actuarial practice continues to hinder the adoption of evidence based forms of child-centred and bespoke practice (see Case and Haines, 2015a; 2015b). A number of recommendations are made to address these issues.

Chapter Two: Research Design

2.1. Introduction

This chapter is split into four parts. Part One explores the youth justice literature, whilst Part Two provides a brief discussion to situate the research within this. Part Three outlines the research questions that have informed this study. Finally, Part Four provides a discussion of methodology.

2.2. Literature Review

2.2.1. Introduction

This section outlines literature as it relates to the contemporary youth justice practice context and recent policy, regulatory and financial transformations that are currently reshaping it. It is divided into eleven sections. The first situates youth justice practice within a contemporary politics of risk and blame. It argues that in a late modern context of uncertainty this is associated with a governmental need to allocate responsibility for risk management, and forensically apportion blame when things go wrong. The section illustrates how the increasing proceduralisation of youth justice practice in recent years, and the link of this to external regimes of audit and inspection, have been intimately linked to this need. The next three sections explore, in detail, how the YOT model of service delivery, and the institutional and regulatory arrangements associated with this, have provided a framework through which the forensic (blame attributing) (Douglas, 1986) functions of risk have been given effect. They evaluate what impact, if any, this (and risk more generally) has had upon professionalism and practice effectiveness within youth justice. The following section considers how the centralising tendencies associated with the YOT model of service delivery have been subject to processes of mediation, negotiation and resistance within different local authority areas. It suggests that this has contributed to differential forms of youth justice service delivery within some areas, evidencing the continued influence of a 'justice by geography'. The next section explores recent policy, regulatory and financial changes within the youth justice service delivery landscape and identifies the opportunities for innovation that these have presented. Given increasing interest in the opportunities offered by the current context for pre-statutory diversionary innovation and leadership driven organisational and service reform, the

remaining five sections of the literature review delve into the diversion and leadership literature in greater detail.

2.2.2. Youth Justice Practice in Late Modernity

Modernity was characterised by turning uncertain events into statistical probabilities through risk (Douglas, 1986). The modernist project was thus imbued with a belief that through the utilisation of 'scientific' risk calculations and technologies, previously incalculable natural and social 'hazards' could be predicted with a high degree of certainty, and tamed (Beck, 1992). However, commentators have noted that one of the key characteristics of late modernity is increasing *uncertainty* (Giddens, 1991; 1998; Beck, 1992; 1995; O'Malley, 2004; 2010). In late modernity globalising industrial, technological, and socio-political developments (Beck, 1992; Giddens, 1999; Bauman, 2000; Sennet, 1998; Kemshall, 2004; 2008) have rendered risks increasingly incalculable, uncertain and indeterminate. Giddens (2002) has suggested that a 'runaway world' (ibid) has emerged, where the risks we face constantly evade our attempts to render them knowable and governable.

Kemshall (2003) therefore considers the late modern world to be: "peculiarly defensive... characterised by fear and anxiety" (2003: 9). Within this context a paradoxical response to an increasingly uncertain future is a proliferation, rather than a disappearance, of risk calculations and risk-based technologies (Beck, 1992; O'Malley, 2004; Arnoldi, 2009). This reflects a contemporary politics of risk in which governments and scientific expertise persistently argue that risks can be known and minimised (O'Malley, 2004). Risk is thus often considered an ideology (Beck, 1992), creating an illusion of certainty and control that cannot be attained (Power, 2004). Consequently, the authority of expertise, and trust in experts as risk managers, is continually undermined by risk management failures (Beck, 1992; O'Malley, 2004; Arnoldi, 2009).

This erosion of trust in expertise has been evident within youth justice practice within England and Wales in recent decades. In the context of weakening social bonds (Kemshall, 2008), and faltering youth transitions to adulthood (Bynner, 2001), the: "terms risk, youth and crime have become synonymous" (Green, cited in Kemshall, 2008: 4). There has been a media influenced concern amongst the general public about a perceived increase in the volume and severity of youth crime (Pitts, 2001; 2003; Kemshall, 2008; Muncie, 2009; Bateman, 2011a). This was amplified by the Jamie Bulger murder in the early 1990s (Bateman, 2011a) causing a 'moral panic' (Cohen, 2002) concerning deviant youth (Jenks, 1996; Hendrick, 2002). A growing 'risk consciousness' on the part of the public in relation to youth crime has led to

increasing scrutiny of those responsible for its regulation.¹ Hudson (2003) has argued that within this context youth justice practitioners have been viewed by a sceptical public as ‘too lenient’, and have faced widespread distrust in their ability to control the risks posed by youth crime.

This increased scrutiny of the regulation of youth crime has its origins in wider changes in the nature of risk associated with modernisation. The risks of pre-modernity have been depicted as ‘fatalistic’, being viewed as the: “the product of destiny and the ‘will of the Gods” (Green, cited in Kemshall, 2003: 9). However, modernity was characterised by the gradual ‘internalisation of risk’ (Ewald, 1993). Through the development and deployment of risk calculations future unwanted events became knowable and governable and thus: “linked to human agency rather than random nature” (Arnoldi, 2009: 26). Consequently, risk allocates responsibility to actors and institutions, and with it blame for those who manage risks poorly (Douglas, 1992). In a late modern context, where the promise of control offered by risk management is becoming increasingly ideological or myth-like (O’Malley, 2004; Power, 2004), the blame attributing or ‘forensic functions’ (Douglas, 1992: 27) of risk are coming evermore to the fore. As Kemshall (1997) states:

*“The concept of risk emerges as a key idea for contemporary times because of its use as a forensic resource, that is as **a means for investigating situations “that go wrong”**. In other words, its primary function is to allocate blame” (Kemshall, 1997: 223; emphasis in the original).*

The forensic functions of risk have been evident with regards to the proceduralisation of youth justice service delivery in recent years. This has been linked to the implementation of a process driven variant of New Public Managerialism (NPM) (Pollitt, 1993) within youth justice since the early 1990s. Risk has been a central organising concept for this process (Armstrong, 2006; Kemshall, 2008; Phoenix, 2009; Bateman, 2011b). It is typically argued that it has been informed by neo-liberal ambitions to embed rationalised processes throughout the YJS in order to achieve cost-effectiveness and ‘value for money’ (Kemshall et al, 1997; McLaughlin, Muncie and Hughes, 2001; Muncie, 2009). However, the legitimacy of managerialism in a late modern culture of blame (Douglas, 1992) is partly founded upon the fact that it brings greater transparency to organisational processes (Clarke and Newman, 1997). Through risk-centric proceduralisation, and regimes of external audit and inspection,

¹ A growing risk consciousness concerning youth crime from the early 1990s does not necessarily imply that this has been a rational response to an objective rise in the level of risk posed by it, as a functional account of this phenomenon might imply. Processes of social amplification by media (Jenks, 1996; Hendrick, 2002) and political actors (Brownlee, 1998; Pitts, 2000) appear to have been instrumental to this in a context of generally falling youth crime since the early 1990s (Bateman, 2012; Smith, 2014: 21).

it: “demonstrates who is responsible for what decisions” (ibid: 66). As such, managerial rules and procedures offer central government the means of delegating operational responsibility, and subsequent blame for operational failures (Power, 2004: 20; Hood, 2002), to arm’s length regulatory bodies, and local actors within youth justice service delivery.

2.2.3. The YOT Model of Service Delivery

This section turns to the YOT model of service delivery (YJB, 2004a). Introduced within New Labour’s 1998 Crime and Disorder (C&D Act), this comprises the institutional and regulatory structures through which the managerialisation of youth justice has been given effect in recent years. The YOT model combined a corporatist (Pratt, 1989) inter-agency approach at the local level with a process-driven variant of NPM - with an emphasis upon performance management and central control - to instantiate a regulatory strategy that has been described as ‘top-down corporate correctionalism’ (Pitts, 2005).

The institutional vehicle for the delivery of New Labour’s corporatist interagency approach at the local level was introduced by the 1998 C&D Act’s introduction of multiagency youth offending teams (YOTs). YOTs were introduced to provide a co-ordinated and systemic response to the multiple risk-factors underpinning New Labour’s actuarially informed conceptualisation of youth crime. This conceptualised youth crime within the schema of the Risk Factor Prevention Paradigm (RFPP) - empirically supported by the Cambridge Study in Delinquent Development (West and Farrington, 1973) and the Social Development Model (Catalano and Hawkins, 1996). The RFPP identifies a range of interpersonal, familial, educational, environmental, and peer influences as having the strongest influence upon offending behaviour. Pitts (2001; 2003) has argued that the RFPP therefore represents an ‘aetiological narrowing’ of conceptualisations of youth crime, and thus minimises structural factors (e.g., class, ethnicity, poverty, social deprivation).

At an operational level YOTs were to include: “social workers, probation officers, police officers... education and health authority staff... [and]... people from other agencies and organisations, including those in the voluntary sector” (Home Office, 1997: 25). YOT staff had varying, and often conflictual, extra-organisational ‘modes of attachment’ (Clarke and Newman, 1997: 62). These were comprised of both local attachments to a parent agency and its objectives and goals and more ‘cosmopolitan’ attachments to an occupational or professional grouping and its philosophical tenets. However, they were all required to pursue: “a common approach focusing upon preventing offending behaviour” (Home Office, 1997: 25).²

² Section 37 of the 1998 C&D Act established the prevention of offending as the new principle aim of the YJS.

This crime prevention objective informed the initial location of YOTs within council structures: they were integrated into broader corporate crime and disorder partnership structures (Goldson, 2000a). The majority of YOTs were subsequently moved into broader children's services management structures to improve strategic links with children's services (Fielder, Hart and Shaw, 2007). Despite this, however, YOTs were expected to maintain structurally discrete teams with their own distinct identity, providing services for children and young people who offend or are at risk of offending (ibid: YJB, 2004a). YOTs' statutory services include:

- "Assessment of young people for rehabilitation programmes;
- Support for those remanded in custody or bailed;
- Placement in local authority accommodation when remanded;
- Court reports and assessments;
- Supervision of those sentenced to community orders" (Pickford and Dugmore, 2012: 126);
- There is also a non-statutory expectation for YOTs to provide preventative services (ibid).

Pitts (2001; 2003) suggests that the regulatory structures within which YOTs were placed created a 'hands on' and 'hands off' mode of service delivery that simultaneously liberated and enslaved local youth justice service providers (Hoggett, 1996: 18). Operational autonomy was devolved to local authorities to develop a 'Youth Justice Plan' indicating how they would provide and fund youth justice services via YOT partnership arrangements.³ However, this plan had to be submitted for scrutiny and approval to a national body - the Youth Justice Board (YJB). New Labour established the YJB as a non-departmental public body in Section 41 of the 1998 Crime and Disorder Act. This delegated much operational and monitoring responsibility from central government to an arm's length regulatory body (Souhami, 2015). The YJB's responsibilities include: monitoring the operation of the YJS and the delivery of youth justice services; advising ministers on national standards for youth justice services; promoting and

³ It is the responsibility of the YOT management board - comprised of statutory partners (social services, probation, education and health) and other relevant local partners - to provide and fund youth justice services, as well as setting the strategic direction for such services (MoJ and YJB, 2013a).

commissioning research into effective practice; utilising grants to develop effective practice (Pickford and Dugmore, 2012).

Pitts (2001; 2003) and McLaughlin, Muncie and Hughes (2001) argue that as a result of the centralised lines of accountability and control described above the YOT model had transformed a highly localised YJS - with complex localised accountabilities - into a nationalised and more homogenous YJS.

The YOT model of service delivery has also been associated with increasing practice standardisation. This has been evident with the introduction of risk-centric practice standardisation tools, giving effect to an interventionist and correctional policy agenda (Pitts, 2001; 2003; Bateman, 2011a; 2011b). Significant amongst these have been statutory National Standards (NS) for youth justice services. Building upon those introduced under the previous Conservative Government (Home Office, 1992; 1995), New Labour introduced three separate risk-centric versions for children and young people under the age of 18 (YJB, 2000; 2004b; 2010; Smith, 2014a: 76-81) during its period in office. These tightly prescribed practice standards in terms of assessment, intervention and enforcement (Smith, 2014a). They also required all children and young people entering the YJS to undergo a risk assessment (YJB, 2000; 2004; 2010; Baker, 2005).

Until very recently this was accomplished through the use of *Asset* (YJB, 2006) - a standardised risk assessment tool introduced in 2000.⁴ *Asset* utilised statistical algorithms to generate a 'risk score' that was used to categorise 'young offenders' into sub-populations with similar levels of risk (Briggs, 2013). These algorithms were underpinned by RFPP categories, which are the focus of separate domains of assessment which are scored on a 0-4 scale, with 0 indicating no associated risk of offending and 4 constituting a high risk of offending (Bateman, 2011b). The scores from all of the sections were subsequently aggregated to provide an overall risk of reoffending. Smith (2014a) has described the completion of *Asset* as a 'narrow and prescriptive process' that: "can be summarised as a 'tick box exercise'" (2014a: 102). The areas *Asset* identified as high risk were then typically targeted by structured 'off the shelf' interventions based upon 'What Works' principles to prevent further offending behaviour (McNeil, 2006).

Both NS and *Asset* subsequently became linked to what Bateman (2011b) has described as a: "highly systemic form of risk-led intervention" (2011b: 171) - the *Scaled Approach* (YJB, 2009). The *Scaled Approach* uses the risk score generated by *Asset* to distribute

⁴ *Asset* had been phased out and replaced by its successor, *Asset Plus* (YJB, 2014a), in all but a few areas by the end of 2016.

the child or young person into one of three gradated levels. The 2010 version of NS (YJB, 2010) dictated a correlated intensity, frequency and duration of supervision associated with each.

This proceduralisation of practice has instituted formalised and visible ‘internal control systems’ (Power, 2004: 24-28) linked to external regimes of audit and inspection (Muncie, 2009) carried out by quasi-autonomous agencies. Amongst other relevant auditors and inspectorates, the YJB is supported in this regard by Her Majesty’s Inspectorate of Probation (HMIP). HMIP is charged with: “providing assurance to ministers and the public... that youth offending work... is being delivered effectively” (HMIP, 2010a: 13).

The situation of frontline practice within increasingly centralised lines of accountability and control displaced more local and informal relations of trust and accountability (Pitts, 2003). These comprised a relatively closed system of bureau-professional ‘club government’ (Moran, 2003) with low accountability and high discretion in local youth justice service delivery (Eadie and Canton, 2002). The dangers associated with the wide discretionary powers afforded to youth justice practitioners in this era included the possibility of bias, discrimination and inconsistency influencing practice (Baker, 2005). This is potentially problematic given the ability of practitioners to: “criminalise young people and set them on the path to custodial sentences” (Drake, Fergusson and Briggs, 2014: 26). The proceduralisation of youth justice through the introduction of risk-centric practice standardisation tools has thus been proposed as one way to address the potential dangers associated with discretionary power (Burnett, 2004; Baker, 2005). Proponents of such tools have also argued that their introduction can improve the quality of practice, and the accuracy of assessment and intervention decisions, as they are: “capable of combining more information than... the typical expert” (Silver and Miller, 2002: 48).

2.2.4. Risk and (De)professionalisation: From Occupational to Organisational Professionalism

Risk-centric proceduralisation has, however, been associated with changes to the nature of professionalism within youth justice that some commentators argue have diminished the quality of practice (Pitts, 2001; 2003; Kubiak and Hester, 2009; Hester, 2010; Phoenix, 2011). This section discusses and problematises these changes, and explores their implications for practice effectiveness. It does this by drawing upon Evetts’ (2009) distinction between two ideal-typical variants of professionalism - *occupational* and *organisational professionalism*. These will be defined and their historical and contemporary influence within public service occupations, specifically youth justice practice, shall be identified. The section discusses a recent displacement of occupational professionalism by a variant of organisational

professionalism linked to actuarial-managerialism within youth justice. It is shown how this process has been perceived by some authors as de-professionalising the youth justice workforce (Pitts, 2001; 2003; Eadie and Canton, 2002; also see Hester, 2010; Phoenix, 2011) and thus potentially undermining practice efficacy.

Evetts (2009) identifies occupational professionalism as a variant of professionalism that predominated within public service occupations prior to the 1980s. She states that the discourse of occupational professionalism is comprised of a number of organising principles for structuring public sector work. Firstly, that the level of knowledge and skill required for a particular work specialisation requires: “a foundation in abstract concepts and formal learning” (2009: 54). Within the discourse of occupational professionalism, lengthy and broad systems of education are thus considered fundamental to the process of professionalisation. These are required to equip professionals with the education, training and competence to effectively carry out complex and specialised work. Secondly, once practitioners are equipped with specialist knowledge and skills, employers and clients should trust professionals’ competence and intentions. Thirdly, and closely related to the previous two organising principles, external rules governing professional work should be minimised. This serves to maximise the ability of professionals to exercise discretion and autonomy - “often in highly complex situations and circumstances” (ibid: 54) - on the basis of their competences and specialist knowledge. As such collegial authority, rather than external controls, should be exercised over professional work, with practitioners guided by codes of professional ethics. Evetts (2009) states that the discourse of occupational professionalism is a discourse constructed ‘from within’ the occupational group. The group uses the discourse to create: “its occupational identity, promot[e] its image with clients and customers and [to bargain] with states to retain its (sometimes self-) regulatory responsibilities” (ibid: 55).

Evetts (2009) thus suggests that, historically, professional practice within various public-sector domains relied upon conditions of trust, discretion and competence. Indeed, these conditions, and the form of occupational professionalism that they supported, predominated within youth justice (Eadie and Canton, 2002) – and related fields such as social work (see Harris, 1998) - until the early 1990s. In relation to youth justice, these conditions are evident in Eadie and Canton’s (2002) description of practice during the 1980s and early 1990s, then typically performed by professionally qualified social workers and probation officers within social services’ youth justice teams (Williams, 2000):

“The youth justice practitioner... enjoy[ed] wide discretion and low accountability to the organisation... Quality standards were the preserve of the practitioner and professional judgement was the vindication of a decision. A lack of rigorous monitoring made much

of the work undertaken by individual practitioners invisible" (Eadie and Canton, 2002: 17).

However, the conditions of trust, discretion and competence upon which professional practice has traditionally depended have: "continually been challenged, changed or regulated" (Evetts, 2009: 50) since the late 1980s and early 1990s within most public-sector domains within the UK (Clarke and Newman, 1997; Clarke, 2004), including youth justice (Pitts, 2001; 2003; McLaughlin, Muncie and Hughes, 2001). As previously mentioned, neo-liberal efforts to embed rationalised processes throughout the public sector to reduce service delivery costs (McLaughlin, Muncie and Hughes, 2001; Muncie, 2009), and a series of risk management failures (Power, 1994; 2004; Hudson, 2003), have informed the implementation of a risk-centric, process-driven variant of NPM. This has sought to govern the exercise of professional discretion, rendering it accountable for economic inefficiencies and risk management failures (Evetts, 2009).

This managerial proceduralisation of frontline service delivery has been associated with a reconfiguration of professionalism throughout most public-sector domains, including youth justice. A form of organisational professionalism has emerged, characterised by the transformation of professionalism into a managerial rather than occupational discourse. Evetts (2009) suggests that this has entailed professionalism becoming: "a discourse of occupational change and control... increasingly applied and utilised by managers" (ibid: 55). Thus, organisational professionalism - in contrast to occupational professionalism - is professionalism 'from above', characterised by the domination of professionals by external forces. It does this by recreating professionalism through defining it as measurable, and governing professionals through normative managerial techniques (ibid: 61). This entails a managerial reconceptualisation of: "occupational regulation and control... as a means to improve professionalism in work" (ibid: 51). Thus, within the discourse of organisational professionalism the forms of external audit, quality control, performance setting and monitoring introduced within youth justice in recent years are conceived as promoting, rather than undermining, professionalism. Organisational professionalism is therefore characterised by a: "disciplinary logic which inscribes 'autonomous' professional practice within a network of accountability and governs professional conduct at a distance" (Fournier, 1999: 280). It thus contrasts with occupational professionalism in a number of significant ways. For instance, it: substitutes managerial/organisational for professional values; emphasises hierarchical, managerial controls rather than collegial professional authority; and gives emphasis to the standardisation of work practices rather than practitioner autonomy and discretion (Evetts, 2009).

Burnett (2005) has suggested that the micro-management associated with organisational professionalism within youth justice may be perceived as providing: “tools which enhance professional practice by providing a consistent framework for developing programmes of intervention” (2005: 111). However, a number of authors have suggested that the shift from occupational to organisational professionalism has actually de-professionalised the youth justice workforce (see Pitts, 2001; 2003; Eadie and Canton, 2002). For instance, Eadie and Canton (2002) have suggested that the aforementioned routinisation associated with risk-centric proceduralisation has led to deskilling and transformed practitioners into ‘tick-box’ technicians. They thus suggest that this ‘dumbing down’ of the workforce has undermined practitioner discretion and contributed to a less reflective practice, therefore diminishing youth justice practitioners’ professionalism.

Pitts (2001; 2003), Burnett (2005) and Bateman (2011a) have drawn attention to another form of de-professionalisation associated with a shift towards organisational professionalism within youth justice. The proceduralisation of youth justice practice has reduced reliance on professionally qualified staff in traditional areas of youth justice expertise (social work and probation). Bateman (2011a) notes that since the formation of YOTs: “the majority of new recruits to the youth justice profession have not been professionals” (2011a: 146). Burnett (2005) also notes that the introduction of YOTs has been associated with: “recruitment policies which have increased the proportion of unqualified staff” (2005: 111). Pitts (2003) suggests that this form of de-professionalisation holds ‘many attractions’ for policy makers and senior managers. This is due to the fact that: “non-professionals have little or no knowledge of alternative ways of doing things, as a result the potential for disagreement with, or deviation from, prescribed method or procedures is minimised” (2003: 43). This can thus undermine practitioner resistance to organisational and practice change, contributing to a culture of frontline acquiescence to managerial demands (Bateman, 2011a).

Pitts (2003) also highlights how a managerial form of workforce education and training associated with organisational professionalism has contributed to de-professionalisation within youth justice in recent years. He states that the: “training that new recruits receive is essentially practical and any... issues that arise can be resolved by reference to the relevant ‘value statements’ and codes of practice” (2003: 43). This criticism is associated with the emphasis placed by the YJB upon ‘vocationalism’ or ‘competence-based education and training’ (CBET) within workforce education and training programmes (see Kubiak and Hester, 2009; Hester, 2010; Phoenix, 2011) since its inception. Such vocationalism is managerial in nature, and is thus specifically tailored towards organisational needs (Nellis, 2001). It: “sees knowledge in terms of ‘performativity’” (2001: 419) and is therefore largely skills based. Thus, it primarily focuses upon equipping practitioners with ‘underpinning knowledge’. That is, the

operational 'knowledge-for-practice', derived largely from the organisational environment, that: "enables the agency to routinely do what it does" (ibid: 422).

According to Hester (2010), this artificially narrow and managerialist approach to education and training has been evident within the predominantly 'short-term' undergraduate level modules comprising pre-honours degree level certificates and foundation degrees that have been introduced by the YJB.⁵ For instance, the Professional Certificate in Effective Practice (PCEP) and Foundation Degree in Youth justice have been criticised - to varying extents - for narrowing the youth justice knowledge base to the actuarialism of the RFPP (Kubiak and Hester, 2009; Hester, 2010; Phoenix, 2011). These have provided 'instructionalist' (Phoenix, 2011) forms of education and training that have predominantly sought to equip trainees and existing practitioners with underpinning knowledge. That is, actuarial knowledge, skills and competences related to the performance of centrally prescribed organisational tasks and procedures.

Nellis (2001), Kubiak and Hester (2009) and Hester (2010) argue that the instructional forms of training associated with organisational professionalism, whilst essential to effective practice,⁶ fail to provide practitioners with sufficient 'overarching knowledge'. That is, a breadth and depth of knowledge concerning rival interpretations of the evidence-base and a critical awareness of the nature of the YJS and its policies, procedures and practices (Kubiak and Hester, 2009). Kubiak and Hester (2009) and Hester (2010) suggest that a failure to adequately equip practitioners with sufficient overarching knowledge inhibits the critical reflection upon which effective practice depends. For instance, Hester (2010) suggests that effective practice relies upon 'reflection-in-action' as the: "practitioner... [is]... challenged to reconceptualise their practice world when experiencing dissonance between their preconceptions and practice evidence" (2010: 51). Thus, critical reflection: "could be viewed as a motor for enhanced practice through the enablement of a continual dialectic between theory and practice" (ibid: 51). However, Hester (2010) argues that such critical reflection is inhibited by: "the restricted frames of reference (e.g. theories, evidence, methods, systems, and guidelines) privileged and prescribed by the YJB" (ibid: 51).⁷

⁵ By contrast, within the related fields of social work and probation a full honours degree is the: "benchmark of the profession" (Hester, 2010: 53).

⁶ Kubiak and Hester (2009) note that: "[t]argets, guidelines and protocols can help co-ordinate actions in a complex system. Practitioners who were ignorant of... organisational needs would struggle to be effective by any definition of that term" (2009: 53).

⁷ These criticisms of education and training within youth justice have some resonance with criticisms authors have made concerning the increasing influence of vocationalism within the professional education of probation officers (see Nellis, 2001; Hester, 2010) and social workers (see Lymbery, 2000; Lymbery et al, 2003).

2.2.5. Risk and (In)effective Practice

The potential inability of some youth justice practitioners to engage critically and reflectively with risk-centric tools, guidelines and procedures is especially problematic in a context of mounting evidence suggesting that the rational-technical approach of actuarial-managerialism is significantly flawed. This is especially the case with regard to the relational and creative aspects of practice. In terms of the former, McNeil (2006) – drawing upon broader literature concerning psychological interventions – suggests some of the core components of effective practice are: “empathy and genuineness... [and]... the establishment of a working alliance” (2006: 130). Indeed, evidence primarily concerning criminal justice interventions with adults suggests that supportive relationships can promote client engagement – understood as: “personal motivation and commitment to involvement in activities” (Mason and Prior, 2008: 12) - through: “nurturing motivation to change” (Burnett and McNeil, 2005: 237). For instance, the display of fairness, encouragement and personal commitment by probation supervisors has been found to create a sense of respect, accountability and moral obligation on the part of clients to desist from crime (Rex, 1999). McNeil (2006) argues that these findings are highly applicable to children and young people who offend, as their relationships have typically been: “characterised by disconnection and violation” (2006: 133). Furthermore, research in related fields to youth justice (social work and youth work) has consistently identified the centrality of positive relationships to practice effectiveness (Trevithick, 2005; Wright et al, 2009). Emerging evidence also suggests that child-centred and collaborative approaches, which utilise the practice relationship to engage with clients and their definitions of their own interests, needs and priorities, can be successful with those who are difficult to engage (Case and Haines, 2015a; 2015b; Creaney, 2015).

Such approaches can be undermined by overly authoritative and adult-led relationships (Case and Haines, 2015a; 2015b). These can disengage: “recipients because they do not seek to work in child-friendly ways or at a child-appropriate level that children can understand” (ibid: 163). They are particularly ineffective with: “involuntary clients... who are often defensive... [and]... oppositional” (Marshall and Serran cited in Burnett and McNeil, 2005: 230). Relational aspects of practice can also be eroded by pre-formatted tick-box systems. These can displace one-to-one work with auditable processes and standardised procedures (Pickford and Dugmore, 2012). Practice relationships can thus become more superficial (Smale et al, 1993; Howe, 1996), leading to client disengagement, and practitioner disengagement from the lived realities of children and young people (Case and Haines, 2015a; 2015b).

The creativity associated with effective practice can also be undermined by proceduralisation. Commentators have argued that the qualitative nature of professional

practice - in youth justice and related fields - is, to a large degree, characterised by: “ambiguity, indeterminacy and uncertainty” (Parton, 2000: 141; see also Schön, 1991; Eadie and Canton, 2002). It can therefore be considered to require *techniques of uncertainty* (O’Malley, 2004) i.e., creative responses that draw upon critical and reflective thinking to address an inexhaustible range of practice circumstances, irreducible to standardised approaches. However, bespoke casework approaches to assessment and intervention can be usurped by less reflective, standardised ‘one-size-fits-all’ approaches. This is problematic given the documented inability of standardised actuarial tools to comprehensively ‘capture risk’ (Kemshall, 2003). Indeed, the predictive accuracy of Asset - whilst demonstrating some predictive value (Baker et al, 2005) - has been subject to extensive criticism in recent years (Smith, 2006; Case and Haines, 2009; Bateman, 2011b).⁸ Actuarial tools should therefore support, rather than usurp, professional judgement.

Despite these critiques, within a managerial context of ‘targets and terror’ (Pitts, 2001; Bevan and Hood, 2006) risk-centric internal control systems - and the procedures associated with these - can have functionality for those involved in local youth justice service delivery. This is because they have an ability to foster quasi-scientific ‘myths of controllability’ and ‘illusions of certainty’ (Power, 1994; 2004) in a late modern context of uncertainty. This can make them especially attractive for those within strategic and managerial positions within YOTs who have responsibilities for meeting measurable objectives and standards. Such illusions are fostered by translating *primary* or *real* risks - such as those associated with youth offending - into *systems* risks through proceduralisation. This has been evident within youth justice service delivery. It can be argued that the complex and interlocking structural, social and interpersonal risk factors associated with youth crime (Farrall and Bowling, 1999; Farrall and Calverley, 2006; McNeil, 2006) have been translated into something describable, manageable and safely within the orbit of organisational control i.e., standardised procedural routines and data collection and sharing practices.

Internal control systems can also provide an outlet for defensive mentalities amongst managers and frontline staff (Hood, 2002; Hood and Peters, 2004; Power, 2004; Bevan and Hood, 2006). In a practice context that demands control of risk, and blame attribution when things go wrong, there may be pressure upon local actors within youth justice to engage in ‘secondary risk management’ (Power, 2004: 14-15). That is, to manage secondary risks to reputation and career rather than the primary risks for which YOT staff received training.

⁸ In 2010 the YJB itself recognised the limitations of its suite of risk-based practice standardisation tools when it announcing a two-year review of the risk assessment and intervention framework (Teli, 2011), citing academic uncertainty concerning the RFPP knowledge base underpinning it as one of the reasons (ibid: 3).

Internal control systems may enable forms of secondary risk management by facilitating accountability avoidance techniques, such as ‘defensive compliance’ with standardised procedures (Baker, 2005: 116; Drake, Fergusson and Briggs, 2014: 26). This was evident in Stahlkopf’s (2008) two-year qualitative case study in an Oxfordshire YOT, which identified the emergence of a ‘tick box practice’. Within this: “performance targets were stressed as more important than the quality of work” (2008: 465) due to the priority given to the former by the YJB.⁹ Cross, Evans and Minkes (2002) also found that a ‘proceduralist culture’ was beginning to become embedded within YOTs as a result of the introduction of national standards (2003: 155).

2.2.6. Local Mediation of the YOT Model

This section considers how the centralising tendencies associated with the YOT model of service delivery have been subject to processes of mediation, negotiation and resistance within different local authority areas.

The managerialisation of youth justice service delivery represented by the YOT model placed considerable constraints upon local autonomy and innovation. Indeed, it ensured that youth justice service delivery at the local level was ‘substantially determined’ by central government (Goldson and Hughes, 2010: 219). However, New Labour’s managerial model, entailing the devolution of operational autonomy and the use of indirect NPM levers of control to steer youth justice service delivery at a distance, provided some room for subversion, resistance and local autonomy. For instance, Field (2015) argues that these indirect levers had to be employed stringently by the YJB: “because there are no direct levers enabling the YJB to direct YOTs as to how to perform their functions” (2015: 198). He suggested that this granted YOT managers a high degree of legal autonomy and rendered them essential with regards to determining: “the approaches and priorities adopted on the ground” (ibid: 200). Thus, in spite of stringent managerial control exercised over local youth justice service delivery during New Labour’s period in office, there was evidence of innovation at the strategic-organisational level. For instance, Fielder, Hart and Shaw (2008) discussed the restructuring of local youth justice services – in particular, changes with regard to their strategic position within council structures.

There has also been evidence of professional autonomy and discretion within frontline practice. Lipsky (1980) has noted that there is space for autonomy and discretion even within highly restrictive rule structures as subjects must select a course of action and make a selection

⁹ There have been similar findings in wider social work practice (Munro, 2011). This area of expertise has also experienced the emergence of risk-centric internal control systems in recent years (ibid).

between rules. The presence of space for autonomy even within restrictive organisational rule structures has been evident within some YOTs within recent years. This has especially been the case within YOTs where the inter-professional mix of the team has been dominated by professionally qualified social workers, who have been somewhat successful in maintaining their autonomy, and a welfarist approach, through creatively reinterpreting risk-centric procedures (Burnett and Appleton, 2004; Field, 2007; Briggs, 2013).

Therefore, despite increasing homogenisation of the field of youth justice as a result of the introduction of the YOT model of service delivery, the processes of centralised control have been mediated, reinterpreted and resisted to varying degrees in different areas. This has thus contributed to continuing patterns of differential youth justice service delivery, or 'justice by geography', within England and Wales (Goldson and Hughes, 2010). Such differential patterns could well be affected by the current context of increasing service decentralisation and local autonomy.

2.2.7. The Contemporary Policy and Practice Context: Incentivising local innovation

This section explores recent policy, regulatory and financial changes within the youth justice service delivery landscape and identifies the opportunities for innovation that these have presented to local youth justice services at both strategic-organisational and practice level.

Despite the hegemony of risk within youth justice in recent years, its desirability has been challenged within other spheres by neo-liberalism in late modernity (O'Malley, 2004; 2010; Arnoldi, 2009). In relation to the market, for instance, neo-liberal political rationality considers forms of uncertain risk-taking, entrepreneurial creativity and innovation - rather than risk avoidance - as essential to enterprise and the generation of wealth. However, the Coalition's variant of neo-liberal governance (see Taylor-Gooby, 2012; Hall, 2013) sought to increasingly incentivise these behaviours - typically located in the private sector - within the public sector, including youth justice services. The objective was to imbue public service provision with entrepreneurial spirit, in order to achieve 'more for less' in a context of austerity (Boles, 2010: 38-39).

The Coalition Government pursued this objective through a range of reforms to the public sector. These have sought to free up local autonomy, and utilise market mechanisms to incentivise entrepreneurial conduct, creativity and innovation at the local level (HM Government, 2011: 6-13). Central themes that underpinned these reforms have been: localising power and funding; cutting burdens and regulations on frontline staff; and

increasing the diversity of public service provision through increasing use of payment by results (ibid). This strategy was evident within youth justice reforms (see Smith, 2014a). Broadly speaking, these sought to utilise financial levers to incentivise local service providers to reduce the overall use of youth justice measures (Morgan, 2011) - especially more costly 'deep end' interventions - in a context of swingeing budget cuts to youth justice service delivery (see House of Commons Justice Select Committee, 2013: 11-13). Despite being shrouded in the rhetoric of radical change, the Coalition's reforms sought to continue, and intensify, cost-saving diversionary trends in the context of a financial crisis (see Allen, 2011a; Bateman, 2012a; Smith 2014b). Central to these trends were: "changes to the way in which offending is dealt with by authorities" (House of Commons, 2013: 7). Highly influential in this regard was the replacement of a much criticised police 'offences brought to justice' (OBJ) target (see Flanagan, 2008) - which had encouraged the criminalisation of children and young people - with a *Youth Crime Action Plan* (YCAP) (Home Office, 2008) performance measure to reduce the number of children and young people entering the YJS for the first time.

The Coalition Government attempted to lock in diversionary trends through managerial and legislative reform (MoJ, 2010; 2011). The delivery vehicle for the Coalition's youth justice reforms has been a variant of managerialism with a greater emphasis upon quasi-market and market oriented elements (see Lowndes, 1997). Prominent amongst these has been various forms of financial devolution that have sought to devolve the financial risks associated with 'deep end' service provision. This has been pursued through devolving custody budgets to local youth justice service providers (MoJ, 2012b; 2013; Wong et al, 2013; Wong, Ellingworth and Meadows, L. 2015). This has been broadly underpinned by the logic of 'justice reinvestment' (JR) (Allen, 2011b: 620). JR entails incentivising local providers to: "invest in upstream... preventative provision so that the much greater cost of downstream penal provision are in the longer term reduced" (Morgan, 2011: 476). Another example of a quasi-market orientated devolution of custody budgets has been evident with the devolution of Home Office prevention budgets to elected Police and Crime Commissioners (House of Commons Justice Committee, 2013: 6).

An increased emphasis upon service decentralisation has provided space for innovation at the strategic-organisational level within local youth justice services. This has resulted in increasing organisational and service innovation, within local youth justice service delivery (MoJ and YJB, 2013a; Armitage, Kelly and Phoenix, 2016; Taylor, 2016). One of the innovative models of service delivery that has emerged is the "local integrated service model" (MoJ and YJB, 2013a: 15; also see Taylor, 2016: 7). This has entailed the integration of youth justice services within a wider service configuration often comprised of the local authority's wider services for youth and adolescents. Emerging evidence has suggested that agentic senior

managers have played a central role in such innovation at local level (Armitage, Kelly and Phoenix, 2016). However, the leadership processes such innovation has entailed - nor the relationship of such processes to local service delivery context - have not been systemically explored.

The increased service decentralisation, and local autonomy, which these reforms entail potentially provided: “room for manoeuvre” (Smith, 2014a: 198) for those delivering youth justice services to innovatively develop both statutory and informal practice responses more aligned with the progressive and evidenced-based approaches described earlier. However, tensions existed between this and the institutions of audit and inspection, so central to New Labour’s prescriptive variant of managerialism. The regimes of audit and inspection were reformed, however, in line with the Coalition’s desire to adopt: “a lighter touch performance monitoring capability” (MOJ, 2010: 75). New Labour’s stringent central control over practice processes - and thus potentially over practitioner autonomy - has been somewhat displaced by an emphasis upon centrally defined policy outcomes. These are: reducing the number of first-time entrants to the YJS; reducing reoffending; and reducing custody numbers (MoJ, 2010: 75). The Coalition stated that the processes through which these were to be achieved should be increasingly: “locally determined and driven” (MoJ, 2011: 13). It envisaged that these reforms would increase frontline discretion and: “reduce the amount of time frontline workers spend in front of their computers, so as to free up time to work with young offenders” (MoJ, 2010a: 76).

Aiming to accommodate these objectives, HMIP reduced the regulatory burden upon YOTs by moving from a universal to a risk-proportionate regime of inspection (HMIP, 2013a). This targets the most intensive regulatory scrutiny on areas performing worst against national outcome measures. HMIP also modestly reformed their inspection criteria to place a greater emphasis upon outcomes (HMIP, 2015a: 2). Congruent with an emerging critical knowledge base that advocates the need for creative practice responses, there has been: a removal of the stipulation for the use of Asset (replaced by a requirement for ‘good quality assessment’) (HMIP, 2015b: 4); an increased emphasis upon flexible approaches based upon the: “circumstances of the individual child or young person” (ibid: 5); and less emphasis upon rigid timescales. HMIP have also moved towards encouraging less directive, more child-centred approaches to assessment, planning and review as a means to ensure good quality engagement (ibid: 12-13). Potentially militating against this, reductionist actuarial categories still heavily inform HMIP inspection criteria and risk-centric process remains a: “baseline for good practice” (HMIP, 2015a: 3).

Consistent with these reforms, the YJB - recognizing increasing academic criticism of standardised actuarial service delivery (YJB, 2014a: 4) - also developed less prescriptive and lighter touch NS (YJB, 2013). Guidance states that these allow for greater frontline professional discretion in relation to key intervention decisions (ibid), particularly with out-of-court work, where the use of Asset is no longer required, allowing for greater reliance upon professional judgment (YJB, 2013). Whilst Asset and the Scaled Approach were still to be used for court-mandated orders, this model of service delivery was rendered moderately less prescriptive. For instance, practitioners could amend intervention levels without managerial authorisation and had greater autonomy concerning when, and how, case reviews are conducted (ibid). Opportunity for professional discretion has since been increased within the statutory framework following the completion of the national roll out of Asset Plus (YJB, 2014a) in late 2016. This places an: “increased focus on professional judgment” (ibid: 7) when determining likelihood of reoffending. Reflecting emerging research evidence on the importance of child-centred practice relationships, this also emphasises ensuring: “young people and parents/carers feel engaged in the assessment and planning intervention process” (ibid: 15).

As a result of the aforementioned reforms local authorities have increased incentives to inhibit use of youth of justice services, especially the costlier court and custodial services provided by the formal YJS. One significant way in which the Coalition Government has sought to facilitate this is by scrapping New Labour’s rigid Reprimand-Final Warning out-of-court framework. This had given effect to New Labour’s risk-centric belief in the efficacy of early and intensive intervention through the YJS in an effort to ‘nip crime in the bud’ (Home Office, 1997). It ‘swept aside’ (Goldson, 2000b) a long-established policy of cautioning, effectively constituting an escalatory ‘three strikes’ system - with prosecution usually required upon the third offence at the latest. Formalising changes that had already occurred ‘on the ground’ in some areas in response to New Labour’s replacement of the police OBJ target with a performance measure designed to reduce the number of first time entrants (Bateman, 2014), the Coalition Government have introduced a more flexible system. This is comprised of: the Community Resolution; the Youth Caution; and the Youth Conditional Caution (YJB, 2012).

The Community Resolution is a non-statutory, informal disposal that aims to divert children and young people from the YJS. It is a police administered disposal that allows officers to utilise their professional autonomy to deal proportionately with low-level crime (Association of Chief Police Officers (ACPO), 2012). It is primarily for those who accept responsibility for the offence and in cases where the victim does not want the police to pursue formal action (ibid). Community Resolutions also aim to increase “victim inclusivity in the outcome of the offence” (ACPO, 2012: 4) by allowing the use of restorative justice techniques.

The Youth Caution and Youth Conditional Caution constitute a new statutory out-of-court framework, introduced within the 2012 LASPO Act to replace the Reprimand-Final Warning scheme. The Youth Caution was introduced as a statutory/formal out of court disposal that does not entail an automatic programme of intervention. The police however must notify the YOT if it is imposed, with guidance suggesting joint decision-making beforehand on which disposal would be most appropriate to impose (YJB, 2012). The YOT are obligated to carry out an assessment for a second and any subsequent Youth Caution (ibid). Any programme of intervention attached is voluntary compliant, although non-compliance may subsequently be citable in court and inform further disposal decisions (ibid). The Youth Conditional Caution is also a statutory/formal out of court disposal. However, it entails a compulsory screening from the YOT and a programme of intervention - comprising proportionate rehabilitative, punitive and reparative conditions - with compliance conditions attached (ibid). Non-compliance with the conditions of the disposal may lead to prosecution for the original offence.

YJB (2012) guidance states that the informal and formal disposals which comprise the new out of court landscape can be used in any order and on multiple occasions, even where the child or young person has previously been convicted in court (ibid). It also states that the minimum appropriate disposal should be used. The rationale informing this has been to prevent automatic escalation, that: “can needlessly draw young people into the youth justice system” (MoJ, 2010: 68).

2.2.8. Conceptually Ordering Diversion

Within the context described above - characterised by increased local service autonomy, public sector austerity measures, and revised performance targets - there has been significant innovation within the area of pre-statutory diversion within some local authority areas that seek to divert children and young people from the YJS (Smith, 2014b; Haines et al, 2013; Kelly and Armitage, 2015). Diversion has thus been a growing area of interest within the youth justice literature (Haines et al, 2013; Cushing, 2014; Smith, 2014b, Kelly and Armitage, 2015). However, despite some notable exceptions (see Haines et al, 2013; Kelly and Armitage, 2015) there has been limited empirical exploration of the nature and effectiveness of emerging diversion schemes in recent years.

The diversion literature is characterised by definitional ambiguity (Bullington, 1978; Klein, 1979; Sarri, 1983; Cohen, 1985; Kelly and Armitage, 2015), often resulting in the conflation of related but distinct practices (Klein, 1979; Cohen, 1985). Definitions of diversion within the literature include: diversion from crime (prevention); diversion from custody;

diversion from court/prosecution; and diversion from the YJS (Morris and Giller, 1987: 137-138; Richards, 2014; Kelly and Armitage, 2015). Within England and Wales - non-statutory work is now: "making up an increasingly large proportion" (New Economics Foundation, 2014: 3) of youth offending work. However, there are distinctions to be made not just *between* different types of diversion (as previously mentioned) but also *within* distinctive types of diversion (Klein, 1979), and diversion from the YJS is no exception (Rutherford and McDermott, 1976). Given this complexity, it is necessary to use a coherent conceptual framework as a 'visual aid', that allows for distinguishing between, and evaluating, different types of diversion from the YJS. In this regard, Rutherford and McDermott (1976) provide a suitable conceptual and typological framework that can be employed as a heuristic device through which to examine emerging forms of diversionary practice. These authors suggest that 'degree of legal control' is the major difference between forms of diversion from the YJS, and that variation along the dimension of 'legal control' can be used to conceptually order distinct forms of diversion:

"[T]he development of a diversion continuum based upon the degree of legal authority relative to diversion processes/programs would offer one possible conceptual framework with which to organise the complex world of diversion" (1976: 6).

At either end of this diversion continuum - conceptually ordered by degree of legal control - are two ideal typical forms of diversion - *true diversion* (absent or low degree of legal authority, control and coercion) and what this author has termed *nominal diversion* (high degree of legal authority, control and coercion). As with all pure, ideal typical forms: "seldom, if ever, can any component elements in the pure type be found in reality in their pure form; and these elements, taken together in their pure form, make a type which is virtually impossible to duplicate in an empirical occurrence" (Nefzger, 1965: 169). However, these ideal typical forms of diversion represent the: "idea which is found in the impure instances" (ibid: 170), serving to order and organise them. These ideal typical forms of diversion can thus be used as a heuristic device that will: "put actual instances in relief" (ibid: 171). The following description of these ideal typical forms of diversion from the YJS: "are thus constructed to enhance the vision of the social researcher" (ibid: 173) in the subsequent examination and evaluation of emerging forms of diversion.

At the low-coercion end of the diversionary continuum is traditional, real or true diversion (Cressey and McDermott, 1973). True diversion entails the removal of the child or young person from the ambit of the YJS altogether (ibid). Such diversion can take two forms. The first entails the police (system gatekeepers) screening the child or young person out of the system completely by: "dropping charges... [and]... informally reprimanding and cautioning"

(Cohen, 1985: 51). The second form entails screening out plus an informal referral to an agency outside of the YJS (ibid). Both of these forms of true diversion imply: “the cessation of system involvement: i.e., a diverted child must be free of any control by the system” (Klein, 1979: 152). Thus, any offered intervention must not be connected to, or controlled by, statutory criminal justice agencies - i.e., the police, YOTs, or the courts. Those delivering such an intervention must also: “be prepared to give an emphatic no response to requests/demands and pressures from existing social control agencies” (Rutherford and McDermott, 1976: 14). Cessation of system involvement also means that the child or young person should not be brought back within the system if they refuse, or fail to comply with, any offered intervention. If true diversion takes place: “the juvenile is safely out of the official realm of juvenile justice system.... [W]hen he walks out of the door from the person diverting him he is technically free to tell the diverter to go to hell” (Cressey and McDermott, 1973: 3-4). True diversion is thus ‘non-legal’ in nature and: “must exhibit freedom from reliance upon such social authority and/or control by agents or agencies exercising legal authority” (Rutherford and McDermott, 1976: 14). Rutherford and McDermott (ibid) summarise the central features of non-legal, true diversionary programmes as follows:

- “They are client centred;
- Participation is voluntary;
- Implicit coercion is absent;
- No sanction occurs against clients for non-participation or termination of participation;
- The client perceives the program as non-legal;
- An advocacy role must be adopted which places the needs of clients above: “administrative ‘needs’ such as accountability, record keeping, process reports and responses to political pressure” (ibid: 14).

For Cohen (1985): “all justice systems have always operated with a substantial amount of...real diversion” (ibid: 51). However, there was particular support for real/true diversion amongst some frontline youth justice practitioners working within multiagency Juvenile Liaison Bureaus (JLBs) established in some areas of England and Wales in the 1980s. These JLBs, whilst greatly formalising the previously discretionary screening power of the police (Pratt, 1989), were established to facilitate interagency liaison in favour of diversion in response to

governmental policy (Morris and Giller, 1987). Davis, Boucherat and Watson (1989) found that JLB staff had a preference for: “true diversion (no further treatment, no service, no follow up)” (1989: 232) as they were: “concerned about the contaminating effects of their own interventions” (1989: 232).

At the high-coercion end of the diversionary continuum is what this author shall refer to as nominal diversion (diversion in name only). This has typically been associated with juvenile justice in the United States (see Rutherford and McDermott, 1976; Lemert 1981; Cohen, 1985). It entails diverting the child or young person *from* the system but *into* a programme related to it (Vorenberg and Vorenberg, 1973). If correctly targeted, penetration of the formal system – and the criminal record that would accompany this – is thus inhibited (Rutherford and McDermott, 1976; Cohen, 1985: 50-51). However, whether this constitutes real or ‘true’ diversion has been the subject of critical debate. Such diversionary processes and programmes have some of the key features of formal system intervention, and have thus been termed *paralegal* (Rutherford and McDermott, 1976: 13) in nature. For instance, nominal diversion diverts the child or young person into programmes that are often not only situated in buildings utilised by the formal system but: “sponsored by, financed, rationalised, staffed and evaluated” (Cohen, 1985: 123) by statutory criminal justice agencies such as the police or probation. For Rutherford and McDermott (1976) this tends to: “mold the alternative [diversion] to the model of its predecessor... [with]... a great degree deal of similarity, overlap or co-optation of the alternative with the formal or... official form” (1976: 13). A significant aspect of the blurring between nominal diversion and formal system processes and programmes is the maintenance of a degree of legal coercion. Often, for instance, refusing to take part in, or failing to comply with, the programme can lead to formal system penetration (Dunford, 1977; Cohen, 1985; Morris and Giller, 1987). Bullington et al (1978) argue that such diversionary programmes are therefore part of the ‘overall system’ for responding to youth crime and that: “sending youngsters to them cannot be fairly categorised as keeping them out of the system” (1978: 66). Indeed, Klapmuts (1974) describes their labelling as diversion as a ‘verbal fiction’, whilst Cohen (1985) describes this wordplay as: “Orwellian news-speak... an Alice in Wonderland in which everything is its opposite” (1985: 101). These forms of diversion can thus accurately be referred to as *nominal diversion* as: “only traditional diversion is true diversion in the sense of diverting *from* [the system]” (ibid: 52). Nominal diversion diverts *into* a para-legal sphere with significant similarities to that of the formal system (with the notable exception of criminalisation). Recognising this, Cressey and McDermott (1974) argue that such programmes – if properly targeted – do not constitute diversion from the system but a ‘minimisation of penetration’ into the YJS. Rutherford and McDermott (1976: 13) suggest that diversion processes or programmes that ostensibly sit outside of the YJS may be considered para-legal forms of nominal diversion if they have the following characteristics:

- They are funded by the criminal justice system;
- They are administratively controlled by the formal system;
- They are staffed by system personnel;
- They are physically based within the offices of the formal system;
- They have access to all juvenile records or allows the juvenile justice system access to its records;
- They maintain an informal or formal system of reporting on client progress;
- They receive their clients by means of explicit coercion from the juvenile justice system.

As mentioned, nominal diversion has traditionally been associated with juvenile justice in the United States, however, it has some similarities with forms of formal diversion from court – known as ‘caution plus’ (Evans and Wilkinson, 1990) - that emerged in the 1980s in England and Wales. Although these ‘caution plus’ schemes differed from nominal diversion in being situated within the formal justice system - and thus a form of legal rather than para-legal diversion (see Rutherford and McDermott, 1976) – they did entail a programme of intervention imposed (in some cases) under potentially coercive circumstances (Evans and Wilkinson, 1990: 169).

2.2.9. The Dangers of Para-Legal Nominal Diversion

In order to evaluate these two ideal typical approaches to diversion it is first necessary to discuss the evidence base underpinning diversion. Diversion, as Bateman (2014) states, has “well evidenced merits” (2014: 419). Notably, McAra and McVie’s (2007; 2010) recent analysis of longitudinal data from the *Edinburgh Study of Youth Transitions and Crime* finds that contact with the formal YJS is often counterproductive. They argue that:

“...[T]hose warned or charged but have no further contact with the juvenile justice system have better outcomes than those sucked furthest into the system. Indeed, the findings suggest that doing nothing in some cases is better than doing something in terms of effecting reductions in serious offending” (2010: 200).

McAra and McVie (2010) draw upon labelling theory (Becker, 1963; Lemert, 1964) to explain this finding. They suggest that contact with the formal YJS (and those who work within it) can lead to the application of deviant labels by agents of social control – in particular, the police – to certain children and young people. This can subsequently contribute to the: “recycling of certain groups... [the ‘usual suspects’]... of young people into the system again and again” (McAra and McVie, 2010: 200). They also suggest that repeated and amplified contact with the YJS can alter a child or young person’s self-concept, leading them to assume a deviant identity (McAra and McVie, 2007: 337). They argue that this can ultimately contribute towards a self-fulfilling prophecy (McAra and McVie, 2010: 200) and hinder desistance from crime. They therefore support a policy of: “maximum diversion wherever possible” (McAra and McVie, 2007: 337). This policy proposal is supported by empirical evidence which suggests that most youth crime is relatively minor (Bateman, 2012b), and offending during adolescence is relatively ‘normal’ (see Shapland, 1978; Graham and Bowling, 1995). It is also theoretically and empirically supported by what Hirschi and Gottfredson (1983) describe as ‘one of the brute facts of criminology’ - the *age-crime curve*. This illustrates that the vast majority of the children and young people who do engage in criminal activity during adolescence will ‘grow out of crime’ (Rutherford, 1992; Bateman, 2012b) if simply left to their own maturation processes.

This ‘hands off’ or ‘benign neglect’ approach has, however, been characterised by some commentators as a form of ‘malign neglect’ within a late modern context characterised by increasingly entrenched forms of social exclusion and uncertain youth transitions to adulthood. For instance, Williamson (2009) argues that: “it is usually immaterial who responds to young people’s needs as long as they do... [and]... their location within youth justice services or bog standard youth work does not matter” (2009: 16). However, contemporary scholars writing in the field of diversion do not necessarily imply that: “nothing should, or could, be done” (Goldson, 2009: 95) with those children and young people diverted from the YJS. On the contrary, they tend to critique the stigmatising effects of early intervention through the YJS, whilst emphasising the preferability of alternative forms of intervention. For instance, Allen’s (2009) review of international approaches to diversion and crime prevention programmes is generally supportive of international examples of diversion where children and young people in trouble with the law are diverted to social welfare forms of provision. Bateman (2012b), outlining the policy position of the *National Association for Youth Justice* (NAYJ), also supports the diversion of children and young people into mainstream service provision, where possible. Furthermore, McAra and McVie (2007; 2010) advocate that, where appropriate, children and young people diverted from the YJS should have access to community based forms of voluntary sector provision (2010: 201). What these accounts tend to have in common is that they support diversionary programmes of intervention that: maximise diversion from the YJS and (where possible) can be universally accessed (to prevent labelling the child or young person as

deviant); are voluntarily compliant (to promote genuine engagement) (Haines et al, 2013); and entail minimal intervention that has a holistic focus on the child or young person's strengths and needs (McAra and McVie: 200).

It is evident that true diversion – with its emphasis upon 'maximum diversion' from the formal YJS - has a firmer foundation in the evidence base than nominal diversion. Although nominal diversion - if targeted effectively at those who would have otherwise entered the YJS – has the significant benefit of de-criminalising children and young people, there are a number of dangers associated with it. The remainder of this section will address these in turn.

Firstly, Klein (1979) states that this form of diversion may: “merely substitute new stigma for old” (Klein, 1979: 181). A new array of stigmatising labels may be applied to children and young people diverted to these programmes, such as: “persons in need of supervision, at risk cases or pre-delinquents” (Morris et al, 1987: 140). Relatedly, these programmes are predominantly staffed by traditional social control agents – i.e., the police and youth justice practitioners - rendering it doubtful that children and young people will distinguish between formal and informal youth justice activity (Nejelski, 1976: 402; Dunford, 1977: 345). It is therefore unlikely that nominal diversion effectively reduces the YJS's capacity to stigmatise and label children and young people in trouble with the law. Indeed, Elliott, Dunford and Knowles (1978) found that both children and young people who were diverted to police run diversion schemes, and those who were formally processed, exhibited higher levels of perceived self-labelling. Youth justice practitioners' labelling of those that they supervise on diversion programmes can also be damaging to children and young people. Dunford (1977) suggests that it is unlikely that these practitioners will: “make distinctions between impressions and opinions acquired through informal as opposed to formal operations” (Dunford, 1977: 345). He suggests that this can extend to agents from the formal system of control, intentionally or not, using such programmes as a means to: “expand their spheres of intelligence and surveillance” (1977: 345). The labelling of children and young people as troublemakers through such means can increase their likelihood of subsequently entering the official YJS (McAra and McVie, 2007; 2010).

Secondly, such schemes tend to undermine the legal rights of children and young people. The due process procedural protections afforded to children and young people within the youth court seek to ensure visible, fair and accountable decision-making. Due process places an emphasis upon the defendant's rights throughout the criminal justice process. For instance, defendants have a right to counsel, to cross-examine witnesses and criminal standards of proof (beyond reasonable doubt) apply (Johnstone, 2003). These due process protections are designed to place restraints on the arbitrary exercise of power. Thus, as

Gelsthorpe (2006) states: “the due process model looks very much like an obstacle course – with successive stages being designed to present formidable impediments to carrying the accused any further along the process” (2006: 144). The benign/non-punitive intentions, and supposedly voluntary nature, of nominal diversion have, however, been used to justify the denial of these due process safeguards that would apply in a youth court (Bullington, Katkin and Philips, 1978). This undermining of procedural safeguards is problematic given the degree of coercion and compulsion, and the possible consequences, associated with nominal diversion. For instance, mandatory admission of guilt is typically a pre-requisite for participation on such programmes (Rutherford and McDermott, 1976; Morris and Giller, 1987). This can result in the child or young person feeling pressured or ‘induced’ (Cushing, 2014) to admit guilt – possibly without a solicitor present (Johnstone, 2003) - to avoid criminalisation and a possible appearance before the court (Morris and Giller, 1987). Failure of the child or young person to comply with the programme can also subsequently lead to the child or young person being charged with their original offence (Dunford, 1977; Morris et al, 1987). In the case of non-compliance, the child or young person is thus potentially vulnerable to punishment for offences admitted under coercive circumstances (Polk and Schuchter, 1975). Dunford (1977) therefore argues that: “to force a youngster to participate in a diversion programme under threat of adjudication has most of the elements of the formal justice system save due process” (1977: 350).

Additionally, Cohen (1985: 53) also argues that ‘low visibility’ tends to characterise the activities of agencies that are sometimes established to administer nominal diversion programmes. Decision-making in these administrative sites often lack stringent, if any, judicial oversight (Nejelski, 1976: 404). This is especially problematic given the large degree of administrative discretion and flexibility deemed necessary by such personnel to respond to the individualised risk or need posed by the child or young person. As a result, criminal justice protections such as proportionality of sentence (von Hirsh, 1990) – enshrined in human rights law - can be undermined.¹⁰ Indeed, the intensity and duration of some nominal diversion programmes exceeds those of criminal justice programmes to encourage their use as ‘tough’ and ‘intensive’ alternatives to formal processing (Morris and Giller, 1987).

Thirdly, nominal diversion can (counterintuitively) serve to capture more children and young people within networks of control. This process of ‘net-widening’ is clearly described by Cohen (1985):

¹⁰ Rule 5.1 and Rule 7.1 (b) of the *UN Standard Minimum Rules for the Regulation of Juvenile Justice* (the Beijing Rules) stipulate that children and young people in trouble with the law should be dealt with proportionately and in the least restrictive manner.

“[W]here the police used to have two options – screen right out (the route for the majority of encounters) or process formally – they now have the third option of diversion into a programme. It is this possibility that allows for net extension...For what happens is that diversion is used as an alternative to screening out and not as an alternative to processing. The system thus expands to include those who, if the programme had not been available, would not have been processed at all.” (1985: 52).

For Klein (1979), however, such net-widening undermines the ‘one definitional ingredient’ implicit to all forms of diversion. Diversion means:

“[T]o turn away from, and one cannot turn someone away from something towards which he was not already heading. Diversion programmes must handle only youngsters who otherwise would enter, or penetrate further into, the justice system” (1977: 153, emphasis added).

The net-widening process is driven by a number of factors. Firstly, the belief that diversionary programmes are beneficial to clients and thus: “doing nothing, rather than doing something, is unacceptable” (Polk, 1984: 652). Here diversionary rationales are conceptually confused with the interventionist rationales of prevention (Rutherford and McDermott, 1976: 38). Secondly, diversion to a programme constitutes less reputational risk to the police than simple release (Cohen, 1985). Thirdly, the selection of ‘cream puff’ cases (Cohen, 1985: 52) constitute a form of ‘creaming off’ less risky clientele – “those who are amenable, treatable, easy to work with, the good prospects” (ibid: 54) – who can make the programme seem successful. This can have significant organisational benefits. As Cohen (1985) states: “the more benign, attractive and successful the programme is defined, the more it will be used, the more staff and budgets will be needed and the wider it will cast its net (nearly everyone could do with a little ‘help’)” (1985: 54). Nominal diversion – and its perceived success - can thus lead to an expansion of the YJS’s sphere of influence rather than a contraction (Rutherford and McDermott, 1976: 37).

2.2.10. Leadership as a Technology of Uncertainty

With the current policy emphasis of de-centralisation there has been increasing evidence of both practice innovation (as mentioned above), and organisational and service innovation, within local youth justice service delivery (MoJ and YJB, 2013a; Armitage, Kelly and Phoenix, 2016; Taylor, 2016). Emerging evidence has suggested that agentic senior managers have played a central role in such innovation (Armitage, Kelly and Phoenix, 2016). However, the leadership processes such innovation has entailed - nor the relationship of such processes to local service delivery context - have not been systemically explored.

A number of authors have suggested leadership is becoming increasingly important within a 'new world' of increasing uncertainty (Beck, 1992; Kemshall, 2003; O'Malley, 2004). This new world is characterised by a trend towards: "global markets, global production and global competition" (Weatherston, Brooks and Wilkinson, 2010: 306). Related environmental turbulence linked to rapid economic and socio-political change places pressure upon organisations to: "adapt, learn and innovate to keep up with the best performers" (O'Reilly and Reed, 2010: 966). Indeed, a central theme within practitioner-orientated accounts of managerialism is that increased environmental uncertainty ensures that: "organisational planning cannot simply be...the rolling out of previous plans" (Weatherston, Brooks and Wilkinson, 2010: 315). If external environmental factors are less stable and predictable, then organisational responses need to be 'enterprising' i.e., flexible, adaptive and responsive (Osborne and Gaebler, 1992: 108-137). For such authors, in conditions of uncertainty the efficacy of pre-formulated and standardised risk-based techniques is diminished. Risk predictions and the standardised procedures they inform – based as they are upon quantitative data derived from past statistical patterns - "will work only if in relevant respects the world is unchanging" (O'Malley, 2004: 2). Practitioner-orientated accounts of managerialism therefore advocate the subordination of standardised, pre-formulated processes to more flexible and adaptable 'techniques of uncertainty' - forecasting methods based upon non-quantitative forms of calculation such as: "rules of thumb, experience, foresight, estimation and professional judgement" (ibid: 1). Gurus of the uncertainty industry, such as Tom Peters, argue that this is necessary to take advantage of fleeting and ephemeral opportunities within the institutional environment:

"The times demand that flexibility and love of change replace our longstanding penchant for mass production and mass markets, based as it in upon a relatively predictable environment now vanished... Chaos and uncertainty will be market opportunities for the wise; capitalising on fleeting market anomalies will be successful business's greatest accomplishment" (Peters, 1987: 5).

Whilst originating in the private sector in the 1970s (O'Reilly and Reed, 2010: 961), there has been increasing advocacy for utilising flexible managerial practices for the 'reinvention of government' (Osborne and Gaebler, 1992) since the early 1980s. In the context of neo-liberal constraints upon public sector spending, managerial authors such as Osborne and Gaebler (1993) have argued that imbuing the public sector with the 'entrepreneurial spirit' of the private sector can achieve 'more for less' by dislodging bureaucratic inertia and inefficiency. New Public Management (NPM) – a set of ideas, techniques and practices derived from private sector managerialism – emerged as a vehicle of public sector management incorporating this managerial sentiment throughout the 1980s and 1990s. Within an

influential contemporary strand of NPM termed 'leaderism' (O'Reilly and Reed, 2010), leaders and leadership have increasingly been perceived as the primary form of agency, which drives the organisational reform process necessitated by rapidly emerging opportunities and risks within a turbulent institutional environment (Bass, 1990; 2008; Northouse, 2013).

Prior to discussing leaderism or leadership in more detail, it is first necessary to situate it within the recent development of NPM. According to Lowndes (1997): "there is no one 'new management' but different, and potentially contradictory streams of ideas and practices" (1997: 53). Part of the internal differentiation and inconsistency between these is between delegation/entrepreneurialism and central control (see Pollitt, 1991; Hoggett, 1996; Clarke and Newman, 1997; Lowndes, 1997). The former decentralising tendencies emphasise devolved authority and local entrepreneurship, and the latter centralising tendencies emphasise the alignment of local actors' beliefs and practices with those of central policy makers. The tension between delegation and central control creates the: "conundrum of aligning principal and agent" (O'Reilly and Reed, 2010) in order to 'disperse' (Clarke and Newman, 1997) or 'roll out' (Pollitt et al, 2004) "state power between central government and organisations on the periphery" (O'Reilly and Reed, 2010: 962). Within the neo-Taylorian, process driven strand of NPM - what Lowndes (1997) terms the 'efficiency-based component' (1997: 52) - the centre seeks to discipline the periphery through establishing the framework of rules, performance targets and prescriptive procedures within which local operational autonomy can take place (Hoggett, 1996; Pitts, 2001; 2003).¹¹ However, this emphasis on formal bureaucratic rules has been criticised by the 'cultural management' school of managerialism (see Handy, 1976; Peters and Waterman, 1982) for ignoring the informal 'rules of the game' - values, norms and conventions - which often play a decisive role in governing organisational behaviour (Pollitt, 1991). Ignoring these informal rules can be problematic: those charged with policy implementation at the local level often have cross cutting attachments and loyalties to professional groupings and sections of local authority departments that can conflict with, and generate resistance to, organisational goals and central policy objectives (Pollitt, 1991; Clarke and Newman, 1997; Grace, 2000). Indeed, as Lowndes (1997) states: "[p]ublic sector terrains present especially complex terrains for achieving... change. Political, managerial and professional forms of judgement and leadership coexist, often in conflict" (1997: 48). Drawing upon cultural management insights leaderism attempts to alleviate: "the endemic tensions between politicians, managers and professionals... inherent in NPM systems by drawing them together into a unifying discourse of a leading vision for their services" (O'Reilly and Reed, 2010: 961). Within the leaderism literature this emphasis upon

¹¹ The process driven strand of NPM has been most evident within public sector service delivery within the UK (Pollitt, 1991; Blond, 2010), including within youth justice (McLaughlin et al 2001; Pitts, 2001; 2003).

cultural management is combined with the entrepreneurial strand of NPM, with direct central prescription being downplayed. Leaders are conceived as the agentic force driving the necessary process of cultural change at the local level:

“[T]he dominant image is one of champions who, through personal charisma and organisational evangelism, ‘win’ others over to their ‘vision’ or ‘mission’. Getting others on board and cascading change through the organisation... through ‘communication’ and ‘culture change’. Such accounts... are grounded in the view of organisations as collections of individuals who are subject to transformative leadership...individual doubters can be won over with the right leadership” (Lowndes, 1997: 48).

Leaders, however, do not simply concern themselves with changing the organisation’s internal culture, but with enhancing its strategic position within the organisational environment. Bass and Bass (2008) suggest that leaders accomplish this in a number of ways. Firstly, through mobilising and building support, and ‘enlisting champions’, for their ideas or visions from other senior strategic actors within the institutional field. Secondly, through creating public interest in their ideas and initiatives. Thirdly, collaborating with other highly reputable groups and organisations within the institutional field. Fourthly, “through positioning and developing supporters in government” (2008: 1688).

2.2.11. Leadership Vs. Management: Change Vs. Stability

The central characteristics of leadership - as a hybrid technology of entrepreneurial and cultural management strands of NPM (O’Reilly and Reed, 2010) - can be most clearly illustrated by comparing them to those of management - a technology of the neo-Taylorian, process driven strand of NPM. Leadership and management have some broad similarities. For instance, they both entail the co-ordination of people in order to ensure effective goal accomplishment (Northouse, 2013). However, they are fundamentally different in terms of their primary function (Kotter, 1990). Management is concerned with organisational stability, whereas leadership is concerned with organisational change and innovation. As Northouse (2013) states:

“The overriding function of management is to provide order and consistency to organisations, whereas the primary function of leadership is to produce change and movement. Management is about seeking order and stability; leadership is about seeking adaptive and constructive change” (2013: 13).

Due to this fundamental distinction, Bennis and Nanus (1985) and Kotter (1990) have argued that leadership and management are distinct technologies. For them, management entails the accomplishment of activities and mastering procedural routines, whereas leadership entails social: “influence upon others and the creation of visions for change” (Northouse, 2013: 13). Such visions entail a desired future state for the organisation and must be intellectually accessible, desirable and realistic. They provide a clear purpose that allows employees to envisage how they fit into the overall trajectory of the organisation’s development (Bennis and Nanus, 1985). They also serve a cohesive purpose, with the: “compelling nature of the vision touch[ing] the experiences of followers and pull[ing] them into supporting the organisation” (ibid: 197).

The leadership literature suggests that for a vision to succeed it must emerge from the needs of the organisation and be claimed by employees within it (ibid). Thus whilst the leader plays a central role in: “articulating the vision, the emergence of the vision originates from both leaders and followers” (Northouse, 2013: 197). For Rost (1991) leadership is therefore a ‘multi-directional influence relationship’, whereas management is a ‘unidirectional authority relationship’. In relation to terms of reference, leadership is fundamentally concerned with the cultural domain and impacting upon value rationality through the development of mutual purposes. Contrastingly, management places greater emphasis upon instrumental rationality directed towards co-ordinating activities to complete designated tasks (O’Reilly and Reed, 2010). This emphasis upon the leader’s ability to imbue the organisation with a homogenous value rationality has led to a trait and behavioural focus in much of the leadership literature. Leaders are conceived as: being charismatic; dominant; self-confident; and as possessing strong moral convictions and a keen desire to influence others (House, 1976). Authors such as Zalenik (1997) have also stated that they are inherently distinct from managers. For Zalenik, managers are reactive and work with individuals to perform organisational tasks but restrict choices and limit emotional investment in tasks and their accomplishment. By contrast, leaders seek to increase available options to tackle engrained problems and issues and are emotionally invested in both finding solutions and achieving goals. It is through this that leaders, contrary to managers, are better able to change the way people think (ibid). Within the literature leaders are also conceived as displaying discernible behaviours, such as: the modelling of the beliefs and values they wish to instil; the articulation of moral ideological goals and objectives; the exhibition of high expectations of followers and belief in their ability to meet these; and the imbueing of tasks with motives such as: “affiliation, power and esteem” (House cited in Northouse, 2013: 189). These trait and behavioural components of leadership are said to result in certain ‘charismatic effects’ upon followers. These include:

“[F]ollower trust in the leader’s ideology, similarity between the followers’ beliefs and the leader’s beliefs, unquestioning acceptance of the leader, expression of affection towards the leader, follower obedience, identification with the leader, emotional involvement in the leader’s goals, heightened goals for followers, and increased follower confidence in goal achievement” (Northouse, 2013: 189).

The technology of leadership, and its supposed ability to engender these effects in followers, ensures that it is viewed as highly preferential to management within uncertain institutional environments. This view is espoused by the highly influential leadership author Bernard Bass (1990), who is worth quoting here at length:

“If the technology, workforce and environment are stable... then things are likely to move along quite well with managers... Rules and regulations for getting things done, when clearly understood and accepted by the employees, can eliminate the need for leadership under some circumstances. But when the firm is faced with a turbulent market place; when producers are born, live, and die within the span of a few years; or when technology can become obsolete before it is fully depreciated; then transformational leadership needs to be fostered at all levels of the firm. In order to succeed, the firm needs to have the flexibility to forecast and meet new demands and changes as they occur – and only transformational leadership can enable the firm to do so. Problems, rapid changes, and uncertainties call for a flexible organisation with determined leaders who can inspire employees to participate enthusiastically in team efforts and share in organisational goals” (Bass, 1990: 30-31).

Whilst here leadership and management are portrayed as distinct organisational technologies, it is important to note that they are often deployed together in various hybrid combinations. Indeed, Kotter (1990) argues that both are essential to organisational performance. Management without leadership can be experienced as rigidly bureaucratic by employees, whilst leadership without management can lead to rudderless and pointless change. Thus it has been argued that: “to be effective, organisations need to nourish both competent management and skilled leadership” (Northouse, 2013: 13). The two subject positions of leader and manager can also overlap. For instance: “when managers are involved in influencing a group to meet its goals, they are involved in leadership. When leaders are involved in planning, organising, staffing and controlling, they are involved in management” (ibid: 14).

2.2.12. The Limits of Leadership

Despite being an influential strand of NPM deployed in the majority of public services within the UK in recent years (Hartley and Allison, 2000; Storey, 2004), the desirability and effectiveness of leadership as a technology of social co-ordination has been criticised. Firstly, leadership – as it is construed within much of the literature - has been accused of being elitist and anti-democratic (Northouse, 2013). The central position of leaders in the process of establishing a vision and advocating organisational change has led to a tendency to portray leaders as: “acting independently of followers or putting himself or herself above the followers” (ibid: 203). Relatedly, leaders have tended to be ‘romanticised’ within the literature, with studies emphasising the: “thoughts, actions and personas of leaders over those of followers” (Meindl, 1995: 329). This has led to ‘heroic leadership’ bias (Yukl, 1999) or a ‘myth of leadership’ (Heifetz, 1994) that has resulted in a tendency to fail to identify the shared or co-constitutive nature of leadership: followers are not just influenced by, but also influence, leaders. The literature’s emphasis upon trait or behavioural aspects of the leader, has also been critiqued for its over emphasis on the: “leader as a significant, substantive, and causal force on the thoughts and actions of followers” (Meindl, 1995: 330). Employing a social constructionist approach, Meindl (1995) argues that: “followers react to, and are more influenced by, their constructions of the leader’s personality than they are by the ‘true’ personality of the leader” (1995: 330). A correlate of this, according to Meindl, is that: “personalities of leaders as imagined or constructed by followers...[should].... become the object of study, not ‘actual’ or ‘clinical’ personalities per se” (1995: 331).

The ability of leaders to successfully project and ‘cascade’ their vision throughout an organisation has also been criticised for failing to take into account the stubborn endurance of rival narrative constructs within organisations, despite the attempts of leaders to establish shared, homogenous visions (Tourish, 2008). The resistance of frontline public service professionals to NPM within various public sector domains, including youth justice, is well documented (Clarke and Newman, 1997; O’Malley, 2000; Clarke, 2004; Burnett and Appleton, 2004; Field, 2007; Briggs, 2013). Indeed, as Lowndes (1997) notes: “cultural rules are sticky, grounded as they are in custom and convention, and change slowly...[they]... may persist in the face of changes” (1997: 56-59). As such, institutional change does not simply occur in a linear one off or ruptural process. There can be resistance amongst staff, especially if change conflicts with staff interests and/or values (Lowndes, 1997).

Another strand of the myth of leadership critique is the accusation that much of the leadership literature fails to give sufficient attention to the context within which leadership takes place (Pfeffer, 1976; Heifetz, 1994; Currie and Locket, 2007; Hall, 2013). For Heifetz

(1994) the: “myth of leadership is the myth of the lone warrior: the solitary individual whose heroism and brilliance enable him to lead the way” (1994: 251). However, any agentic change accomplished by leaders takes place within parameters which are structurally set (Hall, 2013). Leaders very rarely have ‘free rein’. Those within the public sector are constrained by centrally set and audited performance targets (Currie and Lockett, 2007) and are at the whims of governmental policy over which they have no control (Pfeffer, 1976). Leaders are also constrained by the limitations which their role sets on their sphere of activity and influence (ibid). For instance, consider the situation of a YOT’s strategic manager. A YOT is responsible for reducing first time entrants to the YJS (MoJ, 2010), however, this objective also depends upon the actions of other agencies within the YJS, such as the police and Crown Prosecution Service. A YOT’s strategic manager may be able to influence the activities of these agencies through effective stakeholder management. However, these may pre-dominantly be determined by organisational self-interest (Lemert, 1981; Davis et al, 1989), which may conflict with that of the YOT.

There are also a range of factors that may affect organisational performance which are completely beyond a leader’s control. Pfeffer (1976) argues that there are a range of external factors which ensure that organisations have: “relatively enduring strengths and weaknesses” (1976: 107), such as labour market costs, economic conditions and governmental policy. Due to the effect of external factors on organisational performance, Pfeffer (1976) therefore warns against over-attributing performance to leadership. Rather pessimistically he states that: “the choice of a particular leader for a particular position has limited impact” (1976: 107). However, it would be inaccurate to consider leadership a completely ineffective social co-ordination technology. For instance, Mowday and Sutton’s (1993) systemic review of the organisational literature found that: “a consensus seems to be emerging that leaders have at least a modest influence” (1993: 210). Yukl’s (1999) study also found that leadership was positively correlated with subordinate morale, motivation and performance.

The discussion of the leadership literature above indicates the importance of viewing leadership as a co-constitutive and socially constructed process of social-coordination that faces significant extra and intra-organisational barriers to success. Contrary to practitioner-orientated accounts that tend to mythologise leadership, it is therefore necessary to recognise that it is a: “social influencing process, operating within constraints” (Pfeffer, 1976: 111).

2.3. Discussion

How recent changes within the youth justice service delivery landscape are negotiated through local organisational cultures that have been shaped for over a decade by the YOT model of service delivery is uncertain. This is due to a number of reasons. Firstly, the contemporary politics of risk (to which the YOT model partly gives material effect) - and the risk aversion and defensive compliance associated with it - could impact upon both the strategic behaviour of local youth justice services management teams and practitioners' frontline delivery of youth justice services. A culture of risk and blame that demands the management of risk, and the forensic allocation of blame when things go wrong, could potentially work counter to innovation at strategic and practice levels.

Secondly, it is uncertain whether practitioners are equipped with the knowledge base and skills required to effectively exercise professional autonomy given processes of de-professionalisation and deskilling in recent years (Pitts, 2001; 2003; Kubiak and Hester, 2009; Hester, 2010). These may have left frontline practitioners unequipped with the overarching professional knowledge (Nellis, 2001) required to move beyond process and engage in innovative forms of creative, reflective and child-centred forms of practice (see Case and Haines, 2015a; 2015b). The incongruity of the knowledge base underpinning diversionary practice, with the forms of actuarial interventionism associated with risk-centric assessment and intervention tools introduced in recent years, also raises questions about the forms of diversionary practice that are being developed and implemented at local level.

Given pre-existing tendencies across England and Wales to the differential implementation of youth justice the relaxation of central prescription - and the related movement away from the notion of a national youth justice system which the YOT model represented - could increase justice by geography. Given the aforementioned constraints that context places upon the exercise of agentic leadership driven change and innovation the local negotiation of the reforms within different areas could be highly varied. The implications of this, and the issues discussed above, shall be explored with this study.

2.4. Research Questions

- 1) How have recent changes within the policy, regulatory and financial service delivery landscape been negotiated at the strategic-organisational level by local youth justice services' management teams?

- What impact, if any, has local context had upon the strategic behaviour of local youth justice services' management teams in response to changes within the service delivery landscape?
 - What, if any, leadership driven organisational and service delivery change has taken place? What are the implications of such change for service delivery and service users?
- 2) How have recent changes within the policy and regulatory environment been negotiated by managers and practitioners involved in the frontline delivery of youth justice practice?
- How has the increased policy and regulatory emphasis upon professional autonomy been negotiated at the local level by managers and practitioners?
 - How has the increasing governmental emphasis upon pre-court diversion (formal and informal) been perceived and negotiated?

2.5. Methodology

Given the increasing importance of local youth justice cultures in the interpretation and negotiation of policy within a context of increased service decentralisation, a constructionist ontological and interpretivist epistemological approach has been adopted (Bryman, 2008). This necessitates a focus upon how the 'meaning and relevance structures' (Schutz, 1962) found within local youth justice services - co-constructed, sustained, and transformed by context specific interaction (Blumer, 1969) - have mediated and shaped local youth justice services' response to a changing service delivery environment.

In order to assess how the reforms have been negotiated within different local service delivery contexts a qualitative comparative case study was conducted within two youth justice services in England. The following discussion will detail the characteristics of the case study approach, the value of this approach for the intended research purposes, the rationale informing case selection, and the qualitative methods that have been chosen to answer the research questions.

The defining characteristic of a case study is that it focuses on only one, or a few, instances of a case rather than a broad spectrum (Denscombe, 2010). It can focus upon a varied range of social phenomena as the unit of analysis – such as a person, institution, policy or country - on the precondition that the unit is relatively self-contained and has distinct boundaries (Hammersley, Gomm and Foster 2000: 2). Traditional YOTs - and other emerging models of service delivery - have a statutorily prescribed composition, and institutional boundaries, which ensure that they meet these criteria (see Home Office, 1997: 25; MoJ and YJB, 2013a).

In contrast to experimental research, that artificially creates the case studied and subsequently attempts to manipulate and control variables, the case study researcher focuses on a 'naturalistic setting': one that is not artificially constructed for the purposes of the research (Bryman, 2008). The focus upon naturalistic settings has implications for the data collected via case study research. This is typically unstructured, and inductively derived qualitative data that aims to capture the relative uniqueness of the case, rather than to use such data as the basis for wider statistical generalisation to a larger population – as within survey research (Hammersley, Gomm and Foster, 2000).

The greater depth and detail of investigation associated with a qualitative case study approach, and its inductive orientation, enable the researcher to identify the micro-level processes of social interaction that give rise to the creation of indigenous meaning and relevance structures, that in turn inform the situated negotiation of the changing service delivery landscape. A less holistic and more deductive approach, focusing upon a small number of isolated and pre-identified variables within a large number of cases, such as that characteristic of survey research (Hammersley, Gomm and Foster, 2000: 4), would undoubtedly obscure the complexity of these processes. This more deductive approach would also run the risk of hindering the process of empirical induction.

The intricate focus upon the interrelated nature of relationships, processes and outcomes, within the case under investigation will allow the researcher not only to identify practice developments or outcomes that occur as a result of recent reforms but show *why* they occur (Denscombe, 2010: 53). The deductively informed, and reductionist, nature of much survey research would most probably inhibit this pursuit.

The comparative qualitative case study approach necessitates that the researcher makes a choice concerning which cases to select from a range of potential cases (Denscombe, 2010). Thus, the cases are not randomly selected but are purposively selected on the basis of known attributes related to the research topic. Stake (2006) suggests that one of the primary reasons for conducting a multi-case study is to examine a phenomenon within a diversity of

contexts. This was especially important given the increasing centrality of local context and local organisational cultures to the negotiation of recent changes within the service delivery landscape in a policy context emphasising increased service decentralisation. Two youth justice services within contrasting service delivery contexts were thus purposively sampled to provide the best opportunity to grasp the diversity of local responses to the changing service delivery landscape.

Site A was an example of an emergent “local integrated service model” (MoJ and YJB, 2013a: 15; also see Taylor, 2016: 7). This had integrated youth justice services within a wider service configuration (an Integrated Youth Service - IYS) comprised of the local authority’s wider services for youth and adolescents. It was situated within a large two-tier local authority, which was one of the least deprived local authorities in England in relation to a range of indices of deprivation. It was ranked within the 10% least deprived for levels of income, employment, health, and education skills and training (Department for Communities and Local Government, 2015). The IYS had a devolved model of service delivery, with local teams of practitioners situated within each of the county’s local districts. The district team within which the research took place was comprised of 25 practitioners and an operational manager. There was an inter-professional mix within the team, with former youth justice specialists (qualified social work and probation officers, and unqualified workers who had experience within related fields), youth workers and Connexions Personal Advisers performing a generic role delivering a range of services for children and young and young people, including youth justice services.

In contrast to Site A, Site B was a traditional YOT situated within a unitary local authority in the lower half of the list of most deprived local authorities in the 2015 ‘multiple deprivation index’ (Department for Communities and Local Government, 2015). It was ranked within the 20% most deprived local authority districts for crime, and within the 30% most deprived for skills and education, training and child poverty. It was comprised of 30 staff members, with a small social work presence within the team amongst senior management. Most frontline practitioners did not hold a professional qualification within traditional areas of youth justice expertise (social work and probation) but had experience within related fields.

2.5.1. Research Method Choice

One of the defining strengths of the case study method is that it empowers the researcher to adopt a multi-method approach (Yin, 2009). This allowed for the utilisation of methods appropriate for the purposes of empirical induction - including semi-structured interviews and document analysis - and also enabled the use of methodological triangulation between methods (Denzin, 1970). This ensured that data could be corroborated or questioned by

comparing data deriving from these two methods, and different types of data produced via one method could be used to complement, or remedy the limitations of, the data deriving from another method (Denscombe, 2000: 346). The use of these methods facilitated an iterative process of data collection, analysis and theoretical sampling based upon emerging categories. This has drawn selectively upon the open, axial and selective coding strategy deployed by some grounded theorists (see Strauss and Corbin, 1990).

In-depth, semi-structured interviews were conducted with managers (in both strategic and operational roles) and frontline case-managers situated within both Site A and Site B between July 2013 and October 2014 following access being granted by relevant local gatekeepers. 44 were conducted in total (Site A = 21; Site B = 23), ranging from 30 minutes to 150 minutes – with the average time per interview being 60 minutes. The semi-structured nature of the interviews allowed new themes and issues to emerge inductively by facilitating a degree of respondent control over the direction of the discussion (Denscombe, 2010). This enabled respondents to answer in their own idiosyncratic dialect and gave access to their 'hierarchy of importance' (Kitzinger, 1994) regarding what they perceived to be the central consequences of the reforms. The semi-structured nature of the interviews also ensured access to the internal worldviews of YOT practitioners. This would have been precluded by more structured interviews or standardised questions (Kvale and Brinkmann, 2009).

Senior strategic actors within both sites were asked to detail changes within the service delivery landscape that had most strategic significance for youth justice services, and how these were addressed at the local level. In particular, information was sought on how the changing service delivery landscape had impacted, if at all, upon relationships with partners during in-depth interviews.

A range of views were sought on reforms to National Standards, and the regimes of audit and inspection, that have sought to provide greater latitude for the exercise of professional autonomy. Managers and case-managers were asked to detail their views upon the centrality of professional autonomy to effective practice and to outline perceptions of diachronic change in relation to the level of practice autonomy from managerial control frontline practitioners had compared to before the reforms. In order to tap data relating to the possible emergence of accountability avoidance techniques and defensive practices in response to the reforms, managers were asked to detail reasons informing any decisions to not devolve greater practice autonomy to frontline practitioners in certain practice areas. In this regard, practitioners were also asked to detail concrete instances / situations where any perceived changes in levels of autonomy from managerial control had informed defensive practices or accountability avoidance techniques.

Managers' and practitioners' interpretations of diversion and its efficacy were sought during interviews and how this informed diversionary practice within the site was explored. Managers' and practitioners' views on the new out-of-court framework (emphasising multiple pre-court cautioning) were elicited, and they were asked to compare this with that of the previous framework, which emphasised early intervention. The interviewees were asked to detail any forms of non-compliance with the out-of-court framework and to outline the rationale underpinning this, if any. Where formal compliance was exhibited, any forms of cognitive dissonance with the framework's approach were explored, as was the impact of this upon interventions in the out-of-court framework.

Given the focus of the research upon local youth justice cultures – which entailed prioritising the voices of respondents - qualitative interviews were the primary data collection method used. However, document analysis of youth justice services' policy and procedural documents, and internal evaluation and performance reviews, constituted a supplementary data source. The documents were analysed alongside the interview data to explore emerging categories and themes across the two data sets, and to inform further theoretical sampling. Documents thus provided sources of information concerning certain relevant phenomena that required further exploration, and also allowed for the corroboration of respondents' responses during interviews – thus reducing potential bias (Bowen, 2009). Internal organisational documents also provided valuable contextual information - on the socio-demographic and economic characteristics of service users and youth justice services governance arrangements, for instance, that could not be easily gathered during interviews. Triangulation (Denzin, 1970) between these two sources of data thus allowed the researcher to derive a fuller understanding of the research site.

A number of steps have been taken within the research design to ensure its trustworthiness and authenticity (Bryman, 2008). In terms of trustworthiness, the *credibility* of the findings has been enhanced by the methodological triangulation inherent within the design and the use of 'respondent validation' (Denscombe, 2010). The dependability of the research findings have also been increased through submitting detailed memos to research colleagues to audit.

The authenticity of the research – i.e., how it serves participants' interests (ibid) – is evident in a number of regards. Firstly, it has helped participants to understand their social setting better. Secondly, it has helped participants better understand the views and perspectives of different members within the team. Thirdly, the research findings have a potential to act as a catalyst to change the issues and problems raised.

2.5.2. Research Ethics

2.5.2.1. Potential risks to participants

At the organisational level the research posed potential risks to the selected youth justice services in terms of staff time (Bryman, 2008), researcher interference in operational activities (Burgess, 1984; Norris, 1993) and damage to organisational image resulting from any negative research findings (Jupp, Davies and Francis, 2000). The first two issues were addressed within the research design in relation to method choice. The deployment of the qualitative interview method ensured flexibility as to when data collection took place and did not tie up staff en masse, ensuring that the researcher had the flexibility to work around the operational needs of the organisations at all times. The use of documents was also non-reactive i.e., participants were unaffected by the research process. The latter issue was addressed by ensuring that the selected youth justice services' anonymity was ensured at all stages of the research process.

The research also entailed potential risks to individual participants that had to be safeguarded against. The personal data collected from some practitioners, and managers, could be damaging to their own interests if personally attributable (Burgess, 1984). For instance, practitioners' negative opinions on how managerial staff impact upon frontline work could pose potential threats to job security. Personal data relating to practitioner performance could be surreptitiously used by superiors to assess their performance in terms of compliance with practice guidelines and protocols. The job security of managers could also be jeopardised if they were implicated in negative research findings. As such procedures to ensure the confidentiality of managers' and practitioners' data, and their anonymity, were utilised throughout (outlined in the section below).

Due to the hierarchy of consent that exists within a stratified organisation such as a YOT there was also a danger that individual respondents could feel coerced into taking part in the research project by superiors (Dingwall, 1980; Denscombe, 2010). Dingwall (1980) argues that senior personnel generally act as gatekeepers to the research setting as they feel they have the power to grant permission for research to be carried out on those lower down the organisational hierarchy. This situation could thus result in those lower down the hierarchy finding it difficult to refuse to participate in research that had been sanctioned further up the hierarchy due to fear of sanction by a superior. To safeguard against this issue it was made explicit in informed consent forms that the choice to take part was completely that of the practitioner. It was also made clear to gatekeepers that it would be wholly unacceptable for failure to participate to result in any kind of sanction.

The intimate and open nature of much qualitative research can also pose potential harm to respondents. The researcher's relatively non-directive approach to data collection, and attentive listening can lead to a personal closeness within the interview situation that can render it quasi-therapeutic in nature (Kvale and Brinkman, 2009). This could potentially lead to the collection of sensitive information that the respondent will later regret having shared. This possibility was safeguarded against by a constant vigilance on the part of the researcher to ensure that the privacy of the respondent was being respected in areas not directly related to the research topic. However, on a more practical level, giving respondents the opportunity to verify the data that was collected once it had been transcribed mitigated the harm resulting from this situation. Respondents were also given the opportunity within the interview debrief to withdraw any or all of their data.

2.5.2.2. Power imbalances between the researcher and participants

Despite their common portrayal as democratic, with the ability to give voice to subjugated narratives - in contradistinction to the objectification associated with more standardised positivist questionnaires - qualitative interviews have inbuilt structural inequalities that provide exploitative opportunities for unscrupulous researchers (Kvale, 2006). The dialogue in such interviews is unidirectional and the interviewer determines the rules of the game - the time, the topic, the questions and the follow up questions. The interview is also essentially an instrumentalised conversation, instrumentalised towards the researcher's ends. Furthermore, the quasi-therapeutic nature of interviews and the empathy and trust that such relationships necessarily entail, can often be instrumentally used as a: "social lubricant to elicit unguarded confidences" (Burman cited in Kvale, 2006: 482). Finally, the researcher has a monopoly of interpretation concerning the data provided by the research subject.

To ameliorate the power differential inherent within the qualitative interview the researcher was reflexively aware of the course of the interview in order to avoid invading areas of the respondent's privacy not directly related to the research. Practically, the researcher gave respondents the opportunity to verify their data once it had been transcribed, and permitted them two weeks from the time of data collection to withdraw their data.

2.5.2.3. Confidentiality issues which arose during data collection, analysis, and dissemination of results

A number of issues arose at the data collection stage that required the researcher to take appropriate action to safeguard confidentiality of data and respondent anonymity. In relation to the use of qualitative interviews, the process of inductive inquiry/theoretical sampling poses a risk to respondents' confidentiality. The inductive nature of qualitative interviews,

which often involve an iterative process of hypotheses formation and subsequent testing, pose the danger that the researcher could have inadvertently allowed the hypotheses testing process to reveal to subsequent respondents from whom certain hypotheses have been derived. The researcher therefore ensured that appropriate steps were taken to ensure participants' confidentiality and anonymity by not referring to previous interviews or respondents.

In relation to confidentiality issues arising from data storage, once data collection had taken place respondents' personal data was anonymised with research and authority identifier codes, stored offline and encrypted using relevant software. Respondents' names, and any other identifying information, was not be stored on the hard drive of the researcher's computer. Instead a corresponding list (paper copy) containing names and research and authority identifier codes was stored separately in a secure filing cabinet along with signed informed consent forms.

Issues that impinge upon confidentiality of data also occur at the data dissemination stage of the research (i.e., through publications, papers etc.) some of which may be ameliorated but cannot be eradicated. The youth justice services involved in the research have been given a pseudonym/s within this thesis, and within papers given by the researcher, to ensure a degree of anonymity, which has entailed altering some of its key characteristics in a manner that aims to ensure anonymity without distorting and invalidating the data. However, it is well established in the literature that attempts to provide anonymity to organisations or research sites is often far from fool proof as locations can be discovered by investigative journalists (Morgan, 1972) or guessed at by inquisitors (Burgess, 1984). In such cases the researcher has adopted the policy of neither confirming nor denying any enquiries.

The same approach has been adopted with regards to individual respondents. The author has endeavoured to change respondents' characteristics in order to disguise their identity from fellow staff, both within this thesis and within papers, but this cannot be guaranteed. This is because key identifiers - such as staff role - often have to be kept so as not to distort or affect the validity of the data and purpose of the research project. The provision of pseudonyms does however secure anonymity for respondents beyond the specific research setting. Again, the researcher has neither confirmed nor denied enquiries regarding the identity of respondents.

Chapter 3: Exploring Integrated Service Delivery: Contextual Facilitators, Leadership Processes and Service Implications

3.1. Introduction

Within a context of reducing budgets, and an increased political, legislative and regulatory emphasis upon local service autonomy, there has been increasing evidence of organisational and service innovation within local youth justice service delivery (MoJ and YJB, 2013a; Armitage, Kelly and Phoenix, 2016; Taylor, 2016). One of the innovative models of service delivery that has emerged is the “local integrated service model” (MoJ and YJB, 2013a: 15; also see Taylor, 2016: 7). This has entailed the integration of youth justice services within a wider service configuration often comprised of the local authority’s wider services for youth and adolescents. Until now there has been little detailed empirical exploration of the context, drivers and implications of such organisational and service innovation. Little is known about how this model has developed, the rationales underpinning it or its implications for service delivery. This chapter draws upon empirical data gathered within Site A to explore these factors in depth, and thus seeks to shed light on these issues.

The chapter begins by identifying the model of service delivery that had emerged within Site A as a variant of the ‘youth-focused model’ identified by Fielder, Hart and Shaw’s (2008) YJB commissioned research into the location of youth justice services within local authority council structures. However, it is shown how the variant that had emerged within the site represented a more fully-integrated version of this model. It subsumed previously distinct services for children and young people (youth justice services, youth work and Connexions), and their resources and functions, within one organisational form with a single management structure - an Integrated Youth Service (IYS). The chapter explores the rationales underpinning the formation of the IYS, drawing out continuity and change in relation to those that underpinned New Labour’s youth justice reforms. The chapter then evaluates how these organisational and service reforms were facilitated by the context within which service delivery took place. It explores how agentic leadership driven change was informed by the local senior management team’s negotiation of the political, policy and local service delivery context, with an emphasis on the opportunities and constraints that context presented.

The chapter then proceeds to analyse the strategic leadership processes that drove organisational and service reform within the site. In particular, it highlights how these were directed towards garnering buy-in and support for the local youth justice management team's vision of service transformation from other senior strategic actors within partnership organisations. This section will then discuss how these relationships with partnership organisations were formed, developed and maintained. It details a number of leadership processes deployed by the local senior management team that ensured the delivery of youth justice services was largely characterised by collaborative co-production (Field, 2015) between a range of diverse partners. The subsequent section, however, highlights a number of challenges to collaborative working at strategic level within the site. It details how these were experienced and negotiated by respondents.

The final section of the chapter examines the implications of the radical organisational and service reforms within the site for service users and service delivery. Specifically, it addresses the need to explore the implications of the: "co-mingling of criminal justice and non-criminal justice practice within one service" (Byrne and Brooks, 2015: 13). It examines the spread of the risk-centric early interventionist logic of youth justice services to non-criminal justice services for children and young people. This section explores the potentially damaging implications of this for service users in terms of exposing them to the damaging consequences of formal system contact (McAra and McVie, 2007; 2010). To conclude the chapter considers the problems associated with the form of residualised service provision provided by the IYS, and problematises the planned spread of this model into a range of other non-criminal justice contexts.

3.2. Integrated and Synthesised Service Delivery

This section explores the organisational and service innovation which took place within Site A. It outlines the structural location of youth justice services in council structures, identifying this site's service delivery model as a more fully integrated variant of the 'youth-focused model' of service delivery (Fielder, Hart and Shaw, 2008). It draws upon empirical data gathered from senior strategic actors within the site to explore the rationales underpinning organisational and service transformation. In particular, it highlights: the desire for an integrated and holistic form of service delivery for vulnerable children and young people providing continuity of service across different service pathways; the necessity of making budgetary savings; and a wish to decentralise service provision. In so doing it also identifies some areas of continuity and change with New Labour's youth justice reforms.

In terms of structural location, within the site youth justice services were situated with services for adolescents and young people. They were also embedded within broader children's services management structures. As such they represented a variant of the 'youth-focused model' of youth justice service delivery identified by Fielder, Hart and Shaw (2008) in YJB commissioned research exploring the positioning of youth justice services within local authority council structures. These authors described this youth-focused model as 'emergent' in the mid-2000s, with only two examples identified (2008: 20). However, it appears to have become increasingly popular in recent years (YJB, 2013: 15; Taylor, 2016: 7).

Empirical evidence gathered within Site A illustrates a significant difference between the early examples of the youth-focused model, and the youth-focused model that had emerged within the site. This distinction relates to the extent of integration between youth justice services and wider youth and children's services. In Fielder, Hart and Shaw's (2008) evaluation, whilst strategic linkages had formed between youth justice services and youth/children's services: "there was little evidence of YOTs and children's services working together in integrated teams" (ibid: 28). The limited evidence of operational integration that was identified within the youth-focused model stopped short of full integration, with the emergence of separate but co-ordinated services. These were delivered within integrated teams drawn: "from different disciplines and with different lines of accountability but located together with a single point of referral" (ibid: 28). On a continuum of integration - with organisations working autonomously within their own boundaries at one pole and full integration at the other - Brown and White (2006) situate such co-ordinated working towards the middle. They suggest that: "[r]ather than services being separate... co-ordinated working involves professionals working together to discuss and draw up a package of support albeit that they may assess the child separately" (2006: 7).

By contrast, fully integrated services: "are synthesised and co-ordinated with the expectation that the roles of different professionals will be blurred... [P]ooled budgets and single objectives [also] characterise integration" (ibid: 7). Empirical evidence gathered within the site demonstrates that the youth-focused model that had emerged was an example of this more fully integrated mode of service delivery. This subsumed previously distinct services for adolescents and young people (youth justice services, youth work and Connexions), and their resources and functions, within one organisational form with a single management structure - an Integrated Youth Service (IYS). Additionally, this IYS provided services for other vulnerable clients with welfare and health needs. The respondents at managerial and strategic levels highlighted the role of the IYS in facilitating the emergence of a co-ordinated and synthesised form of service delivery for vulnerable children and young people:

“It’s an Integrated Youth Service [IYS] comprised of the old YOT, Youth Service and Connexions service... [It’s] a specialist... service for the most vulnerable adolescents in the area. They come under four categories really, which is young people who are not in education training or employment – 16-19 year old NEETS. The youth offending team function, children in need - I call them targeted support cases - and we provide a mental health service as well on behalf of the Child and Adolescent Mental Health Service so their young people who they are concerned about who they are unable to engage with... Four main areas of work... often delivered by the same practitioner.”

Operational Manager

“It is an integrated approach in terms of it’s a one-stop shop... for vulnerable young people.”

Head of Service

The Head of Service’s comments in particular identify one of the central rationales underpinning service integration: providing a one-stop shop for vulnerable children and young people. They stated that the establishment of a one-stop shop, where the child or young person’s range of needs and risks could be addressed, was related to a problematisation of the previously siloed nature of youth justice services:

“The arrangements that we previously had were very siloed, so integration was a big driver. Bringing services together to provide a sort of one-stop shop. So with the service benefits for us as providers and for our service users... As a youth offending team we used to get involved with [outside services]... but it is more effective in my mind... in an integrated service... because we have a whole team who are there and have access [to these services]... It... [facilitates] dealing with young people’s problems... in an integrated and holistic way. Building people’s skills and opportunities, dealing with ill health and mental ill health particularly and homelessness... is the most effective form of youth crime prevention.”

Head of Service

These comments by the Head of Service indicate that youth justice services were previously somewhat operationally cut off from wider services for children and young people, a situation evident elsewhere (see Fielder, Hart and Shaw, 2008; Morgan, 2011). The Head of Service thus viewed service integration as a solution to this problem by providing better access to non-criminal justice services, thus allowing for a more holistic response to youth crime.

The integrated, non-siloed, approach to service delivery outlined by the Head of Service above represented a significant departure from the early YOT model of service delivery. Whilst the YJB encouraged close working with children's services to improve the access of children and young people who offend to services, it discouraged full integration (Fielder, Hart and Shaw, 2008: 38). The YJB expected YOTs to maintain structurally discrete teams, with their own distinct identity, providing services for children and young people who offend or were at risk of offending (YJB, 2004a: 7). This early model was arguably underpinned by a conceptual de-coupling of children and young people who offend from vulnerable children and young people (see Smith, 2005; Fielder, Hart and Shaw, 2008: 14-15). Muncie (2009: 303) states that this conceptual de-coupling within government policy was illustrative of children and young people in trouble with the law being perceived as offenders first, and children second. However, this non-siloed, fully integrated model was evidently underpinned by a 'conceptual blurring' (Cohen, 1985) between these two discursive constructions within the catch-all category 'vulnerable adolescent'. This was evident in the holistic approach response to youth crime identified by the Head of Service.

This conceptual blurring at the client level was reproduced at the service delivery level. An integrated - non-siloed - service facilitated a continuous practice relationship assuming a central role within service delivery. The Head of Service articulated the benefit of integration in allowing practitioners to provide continuity of service by working across different service pathways:

"Because it's an integrated service you can build the relationship. So, you can have ongoing relationships that go beyond the youth justice intervention and... take you into homelessness and take you into mental health and well-being etc. and continue after the youth justice intervention is finished... What is a common theme in our practice... in the Integrated Youth Service... is building relationships with the young people that are enduring around trust and confidence that enable change to happen."

Head of Service

These comments illustrate that at the core of their Head of Service's vision for IYS's service delivery was a generic multi-skilled practitioner. This relational approach to service delivery represents a clear distinction with the case-management approach - entailing risk-based referrals to specialist programmes - which management within other youth justice services have sought to implement following the implementation of the YOT model (see Burnett and Appleton, 2004: 39).

Although the vehicle for service delivery marked a departure from the case-management approach associated with New Labour's youth justice reforms, the ethos of actuarially targeted early intervention associated with these (see Goldson, 2000b; 2010) was an evident organising principle for service reform within the site:

"Within the justice and young person's environment preventative... early intervention... is something that has grown out of the youth justice world to kind of affect the young people's world... [M]oving away from a YOT from kind of statutory youth justice towards more diversionary and restorative youth justice and the structural transformation into an Integrated Youth Service... are inter-related."

Head of Service

As the Head of Service indicates above, it was the rationale of preventative early intervention from the youth justice sphere which had been utilised to not only refocus youth justice service delivery on shallow-end informal interventions but to reshape wider service provision. This was potentially related to the fact that all of those within strategic managerial positions within the IYS, including the Head of Service, had youth justice professional backgrounds.

Central to this preventative service strategy in terms of the IYS's youth justice provision was the development of a diversionary programme - the New Diversionary Disposal (NDD) - in collaboration with the police. This maintained New Labour's emphasis upon preventative early intervention, whilst departing from its belief in the efficacy of early intervention through the formal YJS (see Goldson, 2000b; Field, 2007). Instead, the NDD (representing an amalgam of preventative, diversionary and restorative justice rationales – see Chapter 7) provided early intervention based upon actuarial assessment of the child or young person's risk/needs in an (ostensibly) informal manner outside of the formal YJS. An emphasis upon preventative early intervention also informed the IYS's wider youth work and youth services provision, entailing a shift away from universal provision towards a targeting of resources on those facing/posing the most risk. The Head of Service explained the cost-cutting rationale informing the targeted use of resource evident in the service's non-criminal justice service provision as follows:

"In the young people's world... [it's about] providing a more targeted use of our resource. So being clearer about using more resource at the top end rather than the universal end. So we've kind of pushed some money in the value for money bit of it at the universal end. Some of it was savings so the budget is 25% less as a whole... [T]he youth justice budget wasn't reduced... [but] we've taken some money out of the universal services, the universal youth work and the Connexions service as was and we reallocated that towards

higher end... I can tell you that we now spend less than half what we used to on what we would describe as youth work... and with the decommissioning of Connexions you had all of the costs associated with that... [but] Connexions staff were mainly transferred into here so a lot of staff costs came across with them."

Head of Service

As evident from the Head of Service's comments above, the emergence of a preventative and targeted service was partly driven by the necessity of making budgetary savings. Within a context of financial constraint, the respondent viewed the actuarial targeting of resources at those facing or posing the most risk as providing 'value for money' (i.e., such targeting ensured that what resources were left went as far as possible). This finding provides empirical support for Kemshall et al's (1997) hypothesis that as concerns about the rationing of scarce resources come to the fore so does risk as: "a fundamental criterion for rationing purposes" (1997: 217-218). Indeed, the spread of the logic of actuarially targeted early intervention into previously universal/open access services for adolescents and young people appeared to be at least partially driven by such resource constraints. This informed a reallocation of resources to 'higher end' clients. The extreme cutting to youth work and youth services evident within the site, and the related emergence of a targeted approach focusing on the most vulnerable children and young people, in response to public sector austerity measures has been evident in a number of local authorities (Hooley and Watts, 2011; Unison, 2014). The Head of Service stated that by deploying a strategic approach to cost-cutting, entailing a restructuring of services, additional money was saved by de-layering at the management level:

"The direction from the county council was to save... Having one service rather than three... [w]e were able to significantly reduce the management infrastructure and save money."

Head of Service

The final central driver of reform within the site was a wish to decentralise service provision. The Head of Service enthusiastically outlined the rationale informing decentralisation in this way:

"Localism and being more responsive to local context [has been a central driver]. It's been our greatest success and I think that it's one of the best things about the service, that it's got that local flavour... It has meant developing local teams across our districts and boroughs, which have a close relationship with politicians, both county councils in those boroughs and the district borough council's elected members and local partners... [I]t is

the principles of localism really, which are local knowledge, understanding, having a patch where you know who the key players are around... professionals, stakeholders, and people who use our types of service... Who they are, where they are, [ensuring] that they are not slipping below the radar."

Head Of Service

The IYS was situated within a two-tier local authority, and the service reforms devolved service provision from the county to the local district or borough level. As highlighted by the Head of Service's comments above this entailed the establishment of an IYS team for vulnerable young people in each local district/borough. The quote above indicates how this more localised form of service delivery was underpinned by the objective of making the IYS more responsive to the local service delivery context. The Head of Service thought that greater service decentralisation provided 'local knowledge' and understanding that not only improved relationships with other 'key' service delivery partners but ensured better targeting of the most vulnerable or at risk clients (ensuring no-one fell 'below the radar').

3.3. Enacting Leadership: Contextual Facilitators

The organisational and service innovation described above was driven by processes of agentic leadership within the site. Prior to identifying these processes, however, it is first necessary to evaluate how leadership driven change was facilitated by the context within which service delivery took place. In this regard, this section explores how leadership driven change was informed by the local senior management team's negotiation of the political, policy and local service delivery context within which they were operating. This section thus explores the opportunities and constraints that context presents (see Blau, 1987; Huber, 1990; Mowday and Sutton, 1993). By doing so it demonstrates how leadership driven change occurs within parameters that are structurally set (Hall, 2013).

Respondents within the site identified changes within the national political and policy context as an influential factor informing service innovation within the site. The Head of Service articulated the view that service transformation had been facilitated by a post-New Labour shift within political rhetoric, policy and NPM regimes:

"It feels to me that developments locally are assisted in some respects by national politics and drivers... I suppose it's been benign neglect or non-intervention, which has helped... [I]t has created a little bit of space to innovate... [W]e started [service transformation] in the context of 2010-11 when there was a... strong early push from the new

administration around localism, reducing the burden, hands off, outcome focussed etc and so it was described to me as 'you're pushing at an open door'. In terms of the Youth Justice Board we just told them that we were... [making local reforms] and they put up with it... I mean we've [also]... had some messages from HMIP that they are not wedded to the kind of national approach... I mean I think that's said in a quiet voice, it's not the dominant mode but there's... an increased emphasis [on localism]."

Head of Service

The Head of Service's description of local restructuring of youth justice services, in response to changes within the broader service delivery context/environment, is not a new phenomenon. Indeed, this was evident - although less extensively and overtly - prior to the Coalition Government's formation. For instance, Fielder, Hart and Shaw (2008) detailed the - less extensive - local restructuring of youth justice services that occurred in some local authorities in response to the Children Act 2004. Armitage, Kelly and Phoenix (2016) have also identified the "discreet" operation of what they term 'managerial discretion': "prior to the 'official' push towards decentralisation" (2016: 484) in response to post-2008 austerity measures. However, the Head of Service's comments above illustrate that the more extensive and far-reaching nature of the reforms within this site were, to an extent, reliant upon a post-New Labour shift within national political discourse and NPM regimes towards an emphasis upon delegated autonomy and service decentralisation. Firstly, an emphasis upon localism within governmental discourse provided the opportunity to align the relatively radical nature of the organisational and service reforms with the political discourse of the recently democratically elected Coalition Government. This imbued them with legitimacy and authority in the face of non-enthusiastic YJB support. Secondly, a moderate loosening of the indirect levers of influence/restraint exercised by HMIP over local youth justice services provided some room for manoeuvre within which the reforms could take place.

Evidence of agentic leadership within the site was also related to the local service delivery environment and the related regulatory approach to which local youth justice services were subject. The site was situated within one of the least deprived local authorities in England in relation to a range of indices of deprivation. The local authority was ranked within the 10% least deprived for levels of income, employment, health, and education skills and training (Department for Communities and Local Government, 2015). Given that these indices of deprivation can place young people at greater risk of engaging in criminal behaviour (Farrington, 2002), it is perhaps unsurprising that within this context there was low demand for criminal justice services. Indeed, the local authority area was ranked within the 10% least deprived areas in relation to crime (Department for Communities and Local Government,

2015). This service delivery context, characterised by low-risk/low-need clientele, thus made a significant contribution to the youth offending service performing well against youth justice performance indicators, which equate good performance with low local usage of youth justice services (MoJ, 2010; 211). Indeed, the Operational Manager within the borough team recognised the influence of context on organisational performance:

“Those [performance measures] are all... worth measuring. You know, we are always going to do ok here against a couple of those compared to some. I would imagine that ----- [a neighbouring, less affluent local authority] has a tougher time with its first time entrants and reducing custody targets than we do. It relies a bit too much on where you are perhaps.”

Operational Manager

These comments illustrate how, despite being advantaged by national performance indicators, the Operational Manager recognised how their link to usage of local youth justice services disadvantaged local authorities in less benign service delivery contexts.

Within the context and regulatory environment at Site A, youth justice services were viewed by regulatory agencies as ‘high performing’. As a result, the local management team were given greater regulatory latitude for local innovation:

“The Youth Justice Board just about tolerate what we do and... are very clear that it’s because we are high performing... But they are absolutely terrified that other people might do it... [E]very time we have the conversation it’s ‘you can do it in ----- [LA] because of your particular context. They can’t do it elsewhere and we are not going to let anybody else do it elsewhere.’ Within our kind of local response, we are still very mindful of the monitoring by the Youth Justice Board and the regulation of HMIP. So, it doesn’t feel like there is a huge amount of room to innovate and it feels like we are taking a risk doing it.”

Head of Service

The Head of Service’s comments above confirm the emphasis within the leadership literature on the opportunities and constraints that context presents to the enactment of leadership driven change (see Mowday and Sutton, 1993). The Head of Service’s outline of the YJB’s reluctant support for service innovation within the site, and their ‘terror’ that less well performing services will follow suit, suggests that increased regulatory latitude to innovate may not be extended to all youth justice services. This is especially the case for those operating

within a context with high demand for youth justice services – typically areas with clientele exhibiting higher levels of risk/need. Even where such latitude is granted it was described as limited and ensured that organisational innovation was experienced as ‘taking a risk’ in a continuing context of stringent regulatory oversight. In more challenging service delivery contexts, where higher risk clientele ensures that the contemporary politics of risk (Power, 2004) is more acutely felt, such risk-taking innovation may be less evident than risk aversion through defensive compliance with centrally endorsed organisational forms and modes of service delivery.

3.4. Strategic Leadership Processes: Partnership Building, Partnership Maintenance and the Co-Production of Youth Justice Services

Having outlined the centrality of the national and local context in facilitating (or constraining) leadership driven change, this section proceeds to detail the agentic leadership processes engaged in by those within strategic managerial positions within the site. Prior to outlining these processes, however, it is first essential to show how they were shaped by the need to garner buy-in and support from other senior strategic actors within partnership organisations for the local youth justice management team’s vision of service transformation. This section will then proceed to discuss the formation, development and maintenance of the youth justice partnership that underpinned reforms within the site. It details a number of leadership processes deployed by the local senior management team that ensured that the delivery of youth justice services was largely characterised by collaborative co-production between a range of diverse partners.

Upon being asked about the single most important factor facilitating organisational and service reform within the site, respondents stated:

“You can aspire to whatever you want in terms of a more just and effective youth justice response but if you haven’t got the support of the chief constable, PCC, chief executive, head of children’s services, DCS [director of children’s services]... then you’re not going to get very far... Luckily we’ve managed to do that... It’s been carefully engineered and planned and has broad partnership and high level stakeholder support.”

Head of Service

“I think that... [the reforms]... have been helped by... people high up that get what it is... We’ve got a person quite high up in the police and they’re very much involved in championing what we do and the importance of the relationship between the two agencies... You know, it can’t just be one person... We also had the police chief constable. They aren’t now, they work... [elsewhere]... but they very much got it as well.”

Restorative Practice Team Manager

The respondents’ comments above indicate the centrality of effective relationships, with multiple senior strategic level actors within partner organisations, to service reform. The effective partnership that formed the foundation for the reforms relied upon actors who bought into, and ‘championed’, both the vision of reform being promoted by senior actors within youth justice services and the relationship between services. This finding supports Field’s (2015) assertion that the localised power and autonomy exercised by strategic actors within youth justice services is conditioned by the need to effectively engage with other more or less autonomous local partners involved in youth justice service delivery.

However, the Head of Service expressed the view that such effective engagement with partner agencies - evidenced by the strength of the youth justice partnership within the site - was comparatively unusual in relation to other regional youth justice services:

“We do a lot of work regionally... I think a lot of YOT managers, the general sense is that they feel quite impotent in relation to their police and children’s services in terms of making any significant changes so they’re always surprised by what we’ve been able to achieve. I think they are somewhat jealous of the fact that we managed, at one point at least, to get all of those ducks lined up together in order to launch this.”

Head of Service

One of the factors identified by the respondent that may account for the comparatively strong nature of partnership working within the site was the stability of the local political environment and - relatedly - continuity within leadership positions in the local authority. When discussing the influence of these on the youth justice partnership, and its approach to service reform, the Head of Service stated:

“I think that we are probably helped by having a very stable local political arrangement which is ----- [national political party] and always will be. So youth justice, or youth crime isn’t a political football locally and whilst we have the occasional kind of explosive event in terms of serious youth crime, youth crime isn’t particularly high profile locally

and I think that makes it a lower risk strategy for a partnership to take the approach we have and it's less likely to be overturned you know by a change in political fortune. I just think there's something about the broader stability of a local authority as well. I mean if you have a chief executive leader that has a genuinely long-term approach to developing services that would aid the type of thing we are doing because it takes a while and if you are just looking at just short wins it will be built on sand and a lot of local authorities chop and change their chief exec, chop and change direction, and that's not going to assist this type of process."

Head of Service

The respondent's comments above illustrate how strong partnership formation was linked to specific contextual facilitators that were beyond the agency of leaders within the site. Firstly, political stability within the local authority rendered the partnership's preventative and diversionary approach 'low-risk', as it was somewhat immune to the political electioneering that could undermine the partnership's approach. Secondly, stability of leadership within the local authority ensured that the partnership, and its approach, was unlikely to be derailed by a 'chop and change' of the council's chief executive and strategic direction.

Another highly influential factor that facilitated innovation within youth justice services within the site was the comparatively high level of seniority of the designated YOT manager.¹² The YOT manager functioned in a dual role, also acting as the Head of Service for the IYS. They had been the manager of the previous operationally discrete YOT and had assumed wider service responsibilities when the functions of the YOT were subsumed into the IYS. Upon being appointed as IYS Head of Service they were involved in leading a change programme to establish the new service. By virtue of their role as Head of Service, the YOT manager was a member of the youth justice partnership board comprised of senior strategic actors from across partner agencies and groups. Those represented included: children's services; the community safety partnership; the Office of the Police and Crime Commissioner; and the local magistrates' bench. The functions of the youth justice partnership board (or YOT management board, as it is referred to by the YJB – YJB, 2004a; MoJ and YJB, 2013a) are, amongst other things, to:

- “set the strategic direction for key services;

¹² The function of the YOT manager is to co-ordinate youth justice services and to manage the operation of the YOT (MoJ and YJB, 2013a: 12). Where the functions of the YOT have been subsumed within an integrated service, the YOT manager role has either been incorporated into new management structures associated with the integrated service or - as was the case with this site - the YOT manager has assumed additional service responsibilities (ibid: 21).

- steer delivery;
- oversee the performance of the whole youth justice system locally;
- provide and commit sufficient resources, including secondments from statutory partners;
- champion the provision of effective services for young people at risk of offending or reoffending” (YJB, 2013: 18).

The position of the designated YOT manager on this board granted them the opportunity to exercise strategic influence across partner agencies and directly influence the board’s determination of the strategic direction for youth justice services. The Head of Service’s comments above concerning YOT managers from other local authority’s inability to exercise such strategic influence may be due to the fact that their level of seniority was not representative of others in the same role across England and Wales. The YJB found in 2004 that ‘the majority of local areas’ did not have YOT managers in a sufficiently senior position to be able to effectively exercise strategic influence (YJB, 2004a). This situation has not improved in recent years in many areas as the: “role of the YOT manager has gradually decreased in seniority and moved down local management tiers” (MoJ and YJB, 2013a: 21). This has been associated with a reduction of youth justice services’ strategic influence (Fielder, Hart and Shaw, 2008). This is despite official guidance that YOT managers should not be ‘buried within council structures’ and should be sufficiently senior as to be able to: “engage, as appropriate, at senior and strategic level with all the relevant local agencies including by reporting directly to the chief officers’ steering group /management board” (YJB, 2004a: 12).

From their position of strategic influence the Head of Service was able to mobilise and build broad partnership support. This was achieved by alleviating the potential tensions between different partners which are inherent to public sector domains (see Lowndes, 1997) by drawing partners together around a common vision for youth justice services:

“The emphasis on the reduction of first time entrants has had a sort of beneficial impact... [in terms of partnership building]... It... has become a significant kind of marker of the health of the local youth justice system and something which local partners can celebrate rather than something which they are indifferent to beforehand and you had the whole criminalisation of a generation without anybody particularly noticing.”

Head of Service

The Head of Service thus sought to engender commitment to their vision of a preventative and diversionary service by linking this vision to national performance indicators accenting

reductions in the number of FTEs (see Home Office, 2008; MoJ, 2010; 2011) which all members of the local partnership could ‘celebrate’ performing successfully against. Drawing partners around this common purpose had a cohesive effect and formed the basis for what was largely a co-operative co-production of youth justice services between partners within the site.

Maintaining partners’ commitment to this vision was viewed by actors within the site as an ongoing process. As the Head of Service states below, a central strategy utilised to accomplish this entailed a local and national communications campaign celebrating the successes of the IYS and broader youth justice partnership:

“There has been a really successful communications campaign around what we’re doing. You know, we’re seen as the kind of ‘jewel in the crown’ of the county council. The youth justice partnership is a really strong one with effective governance, the right people around the table, a real sense in sharing in the success and a commitment to continue it and increasingly we’ve gone from telling ourselves the story and reassuring and assuring partners that this is the right thing to be doing... that and that kind of stakeholder management... to now telling the local public about it and now telling the country about it. So it really feels that this year that we’ve kind of properly broken cover from doing something which is very local, a bit below the radar, to something which we are saying ‘it works, we’ve got the evidence’, we’re happy to tell the [national newspaper] about it, we’ll publicise it through our external evaluation, we’ll get it in our local papers and through the radio and be happy to be seen as a beacon for doing things differently both within an integrated service and through a restorative approach. So it does feel like we are breaking cover.”

Head of Service

These comments by the Head of Service describe how a narrative has been carefully cultivated around the vision of service transformation and its successes. This informed a strategy of celebrating the success of the youth justice partnership at a local and national level, and the external validation associated with this served to reinforce commitment to the vision of change that had informed service transformation amongst senior strategic actors at partnership level.¹³ The increased commitment amongst partners subsequent to a communications

¹³ There has been evidence of youth justice services competing for external validation on a local and national basis elsewhere. However, this was primarily directed towards improving the funding position of local youth justice services by enhancing their reputation (see Armitage, Kelly and Phoenix, 2016). Currie and Lockett (2007) have also identified the importance of celebrating successes to organisational survival and development in the sphere of education. Being viewed as successful is essential to

campaign extolling the successes of the service can be understood by recognising that causality is often attributed to leaders by social observers (Pfeffer, 1977). Thus: “successful leaders, as perceived by members of the social system, are those that can separate themselves from organisational failures and associate themselves with organisational successes” (1977: 110). Consequently, by firmly associating themselves with a ‘beacon’ for innovative and successful services, senior strategic level actors within leadership positions in partner agencies could promote themselves as effective leaders. As these comments by the Head of Service illustrate, this process was evident in relation to continuing political support received from the PCC for the IYS and its diversionary responses to youth crime:

“The PCC... their office more broadly... has been very supportive of what we’re doing. Politicians like to back winners don’t they and it’s seen as successful and therefore they want to be associated with it.”

Head of Service

Despite one respondent viewing the attempts of the PCC, and their staff, to ‘take credit’ for the NDD as somewhat unwarranted, given their lack of input in relation to its development, this was viewed as an acceptable alternative to political opposition to the disposal:

“[The PCC] is almost jumping on the bandwagon really almost like ‘oh, I’m part of this’, which they didn’t have anything to do with but you know if that is what makes them feel better... I met their deputy at some event and I think they didn’t really realise what I did or how involved I was and [the deputy] was almost sort of trying to take credit for the whole NDD and stuff and I was thinking ‘ahhhh!’ So goodness knows what [the deputy] says to other people. But for me as long as they are not going to go against it, if they want to try and take the credit whatever.”

Restorative Practice Team Manager

The Head of Service also identified the practice philosophy that informed the service’s innovation in the sphere of diversion as being important in aligning partners to the vision of reform being pursued within the site:

“I think hanging [the reforms] on restorative practice has been critical, so at least it gives a relatively straightforward, reasonably understood kind of handle... Our partners

organisational survival as it can attract backing from high level political actors and senior leaders in the organisational field.

know that we take a restorative approach... and they celebrate our successes in that... We are much more than a restorative service but that is the underpinning philosophy of what we do and it is something that we've been able to communicate effectively."

Head of Service

The respondent's comments above highlight the attractiveness of the IYS's restorative practice approach to the range of partners that comprised the youth justice partnership. Restorative justice's ability to generate support from a diverse partnership group is related to the diverse rationales that underpin it. Johnstone (2002) notes that restorative justice - with its emphasis upon meeting the needs of victims, responsabilising offenders, and reintegration - can appeal to: "opposed tendencies in the politics of criminal justice" (2002: 117). It thus has the ability to triangulate between the values and philosophies of diverse partners involved in the co-production of youth justice services at the local level. This was evident in relation to the way in which the Head of Service tailored their presentation of the restorative justice based NDD to render it more acceptable to the newly elected PCC. The Head of Service emphasised how the responsabilising aspects of the NDD allowed it to resonate with the PCC's zero-tolerance political persuasion, which was perceived as antithetical to the approach of the IYS:

"The PCC badged themselves as zero tolerance, ex-police chief... we did feel their approach was antithetical [to ours]. Whereas other people put Conservative, Labour, whatever... they put zero-tolerance ex-police chief. So it was pretty clear, you know, on the tin what they were standing for and it was about clearing the streets of thugs and jobs... But you know, restorative justice diversion is the new zero-tolerance which is fine, which is what our PCC is after which is a zero-tolerance approach... We've worked really hard to persuade them and I think they've bought it."

Head of Service

Leadership processes within the site were thus also directed at drawing other influential actors within the local institutional environment into supporting the partnership and its reforms. This was partially accomplished on this occasion through pitching the reforms, and the practice philosophies underpinning them, to political ideals that were - on the face of it - perceived as antithetical to the partnership's diversionary approach.

3.5. Challenges to the Leadership Driven Co-Production of Youth Justice Services

As discussed above, effective leadership processes within the site ensured that youth justice services were, to a large degree, the outcome of processes of collaborative co-production between relevant partner agencies. Despite this, however, there were a number of challenges to collaborative working at the strategic level within the site. This included threats posed to the youth justice partnership's strategy by: a turnover of senior strategic staff in partner organisations; a partnership group who felt that the reforms were professionally damaging to their profession; and new financial arrangements associated with post-2008 austerity measures. Each of these challenges - and how they were experienced and negotiated - shall now be discussed in turn.

The first challenge to collaborative working at the strategic level identified by respondents was turnover amongst senior strategic actors within partner organisations such as the police. One manager stated that despite broad success in securing the support of the police service, a recent change in personnel at chief constable level had damaged partnership working with the police:

"The police are fascinating because we've taken a body of the police service... I mean, my view of it is that we don't have a police secondee, we've seconded a whole police force! I would have said that anyway until my recent run in with the new chief constable who sees things differently [laughing]... I don't think that we've taken the chief constable... we did everything we could to manage... them and still fell short and they're still pissed off... I think that it wasn't their idea, they inherited it from their predecessor."

Managerial Level Staff Member, IYS

Strategic actors within the site felt that whilst the new chief constable had not withdrawn support for the IYS/police NDD joint initiative, they had not shown enthusiasm for IYS/police partnership working:

"The chief constable now has not really backed us or not backed us. They kind of stayed away from it quite a lot interestingly... I think that was a concern when they first came into the post that they might kind of want to get rid of it completely but they haven't but at the same time they haven't championed us or really tried to even see what we are

doing... The previous chief constable came and talked at our conferences but there has been no talk of that."

Restorative Practice Team Manager

Respondents' comments above highlight the risk to the youth justice partnership's approach posed by a turnover of staff at the senior strategic level within partner agencies. Despite senior IYS strategic actors suggesting that they had done 'everything we could', new appointees - such as the new police chief constable - may feel no ownership of the pre-existing youth justice strategy or its successes, which may be perceived to belong to their predecessor/s. In the case of the new chief constable, respondents felt that this had been translated into a lack of commitment to 'championing' the IYS or the youth justice strategy they were implementing.

Respondents suggested that another challenge to partnership working was that some personnel within partner organisations felt that the youth justice reforms being implemented were against their professional interests. For instance, the Head of Service stated how the shift towards pre-court adjudication within the site associated with the introduction of the NDD had caused professional anxiety amongst some magistrates that needed to be carefully managed:

"There is a continual anxiety... amongst magistrates about all of the stuff that goes on in out-of-court which should be coming to court. I mean clearly they're self-interested because they've got into a role as youth court magistrates... [and]... they're called upon less often... But we've used their panel chairs to manage the rank and file... They sit on the quality assurance panel for the NDDs... so we've carefully managed their anxiety and got them to be champions of the NDD and that's how we manage it."

Head of Service

These comments by the Head of Service illustrate how strategic actors within the site had been more successful in managing discontent amongst magistrates. They did so through cultivating a sense of ownership over the NDD and the pre-court adjudication associated with it through incorporating panel chairs from the local magistrates' association on the quality assurance (QA) panel for the NDD. This ensured that, rather than being a potential challenge to the legitimacy of the NDD, magistrates actively championed it.

There were also significant challenges to partnership working within the site associated with the financial conditions created by post-2008 global financial crisis austerity measures. Supportive of evidence presented within a recent New Economics Foundation (NEF) working paper (NEF, 2014), these conditions were found to be creating tensions between

partner organisations involved in the local delivery of youth justice services. One example of this identified by respondents related to a failure of the PCC to continue to fund IYS preventative activities after a previously ring-fenced budget used for this purpose had been cut and devolved (see House of Commons Justice Committee, 2013: 16). In relation to this the Head of Service stated:

“I was just writing an email when you arrived which was about the last bit of PCC funding that we had which the PCC has just now declined to give us for this year. So whilst it’s probably more important that we get their political support and endorsement for what we’re doing - it is probably more important than what is 2% of our budget... that previously came to us - it is disappointing that the PCC doesn’t see fit to financially support us. I’m in the process of telling them that it fundamentally undermines our shared strategy... But I don’t think it really will [laughing]. It’s 2% of our budget and it’s already reduced to half a percent, so we’ve lost the last half a percent.”

Head of Service

These comments illustrate how the management of external partners within the youth justice partnership entailed responding firmly to any perceived wavering of support - even if this was largely symbolic. Despite the political support of the PCC being much more valued than 0.5% of the IYS’s budget, the failure of the PCC to allocate this money to the IYS required that the Head of Service re-asserted their shared commitment to the vision of service reform within the site. The Head of Service’s reaction to what was a relatively minor setback for the partnership - portraying the youth justice strategy as being imperilled by the funding decision - served to reinforce expectations concerning the level of support and commitment that was expected from the PCC.

Another area in which the new financial landscape was causing tensions between partners was the devolution of financial responsibility for secure remand to local authorities. The governmental rationale underpinning this was that a lack of financial responsibility for secure remand had created a moral hazard in that there was: “little financial incentive for the local authority to make community alternatives available as an option to the court” (MoJ and YJB, 2012b: 2).¹⁴ Devolving full financial responsibility for secure remand was viewed as a mechanism to incentivise local authorities to invest in, and develop, less costly community alternatives to remand. As this was considered a ‘new burden’ the remand budget was

¹⁴ The Coalition Government suggested that this accounted for the less steep fall in the numbers remanded to secure accommodation as opposed to those given custodial sentences between 2007/8 and 2011/12 (MoJ and YJB, 2012b).

devolved to local authorities. Any savings from reduced use of remand places are not ring-fenced and can be reinvested by local authorities: “in robust community alternatives to custody” (ibid: 7). However, the limited evidence that has emerged on local authorities’ experiences of the devolution of the remand budget suggests that it is unpopular (Allen, 2015). Primarily this is because devolved budgets do not, in many instances, adequately meet the costs associated with either custodial remand or alternative provision (ibid). This is related to the formula utilised to calculate each local authority’s remand budget. This partially calculates individual budgets on the basis of three-year historic data on the use of secure remand bed nights (MoJ and YJB, 2012b). However, only bed night costs associated with less expensive remands to young offender institutions (YOIs), and not the more expensive bed night costs associated with remands to secure children’s homes (SCH) and secure training centres (STC), are devolved.¹⁵ A large reduction - 26% in 2013 (MoJ and YJB, 2013b) - is also applied to the overall remand budget to take into account national falls within the remand population (ibid: 5). There has also been no allocation of a central fund to be accessed in case of ‘spike events’, with local authorities expected: “to meet the costs of variations in demand within their own budgets” (ibid: 16).

Senior strategic actors within the IYS had successfully shunted budget responsibility for remanded children and young people onto children’s services. Respondents stated that this relied upon deploying the negotiating argument that as remanded children and young people had ‘looked after children’ (LAC) status (s.104 LASPO Act 2012) they should be the financial responsibility of children’s services:

“We deployed the arguments with children’s services... They are looked after children and should be paid for by the service that pays for looked after children was the argument... There was some pushback... I pulled off a bit of a coup there in that... children’s services pay the bills.”

Head of Service

“We were very fortunate in that we’ve managed to twist the arm of children’s services... Because obviously something associated with LASPO is that children and young people are LAC... We said ‘come on, you have to come and help us with this because they are

¹⁵ The YJB had previously given local authorities assistance with the costs associated with remands to SCHs and STCs but the Coalition Government did not consider this a statutory obligation and thus this funding is not included within devolved budgets (MoJ and YJB, 2012b: 9). This is financially problematic for local authorities given that there is a significant difference in sector bed night prices. SCHs cost £577 per night, STCs cost £607 per night and YOIs cost £173 per night (ibid: 13).

looked after children... so fork out' effectively... [W]e've had pushback in terms of... it putting pressure on to them... in terms of money they have to fork out".

Bail and Remand Team Manager

The respondents' comments above illustrate how the potential excess costs associated with devolution of the remand budget had generated an 'ownership conflict' (Clarke and Newman, 1997; Clarke, 1999) within the site between the IYS and children's services. Clarke and Newman (1997) state that such conflicts: "centre on who owns service responsibilities and the resources that they bring... in the interstices between organisations and departments" (ibid: 79). They suggest that a central feature of ownership conflicts are boundary disputes entailing: "organisationally based strategies of... controlling costs that aim to transfer them elsewhere" (ibid: 81). Such strategies were thus evident amongst strategic actors within the site, who deployed such strategies to successfully transfer the potential high costs associated with secure remand elsewhere despite 'pushback'.

Despite successfully arguing that financial responsibility for secure remand should rest with children's services, respondents stated that the devolution of this responsibility had ensured that efforts to minimise the use of custodial remand had assumed a greater importance at youth justice partnership level. This was reflected in the IYS's efforts to try to minimise the use of custodial remand. Respondents stated that such efforts had entailed the formation of a dedicated bail and remand team, the hiring of staff contracted specifically for the purpose of reducing remand numbers and the development (collaboratively with children's services) of 'high-end' alternatives to remand:

"Remand has assumed a higher priority... Here we've always been quite lucky because we've always had a kind of low remand level... they're well below national and regional levels... but... it's always been one of those difficult things because you could always have the kid who would sort of slip through the net or the court would get narked at them and put them in for the wrong reasons or for welfare grounds, which was often the case. So, it became a really big thing for us and a big target and it's one of the reasons that I was actually appointed to post was to keep those remands down... it's actually in my contract to keep remand numbers down... We went from having no dedicated court team to having a court team and a bail team specifically to actually deal with LASPO. So it's been quite a big thing."

Bail and Remand Team Manager

“It has... been so heavily cut in devolving the budget that it’s cut to nothing... Never in a million years would we have remand costs as low as the budget... [W]e [the IYS and children’s services] have jointly invested in some high-end alternatives to remand. They are part of our supported accommodation placement portfolio, which we jointly commissioned.... So we had a boy yesterday who if it wasn’t for the fact that we’ve got this... [T]he fact that we can say that he’s going to get around the clock care, it’s high quality placement etc. it probably kept him out of custody.”

Head of Service

Respondents above highlight the success of the governmental strategy underpinning devolution. The exercise of decision-making amongst strategic actors within the site was structured by the requirement to consider the budgetary realities and responsibilities associated with secure remand. In this respect, the success of this strategy in incentivising the development of measures to reduce custodial remand are at odds with the findings of Allen (2015). He has argued that: “delegation... [has provided]... little genuine financial incentive – if remand goes down so does the budget” (2015: 21). However, in the context of the devolved budget not adequately reflecting the costs associated with secure remand - as mentioned above by the Head of Service - it seems that some local authorities have been incentivised to act to prevent having to subsidise inevitable shortfalls in the remand budget.

Despite the individual successes outlined above by the Head of Service, the local authority had vastly exceeded its remand budget for the year. Respondents stated that this was due to an unusual spike in very serious cases:

“It is a very spiky budget in terms of, you know, you get one or two cases and they can blow your budget, but the nature of remands is you’re going to get the odd very serious one and it’s going to cost you a lot of money... In practice, the remand budget for this year is ten times less than our costs. So devolution isn’t always such a good thing... [W]e have been a bit unfortunate, we’ve had quite a few murders which is very unusual here. So perhaps this year and last year will prove to be unusual.”

Head of Service

“We’ve had a number of unforeseen circumstances that have meant that we’ve seriously, seriously, seriously overran our budget... We had two remands for young people who had not been in the criminal justice system before and were completely unknown to us and were remanded on very serious matters for an extended period of time... One of whom was remanded into a secure training centre... at about £600 pounds a night and that

really really does add up awfully quickly... Both of those two cases happened at the same time... on top of one another... The devolution of funds doesn't accommodate that... the budget that they give us for next year is actually much lower as they calculated it from [three years ago]... It's madness."

Bail and Remand Team Manager

Respondents' comments above illustrate the vulnerability of the site's budget to only a few unforeseeable cases. Given the historically low remand population within the site (which had been reflected in a comparatively low devolved budget) trends were more likely to be volatile and thus particularly vulnerable to a small but unexpected increase in serious crime.¹⁶ As respondents indicate, even an unusual but numerically small spike in very serious cases had the potential to 'blow' the budget. This was especially the case if the child or young person was remanded to a STC or SCH. It is unlikely, however, that the availability of a central fund for spike events - something rejected by the Coalition during consultation on the reforms to remand (MoJ and YJB, 2012b; 2013b) - would have helped to address the shortfall in the site's remand budget. This is because even a broad definition of a spike event would likely not extend to the small - yet financially costly - variation in serious crime trends with the site. Although not pursued within the site, one way in which volatility in remand use could be offset - as evident in the Youth Justice Reinvestment Custody Pathfinder (see Wong et al, 2013; Wong, Ellingworth and Meadows, 2015) - would have been to pool risk with other local authorities by forming a commissioning consortium. As Wong et al (2013) state: "a consortium approach allows custody bed night increases to be offset by reductions across the participating local authorities" (2013: 28).

The Head of Service felt that the large increase in the costs associated with custodial remand had been exacerbated by commissioning arrangements, which resulted in conflict with the YJB. Although the financial responsibility for remand has been devolved, the YJB still centrally commission remand places and decide - subsequent to consultation with the local authority - where to place remanded children and young people (MoJ and YJB, 2012b). However, since financial responsibility had been devolved the Head of Service had perceived a discernible change in the YJB's placing decisions. They stated that the YJB were increasingly opting to place children and young people in more expensive STCs and SCHs (typically reserved for more vulnerable children and young people):¹⁷

¹⁶ As with almost half of all local authorities in 2015/16 (Allen, 2015: 21), the site's youth remand budget was less than £50,000.

¹⁷ YOIs accommodate those aged 15-17 years old. Bateman (2016) argues that they: "bear a marked similarity to adult prisons" (2016: 4). They are often based in premises previously used for adult prisons,

“The YJB sends them all to secure training centres and they didn’t when they were paying for it... [T]he conversation yesterday... there were two potential remands... one went [to a YOI], one didn’t... [The one that didn’t] was already a looked after child, who was in one of our supported accommodation placements... [I]n the conversation with the YJB they were unequivocal that he had to go to an STC. So they are the decision makers rather than us. So whilst we formed the opinion that he should go to a YOI... and clearly that’s our assessment as to vulnerability... you know... lots of those calls are marginal and the judgement from the YJB in the past was we’d have to battle really hard to get them to an STC or a secure children’s home... often unsuccessfully... Now it is completely reversed with their default being STC and us being well can we manage this in a YOI... particularly as they are 17 and a half and they are going to be going to adult prison before too long. It is a really unfortunate set of arrangements though, when you’ve got the decision about whether they’re remands or not isn’t ours - it’s the courts’... the placement is the YJB’s and we pay the bill. I mean there is no other commissioning arrangement like that in the world, surely. And we have a devolved budget which is a sixth of what it costs to place.

Head of Service

The respondent’s comments above illustrate how the devolution of the remand budget had changed the dynamic between local youth justice services and the YJB during their placement discussions. A ‘change in default position’ had occurred, with local management within youth justice services expressing a preference (in marginal cases) for the cheaper custodial option and the YJB opting to make the placing decision on the basis of vulnerability rather than cost. The Bail and Remand Manager stated that this had resulted in staff completing placement information forms for the YJB being pressured by some within management positions to avoid recommending placement within costlier custodial institutions such as STCs:

“There have been some interesting discussions around where young people ought to go between bail and court officers and management... You know where we’ve got a young person down in custody and they’re presenting as vulnerable and we’ve got a manager who is actually saying ‘no, they shouldn’t be put into an STC’ and we’re going ‘well, we’re

are larger than other forms of provision within the secure estate (with a capacity of up to 300) and have a staff to child ratio of 1 to 10. STCs accommodate those aged 12-17, including those considered to be too vulnerable for placement within a YOI. They are typically smaller in size (accommodating between 78-80 children) and have a lower staff to child ratio than YOIs (3 to 8). SCHs are for those considered to be the most vulnerable children and young people aged 10-17. They have the highest staff to child ratio (1 to 2) compared to any other form of custodial provision within the secure estate, are smaller in size than YOIs and STCs (with the largest accommodating 42), and provide a higher quality of educational and training provision (ibid). Bateman (ibid) states that SCHs are: “characterised by a child care rather than a custodial ethos” (ibid: 5).

really worried about them'. We've had some interesting discussions around that. That's one of the problems with devolving the budget is that you will have people that are only concerned with the cost and not the welfare of the young person... The pressure is there from some management."

Bail and Remand Team Manager

The displacement of concerns about the vulnerability of children and young people by those concerning cost control amongst some management, highlighted by the Bail and Remand Manager above, demonstrates the perverse incentive that devolving the remand budget had introduced into placement recommendations. The Prison Reform Trust (2012), in response to a Coalition Government consultation, had warned that devolving the remand budget could have such consequences. It stated that it could create a: "perverse incentive for local authorities to err against identifying concerns about vulnerability if a child was to end up in custody so as to influence placement decisions, or even challenging placements in SCHs or STCs once such decisions have been made" (2012: 2). The comments above from both the Head of Service and the Bail and Remand Manager do illustrate challenges being made - at both the initial assessment stage between management and bail and remand staff, and at the consultation and decision-making stage with the YJB - to recommendations to place children and young people in more expensive forms of secure provision based upon vulnerability. This does hint that the independence of local youth justice services recommendations to the YJB may have been compromised - especially in relation to marginal decisions - by the introduction of budgetary considerations into the rationale informing their recommendations. However, this did not appear to be impacting upon the YJB's placement decisions who had been freed from budgetary responsibilities for secure remand.

3.6. "Integration has made a bigger issue of risk": The Problematic Spread of Risk Logic and Practices

"As institutional walls disintegrate... the boundaries between the various human service areas will disappear as well - and correctional problems will come to be the problem of a range of professionals serving communities" (Cohen, 1985: 61).

Having discussed the leadership processes that drove and sustained organisational and service reform within the site, and the challenges these faced, the remainder of this chapter explores the implications of radical organisational and service reforms within the site for service users and service delivery. Specifically, it addresses the need identified by Byrne and Brooks (2015)

to explore the implications of the: “co-mingling of criminal justice and non-criminal justice practice within one service” (2015: 13). Although - as previously mentioned - the Head of Service was keen to highlight how service integration allowed for the emergence of a more holistic practice within the youth justice sphere (a claim critically explored in Chapter Six), it also allowed the logic and practices associated with youth justice to seep into wider youth services provision. This section thus explores one of the central implications of austerity driven integrated and synthesised service delivery within the site, namely, the potentially damaging spread of the risk-centric early interventionist logic of youth justice services (see Case and Haines, 2015c) to non-criminal justice services for children and young people. The section concludes by discussing the dangers associated with the planned spread of the IYS's residualised model of service delivery - with access to services rationed and targeted according to risk - into a range of other non-criminal justice contexts.

When former youth justice specialists within the IYS were asked about the influence of youth justice services upon wider service delivery, a number of respondents identified that service integration had led to a spread of risk logic:

“I think that... something that we've instilled... is we've probably brought a more risk aware practice to maybe other colleagues that wouldn't necessarily have thought about that... You know, a concern about risk management. Risk, assessing risk. People being clear about the risks that they are putting people in. The risk that young people pose to themselves. The risk that young people pose to others, I think that's a good thing... We now have a generic assessment tool. For the youth justice cases, it is still PSRs and Assets but for other cases we have sort of a generic assessment tool but as part of that it encompasses risk like on Asset. Those cases that we're working with that might be NEET will now have a risk of harm document whereas under Connexions they would never have had a risk of harm document.”

IYS Practitioner 14, Former Youth Justice Specialist

“I just think generally the YOT's integration [into the IYS] has made a bigger issue of risk and risk of harm. So even if you might have a targeted support case or you might have a prevention case that comes in where the school might be worried about a young person I think the contribution from the youth justice side has been now people are more conscious about risk than previously... I think that it is the influence of risk assessment tools... and managers as well... And for me now, I've spent so many times trying to get the message to new colleagues even if you're meeting a case who is NEET, who just wants a college place and is looking for a job... ask questions about their relationships, their family life, try and explore things and I think here more of my colleagues are doing that

now... I think they were oblivious [to risk] before but I don't really feel that they are so much now... [T]hey are more mindful of trying to get a much bigger picture about that kind of person's life and they are finding out things now which probably a year ago they would never have done."

IYS Practitioner 9, Former Youth Justice Specialist

Respondents' comments above highlight the mechanisms through which preventative, risk-based logic had spread from youth justice services to wider, non-criminal justice service provision within the site. Firstly, service integration had been accompanied not just with a blurring of practice roles - with the emergence of the generic practitioner - but with integrated processes. A central component of these was an IYS assessment tool for service users who entered the service through non-criminal justice pathways (and for those in the out-of-court sphere) that drew heavily upon the categories of risk that underpinned the Asset risk assessment tool. Secondly, managers within the IYS - those with youth justice professional backgrounds being over-represented within senior managerial positions - and those who were previously youth justice specialists had actively encouraged the adoption of a more risk aware practice amongst colleagues. The two respondents presented this as a positive development. It was thus through integrated processes, managerial co-ordination and professional advocacy that the preventative, risk-based logic of youth justice services - and the surveillance and control associated with it - penetrated non-criminal justice service provision for vulnerable children and young people.

As a result of this, various aspects of youth and children's services provision were effectively being formally grafted onto the operations of the YJS within the site, thus serving to extend its ambit of preventative surveillance. These developments represent clear continuity with the consequences of the 'criminalisation of social policy' that was particularly evident within the complex interlinking of youth policy and youth justice policy throughout New Labour's administrations (see Jamieson and Yates, 2009; Muncie, 2009). This entailed a: "tendency... for all aspects of social policy to become governed by an overriding concern with crime and crime management" (Muncie, 2009: 267). One of the implications of this has been a redefinition of youth services practitioners as: "adjuncts of the criminal justice system" (ibid: 267). The formation of the IYS had intensified this process, being representative of the development of an integrated service straddling youth justice and youth services, infused with preventative, risk-centric processes and logic.

The dangers associated with risk-centric logic and risk-based early intervention are well rehearsed within the youth justice literature. The risk-centric categories in operation within the site engage in a process of 'aetiological narrowing' (Pitts, 2003), with an

overwhelming focus on psycho-social factors, rather than broader structural factors (class, ethnicity, poverty, social deprivation), serving to individualise responsibility for offending behaviour. This aetiological narrowing has ensured that: “risk is increasingly associated with pathological constructions of wilful irresponsibility, incorrigibility and family/individual failure” (Muncie, 2006: 781). Such constructions have fuelled: “a growing interventionist preference... to identify as eligible for ameliorative prevention growing numbers of children and young people... demonstrating a broadening range of behaviours” (Case and Haines, 2015c: 108). As evident within the site, this can inform the spread of surveillance/control and, through processes of net-widening, expose increasing numbers of ‘at risk’ children and young people to the damaging consequences of contact with the formal YJS. McAra and McVie (2007; 2010), for instance, have suggested that preventative early intervention can label and stigmatise children and young people and increase the likelihood of criminalisation (see McAra and McVie, 2007; 2010).

Despite these dangers, some of those from non-youth justice backgrounds (former youth workers and Connexions service providers) were uncritical of the redefinition of their position as quasi-adjuncts to the YJS when delivering services to non-criminal justice clients. There were two central factors informing this lack of criticality. Firstly, professionally vested interest: adopting a more risk aware practice was representative of ‘professional entrepreneurship’ (Warren, 1981) amongst staff members from youth work and Connexions backgrounds. Some respondents stated that with diminishing professional opportunities within youth services roles, becoming proficient within risk-based assessment opened up opportunities for professional development within youth justice roles and career progression within the IYS:

“When I left my last place of employment... people got made redundant... I mean... as a youth worker you were stuck... I didn’t write these risk assessments before but I personally enjoy doing them... I find it quite interesting and it puts me in good stead to start the youth justice work that I’m about to do... I’ve always been good at working with young people but this is making me more professional... If I look back at the difference between who I was two years ago... I’ve grown massively.”

IYS Practitioner 13, Former Youth Worker

Secondly, some respondents were unaware of the potentially damaging consequences of risk-based early intervention. As such they described its spread to wider service provision simply in positive terms:

“Obviously it’s positive if we’re more aware of the risk young people pose.”

IYS Practitioner 4, Former Connexions Personal Adviser

“So an emphasis upon being aware of risk that has actually spread to the other cases that we work with... and I think that’s right even if we were working with a young person with NEET or PETE [Participation, Education, Training, Employment] work we should still be considering what the risks are to the young person and the young person to society as such.”

IYS Practitioner 17, Former Connexions Personal Adviser

One former Connexions Personal Adviser did, however, feel uncomfortable concerning the potential net-widening consequences associated with increasing risk-driven intrusion into the lives of children and young people:

“In some ways, I think that it can be intrusive... sometimes they come to us and simply they might have good qualifications, they just want a job or they just want an apprenticeship or something... but we have to still do an assessment... So I kind of think is that always necessary?... It seems quite intrusive to start asking about their drug use and who they live with and all that kind of thing... If we identified a risk that we felt was major we’d have to notify the police.”

IYS Practitioner, Former Connexions Personal Adviser

The comments above illustrate that those from non-youth justice backgrounds - whether uncritical, or critical but unsure, of the implications of the spread of risk to non-criminal justice cases - lacked the requisite knowledge base to be able to effectively engage in critical and reflexive practice. This is perhaps unsurprising due to some evidence of a lack of awareness concerning the dangers associated with risk-based early intervention from those from youth justice professional backgrounds (both managers and practitioners) who were attempting to ‘instil a more risk aware practice’ amongst their new colleagues.¹⁸ This lack of criticality provides some support for the assertions of Pitts (2001; 2003) that the instructional forms of workforce training introduced by the YJB in recent years - that largely only equip practitioners with a narrow and technicist framework of knowledge and skills related to the performance of centrally prescribed tasks - have led to deskilling of youth justice practitioners. Such deskilling limits the ability of practitioners to exercise critical and reflexive practice as

¹⁸ This is not to suggest that there was no criticality evident amongst managers and practitioners from youth justice professional backgrounds to risk-based practice. Chapter Six details a managerial problematisation of, in particular, the adult-led and directive form of practice that had emerged within the site in recent years associated with risk-centric proceduralisation.

this requires being equipped with: “a form of training that supplies both underpinning and overarching knowledge... [that]... generates certain “habits of mind” and instils in individual practitioners the capacity to be critical and reflexive” (Phoenix, 2011: 131).¹⁹

The use of an integrated database for all IYS service users (the youth justice database, CareWorks, was being used for this purpose) potentially provided a tool through which those most at risk of offending could be identified and targeted with preventative interventions. However, at a relatively early stage in the existence of the IYS, in which the ramifications and possibilities associated with such a system were still being considered, there was no evidence that the integrated database was being used in this way. Given the paucity of evidence supporting the predictive accuracy of risk (see Kemshall, 2003; Bateman, 2011b; Almond, 2012), and the iatrogenic consequences of early system contact (McAra and McVie, 2007; 2010), it is problematic that such an integrated database may be used for these purposes in the future. This would be unsurprising given the preventative risk-based logic within the site. This has informed the use of integrated information systems to target high-risk children and young people for preventative interventions elsewhere (Fielder, Hart and Shaw, 2008).

The Head of Service also had future plans to further extend the IYS’s preventative activities beyond youth services into a broader range of spheres:

“I think that we still operate largely within a justice and young people’s environment which hasn’t until now been embedded in a broader preventative culture. Early intervention, you know, which is about the work of children’s services, schools, a range of partners. Early intervention... is something that has grown out of the youth justice world to kind of infect the young people’s world but it is still not embedded within universal services... That’s where I’d like to take it, and we’re just recommissioning all of our services... [A]s part of that recommissioning we are taking a more active role in terms of overseeing prevention work with adolescents... in lots of contexts, with lots of providers, some of whom are contracted to provide services for us, some of them are just public sector partners. So we are going to be much more active in identifying young people that are having problems outside of a criminal justice context... So that would be where my interest lies... We need to be facing two ways really. One is facing into universal services, particularly schools to try and make sure that we... dampen down problems through early intervention and facing the other way in terms of to the acute social care

¹⁹ The problematic transfer of established forms of youth justice practice to those from non-youth justice backgrounds was not confined to non-youth justice work. Chapter Six explores the manner in which the organisational architecture of peer learning established within the site, and its capture by those with youth justice professional backgrounds, contributed to this within the sphere of youth justice.

end that we are also able through our positioning in the middle of those tiers to take stuff away from them... or stop escalating in the first place... So that is the plan really from now on is to get those sets of arrangements."

Head of Service

The Head of Service's comments above illustrate how the spread of the YJS's preventative logic into youth services is part of a broader trajectory of development. This entails the formal system's mechanisms of surveillance and control, and resources, penetrating further into universal services and the wider social body through commissioning practices and partnership working. This boundary blurring between the formal criminal justice system and non-criminal justice contexts within a diversionary policy context is not novel. For instance, Cohen (1985) has described how attempts to minimise reliance upon the formal criminal justice system in the 1980s resulted in 'primary institutions' such as the school, the family and neighbourhood organisations being: "penetrated, besieged... [and]... colonised by the formal system" (1985: 78).²⁰ The Head of Service's attempts to 'dampen down problems' in non-criminal justice contexts through shifting the YJS's resources and modes of surveillance and control into non-criminal justice institutions ensured that the spaces surrounding the local YJS's net were - to borrow from Cohen - increasingly being: "drawn into its orbit" (ibid: 78). The IYS's aforementioned emphasis upon localism and service decentralisation should also be understood in terms of this tendency towards boundary blurring and the related penetration of formal control into a broader range of institutions. As the Head of Service stated earlier, the IYS's de-centralised structure and situation within local boroughs and districts - and resulting better relationships with local partners, institutions and professionals - provided in-depth local knowledge that prevented at risk children and young people slipping 'beneath the radar'.

The penetration of the logic of risk-centric early intervention further into universal services and the broader social body, discussed above, is highly problematic. It could not only contribute to net-widening, but the utilisation of risk as a criterion for targeting services - as evident with the IYS - can lead to the formation of services for children and young people that - due to their targeted nature - have the potential to stigmatise and label children and young people. This is because, as Goldson (2009) states, "the passport to services is defined along purely negative lines. In order to 'qualify', in order to be offered a service - or perhaps, more accurately, to be 'targeted' for an 'intervention' - children... [and]... young people must be seen to have 'failed' or be 'failing', to be posing a risk, to be 'threatening' (either actually or potentially)" (2009: 96). Relatedly, the use of risk as a criterion informing the rationing and commissioning of services (as with the commissioning model outlined above by the Head of

²⁰ Also see Pratt (1986) for a discussion of the expansionist processes associated with diversion.

Service) can erode conceptualisations of universal services/open access provision. As evident with the IYS, this can lead to the emergence of residualised services, access to which was increasingly determined by whether social services or youth justice risk thresholds had been met. This is a movement away from what Yates (2012) defines as: “preventative orientated universal service provision” (2012: 437) delivered across the entire community/population, such as open access youth work, careers, employment and education advice, and support for those with mental health issues. These universally applied forms of crime prevention not only avoid the potentially criminogenic problems of labelling associated with early intervention (targeted at high-risk individuals) but, if they work effectively: “ensure that early intervention is not needed” (Richards, 2014: 135). By rendering it more difficult to access services for those deemed ‘low-risk’, the austerity driven residualised service provision that had emerged, and was further developing, within the site could have ‘slow burn’ criminogenic effects by impeding access to services that facilitate successful transitions to adulthood (Dorling, 2004; Yates, 2012).

3.7. Conclusion

This chapter has drawn upon empirical data to explore the rationales underpinning the increasingly popular (MoJ and YJB, 2013a: 15; Taylor, 2016: 7) integrated model of service delivery, the context within which it emerged, and the leadership processes which drove such organisational and service reform within Site A. It has been shown that the integrated model that had emerged with the site constituted a variant of the ‘youth-focused model’ of service delivery (Fielder, Hart and Shaw, 2008). However, it represented a more fully integrated version of this model characterised by synthesised and co-ordinated services. These subsumed previously distinct services for children and young people (youth justice services, youth work and Connexions), and their resources and functions, within one organisational structure – an ‘integrated youth service’ (IYS).

It was argued that the reforms represented both change and continuity with New Labour’s reforms. In relation to change, the emergence of a fully integrated service model represented a significant shift from New Labour’s expectations that, despite having strategic linkages with a range of partners, youth justice service delivery should be comprised of structurally discrete teams, providing services for children and young people who offend or were at risk of offending (YJB, 2004a: 7; Fielder, Hart and Shaw, 2008). The emergence of the role of the generic practitioner, providing continuity of service for vulnerable children and young people by working across different service pathways, also represented a shift from the case-management / referral mode of practice encouraged by New Labour. In relation to continuity, the chapter illustrated that budgetary pressures had ensured that New Labour’s

emphasis upon risk (Case, 2006; Case and Haines, 2009; 2015c) was still paramount to youth justice service delivery within the site. Within a context of financial constraint, the IYS was modelled as a targeted and preventative service with risk providing a criterion for providing 'value for money' through the rationing of services to those facing / posing the most risk.

The chapter then explored how these organisational and service reforms were facilitated by the context within which service delivery took place. It was shown how the extensive and far reaching nature of the reforms within the site were reliant, to an extent, upon a post-New Labour shift within national political discourse and NPM regimes towards an emphasis upon delegated autonomy and service decentralisation. An emphasis upon localism within the political discourse of the recently democratically elected Coalition Government allowed respondents to imbue the reforms with legitimacy in the face of non-enthusiastic YJB support. A loosening of the indirect levers of influence exercised by HMIP over local youth justice services had also provided some room for manoeuvre within which agentic leadership could be exercised by respondents. The section then proceeded to show how the site's situation within a benign service delivery environment, and its related designation as 'high performing' by the YJB, had contributed to local management being granted greater regulatory latitude for innovation.

The chapter subsequently analysed the strategic leadership processes that drove organisational and service reform within the site, whilst acknowledging that such processes were facilitated by contextual factors beyond the agency of leaders (such as stability within the local council and political environment). It was shown that these processes were directed towards garnering buy-in and support from senior strategic actors within partner organisations for the local youth justice management team's vision of service transformation. The chapter argues that the comparatively high level of seniority of the designated YOT manager enabled them to act effectively at strategic level and mobilise, build and maintain broad partnership support. It was illustrated how this was achieved via a number of strategies. Firstly, by tying the vision of a preventative and diversionary IYS to national performance indicators accenting reductions in FTEs, which all members of the partnership could 'celebrate' performing successfully against. Secondly, through a local and national communications campaign that sought to 'celebrate the success' of the youth justice partnership and reinforce the commitment of partners to the vision of change through processes of external validation. Thirdly, through successfully pitching the reforms, and the practice philosophies underpinning them, to a diverse range of local partners. It was argued that these leadership processes ensured that the delivery of youth justice services within the site was largely characterised by collaborative co-production between partnership organisations.

However, a number of challenges to the co-production of youth justice services within the site were identified. Firstly, turnover amongst staff in senior strategic positions within partnership organisations posed a threat to the stability of partnership working due to a perceived lack of ownership amongst new senior strategic actors to the pre-existing youth justice strategy and its successes. In the case of the new police chief constable, respondents viewed this as being translated into a lack of commitment to championing the IYS's partnership with the police and the joint strategy it was implementing. A second challenge to effective co-production, was the view amongst some within a partnership group - magistrates - that the diversionary youth justice reforms within the site were against their professional interests. It was shown how the Head of Service was able to resolve this through cultivating a sense of ownership amongst magistrates for the NDD and the pre-court adjudication associated with it. This was accomplished through incorporating panel chairs from the local magistrates' association within pre-court oversight structures. Lastly, the challenge posed to partnership working by post-2008 global financial crisis austerity measures was explored. The chapter demonstrated how new financial arrangements associated with devolved budgets were imperilling partnership relations, and generating 'ownership conflicts' (Clarke and Newman, 1997; Clarke, 1999) between partners concerning who should bear the financial risks associated with devolution. Furthermore, respondents highlighted how the devolution of financial responsibility for secure remand had led to the independence of local youth justice services' placement recommendations to the YJB being potentially compromised by budgetary considerations.

The final section explored the implications of the: "co-mingling of criminal justice and non-criminal justice practice within the one service" (Byrne and Brooks, 2015: 13). Although the Head of Service was keen to highlight how service integration had facilitated the emergence of a more holistic youth justice practice (explored in Chapter Six), it was argued that one of the central implications of austerity driven integrated and synthesised service delivery within the site was the potentially damaging spread of the risk-centric early interventionist logic of youth justice services (see Case and Haines, 2015c) to non-criminal justice services for children and young people. The chapter illustrated that the mechanisms through which this occurred were integrated assessment processes, and advocacy from managers and practitioners from youth justice professional backgrounds. It was argued that this had intensified processes associated with the 'criminalisation of social policy' (Jamieson and Yates, 2009; Muncie, 2009) under successive New Labour administrations by re-positioning those operating in youth service practitioner roles as quasi-adjuncts of the YJS. An inability of those from both youth justice and non-youth justice professional backgrounds to engage critically and reflexively with risk-based forms of practice potentially exposed a growing number of children and young people to processes of labelling and stigmatisation and increased their likelihood of future contact with

the YJS. The chapter concluded by discussing the problems associated with the residualised form of service provision provided by the IYS - with access to services rationed and targeted according to risk - and problematised the planned spread of this model into a range of other non-criminal justice contexts. It argued that such a model defines access to services in purely negative terms and potentially contributes to 'slow burn' criminogenic processes by reducing access to universally accessible preventative services (Dorling, 2004; Yates, 2012; Richards, 2014).

Chapter Four: Strategic Reactivity and Conflict Within Youth Justice Service Delivery

4.1. Introduction

This chapter explores how the changing service delivery landscape was negotiated by senior strategic actors within youth justice services (a traditional YOT) within Site B. It begins by exploring the influence of a challenging service delivery context upon the strategic behaviour of the YOT's local senior management team. The section outlines how comparatively high local usage of youth justice services - largely due to contextual factors beyond the YOT's control - placed the YOT at greater risk of regulatory scrutiny due to the targeting rationale underpinning HMIP's risk-proportionate regime of inspection. It is shown how a realisation of this by the local youth justice management team contributed to an organisational concern with defensive process compliance in an effort to manage secondary risks to career and reputation (Power, 2004). The implications of this intra-organisational focus for the strategic behaviour of those within senior managerial positions within the YOT is explored. It is suggested that this contributed to institutional autism (Baudrillard, 2002), characterised by a "failure to see, imagine or act upon" (Power, 2004: 44) changes within the external policy, regulatory and local service delivery environment. As a result, it is shown how there was a tendency towards inertia in a context of significant change within the external institutional environment.

The chapter subsequently explores the implications of an intensified organisational concern with internal process for the strategic behaviour of senior strategic actors within the YOT. It outlines how - in contrast to the pre-emptive, co-ordinated and broad-based partnership based approach evident within Site A in response to changes within the service delivery environment - there was evidence of short-term, reactive and unilateral strategic behaviour by senior strategic actors within Site B. It illustrates that a consequence of this was conflict between the partner organisations involved in the delivery of youth justice services. As a result, 'ownership conflicts' and 'boundary disputes' (Clarke and Newman, 1997; Clarke, 1999) were a central, rather than peripheral, feature of service delivery within the site - in contrast to the cooperative co-production of youth justice services that predominantly characterised Site A. The implications of this for the delivery of youth justice services is explored.

4.2. Secondary Risk Management and Organisational Inertia

This section outlines the location of youth justice services within Site B - a traditional YOT - within local council structures, and discusses its atypical nature in terms of concentrating solely upon statutory work. It then considers the challenging socio-economic and demographic context within which the YOT was situated, and examines how this shaped the strategic behaviour of those within senior management positions.

Within council structures, Site B's youth justice services were located within a children's division (which included children's social care and education, and services for 'looked after children' (LAC)) of a broader social services department. As such they were a variant of the children's services model of youth justice service delivery identified by Fielder, Hart and Shaw (2008). However, despite their location within a children's services model fostering linkages with wider children's services at strategic level (in terms of governance and funding), youth services within the site were not operationally integrated with other youth and children's services, as within Site A. Site B had a traditional YOT model of service delivery, characterised by a structurally discrete team providing distinct services for children and young people in trouble with the law. The YOT focused primarily upon statutory work, with preventative work being undertaken by an external prevention service. In this regard, it appeared to be atypical - with only a 'small number' of YOTs indicating that they concentrated solely on statutory caseloads in a recent survey of local youth justice services (New Economics Foundation (NEF), 2014: 6).

As within Site A, the local management team within Site B responded to recent drivers for change in a manner that was heavily mediated by their perception and negotiation of the political, policy and local service delivery context. However, unlike Site A, context placed greater constraint upon senior strategic actors' ability to enact agentic leadership driven change. This was related to the local service delivery context within the site - in particular its socio-economic and demographic characteristics. In contrast to the benign service delivery context within Site A, youth justice services within Site B were situated within a borough in the lower half of the list of most deprived boroughs in the 2015 'multiple deprivation index' (Department for Communities and Local Government, 2015). It was ranked within the 20% most deprived local authority districts for crime, and within the 30% most deprived for skills and education, training and child poverty. Within this context (characterised by high-risk/high-need clientele) there was a comparatively high local demand for youth justice services.

This challenging service delivery context potentially placed the YOT at enhanced risk of regulatory scrutiny. To understand why, it is first necessary to explore the targeting rationale underpinning HMIP's new risk proportionate regime of inspection. Contrary to the Coalition Government's generalising rhetoric concerning: "radical and decentralising reforms" (MoJ, 2010: para 37) this regime does not necessarily imply a light touch regulatory approach to all local youth justice services. A senior HMIP informant – involved in devising and implementing the new regime – outlined this in an interview with the author in 2014. They stated that in a context of governmental cuts to HMIP's budget, regulatory resources were now increasingly targeted at local youth justice services deemed 'poor performing':

"We couldn't get... [the Coalition Government]... committed to do a universal inspection everywhere... I think they just wanted to concentrate on poorer performing YOTs. I mean they were cutting at that point... a lot of the arm's length bodies. Some completely, and I think what they were saying was 'you've got limited resources. We are not going to promise anything about your resources. We want you to concentrate on the areas we think are important.' It was just... 'this is what ministers want'... I guess what does tend to happen is that the YJB follow us in if it is a poor inspection. So, it does mean that those areas that aren't doing so well get more attention."

Senior HMIP informant

The designation of local youth justice services as 'poor performing', and their subsequent targeting for regulatory scrutiny, is heavily influenced by local youth justice services' performance against YJB performance indicators (which are firmly linked to local usage of youth justice services) (HMIP, 2013a). However, whether these represent a reliable indicator of local youth justice services' performance is questionable. Deloitte's (2015) recent YOT stocktake report highlighted that these: "do not consider the differences between YOTs in terms of the nature of demand [or] local demographics etc." (2015: 6). This is problematic given the report's preliminary finding that the strongest correlation with YJB measures is not with youth justice services' performance but: "with socio-economic conditions and demographics - factors that YOTs cannot influence" (ibid: 6). Thus, contextual factors beyond local senior management's control within Site B - challenging socio-economic and demographic conditions - contributed to an enhanced likelihood of local youth justice services being deemed 'poor performing' and subjected to regulatory scrutiny. Additional sources utilised by HMIP to target local youth justice services for inspection includes information from previous HMIP

inspections, other inspectorates (such as Ofsted and the Care Quality Commission) and reports derived from serious incidents (serious case reviews and coroner's reports) (HMIP, 2013a).²¹

There was a general recognition amongst local strategic actors within Site B that HMIP's targeting rationale placed the YOT at greater risk of regulatory scrutiny. Respondents highlighted a link between this recognition and a managerial emphasis upon compliance with internal organisational processes:

"I kind of see my performance as judged by the HMIP... like if we have a good inspection or a bad inspection... I mean we have had two OFSTED's in the last 6 months. One showing that children's services were inadequate and one showing that our LAC services were inadequate so clearly that is an issue... [and] we are dealing with some very high-risk cases... So... I think [practitioners] are probably likely to be experiencing fairly minimal [autonomy]. As a manager, I am bang on it all the time... because of HMIP."

Operational Manager

"I think David [YOT manager] is very audit focused. We've had a few serious incidents here... [and]... a serious case review... and I suppose the tendency is always to err on the side of caution."

Senior Practitioner

Respondents' comments illustrate how a challenging local service delivery context, and the related risk of regulatory scrutiny to which the YOT was subject, informed a local adherence to the neo-Taylorian, process driven variant of New Public Managerialism (NPM) (Pollitt, 1990; Hoggett, 1996; Lowndes, 1997) within the YOT. The Operational Manager's association of the implementation of this process focused regime of NPM with concerns over HMIP's judgement of his performance is instructive. HMIP inspections - as with other inspection regimes (Bevan and Hood, 2006) - can pose a reputational risk to local service managers. The highly publicised nature of HMIP inspection findings can amount to 'naming and shaming' when findings are

²¹ HMIP literature suggests that only the Full Joint Inspection (FJI) (HMIP, 2013a) is (predominantly) targeted at poorer performing YOTs, with the SQS targeted at YOTs from: "across the full range of performance data" (ibid: 2). However, the senior HMIP informant, discussing a quarterly 'Information Bank' meeting with other inspectorates, highlighted that the SQS was also partly utilised to target poorer performing youth justice services: "We have these meetings quarterly with the other inspectorates and we make a decision about where to go and at the last meeting we looked at some of the SQS data... [I]f people are scoring less than half on some areas then we start to look at going back. Now that might be another SQS a year or two years later or it might be a full joint inspection."

negative.²² Relatedly, they can pose a threat to the job security of local youth justice service managers, as the senior HMIP informant stated:

"I think the danger for people is that they think 'if it goes badly wrong I'm the one that's going to cop it'... There have been situations in the past where people have lost their jobs right after an inspection... So, I can understand that YOT managers in particular get a bit worried about it. My view is... I don't want people to be sacked but I do want a good service for children. Now if that person hasn't managed to achieve that then maybe they do have to go."

Senior HMIP informant

Within a contemporary politics of risk (Power, 2004) that forensically apportion responsibility for the management of risk and blame when things go wrong, YOT managers' 'worry' concerning inspection is likely to be more acute within challenging service delivery contexts - such as Site B. Such contexts are more likely to have comparatively higher usage of youth justice services (and thus be at enhanced risk of regulatory scrutiny) and 'riskier' caseloads. Such a context poses a reputational threat to managers and practitioners alike by making: "salient the possibility of substantial error or loss" (Staw, Sandelands and Dutton, 1981: 514). Thus, the Operational Manager's focus upon internal organisational processes, as a method through which to ensure a favourable review of his performance by HMIP, is illustrative of secondary/reputational risk management' (ibid): the defensive management of risks to career and reputation. A concern with this by senior management teams within other local authority areas had been highlighted by the senior HMIP informant:

"[P]eople come and say 'how can we pass an inspection?'... [M]y heart just sinks because it is not about passing or failing inspections it is about doing good work for the benefit of young people and communities."

Senior HMIP informant

This respondent's comments highlight how a concern with managing secondary risks to career and reputation can draw YOT managers away from primary purposes: 'doing good work for the benefit of young people and communities'. The implications of this for frontline practice are explored in Chapter Five. However, the primary concern of this chapter is with the impact

²² HMIP inspection findings are shared with the local authority chief executive and members of the local youth justice partnership board and are published online. See:

<http://www.justiceinspectorates.gov.uk/hmiprobation/inspections/>.

of reputational risk management on the local youth justice management team's strategic behaviour.

Kondra and Hinings (1998) state that strategic responses to changes within the external organisational environment depend upon 'environmental scanning' by those with senior management positions. They state that: "by undertaking environmental scanning, an opportunity or threat may be identified... [which] may encourage organisations to anticipate... change and create new routines or strategies to deal with that threat" (1998: 753). However, an intensified concern with internal process can inhibit such environmental scanning by fostering a tendency towards institutional autism (Baudrillard, 2002), characterised by a: "failure to see, imagine or act upon" (Power, 2004: 44) changes within the external policy and regulatory environment. Such a tendency towards an organisational concern with internal process, and a related lack of environmental scanning, was evident within Site B. For instance, the local senior management team's focus on compliance with internal processes resulted in a failure to identify countervailing developments within the external regulatory environment. Specifically, there had been changes within HMIP inspection criteria (entailing a shift in concern from processes to outcomes) - aimed at facilitating a greater degree of local autonomy. It had been several years since the YOT's last inspection under the previous, more process driven regime, and this experience informed senior strategic actors' perceptions of the new regime. As one senior manager stated:

"[F]Is and SQSs] are relatively new, we haven't had one yet... [but]... the Inspectorate of Probation will hit you hard if they don't see that the processes are being done. We didn't stop our own internal auditing process when we had our last inspection. We were working up towards that and we have carried on doing that ever since... So, we have got a very in-depth process of auditing... The process... is an important aspect of the Inspectorate... [So]... we want the strict framework."

Senior Manager

This senior manager's comments illustrate how ineffective environmental scanning, in a context of an intense managerial focus on internal processes, contributed to a failure to identify change within the external regulatory environment, resulting in organisational inertia. In contrast, within Site A - where the local senior management team was hyper-sensitive to the external policy and regulatory environment - the identification of a moderate loosening of the prescription within HMIP criteria had provided the opportunity for agentic leadership driven change. Thus, whilst the national policy and regulatory context can have a significant impact on the local delivery of youth justice services, it may have little or no influence if the local senior management team are shielded from it due to a defensive, intra-organisational focus. Indeed,

as Mowday and Sutton (1993) state: “the presence of contextual variables does not mean that they will shape behaviour. The context must act on, be noticed by, and be construed as important by individuals and groups before it can influence their behaviour” (1993: 209).

4.3. Strategic Reactivity, Ownership Conflicts and Boundary Disputes

The previous section identified a tendency towards organisational inertia within Site B in a context of change within the external institutional environment due to an intensified concern with internal organisational process. This section further explores the implications of this for the strategic behaviour of the YOT’s senior management team, with a particular focus upon how this impacted upon the YOT’s relationship with partnership organisations. It outlines how - in contrast to the pre-emptive, co-ordinated and broad-based partnership based approach evident within Site A in response to changes within the service delivery environment - there was evidence of short-term, reactive and unilateral strategic behaviour by senior strategic actors within Site B. It illustrates that a consequence of this was conflict between the partner organisations involved in the delivery of youth justice services. As a result, ‘ownership conflicts’ and ‘boundary disputes’ (Clarke and Newman, 1997; Clarke, 1999) were a central, rather than peripheral, feature of service delivery within the site – in contrast to the cooperative co-production of youth justice services that predominantly characterised Site A. The implications of this for the delivery of youth justice services is explored.

As within Site A, senior strategic actors within Site B had responded to austerity related budgetary cuts by utilising risk as a criterion for the allocation of scarce resources. However, whilst strategic actors within Site A’s IYS utilised risk to target and ration resources within broader youth services, strategic actors within Site B’s YOT did so within the statutory sphere. In 2011, the YOT had fundamentally restructured its services by shunting responsibility for the delivery of out-of-court work disposals onto an external prevention service and focusing its resources on ‘higher-risk’ court-ordered statutory cases. However, this decision was made despite diversionary processes within the site that respondents predominantly attributed to the removal of the police ‘Offences Bought to Justice’ (OBJ) target in 2008. As those within the local senior management team stated:

“We reconfigured this whole kind of team, we restructured here in 2011 and it was then all about putting all of the resources with the young people posing kind of high-risk... [T]he prevention service took... the out-of-court stuff... We made sure those high-risk cases were really well run and had lots of resources but our caseload has plummeted...”

At one point, we had nearly four times the caseload we have now... The change in policing... that has turned everything on its head."

Operational Manager

"We have had to... prioritise work around the high-risk / high-vulnerability young people. That is where the greatest need is... [but]... there has been a huge drop off in court work... For example, when I first came into youth justice, which was before the Labour Government reforms, just before that point, the average court list would be [over three times what it is now]. It has dropped off that dramatically. In fact, three or four weeks ago, for that first time ever in my 16 years in the job we had a court day where we had no business that came out of it. Not one order made or a report called for... The thing that tended to ratchet it up... was the police having targets, clear ups, and we had that classic phrase in youth justice, 'the low hanging fruit'. Easy hit... As soon as that went it meant that the police were no longer chasing those targets."

Senior Manager

The respondents' comments above illustrate the lack of joined-up and long-term strategic thinking that had informed the local senior management team's restructuring of the YOT in 2011. Although the Operational Manager describes the removal of the OBJ target, and a related increase in police diversion, as abruptly undermining the YOT's restructuring strategy (by turning 'everything on its head'), diversionary processes had been evident within the site since the removal of the OBJ target in 2008. Changes within national policy that were likely to intensify processes of diversion from court had also been signalled by the Coalition Government by the time of the restructuring in 2011. The Breaking the Cycle (MoJ, 2010) Green Paper, and subsequent government response to the consultation (MoJ, 2011) had signalled an intention to abolish New Labour's escalatory out-of-court framework, replacing it with a system of multiple pre-court cautioning, which was subsequently introduced in April 2013. However, senior strategic actors' short-term and reactive response to budgetary pressures had failed to consider the long-term strategic implications of a foreseeable continuation of diversionary trends for a model of youth justice service delivery relying solely upon court-ordered statutory work.

A continuation of these diversionary trends, intensified by the development of a centrally funded diversion pilot for first time entrants by the prevention service, manifested as an existential threat to the YOT. The YOT's continued viability was beginning to be questioned at partnership level due to diminishing court throughput. As a result, senior strategic actors

within the site were forced to respond reactively once more, as the Operational Manager's comments below illustrate:

"I petitioned the powers that be in the council that we needed the out-of-court work... I did that... because our caseload was becoming so small that we would cease to be viable. The YOT management board were saying why have we got such a lovely well-resourced YOT... It was kind of a pragmatic decision about, you know, the survival of the YOT... [W]e only took it on in the beginning of August this year [2013]... So, suddenly we have inherited hundreds of new cases... that we assess and kind of deal with in a week."

Operational Manager

These responses from senior strategic actors within the YOT highlight a significant contrast between the response to changes within the service delivery landscape in Site B and Site A. Senior strategic actors within Site B had failed to identify and coherently respond to the strategic implications of changes within the external institutional environment. This resulted in delayed/reactive, insular and unilateral strategic behaviour. In contrast, strategic actors within Site A's youth justice services had identified and anticipated opportunities and threats posed by changes within the service delivery context and pre-emptively devised coherent organisational strategies to enhance local youth justice services' strategic influence within a changing youth justice landscape. This entailed a patient and time-consuming process of vision-driven partnership building and maintenance. This supported and facilitated fundamental service and organisational reform and contributed to what was largely a co-production of youth justice services between partner organisations within the site.

The approach within Site B contributed to inter-agency relationships that were characterised by conflict between partner agencies rather than collaboration.²³ This was evidenced in relation to an 'ownership conflict' (Clarke and Newman, 1997; Clarke, 1999) with a partner organisation - the prevention service - concerning who 'owned' out-of-court clients and the resources that they brought. Above, the Operational Manager describes the decision to 'petition' the council as 'pragmatic' due to an existential threat to the YOT. However, the argument deployed to those with decisional authority regarding where service responsibilities should fall was couched in different terms. As the Operational Manager stated:

²³ NEF's (2014) recent YOT Survey Briefing identified a similar tendency towards strained partnership relations in response to financial and resources pressures associated with changes within the local service delivery landscape.

"I started looking at the work... they [the prevention service] were delivering and it didn't seem in the spirit of... light touch interventions... and LASPO... and I made that case. The prevention team have very low thresholds of risk and when they were getting the out-of-court work they were dumping in heavy resources on them... I think what we're offering in terms of bringing it back into the YOT is that because we know the heavy end cases I think it enables us to also know what light touch should be for first time offenders... There is more perspective... whereas the prevention team didn't have that perspective and I think they started getting panicky with stuff that this team would just say 'oh well' to, you know."

Operational Manager

Thus, the arguments deployed by senior strategic actors within the site to wrest control of the out-of-court framework, and the clientele and resources associated with it, from the prevention service entailed problematising the prevention service's interventions within the out-of-court sphere as incongruent with the light touch 'spirit' of the 2012 LASPO Act. The Operational Manager suggested that, as YOT practitioners had more 'perspective' concerning the full gamut of risk within the youth justice cohort, they were better equipped to deliver a less resource intensive, minimal interventionist approach, within the out-of-court sphere.

Whilst the Operational Manager framed the need for the YOT to take on service responsibility for out-of-court work in terms of ensuring a more appropriate allocation of scarce resources, the benefits for children and young people was less clear. Indeed, bringing children and young people within the remit of a formal youth justice agency is diametrically opposed to the diversionary principle of 'maximum diversion' from the YJS. McAra and McVie (2007: 2010) suggest that this is necessary to avoid the potentially criminogenic, stigmatising consequences of formal system contact. The increased potential for this to occur due to developments within the site is illustrated by examining the two frameworks of assessment and intervention utilised by the prevention service and the YOT within the out-of-court sphere. The prevention service had used the Common Assessment Framework (CAF) (Children's Workforce Development Council, 2006) - utilised across the broader (non-criminal justice) children and young people's workforce - to both assess children and young people, and to inform interventions, within the out-of-court sphere (Internal Documentation). Almond (2012) describes this assessment and intervention framework as having a holistic emphasis upon meeting the child's needs and building upon their strengths and positive factors. However, the YOT's Operational Manager had devised a pared-down version of Asset to inform assessment and intervention within the out-of-court sphere. Describing this assessment tool the Operational Manager stated:

“The tool that we’ve created kind of mirrors Asset... They mirror those twelve sections... [So] believe me I’ve not developed some kind of wonderful holistic assessment here. It really isn’t. But... it has sort of simplified it really by having less of a requirement that people write into it.”

Operational Manager

This respondent’s comments indicate that children and young people within the out-of-court sphere had therefore effectively been shifted from a practice domain where meeting their needs and developing their resilience assumed central importance, to one where the deficit-focused actuarial categories of Asset were operative within the assessment and intervention framework. The negative and pathological constructions of children and young people associated with these (Muncie, 2009; McAra and McVie, 2015) had the potential to confer deviant identities upon children and young people during contact with practitioners. A commitment – signalled earlier by the Operational Manager - to minimal intervention within the out-of-court sphere could reduce these stigmatising processes by minimising contact with the YJS and its agents. However, this commitment was framed in relation to resource implications rather than a philosophical or ideological commitment to diversion - as seems to have been the case in other areas (NEF, 2014: 14; also see Smith, 2014b). This potentially rendered any commitment to minimal intervention amongst senior strategic actors within the site susceptible to being rapidly undermined if the economic context should change.

Indeed, there not only seemed to be a lack of philosophical commitment to diversion amongst some within senior strategic positions within Site B but outright disagreement with diversionary practices. This was evident in relation to a boundary dispute that the YOT was engaged in with the police concerning the proper distribution of responsibility for the diversionary practices taking place in the interstices between the two agencies. Contrary to the partnership approach within Site A (discussed further in Chapter Seven), the YOT had been sidelined by the police with regards to pre-court decision-making and adjudication. This entailed the police making the disposal decision in isolation from the YOT - with no consultation - with the YOT subsequently performing assessments and interventions in line with the police’s disposal decision. One senior manager within the site suggested that financial pressure was informing the police’s decision-making in the out-of-court sphere:

“The police... are not involving us in the initial decision-making... The police to a large degree only send us what they wish to send us. They are really, sort of, skimming off, if you like... It suits the police... because it is a far more cost-effective way of dealing with young people rather than having to prepare detailed cases and put them through the Crown Prosecution Service and then go to court... So I think the cuts are having

unforeseen consequences in terms of other agencies having to find cheaper ways of doing things [But]... I am old enough to remember the Audit Commission report that came out before the changes in youth justice in 1997, the famous 'no more excuses'... the scandal around not holding young people to account... [T]he whole idea of good prevention is being able to get in there and deal with the underlying problems... we are now having to deal with an increasing number of them at this [out-of-court] level rather than through the traditional court system... without any framework to hold young people to account to provide boundaries if they don't comply."

Strategic Manager

These comments by the strategic manager suggest that the sidelining of the YOT in early out-of-court decision-making processes was related to the police's wish to maintain control over processes with financial implications for their service. Such organisationally self-interested behaviour in a context of financial and resource pressure would be congruent, not only with the 'pragmatic' behaviour of the YOT within this site, but with the behaviour of agencies and organisations involved in the delivery of youth justice services elsewhere. Respondents to the NEF (2014) YOT Survey Briefing stated that: "agencies [are] becoming more insular. Financial conditions have promoted siloism, not collaboration" (2014: 10). The YOT's strategic manager problematised what they perceived to be the insular, self-interested behaviour of the police - in terms of 'skimming off' some children and young people for entry into the YJS altogether, and diverting others from the court into a predominantly voluntary out-of-court sphere that lacked 'boundaries' - through the lens of actuarial interventionism.²⁴ As within Site A, this was representative of a lack of familiarity amongst staff at managerial level with the criminogenic dangers associated with early intervention through the YJS (McAra and McVie, 2007; 2010; Muncie, 2009).

It was thus a problematic development for children and young people in trouble with the law that senior strategic actors within the site were attempting to increase the YOT's influence over decision-making at the pre-court adjudication stage. Senior strategic actors within the site were attempting to do this by persuading the police to adopt a police/YOT partnership model derived from another local authority. As the Operational Manager stated:

"I am not happy with how the police run the out-of-court work. Myself and Robert [senior manager]... are trying to make some sort of representations to the police. We believe that what they are doing in ----- [a neighbouring local authority] is much better and we are

²⁴ Managers' and practitioners' problematisation of diversion within Site B through the lens of actuarial interventionism is explored in Chapter Five.

trying to get that model taken over here. Why we are not happy with it is that basically the police here make the decision as to what out-of-court disposal they give and we then do an assessment as to whether we need to intervene. Whereas what is happening there is that the police and YOT at the very point of arrest sit in the same office. I went to see their office, the YOT manager and the police sergeant were sat like that close and they would ask each other, they just tapped into their respective databases when these young people were arrested and said "what shall we do with them?" So, they made a decision jointly at the beginning."

Operational Manager

However, jurisdictional boundaries posed an obstacle to the implementation of this model of police/YOT partnership working at the site. As the YOT's Strategic Manager indicated:

"I do feel the police would benefit from us working with them in a closer partnership. The difficulty we have is we are only a relatively small player because we are a unitary authority surrounded by a much bigger one and the police don't generally like having different systems. So, if we want to go with a different model we have got to carry them with us across the whole of the county, that is the difficulty."

Strategic Manager

The Strategic Manager's comments indicate that non-coterminous boundaries between the YOT and the police force within Site B made inter-agency collaboration problematic. This has been evident in other studies exploring both inter-agency collaboration in the delivery of diversion (Evans and Wilkinson, 1990), and other joint working arrangements within youth justice service delivery (Fielder, Hart and Shaw, 2008). The YOT within Site B was situated within a unitary authority, neighboured by a much larger two-tier local authority. This neighbouring local authority shared a police force boundary with Site B, and any changes to the relationship with the police would require the YOT - as a relatively 'small player' - exercising strategic influence over the much larger youth justice service situated within the neighbouring local authority. Thus, in contrast to the position of strategic influence occupied by the Head of Service within Site A - who occupied a high level of seniority within their service delivery context - the ability of strategic actors within Site B to exercise agentic leadership driven change was constrained by geographical context. Senior strategic actors within the YOT were small fish in a larger service delivery pond.

An additional obstacle to partnership working, as mentioned by the Operational Manager below, was that the police force had already invested in an alternative, police-centric, approach to the partnership approach the YOT wished to implement:

“We are part of ----- [neighbouring local authority] in policing terms, so we’ve got a model that’s evolved from there. You see what the police did is that they did this massive training of police officers, in restorative justice [RJ] processes... sort of street RJs.”

Operational Manager

These comments allude to the necessity of strategic foresight and pre-emptive action in response to changes within the institutional environment - as evident within Site A - if effective partnership relations are to be established. The police force was likely to be unwilling to change strategic direction after a large outlay in resources training police officers to deliver an alternative approach prioritising the police delivering on-the-spot/ ‘street’ restorative justice processes.

The discussions within the section above have illustrated how reactive, insular and unilateral strategic behaviour in response to a changing service delivery landscape contributed to conflict between the YOT within Site B and partner organisations. This represented a stark contrast with the pre-emptive and broad-based partnership approach within Site A, characterised by a co-production of youth justice services by partner organisations within the site. However, despite this difference in the strategic behaviour there was a broad similarity in the direction in which youth justice services were adjusting their role and reach. They were both expanding into upstream service provision (although via a circuitous route within Site B) in response to a changing service delivery landscape. Within Site B this strategic direction was beginning to solidify. As one senior manager stated:

“I like some of the integrated models elsewhere because they are multi-agency and I think here it is too YOT focused at the minute. It is like we don’t see what they are doing across the way we are just making the decision in isolation... when I went to the effective practice forum everyone is saying the same. Statutory orders have gone down, triage has gone up. So... to work effectively for me it would be that coterminous with police, children’s services etc. That would work really well because... it opens up scope for us to deliver differently I guess in the community... I think it is the way forward for us... I think we are moving away from it’s welfare we won’t work with it. I think we are going to be working much more with welfare-based stuff... It is a different way of thinking, it is a mind-set.”

These senior manager's comments highlight the emergence of a 'different way of thinking' at strategic level within the YOT. Contrary to Site A, within Site B this had developed belatedly as a reactive result of the YOT being buffeted by events that threatened its existence in its current form. In this context, models of partnership working in other local authority areas were informing a realisation amongst senior strategic actors that the changing service delivery landscape required the YOT to improve partnership relations with agencies working at the shallow youth justice and preventative end of YOT work. However, the possibility of those within senior strategic positions exerting the leadership required to establish and sustain successful partnership working at both strategic and operational level (as within Site A) was uncertain in a context that minimised the strategic influence, and behaviour, of senior strategic actors within the site.

4.4. “The Cutbacks Have Meant Difficult Negotiations with Partner Organisations”: Negotiating the New Financial Landscape

As discussed above, adverse financial conditions were contributing to organisational siloism rather than collaboration within the site. This section further explores the impact of changing financial conditions on the YOT's relationships with partner organisations through examining the impact of the devolution of financial responsibility for secure remand, and austerity-driven changes to the YOT's funding relationships, on the YOT's relationship with partners.

As within Site A, budgetary pressures associated with post-2008 austerity measures were posing challenges for youth justice services' relationship with partner organisations. As the Strategic Manager stated:

“The biggest single change has been the rapid reduction of resources available. The general cutbacks in the public finances has meant difficult negotiations with our partner organisations to maintain levels of resource.”

Strategic Manager

The YOT's funding relationships with partner organisations at both local and national level had to be renegotiated. Attempts by strategic actors within the site to maintain levels of resource from partners at both local and national level increasingly entailed accepting tight efficiency

and performance targets, enhanced monitoring, and stipulations on what activities and services partners' financial contributions to the YOT's budget could resource. As the Strategic Manager stated in relation to new conditions attached to the YOT grant and PCC funding:

"They... had lawyers looking at... the YOT grant, saying well actually 'this has been technically illegal... grants can only be given to underpin research or to support improving practice and effective practice'... The YJB have now said that we have to have a budget, which we have had to submit this year to say how we will spend the YOT grant money... Not all business as usual and that's quite tricky... Part of the irony there is that we have always used a big lump of that to pay for the ISS [Intensive Supervision and Surveillance] project... That is now a mainstream function, which we are legally obliged to have but that I can't actually argue that it is legitimate to put that money in unless we are reconfiguring it and doing something different."

Strategic Manager

"We had two separate grants... that went to the PCC... [I]t was the devolved Home Office money and the money the police used to give us directly as well... So, straight away we had a tricky situation with the PCC. We had to explain to the PCC 'well actually we want two lots of money from you'... We have had to go through some quite difficult monitoring regimes for that and also accept a member of the PCC's staff on the YOT management board. But it has been made very clear to us that next year everything is in the melting pot again because they have commissioned consultants to look at the effectiveness of the grants... they want to be able to demonstrate impact... It can't be spent directly on salaries either, which is a new stipulation... It means I'm going to have to be creative as the YOT employs most people directly."

Strategic Manager

The Strategic Manager's comments above demonstrate that contrary to trends within policy towards increased local autonomy, austerity budgets were contributing to opposing tendencies within this site. At a national level, the YJB had increased its budgetary monitoring and control of local youth justice services in an effort to ensure that its grant money was driving improvements in practice effectiveness and thus providing value for money. Whilst at the local level, the PCC's political need to demonstrate impact in the grants that they were making was leading to what Drake, Fergusson and Briggs (2014) term 'small-scale centralism'. This entails local actors: "replacing the paraphernalia of central controls with their own closely monitored strictures" (2014: 26). This was evident with the monitoring and governance concessions local senior strategic actors had to make to receive funding, and the stipulations put on its use. As

the Strategic Manager states above, the increasing stipulations, monitoring and control attached to the YOT's funding by local and national partners had two main implications. Firstly, it made funding mainstream functions, and worker's salaries, increasingly difficult in a context of already declining resources. Secondly, it had made continued funding more tenuous by tying it to the demonstration of impact.

The Strategic Manager also suggested that the YOT's emerging funding relationship with the PCC had rendered access to traditional sources of funding tenuous through politicising it. They stated that further access to funding was thus conditioned by political whim:

"A member of my staff last week brought in a local paper and was saying 'Well look, where is this money then?' It was a picture of the PCC handing over this huge giant check to the cabinet member for children's services, and talking about this money that they have invested in the YOT that is going to do all these things. I had to explain well actually this is not new money. This is just the money that we have always had but now it is open to political largesse from the PCC as to whether we get it at all. They obviously want to make the best publicity and impact out of this. So, it has become very politicised now."

Strategic Manager

Another area in which the new financial landscape was contributing to tensions between partner organisations was the devolution of financial responsibility for the secure remand budget. As within Site A, financial responsibility for secure remand had been successfully shunted by the YOT onto children's services. Senior strategic actors within the YOT had argued that if budgetary responsibility was placed with the YOT this would pose the risk of effectively 'bankrupting' the service if there was a spike in remand cases. The devolution of the budget had ensured that reducing the secure remand population had assumed a greater priority at local authority and partnership level. As a result, the YOT's Operational Manager felt significant pressure to ensure that the YOT adopted a loosely adhered to default position of recommending bail, and providing bail packages as alternatives to secure remand. This was the case even for very serious cases:

"The council were hugely sort of jittery. I feel a lot of pressure when a young person turns up in court... no one wants to be kind of saying, you know, we can't get a package for this person or we are not going to do it... There was a boy who committed murder, or as it was, manslaughter. He was arrested immediately, the victim is in hospital on a life support machine and we didn't know the extent of the victim's injuries... So we are there thinking ok, you know, LASPO in April... this was happening in January... [I]f this was LASPO, you know, we would really be wanting to get him out so where could we go?"

Operational Manager

These comments illustrate that - as with Site A - the devolution of the remand budget had successfully structured the exercise of decision-making of senior strategic actors with the requirement to consider the budgetary realities and responsibilities associated with secure remand. However, as with Site A, this appeared to have introduced a perverse incentive that compromised the independence of decision-making. However, in this instance it did so by displacing concerns with public safety with those concerning cost-control. Indeed, the Operational Manager makes reference to the impending introduction of the 2012 LASPO Act as the primary motivating factor for exploring alternatives to remand in relation to this serious case.

Senior strategic actors' adoption of a loosely adhered to default position of recommending bail and providing bail packages as alternatives to remand did, however, cause a degree of tension with the police and the courts. As the Operational Manager stated:

"[O]ne of the difficulties that has quickly emerged is a lack of communication with the police... What I wanted to happen was that we could have a kind of frank discussion with the police sergeant prior to our staff trotting off down to the court about what were the issues rather than us thrashing it out in front of the magistrates and YOT trying to put up bail packages just because we have got the pressure of LASPO on us... You know, because it just makes us look silly. It makes us look like we're always trying to be the ones trying to get them out kind of thing."

Operational Manager

Ineffective partnership working with the police thus spanned both out-of-court and court work. In relation to court work, the Operational Manager suggests above that a lack of pre-court consultation with the police was undermining the credibility of the YOT with the court.

4.5. Conclusion

This chapter has demonstrated the constraints that context can place upon the local enactment of agentic leadership driven change. The YOT's situation within a challenging service delivery environment had informed the local management team's stringent implementation of a neo-Taylorian, process driven variant of NPM (Pollitt, 1990; Hoggett, 1996; Lowndes, 1997) as a secondary/reputational risk management technique. This intensified focus upon internal process contributed to a tendency for those within senior strategic positions to fail to

anticipate, identify and pre-emptively respond to opportunities and threats resulting from changes within the external institutional environment. As a result, the strategic behaviour of the local management team within Site B was short-term, reactive and unilateral, particularly in comparison with the pre-emptive, co-ordinated and broad-based partnership based approach evident within Site A.

The chapter has demonstrated that a consequence of strategic reactivity within Site B was conflict between the partner organisations involved in the delivery of youth justice services. As a result, 'ownership conflicts' and 'boundary disputes' (Clarke and Newman, 1997; Clarke, 1999) were a central, rather than peripheral, feature of service delivery within the site - in contrast to the cooperative co-production of youth justice services that predominantly characterised Site A. The chapter illustrated that a lack of joined-up and long term strategic thinking had informed the local senior management team's decision to respond to resource constraints by shunting service responsibility for the delivery of out-of-court work disposals onto an external prevention service. However, it was argued that this had failed to consider the long-term strategic implications of a foreseeable continuation of diversionary trends for a model of youth justice service delivery relying solely upon court-ordered statutory work. This informed a subsequent 'ownership conflict' (Clarke and Newman, 1997; Clarke, 1999) with the prevention service - over who 'owned' out-of-court clients and the resources that they bring - when the viability of the YOT's existence began to be questioned at management board level. It was suggested that whilst the 'pragmatic' decision to wrest control of the out-of-court framework from the prevention service ensured the survival of the YOT in its current form, its benefits for children and young people were less clear. The chapter argued that this was contrary to the diversionary principle of 'maximum diversion' (McAra and McVie, 2007: 2010) from the YJS. The chapter illustrated how this potentially exposed children and young people to the criminogenic, stigmatising consequences of formal system contact.

The chapter also detailed the subsequent 'boundary dispute' (Clarke and Newman, 1997) that senior strategic actors within the YOT were engaged in with the police concerning the proper distribution of responsibility for the diversionary practices taking place in the interstices between the two agencies. It was shown how local management had problematised their sidelining in early decision-making processes within the out-of-court framework through the lens of actuarial interventionism. Senior strategic actors within the site suggested that the police's increased emphasis upon diversion from both the YJS and from court was financially driven and contrary to the tenets of 'good prevention'. It was shown that attempts by senior management to convince the police to adopt a YOT/Police partnership model were hampered by two primary factors. Firstly, jurisdictional obstacles associated with non-coterminous boundaries with the police which hampered their strategic influence. Secondly, a failure to act

earlier had meant that the police had already expended considerable resources on an alternative police-centric approach to diversion.

The chapter argued that despite senior strategic actors within Site B's contrasting strategic behaviour with their Site A counterparts, there was a broad similarity in the direction in which both youth justice services were adjusting their role and reach. They were both expanding into upstream service provision (although via a circuitous route within Site B) in response to a changing service delivery landscape. In this context, models of partnership working in other local authority areas were informing a realisation amongst senior strategic actors within Site B that the changing service delivery landscape required the YOT to improve partnership relations with agencies working at the shallow youth justice and preventative end of YOT work. However, the possibility of those within senior strategic positions exerting the leadership required to establish and sustain successful partnership working at both strategic and operational levels (as within Site A) was uncertain in a context which minimised the strategic influence, and behaviour, of senior strategic actors within the site.

The chapter concluded by examining the impact of austerity-driven changes to the YOT's funding relationships, and the devolution of financial responsibility for secure remand, on the YOT's relationship with partners. It was shown that senior strategic actors' renegotiation of funding relationships with national and local partners entailed the acceptance of tight efficiency and performance targets, enhanced monitoring, and stipulations on what activities and services partners' financial contributions could resource. This exacerbated the impact of budget cuts by rendering mainstream activities harder to fund, whilst rendering continued access to some funding streams tenuous. Senior strategic actors also suggested that the YOT's emerging funding relationship with the PCC had rendered access to traditional sources of funding tenuous through politicising it. As within Site A, the devolution of financial responsibility for remand was shown to have introduced a perverse incentive that compromised the independence of local actors decision-making in the area of remand. In contrast to Site A, however, it did so by displacing concerns with public safety (rather than child welfare) with those concerning cost-control. In a context of poor partnership working with the police, it was shown how the related emergence of a loosely adhered to default position of recommending bail, and providing bail packages as alternatives to secure remand, resulted in tensions between the YOT, the police and the court.

Chapter Five: “People Are Reliant on Ticking Boxes Now”: Secondary Risk Management and Paradigm Stasis

5.1. Introduction

This chapter explores how recent changes within the policy and regulatory environment have been negotiated by managers and practitioners involved in the frontline delivery of youth justice practice within Site B. In particular, it explores the influence of the contemporary politics of risk and blame on the negotiation of recent youth justice reforms. It identifies an embedded form of standardised actuarial practice, that has proved resilient to change despite the emergence of a policy and regulatory emphasis upon increased professional autonomy. Indeed, the chapter demonstrates that there has been a large degree of practice inertia characterised by a tendency amongst managers and practitioners to continue to implement outdated actuarial processes, with damaging consequences for the quality of assessment, intervention and engagement. It demonstrates that room for manoeuvre to develop evidence based forms of creative, child-centred and relational forms of practice more in line with an emerging critical evidence base has not been capitalised upon by managers and practitioners within the site.

The data presented highlights two drivers behind the continuing resilience of procedural practice within this site. The first is *secondary risk management* (Power, 2004). In a practice context still perceived as forensically apportioning responsibility and blame, managers and practitioners experience pressure to prioritise the management of *secondary risks* to career and reputation through defensive process compliance. This is regardless of whether this is congruent with the effective management of *primary risks* (ibid), that is, risks associated with youth offending for which staff have knowledge and training. The second driver is ‘non-choice’ behaviour (Di Maggio, 1988) linked to *paradigm stasis* (Oliver, 1991; Kondra and Hinings, 1998). Standardised skills, and the interventionist knowledge base underpinning them, have achieved a naturalised or ‘social fact’ quality amongst a largely de-professionalised and deskilled frontline workforce. Consequently, many frontline staff lack the knowledge, skills and training to engage in creative and non-standardised forms of practice. The chapter illustrates how this was particularly evident within practitioners’ negotiation of the new out-of-court framework introduced by the 2012 LASPO Act.

5.2. Stymied Creativity: “Arse Covering” and Defensive Flights from Judgement

As discussed in Chapter Three, a challenging service delivery context, and the related risk of regulatory scrutiny to which the YOT was subject, had informed the local management team’s implementation of a neo-Taylorian, process driven variant of New Public Managerialism (NPM). The intensified concern with internal organisational process within the site was demonstrative of secondary/reputational risk management (Power, 2004): the defensive management of risks to career and reputation. Whilst the implications of this for the strategic behaviour of the local senior management team was explored in Chapter Three, the implications for frontline practice constitute the focus of this chapter.

It was through the dispositional mindset of secondary risk management, engendered by the perceived regime of ‘targets and terror’ (Bevan and Hood, 2002) operated by HMIP, that managers within Site B negotiated the increased emphasis placed upon professional autonomy within the YJB’s (2013) most recent national standards framework. As this senior manager stated:

“We have got greater autonomy, but I suppose what we haven’t done is pass down perhaps so much of that to the practitioners... [because]... the processes are still important to... the Inspectorate of Probation... So, it’s alright the Youth Justice Board saying ‘yeah, we are relaxing National Standards. You can do, to a large degree, your own thing’, but that is not reflected in the Inspectorate... We still keep the framework... [It is]... a good management tool. Which we don’t really want to surrender too much.”

Senior Manager

The respondent’s comments above indicate that a perception of HMIP inspection as still being process-orientated informed the local management team’s decision to not devolve increased autonomy to frontline practitioners. As this senior manager states, ‘surrendering’ the framework of standardised processes would have deprived the local management team of a ‘good management tool’ through which to minimise frontline professional autonomy in line with (perceived) HMIP regulatory expectations.

Responsibility aversion, and the secondary risk management techniques that it engenders, were also evident within Site B amongst frontline practitioners. As the practitioners below outline, these were being driven by the managerial scrutiny of frontline practice

described above, and an institutional memory of previous regulatory responses to serious events:

“Like I said about arse covering, I always think back from kind of worst case scenario. You’ve got to make sure that you’ve done a quality Asset, you’ve done your risk management plan, that you’re carrying out those things because when it goes wrong that’s what they’ll be looking at. Who did what... [and]... why they didn’t do it... and you’ll be for the chop.”

Practitioner 9

“So I’ve... experienced... the pressures that come with a serious case review... I think here we tend to play it by the book all of the time because... you never know when a serious incident could happen... Let’s say hypothetically there is a serious incident today and we’re told tomorrow someone has died and then all of a sudden... they’ll look back to the day leading up to, and past, the incident. So I think a lot of people, well everyone here that I work with, makes sure that... [things are]... bang on... [T]hat’s encouraged by management.”

Practitioner 12

Evident from these comments is how practitioners’ conditioning within a practice context characterised by the forensic apportioning of responsibility and blame was driving procedural compliance. As with the managerial level, such procedural compliance was a manifestation of secondary risk management. Practitioners’ projections of ‘worst case’ scenarios (typically catastrophic events - such as the death of a client) into the *future*, and the recognition of the forensic processes of responsibility and blame attribution associated with these scenarios (and the possible implications of this for their career), were informing practitioners’ defensive emphasis on ‘playing it by the book’ in the *present*.

The form of responsibility aversion, and related secondary risk management, described above was evident in some practitioners’ negotiation of increased professional discretion in determining intervention levels on statutory orders. Practitioners maintained the previously prescribed practice of seeking managerial authority to alter this level, illustrative of accountability avoidance through a ‘flight from judgement’ (Power, 2004) and a deflection of accountability upwards to the managerial level (also see Drew and Coyles, 2014; Armitage, Kelly and Phoenix, 2016: 488-489):

“Sometimes... you don’t want to make someone intensive just because maybe they are one or two scores into the intensive barrier and the same with standard... I think it’s about professional autonomy but with management agreement. I would want that reassurance that what I was doing was ok. [B]eing involved with that serious case review... and now... with another serious event... I want to know that the decisions I’m making are agreed and I’m not truly accountable.”

Practitioner 4

The practitioner’s comments above demonstrate how conceptualisations of professional autonomy appear to have been radically reconfigured within a practice context conditioned by internal control systems. ‘The bad old days’ of low accountability and high discretion (Eadie and Canton, 2002),²⁵ appear to have been displaced by their polar opposite: ‘constrained practice’ characterised by high accountability and low discretion (ibid: 17). Indeed, practice within the YOT was constrained to such an extent that the exercise of professional discretion could not be conceptualised by the practitioner above outside of the need for managerial approval for such discretion – to render the practitioner ‘not truly accountable’. Thus, even within a policy and regulatory context emphasising increased practitioner autonomy, the ultimate decision to exercise discretion appears to remain at a managerial level one step removed from the intricacies of the practice relationship.

Frontline practitioners’ attempts to distance themselves from responsibility were also evident with some practitioners’ negotiation of increased discretion over review of statutory cases. The new National Standards (NS) (YJB, 2013) increased the maximum period allowed between case reviews from three to six months (ibid). However, practitioners collectively decided to maintain the former. This was informed by the belief that the statutory caseload was now comprised of more complex, higher risk, cases due to increasing pre-court diversion weeding out less risky clients:

“I don’t think anyone here makes big decisions without seeking advice and direction from the senior practitioners and the managers... I mean we’ve discussed the new National Standards and although there is the opportunity now not to review for six months we... not just from direction from management... we as workers - we all sort of sat down and said ‘how do we feel about that?’ We were actually sort of thinking ‘well, that’s quite

²⁵ ‘The bad old days’ represents Eadie and Canton’s (2002) interpretation of New Labour’s characterisation of the youth justice practice of the 1980s and 1990s.

scary!’... I think the orders that we are getting now are more complex... It was almost sort of like agreed we’d continue with the three-monthly reviews.”

Practitioner 16

“We had a discussion in a team meeting, we kind of revisited National Standards... and said “look, as a team, what is your view about reviewing? And people were saying that they would still like that kind of oversight.”

Operational Manager

The respondents’ comments above highlight a different dynamic between managers and practitioners than that identified within some of the existing empirical literature. For instance, Burnett and Appleton (2004) and Briggs (2013) found that frontline practitioners successfully resisted managerial attempts to constrain their autonomy in relation to standardised process. However, some frontline practitioners within Site B were collaborating with managers to minimise their professional discretion and the accountability that accompanies it.

Practice inertia in this area meant that practitioners were experiencing little relaxation of bureaucratic burdens in the statutory practice context (see also Kelly and Armitage, 2015), other than that associated with lower caseloads. Therefore - contrary to recent government ambitions to: “free up [practitioners’] time to work with young offenders” (MoJ, 2010: 76) – auditable process was still impinging upon one-to-one work. As these practitioners stated:

“I’m just used to having to complete, and complete and complete numerous forms to justify our work really... It’s really hard... because it is accountability... but then you’re sitting at a desk for so many hours to do that... [but]... how can you work with children... when you have so many forms to fill in?”

Practitioner 20

“We are taught that if you don’t write it down it didn’t happen, so everything we do is logged. It’s... an arse covering exercise... the ultimate scenario is that you are updating forms saying ‘I can’t do the work with young people.’”

Practitioner 13

As the comments above indicate, risk-centric proceduralisation – driven by secondary risk management concerns regarding ‘arse covering’ in a context of heightened accountability

– were displacing the relational aspects of youth justice work. This is highly problematic given, as mentioned in Chapter Two, that a number of authors have identified positive relationships as essential to practice effectiveness (Rex, 1999; McNeil, 2006; Case and Haines, 2015a; 2015b; Creaney, 2015).

5.3. “Your Mind Stops Working”: Paradigm Stasis and Assessment and Intervention

Pragmatic secondary risk management was not, however, the only factor driving practice inertia. It was also driven by ‘non-choice’ behaviours (Di Maggio, 1988), informed by the *paradigm stasis* (Oliver, 1991; Kondra and Hinings, 1998) associated with naturalised actuarial mind-sets and practices. This section discusses the impact that such paradigm stasis had upon the efficacy of assessment and intervention. Prior to examining this however, it is first necessary to describe the de-professionalising labour processes that engendered frontline paradigm stasis with the YOT.

As mentioned in Chapter Two, de-professionalisation - in the form of a reduced reliance upon professionally qualified staff in traditional areas of youth justice expertise - can be considered advantageous for centrally accountable managers who demand process compliance from frontline practitioners (Pitts, 2001; 2003). This process minimises the risk of divergence from standardised and defensible ways of working, as a less qualified workforce has little knowledge of alternatives (ibid). In contrast, professionally qualified social workers who traditionally delivered youth justice interventions received training underpinned by practiced based ethics and values external to the narrow crimenogenic risk-centred ethos that YOTs are encouraged to adopt (Eadie and Canton, 2002). Perhaps as a direct consequence, as mentioned, research has identified frontline social work resistance to risk-centric proceduralisation within youth justice (Burnett and Appleton, 2004; Field, 2007; Briggs, 2013). Such resistance had also been historically evident within the research site, however, mirroring broader labour processes across England and Wales (Bateman, 2011a: 126), there had been a declassification of social work roles within the YOT. The Strategic Manager outlined the logic underpinning this:

“If you went back... three years ago, the team was predominantly social work... We changed that after our last inspection. We felt we had too many social workers would you believe. It was straight-jacketing us at the time... They were very bad sometimes in keeping to those procedures... They wanted to be free spirits all the time. You ended up looking at interventions and thinking ‘well, where is the relevance to the risk factors?’...”

Most of our practitioners are... [now]... unqualified workers, we call them YOT workers or YOT officers... We find we can mould those people more to what we are looking for."

Strategic Manager

As the manager's comments illustrate, de-professionalisation was informed by the rationale that 'unqualified' personnel were more malleable and process compliant. These YOT officers could be 'moulded' around the organisational need for defensible proceduralised practice, whereas professionally qualified social workers' autonomy was problematised in relation to their failure to constrain their practice to this.

The perceived problem with social workers being 'free spirits' was that changes within social work education in recent years - mirroring the shift towards vocationalism/CBET within youth justice (Lymbery et al, 2000; Lymbery, 2003) - were deemed to have significantly undermined practitioners' abilities through deskilling. An inability amongst social workers to respond creatively (and defensibly) to non-standard practice situations through drawing upon a wide corpus of learned knowledge was identified by the Operational Manager:

"Prior to our last inspection we had a whole bunch of social workers and... in the inspection they performed... really really badly... [T]here was this terribly kind of laissez-faire attitude... of kind of like 'I've got a social work qualification and somehow I've got this kind of professional thing behind me that helps me... connect with young people and that's it'... God... don't get me started on social work education... When I did my social work training... it was really... [about]... trying to identify what are these skills in relating, how do you use them, how can you then... you know, work out... when you come to a block with a person... how are you going to get over that?... Where can you go to? What is this professional corpus of knowledge? In some of the social workers here I just didn't see any of that."

Operational Manager

These comments by the Operational Manager demonstrate that some amongst the local management team were not necessarily opposed to the abstract concept of professional autonomy and the creativity that it necessarily implies in response to diverse practice situations. This respondent perceived social workers to be lacking the requisite skills and 'overarching knowledge' (Nellis, 2001), due to a degradation of social work training, to engage in creative autonomous practice.

In this context, a standardised form of working to ensure a 'baseline' quality of defensible practice was considered useful. Indeed, as the Operational Manager stated below, now that frontline case-managers were predominantly 'unqualified' YOT officers, standardised assessment and intervention tools were considered essential forms of practice support:

"I do think that some degree of standardisation is useful... Asset in some ways... at least provides a kind of structure, a common language, a professional knowledge, of what youth justice should be about... I think that the kind of standardisation that Asset offers has kind of provided quite a lot of support in helping those staff [YOT officers]."

Operational Manager

"We are working in a prescribed manner in many ways but unfortunately... practitioners do need that framework to operate within."

Strategic Manager

Practice reliance on standardised frameworks was indeed unfortunate in a policy context providing increased opportunities for creative and innovative practice. This was recognised by a recent recruit to the YOT, a social work trained senior practitioner, who suggested that both YOT officers and social work trained practitioners would struggle to deliver assessments and interventions less reliant upon standardised process:

"Asset has made decision-making more process driven... and because of de-professionalisation people don't always have the skills and the professional judgement and capacity to be able to sort of deliver a good enough assessment... and I'm talking social workers as well as experienced practitioners... I do feel that you have to have some kind of understanding of adolescent development... and the workforce development that was pushed through the YJB, this Effective Practice, I think it is again very process driven... [P]eople need to know the rationale behind it rather than just here's the form, this is what you do, this is what you fill in... because people have lost the capacity for professional judgement... We don't have a workforce that are skilled up to be able to deliver that... People are reliant on just ticking boxes now because they have got into that system... I think your mind stops working. You stop thinking outside of the box."

Senior Practitioner

As the practitioner outlines above, the overarching knowledge required to exercise critical and reflexive practice, characterised by creative practice responses, had been eroded in recent years through de-professionalising processes. The 'process driven' workforce education and training introduced by the YJB in recent years, and the deskilling inherent within Asset, had ensured that staff had 'lost the capacity for professional judgement'.

This practitioner continues, linking an unthinking reliance on standardised assessment processes with a similar approach to intervention:

"It's like the National Health Service. If you are on a ward where all of the patients are acute diabetics then probably all of them have the same medication, has to be delivered in the same way, so it is administered in the same way... but actually risk is dynamic."

Senior Practitioner

These comments illustrate how actuarial skills and procedures had largely achieved a naturalised or 'social fact' quality amongst frontline practitioners. A degree of actuarial paradigm stasis had set in. New Labour's standardised actuarial approach to assessment and intervention appeared to be the: "only conceivable, obvious or natural way" (Oliver, 1991: 148) for a less qualified and deskilled practitioner base to deliver youth justice services.

Within this context there was limited evidence of practitioners creatively subverting actuarial assessment and intervention tools to maintain an intervention focus upon addressing the child or young person's wider welfare needs (Burnett and Appleton, 2004; Field, 2007; Briggs, 2013). As the practitioners' comments indicate below, there was evidence that frontline practice had a narrower focus on addressing criminogenic needs (those directly related to offending behaviour):

"A lot of the young people we work with their issues are welfare based... [But] you've scored it on the crimenogenic needs rather than on their welfare needs. So, the areas that would be coming up would be around crimenogenic needs rather than welfare. It's more about kind of liaising with other professionals, not within that intervention plan, to try and make sure that they're being looked at."

Practitioner 19

"Asset is risk of offending. This is the thing you always have to bear in mind, it is not a welfare checklist. It is looking at the things that are the underlying causes of that young person offending. When they brought in the changes a few years back when they brought

in the Scaled Approach that really meant that YOTs had to focus on the criminogenic risks. We were always instructed, you know, the welfare stuff is not your concern. That should be picked up by somebody else. If appropriate you refer to children's services and they deal with it. But the reality is... they never bloody have because the thresholds do not trigger."

Practitioner 2

Practitioners' comments above highlight a problem with the discrete YOT model's narrow focus on addressing criminogenic need. When adhered to, referrals made to children's services to address the child or young person's wider welfare needs are often unsuccessful. As practitioner 2 states, this is related to these children and young people not meeting children's services' intervention thresholds in terms of the need they are exhibiting. This finding was also identified within Fielder, Hart and Shaw's (2008) evaluation of youth justice services. They stated that some YOT managers believed that: "the very model of a distinct YOT... had decreased the ownership amongst social services of young people once they entered the youth justice system" (2008: 15). A tendency for some practitioners to adhere to the discrete YOT model of working in a context of children's services' failure to pick up referrals was leading to the needs of some children and young people in the site going unmet.

5.4. "You're That Baddy that Sends Them Back to Court": Coercive Practice Relationships and Disengagement

Engagement was a crucial area of practice where both secondary risk management and paradigm stasis - discussed in the preceding sections - reinforced practice inertia. Understood as: "young people's personal motivation and commitment to involvement in activities" (Mason and Prior, 2008: 12), engagement is an essential aspect of effective practice, crucial to attaining a wide range of practice goals – such as prevention and the reduction of offending (Prior and Mason, 2010). However, relational and person-centred practices, central to engaging children and young people with their orders (Case and Haines, 2015a; Creaney, 2015) were unable to thrive within a practice context overly conditioned by process compliance. This context had contributed to a coercive strategy of engagement, relying heavily on the use of 'three strike' breach procedures, with negative consequences for practice effectiveness. This strategy of engagement and its consequences for practice are the focus of this section.

Whilst the framework for breach is statutory, its operationalisation relies heavily upon the guidance issued by the YJB, and individual discretion on the ground (Hart, 2011). The YJB's guidance has been highly prescriptive in recent years, requiring mechanistic enforcement of non-compliance procedures (Bateman, 2011a). However, the most recent NS (YJB, 2013) give greater discretion to practitioners, providing opportunities for a more reasoned use of enforcement. References to rigid timescales for the enforcement of breach have been removed, as has a stipulation that breach 'must be initiated' in all but exceptional circumstances following a third failure to comply (YJB, 2010: 64). These have been replaced by less directive requirements for 'robust and timely' investigations following failure to comply and the need to initiate breach following a 'pattern of non-compliance' (YJB, 2013: 30). Whilst modest, these changes can be viewed as giving effect to government concerns regarding the mechanistic use of breach (MoJ, 2010: 70).

This changing context, and a recent censure of the YOT within a serious case review, resulted in modest efforts to ensure a more reasoned use of breach. This was most evident with the introduction of informal pre-breach panels, providing opportunities to identify and address issues preventing compliance following a second failure to comply. Some practitioners also identified being encouraged by managers to be more flexible regarding the needs of the young person, by arranging meetings at dates, times and locations convenient for them. Over the period in which these changes occurred there had been a substantial decline in the volume of breach reports. However, there was uncertainty amongst YOT staff as to whether this was largely attributable to a considerable drop in the statutory caseload, with the proportion of cases breached remaining relatively steady. Whilst there was no internal data available to clarify this, such a situation would be broadly in line with the national picture. At the time of data collection, breach of statutory orders had dropped by over half between 2010/11 and 2013/14. However, as a proportion of all offences this fall was more modest – from 5.7% in 2010/11 to 5% in 2013/2014 (MoJ and YJB, 2012a; MoJ and YJB, 2015). This is still historically high given that breach was utilised relatively rarely prior to the introduction of NS in the early 1990s (see Bateman, 2011a). Breach also constituted just over 3% of all offences in the early 2000s (YJB, 2003) - when there was a loose consensus amongst commentators that a 'punitive-turn' (Muncie, 2008) was informing youth justice policy and practice.

Evidence from the YOT suggests that one of the drivers of excessive use of breach may be the coercive strategy of engagement that has become embedded in recent years. Indeed, the aforementioned changes that sought to ensure a more reasoned use of breach appeared to be largely nullified by the directive use of coercive breach procedures to ensure compliance. As respondents' comments illustrate below, this was driven at managerial level:

"[More flexibility]... hasn't filtered down. People are still working on the three strikes... I don't think on a conscious level there is a rationalisation... [T]he tendency is to err on the side of caution... [through]... enforcement... We've had a few CLRs [critical learning reviews] here."

Senior Practitioner

"Some practitioners have always been uncomfortable with the breaching process. But they have had to come on a journey with us otherwise they are no longer with us shall we say... If someone is failing to comply... we have a responsibility around public safety... We have no right to play with that... Even, if ultimately, it may end up in a custodial sentence as a result."

Strategic Manager

These comments illustrate a managerial tendency to ensure practitioners operationalised non-compliance protocols in the aid of secondary/reputational risk management. In a challenging service delivery context, in which there was an institutional memory of the forensic allocation of responsibility and blame in the aftermath of serious incidents, there was a tendency to ensure public safety through enforcement. Evident above, once more, is the managerial willingness to overcome practitioner resistance to compliance with standardised procedures (this time in the area of breach) through removal of staff from post.

Within this context, the use of coercion and compulsion to compel client engagement had become stubbornly embedded amongst a responsibility averse, largely de-professionalised, frontline practitioner base. This was encapsulated neatly by the practitioner below when describing their engagement strategy:

"We sell... [engagement]... in a way that it's a good idea to kind of comply with what interventions we might offer... You know, 'engage or if you don't then you're sent back [to court]'... [T]hat is what we are used to doing."

Practitioner 4

For this respondent, rather than a last resort within a predominantly positive, child-centred approach, three strike non-compliance procedures – or “statutory sticks” – instead functioned as the primary mechanism for client engagement. Some practitioners used these in a somewhat inflexible and un-reflexive ‘step by step’ fashion. This was evident within this practitioner’s comments:

“You know there are three warnings that you can give... everybody uses the three warnings... [H]aving them does give you a step by step to follow... [With a recent breach, the young person]... had three warnings... each time I’d see him I’d say, you know, ‘you’ve had another warning, I don’t want to breach you, you don’t want to go back to court because this could happen, that could happen.’ [But]... it’s not my job to chase them, you know, at the end of the day it’s their order.”

Practitioner 18

These comments demonstrate that a responsabilisation strategy (Phoenix and Kelly, 2013) underpins this coercive approach to engagement. There is a tendency to conceptualise engagement as predominantly the child or young person’s responsibility, rather than a collaborative endeavour between practitioner and client. Such an approach is unlikely to be effective for at least three key reasons. Firstly, the adulterisation process (Case and Haines, 2015a) that it entails - i.e., constructing children and young people as: “fully independent, capable, mature and responsible ‘mini-adults’ who are thus deserving of punitive and responsabilising responses in accordance with this status” (Case and Haines, 2015a: 163) - is highly problematic. Recent neuro-scientific evidence has emphasised the still developing capacities of children and young people in terms of judgement (Walsh, 2011). This has shown that judgement - defined as an ability to: “imagine alternative courses of action, think of potential consequences of those actions, estimate possibilities of their occurrence, weigh desirability in accordance with one’s preferences, and engage in comparative deliberations about alternatives and consequences” (Kambam and Thompson, cited in Walsh, 2011: 23) - is often lacking in adolescents due to structural and functional deficiencies with their brains. Compounding this, those within the YJS are also more likely to suffer from mental disorders and learning difficulties (Bradley, 2009). This suggests that children and young people in general, and those within the YJS in particular, may not fully understand, or be able to weigh up, the consequences of non-compliance regardless of the use of deterrents by practitioners.

Secondly, enforcing adherence to onerous contact requirements may impose unrealistic expectations upon children and young people (Hart, 2011). One senior practitioner expressed this concern, stating that the dominant way of working within the YOT may be “setting young people up to fail”:

“We do breach so much... It’s a very adult system that we operate, the whole breach thing... I mean, I tend to think I would only be looking at serial, completely non-compliant kids who are just sticking two fingers up, taking them back to court when you really think there is no way this order can work. Because you are setting young people up to fail. How

many young people in their life if they're not in the criminal justice system could make a regular appointment once a week? You know, it is enough for them to get out of bed and go to school even. So it's just not realistic, is it? That whole concept of what we do."

Practitioner 21

Thirdly, children and young people within the YJS may view such a rigid approach as illegitimate, as it fails to take into account their wider circumstances and the lived realities of their often chaotic and dysfunctional lives (Hart, 2011). Research suggests that where youth justice practitioners fail to treat children and young people legitimately they are less likely to form positive relationships with those practitioners, and more likely to disengage (Hawes cited in Case and Haines, 2015a: 169). Such disengagement – characterised by oppositional client mentalities – was evident:

"Engagement with young people is tricky... I think... from doing other roles and now being a YOT worker they don't like YOT workers. You're that baddy that sends them back to court if they don't do what they need to... [T]hey don't want... help... or they don't want it from you. So that is quite interesting to get your head around when you are breaching young people and taking them back to court and them not accepting the responsibility for those missed appointments and that's your fault."

Practitioner 15

These comments also reveal children and young people's objections to practitioners' failure to take responsibility for the negative outcomes of their practice decisions. Indeed, the United Nations Convention on the Rights of the Child (UNCRC) recognises the responsibility of adults for such decision-making (Case and Haines, 2015a: 164). However, a consequence of responsabilising children and young people was that practitioners tended to feel de-responsibilised in relation to negative outcomes. The practitioner's comments below demonstrate how this was an outcome of the hierarchical and adult-led 'respectful relationship' that coercive 'statutory sticks' allowed practitioners to cultivate:

"I've always admired... the YOT worker and the young person's relationship because it's quite respectful, you know, in that the young person knows that we have no alternative we have to breach you. I say to them 'if you don't turn up you have to be breached, you know that.' I envied that, as a LAC social worker I was... banging doors down to try and find people and here they all come to you. It's like god, that's amazing! Because they know... they know that they will be breached if they don't come... and that's that respectful relationship."

Practitioner 20

The comments above provide supporting evidence for the assertion made by the senior practitioner earlier concerning how the proceduralisation of YOT practice had deskilled YOT social workers. The respondent above bemoans the difficulties associated with ensuring engagement in their previous role as a LAC social worker without the use of the coercion associated with statutory sticks. More child-centred approaches to engagement such as visiting the child or young person at their home were rendered unnecessary through the use of compulsion. It is likely, however, that where the use of deterrents does engender compliance it will be a form of 'instrumental compliance' (Burnett and McNeil, 2005), characterised by children and young people doing what it takes to get through their order. However, deterrents are less likely to achieve more effective forms of 'normative compliance': "based upon a sense of moral obligation, a wish to maintain the alliance and the perceived 'legitimacy' of the conditions imposed" (ibid: 232). Contrary to instrumental compliance, such normative compliance is associated with positive changes in clients' internal value systems and is therefore linked with interventions that result in genuine behavioural change (ibid).

This strategy of engagement was not only ineffective in engendering effective forms of compliance but in some cases contributed to a cycle of breaching. As the practitioner below stated, this had the potential to escalate young people through the YJS, putting them at risk of custody:

"I followed... the correct way of working. You know, you miss an appointment you get a verbal warning, you get a first warning, final warning. Took it back to the panel... Was due in court yesterday for the breach, didn't attend. So now a warrant has been issued... now he will be picked up and he will either receive an extension or another order, which for that particular young person is just going to revolve around a cycle of breaching... [I]t's horrible to watch young people escalate up the criminal justice system and into custody just because they are breaching."

Practitioner 19

The practitioner's comments above refer not just to the negative consequences of this strategy of engagement for children and young people but also to how some practitioners feel trapped by the 'correct way of working'. Despite knowing of the futility of this approach for some children and young people, and the foreseeable and grave consequences that it will have for them, practitioners describe themselves as passively 'watching' these 'horrible' events unfold rather than being central to them.

5.5. “Five Years Down the Line We are Going to Have Completely and Utterly Out of Control Offenders”: Paradigm Stasis and Diversion

Frontline paradigm stasis in relation to the ineffective strategy of engagement explored in the previous section was demonstrated most vividly with practitioner negotiation of the new out-of-court framework. Following its introduction (and prior to Asset Plus becoming fully operational throughout most of England and Wales from late 2016) this framework provided greater scope for professional innovation and creativity than court mandated work. Crucially, out-of-court work is also an area of practice that falls outside the core statutory focus of HMIP inspection. Perhaps as a result, managerial innovation in this sphere was much more pronounced. As the comments below by the Operational Manager illustrate:

“Whereas I think that previously youth justice has been about case-management or ‘APIS’ [Assessment, Planning, Intervention, Supervision] out-of-court disposals have kind of dropped that a bit, you know, well the way we are approaching it is... I think what I’ve been encouraging the team to think about with triage and diversion is not think about case-management but think about intervention. You know, think about what needs to happen... It is [about] helping to do something practical but helping steer through the kind of emotional stuff that goes with all of that as well... a classic bit of social work.”

Operational Manager

As the comments above indicate, the Operational Manager sought to catalyse a movement away from standardised working towards a “classic social work” approach that relied more upon practitioner judgement and the relational aspects of practice. Part of the planned transition towards a more creative form of practice in the out-of-court framework entailed the introduction of a new locally developed assessment and intervention tool. Mirroring developments within other sites (Kelly and Armitage, 2015), this drew upon Asset’s actuarial categories to form a pared down assessment and intervention tool. Whilst this represents the continued influence of risk within the out-of-court framework, the assessment also relied more upon practitioner discretion to determine the need for, and type of, intervention through discarding Asset and the Scaled Approach’s mechanistic numerical scoring component. However, attempting to drive practice change solely through a bureaucratic adjustment of practice tools failed to address underlying skill deficits, and educational and training needs, amongst frontline practitioners. The need to address these was particularly evident in relation to practitioners’ negotiation of the predominantly voluntary relationship within the out-of-

court framework. Several respondents found it difficult to conceptualise ways to pursue client engagement on a predominantly voluntary basis, without the compulsion that comes with standardised statutory sticks. As these practitioners stated:

“My major concern... is that out-of-court work is voluntary right until you get to a Youth Conditional Caution... The new Youth Cautions and Community Resolution it’s all voluntary and I just think that we will really struggle maintaining relationships.”

Practitioner 4

“[The new out-of-court framework] means that we work predominantly voluntarily with young people... before we have had lots of sort of sticks, but now it is voluntary... We are only really just getting to grips with what that means... I don’t think voluntary engagement adds anything.”

Practitioner 8

The limited repertoire of engagement strategies evidenced above were situated within, and informed by, broader actuarial meaning and relevance structures, which had become hegemonic. Within these, diversion and voluntary engagement were considered by respondents to be antithetical to preventative intervention. Illustrative of actuarial logic, this was perceived as entailing intensive early intervention to nip crime in the bud:

“[T]he way the [previous out-of-court framework] worked was you couldn’t have multiple cautioning... And I think one of the difficulties of this new system is that you can... if we are going to deal with the underlying problems we need to get in there early.”

Strategic Manager

There were concerns amongst respondents that repeat cautioning, without a statutory framework to facilitate engagement through enforcing boundaries, could lead to increased resilience to intervention. There was a worry amongst respondents that this could contribute to more entrenched engagement problems:

“I’m now becoming concerned about some of the cases that are being dealt with at these very low levels... We are dealing with some of these very high-risk cases now without any statutory framework to hold young people to account, to provide boundaries... You know, we are very conscious of having to deal with some of these situations with no plan B, more or less. All we can do is tell the police: ‘well they didn’t comply, sorry. Nothing we

can do about that'... The difficult cases are still going to come through but by the time we do get them... [in the court framework] it's going to be difficult to engage them... [T]hey build in their own resilience to intervention work. You know, 'you didn't do it last time, you're not doing it this time, you're not going to do it next time, are you? Why should I listen to you?'"

Strategic Manager

"My gut feeling is that this is just going to absolutely bite us in the bum and five years down the line we are going to have completely and utterly out of control offenders that have just got referral orders [low tariff court order] and you know, what can you do with a referral order?"

Practitioner 13

Such interventionist practices and mindsets are, however, contrary to the critical knowledge/evidence base underpinning diversion (as discussed in Chapter Two). This suggests that early and intensive intervention through the YJS can be counterproductive in terms of facilitating desistance from crime. Central to this evidence base are a number of self-report studies that suggest that offending during adolescence is relatively 'normal' (see Shapland, 1978; Graham and Bowling, 1995; Wilson et al, 2006), and two core criminological concepts – the age-crime curve and labelling. The age-crime curve, described by Hirschi and Gottfredson (1983) as 'one of the brute facts of criminology', suggests that the vast majority of the children and young people who do engage in criminal activity during adolescence will 'grow out of crime' (Rutherford, 1992) if simply left to their own maturation process. However, labelling theory (Lemert, 1951; 1967; Kituse, 1962; Matza, 1964; 1969) posits that early and intensive statutory/formal intervention can inhibit this by establishing or entrenching offending identities. Indeed, McAra and McVie's (2007; 2010) recent longitudinal studies have supported these theoretical assertions. They have therefore advocated for policy and practice responses informed by the principle of: "maximum diversion and minimum intervention" (2007: 340). However, practice appears to still be heavily informed by an actuarial knowledge/evidence base (see also Kelly and Armitage, 2015) that has been extensively critiqued (see Case, 2007; McAra and McVie, 2007; Goldson, 2010).

5.6. Conclusion

This chapter has demonstrated the continuing resilience of proceduralised practice within a YOT situated within a highly challenging service delivery context. Managing high-risk clientele

within a regulatory environment still perceived as forensically apportioning responsibility and blame, there was an emphasis placed by most managers and practitioners upon the pragmatic implementation of outdated actuarial processes and procedures as a form of secondary risk management. Such practice inertia was compounded by forms of 'non-choice' behaviour linked to paradigm stasis. De-professionalising and deskilling labour processes within youth justice, and the related field of social work, in recent years had rendered non-standardised forms of practice unthinkable. Opportunities to develop creative and progressive forms of evidence-based practice were therefore not being translated into comprehensive practice change on the ground. This ensured that ineffective standardised 'one-size-fits-all' approaches to assessment, intervention and engagement remained stubbornly embedded within the YOT.

With the aim of examining how the recent localising reforms are being implemented within differing local service delivery contexts, the next chapter explores their negotiation by a youth justice services situated within less challenging service delivery conditions. In particular, Chapter Six focuses upon how these service conditions have informed less risk-averse negotiation of the recent reforms.

Chapter Six: Leadership Driven Reform and its Discontents

6.1. Introduction

This chapter explores the influence of 'leadership' on the local negotiation of recent youth justice reforms within Site A. Drawing on empirical data, this chapter analyses the deployment and frontline negotiation of a variant of leadership, termed by Bass (1985) as *transformational leadership*. This technology of leadership seeks to instigate a form of cultural change that elevates followers' aspirations in a manner which conjoins leaders' and followers' goals and objectives (House, 1979). It is shown how transformational leadership functioned as a vehicle through which to ameliorate the worst effects of a problematised form of youth justice practice. Whilst (as mentioned in Chapter Three) management had an uncritical approach to the logic of risk-based early intervention, they had problematised what they termed as an 'old school' form of actuarially-based practice embedded within the site. As within Site B, this was characterised by an over-reliance upon risk-centric systems and processes, in a manner that contributed to practitioner defensiveness and directive and adult-led forms of practice. The chapter illustrates how an evidence-based form of holistic, child-centred and bespoke practice functioned as a vision of practice change.

The chapter documents how management sought to accomplish this vision through three primary means: vision driven social co-ordination; new forms of informal and formal learning; and broadening the allocation of youth justice cases (to include practitioners with professional backgrounds more conducive to management's vision of practice change). Empirical evidence is drawn upon to argue, however, that leadership driven attempts to cascade their vision of practice throughout the team achieved limited success. Old school practitioners' capture of the organisational architecture supporting peer learning ensured the maintenance and transference of an old school youth justice *habitus* (Bourdieu, 1990) – a set of enduring values, predispositions and knowledges. Furthermore, the 'conscious hijacking' (Lowndes, 1997) of new youth justice case holders by old school practitioners served to consolidate the latter's control over key areas of youth justice practice.

6.2. Challenging the Process and Envisioning Change: Beyond 'Old School' Practice

This section will examine the local senior management's problematisation of what respondents termed 'old school' forms of youth justice practice. It outlines management's problematisation of old school practice - as systems-orientated, authoritative and adult-led - and details the contrasting vision of practice change that managers were attempting to 'cascade' throughout the team. It is shown how this construed effective youth justice practice as holistic, child-centred and bespoke in line with an emerging critical evidence base.

Leadership driven organisational responses to environmental change can take two forms. Firstly, taking action to enhance the organisation's position in the changed environment. Secondly, adjusting internal organisational structures and processes (Staw, Sandelands and Dutton, 1981; Mowday and Sutton, 1993). Whilst the former was a focus of Chapter Three, the latter shall be the focus of the current chapter.

According to Kouzes and Posner (2002) 'challenging the process' is one of the central aspects of leadership driven change. It entails taking risks by challenging the status quo, through: "being willing to innovate, grow and improve" (Northouse, 2013: 198). Similarly, Bass (1990) argues that leaders: "take calculated risks... Rather than work within the organisational culture, they challenge and change that culture" (1990: 23). In order to challenge the status quo, leaders create visions or images of future desired possibilities which are imbued with meaning, value and purpose (Bass and Bass, 2008: 629). These provide direction for change and help transform an organisation's culture by guiding it towards new missions (Bryman, 2002). As illustrated in Chapter Three, this component of 'transformational leadership' was exemplified at the strategic level by the Head of Service. Given the tendency of managers to: "model their own leadership style after that of their immediate superiors" (Bass, 1990: 26) it is perhaps unsurprising that these components of leadership were evident amongst those in managerial positions at the operational level.

In terms of challenging internal structures and processes, at the managerial level there was a concerted problematisation of the status quo within the site, or what was referred to as 'old school youth justice'. As the Operational Manager stated:

"There has been a kind of emphasis on systems. I think people are not just welded to that system for themselves but I think they genuinely believe that... those systems... those standardised ways of working... create a safety net that makes the world a safer place..."

[They encourage a belief]... that the more we write, the more plans we have, the more we case stage those plans, the more they are done timely and accurately, the more they are countersigned, the safer, the better the outcomes for young people... [I]t might have been that the young person might have presented us with a risk issue... standard sort of four o'clock on a Friday job... Youth offending teams were quite good... at saying 'very worrying issue for this young person. I'm going to make some calls. I'm going to call the police, I'm going to call social services. Social services you need to be aware this young person has done this. You have that.' Call the police 'you need to be aware that this young person said they are going to do this awful thing. You have that. I feel better, the world is a better place, I'm off home.'... I think that is why people like working within systems and systems that work across each other - it shares responsibility. I'm not saying information sharing is a bad thing but having three or four people aware of the same bit of information won't actually make anyone any safer but, you know, we could tick a lot of multi-agency boxes. 'Have you shared information.' 'Yes, we have. We've written it down, we've logged that we have.' In terms of practical differences. There was very little."

Operational Manager

The Operational Manager of the borough team was thus critical of risk-centric internal control systems, and the related processes of case-management referral (Pitts, 2001; 2003; Burnett and Appleton, 2004) that had emerged in recent years. These comments illustrate how the 'illusion of certainty' (Power, 2004) these offered practitioners, and the reputational risk management function they performed in 'sharing responsibility' across agencies and professionals, meant that 'little' practical difference was being made to minimise risk.

The Operational Manager was also critical of the standardised form of interventionist practice - prominent within Site B - that had become somewhat embedded within the site during previous years:

"There's an attachment that practitioners can feel to that managerialist-New Labour way of doing youth justice and that has been very visible here... [T]he old school youth justice sense of 'these are the expectations I have of you.' [But] just because it feels thorough doesn't automatically mean that it is the best thing for young people."

Operational Manager

The Operational Manager thus critically conceived of this old school form of practice as authoritative and adult-led. The formulaic practice to which practitioners were 'attached' has

been described in the youth justice literature as a value neutral: “target happy... bureaucratised practice” (Pitts, 2001: 7) comprised of a set of standardised techniques without a clear underlying purpose, philosophy or driving vision (Haines and Case, 2012: 225).

The reform process within the site was driven by a vision of practice that starkly contrasted with this old school systems and process orientated form of practice. Illustrative of the technology of leadership’s emphasis upon transforming culturally derived forms of value rationality (O’Reilly and Reed, 2010), the local management team’s vision of practice was imbued with a guiding philosophy which sought to give greater purpose and meaning to practitioners’ actions. The core of this vision of practice was a mission to deliver *holistic* interventions, cultivate *child-centred* relationships, and engage in *bespoke* forms of ‘individualised’ and ‘flexible’ practice tailored to the needs and strengths of children and young people.

In relation to the holistic aspect of the vision for change that the local senior management staff were attempting to cascade throughout the team, managers stated:

“We deal with young people’s problems in an integrated and holistic way... you are more likely to have success... building people’s skills and opportunities, dealing with ill health and mental ill health particularly and homelessness... We’ve developed a ready to work offer for young people... They’re all things, which I think prevent youth crime”.

Head of Service

So the change for us has been that... we don’t sit down - generally - with young people with big books of cognitive behavioural therapy based McGuire and Priestley interventions... [W]e focus on... getting young people involved in constructive activities. We run bike projects, for example.”

Operational Manager

Respondents’ comments illustrate how this holistic vision of practice - that entailed focusing upon children and young people’s strengths and positive factors and meeting their needs - contrasted with the offence/offender focused forms of ‘What Works’ actuarial practice that have dominated youth justice service delivery in recent years. In this regard, in line with the ‘Children First, Offenders Second’ ethos of practice advocated by Case and Haines (2015a: 2015b), offending was viewed as only: “one element of a child’s broader social identity rather than their defining master status” (2015a: 162). The Head of Service outlined how this holistic focus was linked to a rationale of crime prevention. This is supported by McNeil (2006), who

argues that youth justice practice should focus upon the 'whole child'. He suggests that practice should seek to ensure unmet needs are addressed, and strengths and positive factors are developed, in order to build resilience to risk factors that can increase a child or young person's likelihood of engaging in criminal activity (ibid).

A senior manager also highlighted the centrality of child-centred forms of engagement and bespoke/tailored practice to the vision of change by contrasting it with old school youth justice forms of practice:

"Our youth justice staff are used to working in a way that is very much like 'there is a consequence to your behaviour and the consequence is that you will go back to court or you will get a warning, that statutory mentality. I think... [effective practice]... is partly perhaps the way that you relate to young people. I think it is about language. It is about how you build relationships... Inclusiveness, you know, not doing to them doing with them. Getting them to be involved in making decisions and helping them to take responsibility for what they are doing. I don't think that youth justice staff don't do that but I think that with the statutory mentality sometimes you have to do to them, don't you? Because, you know, 'this is how we do things.' Whereas I think it is more sort of respectful 'let's be open and honest and you know share how we feel about things' and help them to come to their own decisions rather than saying 'this is what we think is best for you' or 'we've done an assessment and the assessment shows that you need this, this and this.'"

Senior Manager

The respondent's comments above highlight how this child-centred and bespoke vision of practice was constructed in opposition to, and as a departure from, the embedded adult-led and directive form of practice that had been problematised by managers. This vision sought to utilise less hierarchical practitioner-young person relationships as a mechanism through which to empower children and young people to make individual decisions on the content and nature of their supervision in consultation with practitioners. This strand of the local senior management team's vision finds support in the critical youth justice practice literature. Case and Haines (2015a) argue that rather than being: "non-agentic, passive recipients of adult decision making" (2015a: 164) - as with the old school form of practice that had been problematised by managers - children and young people in trouble with the law should be perceived as being: "creative and resourceful individuals, capable of experiencing, negotiating, resisting and constructing forces and influences in their social and personal worlds and thus capable of changing their own worlds" (ibid: 164). They thus advocate flexible and creative forms of practice that entail practitioners and children and young people working together to

address specific unmet needs and develop strengths through: “consultation, discussion and mutually agreed action” (ibid: 165).

The practice relationships discussed above were conceived of as durable and long term, in line with the IYS’s function as a one-stop shop for the most vulnerable children and young people. As mentioned in Chapter Three, children and young people in trouble with the law were perceived as having commonalities with other vulnerable children and young people. This corresponded with the emergence of the role of the generic, rather than specialist, practitioner - the IYS Practitioner. As the Head of Service outlined:

“We recognised that the arrangements that we previously had were very siloed... [We brought]... services together to provide a sort of one-stop shop... [I]t is... an integrated approach in terms of it’s a one-stop shop and the IYS practitioner can build the relationship. So, you can have ongoing relationships that go beyond the youth justice intervention... and they can continue after the youth justice intervention is finished.”

Head of Service

The envisaged move away from an adult-led and directive form of old school practice, towards one which foregrounded child-centred relationships, was accompanied by attempts to move away from a philosophy of enforcement to one of compliance within the sphere of statutory court work. This was exemplified with the introduction of pre-breach panels:

“[Pre-breach panels]... change the policy of just boom, boom, boom court. Consequences, consequences... and it allows for a sort of respectful conversation really... [I]t’s a stop and think moment I suppose for everybody... [I]t’s a change in philosophy really between telling kids that we have a sort of enforcement policy and telling them that we have a policy where we were going to try and secure their engagement and compliance and talking to them about their absences. Rather than just sort of on the phone going ‘that’s unacceptable you’re going to court next week’, we’re saying that ‘we are going to sit down we are going to talk about what’s happening’... [that] represents that change in philosophy.”

Operational Manager

As within Site B, these panels thus sought to provide opportunities to identify and address issues preventing compliance following a second failure to comply. However, as the Operational Manager states above, this formal change to organisational routines and practices was also accompanied by a ‘change in philosophy’. Contrary to developments within Site B,

respondents within Site A had sought to fundamentally transform the informal 'rules of the game' (Lowndes, 1997) and values that underpin engagement strategies.

In the informal sphere of practice associated with the New Diversionary Disposal (NDD), the Operational Manager was also seeking to 'cascade' a form of practice that relied less on standardised, one size fits all approaches, and more on creative and flexible responses dictated by the specificities of each case:

"Restorative work... is much more challenging than it was to run a good anger management worksheet. You know, you really have to use your head the whole time, you have to understand people's feelings. You have to know when to withdraw yourself. You have to know when to impose yourself, it is much more variable. It is much more different and individual from case to case which is a good thing because people are individuals. It was part of the problem with the previous system that it was 'you've done this therefore this shall happen.'"

Operational Manager

For the Operational Manager, the nature of restorative offender-victim mediation thus necessitated a more creative, flexible and child-centred practice.

6.3. 'Transformational Leadership' and its Discontents

The local senior management team's vision of a holistic, child-centred and bespoke youth justice practice needed to be communicated in a compelling way to instil commitment to it amongst frontline staff and enable this vision to become a reality. A form of 'transformational leadership' (Bass, 1990) deployed within the research site was the vehicle through which management sought to facilitate the accomplishment of this vision. Transformational leadership is a technology of leadership which emerged in the private sector in the 1980s (Bass, 1985) and has become increasingly influential within NPM regimes within the UK in recent years (Currie and Lockett, 2007; Tourish, 2008). Congruent with broader forms of leadership discussed earlier in this thesis, it places emphasis upon leadership driven culture change. The transformational leader is conceived of as someone who elevates followers' aspirations in a manner which conjoins leaders' and followers' goals and objectives: "in a mutual and continuing pursuit of a higher purpose" (Burns, 1978: 20).

Transformational leadership - as a technology of social co-ordination - is comprised of four central components: *charisma/idealised influence; inspirational motivation; intellectual*

stimulation; and individualised consideration (Bass, 1990). These components of transformational leadership, and their implementation, are explored in the remainder of this chapter. The discussion contributes towards answering a: “call for more research to examine the interaction of transformational leadership and context” (Currie and Lockett, 2007: 341-342). Drawing upon Pfeffer’s (1977) more critical definition of leadership as: “a social influencing process operating within constraints” (1977: 11), the analysis is sensitive to how leadership driven reform is contextually negotiated.

6.3.1. Beyond Process: Idealised Influence, Inspirational Motivation and Vision Driven Social Coordination

This section will explore the role of idealised influence and inspirational motivation in aligning practitioners’ views of practice change with those being promoted by management.

Northouse (2013) describes charisma or *idealised influence* as the: “emotional component of leadership” (2013: 191). It entails an identification that followers can come to have with leaders who act as strong role models who are perceived as exhibiting: “very high standards of moral and ethical conduct” (ibid: 191). This identification is characterised by a high degree of confidence, trust and respect in the leader and a related conjoining of the goals and objectives of the leader with those of followers. The effects of idealised influence were evident - to varying degrees of intensity - within the IYS. Comments by this IYS Practitioner illustrate how perceptions of the Operational Manager amongst the team engendered a commitment to their vision of ‘transformation’:

“I think Rob is a very dynamic person who actually really has got a way of selling you something. If he believes in it I think people tend to believe in it too because he just has that kind of way about him. I’ve got a lot of time for Rob... I like the man and he’s good at that sort of a thing... I think that he has a belief in the system and he has a belief in the transformation and in the route that we’re going and I think because of that, and because he is liked - because he is a likeable guy - I think people are prepared to help him and follow him and I think that’s helped a lot [with the transformation].”

IYS Practitioner 3

This respondent highlights the convergence of practitioners’ perceptions of transformation with those of the Operational Manager as a result of the ‘charismatic effects’ (House, 1976) associated with their positive constructions of him as ‘dynamic’ and a ‘likeable guy’. This

engendered a commitment from practitioners not only to want to 'help him', but to 'follow him', which this respondent identified as a significant factor in facilitating the transformation.

Attempts to cascade the vision of transformation throughout the team did not simply rely upon the charismatic effects associated with practitioner perceptions of the Operational Manager's character and behaviour. Forms of *inspirational motivation* (Bass, 1990) were also deployed to encourage practitioners to take ownership of the vision of change being articulated. Inspirational motivation entails the use of techniques of motivation to: "inspir[e]... [followers]... to become committed to and a part of the shared vision of the organisation" (Northouse, 2013: 193). Respondents comments below indicate that one manner in which this was pursued was through communicating the equal value of all practitioners - regardless of professional background - to the vision of change and their integral role in its actualisation:

"I think change is sometimes quite daunting... It can be like 'Oh, I'm not quite sure where I fit!' [But]... when you can see the big picture it brings everyone together... you're working all together as one party... I think it's taken us about two years to get to be part of a team. I think that we all feel now that we are an Integrated Youth Service, rather than feeling 'Oh, I'm from Connexions' etc. I think we all feel part of a team now, which I think is really good for staff morale. We do gel quite well together".

IYS Practitioner 12

"Everyone is valued. Do you know what I mean? There might be loads of different teams here, but everyone's skills are valued... It... comes down purely from the team manager... [He's]... been quite keen for us all here to all chip in... and we're all sort of equal... I think everybody understands what we are all working for and... we are all quite happy. I don't think there are so many barriers. In fact, I think that it has probably broken down barriers".

IYS Practitioner 3

For these respondents, the Operational Manager's efforts to communicate a vision of transformation, and to convey their equal place and function within the transformation process, had a cohesive effect. It 'broke down' professional barriers by helping practitioners to 'gel' together around the 'big picture'.

Another strategy of inspirational motivation operative within the site entailed the communication of trust in practitioners' abilities and a related expectation of high

performance. This, combined with forms of idealised influence described above, motivated increased commitment and performance amongst some practitioners within the team:

“Everybody here respects him [the Operational Manager], I think that he’s got such a nice way about him that you kind of go that extra mile for him. He is really really approachable, you can get him on the phone at any time, you send him an email you always get a prompt reply. He’s very serious about what he does... [but] he’s very very relaxed. You know, he is very sure that everything is being done well but he does it in a certain way that... you never really feel too under pressure. It is really weird, because he is so laid back and you’d think that some people might take advantage of that but I’ve never really felt that from anybody here... [Y]ou have other bosses from other areas who are very focused on deadlines and what have you and I think that they probably don’t get the same positive results that he gets.”

Senior Practitioner 1

“There’s just a real good ethos here. I think we all contribute to that but I think management play a part in how they manage us and it is about that trust. They treat us like we treat each other as well. So, it’s that trust, that respect... It’s that giving us that autonomy to do our work effectively”.

IYS Practitioner 2

The above discussion illustrates how processes of social co-ordination within the team were more reliant upon the commitment of practitioners to the Operational Manager, and his vision of change, than within Site B. Indeed, the above comments by a senior practitioner unfavourably compare the process-driven form of ‘management-by-exception’ (Bass, 1990) – characterised by followers being closely scrutinised for procedural violations and subject to corrective intervention - predominant within Site B, with the forms of idealised influence and inspirational motivation operative within Site A.

With less managerial emphasis upon process enforcement, some practitioners (although not all) felt less inclined to engage in the secondary risk management techniques - characterised by defensive compliance with standardised processes – so prevalent within Site B. As this senior practitioner stated:

“When I worked with ----- [neighbouring local authority] before I came here we had a risk-led culture and it was very much about National Standards, you know. ‘Things must be done within 10 days... You’ve got 15 working days to fulfil this thing... You’ve got 21

days to write this report... You must see this young person within 5 days'. You know, things like that. It was very much like that, it was a risk-led culture. We do have a risk-led culture here but we decide to deal with it in a different way, I mean we are not risk-averse. We tend to work with young people rather than to them... We take into account the fact that everyone is risky and how do we deal with it individually instead of going 'Aghhhhhhhhh. Quickly, quickly, quickly we've got to fill in as many forms as we possibly can and flag them'. I think that is a nice culture to work in really as you're actually working with an individual and helping an individual rather than putting them into a box as being risky... I don't think I could go back to a YOT, that very risk-led culture".

Senior Practitioner 16

This senior practitioner here suggests that the culture within Site A was still risk-led. The perception of everyone as 'risky' may indicate the continuing influence of actuarial categories within assessment tools within the site. However, a distinction was drawn by the respondent between the form of risk-led culture within the site and elsewhere. Instead of responding to risk in a risk-averse manner through enforcement of, and compliance with, standardised process (as evident within Site B), the risk-led culture described above enabled more child-centred and flexible responses entailing working 'with' children and young people to manage the individualised risk posed by the particularities of their case.

However, a sizable minority of respondents were uneasy with this culture, characterised by less stringent managerial oversight. This was exemplified by a respondent who was seconded to the IYS from probation:

"At probation, you would have your caseload, you would have a spreadsheet and you'd have your names... [T]here was always a date box for when assessments had to be completed. There was always a thing about risk of harm. What level of risk they are and so on. You never really had that here. I mean probation were very obsessed. We knew when all the dates were for things and we had to get them done by then. If you missed one it was the worst thing ever to happen and your life was made an absolute misery and you would never make that mistake again. Whereas here I think even Assets and things like that, I don't think that they're really checked up on very much... I think there should be more checks on CareWorks. There should be more practice observations... I think there is just too much freedom... I think it could be exploited by some officers if they really wanted to... and obviously if there was a serious incident then that is going to be picked up... The first few times I expressed this [to the Operational Manager] - because this isn't the first time that I've brought it up - I think it took him a little bit by surprise. I could see

him sort of reflecting on things. I mean he has always tried to suggest that everyone here is focused and motivated”.

IYS Practitioner 33, Seconded Probation Officer

This respondent’s comments illustrate an anxiety concerning less stringent managerial oversight contributing to the emergence of a less defensible practice. Such anxiety seemed to be linked to a *habitus* (Bourdieu, 1990), derived from a different practice context. Bourdieu’s conceptualisation of habitus refers to values, predispositions and knowledges that are acquired within the cultural fields that comprise different contexts (Webb, Schirato and Danaher, 2002). This is comprised of: “modes of thought that are unconsciously acquired, resistant to change, and transferable between different contexts” (Roberts, 2006: 629). The creation of situated meaning through context specific interaction is, according to Roberts (2006), mediated through the dispositions which comprise the habitus. These dispositions - while capable of moderation - can be durable and resistant to change. Such durability was evidenced by the practitioner above, whose habitus was derived, and transposed, from a more risk-averse and defensive practice context – that of probation.

The habitus of old school youth justice practitioners - who had worked within the site when it was a YOT and prior to the appointment of the current reformist Operational Manager - also tended to be more risk-averse and defensive. As one practitioner commented:

“When I came into the service I was always informed that practice is about accountability, you know. We are doing a court order and we are also part of the government, basically... [So] I am very much about hierarchy [laughs]... I personally am very protective of my caseload with regards to accountability. So, I always make sure that if there is a decision as big as altering the intervention level... and I do think that is a big decision to see someone more or less... that there’s a contact on there [the CareWorks system] that I’ve had... [with the Operational Manager]. Having that... [audit trail]... is very important if there is serious offending or a serious case review... So although there was only one colleague many years ago that had a serious case review, that was when the offender was an adult rather than when he was a child. So, I’m thinking actually, if the young offender offends when they are 25 they might come back to us and say actually what was the intention of this decision”.

IYS Practitioner 9

The habitus of this practitioner was thus derived from the conditioning/enculturation experienced within a practice context where responsibility aversion had been prominent. The

durability of a risk-averse habitus or predisposition amongst some old school youth justice practitioners was evident in the persistent presence of secondary/reputational risk management (Power, 2004) techniques. As in Site B, these included a preference to deflect accountability for key practice decisions - such as determining intervention intensity - up the managerial hierarchy despite greater levels of formal autonomy in this area.

6.3.2. Intellectual Stimulation and Residualised Practice Cultures

Practitioner-orientated accounts of managerialism tend to suggest that leadership driven institutional change occurs in a linear, ruptural or one-off fashion. However, as the discussion so far has illustrated: “management change is non-linear, involving continuities between old and new approaches, movements backwards and forwards, and change at different levels” (Lowndes, 1997: 54). For Lowndes (1997) there is a: “persistence of ‘old’ practices alongside ‘new’ approaches, or the reinterpretation of innovations to secure a ‘fit’ with existing ways of doing things.” (ibid: 51).

Congruent with Lowndes, there was a non-linear process of leadership driven practice change within the site, characterised by an emergence of new forms of practice but the stubborn endurance, and even spread, of old school forms of practice. This section explores these processes of continuity and change. It is divided into three parts. The first explores the means through which management sought to implement their vision of youth justice practice. In particular, it explores the architecture and mechanisms of peer learning that were established within the site to instigate processes of *intellectual stimulation* (Bass, 1990) that challenged old school practice. Secondly, it discusses the endurance of the mentalities and predispositions associated with the old school habitus, which rendered it difficult for some experienced youth justice workers to embrace aspects of the emergent form of practice within the site. Lastly, the section explores the transference of some aspects of old school practice to new youth justice case-holders through the old school capture of the means of knowledge production within the site. This section will thus consider the effect of the durability of old school youth justice - as a set of ideas, predispositions and related practices (a habitus) - on leadership driven change.

6.3.2.1. “You’ve Forced People into a Room and Said ‘Work Together’”: Cultivating a Community of Practice

Processes of *intellectual stimulation* were a central component of the form of transformational leadership enacted within the site. These sought to: “stimulate followers to be creative and innovative and to challenge their own beliefs and values” (Northouse, 2013: 193). For Bass

(1990): “intellectually stimulating leaders are willing and able to show employees new ways of looking at old problems” (1990: 21). To accomplish this the Operational Manager introduced various forms of informal and formal training, with a heavy emphasis on the former through processes of peer learning:

“[T]here hasn’t been a lot of formal re-skilling... [W]e haven’t run huge training courses all of a sudden on engagement skills with young people and stuff like that... Mostly we’ve done that learning from each other... it has come about quite organically through peer learning. You’ve forced - forced really is the right word - people from different organisations and backgrounds together into a room and said ‘work together, you do have some stuff in common’. And by and large that has worked well. Where it has worked well we’ve learned from each other... Mostly it’s been organic... So you will have a Youth Justice Officer next to Sonya who comes from Connexions - information, advice and guidance background - and they will go out together and they will learn that work. You will have people learning from each other.”

Operational Manager

As alluded to above, there were two central forms of peer learning operative within the site. Firstly, the Operational Manager’s reference to ‘forcing people into a room together’ refers to fortnightly workshops and quarterly youth justice forums. These provided the opportunity for practitioners from different professional backgrounds to share practice skills and knowledge relevant for youth justice case holding. Whilst the manager describes these meetings as ‘forced’, they suggested that this facilitated mutual, two-way learning. The second form of peer learning operative within the site was co-working. This entailed an inexperienced practitioner shadowing the work of a more experienced practitioner (a specialist within a particular area of practice), facilitating the transference of skills and knowledge.

These structures and processes of peer learning constituted an organisational architecture through which a more effective *community of practice* (Lave and Wenger, 1991) was emerging. Communities of practice entail the establishment of a: “shared repertoire of communal resources” (Roberts, 2006: 624). These communal resources are produced through social interaction and participation and are comprised of: “abstractions, tools, symbols, stories, terms and concepts that reify... practice in a congealed form” (Wenger, 1998: 59). Through this process situated learning, and the transfer of tacit knowledge, takes place (Roberts, 2006).

A senior practitioner within the site linked the emergence of a more effective community of practice - and associated processes of mutual learning - with a recent shift away from a culture of practice secrecy:

“My early observations since I’ve been in this service were that there was almost a culture of secrecy... lots of things were done in secret. You never really sort of co-worked cases or there wasn’t a lot of sharing about the good bits of work that people were doing with cases but I mean that has definitely improved now... I think people sort of lacked confidence to talk about some of the stuff that they were doing... and that’s changed now. There are lots of groups that get together now and we regularly talk about cases in team meetings and that kind of thing. Talking about how we can learn about different things that are happening with our young people’s cases.”

IYS Practitioner 8

These senior practitioner’s comments allude to how the transfer of tacit knowledge was reliant upon changing work relations within the team. The culture of secrecy associated with the previously hierarchical, systems-orientated and process-driven culture had not been perceived as supportive of mutual learning. This finding is supported within the literature by Roberts (2006) who argues that: “adversarial relations between workers and management with low levels of trust and strong hierarchical control may fail to support effective communities of practice” (Roberts, 2006: 629). On the contrary, the form of transformational leadership exercised within the site – with increased emphasis upon trust and decentralised autonomy – can be considered to facilitate the emergence of a more effective community of practice. This is supported by Wathne, Roos and Von Krogh (1996) who argue that relations of trust encourage greater openness and transparency, and thus facilitate the transference of knowledge. Roberts (2006) also supports this view, arguing that: “communities of practice may be best suited to harmonious and trusting organizational environments where workers are given a high degree of autonomy” (ibid: 629).

Another factor that shaped the emerging community of practice within the team and contributed to practice innovation related to labour processes. One of the central sources of innovation within communities of practice is staff turnover. Communities of practice are constantly changing: “as newcomers replace old timers” (Seely-Brown and Duguid, 1991: 50). This can lead to adaptation to the routines, knowledges and practices of new members. This was evident, to an extent, as former youth workers and Connexions Personal Advisers (now generic IYS Practitioners) were allocated youth justice cases. Senior staff viewed these practitioners from non-youth justice backgrounds as being highly influential in relation to the youth justice practice emerging through informal methods of re-skilling. This was despite - as the Operational Manager highlights - an initial feeling of superiority amongst old school youth justice staff when service integration first took place:

"I think there was a slight strut about youth justice when it came into the new service... I think the other two services [the former youth service and Connexions] probably felt quite threatened, you know 'this isn't the way that we've done things before'. [I]n many ways... some of those [youth justice] principles - the idea that every young person has an assessment, every young person has a plan, we work with families - we don't just work with young people, we talk to other agencies, all of those kind of youth justice type approaches - have persisted. But I think in much subtler ways the other disciplines have actually been the ones to really influence the change in approach."

Operational Manager

The Operational Manager's comments above indicate that there was not a radical break in the form of youth justice practice evident within the site. Instead, there was a persistence of some aspects of the old school youth justice approach accompanied by an adaptation to the routines, knowledges and practices of new members of the site's community of practice. This adaptation was also noted by an IYS Practitioner:

"Some of the other workers that are coming in and are trying so many different things, they are being very creative... which is starting to rub off a little bit".

IYS Practitioner 8

Respondents felt that the primary influence of former Connexions Personal Advisers was to facilitate the emergence of a more holistic form of practice, with a greater emphasis upon developing strengths and positive factors:

"There is so many more opportunities out there than what I ever realised. I think by having them [former Connexions Personal Advisers] in the team I'm aware about so many apprenticeships, so many job vacancies that are out there that I never knew about. They can help us directly in terms of CV writing, interview skills... I think it is really, really good... [G]etting a job and being occupied is key to reducing the risk of offending."

IYS Practitioner 10

"From former Connexions workers I think I've learned a lot personally... [B]efore integration we used to signpost to get someone to help us with our young people. Now it's good to have the same person do the same work but I think when you're not 100% sure on certain things we're lucky in this team that we've got old Connexions workers that we can go to for advice on education, employment and training."

IYS Practitioner 3

“Now you can tap in to so many different people’s skills... Certainly for advice... there is so much support for things like employment and training and getting young people into college and that kind of thing. It’s probably easier now than it ever was.”

IYS Practitioner 7

Experienced youth justice practitioners thus felt that former Connexions Personal Advisers were an invaluable source of knowledge and skills on issues relating to education, employment and training (EET) that were not previously easy to access. This led to a greater emphasis upon EET within youth justice intervention plans. One practitioner noted the effectiveness of this in terms of reducing the risk of reoffending. The literature also suggests that this practice development could reduce children and young people’s likelihood of reoffending by facilitating their transitions to adulthood and building resilience to risks associated with offending (see McNeil, 2006).

Youth workers were, however, considered by some staff to have had a more fundamental impact on the qualitative nature of youth justice practice, especially in the areas of engagement and intervention. In relation to the former, one mid-level manager made a comparison between the ineffectiveness of old school forms of practice and those exhibited by former youth workers in relation to engagement:

“Youth workers know how to engage with young people in a different kind of a way. I’ve seen youth workers who can engage the most difficult young person - a young person that I could never engage with - and calm them down just because they have a different way of working... I think that we can definitely learn from that... They know how to build a different relationship... [I]f you work with young people in a statutory capacity all of the time you tend to approach young people with that statutory head on... You are kind of forced and trained into an analytical way of dealing with things and everything becomes a bit of an interview... because you are interested in information... and that’s kind of a difficult thing to break away from... Whereas a youth worker is used to working with a young person and they’ll sit down next to them. It’s a game of pool etc. you know. There’s a relaxed atmosphere which is not necessarily always present in a statutory sort of way of dealing with things. Whereas youth workers... are much more about ‘what can you tell me to help me help you’ kind of thing, not ‘I’m going to fill a form to help me write a report’... I think that that builds a completely different relationship.”

Mid-Level Manager

In line with an emerging critical evidence base (see Case and Haines, 2015a; Creaney, 2015), this manager viewed actuarial forms of standardised practice as having a tendency to be enforced, inequitable, prescriptive and adult-led, resulting in ineffective engagement. On the contrary, the emphasis within youth work on more equitable, individualised and child-centred practice relationships (see Young, 1999: 2) was deemed to be highly effective in engaging young offenders who were perceived as being difficult to engage. These aspects of youth work practice were therefore viewed as highly transferable to, and desirable within, a youth justice practice context.

The child-centred relationships described above were the primary vehicle for the youth justice practice engaged in by former youth workers. As this former youth worker highlighted:

“Youth work is firmly centred around the establishment of relationships with young people... I do see that the youth workers that we’ve got on the team are bringing a lot of the relationship building and that is the influence that we provide [on the rest of the team]... Once you’ve got that you can start doing the work and not only is that part of what they encourage here but having that ability to develop those informal relationships in what is a statutory obligation I think helps the work be meaningful and that’s the thing with youth work, it is about making meaningful interventions. They’re equal sort of thing, it’s you and the young person that are doing it rather than you dictating to the young person to do it.”

IYS Practitioner 22, Former Youth Worker

For this respondent, former youth workers felt able and encouraged to transfer their distinctive equalitarian, relational and child-centred form of practice into a statutory youth justice practice context. This also allowed them to influence the practice of some other practitioners within the team.

The child-centred, and meaningful, relationships described above included encouraging the participation of young people in decisions relating to the content of their order. This was viewed as facilitating the increased engagement of children and young people by cultivating a sense of ownership over their order:

“They own their order. It’s designed for them... There’s some fun elements in there. Maybe a bit of a reward, you get through this part we’ll do an off-site activity. Still using a lot of youth work methodology, art, urban art. You know, instead of writing a statement of regret let’s create a picture for your mum and dad. You know, so just really trying to do what I know and what I specialise in... Life goes quicker when you’re having a little fun

along the way... [I]t's empowering a young person and that's ownership... If I can make it about them, which it is about them, I've got more chance of them coming. More chance of them wanting to do it."

IYS Practitioner 22, Former Youth Worker

This strategy of 'engagement through ownership' had become part of the shared repertoire of communal practices within the team. Indeed, some former youth justice practitioners critically compared their previous directive and 'regimented' engagement approach to this strategy:

"Previously we were probably more regimented in that it would have been a lot more one to one work... but not every young person responds to sitting down and doing a worksheet. They switch off and they're thinking about something else really when you are half way through it... We now have more opportunities to include other things that would be better for a young person to do rather than just sitting going 'right here is today's worksheet. Right ok, done off you go.'... [W]e have a little bit more flexibility and creativity to look at what is going to be more suitable... I would say that it is less "this is what you are going to do, that is what you are going to do". There is more about participation on a court order and actually... them owning their court order and owning their plan... As they are making decisions about what goes into their plan they are going to be... more committed to it. A lot of these young people are fed up of being told what to do... [P]otentially that's why they're on a court order in the first place."

IYS Practitioner 19, Former Youth Justice Practitioner

This youth work driven emphasis upon participation extended beyond consultation on the content of orders to substantive interventions which drew upon a participative youth work methodology. The participative methodology inherent to youth work practice is related to its aim to facilitate moral philosophising. That is, to: "support young people to examine what they consider to be good or bad, right or wrong, desirable or undesirable in relation to self and others" (Young, 1999: 3). This entails a form of participation that goes beyond: "simply taking part or having a say... but involves a process of conscious, critical self-reflection... as moral philosophising cannot be absent minded... mechanistic or coerced" (ibid: 4-5). As the respondent below states, such participative approaches - encouraging critical self-reflection - were developed by a former youth worker within the team, disillusioned by existing old school directive and standardised approaches, such as those entailing cognitive behavioural therapy (CBT) worksheets:

"I use a lot of consciousness raising approaches within what I do. So it is not about telling a young person this is what we are going to do etc... I've devised some tasks, and researched and found some activities that are interactive using the computer rather than sitting and talking. I've also developed a game about the long and short-term effects of smoking cannabis... so lots of cards. They have to put them into piles. Paranoia, whatever, then we go through it. Then we look at each one, then at the end of it I say 'right now make a third pile with all of the ones that you've experienced yourself.' I don't need to say anymore, they will know. So, it is consciousness raising techniques... That is a youth work methodology, so I've adapted... you know, it's visual. It's participatory. It's interactive with the young person and I think when they first said about me doing [youth justice work] I looked at the worksheets that were given out and I was like "I can't do that." You might as well be in class and I didn't find it to be very engaging as a practitioner. I thought I wouldn't want to be delivering this. Really, do young people want to be doing it? And again, that was when I was able to put my youth work spin on it and create something like that... Our team leader embraced the idea straight away... So much so they want me to demonstrate the idea to other workers. Do you know what I mean? So, I really do think this is quite a unique space to be working in."

IYS Practitioner 19, Former Youth Worker

As comments by the practitioner above illustrate, management within the site were not only supportive of this former youth worker putting a participative 'youth work spin' on practice but also sought to embed such innovative youth justice interventions within the team's developing community of practice.

Comments by former youth justice specialists illustrated that youth workers had also influenced practice interventions through transferring their practice emphasis upon pro-social activities to some old school youth justice case-holders. This was also facilitated, in a practical sense, by the opportunities provided by the integration of the functions and resources of the youth service within the IYS:

"We've got different colleagues coming in from different perspectives and with different ideas. So, it gives us a little more creativity as to... what goes into intervention plans... [B]ecause of having youth work on board they bring all of their skills... [T]he group work skills, the outdoor activities, the alternative learning type programmes... the centre-based youth work stuff that we couldn't access before... I mean we have sports activities going on, we've got different skills centred type of work going on during the week... and we can support them with that more."

IYS Practitioner 5

"We have definitely learned a lot from our youth work colleagues in terms of... doing more of the positive pro-social activities that when we were a YOT we didn't have the opportunity to do."

IYS Practitioner 24

The pro-social activities described were viewed by ex-youth workers as essential to ensuring children and young people's engagement. As this practitioner stated:

"I have a young person and if he doesn't want to talk about something he won't. [He'll say] 'I dunno, I dunno, I dunno' but then through the work that I've done with him I know that he's a very intelligent young man and can articulate what he's thinking and feeling quite easily, but I don't normally get that out of him until we're engaged in something or we go and play crazy golf and you have the youth work conversation. Then it all comes out of him in the more voluntary approach and that is another method... of you know having those meaningful conversations you know. Take it outside of this, although it's still part of your order. I feel more comfortable because of my youth work background and he feels more comfortable."

IYS Practitioner 22, Former Youth Worker

This practitioner's comments illustrate that pro-social activities were successful in facilitating children and young people's engagement because they took place on their territory where they 'feel more comfortable'. This does not mean territory in the literal sense, but territory in terms of: "their interests, their current activities and styles and their emotional concerns" (Young, 1999: 2). This created the effects of a more voluntary, and 'meaningful' (to the young person), relationship based on the young person's agenda within the confines of a statutory practice context. The practitioner above found this to be effective in facilitating disclosure within the practice relationship.

6.3.2.2. "They Can't Change Their Thinking": The Endurance of the 'Old School' Youth Justice Habitus

"The difficulty lies not so much in developing new ideas but in escaping old ones."

John Maynard Keynes (1883-1946)

Despite the practice innovation discussed above, there was evidence of an endurance of an 'old school' habitus amongst some experienced youth justice workers. This was encapsulated by the comments of this senior practitioner:

"I think some youth justice officers that have been in their roles for five, ten, fifteen years... can be quite fixated on certain things and... they don't really want to veer from that. I think... there is probably still a couple that are so set in their ways and still very stubborn, you know, 'this is the way I do things.'"

IYS Practitioner 4

The mentalities and predispositions comprising this habitus rendered it difficult for some old school youth justice workers to embrace aspects of the child friendly practice being promoted within the site. This was evident in relation to some old school practitioners' negotiation of formal restorative justice training, introduced to support the delivery of the new NDD. As illustrated by the comments of the Restorative Justice Team Manager below, this was received differently by new youth justice case holders and their old school colleagues. Whilst the former tended to find restorative victim-offender mediation suited to their person-centred and relational form of practice, some of the latter found it difficult to abandon a 'statutory mentality' that was practitioner-led and coercive:

I think we have really quality [restorative justice] training... [T]he training... starts off around the principles... and values of restorative practice and moves through... to the practice of it, you know. [I]t is very comprehensive... I will quite often go to... the last day of three and they do a round at the end about, you know, how they feel about the training, and I mean it is just overwhelmingly positive... [F]ormer youth workers and Connexions workers... are kind of like 'that is what we have always been doing but we didn't know that is what it was called', you know. So, it's about being open, inclusive, respectful, building relationships, using that to think about how you're going to do things and so on. [However], with some of the previous youth justice workers I think that they are used to working in a certain way and it is quite hard to get outside of that... statutory mentality... You know, 'there is a consequence to your behaviour and the consequence is that you will go back to court or you will get a warning.'"

Restorative Practice Team Manager

The difficulty that some practitioners had with getting beyond a 'statutory mentality' contributed to a transference of a directive approach to engagement - entailing the use of coercion and compulsion - from a statutory practice context to an emerging informal practice

arena (also see Kelly and Armitage, 2015). As comments by the former youth justice specialist below demonstrate, this was facilitated by the supposedly voluntary, but actually quasi-compulsory, nature of the NDD, which allowed the transference of a coercive and directive approach to a supposedly informal sphere of practice beyond the formal YJS:

“Actually... the face to face with the young person should be no different. The person on the statutory court order has to appreciate that they have to be there. So, there is obviously extra reinforcement around the fact that you have to be here, if you don't come in there's a consequence. It is similar on the NDD in that if you accept the NDD and you accept to work with me then you've signed up to it and if you then don't come and meet... then it will go back to the police station and you could risk going... to court. So... the sitting down and working with the young person should be, in my eyes, exactly the same”.

IYS Practitioner 14

The ingrained nature of old school predispositions and mentalities in relation to engagement was recognised by one former youth worker in the team:

“They can't change their thinking... My approach... is tailored to the needs of the young person. That is a whole other set of skills than just following a directive approach, isn't it? Also, not having that [directive approach] means that you've got to work harder... People have got to want to care, they've got to want to do it.”

IYS Practitioner 29, Former Youth Worker

For this respondent, some old school youth justice workers' inability to change their thinking was thus related to a skill deficit, with a child-centred approach involving a 'whole other set of skills'. The respondent also viewed the ingrained nature of the old school directive approach being compounded by the fact that a child-centred approach to engagement was viewed as entailing more effort on the part of the practitioner than a directive approach.

This respondent suggested that even when the coercive strategy of engagement resulted in compliance, children and young people often did not want to maintain the practice relationship across different non-youth justice service pathways once the intervention had ended:

“I think that the way that it's kind of been is that if someone has been on an order and then at the end of the order they are NEET then the worker is expected to still work with

the person. [However], the young person doesn't want to work with them because they worked with them on an order and they had to see them".

IYS Practitioner 12, Former Connexions Personal Adviser

The comments above suggest that the form of compliance being engendered by the old school youth justice directive approach to engagement was (as within Site B) 'instrumental' rather than 'normative' in nature. This appeared to have contributed to an unwillingness of some children and young people to continue the practice relationship on a voluntary basis following the completion of their youth justice disposal.

One of the central barriers to the adoption of more effective child-centred strategies of engagement by some old school practitioners was that these were viewed as lacking the professional boundaries which youth justice practice required:

"I'm quite keen on boundaries and I think that a lot of that has come from my youth justice background, which is about the boundaries of our work... [the] professional boundaries. It is not that I'm saying that people are unprofessional but there's a limit to how much you can do and you don't necessarily keep going and going and going and get on the phone to young people at the weekends and all the rest of it. So, I think that that has been something that we've instilled in that there's a professional relationship here whereas... this will sound awful... but I think with youth work you are working with the youth and I don't know if it is necessarily quite as clear whereas... youth justice work is always very clear... That might mean [youth workers] changing their thinking slightly from the way that they've been working... So I think that's what we [former specialist youth justice workers] have brought to it."

IYS Practitioner 6, Former Youth Justice Specialist

"I think that once you have got a case where you are responsible for enforcement it is a very dangerous game to be seen as over-friendly with a case... I think once you get that and you start maybe looking at... you know... rather than giving out a warning for a missed appointment being too flexible in terms of consistency... I think there can be blurred lines with some workers who will try to do anything they can not to issue warnings and take the young people back to court... [T]he message that sends to the young person is that 'I can do anything I want, I don't really have to turn up. Nothing is going to happen to me.' So that I think is a real worry."

IYS Practitioner 17, Former Youth Justice Specialist

The comments of former youth justice specialists above indicate a perception that if limits were not placed upon child-centred and flexible practice responses this could undermine the professional boundaries that they believed to be at the core of youth justice work. The second practitioner feared that this would embolden some children and young people by conveying the message that they can 'do anything [they] want'. These findings are similar to findings within probation practice contexts, with practitioners keen to avoid a 'buddy-buddy' relationship that colludes with offending behaviour and diminishes practitioners' authority over their supervisees (see Burnett and McNeil, 2005). However, as Burnett and McNeil (2005) note: "there is a clear difference between being overly familiar and offering friendly support in the context of a professional relationship" (2005: 12). Such friendly support can promote forms of genuine, normative engagement through engendering a sense of respect, accountability and moral obligation on the part of clients (Rex, 1999).

The inability of some old school practitioners to 'change their thinking', discussed throughout this section, appeared to be partly related to broader de-professionalising processes associated with the workforce education and training introduced by the YJB in recent years (Pitts, 2001; 2003; Kubiak and Hester, 2009; Hester, 2010; Phoenix, 2011). This was alluded to by the Operational Manager when referring to their impressions of youth justice practice, having quite recently arrived from a probation practice context:

"I had standard probation officer training. So, it is a BA in Community Justice Studies that goes alongside 12 level four NVQ units. It was a really intensive two years training and I was shocked with what I saw in terms of youth offending team training when I came here. All that stuff that they'd engendered about, you know, real reflection, real critical thinking, enquiring minds, why are we doing this, what are we trying to achieve that came out of the probation training... which is now sad to say they've completely abandoned and gone down a completely different route... I found this PCEP [Professional Certificate in Effective Practice] thing regurgitating, you know, a little bit of very basic sort of... one sliver of criminal justice thinking at the time about What Works and oh god I hated it. I just thought that it was worthless. You saw pockets of [reflective practice] but it was random, there wasn't the same culture. It was much more a defensive culture."

Operational Manager

These comments suggest that practitioners' ability to 'think otherwise' - i.e. engage in critical, reflective and creative practice - may have been hindered by the YJB's vocational/competence-based workforce education and training. Practitioners were deemed to lack sufficient overarching knowledge base through which they could think beyond process (see Phoenix, 2011). This was alluded to by the Operational Manager, who held highly critical views of the

un-reflective and defensive form of practice (also evident within Site B) that they had encountered within Site A.

6.3.2.3. Power/Knowledge within the Community of Practice: Old School Capture of the Means of Knowledge Production

“There is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose at the same time power relations.”

(Foucault, 1979: 27)

Despite the emergence of competing (and more effective) forms of child-centred engagement within the developing community of practice, coercive strategies of engagement persisted. This was because old school youth justice practitioners wielded more power in the negotiation of meaning within the site, as a result of their capture of the organisational architecture supporting peer learning. This was evident both in relation to the peer learning shadowing process and the quarterly youth justice forums.

Firstly, the process of inexperienced youth justice case holders shadowing former youth justice specialists facilitated the transference, and thus endurance, of old school forms of knowledge and practice:

“Reflecting back, I wasn’t 100% sure on what I should be doing. So, I spoke to Josie who is very knowledgeable and has that youth justice history and she was like ‘No, no, no! You’ve been doing this etc.’... She just went through the whole lot and I just took it all down, took lots of notes. That’s when I came back and sort of drew a line and said ‘Right, we’re starting again. This is this, this and this and I am giving you a warning right now. If you are late again by fifteen minutes you will get another warning.’... The main person I learned from was Josie, really. It’s about taking the order seriously, and actually there isn’t much flexibility in the order. If they are late there is a warning... It is about... not being rigid... but actually saying ‘you’ve got this order, for that behaviour and this is what you have to do. If you don’t stick to it I’m going to follow that procedure.’ I like that stance. I liked her stance.”

IYS Practitioner 17, Former Connexions Personal Adviser

“It’s not my background, I haven’t had any training, any formal training... there feels more pressure... What I’ve taken from youth justice practitioners is an authoritarian disposition with the young person that is kind of new to me.”

IYS Practitioner 22, Former Connexions Personal Adviser

These respondents' comments illustrate a discernible lack of confidence from some first-time youth justice case-holders, and a related overvaluation of old school youth justice practitioners' competence. This at times resulted in an uncritical adoption of a directive and coercive strategy of engagement. This process of shadowing thus effectively established a supervisor-subordinate relationship between old school practitioners and new youth justice case-holders. Within subordinate-supervisor relationships a lack of professional self-esteem, and perceptions of superiors' competence, have been found to lead to increased similarity between subordinate and superordinate behaviours (Weiss, 1977).

Old school youth justice practitioners had also succeeded in capturing the peer learning processes which took place through quarterly youth justice forums. These ostensibly provided a context within which practitioners from different professional backgrounds could share knowledge and skills relevant for youth justice case holding. This, however, was not how one former Connexions Personal Adviser - new to youth justice case holding - perceived them:

"We have a youth justice forum every few months and I've been to that a couple of times... You get people speaking who are like "this is how it's done, and this is how we've always done it. They are not that keen for change."

IYS Practitioner 30, Former Connexions Personal Adviser

These comments highlight that there was a perception amongst some practitioners new to youth justice case holding that there was a lack of two-way learning at these forums. This seemed to give old school practitioners a monopoly over negotiating and shaping what youth justice practice should entail. Indeed, it was youth justice practitioners who had set up and were delivering the workshops, presentations and training at these forums. This allowed a capture of the peer learning processes associated with these forums by old school practitioners keen to ensure that how they 'have always done it' remained unaltered.

6.3.3. Individualised Consideration and Old School Professional Self-Interest

The previous section illustrated that learning was the outcome of a process of struggle within the team. This was also true of the allocation of youth justice cases. This section shall outline how such struggle undermined leadership processes of *individualised consideration* - a component of transformational leadership deployed within the site - that sought to provide a

supportive climate for those IYS practitioners with no experience of youth justice case holding. It argues that the management vision of the IYS practitioner as a generic practitioner, providing services for disadvantaged children and young people - including those in trouble with the law - was being undermined by resistance from old school youth justice practitioners. A widely-held perception that the generic IYS practitioner role represented a deskilling of youth justice practice, and encroached upon 'their' clientele, informed professional ownership conflicts concerning who 'owned' key aspects of youth justice work.

Individualised consideration is a component of transformational leadership that entails leaders: "providing a supportive climate in which they listen carefully to the individual needs of followers" (Northouse, 2013: 193). It can entail leaders providing guidance and training to employees to enable them to become 'fully actualised' or the use of delegation: "to help followers grow through personal challenges" (ibid: 193). Both of these aspects of individualised consideration were evident within the team, as those within managerial positions sought to support the development of practitioners new to youth justice case holding. As these practitioners stated:

"I think some people are quite frightened with certain aspects of court work or youth justice but they are given... in-house training and they are supported by management... Our managers felt that everyone should have the opportunity to do youth justice work so we all do everything... Youth justice cases normally get given to people who would like the experience but then they get supported by people like myself who have a youth justice background."

IYS Practitioner 16, Former Youth Justice Specialist

"In our team anyone who wants to hold a youth justice case can hold one and if they haven't held one before then they will be supported... but that's what we want, everyone to try everything really... Our Operational Manager is passionate about workers from non-youth justice backgrounds holding youth justice cases. I think it is usually led by the worker but I think if he thinks if someone is capable of doing it... or capable and willing... he will probably suggest it, as he did to me."

IYS Practitioner 3, Former Connexions Personal Adviser

These comments demonstrate that processes of individualised consideration - in the form of training and managerial support - were extended not just to those who actively wanted 'the opportunity to do youth justice work' but to those that the Operational Manager felt capable of doing such work. Such processes were considered essential to undermine the trepidation some

IYS practitioners from non-youth justice backgrounds could have concerning youth justice case holding.

Despite, however, increased practice genericism the management vision of change did not entail a complete dissolution of previous specialisms. As the Operational Manager stated:

“We’ve taken a much more integrated approach here... [however it’s]... still not the case where everyone does everything... We’ve got much more crossover but it’s not the case that it’s blind and absolute... There are some people here that aren’t really the right fit to hold a youth justice case... We still play to people’s strengths.”

Operational Manager

The Operational Manager thus considered some practitioners to not be the ‘right fit’ to youth justice case hold. For instance, they suggested that the IYS’s youth justice functions were subject to a distinct regulatory framework, and entailed certain tasks, requiring assessment and report writing skills. This rendered youth justice work problematic for some practitioners who had learning difficulties. However, management sought to provide individualised support for these practitioners where possible:

I think the reality is that your paperwork still has to be up to a certain standard. So, you have to have a certain level with the written words because of HMIP... To get through a document like Asset... they run to 40 pages... which requires quite a lot of writing... Certainly if you’re sending anything to court in terms of court reports it has to be at that level. You know, there are times where we have been able to get beyond that. We have a couple of colleagues that have quite severe dyslexia which does impact on their written work but we’ve been able to find ways of supporting them through that.”

Operational Manager

Some youth workers were also deemed unsuitable for youth justice case-holding. The Operational Manager, whilst supportive of child-centred practice, viewed the ‘extreme’ child-centred approach of some youth workers to be unsuitable when the child or young person posed a high-risk:

“An appropriate sense of professional boundaries would be another reason [why allocation isn’t indiscriminate]... [A]t some of the more youth work extreme of our service there is also a very very young person focused... young person led... model that might be inappropriate if that young person is posing lots of risks.”

Operational Manager

The Operational Manager's comments above highlight a possible disjuncture between the original all-encompassing vision of practice change within the site and the more restricted reality of its subsequent implementation. Their comments illustrate that the old school emphasis on establishing boundaries was still considered more appropriate for children and young people posing 'lots of risks'. As such the overly child-centred approach of some youth workers was considered inappropriate for these clients. This differentiated approach based upon the child or young person's risk profile is, however, problematic. This is because: "Asset equates enhanced risk of recidivism to exposure to increasing individual, familial and social adversity" (Bateman, 2011b: 179). Such a differentiated approach based upon risk thus potentially signals a denial of more effective forms of child-centred practice to the most vulnerable children and young people within the YJS. Furthermore, it replaces it with an old school form of practice which accents an adult-led and directive form of engagement. The most vulnerable children and young people - who are more likely to: "lead chaotic lives, to suffer mental ill-health, or to misuse drugs or alcohol" (ibid: 179) - may struggle to comply with the requirements this places upon them. They are thus at greater risk of breach proceedings, and escalating and more intensive criminal justice responses.

The qualified view of the generic practitioner role emphasised by the Operational Manager was representative of the increasing re-emergence of previous specialisms despite initial attempts to establish practitioner genericism:

"It's almost coming back around again [to specialisms]... Because at the beginning we were all kind of asked to do all different stuff, now it's kind of been appreciated that actually some people are better at doing some things and let's kind of celebrate that and let the people that are good at some things get on with it."

IYS Practitioner 19, Former Youth Justice Specialist

For this former youth justice specialist, the retreat from the generic practitioner role back towards specialism was construed positively. They linked this retreat to a recognition of differentiated skill sets amongst the professional groups that comprised the IYS.

Resistance from old school youth justice practitioners to the generic IYS practitioner role appeared to be a central factor undermining practitioner genericism within the site. As these respondents indicated:

“There are people that are really struggling with change still. You know, two and a half years on and they are still mourning the loss of [the YOT]... I think that some people are trying to cling onto that youth justice specialism... people feel that so much has been put upon them... and they’ve lost their sort of identity... I’ve felt some of the tension around it... I think that some of the youth justice staff felt like they didn’t want to lose that youth justice specialism and experience and actually they didn’t come into the job to find young people work or you know that is just kind of not what they anticipated in their remit... I think it is about the threat and the fact that there is less work around anyway... the statutory work... and they don’t want to lose the little work that they’ve got to other people.”

NDD Team Manager

“There’s been tension between those who used to work within the youth justice in ----- [local authority area] and who were then amalgamated into the wider Integrated Youth Service. One of the tensions of us all coming under one umbrella has been that [management have said that] ‘anybody can do it’. That’s not just for youth justice work but for NEET work, for child in need work, everything. ‘You can do anything, you are capable’... That’s very very nice but I think that the thing that someone from a youth justice background would say is that ‘you’re effectively diluting me and you’re asking me to take on extra things but actually my real passion is criminal justice and with taking on all of these other things I’m actually doing less criminal justice, which isn’t helped by the fact that there is actually less criminal justice to be done and therefore I’m actually losing my skills.’ I think that that has been the biggest tension. That by asking me to do a lot more, and not youth justice, I’m actually being deskilled.”

IYS Practitioner 28, Former Youth Justice Specialist

These comments illustrate that some old school practitioners were reluctant to lose their specialist identity. The endurance of this identity over two years following service transformation is illustrated by the second respondent’s assertion that holding non-youth justice cases was deskilling rather than re-skilling them. Due to the endurance of this identity, former youth justice specialists perceived generic working - especially in a context of declining youth justice caseloads - as ‘diluting’ their skills.

The old school practitioner discontent described above resulted, at times, in a hostile working environment for new youth justice case holders:

“I know one of my colleagues... went through a really bad time for the first six months and people made it perfectly clear to her in team meetings and in contacts with other people that she wasn’t welcome, they didn’t want her there... caseloads were already diminishing... and they felt that she was taking all of their work.”

IYS Practitioner 31

The hostile working environment described by this respondent was characterised by some old school youth justice practitioners openly expressing disapproval of staff from non-youth justice backgrounds taking on youth justice case holding roles. Some disagreed with the allocation of new aspects of youth justice work - such as the NDD which was assuming greater importance in a policy context of diversion - to practitioners from non-youth justice backgrounds:

“A lot of the youth restorative intervention work is spread out to so many different members of the team... I know that some [old school]... officers don’t feel that that should be happening and I’ve heard comments about that... they are just very dismissive.”

IYS Practitioner 3

Respondents identified old school disapproval of new colleagues holding youth justice cases as especially evident within traditional areas of youth justice work, such as court work. As this team leader within the site stated:

“There is tension... I have got quite a lot of court officers who don’t like it when I bring in new people because they see me as diluting them. They would rather it be a smaller team of them doing more work... They are cross when I bring new people in and they think that they don’t have enough work and they’re losing their skills.”

Court and Bail Team Leader

This team leader thus had to manage disgruntled old school practitioners concerned over deskilling associated with a loss of traditional youth justice work.

Some within the team felt that old school disapproval of new workers performing traditional youth justice roles resulted in overt resistance or ‘conscious high-jacking’ (Lowndes, 1997) towards their new colleagues. For instance, the court team - comprised predominantly of old school practitioners - were perceived to be disingenuously

problematizing the quality of new youth justice case holders' work in order to maintain their control over a key area of youth justice practice:

"On the court team it is all your old school [practitioners]... there are a couple of dinosaurs... that love being in court... They send back PSRs and court reports... even ones that have been countersigned by a manager. They will still try and bounce them back or even try and get them to change the proposal... I'm sure there are newer members of the team that are subjected to more questioning than others. I just feel... they are quite pompous. I think they feel that they are the only ones that feel they should be doing this kind of work. I think as well it's even to the point where they feel that they have to be seen to be doing something and to be having an opinion. Maybe they feel that they are now being pushed out... [and]... excluded, they now feel that they have to have a voice and the only way they can do that now is by doing this sort of thing."

IYS Practitioner 1

"I think that there's a lot of conflict in the team... [H]istorically those people that have been doing court have been youth justice staff for a long time and I think they feel that their expertise and knowledge is being threatened and they like to take ownership and power and have control over what is going before the court... I think there is a lot of unhappiness over those people that maybe haven't got youth justice experience doing court reports... in that they don't feel that they are sufficient as to what is going before the court. I would argue that they are sufficient, just in a slightly different way than what those historically that have done youth justice are expecting."

IYS Practitioner 28, Former Youth Justice Specialist

Comments by the practitioner above suggest that this conscious hijacking of new colleagues was primarily driven by old school professional self-interest, with deskilling arguments deployed towards ensuring continued old school control of a key area of youth justice work. The 'conflict' described above, characterised by old school practitioners re-asserting 'ownership and power' over youth justice work in a context of a perceived threat to their expertise, was undermining the local management team's original vision of a fully integrated service characterised by a blurring of practitioner roles.

However, evidence suggested that some of those new to youth justice case holding did lack the extensive knowledge base and array of skills necessary to effectively exercise the high degree of professional autonomy which had been devolved to the frontline within the site. Indeed, HMIP inspectors had recently identified this in an inspection report. They expressed

concerns that assessment quality had suffered as a result of the introduction of a less process orientated and 'pared-down' risk of serious harm document:

"I think HMIP felt that we hadn't been completing... [our risk of serious harm document]... that well. It is a much more pared-down document. So, with the YJB document you had question after question after question, some of which get very repetitive but you had prompt after prompt after prompt. It is quite sort of easy, you just answer what you're being asked. The new one is much freer form, so it relies more on practitioner skill and discretion and autonomy. So, it is basically saying write down what the risks are. It is just giving you one blank question and asking you to put that down. So a skilled practitioner will complete that really well and it will take them less time and it will be less repetitive and it will be a much more coherent document than the old one... Having greater autonomy depends in turn on practitioners. With that autonomy you've got to have good well trained people doing it. That's the deal and we hadn't quite fulfilled our part of that deal."

Operational Manager

Whether the predominantly informal forms of peer learning introduced within the site had since provided those new to youth justice roles with the breadth and depth of overarching knowledge required to exercise critical, reflexive and creative forms of practice (see Hester, 2010) is highly uncertain. The existing old school repertoire of communal youth justice knowledge and practice skills from which new case holders could draw were, as within Site B, predominantly linked to the performance of centrally prescribed tasks and procedures. This tended to lead to the transference of un-reflective and standardised modes of practice to new workers (as evidenced with engagement strategies). Peer learning processes within the site were thus actively thwarting the emergence of youth justice case holders - experienced and new - with the knowledge and skills required to effectively utilise increased professional autonomy.

6.4. Conclusion

This chapter has demonstrated that, contrary to managerial accounts of leaders as: "champions who, through personal charisma and organisational evangelism, 'win' others over to their 'vision' or 'mission'" (Lowndes, 1997: 48), the ability of leaders to drive change on the ground is highly dependent upon how such changes are negotiated by frontline practitioners. The evidence presented thus illustrates the danger of 'reading off' change from managerial

intentions. Management's vision of practice had been partially realised through the emergence and transference of evidence-based forms of child-centred, relational and holistic practice, within an emerging community of practice within the site. However, there was no linear process of leadership driven change. Indeed, there was continuity between old school youth justice practice and the practice that was emerging within the site for four primary reasons. Firstly, where change had occurred it was not indicative of a radical break with the old school practice but an adaptation to the routines, knowledges and practices of new members to the site's community of practice. Secondly, within the architecture of peer learning established by management, old school practitioners wielded more semantic power in the negotiation of what effective youth justice practice was. They were thus able to transfer their old school approach to engagement to inexperienced youth justice case holders. Thirdly, the 'conscious hijacking' (Lowndes, 1997) of new youth justice case holders by old school practitioners served to consolidate the latter's control over key areas of youth justice practice, such as court work. Fourthly, and unrelated to frontline resistance, there was an evident disjuncture between management's vision of child-centred practice and the more restricted reality of its implementation at managerial level. Old school forms of directive and adult-led youth justice practice were still perceived by management to be most suitable for children and young people considered high-risk.

Chapter 7: Problematising ‘Nominal Diversion’: A Critical Interrogation of Emerging Diversionary Practice

7.1. Introduction

This chapter explores the implementation of diversionary policy through a critical analysis of diversionary programme innovation. Diversion is a growing area of interest within the youth justice literature (Haines et al, 2012; Cushing, 2014; Smith, 2014b, Kelly and Armitage, 2015). However, despite some notable exceptions (see Haines et al, 2012; Kelly and Armitage, 2015) there has been limited empirical exploration of the nature and effectiveness of emerging diversion schemes in recent years. Given the increasing centrality of diversionary practice to youth justice within England and Wales it is essential that this gap within the literature is addressed. Policy makers, and those with decisional authority on the ground, need to have a clear understanding of issues related to diversion and the possible consequences of their actions in this area. Problematically, this chapter illustrates that the diversionary programme that emerged within Site A, the New Diversionary Disposal (NDD), was largely inconsistent with the evidence base underpinning diversionary policy and practice. Indeed, the chapter argues that it can most accurately be described as, what this author termed, *nominal diversion* (or diversion in name only) within the literature review. The chapter draws upon empirical evidence related to the implementation and delivery of the NDD, to evaluate the dangers associated with the delivery of this variant of diversion and the administrative structures and processes associated with it.

The chapter situates the NDD along Rutherford and McDermott’s (1976) diversion continuum ordered by ‘degree of legal control’. It is argued that despite being shrouded in the language of true diversion, the NDD was problematically situated towards the extreme nominal diversion pole of this continuum. This gap between ‘words’ and ‘deeds’ is explained in relation to the political and ideological functions it performs and the interpretation of diversion within the site. The chapter then proceeds to argue that, as a variant of nominal diversion, the NDD exhibited a number of its problematic features. Firstly, the possibility that the NDD may have substituted new stigma (associated with a quasi-formal disposal) for old (associated with contact with the official system), is explored. Secondly, the role of the NDD in extending the

YJS's sphere of intelligence and surveillance is outlined and the potential punitive consequences of this for sentencing and supervision are discussed. Thirdly, the NDD's erosion of the legal rights of children and young people is examined and the oversight arrangements within which pre-court decision-making and adjudication within the site took place is problematised. Fourthly, the role of the disposal in extending the reach of the YJS through the quasi-formal processing of children and young people who would not have previously entered it is discussed. The chapter concludes by outlining the precariousness of the NDD's status as a multiple use diversionary disposal due to tensions within the rationales that underpin it. It is suggested that should the current political context of relative 'penal tolerance' (Bateman, 2012a) change, the NDD could contribute to the 'accelerated penetration' of some children and young people into the YJS through processes of up-tariffing.

7.2. The New Diversionary Disposal (NDD): Programme and Process

Prior to analysing the NDD it is first necessary to outline its specific features, and associated processes. In a context of increasing service decentralisation, and a challenging economic context, Site A had developed a new non-statutory diversionary disposal - henceforth referred to as the 'New Diversionary Disposal' (NDD). Senior management situated such diversionary programme innovation within a fiscally driven shift from expensive statutory youth justice work towards less costly, 'shallow-end', service provision:

"The New Diversionary Disposal (NDD) [is] related [to] the move away from kind of statutory youth justice towards more diversionary... youth justice. Youth justice used to spend about three and a half million pound and about three million of that was on statutory court ordered supervision of young people. Now we spend somewhere in the region of a million pound on the NDD and statutory interventions... [I]t is a far more cost-effective way of dealing with young people's problems".

Head of Service

Management within the site felt that new national targets emphasising reductions in the number of FTEs to the YJS (see MoJ, 2010; 2011) had been influential in informing innovation in the sphere of diversion. These were identified as encouraging the local youth justice partnership to view reductions in FTEs as being indicative of the effective functioning of the local YJS. As such, reductions in FTEs became something to be celebrated:

"[T]he developments locally are assisted particularly by the emphasis on the reduction of first time entrants... [T]his has had a sort of beneficial impact on how the partnership looks at diversion."

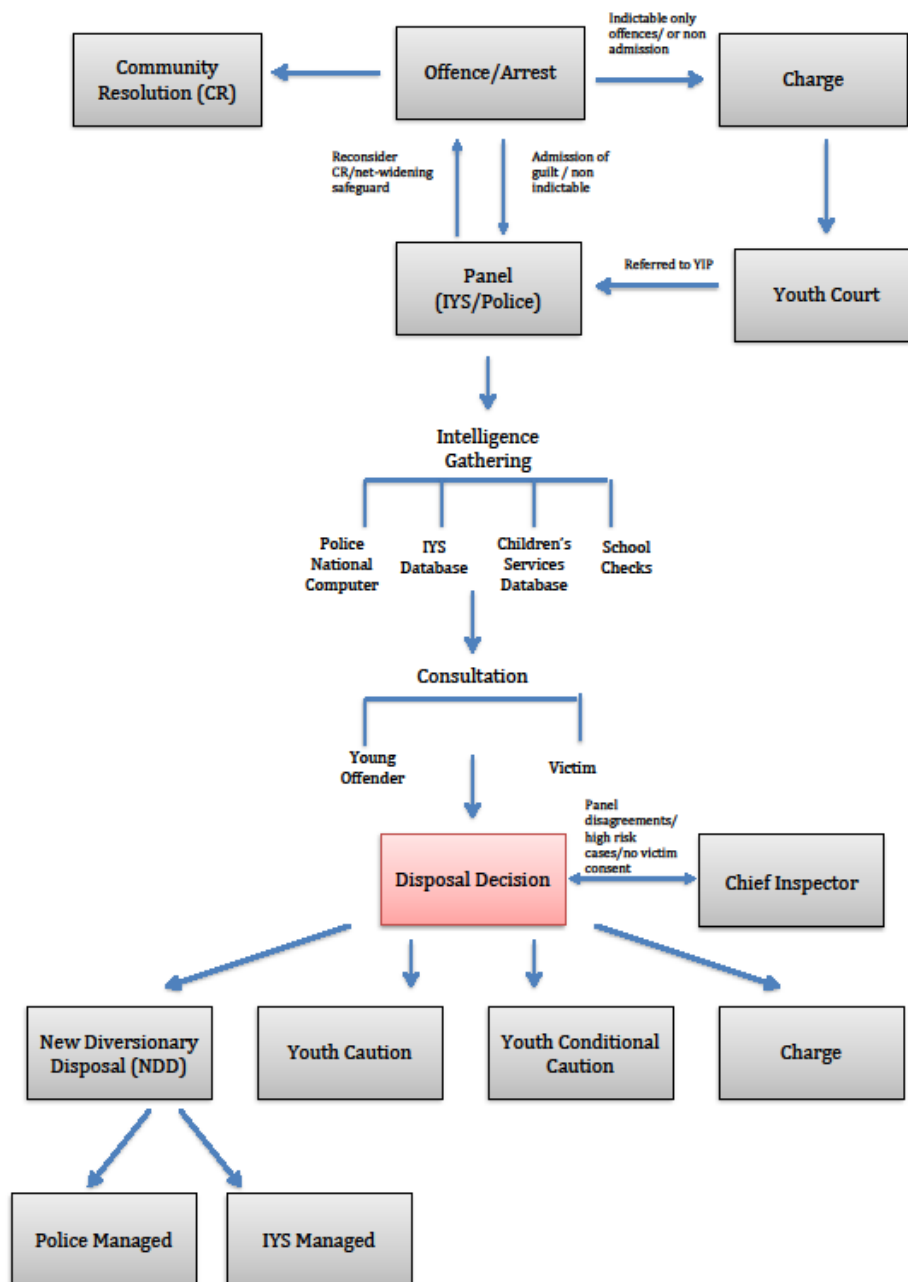
Head of Service

The NDD was developed in partnership with the police and was potentially available to most children and young people - except for those who had committed grave crimes - who admitted guilt (regardless of whether this was their first offence). It could be imposed for a maximum duration of three months and a child or young person could receive it on up to three occasions. The process associated with the NDD is illustrated in Figure 1 (page 170). Referrals to the programme typically came - following arrest - from the police, who submitted a file to a recently created 'youth intervention panel' (YIP). However, referrals could also come from the youth court. The youth court had the ability to refer the child or young person's case to the YIP if they had not been adequately informed of the mandatory admission of guilt criteria that was attached to both referral to the YIP and the imposition of informal and formal out-of-court disposals (see ACPO, 2012: 5; MoJ and YJB, 2013c: 9; MoJ, 2013: 19) - including the NDD. Typically, upon receiving a referral from the arresting officer (and less often, from the court) YIP personnel began to gather intelligence on the child or young person (entailing Police National Computer (PNC), Children's Services and IYS database checks) to assess their suitability for a range of informal and formal out-of-court disposals or for prosecution. At this intelligence gathering and decisional stage, there was also a safeguard mechanism built in to ensure 'maximum diversion'. The panel had the power to refer the child or young person back to the arresting police officer if they felt they should have been dealt with at a lower level i.e., via a community resolution. If the child or young person was considered suitable for the NDD, however, YIP personnel would meet with them to assess their willingness to participate, with official documentation stating that voluntary engagement with the programme was required. The NDD was largely informed by restorative justice values and objectives (see Johnstone, 2002), and it thus placed central importance on recognising the harm done by the crime to the victim. The agreement of the victim was therefore usually required for the NDD to be imposed upon the child or young person. However, the NDD could still be imposed despite victim objections if, subsequent to referral of the case from the YIP, the Police Chief Inspector gave their approval. The case was also referred to the Chief Inspector if there was panel disagreement on the appropriateness of the NDD for a particular case, or if the panel wished to impose a NDD despite the child or young person having committed a relatively serious offence/s (i.e., domestic violence, possession of an offensive weapon or a sexual offence/s).

Reflecting the restorative justice value base underpinning the NDD, children and young people were required to assume responsibility for their offending behaviour and to 'make amends'. At the centre of the NDD was thus an agreed contract with the offender that determined how they would make reparation to the victim. This ranged from financial compensation to a face-to-face meeting where the child or young person would apologise. In cases where there was no primary victim the child or young person typically made reparation to the wider community, through – for instance – unpaid work. Where there was no identifiable victim – for instance, where drug use was the index offence - children and young people were often encouraged to reflect on how their offending impacted upon close loved ones, such as parents. They were subsequently encouraged to make amends to these significant others, through - for instance – letters of apology.

The NDD was not solely underpinned by restorative justice values, however, but was also informed by welfarist rationales and logic. These were largely evident in relation to the NDD's focus on addressing offence-related forms of 'criminogenic need', rather than within the more holistic welfarist interventions typically associated with social welfare programmes (see Hannah-Moffat, 1999; O'Malley, 2000). As such, the NDD contract often incorporated participation on offending behaviour or treatment programmes to address risk/needs that were contributing to offending. These more complex cases were typically allocated to, and delivered by, IYS personnel, with less complex cases being allocated to, and delivered by, the police.

Figure 1



7.3. Problematising 'Social Control Talk': Scrutinising the Rhetoric of Change

Senior managers within the site rhetorically presented the NDD as a new approach to youth crime. Respondents often drew upon the language of true diversion (and its theoretical underpinnings in labelling theory) - especially concerning maximum diversion and minimum intervention (see McAra and McVie, 2007; 2010) - to convey the shift away from an interventionist youth justice practice that had previously been evident within the site:

"You know the whole idea that we deal with poor behaviour or offending behaviour by children by dragging them... [into]... the criminal justice system to impose orders on them, to require them to change their behaviour under supervision was madness... [I]t was well intentioned I'm sure but it was hugely ineffective. I think and the effect on self-image and labelling and self-esteem and damage that was done to 13 year olds for writing their names on the back of bus seats and stuff like that was just really misguided in hindsight. So I'm not sorry to see the end of that really... with diversion."

Operational Manager

"We can do more harm than good by piling intervention upon people... dragging people into a system who really could bypass it and actually it's doing them more harm coming into it... So I think... people have shifted and kind of get it."

YIP Team Member

The presentation of the NDD as being underpinned by the logic and rationale of true diversion was also evident within official documentation. For instance, an internal evaluation document suggested that the NDD was similar in nature to the diversionary practice which had predominated within the Northamptonshire JLB during the 1980s and early 1990s. This was a form of practice that, as previously mentioned, has been described within the literature as a 'purist' variant of true diversion (Davis, Boucherat and Watson, 1989: 232):

"The closest comparison of the NDD can be found in the history of youth justice in Northamptonshire. In the 1990s Northamptonshire Diversion Unit... offered multiple... cautions as a pre-court diversion."

Internal Evaluation Report

It is important, however, to critically scrutinise the discursive representations of youth justice reforms by those who devised them and/or have responsibility for implementing them. Numerous scholars have: “warn[ed] us about ever expecting a synchronisation of words and deeds” (Cohen, 1985: 155) when examining the relationship between what Cohen (1985) terms ‘social control talk’ (the symbolic practices of those working within the criminal justice system) and the ‘real world’ (the operational realm of institutions and practices). Scull (1982) has, for instance, gone as far as to suggest that:

“[T]he ideological proclamations of the proponents of... [criminal justice]... reforms are about as reliable a guide to the antecedents, characteristics and significance of what is happening in the real world as the collected works of brothers Grimm.”

(Scull, 1982: 100)

Indeed, Howard Becker (1967) in his influential article on objectivity in social research, *Whose Side are We On*, also argued that organisational actors often have to ‘lie’, as the institutions for which they work seldom function as they should (1967: 242). Failure, organisational ineffectiveness and malfunction therefore need to be denied, explained away, or responsibility shifted elsewhere. Taking a slightly more measured approach to social control talk, Cohen (1985) suggests that the analyst: “can afford neither to be deceived by appearances nor to be obsessed by debunking” (1985: 156). For him, seldom is ‘social control talk’: “based on total delusion, fantasy or fabrication” (ibid: 157). He describes a complex situation in which: “the same people sometimes knowing what they are doing, sometimes not; believing in what they are doing, yet at the same time sceptical about the whole enterprise; succeeding in some ways and totally failing in others” (ibid: 156). Cohen suggests, however, that social control talk does perform certain justificatory, defensive and self-serving functions for storytellers that often ensures a lack of fit or congruence between such talk and reality:

“What the control system does is invariably accompanied by much talk. These good stories stand for or signify what the system likes to think it is doing, justify or rationalise what it has already done and indicate what it would like to be doing (if only given the chance and the resources). This talk has other functions: to maintain and increase the self-confidence, worth and interests of those who work in the system, to protect them from criticism and to suggest that they are doing alright in a difficult world.”

(Cohen, 1985: 157)

Cohen (1985) also suggests that the analyst should critically interrogate social control talk which conveys: “a dramatic picture of breakthroughs, departures, innovations, milestones...

[and]... turning points” (1985: 157). He suggests that this imagery of change is part of the ‘symbolic language of politics’. As such, it performs political functions: architects of, and those charged with implementing, criminal justice reforms are under pressure from various stakeholders (for instance, the public, political actors and victims’ rights groups) to show that intractable social problems such as crime are under control. Social control talk therefore needs to: “give the impression of change even if nothing new is happening at all” (ibid: 158).

The remainder of this chapter adopts the healthy scepticism advocated by Cohen to subject the claims of managers and practitioners on the ground, and the pervasive rhetoric of change, to critical scrutiny. It is shown that the language of true diversion, presented above, served to obscure the formation of a new quasi-formal domain which, despite being outside of the official YJS, shared similar characteristics with it (in terms of staffing, location, the presence of coercion and form of practice). As such, it is argued that the NDD - and its associated processes - was emblematic of the emergence of a variant of diversion situated towards the extreme nominal diversion pole of the diversionary continuum. As a result, it will be shown that the disposal exhibited a number of its associated problems.

7.4. The Same Old Practices in New Places: The Formation of a New Quasi-Formal Sphere of Intervention

The language of true diversion accompanying the NDD implied a commitment to reducing the number of youth justice clients, and ultimately a contraction of the formal YJS. This suggested that the youth offending service within Site A was: “appearing to sponsor a move to disestablish itself” (Cohen, 1985: 125), despite the implications this would have for organisational stability and the job security of those working within the system. Indeed, one senior manager suggested that there was a commitment to true diversion amongst practitioners despite the client reductions that this would entail:

“Although I think [practitioners] are sad to lose some work I think that ultimately practitioners want children outside of the criminal justice system rather than in it just to give them work to do (laughing). I do think that that’s the general philosophy... I don’t think that you would find many people that don’t agree with the philosophy of diversion.”

YIP Team Manager

Claims of true diversion seemed to be supported by statistics provided within official documentation. These showed that court throughput had almost halved between 2011 (when

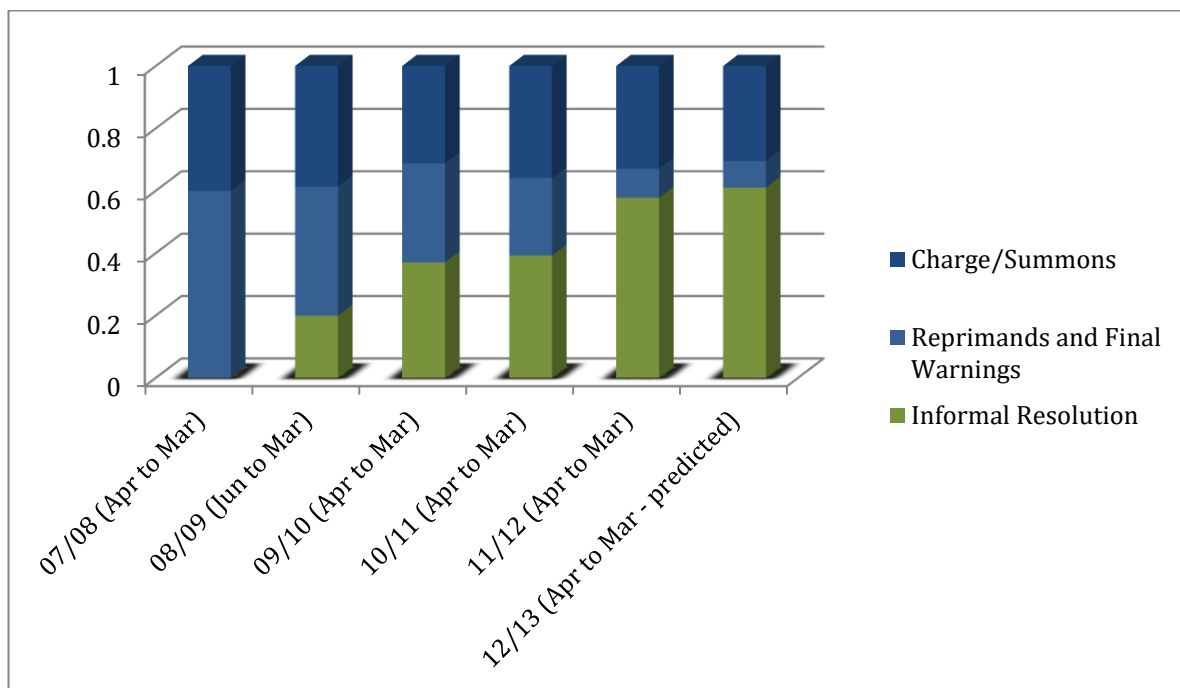
the NDD was introduced) and 2013, and that the number of FTEs had been reduced by almost three quarters during this period. However, these statistics, and the language of true diversion, obscured that what had accompanied a contraction of the formal YJS, was a *de facto* expansion of its reach into a new and 'booming' informal out-of-court sphere. This was neatly encapsulated by one managerial level staff member:

"When we transformed we completely and utterly dismantled the youth justice service that we had and sort of devolved the criminal side of things into the out-of-court disposals. So out-of-court disposals has really boomed because dealing with young people not in the criminal justice system is a much better way of dealing with [them]."

Bail and Remand Team Manager

Figure 2 illustrates the increasing centrality of informal out-of-court responses to youth offending within the site between 2007/08 and 2012/13 (shortly before the introduction of the new formal out-of-court cautioning framework in March 2013). The increasing use of informal responses to youth offending - not captured in youth crime statistics - between 2007/08 and 2010/11 was related to a local diversionary initiative (DI) similar to the Youth Restorative Disposal (YRD) piloted by the YJB and ACPO in 2008/09, and subsequently introduced on a national basis as the Community Resolution (CR) by the 2012 LASPO Act. The chart shows that the use of informal disposals accelerated rapidly with the introduction of the NDD in 2011/12. As a proportion of all disposals, the displacement of formal out-of-court disposals (reprimands and Final Warnings) by informal disposals was more pronounced than for court summons. From its introduction, the NDD had also reduced the use of the DI at the other end of the disposal spectrum (Internal Evaluation Report). Indeed, official documentation identifies the NDD as responsible 'for much of the reductions of FTEs' within the site. The broad trends continued subsequent to the introduction of the new out-of-court framework in March 2013.

Figure 2: Distribution of case disposal from 2007/08 to 2012/13 (Internal Evaluation Report)



The nature of the NDD, and its centrality to diversionary responses and processes within the site, undermined the rhetoric of true diversion that accompanied reductions in FTEs. Indeed, the NDD had many of the characteristics associated with ideal-typical forms of nominal diversion. This ensured that whilst it diverted children and young person *from* the formal system (and thus prevented criminalisation) – when it was appropriately targeted - it diverted them *into* a para-legal sphere with considerable similarities to the formal YJS. For instance, the NDD and its associated structures and processes were: financed by the police and the IYS’s youth justice budget; administratively controlled and staffed by the police and the IYS; and programme interventions and victim offender mediations often took place within buildings utilised by the formal justice system. As mentioned previously, Rutherford and McDermott (1976: 13) suggest that where diversionary programmes rely upon the official/formal system for staffing, clients, money and physical space they tend to resemble service provision within the formal system. This was evident, to a significant degree, within Site A. For instance, despite rhetoric suggesting that participation on, and compliance with, the NDD was voluntary the coercive power of the formal YJS informed participation on, and compliance with, the disposal. Failure to agree to accept the imposition of the NDD could lead to an alternative formal response (including prosecution). Subsequent to imposition of the NDD, a formal response could also follow failure to comply with its conditions. Compliance with the conditions of the NDD entailed a greater degree of coercion than a formal Youth Caution, which attracted a criminal record. One YIP member compared it to the more intensive formal out-of-court disposal of the Youth Conditional Caution:

“I mean we say that it is voluntary but it is not in the sense that if they don’t comply with a NDD and don’t kind of make efforts to do what is required... having drawn up a contract

with the victim... it comes back to us to then have to make another decision which might be a different type of outcome... I mean the NDD is a bit like a youth conditional caution essentially in terms of a lot of the work and that they sign up to... [I]f they don't do it then there is a consequence... [Whereas] if the [the child or young person] goes and signs their youth caution, and they voluntarily agree that they are going to write a letter of apology to the victim, if they don't do that then there is nothing that can be done because the actual youth caution itself has been issued and the intervention was a voluntary part. Whereas it is a bit different with the NDD because they sign up to certain things."

YIP Member

The comment above makes reference to the similar types of work comprising the YCC and the NDD. Indeed, the YCC also contains restorative and rehabilitative interventions (MoJ, 2013c: 9-10). However, as mentioned in Chapter Six, the overlap in practice between formal and informal spheres also extended to the strategy of engagement deployed within both spheres. The quasi-compulsory nature of the NDD allowed some old school practitioners to transfer their coercive and directive approach to engagement from the statutory to the informal sphere. This practice continuity between formal and informal spheres was reinforced by the transference of old school youth justice forms of knowledge and practice within the site to some new, less experienced, youth justice case holders. Thus, as with other variants of nominal diversion, "the most fundamental fact about what is going on... is that it is much the same as what went on and is still going on in the old system" (Cohen, 1985: 75). This, coupled with the fact that the NDD was delivered by formal system personnel, often within premises used by the formal system, rendered it unlikely that children and young people would distinguish between such 'informal' processing and intervention and that associated with the formal YJS (see Dunford, 1977; Elliott, Dunford and Knowles, 1978). Contrary to one of the central features of true diversion (Rutherford and McDermott, 1976: 14), these children and young people were unlikely to perceive the NDD as non-legal/non-coercive in nature. Apart from the benefit of avoiding a criminal record, the claims of managers and practitioners within the site that the NDD was effective in addressing the damaging impact of formal system intervention on the child or young person's self-image were thus questionable.

Surveillance infrastructure was another significant form of overlap between the NDD and the formal system. Congruent with one of the central features of nominal diversion, the NDD's surveillance infrastructure was being co-opted by the formal system in a way that served to extend the latter's sphere of intelligence and surveillance. This was evident in relation to the actions of at least one IYS practitioner, who was seconded from probation. This practitioner allowed agents of the formal criminal justice system to access its associated

databases and records. They were concerned that the NDD allowed certain 'high-risk' offenders to slip 'under the radar' as the imposition of the disposal was not recorded on criminal justice, or other agency, databases. This was in line with diversionary concerns about labelling (see McAra and McVie, 2007; 2010). However, the diversionary logic underpinning the NDD's discrete database and record keeping systems was undermined by risk based preventative rationales. This was perhaps unsurprising, given the extent to which risk based logic has become embedded within both probation and youth justice practice in recent decades (Kemshall et al, 1997; Case and Haines, 2009; Kemshall, 2008). Mobilising risk-based rationales, this IYS practitioner facilitated the access of probation colleagues to the NDD's database:

"I just think that sometimes people are kept under the radar with NDDs, if you know what I mean. Whereas in the old days they would get an order of some kind and people would be made very aware on that young person - agencies, whether it is education, children's services etc... With probation, in... terms of their risk assessments, I've on countless times had to tell my probation colleagues don't just get a pre-conviction sheet in your court bundle when you get allocated a case or a report... Don't just view that as the only things that they've ever done - because the NDD has been in place for well over three years now, maybe four years now - because they don't appear on there for example. I've said to them 'look I can check things out on our system, I can check with police to find out if they are known to us for NDDs... We've had people that have committed sexual offences, very violent offences that have got NDDs and there is a risk that that won't be picked up. Their offences... won't be on his list of pre-cons... It just doesn't appear, because it is not viewed as a conviction, it is an out-of-court... so that is a danger."

IYS Practitioner

The practice described above appears to undermine the NDD's integrity as a diversionary disposal. Allowing criminal justice practitioners to access the NDD's database and records (on the basis of risk concerns) to inform future criminal justice decision-making is highly problematic in diversion terms. If previous NDDs are taken into account, children and young people may appear to have a formidable record of criminality that could inform sentencing recommendations and supervision. The NDD could thus ultimately serve to accelerate, rather than inhibit, the penetration of some children and young people into the system.

7.4.1. Explaining the Disjuncture Between Rhetoric and Reality

The discussion within the previous section outlined the significant similarities and overlap between the structures, processes and practices of the formal YJS and the informal practice arena within which the NDD was situated. This highlights a gap between the rhetoric of true diversion accompanying the NDD, and its situation towards the extreme nominal diversion pole of the diversionary continuum. This gap between words and deeds can be explained in at least three broad ways. The rhetoric of true diversion: may perform political and ideological functions; may be illustrative of a training need; or may be aspirational. This section will outline each of these possible explanations in turn, before briefly assessing their validity.

Firstly, the disjuncture between the rhetoric of true diversion and the reality of nominal diversion within the site can be rendered intelligible by following Cohen's (1985) advice and examining social control talk within the site as part of the 'symbolic language of politics'. Adopting the language of true diversion can be perceived as allowing senior managers within the site to convey a picture of radical change from the officially discredited (MoJ, 2010; 2011), and expensive (CCJS, 2008), interventionist youth justice agenda pursued by New Labour for much of its time in office. However, whilst the use of the *language* of true diversion, and its related knowledge base, may perform this function, *practices* of true or real diversion may be less appealing to youth justice service providers. This is because true diversion - and the associated reductions in youth justice clientele and the resources that they bring (Bullington et al, 1978: 66) - can constitute an existential threat to organisational existence and the job security of those working within the YJS (Klein, 1979; Warren, 1981; Cohen, 1985). One way to respond to this threat is to respond to diversionary policy agendas at the local level with practices of nominal, rather than true, diversion. These inhibit youth justice clientele being funnelled out of the YJS completely (as with true diversion). Instead, they are diverted into a programme intimately related to the formal system, which relies on it for staffing and resources. Consequently, practices of nominal diversion (not recorded in official statistics) allow the YJS to expand into a new informal domain, moving its structures, practices and clientele from one part of the system to another, whilst meeting governmental diversion targets by appearing to do the opposite and contract. From this perspective, the language of true diversion within the site performs ideological functions. It conveys the impression that one thing is happening, whilst what is really happening is something else. This would partially account for a counterintuitive situation within which despite shedding 70% of its statutory caseload, the IYS's youth justice budget had remained unchanged (in contrast to large cuts in universal service provision budgets) and there had been no frontline redundancies of youth justice staff. As the Head of Service stated:

“Well, we’ve had a 25% saving in total. The youth justice budget wasn’t reduced... [We’re] using more resource at the top end rather than at the universal end... No frontline practitioners were made redundant”.

Head Of Service

The second explanation of the gap between the rhetoric and reality of the diversionary reforms within the site is that this gap may have been indicative of a training need. It has been almost three decades since diversionary philosophy and evidence last systemically, and effectively, underpinned youth justice practice in England and Wales in the 1980s and early 1990s (see Bottoms and Dignan, 2004: 33). However, since then the youth justice practitioner base has been significantly diluted by the emergence of multi-agency YOTs (Bateman, 2011a) and processes of de-professionalisation (Burnett and Appleton, 2004; Pitts, 2001; 2003). Indeed, none of the staff members within the site with which the researcher had contact had been employed within youth justice during the diversionary period of the 1980s and early 1990s. Given the subsequent hegemony of risk - and the interventionist logic which accompanies it - within youth justice since this time, it is perhaps unsurprising that the language of true diversion, and its associated evidence base, may have been interpreted (in a largely flawed manner) as supportive of the interventionist practices which nominal diversion entails.

The third explanation entails conceiving of the rhetoric of true diversion as aspirational (Cohen, 1985: 157), in the sense of indicating what the site would like to do if only the community capacity existed to more fully implement true diversionary policies. Indeed, within a context of wider reductions in public expenditure (see HM Government, 2011) the capacity of non-criminal justice, voluntary sector organisations, to provide voluntary and client-centred interventions more in line with a programme of true diversion, was limited. This limited capacity, and the constraints this placed on organisational action, was described by the Head of Service:

“I think some of our relationships with the voluntary sector have been more challenging because of the limited resource that now goes into the voluntary sector, which has probably reduced their resilience. There have been some voluntary sector organisations that have gone out of business... [T]he YMCA’s gone out of business. We’ve got two providers of education and skills and alternative learning who have, because of the financial context... left to operate elsewhere because they didn’t have the financial ability to continue their services here. So there has been... kind of a loss of community capacity... and a reduction in opportunities locally as a result.”

In assessing the validity of these three broad explanations for the gap between the rhetoric and the reality of the diversionary reforms within the site, the third appears to have least explanatory value. The restricted capacity of the voluntary sector may have limited the IYS's ability to place strategies of true diversion at the centre of their diversionary approach. However, as indicated in Chapter Two, since its formation the IYS had aggressively sought to expand its service responsibilities - and the resources that accompany these - rather than divest them. In this context, the Head of Service's comments above appear to have been an attempt to justify and rationalise what had already been done rather than to indicate what the IYS: "would like to be doing if only given the chance and the resources" (Cohen, 1985: 157).

This gap between rhetoric and reality within the site can best be explained by drawing on both explanations one and two. Deploying the language of true diversion alongside reforms more characteristic of nominal diversion did serve ideological and political functions. The local YJS could appear to contract - meeting governmental targets concerning reductions in FTEs - whilst maintaining a proportion of its youth justice clientele. However, there appeared to be little awareness within the site that the language of true diversion, and the evidence base supportive of it, was largely non-consistent with a diversion programme situated towards the nominal diversion pole of the diversionary continuum. As a result, incongruence between the rhetoric and reality of the diversionary reforms appeared to be a happy coincidence between organisational self-interest and an (empirically flawed) interventionist interpretation of diversion as nominal diversion.

7.5. The NDD's Erosion of Legal Rights

Site A's interpretation of diversion as nominal diversion ensured that it exhibited a number of its associated problems. One of these - an erosion of legal rights - will be discussed in this section, and the oversight arrangements within which pre-court decision-making and adjudication within the site took place will be scrutinised. The section concludes by suggesting possible means through which the legal rights of children and young people who receive an NDD can be ensured.

One of the primary aims of pre-court diversion (both formal and informal variants) is to divert the child or young person from the stigmatising processes and procedures associated with court appearances (Morris and Giller, 1987). However, as Bullington et al (1978) state: "those stigmatising procedures... are also the core of a legal system which seeks to protect innocent people from unwanted intrusions into their lives" (1978: 68). Evidence suggests that

some proponents of diversionary programmes view legal rights and protections as non-essential and/or damaging to programme efficacy (Bullington et al, 1978; Johnstone, 2002). They are considered non-essential as such protections are designed to prevent exposure to arbitrary and unfair punishment, whereas the programme rationales and objectives of diversion are conceptualised as benevolent rather than punitive. They are considered damaging to programme efficacy because therapeutic and restorative objectives - often central to diversionary programmes - require flexibility, rather than rigid and directive legal process, to meet the needs of offenders and victims (Bullington et al, 1978; Braithwaite, 1994; Johnstone, 2002). Bullington et al (1978), however, caution against such justifications for the erosion of legal rights. They state that: “[h]owever euphemistic the title, a diversionary programme... for juveniles is an agency for the deprivation of liberty” (1978: 71). Indeed, the NDD’s reparative conditions and welfarist interventions, when accompanied by a significant degree of coercion (the threat of formal sanctions - including prosecution - for non-compliance), meet the definition of punishment. That is, the: “deliberate imposition of measures assumed to be burdensome and unwelcome upon a person in response to a crime” (Ashworth, cited in Johnstone, 2002: 54). Given this, those children and young people subject to the NDD should arguably receive the same degree of procedural protection as those who are prosecuted and tried in the youth court.

This renders necessary a focus on whether the NDD safeguarded or infringed children and young people’s legal rights. Two areas of concern are identified, which shall be discussed in turn. Firstly, the problem of ‘inducement’ (Cushing, 2014) i.e., the possible erosion of due process protections by the application of pressure upon children and young people to admit guilt to render them eligible for participation on the NDD and avoid formal processing (and potentially prosecution). Secondly, the NDD’s undermining of the legally enshrined principle of proportionality (see von Hirsh, 1990).

7.5.1. “If You’ve Done It, Admit It and We’ll Take the NDD Route”: The Problem of Inducement

‘Inducement’ (see Polk, 1984; Morris and Giller, 1987: 141; Cushing, 2014: 150) occurs when a child or young person is pressured by the police to admit guilt to an offence/s to avoid formal processing and render them eligible for participation on a diversionary alternative (Morris and Giller, 1987). This circumvents the process of establishing guilt in the youth court, and undermines some of the due process procedural protections which accompany this. For instance, the admission may fall below the threshold for conviction in a criminal court and may take place without the presence of a defence solicitor (Johnstone, 2002). The problem of inducement has been evident in relation to nominal diversion programmes in the US (Dunford,

1977: 348; Bullington et al, 1978; Morris and Giller, 1987). Describing those in existence in the late 1970s, Dunford (1977) found that children and young people and their parents, viewed acceptance of a diversionary disposal as a form of plea-bargaining. He stated that they: “feel that they are getting off ‘easy’ or that the penalties levied against them could be much worse” (1977: 348). He also suggested that formal criminal justice agencies felt that: “something good has been done – justice is being satisfied” (ibid: 348).

In contemporary England and Wales, the courts’ position on the legality of inducement is clear. According to Cushing (2014), for formal diversionary disposals in England and Wales the courts: “have strictly adhered to the principle that any admission on which the police may rely must be made by an offender before the decision to caution is made” (2014: 150). She also states that the: “*Police Student Handbook* gives a major warning that an officer should never disclose an opinion on the likely outcome for a suspect prior to interview, and that this warning is applicable to all suspects in custody, including children and young people” (ibid: 150). Given the quasi-formal nature of the NDD, and the fact that the admission required for participation on it can subsequently be used as the basis for a formal disposal - including charge - for non-compliance, it is reasonable to suggest that the admission relied upon to impose the NDD should also be free from inducement.

However, this was not the case. In describing the context surrounding admissions and pre-court decision-making, the Head of Service outlined a problematic situation similar to the plea-bargain agreements evident in former US diversionary programmes. The admissions upon which participation on the NDD relied appeared to be elicited in coercive circumstances similar to those associated with inducement. The Head of Service described the admission of guilt as part of a pre-court ‘deal’ to avoid court and render the child or young person eligible for the NDD. It is evident in the comments below how a concern for efficiency and expediency, and the restorative emphasis on ‘responsibilising’ children and young people (Gray, 2005), served to de-prioritise the child or young person’s legal rights in pre-court decision-making and adjudication within the site. Supposedly voluntary participation on the NDD can thus be revealed to be, at least partially, the result of plea-bargaining away due process rights to avoid formal prosecution:

“[P]art of the kind of the deal we make with young people and solicitors is, you know, part of this is ‘if you’ve done it, you admit it, and you admit it to the police then we’ll take the NDD route.’ It’s not you go ‘no comment’ and you wait to get to court and you admit it on the day... Because the benefit for us is that you haven’t got all of the case building and file making and court process if you do the NDD. So it is a resource issue but it is also the ethical one of this is supposed to be about taking responsibility.”

Head of Service

The comments above allude to the role of solicitors in the process of undermining the child or young person's legal rights within the site. This supports existing evidence of problematic pre-court legal representation for children and young people. Informing this is the widespread practice of legal firms providing their least experienced representatives for less serious criminal cases (Baldwin, 1992; McConville and Hodgson, 1993). Cushing (2014) argues that: "it is therefore reasonable to assume that children and young people - especially those who have committed low level offences - are disproportionately represented in this way" (2014: 148).²⁶ Indeed, Kemp, Pleasance and Balmer (2011) and Morgan and Stephenson (1994) found that some solicitors advising children and young people enabled admissions of guilt – in the absence of evidence that would meet the legal threshold for charge. They did so to 'paternalistically' ensure that the child or young person was diverted and avoided the damaging consequences associated with a court appearance (Kemp, Pleasance and Balmer, 2011); Morgan and Stephenson, 1994). Conversely, however, the Head of Service was concerned that - because diversion deprived law firms of court clientele - there now existed perverse financial incentives for defence solicitors to advise the child or young person to give 'no comment' interviews:

"[I]t would be a gut feeling that they [defence solicitors] get the best of both worlds if they get their fee from the police station and the court and there is very work involved at either. [I]t's just a no comment at one and there's an admission at the other and Bob's your uncle. That would be my suspicion."

Head of Service

This context of pre-court legal advice was rendered more problematic when considering issues related to children and young people's level of maturity. Cushing (2014) has suggested that the mandatory admission criteria associated with statutory pre-court diversion evidences: "a dangerous blindness to the incapacities of childhood" (2014: 147). She suggests that the application of this criteria assumes that young people can comprehend complex legal rules and are: "sufficiently competent to articulate a clear and reliable admission to all elements of an

²⁶ Cushing (2014) suggests that poor legal representation is likely to be compounded by the current financial context, characterised by reductions in publicly funded legal aid and the introduction of a fixed fee payment structure for legal advice in police stations.

offence” (ibid). Evidence from the site suggests that this expectation may indeed be unrealistic. For instance, a YIP member suggested that:

“What sometimes happens is that young people go ‘no comment’ in the initial interview so then of course they get charges and it goes to court and I think they partly do that because they watch TV and that’s what you do ‘No comment. No comment”.

YIP Member

Cultural issues can also inform some children and young people’s failure to admit guilt at the police station, which affects their eligibility for diversion. For instance, research has found that some children and young people from black and minority ethnic groups have less trust in the agencies which comprise the YJS - including the police - as a result of experiences and perceptions of institutional racism (The Children’s Society, 2006). This problem was recognised by the Head of Service, who - with reference to a diversion scheme elsewhere - was considering reviewing the NDD’s mandatory admission criteria:

“[W]e were in contact with the ----- (large midlands city) project... [A]n ex-Chief Constable... is running this diversion project and they say that they don’t have mandatory admission criteria because they see it as discriminatory and there are certain groups who are much less likely to admit everything at the first opportunity... which is interesting and is probably something we need and are going to look at.”

Head of Service

This potential review of the NDD’s mandatory admission criteria may have also been informed by increasing referrals of children and young people from the youth court to the YIP due to them having received inadequate/or no legal advice upon arrest. As one YIP member commented:

“[T]hey [the child or young person] might not have had a solicitor at the police station, or the solicitor hasn’t been very proactive in helping them to think through the longer term implications [of a ‘no comment’ interview] and then they get to court and probably a solicitor does then say... ‘Mmmm, the evidence is pretty bad... I think that you need to admit this now.’ What the court can do in those circumstances... if the young person admits by that stage... there is an opportunity for them to send it back to our panel and have it reconsidered... [W]ell not reconsidered because we haven’t considered it at all because they haven’t admitted it, but consider them for an out-of-court disposal. And that happens sometimes. We’ve had a lot recently.”

7.5.2. The NDD and (Dis)Proportionality

The NDD also potentially infringed children and young person's legal rights by undermining the legally enshrined principle of proportionality (see von Hirsch, 1990). In particular, this stipulates that punishment or intervention should be proportionate to offence seriousness and degree of responsibility. It also asserts that the: "least restrictive sentence capable of holding the youth accountable" (Spratt, 2011: 341) should be imposed. The principle of proportionality of sentence can thus advance diversionary agendas seeking to limit coercive state intervention in the lives of children and young people involved in relatively minor offending. Indeed, this was evidenced within diversionary youth justice policy in England and Wales in the 1980s and early 1990s. The Conservative Party's 'return to justice' policy agenda (see Morris et al, 1980) - informing a shift away from individualised treatment to proportionate sentencing - successfully supported a diversionary policy emphasis of 'minimal necessary intervention' (Muncie and Goldson, 2006). However, the NDD seemed to be at odds with the principle of least restrictive/minimal necessary intervention. Given that the NDD was a diversionary (supposedly informal) disposal it would therefore be reasonable to expect that intervention intensiveness would be less than that associated with formal out-of-court disposals (which attract a criminal record). However, this was not the case. Although the pre-court (reprimand-final warning) escalatory framework had been displaced, a less rigid tariff/hierarchy of disposals was *de facto* in operation within the out-of-court arena. Within this, the NDD had displaced the formal Youth Caution (YC) and was vying with the Youth Conditional Caution (YCC) as 'robust alternative to prosecution' for more serious offences:

"[T]he community resolution is not even really reaching the police station... [T]he Youth Caution is more for when they still don't want to prosecute a young person... it is not serious enough for them to go to court... In some instances, you could see youth conditional cautions as a bit higher tariff [than the NDD]. Kid's got done for cannabis three times, they're not prepared to give him another NDD, they'll give him a Youth Conditional Caution instead to get something on the record but they still don't particularly want to prosecute. So in that instance it would be a bit higher. In other instances, you can have offences that become relatively serious which they probably wouldn't get a caution for but the NDD is seen as a more robust alternative to prosecution than a caution would be because it will offer more intervention."

Operational Manager

Illustrative of the NDD vying with the YCC as a robust alternative to prosecution/charge was the fact that almost 70% of non-compliance cases resulted in charge (Internal Evaluation Document) rather than a YCC. The logic underpinning this – essentially that the two disposals performed the same function - was outlined by one YIP member:

“To be honest, say if they haven’t turned up to anything for a NDD... we probably wouldn’t necessarily even give them a YCC because they’re not really wanting to do anything really.”

YIP Member

The principle of proportionality also suggests that the intensity of interventions should be consistent across similar cases (Johnstone, 2002: 53). However, this was also not evident with the NDD. Intervention intensiveness and duration were not proportionate to the offence but were dictated by a mixture of the ‘idiosyncratic remedies’ (agreed between victim and offender to repair harm) associated with restorative solutions (see Braithwaite, 1994) and the individualised risk/need of the child or young person. As a result, those committing an offence/s of comparable seriousness could potentially receive disposals characterised by a contrasting intensity and duration of intervention. This bespoke logic was outlined in an internal evaluation document:

“At one end of the spectrum a NDD may be relatively simple to deliver, where the harm caused by the offender is relatively minor and easily repaired through a relatively speedy and ‘light touch’ piece of work to support an agreement that is uncomplicated and where there is little or no need to address concern about potential repeat offending in the future. At the other end of the spectrum a NDD may be far more complex and require a considerable investment of time and resources in order that the needs and risks for those concerned can be properly addressed.”

Internal Evaluation Report

It is unclear how receiving a ‘considerable amount of time and resources’ within a quasi-formal programme to address risks/needs is consistent with ‘least restrictive intervention’ / ‘minimum necessary intervention’.

7.5.3. *“It’s a Bit of a Rubber-Stamping Exercise”*: Ineffective Oversight of Pre-Court Decision-Making

Given evidence of inducement and disproportionality within the site, it is necessary to critically examine the oversight arrangements within which pre-court decision-making and adjudication took place. Nejelski (1976) argues that legal rights: “should be insured at each point where the state exercises coercive power over the juvenile” (1976: 408). One way to accomplish this is to establish mechanisms and procedures that enable judicial review of the administrative decision-making accompanying diversionary programmes such as the NDD (ibid: 408). However, scrutiny of pre-court decision-making within the site was arguably ineffective, as it was primarily driven by the institutional need for effective stakeholder management rather than an explicit concern with ensuring children and young people’s legal rights. The Head of Service viewed legal scrutiny of the YIP’s decision-making as essential to managing magistrates’ anxieties around the increasing centrality of pre-court, non-judicial responses to youth offending within the local authority. Such anxiety was related to concerns about both the quality of such practice, but also professional concerns about being marginalised in the administration of justice (as mentioned in Chapter Three). The Head of Service managed this anxiety, and sought to ensure that the NDD entailed transparent and accountable decision-making, through the introduction of Quality Assurance (QA) panels. These were comprised of a range of professional and public stakeholders, including magistrates, CPS personnel and victims’ rights / support groups. As stated below, however, these fell considerably short of providing on-going judicial oversight of individual cases. QA processes were restricted to post-case analysis of decisions and outcomes, and were described by the Head of Service as a ‘rubber stamping exercise’ valued primarily for their ability to engender stakeholder (in this instance, judicial) support for the NDD:

“The quality assurance panel has helped a lot to ensure that justice remains public and transparent... It’s not judicial oversight, it is post-case. So there are no powers for them to recall individual cases or anything but they will just look at the quality of it and make comment from a general view as to the suitability or otherwise of decisions and outcomes etc. So the assurance is for them (laughing) in the QA, the aim of it is for the magistrates, to assure them that what is going on is good enough... [I]t’s a bit more of a rubber-stamping exercise, but... that’s all that it’s really there for.”

Head of Service

The comments above indicate that ensuring judicial norms and protections assume a higher priority in the out-of-court framework within the site, requires magistrates and other

stakeholders to develop new ways of monitoring pre-court decision-making and adjudication. This could be pursued in a variety of ways. Firstly, post-case judicial analysis could be replaced with more active and ongoing judicial oversight of live cases. The declining court throughput within the site suggests that magistrates would not be overburdened by the workload that this would entail. Secondly, an independent ombudsman (see Nejelski, 1976) could be appointed, with the mandate to evaluate the NDD and its implementation and report their findings to the youth court and the public. Finally, the YJB could develop a research capability which would enable them to monitor both the NDD, and other diversionary schemes across England and Wales, in relation to a range of performance indicators – including those relating to respect for legal rights.

7.6. “This May Unintentionally Bring More Kids In”: An Extension of the Network of Control?

This section identifies and discusses another danger associated with nominal diversion that was evident in relation to the NDD – net-widening (Cohen, 1985). As previously discussed, this process entails the capture of children and young people within the YJS’s network of control who previously would have been diverted away from it. Three central factors informed this, which this section will discuss in turn. Firstly, up-tariffing processes related to the reputational risk which the use of alternative true/real diversionary practices posed for the police. Secondly, an absence of disincentives for police to refer the child or young person to the YIP given the minimal expenditure in police time and resources which this process entailed. Thirdly, a failure to effectively use gatekeeping procedures designed to prevent net-widening. The section then concludes by arguing that evidence of net-widening challenges managerial claims concerning the cost effectiveness and efficacy (in terms of reducing reoffending) of the NDD.

7.6.1. The NDD and Net-widening

As previously argued, the NDD could not reasonably be described as *diversion from* the YJS, but *diversion to* a quasi-formal sphere of intervention with considerable similarities to that of the formal/official YJS (in terms of staffing, administration, the presence of coercion, similarity in intervention, and overlapping surveillance infrastructures). Thus, consistent with other variants of diversion situated towards the nominal diversion pole of the diversionary continuum, the NDD: “cannot be fairly categorised as keeping [children and young people] out of the system” (Bullington et al, 1978: 66). However, if the NDD was appropriately targeted at those who would otherwise have penetrated further into the system, a ‘minimisation of

penetration' (Cressey and McDermott, 1976) could be achieved (if not 'minimum intervention'). If targeted correctly, the NDD could also prevent the criminalisation of children and young people as its imposition was not accompanied by a criminal record. Problematically, however, there was evidence that the NDD was, in some instances, not being appropriately targeted at those who would have otherwise entered the formal/official YJS. Instead of restricting the reach of the YJS - and those caught within its network of control - the NDD was thus, in some cases, extending it through the quasi-formal processing and supervision of those who would not have entered it. The NDD could thus be conceived as: "a device for incorporating a whole new class of clients" (Polk, 1984: 654) inside a system whose overall reach, and sphere of influence, had been extended.

The first factor informing this was up-tariffing from the disposal on the lowest rung of the diversionary ladder, the DI. This was described as a local variant of the CR and - as with the CR - the DI was largely consistent with the logic of real/true diversion, and thus served to restrict the reach of the YJS's network of control. However, the DI's congruence with the principles of real/true diversion posed a reputational risk for the police in the face of public demands that they exert their primary function - social control (see Lemert, 1981). When police come under public pressure: "from groups and persons demanding validation of the control function" (1981: 41), other functions such as diversion which are: "likely to hold a marginal or lower position in their hierarchy of purposes" (ibid) may be undermined. This was evident in relation to the use of the DI. A highly-publicised incident concerning its inappropriate use for a relatively serious offence led to a more 'risk averse' use of the disposal:

"There was an infamous case in which a guy got serious GBH and they DI'd it and there happened to be a barrister in the bar who witnessed all this and he kept going to the media and going 'I can't believe this, how could this be DI'd?' That was seen as symptomatic of the failings of the whole system if you like. So they tightened up a lot and orders came from top brass to be much more cautious, be more risk averse."

Head of Service

Following this incident, the use of the more intensive, and thus more defensible NDD, 'went through the roof'. As this YIP member states:

"I think that there was some real concern about the DI's... that they were being used inappropriately. So I think police officers were always having to check with a sergeant if they wanted to give one. So I think what I understand is that the numbers went through the roof in terms of NDDs because police officers couldn't use their discretion when they

were there out on the street... [W]hat I understand is that now... the numbers have come down a bit."

YIP Member

This situation, characterised by the effective 'up-tariffing' of the child or young person to the NDD, had subsequently been somewhat addressed through the local displacement of the DI by the CR. Upon the CR being rolled out nationally in 2012, the national guidance accompanying it was viewed as formalising the decision-making surrounding its use. This was viewed as providing a framework for more defensible use of the disposal.

However, net-widening was still a significant problem in relation to the NDD. This was partly due to a second factor. Namely, that a referral to the YIP entailed little extra expenditure in police time and resources. Whereas police officers may previously have engaged in practices of true diversion to avoid the paperwork associated with formal processing, they could now ensure the child or young person received some intervention without much additional effort:

"I think there's an element of some police officers thinking 'oh well, I don't need to do anything. I can just submit a file... to the team and someone else will deal with it... [T]hat's probably better anyway because they will get a bit more intervention."

YIP Personnel

"Right at the bottom end of the system I think a potential frustration is actually this [the NDD] may unintentionally bring more kids in. So whereas... officers might just have dealt with stuff on the streets... because they didn't want to prosecute it and do all the paperwork that goes with it and stuff like that. I think they are more likely as a result of the NDD to arrest kids and bring them in. We've had a NDD for a 17-year-old who was going to a music festival and I think used fake ID to buy themselves some beer from a shop. Now I don't believe that that would have ever been reprimanded or final warning'ed previously but because there is a NDD option that doesn't involve a lot from a police officer at the time I think they are more willing to suck people in right at the bottom end of the scale into the NDD system that previously just wouldn't have been part of it. I think that is an unintended consequence and a frustration with the police."

Operational Manager

A third factor contributing to net-widening within the site was a failure to effectively use gatekeeping procedures. A gatekeeping safeguard was in place to try and inhibit the net-

widening associated with the NDD. If the YIP received a case for which a CR, or 'no further action', would have been more appropriate it could be referred back to the arresting officer. However, this net-widening safeguard was rarely used as IYS YIP members felt like they lacked the specialist knowledge required to challenge referrals to the YIP from arresting officers (decisions usually supported by the YIP's police members):

"If we feel like it's been up-tariffed a bit as it were, we have some say in whether it goes back...[But] we don't really do it much and part of that is because I think we don't really understand... what the criteria is to distinguish between the... fine line... between something that you can do out on the street and something that has to become a higher intervention. I think that's difficult for us because if we... say 'oh, can we not consider this?' And the police go 'Oh no, we can't'... we don't quite have that extra argument. We kind of have to say 'mmm ok, well they say it's not so we'll have to accept that's the case.' Whereas for me, you know, if I've got the knowledge then I can use it."

YIP member

Also, contributing to a failure to use this net-widening safeguard was an interventionist belief amongst some IYS practitioners that - contrary to the diversionary evidence base - doing more was better than doing less in terms of intervention. This interventionist logic was evident in the IYS practitioner's comments below in relation to an instance of relatively minor offending, where the children and young people involved were considered low-risk:

"I mean these two lads, both had a tiny small bit of cannabis, both really engaged in positive activities. Imagine they got criminalised just for that? But I think that... [the NDD's] better than a community resolution. It still shows a level of seriousness to it. If you are just getting a warning, it's a warning and you're off, yeah. But if you come in and have to do a structured bit of work with somebody that outlines the consequences, you know it is a bit more structured... so there is learning involved in it. Coming in, meeting somebody like me, doing a structured piece of work... ok, so it's a short piece of work but I make sure that within that session that there is learning elements at each point."

IYS Practitioner

7.6.2. “You Can’t Argue with Some of the Statistics”: Critically Interrogating Claims of Effectiveness

Evidence of net-widening within the site somewhat tempered the IYS’s claims concerning the NDD’s effectiveness. Prior to illustrating this, however, it is first necessary to briefly outline the utility of claims of effectiveness for the IYS in terms of stakeholder management. Demonstrating effectiveness - primarily conceived within the site as cost-effectiveness and reductions in reoffending (Internal Evaluation Document) - was viewed as essential to the continued survival of the disposal. This was due to the fact that the Chief Constable who had been instrumental in developing the police-IYS interagency collaboration on which the NDD depended had recently departed. They had been replaced by a new Chief Constable whose support for the NDD was considered to be less effusive. In this context, the programme’s perceived and demonstrable efficacy was considered to be a significant factor in ensuring its survival. As this YIP member states:

“I think [the previous] Chief Constable had very much good relations with us and youth justice services. The new Chief Constable now has not really backed us or not backed us. They have kind of stayed away from it quite a lot interestingly and I think that was a concern when they first came into the post that they might kind of want to get rid of it completely but they haven’t. But at the same time they haven’t championed us... I think what’s helped [with the NDD’s survival] is that we are more than two and a half years in, probably a bit more than that now, and we’re getting really positive results. So even if there were people that didn’t like it, it would be quite hard for them to argue against it now... We are getting some fantastic results from it... you can’t argue with some of the statistics... That’s the good thing; the stage we’re at we can demonstrate how effective it is. Whereas if we were in our first couple of months it would have been easier to kind of say it’s not working and get rid of it.”

YIP Member

Whilst not without merit, claims of effectiveness were exaggerated. Firstly, claims of cost-effectiveness made within internal evaluation documents - shared with professional stakeholders, such as the police - solely compared the costs associated with the NDD with those associated with prosecution:

“There will undoubtedly have been significant savings achieved through [the NDD] by reducing the number of prosecutions and all of the associated activity in supporting the prosecution process...If we use the UK Matrix Report Measure of a lifetime saving to

society of £7,050 for each offender restoratively diverted from prosecution the NDD has already created a saving to the public of £4.2 million.”

Internal Evaluation Document

Cost comparison with an expensive prosecution, rather than a less expensive formal caution, is a tactic often deployed by proponents of diversionary programmes (Johnstone, 2002). However, Figure 2 illustrates the NDD primarily displaced formal out-of-court disposals rather than prosecution. When this occurred, the use of the NDD entailed a more modest saving of around £300. However, the fact that it was being imposed on those who may previously have received a less resource intensive CR, or ‘no further action’, suggests it was not always used in a cost-effective manner. Thus more effective targeting of the NDD on those who would otherwise have been criminalised, and more effective use of the gatekeeping safeguards the YIP had at its disposal to prevent net-widening, would ensure a more cost-effective usage of the disposal.

Evidence of net-widening also indicates that claims of the NDD’s efficacy in terms of reductions in reoffending should be somewhat tempered. Internal evaluation documentation, and a commissioned external review, suggested that the NDD was associated with significant reductions in reoffending compared to (other) out-of-court and court disposals. However, such claims did not take into account the processes of net-widening which may have inflated the NDD’s performance. As mentioned earlier, Cohen (1985) suggests that the selection of ‘cream puff’ cases for diversionary programmes can constitute a form of ‘creaming off’ less risky clientele – “those who are amenable, treatable, easy to work with, the good prospects” (ibid: 54) – who can make the programme seem successful. Whilst this explicit rationale, and objective, was not evident within the site, the outcome arguably was. The inclusion of low-risk children and young people within the NDD cohort - who would previously have received ‘no further action’ or a CR – raises doubts concerning the validity of claims that the NDD’s (comparatively) low reoffending rate is representative of the efficacy of the NDD as a diversionary disposal.²⁷ Whether the NDD had any preventative success with inappropriately targeted children and young people would need to be empirically explored. The evidence underpinning diversion - supportive of minimal intervention and maximum diversion (McAra and McVie, 2007; 2010) - suggests, however, that the quasi-formal nature of the NDD could

²⁷ A similar conclusion was reached by Klein (1979) in relation to the inappropriate targeting of diversionary programmes in the US: “No reasonable case can be made that these projects are carrying out diversion as its rationale suggested they should. The bulk of ‘diversion clients’ are young people who are normally counselled and released by the police... With clients like these we cannot truly be testing the efficacy of diversion” (Klein, 1979: 165-166).

serve to exacerbate, rather than prevent, offending amongst those sucked into the YJS network of control at the shallow end.

7.7. The Future of the NDD: The Danger of Accelerated Penetration

The NDD's effectiveness in minimising the penetration of those children and young people who were appropriately targeted (i.e., those who would otherwise have penetrated the official YJS and become further enmeshed the YJS's network of control) was heavily reliant upon its status as a multiple use diversionary disposal. However, this section argues that this status is tenuous due to tensions within its programme rationale. The NDD, like many penal programmes, was not monolithic (see O'Malley, 2000), but amalgamated and combined different rationales of government – namely needs-based and restorative rationales. Unity between these two rationales was possible because of the function which they together performed. This combination of rationales engendered support for the disposal from the professional stakeholders involved in its operation and delivery. They did so by allowing for triangulation between the rehabilitative/corrective aspects of IYS practitioners' practice philosophies and the more overtly punitive and responsabilising practice philosophies of the police. Indeed, the IYS's Head of Service marketed the NDD as a zero-tolerance approach to youth crime to the new Police and Crime Commissioner (PCC) in an effort to ensure continued police support for the disposal (see Chapter Three).

The hybridity of the NDD had been quite effective in engendering stakeholder buy-in and support. However, contradictions and tensions between the NDD's needs-based and restorative rationales - and the protagonists of these rationales - led to potential volatility and inconsistency in its use. This served to threaten its continued status as a multiple use diversionary disposal. Prior to illustrating this, however, it is first necessary to outline these rationales – and the tensions between them – in greater detail.

Hannah-Moffat (1999) argues that there can be multiple discourses of need in operation within criminal justice settings and programmes. This was evident in relation to the operation and delivery of the NDD, which combined actuarial and therapeutic conceptualisations and vocabularies of need. A narrow actuarial focus on 'criminogenic need' was evident in the Asset-derived assessment and intervention tool used by IYS YIP members. However, this actuarial conceptualisation of need was not situated within the broader actuarial strategy of 'responsibilisation' which has been identified within youth justice policy and practice in recent years (Gray, 2005; 2009). This strategy has entailed re-configuring needs as

individual risks of reoffending to be individually managed and negotiated through successful engagement with correctional programmes. Gray (2005) has argued that reconstructing children and young people as: “actively involve[d]... in the reduction of their own risk of reoffending” (2005: 938) renders them responsible and thus accountable for failures to manage their own risks/needs. However, within the discourse of need deployed by IYS YIP Members (if not IYS practitioners outside of the YIP) the responsibility (and accountability) of children and young people for addressing their own risks/needs through successful engagement with the NDD was downplayed for fear that this would render them ineligible for a further NDD should they reoffend. Thus, a welfarist/therapeutic vocabulary of need often accompanied the NDD’s imposition. Central to this was a passive conceptualisation of the offender, with offending behaviour considered to be determined by psychological factors beyond their control (see Braithwaite, 1989).

This passive and de-responsibilised view of the offender was, however, in tension with the restorative justice strand of the NDD’s programme rationale. Restorative rationales have an emphasis upon the active offender, who should be encouraged to assume responsibility for their offending as a form of ‘moralising social control’. As Johnson (2002), comparing restorative and therapeutic rationales, states:

“A restorative response to offenders will seek to influence their behaviour, not through therapeutic techniques, which are based on a passive conception of the criminal, but through ‘moralizing social control’ based on an active conception of the criminal, i.e. through remonstrations based on the assumption that criminals have a choice about how to behave. Offenders will be allowed and encouraged to take responsibility for the harm they have caused” (2002: 133).

This hybridity within programme rationale led to tensions in how the NDD’s usage was conceptualised by the police and the IYS. Giving prominence to the responsabilising strand of the NDD’s programme rationale, the police conceptualisation of diversion tended to view its delivery as being organised around an escalatory tariff, with an intensification/escalation of response in relation to repeat offending.²⁸ This caused tensions within the YIP team’s decision-making process due to (as alluded to above) IYS practitioners’ more expansive conceptualisation of diversion. In order to justify the use of the NDD on multiple occasions, IYS YIP members tried to ‘fudge’ the conceptual tensions inherent within the disposal. They did so

²⁸ Davis, Boucherat and Watson (1989), in their study of diversionary practice in Northamptonshire in the 1980s, also found this. In relation to their findings, they noted that the: “police conception of diversion requires that official reaction be geared to some form of tariff, with an escalation of response in the face of repeat offending” (1989: 222).

by arguing that welfarist means were required to meet restorative ends. It was argued that level of need, and the short duration of the order, prevented the restorative objective of responsabilisation being met. Achieving this end necessitated the use of the NDD on multiple occasions so that needs could be adequately addressed, thus enabling children and young people to assume responsibility for their offending behaviour:

“Some of [the decisions] are pretty un-contentious.... It is pretty easy for us to come to a decision. Partly because they’ve [the child or young person] had nothing before... It is the ones where they are more complex, they’ve had quite an offending history... I think the police see it very much as ‘oh, they’ve done all of this so how could we possibly... give them an out-of-court disposal.’ Whereas I view it differently... you can’t expect to do one restorative piece of work with them and then expect them suddenly to be cured. That’s not what’s it’s about, it’s about starting to help them take responsibility and you know for some people that is going to take quite a long time. You might have to go back and do this approach lots of times with them to get it. Particularly when they have got Aspergers or if they’re looked after and they’ve had a lot of issues around attachment and trauma... [Y]ou know... if no one has apologised to them or taken responsibility for it and if we suddenly go ‘oh you have to do that’ we are not going to suddenly achieve that... That’s the problem with the NDD because it is kind of a short brief intervention... Sometimes that’s not going to be enough for some young people and that’s not to say that I think that we should go to court instead... [W]e might have to think a bit more outside of the box about whether there is another way that we can do things... [W]e are not supposed to be using an escalator system.”

IYS YIP Member

IYS YIP members were typically effective in ameliorating the police’s responsabilising emphasis upon a rigid, escalatory tariff. When the police were ‘arguing up’ on the basis of the offending history of the child or young person, IYS practitioners often successfully deployed welfarist arguments to ‘argue down’ and ensure the repeat use of the disposal:

“I sometimes play on their terrible background, you know. All sort of things might have happened to them in their life. So yeah, that is a good one. [T]hey’re [police officer YIP members] human beings. One of them is a parent, so you know. I think trying to emphasise that, especially if they’ve got some kind of special need. Sometimes they could have had quite a lot of convictions... but ‘they did it quite a long time ago’ or actually ‘they started to get it last time around but they need a bit more.”

IYS YIP Member

The NDD's continued status as a multiple use diversionary disposal was, however, tenuous due to the conceptual tension between the restorative/responsibilising and needs-based rationales underpinning the disposal. Smith (2014b), also discussing hybridity within diversionary programme rationales, states that: "[i]t is relatively easy to 'fudge' ... conceptual tension when times are good, but less so when one or other (or all) of these potential justifications come under attack" (2014b: 118). Indeed, the effectiveness of needs-based arguments in ensuring the multiple usage of the NDD is likely to be less ineffective if the current political context of penal tolerance towards children and young people (Batemen, 2012a) who offend should change. Indeed, needs-based arguments are likely to be less persuasive if, as during much of the 1990s and 2000s: "punitive values associated with retribution, incapacitation, individual responsibility and offender accountability... achieve... political legitimacy" (Muncie, 2008: 5) once more. This is not unthinkable given Smith's (2014a) warning that recent policy emphasis on diversionary measures is most likely: "not a victory of principle, but a by-product of tightening financial controls" (2014a: 63).

If these circumstances arise, the police could come under increasing pressure from political and public stakeholders to exert their control function (Lemert, 1981) and their limited conceptualisation of diversion - characterised by an escalation of response for repeat offending - may shape diversionary practice within the site to a greater extent. The ability of IYS YIP members to prevent this is likely to be minimal given their weaker position within YIP decision-making processes. This was exemplified by the Chief Inspector having the final decision on the appropriate disposal in disputed YIP cases. The Chief Inspector's decisional authority in relation to disputed cases is likely to be detrimental to the continued dominance of IYS practitioners' conceptualisation of the NDD as a multiple use disposal. This was because this authority was no longer exercised in a context within which the upper ranks of the police - in particular at Chief Constable level - were overtly supportive of the NDD. As a result, the 'hard-line' police view of diversion was beginning to win out in disputed cases:

"What happens if we don't agree in our decision-making panel on an outcome is that we then have to submit a report to the inspector who makes the final decision. So we kind of don't end up getting into a long term conflict... I can't remember a time that we disagreed on something when it was the police wanting a lesser outcome than we did. I think... that because of that level [in the police hierarchy] I think they [the Inspector] are more likely to go for the sort of hard line view as it were."

IYS YIP Member

The continued status of the NDD as a multiple use diversionary disposal capable of minimising the penetration of children and young people (when appropriately targeted) into

the official YJS was thus fraught. If the punitive values – associated with the so-called punitive turn (Muncie, 2008) of the 1990s and (much of the) 2000s – were to achieve political legitimacy once more it could lead to the accelerated penetration of some young people into the YJS through up-tariffing. This phenomenon was evident within the formal out-of-court sphere with New Labour’s ‘two strikes and you’re out’ reprimand-final warning framework (Goldson, 2000b). This led to increasing numbers of children and young people appearing before the youth court (Centre for Crime and Justice Studies (CCJS), 2008). Utilising diversionary disposals within a rigid hierarchical tariff at the periphery of the official YJS is likely to result in a similar process, characterised by a rise in FTEs.

7.8. Conclusion

This chapter has explored the local implementation of diversionary policy through a critical analysis of diversionary programme innovation. It has shown that, despite being shrouded in the language of true diversion, diversionary programme innovation within Site A was situated towards the nominal diversion pole of the diversion continuum ordered by ‘degree of legal control’. It has been argued that interpreting diversionary policy as nominal, rather than true, diversion was partly related to an interpretation of diversionary practice within pre-existing interventionist mindsets. However, it was shown that this also performed certain strategic functions, allowing the IYS to meet the existential organisational threat posed by diversion though expanding into a new quasi-formal domain (and thus maintaining a proportion of its youth justice clientele).

The chapter highlighted the potential benefits of the NDD. When appropriately targeted at those who would have penetrated the formal/official YJS, the disposal could prevent criminalisation and minimise penetration into the YJS’s network of control. However, empirical evidence has been drawn upon to argue that - as a variant of nominal diversion - it was associated with considerable dangers. Firstly, it may have contributed to processes of labelling and stigmatisation it was designed to prevent. Secondly, it extended the YJS’s sphere of intelligence and surveillance, with potentially punitive consequences for sentencing and supervision. Thirdly, it was imposed and delivered within a context of inadequate judicial oversight of pre-court decision-making and adjudication. As a consequence, there was evidence that the legal rights of children and young people were being undermined by inducement and disproportionality in the disposal’s use. Fourthly, instead of minimising the YJS’ reach, in some instances it extended it – capturing children and young people within its network of control who would previously have been screened out. Finally, it was argued that the continued status of the NDD as a multiple use diversionary disposal is tenuous due to

tensions within its underpinning programme rationale. Thus, its ability - if appropriately targeted - to successfully 'minimise the penetration' of children and young people into the YJS may be displaced by processes of 'accelerated penetration' if the political context once more gives legitimacy to punitive values.

Some of the dangers mentioned above can be somewhat mitigated. For instance, the integration of the NDD's surveillance databases with those of the formal YJS could be inhibited through the implementation of more stringent data protection and information sharing procedures. The erosion of children and young people's legal rights could also be addressed through, as previously discussed, independent oversight and external research evaluation of the NDD. Lastly, net-widening could partially be addressed through equipping IYS YIP practitioners with the knowledge and expertise to effectively utilise gatekeeping procedures to challenge police referrals to the YIP. However, to fundamentally resolve these issues, and address the problem of labelling, requires the abandonment of the NDD. It should be replaced by true/real diversionary practices and processes which maximise diversion from both the YJS and its agents. This will require training needs within the site being addressed so that those with decisional authority can design, and oversee the implementation of, diversionary practice more congruent with the evidence base underpinning diversion. However, whether managers within the site would act against the strategic interests of the IYS by placing true diversion at the centre of their response to youth offending - thus losing clients and the resources associated with them - is uncertain.

Chapter Eight: Conclusion

8.1. Introduction

This final chapter draws together, and summarises, the main conclusions from the thesis. It does so through briefly reiterating the research questions and summarising the findings in relation to these. It then provides recommendations arising from the research findings as they relate to the delivery of youth justice services and frontline youth justice practice.

8.2. Returning to the Research Questions

- 1) How have recent changes within the policy, regulatory and financial service delivery landscape been negotiated at the strategic-organisational level by local youth justice services' management teams?
 - What impact, if any, has local context had upon the strategic behaviour of local youth justice services' management teams in response to changes within the service delivery landscape?
 - What, if any, leadership driven organisational and service delivery change has taken place? What are the implications of such change for service delivery and service users?
- 2) How have recent changes within the policy and regulatory environment been negotiated by managers and practitioners involved in the frontline delivery of youth justice practice?
 - How has the increased policy and regulatory emphasis upon professional autonomy been negotiated at the local level by managers and practitioners?
 - How has the increasing governmental emphasis upon pre-court diversion (formal and informal) been perceived and negotiated?

8.3. Summary of Findings

The findings of this study's investigation into how recent changes to the policy, regulatory and financial service delivery context are being negotiated at the strategic-organisational and practice level by youth justice services are as follows:

- 1) A central finding of this thesis has been the centrality of local context to the negotiation of recent changes within the policy, regulatory and financial service delivery context. In this regard, the increased policy emphasis upon localism appears to have given greater effect to pre-existing patterns of differential youth justice service delivery, or 'justice by geography' (Goldson and Hughes, 2010). In particular, local youth justice services' management teams' context specific negotiation of the contemporary politics of risk has framed how they have responded to changes within the service delivery landscape. Within a regulatory culture that forensically apportions responsibility for the management of risk and blame when things go wrong (Power, 2004), constraints upon leadership driven change were felt by managers within both sites. However, markedly different strategic behaviour in relation to these constraints was evident in both sites.

Beginning with Site B, senior strategic actors within the YOT exhibited reactive, short-term and unilateral, strategic behaviour. This was informed by their strategic response to being situated within a challenging local service delivery context (characterised by comparatively high demand for youth justice services), which placed them at enhanced risk of regulatory scrutiny. A recognition of this had informed the stringent local implementation and enforcement of a process-driven variant of NPM as a secondary/reputational risk management technique. However, this intensified concern with internal organisational process contributed to a lack of effective 'environmental scanning' (Kondra and Hinings, 1998) by senior strategic actors within the site. This was characterised by a failure to effectively anticipate, identify and pre-emptively respond to opportunities and threats resulting from changes within the policy, regulatory and financial service delivery context. As such, there was a notable tendency towards organisational inertia amongst strategic actors within Site B, despite significant changes within the service delivery landscape with strategic implications for the YOT. Such inertia contributed to reactive, short term and unilateral strategic behaviour, with a tendency for this to be initiated only when the negative implications of changes within the service delivery landscape began to materialise. Such strategic reactivity ensured that 'ownership conflicts' and 'boundary disputes' (Clarke and Newman, 1997; Clarke, 1999) were a central feature of youth justice service delivery

within the site. This was evident, firstly, in relation to the YOT's ownership conflict with an external prevention service concerning who 'owned' out-of-court clientele and the resources that they bring. Secondly, the YOT were also engaged in a boundary dispute with the police concerning the proper distribution of responsibility for diversionary practices, and associated forms of adjudication and decision-making, taking place in the interstices between the two agencies.

The findings presented illustrated that whilst the local service delivery context placed constraints upon the exercise of agentic leadership driven change within Site B, Site A's context largely facilitated it. Situated within a local authority with a benign socio-economic and demographic context, and a related low demand for youth justice services, senior strategic actors did not exhibit the same defensive, intra-organisational concern with organisational process. As such they demonstrated greater awareness and sensitivity to changes within the external institutional landscape. This was reflected in anticipatory and pre-emptive strategic behaviour in relation to opportunities and threats posed to the IYS by changes within the policy, regulatory and financial service delivery environment. This was reflected in the development of coherent organisational strategies that sought to enhance local youth justice services' strategic influence in a context of a changing service delivery environment. This entailed a patient and time-consuming process of vision-driven partnership building and maintenance. These leadership processes supported and facilitated fundamental service and organisational reform within the site despite non-enthusiastic YJB support. Such reform involved the integration of previously distinct services for children and young people (youth justice services, youth services and Connexions), and their resources and functions, within one organisational form with a single management structure – an Integrated Youth Service (IYS). The leadership processes discussed above contributed to what was largely a co-production of youth justice services between partner organisations within the site. This was despite some peripheral conflict with senior strategic actors from partner organisations related to staff turnover and professional self-interest.

Beyond the contemporary politics of risk's structuring of strategic behaviour at the local level, there were additional local contextual factors that served to either facilitate or constrain the exercise of agentic leadership. Firstly, the seniority of the YOT manager within the service delivery environment was a central factor that facilitated organisational and service innovation. The importance of this is evident when comparing and contrasting the level of seniority of the YOT managers within Site A and B and the related degree of influence that they exerted upon both partner

organisations and the strategic direction of youth justice services. The YOT manager within Site A had a high level of seniority within the local service delivery landscape. This was reflected by their position on the youth justice partnership board as Head of Service for the IYS. From this position, they were able to exercise strategic influence across partner agencies and directly influence the board's determination of the strategic direction for youth justice services. In contrast, the seniority of the YOT manager within Site B was constrained by geographical boundaries. The YOT manager's seniority, and level of strategic influence, within the local service delivery landscape was diminished by non-coterminous boundaries between the YOT's catchment area and that of a partner organisation which were aligned with a larger two-tier local authority bordering the YOT's jurisdiction. Senior strategic actors within the YOT were thus small fish in a larger service delivery pond.

Additional contextual factors in Site A that facilitated the exercise of agentic leadership at strategic-organisational level included a stable political environment and continuity amongst those in leadership positions within the local authority. The former minimised the possibility that electioneering, and a related politicisation of the youth crime, could undermine the stable partnership required to enact change. The latter minimised the possibility that a change in council leadership, and a related change in strategic direction, would undermine the partnership cultivated by the local senior management team in support of their strategic vision.

The findings presented illustrate how changes within financial context have had considerable impact on the local delivery of youth justice services. In particular, there were significant challenges to, and tensions within, strategic level partnership working within both sites associated with the financial conditions created by post-2008 global financial crisis austerity measures. This was evident in three broad ways. Firstly, within Site B constraints upon finances and resources were contributing to insular organisational siloism rather than collaboration (also see NEF, 2014). This was evident in relation to the strategic behaviour of senior managers within the YOT, and senior strategic actors within the local police, with concerns about organisational resources informing insular strategic behaviour within the pre-court service delivery landscape.

Secondly, austerity-driven negotiations and re-negotiations of funding relationships with partners such as the PCC created tensions within the youth justice partnership in Site A when the IYS failed to access a traditional source of funding devolved to the PCC. Where funding was secured via this source (Site B) its access

became increasingly conditional on the acceptance of tight efficiency and performance targets, enhanced monitoring, and stipulations on what the funding could legitimately resource. This was related to the PCC's political need to demonstrate impact with their grant funding. Senior strategic actors within Site B viewed this arrangement as rendering access to this source of funding precarious as future funding had become dependent upon meeting stringent efficiency and performance targets. Senior strategic actors within Site B also noted that their funding relationship with the YJB had been renegotiated. The YJB added stipulations to the use that could be made of its grant money in order to ensure that this was only driving improvements in practice effectiveness and was thus providing value for money. Austerity budgets, and the negotiation of access to these with partners, was thus contributing to increasing control (from both local and national partners) over the delivery of youth justice services. This acted as a significant counter to the policy emphasis on decentralisation.

Thirdly, the devolution of the remand budget was engendering conflict between youth justice services and partner agencies within both sites. This contributed to an 'ownership conflict' (Clarke and Newman, 1997) within Site A between youth justice services and children's services concerning who should bear the financial risks associated with devolution. It was also found – in both Site A and B – to be contributing to tensions between partner agencies at local and national level through undermining the independence of local actors' decision-making in the area of remand. In Site A, there was evidence that concerns with budgetary control had displaced some senior managerial respondents' concerns with the child's welfare, resulting in conflict with the YJB concerning placement decisions. Whilst in Site B, there was evidence that concerns with budgetary control had displaced some senior managerial respondents' concerns with public safety. A loosely adhered to default position of recommending bail, and providing bail packages as alternatives to secure remand, had emerged (which extended to even the most serious cases). This resulted in tension between youth justice services and the police, and youth justice services and magistrates, in the court setting.

Financial and resource constraints had resulted in a broad similarity in the direction in which youth justice services within both Site A and B were adjusting their role and reach. Within both sites, a belief in the efficacy of early intervention amongst some within managerial positions neatly coincided with an organisational need for clients and survival. In a context of dwindling youth justice budgets and statutory caseloads, youth justice services within Site A and B had shifted their resources, practices and activities towards the preventative and pre-court sphere of youth justice

work. This was indicative of continuity with the early interventionist ethos associated with New Labour's reforms. It was, however, associated with dangers for service users. For instance, although the 'pragmatic' decision by the Operational Manager within Site B to wrest control of the out-of-court framework from the prevention service ensured the survival of the YOT in its current form, its benefits for children and young people were less clear. This development contravened the diversionary principle of 'maximum diversion' (McAra and McVie, 2007: 2010) from the YJS and potentially exposed children and young people to the criminogenic, stigmatising consequences of formal system contact. In Site A, by contrast, the formation of an integrated service for vulnerable children and young people organised around the actuarial principles of prevention and early intervention had led to the spread of risk-based logic to non-criminal justice services for children and young people. This thus served to spread the YJS's network of surveillance and control and posed the risk of net-widening. Furthermore, the IYS's use of risk as a criterion to target preventative resources was associated with the potential labelling of service users, and 'slow burn' criminogenic processes linked to this residualised model's curtailment of access to universally accessible preventative services (Dorling, 2004; Yates, 2012; Richards, 2014).

- 2) The findings presented illustrate significant difference in how managers and practitioners within Site A and Site B negotiated recent policy and regulatory reforms with implications for frontline practice. In Site B, within a challenging service delivery environment, managers' and practitioners' responses to policy and regulatory reforms placing a greater emphasis upon professional autonomy were conditioned to a greater extent by the contemporary politics of risk and blame. Managing high-risk clientele within a regulatory environment still perceived as forensically apportioning responsibility and blame, there was an emphasis placed by both managers and practitioners on defensive compliance with outdated actuarial standards as a form of secondary risk management. Practitioners' tendency towards defensive adherence to standardised process, in a manner that purposively sought to constrain their exercise of professional autonomy and minimise their accountability, represents a contrast from some findings within the existing empirical literature. For instance, both Burnett and Appleton (2004) and Briggs (2013) found that frontline practitioners successfully resisted managerial attempts to constrain their autonomy in relation to standardised process. The YOTs within which these empirical studies were conducted, however, had a large professionally qualified social work presence amongst frontline case holders. This was something that was absent within this YOT, following a concerted period of de-professionalisation (through the declassification of social work roles and the

increased hiring of 'unqualified' staff) due to a managerial problematisation of previous frontline social worker's non-adherence to standardised actuarial procedures.

The practice inertia described above was compounded by a tendency towards 'paradigm stasis' (Oliver, 1991) amongst a largely deskilled frontline workforce, who lacked the depth of overarching professional knowledge required to think beyond risk and introduce innovative forms of practice more aligned with an emerging critical evidence base. This ensured that ineffective forms of standardised 'one size fits all' approaches to assessment, intervention and engagement remained stubbornly embedded within the YOT.

In contrast to the above, the Operational Manager within Site A had problematised the presence of an embedded form of standardised actuarial practice - similar to that found within Site B. They attempted to ameliorate the worst effects of this 'old school' form of practice - characterised by an over-reliance upon risk-centric systems and processes, and directive and adult led forms of practice - through a process of leadership driven change. This entailed the use of a form of transformational leadership that sought to cascade management's vision of an evidence based child-centred, holistic and bespoke practice throughout the team.

Management sought to accomplish this vision via three primary means: vision driven social co-ordination; new forms of formal and informal learning; and broadening the allocation of youth justice cases to those with professional backgrounds more conducive to managements vision of practice change. These had been partially successful in re-orientating practice towards a greater emphasis upon child-centred, bespoke and holistic practice. In relation to the latter, service integration had also provided better access to opportunities and skills that facilitated the emergence of a more holistic form of practice, with a greater emphasis upon developing the child or young person's strengths and positive factors. However, it was shown that despite management's vision being partially realised, there was no linear process of leadership driven change. There was continuity between old school youth justice practice and the practice that was emerging within the site. This was primarily due to four reasons. Firstly, where change had occurred it was not indicative of a fundamental break with old school practice, but a grafting on of new routines and practices on to old ways of doing things. Secondly, old school practitioners' capture of the organisational architecture supporting peer learning ensured the maintenance and transference of an old school habitus (Bourdieu, 1990). Thirdly, due to the 'conscious hijacking' (Lowndes, 1997) of new youth justice case holders by old school youth justice

practitioners who were keen to protect their professional identity through maintaining control over key areas of youth justice practice. Fourthly, there was a disjuncture between the somewhat all-encompassing vision of practice change conveyed by managers and the more restricted reality of its implementation at managerial level.

In relation to diversion, the findings have shown that within both Site A and B recent policy and performance targets accenting formal and informal forms of diversion were interpreted through pre-existing interventionist mindsets rather than in relation to the diversionary evidence base. In Site B, this manifested as a problematisation of pre-court diversion (both formal and informal variants) through the lens of actuarial interventionism. In particular, managers and practitioners found the predominantly voluntary mode of working in the out-of-court framework incongruent with the directive, interventionist ethos of 'getting in there' to deal with underlying problems. It was argued that this runs counter to the critical evidence base underpinning diversion, which warns of the potentially criminogenic consequences of early, and intensive, system contact (McAra and McVie, 2007; 2010).

In Site A, the negotiation of diversion through pre-existing actuarial mindsets was evident with the development of a form of pre-statutory disposal - the NDD - that interpreted diversion as 'nominal' rather than 'true' diversion. It was shown that the NDD, if targeted properly at those who would otherwise have penetrated the formal/official YJS, could prevent criminalisation and minimise penetration into the YJS's formal network of control. However, a number of dangers were associated with it. Firstly, due to its resemblance to forms of formal intervention (in terms of staffing, location, the presence of coercion and form of practice) it may have contributed to the processes of labelling and stigmatisation it was designed to prevent. Secondly, it extended the YJS's sphere of intelligence and surveillance, with potentially punitive consequences for sentencing and supervision. Thirdly, it was imposed and delivered within a context of inadequate judicial oversight of pre-court decision-making and adjudication. As a consequence, there was evidence that the legal rights of children and young people were being undermined by inducement and disproportionality in the disposal's use. Fourthly, instead of minimising the YJS's reach, in some instances it extended it - capturing children and young people within its network of control who would previously have been screened out. Finally, it was argued that the NDD's status as a multiple use diversionary disposal was tenuous due to tensions within its underpinning programme rationale. Thus, its ability - if appropriately targeted - to successfully 'minimise the penetration' of children and young people into the YJS was

vulnerable to being displaced by processes of ‘accelerated penetration’ if the political context once more gives legitimacy to punitive values.

8.3.1. The Wider Relevance of the Research Findings

The findings presented throughout this thesis have wider relevance and applicability beyond the two cases explored. To understand how, and to what extent, they have wider relevance and applicability to other youth justice services it is necessary to retroactively: “understand... how the properties of the selected cases comport with the rest of the population” (Seawright and Gerring, 2008: 295).²⁹ The YOT within Site B constituted an ‘extreme case’ (Gerring, 2007) - with regards to the extent to which risk-based logic and standardised procedures had conditioned practice within the site. However, other empirical studies within England and Wales have identified various aspects of New Labour’s reforms becoming embedded on the ground. For instance, Cross, Evans and Minkes (2002) identified a shift towards a proceduralist culture within YOTs associated with the introduction of National Standards (NS). Similarly, Stahlkopf (2008) identified the emergence of a compliance orientated ‘tick box’ practice associated with their introduction. Even Field’s (2007) empirical study, where considerable frontline resistance to New Labour’s managerial reforms were identified, found evidence of practice being conditioned by managerial reforms to a degree. He identified the emergence of a less consensual practice characterised by ‘qualified voluntarism’ in response to the introduction of National Standards prescribing breach (2007: 17). Despite being an ‘extreme’ example of a youth justice practice culture conditioned by New Labour’s risk-centric managerial reforms, findings from Site B have wider relevance and applicability. For example, they can sensitise us to phenomena that might be present in these more typical cases but would have remained hidden or obscure. Thus, whilst Site B can be considered extreme, findings derived from it have transferable value and relevance to a much larger population of youth justice services.³⁰ They could thus inform working hypotheses (see Lincoln and Guba, 2000) that structure other researchers’ exploration of the frontline negotiation of the current policy trajectory.

Site A was part of a wider class of youth justice services that have responded to changes within the service delivery environment by integrating youth justice services with other services for children, young people and adolescents (MoJ and YJB, 2013a; Taylor, 2016). It can

²⁹ This was precluded at the beginning of the research due to a lack of in-depth familiarity with each case (see Seawright and Gerring, 2008).

³⁰ Indeed, evidence of the wider applicability of the findings gathered within Site B to other youth justice services is exemplified by their relevance to the form of ‘old school’ practice that had also become somewhat embedded within Site A. This was despite this site being situated within a contrasting local service delivery context.

be considered a 'typical case' (Denscombe, 2010) in relation to this wider class of integrated services, and thus findings derived from Site A have the greatest relevance and transferability to these emerging integrated models. They could potentially have relevance for an even greater number of youth justice services in the future due to at least two reasons. Firstly, in a continuing context of public sector austerity, integrated and residualised service models may become increasingly attractive to cash-strapped local councils. Secondly, the designation of this model as 'high performing' by government bodies (as within Site A within this study), and positive portrayals of this model within policy documents and reviews (see MoJ and YJB, 2013a; Taylor, 2016), may also lead to mimetic/ 'copycat' behaviour. As Zucker (1988) notes, 'legitimacy is contagious' within institutional fields, and the official legitimacy this model has received may catalyse its spread to a much larger number of youth justice services.

8.4. Implications and Recommendations

8.4.1. "Everything's changed, but everything's stayed the same": Exploring continuity and change within youth justice services

The above quotation - 'Everything's changed, but everything's stayed the same' - was given by the Operational Manager within Site A. It was uttered as a response to a question that asked how recent changes with the youth justice landscape had impacted upon local youth justice services. It encapsulates how within a context of change, local youth justice services' negotiation of recent reforms has been characterised by both innovation away from and continuity with the reforms of the New Labour era.

In terms of innovation, there has been evidence of transition away from the discrete YOT model of service delivery and the forms of standardised actuarial practice associated with it. In this regard, innovative forms of service integration have provided opportunities for practitioners to deliver more holistic interventions, characterised by a greater emphasis upon children and young people's strengths and positive factors. This is due to the fact that the integration of the functions and resources of services for adolescents and young people within a single organisational structure has made these services easier for practitioners to access. Service integration has also facilitated the emergence of a greater degree of child-centeredness and flexibility in youth justice practice through the transference of knowledge and skills from new youth justice case holders to old school practitioners within emerging communities of practice.

However, there was evidence of considerable organisational and practice inertia within local youth justice services' negotiation of recent changes within the service delivery landscape. Within Site B there had been a failure to capitalise upon an increasing policy emphasis upon de-centralisation to innovate at the organisational level. Whilst within Site A, significant organisational innovation was being driven, in part, by the actuarial logic of early intervention. At the practice level, standardised forms of 'old school' actuarial practice remained embedded to varying degrees within frontline youth justice practice within both sites. Indeed, there was evidence of not only the endurance of risk-based logic and practices but their spread to an emerging pre-statutory sphere of youth justice practice, and to non-criminal justice spheres of practice.

Problematically, the processes of continuity and change described above appear to be geographically patterned. The findings suggest that those areas most likely to cling on to damaging, and ineffective, standardised approaches may be those areas where the service delivery context is most challenging. Within Site B managers' and practitioners' reluctance to relinquish standardised modes of service delivery were in large part related to the illusion of certainty, and accountability avoidance, that actuarial processes provided within a context of high demand for youth justice services, risk-laden caseloads and enhanced risk of regulatory scrutiny. However, within Site A - where service delivery conditions were more benign (with comparatively low demand for youth justice services and less risk-laden caseloads) - there was a less risk averse attitude to organisational and practice innovation. This provides empirical support for the hypothesis of Byrne and Case (2016). They suggest that: "those areas most affected by youth crime may be the ones where the technologies of the New Youth Justice and... the illusion of certainty in managing risk, holds on for the longest" (2016: 77). Indeed, the current policy emphasis upon localism appears to be contributing to the emergence of a two-tier system characterised by a perverse 'justice by geography' where those areas most in need of effective practice cling on to the safety blanket of ineffective forms of standardised actuarial practice.

8.4.2. Recommendations

- One of the central drivers of organisational and practice inertia within youth justice service delivery is the contemporary politics of risk. Within a culture that allocates responsibility for the management of risk, and forensically apportions blame when things go wrong, senior managers' and practitioners' adherence to the conventional YOT model of service delivery, and the standardised institutional processes associated with it, can be partly conceived as being driven by secondary risk management and

responsibility aversion. To move beyond the current impasse there needs to be a transition towards a *politics* and *practice* of uncertainty (Power, 2004).

The former - a politics of uncertainty - entails governmental and regulatory players within the field of youth justice abandoning pretensions that all risk can be known and governed. A new politics of uncertainty would take steps to move away from the blame culture that this assumption engenders, characterised by a distrust of local youth justice service providers and youth justice expertise. As has been shown, such a culture provides a formidable barrier to both organisational and service innovation and frontline practice creativity. Rhetorically, recent government discourse has evidenced some progress in transitioning towards a politics of uncertainty. Within this the dominant political narrative of distrust in expertise, which predominated within youth justice throughout New Labour's period in office (see Home Office, 1997), has been somewhat abandoned. This progress was evident within the Breaking the Cycle (MoJ, 2010) Green Paper, which criticised New Labour's emphasis upon centrally defined process. It promised to replace this with a system that: "put... trust in the professionals who are working with young people on the ground" (2010: 69). This emphasis upon trust in the abilities of expertise, and the need to grant professionals greater freedom and flexibility, has remained a prominent theme within official discourse (see Taylor, 2016).

A practice of uncertainty entails a recognition that professional practice is largely characterized by: "ambiguity, indeterminacy, and uncertainty" (Parton, 2000: 141) and therefore requires a greater deployment of techniques of uncertainty (O'Malley, 2004) rather than standardised risk-based techniques. Indeed, Clark (1995) argues that that problems faced within professional practice: "are sufficiently unfamiliar, complex and subtle to require the application of creativity and imagination to resolve them" (Clark, cited in Lymbery, 2003: 107). In terms of creating the institutional conditions within which practices of uncertainty can thrive, there had been somewhat less progress at the time at which the data collection was carried out (mid-2013 to late 2014). The YJB's reforms had only moderately increased professional autonomy within the statutory practice context, and HMIP's reforms did not go far enough towards an outcome-orientated approach. The findings presented in this thesis illustrate that this presented the opportunity for risk averse managers and practitioners (predominantly within Site B) to hold on to the safety blanket of standardised practice. Since this time, however, regulatory and practice reforms have been introduced which have further increased opportunities for local innovation and the exercise of professional discretion. HMIP began consulting on *Project Outcome*

(HMIP, 2015) - a new inspection methodology that plans to move even further away from an emphasis on process compliance – which has since been introduced in 2016 (HMIP, 2016). The YJB has also subsequently rolled out Asset Plus on a national basis, a new assessment and intervention tool more heavily reliant on professional autonomy (YJB, 2014a; 2014b). Whether these reforms encourage greater professional autonomy, or exacerbate existing tendencies with some youth justice services towards defensive flights from judgement needs to be explored.

- The exercise of agentic leadership driven change within local youth justice services requires a broad partnership based approach. Changes within the financial service delivery environment – specifically, those related to austerity budgets (some of which are devolved) and resource constraints – are making this increasingly difficult by causing tension between partners and encouraging organisational siloism rather than collaboration. The increasingly tenuous nature of previously stable sources of funding is also rendering long term strategic planning difficult, whilst increasing stipulations and controls upon how funds may be used is undermining the policy emphasis on local autonomy by restricting local youth justice services’ flexibility. Overall levels of funding and the stipulations and controls that are attached to it therefore need to be reviewed. In light of the perverse incentives associated with devolved budgets, further financial devolution (as recommended with the Taylor Review, 2016) should also be resisted until the impact of this on the independence of decision-making in key practice areas is more fully understood.
- The findings of this thesis have confirmed YJB guidance recommending that the YOT manager be sufficiently senior within the local service delivery landscape to be able to exercise high-level strategic influence (YJB, 2004a; MoJ and YJB, 2013a). Where this was the case (within Site A), this facilitated the exercise of effective leadership. This highlights the necessity of local youth justice services’ hiring practices, and pay structures, reflecting this need (YJB, 2004a). Where geographical anomalies weaken the strategic influence of the YOT manager (as within Site B) effective partnership working with senior strategic actors within neighbouring local authority’s YOTs could help to ensure that the YOT manager is capable of exercising strategic influence and ensure that the YOT does not lose its strategic autonomy.
- There is an urgent need to address training deficits amongst staff at all levels of youth justice service delivery. Senior strategic actors within youth justice services seem unaware of the dangers for service users associated with early preventative intervention, and residualised forms of service provision. This lack of criticality with

regard to early intervention is replicated amongst some managers and practitioners involved in the delivery of frontline services, with emerging forms of diversionary practice being largely inconsistent with the knowledge base underpinning diversion. Embedded forms of standardised actuarial practice, whilst being ineffective, are also indicative of training needs amongst frontline staff. In particular, they highlight the need for educative forms of training that provide practitioners with both: “underpinning and overarching knowledge... [that]... generates certain “habits of mind” and instils in individual practitioners the capacity to be critical and reflexive” (Phoenix, 2011: 131).

It is incumbent upon the YJB, whose responsibility it is to ensure practitioners are suitably trained and qualified, to drive through change on the ground. It performed this function effectively with regard to New Labour’s top-down reforms to youth justice practice (Pitts, 2001; Smith, 2014a) in the early 2000s. However, a contemporary resource constrained YJB - which has seen its budget more than halved since 2010 (YJB, 2016: 3) - appears unwilling or unable to pursue such a ‘hands on’ approach. If localism is to be effectively implemented, however, it requires frontline capacities that this thesis has shown some local areas do not possess or totally grasp the need for. Unfortunately, the training regime instigated by the YJB to accompany the roll out of Asset Plus suggests that the YJB either does not recognise this, or is unwilling/or unable to implement the radical change required in a context of austerity. This regime utilises a ‘cascading’ approach to training that entails training one lead practitioner from each YOT who then passes on his/her training to their organisation (YJB, 2014b). Such an approach is unlikely to imbue practitioners with the breadth of overarching knowledge, and skills of critical appraisal, required to engage effectively in creative and innovate forms of practice.

Bibliography

- Allen, R. (2011a) *Last Resort: Exploring the Reduction in Child Imprisonment 2008-11*. London: Prison Reform Trust.
- Allen, R. (2011b) 'Justice reinvestment and the use of imprisonment', *Criminology & Public Policy*, 10 (3), 617-627.
- Allen, R. (2015) 'Rehabilitation Devolution: How Localising Justice Can Reduce Crime and Imprisonment', *Transform Justice*. Available at: <http://www.transformjustice.org.uk/wp-content/uploads/2015/12/TRANSFORM-JUSTICE-REHABILITATION-DEVOLUTION.pdf> (accessed 3 March 2017).
- Almond, T. (2012) 'Asset: An assessment tool that safeguards or stigmatizes young offenders?', *Probation Journal*, 59 (2), 138-150.
- Armitage, V., Kelly, L. and Phoenix, J. (2016) 'Janus-Faced Youth Justice Work and the Transformation of Accountability', *The Howard Journal of Crime and Justice*, 55 (4), 478-495.
- Armstrong, D. (2006) 'Becoming criminal: The cultural politics of risk', *International Journal of Inclusive Education*, 10 (02-03), 265-278.
- Arnoldi, J. (2009), *Risk*. London: Polity.
- Association of Chief Police Officers. (2012) *Guidelines on the Use of Community Resolutions (CR) Incorporating Restorative Justice (RJ)*. Available at: <http://library.college.police.uk/docs/appref/Community-Resolutions-Incorporating-RJ-Final-Aug-2012-2.pdf> (accessed 21st January 2015).
- Baker, K. (2005), 'Assessment in youth justice: Professional discretion and the use of Asset', *Youth Justice*, 5: 100-116.
- Baker, K., Jones, S., Merrington, S. and Roberts, C. (2005), *Further Development of Asset*. London: Youth Justice Board.
- Baker, K., Jones, S., Roberts, C. and Merrington, S. (2004), *ASSET: The Evaluation of the Validity and Reliability of the Youth Justice Board's Assessment for Young Offenders*. London: YJB.
- Baldwin, J. (1992) *The Royal Commission on Justice: The Conduct of Police Investigations: Records of Interview, The Defense Lawyers Role and Standards of Supervision*, Research Studies 2, 3 and 4. London: HMSO.
- Bass, B. (1985) *Leadership and Performance Beyond Expectations*, New York: Free Press.
- Bass, B. (1990) 'From transactional to transformational leadership: Learning to share the vision', *Organizational Dynamics*, 18 (3), 19-31.
- Bass, B., and Bass, R. (2008) *The Bass Handbook of Leadership: Theory, Research, and Managerial Applications*, New York: Free Press.

- Bateman, T. (2011a), 'We Now Breach More Kids in a Week Than We Used to in a Whole Year': The Punitive Turn, Enforcement and Custody', *Youth justice*, 11: 115-133.
- Bateman, T. (2011b) 'Punishing poverty: The 'scaled approach' and youth justice practice', *The Howard Journal of Criminal Justice*, 50 (2), 171-183.
- Bateman, T. (2012a) 'Who Pulled the Plug? Towards an Explanation of the Fall in Child Imprisonment in England and Wales', *Youth Justice*, 12 (1), 36-52.
- Bateman, T. (2012b) Children in Trouble with the Law: An Overview of Trends and Developments – 2012, *NAYJ Briefing*. Available at: http://thenayj.org.uk/wp-content/files_mf/nayjbriefingchildreninconflictwiththelaw1.pdf.
- Bateman, T. (2014) 'Where has all the youth crime gone? Youth justice in an age of austerity', *Children & Society*, 28 (5), 416-424.
- Bateman, T. (2016) 'The state of youth custody', *NAYJ Briefing*. Available at: <http://thenayj.org.uk/wp-content/uploads/2016/10/NAYJ-Briefing-State-of-Youth-Custody-2016.pdf> (accessed 4 February 2017).
- Bateman, T. and Pitts, J. (2005) *The RHP Companion to Youth Justice*. Lyme Regis: Russell House Publishing.
- Baudrillard, J. (2002) *Screened Out*, London; Verso.
- Bauman, Z. (2000) *Liquid Modernity*, Cambridge: Polity Press.
- Beck, U. (1992) *Risk Society: Towards a New Modernity*. London: Sage.
- Beck, U. (1995) *Ecological Enlightenment: Essays on the Politics of the Risk Society*, London: Humanities Press Intl.
- Becker, H. (1963) *Outsiders. Studies in the Sociology of Deviance*, New York: The Free Press.
- Becker, H. (1967) 'Whose side are we on', *Social Problems*, 14 (3), 239-247.
- Bennis, W. and Nanus, B. (1985) *Leaders: The Strategies for Taking Charge*, New York: Harper Row.
- Bevan, G. and Hood, C. (2006) 'What's measured is what matters: targets and gaming in the English public health care system', *Public administration*, 84 (3), 517-538.
- Blau, P.M. (1987) 'Contrasting theoretical perspectives', in J. Alexander., B. Giesen., and N. Muench. (Eds.), *The Micro-Macro link*, California: University California Press.
- Blond, P. (2010) *Red Tory: How Left and Right Have Broken Britain and How We Can Fix It*, London: Faber & Faber.
- Boles, N. (2010) *Which Way's Up? The Future for Coalition Britain and How to Get There*, London: Biteback.
- Bottoms, A. and Dignan, J. (2004) 'Youth Justice in Great Britain', *Crime and Justice*, 31, 21-183.

- Bourdieu, P. (1990) *The Logic of Practice*, Cambridge: Polity Press.
- Bowen, G. (2009) 'Document analysis as a qualitative research method', *Qualitative Research Journal*, 9 (2), 27-40.
- Bradley, K. J. C. B. (2009), *The Bradley Report: Lord Bradley's Review of People with Mental Health Problems or Learning Disabilities in the Criminal Justice System*. London: Department of Health.
- Braithwaite, J. (1989) *Crime, Shame and Reintegration*, Cambridge: Cambridge University Press.
- Braithwaite, J. (1993) 'Thinking harder about democratic social control', in J. Adler. And Wundersitz, J. (Eds.) *The New Criminology Revisited*, Houndmills: Macmillan.
- Briggs, D. (2013) 'Conceptualising risk and need: the rise of actuarialism and the death of welfare? Practitioner assessment and intervention in the youth offending service', *Youth justice*, 13 (1), 17-30.
- Brown, J.S. and Duguid, P. (1991) 'Organizational learning and communities-of-practice: Toward a unified view of working, learning, and innovation', *Organization Science*, 2 (1), 40-57.
- Brown, K., and White, K. (2006) *Exploring the evidence base for Integrated Children's Services*. Edinburgh: Scottish Executive.
- Brownlee, I. (1998) *Community Punishment: A Critical Introduction*, Longman: London.
- Bryman, A. (2002) *Charisma and Leadership in Organisations*, London: Sage.
- Bryman, A. (2008) *Social Research Methods* (3rd Edition), Oxford: Oxford university press.
- Bullington, B., Sprowls, J., Katkin, D. and Phillips, M. (1978) 'A critique of diversionary juvenile justice', *Crime and Delinquency*, 24 (1), 59-71.
- Burgess, R. (1984) *In the Field: An Introduction to Field Research*, New York: Routledge.
- Burnett, R. (2004) 'One-to-one Ways of Promoting Desistance: In Search of an Evidence Base', in R Burnett and C. Roberts (Eds.) *What Works in Probation and Youth Justice: Developing Evidence-Based Practice*, London: Willan Publishing.
- Burnett, R. (2005) 'Youth Offending Teams', in T. Bateman and J. Pitts (Eds.), *The RHP Companion to Youth Justice*, Lyme Regis: Russell House Publishing.
- Burnett, R. and Appleton, C. (2004) 'Joined-Up Services to Tackle Youth Crime A Case-Study in England', *British Journal of Criminology*, 44 (1), 34-54.
- Burnett, R. and McNeil, F. (2005) 'The place of the officer-offender relationship in assisting offenders to desist from crime', *Probation Journal*, 52 (3), 221-242.
- Burns, J. (1978) *Leadership*, New York: Harper and Row.

- Bynner, J. (2001) 'British youth transitions in comparative perspective', *Journal of youth studies*, 4 (1), 5-23.
- Byrne, B. and Brooks, K. (2015) 'Post-YOT Youth Justice', *Howard League for Penal Reform*. Available at: http://howardleague.org/wp-content/uploads/2016/04/HLWP_19_2015.pdf (accessed 2nd April 2016).
- Byrne, B. and Case, S. (2016) 'Towards a positive youth justice', *Safer Communities*, 15 (2), 69-81.
- Case, S. (2006) 'Young people 'at risk' of what? Challenging risk-focused early intervention as crime prevention', *Youth Justice*, 6 (3), 171-179.
- Case, S. (2007) 'Questioning the Evidence of Risk that Underpins Evidence-led Youth Justice Interventions', *Youth Justice*, 7: 91-105.
- Case, S. and Haines, K. (2009) *Understanding Youth Offending: Risk Factor Research, Policy and Practice*. Collumpton: Willan.
- Case, S. and Haines, K. (2015a), 'Children First, Offenders Second: The Centrality of Engagement in Positive Youth Justice'. *The Howard Journal of Criminal Justice*, 54: 157-175.
- Case, S. and Haines, K. (2015b) *Positive Youth Justice: Children First, Offenders Second*. Bristol: Polity Press
- Case, S. and Haines, K. (2015c) 'Risk management and early intervention: A critical analysis', in B. Goldson and J. Muncie (Eds.), *Youth Crime and Justice*, 2nd Ed, London: Sage.
- Catalano, R.F. and Hawkins, J.D. (1996) 'The Social Development Model: A Theory of Antisocial Behavior, in J. Hawkins, (Ed.), *Delinquency and Crime: Current theories*, 149-197. Cambridge University Press.
- Cavadino, M. and J. Dignan. (2002) *Penal Systems: A Comparative Approach*. London: Sage.
- Centre for Crime and Justice Studies. (2008) *Ten Years of New Labour's Youth Justice Reforms: An Independent Audit*. Available at: <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/youthjusticeaudit.pdf> (accessed 23 February 2014).
- Centre for Social Justice. (2012) *Rules of Engagement: Changing the Heart of Youth Justice*. London: Centre for Social Justice.
- Chief Secretary to the Treasury. (2003) *Every Child Matters*. London: The Stationary Office.
- Children's Workforce Development Council. (2006) *The Common Assessment Framework For Children and Young People: A Guide for Practitioners*. Available at: <http://webarchive.nationalarchives.gov.uk/20130401151715/https://www.education.gov.uk/publications/eorderingdownload/caf-practitioner-guide.pdf> (accessed 15 December 2015).
- Clarke, J. (1999) 'Whose business? Social welfare and managerial calculation', in M. Purdy and D. Banks (Eds.), *Health and Exclusion: Policy and Practice in Health Provision*, London: Routledge.

- Clarke, J. (2004) 'Dissolving the public realm? The logics and limits of neo-liberalism', *Journal of Social Policy*, 33, 27-48.
- Clarke, J. and Newman, J. (1997) *The Managerial State: Power, Politics and Ideology in the Remaking of Social Welfare*. London: Sage.
- Cohen, S. (1985) *Visions of Social Control: Crime, Punishment and Classification*. Cambridge: Polity Press.
- Cohen, S. (2002) *Folk Devils and Moral Panics*, (3rd Ed), London: Routledge.
- Crawford, A. (1997) *The Local Governance of Crime: Appeals to Community and Partnerships*. Oxford: Clarendon.
- Creaney, S. (2015) 'Still working with 'involuntary clients' in youth justice', *British Journal of Community Justice*, 13 (1), 41-53.
- Cressey, D. and McDermott, R. (1973) *Diversion From the Juvenile Justice System* (Vol. 42, No. 12), Ann Arbor: National Assessment of Juvenile Corrections, University of Michigan.
- Cross, N., Evans, J. and Minkes, J. (2002) 'Still Children First? Developments in Youth Justice in Wales', *Youth Justice*, 2: 151-62.
- Currie, G. and Lockett, A. (2007) 'A critique of transformational leadership: Moral, professional and contingent dimensions of leadership within public services organizations', *Human Relations*, 60 (2), 341-370.
- Cushing, K. (2014) 'Diversion from prosecution for young people in England and Wales—reconsidering the mandatory admission criteria', *Youth Justice*, 14 (2), 140-153.
- Cutler, T. and Waine, B. (2000) 'Managerialism reformed? New Labour and public sector management', *Social Policy & Administration*, 34 (3), 318-332.
- Davies, N. (1969) *Probationers in their Social Environment*, Home Office Research Study No.2, London: HMSO.
- Davis, G., Boucherat, J. and Watson, D. (1989) 'Pre-court decision-making in juvenile justice', *British Journal of Criminology*, 29 (3), 219-235.
- Denscombe, M. (2014) *The Good Research Guide: For Small-Scale Social Research Projects*, London: McGraw-Hill.
- Denzin, N. (1970) 'Strategies of multiple triangulation', in N. Denzin (Eds), *The Research Act in Sociology: A Theoretical Introduction to Sociological Method*, New York: McGraw-Hill.
- Department for Communities and Local Government. (2015) *The English Indices of Deprivation 2015*. Available at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/465791/English_Indices_of_Deprivation_2015_-_Statistical_Release.pdf (accessed 8 January 2016).
- Department for Education and Skills. (2004) *Every Child Matters: Next Steps*. London: DfES.

- Deloitte. (2015) *Youth Offending Team Stocktake*. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445641/yot-stocktake-report.pdf (accessed 23 September 2015).
- Di Maggio, P. (1988) 'Interest and Agency in Institutional Theory', in L. G. Zucker, ed., *Institutional patterns and organizations: Culture and environment*, 3-21. Ballinger.
- Dingwall, R. (1980) 'Ethics and ethnography', *The Sociological Review*, 28 (4), 871-891.
- Dorling, D. (2004) 'Prime Suspect: Murder in Britain', In P. Hillyard., C. Polantzis., S. Tombs., D. Gordon and D. Dorling (Eds.), *Criminal Obsessions: Why Harm Matters More than Crime*, London: Crime and Society Foundation.
- Douglas, M. (1986) *Risk Acceptability According to the Social Sciences*. Routledge and Kegan Paul.
- Douglas, M. (1992), *Risk and Blame*. Routledge.
- Drake, D. Fergusson, R. and Briggs, D. (2014) 'Hearing new voices: Re-viewing youth justice policy through practitioners' relationships with young people', *Youth Justice*, 14 (1), 22-39.
- Drew, J., and Coyles, W. (2014) 'Is there Still a Youth Justice Movement: Reflections on the Achievements of the Last Decade and the Challenges Ahead', paper presented at the *National Association for Youth Justice Annual Conference*, 2014.
- Dunford, F.W. (1977) 'Police diversion: an illusion?', *Criminology*, 15 (3), 335-352.
- Eadie, T. and Canton, R. (2002), 'Practicing in a Context of Ambivalence: The Challenge for Youth Justice Workers', *Youth Justice*, 2: 14-26.
- Elliott, D., Dunford, F., and Knowles, B. (1978) *Diversion: A Study of Alternative Processing Practices: An Overview of Initial Study Findings*. Boulder: Behavioral Research Institute.
- Evans, R. and Wilkinson, C. (1990) 'Variations in police cautioning policy and practice in England and Wales', *The Howard Journal of Crime and Justice*, 29 (3), 155-176.
- Evetts, J. (2009) 'The management of professionalism: A contemporary paradox', in S. Gewirtz., P. Mahony., I. Hextall and A. Cribb (Eds.), *Changing Teacher Professionalism, International Trends and Ways Forward*, London: Routledge.
- Ewald, F. (1993). 'Two Infinities of Risk', in B. Massumi, ed., *The Politics of Everyday Fear*, 221-228. University of Minnesota Press.
- Farrall, S. and Bowling, B. (1999) 'Structuration, human development and desistance from crime', *British Journal of criminology*, 39 (2), 253-268.
- Farrall, S. and Calverley, A. (2006) *Understanding Desistance from Crime: Theoretical Directions in Resettlement and Rehabilitation*. Berkshire: McGraw-Hill Education.
- Farrington, D. (2002) 'Understanding and Preventing Youth Crime', in J. Muncie., G. Hughes and E. McLaughlin (Eds.), *Youth Justice Critical Readings*, London: Sage.

- Feeley, M. and Simon, J. (1994) Actuarial Justice: Power/Knowledge in Contemporary Criminal Justice, in D. Nelken, ed., *The Futures of Criminology*, 173-201. Sage.
- Field, S. (2007) 'Practice cultures and the 'new' youth justice in (England and) Wales', *British Journal of Criminology*, 47 (2), 311-330.
- Field, S. (2015) 'Developing local cultures in youth justice policy making: The case of youth justice in wales', in M. Wasik and S. Santatzoglu (Eds.), *The Management of Criminal Justice: Who Knows Best?* Basingstoke: Palgrave Macmillan.
- Fielder, C., Hart, D. and Shaw, C. (2008) *The Developing Relationship between Youth Offending Teams and Children's Trusts*. Available at: <http://dera.ioe.ac.uk/7998/> (accessed 17 June 2016).
- Flanagan, R. (2008) The Review of Policing: Final Report. Available at: <http://www.justiceinspectrates.gov.uk/hmic/media/flanagan-review-of-policing-20080201.pdf> (accessed 2 October 2014).
- Foucault, M. (1979) *Discipline and Punish: The Birth of the Prison*. Harmondsworth: Penguin.
- Fournier, V. (1999) 'The appeal to 'professionalism' as a disciplinary mechanism', *The Sociological Review*, 47 (2), 280-307.
- Garland, D. (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*, Oxford: Oxford University Press.
- Geertz, C. (1973) 'Thick Description: Towards an Interpretive Theory of Culture', in *The Interpretation of Culture*, pp. 3-30, New York: Basic Books.
- Gelsthorpe, L. (2006) 'Due process model', in E. McLaughlin and J. Muncie (Eds.), *The Sage Dictionary of Criminology* (2nd Edition), London: Sage.
- Gerring, J. (2007) 'Is there a (viable) crucial-case method?', *Comparative Political Studies*, 40 (3), 231-253.
- Giddens, A. (1991) *Modernity and self-identity: Self and society in the late modern age*, Stanford: Stanford University Press.
- Giddens, A. (1998) *Risk society: the context of British politics*, Cambridge: Polity Press.
- Giddens, A. (1999) 'Risk and responsibility', *The Modern Law Review*, 62 (1), 1-10.
- Giddens, A. (2002), *Runaway World*. Profile Books.
- Goldson, B. (1999) 'Youth (In) Justice: Contemporary Developments in Policy and Practice', in B. Goldson (ed.) *Youth Justice: Contemporary Policy and Practice*, Aldershot: Ashgate.
- Goldson, B. (2000a) "'Children in Need' or 'Young Offenders' Hardening Ideology, Organisational Change and New Challenges for Social Work with Children in Trouble', *Child and Family Social Work*, 5, 255-65.
- Goldson, B. (2000b) 'Wither diversion? Interventionism and the new youth justice', in B. Goldson (Ed.), *The New Youth Justice*, Lyme Regis: Russell House Publishing.

- Goldson, B. (2009) 'Early intervention in the youth justice sphere: a knowledge-based critique', in M. Blyth and E. Solomon (Eds.), *Prevention and Youth Crime: Is Early Intervention Working?*, Bristol: Policy Press.
- Goldson, B. (2010) 'The sleep of (criminological) reason: Knowledge—policy rupture and New Labour's youth justice legacy', *Criminology & Criminal Justice*, 10 (2), 155-178.
- Goldson, B. and Hughes, G. (2010) 'Sociological criminology and youth justice: Comparative policy analysis and academic intervention', *Criminology & Criminal Justice*, 10 (2), 211-230.
- Gomm, R., Hammersley, M., and Foster, P. (2000) *Case Study Method: Key Issues, Key Texts*. London: Sage.
- Gove, M. (2015), *Announcement of a Review into Youth Justice*. Available at: <https://www.gov.uk/government/speeches/youth-justice> (accessed 20 November 2015).
- Graham, J. and Bowling, B. (1995) *Young People and Crime*, Home Office Research Study 145. London: Home Office.
- Gray, P. (2005) 'The politics of risk and young offenders' experiences of social exclusion and restorative justice', *British Journal of Criminology*, 45 (6), 938-957.
- Gray, P. (2009) 'The political economy of risk and the new governance of youth crime', *Punishment & Society*, 11 (4), 443-458.
- Haines, K. and Case, S. (2012) 'Is the scaled approach a failed approach?', *Youth Justice*, 12 (3), 212-228.
- Haines, A., Goldson, B., Haycox, A., Houten, R., Lane, S., McGuire, J., Nathan, T., Perkins, E., Richards, S. and Whittington, R. (2012) 'Evaluation of the Youth Justice Liaison and Diversion (YJLD) Pilot Scheme: Final Report. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/215118/dh_133007.pdf (accessed 2nd January 2014).
- Haines, K., Case, S., Davies, K. and Charles, A. (2013) 'The Swansea Bureau: A model of diversion from the youth justice system', *International Journal of Law, Crime and Justice*, 41 (2), 167-187.
- Hall, D. (2013) 'Drawing a veil over managerialism: leadership and the discursive disguise of the New Public Management', *Journal of Educational Administration and History*, 45 (3), 267-282.
- Hall, S. (2011), *The Neo-Liberal Revolution*, *Cultural studies*, 25: 705-728.
- Hannah-Moffat, K. (1999) 'Moral agent or actuarial subject: Risk and Canadian women's imprisonment', *Theoretical Criminology*, 3 (1), 71-94.
- Harris, J. (1998) 'Scientific management, bureau-professionalism, new managerialism: The labour process of state social work', *The British Journal of Social Work*, 28 (6), 839-862.
- Hart, D. (2011), *Into the Breach: The Enforcement of Statutory Orders in the Youth Justice System*. London: Prison Reform Trust.

Hart, D. (2012) *Children and Young People in 'Breach': A Scoping Report on Policy and Practice in the Enforcement Of Criminal Justice and Anti-Social Behaviour Orders*. London: National Children's Bureau.

Hartley, J. and Allison, M. (2000) 'The modernization and improvement of government and public services: The role of leadership in the modernization and improvement of public services', *Public Money and Management*, 20 (2): 35-40.

Heifetz, R. (1994) *Leadership Without Easy Answers*, Massachusetts: Harvard University Press.

Hendrick, H. (2002) 'Constructions and reconstructions of British childhood: an interpretive essay, 1800 to present', in J. Muncie., G. Hughes., E. McLaughlin (Eds.), *Youth Justice: Critical Readings*, London: Sage.

Her Majesty's Inspectorate of Probation. (2010) *History of HMI Probation*. Available at: <http://www.justiceinspectorates.gov.uk/probation/wp-content/uploads/sites/5/2014/03/history-hmi-probation.pdf> (accessed 15 July 2015).

Her Majesty's Inspectorate of Probation. (2013a), *Framework for Full Joint Inspection (FJI) of Youth Offending Work*. Available at: <http://www.justiceinspectorates.gov.uk/probation/wp-content/uploads/sites/5/2014/03/fji-framework.pdf> (accessed 20 November 2015).

Her Majesty's Inspectorate of Probation. (2013b), HM Inspectorate of Probation Annual Report (2012-13). Available at: <http://www.justiceinspectorates.gov.uk/probation/wp-content/uploads/sites/5/2014/03/hmi-probation-annual-report-2012-2013.pdf> (accessed 21 November, 2015).

Her Majesty's Inspectorate of Probation. (2014), HM Inspectorate of Probation Annual Report (2013-14). Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2014/06/HMI-Probation-Annual-Report-2013-2014.pdf> (accessed 21 November 2015).

Her Majesty's Inspectorate of Probation. (2015a), *Case Assessment Guidance for Full Joint Inspection (FJI) and Short Quality Screening (SQS)*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2014/03/IYOW-CAG-v15-0-19012015.pdf> (accessed 12 November 2015).

Her Majesty's Inspectorate of Probation. (2015b), *Inspection Criteria for Short Quality Screening of Youth Offending Work*. Accessed at: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2014/02/SQS-Criteria-v3-180714-final.pdf> (accessed 16 November 2015).

Her Majesty's Inspectorate of Probation. (2015c), *Update on Inspections of Youth Offending Work and Changes in HMI Probation*. Available at: [https://www.vpthub.com/Files/Documents/eSurvey%20FAQs%20\(2\).pdf](https://www.vpthub.com/Files/Documents/eSurvey%20FAQs%20(2).pdf) (15 June 2015).

Her Majesty's Inspectorate of Probation. (2016) HMI Probation Impact-Led Approach: Inspecting Effectiveness. Available at: <http://www.justiceinspectorates.gov.uk/hmiprobation/wp->

content/uploads/sites/5/2015/01/Project-Outcome-Youth-Text-model-v2-0.pdf (Accessed 23 January 2017).

Hester, R. (2010) 'Professional education in youth justice: mirror or motor?', *British Journal of Community Justice*, 8 (2), 45-56.

Hirschi, T. and Gottfredson, M. (1983) 'Age and the explanation of crime', *American Journal of Sociology*, 89 (3), 552-584.

HM Government. (2011) *Opening Public Services*, London: The Stationary Office.

Hoggett, P. (1996) 'New modes of control in the public service', *Public Administration*, 74 (1), 9-32.

Hollins, C., McGuire, J., Palmer, E., Bilby, C., Hatcher, R and Holmes, A. (2002) *Introducing Pathfinder Programmes into the Probation Service: an interim report* (Home Office Research Study 247), London: Home Office.

Home Office. (1992) *National Standards for the Supervision of Offenders in the Community*, London: Home Office.

Home Office. (1995) *National Standards for the Supervision of Offenders in the Community*, London: Home Office.

Home Office. (1997) *No More Excuses: A New Approach to Tackling Youth Crime in England and Wales*, London: Home Office.

Home Office. (2003a) *Respect and Responsibility: Taking a Stand against Anti-Social Behaviour*, Cmnd 5778, London, HMSO.

Home Office. (2008) *Youth Crime Action Plan 2008*. London: Home Office.

Hood, C. (2002) 'The risk game and the blame game', *Government and Opposition*, 37 (1), 15-37.

Hood, C. and Peters, G. (2004) 'The middle aging of new public management: into the age of paradox?', *Journal of public administration research and theory*, 14 (3), 267-282.

Hooley, T. and Watts, A. (2011) *Careers Work with Young People: Collapse or Transition?*, Derby: International Centre for Guidance Studies.

House, R. (1976) *A 1976 Theory of Charismatic Leadership*, Working Paper Series 76-06, University of Toronto: Faculty of Management Studies.

House of Commons Justice Committee. (2013) *Youth Justice: Seventh Report of Session 2012-2013*. London: The Stationary Office.

Howe, D. (1996) 'Surface and Depth in Social Work Practice', in N. Parton (Ed), *Social Theory, Social Change and Social Work*. London: Routledge.

Huber, J. (1990) 'Macro-micro links in gender stratification: 1989 presidential address', *American Sociological Review*, 55, 1-10.

- Hudson, B. (2003) *Justice in the Risk Society: Challenging and Re-affirming 'Justice' in Late Modernity*. Sage.
- Jamieson, J. and Yates, J. (2009) 'Young people, youth justice and the state', in R. Coleman., J. Sim., S. Tombs and D. Whyte (Eds.), *State, Power, Crime*, London: Sage.
- Jenks, C. (2005) *Childhood*, London: Routledge.
- Johnstone, G. (2002) *Restorative Justice: Ideas, Values, Debates*, London: Routledge.
- Jupp, V., Davies, P., Francis, P. (2011) *Doing Criminological Research*, London: Sage.
- Kelly, L., and Armitage, V. (2015) 'Diverse diversions: youth justice reform, localized practices, and a "new interventionist diversion"?' , *Youth Justice*, 15 (2), 117-133.
- Kemp, V., Pleasance, P., and Balmer, N. (2011) 'Children, young people and requests for police station legal advice: 25 years on from PACE', *Youth Justice*, 11 (1): 28-46.
- Kemshall, H. (2003) *Understanding Risk in Criminal Justice*, Maidenhead: Open University Press.
- Kemshall, H. (2006) 'Crime and Risk', in P. Taylor-Gooby (ed), *Risk in Social Science*, Oxford: Oxford University Press.
- Kemshall, H. (2008) 'Risks, Rights and Justice: Understanding and Responding to Youth Risk', *Youth Justice*, 8 (1) : 21-37.
- Kemshall, H., Parton, N., Walsh, M. and Waterson, J. (1997) 'Concepts of risk in relation to organizational structure and functioning within the personal social services and probation', *Social Policy & Administration*, 31 (3), 213-232.
- Kitzinger, J. (1994) 'Focus groups: method or madness?', in M. Boulton (Ed.), *Challenge and Innovation. Methodological Advances in Social Research on HIV/AIDS*, New York Routledge.
- Klapmuts, N. (1974) 'Diversion from the justice system', *Crime and Delinquency Literature*, 6 (1), 108-31.
- Klein, M.W. (1979) 'Deinstitutionalization and diversion of juvenile offenders: A litany of impediments', *Crime and justice*, 1, 145-201.
- Kondra, A. and Hinings, C. (1998) 'Organizational diversity and change in institutional theory', *Organization Studies*, 19 (5), 743-767.
- Kotter, J. (1990) *A Force for Change: How Leadership Differs from Management*, New York: The Free Press.
- Kouzes, J., and Posner, B. (2002) *The Leadership Challenge: How to Get Extraordinary Things Done in Organisations*, San-Francisco: Jossey-Bass.
- Kubiak, C. and Hester, R. (2009) 'Just deserts? Developing practice in youth justice', *Learning in Health and Social Care*, 8 (1), 47-57.
- Kvale, S. (2006) 'Dominance through interviews and dialogues', *Qualitative Inquiry*, 12 (3), 480-500.

- Kvale, S. and Brinkmann, S. (2009) *Learning the Craft of Qualitative Researching Interviewing*, California: Sage.
- Lave, J. and Wenger, E. (1991) *Situated Learning: Legitimate Peripheral Participation*. Cambridge: Cambridge University Press.
- Layder, D. (1997) *Modern Social Theory: Key debates and new directions*, London: UCL Press
- Lemert, E.M (1964) 'Social structure, social control, and deviation', M. Clinard (Ed.), *Anomie and Deviant Behavior*, New York: The Free Press.
- Lemert, E.M. (1981) 'Diversion in juvenile justice: What hath been wrought', *Journal of Research in Crime and Delinquency*, 18 (1), 34-46.
- Lincoln, Y. and Guba, E.G. (2000) 'The only generalization is: There is no generalization', in R. Gomm., M. Hammersley., P. Foster., *Case Study Method*, 27-44.
- Lipsky, M. (1980) *Street Level Bureaucrats*, New York: Sage.
- Littler, C. R. (1978) 'Understanding taylorism', *British Journal of Sociology*, 29 (2): 185-202.
- Lowndes, V. (1997) 'Change in public service management: new institutions and new managerial regimes', *Local Government Studies*, 23 (2), 42-66.
- Lowndes, V. and Pratchett, L. (2012) "Local governance under the coalition government: Austerity, localism and the 'Big Society'", *Local Government Studies*, 38 (1), 21-40.
- Lymbery, M. (2003) 'Negotiating the contradictions between competence and creativity in social work education', *Journal of Social Work*, 3 (1), 99-117.
- Lymbery, M., Charles, M., Christopherson, J. and Eadie, T., (2000) 'The control of British social work education: European comparisons', *European Journal of Social Work*, 3 (3), 269-282.
- Mason, P. and Prior, D. (2008) *Engaging Young People Who Offend*, London: Youth Justice Board.
- Matthews, R., 2005. 'The Myth of Punitiveness', *Theoretical Criminology*, 9: 175-201.
- McAra, L. and McVie, S. (2007) 'Youth justice? The impact of system contact on patterns of desistance from offending', *European Journal of Criminology*, 4 (3), 315-345.
- McAra, L. and McVie, S. (2010) 'Youth crime and justice: Key messages from the Edinburgh Study of Youth Transitions and Crime', *Criminology & Criminal Justice*, 10 (2), 179-209.
- McAra, L. and McVie, S. (2015) 'The Case for Diversion and Minimum Necessary Intervention', in B. Goldson and J. Muncie (Eds.), *Youth Crime and Justice* (2nd Edition), London: Sage.
- McConville, M. and Hodgson, J. (1993) *Custodial Legal Advice and the Right to Silence*, Royal Commission on Criminal Research Study no. 16, London: HMSO.
- McLaughlin, E., Muncie, J. and Hughes, G. (2001) 'The permanent revolution: New Labour, new public management and the modernization of criminal justice', *Criminology and Criminal Justice*, 1 (3), 301-318.

McGuire, J. and Priestley, P. (1995) 'Reviewing 'What Works': Past, Present and Future, in McGuire, J. (ed.) *What Works: Reducing Reoffending. Guidelines from Research and Practice*. Chichester: Wiley.

McNeil, F. (2006) 'Community Supervision: Context and Relationships Matter', in B. Goldson and J. Muncie (Eds.), *Youth Crime and Justice*, London: Sage.

Meindl, J.R., Ehrlich, S.B. and Dukerich, J.M. (1985) 'The romance of leadership', *Administrative Science Quarterly*, 78-102.

Meindl, J.R. (1995) 'The romance of leadership as a follower-centric theory: A social constructionist approach', *The Leadership Quarterly*, 6 (3), 329-341.

Ministry of Justice. (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. Available at: <http://webarchive.nationalarchives.gov.uk/20120119200607/http://www.justice.gov.uk/consultations/docs/breaking-the-cycle.pdf> (Accessed September 2012).

Ministry of Justice. (2011) *Breaking the Cycle: The Government Response*. Available at: <http://webarchive.nationalarchives.gov.uk/20111121205348/http://www.justice.gov.uk/downloads/consultations/breaking-the-cycle-government-response.pdf> (accessed September 2012).

Ministry of Justice. (2013) Code of Practice for Youth Conditional Cautions: Crime and Disorder Act. Available at: <https://consult.justice.gov.uk/digital-communications/code-youth-conditional-cautions/results/code-practice-youth-conditional-cautions.pdf> (Accessed 23 May 2014).

Ministry of Justice. (2015), *Review of the Youth Justice System: Terms of Reference*. Ministry of Justice. Available at: <https://www.gov.uk/government/speeches/youth-justice> (accessed 20 October 2015).

Ministry of Justice and Youth Justice Board. (2012a) *Youth Justice Statistics 2011/12, England and Wales*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278549/youth-justice-stats-2013.pdf (accessed 16 January 2016).

Ministry of Justice and Youth Justice Board. (2012b) *The New Remand Framework for Children: Allocation of New Burdens Funding to Local Authorities*. Available at: https://consult.justice.gov.uk/digital-communications/remand-funding/supporting_documents/remandfunding.pdf (accessed 10 January 2014).

Ministry of Justice and Youth Justice Board. (2013a) *Modern Youth Offending Team Partnerships: Guidance on Effective Youth Offending Team Governance in England*. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319291/youth-offending-partnerships-guidance.pdf (accessed 2 January 2016).

Ministry of Justice and Youth Justice Board. (2013b) *The New Remand Framework for Children: Allocation of New Burdens Funding to Local Authorities: Response to Consultation*. Available at: <https://consult.justice.gov.uk/digital-communications/remand-funding/results/youth-remand-consultation-response.pdf> (accessed 17 January 2014).

- Ministry of Justice and Youth Justice Board. (2013c) *Youth Cautions: Guidance for Police and Youth Offending*, London: Youth Justice Board.
- Ministry of Justice and Youth Justice Board. (2015) *Youth Justice Statistics 2013/14, England and Wales*. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/399379/youth-justice-annual-stats-13-14.pdf (accessed 20 February 2015).
- Moran, M. (2003), *The British Regulatory State: High Modernism and Hyper-Innovation*. Oxford University Press.
- Morgan, D. (1972) 'The British Association Scandal: The Effect of Publicity on a Sociological Investigation', *The Sociological Review*, 20(2), pp.185-206.
- Morgan, R. (2011) 'Youth justice board has been given a second change', *The Guardian*. Available at: <https://www.theguardian.com/society/joepublic/2011/dec/06/youth-justice-board-must-be-stronger> (accessed 4 February 2013).
- Morgan, R. (2012), 'Crime and justice in the Big Society', *Criminology and Criminal Justice*, 12: 463-481.
- Morgan, D. and Stephenson, G. (1994) *Suspicion and Silence: The Right to Silence in Criminal Investigations*, London: Blackstone Press.
- Morris, A., Giller, H., Szued, M., Geech, H. (1980) *Justice for Children*, London: Macmillan.
- Morris, A. and Giller, H. (1987) *Understanding Juvenile Justice*. London: Croom Helm.
- Mowday, R.T. and Sutton, R.I. (1993) 'Organizational behavior: Linking individuals and groups to organizational contexts', *Annual Review of Psychology*, 44 (1), 195-229.
- Muncie, J. (2006) 'Governing young people: Coherence and contradiction in contemporary youth justice', *Critical Social Policy*, 26 (4), 770-793.
- Muncie, J. (2008) 'The 'Punitive Turn' in Juvenile Justice: Cultures of Control and Rights Compliance in Western Europe and the USA', *Youth Justice*, 8: 107-121.
- Muncie, J. (2009) *Youth and Crime*, (3rd Edition). London: Sage.
- Muncie, J. and Goldson, B. (2006) 'England and Wales': The New Correctionalism', in J. Muncie and B. Goldson (Eds.), *Comparative Youth Justice*, London: Sage.
- Munro, E. (2011) *The Munro Review of Child Protection: Final Report – A Child-Centred System*, London: Department for Education.
- Nacro (2003) *A Failure of Justice: Reducing Child Imprisonment*. London: Nacro.
- Nefzger, B. (1965) 'The Ideal-Type: Some Conceptions and Misconceptions. *The Sociological Quarterly*', 6 (2), 166-174.
- Nejelski, P. (1976) 'Diversion: The promise and the danger', *Crime and Delinquency*, 22 (4), 393-410.

- Nellis, M. (2001) 'The new probation training in England and Wales: Realising the potential', *Social Work Education*, 20 (4), 415-432.
- Norris, C. (1993) 'Some ethical considerations on field-work with the police', in D. Hobbs., and T. May (Eds.), *Interpreting the Field: Accounts of Ethnography*, Oxford: Oxford University Press.
- Northouse, P. (2013) *Leadership: Theory and Practice* (6th Ed), London: Sage.
- New Economics Foundation. (2014) *NEF Working Paper Youth Diversion: YOT Survey Briefing*. Available at: http://b3cdn.net/nefoundation/723971ec58a66af734_b2m6iydsu.pdf (accessed 7 April 2014).
- Oliver, C. (1991) 'Strategic responses to institutional processes', *Academy of Management Review*, 16 (1), 145-179.
- Osborne, D. and Gaebler, T. (1992) *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector*. Massachusetts: Addison-Wesley.
- O'Malley, P. (1996) 'Risk and Responsibility' in Barry, A., Osbourne, T., and Rose, N. (eds) *Foucault and Political Reason*, London: Routledge.
- O'Malley, P. (2000) 'Criminologies of catastrophe? Understanding criminal justice on the edge of the new millennium', *Australian & New Zealand Journal of Criminology*, 33 (2), 153-167.
- O'Malley, P. (2004) *Risk, Uncertainty and Government*. London: The Glasshouse Press.
- O'Malley, P. (2010), *Crime and Risk*. London: Sage.
- O'Reilly, D., and Reed, M. (2010) "Leaderism': an evolution of managerialism in UK public service reform', *Public administration*, 88 (4), 960-978.
- Parton, N. (2000), 'Some Thoughts on the Relationship Between Theory and Practice in and for Social Work'. *British Journal of Social Work*, 30: 449-463.
- Peters, T. (1987) *Thriving on Chaos*, New York: Harper and Row.
- Pfeffer, J. (1977) 'The ambiguity of leadership', *Academy of Management Review*, 2 (1), 104-112.
- Phoenix, J. (2009) 'Beyond risk: the return of repressive welfarism', *Youth Offending and Youth Crime*, London: Jessica Kingsley.
- Phoenix, J. (2011) 'In Search of a Youth Justice Pedagogy? A Commentary', *Journal of Children's Services*, 6: 125-133.
- Phoenix, J., and Kelly, L. (2013) 'You Have to do it for Yourself': Responsibilization in Youth Justice and Young People's Situated Knowledge of Youth Justice Practice', *B. J. Criminol*, 53 (3): 419-437.
- Pickford, J. and Dugmore, P. (2012) *Youth Justice and Social Work*. London: Sage.
- Pitts, J. (2001) 'Korrectional karaoke: New Labour and the zombification of youth justice', *Youth Justice*, 1 (2), 3-16.

- Pitts, J. (2003) *The New Politics of Youth Crime: Discipline or Solidarity?*, Lyme Regis: Russel House Publishing.
- Pitts, J. (2005) 'The recent history of youth justice in England and Wales', in T. Bateman., and J. Pitts (Eds.), *RHP Companion to Youth Justice*, Lyme Regis: Russel House Publishing.
- Polk, K. (1984) 'Juvenile diversion: A look at the record', *Crime and Delinquency*, 30 (4), 648-659.
- Pollitt, C. (1990) *Managerialism and the Public Services: The Anglo-American Experience*. London: Blackwell.
- Porteous, D. (2001) 'Mentoring', in F. Factor., V. Chauhan. and J. Pitts (Eds.), *The Russell House Companion to Working with Young People*. Lyme Regis, Russell House Publishing.
- Power, M. (1994) *The Audit Explosion* (No. 7). London: Demos.
- Power, M. (2004) *The Risk Management of Everything: Rethinking the Politics of Uncertainty*, Demos. Available at: <https://www.demos.co.uk/files/riskmanagementofeverything.pdf> (accessed 26 May 2013).
- Pratt, J. (1986) 'Diversion from the juvenile court: A history of inflation and a critique of progress', *The British Journal of Criminology*, 26 (3), 212-233.
- Pratt, J. (1989) 'Corporatism: the third model of juvenile justice', *British Journal of Criminology*, 29 (3), 236-254.
- Pratt, J., Brown, D., Brown, M., Hallsworth, S. and Morrison, W. (eds) (2005) *The New Punitiveness*, Cullompton, Willan.
- Prison Reform Trust. (2012) *Prison Reform Trust Submission The New Remand Framework for Children: Allocation of New Burdens Funding to Local Authorities*. Available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Allocationofnewburdensfunditoglocalauthorities.pdf> (accessed 19 April 2016).
- Rex, S. (1999), 'Desistance from Offending: Experiences of Probation', *The Howard Journal of Criminal Justice*, 38: 366-383.
- Richards, K. (2014) 'Blurred lines: Reconsidering the concept of 'diversion' in youth justice systems in Australia', *Youth Justice*, 14 (2), 122-139.
- Roberts, J. (2006) 'Limits to communities of practice', *Journal of Management Studies*, 43 (3), 623-639.
- Robinson, G. (2005) 'What Works in Offender Management', *Howard Journal*, 44, (3): 307-318.
- Rose, N. (1996) *Foucault and Political Reason: Liberalism, Neo-Liberalism and Rationalities of Government*, London: Routledge.
- Rose, N. (1999) *Powers of Freedom: Reframing Political Thought*. Cambridge: Cambridge University Press.
- Rose, N. (2000) 'Government and Control', in *Brit. J. Criminal*, 40: 321-39.

- Rose, N. and Miller, P. (1992) Political Power beyond the State: problematics of government, *Brit. J. Criminol*, 43, (2), 173.
- Rost, J. (1991) *Leadership for the Twenty-First Century*, California: Greenwood Publishing Group.
- Rutherford, A. (1992) *Growing Out of Crime*, Winchester: Waterside Press.
- Rutherford, A. and McDermott, R. (1976) *Juvenile diversion* (No. 6), US Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice. Available at: <https://www.ncjrs.gov/pdffiles1/Digitization/34456NCJRS.pdf> (Accessed 5th June 2016).
- Sarri, R. (1983) *Paradigms and Pitfalls in Juvenile Justice Diversion: Providing Criminal Justice for Children*, London: Edward Arnold.
- Schön, D., (1991). *The Reflective Practitioner*, (1983). Arena.
- Schutz, A. (1962) *Collected Papers I: The Problem of Social Reality*, The Hague: Martinus Nijhof.
- Scull, A. (1982) 'Community Corrections: Panacea, Progress or Pretense?', in R. Abel (Ed.), *The Politics of Informal Justice*, New York: Academic Press.
- Seawright, J. and Gerring, J. (2008) 'Case selection techniques in case study research: A menu of qualitative and quantitative options', *Political Research Quarterly*, 61 (2): 294-308.
- Seely-Brown, J.S. and Duguid, P. (1991) 'Organizational learning and communities-of-practice: Toward a unified view of working, learning, and innovation', *Organization Science*, 2 (1), 40-57.
- Shapland, J. (1978) 'Self-reported delinquency in boys aged 11 to 14', *Brit. J. Criminology*, 18, 255.
- Silver, E. and Miller, L. (2002) 'A cautionary note on the use of actuarial risk assessment tools for social control', *NCCD News*, 48 (1), 38-161.
- Smale, G. G., Tuson, G., Biehal, N. and Marsh, P. D. V. (1993) *Empowerment, Assessment, Care Management and the Skilled Worker*. London: National Institute for Social Work.
- Smith, R. (2004), *Youth Justice: Ideas, Policy, Practice*. Routledge.
- Smith, R. (2005) 'Welfare versus justice - again!', *Youth Justice*, 5 (1), 3-16.
- Smith, R. (2014a) *Youth Justice: Ideas, Policy, Practice* (3rd Edition), London: Routledge.
- Smith, R. (2014b) 'Re-inventing diversion', *Youth Justice*, 14 (2), 109-121.
- Souhami, A. (2015) 'The Central Institutions of Youth Justice: Government Bureaucracy and the Importance of the Youth Justice Board for England and Wales', *Youth Justice*, 15: 209-225.
- Sprott, J. (2011) 'Us youth justice policy transfer in Canada: We'll take the symbols but not the substance', in A. Crawford (Ed.), *International Comparative Criminal and Urban Governance*, Cambridge: Cambridge University Press.

- Stahlkopf, C. (2008) 'Political, Structural, and Cultural Influences on England's Youth Offending Team Practices', *International Criminal Justice Review*, 18 (4), 455-472.
- Stake, R. (1995) *The Art of Case Study Research*. London: Sage.
- Staw, B., Sandelands, L., and Dutton, J. (1981) 'Threat rigidity effects in organizational behaviour: A multilevel analysis', *Administrative Science Quarterly*: 501-524.
- Storey, A. (2004) 'The problem of distributed leadership in schools', *School Leadership & Management*, 24 (3), 249-265.
- Strauss, A. and Corbin, J. (1990) *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*, California: Sage.
- Taylor, C. (2016) *Review of the Youth Justice System in England and Wales by Charlie Taylor*. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/577103/youth-justice-review-final-report.pdf (accessed 3rd January 2017).
- Taylor-Gooby, P. (2012), 'Root and Branch Restructuring to Achieve Major Cuts: The Social Policy Programme of the 2010 UK Coalition Government. *Social Policy & Administration*, 46: 61-82.
- Teli, (2011) Assessment Planning and Interventions: Review and Redesign Project. Statement of Intent, Proposed Framework. Available at: <http://www.yjb.gov.uk/NR/rdonlyres/BF0F4DC2-BA2E-4135-BC8E-89B2A150B3F5/0/AssessmentandPlanningInterventionStrategyconsultationonproposedmodel.pdf> (Accessed 23 March 2013).
- The Children's Society. (2006) *Just Justice: A Study into Black Young People's Experiences of the Youth Justice System*. Available at: https://www.childrenssociety.org.uk/sites/default/files/tcs/research_docs/just_justice.pdf (accessed 7 November 2015).
- Tourish, D. (2008) 'Challenging the transformational agenda: Leadership theory in transition?', *Management Communication Quarterly*, 21 (4), 522-528.
- Trevithick, P. (2005). *Social work skills: A practice handbook*, (2nd Edition), London: Open University Press.
- Unison. (2014) *The UK's Youth Services: How Cuts are Removing Opportunities for Young People and Damaging Lives*. Available at: <https://www.unison.org.uk/content/uploads/2014/07/Online-Catalogue225322.pdf> (accessed 23 June 2015).
- Walsh, C. (2011), 'Youth Justice and Neuroscience: A Dual-Use Dilemma', *British journal of criminology*: 51: 21-39.
- Warren, C.A.B. (1981) 'New forms of social control: The myth of deinstitutionalization', *American Behavioral Scientist*, 24(6), 724-740.

- Wathne, K. Roos, J. and Von Krogh, G. (1996) 'Towards a theory of knowledge transfer in a cooperative context', in G. von Krogh. and J. Roos (Eds.), *Managing Knowledge: Perspectives on Cooperation and Competition*. London: Sage.
- Weatherston, J. Brooks, I. and Wilkinson, G. (2010) *The International Business Environment: Challenges and Changes*, Essex: Pearson.
- Webb, J., Schirato, T. and Danaher, G. (2002) *Understanding Bourdieu*. London: Sage.
- Weiss, H.M., (1977) 'Subordinate imitation of supervisor behavior: The role of modeling in organizational socialization', *Organizational Behavior and Human Performance*, 19 (1), 89-105.
- Wenger, E. (1998) *Communities of Practice: Learning, Meaning, and Identity*. Cambridge: Cambridge University Press.
- West, D. J., and Farrington, D. P. (1973), *Who Becomes Delinquent?* Heinman.
- Williams, B. (2000) 'Youth Offending Teams and Partnerships', *British Society of Criminology Conference: Selected Proceedings*, Volume 3. Available at: <http://www.britisoccrim.org/volume3/016.pdf> (accessed 24 July 2017).
- Williams, R. (1985) *Culture and Materialism*, London: Verso.
- Williamson, H. (2009) 'Integrated or targeted youth support services: an essay on prevention', in M. Blyth and E. Solomon (Eds.), *Prevention and Youth Crime: Is Early Intervention Working?*, Bristol: Policy Press.
- Wong, K., Meadows, L., Warburton, F., Webb, S., Ellingworth, D., Bateman, T. (2013) *Youth Justice Reinvestment Custody Pathfinder: Findings and Delivery Lessons from the First Year of Implementation*. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225630/youth-justice-reinvestment-custody.pdf (accessed 4 May 2016).
- Wong, K., Ellingworth, D., Meadows, L. (2015) *Youth Justice Reinvestment Custody Pathfinder: Final Process Evaluation*. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414123/youth-justice-reinvestment-custody-pathfinder-final-evaluation-report.pdf (accessed 4 May 2016).
- Worrall, A. (1997) *Punishment in the Community: The Future of Criminal Justice*, Longman: London.
- Wright, S., Haines, K., Liddle, M., Smith, A., Pitcher, J. and Gordon, F. (2009), *Evaluation of the Include Programme*. Swansea: Swansea University and Applied Research in Community Safety.
- Yates, J. (2012) 'What prospects youth justice? Children in trouble in the age of austerity', *Social Policy & Administration*, 46 (4), 432-447.
- Young, K. (1999) *The Art of Youth Work*, Lyme Regis: Russell House.
- Youth Justice Board. (2000), *National Standards for Youth Justice*. London: Youth Justice Board.

- Youth Justice Board. (2001) *Risk and Protective Factors Associated with Youth Crime and Effective interventions*, London: Youth Justice Board for England and Wales.
- Youth Justice Board. (2003) *Youth Justice Annual Statistics 2002/03*, London: Youth Justice Board.
- Youth Justice Board. (2004a) *Sustaining the Success: Extending the Guidance Establishing Youth Offending Teams*. London: Youth Justice Board.
- Youth Justice Board. (2004b) *National Standards for Youth Justice*. London: Youth Justice Board for England and Wales.
- Youth Justice Board (2006) *Asset Core Profile*, London: Youth justice Board for England and Wales.
- Youth Justice Board. (2009), *The Scaled Approach and the Youth Rehabilitation Order*. London: Youth Justice Board.
- Youth Justice Board. (2010), *National Standards for Youth Justice Services*. London: Youth Justice Board.
- Youth Justice Board. (2011) *Youth Restorative Disposal Process Evaluation*. London: Youth Justice Board.
- Youth Justice Board. (2012) *Implementation of the LASPO Act 2012: Key Stakeholder Information*. London: Youth Justice Board.
- Youth Justice Board. (2013), *National Standards for Youth Justice Services*. London: Youth Justice Board.
- Youth Justice Board. (2014a), *Asset Plus Model Document*. London: Youth Justice Board.
- Youth Justice Board. (2014b) *Guidance: Asset Plus – Assessment and Planning in the Youth Justice System*. Accessed at: <https://www.gov.uk/government/publications/assetplus-assessment-and-planning-in-the-youth-justice-system/assetplus-assessment-and-planning-in-the-youth-justice-system#training-approach> (1 November 2015).
- Youth Justice Board. (2016) *Youth Justice Board for England and Wales Business Plan 2016/17*. Available at: <https://www.gov.uk/government/publications/yjb-business-plan-2016-to-2017> (accessed 5 February 2017).
- Yukl, G. (1999) 'An evaluation of conceptual weaknesses in transformational and charismatic leadership theories', *The Leadership Quarterly*, 10 (2), 285-305.
- von Hirsch, A. (1990) 'Proportionality in the philosophy of punishment', *Criminal Law Forum*, 1 (2), 259-290.
- Vorenberg, J. and Vorenberg, E. (1973) *Early Diversion from the Criminal Justice System: Practice in Search of a Theory*, New Jersey: Prentice-Hall.
- Yin, R. (2009) *Case Study Research: Design and Methods*, California: Thousand Oaks.

Zaleznik, A. (2003) 'Managers and leaders: are they different?', *Clinical Leadership & Management Review: The Journal of CLMA*, 18 (3), 171-177.

Zucker, L. (1988) 'Where do institutional patterns come from? Organizations as actors in social systems', *Institutional Patterns and Organizations: Culture and Environment*, 20 (3), 23-49.