

“That’s just stuff on paper”:

A comparative case study of how restorative justice  
is operationalised to adapt and resist youth justice  
policy.

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# Abstract

This thesis draws upon data gathered in a comparative case study of how youth justice practitioners understand and make sense of restorative justice as part of their roles. Restorative justice has become a staple feature within youth justice in England and Wales, and its advance to the forefront of youth crime responses has seen some Youth Offending Teams adopt it as the ideological practice bedrock (Smith and Gray, 2019; Stahlkopf, 2008). However, research has shown that youth justice policy rarely reflects diverging practices at implementation (Morris, 2015; Souhami, 2007) and that organisational culture may inform restorative practices more than policy (Stahlkopf, 2008). The research centres on a Youth Offending Team in 2015, where one team relocated to a police station, and data shows that ideological divergences have emerged between the staff teams that reflect their cultural surroundings.

Christie's (1977) *Conflict as Property* is understood as the foundation of restorative ideology. From this, Cohen's (1985) social control framework is used to test the extent to which restorative justice typifies Cohen's warnings that even seemingly progressive initiatives invariably become consumed by the harmful nature of criminal justice. From a Bourdieusian analysis, the findings add to a body of research highlighting pressures experienced by public penal-welfare agencies to present performance efficiencies whilst attempting to retain their grasp on welfare ideals. Whilst both sites feel the strains of juggling contradicting welfare and justice priorities, data revealed contrasting operational coping strategies to manage those competing pressures that have differing effects on restorative practices.

Data shows that restorative justice is revealed in multiple ways, contingent on organisational needs and occupational cultures. At an occupational level, at one site, practice embodied practitioners' youth justice ideologies, which would later be administratively defined as *restorative* regardless. Organisationally, restorative justice is an administrative tool used to communicate in languages of efficiency and criminal justice to external stakeholders. However, whilst administrative restorative justice was used at one site to authenticate practices documented elsewhere as *messy youth justice practices* (Morris, 2015), at the second site,

administrative restorative justice transcended its organisational needs to consume practitioners, restrict discretion and standardise their practices.

*I declare that no portion of the work referred to in the thesis has been submitted in support of an application for another degree or qualification of this or any other university or other institute of learning.*

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*Adam Scott*

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Should “Doc” Brown ever lend me his DeLorean, I would go back to 2015 and tell my past self that doing a PhD is likely the stupidest decision I would ever make. I truly regret allowing this document to consume me for so long and steal time from life’s more meaningful pursuits. My hope is that with time, I may look back at completing this thesis through a more positive lens.

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I now look forward to re-engaging with the real world and making up for lost time with family and friends.

# 1. Introduction

## 1.1 Overview

This case study research aims to empirically examine youth justice practitioners' views and perceptions to understand how restorative justice, is interpreted and implemented conceptually and as a model for practice. The study centres on a Youth Offending Team (YOT) in West Yorkshire, an organisational setting that wove restorative justice thinking and practice throughout its working practices and structures.

YOT managers oversaw a structural re-alignment where some staff remained within the YOT team setting whilst a separate restorative early intervention team was established and relocated to a regional police headquarters. This research captures the diversity of the challenges (and opportunities) of delivering youth justice services in the case study site and details the experiences and consequences for practitioners working in both locations, a moment in time when the impetus for developing restorative justice working practices was significant. The thesis draws on the insights of interviews with managers and practitioners within the case study locations (n=20) and provides an in-depth account of how they understand their roles and how restorative justice features within their practices and occupational values.

Judgements must be cautiously made when analysing service provision in a turbulent environment where programmes are implemented in diverging ways (Smith and Gray, 2019), practices are criticised as *messy* (Morris, 2015) and where policy does not translate into practice (Fergusson, 2007). The current youth justice setting is pragmatically fashioned in line with a neo-liberal landscape, meaning restorative practices have been juxtaposed to include healing ideologies and crime control processes (Muncie, 2006). Consequently, restorative justice has struggled to retain a fixed meaning, making it difficult to identify any singular practice model as definitively restorative. Conceptually, restorative justice policy has been described as ambiguous (Souhami, 2007; Stahlkopf, 2008) and is translated into various criminological vernacular to the extent that *what is restorative justice* has become lost in semantics and hyperbole.

At a more granular level, youth justice practitioners have presented “knowledge gaps” (Robinson and Shapland, 2008) and diverging interpretations of delivery within restorative justice working. It has meant that rather than being seen as progressive, the restorative agenda has been criticised for being misused, resulting in a regressive, net-widening impact (Pritchard, 2010; Armstrong, 2021). New Labour’s ‘reframed’ restorative justice meant the approach became part of an armoury of responses to social problems using criminal justice processes that required increased means, duration, and authority to intervene (Robinson and Shapland, 2008). It meant that restorative justice has lived up to projected fears that it would join an array of legal measures to provide “wider, stronger and different nets” (Austin and Krisberg, 1981, p.165) and grant system access to new areas of civic life. Crucially, the data is captured during a period of intense financial fear, where practitioners displayed anxieties over the luring threat of being privatised, which ultimately fed into participant narratives. Though understanding the effects of austerity was not an objective of this study, participants (predominantly managers) routinely raised austerity to rationalise some of their operational decision-making.

As restorative justice struggles to define itself as an ideology or model of practice within criminal justice, this study provides significant findings that contextualise restorative justice as neither ideal nor mode. Restorative justice is presented here as an administrative label. The research centres on a diversionary model operationalised through restorative justice. However, that practice model transformed into an organisation ethos that suggests a state change, thereby adding to a body of literature that draws upon the “ambitious but ambiguous” direction of restorative justice (Crawford and Newburn, 2003, p.19). This study makes sense of youth justice practice’s messiness and examines the role and shape of restorative justice within the melee of youth justice delivery. Based on 20 exploratory semi-structured practitioner interviews but informed by observations of the practice setting and the researcher’s biography of working as a youth justice worker, the data highlights that an organisational culture resists external political and ideological pressures, allowing an occupational culture with historical ties to social work to prioritise welfare ideals over justice. The thesis argues that strategic mechanisms are implemented to recruit specific practitioner skill sets and direct their operations to preserve cultural values and aims.

The examination of how the organisational and occupational cultures engage with restorative justice demonstrates how elastic the term has become whilst also illuminating how youth justice practice intersects with individual and organisational interpretations of the meaning of *youth justice*. The data presented in this study evidence how practitioners may attempt to resist transformational pressures by exploiting the conceptual ambiguities of policy initiative (in this instance, restorative justice) to protect what they consider to be their situated and shared welfare-focused organisational culture. The research was conducted at a time when the increased influence of the marketisation of youth justice services was starting to take hold and impact the structure and delivery of services (2015-2017). The case study focus enabled the research to explore an occupational culture vulnerable to broader changes within the sector. The efforts of the staff group to translate and attribute differences in restorative practice into the actuarial languages of youth justice, is an attempt to redefine restorative justice to fit within a devolving and marketised youth justice landscape. Furthermore, the data represents how practitioners process the dual threats to their prevailing sense of their professional values in youth justice work.

## 1.2 Relevance of the Study

Restorative justice's prominence has continued to rise within the mechanisms of contemporary criminal justice as the development of restorative practices can be plotted in community policing, prisons and probation services and embedded in youth justice (Collins, 2015). Restorative justice is so prevalent that the Ministry of Justice mandated the Restorative Justice Council to formulate required standards that delivering organisations must meet (Collins, 2015). As such, restorative justice has transcended into other criminal justice provisions; Hudson (2002) notes that restorative justice has tended to be envisaged as *diversion*, and the Crown Prosecution Service acknowledge that restorative justice will commonly feature in diversionary options (Crown Prosecution Service, 2019). Playing a vital role within successive governments' strategies, under New Labour (elected in 1997), diversion would intervene *more* (and effectively, *divert* in) to deter criminogenic risks. However, more recent trends have attempted to intervene *less*, allowing children to 'grow out of crime' without criminal justice's stigmatic and labelling effects (Hudson, 2002). Taylor's (2016, section 58) Review of the YJS in England and Wales urged a commitment

to diversionary risk-led models containing restorative processes, adding to the *prevention is better than the cure* narrative.

Although Taylor differentiates between restorative and diversion, this thesis recognises restorative justice as a diversionary process (Kelly and Armitage, 2014). Taylor differentiates between diversion and restoration, seeing diversion as a mode to redirect children from entering the system, whereas restorative justice is a mode that incorporates victims. The distinction from restorative justice might suggest a minimalist approach that ushers the child away from the system in a return to the 1980s style to divert from the system, rather than the 1990s style of diverting from justice into services (Fergusson, 2007). However, Taylor's description of diversion advocates for a multi-modal diversion strategy by suggesting "[that] a broad range of agencies should provide an integrated response to preventing and addressing offending behaviour" that responds to offending causes that "lie beyond the reach of the youth justice system" (2016, Section 7). Such a description would coincide with other explanations that use restorative justice and diversion interchangeably or, at the very least, see restorative justice as the feature that responds to causation within diversion (Kelly and Armitage, 2014; Smith and Gray, 2019).

Taylor (2016) adds to a growing narrative of minimalist intervention due to anxieties towards the problematic effects that the criminal justice system (CJS) has on children (section 57) that cements the need to intervene earlier and joins a narrative to "treat children as children, rather than as potential offenders" (Youth Justice Board, 2019). While the language may have changed, the strategy to divert away from one part of a system recognised as 'bad' into another that is 'good' has remained. Like restorative justice, diversion is an unclear concept (Wong et al. 2016), leaving its implementation open to interpretation, because of that uncertainty, this study becomes essential in understanding how restorative justice is operationalised and remains guarded about legitimising one part of the system by presenting it as something else. As Williams (2000) has warned, "the rhetoric of restorative justice should not disguise the punitive intent underlying...although many people have welcomed what they see as Diversionary" (p.189). More recently, critical accounts have accused restorative justice of reproducing the harm it was designed to replace (Wood and Suzuki, 2020).

### 1.3 Testing Cohen's Social Control

To apply the lessons of the past in how policy implementation is absorbed, resisted, and processed by (youth) justice organisational and occupational cultures, the thesis uses theoretical lenses taken from Stan Cohen's (1985) social control thesis to make sense of the ways restorative justice is implemented.

Cohen (1985) offers a conflicted perspective of the CJS, which can help us process restorative justice's position within the broader landscape of youth justice policy and practice. Cohen (1985) describes a system that has transitioned from the end of the eighteenth century to a rational system incorporating scientific bureaucracies into punishment. The introduction of positivist rationality has seen (for Cohen) a transition from crime viewed as an act of body to being an act of mind. The evolution of this shift has refined the detection of risky minds, using scientific knowledge to classify human pathologies, which directs services to intervene appropriately. Cohen's central critique is that the new system has decentralised punishment away from usual justice institutions into areas typically associated with welfare and well-being where adverse pathologies can be better governed. For Cohen (1985), decarceration expands and strengthens the system's controlling capabilities by providing effective techniques cloaked as well-intended soft options that blur the boundaries between the deviant and non-deviant.

Cohen's (1985) narrative is ultimately pessimistic as it antagonises between utopian moral ideals and succumbing to the pragmatism needed to make real change. Within this conflict, Cohen presents a key hurdle to implementing his utopian vision: the adverse effects of the system remain hidden behind misleading claims that intentions are progressive responses to complex social problems. Furthermore, even well-intended practitioners possessing liberal ideologies are misled into carrying out the will of the state. This fundamental message captured me and forced me to reflect upon my position as a practitioner in youth justice and question whether the organisation represented Cohen's cynical framework.

Furthermore, Cohen (1985) takes aim at a *new class* of professionals whose priority is to protect their occupational status by retaining control over their work:

*The New Class's occupational culture is neither the caricature of the devoted professional selflessly sacrificing himself in the service of his client, nor is it the stereotype of the venal elite that prostitutes its skills for gain. (Cohen, 1985, p.164)*

The suggestion that professionals may be separated into *old* and *new* classes provided a convenient framing between the study's two sites; where one was an established youth justice organisation with a matured workforce and the other was in its infancy with a much younger and far less established peer group. The research setting provided an opportunity to test Cohen's social control framework comparatively, and the findings chapters of the thesis highlight the emerging variances in practice and values.

In response to Cohen (1985), to draw out potential cultural divergences across participants, it was decided to use concepts developed by Bourdieu (1977, 1988 and 1993) to make sense of shifting interpersonal and professional dynamics, remaining observant of formal and informal hierarchies, and understanding each participant as an individual capable of action. In particular, the analysis draws upon habitus, capital and field to understand the introduction of restorative justice into a socially and organisationally complex space and, in doing so, joins other bodies of research that have employed the same analytical tactic to understand criminal justice practitioners and their propensities when faced with a changing environment, such as Chan (1996), McNeill et al. (2009) and Page (2013).

## 1.4 Contribution to Knowledge

In its endeavour to study restorative justice within the practice setting, the research offers original contributions to knowledge. In the first instance, the study shows restorative justice as a mechanism to extend social control. In this sense, the data joins critical literature suggesting that restorative justice holds properties that allow criminal justice to penetrate the community setting. However, this thesis will also highlight that restorative justice has been utilised to preserve a social work culture that seeks to prioritise welfare and refract criminal justice mechanisms deemed problematic. This finding is significant to youth justice and restorative justice studies, as the ambiguity of restorative justice is mobilised proactively by practitioners as a vital resource in their establishment of individual and collective service goals. To an outsider, differences in restorative understandings may indicate diverging and fractured organisational

approaches. However, the researcher's experience within the field, combined with an analytical framework that acknowledged the impact of occupational cultures, revealed data highlighting hidden organisational structures. The power and depth of insight from the perspective of practitioner-turned-researcher here empowers the thesis to make further original contributions to knowledge.

The hidden structures are embodied within three distinct occupational typologies, with each specific functional attribute used to preserve the YOT's cultural integrity in the ways that they implement restorative justice. The typologies are labelled Bureaucrats, Disciples, and Mavericks, and are briefly described here. A Bureaucrat's motivations lie external to the organisation, meaning that to succeed occupationally, they focus on ensuring that they and the organisation are responding to the requirements of their governing bodies. Bureaucrats are administratively gifted and, within this context, work to mine restorative elements from colleagues' casework to help define and make visible the restorative practice being delivered. In comparison, Disciples are motivated by the ideologies and doctrines within the organisation that are set by management. This means that a Disciples' restorative practice is characterised less by compliance with policy and more by cultural standards and a sense of followership to working behaviours and standards they value. Like Bureaucrats, Maverick's motivations also lie outside the organisation. However, whereas Bureaucrats prioritise organisational requirements, for Mavericks, restorative justice prioritises the perceived needs of children, regardless of whether practices reflect organisational values. Their adherence to an ethos that shapes their relationship to their vocation endures despite organisational and policy changes that may ensue.

The typologies are themselves an original contribution to knowledge as the analysis highlights, using the Bourdieusian thinking tools of habitus, field and capital, that restorative justice is realised in ways that are dependent upon the way practitioners make sense of the professional setting they find themselves in, their capacity to influence this space, and their ability to identify with and belong to negotiated forms of 'community'. That differently focused youth justice models of practice can exist within organisation and shape the character of groupings of professionals working within the sector sees the creation of typologies chime with the seminal

work of Smith and Gray (2019). Moreover, the typologies can helpfully be aligned with Cohen's (1985) proposal of three narratives within which perspectives on criminal justice fall.

## 1.5 Research Aims

A single overarching research aim guides this exploratory research:

- *To consider how a YOT operationalises restorative justice in a case study setting.*

To realise this aim, the project has been structured around the interrogation of three further, but related research aims that have their roots in the literature and theoretical perspectives used throughout the thesis. These aims are:

- 1) *To examine the dominant cultural values shaping a YOT's ideological aims towards youth justice.*
- 2) *To assess how YOT organisational aims and values affect how youth justice practitioners consume youth justice policy.*
- 3) *To assess how practitioners negotiate the welfare/justice dichotomy within youth justice and examine the role of restorative justice in that process.*

The research aims are contextualised more thoroughly in Chapter 4.

## 1.6 Structure of the thesis

*Chapter Two* presents a detailed and critical account of community developments in youth justice and the role that restorative justice has had in that process. The chapter describes the ideological foundations of restorative justice using Christie's (1977) *Conflicts as Property* and how those ideals have been adapted to fit within contemporary criminal justice. Cohen's (1985) social control theory is introduced as the underpinning theoretical framework and critical lens for examining restorative justice. Critical accounts suggest that restorative justice has extended criminal justice into new areas of civic life in a realisation of Cohen's warnings.

*Chapter Three* draws upon the complex relationship between youth justice policy and practice, leading to unpredictability in programme delivery. The chapter identifies and explores the value

of Bourdieusian analytical tools to explore the YOT as a site distinct from its political backdrop and where practitioners negotiate their individual and collective forms of association and practice. The literature highlights variables that affect restorative practices, such as practitioner values and aims that are inconsistent with national guidance.

*Chapter Four* details the methodological approach, methods and analytical tools used to gather and make sense of the data. The discussion reflects on the tensions experienced when an ex-practitioner embarks on fieldwork in a professional setting familiar and known to them. The chapter will reflect on the opportunities and challenges of exploring organisational and occupational cultures within a case study area and where professionals are required to assess the guiding structures and policy measures that guide their practice. The need to understand and make sense of the different working structures and practices of ‘the YOT’ and ‘the Outpost’ as the two fieldwork sites within the case study location are mapped out in the chapter.

*Chapter Five* positions the YOT within the context of the broader CJS and examines the YOT’s position and relationship with the broader CJS and penal field. Evidence has revealed the presence of an organisational culture that dismisses government policy and has a negative view of the justice system’s ability to respond to children’s needs. This chapter will highlight that managers within the YOT have identified a problematic youth justice system (YJS) that creates more harm than it solves. In response to a perceived failing system, organisational priorities are shifted from criminality towards welfare, relationships, and communication. The research data analysis reveals an organisational culture that, through its deep roots in social work, finds it difficult to fully reconcile the aims of delivering justice outcomes. The chapter introduces the *face value* and the *face beneath*. The former is an administrative image of the organisation visible to the outsiders, whilst the latter is the concealed aims and operations of professionals committed to delivering what they view as valued work. This chapter contextualises the Outpost, highlighting its cultural divergence from the YOT.

*Chapter Six* examines the cultural aims and values within the YOT and how they are reproduced as restorative justice. The chapter shows the diverging ways restorative justice is realised; by

understanding the YOT's organisational structure and values, restorative justice practices can be crafted to reflect organisational and individual priorities.

*Chapter Seven* draws upon the previous chapters to describe how restorative practices are realised within a culture of resistance. Through contradictory and conflicted occupational typologies, practices are intuitively crafted and subjectively realised, including interpretations of welfare, punishment, or turning a *blind eye*. The chapter suggests that disparate occupational objectives become united through a *consciousness of kind* in a shared realisation of a less similar third party that comes in the shape of criminal justice. The chapter highlights significant differences between the case study sites. Data from the second location suggests that youth justice may be feeling the effects of austerity and is forced to explore new opportunities to guarantee financial security, but with that comes new strains to appease new masters. Data also suggests that market conditions that public sector agencies experience under austerity have created a bureaucratisation of restorative justice that increases its appeal as an efficient justice measure. The contrast between locations helps the study, through the thinking tools of habitus and capital that Bourdieu developed, identify how workplace values and identities are negotiated and structured.

*Chapter Eight* draws together the data analysed in the preceding chapters and revisits the project's research aims. By way of concluding the study, this final chapter will demonstrate the value of using a theoretical lens derived from Cohen's (1985) analysis of the mechanics of social control to make sense of how the organisational and occupational cultures of youth justice practitioners interpret, absorb and process restorative justice as a concept and in practice. Whilst the typology of occupational forms for youth justice workers developed through the research identifies that there is not a singular, homogenous working personality of practitioners in the field, it is possible across the multiple forms that worker identities take to see elements of resistance and adaption in how restorative justice is engaged with. For some, it is a way of working that facilitates a perpetuation of traditional working practices that some seek to protect (in terms of the profiles of staff appointed and practices engaged in). However, for others, it is a chance to re-imagine youth justice work and through the presentation of successful outcomes

portray the service as conforming and thriving in response to policy re-orientation. The study is able to analyse the values that underpin these efforts and capture the processes through which they are made possible in dynamic organisational and occupational working cultures. The question of how these might inform the shape, style, and language of future policy changes, is the thesis' defining contribution.

## 2. Framing Restorative Justice as Social Control

### 2.1 Overview

This chapter starts by contextualising restorative justice by highlighting its transition from abolitionist foundations to becoming a staple feature within youth justice early intervention and diversion schemes. Restorative justice represents a paradox by existing within a system it was designed to replace. Additionally, restorative justice has become commonplace within a system where practices are already intersected by diverging interpretations of *youth justice*. This thesis' contribution to knowledge places restorative justice, in this setting, as a bureaucratic mechanism that translates practice variants into the language of law and order. In practice, restorative justice retains an eclecticism, as highlighted in the literature; however, restorative justice's ambiguous properties become functional to label intuitive and conflicting practices into universally (misunderstood) youth justice discourses.

Using Cohen's (1985) social control theory and Christie's (1977) *Conflicts as Property* which is accepted as the foundation for restorative justice critical thinking, and then Christie's (2000) crime control framework, this chapter frames the uptake of restorative justice in the YJS. These three frameworks allow restorative justice to be understood from both its ideological capacity to make amends and repair social harm, as well as its ability to provide a vessel to further the reaches of the CJS. For Cohen (1985), adaptations to well-intended frameworks are a merely skin-deep disguise for extending the carceral framework; regardless of well-meant intentions, programmes operating within the system serve only to expand social control. Cohen provides a framework across a body of critical works on accepting pervasive and controlling techniques in the community setting. Deconstructing youth justice developments that place diversionary techniques into the community, Cohen condemns them as social control systems. Cohen argues that a system move from the prison into the community signifies the encroachment of state controls into civil life. However, as the prison reaches beyond its walls, it remains concealed beneath processes purporting to do good. Diversion and restorative justice programmes remain examples of social controls systems that regulate and control populations yet implied as having humanitarian intentions. Cohen's critique of a nefarious system provides the foundation of the

framework, enabling a critical inspection of the YJS and the restorative programmes implemented there as a realisation of Cohen's warning.

## 2.2 Defining Contemporary Restorative Justice

Advocates of restorative practices see the process as involving three parties: offenders, victims, and the immediate community (Wood and Suzuki, 2020). Whilst Hudson (2002) states that the principal tenets and definitions of restorative justice are debated, Marshall's (1999) definition has become widely accepted:

*Restorative justice is a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future.*

Zehr (2002), accredited as being a "world pioneer for restorative justice" (Walker, 2012, p.6), developed Marshall's definition to include obligations for those with a stake following wrongdoing to "collectively identify and address harms, needs, and obligations, to heal and put things as right as possible." (p.40). Since its tentative introduction to youth justice structures in the late 1990s, restorative justice has become a statutory requirement of any youth justice service to provide a restorative approach with all people who offend (Youth Justice Board, 2010), highlighting the commitment to restorative justice within the system. This trend has continued beyond the New Labour government, with the coalition and Tory governments committing to restorative justice as the primary model for youth justice. Restorative justice is treated as the panacea for tackling low-level disorder whilst remedying the social harm that children face. Spanning more than two decades, it has grown to define contemporary youth justice, intervening earlier to address problematic behaviours and treat social ills.

Somewhere along the way, restorative justice has undergone a metamorphosis, going from an ideology against criminal justice, into one placed at the heart of youth justice, becoming a staple element of crime control programmes (Crawford and Newburn, 2003). Restorative justice has become defined by risk management and early intervention, a stark contrast to the ideals set out by abolitionist thinkers. Restorative programmes have been criticised for becoming detached from their original principles and repackaged to fulfil the needs of an ever-expanding crime-control industry (Daly, 2002; Goldson, 2000; Muncie, 2006; Pitts, 2000). The tacit nature of

restorative justice foundations, where key elements such as harm, community, healing, and restoration are now merely implied and subject to interpretation. Crawford and Newburn (2003) highlight:

*the term restorative justice has come to mean different things to different people. Its popularity has seen it being pulled in divergent and often competing directions as it is shaped to meet the interests and ideologies of different groups, professions and organisations. (p.19)*

The lack of pragmatic rigour makes restorative ideology especially vulnerable in an environment dictated by black letter definitions, methodical processes, and measurable outputs. The literature highlights that restorative justice has been adapted and reframed at key points to the requirements of those proposing the changes. Therefore, to fully understand restorative justice, it must be aetiologically contextualised.

### 2.2.1 The Ideological Foundations of Restorative Justice

Criminology textbooks, government reports and charitable organisations that spread the restorative gospel will attest to its origins within the indigenous populations of western industrialised nations, including the Aboriginals of Australia, the Māori of New Zealand and indigenous groups of North America (Johnstone, 2011; Van Wormer and Walker, 2012; Zehr, 1990). It is believed that restorative justice was used in pre-modern times, but colonisation displaced local traditions in favour of western practices. Restorative practice revived in the 1960s and '70s as Western justice systems were seen to be failing (Johnstone, 2011), at which point abolitionist theorists, who shared a pessimism towards Western justice processes, began to draw upon restorative methods as a new model of justice. Though there is some contest to the genesis of restorative practices, it is not the objective of this thesis to unpick that problem, but it is to recognise the consequences of an unsteady origin story (explored below). The point here is to highlight an era where critical thought began to question a failing justice system and look towards newer models with better answers. Eglash (1977) proposed an approach to restore balance between offenders and victims, recognising that in restitution, the offender should play an active and socially constructive role. For Eglash, should an offender go beyond typical expectations to amend their wrongdoing, it would create a healthy relationship for both the victim and offender

and may allow both to move on from the situation. Eglash believed that resolving social conflict is necessary for a healthy society and that Western systems do little to heal social wounds.

Christie's (1977) "Conflicts as Property" is widely regarded as the theoretical genesis for restorative justice (Johnstone, 2011; Marshall, 1999; Maruna, 2006; Wood and Suzuki, 2020), with Braithwaite (1989) proclaiming it as "the most influential text of the restorative tradition" (p.5). Christie (1977) never proposes that his framework should become a restorative justice blueprint, though he does propose methods that restore rightful ownership to conflict, restore health and restore the victim's situation. For Christie, centralised power renders citizens a redundant entity in any bid to resolve conflict and that criminology and justice systems have increasingly amplified the removal of conflicts from parties directly involved. Therefore, it is necessary to rethink how conflicts are understood, are dealt with and to introduce a new model whereby conflicts are resolved by those immediately involved. Christie identified conflict, itself, as stolen from the victim, and it is this which is most valuable, taken not by the offender but by the state, as proprietors of justice. Currently, the victim becomes victim twice, losing material goods or being hurt and then losing the opportunity to have a voice and participate in the subsequent resolutions. Christie suggests that the biggest loser following a crime is society, with the "loss of pedagogical possibilities." (p.8) and, with it, the opportunity for norm-clarification. In this sense, society forfeits a political discussion where questions may be asked of the law's functionality and how particular cases may deviate from the standard assumption of that crime. Society may want to assess different variables, such as how vulnerable the victim was or, indeed, how vulnerable the offender was. For Christie, society should have the opportunity to clarify, participate and negotiate the fallout of instances that are rarely, if at all ever, alike.

Christie (1977) proposes a new model of justice where victim, community, and offender all participate in healing damage. Christie rationalises by highlighting a current system that does little to address the problem of offending, so "we might as well react to crime according to what those closely involved parties find is *just* and in accordance with general values in society." (p.9). This model proposes *community* and *state* as distinguishable entities, where the community is the tight-knit neighbourhood that has a vested interest in the area and the functioning of the

population, rather than the broader populous who may be local 'but are out of tune with local values...' (p.10). The model is victim orientated, paying particular attention to addressing victim needs with a hierarchical stipulation of who should be attending to the victim's needs foremost, in the order, offender, local community, and lastly, the state. Following this, addressing the offender's needs should take place. Again, this should not be with prevention in mind, but to address personal issues around the offender's situation.

Christie (1977) identifies hurdles impeding his idealistic process, specifically, a "lack of neighbourhood", "too few victims" and "too many professionals" being the most challenging areas. Through industrialised living and global states, *the neighbourhood* has mostly vanished, meaning a neighbourhood or community struggles to react if there is no sense of such concepts. A decreasing sense of community is exacerbated by a centralised system that dissipates any local vested interest in the offence by taking away ownership of the issue. An abundance of professionals and experts examine conflict at every point and remove it from the owners, denying the chance of educational processes that could, and should, be the most benefit. However, Christie suggests that should conflict remain with its original owners, being included in resolutions may revitalise a sense of community.

Abolitionists had carved a new ideology to think differently about crime and its responses, recognising the importance of a triangulated, inclusive response that incorporated the victim, offender, and affected community (Van Ness, 2014). An opportunity to participate in a meaningful way was offered to address the barriers that face affected parties moving forward in a socially cohesive way. The restorative ideology is to restrict state involvement with its desire to possess conflict and forecast wrongdoers through positivistic algorithms and allow those affected by conflict to be the experts on how it should be best dealt with:

*We have the painful row of mistakes from Lombroso, through the movement for social defence and up to recent attempts to dispose of supposedly dangerous people through predictions of who they are and when they are not dangerous anymore. Let these ideas die, without further comments. (Christie, 1977, p.11-12)*

The failure of criminal justice processes to effectively resolve conflict and its ability to ostracise victims, offenders and the immediate community became apparent to critical thinkers.

Restorative models were introduced as a radical paradigm shift away from state-centric systems and towards ensuring those affected by crime are also those with the best insight to progress from it. Restorative ideology reduces justice from macro to micro-interventions that promote empathy, responsibility and a shared obligation to put wrongs right whilst seeking to examine the conditions that lead to the crime.

Drawing upon restorative justice as a model for offender reintegration Braithwaite's (1989) proposed the technique of "reintegrative shaming" which has guided contemporary models (Robinson and Shapland, 2008; Shapland et al., 2004; Walker, 2006). Braithwaite's (1989) theory is grounded in the theoretical assumption, taken from control theory, that criminality is a natural behaviour. Therefore, to address offending, inspection should not ask why individuals commit crime; instead, they should ask why certain individuals do not. When answering this question, Braithwaite considers that a law-abiding individual has certain restraints placed upon their behaviour, which inhibits any offending desires. Individuals engage in the world around them by subscribing to a social consensus and form various attachments to it. These attachments are established in education, workplace, community, and family and are symbolic of meaningful relationships both to individuals and the broader community. Because breaking norms and values may jeopardise an individual's social position and attachments, they self-regulate risky behaviours. Whereas, for Braithwaite (1989), there is a direct correlation between those who have fewer attachments to meaningful relationships and their propensity to commit crime. Therefore, when an individual has limited, or a lack of, attachments they are less likely to experience shame and the likelihood that an individual will engage in risky acts is heightened.

Therefore, Braithwaite (1989) suggests reattaching individuals who do offend back into a cohesive community to forge interconnected relationships and therefore to avoid future offending. Though Braithwaite acknowledges that shaming risks distancing the offender from reintegration, he suggests it can be used positively. Shame induces feelings of guilt and wrongdoing while also reminding the broader community of moral boundaries. However, shame must be followed up by all parties' genuine attempts to build relationships and reconnect with

shared beliefs. The community have induced shame by showing their disapproval but after this a ceremony of inclusion should then occur, including the offender, victim, and community. The process should act as a healing mechanism whereby affected parties can reform meaningful relationships and reintegrate both offender and victim. The process should allow the offender to view their crime beyond their personal scope and see its impact. A ceremony like this works best when those closest to the offender are present to aid in reforming meaningful attachments into society and ensuring there is an understanding of the broader impact of wrongdoing from others' perspective. This reaffirms a connection to the community whilst also empowering and reintegrating the victim by giving them a voice. The recognition of wrongdoing is followed by gestures of forgiveness, reconciliation, and inclusion, which symbolises that a *criminal* label no longer stigmatises the wrongdoer, rather, they become a valued community member who has made an error.

An injection of pragmatism has added to restorative ideals meaning that it was no longer an antithesis model to criminal justice processes and could be incorporated to reshape certain elements and enhance what already exists. Initially, punishment and retribution notions were facets of a failing CJS, meaning restorative theory was shaped to avoid those components. However, retribution and punishment were later revisited to be elements that could be functional to a restorative model, even when imposed by the state.

### 2.2.2 Incorporating Restorative Justice into the CJS

The New Labour government became the purveyor of action, when they created a target culture to achieve goals using prescribed methods and rigid frameworks (Goldson, 2000). Furthermore, New Labour set about introducing evidence-based rationality to newly unveiled national responses, after seeing the unreliability of localised responses. These responses applied scientific logic to efficient and reliable procedures that could be reproduced and regulated through administrative models (Pitts, 2000, p.6). As the problem of youth crime found its way into political rhetoric managerialism had gathered prominence during the 1990s. The response moved away from a debate of two butting heads towards definite responses that managed the problem and its correlated behaviours. Feeley and Simon (1992) had already recognised a

paradigm shift as criminal justice traditions redirected towards an efficient control of “risky” populations. Feeley and Simon (1994) would refine their arguments of a paradigm shift into the theorising of actuarial justice that would see criminal justice evolving from the adversarial approach of providing valid and reliable frameworks ensuring a just system into a process that poses dangers from managing pre-empted risk to control groups. Organisational performance and efficiency became the priority over individual outcomes, therefore by better ensuring that action at implementation conforms to an evidence-based design, outcomes improve from the resulting efficiency; such is the trust in the evidence behind that action. Feeley and Simon suggested at the time that the new penology had “not (yet) emerged as a hegemonic strategy for crime and crime policy.” (1992, p.451); however, under New Labour, it would.

New Labour gave England and Wales a revamped approach to solving societal conundrums that ignored party-political allegiances' ideological polarities favouring pragmatism. A reinvented interplay between ideology and process reimagined “new youth justice” (Goldson, 2000), providing new solutions to the youth offending *problem*, relinquishing any ties to previous ideological allegiances. The New Labour style appeared tough on the surface, however, beneath the surface was a deeply calculated approach to addressing criminogenic issues (Crawford and Newburn, 2003). With a particular focus on youth crime, that understood the practices in place as being ineffective, a shift in focus made replicable target-driven approaches the emphasis. “Performance” became the dialogue of youth justice with functional measures providing the distinction between success and failure as Key Performance Indicators (KPIs) defined the approach and language of the new “administration” (Goldson, 2000).

The Crime and Disorder Act (1998) was significant in underpinning New Labour’s core values on managerialism and created a new administration to oversee them. At the top of the new structure, overseeing matters is the Youth Justice Board (YJB), whilst Youth Offending Teams (YOTs) reside at ground level. Before 1998, social workers had been used informally in a supporting role in non-custodial sentences, but now they would be brought into the formal justice framework to work alongside other agencies in a multi-agency approach (Pitts, 2005). The new system was rooted in the belief that early exposure to the justice system would have

long-term deterrence and rehabilitative effects (Pitts, 2005). Understanding *risk factors* drove a “what works” approach, and the new youth justice would intervene where risk existed, giving no regard for civil and criminal boundaries (Crawford and Newburn, 2003, p.14).

The introduction of a twin-track system would see a separation of processes that provided interventions following an offence to those that responded to risk and worked to prevent future offending (Armstrong, 2004). The system would differentiate those needing help from those who deserve punishment, serious offenders from non-serious offenders, persistent offenders from those whose behaviour, it is believed, can be *nipped in the bud* (Armstrong, 2004). A range of community-based strategies would provide the necessary tools for agencies to implement techniques that quantitatively analyse risk and respond through replicable crime control programmes of behaviour management, prevention and actuarial justice (Muncie, 2006). New civil and pre-court responses to undesirable behaviours avoided formal justice procedures or criminal convictions altogether. The communitarian project claimed to encourage children towards social inclusion, away from further minor or extreme criminality and without the stigma of a criminal conviction (Clarke et al., 2011).

A commitment to being tough on causes of crime was shown by outlining five outcomes that services should ensure children achieve in the Every Child Matters Green Paper (Department for Education and Skills, 2003). The outcomes were: being healthy; staying safe; enjoying and achieving; making a positive contribution; and achieving economic well-being (Parliament, 2005). Simultaneously, the Anti-Social Behaviour Act (2003) ensured *tough* youth justice elements were not forgotten with an array of punitive out of court and civil measures responding to troublesome behaviours. Significant developments following proposals from the No More Excuses White Paper would see restorative justice brought into youth justice discourse (Home Office, 1997). The Referral Order, a new sentence for children pleading guilty to a first-time offence, required attendance to a panel of community and YOT members (Home Office, 1997). The panel would draw up agreements with the young person to change offending behaviour and attitudes (Earl and Newburn, 2001, p.3). The panels were directed by the underlying principles of restorative justice defined by the Home Office as “restoration, reintegration and responsibility” (Home

Office, 2000). For Crawford and Newburn (2003) “the Referral Order represented and arguably the most significant attempt, to draw on restorative justice principles in the youth justice arena” (p.142). The new sentence embodied the New Labour mantra of being *tough on crime and tough on the causes of crime* and marked the beginning of formal community restorative interventions.

Recidivism became the focus output for restorative justice, based upon its measurable crime reduction effects (Shapland et al., 2004; Homel et al., 2005; Robinson and Shapland, 2008). Restorative justice filtered into and influenced innovations such as a new cautioning system, described as “a short intensive programme of community intervention combining punishment, rehabilitation and reparation to change offending behaviour and prevent further crime” (Home Office, 1997, p.7). Restorative justice became a staple feature within managerialist policies and symbolised a revamped YJS. Replicable processes steered away from the *soft* options of the political left and drew upon the political right's economic efficiencies. Restorative justice would become a legitimate means in the “pursuit of criminal justice” (Crawford and Newburn, 2003) as inclusion and participation elements were translated into a “hands-on” approach to youth justice delivery (Stahlkopf, 2008, p.455) that combined social inclusion and social justice values as restorative values.

For Johnson (1999), the most efficient and effective response to welfare issues is care in the community, which New Labour provided greater emphasis upon by obligating local authorities to respond to their communities' well-being needs. Agencies worked collaboratively to pool resources and provide modernised programmes to tackle children's welfare needs. YOTs were created as a multi-agency approach that would include social services, education, health authorities, the police, YOTs and the Probation Service, all aimed at improving children's welfare (Johnson, 1999). A combined actuarial solution was introduced to quantify the level of intervention a child required in the shape of a “risk” matrix (Kemshall, 2007). The problems of welfare were correlated to offending potentials so that welfare needs would be marked as a *risk factor* of criminality. Youth justice had transitioned from a backwards-looking approach that aimed to react to offending, into a forward-looking approach by restoratively reacting to the risks of future offending.

However, for youth justice, the new penology has ended. Or so it might appear, as successive coalition and Tory governments have reduced a stringent KPI culture to just three indicators of success. Those indicators are a reduction in first-time entrants to the justice system, a reduction in reoffending, and a reduction in custody use (Ministry of Justice, 2010, paragraph 263). The uncomfortable truth for many liberal thinkers who pointed towards New Labour's lurch towards the populist political right as creating a harmful YJS is that its right-wing successors appear to have made progressive shifts (Bateman, 2014). In the decade that followed New Labour (2009-2019), the number of children receiving a caution or sentence has fallen by 83 per cent, first-time entrants into the YJS have fallen by 85 per cent, and children in custody have fallen by 70 per cent (YJB, 2020).

Impressive downward trends within youth justice statistics have been put down to successive governments' shift towards diversionary tactics and away from New Labour's zero-tolerance approach (Bateman, 2017). The YJB (2019) claims to have introduced a "child first, offender second" model that it has "moved beyond a focus on managing the risk posed by children who offend.". This comes after calls to clearly distinguish between rehabilitation and punishment after Taylor (2016) points out that "if children who offend are to become successful and law-abiding adults, the focus must be on improving their welfare, health and education – their life prospects – rather than simply imposing punishment" (p.3). These factors suggest a move away from the risk paradigm and towards a child-centred approach which enable YOTs to focus on rehabilitation. The child first model has gained momentum within academic circles that suggest the risk paradigm reaffirms an offender status and should be replaced by direct responses to children's needs (Haines and Case, 2015; Smith and Gray, 2019; Smithson, Gray and Jones, 2020), which Haines and Case (2015) see as a radical change in direction.

### 2.2.3 Redefining Restorative Justice

Crawford and Newburn (2003), point out that ambiguity over the function of restorative justice may be a result of its revolutionary foundations because it "emerged as a critique of traditional forms of justice and, as such, is often defined in terms of *what it is not* rather than *what it is*"

(p.21). For the pragmatist, restorative justice brings problems in providing unclear understandings of where, why and how it should be used.

Abolitionist underpinnings of restorative justice have it positioned as an approach that pays attention to the breakdown, disregard, or violation of human relationships, which is at odds to a system that holds accountable those that infringe upon structural order (Walker, 2006). Furthermore, a sense of harm and emotions attached to victimisation are personal and vary indefinitely, therefore responding to individual interpretations requires a hypothetical restorative justice system to adjust to each context. A system that responds uniformly to breaches of structural boundaries, has no place for such subjective flexibility. Despite this, youth justice has poured faith into the ability of restorative programmes to treat all but the very worst of youth offenders, with the belief that only those at the worst end of the offending scale would be immune to restorative interventions. Pitts (2001) comments on a “post-ideological” intent on governing evidence-based solutions to youth justice. He challenges the *evidence*, suggesting that “we can seldom be sure of what *works*, with whom, under what circumstances and why”, but the “overwhelming desire of government to control policy down to the point of implementation means that a rich repertoire of responses to the complex problem of youth crime is reduced to a narrow range of correctional techniques” (p.12). For Walker (2006), restorative justice is incapable of providing a *moral baseline* because abolitionist models require a framework that responds to individual morality. Therefore, its practices should be directed towards reparation and away from the identification of injustice. Walker points out that social solidarity should be represented symbolically by a legal framework that provides an administrative moral baseline. This would allow infringements of a reliable baseline to use restorative justice to be more inclusive and promote responsibility, reflective of models within the YJS.

Loose notions of *victim*, *offender*, and *community* are unfixed and hold fluid meanings that are interchangeable and open to interpretation, making the task of *looking* to find *restorative elements* within cases straightforward. Further to that, the need to include community or victim elements has lessened, as the focus moves to the offender. Abolitionist restorative ideologies are burdensome to the mechanics of an actuarial approach to youth justice. To incorporate

restorative values into a system it was originally designed to replace, a pragmatic re-theorisation was inevitable for it to be functional in its post-ideological setting (Robinson and Shapland, 2008). Robinson and Shapland (2008) suggest that it has been necessary to think differently about restorative justice and reframe key elements and include a fundamental shift in focus to the offender. They concede traditional literature may point toward recidivism as a *happy side effect* of restorative justice but suggest this should be prioritised to support government objectives (p.340). The writers suggest rather than playing down its offending reducing capabilities, it should be capitalised upon as “an opportunity to facilitate a desire, or consolidate a decision, to desist” (p.352).

#### 2.2.4 A Restorative Justice Industry

An ideological model of restorative justice requires the participation of the offender, victim, and immediate community where possible (Wood and Suzuki, 2020). However, recent adaptations to practice models have seen victims increasingly marginalised and the community represented by the facilitating agency. Christie (1977) pointed out that two important things have happened within criminal justice, one represents the victim by the state, and the other is that the represented party is ostracised from the process. Christie argues that this causes society and the victim to lose a valuable moment to be heard and learn from a pivotal moment. As restorative justice became embedded with the YJS, it offered victims and the community a chance to at least feature and play a role in processes. However, Wood and Suzuki (2020) suggest that restorative processes have become institutionalised and use it to respond to crime control's institutional priorities and thereby steal conflict.

Johnstone (2011) recognises that ideologically, it is important that the victim plays a role to move beyond the offence but points out that bringing the victim to the centre of the justice framework may be done only to respond penal populist sentiments. Johnstone questions whether restorative justice benefits the victim or if it is a tool used to reintegrate the offender. Adding to this, Johnstone is critical of whether victims even want, or need, restorative justice when most would opt for a punitive response (p.51). The problem with putting the victim's needs first is that it may cause a conflict between private and public interests if the victim is satisfied with an

apology, this nullifies the public interest, and a potential trial may become void. Furthermore, should victims play a role in deciding outcomes, then that system forfeits any semblance of fairness given that interpretations are likely to vary from one victim to the next. The problem that 'restorative justice faces in retaining its ideological commitment is that while remedying the traditional neglect of the victim's interests, it may result in the neglect of the equally important public interest in the prevention of crime...' (Johnstone, p.70).

Including the victim within the justice process is problematic, raising the question of how to include them? To whose benefit? And, should they be a passive or active member in decision making? According to the Crime Survey for England and Wales (2020), victims' feelings that they received reparation are very low; 7.2% in 2014-15, 4% in 2015-16 and 5% 2016-17. Although that question was only included for those three periods, data between 2011 and 2020, it shows the proportion of incidents where face to face restorative processes were offered never rose above 8.7% (2010-11 and 2012-13) and has declined since then to a low of 4.1%. Though these figures encompass all responses to crime, even within *restorative* programmes, victim participation rates seem to remain low (Hill, 2002; Miers, et al., 2001. O'Mahony and Doak. 2004) with Roche (2003) finding that victims saw any restorative process as burdensome and oriented towards the offender. Quite often any interaction between victim and offender has reduced to a simple letter of apology (Sherman and Strang, 2007), which because of the nature of an early *restorative* intervention may put children in a "humiliating position" of having to make insincere apologies just so they may avoid worse consequences (Bennett, 2006). Community participation is equally problematic; should community members hold the ability to influence a justice outcome, it will inevitably risk vigilantism where power dynamics are unchecked (Rossner and Bruce, 2016). For Muncie (2006) the "principles of restorative justice which rely on informality, flexibility and discretion sit uneasily against legal requirements for due process and a fair and just trial" (Muncie, 2006, p.780). Balancing the needs of victims and offenders' requirements, whilst including the community, is problematic within a system that strives for reliability and replicability.

An etymological adaptation to the meanings of victim and community has continued to adapt restorative justice into a neoliberal tool as *victim* and *community* are displaced in proxy by representations of the state. Rossner and Bruce (2016) suggest that although the meaning of *community* in restorative justice is widely debated, the community can participate in different ways. The authors include the idea that offender and community “work side by side in restorative community service’ programmes” (p.2). However, unpaid community work has become a staple feature of restorative justice despite the implausibility to see where restorative elements might exist in forced labour akin to a modern child chain-gang. Community work, or *payback schemes* add to the *punitive* versus *non-punitive* debate, where a punitive focus has gained traction as a welcomed restorative addition. A 2008 review by Casey “Engaging Communities in Fighting Crime”, suggests unpaid work should be more “visible”, increasingly intensive and demanding, and overall should increase public confidence by “placing punishment at the heart of the criminal justice system” (p.2). Maruna and King (2008) criticised Casey's proposals as “desires for revenge and retribution, anger, bitterness and moral indignation” (p.347).

The emergence of a communitarian effort to combat undesired behaviour at the earliest possible stage has a ‘net-widening’ effect (Pritchard, 2010). Christie (2000) draws upon the Foucauldian theory of state set parameters on behavioural discourse, suggesting that all Western societies share two common themes of unequal distribution to wealth and access to paid work. The crime control industry is positioned to respond to provide wealth and work while controlling those who otherwise might have disturbed the social process. Christie explains that the crime control industry is ‘privileged’ due to the endless supply of ‘raw material’ never establishing itself as being settled; it is forever growing, reaching into new areas to respond to the dynamic needs of a new cohort (Christie, 2000). Christie suggests that as options for *enemy nations* narrow, Western nations prioritise fighting an *enemy within*. Christie warns that a continued expansion of the crime control industry poses a different threat; “the dangers of crime in modern societies are not the crimes, but that the fight against them may lead societies towards totalitarian developments” (Christie, 2000, p.160). To this end, an expanded YJS plays a convenient example, having the qualities of a zero-tolerance system (Crawford and Newburn 2003, p.141).

If the new youth justice was an example of the crime control industry, restorative justice provided significant support to industry growth. Restorative justice became a tool that delivered more of the same by reducing criminal justice and children's proximities by policing more behaviours and conditions sooner. Daly (2013) describes a misconception that the *criminal justice* versus *restorative justice* narrative is understood as *punitive* versus *non-punitive*. Adding to the semantic melee of retribution, punishment and restoration semantics, Daly argues that being non-punitive has become symbolic of restorative enterprise, and traditional criminal justice is sweepingly understood as being punitive. However, Daly suggests that "to be punitive implies an attitude of mind that sees offenders as bad persons" (p.363); therefore, to be non-punitive is to see the person as a good person who has done a bad act. To be non-punitive is to believe things can be put right through a process, but that same process can be punitive if intended as a sanction to cause suffering. In comparison, the means of a restorative sanction is to put wrongs, right. Maruna (2006) suggests that to be non-punitive is dependent upon earned redemption; should an offender fail to earn redemption from the community and victim, then that restorative process still fails to be 'non-punitive'. However, the community and victim's perspective have become inconsequential to whether a process is deemed punitive, non-punitive or restorative. Daly argues that techniques once understood as punitive have rebranded to restorative, though no technical changes have been made, nor have any restorative principles been adopted, yet reframed as constructive in repairing harm. Therefore, not only have restorative revolutionary aims been watered down to reform, but now those reformatory powers are a rebrand and a rethinking of existing mechanisms.

Wood and Suzuki (2020) suggest that restorative justice has been tamed, arguing that it has lost its radical properties. Adding to concerns raised by Bottoms (2003) and Johnstone (2011), they suggest that restorative justice has diverged from Christie's (1977) proposition that conflict should remain (as property) in the hands of those directly involved. For Wood and Suzuki (2020), conflict has been absorbed into institutionalised and formal criminal justice processes such as diversion or community programmes, where decision making remains firmly in the hands of criminal justice professionals. An institutionalisation of restorative justice can be found in the

plethora of restorative professionals that have emerged who become arbiters and gatekeepers of the restorative justice industry (Tauri, 2014).

The discursive leap from *punitive* to *non-punitive* has a significant impact on the crime control industry's ability to circumnavigate adversarial processes. Traditional criminal justice gives individuals the right to defend themselves against accusations from the state (Daly, 2013). However, restorative justice should be consensual, at least in principle it is, but a new age of criminal-restorative justice filters in between the accusation and the right to defend and provides individuals with an opportunity to take a restorative route instead of the daunting prospect of taking on the state. As Lynch (2010) points out, the ideological standpoints of restorative justice "may cloud judgement with regards to the potential for coerciveness" (p.175) and raises serious concerns of whether guilt and criminalisation have been established without due process (Ashworth, 2002; Lynch, 2010; Muncie, 2006).

Restorative proponents have attempted to validate its ideological beginnings in indigenous civilisations, to which Daly (2002) has ardently contested. Daly discredits many restorative 'myths' by dispelling of historical beginnings; its 'good guy' status as being opposite to retribution (which has come to symbolise negative justice); and the idea that restorative justice can heal harm. Daly argues that telling such mythical stories can evoke false expectations through utopian imagery. Nostalgia plays kindly into the hands of restorative justice, whilst criminal justice is portrayed as 'bad', restorative justice is 'good'. Whereas traditional justice is bad because it imposes further harm restorative justice raises ideological connotations of progressively responding to and reducing harm. Further condemning the false illusions of the restorative narrative, Blagg (1998), asks "are we - once again - creaming off the cultural value of people simply to suit our nostalgia in this age of pessimism and melancholia?" (p.12), suggesting indigenous practices are understood through a *colonial lens*. Blagg and Daly raise caution in preaching the restorative movement's benefits if principles are built upon fabricated foundations, the consequences of which may well lead to fabricated interpretations of vague principles.

Christie (1977) had identified lessons that may be learned from the less industrialised and state-centred societies where “the old social thinkers were not so dumb after all” (p.14). Christie points towards large-scale technology as killing social systems. Christie concludes by suggesting that society is without an ideology for reconstructing itself socially, and so we have become more willing to accept “institutional experimentation” (p.14). Christie uses a metaphor to describe the importance of genuine attempts to understand others without the inhibiting effects of technology and hierarchies:

*The answer has probably to be the old one: universities have to re-emphasise the old tasks of understanding and of criticising. But the task of training professionals ought to be looked into with renewed scepticism. Let us re-establish the credibility of encounters between critical human beings: low-paid, highly regarded, but with no extra power—outside the weight of their good ideas. That is as it ought to be. (p.14)*

However, Johnstone (2011) emphasises the growing interest towards restorative justice has misplaced understandings of its advantages that are explained through empirical evaluations of victim satisfaction, cost-cutting, and an ability to reduce reoffending. Though recognition of measurable outputs is important, this should not form the critical assessment of restorative justice. After all, restorative justice is born of something far more ambitious. Johnstone suggests that a romanticised image of a restorative resurgence of pre-modern practices favoured over punitive systems is distorted. He questions whether pre-modern societies and indigenous peoples' traditions have relevance to modern-day crime control and justice in contemporary societies. Johnstone is cynical of a “restorative renaissance”, asking if restorative justice faded away at all. He argues that the notion that formal state punitive systems replaced community responses to crime is debunked by the existence of the dark figure of crime (p.49). Many crimes go unreported and remain in the community setting where they are dealt with by community members which indicates, for Johnstone, that restorative justice is likely to be “more deeply embedded in social life than is assumed either by those who deny the viability of a revival of restorative justice traditions and by those who are seeking to bring about such a revival.” (p.49).

Though there is some debate whether contemporary Western communities are cohesive enough to facilitate reintegrative shaming (Braithwaite, 1993), Johnstone suggests that new models should simply accept that social relations are different between modern and pre-modern

societies. Therefore, rather than denying the possibility of a modern restorative model, accept that contemporary practices will face different hurdles. The task should now be to think differently about addressing offenders and victims who are socially isolated compared to those embedded in the community, to move away from “punitive segregation, which only reaffirms any labels of them and us” (p.31). The ‘old paradigm’ compounds conflict through an adversarial model that reasserts the conflict as existing (Zehr, 1985). Like Christie, Johnstone sees restorative justice as a mode to revitalising the community. Though the meaning of *community* may have changed, restorative justice can play a role in restoring interconnectivity and cohesion through community members' participation. Johnstone suggests introducing community programmes slowly, and by providing opportunities for citizens, and responsabilising members with resolving conflict, this can itself help revive the nostalgic sense of community. Such processes should be prioritised away from formal state responses, which Johnstone argues, will only hinder conflict resolution.

### 2.3 Restorative Justice as Social Control

For Cohen (1972), overreactions to youth deviance could be expected “every now and then” (p.9) as groups become the target of right-wing thinking media and politicians who stereotypically stylise groups to define them as a threat to which youth groups lend themselves well. Cohen argued that youth groups consistently become the object of societal fears as their deviant behaviours become amplified, thereby legitimising evermore pervasive forms of social control. Cohen (1985) suggested that under the guise of ‘the community project’ social controls would penetrate deeper into civic life concealed by humanitarian language of alternative ways to do good. However, Cohen argued that the “word alternative should alert us to the immediate problem of the new nets” validated by false claims of doing good or reducing harm, are supplementing the existing system (p.71). Cohen (1985) argued that the mechanisms designed to solve social ills have, over time, lurched seemingly to the progressive left, away from narratives of ‘retribution’ towards those of ‘reintegration’. Such moves have been accepted due to the illusion ideological progress and inclusion. However, Cohen (1985) argues, such false claims justify new systems of control spreading further into the community setting, and away from their institutions, marking a blurring of boundaries between the prison and the community. This

pervasive process prevails under a liberal flag, "...it is the rhetoric of 'doing good' that functions now, as it did historically, to insulate the system from criticism, explain away failure, and justify more of the same under the guise of novelty." (p.173).

Cohen (1985) accounted for deeper structures within penal-welfare agencies, acknowledging that to unpick some of those structures, research might need to "probe beneath the surface" (p.117). Beyond the intrinsic mechanisms used by practitioners to justify their crime control position, similar techniques justify a crime control rhetoric and implement its tools. For Cohen, that probe reveals a power drawn from the nostalgia of imagined histories, pointing out that a sense of community is very much integral to a community programme's welfare focus. In a bid to rediscover community, agencies use an imagined past community to apply techniques of crime-control to save children from the harm of contemporary society:

*As in all forms of nostalgia, the past might not really have existed. But its mythical qualities are profound. (p.118)*

Nostalgic images of 'community' have neutralising properties on crime-control. Providing techniques of 'community' to those deemed *in need*, steers the realities of social control away from negative connotations. Further to this, Cohen adds that "Nostalgia though, does not depend on intellectual rigour; what matters is the symbolic evocation of a lost world." (p.118). Values, rules, and commitments to imagined realities are reinforced through connectivity practices without any concrete understanding of the reality of what is being imagined. A progressive crime control ideology becomes the driving force to save children from the fractured structures of contemporary society that continually reproduces urban life as social problems, aiming to remedy them through visions of a rural community (p.119). Cohen suggests that practitioners, believing that they are doing good, aim to reproduce fabricated manifestations of the rural community to recreate ideals of small, connected, and harmonious social life. Even if intentions are well placed despite the consequential outcomes of pathologising contemporary urban life as 'risky', arguably promoting communal like elements to life may have positive tenets. In the least, it would pose little social harm to a child. However, the problem is not the practitioner's intention based on their imagined history or the imagined history they hope to realise upon the child. Those imaginations are just that, *imaginations*, and they do little to combat the harm of crime control.

Cohen suggests that the new system is rife with stories of change, anecdotes of difference, and innovative techniques that combat the system's acknowledged harm. However, Cohen claims stories are full of “contradictions, anomalies, and paradoxes” (p.115) that, on the surface, suggest a way of doing things that are humanitarian and leave the harmful bureaucracies aside, which is invalid. The surface is bound to the mechanisms of the system, and so are the tactics of the agents, for Cohen, the problem does not reside at the surface, instead, scrutiny should be placed on their governance:

*The arena of social policy is the place where such hidden contradictions are resolved. Leaving aside any putative 'implementation gap' between rhetoric and reality, it is the rhetoric itself which becomes the problem. (p.115)*

Cohen (1985) heavily scrutinised the pervasiveness of social controls that are orchestrated through measures of ‘integration’ and ‘reintegration’. It is the argument that communitarian notions of reparation, reconstitution and restitution stem from benevolence and humanitarianism, when they are really reproductions of harm that widens the net of social control:

*It is at the soft end that the vision is most influential... Though those systems give the appearance of ‘utopian’ and ‘liberating’ ideals, those ideals are ‘imprisoned and distorted within the overall state structure (p.127).*

Using fishing metaphors of net-widening and mesh-thinning, Cohen (1985) described an expanding catalogue of deviance categories, and the subsequent techniques used to handle them, as well as describing the decreasing likelihood of someone slipping out of the system once caught by it. Comparisons can be drawn between net-widening and mesh-thinning notions to youth justice developments, which arguably indicates the realisation of Cohen’s warnings. Cohen’s stance across various works (1972; 1979; and 1985) has consistently, critically and pessimistically framed youth justice moves, which on the surface seem benevolent, to hide their true nefarious intentions. It is for this reason that Cohen’s frameworks are applied to contemporary restorative justice within the YJS.

### 2.3.1 Moving Criminal Justice into the Community

Cohen (1985) concedes that the consequences of crime are not unimportant, and the real-life consequences of offending should be recognised. However, regardless of the justification for responses to crime, whether deterrence, rehabilitation, or any other, policy should remain in the restricted “circle of the offence and the offender.” (p.266). When devising policies that respond to the nature of causality, the route of action should not surround a proposed cause of crime, because variables of risk invariably reside and interconnect with other elements of social life and may therefore create new harm that are quite separate to the nature of offending:

*...as therapists sometimes have to tell their patients or Zen masters their disciples, that we have to take a problem less seriously in order to solve it: 'if I am to help someone else to see that a false problem is false, I must pretend that I am taking his problem seriously. What I am actually taking seriously is his suffering...' (p.266)*

For Cohen, responding to need should be driven by someone being *in need*, not because it may affect their propensity to offend. Behaviours that respond to vulnerabilities or provide pleasures should be guided by directly responding to those factors, and if this were done, then maybe there would be less of a reason to have debates over the roots of criminality.

Cohen (1985) argues that responding to suffering through the back doors of criminal justice indicates a stain on social morality. Suffering, or to use the language of contemporary welfare-managerialism, *risk*, should be responded to because society cares about responding to the nature of that risk, not because it might influence the probability of actions already unlikely to happen. Cohen makes his point that though crime is important, there should be clear lines dividing realms of crime policies and actions from those that seek to remedy social harm (and in doing so, provides a clear definition of what *doing good* is:

*The 'moral' element affirms doing good and doing justice as values in themselves. By 'doing good' I mean not just individual concern about private troubles but a commitment to the socialist reform of the public issues which cause these troubles. By 'doing justice' I mean not equity or retribution but the sense of the rightness and fairness of punishment for the collective good. (p.252)*

However, the opposite is happening, as boundaries separating crime and social policies are becoming increasingly blurred and are often invisible as new community systems present

themselves as holding virtues that separate it from, and improve upon, the old system (prison). The Taylor Review of the YJS in England and Wales (2016) draws caution to a synthesised system with indistinguishable boundaries. The review suggests that attempts to provide a universal approach to justice and welfare should retain clear lines of division between courts and their purpose of establishing guilt from the 'process of deciding and monitoring the action that should be taken to repair harm and rehabilitate the child' (section 99). Cohen suggests that community diversion programmes promise "a form of intervention that would be less intrusive, onerous, coercive, stigmatizing, artificial and bureaucratic; more humane, just, fair, helpful, natural and informal." (p.69). Therefore, individuals encountering such a system are unlikely to question whether the system they have entered is connected to the old system or whether it works to reproduce its harm. Taken on the promise of a 'new' community intervention, individuals enter willingly. This creates a problem for onlookers as it becomes increasingly difficult to assess and measure how big the net is and who runs which bits; for Cohen, these questions become increasingly harder to answer as powers and the economy of social controls become dispersed wider and into newer areas. Cohen points out that a decentralisation process labels its new programmes as 'alternative', but they rarely are, as they merely redirect into another part of the system and fail to divert out.

The Taylor review (2016) presents evidence that community social controls may be damaging in its "tainting effect on children" and the increased likelihood of being "pulled further into the system" due to its labelling effect and "reduce the deterrent effect" (section 57). Despite this, the review remains committed to the community project to remedy those issues by suggesting that YOT diversion programmes are the most effective method. Giving more evidence to the blurring of boundaries as the report suggests that YOTs (an organisation designated to respond to offending youths) exist 'outside' of the CJS (section 58). Taylor (2016) emphasises; "this is undoubtedly the right approach and one which I am keen to see used more consistently and effectively." (section 58), adding; at the "heart of these diversion schemes should be reparation" and explains that restorative justice should be part of that process (section 58). Taylor (2016) offers a perspective that suggests that diversionary systems are separate from criminal justice systems. Such arguments not only sit consistent with Cohen's framework of a new system,

depicting itself as separate but undeniably connected to formal processes of crime control. Taylor (2016) suggests that the diversionary processes resolve incidents informally and avoid 'formal proceedings' (section 57). However, such language becomes troublesome if the alternative is assumed to be *informal*. If a restorative diversion's informality is the lack of formal due process, then such a system breaches civil rights in the absence of proper legal procedures. Here is a system that requests children to make 'reparation' (tantamount to forced labour) with one hand held behind their back so that they may avoid the acknowledged harm and fears of a 'formal' process. Behind the progressive headings of *restoration* and *diversion*, is a process that could be argued as bringing the harm of an even older system, through the back door and provides more evidence that youth justice has become home to "social policies once regarded as abnormal...are seen as being normal, rational and conventional." (Cohen, 2002, p.xliii). Muncie (2006) reinforces this by claiming that restorative programmes bypass human rights legislation as processes by avoiding the need to provide representation as children admitted guilt to avoid court despite still being given punishments and often a criminal record regardless.

There is evidence that Cohen's dystopian warnings are in effect, as youth justice practitioners execute restorative programmes that draw children into a system that previously would have seen them strewn out at the first chance. The old system held two options; convict or set free, but the new system offers a third option to retain those at the lower end of the scale to ensure that social control techniques are applied. While most young offenders might prefer a community sanction alternative over a prison sentence, Cohen (1979) argues that this is only a legitimate 'alternative' should due process qualify the offence as worthy of incarceration. Such a framework distorts the presumption of diversionary, where instead of *diverting out*, they are *diverting in*. Assessing restorative justice as a viable community option against an ineffective prison system, Griffin (2012) argues that restorative community alternatives should not be assumed to provide humane programmes that tackle the causes of crime. In his examination, Griffin points out that Cohen's assumptions may be accelerated under the benign label of *restorative justice*, as new populations are drawn into the net that continues to apply the 'offender' label. Restorative justice, operating under a tag line of innovation and progress, adds to the threat of social control by enabling the CJS to continue its penetration into civil life. Remaining undetected under

humanitarian rhetoric it broadens the system's capacity to control social groups and their behaviours.

The success of restorative justice in the CJS rests on its persuasive ability to suggest that traditional justice routes are bad, and restorative routes are good; a sentiment shown within The Taylor review (2016). However, the review reflects the problematic nature of seeing diversionary practices existing 'outside' of the youth justice system (section 58), acting as an example to the critical concerns above. Taylor views separate systems, *criminal justice* and community; those based in the community can avoid the stigmatic effects because of their ability to avoid 'formal proceedings' (section 57). Such language epitomises the problematic nature of *not* seeing the community model as an extension of the CJS. It allows Taylor to encourage the administering of reparative community sanctions away from a 'formal' process. This begs the question, if a community sanction is given as reparation, if not in a formal process, what regulations, safeguarding and due processes does an informal process uphold? For Muncie (2000) 'pragmatism, efficiency and the continual requirement to get results may well come to override any commitment to due process justice and democracy' (p.30). Large numbers enter restorative diversion schemes despite their case being unlikely to receive a sentence in a traditional criminal justice path. Shapland et al. (2004) highlight a significant attrition rate between arrest and sentencing due to the Crown Prosecution Service dropping a predominant number of cases, other cases are acquitted, for some no evidence is produced, or individuals are found not guilty; therefore, "if one is operating a restorative justice scheme pre-sentence, which requires the offender to have admitted his or her guilt..." (p.49) it is not possible to measure the levels of those who would have received the same, otherwise—thereby suggesting that individuals may be inducted onto restorative schemes who otherwise may never have been found guilty.

For Cohen (1985), any justice model with notions of back door welfarism is greeted with cynicism, and the claim of any such model "is simply a movement to give renewed moral legitimacy to pure punishment. Perhaps, the value of doing good was open to abuse and could only be imperfectly realised, but punishment can never bring good, even when it is carried out justly." (p.246).

However, for Cohen (1985) carrying out programmes behind a veil of welfare rhetoric does enable it to escape the harm associated with the CJS.

It is important to note that criminological literature has not disinterestedly framed youth justice reforms and its wrestle with debates of welfare and punishment. Cohen (1985) observes that criminological commentary has framed penal reform within recurring narrational frameworks. Cohen argues that throughout the last century, the literature can be *caricatured* into three distinct stories that have differently observed change, *Uneven Progress*, *Good (but Complicated) Intentions - Disastrous Consequences*, and *Discipline and Mystification*. Cohen (1985, p.15) describes the first story as a “simple-minded idealist view of history” where all reform is understood to have humanitarian motivations to improve social and individual wellbeing. The second is a story of optimism followed by disappointment, where reform is perceived to have good intentions but inevitably fails, resulting in disappointment. The third story, to Cohen, is the most radical. It sees the system as successful, not because it effectively treats offending children but *because* it fails them. In this view, the system is pessimistically perceived as a control tool that ensures that power remains with the ruling classes over marginal populations with the illusion of scientifically informed reforms intended to improve working-class life, which only creates a willingly accepting proletariat of their controls. It is important to be mindful of how the framing of the data will reflect Cohen’s framework, and whilst doing so will better ensure that the narrative is a dutiful reflection of the data and not merely a convenient narrative that reflects criminological populism.<sup>1</sup>

However, Munro (2016) argues that Cohen’s critique of penal reform is not made without prejudice, suggesting that historical context is ignored. Munro (2016) points out that though penal reform on the surface may appear as regressive against the standards in which the critique is made, but that ignores the historical landscape which the reform had aimed to improve:

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<sup>1</sup> Cohen’s (1985) narrational framework is discussed in more depth in its application to the data in Chapter 7 to make sense of the different occupational typologies that shape the working environment of youth justice practice (Section 7.3).

*Cohen (1985: 248) talks about the persistent assumption when faced with such defeat, but theories are always beautiful until the Barbarians make them ugly. However, it is not the Barbarians that make them ugly but changed historical circumstances. (Munro, 2016, p. 103)*

Munro's critique should not be dismissed as it reminds us that at the time of this study, Cohen's (1985) critique has aged 30 years. Despite that, Smith (2018) shows that Cohen's (1985) narrational framework provides a useful analytical tool to test contemporary youth justice reforms.

### 2.3.2 Controlling Troublesome Populations

Durkheim suggested that should disorder arise, societal interventions and, more particularly, penal responses serve to reinstate social cohesion by healing the wounds done to collective sentiments (Cheliotis, 2006, p.314). However, Durkheim optimistically predicted that a higher social order would mark the transition from mechanical to organic solidarity; as society evolves to shared solidarity, it would result in fewer *thou shalt not*s. Laws would be based on a shared consciousness, and primitive law and order frameworks would be needed less as society would begin to govern itself by having higher and better morals. Therefore, as solidarity and consciousness develop, formal laws and social restraints should become obsolete and reduce. However, Feeley and Simon's (1994) new penology suggests the opposite; rather than social restraints reducing, they are increasing. In addition, Schwartz and Jacob (1979) point towards the problem that increased restraints from authorities in private spheres has on predictions of social consciousness:

*If Durkheim was right that a decrease in the number and severity of formal prohibitions was needed to indicate a growing social equality, then let's face it, we're in trouble...the early optimism of Social Darwinists and other neo-evolutionists and neo-positivists have been, alas, misplaced. (p.91).*

The New Labour government highlighted just how wrong Durkheim's predictions were with their commitment to remedy the causes of crime, they wasted little time in expanding the system and in doing so embodied Cohen's (1985) vision. In the decade that followed New Labour's arrival to office, 40 criminal justice acts were introduced, including 26,849 new laws (Sweet and Maxwell, 2007). To contextualise those figures, New Labour introduced, on average, 54 per cent more new laws annually than a Thatcher government that had similarly advocated transferring social

resources into law and order (Hobbs and Hamerton, 2014). Priority was given to ensuring order and to control troublesome populations as a host of community-based options became injected into civic life.

Cohen (1972) had already framed social and political reactions to youth deviance; rather than focusing on causation, he saw the linkage between the two as socially constructed and not as a cause/effect relationship. For Cohen, distorted feedback of delinquent episodes, through media, politicians, and community leaders, alongside incompetent control frameworks made things worse; and so 'moral panics' entered the criminological lexicon. Cohen combined a statistical model of deviancy provided by Wilkins (1964) with Matza (1969) and Becker (1963) to synthesise the ideas of labelling and becoming deviant. Cohen identified that trivial deviant behaviours are magnified through a process of labelling and amplification. Once a deviant label was attached, the magnitude of deviance heightened by media, political and social amplification which only served to reaffirm a more deviant label, and so, the cycle continues. For Cohen, these steps precede what he coined as a 'moral panic'. These are the first steps to which state mechanisms of social control are legitimised, giving warnings to a dystopian direction that social controls present in youth justice. In the Mods and the Rockers' study, Cohen noted perceptions that the police were handicapped in tackling the issue because the clashes were presented as being indicative of a much larger social problem. Therefore, blame and responsibility shifted to the government to address the underlying causes of the clashes. Cohen noted that those shifts were "prerequisites for successful moral enterprise" (1972, p.124). Although the police and courts met immediate issues, the problem was diffused into the community setting to be undertaken by informal agents in a "suprasystem" or "restorative social system" (p.125). The new system appears to respond to therapeutic needs that sit beyond the emergency services' scope; however, the new system is analogous to the old. Cohen (1979) suggests that altering crime rates "is not the object of the exercise" for community-based programmes (p.609) but, instead, it is to implement control frameworks into the community subtly. Where formal justice systems are deemed ineffective community options provide a cheaper and more humane option to remedy the social problems associated with youth offending, and so are often viewed as a better option. The move is justified under the premise that the causes behind youth criminality lie within the

community (family, education, socio-economics and other 'risk' factors), therefore that is where interventions should be placed to ensure effective rehabilitation.

Cohen directs criticism at the dominant positivist thought he saw existing in both criminological and state responses to youth delinquency. This criticism marks the foundations of his warning against the dangers of community reforms. Community reforms expand social control mechanisms beyond the prison and act based on social pathology to separate those that commit crime from those that do not. For Cohen, responding to social, biological and psychological factors creates an uneven response to deviance; however, claiming to respond to crime wherever it arises is uncritically bound to ties of class, power, gender, and race. Cohen offers a framework that can be directly applied to restorative developments in youth justice, which Cohen sees as symbolic of the Panopticon extending deeper into civil life fabric. Cohen's (1985) analysis of prison reforms argues that there is an unwillingness to entertain abolitionism despite decades of failures. He deduced that the penal system's object is not to reduce reoffending but to produce control techniques amongst the lower classes. This has been supported more recently by Yates (2012) who suggests that social controls are evident and at their most coercive amongst poorer demographics. Cohen (1985) suggested that the new system's harmful responses are disproportionately placed in marginalised and powerless communities. He argued that the middle classes have diversionary systems for their youths, such as paid for therapists, educational resources, networks of friends and family, and lawyers, and these kinds of diversion should be provided naturally. The middle classes enjoy genuine diversions disconnected from the prison, as resources are tied to their social capital. In contrast these resources are provided for poorer children, yet are inextricable connections to the prison (1985, p.259). Reinforcing this, Yates (2012) claims that it is "disadvantaged and marginalized children who make up the 'bulk' of the business of the youth justice system" (p.432). Yates draws on the UK Independent Commission on Youth Crime and Antisocial Behaviour which states, "The youth justice system tends to target and recycle the usual suspects, again and again, especially young people from deprived neighbourhoods" (ICYCAB, 2010, p.25).

Recent trends might suggest Cohen's pessimism was right, though restorative and diversionary programmes promise much, they are accused of delivering very little (Yates, 2012). Within YOTs, Phoenix and Kelly (2013) claim that control and responsabilisation is not achieved through meaningful relationships and services that respond to their needs because both are absent. Instead, "responsibilisation is accomplished not so much by what is done to or with young offenders, but what remains undone and unchanged in the course of young people being required to work with a YOT." (Phoenix and Kelly (2013, p.420). In this sense, the reality is that nothing is done, despite the proclamations of doing good, instead tactics are deployed only to control the child and establish what they can and cannot do. On face value, strategies to decrease crime rates have been attributed to diversionary services that have managed to deter children from crime (Taylor, 2016). However, such initiatives prioritise swift and efficient methods to usher children away from the system and place less emphasis on addressing causes of crime and to engage in meaningful ways.

The progress seen in offending rates arguably comes in the name of cost effectivity, and more precisely, austerity, according to Bateman (2014, p.240), where "echoes of Thatcher" are present in recent policy developments. Bateman argues progressive developments are only made possible from the depoliticisation of youth justice as youth crime moved from the public agenda whilst juggling a tough stance on crime with tightening state purse strings. A punitive agenda to appeal to popular sentiments has seen New Labour's legacy vindicated for widening the nets of justice and confusing social problems with those of crime, to the condemners, there is a sense of being careful of what you wish for. The New Labour position was to expand the community project to treat social problems under the guise of 'criminal justice' where there is a social appetite to spend public money. However, the coalition and Conservative agenda have been to reduce social problems' financial burden regardless of the financial justification. The financial risk of treating crime is transferred to business strategies that inevitably look for short-term remedies for short-term results "at the expense of longer-term developmental outcomes that prioritise children's well-being." (Bateman, 2014, p.421). Despite continued efforts to intervene early, the question is raised around the purpose of intervening. A welfare vacuum has replaced the old expanded system's problems as community services, and infrastructure built to respond to crime

are axed as part of cost-cutting efforts (Yates, 2012). Where one system attempted to treat social ills, the other neglects them as youth services experienced 4,500 fewer youth work jobs and £400 million less funding between 2010 and 2019 (Unison, 2019).

Additionally, because of the subjective interpretation of need, it is difficult to provide a response that satisfies both recipients and onlooking evaluators; as Pawson (2006) summarises, “what is good for the geese rarely satisfies ganders.” (p.6). For example, Yates points out that successive New Labour governments sought to pathologise children from the estate and provide projects that would become part of the community's structure to improve lived experiences. Yates (2012) suggests that instead of seeing children's involvement in crime as part of social processes, they are seen as being ‘morally corrupt’, measured upon decontextualised ‘risk factors’ that legitimises a neo-liberal urge to exert welfare resources upon the children in response (p.433). However, for children on the estate, their real risks were structural, shaping their lived experiences and impacting the risk of economic, physical and emotional harm. Yates points out that such risks could have been framed as children in need, but instead, “there was a tendency to label them as young offenders who needed to be controlled through an expanded set of formal criminal justice mechanisms.” (p.434). Despite this, Yates points out that youth justice social policy has provided mechanisms to reduce harm on the estate, whether real or imagined. However, successive governments desire to reduce spending has impacted on provisions that had stood to provide inclusivity and connectivity on the estate regardless of their ideological purpose. The withdrawal of which threatens to disrupt those networks that support successful diversionary and decarcerative strategies.

Any ambitions to signpost into services are made ever more difficult with existing services in significant decline (Yates, 2012). Additionally, whilst diversionary tools reduce the capacity to recognise and respond to welfare needs, the system might be accused of ignoring children's needs altogether. The problem for diversion may be a question of where the children are diverted when the welfare state is in decline? Austerity adds pressure to respond to the welfare needs of children, with the NHS (2018) releasing data that shows between 2010 and 2017, children aged five to fifteen experiencing emotional disorders (including anxiety and depression) has increased

by 48 per cent whilst three-quarters of children with mental health needs were unable to access services. This may be of little surprise when in the same period, youth services expenditure has reduced by 70 per cent in England and Wales, to the tune of £978m (YMCA, 2019). Yates (2012) argues that ongoing welfare funding cuts have depleted vital services within marginalised communities. Provisions are withdrawn that would usually provide community cohesion, health, education and pathways to support for the “least powerful members of society, and their communities, who are the most likely to feel the brunt of the cuts to social welfare provision” (p.443). Though the expanded system bore all the hallmarks of social control’s, the new system appears to have retained the ability to intervene and control, but lacks any of the desires to respond to causation.

### 2.3.3 The Impact of Bureaucracy on Good Intentions

Cohen’s (1985) suspicions of community interventions were extended to the agents implementing them; not because youth justice practitioners have ill intentions, but because their work is bound to the system. Cohen claims that agents will attest to, and believe in, the good nature of their work because they are ‘ideologists’. Practitioners have progressive, welfare driven ideologies of welfare, believing they are engaged in philanthropical projects to better human lives. However, they too are victim to the subtleties of the new community project as their good intentions are misplaced and act as a vessel to extend the reaches of social control:

*And here, the strength of the community ideology is the strength of all ideology: its persuasive ability to keep us believing that we are doing one thing while we might really be doing something else. (p.127)*

Muncie (2006) suggests that the practitioner's will is redundant within a point that a technocratic framework of value-free operations denies essential elements of youth justice work. Muncie claims that actuarialism impedes the personal dynamic between child and practitioner and adds further impetus to Cohen’s (1985) argument that even those practitioners with educational and professional backgrounds in social sciences and social care, the new age of their operations is professionalised to a crime control agenda (p.163). Cohen argues that bureaucracy has taken hold of noble pursuits and turned them into rational objectives due to their commitment to their placing within the justice system. Cohen argues that the “new class” of community crime control

agents are “morally ambivalent” (p.164). Though they are not part of the elite group of exploiters, they benefit from knowledge to exploit their position to progress their economic and cultural place in the workplace. Cohen saw the new breed of community crime control agent reflecting the new age of administrative state affairs; “professionals in systems such as mental health, crime control or social work are locked into a network of bureaucratic and corporate interests” (p.163) focused on controlling their working conditions. It becomes in the interests of the new practitioner to ensure professional success to prove and maintain the structures that exist so that people depend on their expertise. Adding to this, practitioner occupational security is threatened as youth crime trends from 2005 continue to fall (Griffith and Norris, 2020), and austerity has seen a withdrawal of community provisions (Yates, 2012). This has created conditions where practitioners must stand up and prove their worth. However, the threat may be neutralised (whether consciously or not) through frameworks that redefine needs as risk. Hardy (2014) found examples of probation practitioners prioritising risk over needs and reformulating welfare needs as risks.

Risk has been used to embed restorative processes by stepping away from typical reactive justice to models that focus on an individual's future and societal participation. The Cambridge Study in Delinquent Development reinforces risk factors' predictive abilities by highlighting that longitudinal data shows a high correlation between identified risks and offending (Farrington, 1995). Though risk may point toward a statistical likelihood of offending, the strategic response to correlations rather than causation may fail to remedy the problems of crime and of social harm. Yates (2012) describes the aetiological complexity of offending may defy routes of desistance provided by community models based upon simplistic data. McAra and McVie (2010) provide evidence to dubiousness over quantitative attempts to address needs with their seminal study that shows youth justice interventions based on actuarial techniques can have detrimental effects on children's lives. The researchers show that identifying risk based on children's social hardships and vulnerabilities highlights a misplaced idealism. Such a method of responding to the likelihood of offending is nullified by labelling and stigmatising effects as interventions improve only the chances of reoffending. Other criminological studies have shed light upon youth justice practitioners and their ability to operate welfare programmes; Souhami (2007) details the

managerialist landscape that youth justice practitioners operate within, attempts to control their methods and reduce their professional expertise on individual cases. Stahlkopf (2008) further highlights that restorative programmes have served to instil bureaucratic methods into YOTs, which often counteracts any meaningful interactions between caseworker and child. In stark reflection of Cohen, Stahlkopf's analysis suggests that social control harm has permeated into the minds of those practitioners with desires to do good:

*...many practitioners were very excited and optimistic about the new ideological commitment to an interventionist strategy that aimed to tackle offending behavior and risk factors that lead to further offending. However, the countervailing tendencies between political pressure and structural restrictions have bred a culture of cynicism and apathy, alienated staff, and undermined the effectiveness of the youth justice services. (2008, p.470).*

Practice is directed through bureaucratized ethics and rigid frameworks of harm interpretation "which regiment, systematizes and manages social work within a technocratic framework of routinised operations." (Webb, 2001, p.71). Further, Bauman suggests that institutional processes may affect practitioners' capacity to operate outside their frameworks as they "undermine the possibility of individuals exercising a capacity for moral action." (cited in Du Gay, 1999, p.575). Restorative interventions, based upon risk, becomes a matrix of acceptable behaviours and social conditions to monitor social etiquette as an extension to traditional law and order systems. Acceptability now defines behaviours, and situations found to be unacceptable can be modified accordingly towards a centralised ethical and moral code.

Embodying the risk paradigm, is the Asset risk assessment tool used as an evidence-based instrument to guide youth justice practitioners through quantitative frameworks situated within psychosocial risk factors (Case, 2021). However, Case (2021) argues that Asset further reduced the scope of youth justice practice by providing the administrative framework as a reductionist tool that overly simplifies complex issues, contributes to the expansion of the YJS, and restricts practice to risk led binaries that cannot possibly hope to understand lived realities. Further, the tool has been criticised for its accuracy to measure 'risk' because of its inability to understand real-world contexts within which children are situated (Bateman, 2011). Meaning that any ensuing intervention based upon the aggregated score of the tool is invalid. Though the introduction of AssetPlus in 2010 was designed to allow for more context and practitioner

judgement on individual cases, Case (2021) argues that “AssetPlus has been unable to break free from the conceptual and methodological shackles of the risk paradigm.” (p.9). Case (2021) argues that, particularly amongst a generation of practitioners who trained using risk frameworks and established themselves under evidence-based paradigms, they would revert to a risk default setting despite attempts to retrain using the newer intuitive framework. Adding to this, despite attempts to roll back the state in youth justice (see 2.2.2), the effects of managerialism remain present to provide more flexibility for youth justice agencies. Smith and Gray (2019, p.561) found that “the language of risk is still alive and well” in their study of YOT’s as they observed that an ‘audit culture remains strongly in play’ and “managerialist themes continue to influence”. Supporting this, Kelly and Armitage (2014) found in their study that practitioners often felt that managerialist processes had increased to which they suggest that managerialist language and processes are embedded within youth justice discourse.

## 2.3 Summary

This chapter suggests that new modes of justice have extended into the community under the appearance of a welfare project, introducing new social controls to *risky* behaviours typically sitting beyond the reach of criminal justice. Universalising morality under the proviso of crime reduction, youth justice policy has attempted to define the point at which the state intervenes on welfare needs and created strain at the point of implementation by blurring the boundaries of justice and welfare. Because of the subjective nature of morality, managerialist frameworks have attempted to iron out practice inconsistencies which have ironically only reduced the scope to build meaningful connections, understanding and find moral common ground between practitioners and those accused of doing wrong.

The foundations of restorative justice, imagined or not, are embodied within an ideological framework that sought to provide a pathway to responding to conflict away from the crime control agenda's systemic harm. Attempts to unify restorative learning and healing potentials within the CJS have created inconsistencies and contradictions in establishing where ideological subjectivities end, and neo-liberal pragmatism begins. For some, the dynamism of restorative justice has been lost within a unilateral bid to reduce recidivism, which has created a new debate

on the inclusion of retribution. Whilst the inclusion of punishments is necessary for some, for others, behind the progressive *restorative* heading is a process that is arguably bringing criminal justice through the back door. Idealistic connotations of *restoration*, *early intervention* and *diversion* have a neutralising effect on fears that expanding law and order into new areas of civil life may bring.

## 3. Theorising Restorative Justice in Practice

### 3.1 Overview

The literature review revealed that restorative justice takes on new shapes and is applied in diverging ways to meet the needs of its user. Theoretically, restorative justice is a design against the harmful byproducts of criminal justice frameworks, not to compliment them. However, restorative theory has undergone adaptations which are accused of stripping away its revolutionary qualities and distorting its ideological meanings to provide community-based criminal justice interventions. However, this chapter will show that restorative justice programmes are implemented within sites of uncertainty. The youth justice landscape is imbued with contradictions and inconsistencies, and this study should not lose sight of individual and collective capacities to resist lines of power and implement alternative strategies.

The chapter starts by acknowledging the problematic area of youth justice policy formulation. Attempts to promote aims of welfare, restoration, and community cohesion, along with a willingness to divert individuals away from the harm of the system, should not be ignored in favour of theoretical convenience. The formulation of youth justice policy has taken it upon itself to respond to the nature of offending and the paternalistic duties to those experiencing social harm. Cohen (1985) acknowledged the importance of responding to crime and to social harms. Individually, they are amiable pursuits of a good society; however, the two objectives have become symbiotic in both theory and practice, producing unclear penal-welfare discourses that are open to interpretation.

Criminological literature points towards a mixed-bag of rehabilitative, diversionary and restorative practices in youth justice delivery, regardless of the rigidity of a managerialist framework guiding them (McNeill et al., 2009; Morris, 2015; Smith and Gray, 2019; Ugwu-dike and Morgan, 2019). As places of uncertainty, Bourdieu's (1992) field and habitus concepts are used to frame YOTs as a field navigating erratic political discourses, conflicting ideologies and competing aims. Habitus and field provide a layer of analysis that frame social groups, in this case, YOT members, as a space with its own values, customs and ideology. Research evidence (Fergusson, 2007; Morris, 2015; Stahlkopf, 2015) shows that competing ideological values

packaged as singular penal-welfare models may be interpreted in ways that reflect the group's cultural aims and values. The chapter ends by drawing on Cohen's (2001) more recent developments that arguably contradict key arguments in his earlier work (1985). Cohen (1985) had dismissed the notion that aspects of welfare could emanate from the harmful systems of crime-control. However, more recent works may suggest that Cohen made a theoretical change, the proposition that harmful state structures being unable to host elements of 'doing good', are wrong. Using this, the chapter highlights literature that has suggested that youth justice practitioners may resist the perceived harm of justice policy.

### 3.2 Formulating Youth Justice Contradictions and inconsistencies

While traditional criminal justice interventions were recognised as widening the gaps in already fractured communities, a new age of restorative justice advocates saw its properties as reformatory to improve the existing system's failures. Abandoning its revolutionary ties (see section 2.2), restorative justice may operate to a supreme moral base of right and wrong and away from subjective feelings of victimisation, making techniques more reliably administered. However, to the critical thinker, social systems and their problems are too deep and complex to be understood through arbitrary figures. To the critical thinker, progressive ideologies are merely sentiment in the hands of a state with ambitions of furthering its tentacles into civil life. Contrastingly, the pragmatist thinker might suggest that the political field is left with no option but to see the world through the positivist lens. Pawson (2006) argues that evidence-based policy has turned away from ideological explanations because social science has been unable to be sure of discrepancies between empirical findings and theoretical postulations. Therefore, policy formulation naturally favours a pragmatic logic:

*Because social science is a science like no other, it delivers a curious knowledge base beset with inconsistency and rivalry, which operates with due and proper caution about its lack of predictive power. (Pawson, 2006, p.1)*

There must be demonstrable connections and identifiable causations to embed social research within policy under managerialist political conditions. For Hough (2014), policies should first pass through rigorous scholarly examination, otherwise, implementation becomes a process of capricious trial and error. A detailed understanding needs to be ascertained of what philosophical

and ideological elements are drawn upon and how they impacted when fitting into a justice mould for them to have any use. Hough (2014) argues that administrative criminology must compensate for an academy lacking the appropriate skills and understanding of the political landscape to make an impact. Hough (2014) acknowledges the limitations of quantifiable data sets, accuses criminology's critical ranks of dismissing statistics for lack of inconclusive causality and uses that as an excuse to resign research to an impossible stance. Hough (2014) argues that quantitative research is essential for criminology's development, in highlighting social phenomena, supporting macro theoretical claims, and importantly, making research relevant by speaking the language of the state:

*But it is clear that government funders place a particular value on numbers, and that they define the research questions that they want answered within the 'commonsense' conceptual frameworks of political discourse (p.223).*

The issue with restorative justice policy design is that attempts to acknowledge ideologies centred around meanings and feelings are not easily measured reliably. Additionally, such an approach invites the restorative justice practitioner to rely on grounded knowledge based upon highly fallible sources such as "prejudice and opinion, practice experience, anecdote, ads/fashions and advice from senior colleagues" (Case, 2021, p.3). Consequentially, academics and other stakeholders in youth justice have invested their efforts into producing reliable frameworks that provide economically efficient policy (Case, 2021).

Therefore, pragmatists have retranslated the goal of responding to harm beyond an individual offence into the political discourse of actuarial justice and risk. Retranslating harm as risk provides a quantifiable and professionalised solution to social harm. Where an offence has taken place, risk allows for a model of intervention that is amplified, not ultimately, or wholly, by the offence, but by the level of vulnerability to re-offend in the future. Risk factors are social harm that can be correlated to offending predictions, thereby allowing for interventions to respond to social harm beyond that of the immediate harm caused. A pre-designed parameter quantifies likelihood as an actuarial measurement so that predictions are not left to a personal whim. Through measurable commonalities associated with offending tendencies, interventions may respond to risks rather than offending behaviours and utilise restorative practices to reduce risk

and curb offending probabilities (Kemshall, 2008). Administrative criminology has guided youth justice towards the assumption that a system can reliably recognise those young people whose wayward behaviours can be managed and nipped in the bud before they escalate (Armstrong, 2004).

However, critical criminologies have lambasted changes in the youth justice policy that is seemingly lifted from the blueprints of Cohen's (1985) warnings that the carceral estate is expanding into civic quarters by micro-managing behaviours there (Kemshall, 2007, 2008; Muncie, 2000). For Cohen (1985), it is an ambiguous and subjective will to 'do good' that forms the crux of the issue, as the system inadvertently co-opts liberal reforms, meaning that good intentions may have "disastrous outcomes" (p.28). Though reforms may have good intentions, they unexpectedly worsen circumstances, and it is at this end that restorative justice practices must be analysed. As the literature review has shown, restorative processes have good intentions at their heart, but to fit with the bureaucratic aims of justice, they are corrupted and take on new meanings. Cohen's suggestion of moral pragmatism suggests that a policy should be evaluated on the difference it makes and whether the benefits outweigh the costs. Furthermore, whether those outcomes are consistent with the policy's values and resonate with his suggestions that social interventions of *doing good* and *doing justice* must be separated. Cohen's conclusions resonate with restorative justice's operationalisation as it became integral to youth justice following the Crime and Disorder Act (1998) despite having no fixed definition (Stahlkopf, 2008).

That said, despite fatalistic cries drawn from critical ranks, we have not fallen victim to the kleptocratic state; providing answers to social problems is difficult. Critical accounts of youth justice policy all too often paint the state in a Machiavellian image with evocations of nefarious masters intentionally harming the powerless to strike a provocative yet convenient chord. However, the desire to respond to children's welfare should not be lamented. The problem lies with applying morals to legal frameworks; though law should be a concrete framework with distinctive *do's* and *do not's*, morals have less universalistic properties; what is *right* and works for some does less so for others. Tur (1985) points out that all law could be recognised as the conduct of governing conduct in line with a shared morality. However, if morals are governed by law, then heteronomy would prevail, limiting the extent to which the state can pursue welfare

goals because that objective is to control individual morality. Tur offers a view of a paternalistic state that in creating laws to protect its citizens from harm, overrides freedoms and creates new harms. Tur discusses written law deciding upon morality, which is different from Cohen's framework, which suggests that the law governs conduct that is not law and calls for moral pragmatism to separate justice and social harm. Tur argues that a paternalistic state responds to harm, that is, to protect its inhabitants from harm, however, harm itself is not just a matter of morals but also rules, and both must be considered when measuring harm. For the rule-maker, Tur asks how they should separate harms that should be governed by law from those that are not. Furthermore, once that is done, the matter of objectively responding to harms that are tacitly understood as harm still exists because they infringe on morals and law. However, what is to be done with harm left unadopted by legal frameworks, are they to be left to the whim of subjective interpretation of what has and has not transcended a social contract? Tur highlights the ethical balancing act of policy formulation. In the context of youth justice, it forces us to consider how far the community project might encroach civic freedoms to remedy social harms whilst also questioning if it is the state's place to provide solutions to issues of individual morality.

With that, policy formulation in youth justice is far from simple; Fergusson (2007) argues that its aims are contradictory in a "melting-pot of discourses". Therefore, it is hardly surprising that analyses of youth justice delivery find inconsistencies in practice (Smith and Gray, 2019). In both policy and practice, youth justice fails to have focus and a lack of focus at implementation has been attributed to a lack of clarity at the top. As Garland (2001, p.204) reminds us, "policy is the beginning of the problem". A critical examination must separate the complexities of implementation from the complexities of formulation; though the two are interlinked, some variables and factors must be understood at each end that are relational. The argument is not to be disingenuous towards those that rightfully hold to account those examples of statesmanship that cause harm through intention, neglect, or ignorance. Instead, the argument is that inspection must objectively recognise policy formulation's difficulties before condemning its delivery results.

The problem of rolling out macro-practice frameworks is the return need for calculable results across a broad range of intersecting, diverse, overlapping and even contradictory agencies

(Fergusson, 2007). However, New Labour produced a steely certainty that their answers were valid and reliable, and this lack of malleability was an aspect of their policy undoing. Even after New Labour's attempts to curb uncertainties of ideological standpoints and political mandates through pragmatic calculations of 'what works', the production of evidence that informs 'what works' sits on rocky ground. Ambitious innovations were introduced to reflect a newer and modern pathway to responding to social problems. New Labour introduced the new penology and the new youth justice that sat within it; the future of pragmatic and rational processes that produce logical policies. However, rarely will a model that works for some retain that logic for others. *Need* is rarely singular as problems of welfare intersect and overlap.

It is not just the outcome of the community intervention strategy that requires objective analysis; it is the administrative ideologies they are based upon. Cheliotis (2006) points out that actuarial processes were introduced to bring about due process at all levels and iron out problems of bias, indiscretion and bigotry in individual practices. Gottfredson and Gottfredson (1987) are forthright in challenging the criticism of practices based on classification and prediction to claim by pointing out a separation of knowledge between the data that informs predictive assessments from those that make decisions based upon the statistical outcome of an assessment:

*...they usually are "clinical" predictions based on subjective judgments. These, in turn, are apt to rely on the decision maker's own experience, probably from biased samples and unsystematically observed, using combinations of evidence, conceptualizations, hunches, and untested hypotheses that are difficult to articulate. (p.8).*

Having a singular ideology informing a singular method to breed consistent and reliable success is idealistic and unrealistic. In the formulation of intervention policy, rhetoric is used to imply a method built upon progressive and liberal ideologies to put wrongdoers on the right path, free from harm-inducing processes. However, developing youth justice policy under a *what works* approach proposes a claim that the initiative is formulated based on the evidence of 'something' working prior. Pawson et al., (2001) suggest that notions of *what seems to work*, or *always works*, offer apparent desirability to policymakers, however, "one soon discovers that opportunist talking up of evidence lasts only until someone else tries to emulate the study and that the search for panaceas is a speech-maker's pipe-dream rather than a policy option." (p.15). To emulate an example of success, consideration must be given to all factors involved in creating it; ignorant

replication risks the loss of important variables and meanings. For Cohen (1985), the rational application of pragmatism is void of morality, where measures are applied unnecessarily, and lives are intervened that need not, which Cohen likens to “the nurse waking the patient to take his sleeping pill on time.” (p.173). The Weberian notion of the *good bureaucrat* suggests that state bureaucracy translates traditional beliefs and norms into calculable rational systems that provide an ethical framework. The new framework introduces structured restrictions, displacing the original ethical structures based on religious morality. The good bureaucrat adheres to hierarchy, structure and an uncritical acceptance of rational frameworks (Morrison, 2006, p.294), rather than follows, implements and instructs the ethical understandings intended to guide human morality. The Weberian notion of a good bureaucrat portrays the managerialist agent as neglecting human ethics, morality, and nuance but placing unwavering trust in the ethics of administrative frameworks.

Providing a fixed point to the nature of causality attempts to map a route to the root. However, a reductive framework loses sight of the complexities of social harm and needs. Pawson and Tilley (1997) assert the need to understand individual context and processes for change involved when replicating successful intervention programmes. Of course, to replicate a successful method, there must be a pro forma of tasks to replicate an approach successfully. On replicating successful methods, the teaching cannot advise feelings and emotional resonance; it must be reduced to a systemic process to ensure methods are reproduced correctly. However, McNeill and Batchelor (2004) advise “...by designing out flexibility, adaptability, and individualisation, too systematic and programmatic an approach to developing effectiveness might frustrate its own objectives” (p.50). In the arena of administrative policy implementation, resonance is lost as it transcends each step on the ladder; meaning diminishes as process is accentuated. In a bid for reliable repetition of practice and results, an initial idea must become a methodical formula modelled upon its creator’s original theoretical ideas and intentions. The creator may have an emotional connection to their ideas as they attempt to convey and provide a formula for their ideologies of doing something better or solving a previously unsolved problem. However, in repetition lies the risk of assuming that those repeating hold the same belief system. It is more likely that procedures become formulaic, and the original belief system becomes merely a rational process.

However, models of practice do not play out straightforwardly in youth justice practices; according to Smith and Gray (2019, p.566), “practice is only realized on the basis of what practitioners believe to be legitimate, credible, achievable, effective and right in any given context.”. Therefore, notions of what is right, doing good, and what is positive, is a continuously evolving practice. As such, restorative justice has no settled model of practice, and therefore, Stahlkopf (2018) advises:

*Therefore, to better understand the realities of the translation of restorative justice from policy to practice, it is necessary to study the YOT as an organization because it is responsible for the real-world implementation of these policies on a daily basis. (p.456).*

Youth justice practitioners experience different forms of pressures and strains that may distort how practices are carried out, therefore, it is important to draw upon existing literature and theoretical explanations to understand how such phenomena may affect restorative justice delivery. Understanding organisational culture allows phenomena to be analysed as it “emphasises that which is shared by group members rather than the diversity of individual perceptions...” (Scott et al., 2003, p106). While the study of the organisation allows for analyses of systemic and structural issues, the culture allows the values, attitudes, and beliefs of its members to be delved into and explain particular behaviours and their motivations (Modaff and DeWine 2002). Analysing those facets together requires an approach that can respond to the formal structures whilst simultaneously interpreting the subjectivities of its subjects. Therefore, if a programme is being assessed and placed under scrutiny, it is essential to acknowledge that the results of the programme in question may not always reflect the method we may presume to have brought them about. Pawson (2006) warns against multiple problematic layers that must be considered when properly evaluating the programmes that direct social change. Firstly, Pawson (2006) warns against the displacement of a programme philosophy, as “realpolitik” changes the direction of political winds and deems the preceding philosophies “unworthy of investigation” (p.10). For restorative youth justice programmes, it is not just the change in the political wind that hampers an accurate evaluation of success, it is the variety of elements of what *should* be measured. It is possible that a programme could restore faith in the community and acutely respond to children’s needs but fail to curb recidivism trends, is this then a failure? Alternatively, if a programme reduces statistics on reoffending whilst overseeing neglect to

respond to welfare needs, is this then a success? Secondly, the link between *knowing* and *doing* is less than neat. Certainties may be excluded in providing programmes responding to social ills, their production does not; but providing the *evidence* for the policy is anything but certain. Though a programme design may attest to having its evidence-based within a concrete scientific formula, this is often not the case. Social science has been poor at providing concrete answers to complex questions. Therefore, is the evidence-based in the academe where systems are quick to receive critique and followed by genuine fear to offer a solution or, is it in the complex databanks that correlate variables with outcomes, understanding little about context or meaning? Perhaps, evidence lies within the knowledge banks of trade, where individual and shared experiences form wisdom? The former two have struggled to provide the unilateral answers needed at the point of implementation, and the urge to produce constant practice upheaval with new evidence producing new policy can serve only to “inoculate practitioners against listening to evidence” (Pawson, p.13).

### 3.3 Implementing Restorative Justice

Within the literature, there are concerns that youth justice policy has transcended *justice*, with ambitions to regulate social life through administrative means. For MacIntyre (1984), the hallmark of liberal modernity is its associated bureaucratic culture, which creates morally impoverished individuals operating within limited ethical frameworks. If we suppose morality is constructed within that bureaucratic culture, in that case, it gives rise to what MacIntyre calls the key characters of modernity, the manager and the “expert”, who act unquestioningly of the ends they pursue. A key issue with liberal modernity is that it generally fails to question the ends it pursues (such as the marketisation of higher education, the pursuit of profit, the nature of youth justice) precisely because liberalism itself fails to question ends (Gregson, 2020). Neoliberal ethics are framed by bureaucratic rationality, where a universal ethical determinism is extended to a “dominant, institutionalised moral tradition.” (Gregson, 2020, p.7). Morality is, therefore, external to the individual, meaning judgements of need or of doing good are bound to institutional frameworks. In the MacIntyrean sense, the youth justice practitioner is an automaton servant carrying out moral assertions of *good* dictated by ethical elites meaning that

ethics and morality are merely a reproduction of the interests of those in power, not of those *in* the community.

It is implied that youth justice practitioners approach their task using a Weberian practical rationality that seeks to control actions within a given sphere by regulating actions to tried and tested procedures called 'techniques'. For Morrison (2006), techniques provide administrative rules over the empirical world to better guarantee outcomes by ruling "out decision making in terms of ethical standards, even while adhering to the law" (p.379), meaning that action is restricted to bureaucratic rationality. This interpretation of top-down policy might well be applied to youth justice, where there is criticism of neoliberal frameworks that have reductive impact on the practitioners' knowledge and skill. The inherent problem that such a system faces is its replicability. Although a government programme may have an overall negative impact, that is not to suggest that the initial motive and rationality were bad. After all, the desire to intervene in immorality and instil the collective values within the community setting to affect a cohesive, positive behavioural change is utopian thinking (Cheliotis, 2006). Whilst restorative justice plays a central role in those community projects, it has unintended side effects as utilitarian aims are unreliably replicated. Restorative ideologies, along with other welfarist community strategies, have become embroiled in the language of probability, risk, and institutionalised expert knowledge, which Cheliotis argues results in "the exercise of governmental power" (p.315). To this end, restorative justice inevitably becomes distanced from the individual and more concerned with policing social categories. The system is accused of widening social control systems as good intentions have resulted in disseminating the justice narrative into the community. Bauman (1989) argues bureaucracy had centralised ethical codes to incapacitate individual morality. In this interpretation, the practitioner is assumed to obediently play their role in actioning centralised frameworks with little empathy for individual context as their operations are restricted to actuarial frameworks.

MacIntyre (1984) suggests that an emotional resonance of *good* and *need* should exist internally and act as a practical rationality where action is tied to the context-dependent. However, liberal modernity has created a moral red tape of predetermined thought, action, and dialogue over who is deserving, vulnerable, and in need. A professionalised philanthropy has stifled humanistic

responses to hardship, replaced by a categorisation of deservingness. The complexities of social inequality are reduced to simplistic signifiers of aggregated characteristics of deservingness. In the MacIntyrean sense, there is a detachment of doing what is best for others, as goodwill is inevitably enacted in a way that can be recorded, quantified and validated within a bureaucratic ethical framework, in this case, the YJS.

Practitioners may have ambitions of practising in ways that reflect their own agenda, but they are ultimately tied to the conditions set by the penal field. Thus, they are all subject to the requirements of operating within that environment to some degree. Smith and Gray (2019) describe multiple youth justice service typologies with varying aims, needs and wants. However, they found that in each service, regardless of their typology, plans were ultimately “infused by the language of targets, performance indicators, strategies, monitoring and inspection” (p.561). At this bureaucratic end, youth justice practitioners may be unable to escape the effects of managerialist policy. However, conflicting discourses have led to restorative justice becoming unintelligible to practitioners. A cocktail of dichotomies means that practitioner interpretations of what constitutes as *restorative*, varies, and that practice models are rarely reliably executed. The transition from ideology to neoliberalised criminal justice frameworks is incomplete, as administrative frameworks are yet to take full grasp of practice.

Despite its complexities, restorative justice is praised for its panacea effects on conflict. The Restorative Justice Council claims, “Restorative practice can be used anywhere to prevent conflict, build relationships and repair harm” (2020). They suggest that it can be used in an array of areas, including schools, children’s services, workplaces, hospitals, communities, and the CJS, adding to its understanding as an umbrella concept under which various processes may take place (Daly, 2015; Shapland et al., 2004). As “a practice in search of a theory”, its elements and practice models remain unfixed (Crawford and Newburn, 2003, p.19). Its malleable qualities allow implementation to become a *pick and mix* of progressive or regressive elements that best suit needs.

YOT practitioners are already presenting knowledge gaps due to little or no experience with restorative resources or context (Robinson and Shapland, 2008). Robinson and Shapland are

critical of YOTs' ability to facilitate restorative justice with a narrow aim of reducing recidivism on the back of policy and literature that is "overly concerned with offender outcomes has been dealt with by rejecting rehabilitation as an aim" (p.340). Though they argue that recidivism should remain a concern, it distracts practices from significant restorative values.

The literature presents an implementation paradox; on the one hand, penal-welfare professionals are condemned for a practice that is too pragmatically rigid, where often the nuances of need are lost within bureaucratic frameworks, creating knowledge gaps and deprofessionalisation. However, on the other hand, literature has problematised overly flexible practice interpretations leading to localised models of practice, and the outcome of strains from both sides has led to confusion at the point of delivery. Robinson and Shapland (2008) observed "knowledge gaps" exhibited by practitioners in their knowledge of restorative justice, whilst Sagar (2008) saw policy being reframed to meet immediate organisational needs. Like Robinson and Shapland, Sagar notes the inconsistencies of operational practices across multi-agency partnerships. However, where Robinson and Shapland (2008) see disjointed working where agencies did not fully integrate practice, Sagar (2008) sees the creation of localised definitions of what is considered nuisance behaviour which "renders the certainty of law problematic." (p.367). In the event of localised definitions of deviance, it is reasonable to suggest that will give rise to localised definitions of how best to intervene. Nuances in programme implementation can be found across youth justice literature. Smith and Gray (2019) found varying national policy interpretation and varying approaches to restorative justice. Souhami (2008) found that youth justice programme implementation is framed by the dominant cultures and expertise that make up individual YOTs within their multi-agency settings, dictating practices and the underlying ethos.

### 3.3.1 Diverging Youth Justice Practices

Criminology has pointed out the problems of an everchanging youth justice landscape filled with inconsistent, ambiguous, and contradictory policies (Fergusson, 2007), resulting in youth justice practices that Morris (2015) describes as *messy*. Morris (2015) describes conflict over how youth justice is done, but unity is found through an agreement of wanting positive outcomes for

children and the failure of national frameworks to provide clear direction, resulting in a 'them' and 'us' attitude. Consequentially, research must not dismiss the power of individuality, interpretation and subsequent actions. When analysing developments in the penal field Cheliotis (2006) advises, "one should take care to grasp the banality of the good, namely the power of human agents to resist and reverse unfortunate turns" (p.330). For Cheliotis, criminology cannot ignore the human elements at the point of delivery if it hopes to make an impact upon penal policy. To this point, researchers have pointed out that often scrutiny over the political landscape, ideology and design may be pointless. For Lipsey (1999), the challenge for researchers is not to evidence that a particular intervention may or may not be effective, "but to rehabilitative practice, which can be either very effective or very ineffective depending upon how it is carried out." (p.164).

Programme design and its relationship with practice will invariably be fraught, and numerous studies into the behaviours of penal agents have found that practice rarely reflects the guiding formula (Chan, 1996; Fergusson, 2007; McNeill et al., 2009; Page, 2013, Souhami, 2007; and Stahlkopf, 2008). Smith and Gray (2019) discovered that despite the presence of reductive and universalising bureaucratic frameworks, youth justice practitioners were not, in fact, singing from the same hymn sheet. The researchers found variants in YOT cultures that affected practices and programme delivery and in doing so, reminded researchers not to ignore the subjectivities of a practitioner's involvement in youth justice delivery:

*In practice, there are difficulties associated with any kind of monolithic view of the youth justice field. Whatever might be the conventionally accepted (and legitimised) frameworks for intervention in any given context, we should not straightforwardly assume that these are uniformly, unreflexively or uncritically applied in real world settings. (Smith and Gray, 2019, p.556)*

The transition from policy to practice is not without intervention; human decision-making complexities stand between the programme design and its eventual delivery. A critical gaze over the *welfare versus justice* paradox has highlighted a mixed bag of unintentionally harmful results due to the ambitions of combining conflicting aims (Smith, 2005). At the same time, other literature bodies have highlighted the strains caused by practitioners attempting to embody conflicting individual and professional priorities (Fergusson, 2007; Page, 2013). This is further

complicated when the penal-welfare agent likely comes from a background of social care, but to survive their new professional landscape, they must incorporate welfare priorities, causing strains between personal ethics and occupational duties (McNeill et al., 2009). Souhami (2007) focused on social workers' transition as their organisation transformed into a YOT between 1999 to 2000. Souhami found that the mixed priorities of their new landscape were a source of confusion and the ideological ties of their parent profession. Team members would try to struggle and find ways to make their beliefs fit in with the team ethos, and contention points would arise in the multi-agency setting as professional histories dictated opposing paths. The YOT officer's role was ambiguous already; however, Souhami argues that conflict between practitioners with intersecting and contradictory cultural ties to policing, probation, and social work would exacerbate it. The YOT officers' role, identity and purpose was entrenched with loosely defined terms and wavering strategic aims. Adding to this, Morris (2015) had similar findings, that a 'cultural hangover' would dictate practice, suggesting that those with a welfare focus often had a professional background in youth work and found themselves at odds with those with backgrounds in policing. Such research highlight that the YOT is a site of ambiguity, where practice is not just affected by external variables of political change but is also subject to internal strains and contradictions which may shape practice depending upon where the dominant pressures reside. Additionally, Smith and Gray (2019) found that restorative justice features within YOTs in different ways, from being a pragmatic intervention tool to an ideological approach that underpinned organisational action and culture. Their analysis of eight youth offending services found little evidence of reliable orthodoxy; instead, teams would implement their own versions of youth justice. The researchers suggested that "different models of youth justice act as filters, substantially determining the ways in which constructs such as 'restorative justice' are realized" (p.568). Regardless of how youth justice policies are interpreted, restorative justice was used as a label to legitimise each model.

Evidence of welfare oasis' have been noted within criminal justice settings previously by even the most ardently critical researchers; abolitionist, Scott (2008) found evidence amongst prison officers of a 'humanitarian' sub-culture amongst a wider culture that neutralises the harm of prison, a small cohort "showed concern for the suffering of prisoners" (p.176). Similarly, Sim

(2008) recounts his 1976 study at Glasgow's Barlinnie Prison, where he found an overall staff culture of masculinity, violence, and hostility towards prisoners. However, Sim found a minority of workers that resisted the orthodoxy as he uncovered staff that had an "uncompromising respect for, and decency towards, those in their care" (p.188) and argued that those workers challenged the discourse that surrounded the prisoners and adapted their practices to focus on well-being and care. Sim claims that a 'theoretically sanitised penology' (p.189) dismisses the harm caused to prisoners and the staff members that show humane empathy towards them.

The complexities of delivering penal-welfare programmes leave them open to individual interpretation. As Fergusson (2007) suggests governments may strive to "maintain broad control over an infinitely complex network of agencies, interlocking institutions, and disparate, partially autonomous managers and practitioners who interpret legislation and directives in diverse, unpredictable or unintended ways" (p.188). In short, actions, ethics and rationalities at the bottom should be accounted for that not only diverge from processes as directed from the top, but actively resist them.

However, Cohen (1985) had been dismissive of the unlikely event that a practitioner may resist deploying the damaging aspects of their community justice role:

*No doubt there are some tellers of social-control tales who are either well-intentioned fools or ill-intentioned knaves. We might imagine someone running a community-control project who actually believes that everything he does is fostering values of personal intimacy, emotional depth and social cohesion, and simply cannot understand suggestions to the contrary. (pp.155-156)*

Cohen (2001) would later highlight instances of the opposite by drawing upon societal abilities to ignore state atrocities and to provide a framework for how populations excuse, deny and make exceptions for actions that are detrimental to others. Cohen recounts an encounter with an Israeli security officer after a discussion about Israeli torture practices against Palestinians:

*Every society has dirty work that just has to be done...We should not associate this work with bad people. On the contrary, these selfless tasks need good people...Ordinary Israelis - including these same human rights critics - can Get on with their comfortable lives and know that their children are safe only because they can depend on the hidden, dirty work done by people like him it was time we understood: 'Every palace has its sewers.' (p.92)*

The anecdote reminds of Visions of Social Control, where ideological community agents believed they were doing good, but again, were confined to harmful state frameworks. Cohen (2001) argues that morality remains intact when we do not acknowledge or choose not to know, as he suggests, “to know and not to act is not to know” (p.23). Cohen argues that individuals avoid facing uncomfortable truths through a lack of knowledge and inquiry, which breeds obedience and compliance with authority. Cohen (2001, p.295) suggests that to escape blissful fiction, humanitarians, educators, and political organisations should open “its flow of knowledge” to force individuals to face the shame of passivity.

Observations in the field will be analysed using Cohen’s (1985) framework of social control. Beyond that, States of Denial (2001) adds a new arm to Cohen’s framework, showing the importance of understanding whether the practitioners are in a state of denial over the harm of youth justice or if there is evidence of inquisitive minds. States of Denial suggests that othering barriers must be broken down for a utopian future as proximity dulls shame; however, shame induces new ways of empathising with the other. Cohen points out examples where groups do not deny harm and where small groups resist obedience to respond to distress. Amongst his examples, Cohen (2001) points out groups in Europe that helped Jews flee the Nazis during World War Two and Israeli human rights activist groups operating on behalf of Palestinians. Cohen expertly shows that individuals can form small alliances to resist systems perceived as causing harm. If it is possible to find such movements resisting tyrannical genocide, then we as researchers should be open-minded enough to find smaller-scale resistance movements operating in youth justice.

### 3.3.2 Negotiating Strains and Pressures in Youth Justice

In a study of criminal justice social workers, McNeill et al. (2009) showed practitioners face pressures in inhabiting an intersection between justice and social fields. McNeill et al. (2009) show that practitioners often neglect justice elements of casework despite a tension between contrasting obligations to fulfil their professional welfare aims when conducting risk assessments. Despite an emphasis on risk, in their reports, practitioners side-lined risk to “a fairly peripheral concern” (p.428), and in doing so, highlighting that pressures from the penal field do not necessarily dictate practices.

Bourdieu's concept of field (1988) provides a tool to analyse a YOTs relational position within the penal field. A field is a semi-autonomous sphere of action that shares common rules and assumptions about the world around them, providing reason and logic to actions occurring within that field. Any field may host several sub-fields; a YOT is a field within its own right but is a sub-field within the larger penal-field and other sub-fields such as the police, prisons, and courts. A field is not a static entity; it is subject to pull as strains and pressure thrust upon it as omnipresent external influences threaten its structure. It shares borders with other fields and often overlaps. Though a collective (actors, groups, or organisations) may feel that they decide upon actions freely, they are often unaware that actions and decisions are limited because of their position in a specific field. In this sense, a YOT is limited in its decisions on responding to the problem of youth crime because of pressures imposed by the penal-field and its position against other sub-fields. There are tensions and struggles between fields as they compete against each other for recognition and place against more dominant actors in the penal-field (McNeill et al. (2009). Those pressures are further intensified by the complex web of agencies and joined-up working within the penal field as different logics and power relationships play out. Cheliotis (2006) recognises the relationships between various penal/welfare service providers as an intra-agency competition rather than joined-up working as organisations to compete against each other for results, to hit and beat quotas and to be most financially viable. Agencies are typically becoming increasingly more reliant upon providing quantifiably reliable outputs as the primary means of proving worth.

Any field as a structural space only exists because its hosts willingly believe in it and actively pursue its various forms of capital (Bourdieu and Waquant, 1992). The history of a structure gives meaning to the actions that take place within it. The significance of its members' history informs ongoing values within, such as what is considered good practice and what is not. Core ideologies are consciously maintained by members who embed historical norms and values to form the structure and shape of a given field from which Bourdieu explained group-specific rules would form, called the *doxic order* (ibid). Therefore, a more established field with a fixed internal logic that is shared across its members creates more concrete structures. Meaning that despite pressures from ongoing macro-level forces such as governance, politics and economics, a field

may utilise prismatic qualities to refract or adapt forces with logic impeding potential. Some of these influences are deflected away, while others are absorbed but distorted to fit the field's current logic. A distorted version of the original external pressure emanates, manipulating it to fit with the logic in place (Bourdieu and Wacquant, 1992). The prismatic effect is magnified as the level of autonomy within the field increases, a field with a high level of autonomy has "...power to absorb and transform external influences or constraints into internal ones" (Buchholz, 2016, p.8). However, though a field may refract pressures, over time they may impact the structures of the field:

*...even the bureaucratic game, that is, the apparently inflexible organizational logic of public bureaucracies, allows for considerable uncertainty and strategic interplay. Any field presents itself as a structure of probabilities— of rewards, gains, profits, or sanctions— but always implies a measure of indeterminacy...Even in the universe par excellence of rules and regulations, playing with the rule is part and parcel of the rule of the game. (1990, p.89 in Bourdieu and Wacquant, 1992, p.18)*

Bourdieu (1988) likened a field to a battlefield, as members compete to determine conditions and rules, which will influence their legitimacy and placement in the hierarchy as they challenge conditions that suit them best. Within a given field, different forms of capital become available that act as a reward for an ability to act in a way conducive to the field's rules and conditions. Therefore, not only must a field contend with external pressures, but there are ongoing strains taking place internally. Each member is a product of a unique biography and socialisation that informs their view of the world and how things should be arranged; this is what Bourdieu (1988) named *habitus*. Habitus is how individuals become oriented towards actions and beliefs that can translate into skill sets, allowing them to pursue specific activities. There are field-specific habitus where specific skills lend themselves to a particular field. Bourdieu used a variety of analogies to explain his concepts; for habitus, he likened it to sport, where an individual may have a distinct "feel for the game". A particular habitus will enable an individual to perform well within a given arena (or field).

A researcher's habitus may allow them to excel at publishing within the academic field. For others, their habitus might mean they perform well at explaining complex theories in the lecture theatre. Like on the sporting field, some individuals are more able than others because their

habitus allows them to perform at a higher level. Bourdieu (1984) likened a social field to a battlefield where there is a “locus of struggle to determine the conditions and the criteria of legitimate membership and legitimate hierarchy, that is, to determine which properties are pertinent, effective and liable to function as capital so as to generate specific profits guaranteed by the field.” (p.11). Bourdieu (1984) explains that individuals are in a constant tussle over capital distribution by conducting themselves in ways commensurate with the field’s logic and goals. That workers make inroads towards furthering or cementing their status within the field. Prizes are awarded for those practices that reflect the cultural values of the field.

In criminal justice, you might presume that those with a habitus of catching and controlling offenders would be the best fit. However, McNeill et al. (2009) show that many agents within the penal-field, particularly in the community setting, have transitioned from social work to the penal field, meaning their habitus does not lend itself to gaining capital in the penal field. The researchers highlight that the social work criminal justice workers experienced strain between conforming to their new setting’s professional expectations that would often conflict with their social work experiences. McNeill et al. (2009) shows the problem of the sporting field analogy; within a sporting field, the rules remain fixed, meaning that an individual’s habitus retains its effectiveness. However, in the penal-field, the rules of the game change, in this instance, those with skills and a *feel for social work* must adapt their habitus to a different field.

McNeill et al. (2009) highlight the strain social workers with the CJS face as pressures are placed on them to adapt to penal measures, leading to social workers seeing “their welfare affiliations as a liability” (p.434). While at the same time, social work training, individual skillset, and welfare aspects of their role (and underlying policies) support social work principles and lead to individual and organisational tension between the social work and penal fields. To mark the centenary of the probation service, Mair and Burke (2012) illustrate the significant political change and pressures the service has endured that have had a reductive impact leading to a loss of its traditions, culture and professionalism:

*Probation had always been a Cinderella service – except it had never actually arrived at the ball. Its Ugly Sisters – perhaps the police and the prison service – have treated it for most of its existence with condescension. (p.1)*

Mair and Burke's (2012) summary reinforces the argument that social work-criminal justice organisations' quasi-nature struggles to hold capital within the penal-field, despite good intentions. As they compete for capital and impact in the penal-field structure, they are overshadowed by more dominant actors who render a culture and tradition of welfare as a response to social harm as being irrelevant. This forces them to adopt unfamiliar practices and uncharacteristic values. Mair and Burke's (2012) forecast is bleak; after seeing the merits of probation services being eroded within a hostile and unforgiving environment; "After more than one hundred years of work with offenders, often with little encouragement or recognition for their efforts, a small island of decency and humanity in the CJS may be disappearing" (p.181). Burke and Collett, (2014) observe successive governments' commitment to economic neo-liberalism and accompanying social conservatism which has shaped contemporary probation policy and public sector provision more generally. For them, ideological abstraction amid political and theoretical contexts has seen rehabilitative objectives applied within "bureaucratic, administrative and policy framework" (2014, p.174). In a critical assessment of a centenary of probationary services, Mair and Burke (2012, p.192) argue that the rigid managerialist reforms have resulted in probation practices losing "its roots, its traditions, its culture, its professionalism".

Based on Bourdieu's (1993) framework that suggests fields are prone to change and evolve, Garland (2001) warned that social care fields would assimilate to the pressures of the penal-field. Garland (2001) describes the pressures faced by welfare-criminal justice practitioners face as part of the shift towards managerialist and punitive-based systems as they generally operate in a position of vulnerability against the overarching values of criminal justice. Reinforcing Cohen's (1985) social control framework, Garland (2001) describes how practitioners, through responses to policy development, extend social controls beyond the criminal justice corridors and into civil society, where behaviours tend to be controlled through managerialist techniques. For Garland (2001), a culture of control marks a political swing and a change in criminal justice discourse. However, though those changes may have been more immediate, the effects at delivery were more gradual. Garland (2001) points out that penal-agents had typically enjoyed relative autonomy, but pressures from the outside world sought to redefine norms and expectations as

autonomy decreased through managerialism. For Garland (2001), the increase in managerialist tactics mark a devolution of power from the limits of government and into the community. Crime control is extended into organisations usually concerned with such things as welfare who gradually uptake systems of social control even if controlling crime was never their original concern.

### 3.3.3 Framing the YOT within the Penal-Field

Moreover, Bourdieu (1984) suggests that the longer a field exists, the better it will resist pressures from conflicting fields. Bourdieu (1988) provides an example whereby marginal occupational cultures may resist forces from more dominant bodies higher in the hierarchy. Bourdieu highlights in an analysis of French higher education the struggles experienced in the social sciences to gain pedagogic capital within university institutions. The result was forming an entirely new sub-field with its own logic and forms of capital, as social science academics experienced a *down classing* of their intellect against the dominant natural sciences. Social science programmes of study were useful to institutions in boosting student numbers and providing a place for bourgeois youths to experience higher education and with this was an increase in the recruitment of lecturers. Finding a place of *refuge* for members of the elite who failed to meet the requirements of more *prestigious* degree courses meant those areas of intellect saw initial reduction in those areas' value as their students were of a lesser calibre. For the lecturers, their progress within the institution was limited as their school of thought was seen of a lesser nature, whilst at the same time, there was a down classing of the degree classification. Intellectual ambitions were rarely achieved as reality failed to meet expectations, the lecturers found their progress within the university capped, and the students struggled to gain positions of prestige as their qualifications were devalued in the workplace. The frustration of being undervalued fostered a culture that broke away from the university's informal structures and logic to form its own. Bourdieu explains the misplacement that social science schools felt about their values and understandings holding little value in the wider university:

*The new agents of symbolic manipulation are led to live out in a state of unease or resentment the opposition between their own representation of their task as intellectual creation in its own right and the bureaucratic constraints to which they must bend their activity. The anti-institutional mood, constituted essentially in their ambivalent relationship with a university*

*which has not fully recognized them, cannot fail to be recognized in all the forms of protest against cultural hierarchies of which the revolt of the students against their academic institutions no doubt represents the archetypal form. (Bourdieu, 1988, p.175).*

Like Bourdieu's social science lecturers, youth justice practitioners' habitus and capital may not hold value within the political structures they reside. Stahlkopf (2008) argues that framing the YOT as a field, highlights that it is not established in the penal-field and, therefore, less equipped to respond to political strains placed upon them. Additionally, because youth justice has been placed high on political agendas across changing ideologies and strategies, they experience more focused and imposing strains than other fields within the sector. Stahlkopf (2008) argues that many of those pressures have been in the shape of managerialist reforms that require efficiency and properties that do not easily lend themselves to welfare programmes seeking to understand and unpick complex social situations.

Further complexities are experienced within a YOT because of existing competing priorities across the different expertise and aims within the multi-agency setting. Literature on the nature of the multi-agency approach of YOTs have highlighted cultural clashes and contrasting aims resolved only by streamlining efforts through unilateral managerialist discourses of risk and recidivism (Burnett and Appleton, 2004). However, Burnett and Appleton (2004) found in their YOT case study that most of the workforce had an occupational culture which intervened between policy and practice and was dominated by welfarism, which was adopted by other members of the YOT and by newcomers. Additionally, members enthusiastically adopted restorative justice as a method to implement *inclusive* interventions that allowed them to practice using a wider range of methods. Souhami (2007) also found evidence of disjointed inter-agency experiences with a YOT, as occupational types resisted one another, leading to a fragmented workforce. Souhami highlight unfixed boundaries and expectations between agencies that were exacerbated by a powerless manager who, along with the team, was unsure of the relationship between the YOT and the government. However, out of the ambiguity, Souhami found examples of creativity and emerging new forms of youth justice as practitioners began to redefine their roles.

Such examples highlight that, as a field, YOTs are undefined and are subject to a range of crime control and managerialist pressures. However, this study must be aware of evidence of underlying welfare cultures that can subvert criminal justice discourses. Framing practitioners as a site of resistance, Van Maanen (1978) helps to make sense of how individuals in a weakened position find strength against a more dominant oppressive entity by explaining “workers in all occupations develop ways and means by which they manage certain structural strains, contradictions and anomalies of their prescribed role and tasks” (p.116). Van Maanen and Barley (1984) apply Weberian theory to point out that commonality and mutual understanding between parties only become present by introducing a third party speaking a different language. Only then does a shared common situation become apparent that may lead to community and social organisation senses. Further, the authors note that organisational communities are more likely to enjoy obedience when loyalty and effort are attached to group aims rather than individual ones, which may be used to explain the instances of welfare practitioners resisting adaptations to crime control.

### 3.4 Summary

This chapter has shown the link between policy design to implementation does not play out neatly. Policy design itself becomes problematic; in its attempts to provide a credible and evidence-based answer to social problems that can be delivered without prejudice on a macro scale, it reduces the practitioners’ capacity to place needs and vulnerability in context specific meanings at the micro-end. This is not just important to consider in national youth justice policy, but also how organisational policy is implemented too.

Critical accounts suggest that the humanitarian, revolutionary rhetoric of restorative justice has done little to stem the expansion of social controls. Instead, restorative justice has threatened to widen the new system's nets, as attempts to understand harm are substituted for evidence-based routine practices. Furthermore, youth justice practice is accused of being messy (Morris, 2015), and with it, the realisation of restorative justice is less than neat (Souhami, 2007). Strains already exist for the penal-welfare agent, compelled to promote welfare needs whilst obliged to respond to penal deeds (McNeill et al., 2009). Evidence suggests that some penal-agents do not

practice as directed, and therefore, this study will understand the agency of penal-agents (McAlister and Carr, 2014; Kelly and Armitage, 2014; Muncie, 2002, 2015). Restorative justice contains ambiguous properties that may reinforce existing occupational cultures, making restorative practices a tool to carry out existing values and goals (Burnett and Appleton, 2004). Bourdieu's (1988) concepts of habitus and field become essential in placing a lens over the field of study to analyse organisational and occupational mechanisms that interplay individual and institutional values with the pressures of the CJS.

The following chapter will draw upon key themes highlighted within the literature and criminological theory to explain the methodological design and rationale.

## 4. Methodology

### 4.1 Overview

The thesis is concerned with the complex challenges of turning policy into practice within the youth justice sector. It focuses on restorative justice operationalisation to highlight the capacity and power of leaders and organisational and occupational cultures to mediate and make sense of policy ideas in their implementation. The previous chapters have shown that robust policy requires an implementation strategy articulating clear policy ambitions threaded through messages with practitioners and those empowered for change. When that does not happen at the point of delivery, as Chapter 2 argues, policy initiatives like restorative justice can already be seen as a cocktail of ideals, values, and practices contextualised within a system that extends the reaches of social controls. This means that as Chapter 3 explores, youth justice practitioners make sense of and process contradicting ideological strains on operational values, judge what they believe is credible and worthy, and then enact agency over their practice and the capability to resist pressures to adapt. In this view, restorative justice can be a mobilising tool to engineer new justice outcomes for young people and expand the reach of control.

This chapter describes the sequenced selection of research methods used to unpick the dynamic process at work in shaping how a sample of youth justice practitioners shape(d) their assumptions and knowledge base around developing restorative justice practice. The research agenda was designed to capture and explore the dynamics of youth justice practitioners' engagement with the processes of translated policy into practice (detailed above) by examining the features of the unique micro-climate in the case study site. Crucially, the chapter begins by explaining the researcher's ties to the field as an ex-practitioner within the YOT, highlighting the benefits and challenges this brought to the inquiry. The chapter introduces the concept of *starting native*, based on the researchers' emotional and intellectual positioning at the study's outset. The account explores the experiences of a researcher ontologically untangling themselves from the research to distance themselves as far as is possible from bias and prejudice whilst possessing the benefits of a more profound empathy and understanding of the participants.

The research adopted an exploratory qualitative approach that draws principally on 20 interviews with actively engaged youth justice practitioners (including frontline practitioners and managers) based in two sites of the case study area. This chapter outlines the strategies adopted to gain access to, gather, and analyse the data and how the deployment of personal practice research experience has helped to shape the research aims and experience(s) of working within the field.

## 4.2 Researcher Ties to the Field

I was a Youth Offending Team Officer at the YOT used in this study from 2009 until 2012. My role was part of a restorative justice pilot scheme that would later undergo significant transitions to become what this thesis describes as the *Outpost team*. While in this role, I undertook a master's degree at Leeds Metropolitan University (now Leeds Beckett University) and used the pilot scheme as the object of my dissertation. I witnessed the scheme's recidivistic impact and the ways it was celebrated within the YOT and local authority for its innovation and success. This provided the thrust to help build an evidence base around the impact and how they could be better measured. That research highlighted the scheme's use of restorative justice as a revolutionary new strategy and the recidivistic statistical effects it brought. Following organic career progression away from the YOT, I pursued a path into academia and doctoral research, where I saw an opportunity to expand my master's research.

### 4.2.1 Multi-Identity Research

Young (2011) accuses contemporary criminological enquiry of displaying an inferiority complex that requires researchers to fill the chip on its shoulder with social *science* techniques that hide them from the subject matter. Similarly, Wakeman (2014, p. 705) argues that criminological research should include the emotive self and that "criminology's fixation with *methodology, objectivity and restrained language*" ensures that any researcher's congruence with their subject is eradicated from research. Young (2011, p. 7) describes a criminological affinity with quantifiably verified process testing as "physics envy" as the researcher aims to distance themselves from the researched to be recognised as a legitimate pursuit of science. I cannot simply forfeit my biographical tie to the field nor induce strategic amnesia in search of methodological purity. I aim for the reader to recognise my place within the research and provide

insights into how understandings may have been shaped. It is equally important to show the abilities of small-scale case study research to give valuable insight, especially when the researcher has intimate connections to the field (Maruna and Matravers, 2007). Maruna and Matravers (2007) describe the importance of a reciprocal relationship between the researcher and the researched by drawing on Clifford Shaw's (1930, p. 437) 'The Jack Roller', by highlighting that "Shaw had the unusual privilege, as a biographer, of shaping and being shaped by, his subject.". A similar relationship should not be lost sight of throughout this thesis, and it would be wrong to sidestep that fact and ignore the challenges it brings. My logic throughout has been to stay true to the research subject, map a factual version of my experienced reality, and have ethical solace in knowing that individual narratives would only be traceable by those to whom the narrative belongs.

Becoming a YOT officer was the first step in my career, and I fondly remember being part of a strong organisational culture. I generally had positive relationships with colleagues and attended frequently held and well-attended social events like Christmas parties and birthdays. In hindsight, I was part of a cohesive culture whose bond transgressed organisational constraints. Though many of us have moved on to new pastures, several remain and are included in this study as participants. An existing familiarity enabled my initial acceptance from established group members, likely easing any anxieties newer recruits may have had towards my researcher status. Such a privileged insider position likely resulted in participants revealing more and sharing insights they might otherwise prefer to remain concealed. Such a position raises personal ethical quandaries that transcend the issues raised by a university ethics board, as shown by Holdaway (1984), who describes balancing personal ethics with the focus of the research, as he notes, "I also gained access to, and recorded, very private and - I do not use the word lightly - precious moments of people's lives." (p. 7). Beyond that, entering the field with a researcher's mindset, rather than re-entering as a practitioner equipped with critical objectives, ensured that what was once seen as usual now caught my attention. The hope here is to provide an open and honest account of the lived real-world experiences so that nuance is not lost, the gap between theory and practice can be filled, and the reader is provided with a richer understanding of the data. On this basis, providing a clear and honest account of my position within the research is essential.

### 4.2.2 Starting Native

My role was part of the Youth Restorative Disposal (YRD) pilot scheme, which saw tremendous success in the organisational aims to reduce reoffending rates. The YRD was celebrated as an exemplary practice model for the broader team. On the back of that, I was emotionally invested in our 'versions' of practice to such an extent that I used the data in a positivistic analysis of restorative justice in a master's dissertation. Helped by the YRD's success and increased organisational capital, I was fully immersed in the culture, believing that *our* practices 'worked', which I could empirically evidence. I was culturally attuned with a blinkered view rooted firmly in the belief that the positive statistical impact that the YRD enjoyed was undeniably and inextricably linked to its restorative format and heightened practitioner skill. As my career progressed into doctoral research, I desired to showcase the exemplary restorative justice model I had been a part of in a combined endeavour.

Because I was not value-free when entering the field, I held preconceptions that transferred from a caseworker status to that of a researcher. Initially, I entered the field with *truths* and taken-for-granted assumptions about the order of things I had not sought to test or challenge. Personal and professional ties to the YOT could see a normalisation of significant data where extraordinary moments are just *ordinary* to the native. Developing an overfamiliar relationship with participants and the research subject is the focus of many methodological warnings for fear of the researcher becoming exploitative and losing a sense of objectivity (Treadwell, 2019). Case examples are used where researchers have become overly entrenched in culture and have foregone the ability to analyse with a practical and distanced mindset critically. Hobbs (1988) reflected on how his research in London's East End often resulted in a hangover the morning after field research, meaning recording data was often difficult. Hobbs would have to remind himself that his activities were in the pursuit of research, not leisure. Other popular examples of *going native* include Punch's (1982) study of police in Amsterdam, where he confessed to the possibility of over-identification with the officers been studied and reflexively questioned his objectivity. However, my case was quite the opposite, I did not start from an objective stance of wanting to learn about a group of people, I already held membership to the group and held aligned values, meaning that I had not *gone native*; I *started native*.

However, insider knowledge and status gave me physical and cultural access. Inductively harvesting occurrences only visible to the acquainted, I understood the context and probed deeper within exchanges that might remain meaningless to outsiders when some of the most significant data is veiled beneath nuance and technical language. To a lesser extent, my position in the field can be likened to Holdaway's (1984) experiences of studying the police as a covert full member (Gold, 1958). Heslop (2012) describes the merits of Holdaway's position of studying his colleagues "whilst still wearing his uniform...he was surely allowed to see more than other observers of the police." (p. 715). Entering the field as a native, or *starting native*, naturally draws criticism for holding an already prejudiced mindset. However, Heslop defends Holdaway's ability to retain researcher objectivity whilst in the field because he was armed with intellectual insights and enlightenment as a sociologist, meaning that he was "liberated from the insular and bureaucratic structure of the police organisation" (Heslop, 2012, p. 527). Heslop (2012) suggests that insider biases will invariably be mitigated by new and more critical understandings of the world from which they come as their identity migrates towards critical thought. Similarly, my views towards youth justice and the broader world, for that matter, had developed significantly in the four years between my practitioner and researcher status and in that time, 18 months spent as a doctoral researcher contributed considerably towards a similar transition described by Heslop (2012).

Therefore, the merits of my positioning should be recognised. Though over-connectedness is rightly warned against due to the pitfalls of bias, the opposite could be argued as familiarity allows the researcher to recognise seemingly ordinary moments for their extraordinariness. Complicated jargon and occupationally specific actions and routines are difficult to navigate and interpret, requiring experience and time in the field to decipher. The complete observer with no understanding of context, culture, and unwritten rules would be oblivious to goings-on that may seem insignificant, but such moments may be recognised for their hidden meanings to the culturally initiated. Starting as a native gifted me with an understanding of what Bourdieu describes as *doxa* (1990) and describes poignantly as the "universe of tacit presuppositions that we accept as the natives of a certain society" (Bourdieu, 2005, p.37). In other words, doxa

provides a term for the rules, norms, values and knowledge that is required and normalised within a specific setting, which, in the context of this setting, I was more than familiar with.

The access and data brought about by a native researcher should not be discarded; actions and meaning are performed differently should we remain tethered to the role of a complete observer. Wacquant (2011) firmly defends the benefits of data found whilst *going native*, suggesting, “Go ahead, go native, but come back a sociologist.” (p. 145), implying that habitus, or personal insight, should be drawn upon but that methodological, theoretical and analytical perspective should be retained. Kanuha (2000) describes the strains of *being native* as a researcher, which adds to feelings of pressure when researchers are part of their studied community. Using research experiences within their native community, Kanuha describes the enhanced perspectives and understandings such a position can give. However, Kanuha warns that being a native does not necessarily translate to a universally valid interpretation of goings-on in the field, as meaning will vary from one actor to the next. Kanuha (2000) provides an honest take on native research and points out that social science is in much need of first-person accounts of conducting research, and though those accounts should retain methodological rigour:

*Researchers and research educators must challenge the deep-seated preference they have for positivist epistemologies and methods to join the burgeoning trend in the social sciences toward more reflexive, multimethod approaches for the study of social problems. (Kanuha, 2000, pp. 444-445)*

Jewkes (2012) points out that including the emotive self should be more commonplace in social research. As researchers find themselves juggling social positions where they tread in precarious physical, social and moral boundaries searching for ‘insider’ status, the benefits of self-recognition within research stretch beyond the remits of reflective narratives and “is not restricted to *natives*, in the anthropological sense.” (Jewkes, 2012, p. 67). For Wakeman (2014), criminology has yet to explore the “implications of researcher–researched relationships and biographical congruence within them.” (p. 709). Presuppositions are an inevitability of social science research; from the moment the researchers embark upon a theme of enquiry, it is chosen because of personal experiences or an existing hypothesis. It is difficult to imagine any project conducted with genuine disinterest; vested interests or assumptions about the order of things

are in place from the outset. Though warnings of “going native” surround losing objectivity, Treadwell (2019, p. 143) reminds us that “also assumes that the researcher entered the field with that to lose.” However, researchers tend not to admit initial positions under the false pretence of believing that revealing too much of ourselves will erode validity (Tedlock, 1991). Ignorance is bliss in the world of social enquiry, where the ugly truth of (sub)conscious bias is inconvenient in the pursuit of robust *scientific* results. However, this thesis takes the position that social research becomes enriched with an openness to positioning before entering the field; only then can measures to mitigate those subjectivities and the research conclusions be weighed appropriately. Accepting historical ties between the researcher and the researched allows for a privileged position in the field “and can provide an enhanced heuristic perspective on such phenomena that criminologists should take heed of.” (Wakeman, 2014, p. 706).

*Starting native* describes neither a researcher becoming embroiled in their research nor merely being a member of the researched. It relates to my circumstances as a researcher whose ontology was shaped by the subject organisation from the outset of a study, meaning that mine and their values and perspectives on youth justice were congruent. Starting native is a unilateral view that normalises actions within the field, perceiving them as ordinary, just, and, in this case, an exemplary model of restorative justice delivery. Additionally, entering the field with an established rapport with participants and an understanding of the field may further obscure any views of objective reality. There is an obvious risk to starting native, but fundamentally, a researcher’s ignorance of it and doing little to remedy it raises most concern over validity. However, recognising a native position enables the researcher to benefit from such an advantageous position and intellectual position, where congruence with the field may become a methodological tool that can be readily incorporated and drawn upon as and when necessary to provide access, negotiate social interactions and make sense of the field (how this is achieved in this study is discussed in 4.5.6). Understanding one’s native roots whilst retaining objective researcher intentions allowed the benefit of insider insights without becoming the object of the study and disconnecting from wider social phenomena (Wakeman, 2014).

### 4.2.3 Researching as an Insider/Outsider

Starting native meant significant hurdles were overcome that normally face researchers attempting to gain access and create flowing rapport. Schwartz and Jacobs (1979) suggest that gaining a member's point of view is one of the goals of many sociological studies. They point towards barriers to achieving that point of view; "The problem is similar to the problem faced by a foreigner entering a new culture without knowing the language, the customs, the ways of acting and reasoning, and so on." (p. 37). A historical attachment to the organisation allowed me to overcome these barriers primarily by gaining access, understanding the language, and, on some levels, being viewed as an insider. These factors enabled me to leapfrog those "foreigner problems", where my biographical ties to the field and practitioner experiences meant that, to an extent, I embodied the habitus of participants (Bourdieu, 1999). I entered the field with a deep history of personal and professional relationships. To many, I was a former colleague with whom I had worked on projects; to some, I was and still am a friend, and I had a strained relationship with others. I had deep connections with the people I would be studying as part of a complex and subjective history of the field. An emotional resonance undeniably tied me to the organisation and its practitioners. All this presented an unusual researcher position, occupying different identities within familiar and unfamiliar settings. To some, I was a friend and former colleague; to others, I was *a student*, whereas, to a few, I was an untrusted outsider: a minefield for any researcher to negotiate.

My identity and how participants viewed me are not easily decrypted. I was responded to in various ways that often resulted in a perpetual state of challenging my assumptions of how I was being depicted. At the YOT, I knew around half of the people there before research began, which gave me an immediate rapport with those staff members. For these members, I was an insider; this was highlighted on two occasions when participants who were old colleagues attempted to discuss details of their cases with me during the access participant recruitment stage. To protect rapport, I allowed them to discuss such matters undisturbed but offered little insight. Having an allocated workstation and computer, though unnecessary beyond giving me a place to wait between interviews, could be considered reflective of an insider status, being perceived as a known agent whose return raises little issue within the multi-disciplinary melee.

However, the privileged status was inconsistent as I became acutely aware that my status oscillated from one moment to the next. The immediate acceptance by some may have unnerved some who did not know me as a practitioner. This was evident with the restorative justice team, who ignored me and showed that they were wary of my presence despite me sitting beside them. Their discussions would end abruptly when I entered the room, and on several occasions, they would overtly shield their conversations by whispering and holding their hands in front of their mouths. I suspected this was because of the research subject (restorative justice) that they felt more scrutinised than others, and perhaps they were.

I was a harmless student for other practitioners, with one member forgetting why I was there on more than one occasion and would attempt to understand my presence by asking me questions such as, “Aren’t you on work experience or something?” and “Is this for your degree?”. I reminded them of who I was and why I was there, which did not appear to affect interactions; if anything, the opposite was true. It only seemed to draw more questions about my role as a university tutor about the content of what I taught, leading to them making suggestions on what I should be teaching and what should be included in the research. My capacity as a researcher had a benign effect on participants, yet as a ‘youth justice lecturer’, I was responded to with opportunist intrigue to share knowledge (described in section 5.1.2). This provided valuable insights into what practitioners understood to be most important within youth justice, highlighting that my researcher status did not stifle interactions.

The first few months in the field were spent navigating undulating relationships; from one person to the next, and from one moment to the next, my position, power, relationship, and status could dramatically change. Though I was accepted mainly and managed to build a good rapport, relations remained inconsistent. I remained unsure how my identity was perceived across staff cohorts and how this affected my behaviour. Gold (1958) provides a valuable tool to explain the fluctuating research position(s) I held. On the surface, I was an overt researcher, entering the field openly about my role and intentions, but it would often feel like I had taken a complete participant’s position. Though participants were always made aware of my status as a researcher, I think that to the participants, my practitioner background and ability to speak their language gave me cultural access to become accepted as *one of their own*.

## 4.3 The Fieldwork Setting

### 4.3.1 The Region

The YOT is situated in a small West Yorkshire city in northern England. The YOTs region suffers from high unemployment rates, substance misuse, and educational attainment lower than national and county averages (sources are withheld here to protect anonymity). The Index of Multiple Deprivation (IMD) is a calculation of deprivation across all neighbourhoods in England, combining issues such as income, employment, education, crime and housing. In 2015, the IMD showed the region to be within England's 10 per cent of most deprived areas (Department for Communities and Local Government, 2015). Simple observations of the city centre show that the area is tired, and the high street is dominated by charity and gambling shops. The region's smaller satellite towns were historically tied to the coal mining industry; however, the decline of industry and deindustrialisation of the area had a negative economic and cultural impact. Murray et al. (2005) show the negative effects of the closing of the coal industry in neighbouring South Yorkshire, arguing that "non-adaptation to industrial and economic change is the most significant factor underpinning societal decline in the region's former pit villages." (p. 358).

### 4.3.2 Early Changes to the Field

During the initial stages of my doctoral studies in 2015, I was made aware that a small team had relocated to a regional police headquarters while establishing links with the YOT. The Outpost team, known internally as the Liaison and Diversion Team (LDT), is the reincarnation of the Arrest Referral Team I had been a part of (for differential clarity, the team is recognised as *the Outpost team* in this and the following chapters). The origins of the Outpost team introduced restorative techniques to the YOT with the since-defunct Youth Restorative Disposal scheme. The team were the organisation's original pioneers in championing the benefits of restorative justice and including it in the YOT's daily operations. Internally produced evaluations boasted over a 50% reduction in first-time entrants to the CJS from 2009 to 2012. There was an optimism that the local authority would fund the programme permanently due to its success. However, the end of the pilot scheme coincided with austerity and cuts to local authority budgets, which meant that the Arrest Referral Team could no longer receive funding.

However, the YOT saw value in the team, and funding was externally gained from NHS through a bidding process that included a partnership with the district police to implement a youth diversion team within their newly built headquarters. The existing Arrest Referral Team was relocated, rebranded, and bolstered with an additional seconded police officer acting as a caseworker, further cementing a revitalised hybrid operation. As part of their new funding from NHS, they were required to screen children who enter custody to identify “people with mental health, learning disability, substance misuse or other vulnerabilities coming into contact with the justice system” (NHS, 2020). Gatekeepers at the YOT explained that the team continued to operate in the same ways as its previous incarnation but would now implement restorative justice using Community Resolutions’ disposals, which they saw as a like-for-like replacement of the YRD.

Regarding the research design for the project, the provision of youth justice support and engagement was spread over two sites that used differing philosophies to guide restorative interventions. This helped with the research ambitions to explore the various forms multi-agency youth justice arrangements can take. With differences in group membership, how shared their histories of collaborative working around core policy ideas (like restorative justice), and how common their sense of mission, the value of conducting the research across the two sites was the scope to examine the formation and impact of micro-cultures within youth justice working.

### 4.3.3 The YOT

The YOT is based on the periphery of an inner-city area. The YOT feels like a *tired* building that has undergone cosmetic upgrades and conversions over the years. The YOT is split over three floors; on the ground floor is a reception and four meeting rooms where casework and staff meetings occur. Running through the building’s centre is a grand staircase leading from the ground to the first and second floors, where doorless entries connect to two large open offices on the upper two floors. The open offices are where the various caseworker teams are grouped by their specific team focus, such as court team, intensive support and supervision, education team, health, and so on. On the first and second floors are smaller individual offices where senior staff members are based. A new addition to the building was a large communal kitchen and staff room, which, during fieldwork, was recognised as the regular place of informal meetings and

where staff would go to socialise. At the YOT, there are around 40 members, though not all are full-time, and many spend much of their time working in the community, meaning that the staff dynamics were in constant change.

The YOT's atmosphere is relaxed with a laissez-faire feel towards tasks as individuals routinely become side-tracked and engrossed in conversations. Occupationally tied or otherwise, all discussions are open to the room and beyond to which the semi-open nature lends itself. Managers routinely venture into office spaces with no apparent objective other than interacting with groups and individuals, striking up conversations on organisational matters and otherwise.

#### 4.3.4 The Outpost

The Outpost is a recently purpose-built district police headquarters that has amalgamated and rehomed staff from four town-based police stations. The building is large (11,500m<sup>2</sup> according to a poster in its entrance) and is an unmistakable concrete juggernaut branded in police paraphernalia. It is situated out of the city and on development land *between* towns. The atmosphere inside was quiet, with conversations and impromptu meetings taken into private rooms or kept at a lower tone. There was a distinctly different feeling between the Outpost and the YOT. Where the YOT felt like a hive of activity, the Outpost had an intense and focused feel. This could, in part, be due to being familiar with the environment and the people there; however, the data retrieved would go on to support that it was not. The team was placed in a large, elongated open office covering a quarter of the station floor, with other teams comprising various police teams. Teams within the office occupied purposeful clusters of desks, making identifying practitioners and their roles more manageable. The Outpost team was at the far end of the office, placed at the back of the room. They had two rows of desks with seats on either side consisting of approximately 16 seats, with only around half occupied. Though discussions about work and socially related topics would occasionally break out, any enthusiastic chatter was routinely checked as members showed their awareness of other policing teams in the wider office.

The Outpost team had 12 members, a manager who had moved from the YOT and a Team Leader who was a seconded nurse and represented the NHS as part of the funding. The caseworkers

included two seconded police officers, who wore their police uniforms daily, a mental health practitioner, a specialist for female offenders and six caseworkers.

## 4.4 The Research Process

### 4.4.1 Access

Access was formally negotiated in August 2016, two weeks before entering the field. However, informally, I had been in regular communications with a middle manager, Frank, since January 2015 after taking a Graduate Teaching Assistant position at Liverpool John Moores University. I had enquired with Frank about the possibility of conducting doctoral research at the YOT, who then acted as my gatekeeper by working on my behalf to gain permission from the managers of both locations, Mike and Les, and the Service Director, Ian, above them. Frank was likely a significant influence in all three senior figures granting me access. From that point, Mike contacted me by telephone to say that I should “just let them know when I am ready to begin” and that access would be given.

Access to the YOT was generally problem-free. During the initial field visit to meet gatekeepers, I was greeted by a team member waiting for my arrival who asked me what I needed. I was given an access card to come and go as I pleased, relieving me of the usual *visitor* access processes, and I was also provided with a desk and a computer complete with guest log-in details. However, accessing the Outpost was problematic; entry to both sites is security-controlled, and though I was given the means to access the YOT, this was not possible at the Outpost because of the police nature of the building. Though I gained access to the YOT in September, it would be a further three weeks until I accessed the Outpost. The YOT was always active with more personnel, I could turn up there knowing that participants would be there, and with my access card, physical access to the site was not an issue. However, my only contact in LDT was the manager, Les, who proved less willing to accommodate me than his YOT counterparts. Les had been my manager at the YOT, and our relationship had never been particularly close. I was required to call Les to arrange dates and times, but he would not always respond to emails or telephone calls despite saying he would let me know suitable times to visit, but he did not.

Furthermore, I relied upon team members for physical access to the building because a team member would have to come to meet me in the police reception, book me in, and then escort me during my visit. I was given different phone numbers and emails of people to contact who should be there that day. However, participants were often reluctant to commit because they likely saw me as a hindrance in making them office bound. Frustratingly, I arrived at the Outpost several times without team members present.

Access is multidirectional; it relies on forming and tending to relations with the field and its subjects (Reis, 2019). Qualitative field research is permeated with unequal power dynamics that change between the researcher and individual participants; this was reflected in the contrasting experiences I had accessing each site. Though familiarity helped access at the YOT, the same did not apply at the Outpost. I felt that Les, the Outpost manager, saw my presence as burdensome or was at least apathetic to my research needs. At that point, I relied entirely upon him to gain physical access to the building and the team in the early stages of the research, therefore establishing rapport became a struggle. Methodological literature highlights that access negotiations may not always go as planned and are often a layered process across organisational hierarchies and various individuals with differing interest levels in participation (Sharpe, 1998). My relationship with Les and the rest of the team improved, but this was thanks to the LDT Team Leader. This individual took on the gatekeeper role after she seemed sympathetic to my position and showed interest in the research. The ease of accessing the YOT and the problems of accessing the Outpost meant I spent more time at the YOT to recruit and foster a rapport with potential participants than I could at the Outpost.

#### 4.4.2 Timeline

The original timeline was to spend eight weeks in the field from September 2016 and leave the field by November 2016. However, that timeline did not account for the realities of conducting field research, such as gaining physical access and the problematic nature of scheduling participant interviews.

In August 2016, ethical clearance was given, and the study was deemed suitable to enter the field. Physical access to the field began at the end of September 2016, and weekly access

remained consistent until December. Typically, I would aim to spend two working days in the field each week to re-familiarise myself with processes and build rapport. However, because of work-related social events at the YOT and higher than usual absences, access was significantly reduced and did not resume consistently until mid-January. Therefore, it was decided that interviews would begin in February, with the initial aim of conducting all interviews within two weeks to limit the chance that practitioners could have to discuss their interviews and collaborate. However, organising and scheduling interviews proved difficult because of the reactive and unreliable nature of casework. Scheduled interviews were routinely cancelled at the last minute because of unforeseen matters that were naturally more important to participants. Daily agendas in the YOT and LDT are subject to constant change such as partner agencies require meetings, children need immediate support, or new case allocations, meaning that participants were unreliable. However, the unpredictability of their work also meant that they experienced regularly cancelled appointments or non-attending children. Towards the end of the study, I capitalised on this to recruit more participants by going to both locations and hanging around, hoping that a participant would become available. Interviews eventually began in March 2017 and ended in July 2017. The problematic nature of arranging and keeping interview appointments was a direct cause for the timeline significantly extending.

## 4.5 The Research Design

### 4.5.1 Research Aims

The research set out with a clear ambition to use a case study approach, to narrate how a group of youth justice practitioners (with their partners) consume, process and implement criminal justice policy into practice. Using the conceptualisation and operationalisation of restorative justice as the lens through which to make sense of these processes, the research explores the extent to which practitioners feel they can enact agency in mobilising and resisting policy messages. The focus on restorative justice allows the research to examine how practitioners interpret policy innovations to enrich or conflict with existing practice ideologies and individual and collective philosophies and working cultures, as Chapters 2 and 3 explore. The following research aims were developed to support the fieldwork in the multi-site case study location;

- *To consider how a case study YOT operationalises restorative justice.*
  - 1) *To examine the dominant cultural values shaping a YOT's ideological aims towards youth justice.*
  - 2) *To assess how YOT organisational aims and values affect how youth justice practitioners consume youth justice policy.*
  - 3) *To assess how practitioners negotiate the welfare/justice dichotomy within youth justice and examine the role of restorative justice in that process.*

#### 4.5.2 Comparative Case Study

According to Yin (2014), “A case study is an empirical inquiry that investigates a contemporary phenomenon (the “case”) in depth and within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident.” (p. 16). The approach becomes especially useful when a real-life situation requires explanation. Yin details that case study research enables the researcher to contextualise important conditions for those explanations to occur within such a situation. Many characteristics of the case study location make it rather unextraordinary, staff numbers, the number of young people being supported, and even the organisational changes that took place right before the research started. However, it is, like all youth justice arrangements, characterised by its own unique features in terms of the layout of buildings, the presence of sometimes latent and sometimes explicit influences of long-serving members of staff, and in terms of the locally rooted challenges that impact upon the families and young people being worked with. Furthermore, it is a case study of the operationalisation and delivery of restorative youth justice services during a time of fear amidst fiscal cuts. Whilst the narrow focus on one location enables rich and situated insights, these will be mimicked in other locations. Deploying a case study approach dictates that claims of generalisability are abandoned in favour of the richer depth and context that an examination of an isolated environment garners. As Yin (2014, p. 20) observes, “generalizations in science are rarely based on single experiments; they are usually based on multiple experiments that have replicated the same phenomenon under different conditions”. Yin provides a compelling case, and here, it is hoped, regardless of the logic of enquiry, that the results may find validity and generalisability by adding to other findings, regardless of their methodological rationality.

Typically, comparative research is concerned with measures between nation-states. In describing the continued worth of comparative criminology, Nelken and Hamilton (2022, p. 3) points out that certain questions remain relevant to warrant the need for comparative research, which includes; “In what ways do the nation-state or other more locally based justice practices shape or resist ‘global’ trends?”. Such a question remains important domestically, as inconsistent practices have already been highlighted. Additionally, Nelken (2022) poses such a question to cut through arguments suggesting the irrelevance of comparative criminology due to ever-increasing global links that reduce separation between nations. This line of thinking should be applied at a domestic level; as Chapter 3 will highlight, inconsistent criminal justice practices are not restricted to the global stage and at a micro-level, research has revealed a plethora of case examples where practices diverge at a local, organisational, and even individual level.

Further still, Dion (1998) explains that comparative case study design relies upon the effective selection of a dependent variable and criticises that research routinely loses its objective through improperly identifying a dependent variable. Dion further suggests that studies will often futilely attempt to regain objectivity by incorporating numerous control variables, which only serve to gather more biased data. However, this study recognised from the outset that there were no control variables because the literature had already established that no variable could be interpreted as constant. The literature has suggested that restorative justice, youth justice models of practice and occupational values would likely diverge across and within the sites. Additionally, the dominant objects of study, restorative justice practice and the settings in which they occur, which otherwise may be coined as *dependent* and *independent variables*, cannot be labelled as such: they are interrelated because they are contingent on one another. Neither could be argued to be dependent or independent of the other, yet they each potentially affect the other. Because of this, the research steered towards inductive analytical frameworks (see 4.6.1) to avoid being blinkered to phenomena that might impact restorative justice practices while recognising the grounded insights explored in chapters 2 and 3.

#### 4.5.3 Lending from an Ethnographical Strategy

Becoming aware of *starting native* highlighted that my resonance with the field as a practitioner and researcher should not be dismissed. It provides a rich data bank that no social enquiry should

overlook and should be added to the methodological tool kit to enhance context and meaning. Additionally, my fluctuating relationship with participants and the significance of phenomena taking place beyond the confines of the interviews would add needed context and further illuminate the data gathered. Importantly, Tavory and Timmermans (2014) suggest that data collection should be an iterative process, creatively inferring and then testing those inferences with new data. A singular moment in the field should always be regarded as data, even though it may not be considered generalisable. Only when enough data is gathered can frameworks explaining the nature of causality be chartered. With this logic, the study lent from ethnographical strategies to use an array of available avenues from which the study could understand the role of restorative justice across the two sites.

For Schwartz and Jacobs (1979), traditionally, “ethnography has been understood as a process by which an anthropologist discovers and describes a people and their culture.” (p. 289), and the ethnographer’s logic is in the construction of a social map; “Their job is to make a set of integrated observations on a given topic and place them in an analytic framework (the symbolic analogue to the cartographer’s map).” (p.289). However, the term *ethnography* is unfixed and is often used interchangeably with participant observation as a method and seen as a broader methodological term under which various methods to elicit and collect data may be deployed (Morgan-Trimmer and Wood, 2016). However, Treadwell (2019) advocates ethnography as neither a method nor a methodology, suggesting that it should be understood as a *strategy*. Treadwell makes the case that ethnography is more than a method and is limited if understood through dominant philosophical epistemological and ontological frameworks. Treadwell (2019) sees ethnography as a research style, best understood as research praxis, whereby the researcher seeks to understand human action and its meaning within a given environment whilst being mindful of the wider forces and structures impacting that environment. Each environment is unique, so to understand the world from the subject’s viewpoint, the ethnographer adopts sensibilities to garner a deeper understanding of place, space, and actors. In this sense, interpretation is described through an anthropological lens of the culture in place; ethnographic praxis “comes into being in its doing, but that doing is always socially and situationally framed.” (Treadwell, 2019, p. 28). It is only by the researcher immersing themselves into the world of the

subject that they might be able to understand, empathise, analyse, and describe it, not by forcing a world view onto them.

As if to make a disclaimer to an ethics committee, I must stress that this study is NOT an ethnography; observations and conversations outside of the interviews that were not connected to or could not add texture to interview data are not included in this study. However, on the premise that ethnography is a strategy, its tools enabled the research to remain open to details beyond those captured in the interviews. Teaching the importance of contextualised data, Winlow et al. (2015, p. 138) admit that their experiences in ethnographic research have taught them that participant narratives cannot be taken as an “unequivocal truth that can be presented as fact”, adding that abstract empiricism “rips data from their context...”. They suggest that it is the job of the researcher in such cases to utilise theory and context to think imaginatively and critically about what has been said and how it relates to what has occurred. It is, therefore, essential that the study recognised instances found during the familiarisation period, as well as the researchers’ library of knowledge acquired as a practitioner that better equips the study to decipher culture, language, social dynamics and the physical landscape of the field.

That said, Ethnography is not the holy grail of truth-finding and its shortcomings are not lost here. Young (2011, p. 133) points out that ethnographic work often holds no more validity than a “posed photograph” as the researcher seeks to captivate their audience, providing only a deceitful representation of the underlying narrative. The concern is the researcher’s ability or desire to provide a narrative that is representational to the truth or their aim; in the field, we are not guaranteed to find what we had hoped, and thus, there is the temptation to distort or cherry-pick the bits that fit best. However, Geertz’s (1973) *thick description* offers a model whereby events are described in detail to include people, context, feelings, and other situational factors to achieve external validity. However, going further to paint a more lucid image of observational context can still be reduced to nothing more than stories about stories. This critique of qualitative research points doubts at the possible researcher’s misjudgements, so the story told is not that of the actor’s interpretation of events, and even if they are interpreted correctly, actors interpret themselves and convey their world differently in different circumstances.

The researcher must diligently portray an authentic version of events as the final arbitrator. However, the problem of miss-representation is echoed further as “cultural descriptions, filtered through the ethnographer, are actually second or third order fictions . . . there is no culture or organisation out there to be accurately presented by observers.” (Riley, 1991, p. 218). However, it is hoped that the approach described here comes closer to achieving validity and authenticity as data is cross-examined across time (from practitioner to researcher), place (comparative strategy), and situation (sensibilities observed outside and inside the interviews). Beyond this, additional measures were taken to ensure data validity, which is discussed below (4.5.6).

Crucially, central to this study are the ways that practitioners understand and negotiate restorative justice policy in a way that looks beyond policy verbatim and statistical measures of recidivistic success. Furthermore, in a bid to dig deeper into restorative justice practice, the nature of causality would be lost in a one-dimensional study that assumed its measure could be found within the words of practitioners in an isolated exchange. For Young (2011), such approaches have presented criminology with what he describes as an *aetiological crisis*. Young drew upon C. Wright Mills’ (1959) *The Sociological Imagination*, arguing that criminology has lost its imagination by focusing more on measurement and abstract empiricism than on the reality of human nature. In doing so, distancing itself from individuals as “...the tools of the trade become magically more important than reality itself, the telescope becomes of greater importance than the sky.” (2011, p. viii). The bureaucratisation of criminological research has not come about by accident for Young (2011), who attributes the focus on abstract empiricism to a CJS that demands and commissions research that delivers monolithic spreadsheets of dogmatic data from which they assume the bigger picture will appear. However, all that is achieved is the researcher taking the role of a robotic data processor, collecting large swathes of easily manageable binary data that has become detached, along with the researcher, from the nature of causality upon which it was made. Winlow and Hall (2015, p 10) argue that such data shows only “simplistic surface correlations”, lacking meaningful insights or sophistication to delve deeper to show “true indicators of social phenomena or their deep underlying causes.”. For Young (2011), such problems are alleviated with ethnography;

*...its directness and immediacy seeks to give voice to the voiceless and to probe deceit; the cultural immersion of the researcher sets up a human relationship with the researched, the very object of the research, the narrative of the subject and not of the observer. (p. 133).*

Ethnographical strategies provided the tools to delve deeper into the fabric of the cultures being studied whilst also providing the means to accommodate my relationship with the field and bring reality to the forefront of the study.

#### 4.5.4 Sample Selection

Time spent in the field at both sites was used to identify relevant interview participants. Selection prioritised those practitioners who delivered or had strategic influence over youth restorative initiatives. Due to the YOT's multi-agency and multi-team makeup, many practitioners' operations are directed towards areas other than youth justice interventions. For example, there were mental and physical health specialists at the YOT, a speech and language therapist and a data analyst. However, because those positions had no experience delivering restorative justice, it was essential to target relevant individuals. Therefore, key strategic managers and those with casework delivery roles were targeted. Additionally, becoming familiar with the case setting proved vital by identifying the Restorative Practices Team, a team of two practitioners I was unaware of before entering the field. These participants provided crucial data to help contextualise the role of restorative justice at the YOT and Outpost.

At the Outpost, selection was simple because of the team's size and restorative nature. Only one member was not eligible for participation as they were a seconded mental health practitioner not involved with restorative practices. This strategy was successful as all relevant Outpost participants were recruited (n=12). However, despite having more time to recruit potential participants and a larger cohort to select from at the YOT. It became more frustrating at the Outpost because practitioners wanted to participate but were unable to do so due to workloads or work patterns.

Additionally, the unpredictability of practitioners' daily (and lack of established) routines was problematic. Reflecting on my success at the Outpost, I believe the intrigue of participating became a lure because of the small team and gave them a break from regular duties.

Twenty semi-structured interviews took place after sufficient time had been given to gather vital information to inform the schedule. Although recruitment was lower than was anticipated at the YOT, this is not unusual for qualitative social studies (Moyle, 2019). Despite this limitation, sufficient data was achieved to provide key insights into some of the complexities of how youth justice practitioners consume and operationalise restorative justice policy in a case study setting.

At the YOT, ten participants were selected for interview (their pseudonyms are included):

- Service Director (for both YOT and LDT) (Ian)
- YOT manager (Mike)
- Middle managers (x2) (Frank and Mervyn)
- Restorative Justice Team practitioners (x2) (Karen and Jo)
- Reparation Officer (Nick)
- Seconded police officer (Alex)
- Voluntary caseworkers (x2) (Keith and Patricia)

At the Outpost, ten participants were selected for interview:

- LDT manager (Les)
- LDT team leader (Sam)
- Seconded police officer (Paula)
- Specialist casework practitioners - female offenders and mental health (x2) (Sue, Brenda and Angie)
- Caseworker practitioners (x5) (Angie, Robin, Dave, Sandra and Stevie)

The Service Director was recruited into the study, which added to the rich and diverse occupational relationships already gained. The Service Director had strategic responsibility for the local authority's *Family Services* arm, under which the YOT and Outpost fell. This opportunity allowed the study to explore further the relationship between restorative policy and practice. As a former practitioner in the area, I knew the influence and significance of the voice of the Service Director in shaping policy priorities at a local level, so I was keen to understand their perspective(s) in translating policy into practice. The assemblage of a Service Manager,

managers, practice leads, and practitioners within the case study area helped capture the data vertically within the organisational hierarchy and horizontally across various practitioners and teams with varying organisational responsibilities that influence or deliver restorative justice programmes.

Importantly, at the Outpost only two team members had migrated from the YOT, the rest of the team were recruited after the move so had no experience of the culture and values present at the YOT. Such factors needed to be accounted for within the scope of the study and further highlights the need for a comparative strategy and the use of a Bourdieusian analysis that highlights significant contrasts between the two sites from the outset. Physically the practitioner's field is changed by moving from the YOT to a police headquarters where the existing doxic order there must be accounted for. Additionally, the habitus of team members would need to be examined as joined from diverging backgrounds and have been shaped by (and shape) their new field.

#### 4.5.5 Interviews

Each participant was interviewed once, with most interviews lasting 45-80 minutes. However, one participant (Sandra) stipulated they could only give 25 minutes, which became as valuable to my development as a researcher as it was to the research. Sandra seemed poised and ready to converse openly, because of the limited time and required less time to settle into the conversation. This could have been because I had already established a good rapport with Sandra or because she was more conscious of time than she was of choice of words. Interviews were designed to be exploratory whilst retaining a deductive aim to respond to the research aims and themes found in the literature. This meant that interviews were not completely open in design and incorporated some structured discussion points. The choice to have semi-structured interviews is to ensure that the ethical parameters of the research are retained by ensuring that the interview includes its "credible endeavour" (May, 2001, p. 62). The scope for fluidity in the structure allows for more in-depth interviewee input while ensuring that themes do not "serve the interests of the interviewer" (Noaks and Wincup, 2004, p 79). The value of the prompts was reinforced when analysing the data in creating codes and sub-codes that helped bring new depths to the data and identify connections between experiences being reported.

The literature highlights that policy does not always reflect practice within youth justice and that restorative justice is ambiguous. Interviews were designed to capture data on three areas in response to themes found in the literature:

1. How did participants feel outside influences, such as legislation, organisational aims, and administrative constraints, affected their practices?
2. What internalised factors influenced restorative practices, such as culture, values, and personal aims?
3. How do participants understand restorative justice in the context of policy and practice?

Beyond those areas, interviews were open but remained guided by the literature and previously spent time with the participants. Using a qualitative interview approach, building trust, and establishing a comfortable and open interview environment was essential. This would mean I did not rely on the interview to establish rapport (DiCicco-Bloom and Crabtree, 2006). Therefore, a pre-data collection period enabled a complete examination of the field and participants. It also allowed for an assessment of the organisation's cultural and operational dynamics, which are necessary for the researcher to have a clear idea before interviews (Stenfors-Hayes and Nimmon, 2016). Time in the field fed into the interviews, enabling themes to be explored more broadly and allowing new data to emerge.

#### 4.5.6 Data Validity

Norris (1997) explains that a "rudimentary" understanding of validity refers to the claimed "truths" and how we justify those claims. Justifications of truth are limited when problems of error and bias are evident, to which Norris reminds us that researchers are fallible; "they make mistakes and get things wrong." (p. 173). Additionally, researcher fallibility is further highlighted in this study due to insider knowledge and biographical ties to the field, which presented issues of engaging with the data with established prejudices and biases. Though Noaks and Wincup (2004, p. 21) add "that social research is not conducted neutrally because researchers are part of the social world they are examining.". Additionally, Treadwell (2019, p. 44) claims that attempts to suggest that research bias is excluded from inductive enquiries are "naïve in the extreme".

However, it would be wrong to dismiss prejudice, make no attempts to address it, and merely reference strategies claiming to neutralise the researcher's impact and preconceptions to increase validity. Denzin (2017) makes a case for a triangulated approach that utilises multiple methods and theories to overcome prejudices over the subject matter by cross-validating data through different lenses and perspectives. Separate theoretical and analytical frameworks complement this study to explore the field using different lenses. For example, social control theory is used to test the operationalisation of youth justice policy, whilst Bourdieusian notions of habitus and field are used to examine practitioners and organisation cultures as sites imbued with existing rules and expectations that provide agency over external stimuli. Both frameworks must be considered and cannot be understood in isolation. To mediate bias during the analysis, Camic (1987) refers to Marshall's (1890) rule that experienced "facts" are vital to producing new knowledge; however, "...facts by themselves teach nothing" (cited in Camic, 1987, p. 425). Research must go beyond simple common sense and use means of deduction from the field's existing stock of presuppositions in the study of theory to interpret and learn from the facts. With that in mind, the analysis uses different layers of coded data that are informed deductively using key areas raised in the literature and then inductively drawing significant data emerging from practitioner narratives (see section 4.6).

Additionally, being acknowledged as *one of their own* brings other benefits, such as enabling me to establish rapport quickly with participants. Fluid dialogue is vital in qualitative interviews and helps avoid the Hawthorne effect (Noaks and Wincup, 2004). This was evident as participants presented themselves to me during the recruitment process as asked to be included in the research, suggesting that participants felt comfortable with the research and researcher. However, relying on similarly situated participants might result in distorted data that may provide a unilateral view of a phenomenon (Noaks and Wincup, 2004). A strategy to overcome this is incorporating participants who hold different positions to validate data, as Denzin (2017) suggested above. This study selected participants to represent different hierarchical levels to provide accounts through a policy-to-practice continuum while incorporating separate field research sites would add comparative elements to cross-test emerging data. As common themes

emerged across the 20 interviews and participants' shared trends at each site, it would suggest that participant data was reliable in the case study context.

However, some qualitative researchers have argued that notions of validity drawn from positivist study does not translate well into qualitative social enquiry that is "permeated with ambiguities and obscurities" (Hayashi et al., 2019, p. 100). Interpretations of a situation are likely to be unique and are likely to change if conducted at a different time or by a different researcher. After all, presuppositions and trends are an inevitability of social science research and dictate what is worth studying. It is difficult to imagine that any project is embarked upon with disinterest and free from assumption. Therefore, notions of validity and replicability are impossible to translate into qualitative study as they do in quantitative study, where ontology and epistemology are static. Maxwell (1992) suggests that the concepts of validity and reliability are replaced by five types of validity that are more capable of measuring the integrities of qualitative methodologies: descriptive, interpretive, theoretical, generalisation, and evaluative. According to Maxwell (1992), the most important are descriptive, interpretative, and theoretical validities, defined here and applied to this study's methodology.

- *Descriptive validity* – The researcher accurately describes the events and does not embellish or distort the data. I can confirm that all interviewee accounts were transcribed verbatim to achieve this. This can be observed in the evidence presented in the findings chapters, as the participant's conversational lexicon often does not articulate well as it is written. I have not adapted how participants constructed in favour of presentational neatness as this would compromise the data integrity, and there would be a likelihood that my prejudice would infuse adaptations.
- *Interpretative validity* – The degree to which the researcher understands meanings and can comprehend phenomena being studied. I have shown above that my practitioner experiences armed me with the necessary technical knowledge to understand the jargon while providing me a cultural congruence with participants to understand layered meanings and non-verbal cues. Beyond this, my academic insights equipped me with the necessary critical and theoretical insights to make sense of the data.

- *Theoretical validity* – The degree to which theoretical explanations fit and can interpret the data. Reflecting Denzin’s (2017) suggestion, Maxwell advises that theory triangulation is one possible method to ensure confidence that themes can be explained using theoretical lenses to understand phenomena in different ways. The description and analysis of the data achieve this by applying theoretical frameworks to youth justice policy whilst applying a different lens to understand the actions of practitioners, combining to give a clearer understanding of restorative justice within the case setting. Further, the description of the findings illustrates that theoretical constructs explained in chapters 2 and 3 successfully predict key themes within the data.

#### 4.5.7 Interview Reflections

Overall, my insider status provided a privileged position. It afforded certain advantages around understanding the research environment, such as being able to follow, understand and probe participants when they used technical jargon or illustrated their language using anecdotal examples of practice. My knowledge of the organisation and occupational requirements allowed interviews to flow and for a natural interplay between interviewer and interviewee.

Because key senior figures at both sites were invested in the research, they actively encouraged team members to make themselves available for interviews. Most practitioners were more than willing to be interviewed, seeing the process as a fun and unusual activity or an opportunity to speak frankly and express previously withheld thoughts about their roles. One practitioner at the Outpost approached me as I started recruitment, telling me, “Oh, I can’t wait to speak to you...”. Participants gave the impression of being very relaxed and often spoke candidly. Only one participant was unsure about the Outpost interview process; they explained that they did not feel comfortable talking openly about their role. I reassured the participants about the interview’s focus and anonymity, and later, they approached me and agreed to the interview. However, during the interview, it was challenging to explore themes as participants stopped themselves midsentence and fell silent. Frequently, at the end of the interview, once I had switched off the recorder, the participant would add additional information and say that they did not feel comfortable saying certain things “on record”. However, it is critical to add that the discussion aligned with the data’s themes and would have provided additional depth. However,

notes were not taken from that exchange for ethical reasons, leaving those sentiments confined to that moment.

#### 4.5.8 Ethical Considerations

Ethical clearance was granted by LJMU's ethics committee. Each participant was given a participant information sheet and signed a participant consent form that detailed the nature of the research. All participants have been afforded anonymity and consented to the interviews being recorded. All data has been handled in a way that upholds the confidentiality requirements of the 1998 Data Protection Act. Additionally, the name and precise location of the YOT are withheld, and all participants are given pseudonyms. As an additional layer of protection, a sample has had their gendered pronouns changed whilst another sample has been given non-gender specific names.

To protect participants' data, interviews took place in private meeting rooms, which, beyond the ethical benefits, also ensured that participants felt comfortable speaking honestly to improve validity. However, this was not possible for one participant, as the only way to interview them was in a staff area of a different police station. On this occasion, efforts were made to facilitate the interview out of earshot of any other individuals and anyone passing whilst the interview was taking place, were a sufficient distance away. Furthermore, private discussions taking place in the corners of communal areas in the context of a police building are quite unextraordinary and, therefore, garner little attention from passers-by.

### 4.6 Analysing the Data

#### 4.6.1 Thematic Analysis

Braun and Clarke (2006) describe thematic analysis as "a method for identifying, analysing and reporting patterns (themes) within data. It minimally organises and describes your data set in (rich) detail. However, frequently, it goes further than this and interprets various aspects of the research topic" (p. 79). A thematic analysis allows the researcher to draw upon patterns or significant meanings (themes) within the data set that help to make sense of a particular social environment. However, despite its wide use amongst qualitative researchers, Braun and Clarke add that there "is no clear agreement about what thematic analysis is and how you go about

doing it” (p. 79). Therefore, what constitutes a “theme” is flexible and subject to what has informed the researcher’s parameters of meaningfulness. This inevitably leaves thematic analysis open to problems of validity, reliability and generalisability, which this thesis does not shy away from or attempt to challenge. Instead, it asks the reader to acknowledge the methodological benefits of the chosen strategy that responds to the myriad of unique research opportunities that were opportunistically presented (see 4.5.6 and 4.7).

For Ditton (2016), a deductive process does little to further our understanding of the world; instead, it provides an ongoing merry-go-round of recycling the same truths (The Scottish Centre for Criminology, 2016). As key proponents of adopting a grounded theory approach, Glaser and Strauss (1999) align with Ditton’s perspective and argue that themes must emerge from the field without preconceived ideas or thematic focus that may lead the researcher astray. They say that the field is rarely the way it was presumed because human behaviours are complex, and the landscape often shifts beneath a researcher’s feet. However, it is this methodological looseness that critics of a grounded approach, like Coffey and Atkinson (1996), argue provides too convenient an excuse to not purposefully develop any analytical strategy. Without robust and clearly designed research objectives to explore and test the generation of new knowledge, scientific rigour is lacking. The importance of the rooted nature of knowledge and experience is, for Treadwell (2019), why facilitating inductive reasoning risks losing generalisability because truth and reality are created individually, meaning data is context-specific. Isolated, context-dependent data naturally raises concerns about replicability, reliability, and generalisability.

In ways that helped guide the analytical framework applied to make sense of the practitioner’s reflections on translating policy into practice, Treadwell (2019) and others help provide a way to incorporate the merits of different epistemologies by combining that which emerges from within, from the subject’s position, with that which is obtained external to the field. Timmermans and Tavory (2012) suggest “...to foster theory construction we must be neither theoretical atheists nor avowed monotheists, but informed theoretical agnostics.” (p. 169) and suggest “abduction” as a way of doing so. Tavory and Timmermans (2014) argue that abduction combines a deductive test of theory while allowing for unexpected data and themes to emerge inductively from the field. Consequently, abductive analysis is an inferential process that draws upon the researchers’

“social and intellectual positions but can be further aided by careful methodological data analysis.” (p. 167). Using this approach, the study could creatively form new hypotheses and theories as surprising evidence emerged in a process that led “away from old to new theoretical insights.” (p. 170). Abduction enables research to continue empirically testing in its original trajectory whilst allowing for new phenomena to arrive. Therefore, it was decided that the thematic analysis should be conducted using an abductive approach informed by the literature but not ignore data emerging beyond those framings.

#### 4.6.2 Coding the Data

All interviews were digitally recorded and then transcribed by myself within one week of the interview. I attempted to transcribe within the days following an interview so that the data and non-verbal cues remained intact in my mind. To support this process, notes were made straight after each interview to capture the nuances of the location, time, place, space of the interaction, and to distil key emergent themes generated in the interview. This process also helped capture things that would not or unlikely to be captured by the recording, such as emphasis or body language to add depth and context to the data (Noaks and Wincup, 2004).

Following transcription, I used anonymous transcripts to manually code the data, starting with the questions asked, moving then to key underpinning themes, and in further sweeps, reviewing and exploring emergent themes (as discussed below). Wolcott (1994) explains that an over-dependence on software to analyse data can cause the researcher to lose a close relationship with their data and result in descriptions that do not account for context. Adding to this, Tavory and Timmermans (2014, p. 134) make the point that “there are no shortcuts in research: you have to conduct the analysis, and it depends on people rather than bits or bytes.”. Data contained in the interviews are context-dependent and filled with meanings with layers that would otherwise fail to lift from the transcript. Such emotional and layered understandings would be lost to a computer programme and perhaps to the complete outsider.

I engaged with my written notes from each interview to immerse myself in the data before coding the transcript. While reading individual transcripts, I listened to the audio to ensure that

subtleties such as tone, inflexion, flow, and rapport, which may indicate meanings hidden from the text, were not lost. Data was coded three times to reflect the abductive analytical strategy:

**1. A deductive coding of a priori themes of policy, practice, and restorative justice.**

*Negative views towards youth justice policy* – Initially, coding focused on themes already identified within the literature to explore the relationship between policy and practice at both organisational and individual levels. Doing this revealed a significant finding that would shape the research and contextualise other data. Across both sites, practitioners at all levels showed pessimism towards youth justice policy and the political landscape to inform good practice. Additionally, there were negative attitudes towards other criminal justice agencies and their effectiveness in responding to children’s needs or offending behaviours. These themes were predicted in the literature that had suggested penal welfare agents have different values and aims than their occupational setting.

*Importance of bureaucratic outputs to managers* – Though government messages coming inwards from the government were viewed negatively, managers at both sites described the production of bureaucratic outputs as essential. Managers iterated the importance of presenting themselves as successful by framing success within neoliberal paradigms of efficiency.

*Diverging interpretations of restorative justice* – As the literature predicted, restorative justice ambiguities were reflected in the varying interpretations of it, whilst differently positioned practitioners would understand and value it in diverging ways. Despite expectations that restorative justice would be a widely discussed theme, it was only mentioned when participants were directly questioned about their interpretation and implementation of restorative justice. All participants celebrated restorative justice for its organisational impact, but its value and operationalisation would change depending on the position of the participant. Managers unanimously prized restorative justice as being significant to operations and described it as underpinning all practices. Significantly, restorative justice was prized more by those with responsibilities towards the strategic end rather than those at delivery. However, though caseworkers typically described restorative justice positively, it was almost featureless in their descriptions of practice and what informed them.

*Administrative restorative justice* – For certain practitioners, their interpretation of restorative justice and its implementation was bound to bureaucratised frameworks that prioritise efficiency over genuine attempts to respond to welfare needs. Further, restorative justice, in this sense, was seen through a neoliberal lens and conducted through risk assessment frameworks. Highlighting the neoliberalisation of restorative justice most intensely were most Outpost practitioners and the Restorative Practice Team at the YOT, who all described their restorative and general practices through actuarial paradigms.

## **2. A deductive coding of themes that had inductively emerged during the familiarisation period.**

*Impact of environment* – The physical space contrasted significantly across the two sites and impacted the communication and social dynamics. During the familiarisation period, it was noted that YOT practitioners could communicate in open and fluid ways that went beyond occupational efficiency and fostered an evident community spirit. Contrastingly, communication between colleagues was kept to a minimum at the Outpost and rarely moved beyond organisational matters. The presence of multiple neighbouring police teams within the office created a professionalised atmosphere that members of the Outpost team were visibly conscious of. Additionally, unlike the Outpost team, the YOT was physically isolated from other criminal justice cultures, which also correlated with Outpost practitioners viewing the police more favourably.

## **3. An inductive coding of themes emerging from the interviews.**

*Resisting change* – At the YOT, it became evident that there was a collective aim to resist pressures from policy or other criminal justice agencies that might reform or adapt operations. This finding is crucial to contextualising other themes that emerged. Though managers at the YOT described the importance of bureaucratic outputs, they compartmentalised that priority from casework. Significantly, managers described pressures to provide bureaucratic outputs and implement internal managerial frameworks but described strategies to separate them from caseworkers' aims to respond to welfare through meaningful interactions. This is directly linked to other themes around the importance of bureaucracy and views towards youth justice policy,

where YOT caseworkers enjoyed a degree of occupational freedom from the binds of managerialism.

*Contrasting management of bureaucracy* – Though deductive coding confirmed that managers emphasised the importance of bureaucratic outputs, the management of how this was achieved differed between sites. YOT managers were explicit that they must communicate outwardly in neoliberalised languages of state and governance, but their inward communications to casework teams were different and prioritised welfare. Reflecting this, YOT caseworkers generally viewed administrative tasks and frameworks as either a necessary burden or something they would openly claim featured minimally in their activities. The theme of *administrative restorative justice* is directly related to this theme, as restorative justice was highlighted as a strategy to ensure practices were redefined in line with youth justice discourses. Also connected is the theme of *resisting change*, as the above strategies were shown to protect cultural values.

However, bureaucracy was managed differently at the Outpost; rather than bureaucracy being the responsibility of a specific team, at the Outpost, it was shared. Data shows that the importance of bureaucracy is increased at the Outpost because they relied upon precarious funding streams, placing them under increased pressure to provide marketised outputs that depict success to their new masters. Therefore, administrative frameworks and bureaucracy were prioritised to ensure efficiency and success could be more easily demonstrated.

*Contrasting organisational identities* - Organisational identity was essential in shaping occupational priorities and practices, which, significantly, was reproduced differently at each site. I had expected to find participants holding negative views towards more criminal justice agencies such as the police and courts. This was a dominant theme at the YOT, where participants generally identified as being welfare-focused. However, practitioners at the Outpost associated their identity more closely with the criminal justice narratives and saw the police much more favourably than participants at the YOT. Furthermore, there was a positive correlation between caseworkers prioritising bureaucracy and those more likely to have favourable views of the CJS.

*Instinct and experience* – Connected to the theme of *resisting change* and *contrasting organisational identities*, for most caseworkers at the YOT and a small minority of Outpost

caseworkers, lived experience was identified as the primary evidence-base from which practices were informed. Generally, this cohort indicated they were sufficiently experienced in the job to require formal direction no longer. Therefore, they would generally openly say that their practices would deviate from prescribed methods, meaning that decision-making was based upon a bank of experiences, instinct, and tried and tested methods. Whereas less experienced participants were more inclined to emphasise the role of operational frameworks.

*Resisting criminal justice did not mean resisting punishment* – An unexpected theme was the levels to which practitioners suggested incorporating punishment elements into their interventions. Practitioners, especially at the YOT, saw criminal justice processes as negatively impacting children yet would routinely justify incorporating aspects of justice and punishment into their interventions. The inclusion of justice was justified in different ways; one is connected to *resisting change* and *instinct and experience*, where practitioners would employ their versions of justice. Those participants viewed the CJS negatively but saw punishment as a valuable tool. On the other hand, other practitioners, typically those viewing restorative justice through administrative lenses, would be committed to incorporating the justice elements into restorative justice.

The themes described above are closely interrelated and are explained using the literature and theoretical frameworks described in chapters 1 and 2.

#### 4.6.3 The Structure of the Thesis

The literature pointed towards a disjointed relationship between youth justice policy and practice. Subsequent attempts to explain it have suggested unclear policies and divergent occupational cultures as the reason. Furthermore, restorative justice has added another layer of ambiguity within the policy/practice melee, lacking a definitive purpose and resulting in further misunderstandings during implementation. The analysis aimed to make sense of the policy/practice relationship within a case study setting and pinpoint how restorative justice was operationalised in the context of that relationship. Subsequently, the analysis was designed to explore the YOT from the outside and work inward. Chapter 5 makes sense of the strategic level of YOT by unpicking its relationship with political and criminal justice landscapes, achieved by an

analysis looking to understand organisational values towards their role and commitments as a criminal justice agency. Chapter 6 draws upon the operationalisation of restorative justice, describing its function in the cultures executing it and the ways practitioners realise it. Chapter 7 focuses on how occupational responsibilities are understood and negotiated within their organisational cultures and values. Significantly, this chapter highlights data showing the transformational pressures experienced by practitioners and how diverging occupational identities handle them.

## 4.8 Summary

This chapter provides a methodology that will respond to restorative justice uptake within a case study in a youth justice setting. Theoretical triangulation is used to make sense of the myriad pressures that are experienced within youth justice and its delivery of restorative justice. The research aims are designed as an exploratory guide that begins with an overarching question to understand how restorative justice is operationalised, which is achieved by drawing upon three sub-aims designed to respond to themes raised in chapters 2 and 3:

- *To consider how a case study YOT operationalises restorative justice.*
  - 1) *To examine the dominant cultural values that shape a YOT's ideological aims towards youth justice.*
  - 2) *To assess how YOT organisational aims and values affect how youth justice practitioners consume youth justice policy.*
  - 3) *To assess how practitioners negotiate the welfare/justice dichotomy within youth justice and examine the role of restorative justice in that process.*

The literature has shown that different knowledge banks and ideologies have systematically adapted restorative justice theory to the point that defining restorative justice has become impossible to interpret an ongoing list of ambiguous terms and conflicting ideals. We are reminded by Stahlkopf (2008) that to understand the realities of restorative justice, the organisation must be understood. The study has incorporated literature and theory pointing towards the practitioner as an individual capable of agency and subjected to various occupational strains and pressures. Therefore, the methodology uses semi-structured interviews to

understand how organisational pressures to implement youth justice policy are negotiated before understanding how that impacts individual practitioners. Because varying interpretations of restorative justice are anticipated, the study must contextualise its practice within the belief systems of the individuals and organisations in which it is realised.

The researcher enjoyed the benefits of a privileged researcher position that allowed richer data collection and deeper immersion in the data. The strategy recognises the researcher as a *subjective subject* with biographical ties to the field, adding layers to the data as meaning and context, whilst tapping into personal reflections and shared areas of expertise grants access to the intersubjective junctures of narratives, behaviour, and cultural meaning. An abductive approach allows the researcher to enter the field with the deductive approach of testing restorative justice as a model of Cohen's (1985) social control whilst allowing the study's scope to remain open and flexible to respond intuitively to significant phenomena that might arise.

The following three chapters will address the research aims and present the empirical data collected during the study.

## 5. Youth Justice: A Field Out of Place?

### 5.1 Overview

The YOT is framed and contextualised in this chapter by explaining a strained but necessary relationship between penal policy and agencies. The YOT holds a marginalised position in the penal field due to cultural values and aims that they believe to be unreflective of justice models. Bourdieu's (1980) habitus and field are used to make sense of the pressures the YOT feels from more dominant criminal justice agencies that threaten to disrupt an occupational culture originating in social work. Operating within the political wake of New Labour's managerialist framework, practitioners display a siege mentality towards national youth justice agendas as they struggle to retain their cultural identity. Practitioners hold little faith in successive governments and are cynical of national youth justice frameworks. The YOT's social work legacy is out of place in the contemporary justice field, where they are now framed and tasked as penal agents. YOT staff perceive national youth justice policy, generated and imposed externally, as a threat to culture and values.

Critical works have pointed to the displacement of ideological cultures as social work practitioners must operate within criminal justice frameworks. This chapter builds on contemporary critical studies which highlight that penal-social work practitioners may resist national justice frameworks and their doctrines (Fergusson, 2007; McAlister and Carr, 2014; Kelly and Armitage, 2014; Muncie, 2002, 2015; and Smith and Gray, 2019), and in doing so reveals the discord between national policy and its localised implementation. Data reveals that despite the YOT's marginal position, mechanisms exist to resist pressures that may disrupt an established culture. A two-tiered organisational structure allows the YOT to retain social work orthodoxies whilst exuding an image in line with central expectations of a youth justice agency. The YOT utilises a *face value* outer layer that manages neoliberalised expectations and where the realities of the YOT are translated into the language of key performance indicators. The *face beneath* (*the face value*) is concealed behind the outer layer, home to a child-focused welfare culture and enabling social work ideals to remain.

This chapter introduces contrasts presented at the Outpost by presenting attitudes of seconded police officers within each team who epitomise, in each site, the dominant cultural values and the expectations placed on other practitioners. Acting as a case within a case study, pressures from the penal field intensify at the Outpost, and data shows that this may impact the occupational culture there. The Outpost provides valuable data highlighting the strength of the social work culture at the YOT whilst also drawing upon the fragility of welfare ambitions when faced with contrasting occupational pressures.

## 5.2 Operating on the Periphery

Cohen (1985) argued that it was at the “soft end” that social controls were most pervasive with an ability to go unnoticed and slip under the radar as community projects with the aim of “doing good” (p.127). Under Cohen’s framework, contemporary *soft-end* measures to deviance, primarily those delivered in the community, should be treated with suspicion despite benevolent appearances. For Cohen, a system that has extended its reach beyond its institutions will use community-based projects and their ideological participants as a vessel to seep social control programmes into the fabric of civil life (see Chapter 2). Reflecting Cohen’s cynicism, most caseworkers and all managers acknowledged their adherence to the justice landscape but remained vigilant that the welfare of children remained a primary:

*So, I guess it is kind of like, I suppose we are kind of like a bit of a mediator, really, between offending and well-being, I think. (Frank - YOT middle manager)*

In parts, the YOT acts as a neat example of Cohen’s accusations (operating under the banner of *justice*), as Frank proclaims his good intentions of responding to well-being while acknowledging the child as an offender. Despite the good intentions of youth justice practitioners, the language of *mediating* offending with well-being resembles a social control blueprint, if those intentions cannot be divorced from criminal justice systems, they remain techniques of social control. However, Frank acknowledged the YOT’s harm to children’s lives and expanded upon what *mediation* of a bifurcated system entails. For Frank, their mediatory role was not to juggle offending and well-being in equal measure. Instead, mediation here intended to intervene in *justice* and usher it to the periphery to allow well-being to take priority:

*I think a youth offending team intervention in your life is often a factor that may lead you into more crime. (Frank - YOT middle manager)*

Of significance to Frank's stance on practice was his occupational biography. Frank revealed that he had been part of the YOT since its inception and part of the child specialist team that preceded it. Frank's social work occupational identity undoubtedly shaped his view of youth justice policy, which was the incarnation of YOTs were little more than a populist stunt:

*I think the Youth Offending Team was almost a political statement. The youths of Britain were seen as a problem, and I think young people have always been of concern to older people. You would think that nobody had ever been young. And, also, to some degree, I feel they were scapegoated for a lot of society's ills. (Frank - YOT middle manager)*

Frank sees youth offending as a nonissue that has been constructed to appear to be more problematic than it is and that YOTs were introduced to appease social unrest. Frank's senior position gives him a significant role in shaping cultural aims and values, and it appears that remedying the nature of offending is not highly important. Importantly, Frank displays a consciousness of the problems associated with early intervention and strays away from the image portrayed by Cohen (1985) of a practitioner blinded by their ideologies to the harm of an intervention (see sections 2.3.3 and 3.3.1). During interviews, a pattern emerged among practitioners in positions of power. Practitioners holding structural or cultural capital through either being most experienced or in management positions, held a perspective that youth justice policy failed to improve welfare:

*I don't know whether (laughs) I think it's called hard facts, whether successive governments actually, and this is probably a personal view, have any interest in children's welfare. I'm not quite sure about that. (Geoff - YOT caseworker)*

Beyond disillusionment towards treating criminality, anti-government rhetoric was commonplace amongst those practitioners who, like Frank, saw the state as producing harmful policies that failed to ensure the welfare of children. This group condemned national youth justice policy for unnecessarily absorbing children into its systems and for its labelling effects. Consequentially, practitioners were keen to distance their practices not just from youth justice policy but from *criminal justice* altogether. Mervyn, whose responsibility was to work alongside schools as part of the joined up working strategy, voices these sentiments here:

*What we don't want to do is add to the stigmatisation- labelling them as an offender. We deal with them as children; we respond to them as children who have needs... It's our role to help them sustain a place in education where they can be part of society where they are not part of not necessarily part of a group of people who are labelled as offenders, but they are integrating within their community. (Mervyn - YOT middle manager)*

An awareness of the YOT's ability to add to the labelling effect was echoed routinely across practitioners at different levels, acknowledging the contradictory impact of a youth justice intervention:

*I never use the words 'young offender', and I really get upset because children who offend lose their status as children, and they become offenders before they're allowed their status as a child. It is like a label, and yet we work in a Youth Offending Team... straight away, as soon as you look above the door, that's what it's called. (Alan - YOT caseworker)*

Unlike Cohen's (1985) depiction of workers being naïve to the harmful agenda of their masters, the YOT, even at a strategic level, acknowledges the dangers of intervening. This section provides a window into cultural values shaped by those in positions that have or continue to shape culture and practice at the YOT and serves as the starting point for explaining restorative justice at the YOT. Beyond a literal starting point, a culture that is self-aware and condemns the political structures that steer them is crucial in shaping practice and providing context to the following chapters. This highlights that the YOT holds fundamental values at odds with national governance of youth justice and shapes an uneasy (and obligatory) relationship with youth justice policy.

Such attitudes were not unexpected; being an ex-colleague of the above practitioners, I was already aware of unwritten overarching rules on conducting casework, at least whilst I was a practitioner. Firstly, welfare should prioritise justice, and secondly, caseworkers should ensure that children avoid further contact with other criminal justice organisations. As a practitioner, I had not questioned orthodoxy; they were simply the natural order of things. However, I was equipped with a newly acquired critical mindset which gives a practitioner turned academic an advantageous position, meaning that previously held assumptions would now require further examination (Heslop, 2012). Data gathered adds to established evidence that to evaluate effective justice programmes, neither policy nor practice should be considered in isolation from the other (Pawson, 2006). Similarly, McNeill et al. (2009) found only through an inspection of

policy and examining disparities in practice that triggered the need for a deeper analysis of practice and to question those assumptions.

### 5.2.1 A Building Full of Woolly Social Workers

Significantly, the professional biographies of key senior figures were fundamental in shaping culture and anti-justice policy attitudes. During interviews, the conversation began by drawing out the practitioner's interpretation of theirs and the organisation's purpose. The YOT was seen as a site for social work, not youth justice, particularly by older and more experienced members. The two most senior figures within the YOT were Mike and Frank, who share the same background. They came from child services as social workers and have been YOT practitioners since the organisation's inception. Mike was now the YOT manager, with Frank sitting beneath him, and was responsible for leading specific teams and strategies. Mike described the transitional journey of the YOT:

*Initially, we were a specialist childcare team, and then we became a youth justice team (Mike - YOT manager)*

As part of the transition, Mike explained that there were originally thirteen social workers in the team, but this had been reduced to two. A decline in social workers may also reflect a declining need for social work skills and an increase in skills that support the YOT's bureaucratic operational needs. Garland (2001) pointed out that social work practices within the penal field would inevitably adapt to a new landscape, drawing away from a social work ethos and towards crime control. Garland's warnings are realised at the YOT as priorities migrate from care to justice.

However, despite the reduction in social workers, evidence suggests that Garland's (2001) forecast of an ethos change had not fully taken grip as longer-serving YOT members saw their occupational identity and role falling within a social work remit. This shows that though occupational titles may have adapted, the ethos had not:

*I've been in social type work now for, oh god, a long time, well, 20-odd years anyway. Yeah, probably, in fact, more than that, yeah, 30 years. (Geoff - YOT caseworker)*

Geoff did not recognise a shift from social work to youth justice, for him, practices remain “in social type work”, that view the child as a child rather than as an offender. This view allows practitioners to resist justice narratives that may impede their practices:

*Because most of us come from a background of social work, we aren't looking to punish; we're looking for ways to just help improve outcomes. (Jim – YOT caseworker)*

For Jim and Geoff, the cultural values and aims present when they were social workers remained in place, allowing them to retain their occupational identity. Whereas newer recruits who have not transitioned from social work, but start as *youth justice practitioners*, are initiated into an established social work culture, ensuring that social work aims and values are reproduced within a youth justice setting (Bourdieu, 1988). This was confirmed by Frank:

*If you are coming into somewhere where people have a clear idea about why they are there and what they are doing, and then you adopt that... (Frank - YOT middle Manager)*

An established culture of counter-criminal justice creates a dichotomy between the aims of the YOT and the rest of the penal field. Mervyn reiterates this stance, showing an emphasis on children's welfare needs and being dismissive of the youth offending agenda:

*I don't know so much about the agenda against youth offending, but in terms of supporting young people's outcomes, in supporting better outcomes for children and young people, we know that statistically there is a disproportionate number of young people in the criminal justice system who are at risk of negative health outcomes, who are engaging in substance use, who are excluded from education, who have speech and language communication difficulties, who are from, unfortunately from various forms of social deprivation. So, our team will aim to support some of those needs. (Mervyn - YOT middle manager)*

Whilst welfare remains prioritised, justice and justice-providers are demonised as potentially harmful bodies. As shown in Chapter 3, Morris (2015) and Souhami (2007) highlight YOT social workers clashing with criminal justice practitioners with McNeill et al. (2009), suggesting that social criminal justice practitioners felt strain to adapt their practices more in tune with the expectations prized within the penal field. Similar strains have been felt at the YOT, as Alan describes operational contrasts between the YOT and the police:

*When I first came to the YOT, the police were people that were out to lock young people up, and that's how we saw the police. They were like the dark side. The police saw us as a load of woolly*

*social workers, a building full of woolly social workers that just wanted to get kids off, and that was that. (Alan -YOT caseworker)*

Alan highlights a clash of cultures where social work practices are unvalued in their new penal setting, which reflects the literature (see Chapter 3). Alan's comments here reflect Morris's (2015) findings. Morris also found that police workers failed to recognise the complexities of YOT work and saw colleagues being seconded to the YOT as getting "a nice cushy desk job" (p. 53). Contrastingly, where McNeill et al. (2009) portray the marginal position of criminal justice social workers as problematic to their roles, YOT members celebrate a degree of disassociation from criminal justice mechanisms:

*...the police targets were arrest as many as you can and get youth crime, you know, so we can evidence it - "we're tackling youth crime", you know? Everything has got to be charged, everything has got to be a recorded crime, and the Youth Offending Team were like, you know, "no, we want to keep them out of prison, no we're not going to breach them, no we're no". You know? (Alan -YOT caseworker)*

Members acknowledge and accept their organisation's place within the criminal justice landscape, however, rather than see their purpose as dealing with offending children, it is to respond to their needs. The perceived failures of the CJS legitimised alternative values and aims held by practitioners. In this sense, it instils faith in a social work culture that opposes the flawed aims of other criminal justice agencies and youth justice policy. This is shown by Alan who described an unwillingness to conform to external criminal justice measures and instead remain committed to what he already perceives as a "good job":

*... sometimes I really don't like some of the political drivers and where the money is being invested. But it doesn't stop me, it doesn't stop me and the people in the building doing a really good job. (Alan - YOT caseworker)*

Morris (2015) shows that there may be a cultural hangover of social work culture in YOTs that dictates practice (see section 3.2.1). Though McNeill et al. (2009) found that social work practitioners had to adopt criminal justice values that typically contradicted their own values, Morris (2015) found that some practitioners could resist change with more experience in welfare-based roles. Morris' findings are reproduced here, as she suggests that unclear policy creates a *them and us* attitude towards other justice agencies. At the YOT, hostility towards criminal justice

is justified upon a perceived failure of criminal justice policy to respond to welfare and because of its harm-inducing qualities:

*if you think about our criminal justice system, they have been doing that (punishment) forever and they have been getting the same results. And, I also think that if you were going to, if I was going to try and sell prisons to you, you wouldn't buy prisons now would you? (Geoff - YOT caseworker)*

Practitioners shared a perspective that their work was attached to the CJS, but they retained enough distance to exercise autonomy over their practices. Ultimately, practitioners saw the YJS and its policies as harmful and incompetent and the YOT as an oasis of welfare values within its criminal justice backdrop. The literature highlights that welfare-oriented justice agencies hold a marginal position in social work and, therefore, lose their cultural values to the more dominant cultures of criminal justice (see section 2.3.3). The pressures and strains exerted upon the YOT by national youth justice policy and more dominant penal agencies is an example of such a field and reflects the literature (see section 3.3).

However, at the YOT, practitioners embrace that marginal position, being separate and different becomes an essential cultural value to protect social work ideals. This was voiced by Frank, who suggested that the YOT was part of the CJS but not entirely:

*...I am trying to think of an example whereby you have an organisation, or part of an organisation, that deals with things within a system but sit sort of on the periphery, and I desperately can't think of a good example, but maybe we are the only example. (Frank - YOT middle manager)*

Having a foot on each side of the divide ensures access to children with needs whilst keeping any commitments that might disrupt the working cultural at arm's length. For management, operating on the periphery is a tactic of cultural self-preservation. The YOT is better placed to resist pressures to change by having a social work culture that condemns the structures within which it operates. These conditions help determine that supportive and constructive practices are the norm. For practitioners grounded in, and who subscribe to, such principles, the answers to complex human problems are not to be found in more youth offender programmes but in understanding and uncovering individual and social harm.

Whilst in the field, the YOT felt unchanged from the point I had left as a practitioner. Whilst fewer people were there (budget cuts meant that as practitioners moved on or retired, they were usually not replaced), the culture felt the same. The YOT is a vibrant and loud environment where all matters are subject to an open forum where colleagues regularly interject in a discussion from neighbouring spaces. This resulted in individual matters commonly becoming a collective problem-solving exercise. The semi-open plan nature of the YOT office space meant that discussions would often extend into neighbouring areas. Discussions would include work-related and social topics, which regularly became raucous. Managers would interact with individuals as they passed through office space, taking an interest in professional and personal matters, including me, as managers would regularly ask “how I was getting on” on the days I was in the field. It became evident that being able to move through spaces to communicate with colleagues freely was the catalyst for impromptu micro-supervisions. This became an opportunity for practitioners to discuss ongoing case issues and for managers to re-establish the YOT’s values.

Holmes, Schnurr and Marra (2007) compared contrasting ‘liberal’ and ‘authoritarian’ leadership styles and found that the liberal, more laid back, approach to leadership created a more robust organisational culture. Their research found that stronger team cohesion was achieved in a liberal approach by emphasising departmental, shared goals rather than individual targets. Meanwhile, authoritarian leadership, focused on individual goals, saw individuals prioritising personal achievements and sacrificing being a ‘team player’. Stronger team cohesion was also achieved when the liberal leader participated in team culture by having an open-door approach to engage in formal and informal team activities. Leadership styles at the YOT and the dynamics of the office (described in 4.3.3) are reflective of Holmes, Schnurr and Marra’s (2007, p. 443) findings that saw opportunities to discuss topics openly and explore team matters enact a “dynamic process which constantly reiterates and reproduces itself through member’s discourse”. Liberal leaders were shown to disperse specific responsibilities throughout the group and focus less on retaining control in all departmental activities, such as meetings. A liberal leadership style is evident at the YOT and is shown daily within the office spaces, which are a hive of conversation and movement. Though Sam, a senior member at the Outpost, suggested that the Outpost had an open culture, data described in this thesis suggested it was significantly less so than the YOT:

*I think that one of the ways in which we learn in this team is that we do have a very open culture  
(Sam - Outpost Team Leader)*

YOT managers create a culture where staff development occurs subconsciously in spaces that are not recognised for their practice refining abilities. For instance, whilst at the YOT, the communal kitchen was clearly an important venue for casework discussions, informal supervision and peer support. The values and ethics needed to reflect the YOT's ideologies are an iterative process, defining and redefining expectations and the team's moral boundaries that occur within informal spaces that allow organic and natural conversations to occur. Managers can mould expectations of *best practice* without resorting to bureaucratic rationality, which caseworkers confirmed:

*I cannot think that there has ever been a policy and procedure input into, or direct input, or main input, into any of the sessions we have done. (Alex - YOT Caseworker/Seconded PO)*

Caseworkers routinely placed the success of the YOT on members' collective strength. There was no evidence of practitioners placing the development of their skills on formal processes. Instead, seeing informal support networks as the central mode of practice development:

*because the team they have so many different areas of experience and expertise in the team, it is almost like unofficial supervision, you know you talk in the office, you get advice from your fellow practitioners it is really important the informal side of it. (Angie - Outpost Caseworker)*

*You learn about that on the job, you can learn about it from research, I learned a lot about that when I went to university and stuff, we had a lot of debates around that. But I think it's just, it's more than any of that it's your colleagues around you, that canteen culture when you have a chat and a cup of tea, when you debate when something's happened and you unpick it, reflective practice is of massive importance, reflective practice being able to just reflect on something no matter what it is, even at the end of everyday just sitting down and thinking about what's gone on, if there is something that is bugging you just unpick it and talk to somebody about it. (Alan - YOT caseworker)*

The YOT reflects Holdaway's (1984) notion of a police *canteen culture*, where values are shaped and preserved in subtle and influential narratives within informal occupational spaces. Waddington (1999, p. 287) suggests strong canteen cultures may create a *defensive solidarity* to protect against perceived dangers of external frameworks whilst also "...mobilizing the lower ranks to resist enlightened change.". At the YOT, unofficial supervision was a crucial resource for staff development, leading to practice and culture becoming intertwined, defined through mechanisms outside of formal processes.

### 5.2.2 Superiority and Difference

A sense of togetherness is fostered through the belief that the YOT is better able and equipped to respond to children's needs than other services. Van Maanen and Barley (1984) suggest a sense of involvement is necessary to develop an occupational community. They stress the importance of belongingness to a group and that insiders are likely to perceive the occupation differently from outsiders, who are less sensitive to its social and communal structure. The sense of being apart and different underlies developing a shared identity. This was reflected as practitioners regularly commented that the YOT was 'different' and 'superior' to other services, including other YOTs:

*Whatever a young person needs to be done, we have everything here for them. (Alex - YOT caseworker/seconded PO)*

A culture that views itself as better than others provide another layer to protect what is happening internally from what is happening externally. If members believe their environment is superior, they are more willing to defend its values and resist external pressures. Page (2013) found in a study of penal-welfare agents that because of periodic changes to the operational legislation that often contradicts the agents' opinions and experiences, a new variant of capital becomes established "based on real-life expertise" (p. 162). Page notes that agents become critical of penal-experts such as criminologists, treatment professionals, and judges seen as "counterfeit experts" (p. 162). Whilst practitioners replayed those same themes at the YOT, viewing the CJS and other services as less efficient than theirs:

*...you know sometimes we refer them on to services and that service is not great, they don't have the passion that we do. (Sue - Outpost Caseworker)*

*And when I do regional meetings of YOT officers and they all come together and we all work completely differently and they are quite jealous when we say "well, actually within our YOT we have all these people who are there on our doorstep who can work with a young person". (Alex - YOT Caseworker/Seconded PO)*

Particularly amongst experienced staff, there was confidence in their practitioner abilities and youth justice knowledge. This was apparent on one occasion whilst I was in the field recruiting participants when a practitioner learned that I delivered some criminal justice classes to first-year undergraduate students. The practitioner enthusiastically began instructing me on what I

should be teaching the students. The practitioner showed me an online clip of the song *Gee Officer Krupke* from *West Side Story* that details the psycho-social causes of youth offending that the CJS does not consider. Whilst this mirrors literature that suggests practitioners remain committed to risk discourses (Case, 2021), it highlights the strength of a united organisational culture. Whilst data suggests that practice varied across different practitioners (discussed at length in the following chapters), individuals praised the collective ability of the team members to understand children's needs:

*We get to see the bigger picture here at YOT (Jo - Victim Liaison Officer)*

A lack of trust in criminal justice processes reinforces solidarity amongst YOT members. Despite varying typologies and mixed ideologies, unity is created in a shared mistrust of the CJS. Weber's (1968) notion of a *consciousness of kind* suggests that similar aims, actions, environment, and a common language cannot facilitate a communal relationship between persons. Only when a third person emerges with a different language can two people with a shared language realise their shared situation. A consciousness of kind manifest in practitioners, believing that their organisation is better equipped to deliver interventions and that members are better qualified to decide how youth justice interventions should look and be carried out. This means that practitioners with habitus at home within social work environments are provided with a space and means to access capital aligned with pursuits associated with prestige. The orthodoxies of the YOT appreciate and cultivate a culture that actively distances itself from its biggest threat to retain its values. Bourdieu (1989, p. 43) points to the importance of a field that reflects habitus to inoculate agents from adaptive requirements:

*And when the habitus encounters a social world of which it is the product, it finds itself "as a fish in water", it does not feel the weight of water and takes the world about itself for granted.*

Bourdieu suggests that reality exists both internally and externally of an agent (in habitus and field), when the two are aligned it enabled correctly oriented agents to appear to have *a feel for the game*. For YOT practitioners with social welfare intentions, their habitus and knowledge of how best to intervene and treat child offenders, is naturalised into the professional orthodoxies of their everyday environment.

### 5.2.3 Strangled by KPI's

Despite several changes to government, the YOT's relationship with national policy is shaped by New Labour's managerialism. Negative sentiment remains focused on New Labour's frameworks, as though they are still intact. Experienced practitioners point towards 'tick box' occupational processes as having a significant bearing on practice:

*We came very much from a social work ethos in the way we did things at the beginning. Whereas, well from the start of New Labour, we were becoming more process-driven and target-based (Frank - YOT middle manager)*

Reflecting critical literal explored in section 2.2, Frank highlights the introduction of the New Labour government as the seminal moment that introduced methodical process-driven practices which began to threaten a shift away from an established welfare-based culture:

*It was only under Jack Straw's tutelage that we found it was very much prescriptive and there should be a specific department. It started that drift that I've seen into youth justice and away from social care into its own distinct area of intervention. (Frank - YOT middle manager)*

Within management, the actuarial agenda is viewed as a significant threat to cultural values with the potential to reshape occupational practices, redefine and threaten organisational identity. This was felt at the top, as Mike was explicit in condemning managerialism for its constraining effects on cultural aims and values:

*We do have KPI's, and they strangle us... (Mike - YOT manager)*

As Mike explained, the effects of managerialism are felt at the YOT, as performance targets inhibit how social work values may be operationalised. Young (2011) points out that statistical outputs provide only a narrow focus, arguing that the contemporary "war against crime, drugs and terrorism, demands facts, numbers, quantitative incomes - it does not demand debates as to the nature of these battles..." (p. 21). Young uses the *Datasaur* metaphor to portray the desire to formulate, monitor and evaluate criminal justice policies on large swathes of aggregate data from which correlations are surmised. Young suggests that, like the *Datasaur (Empiricus Abstractus)*, government policy formulation has a hunger for huge swathes of data to produce policy, giving little regard for the means of data production. Young's frustrations seem to be played out at the YOT, where practitioners feel that their methods are out of sight of the powers that be and only

the outcome of their 'battle' is accounted for, resulting in a *them and us* relationship with the government. Young describes a system that is ignorant of the social landscape and its relationship to crime and statistical production processes and produces no conclusions over the nature of offending behaviour—preoccupied only with accumulating large databases.

Young's criticisms are reproduced within the YOT, where practitioners' view actuarial processes as having an ineffectual ability to recognise the intricate contexts and meanings in casework.

*...since I guess the introduction of New Labour and the kind of increase in managerialist approach you could argue that there has been a reduction in practitioner judgement or certainly practitioners' feelings in terms of that of how their judgement affects an assessment of a situation. (Alan - YOT caseworker)*

Caseworkers see bureaucratic KPIs as a political currency that fails to reflect the lived realities of casework accurately, so they hold little value in welfare-directed practices. Caseworkers regularly described policies and targets as unattached to their roles, seeing 'managerialism' as an administrative language between youth justice governing bodies and the YOT's management. Concern was raised by experienced staff members, like Alan, that their skills are not captured or utilised under managerialist system.

Of particular concern was that a tick-box culture had a damaging effect on autonomy and individual skill. Even within the management group, an imposed target culture was described with disdain, a bureaucratic and pointless exercise that bore no reflection of casework practice realities. Frank explained many of their performance indicators as being pointless. He demonstrated this by describing how, following a child's court appearance, a designated YOT caseworker would meet with the child to arrange the first appointment with a caseworker:

*We would class that as our first contact, it's not really, it's just part of the same content but it ticked that box in terms of the Key Performance Indicators that an intervention would start within 24 hours. It is utterly meaningless, but it ticks a box (Frank - YOT middle manager)*

Frank argued that the YOT must record that an intervention has begun within the required 24 hours. However, the reality is that nothing meaningful has taken place, and no positive changes have been made to the child's situation. The only thing that has taken place is a brief encounter serving only to gain administrative success, which, for Frank, is meaningless. A strained

relationship and a sense of apathy towards the state indicate views on how practice is measured. Across caseworkers, there is a widely held belief that the realities of casework could not be captured through bureaucracy:

*A lot of the time you can read reports and you can you think okay. Then you go and see that person and it's not quite the same as what's been written, you know? (Geoff - YOT Caseworker)*

For practitioners, managerialism has overseen the bureaucratic omission of ethics. In a Weberian sense, national frameworks legitimise practices and interpretations of need that steer away from youth justice orthodoxy. Penal-welfarism in youth justice raises its conflicts with aims to respond to welfare through justice (Garland, 2001). However, using the Weberian logic of practical rationality, the endpoint in practice is the targeting and quantification of crime control, stripping away professional internalised ethics of social work practice. The consensus amongst older and senior figures at the YOT is that measurements of programme effectiveness are concerned only with identifying and targeting short-term penal goals. If YOT processes are to be considered examples of bureaucratic rationality, then that rationality comes at a cost to YOT practitioners, as they fail to see any ethical link between the bureaucratic means and end. Therefore, to combat this, the YOT's response is to attempt to operate within the penal field without being a part of it, thereby allowing practitioners to retain their ability to contextualise judgement.

The YOT views welfare needs as inextricably linked to future offending behaviours and prioritises responses there. At the same time, however, there is the recognition that meanings within youth engagement that respond to welfare are often lost to neo-liberal case records and institutional performance measures. Sentiments within the YOT expose the issues faced by an institution that prioritises welfare but reports the success of doing so through restricted narratives. Though "actuarial justice and the notion of risk suggest neutrality and objectivity", the YOT does not feel it can carry out practice neutrally and objectively because behind an "aura of science and rationality, actuarial practices hide the political processes behind the construction of crime" (Robert, 2005, p, 13). This is exemplified by Nick, the lead reparation officer, who discussed the aspects of his practices that he saw as relevant and how that translated into reports and YOT performance indicators:

*...it might be something that somebody has done, they could have been on an allotment, digging over a new bed to plant some cabbages something nice and simple...it's a difficult one to measure and I don't think we will ever, ever sort of get the true impact of some of the work that we do. (Nick - YOT reparation officer)*

Nick explained that the most impactful work occurs in irregular places and during impromptu moments that become lost within administrative frameworks that lose sight of nuance and the processes needed to gain results.

### 5.3 Social Work Through the Back Door

Though dominant cultural values appear disjointed from administrative youth justice narratives, an outright rejection of central frameworks and messages would likely place the YOT in a highly vulnerable position. Like Bourdieu's (1988) prism (see section 3.2.2), caseworkers do not feel the full effect of managerialism. This research has found a layered operational structure that insulates the existing social work occupational culture while engaging with the government and partner agencies with the appearance of a *justice* agency. The outer layer of the YOT consists of those charged with interacting externally, and their roles are to respond to the managerial obligations imposed on the YOT and ensure that it is seen to be operating as a YOT should – this layer is the *face value* of the organisation. Behind the *face value* is the *face beneath*, where cultural aims and values can play out, concealed by the protective outer layer.

#### 5.3.1 The face value - *Who pays the bills?*

Though caseworker staff felt that administrative frameworks remained an ongoing problem for the YOT, Frank highlighted that the government changes had seen a “rolling back” of such rigid parameters:

*...throughout the Blair/Straw years, the criminal justice and youth justice was just full of KPI's; there were so many it was unbelievable. And, now we are down to just three and that is as a result of the idea that the philosophy of the Conservative government, almost like the marketplace decides, so we will just give you very small (pause). Rolling back the frontiers of government as well as the welfare state. But, rolling back those frontiers, so as a result, an awful lot of the pressures have been reduced so what it has done is that, what it has done in my head is whilst it is has stopped boxes being ticked and quick fixes being implemented. (Frank - YOT middle manager)*

Frank welcomes a shift in youth justice tact as it relieves pressure to adhere to the binds of administrative practice frameworks. However, reduced administrative constraints are replaced by newer pressures of marketisation (see Frank's comment above). The impact of austerity has brought the threat of reduced budgets and outsourcing services, which have revitalised and intensified pressures to perform successfully:

*I know that one of the ways that often governments will do if they are unhappy with something, particularly tory governments, is that they will starve an organisation of resources then promote the fact that they think it is failing and so what they need to do then is bring in the private sector to bring it up (Frank – YOT middle manager)*

The partial privatisation of probation had marked an ideological shift in the treatment of offenders. Within probation services, there were concerns that managerialism had increased workloads, reduced time, and the recruitment of underqualified officers, which had reduced the quality of interaction between caseworkers and clients (Kirton and Guillaume, 2019). Mike was worried that the YOT could face a similar fate. Though administrative KPIs may have been reduced, austerity has created new pressures to present as an economically efficient youth justice service provider. Though probation is further down the track than youth justice, parallels are drawn with the probation service as Mike saw it as a cautionary tale of what might be:

*You can see what has happened to the probation service, they were seen to be failing in areas so it opened the door for private interests to take over some of their work that have very different motivations and intentions - we must avoid that. (Mike – YOT manager)*

Contextualising Mike's concern, Robinson, Burke, and Millings (2016) capture probation workers' difficulties during the coalition governments' reconfiguring of the service to move sections from the public to the private sector, along with more than half of its employees. Their data draws upon increased importance placed upon performance targets experienced by probation workers who had transferred to the new Community Rehabilitation Companies (CRCs). Robinson et al. found anxieties "around the potential loss of previously negotiated and highly prized values and principles" (p. 176); the reaction to this, particularly amongst senior managers, was turning the focus to protecting a culture they feared would be lost within a privatised landscape. Findings by Robinson et al. are reflective of the genuine anxieties shown by YOT management, believing that social work cultural values could lose focus on profit margins:

*Obviously, if a private organisation does that, there will be a profit element to it, and I don't believe there is any place for profit in altering people's lives. (Frank - YOT middle manager)*

Robinson et al. (2016) note that probation workers who had transitioned to the CRC experienced a torn identity “between two worlds” (p. 166) as they attempted to hang on to “old” principles with a new operational structure. YOT managers attempt to prevent the same fate by ensuring performance outputs mirror the state’s requirements. Later, the researchers highlighted that probation managers, during the partial transition to privately owned CRCs, experienced structural change, which caused a reaction in managers to attempt to protect cultural norms and values (Millings, Burke and Robinson, 2019). They note that managers took responsibility for protecting the ‘probation ethos’ against the broader political landscape that had abandoned them. Millings et al. explain that managers who had transferred to the CRC believed that performing successfully within the new private structure would allow operations to “function undisturbed by the new owners” (p. 65) but would ultimately succumb to the new framework under the weight and intensity of performance scrutiny. YOT managers are keen to avoid what happened with probation and to avoid pressure penetrating too deeply. It is difficult and less easy to resist change once those systems immerse you, the plan at the YOT is to keep pressure skin deep. By increasing the importance placed on performance targets internally and presenting as quantifiably efficient, it is hoped they may avoid forced wholesale structural changes to the organisation and its principles:

*So, perhaps to be able to survive in this environment we need to be able to be demonstrating that under the current funding regime that we are providing what our funders want. (Frank - YOT middle manager)*

Frank highlights here that the task for the leadership team is to craft ways to demonstrate success using the language used by the funders. Studies by Smith and Gray (2019) and Kelly and Armitage (2014) also found evidence that ‘risk’ and ‘early intervention’ discourses remained firmly in place within youth justice practices. The studies suggest that ideological changes in policy have yet to take effect in practice, which is reflected at the YOT in the way that practices continue to be translated into those discursive framings. For Frank and Mike, it is a simple matter of showing your worth as a *good* youth justice provider to protect the YOT’s future:

*People are not returning to the criminal justice system; we need to demonstrate that to those who pay the bills. (Mike - YOT manager)*

Mike is committed to providing outputs that depict the YOT as successfully achieving its primary target as a justice provider. Smith and Gray (2019) similarly report observing strategic plans presented as business plans and comment on a conflicting dynamic between a decentralised state youth justice approach and the “persistent and large-scale reduction in resources available to local agencies responsible for the delivery of youth justice” (p. 556). Remaining committed to producing business-like efficiency is a pre-emptive tactic to secure the organisation’s immediate future.

Mike, the YOT manager, had been in that position whilst I was a practitioner there, meaning that during our first in-person encounter since I had left the organisation, Mike explained how things had changed and how practices had developed. Unexpectedly, Mike boasted that the most significant change to the YOT was the appointment of a data analyst. At the time, this response was a surprise, but not enough to probe further enquiry as it felt peripheral to the research objectives. However, in the days that followed, as I re-engaged with the culture at the YOT, I pondered how a data analyst could become so important to an organisation focused on welfare, especially within a culture where statistical outputs were understood as being unrepresentative of internal practices and meaningless to the reality of casework. This became incorporated into the interview design to explore the role of statistical outputs in organisational success. Importantly, caseworkers generally understood that the YOT must cooperate with national policy and be recognised as efficient:

*The YOT has to answer to key indicators in targets and other stuff and that, a lot of those are politically driven. So YOTs are working to a political structure that is, that you’ve got to work with whether you agree with it or not... (Alan - YOT Caseworker)*

And, with that understanding, caseworkers recognised that the YOT was in a position where there is a necessity to produce an administrative image, albeit an unreflective one:

*I think a data analyst will provide the figures that the boss of the YOT needs to provide. How can you work these figures to show ‘this is successful, that’s successful’, how can you quantify that you, you know, if you work with that one person; how do you know if that young person is going to reoffend? You don’t. (Alex - YOT seconded police officer)*

Statistical representations of casework remained perceived as unreflective and useless in understanding the needs of children. Caseworkers such as Alex and Nick understood the purpose of a specialist data analyst as a way of having a specialist who could effectively communicate an image of success:

*I suppose so he can provide some information and stuff to the other men with clipboards, I suppose. (Nick - YOT Reparation Officer)*

Whilst Nick recognises that the YOT must commit to an administrative tactic, his comment also suggests that this is not something he has to concern himself with in carrying out his duties. Nick continued to detail his disillusionment with national youth justice policy and policymakers and their disconnect with the realities of YOT casework:

*I don't think central government know what is happening within these walls. I mean I know the statistics will go through to the YJB and they will get reported up, but I think higher up the ladder, unfortunately, it gets lost... it's just unfortunate that it's just somebody, as what I perceive, has a clipboard just looking at some stats. (Nick - YOT Reparation Officer)*

Nick's comments crucially acknowledge the importance of how the YOT reports its operations to those "higher up the ladder" while alluding to what he perceives to be a bogus depiction of practice realities. Nick believes that the realities of practice are lost in the methods of communication between the YOT and the government, and he was right. Like Young (2011), YOT managers believed that the state is only concerned with outputs. However, this provided an opportunity to manipulate a statistical representation safe in the knowledge that no concern would be given to how that data was produced. A data analyst's role is to ensure that the YOT remains relevant and creates an actuarial image expected of a successful YOT. Though Mike explained that managerialism 'strangled' the YOT, he followed that up by explaining that statistical outputs can be shaped to show success:

*Figures can be made to reflect good practice; they can be presented in different ways. (Mike - YOT manager)*

Though managerialist policy is seen as incapable of responding to welfare, it simultaneously allows the YOT to retain its cultural values.

Ian was the most senior participant and operated within the higher echelons of the local authority, the YOT was his responsibility. Ian's comments on the YOT's purpose and then how he communicates its successes were significant in adding to the evidence that the YOT operated on split levels, during the interview, he explained what he saw as the YOT's purpose:

*What I see as the role of the Youth Offending Team is having skilled practitioners that can engage with disaffected young people, disengaged young people, marginalised young people, whatever circumstances young people that have fallen out of other services (Ian - Service Director)*

Ian does not mention offending or tackling criminality; instead, the focus is placed on practitioners' ability to engage and build relationships rather than their ability to follow instructions or implement intervention programmes. Ian's emphasis is on meaningful engagement and makes no mention of the nature of criminality. However, when the discussion turned to how those purposes fit in with their broader commitments to the government, a change in operational tact was described. Ian explains that outcomes must *clearly* be reflective of the justice measures:

*...if I am talking to the Youth Justice Board or engaging with the Youth Justice Board we need to be saying and being very clear in showing how we understand where our performance is, where it has been, where it is going, what the trajectory is and we need to be able to talk very clearly about what we are doing around those three measures (reduce first time entrants, reduce reoffending and reduce custody rates). (Ian - Service Director)*

Ian was acutely aware of their performance as members of the penal field, that they are measured by their ability to affect criminality patterns, and that they must ensure that they show themselves and understand their role as youth justice service. Ian describes the split nature of the YOT, firstly describing the *face beneath*, which hosts a welfare-based culture, and the *face value*, the outer layer, becomes the organisation's image. This presents a risky organisational strategy of deception, where what is said and what is done are different. However, Ian went on to explain that the difference between his version of organisational purpose and what gets reported are not unrelated, but skills are required to draw upon linkages:

*A different language might be used, different ways of measuring might be used, but actually, if we are clever, we can find a way of reflecting - making sure our practice is meeting both. (Ian - Service Director)*

Ian describes a model whereby the YOT must be imaginative in representing itself to protect its values. It is a fear that being viewed as inefficient would open the door to more invasive cultural strains, like those seen within the probation service. Therefore, to resist this, managers have employed administrative tactics and tacticians to ensure that internal happenings are translated into the language of governance. Presented at the YOT is a reinvented version of bifurcated youth justice; instead of a conjoined twin-track model of practice, it is a twin-track model of operations that runs competing and separate priorities in parallel. The *face value* acknowledges a marginal and vulnerable position in the penal field, requiring the YOT to show a commitment to justice. The *face value* of the YOT is a significant feature of this study. Though its existence is introduced here, its complexities and those practitioners whose role it was to tend to it are explored in more depth in the following chapters.

### 5.3.2 The face beneath (the face value) - *That's just stuff on paper*

Practitioner's narratives support Cohen's (1985) cynicism that bureaucratic criminal justice frameworks negatively affect vulnerable populations by losing sight of context, meaning and needs. Findings in this study reflect a key theme found by Smith and Gray (2019): under successive governments, YOTs have endured a withdrawal of direction, but with that comes the opportunity for localised flexibility. Reducing KPIs also means less obligation to respond to children's needs beyond lowering recidivism rates. As Garland (1996, p. 458) points out, "New performance indicators tend to measure outputs rather than outcomes, what the organisation does, rather than what, if anything, it achieves". At the YOT, outputs concern those operating at the *face value*; beneath that, outcomes are the unacknowledged concern of those prioritising welfare considerations ahead of justice and administrative duties.

A protective layer ensures that internal logic remains intact. Ian, in continuation of the above discussion, candidly explained that the image the YOT provides of itself externally is not proportional to what is to be found internally:

*...the data is only a headline, you know numbers coming into the system, numbers not reoffending, numbers going into prison, numbers engaged in education, training and employment, numbers that breach, these are all only headlines, to get down to reflect properly*

*what happens on the frontline in the quality of what we do, you need a deeper analysis... (Ian - YOT Director)*

Ian acknowledges disparities between bureaucracy and practice by describing statistical outputs as the headline. Different managers spoke similarly, feeling pressured to provide a bureaucratic image of their service that did not accurately corroborate service delivery. Managers routinely felt the strain between culture and managing KPIs, the struggle to balance the management of bureaucracies whilst retaining a grip on their welfare motivations. This was particularly true during the interview with Les, the manager of the Outpost. Les was a long-serving member of the YOT before being promoted to managing the Outpost team and relocating with it:

*As a manager, I have got to look at all the data and we input and interrogate a massive amount of data. But one of our KPI's is how many people we get to that first appointment. Well, that is fine, that is measurable and yes, we can look fantastic, but it is whether they then go on to engage and reduce whatever or access whatever and that is not measurable. (Les - Outpost manager)*

Les typifies pressures to retain an image they see no worth in beyond validating their service within the penal field. Like other managers, Les views the real issues as social harm, viewing *offenders* as social victims, as expressed here by Frank:

*If you look at the statistics around and the people that find themselves in the criminal justice system, huge, huge sways of them have medical problems that are picked up by the criminal justice system rather than by the social care system. And, with the best will in the world, the criminal justice system is inadequate to deal with those people. (Frank - YOT middle manager)*

Frank and Les did not dismiss the importance of KPIs, but their significance is not attached to successfully responding to children. Their importance is related to their ability to project an image of success. Within the caseworker ranks is an understanding of a predicament where management juggles competing priorities. However, their primary focus is continuing an operational culture committed to children's well-being.

Cohen (1985) describes practitioners who desire to do good and hold genuine altruistic intentions as ideologists. However, Cohen warned against the good intentions of organised benevolence that may do more harm than good, which could apply to the YOT. It is not in the practitioner's ideological perspectives or skill that makes their delivery of state programmes problematic; it is misleading what attests to achieve that begins the problem. For Cohen, programmes represent

a desire to exercise state control, by aiming to modify those behaviours on the precipice of social acceptance, that straddle the borders of delinquency and social disorder but tread firmly into neither, Cohen argues that examples of control measures are often branded as 'doing good' to help those marginalised or exhibiting risk factors, allowing the practitioner to deliver pervasive programmes of social control dutifully. State control is achieved through the deception of professionals who believe they are doing one thing when they are really doing another, as warned by Cohen (1985, p. 136); "there is no need for the state to act as parent and teacher if parent and teacher can be made to act like the state.". However, evidence from the YOT suggests that managers and most caseworkers are not deceived and actively condemn the will of the state:

*...we know that the system doesn't work, it just further criminalises them. It doesn't address the real issues that these children face. (Mike - YOT manager)*

Practitioners see youth justice structures as hindering the opportunity to respond to the *real issues* that children face, and with that aim to resist state harm, which allows them to implement alternative practices. Though the YOT remain connected to social control structures, they are not blind to these and seek methods to reduce their impact. Giving testimony to this is Alan, who suggested the building blocks of a YOT are based upon a perception that youth crime is out of control:

*...there was a lot of panic around youth crime and everything so YOT's were established, but they were sold as a really good idea because we'd have professionals coming in together into a YOT and they would know what works with youth offending and all the rest of it. (Alan - YOT Caseworker)*

Importantly though, Alan explained that this is not the reality of the YOT:

*...when you get into a YOT, when you work in a YOT, it's very different to all that, all that is just stuff on paper really, all that stuff, kind of academic stuff. In reality, for me, the YOT is about, it's just about helping children really, it's and it's just, it's ideal because all the people who come into a YOT we all have, we all end up with exactly the same focus. (Alan - YOT caseworker)*

For Alan, the focus is not on *youth crime* but on helping children; within the YOT, there is unity and a shared drive to achieve that. Alan's comments typify how most caseworkers at the YOT were removed from pressures surrounding youth justice outputs. The pressures to engage with and respond to government directives' demands and adhere to frameworks were felt keenly by

managers and organisational leads but much less explicitly by practitioners operating on the frontline.

With that, caseworkers took pride in achieving their welfare-based goals under the cloak of a justice intervention:

*It's like social work through the back door, really. (Nick - YOT Reparation Officer)*

Across YOT practitioners, there was a predominant feeling that their roles were free from youth justice frameworks and that those concerns were for managers. However, where other research has found strained manager-caseworker relationships, this was not presented at the YOT:

*Managers also, I think, struggle sometimes with you know, working the two together [justice and welfare] more so than the workforce, because the workforce will sort of say "well that's management territory, I'm here to help young people" and all the rest of it. But I think, if you spoke to a lot of managers in the YOT they also really are putting children first. If you spoke to Mike\* (YOT manager), his main priority would be children, what matters to children and it wouldn't. (Alan - YOT caseworker)*

This is unlike the findings of Morris (2015), who found strained manager/caseworker relationships because of management attempts to implement new evidence-based practices, which caseworkers resisted. Like Millings et al. (2019) found within probation, Morris alludes to the constraints of managers succumbing to pressures to instil changes that disrupt current methods. However, the key difference at the YOT is that management seems to share a resistance to change, recognised as a sign of solidarity among other members.

## 5.4 Replicating Culture at the Outpost

Data gathered at the Outpost highlighted the development of a new culture along with different understandings of restorative justice and its operational value. The data gathered at the Outpost provides an opportunity to capture the impact of new strains and conditions on practitioner attitudes towards restorative justice. The Outpost is presented as a case within a case study where occupational values have begun splintering from their cultural origins, allowing the study to benefit from testing the YOT's cultural effect on restorative justice within experimental conditions. Therefore, although the Outpost team had significantly evolved, it needed to be included in the study.

The manager of the Outpost team, Les, has views in line with managers at the YOT; having been a long-term member of the YOT, Les' occupational aims and values were in the social work mould, which can be seen in the comments illustrated above in this chapter. Significantly, Les considers YOT values are reproduced at the Outpost:

*But we have certainly taken that ethos of the youth offending team with us. (Les - Outpost manager)*

At the YOT, there is confidence that an established social work culture will see off attempts to corrupt it from political and policy change. Management may have imagined a carryover of operational values as longstanding YOT members had been responsible for embedding that ethos in satellite locations. At the time of the interviews, the YOT had recently been awarded funding to instil a second Liaison and Diversion Team in a different district's police headquarters, which Frank was overseeing. Though the second *Outpost* was not operational in time to include in the research, Frank described it as an "expansion" to the service. This implies the intention behind an expansion was to further the YOT's reach by reproducing its approach to youth justice and the values underpinning it in new areas.

Bolstered funding meant that the team had tripled in personnel since moving from the YOT. Despite tasking Les, a senior and long-serving member of its leadership team, with the expansion of its culture, doing so is not without its challenges. Only two practitioners had moved from the YOT, Les and a single caseworker, with only one month of experience at the YOT before the move. The remainder of the team was recruited after the relocation. Only four newly recruited caseworkers had extensive health or welfare practice experience, meaning that out of 13 team members, less than half had experience operating within a social work setting, of which only one had significant experience at the YOT. Therefore, intentions of expanding a culture would significantly rely upon Les to cultivate a culture reflecting the YOTs. A further handicap was the addition of new strains and socialising pressures in the new working environment. Data gathered from Outpost practitioners showed that the police culture significantly impacted team dynamics. The immediate team space was impacted by operating within a police building and this was exacerbated by the secondment of two police officers. These feelings were felt more by some

non-police members of the team such as Sam, whose background was in health described her concerns around the cultural potential impact of their new environment:

*So, for me I was very conscious that when we moved into this building and we were a new service, and we were having to sell ourselves to the police. (Sam – Outpost Team Leader)*

The Outpost feels strains on culture differently than the YOT, as justice frameworks are more obviously exerted upon the team. The overtly *criminal justice* nature of the building and its many inhabitants meant the doxa there was contrasted to the YOT, meaning that in Bourdieusian terms, the habitus of welfare-oriented practitioners may not be best placed (Bourdieu and Wacquant, 1992). Nevertheless, the Outpost became an opportunity to test the YOT's culture within dynamically different environments and how those dynamics affected restorative justice. Using Bourdieusian logic, the YOT's field was initially confined to the YOT, an isolated habitat of like-minded individuals. Within that protective environment, habitus and capital had been established over two decades to reflect its members' social work culture. Bourdieu (1984) suggests that a more established field can better resist pressures from conflicting fields, meaning YOT values are better protected within the confines of the institutional walls at the YOT.

Furthermore, the YOT has the added benefits of having a culture that is historically entrenched in values that precede it as a YOT and of being physically ostracised from competing forms of logic. However, in leaving the YOT's safety, the Outpost loses many of the YOT's inherent physical protective factors and with a new team, it is vulnerable to pressures and strains from the penal-field. Though Les intended to take the YOT's *ethos* to the Outpost, data shows that the values and operational culture had acclimatised to a new habitat.

#### **5.4.1 *The Pink and Fluffy and the Black and White***

As a practitioner, I would have daily interactions with an arresting officer of one of the cases I was intervening in and also when based in the local police custody suite two evenings a week to perform an immediate risk assessment. Generally, I built good working relations and rapport with police officers. On several occasions, we would acknowledge a mutually beneficial relationship where they gave me access to children to divert. I generally saw police officers as having contrasted operational objectives to mine, by unburdening them from what I believed most

police officers saw as tedious police work. Whilst, we might have been performing a multi-agency approach with the same goals, I never saw police officers as *one of us*. In a similar vein to Reiner's (1985) depiction of police officers being interested only in cases involving *good-class villains* acknowledged as worthy adversaries, I too saw that officers were often uninterested in the needs of a child who had committed a minor offence; this only distracted from *real* police work. However, this view was not extended to the YOT's resident seconded police officer, Alex. Alex had been a police officer for thirty years but spent the last nine as a YOT police officer at the YOT. As a practitioner, I worked with Alex daily, and though I knew she was a police officer, I had never questioned her commitment to the YOT's aims and saw her as a full member. Alan, a longstanding YOT practitioner, sheds light on why I may have seen Alex differently from external police officers:

*A police officer seconded into the Youth Offending Team comes in as a police officer and six months later leaves as a social worker. I think a lot of that is the organisational culture of the YOT rubbing off a bit. (Alan - YOT Caseworker)*

Alan suggests that the strength of the YOT's culture causes seconded police officers to adapt to its culture. In this sense, the YOT's culture is strong enough to resist cultural change, contradicting the status-quo power dynamic of justice/welfare occupational culture adaptations. Alan described the police as the "dark side" (5.1.1) but suggested they can be socialised into aligning their values with the YOT. Alex's account supports Alan's account of a cultural fracture between the YOT and the police; she explains the cultural differences between the YOT and the police and her transitional experiences of transitioning between the two:

*I always call it 'the black and white' and 'the pink and fluffy'. The pink and fluffy are 'yes we know what's the difference between right and wrong, but we will be nicey-nicey about it'. Whereas, the difference with police is the difference between right and wrong, and there is no pink and fluffy side. In the police force, when you get a prisoner in, everything is black and white, you have to prove that they have committed a crime and you've got to prove the points of the crime and there is no leeway. (Alex - YOT seconded police officer)*

Adding to the narrative that social work is seen as a lesser, *soft* approach within the penal field, Alex describes the cultural clash between policing and the YOT, where one is understood as rigid and uncompromising, and the other is weak from compassion. Although being a police officer makes up most of Alex's occupational biography and remains a primary occupational identity, Alex provides a personal account that validates Alan's hypothesis. Alex had described her

perceived contrasting values between the police and social work practitioners before her secondment but then went on to describe a transition that included the adoption of new values and undertaking an occupational metamorphosis from a police officer into a social worker:

*When I first started, when I went into law enforcement, I would not have dreamt of coming to this side of it; I was law enforcement (pause). Moving into YOT (pause) you then tend to have a fluffy exterior and work a bit more like a social worker than a police officer. (Alex - YOT seconded police officer)*

Alex's account reflects similar trends to Souhami's (2007) ethnographic findings, where YOT social workers saw a clash of values with police officers to the extent that it would prevent co-working. Furthermore, Souhami found an example of a seconded police officer who enjoyed full membership to the team, as Alex has done at the YOT. Members saw the police officer as displaying values aligned to their own, which are different to other police officers in a similar way to Alex's "pink and fluffy" virtues that likely resulted in her cultural acceptance:

*I have gone out, and I have sat in people's houses for an hour and a half talking to them and delving deep into the background what's going on, and you come away half the time, and you start thinking, 'god, I want to take that kid home with me' I feel so sorry for them... (Alex - YOT seconded police officer)*

In an isolated case, Alex illustrates the strength of the YOT's culture. Adopting the values and ideals of the new environment, reinforcing the belief that the YOT is superior to other youth services:

*We have facilities here, and there is all sorts of opportunities for young people to turn their lives around, and the people that we have here that provide all these interventions is phenomenal ... we are very lucky here (Alex - YOT seconded police officer)*

Alex also explained that she had made moves to neglect the 'black and white' rigid operational practices of the police and had embraced the intuitive approaches found at the YOT:

*No one here is blinkered. No one here would go in and work with a young person and say there is no leeway. Everybody works with instinct here. (Alex - YOT caseworker/seconded police officer)*

However, police culture is experienced differently at the Outpost. The Outpost seconded officer, Paula, had been a police officer for ten years with no prior welfare-based practice experience. Data provided by Paula suggests that she had adopted some YOT values but held on tight to her

police identity. During the interview, Paula routinely answered questions from both a policing stance and an Outpost practitioner's stance, showing a perceived difference in values, through which Paula was keen to retain her status as a police officer.

*I change caps, to be perfectly honest, although I see it as a bit of a skill. I mean, I am always a police officer because that is my job but I think I do have a certain degree of discretion with certain situations that I go to. (Paula - Outpost seconded police officer)*

In practice, Paula explained that she used different *caps* depending on the requirements of the case and individual but that, ultimately, she could never entirely commit to social work values without keeping one hand on her policing identity:

*Part of my role is dealing with complex people that have got a variety of issues, and part of my role is to interject and try and stop them from reoffending. And, I can't do that if they think they are talking to a police officer, you know? If they tell me that they are smoking crack every day or whatever. I am going to do something about it, I think I have to be somewhere in the middle rather than in one camp or the other, does that make sense? I mean, I do switch caps, I suppose. (Paula - Outpost seconded police officer)*

Whilst Paula had less time to adjust to the Outpost's welfare priorities fully, she showed less willingness to lose grip of her police values as she went on to assert that policing remained her primary identity. With that, giving her a different skill set from her Outpost peers, allowing her to *investigate* and query the needs presented by children:

*I potentially, (sighs) oh, it sounds really horrible, but like some of the members of our team are quite - they focus on that individual and that persons vulnerabilities and they take every word that person says as gospel. Whereas I think, me, because I am from a policing background, I think I am, not judgemental but, I think I take a lot of it with a pinch of salt and think 'actually I am going to look into that a bit more. (Paula - Outpost seconded police officer)*

Though this research acknowledges that Alex had spent significantly more time within the YOT than Paula, comparing individual experiences is hardly grounds for representative data. However, the difference between attitudes proves crucial when aggregated with contrasting factors between the two sites. The Outpost is noticeably different from the YOT; as I sat with the team waiting to meet participants, I was aware of the surrounding police environment within a large open office. The open office hosts various policing teams in clusters of around twelve desks; the Outpost team are the only non-police group there, and the proximity of nearby police officers had a stifling effect on discussions. Unlike at the YOT, where conversations were open,

sometimes to the point of being rowdy, Outpost discussions were comparably subdued. During conversations between the team, I witnessed members often glancing over to adjacent teams to check for glances from neighbouring police workers, then checking their noise levels or drawing the conversation close. An omnipresent police nature impacts the organic sharing of best practices and the development of shared values, making it difficult for a police officer to let go of an established occupational identity because the environment affirms their original identity.

Further evidence of this is Stevie's account of the difference between the YOT and Outpost. Stevie had worked for a short time at the YOT before moving to the Outpost and made a point of referencing their contrasting environments, making note that at the YOT, it was relaxed and cohesive, which was not felt at the Outpost:

*It's more relaxed at the YOT; it's relaxed here (Outpost), but it is separate. At the Youth Offending Team (YOT), I think it is just that everyone gets on and everyone knows each other. It is not like here. (Stevie - Outpost caseworker)*

Stevie's comments here are crucial; they depict a harmonious YOT environment with mutual understanding that is not reproduced at the Outpost. Arguably, practitioners at the YOT know each other and get along *because* of the relaxed atmosphere. The impact of police culture has a crucial bearing on the team, especially among practitioners with welfare-based occupational backgrounds. Four of the eight Outpost caseworkers had health or welfare practice experience before joining the Outpost team, and three of those suggested that the Outpost culture differed from what they had previously experienced. Angie had a background in mental health practice and made direct reference that the seconded officers struggled to adopt a welfare approach:

*Because we have police officers working within our team, the police still come at it from a slightly different angle they still, they are very much the justice side of it and it's like, well, you know they have broken the law and you sometimes still hear a little bit of bias (Angie - Outpost caseworker)*

Angie points out a value clash within the team, suggesting that members from a police background retain criminal justice aims that contradict hers. This reflects Souhami's (2007) findings, where YOT practitioners were unaccepting of police officers in the team and cited a clash of ideals as the reason. Bourdieu (1990) suggests that an established field will resist change, and new members are likely to adopt field-specific habitus to fit in with the rules of that field.

Therefore, using this logic to understand the contrasting environments, because the rules of the Outpost are defined by criminal justice, newly introduced practitioners are likely to socialise in those settings. Those already initiated to the police's values are unlikely to change in an environment that shares their existing logic. The established rules at the YOT are reversed at the Outpost; at the YOT, the rules are set to social work values, resulting in Alex acquiring field-specific habitus. However, for Angie, the rules are set within a regional police headquarters where her existing field-specific habitus is well placed and does not need to adapt.

Further support for this might be found in comparing dress sense between the seconded officers. During fieldwork, I never saw Alex in uniform, and in my dealings with her as a practitioner, Alex only wore a uniform when she had to perform formal police duties such as delivering final warnings or attending court. However, Paula was only ever in police uniform when I visited the Outpost. Although this could be a coincidence, that is unlikely and suggests that Paula's primary occupational identity remained firmly in place. Whilst such a small detail may be passed off as insignificant, research has already recognised the importance of symbolic power (Bourdieu, 1991). This has been applied to the ways police officers generate power as popular imagery of policing is re-articulated through culturally recognised symbols, such as handcuffs and uniforms (Loader, 1997). More recently, Rowe et al. (2023) have shown that police officers self-legitimise their authority by leaning on their uniform to define themselves, dispel critique of police work and anchor themselves to their occupational identity. This can be contrasted with the findings of Scholar (2012) on the significance of dress in social work which suggests that dress code is based on the individual representation of the practitioner, whilst participants generally claimed that work attire "...is a form of dress that appears 'professional' yet does not erect barriers..." (p. 377). This potentially frames Paula as an individual whose cultural capital remains tied to police work. In contrast, Alex now draws capital from social work membership and only regresses to their police uniform when symbolic authority is perceived as necessary.

However, more problematic for the Outpost team is the potentiality for those with a welfare habitus to be conditioned to the criminal justice setting and not its ability to recondition a seconded officer to a more welfare-based value base. Furthermore, there were signs that this process had already begun. For example, most team members wore their building access ID as

their primary ID badge. The badge had their picture, a prominent police emblem and “police” emblazoned on it. Although the staff needed this badge to enter the building, they used it as their primary ID instead of their local authority badge.

Additionally, while meeting team members to arrange meetings, I struggled to converse with a particular team member to arrange an interview. He did not acknowledge me each time I visited and usually went outside to the smoking area. He was a tall man who was always in a suit, which was noticeable because dress sense for YOT and Outpost practitioners tends to be ‘smart-casual’. His tie was always loose, and his top button was undone, and he did not present as particularly approachable. Each time I encountered him, he would have just emerged from the smoking area with an oversized distinctive coffee mug, shaped like a traditional blue police phone box, in hand and wearing his police badge, adding to this image, when his mobile phone rang, it would play the theme music to the Western film *The Good, the Bad and the Ugly*. This member evoked connotations of fictional police detective characters who once might fit Reiner’s (1978) ‘new centurion’ police typology, devoted to crime fighting but had been in the role so long that they had become disillusioned and begun to care less about presentation and detail. However, I would later find out that the member was the team’s child mental health specialist and was therefore deemed ruled out of the interview process because he was not involved in restorative justice or case management.

Additionally, I must caveat these depictions by stressing that I acknowledge the thick layer of artistic license and bias that inform them. Despite that, this may be an example of a member embracing features of a more exciting and salacious occupational culture that other studies have found. For instance, Worrall and Mawby (2013) found examples of probation workers enjoying “the lure of notoriety” of testing the boundaries of acceptable practice whilst working with offenders and being “attracted” to criminal lifestyles (p. 114). The following chapters will highlight that aims and values had a shaping effect on restorative practices because values were linked to the environment, restorative justice was realised differently across the two sites.

Crucially, not all police cultures are negatively received by social work practitioners. Souhami (2007) shows that YOT practitioners separated police officers into *old* and *new* eras and were

more welcoming of perceived old-style police officers. Souhami shows that younger police officers tended to be viewed less favourably by YOT practitioners because modern policing was perceived as prone to violence and less likely to engage in effective communication. In contrast, the old era of policing was likened to the rural community police officer who saw communication as a prized skill. Furthermore, the ambivalence to contemporary policing culture and an attachment to “conventional rural community” responses were crucial for the officer’s successful absorption into the YOT (Souhami, 2007, pp. 70-74). Again, Souhami’s findings mirror the culture of the YOT, where Alex is a full member of the team in the cultural sense and credits an ability to communicate effectively with children to symbolise her integration:

*I work a bit more like a social worker than a police officer, and I find that easier, easier to do, and I find it easier to talk to young people. (Alex - YOT seconded police officer)*

Souhami (2007) found that practitioners would pinpoint a change from an ‘old’ to a ‘new’ era of policing that brought about a culture shift. Old-era police officers were more likely to be accepted by their social worker peers because they felt there was more cross-over in skillsets. The situations of Paula and Alex reflect Souhami’s (2007) findings. For Alex, the YOT has a socialising effect on her and has seen her inclusion. At the Outpost, Angie above explains that the team’s seconded officer, Paula, remains fixated on justice. Paula’s 10-year service could be regarded as comparatively junior next to Alex’s 30-year service. Alex explains the new era of police practice, which supports Souhami’s findings, and why Paula might be less accepted by her peers:

*Bobbies, nowadays they are so overworked and there is so much to do but they are given a workload, they are given crimes to investigate and their main objective is to investigate that crime and get a prisoner for that crime, interview them, deal with it and have the crime written off. There isn’t time for them to say, ‘oh he did it because of this’ or ‘he did it because of that’ and ‘we don’t really want to criminalise him’. That’s not the police officer’s job, they need to find out who did it, why they did it and prove that they did it. (Alex - YOT seconded police officer)*

Alex describes a new era of policing that is categorised by pressure to work swiftly through large caseloads, where establishing moral context requires the inconvenience of time-consuming fact-finding discussions. In a MacIntyrean (1984) sense, the new era of policing typifies the issues with rational bureaucratic practices where a process becomes void of contextualising ethics. Instead, the objective of the process is not to *do good* but to complete the process in the most time-efficient way that successfully achieves the organisation’s aims. The transitional operational

culture found by police is also reflected here, where the YOT indicates old ways, and the Outpost employs new, managerialist techniques.

Providing evidence towards that argument is Dave. Dave had experienced both eras of police culture and gave romanticised accounts of being able to give children “a clip behind the ear and take them home” following minor matters. However, like Alex, Dave saw strategic change damaging the ‘ethics’ of policing and cultivating immoral responses to youth crime:

*The government in changing their standards of policing and procedures you get a situation again as I saw it in my seniority within the police service that young people were getting arrested, handcuffed, put in the back of a police car or police van, taken to a custody suite, solicitors called or appropriate adults called out and it gets a bit heavy. (Dave - Outpost caseworker)*

Beyond adding strength to Alex’s account of policing and the reason why old-era police cultures more easily fit in with the culture of the YOT, Dave also provides an account as to why the Outpost culture displays similarities to the new era of policing:

*Some of our colleagues throughout the country, not just here, when they have been at it 3 or 4 years then they can, their worth to this situation to this service will be far greater. (Dave - Outpost caseworker)*

Dave points out that he has “seen this happen” already (in the police) and recognises similar themes playing out at the Outpost, where a lack of experience was affecting their ability to understand the context in the circumstance, the situation or have empathy for the children under their supervision. Dave suggests that a process-driven culture and an inexperienced team means they cannot draw upon *feelings* and instead respond to children through emotionally detached processes. Dave suggests the transition from *old* to *new* styles experienced by the police is now happening at the Outpost. Dave’s testimony indicates that the YOT’s siege mentality has not fully transitioned to the Outpost.

## 5.5 Summary

Using an analytical strategy sense is made of the YOT’s positioning in the criminal justice landscape, and the YOT’s relationship with entities it must work with or is governed by is explored. The findings in this chapter have responded to the research aims, *to examine the dominant cultural values that shape a YOT’s ideological aims towards youth justice* and *to assess*

*how YOT organisational aims and values affect how youth justice practitioners consume youth justice policy.* In addressing those aims, the chapter has shown that experienced YOT practitioners feel that cultural values and aims are out of place. Therefore, YOT managers create systems whereby an established organisational culture may resist penal policy and its perceived threats. The YOT has skilfully restructured into two layers, a *face value* layer that speaks the language of datasets and spreadsheets to the administrative requirements of government performance measures and a *face below* that allows justice frameworks to be subverted.

However, the economic uncertainties of austerity have forced one team to search for new dwellings and funders and with it, existing strains are intensified and pose a real threat to a culture now vulnerable in its isolation. Despite attempts to reproduce the ethos of the YOT, data highlights that pressures to adopt criminal justice cultural values are exerted with more intensity at the Outpost. The Outpost is an essential element of this study, whilst it helps contextualise how youth justice cultures may be affected by different strains, it also shows the fragility of welfare-oriented values against more dominant criminal justice pressures. The *pink and fluffy* and the *black and white* represent cultural transitions felt across penal agencies that have shifted from *old* intuitive practices, characterised by social care, to *new* neo-liberalised processes. Whilst this transition is resisted at the YOT, it is being played out at the Outpost.

The following chapter will present the data that details the operationalisation of restorative justice within the case study.

## 6. Realisations of Restorative Justice

### 6.1 Overview

Data suggests that practitioners consume national youth justice messages in ways that allow them to be adapted or ignored, and restorative justice has played a crucial role in enabling the process. This chapter details the role of restorative justice within a value system characterised by criminal justice resistance. To the YOT, restorative justice's most prized and valuable quality lies in its ability to be presented as a genuine alternative to criminal justice whilst holding operational ambiguities (Crawford and Newburn, 2003). The YOT takes advantage of restorative malleability to qualify internalised approaches to youth interventions as *youth justice practice*.

Unclear messages on what constitutes a *restorative diversion* afford practitioners occupational flexibility to express themselves in practice. Therefore, in this setting, restorative justice acts as a canon to diverging practices. Data will show that though the strategy at the top was to divert from formal criminal justice processes, for many practitioners, this did not mean that children should escape *justice*. Practitioners have become arbiters of justice, deciding *how* and *if* justice should be administered. They see the YOT as a viable alternative to a failing system, believing that they are better qualified to make decisions on the parameters of youth justice. Therefore, practices that fall under the *restorative* label are subject to practitioners' occupational freedoms. Youth justice is performed inconsistently with the primary goal of intervening between the system and the child to divert criminal justice frameworks. Interventions are realised as an embodiment of what the practitioner believes to be appropriate and though welfare remains a priority, practitioners routinely administer their own version of justice.

Restorative justice functions to give the illusion that practices reflect youth justice doctrines on the surface; in reality, the YOT can implement short-term welfare goals without threatening its membership as part of the CJS. Using Cohen's (1998) application of Mathieson's (1986) notion of *unfinished*, it is argued that the YOT deploys tactics to avoid having its real values dismissed as too controversial whilst resisting the ramifications of systematic reform.

## 6.2 Safeguarding from the System

The YOT has a culture that is at odds with its neighbours within the penal field, seeing it as harmful to children and a hindrance to the YOT's ability to address their needs. Sam, who was second in charge behind Les at the Outpost, had previously worked in health services and had transitioned to the Outpost team as part of the tendering process with NHS. Like other practitioners, for Sam, the emphasis should be on addressing children in a system unconnected to criminal justice:

*If I had a magic wand, I think a lot of the people that we see, a lot of the people that come across our doors should not be here. Really, there should not be a need for our service because if the other services were there and doing their jobs effectively, we would not need to be here. (Sam - Outpost Team Leader)*

In this sense, offending is understood as symptomatic of deeper causational factors that should be addressed through health, rather than justice, frameworks. Furthermore, there was concern surrounding the damage an intervention can induce, especially where children present little to no need of such intervention:

*Young people at 13 and 14 were getting convicted at court, and they would get a criminal record from that and then of course five or six years later when they are applying for some job or position at college or university they were getting a knockback because they had got a criminal record ... So, I feel the procedures sometimes far outweigh the offence that has been committed. (Dave - Outpost caseworker)*

Dave points out the damaging long-term consequences of criminal justice interventions. Adding to a narrative of YJS legitimacy, Frank viewed minor misdemeanours as a regular part of growing up, adding to the age-crime curve understanding of youth crime (Hudson, 2002). Though it should be responded to accordingly, formal state intervention could be damaging:

*Less is more, or just enough is enough if you know what I mean that is probably a better expression. The skill of knowing when to intervene and how much to intervene when you do. (Frank - YOT middle manager)*

For Frank, interventions must recognise that most children require minimal intervention. However, using this logic, the YOT faces a difficult ethical dilemma; a reluctance to intervene would remain true to values and jeopardise the YOT's future. But, intervening contradicts their social work values and increases social harm. Frank's suggestion is the effective balancing of

*tolerance with intervening.* This implies that practitioners may manipulate the intervention *dosage* case by case. During this exchange, after Frank had suggested that interventions may be counter-effective, I probed him on whether the YOT positions itself to resolve labelling and net-widening issues:

*Yes, by not being part of it, to be honest, or just doing enough. (Frank - YOT middle manager)*

Frank's suggestion to "only doing enough" could be taken two ways; the intervention responds to needs only or intervene enough to be administratively legitimate. Given Frank's thoughts expressed elsewhere in this thesis I believe that Frank believed both fell in line with his aims, but given the context surrounding this point I suspect that Frank meant the latter. This provides further impetus to the existence of an administrative face value where *just doing enough* is bureaucratically acceptable as an intervention.

Adding to questions surrounding the ethics of youth justice interventions critical literature has pointed toward the avoidance of due process through programmes presented as alternative justice (2.1.1 and 2.1.2). This was mirrored by practitioners who often questioned the investigative process that led to children being in their caseload. Several practitioners believed that police officers referred children to a YOT despite there being little evidence or uncertainties over guilt because it was the easier option, or the officer was not interested in that case:

*Police officers think 'oh, it's a young person who's committed a crime I don't have to deal with him I'll refer him to the YOT', and they've no idea why they have referred them here or what we can do with them or how we are going to dispose of that crime, how we are going to write that crime off, but they just send it to YOT. (Alex - YOT seconded police officer)*

In my practices I recall implementing Frank's "*doing enough*" strategy, and often having a minimalist attitude to working with a child should I deem the disposal unnecessary. I would meet the child and their parents to assess their needs and potential intervention strategies. Ordinarily, I would ask the child to attend two to three reparation sessions lasting a couple of hours each. However, often the child and their parents would object to the reparations and the child would not turn up because they did not accept their guilt. Often, because I shared their view, I would mark their reparation as complete and record the initial meeting as the intervention. Morris (2015) also found practitioners being creative in working around the system to avoid breaching

children for failing to adhere to a community programme, whilst Souhami (2007, p.48) revealed that practitioners would regularly turn a “blind eye” to the children’s offences whilst under their supervision. Souhami suggested this tactic was directly linked with the cultural clash that youth justice social workers felt between them and the police, adding to the notion that the operational values were incompatible.

Adding to a body of evidence that interventions are manipulated to safeguard from the system is Nick who facilitated and oversaw children’s community reparation work. Nick reinforced a minimalist strategy of *just doing enough* so that it can be recorded:

*Sometimes you make that decision of basically you need to get in, get the work done that needs to be done and then they can get on with the rest of their life. (Nick - YOT Reparation Officer)*

To not *do justice* and opt instead to divert the system marks the practitioner as capable of action. Because practitioners acknowledge the issues of a youth justice intervention, they aim to produce a minimalist model that disrupts the child as little as possible. Therefore, diversion is reimagined; instead of diverting children from the system, the ambition is to divert the system from children. The YOT reframes a model that seeks to protect children under the assumption that they are likely to grow out of crime and formal interventions serve only to buck that trend (McAra and McVie (2010)).

### 6.2.1 Diverting Diversion

*Diverting the system* enables sections of the YOT to operate as an oasis as it looks to withdraw from the penal field, retain orthodoxies and safeguard children from the system. This reconfiguration of intervention is crucial to understanding the YOT and its self-perception as an infiltrator that plays along with expected behaviours only to the extent that suspicions are not roused. Here, Mervyn describes the failures of the YJS and his motivations to keep children from entering it and, in doing so, seeing his practices existing outside of it:

*I guess the first thing I would say is that, again, statistically and evidence would argue quite strongly that young people’s needs aren’t best met in the criminal justice system. So, any method of, I use the term ‘diversion’ if you like, any method of diverting young people away from that formal criminal justice system is welcomed, not only by me but by academics and by other people that champion the needs of vulnerable kids in the criminal justice system, particularly in custody. (Mervyn - YOT middle-manager)*

The notion that formal justice frameworks are synonymous with harm is so entrenched in ideology that Mervyn goes as far as to *welcome any method* to keep children from entering the system. An ideological debate of *welfare versus punitivism* is superseded by the goal of simply keeping children from entering the system and replaced by a *child-first versus harm* perception of their ideologies against the state ones.

Interventions are crafted to preserve or improve meaningful ties to the child's immediate and broader community. This reflects Goodfellow's (2018) point that "desistance is increasingly understood as being produced by an interplay between age and maturation, life transitions and social bonds, and personal and social identity." (p.42). Practitioners prioritised protecting and, where possible, improving the social conditions that warranted the original restorative intervention. In doing this, an intervention may avoid facilitating a perpetual cycle of returning the powerless to unpowerful positions and better reflect core elements of restorative ideology (Thompson, 2002). Mervyn had already described the need to respond to welfare issues as a priority (Chapter 4), but went on to romanticise a by-gone era where for those children that did not require additional support, the reaction was 'informal' and remained in the community to avoid unnecessary contact with the system and avoid its damaging side effects:

*...you know you did something wrong your parents would be brought round, and you'd get a telling off, don't get me wrong, it would always lead to a telling off, but it might be done - it would be done in a more informal way. (Mervyn – YOT middle manager)*

Such imagery could be criticised for flirting dangerously close to Cohen's (1985) warnings of alternative justice programmes that utilise imagined histories as ideological propaganda to appear harmless (see 2.2.3). However, that imagery is arguably not used to justify a youth justice intervention; it is used to justify the opposite and intervene in the intervention. Young (1992) provides a useful tool to frame this logic, suggesting that administrative solutions tend to focus on the individual rather than examining the social causes of crime. This becomes a desirable tactic for policymakers because responses that focus on policing an individual's actions based on statistical data sets become an easier option than social reform. Like Christie, Young (1987, 1992) suggested that for sustainable community cohesion, all members should be able to interact, understand and take some responsibility for justice processes. Young's *square of crime* argues

that criminal incidents include four parties: offenders, victims, communities and criminal justice agencies, adding an extra component to popular restorative models consisting of three (victim, offender and community). For Young, criminal justice agencies act as gatekeepers within the typical triad, interjecting between parties and impeding a democratic response that might otherwise function to deconstruct the hidden social relationships beneath aggravating actions. Practitioner narratives would suggest that their aim is to remove system representatives and ensure that conflict remains in the community setting.

The YOT's culture is not directed toward being excellent at providing youth justice interventions. Instead, the purpose is to intervene and disrupt youth justice policies recognised as harmful, recognise the child's needs first and only provide interventions where necessary. Despite changes in the youth justice landscape at the top, a *child first* mantra (Chapter 2) is neither new nor radical at the YOT. However, it is important to point out that the YOT's resistance to national policy appears to be rooted in the landscape created under New Labour. However, changes in government have seen a reduction in the administrative hurdles (5.2.1), which has been welcomed by YOT seniors as the move away from routine practices provides space for an organisational agenda (see Frank's comments in section 5.2.1). Flexibility within a system still experiencing the jet lag of rigid managerialism has had unforeseen practice effects. Smith and Gray (2019) and Kelly and Armitage (2014) found practice interpretations existing within a chasm created by the structures between the New Labour administration and the new outputs-focused system. Both studies suggest that a reduction in KPI's has also withdrawn strategic direction beyond reducing reoffending. Kelly and Armitage argue that diversion itself is diverse due to successive governments remaining committed to diversion but providing little explanation of how and why it should happen, which has resulted in diversionary practices being left open to interpretation.

Research pointing to an implementation gap is not new (Ferguson, 2007). However, contrary to the literature which has shown the gap exists because of a lack of direction from a national agenda (Smith and Gray, 2019), this study has found that the gap exists because of a resistance to a national agenda. Mervyn was forthcoming in explaining his and his colleagues' occupational aims and their rejection of an offending narrative:

*It's interesting because our team quite often talk about and we quite often say, "we're not necessarily interested in their offending behaviour, I'm not necessarily interested in why they have come to our service". We're presented with young people who, unfortunately, are disadvantaged for some reason. (Mervyn - YOT middle manager)*

Though the cause of the implementation gap is blamed upon diverging interpretations of central policy, this research found the gap is intentional and utilises the lack of clarity to implement different methods. Within that, the YOT houses significant practice variances and discrepancies because of its focus on diverting criminal justice from the child and trusting that practitioner-led alternative options are better.

### 6.3 The Functions of Restorative Justice

I had known, before the study began, that restorative justice had become increasingly part of the YOT's approach. In fact, I was part of the YOT's restorative journey during its infancy before it had grown to become part of the YOT's fabric. Initially entering the field, many participants were cautious of my research intentions but would often relax once they found that the central theme of the research was restorative justice which I took as an indication of confidence in their expertise. I was reminded several times that they had been recognised with awards from a penal reform national charity and a restorative justice national charity, suggesting that restorative justice was well versed and understood across the team.

There was a clear message that restorative justice was fundamentally important to the YOT and its operations. This was evident in the participants' messages and subliminal messages that resonated throughout the building. Upon entering the YOT to collect data, a noticeable change occurred between leaving as a practitioner and returning to conduct research. As a practitioner, restorative justice was limited to a small-scale pilot scheme (from which the Outpost team had developed). This was evident in the differences in wall displays which now showed restorative justice information sheets, project photos, awards and relevant partner agencies, rather than disparate leaflets from various community groups or images of intervention projects that had gone well. Though restorative justice did feature in the language of youth justice in such things as final warnings and referral orders, reflecting critical points made by Crawford and Newburn (2003), it was only to the extent of criminal justice being processed or managed in a community

setting. Although I understand that returning as a *restorative justice researcher* I may have been more open to notice anything related to the study, there was an undeniable and reoccurring theme: restorative justice was now the dominant ideology. Clearly, restorative justice had become far more prominent within the YOT.

Supporting the visual aids that restorative justice had increased in significance was the unbridled narrative conveyed by practitioners that restorative justice was now *the* model that underpinned the YOT's operations. This message was consistently relayed across the organisational hierarchy:

*It absolutely underpins everything that we do. We should not be doing anything within this YOT in our work with young people that is not underpinned by a restorative approach. We are not doing anything that is not restorative, I hope. (Ian - Service Director)*

Ian describes the importance of restorative justice from a strategic level within the authority, and these continued to be reflected by the YOT and Outpost managers as Mike, and Les both explicitly pointed out its importance and the widespread impact it has had on practice:

*All our practices here are based on a restorative model. (Mike - YOT manager)*

*I have worked really hard with police and the youth offending team to embed restorative justice, it has always been embedded. (Les - Outpost manager)*

The same sentiments were relayed throughout caseworker ranks, each celebrating its inclusion into their practices and reaffirming the *restorative* status of their YOT:

*It (restorative justice) underpins everything, it's not just Youth Offending Team, it's now right across the Council, to be honest with you... (Nick - YOT Reparation Officer)*

*It's embedded, I think now, restorative justice is embedded in everything we do. Alex - YOT caseworker/seconded police officer*

Such unanimous plaudits might suggest a universal and deep understanding of restorative justice, however, practitioners struggled to define it or explain how a restorative intervention was different to their previous practices before they were defined as such. During interviews, practitioners were asked to define restorative justice, and routinely, they could not. All 20 participants were asked if they could explain what restorative justice was, producing 20 different answers. Whilst some described it as a punitive method, some were vague and skirted around the question, and others said it was a welfare approach.

Most participants, heaped praise on it yet, struggled to give a direct answer detailing what restorative justice is. There were, however, two key themes in practitioner descriptions. The first was that restorative justice had no fixed meaning and that practices labelled as *restorative* were pliable and were open to adaptation:

*What is restorative justice, it is very loose isn't it? There is no definition as to what, there is nothing defined to say that if you do something wrong this is what you've got to do in preparation. (Alex - YOT caseworker/seconded police officer)*

For Alex, despite it being *embedded in everything they do*, exactly what that is, cannot be defined, and there are no model rules. Furthermore, even managers struggled to provide a definitive answer, as Frank evidently struggled to answer, but settled on reaffirming its value:

*Well, I know it, I saw it as, I have had my mind changed on it. I think because maybe I had seen it done badly initially or it was rushed into. I think if it is done properly, it is a very, very powerful tool – (Frank – YOT middle manager)*

When asking Mike, the YOT manager, the same, it is at this point that the interview became strained (discussed in 5.1.1). I believe an inability to provide an answer had threatened to upset a power dynamic in place for over a decade, therefore, Mike reasserted his senior position by taking control of the discussion and dismissing my question.

The second theme was that restorative processes should take place away from formal criminal justice agencies (other than the YOT) and in the community. Further to this, and mirroring restorative practice literature (Chapter 2), the process should heal harm and reintegrate victims and offenders into the community:

*It's linked to a, almost a community rehabilitation. Everybody knows within their communities who the bad ones are, or who thinks they are the bad ones, or which particular family or whatever. So, adopting a restorative approach, rather than the police dealing with it, I think, is a much more community element to it so that the community says, 'oh yes, maybe Fred Smith isn't such a bad lad anymore'. (Karen – Restorative Practice Manager)*

*The restorative aspect is really important because it looks at how that person takes on empathy towards the other person involved, the victim...if we didn't have the restorative bit to Liaison and Diversion, we would potentially just be addressing offending behaviour. (Robin - Outpost caseworker)*

Both Karen and Robin allude to a deeper, emotional process that fosters greater community relationships that can only happen if conducted away from the CJS. Robin provides. For Robin, restorative practices sit away from formal frameworks and allow the practitioner to intervene in areas beyond the offence. which provides an insight into how important the separation is between what they see as formal criminal justice.

Though protecting children from a harmful system may be a noble project, it presents obstacles in how practices that follow no singular approach are presented in a system that demands evidence-based efficiency and reliable results (Morris, 2015; Smith and Gray, 2019; Souhami, 2007). YOT practitioners reproduce criminological critiques that administrative youth justice stifles opportunities for understanding children's needs (Haines and Case, 2015; Smithson, Gray and Jones, 2020). Thus, a strain is apparent; seeking to understand on an emotional level does not easily translate into the data types necessary to reflect a successful YOT. However, managers already explain that internal practices do not neatly match organisational KPI's. However, practice could be presented in "different ways" and "different languages" could be used (comments made by Ian, see 5.2.1). The data shows that restorative justice plays a role in rationalising and authenticating those differences.

Other studies have shown YOTs displaying the themes described here. Smith and Gray (2019) found distinct YOT typologies in their data; *offender management*, *targeted intervention* and *children and young people first*. Primarily resembling the YOT, is *children and young people first*, where the authors describe YOTs prioritising children's well-being over their offending behaviour. However, the YOT type is also described as broadening its efforts to all children deemed to require well-being intervention, regardless of their offending nature. As this thesis has already established, the YOT limits interventions where possible; opening its net to a broader catchment would contradict its aims. Crucially, however, Smith and Gray (2019) describe a small group of outlier YOTs in their data where restorative justice is interpreted differently. The researchers suggest that different organisational identities may be crafted under the restorative banner:

*...the emergence of restorative discourses, have enabled youth justice 'activists', to begin to articulate distinctive and progressive objectives and operating principles. Whether or not this*

*leads to radically different or transformational forms of practice is an important question; but what is clear is that space is created for the re-definition of the youth justice 'field' (p.566)*

This small but significant observation reinforces the argument that restorative justice may aid in the creation, or in this case, the reproduction of existing organisational identities. For the YOT, restorative justice enables the retention of social work values and practices in ways it sees fit and has those practices qualified as *youth justice* under a label where actions falling under it cannot be defined. Therefore, in both the minds of the practitioner, the child, and the YJS, an accepted youth justice intervention has taken place regardless of what actions it entails, so long as it is labelled *restorative*.

Perhaps, articulating the function of restorative justice best is Geoff, who had worked in youth services since the early nineties and experienced the transition from social work to youth justice. Geoff explains how practices now labelled *restorative* have always been part of youth work practices that had previously taken place ambiguously and without a formal title:

*I mean I think it's a good thing that it's got a title, you know it's a very positive thing that it has a title because it's even just having that little title 'restorative justice' people can say 'right that's what I'm working on'. (Geoff - YOT caseworker)*

The insinuation is that practices now defined as *restorative* have taken place before restorative discourses entered the YOT's fold and that being able to give those practices a "title" is its strength. Geoff, provides further emphasis to this argument and, when defining restorative justice explained the emotional and empathetic requirements of the practitioner to engage with subjects:

*You know I think it's something that's been said before everybody's idea of restorative justice is probably different you know or might have you know differences. But as I say for me it's always been about understanding where somebody else comes from. Once you have an understanding then you can begin to, you know, to build upon, how they react to situations. (Geoff - YOT caseworker)*

For the YOT, the remarkability of restorative justice is not in its ideology but in its ability to provide the connective tissue between the *face value* and the *face beneath* whilst allowing practices not typically at home within criminal justice frameworks to operate under its label. Data shows that restorative practices predate the introduction of restorative policy which supports

Johnstone's (2011) point that restorative justice has always been prevalent in unacknowledged places (see section 2.2.4). More importantly, it reveals that restorative justice has not had a revolutionary effect on practice at the YOT; practices already present at the YOT are ideologically closer to restorative justice's original abolitionist blueprint.

### 6.3.1 Administrative Restorative Justice: Authenticating Messiness

The data reproduces Morris' (2015) findings of *messy* youth justice practices, which are described below (6.2.2) and in the following chapter. Before that, this section describes data highlighting a bureaucratic function of restorative justice that enabled *messy* restorative practices but adds to the messiness of the restorative narrative.

MacIntyre (1984) suggests that neo-liberal experts fail to question ethics at the micro-level instead of remaining unquestioning of the ends they pursue. However, national youth justice guidance cannot rely on individual practitioner ethics; doing so would raise concerns about fairness and reliability. Ugwudike and Morgan (2018) highlight in their research that practitioners using personal judgements over those based on the evidence can negatively impact children's likelihood of reoffending. This presents an issue for policymakers who must mitigate against examples of poor practice, such as those found by Ugwudike and Morgan, by applying rigid parameters to practice models. The researchers suggest that practitioners should be regulated by ongoing evaluations that monitor and provide expert testimony to practitioners' efficacy and models of practice. However, at the YOT, the proposal of a robust monitoring system might threaten to reveal that practices intentionally differ from the evidence and often follow competing ideologies. As the literature has shown (Chapter 2), social work practitioners in the penal field feel pressure to neglect a professional purpose and succumb to a new purpose as practitioners are co-opted into justifying and moulding their expertise (McNeill et al., 2009; Page, 2013).

However, despite those pressures, McNeill et al., (2009) caveat his critique by pointing out that adaptations might only occur at an administrative level, but it was business as usual in practice. Section 5.2 detailed the YOT's face value, where operations are translated into the bureaucratic language of government (Pawson, 2006) and provide an operational realisation of McNeill et al.'s

point that practice may remain unchanged beneath the unilateral veneer. Evidence that practitioners remain committed to their values despite pressures from youth justice frameworks was described in 5.1. Practitioners would routinely point out that organisational outputs did not always reflect operational reality:

*I know that statistics can always be manipulated, and they can be made to fit. The thing is when you are providing stats it depends on what questions you are asking really. (Nick - YOT reparation officer)*

Nick saw the complexities of casework reduced to quantifiable outputs that could be customised to national policy requirements. Similarly, Souhami (2007) also found that practice's administrative representations did not always reflect its reality. Souhami found instances of practitioners who were preoccupied with national standards and ensuring that their administrative efforts successfully responded to them as one practitioner explained:

*As long as you've dotted your i's crossed your t's and your files are kept up to date, as long as you feel that you can justify what you've done, it's very easy . . . to make your files look fantastic, very easy to write up and make it look likely we've all done our work... (p.67)*

Restorative justice's abilities to retranslate messages is multidirectional; as well as translating existing practices into the youth justice languages, it also allowed youth justice policy to be translated into the YOT's existing logic. Mike (see 5.2.1) feared following the path of probation, where evidence shows that despite attempts to resist new ideologies, members eventually succumbed to new business-minded logic (Millings et al. 2019). Additionally, Robinson et al. (2016) document probationary fears of losing principles to new structures. Within the YOT, restorative justice goes some way to inoculating the established logic from adapting to external pressures. Acting as a "title" (see Geoff's comment in 6.2), restorative justice allows practitioners to continue employing practices based upon established values and enables them to do so under the knowledge that those practices are qualified as youth justice. Arguably, practitioners are more inclined to continue their pursuits should they feel they are both right and acceptable to the wider regime.

The YOT has taken great care to ensure that a set of professionalised standards complements the delivery of restorative justice. Wikström and Treiber (2008) suggest that "effective implementation and delivery of interventions and programmes requires an understanding of the

theoretical basis of the intervention”, whilst adding that interventions should be “...monitored and supervised by qualified practitioners to ensure that the programme is doing what it is meant to do.” (p.58). The YOT ensures the strength of monitoring and supervisory strategies with the recruitment of certified professional experts, the *Restorative Practice Team*, who synthesise diverging practices under a restorative justice label and provide guidance on restorative practices. In turn, this strategy provides the required authenticity and legitimacy that practitioners are not operating outside of accepted youth justice discourses. The Restorative Practice Team are based at the YOT and consists of Jo, a Victim Liaison Officer, and Karen, a Restorative Practice Manager. The objectives of the team, as described by Karen below, are to evidence that each intervention has a restorative element in response to national policy dictation:

*So, it is statutory with youth justice anybody that touches the ground in youth offending has to, we have to prove that there is a restorative element into how we address their behaviour...  
(Karen – Restorative Practice Manager)*

Adding credence to their role, both members have accrued restorative accreditations and have completed restorative training by a third-party governing body, giving them the necessary expertise to monitor and supervise all things restorative at the YOT. Karen especially seemed to place a great deal of emphasis on her restorative credentials:

*Prior to coming here, I worked for four years in a restorative coordinated post and qualified, I did all the training, so I came trained and then when I came here I did, train the trainers...we got the quality standards, so I work to the Restorative Justice Council standards. So, they set the standard for the, yes, I'm an accredited trainer, accredited practitioner, and we've got the Quality Mark for our services. So, I work to the Restorative Justice Council standards and they were set, they set national and international standards, they publish standards, and people are asked to meet those. (Karen - Restorative Practice Manager)*

Beyond providing an impressive resume, Karen takes care to describe adherence to standards set on a much larger scale than on an organisational endeavour. Reflecting Wikström and Treiber's suggestion, Karen asserts her qualifications and a wealth of experience together, providing legitimacy over her position. Both Karen and Jo repeatedly described that crucial to their role was to gain the “Quality Mark”:

*That is what the Quality Mark from the Restorative Council they said to us that 'we think it's good that you deal with everything in that way' and, that's what they put into the policy and procedures. (Jo - Victim Liaison Officer)*

Jo here explains that internal YOT restorative policies reflect national standards by achieving the "Quality Mark". *The Restorative Service Quality Mark* is received by organisations whose practices have been approved by the Restorative justice Council (2015) who monitor the statutory standards set by the Ministry of Justice (see 2.1). Karen expands upon her role; explaining firstly that her role was to achieve a recognised status as a restorative justice provider, secondly, to ensure practices uphold that status, and thirdly, to ensure that practices are evidenced correctly:

*Part of my role was to get the Quality Mark for this organisation, and to do that, we had to prove that policy and procedure was translated into practice and evidence that... So, constantly looking at everybody that is in the system and seeing where the restorative element is. (Karen - Restorative Practice Manager)*

Analysing Karen's explanation of her duties reveals the administrative process used to ratify the YOT as a restorative justice provider whilst also concealing its realities. To gain the *Quality Mark*, the first task was to ensure that the YOT's policies and procedures reflect those governing them and to ensure that they reflect their new restorative status. Although Karen suggests the next step is to translate policy into practice, data suggests the opposite; that practice is translated into policy. The second part of Karen's description is suggestive of a mining process to extract elements of casework resembling restorative justice, reinforcing the idea of practice into policy. These findings show similarities to those of Smith and Gray (2019) who found that restorative justice was flexibly deployed and directed to respond to specific needs and risks. The researchers suggest that despite agencies producing creative and unorthodox practices, they were still required to translate them into centralised performance objectives. This places institutions in a paradoxical position to have relative freedom to steer their directives and logic whilst having those methods measured through rigidly centralised performance objectives.

The Restorative Practice Team embodies a version of restorative justice that is in line with its role in contemporary criminal justice. Chapter 2 drew upon literature that describes restorative justice adaptations for it to function within a system it was designed to replace (section 2.1), and

data shows that Karen and Jo's understanding of restorative practices is representative of contemporary reforms. Despite Karen defining restorative justice as a process conducted in the community and away from the CJS, that definition was not echoed in her thoughts on how a restorative intervention should operate. Karen and Jo openly believed that an intervention should include criminal justice aspects, primarily as a mode of punishment, and they should be recorded, meaning the retention of offender labels:

*Not only can we not keep them out of the criminal justice system, but we can't break that cycle because the punishment element teaches them; it's the power you can't behave like that. (Karen - Restorative Practice Manager)*

Punishment is required to deter future offending despite suggesting that a community element allows a child to be more readily welcomed back into the community. This breaks away from the abolitionist ideology that participation from the community and offender leads to greater social bonds, reducing the likelihood of reoffending. Instead, it reaffirms a belief in the need for criminal justice frameworks to tackle offending patterns truly. Jo echoed a belief in punitive reactions as a necessary component of a restorative intervention:

*I do think you are never going to get away from a punitive measure because there are rules, and you've got to stay within those rules like we all have to. (Jo - Victim Liaison Officer)*

Statements already presented by practitioners suggest that practices may not be as affected by restorative justice as their proclamations might otherwise suggest. Practitioners have testified that their practices remain untainted by criminal justice pressures (5.2.2) and managers have stated that they will use *different languages* to speak the language of government (5.2.1). The assertion is that restorative justice protects existing approaches by functioning to translate existing methods into the different language required to operate as a YOT. Administrative restorative justice is a synthetic product of carefully filtering through casework notes to find the parts required to suggest that a restorative intervention has taken place. The Restorative Practice Team's primary objective is not to inform practices with neither old nor new ideologies but to legitimise and reframe practices sitting on the criminal justice periphery as examples of contemporary restorative justice.

Furthermore, administrative restorative justice adds to the bank of critical accounts pondering over the victim's position in contemporary restorative practices, pointing out their often-forgotten role (section 2.1.2). Restorative justice has been accused of shifting its priority to the offender, whilst the role of the victim is relegated from a central focus of restoration (Christie, 1977) to a tokenistic element. Shapland et al., (2004) sought to define its practice in a Home Office report, in response to the growth of restorative interventions in youth justice. The researchers acknowledge the inclusion of "standard criminal justice elements" (p.2) and redefine how the victim is included. Restorative ideology in Chapter 2 describes in the least, a victims' equal inclusion and decision-making involvement (Marshall, 1999), and at most, the victims should be the priority (Christie, 1977). However, the victim has been withdrawn from the process to the point that Shapland et al. accept letters of apology as *indirect mediation* but draw their boundaries at only those letters which the victim receives. Beyond criticisms that such methods to *include* the victim provide only one-directional communication (Sherman and Strang, 2007), it highlights a significant relegation to the victim's agency within restorative justice. This reflects criticisms that criminal justice agencies go-between affected parties and disrupt communication by retranslating content and meaning to fit the crime control narrative (Christie, 1977). In an ironic twist, the square of crime is rejuvenated within contemporary restorative programmes. As Shapland et al. (2004) noted, most mediation is indirect, conducted through a third party in what Shapland describes as *shuttle diplomacy*. This trend could provide a barrier to an organic exchange which might be more powerful, neglecting Christie's framework by stealing conflict away from those affected in a new square of restorative justice. The Restorative Practice Team reproduces those trends by condoning and encouraging criminal justice elements to displace, or at least distance, the victim to a passive observer.

Jo, responsible for victim liaison and participation, explained that though initially there were examples of direct mediation (face-to-face), the YOT had shifted away from that towards indirect forms of mediation. Jo also explained that a regular obstacle was the unwillingness of one or both offender and victim to participate. Jo explained that a victim rarely wanted direct mediation due to fear of reprisal, so they opted to express their feelings through Jo, and in return receive a letter of apology from the offender, but regularly, the offender would refuse to participate which to an

ideological purist renders a restorative process impossible. However, Jo revealed that there were administrative ways to retain the restorative label of the intervention:

*It is statutory (victim involvement) that we contact that victim, but I can go back to that victim and say you know what at this stage this young person is really, really reluctant to engage in any direct restorative with yourself. However, that victim has been included, they've been updated they know what is happening and they know some work has been done so for them nine times out of ten they are happy with that. (Jo - Victim Liaison Officer)*

Jo points out the *statutory* nature of victim involvement, meaning that for the process to pass as restorative, involvement can take the shape of an update over the phone. This, however, does not address how the process can be restorative if the offender is unwilling to take responsibility and participate in open dialogue; but the Restorative Practice Team are equipped to respond to this dilemma too,

*The offender, they are never going to sit there and say, 'yes definitely I want restorative justice I want to meet the person who I've harmed'. It doesn't work like that. They never want to do it, but you can go around it in a way. You can skate around it, show DVD's of people who have been a victim. (Jo - Victim Liaison Officer)*

Administrative processes allow the team to *skate around* crucial elements and meaningful engagements that are reduced to an administrative tick box. In the scenario given by Jo, whereby an offender is unwilling to participate in mediation, it matters little that mediation has been substituted for an arguably lesser means of evoking victim empathy. What remains essential is that a method has taken place that can be recorded as *victim awareness*. Jo elaborated on the importance that some acknowledgement of the victim features within a restorative intervention by explaining that it was *mandatory*. However, the mandatory inclusion of a victim can be reduced further still to a conversation between practitioner and offender that ponders victim impact:

*It is mandatory, I mean basically, your victim awareness is mandatory so basically if they say 'I'm not saying anything to that victim, I don't want anything to do with it'. That's fine, that's absolutely fine because it's a voluntary process but we are working in a restorative way, so what we are going to do is look at how this offence that you committed impacted on somebody else. You know, or if you've been a victim of an offence, so we still work restoratively even if we are not including the victim of that offence. (Jo - Victim Liaison Officer)*

Within administrative restorative justice, the role of the actual victim has been replaced with a bureaucratised version. Suzuki and Wood (2020) suggest that the institutionalisation of restorative justice has removed Christie's (1977) original ideals of whom conflict is the property. The restorative justice process itself has been commandeered by restorative professionals (Tauri, 2014) that fail to meet the needs of the victim, often meted out within the expanse of vacuous administrative frameworks (Suzuki and Wood, 2020).

### 6.3.2 Realisations of Restorative Justice

In a bid to divert the system away from internal values and towards operational appearances, a practice vacuum is created. Having paid attention to what practices *should not* be, there is less focus on what practices *should* be. Adopted into youth justice bureaucratic discourses, restorative justice is perceived axiomatically at implementation, and here lies the administrative benefit to the YOT. Restorative justice has no settled meaning (Stahlkopf, 2008); therefore, practices may be translated in myriad ways. YOT practitioners applied a restorative label to contradictory practices, claiming that they contained identifiable core elements that could be translated into an administratively reliable orthodoxy. To the revolutionist, this might conjure images of activism against modes of punishment, however, data shows that the scales of justice have merely been displaced to the caseworker's hands; implementing interventions that included varying ideologies and dosages as they saw fit.

Toils over the welfare/justice dichotomy in youth justice fill criminological textbooks, and indeed, this thesis and one might assume thus far in this thesis that the YOT has piled its allegiances firmly into the *welfare* camp. However, that assumption would be incorrect. Welfare, as expected, featured as a priority for caseworkers, but they routinely described their restorative practices as hosting both welfare and justice elements. Whilst practitioners at the YOT see national policy and its systems as harmful to children, they do not always see justice, and by that, I mean retribution, as holding no value. It is soulless, distanced retribution that is distrusted rather than an act of punishment, whereas if justice was to be conducted on the practitioners' terms, and in their minds, separate from criminal justice, it could be justified.

As suggested above, interpretations of *restorative justice* were varied and often misconstrued other youth justice terminologies such as *diversion*, *rehabilitation*, *desistence*, and *risk*; at other times, these terms were used interchangeably. Significantly, when asked to describe restorative implementation, it was common to allude to an intervention of their own making and away from criminal justice frameworks (as explained above). Administrative restorative justice provided a level of autonomy, therefore it meant that practitioners could enjoy relative freedom. However, as Fergusson (2007) warns, “autonomy risks practitioner discrepancy and bias” (p.21), which becomes problematic when practitioners juggle their own interpretations of correct practice with competing occupational priorities and pressures:

*...we have like, a criminal justice cap, and a health cap, and a social cap and we are so many different disciplines all meshed into one. (Brenda - Outpost caseworker)*

Though restorative justice functions as an administrative panacea to consolidate those identities under one *cap*, Brenda highlights that justice remains an ongoing pressure and the inevitable inescapability that the nature of their business is *youth offending*. However, the transient qualities of restorative justice mean it can be adapted and applied where necessary so practitioners can work across competing disciplines under a single, convenient label and becomes a mechanism. The lack of an internal restorative definition is unimportant if intuitive practices continue to prioritise the child over *justice*. This meant that as well as practices responding to an established social work culture that favour welfare, practices would often become imbued with a sense of duty to administer modes of justice; these themes are detailed below.

### **6.3.2.1 Welfare**

Restorative ideologies have typically portrayed offending as isolated transgressions within an otherwise cohesive community which affords a central reintegrative role (Bottoms, 2003). However, this becomes unrealistic when such idealistic scenarios are rarely found, and conversely, social harm is likely to be a product of fractured social conditions (Hodgson, 2022). Muncie (2014) claims that a neoliberal risk management response has ignored social inequalities and only adds to existing fractures, meaning that to risk-led restorative interventions might further erode community links. Adding to cynicism to fictional homogenous communities, Carlen

(2013) questions techniques that promise to return individuals to a fabricated environment they are assumed to have at one time inhabited:

*All these terms, with their English prefix 're', imply that the lawbreakers or ex-prisoners, who are to be 're-habilitated'/'re-integrated'/'re-settled' or 're-stored', previously occupied a social state or status to which it is desirable they should be returned. Not so. (Carlen, 2013, p.32)*

It is implied that contemporary programmes suggestive of welfare priorities are merely hijacking that assumption to further the reaches of justice frameworks that do little to address the social issues they proclaim. However, this is somewhat reversed at the YOT in their bid to resist contact that a child has with national justice frameworks with aims to improve, or at least protect, children's welfare. Welfare was routinely prioritised over an acute response to offending, instead seeing the original offence as an opportunity to authenticate welfare intervention:

*For young people, again like I said, it is that opportunity to address their health needs. (Sam - Outpost Team Leader)*

A multi-faceted approach that emphasised various factors of a child's welfare was generally praised amongst most practitioners and coincided with a child first approach. Smith and Gray (2019) highlighted found similar and explained that those practitioners focused on "child-oriented welfare" would prioritise "meeting young people's personal and social needs", which could be achieved through the multi-agency approach (p.559). Whilst prioritising welfare as a focus, practitioners view other services as being less able to respond adequately to welfare needs and hold a lofty view of their own capabilities:

*I don't think many services could do a job as well as a Youth Offending Team. (Alan – YOT Caseworker)*

The YOT's multi-disciplined approach includes speech and language therapy specialists, mental health, family support, victims, police, education, courts, restorative practices, health, and well-being. For managers, a dynamic approach helps support their underlying cultural aims, it allows them to understand the criminal justice setting within which they reside whilst enabling them to carry out social work duties. This was iterated by Sam who emphasised that the positioning of the YOT within the YJS was only beneficial in that it granted access to children who would otherwise have their needs unmet:

*So, the offence is like the trigger really for me, it is about, it is an opportunity to reassess everything that is going on for that young person, with regards to their health, their emotional health and what is happening within that family dynamic. (Sam - Outpost Team Leader)*

Frank, added to this by explaining the importance to him that the YOT can respond to social harm:

*...the social care systems that should have been dealing with them, 'should' deal with them, whether that's through drug abuse whether that's through lack of opportunities in terms of employment or mental health problems - yes, I think we perform a vital function in that sense. (Frank – YOT middle manager)*

The YOT's response to welfare can be likened to Johns' (2018) notion of *prehabilitation*. Like Cohen, Johns suggests traditional rehabilitation has become too institutionalised and focused on a crime narrative. However, prehabilitation seeks to work *upstream* of the prison, by locating prison on a violence/health continuum resulting from and adding to existing well-being needs. Johns suggests applying a therapeutic lens to the prison estate to operate in less harmful ways that "can become therapeutic and baling, rather than destructive and disabling." (p.29). Johns' model seeks to change the rehabilitative narrative by viewing offenders primarily as patients by responding to harm and identifying well-being needs that prevent individuals from participating in community life. For Johns, marginalisation can be found at the root of most prisoners' experiences and the harm that stems from it. Therefore, treating harm through a therapeutic lens will increase the likelihood of social inclusion and make prison populations more receptive to rehabilitation once an individual is well enough.

However, there is a contradiction to be explored. Though practitioners discussed a minimalist approach to divert the system away in cases for children with no identified needs, in cases where need *is* identified, practitioners discussed *diverting in*. This raises questions around Cohen's (1979) arguments that such services do more to absorb children into the system and inadvertently have a net-widening effect (see 2.1.1). Here is where the fractures between operations between the YOT and the Outpost begin to sever. At the YOT, practitioners celebrated being able to respond to wide-ranging needs because of the wealth of experience and expertise they had inhouse at their disposal (see 5.1.2), therefore, to them, children being diverted into the YOT, remain outside of the CJS. This was justified because those at the YOT saw their services

as superior to other provisions. Similarly, practitioners at the Outpost shared the YOTs pessimism towards the abilities of services they could signpost children into:

*I think that for those that have offended the support service isn't there to prevent them reoffending that is the thing for me...what is the support service for them because again they have got those unmet needs and while ever those needs remain unmet, they are just going to offend again. (Sam – Outpost Team Leader)*

A commitment to front-ended initiatives that usher children away from the system has seen immediate impact as the child custody rates of over two-thirds between 2008 and 2015 (Taylor, 2016). However, under the values of the YOT, those successes are enjoyed by children who should not have encountered the system anyway, whereas now, the system neglects children who present genuine risk factors. The problem for diversion may be where the children are diverted when the literature highlights that the welfare state is in decline (see section 2.3.2).

Although the aim is to prevent system-inducing harm (as predicted by Cohen, 1985) and signpost into relevant services, this is made difficult when wrap-around services are in decline and raises questions about how prevention strategies are developed without them (Yates, 2012). YOT practitioners could rely on in-house provisions to pick up where other services faltered, but the Outpost did not have that luxury. Outpost practitioners felt obliged to signpost on regardless of waiting time or the perceived quality of work from the end service. Of course, the Outpost deals with the *shallow* end of the YJS, where interventions are typically of a *short/sharp* nature. Nevertheless, practitioners voiced feelings that they were fulfilling professional tasks whilst neglecting humanistic obligations:

*One of the things would be it is a shame we have to do that [signpost on] because of other services not picking up I guess, that is one of the issues. (Angie – Outpost caseworker)*

Whilst initiatives such as the Outpost divert child offenders using swiftly away from the system, it provides less time to engage in meaningful ways. Bureaucratic frameworks did not sit well with those with welfare experience, who explained that they ideally would want more time to work with children and respond to their needs and that the unknown of whether a referral is successful made them feel like they did not do a thorough job. Attempts to engage meaningfully are prevented by the limited time allocated across high case volumes and focusing efforts on diverting out. Where restorative justice at the YOT affords practitioners an ability to respond to

need through recognised high-quality inhouse services, at the Outpost restorative justice is the administrative task of referring-on regardless of whether those needs are addressed.

### 6.3.2.2 Justice

A resistance to national youth justice frameworks should not be mistaken for a stance against retributive forms of justice. Data reveals that although the state frameworks are diverted, practitioners frequently replace them with new modes of punishment. Though welfare remains a priority to practitioners, they frequently described a necessity to incorporate punitive elements to an intervention:

*Sometimes we do need somebody to remind us to say, actually, and I hear myself saying it, but there has been an offence, they have broken the law, somebody has been hurt, and we do need to pay attention to that. (Sam - Outpost Team Leader)*

Practitioners' resistance to national youth justice frameworks was a rejection of the system's ability to administer punishment effectively and not a rejection of retribution. A key significance to the *designing-in* of justice was the judgement on whether it was necessary, and if so, in what form and in what dosage. The autonomy afforded to practitioners sees them become the new stewards of justice who preside over a case as both judge and jury:

*I've got to look and then try and measure up exactly what is going to fit, sort of 'punishment fits the crime' sort of stuff with them. (Nick - YOT Reparation Officer)*

Nick's role is to design reparations that invariably involve work in the community, he can design in or out features that increase retribution levels. Nick's comment suggests that youth justice practice, for him, is not decided in court or any other criminal justice agency; the sentence or disposal that brings a child into his caseload does not direct if or how punishment features in reparations, instead, it is based on his own judgements. Such findings do little to argue that Cohen's (1985, p. 246) warning that "*doing good was open to abuse*" are not replicated here.

Cohen (1985) draws upon the works of Cullen and Gilbert (1983), who had been critical of benevolent corruption within the system, and Cohen (1985,) lends from their work to make a firm point over welfare-focused justice programmes, claiming:

*...this is 'less a panacea than a Pandora's box': 'a criminal justice system rooted in retributive principles will be neither more just, more humane, nor more efficient than a system that at least ideologically, had offender reform as its goal. (p. 247)*

It seems that Cohen had predicted a certain inevitability that any design within the YJS will return to its default justice setting regardless of good intentions. Cohen's pessimism was reflected by practitioners describing the redesigning of what should be done and for how long. Practitioners described adapting the dosage of an intervention by extending or reducing the parameters of an order or disposal. Mostly, practitioners described reducing dosage to minimise contact and its labelling effects (see 5.1). However, Nick shared the details of one case which epitomised restorative justice and the YOT's ability to practice it successfully. Nick detailed a case where the child engaged with his reparation programme so well that he extended the work beyond the timescales of the court order:

*The actual work went over and above the end of the court order, so even though the statutory date had ended however, that doesn't mean to say that in terms of restorative justice that is the cut of dates. Nick - YOT Reparation Officer*

Nick explained that the reparation work supported and provided the child with necessary equipment to replace doors within the family home that had been damaged as part of the original offence. This may appear noble, and to the abolitionist, an example of *actual* restorative work, but, within the landscape of the YJS, recourse has gone beyond criminal justice parameters, justified under the restorative label. Though this may be an isolated case, and the child may have wilfully participated in what may have been a positive experience, it highlights a dangerous ability that practitioners can increase the level of justice should they feel fit. Furthermore, because of the restorative tag's redefinable properties, *restorative* would frequently be used to justify the practitioner's decision-making and adaptations and variations to it. Practitioners would often associate restorative justice with community punishment and when Nick was asked about what restorative justice was and its effectiveness, he described a punitive process that could successfully curb reoffending:

*It's very punitive, very sort of punitive work and stuff that's done ... And like I say, proofs in the pudding, I've not seen any one of those young people again. (Nick - YOT Reparation Officer)*

Paradoxically, though restorative justice is strategically implemented to resist national justice frameworks, its meaning has evolved to be synonymous with criminal justice. Cunneen and Goldson (2015) suggest that restorative frameworks have come to co-exist in “recognisably coercive and punitive dimensions” (p.145). This is evident at the YOT, where pre-existing humanitarian ideologies remain part of its fabric and ordinary practices, but often go unacknowledged as *restorative*. However, practitioners would frequently understand their practice’s restorative elements as those that most easily fit the criminal justice narrative. Reflecting this is Jo, as part of the Restorative Practice Team where both members epitomised the shift:

*I think we maybe need to be a little bit more ‘consequence’ if you understand what I mean... are we setting them up to fail, do you know what I mean, are we being too soft on them? (Jo - Victim Liaison Officer)*

For Jo, when discussion turned to how restorative practices could be improved at the YOT, her response was a desire to move interventions towards the supposed deterring attributes of punitivism.

Highlighting that punishment exists within practice might cause critical readers to assume that restorative practices at the YOT cannot be ideologically pure. As Daly (2013) reminds us, that retributive responses to offending are criticised by restorative advocates who are “generally against punishment” (p.356). However, further analysis shows that an accepted restorative-retributive polarity is a convenient, yet misunderstood binary of the original intentions of restorative justice.

A new line of thinking has seen restorative justice theorised into a model that is intended to combine the restitution and reintegration powers of restorative justice within the rigour of state systems. The shift is most apparent within the discursive evolution of the relationship between retribution and restoration. Zehr (1985; 1990) and later, Mika and Zehr (1998), explain restorative justice as antonymous to retribution. Zehr suggests that retribution is used to extend state power by taking on the victim’s role, fixing blame on individual people and actions, and abstractly administering punishment. However, more recent restorative theory has questioned the relationship between punishment and retribution; originally, Zehr (1985) saw punishment as

pivotal to retribution, whilst at the opposite end, offender obligations under restorative justice are couched as *making good*. In later writings, Zehr (2002) repositioned his stance on retribution, drawing upon similarities between restoration and retribution and proposing that they both aim to *even the score*; “the victim deserves something, and the offender owes something. Both approaches argue that there must be a proportional relationship between the act and the response.” (p.60). Zehr suggests that they “differ, however, on the currency that will fulfil the obligations...” (p.60). Though a nuanced shift to the restorative field suggests that retribution and restoration are not opposites; rather, they are merely alternative means that share a common end and thus invite the conversations that restoration and retribution may operate symbiotically. Though the introduction of retribution in restoration is seen as a contemporary reimagining of its ideal, closer inspection of Christie’s (1977) framework would suggest that Zehr’s developments do not steer far away from the original ideology. Christie points out that in resolving conflict, pain should play a key role:

*...direct victim-participation might be experienced as painful indeed. Most of us would shy away from a confrontation of this character. (1977, p.8)*

Christie saw punishment taking place from within the offender due to intense feelings of shame, guilt and empathy for the victim. In this sense, pain is an internal result of confronting their victim and acknowledging the pains caused. However, Christie stipulates that such a process is only functional if those actions are followed by a genuine discussion of suitable ways to restore balance and re-introduce community membership. Reflecting attitudes at the YOT, Christie really opposed the banality of state administered punishment that ensures restitution is directed towards itself with no ambition to reconcile the offender and victim.

Rethinking the relationship between retribution and restoration is pivotal in enabling restorative ideology to become enmeshed within criminal justice structures. This change is not the introduction of retribution or punishment; it is a change of application, to do so within a restorative framework. Daly (2013) sees the revolutionary foundation of restorative justice as “eccentric and somewhat radical” (p.357), and rather than being a model of abolitionism, “it offered renewed hope and optimism for progressive change *in* criminal justice” (p.358). Johnstone recognises the damaging effects of stigmatic justice systems that focus solely on the

offence committed but suggests it is incorrect to portray restorative justice as a paradigm shift from retribution. Johnstone (2011) argues that retribution is incorrectly used as it is pitted against restorative justice when what is being contested are the “values, purposes, outlooks and assumptions that underpin the practice of judicial punishment in Western societies.” (p.73). This refocused the debate away from *what* is done to one that discusses *why* we do it. For Johnstone (2011), the isolating nature of state justice of implying individual guilt and shame is regressive, it is a backwards-looking approach that leaves individuals tied to that moment. A restorative model might aim to repair harm whilst also ensuring the offender takes a level of responsibility. Responsibilisation internalises guilt so the offender may understand the conflict caused, rather than judicial sentencing where offenders often fail to see the link between damage caused and the sentence incurred. Reflecting a restorative direction, Johnstone (2011, p.76) proposes a model that complements the CJS, suggesting that restorative initiatives should sit before formal punishments and that the admission of guilt and responsibility should remove, or at least lessen, the threat of punishment.

However, it could be argued that the YOT are implementing a restorative justice model closer to the values presented by Christie (1977) by attempting to separate a process from criminal justice frameworks and tailor retributive elements to meet the needs of a given social context. This thesis does not ignore the fact that practitioners remain a symbolic representation of community crime control, but the suggestion is that in this context, a resistance of state control structures may allow *retribution* to be *restorative*. Such a proposition could be supported by an acknowledged desire to ensure that children opt into a *voluntary* programme with the YOT over the criminal justice route. The Outpost implements restorative justice by following a police referral as part of a Community Resolution order. The order is a pre-court disposal that an alleged offender (adult or child) can accept instead of the police officer pursuing a criminal justice route. If the resolution is accepted, the case is referred to the Outpost team to facilitate an assessment and a restorative intervention. The Outpost model is indicative of a neo-restorative framework that has reshaped ideological elements to align with the structures of criminal justice. Walgrave (2004) suggests that voluntary participation in the restorative process is desirable but not essential and suggests that coercive measures in pursuit of reparation are acceptable. This

attitude is replicated at the Outpost; whether that motivation to engage comes from a will to desist or the desire to avoid criminal justice is redundant. Practitioners highlighted areas of their practice that raise concerns of coercion and due-process breaches that have already been raised elsewhere (Ashworth, 2002; Lynch, 2010; Muncie, 2006). Outpost caseworkers described using persuasive tactics to motivate children to participate in the programme:

*a sense that 'if you do this you won't get caught', basically 'if you do this, this is what will happen, could happen' (Robin - Outpost caseworker)*

Some practitioners admitted to encouraging children to engage by reciting the threat of a more severe criminal justice reaction if they did not *volunteer* to engage in a restorative process:

*What I always say is 'if you don't do this work' if they are sort of like 'I don't want to do it' then I will tell them that 'well you won't comply with the community resolution we have to let the police know that you haven't complied with that and then you get in trouble. (Angie - Outpost Caseworker)*

By distorting the voluntary nature of the process, practitioners reflect Cohen's (1985) claim that organisations may compete for clientele powered by benevolence rhetoric. Though on the one hand the Outpost does appear to reflect such an argument, we might also interpret the YOT's competitiveness for cases as a protective measure against the perceived harm of state frameworks. Instead, implementing models that better attempt a non-stigmatic, or at least, less-stigmatic, process (Braithwaite, 1993).

In contrast, Alex described attitudes amongst her YOT colleagues to be less rigid. To her, YOT practitioners did not set concrete boundaries for children:

*I think sometimes when they have appointments with young people, and the young person doesn't turn up or they turn up four hours late or, and they have no reasonable excuse as to why, I think they let them get away with all sorts, sometimes they are a little bit lax, they don't, they don't enforce what the young person is meant to be doing. (Alex - YOT caseworker/seconded police officer)*

Alex followed this point up, acknowledging that though she felt she had adopted YOT ideals (see 5.3.1), she has not fully transitioned into the typical YOT practitioner. Alex explained that individuals who are drawn to YOT practice are of a different kind:

*You tend to attract slightly different types of people into the Youth Offending Team as you do in the Police, without being, I'm trying to say that I think you'll get the type of person who will want to be a social work type of person that wants to help them be in there and everybody has rights blah blah blah and help them. Where as your police officers will "you should do this, you've got to toe the line", there is no leeway it's "my way, the right way, and no other way".*  
(Alex - YOT caseworker/seconded police officer)

Where police practice is portrayed as a regimented step-by-step methodical process, Alex contrasts this with a shift away from rigidity and a priority to understand and *help them*. Attitudes to restorative practices at the Outpost show closer similarities to Alex's depiction of police culture than they do to the *social work types* found at the YOT. This suggests that despite attempts to reproduce restorative justice at the Outpost, it may have been impacted by the policing dynamic of the new setting.

#### 6.4 Unfinished Restorative Justice

When considering restorative justice at the YOT, there is undoubtedly a case to be made that it is an example of expanding the new system. Data shows practitioners believing they were doing good by resisting state mechanisms. Ultimately this is reflective of Cohen's arguments that agencies are filled with talk of child saving and utopian ideals where such ideals are imprisoned to state structures, where intonations of innovative new offending strategies are merely "social control talk" (p.157). Cohen's pessimism is relentlessly directed at the *soft end*, community penal-welfare models, going as far as to dub those practitioners who believe their practices reflect good values as "well-intentioned fools" misled by the community ideology (p.155). Cohen's arguments appear absolute, regardless of individual or institutional aspirations, and remain entangled in coercive community structures. Cohen recognises that the new system disproportionately draws in poorer children to provide them with services that middle and upper-class children already have access to meaning they never become eligible for the community project. Though bureaucratic systems aim to benefit lower-class children, they are often of a lesser design than the original modes of support available to other children. Additionally, there is an inevitability that children will be categorised, processed and become entangled in the net, despite its good intentions.

However, Cohen suggests a short-term pragmatism about what can conceivably *be done* whilst retaining longer-term goals of directing efforts away from social control mechanisms. Cohen suggests an approach of *moral pragmatism* that seeks to separate *doing good* from *doing justice*. He suggests that if a crime control project fails to reduce crime but achieves other values that improve the community good, then “we are perpetrating great cruelty if we abandon a good policy because it does not reduce crime.” (p.264). Additionally, Cohen would later acknowledge disobedience within harmful state systems (1998; 2001) despite being dismissive of practitioners doing good within state structures (1985). In a standpoint change, Cohen (1998), set about dismantling contemporary criminological thought. Although Cohen stood against contemporary criminology, he did so from a position within, which enabled him to understand and make critical commentary that continues to echo in academic spaces. Though this can only be surmised, it is difficult to imagine those criticisms having such an impact if made by an outsider. Cohen recognised the merits of his insider status, even going so far as to include in his collection of essays entitled *Against Criminology* a preface quote from Adorno; “One must belong to a tradition to hate it properly”. The use of this quote was designed to rationalise Cohen’s thoughts *against* criminology whilst simultaneously being a criminologist, and was also extended to criminal justice social workers, who Cohen suggested *belonged to a tradition they might hate*. Cohen recognised the precarious position that CJS social workers with humanitarian ambitions inhabit; “to work within the system risks legitimating it, but to stay out would be wrong” (p.110). Cohen draws upon the moral strain of competing ideologies that are felt at the YOT which Frank articulated as operating between fields and ideologies:

*We are kind of like in the middle, we don't disattend that they broke the law, but it is not all about the crime, it is about them as a person and what is going on for them. (Frank - YOT Middle manager)*

Frank’s comment is important to uncover the YOT’s strategy; it is a position that acknowledges that the existence of the organisation depends upon their recognition that a crime has been committed and further recognition that the crime should be responded to in line with their obligations as a *justice* agency. However, Frank’s points indicate where the YOT’s commitments lie when he admits that their priorities are “not all about the crime”. The emphasis is directed toward other aspects of a child’s life. Practitioners regularly saw the original offending behaviour

as a symptom of broader social or health needs. This was particularly evident amongst practitioners with more extensive backgrounds in youth work, social work or health, viewing an offence as a red flag for deeper concerns meaning that the nature of the offence is generally regarded as unimportant. However, *justice* mechanisms become functional by providing an opportunity to respond to children's needs. The response to offending children is not to dismiss their offending, as this chapter has shown; it is a recognition that offending behaviours are part of a wider web of needs.

Cohen's theoretical developments to resist state harm (1998; 2001) provide analytical tools to understand the YOT's in-between positioning and further explore versions of moral pragmatism. Cohen argues that "abolition cannot wait until alternatives are established" and instead concentrate on abolishing system components we might regard as wrong (p.111). However, Cohen draws upon Mathiesen's (1986) notion of being *unfinished*; a warning against the dangers of short-term, reformist goals, arguing that they inevitably lead to the absorption and abandonment of system-changing goals. Thus, a paradoxical problem arises in a scenario that requires immediate micro-level action to change facets of a structure despite changes at the micro-level often failing to be realised. Therefore, Cohen suggests remaining unfinished:

*In your practice and in theory stay 'unfinished'. Do not be ashamed of working for short-term humanitarian or libertarian goals, but always keep in mind the long-term political prospects. This might mean living with the uncomfortable ambiguity that your most radical work will be outside your day-to-day job. Most important: do not sell out your clients' interests for the sake of ideological purity or theoretical neatness (1998, p.112).*

Operationalising an *unfinished* restorative justice shows that YOT managers recognise their impossible position of trying to implement radical changes to operations whilst remaining relevant to the penal field. The dilemma is that reform would be readily absorbed into the status quo, yet revolutionism would be regarded as irresponsible and therefore not taken seriously. Cohen offers a strategy that avoids both reform and revolution and suggests remaining unfinished. In both theory and practice, avoiding system strengthening changes and working towards abolishing penal and exclusionary practices. This provides an analytical tool to understand the YOT's strategies, as senior figures cultivate values and ethics outside of the day-to-day obligations of a YOT that are realised in practitioners' short-term goals. Simultaneously,

bureaucratic curators at the administrative face protect the long-term interests from accusations of being too radical.

## 6.5 Summary

This chapter has primarily responded to the research aim *to assess how practitioners negotiate the welfare/justice dichotomy within youth justice and examine the role of restorative justice in that process*. However, to fully understand how restorative justice is operationalised, the chapter has also addressed the research aim *to assess how YOT organisational aims and values affect how youth justice practitioners consume youth justice policy* to frame restorative justice within its cultural settings.

The data highlights that restorative justice is realised in ways that mirror the organisational levels of the YOT described in section 5.3. In its administrative guise, restorative justice is a label applied to methods that remain in the wake of a social work legacy—used as an administrative tool to authenticate individual interpretations of *doing good*. A bureaucratic process mines the required elements from existing practices to produce a sanitised version of events concomitant to restorative justice policy. The *face value* described in the previous chapter (see 5.3.1) is applied to restorative justice to show how a group of restorative justice professionals act to legitimise existing practices as ‘restorative’. The data also highlights that restorative justice at the Outpost is far more likely to be realised in administrative terms that prioritise efficiency and quantitative outputs.

However, restorative justice is also applied to practices that prioritise meaningful engagement over rigid frameworks. This chapter has described autonomous practices that sit beneath a restorative administrative label, it highlights the messiness of youth justice implementation and how at times, practices may sit closer to restorative justices’ ideological roots by keeping ‘conflict’ away from the CJS. Such a strategy does have consequences, mirroring the issues highlighted in Chapter 3; by side-lining reliable processes that stifle prejudice and bias, practices are realised in differing ways. Reflecting Cohen’s (1985) critical concerns that good intentions are realised only as criminal justice social controls, the data highlights practitioners deploying their own versions of punishment and bypassing due processes.

The chapter contextualises restorative justice at the YOT by drawing upon Cohen's (1985) application of Mathieson's (1986) *unfinished* and argue that the YOT displays *unfinished* qualities as a method to avoid the problems of both revolution and reform. The chapter suggests that aims to implement short-term welfare goals without threatening its membership as part of the CJS. Being *unfinished* recognises the YOTs difficult position of trying to implement radical changes to operations whilst remaining relevant to the penal field.

The following chapter highlights the strains on practitioners, and highlights that though the YOT may currently be resisting criminal justice narratives, the Outpost presents a warning that increasing strains to legitimise operations and increase productivity, may be forcing restorative justice away from resistance, and towards administrative efficiency.

## 7. Cultural Transformations of Restorative Justice

### 7.1 Overview

The chapter speaks to the research aim to *assess how YOT organisational aims and values affect how youth justice practitioners consume youth justice policy*. So far, the findings have depicted a YOT culture that is out of place within the penal field and has nurtured an organisational strategy to appear as one thing whilst doing another. The elasticity of the concept of restorative justice has served to help grant occupational freedoms and creativity while legitimising the universalising properties of a restorative label. However, the development of the Outpost, originally part of the YOT but now housed in a new location and subject to new funding arrangements, has seen practitioners develop new approaches and working styles. This chapter will bring increased focus to the voices at the Outpost to explore how increased pressures to produce successful performance outputs impact the professional identity, esteem and working practice of the youth justice caseworkers.

The early chapters of the thesis explored how organisational and occupational cultures have mobilised to resist changes to youth justice policy and in the representations of administrative youth justice. This chapter brings new empirical rigour to how staff teams consume messages from national and local governments, the CJS, and their immediate leadership teams. In doing so, the discussion contributes to bodies of work that have indicated a siege mentality within Youth Offending Teams (Morris, 2015; Souhami, 2007) and that, like the data presented here, illuminates notions of how an *us and them* culture is fostered through clever recruitment and the available types of capital. Drawing on Bourdieu's (1988) concepts of *habitus* and *capital*, the data highlights that practitioners have identifiable specialisms that direct them towards competing competencies for which they receive recognition. Though practices may be perceived as contradictory and unorganised, a more in-depth analysis shows that practitioner behaviours are arranged through operational typologies that react directly to different areas: the needs of children, institutional values, and/or central youth justice discourses.

In some environments, practitioner skills and traits that might otherwise be passed as 'subservient', 'unruly' or a 'stickler for process' are reproduced as functional attributes to

organisational success. They are characterised by three observable typologies: *Disciples*, *Mavericks*, and *Bureaucrats*. Separately, the typologies ensure that the organisational vision remains protected, the continuation of its version of practice is guaranteed, and the workforce remains committed to the ideological precedent set out by its leaders. Using Bourdieusian thinking tools like habitus and field helps analyse data and show how those occupying different occupational typologies make sense of the operationalisation of restorative justice in ways that are distinctive to practitioner types. Namely, the data highlights how practitioners make sense of and practice restorative justice and helps to distinguish how diverse groups of YOT practitioners with differently formed habitus use restorative justice to realise and implement the ideological values they invest in their role(s).

In an additional layer of analysis, the three-tiered occupational types, developed through the research, reflect frameworks provided by Cohen (1985). Cohen proposed that criminological perspectives depicting the patterns and trends of criminal justice policy fell into three competing narratives: Uneven (but continual) Progress; Good (but complicated) Intentions – Disastrous Consequences; or Discipline and Mystification. Cohen's narrative frameworks are applied to each practitioner type to demonstrate that perspectives held popularly within criminology are reflected in practice.

## 7.2 Retranslating Youth Justice Policy through Cultural Values

From their distrust of central policy (see 5.1.2 and 5.2.1), YOT managers have aimed their strategic efforts towards protecting an established culture from the corruption of criminal justice ideologies. The approach favours a MacIntyrean sense of decision-making (see 3.2) that places moral responsibility on the practitioner and their discretion and not, in contrast, to designated administrative processes. It is believed that the recruitment of the right kinds of people operating within an established culture will organically guide decision-making based upon what is considered right within a given situation, whereas, under administrative processes, decisions and morality are displaced to systematic processes.

Highlighting the importance of individuals retaining moral responsibility, Lang (2014) draws upon Arendt's (1958) analysis of obedience. Lang (2014, p.632) explains that morality is a collection of

socially accepted habits, customs, and rules” and “that such morality is fragile in the face of political forces seeking to undermine it”. For Arendt, “labour” and “action” are distinct, but both operate in the public sphere. Action is politically entangled and requires the presence of others to show both uniqueness and similarity to others. Through action and speech, individuals can “show who they are, reveal their unique personal identities actively, and thus make their appearance in the human world” (1958, p.179). Labour, however, is conducted in isolation with no outward meanings or abilities to distinguish identity because no motives exist beyond subsisting and though the product of labour impacts public spheres, it remains an apolitical pursuit. Therefore, the spheres of action and labour are different sites, and the products of labour, though they make up the individual’s world, do not necessarily reflect their political will. Totalitarian frameworks weaken individual opinion and common sense, as the sphere in which the individual operates becomes entrenched with totalitarian ideology. The new accepted habits, customs, and rules subjugate internalised morality. Notably, actions become free from critique as the relational intersubjectivities of *action* are absent under totalitarian rule because ideology consumes all public sphere areas. Therefore, actions that may otherwise be deemed wrong within the new framework are acceptable. The efforts made by leaders like Ian to shape the character of their staff teams hint at the efforts being made to limit what they perceive as the ruinous effects of rigid operational systems. Managers showed unease over their cultural fragility against external forces (see Chapter 5).

It is possible in a related criminal justice field, such as probation, as Bill, the YOT manager, did (see 5.2.1), to show how organisational working cultures within the sector can be overwhelmed as the impact of creating a mixed economy of services and overregulated practice regimes take hold. Mair and Burke’s (2012) historical assessment of probation practice presented an organisational landscape where practitioners endure the restrictions of rigid managerial practices, unable to express individual skill or practice in meaningful ways. Worrall and Mawby (2013), in contrast, reject that notion, pointing out that agents can still operationalise personal professionalism despite neo-liberal conditions and utilise Lyng’s (1990) “edgework” as a tool to describe how probation workers can put “their skills to the test on the edge” (p.113). Worrall and Mawby (2013) acknowledge that probation workers’ time is predominantly spent sitting at

computers, writing reports and risk assessments. However, they argue that practitioners can still construct identities and remain part of an *honourable profession*. They claim this neither romanticises risk-taking nor pays homage to reckless conduct. Instead, they suggest that when moments arise, straddling the border between order and chaos, edgeworkers can be innovative and work on the edge, “putting their skills to the test for the good of the offender, victims, the public and the organization.” (p.115).

Worrall and Mawby’s (2013, p.113) portrayal of edgeworkers highlights disaffected, cynical attitudes towards ineffective organisational processes. Edgework becomes a means of “escape from (or resistance to) the rules and routines” to free themselves from risk assessments and risk management to pursue *autonomy and action* and operate in more emotional ways. Whilst the experience of probation, as a sector that has experienced much deeper and more profound reform than youth justice, can primarily be understood as a cautionary tale, Worrall and Mawby’s insights offer some consolation that meaningful practices may continue regardless of the YOT’s future. The researchers strive to shed optimism on an arena where critical study suggests individual skill has been eliminated. However, such an argument could be considered pessimistic by accepting that meaningful work must now occur in operational life’s fissures. Instead, the YOT attempts to retain its ideals as the dominant value system driving practice, unwilling to confine it to the edges. More than relying on and pursuing an outward-facing administrative face value (5.2.1) of service beliefs and principles, there is a need within the service to stimulate and sustain shared philosophies of practice that sit beneath. To ensure practitioners are not lured towards new and more dominant ideologies, the research data from the Outpost identifies managers making efforts to ward off unwanted policy messages by ensuring established cultural values retain a hegemonic grip on organisational values.

### 7.2.1 A Culture of Resistance

The YOT’s strategy to resist cultural change appears to hinge upon a collective distrust of national youth justice policy (see Chapter 5). Directly connected is a belief in an internal shared purpose which remains obscured to external observers:

*The wider thing is that I think at the top, they miss what is happening at the grassroots. They (national youth justice policies) don't really reflect what is happening, I think there is a miscommunication and that probably gets mixed up somewhere in the reporting. (Nick - YOT reparation officer)*

Similar narratives have been found in other youth justice settings; Morris (2015) found examples of an *us and them* belief system built upon a lack of faith in national youth justice direction. This was replicated within attitudes at the YOT (see Chapter 5) that criticised the inability of youth justice frameworks to capture or respond to the complexities of children's lives.

Hostile attitudes towards national policy found here join themes found elsewhere that have discovered that policy change rarely constitutes changes in practice. For instance, Reiner (1992, p.232) suggested, in discussions around *cop culture*, that legislative changes are largely ineffective in changing policing practices and behaviours because "the key changes must be in the police's informal culture, their practical working rules". Therefore, because youth justice policy is not received openly, it will likely have little effect. Maton (2005) explains how any subfield's autonomy is subject to two factors within its wider field: *positional* and *relational* autonomy. Positional autonomy is the primary field location of those with power over a field, whilst relational autonomy relates to the context and origins of "ways of working, practices, aims, measures of achievement, etc." (p.697). The YOT holds weak positional autonomy in having little agency over the policies and directions exerted upon it. However, Maton suggests that any field (or sub-field, such as the YOT) holds prism-like qualities that may refract transformational pressures, but only to the degree that a field's internal structures are developed. Therefore, a more established field will resist change better than one that is less so. In this sense, should the YOT ensure relational strength, that is, to have organisational structures and occupational models that are deeply rooted, this may compensate against its positional weaknesses to provide autonomy. Like Reiner's (1992) analysis, for system-changing effects to occur, they must penetrate deeper within the fabric of organisational life.

We might explain *edgeworkers* under such a framework by suggesting that they are individuals whose instinct for meaningful engagement is deeper rooted within them than those whose practices prioritise neoliberal, performance metrics and outcomes measures. YOT practitioners tend to have experience working within roles that prioritise care and support, and 'welfare' is an

active dominant value system for many working at the Outpost. For this group, humanitarian ideals were commonly expressed as a necessary element of their roles and were far from confined to the *edges*. Cheliotis (2006, p.322) found comparable patterns in their research and observed that; “penological history supplies various instances of charismatic professionals who prioritized their humanitarian ideals over systemic dictates” (p.322). Holdaway (1984) and Waddington (1999) highlight the importance of informal social events in the workplace to establish strong and resilient cultures. For them, a *canteen culture* is sustained by open and accessible modes of communication and the construction of folk narratives. Both factors are visible at the YOT (see 5.1.1), where biographical ties to social work, imagined or not (Cohen, 1985; Daly, 2002), are utilised within a laissez-faire environment that fosters an *us and them* narrative.

Conversely, occupational ties to social work at the Outpost are less dominant (as expressed by Stevie; see 5.3.1) and exist within informal spaces domineered by a police presence that strangle opportunities for humanitarian ideologies to foster (discussed below in 7.3). Sandra, an Outpost caseworker with experience in welfare and education, was recruited before the Outpost team moved from the YOT. Sandra offers a comparison of the two sites:

*...it is warmer you know you go in [the YOT] and there is quite a few in reception ... I suppose it is more cosy if you like, as a setting, and you know you would come straight in and there would be people on reception and things there and there would be everyone all together. And then I have come here [the Outpost], and it is a big building; there is police, there is all different professionals under one roof. (Sandra – Outpost caseworker)*

Sandra’s description of a feeling of comfort and emotional warmth suggests that, at least to her, the YOT provides an environment that is more culturally sympathetic to her occupational needs and togetherness with colleagues. Opposing this, Sandra’s depiction of the Outpost contrasts notions of solidarity and highlights police presence as a possible causation. It draws upon the juxtaposed cultures that impede unity and douse any feelings of warmth.

The difference between sites significantly impacts the likeliness that their respective members embody YOT values. Van Maanen and Barley (1982) explain that group members are more likely to be loyal when aims and goals are a shared group vision rather than individual pursuits, resulting in the increased likelihood of members remaining faithful to values when they are

collective. Analysis of the data gathered at the YOT showed that ideological consensus was almost unbridled there as members across the organisational hierarchy had faith that their colleagues, regardless of seniority, shared the same values. In the case of managers, they heaped praise on having a staff cohort with the right experience that reflected organisational aims:

*We talk about the success that we have; we celebrate some of that, we also celebrate the fact that we have got a really, really experienced and talented bunch of people within the organisation. (Mervyn - YOT middle manager)*

Adding further evidence that Van Maanen and Barley's (1982) framework is embodied at the YOT when describing what makes it successful, the most senior manager, Ian, did not speak of skillsets in terms of technical knowledge. Instead, Ian saw the possession of empathy and relationship building as the critical skills that brought YOT success:

*...it is primarily about us having a staff team here that, first and foremost, can communicate and engage and build a trusting relationship with a child or young person. That is what we are about, and I am about recruiting and training people, well, that can do that. (Ian - Service Director)*

Significantly, manager testimonies were reciprocated by caseworkers:

*I think, if you spoke to a lot of managers in the YOT, they also really are putting children first. If you spoke to Mike\*, his priority would be children and what matters to children. (Alan - YOT caseworker)*

Alan's comments were mirrored throughout the YOT, where practitioners felt that managers endorsed welfare-based methods and echoed the same values. This is especially significant because it cuts against the grain of research pointing toward conflicted relations between management and practitioners resisting practice changes (Holdaway et al., 2001; Morris, 2015; Souhami, 2007). Chapter 3 highlighted strains of occupying a conflicted position of holding welfare ideals within criminal justice frameworks, however, the YOT appears to at least limit that internal tension by creating an organisational space to validate existing cultural ideologies. The existing culture has been able to exploit a level of operational autonomy to withstand neo-liberal strains because the established culture that has been created has shown itself to be stronger than the exerted external pressures. We see practitioners having greater trust in internal messages from their leaders (and of having a related confidence in dismissing external messages).

### 7.2.2 Experience-Based Practice: Instinct, Wisdom, and Knowhow

A common theme within the research data was the team's collective belief and confidence in their operational strength. This confidence appears to be crucial to resisting the transformational pressures of policy. This was mainly achieved by providing practitioners with greater autonomy by encouraging practices to follow intuition and break free from prescribed methods:

*I'm allowed to use my own professional judgement a lot without tick boxes, and I'm given room to explain why I think that is that and or what is what or what I think... (Alan – YOT caseworker)*

Alan describes occupational freedom to practice intuitively, but significantly, management allows Alan to operate using personal discretion so long as he can justify his actions. Alan's comment highlights how the administrative face value provides occupational flexibility beneath it. However, practices must still hold readily translatable elements fitting with youth justice narratives. This is further evidenced by Mervyn, a middle manager who details the perceived flaws of managerialism and how it may be bypassed:

*A risk assessment tool is a very rigid document, isn't it? We could put it on the projector there, and it will never change unless someone rewrites it, it will just stay static, but people's lives don't stay static, do they? And people's experiences will, overtime, determine how they respond to 'question number 43' on that assessment. So no, I wouldn't say we encourage people to divert away from it, but we certainly encourage people to use their own knowledge and experience to be able to assess a situation. Because a risk assessment can give you a starting block if you like. (Mervyn- YOT middle manager)*

Mervyn rationalises the need for practices to adapt to context-specific scenarios that *static assessments* fail to account for whilst legitimising the need for the assessment as a starting point. Though Mervyn identifies a key weakness in the frameworks practitioners must work within, he is careful not to dismiss them. Mervyn insinuates the flow of translation as opposed to that discussed in chapters 5 and 6, where the bureaucracies at the face translate internal goings-on in an outward direction. Mervyn depicts above the reverse: how administrative frameworks are translated into the practitioners' language, reflecting arguments (see 2.3.3) that despite attempts to progress risk frameworks, practitioners routinely regress to tried and tested methods (Smith and Gray, 2019; Case, 2021). Regardless of how practice and policy speak to each other, the result remained the same: "knowledge and experience" (see Mervyn's comment above) superseded standardised practices, resulting in diverging interpretations of restorative justice.

Though having no common interpretation of restorative justice, or youth justice delivery for that matter, creates *messy* practices, it also provides culturally beneficial powers. Occupational flexibility may aid in the YOT's resistance to external pressures by increasing its refractive prismatic effect (Buchholz, 2016. See section 3.3.2). However, refraction was felt differently at the Outpost compared to the YOT, where Outpost practitioners, under different conditions, were less able to deal with unwanted influences. Adding to her comparison above (7.1.1), Sandra explained that she was recruited before the Outpost site was ready. Therefore, her initiation occurred at the YOT, where she was temporarily based while waiting for the Outpost site to be completed. Sandra described joining the team whilst the role was initially based at the YOT and being encouraged to carve her occupational footprint:

*Being honest, when I started at the Youth Offending Team it was scary because I think we had a lot of flexibility that we could, I was basically told that I could make the role my own really.*  
(Sandra - Outpost caseworker)

Sandra further distinguishes between the two sites by contrasting the two operational styles; where Sandra identifies the YOT as providing occupational freedom, the Outpost is depicted as prioritising bureaucratic efficiency:

*I would say it is more fast paced here. As in, we are talking, we might have 25 youth cases at any one time, and I don't believe that at Youth Offending Team they don't quite have that amount and things like that so.* (Sandra - Outpost caseworker)

The YOT is characterised by intuition and trust from managers, which is part of creating community warmth for Sandra. This is contrasted by Outpost experiences characterised by bureaucratic processes and time constraints. Sandra's sentiments were reproduced routinely at the YOT and across practitioners at the Outpost with more welfare delivery experience. As Sandra and several YOT practitioners explain, their occupational freedom is an intentional management strategy. Such a manoeuvre could be considered operationally counterintuitive if practices are reproduced in myriad ways. However, the decision to provide occupational freedom is less about delivering reliable practices than reliably reproducing YOT values that resist criminal justice frameworks. To show how this is achieved, Worrall and Mawby's (2013) analysis of probation practitioners highlight how certain practitioners, in their attempts to break away from the mundanity of neo-liberalised routines, *put their skills to the test*:

*Through taking risks and being creative, probation workers regain agency and achieve feelings of authenticity and self-actualization. They are being true to themselves and their occupation and 'making a difference', realizing some of the motivations and hopes that led them into the career in the first place. (p.115)*

The researchers show that practitioners with welfare ideologies can find space to craft practices away from the binds of administrative routines and recapture their core values. Additionally, Morris (2015) found that because of unclear, contradictory and ever-changing youth justice policy, practitioners who wanted to *make a difference* in children's lives were able to be creative in working around *the system* to prioritise the welfare needs of children:

*It's the children's side of it rather than the justice side of it. When we're talking about where you lean, where you come from, then it's still very 'welfare' rather than like justice and being process driven. (p.50)*

A key difference between the YOT and the examples given above is the role of managers and their willingness to promote creative practices, where Morris (2015) and Worrall and Mawby (2013) report creative practitioners clashing with managers. As highlighted above, experienced YOT practitioners felt they had support from managers; and they did, this is because recruitment centred around bringing in individuals with habitus that complement YOT values.

Habitus is essential to field; each is relational, responsive, and has a transformative influence on the other (Bourdieu and Wacquant 1992, p.19). Habitus is a product of socialising and ongoing practice that becomes internalised as it shapes how an individual sees, understands and interacts with their world, which Bourdieu described as having a "feel for the game" (Bourdieu and Wacquant, 1992, p.128). However, a field is prone to change and may evolve if forces begin to impact externally, or significantly here, should actors change it from within. Therefore, recruiting those with similarly aligned habitus is vital to maintaining a field's structure. Bourdieusian logic was reflected by YOT managers who strategised recruitment accordingly. Frank explained that critical to the YOT's success was recruiting the right kind of people needed to achieve the *vision* of those at the top:

*It comes from the top really, it comes from a vision, a vision of what we are hoping to achieve. Without a clear direction to go in, I think if you are talking about the process, the pure process you need a very good recruitment process as well. (Frank - YOT middle Manager)*

Managers routinely reported prioritising experiences and values that empathise and understand children's welfare. Although caseworker practitioners had developed field-specific habitus, such as navigating the landscape and jargon of social welfare and criminal justice, they generally shared a similar habitus that prioritised welfare over formal justice. Recruiting similarly minded individuals whose beliefs reproduce existing values has the system-strengthening effect, suggested by Maton (2005) above, that is better equipped to resist external pressures. With the power of an established social work culture, it is hoped that practitioners either dismiss justice frameworks or reframe them in ways that better reflect the values in place.

By providing occupational freedom, practice becomes detached from organisational bureaucracies, and individual habitus is relied upon to steer occupational decisions towards welfare-based options (discussed further in 7.2.1). Mervyn's assessment (above) that caseworker practices should be drawn from their "*knowledge and experience*" was repeated in other practitioner interviews. Therefore, as practitioners judge these ways of working as limited and restrictive, this can capture how practice can deviate from rigid bureaucratic systems and emphasises how discretion was the dominant orthodoxy behind decision-making. Practitioners celebrated lived experience and intuition as their primary resources:

*Common sense, good old-fashioned common sense. It sort of dictates to you, you know because we are all human, we are not machines, like I say I can only describe that as you know maybe a sixth sense, common sense. It sort of dictates to you that you are making that decision. (Nick - YOT Reparation Officer)*

Nick describes instinctive working and reinforces the mantra that practice should not be automated. More experienced practitioners could draw upon a catalogue of what worked here and what failed there, suggesting that practice is based upon *experience-based evidence*.

*I think it is a bit of wisdom, I think it is a lot of gut feeling because I think you kind of, yes I think there is a lot of wisdom and gut feeling but you also know how, you know because of the way we work. (Alan – YOT caseworker)*

Other practitioner narratives described manipulating decisions made on a multi-agency level, indicating that practitioners believed their instincts were superior, as highlighted below which explains how experience was implemented in practice:

*So, I would then take that to a multi-agency meeting where I knew my wisdom was telling me that this young person is not getting the best deal because people are being a little bit risk enthusiastic. (Alan - YOT caseworker)*

Such narratives were commonplace and reinforced organisational attitudes that the complexity of youth justice cannot be captured in overly simplistic administrative frameworks. Perceptions of what should be done within a given context are drawn from a broader range of internalised factors that guide practitioners' decisions. Pease and Roach (2017) point out that the evidence base that informs practice is of a different kind, when unpicking the processes behind police practice. To make their point, the authors explain that the policing landscape demands that policing be of an evidence-based statistical routine because that is most convenient to theory and textbooks. However, police officers' minds do not operate on evidence of that kind; instead, they use a library of trial and error that allows the officer to make decisions based on predicted outcomes, meaning that experience morphs into expertise.

Additionally, Smith and Gray (2019) found YOT practitioners filter occupational objectives through different perceptions and understandings (see section 3.2). However, YOT practitioners are not morally and logically infallible in their decision-making; as the previous chapter shows, leaving practice to individual discretion opens the door to various interpretations. What is good and credible for one practitioner may not be for another. Where Nick describes practices as the result of *common sense*, the problem is that common sense is, all too often, not very common; as Tierney (2005) points out, common sense is often simply those thoughts that a group most commonly holds. In a discussion of criminality and its treatment, *common sense* has led to an array of causal explanations, from bad genes to deprivation, leading to equally varying suggested responses, from torture dungeons to therapy groups, each holding the common sense for some people at some point.

Furthermore, Case (2021), speaking specifically of the Asset risk assessment, argues that it is too simplistic to understand context and nuance of children's lives, yet warns that discretion invites bias and discrimination. Case argues that there is an inevitability that discretion will be required, but there is the "question of how to promote consistency without stifling all creativity" (p.119). In a discussion of professionalism at the YOT, it can be argued that managers pour faith into

habitus and the powers of a dominant culture to influence practitioners' decision-making over actions informed by bureaucracy. Though practitioners allude to free occupational reign, the hope is that they remained tethered to the values that brought them to the YOT in the first place.

### 7.2.3 *Positive Outcomes: Ambiguous Objectives for Subjective Practices*

During interviews, practitioners routinely described *positive outcomes* as an objective when practising restoratively. This fits a growing trend as *positive outcomes* have become embedded in the youth justice lexicon as a measure of success in government policy and youth justice practice. In policy, the YJB has expressed in its *Corporate and Business Plan 2011/12 – 2014/15* and then *Strategic Plan* for the years 2015-18, 2019-22 and most recently 2021-24 have all asserted that youth justice interventions must prioritise *positive outcomes* as a measure of success (YJB 2011; 2015; and 2021). Within practice, Smith and Gray (2019) found that *positive outcomes* terminology features prominently in practitioner discussions relating to improving welfare outcomes. Case and Haines (2015) also claim that current practice standards are open to interpretation because of a lack of clear understanding and objectives in the policy and that child offenders should be treated as children, not offenders. The authors argue that a 'child first; offender second' approach should be implemented that diverts children from formal processes and into ones that aim to benefit the needs of children first, thereby attributing notions of positively intervening as those that prioritise the child's welfare.

Most practitioners within the YOT reflected the broader field's move to working *positively* and achieving *positive outcomes* as highlighted below when describing the purpose of the service:

*(It is about seeing that people have made those positive changes, or that there are positive outcomes (Sam - Outpost Team Leader)*

Some practitioners even described achieving positive outcomes was a primary organisational goal:

*Interviewer – What do you see as the aim of the Youth Offending Team?*

*To reduce crime, to reduce a young person's criminal activity and to provide positive outcomes.  
(Alex - YOT caseworker/seconded police officer)*

Semantic variations of working *positively* were routinely expressed by caseworkers, which adds to the evidence that restorative justice and *positive outcomes* are connected by a means and outcomes relationship. Nick explains, below, how he can showcase his use of restorative justice to achieve *positive outcomes* when speaking to new police recruits:

*In terms of restorative, we will get a couple of new (police) recruits that will come through once a week and they will come through and speak to different practitioners, myself included, and I will be discussing the different projects, how we engage with young people, look at positive outcomes for them and each time that they are coming through the feedback that we get from new recruits from the police and stuff is really positive. (Nick - YOT Reparation Officer)*

Creating a culturally harmonious environment has effects beyond cohesive values; because internal values are dominant, the intended effects of system-changing policies are reversed as policy and central directives are assimilated to reinforce values and reproduce existing methods. Previous research has illustrated how the vagaries of youth justice policy ambitions have worked against the sector's coherent and harmonised working practices. Morris (2015) suggests that “to practice in a YOT is to negotiate a consistent state of ambiguity” (p.48), and both Souhami (2007) and Morris (2015) claim that unclear messages from the top do not lend themselves as a useful yardstick against which professionalism can be measured. Whilst, this study supports existing findings highlighting the link between ambiguous policy and diverging practices, the data here does not necessarily show the same cause-and-effect relationship. Previous research has suggested that diverging practices result from differences in interpretation, however, the data here indicates that ambiguous policy is functional to the YOT. Youth justice bureaucracies struggle to reflect one caseworker’s interpretation of success to the next, nor can they reduce the complexities of casework to statistical spreadsheets to show success and reliable practices. Therefore, the YOT uses policy ambiguities to authenticate practices and measures of success that already exist to practitioners. The data shows that practitioners consumed policy in ways that reaffirmed existing narratives. This has a professionalising impact on individualised practices as policy messages assimilate into each practitioner’s practice repository.

In the same way that restorative justice ambiguities legitimise various approaches to youth justice under one convenient label, achieving *positive outcomes* enables equally ambiguous measures of success. Such terms, whilst compelling soundbites, incite visions of technical

methods and beneficial markers of success, are words whose only value relies upon the individual's subjectivities. Therefore, the problems of ambiguous policy are not remedied should they be replaced with equally ambiguous aims. For Cohen (1985), the issue with notions of *doing good* that imply a newer, more progressive system often indicates improvement, but how this is to be achieved remains vague (p.21). Cohen explained that it is plausible that the expansion of the justice net is necessary for progressive ideologies to reach more people and that agents *within* would believe that they were "doing good" by keeping people from the carceral state (p.155). However, he criticised the inability of community projects to untangle their noble intentions from the harm of penal-social control mechanisms whilst they remained attached to criminal justice frameworks. *Positive* notions of youth justice fall into the remit of Cohen's cutting critique; despite being *positive*, it remains *youth justice*. Cohen argues that responding to the needs of children should be the only means and end to those endeavours by metaphorically asserting, "We build adventure playgrounds because we believe in this, and not because it might reduce vandalism." (1985, p.264). For Cohen (1985), to detach practice from benign actions of social control, its pursuit must be directed towards improving the quality of lives because it is right, not because it might encourage other side effects.

However, as Chapter 6 identified (6.3), Cohen's (1985; 1998) cynicism of *doing good* from within was not absolute. Despite describing the necessities of revolutionism, in what may have been the prelude to suggesting that agents remain *unfinished*, Cohen (1985) offers a reprieve by welcoming short-term pragmatism; "my preference is to be pragmatic about short-term possibilities but to be genuinely utopian about constructing long-term alternatives" (p.252). Cohen praises practices representing distortions against systemic social controls that might attempt to displace the justice narrative in favour of genuine attempts to respond to need. Arguably, the YOT aims to implement pragmatic short-term solutions, ensuring messages coming in and out are adapted in ways that do not disrupt interval values towards welfare. This position was again reinforced at the Outpost, where Sam described the qualities needed to be a successful practitioner:

*I think for me there are some people that are passionate about young people and adults that have a desire to, I want to say help that person, but that sounds very trite, it is more than that,*

*they want to enable them and have the skill of being able to engage that person in the process so that they can make a forward plan together. (Sam - Outpost Team Leader)*

Problems arise when a workforce with differing experience and expertise has varying ideals of how short-term possibilities are constructed. To remove CJS mechanisms, to favour discretionary engagement, to create *positive outcomes*, and understand needs has a potentially vacuous effect on practice. Case and Haines (2015) argue that implementing a positive youth justice model is a new philosophical approach to youth justice. However, by their admission, Case and Haines (2015) have pointed out that *working positively* through a *child-first* approach cannot be defined; “we cannot provide a simple definition or description...because one does not exist.” (p.32). With that, positive youth justice risks inconsistency and prejudice by failing to provide a blueprint of what must be done. Notably, the authors recognise the complexity required to respond to children’s needs effectively, which cannot be captured in catchy soundbites or over-simplified step-by-step instructions. Therefore, the response to which, they suggest, must be as equally dynamic and responsive to the situation being handled. Therefore, they instead provide parameters and examples as a practice matrix to inform ideals applicable to diverging scenarios. In much the same way, YOT managers recognise rigid frameworks are highly unlikely to be reliably applied to unreliable situations, and therefore, practice must be informed by internalised guidelines. Actioning Case and Haines's (2015) approach to guiding practice, at the YOT, principles are taken from social work and are reinforced with shared examples of best practice within a canteen culture to inform decisions and guide conduct.

### 7.3 Restorative justice: An Embodiment of Practitioner Types

Operating at different levels enables the YOT to respond to externally enforced managerialist pressures whilst promoting an internal culture to promote children’s needs. Juggling competing aims, the YOT has organised its workforce so that personnel are steered towards roles that best fit their skill sets and fulfil organisational obligations at both the face value and the face beneath where opposing skill types are required (see 5.2). Despite such skills being typically taboo within a social work culture (Page, 2013), bureaucracies at the YOT’s face value require a practitioner who communicates in the languages of *risk* and *justice*. Meanwhile, beneath the surface, where penal narratives pose the greatest threat to welfare intentions (McNeill et al., 2009),

requirements have less to do with criminal justice discourses and more with children's needs. However, where previous research has alluded to the welfare versus justice narrative as a tension-generating zero-sum game among practitioners, data shows that the YOT ensures that contrasting occupational types that might otherwise conflict will collaborate and work collectively.

Within any given field, members vie for recognition for successful performances. However, this becomes complicated when performances celebrated on one of the YOT's levels are not required on the other. Bourdieu's concept of field should be understood within the context of wider society, which exists within two forms:

*First, reified as sets of objective positions that persons occupy (institutions or 'fields') and which externally constrain perception and action; and, second, deposited inside individual bodies in the form of mental schemata of perception and appreciation (whose layered articulation compose the 'habitus') through which we internally experience and actively construct the lived world.*  
(Wacquant, 2013, p.275)

Within a given field, an individual's habitus plays an important role in how they perform and interact within that field. The field in this study centres around youth justice; however, within that, there are competing perceptions (as described above) and conflicting ways that action can be constructed. With that, Bourdieu and Wacquant (1992, p.19) suggest that a field can be likened to a battlefield that is "simultaneously a space of conflict and competition" as its members compete over different forms of capital at stake.

Habitus offers us a way to understand how agents experience their field; Maton (2008, p.50) explains, "we often feel we are free agents yet base everyday decisions on assumptions about the predictable character, behaviour and attitudes of others.". Habitus explores how social tendencies and patterns can be explained when no explicit rules dictate that those tendencies and patterns should exist. Maton (2008, p.51) suggests that habitus is "structuring in that one's habitus helps to shape one's present and future practices.". Habitus can be viewed as a state of being that impacts how an individual understands and acts within given spheres, whereas habitus is realised as performance tendencies or predispositions. Maton adds that "these dispositions or tendencies are durable in that they last over time, and transposable in being capable of becoming active within a wide variety of theatres of social action." (2008, p.51). Significantly, Maton (2008,

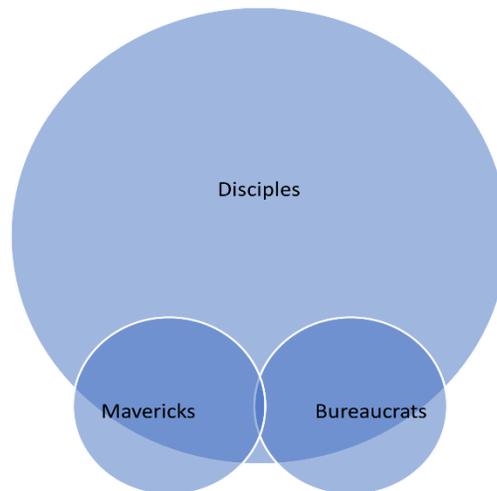
p.51) points out that “Bourdieu is not suggesting that we are pre-programmed automatons acting out of implications of our upbringings.”. Practices are the product of a more complex relationship, summarised by Bourdieu (1990, p.101); “*(habitus)(capital) + field = practice*”.

Chapter 3 highlighted that capital, usually associated with welfare occupations, struggles to retain value in the penal field. However, by couching itself as restoratively-led, the YOT can validate occupational freedoms which were described during practitioner interviews and make other forms of capital available, including those typically found in social work. Practitioners draw upon individual experiences to inform practices, as such, restorative justice is realised according to their take on youth justice. Therefore, within an environment experiencing competing aims, Bourdieusian concepts of habitus and field can be applied to show how practitioners construct their occupational identities and, in doing so, manipulate restorative justice practice as an embodiment of their values and beliefs. Data indicates that varying types of capital were available to validate the diverging ways restorative justice is realised and encourage practitioners to respond to its administrative needs at the surface and its social work values below. Values, beliefs and orthodoxies are not universal within this case study, therefore, Bourdieu’s field theory provides an analytical framework to make sense of differences in habitus, and its dissonance to a changing field, from which new forms of practice may be created (Phillips, 2016).

Three distinguishable typologies, below, explain how practitioners can successfully engage in their roles within the organisational context. Each practitioner displayed values, habits, or skillsets that oriented them towards traits that indicate being either a *Disciple*, *Maverick* or *Bureaucrat*. Bureaucrats hold skills directed at the administrative face value; at the opposite end are Mavericks, who represent the welfarist underbelly of the YOT, whilst between them are Disciples, who are guided by the dominant doctrines of the group. Individuals occupy a dominant typology but can access traits of other occupational types to complete all aspects of their roles. It is important to note here that all practitioners displayed Disciple traits, meaning that most practitioners were characterised as Disciples, because a complete refusal to cooperate with the cultural values and expectations of the YOT would jeopardise their position within the team. However, two small groups drew forms of capital from outside the YOT; for Mavericks, capital was attached to a desire to improve lives and tended to have links to occupations preceding them

joining the YOT. In contrast, Bureaucrats accessed capital by efficiently overseeing and linking the activities of the YOT to the penal-field by using external bureaucracies and youth justice rhetoric as the connecting tissues. All three typologies are functional and vital to organisational success.

The Venn diagram below illustrates an approximate proportional representation of each type and the levels to which practitioners could access traits of other types. As the diagram shows, Disciples are the most common type and, to a degree, could draw upon the skillsets typical of Bureaucrats and Mavericks. While Mavericks and Bureaucrats could draw upon Disciple skills, they could far less access each other's typological characteristics.



In their analytical framework Cohen (1985) describes three contrasting narratives used to make sense of the direction of change in criminal justice. Cohen provides three dominant stories, that characterise criminal justice reforms in the literature, *Uneven Progress, Good (but Complicated) Intentions - Disastrous Consequences*, and *Discipline and Mystification*. A discrete analysis of the three typologies below, makes sense of different positions individuals can occupy in how they make sense of their professional identity and perform their practice role(s). It is therefore possible to see how the narratives of restorative justice policy explored with participants align with Cohen's social control framework.

### 7.3.1 Disciples

This first typology is the most frequent occupational type in the fieldwork. Disciple characteristics result from mechanisms and strategies inherent within the YOT's culture of criminal justice resistance, The *Disciples* are characterised by their enduring pursuit of an organisational culture that, in its behaviours and practices, places the child's needs first and where all share a faith in youth justice rhetoric. However, due to the YOT's precarious position in the penal field, practitioners must be able to operate as youth justice practitioners and remain committed to the shared values and goals of the YOT. The recruitment strategy in the setting, that prioritised the soft but essential skills of building a rapport with young people, captured in Ian's quote at the start of the chapter (7.2.1) has ensured a steady flow of practitioners who would identify as Disciples.

However, the YOT can only recruit from a pool of those interested in youth justice, meaning that individuals applying for roles are already, in some way, drawn towards the lure of criminal justice and its promise of making positive changes to young lives through the justice lens. Disciples show all the hallmarks of Cohen's (1985, p.167) *new class of professionals*, the by-product of the growing unemployed social-science graduate population, that would saturate the new system and protect their position by prioritising efficiency and technocratic knowledge to rise economic and status ladders:

*They are elitist and self-seeking, they use their knowledge to advance their own interests, but they have some functional autonomy from the older elites and established institutions. In addition, they have access to 'CCD' - the Culture of Critical Discourse - a particular style of speaking and thinking which potentially makes for alienation and radicalism. The new class thus, is morally ambivalent embodying the collective interest but partially and transiently, while simultaneously cultivating their guild advantage. (pp.163-164)*

Though Cohen (1985) describes a new wave of professionals taking place in the late 1970s into the 1980s, in a micro sense, the same has happened to the YOT, as a group founded on social work must inevitably begin welcoming a new type of worker into its domain that has criminal justice in mind. However, Cohen explains that the new class will attempt to gain control over their work to protect their cultural capital. McNeill et al. (2009) suggests that the penal field is "accommodated, resisted, and subverted" differently for practitioners with different histories

and different sources of capital (p.436). Therefore, though the new wave of youth justice professionals become increasingly vulnerable in their search for capital, their ability to successfully negotiate neo-liberalist frameworks rather than adapt to the established culture, presents a threat. Furthermore, Morris (2015) found younger practitioners drawn towards children's social work but with less experience were more likely to accept offending narratives and administrative frameworks as "a key aspect of the role" (p.52). However, a far more dominant source of capital available at the YOT surrounds resisting child encounters with criminal justice bodies. Whilst the new professional is drawn towards criminal justice narratives (Cohen, (1985), at the YOT, they simultaneously become a Disciple of organisational values and the cultural capital on offer. This means that although the Disciples use youth justice languages, their practices resemble the welfare priorities of the organisational culture. This was revealed in several ways, where practitioners described their practices loaded with youth justice jargon, but at the same time described practices that resisted the CJS and were restricted to the YOT:

*To me, it is about, I suppose, finding a resolution, how can we move forward, so if we look at and I think it can be used for any sort of incident where, so it would not even necessarily need to be an offence if you like, somebody would not need to be brought to the attention of the police, in my job that is where I see it. (Sandra – Outpost Caseworker)*

*I think Youth Offending Teams, at this moment in time you, are always going to have young people and stuff that will make the wrong decision - they will get into trouble. But I think that both times that we have become proactive, and that's probably the stats and stuff where we will go in, and we're looking at prevention, we're looking at redirecting young people in a sort of positive way and informing them and educating them so they will make the right decisions. (Nick – YOT Reparation Officer)*

In other circumstances, practitioners would describe a focus on offending behaviour, but it was syphoned through approaches and measures that allow the practitioner to practice autonomously. When asked what the aims of an intervention were, she explained:

*To reduce crime, to reduce a young person's criminal activity and to provide positive outcomes. (Alex - YOT caseworker/seconded police officer)*

Although Alex's account of purpose is unequivocally tied to the nature of offending, achieving *positive outcomes* implies that Alex's aims remain connected to the organisation's welfare aims. Considering Alex's police background, she separates justice objectives from positive outcomes. Those youth justice practitioners who identified their role as being directed to welfare over

justice may readily adopt terminologies that they feel represents and describes their practices as *positive*. Restorative justice is significant to achieving occupational flexibility and resisting external influence whilst doing youth justice. Practitioners would express that in their practices, they would search for opportunities to include restorative justice and, in doing so, provide themselves with legitimate opportunities to practice instinctively without involving other criminal justice agencies:

*So, that is like the more holistic approach to it, but there is an element of addressing their offending behaviour and a restorative side to it. The restorative side, I feel that it has just got a lot bigger now, most recently. But the restorative side to it benefits them a little bit more than just addressing the offending behaviours. I think sometimes they gauge more of an understanding about consequences and things like that. (Robin – Outpost caseworker)*

*Whenever I go out and see a family, I am always looking at where I can include a restorative intervention; it is always sort of there on my mind. (Sandra – Outpost Caseworker)*

For Disciples, restorative justice has a legitimising effect: justice-associated rhetoric neutralises feelings of easiness caused by cutting against the grain of government. Restorative justice enables Disciples to creatively explore approaches that distance practices from the justice paradigm without severing ties completely. Practitioners, that have qualified resistive aspects of their activities, can remain confident that their duties are legitimate. It also means that practitioners' ambitions to tackle criminality must be met through the canons of the YOT's value system.

The Weberian *charismatic leader* possesses gifts “of body and mind” that others acknowledge and validate as a catalyst for participating in a programme of action (cited in Dow, 1978, p.83). A charismatic leader can “transform all values and break all traditional and rational norms...” (Ibid). Senior figures at the YOT had qualities commensurate to a charismatic authority to recruit members to employ a value system that largely rejects external orders and ensures recruits remain faithful to extraordinary internal rational norms. A charismatic leadership style requires a laissez-faire approach to guiding subordinates and establishing ethical and moral issues that the members internalise. Though YOT managers may not entirely fulfil the requirements to be considered *charismatic leaders*, propagating an established culture and trusting it to drive practice brings the desired effects.

Despite Cohen's (1985) warning that practitioners would adapt to managerialism with more professionalised aims, practitioners drawn to the YOT still described welfare goals. Alex held a privileged position by previously working as a police officer, giving her experiences in what this thesis considers contrasting fields. Alex reinforced that the *type* of practitioner at the YOT was different from those in the police:

*I think within the Youth Offending Team they have; I'm not saying police officers aren't as caring but there is a slightly different type of person that works within the Youth Offending Team. (Alex - YOT caseworker/seconded police officer)*

Alongside Alex's comments in section 6.3.2 that contrasts her experiences of police and YOT work, an image is portrayed that whilst police value process and efficiency, those with social work skills drawn to the YOT showcase *care* in different ways. The existence of commonly held beliefs requires less impetus to establish strong bureaucratic constraints to practice, that might otherwise be symbolic of a lack of discipline towards a common goal. This can be seen in practitioners' attitude towards administrative processes where they are accepted as part of their role, but so is their discretion to peer beyond those frameworks:

*I mean, part and parcel of that assessment process and writing reports doesn't highlight, you know, it's not an answer to everything isn't that particular assessment report that you are doing because sometimes it can miss things. (Nick – YOT Reparation Officer)*

Chapter 5 (see 5.2) shows negative views of administrative processes were commonplace. Similarly, Morris (2015) found that those more oriented towards *making a difference* described being "creative" and "laidback" in their practices, compared to counterparts who remained focused on the criminal justice aspects of their role. Adding to this, Morris noted that those focused on making a difference were far less accepting of large quantities of paperwork. The difference in this study is that though administrative work was not viewed favourably, it was conducted and used to legitimise practitioners' discretionary techniques.

Disciples are wedded to YOT cultural values, pouring faith into the direction given by management as an ideal operationalisation of youth justice. In turn, this reinforces the shared logic that other criminal justice agencies fail to meet their lofty standards, and this was shown as practitioners would routinely heap praise upon the organisation, seeing it as superior other organisations and even other local YOTs:

*Even compared to other parts of West Yorkshire we are very lucky here that we have them [facilities and specialised practitioners] all in one place, you'll go to other places within West Yorkshire and they just don't have anything like what we do. (Alex - YOT caseworker/seconded police officer)*

Disciples are effectively the embodiment of being *unfinished* (see 6.4); neither committing to revolutionism nor accepting absorption into the penal landscape. Instead, the attempt here is to mould a new cohort of workers who regurgitate all the discursive trademarks of youth justice whilst committing their occupational focus to organisational values.

Cohen's (1985, p.19) narrative framework, *Good (but Complicated) Intentions - Disastrous Consequences*, can be applied to Disciple attitudes towards policy reform and towards restorative justice. Cohen suggests that this model might also be called *we blew it* due to the belief that policy reforms are designed with the will to do good. Still, that optimism inevitably turns into disappointment as failed reforms often do more harm than good:

*The record is not just one of good intentions going wrong now and then, but of continual and disastrous failure. The gap between rhetoric and reality is so vast, that either the rhetoric itself is deeply flawed or social reality resists all such reform attempts. (Cohen, 1985, p.19).*

For Cohen, each succession of the state carries promises of effective reform, which are wilfully and optimistically embraced. However, each time, it resulted in the same disappointment (giving sense to the title, *we blew it*). This is a story of undulated progress – of faith in the system's pursuits and the aims of the custodians operating within it. Therefore, there is optimism that reforms are conceived with good intentions and still, there is an acknowledgement that reformatory ideals are greeted with complexities at implementation, where a series of systemic variables undo the original intention. Armed with historical insights into the limits of state intervention, Cohen explains that the narrative here points towards a minimalist response:

*A guide to future policy might be 'do less harm' rather than 'do more good', or anyway, 'do less altogether' rather than 'do more of the same'. (Cohen, 1985, p.21)*

Similar narratives were found at the YOT (see 5.2 and 6.2) and the blame for a harmful system lay firmly with the state and poor national policy reforms, together with a belief in a “less is more” response being better (Frank - YOT middle manager – see 6.2). However, pessimism towards outcomes does not preclude rejection of the system. Instead, a *we blew it* narrative suggests that

the principles of the system remain valid, but “...the gap between promise and fulfilment was enormous.” (Cohen, 1985, p.20). It draws upon an inability to properly execute the ideas and values of reform rather than blame reform itself. In this model, managers play a role in derailing well-intended ideologies to ensure the longevity of a programme. One could undoubtedly identify elements of this narrative in this case study (as managers openly described manipulating policy and outputs – see 5.3, 6.2.1 and 6.3.1). However, unlike those subscribing to a *we blew it* narrative, Disciples have faith in management to realise progressive components of reform effectively. Further still, in Cohen’s model, there exists a repeated optimism that the system “can still be improved” (Cohen, 1985, p.21), which is recognised by YOT managers who offer nuanced practice alternatives in a bid to do less harm. Through restorative justice, Disciples may remain committed to the underlying principles of youth justice whilst simultaneously practising in ways contrary to an otherwise flawed system.

### 7.3.2 Mavericks

In contrast to Disciples, *Mavericks* are drawn to work in the youth justice sector because of their interest in helping children, and often, their previous employment experiences in supporting young people means their habitus as a youth justice practitioner pre-date their joining the service. The evident passion for their work that Mavericks displayed saw many explicitly identify and romanticise their altruistic motivations, with Alan’s reflections being typical of those who see their role now as a continuation of a more prolonged dedication to youth work:

*My primary driver is I want to help young people, yes and I like young people, I like working with young people I get a buzz, I get like a selfish buzz if you like, working with young people, it’s what drives, it’s why I like this job I do ... But my personal driver is I want to help people and I know how detrimental to life chances youth crime is for a young person, and that kind of thing drives me. But it’s not necessarily the organisational culture of the YOT that drives me at all really. (Alan – YOT Caseworker)*

*Mavericks* purport to operate on the back of a personal ethical aptitude for what they judge as the moral good of their work. At times, the sense that they needed to disregard bureaucratic processes that impacted their ambitions to prioritise the well-being of children re-asserted their status as *Maverick* and unconventional. Above all else, Mavericks’ focus on children’s successful engagement, creating positive relationships and providing protection from state harm. They

routinely positioned themselves and their working practices as bastions of a social work tradition committed to resolutions outside criminalisation. Remaining loyal to directing practices to improve children's welfare (regardless of institutional values), Mavericks are ideological martyrs, bemoaning systems that do little to improve children's vulnerabilities whilst ironically utilising perceived condemnation as a badge of honour.

As a practitioner, at the YOT, I had known Alan as a laid-back character who appeared to value engaging with children on a personal level over following *the process* of engaging with children. Alan's empathy for the children on his caseload never seemed to waiver, and he appeared to create rapport easily. Alan was the archetypal youth worker; he was liberally minded, had a guitar behind his messy desk and presented as a bohemian character, often wearing loose-fitted bohemian-style linen shirts and a trilby hat. As a younger and inexperienced practitioner at the YOT, compared to my counterparts, I revered Mavericks such as Alan, who seemed to operate reactively rather than proactively. He appeared to respond calmly to turbulent workloads that would cause anxieties in others, making it seem effortless. They used instinct, wisdom and know-how over policy and guidance. Their primary aims were, and remain, to generate rapport and show empathy, which, for Mavericks, are the most critical aspects of their role.

Alan epitomised *the Maverick*; as a long-serving member of the YOT, his working practices symbolised the ideological visions below the surface and being emotionally invested in reproducing its values. Alan openly discussed practicing in ways that contravened organisational expectations that garnered negative reactions from managers. However, Alan described a situation where pleasing managers and operational standards paled in significance to doing what he felt was morally right (the context of Alan's story is that he successfully negotiated a longer order for a child at court):

*So when I came back to the Offending Team one or two managers weren't happy with me at all ... my argument was well no I think what I'm doing is using the Youth Justice System as a welfare mechanism to make he gets the help now... Anyway, there was a lot of debate about it, but I still stood by my guns about what I did, but that was my own personal opinion from my own experience, personal stroke professional opinion, but also a kind of a personal feeling that this lad, there was an injustice with this lad and the family and there was. I felt like a personal duty to. I was able to maybe solve a lot of this family's problems now being in the position and the power I had in my position as a worker in the family team, I might just be able to solve this. But*

*what I remember was when I came back one of the managers here was really pissed off with me, he said "I can't believe you've done that Alan\*, a person of your experience and really laid into me about it". I didn't know what to say really because I agreed with what that manager was saying, I agreed with him, but there was another story you know, and I just said "Well I've made a judgement on what I know and that's it kind of thing". (Alan – YOT caseworker)*

Alan confirms the organisational ethos of reducing system contact, but also highlights the ways that restorative justice enabled additional justice mechanisms should the practitioner deem it necessary (section 6.3.2.2). However, despite this, a key characteristic of Mavericks at the YOT was despite their tendencies to deviate from expected practices, they felt supported to make discretionary decisions (Mavericks felt less supported at the Outpost which is explained further below in section 7.4):

*thing is I'm lucky I think I've had some good managers that have been quite understanding and tolerant when I've shot from the hip. (Alan – YOT caseworker)*

Importantly, Alan portrays himself as a rogue agent and, like other Mavericks, tends to see themselves as the *black sheep* of the group because he imagines himself as a moral crusader standing up to a corrupted regime, even if it is to their detriment where it seems that capital is gained through overtly expressing a disregard for compliance in favour of a moral crusade; as shown here by Dave:

*This is an opportunity for me to help out and do a favour and keep somebody on the straight and narrow, marvelous, marvelous. I will give it my lot, and if I get into trouble for a young fella, then I get in a bit of trouble for a young fella. But if he comes out smelling of roses, then I am happy. (Dave - Outpost caseworker)*

Similar observations by Morris (2015) found groups of youth justice practitioners drawn to the job to *make a difference*. Burke et al.'s (2017) study of probation occupational cultures found similar processes where the "marooned" in their study found solace and solidarity in identifying as a distinct cultural group connected by faith that whether in the public or devolved rehabilitation services, they would continue to adhere to and defend their vision of probation work. The Mavericks in this study concentrated on children's needs and found themselves in conflict with criminal justice practitioners, such as police and probation. Furthermore, Morris also found that practitioners committed to *making a difference* by focusing on welfare were mainly from backgrounds that empowered young people and were more experienced practitioners.

Very similar trends are replicated in Mavericks, who were primarily from a social work background and had extensive experience.

It was common for practitioners to report having an acute *feel for the game* and that their habitus was so well matched to their roles that they would possess an instinctive ability to assess a situation:

*Because I care, because I understand a lot of them and I get it, like I get why they don't want to answer the phone one day, I get that. I do feel like I understand a lot of the people I work with, so I suppose... And you just get a feel, and you just know, in a way, I feel like I always know a little bit and get a feel of it, and I can have the right kind of conversation with them. (Stevie - Outpost caseworker)*

*I think you just, you just gain that experience, so you do get a feel for it, you know. (Geoff - YOT caseworker)*

However, assigning Maverick status to each member who described their practices as such would be difficult, because the YOT encourages practitioners to work intuitively. Therefore, there is a rich source of capital available for those who can do it well and with ease and they are particularly prized, as is the case in most fields. Those who display skills that are seemingly naturally bestowed are revered most. Therefore, practitioners lauded traits that are here defined as Maverick, and in their minds, most practitioners would egotistically claim that they, too, possessed those inherent gifts:

*I can walk into a room of people of all ages and within 5 minutes I will have them eating out of my hand ... I will reach out for a communication, an attachment, right... (Dave - Outpost caseworker)*

Whilst most practitioners attested to holding Maverick-like qualities, few could be qualified as such. Although many displayed Maverick characteristics, they were not consistent enough to be the dominant traits that characterised their occupational identity. There are means of testing Maverick's status, one is experience, which is essential to a Maverick; across those with dominant Maverick traits, there was a commonality of having an extended practitioner history of social welfare experience. Dave, Geoff and Alan, each had more than 20 years of practitioner experience and displayed Maverick traits the most. Experience qualifies a Maverick (in their

mind) to bypass processes because they have access to a more reliable repository of meaningful experiences of tried and tested methods:

*It's the solid truth, I know about this, and again I am not knocking, everybody has got to learn their trade and it might be that some of my younger colleagues you know, do not have that life experience where they can relate a circumstance or a situation and put some feeling into it, ...  
But, I am older and wiser and I know things just through life experience. (Dave - Outpost caseworker)*

Similarly, Reiner (2010) found trends within police culture where some officers displayed a commitment to a *mission*, a simplistic and decontextualised view of their occupational objectives. Like Mavericks, Reiner found that officers developed a cynical disposition of the CJS, seeing themselves as the harbingers of best practice. This gives Dave's comment further poignancy, he was a retired police officer (see 5.4.1) whose experiences of '*old-school*' policing had given him a Maverick intuitive skill set that he feels is lost to his younger colleagues who are yet to accrue the necessary time in the field. Dave was an exception to other Mavericks due to having a background in justice rather than welfare and does help emphasise the capacity of occupational identities to morph and change. In moving between organisations, Dave felt he was out of place within contemporary compliance cultures not because of having to learn new working practices necessarily but because of his expressed will to operate instinctively and his criticism of younger colleagues being overly eager to intervene in children's lives. Furthermore, like other Mavericks, Dave openly advocated for a model that intervened because it was right to do so and not for the sake of compliance.

Practitioners wrestling with what 'good' and 'right' criminal justice work is and the capacity of policy and procedure to adhere to these tenets shape an individual's ability to construct themselves as a Maverick. For those who consider themselves to have been in the service before the increased influence of managerialism and with long experience in the service, the reach for and reminisce about *better times* when actions were less scrutinised and neoliberal frameworks was less demanding. For others who were newer to the service, their assessments of the alignment of bureaucracy-heavy practice conditions with an underpinning zeal to support young people were more dynamic. This meant that even those who prided themselves on working

intuitively and autonomously acknowledged the prevailing influence of administrative tasks and *doing justice*. For example, Angie describes being guided by a feeling:

*You will get a feeling, sometimes reading between the lines, dig a little bit deeper, and you tend to find out a lot more. (Angie - Outpost caseworker)*

Yet elsewhere, Sandra stressed the importance of bureaucratic tasks:

*...if it's not documented, it's not happened and that is very much - we're very aware of that. We're on the ball with our data sets; every youth or adult that we work with, we complete forms lists, we complete data sets. You have to have that recorded. We're going to get audited at some point, and I think to actually know that we are doing what we should be doing, that needs to happen. (Angie - Outpost caseworker)*

Most practitioners could not entirely divorce their conduct from administrative justice frameworks, certainly not to the extent a Maverick could. Angie shows that despite suggesting an eagerness for off-piste practices, she ultimately could not separate practice ideals from operational bureaucracies. Mavericks, in contrast, appeared to take pride in defying representations of criminal justice and disregarding administrative tasks (see data in 5.2, 6.2.1 and 7.1). Similarly, Lynch (1998) found agents adamantly clinging to traditional practices and resisting state-wide efforts to standardise practices through actuarial policy-making. Agents circumnavigated newly introduced bureaucracies and chose to persistently defy management and prioritise “an individualistic approach to the clientele and an intuitive approach to case management” (pp.861–2). For Mavericks, policy and guidance are resisted as representations of justice frameworks whilst also perceived as redundant resources against their heightened abilities.

Mavericks are the YOT's embodiment of an *edgeworker*; they relish the unpredictability of casework, allowing them to showcase talents that can establish rapport and create genuine connections. Morris (2015, p.54) found similar attributes in YOT practitioners who enjoyed being creative and *getting their hands dirty* by getting to know the offender; something participants claimed could not be achieved within the rigid frameworks. Hammond (2017) suggests that such phenomena are explained through de Certeau's (1984) notions of *strategy* and *tactic*. Hammond describes *strategy* as “a set of processes and parameters of a particular space; through mechanisms of governance, an identified illegally named area establishes the types of expected

behaviour within that space.” (p.10). However, *tactic* “is a more liberating” practice “as it can pose a direct and political contradiction to the strategy.” (Ibid). Hammond suggests that *tactic* can be used to explain the behaviours of those who do not conform to a bureaucratised space in its entirety and may invoke *tactical practices*. Hammond suggests that *tacticians* “seek ways of utilising cracks, fissures and inconsistencies that open up amidst the mechanic of regulation and control” (p.11) and implement their subjective tactics as a method of reinhabiting spaces and “rescuing individual autonomy” (Ibid). Though managers themselves cannot openly practice as Mavericks, they actively create *cracks* and *fissures* so that Maverick practitioners may operate closer to their long-term utopian vision. All staff unanimously praised restorative justice, but notably, having a thorough knowledge of its intricacies remained unimportant, especially for Mavericks (see 6.3). Instead, their praise is directed at its ability to gift occupational freedom to operate in a child-focused way.

Cohen (1985, p.21) labels the “most radical (and pessimistic) model” as *Discipline and Mystification*, which neatly frames a Maverick's attitudes. Cohen suggests that this model might also be characterised by an *it's all a con* view of the system, which views it as a perpetual humanitarian failure that serves only to ensure power remains with those who have it and to control those without it. The narrative pessimistically positions the system as a critical mode in upholding capitalist power in the hands of bourgeois masters, contrary to its declarations:

*The new control system served the requirements of the emerging capitalist order for continual repression of the recalcitrant members of the working class and at the same time, continued to mystify everyone (including the reformers themselves) into thinking that these changes were fair, humane and progressive. (Cohen, 1985, p.22).*

Notably, policy reform is viewed as perpetually betraying promises of humanistic progress. Within this view, the ruling class uses proposed advances in technological and scientific knowledge to advance and secure their position by replacing “ad hoc, inefficient, weak and decentralized forms of control” with a more active state that orchestrates its CJS to “achieve a more thorough, rationalized penetration of the subject population.” (Cohen, 1985, p.23). Cohen (ibid) suggests that this narrative connects prison and society through the concept of discipline, in that it “creates a socially safe proletariat” who learns to be “propertyless without threatening the institution of private property”. Adding further impetus, Smith (2018) suggests that increased

efforts in youth justice to respond (and conflate) to welfare and justice provide ammunition for the *its all a con* narrative. Smith (2018) suggests that the YJS has repositioned from the 1980s to give the appearance of acting upon *goodwill*. However, Smith (2018, p.149) also points out that “no distinction was made between children’s wellbeing and achieving positive behavioural change”, and subsequently, any efforts to respond benevolently remained bound in an integrated logic to discipline. The outcome ensures that a wide array of new state agencies, operating under the novelty of progress, possess controlling properties by reminding target populations of their requirement to conform and show self-discipline.

Mavericks fit neatly into Cohen’s (1985) narrative by viewing the system as *a con* and believing that subsequent governments consistently fail to meet the needs of children (see 5.2). Mavericks are the symbolic Freudian Id to management ideologies (see Ian’s, Mike’s, Frank’s and Mervyn’s comments in 5.2 and 5.3). By operating within the face beneath (see 5.3.2), the function of Mavericks is to realise an unfettered version of management’s ideological values, which they consider a radical alternative. However, more recently, Smith (2018) applies Cohen’s (1985) narratives to more contemporary academic insights within youth justice, which suggests that a Maverick circumnavigation of formal criminal justice is perhaps symbolic of a bourgeois tactic that ensures targeted populations remain the target of control. Cohen (1985) suggests, within this framework, that the system will adapt and change over time but will always remain focused on its “original purpose: ensuring the survival of the capitalist social order.” (p.23).

Under such an assumption, the methods of implementing control are not of concern as long as the overall objective of a compliant and controlled proletariat is achieved. Smith (2018) highlights that more recent diversion trends in youth justice do little to intervene meaningfully or positively in children’s lives. Whilst Cohen (1985) explains that practices already diverge due to unclear models and pathways, Smith (2018) suggests that more recent economic uncertainty may have exacerbated the variability of interventions. Local-level spending cuts effectively withdraw state intentions to provide an effective intervention model and concern over social harm affecting children's lives. For Smith (2018, p.151), such circumstances suggest to some that the system is “superfluous” as the mandate for control is handed over to market conditions. Here, insecure, scarce and low-paid jobs ensure poorer children and their families are responsible for their

existence and ability to take any opportunity presented. Smith (2018, p.151) points out that diversionary programmes “then provides a natural vehicle and full the formalisation and legitimisation of this aspect of the wider strategic withdrawal of the state from any form of direct engagement with disadvantaged communities”. Using this critical framework, a hands-off approach employed by Mavericks would ironically become a mechanism to thrust a bourgeois strategy of leaving a child’s situation in a generally poor but unthreatening state (to the capitalist order) and ultimately allowing market conditions to instil discipline and control over their lives. Of course, we cannot conceivably impose such a critique directly onto the shoulders of Mavericks or their managers; it is not, nor should it be, their responsibility to fight injustices created by capitalism. No data was collected that suggested that any participant recognised that a minimal interventionist strategy would increase children’s future vulnerabilities. Instead, data shows that their agenda was micro-focused on reducing the more immediate harm of the system.

### 7.3.3 Bureaucrats

As explained in Chapter 5, the appointment of a data analyst was seen by Mike (YOT manager) as the most significant organisational development since I left the organisation as they offer the capacity to quantitatively evidence the work of the service to internal and external audiences. Whilst many of the case workers interviewed were much less positive about the data analyst role, with some openly cynical about how removed from the reality of practice the role is, the reviewing and presentation of performance metrics is an important feature of the setting. The data analyst’s role is bureaucratic; in a bottom-up process, the analyst provides a quantifiable representation of the YOT that reflects the needs and language of the broader youth justice landscape.

Cohen’s (1985) forecast of a new age of penal welfare workers being overly concerned about professional standards and efficiency is realised in the Bureaucrats. That is not to say that Bureaucrats harmed cultural aims; quite the opposite. As the thesis has already shown, cooperating and engaging with the administrative languages of government is pivotal to the YOT’s success (see 5.2.1 and 6.2.1). The administrative languages embody the face value of the YOT, gaining capital from professionalising and giving bureaucratic representations of completing tasks successfully. This is in direct contrast to Mavericks whose measure of success is more

visceral. The Restorative Practice Team manager, Karen, acknowledges that her role is different to her Disciple and Maverick counterparts:

*I think that my role is slightly different to addressing offending. I am addressing the offending behaviour but from a slightly different angle. (Karen – Restorative Practice Manager)*

Bureaucrats, like Karen, are differently aligned in how they function to provide organisational success. Mavericks and Bureaucrats anchor the YOT's operations to opposing ideologies in the YOT's strategy to remain unfinished. Whilst Mavericks ensure organisational values remain attached to welfare, Bureaucrats ensure that practices do not lose sight of their criminal justice obligations. Bureaucrats are a conscious reminder to other practitioners of the nature of business by coaching them and vetting casework to look for the restorative element (see Karen's comments in section 6.2.1). At the same time, they retranslate creative practices into accepted youth justice discourse. Karen describes that process whilst discussing her role; she explains that practitioners must remain vigilant of the assessment and that her practices stay tied to it:

*It's about working with whatever you've got towards that and getting that risk assessment...every step of the way, it's got to be risk assessed...it's something, I've got something to work with, so I would document that. (Karen – Restorative Practice Manager)*

Karen's skill is identifying language within an assessment that has stumbled into territory recognised by youth justice paradigms. On the back of this, filtering through the practitioner's course of action, how those interactions can be described as restorative justice. For most practitioners, having a detailed knowledge of restorative theory is redundant, or even of what is or is not restorative; that is a concern for Bureaucrats. For Pruger (1973), organisational bureaucracies have the power to "diminish individuals" by "suppressing vitality and action" (p.27). Pruger recognises the need to cooperate with organisational bureaucracies by pointing out that even in social work, practitioners with ideas and aspirations must find a way to be "good bureaucrats" and realise their occupational ambitions best. Page (2013, p.158) adds that in a landscape of austerity and increased demands for success, "political capital is now more important than penological or criminological expertise", which further emphasises how essential Bureaucrats are to the YOT. The challenge for YOT management structures is to align elements of Page and Pruger's assessments of the working culture, to draw on the skills of a few skilled

individuals, and hopefully create space for their teams, Disciples and Mavericks included, to be good bureaucrats.

However, though most practitioners are afforded a degree of freedom from bureaucratic frameworks, the Restorative Practice Team were not. The team understand restorative justice in its politicised version (see 2.1.3) where, according to Daly (2013), restorative justice has *matured* to accept a relationship with the state to “bring restorative justice into the mainstream of criminal justice” (p.25). Drawing upon the literature covered in section 2.2, *Defining Contemporary Restorative Justice*, there is evidence that suggests that the Restorative Practice Team have conflated criminal justice with restorative justice as they routinely explained that restorative practices should incorporate punitive repercussions:

*Sometimes I think it could be more punitive, but again, its individual cases, and you look at it, and you think, that was a light touch... (Karen - Restorative Practice Manager)*

*Are we not giving them a reality check? Do you understand what I'm saying? Like, some victims do feel like it is a soft option for the people that have committed offences against them; they will say, 'Oh, you know, they are getting trips to McDonald's, they are getting this, they are getting that'. (Jo - Victim Liaison Officer)*

Robinson and Shapland (2008) are critical of attempts to facilitate restorative justice with the narrow aim of reducing recidivism that ignores the complex and challenging nature of implementing restorative values in their entirety. They suggest that a unilateral focus on recidivism neglects important restorative values by erasing components not easily articulated and represented reliably in neoliberal processes, this means that restorative justice has been whittled down into yet another mechanism of offender management. Such views are reproduced in the Restorative Practice Team, which is most exposed to the crime control rhetoric, causing a decreased inclination to reach for progressive options. There is a dangerous reductive effect on practice, when operating to bureaucratic rationality which narrows the lens of causality and opens the door to regressive actions, which have corrosive consequences on the practitioner's skill set. Bureaucracy has the power to weaken commitments to progressive values and strengthen a just-deserts stance to offender management.

Cohen's (1985) framework, *Uneven Progress*, mirrors attitudes shown by Bureaucrats towards restorative justice and youth justice policy. Here, the direction of change is based upon “ideals,

visions, theories, intentions, advances in knowledge.” and “all change constitutes 'reform' (a word with no negative connotations); all reform is motivated by benevolence, altruism, philanthropy and humanitarianism” (p.18). This narrative displays an unbridled belief in the system and its good intentions. However, that does not come without an acknowledgement of its flaws, which are dismissed as trial and error (or *what works*) mistakes, earnestly made in the desire to produce a more humane system. However, the system adapts with progressions in scientific knowledge, criminological understanding, and practitioner training, which work to refine the system. Bureaucrats reflect this narrative by believing, unwaveringly, in the principles of criminal justice whilst also believing that advances in scientific knowledge, social understanding and better-equipped staff will ensure the continued improvement of the system. This is particularly true of the Restorative Practice Team, where members Karen and Jo emphasise the value of introducing training and regulations (see 6.3.1) as modes to improve restorative justice, which is celebrated as a progressive mechanism.

Crucially, Cohen (1985) stressed that those reciting the *Uneven Progress* narrative believe in system values, which highlights an essential analysis of the functionality of Bureaucrats:

*Good intentions are taken entirely at their face value and are radically separated from their outcomes. It is not the system's professed aims which are at fault but their imperfect realization.*  
(p.18)

This point is especially relevant to Bureaucrats; firstly, it is vital to the YOT that Bureaucrats take the system at face value because it is here where their abilities are required: Bureaucrats think less critically of the system, emphasising the importance of systematic processes and compliance to highlight good practice. For instance, Karen and Jo were committed to finding “restorative elements” in colleagues' casework (Karen, see 6.3.1) whilst also drawing attention to their restorative qualifications and expertise. Furthermore, Karen and Jo were keen to describe their integral roles in gaining the Quality Mark (see 6.3.1) for the YOT and highlighting it as symbolic of the YOT's progress. Secondly, Bureaucrats operate unquestioningly on the YOT's deeper (face beneath) values because their attention is unilaterally placed on the system's face value. Where colleagues' practices at times invariably do not follow administrative restorative processes closely, they can dismiss the unsuitable practice elements as an *imperfect realisation* whilst

maintaining its restorative label by having eyes for only the vague characteristics of restorative justice.

Bourdieu's concept of *misrecognition* helps us understand the role of Bureaucrats. Misrecognition relates to where a process within a given field is not recognised for what it is. The process in question may have concealed or vague objectives outside the accepted objectives of the field but presented to the actor as a naturalised process in line with their habitus (James, 2015). James (2015, p.100) provides the supermarket loyalty cards as a helpful example of misrecognition:

*Customers are likely to attribute actions around loyalty cards to the realm of customer loyalty, whereas it could be argued that they are selling detailed information on their purchasing habits to a group of retailers, who are then in a much better position to secure further profit from the same individuals.*

Phillips (2016) suggests that within probation, managerially driven compliance techniques are an example of *misrecognition*, where practitioners accept techniques to provide a universalised standard of practice that has neutered the decision-making capabilities of probation workers. Phillips (2016, p.43) argues, "misrecognition occurs when people do not 'see' their oppression; rather, they see it as the natural way of things". Misrecognition sheds light on how Bureaucrat perspectives diverge from those of their peers. Bureaucrats have adapted to managerial structures to the extent that their scope of what constitutes successful youth justice practice is extremely limited beyond compliance. However, for Bureaucrats, successful youth justice practice does not simply involve administrative compliance tasks aside from direct child engagement; the two are synergised, where one is indistinguishable from the other. In this sense, as Phillips (2016) describes probation workers' misrecognition, the same applies to Bureaucrats with naturalised compliance techniques that suppress their agency and firm up hierarchical structures. In this line of thinking, it is conceivable to suggest that managers and Mavericks see and combat their oppression in their efforts to differentiate between compliance.<sup>2</sup>

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<sup>2</sup> However, I must also be mindful that such an assertion may also be evidence of researcher bias, due to being an ex-practitioner who is critical of managerial strategies and once revered Maverick

## 7.4 The Transformative Pressures of Justice Cultures and Bureaucracy on Restorative Justice

Section 5.3 reveals evidence that the YOT's culture has not fully taken root at the Outpost, despite Les, the manager there, suggesting the Outpost has taken the ethos of the YOT with them. However, data suggests otherwise, as the change to a criminal justice environment has impacted upon practitioners' ability to resist pressures to conform to criminal justice pressures. Data collected at the Outpost provided mounting evidence to suggest that the YOT's culture has failed to establish:

*You don't really feel like you belong to anything in some respects because you are not really police, but you are not really council, you are not really the youth offending team, kind of on the fringe of all of them. (Angie - Outpost caseworker)*

Furthermore, Outpost practitioners there had ceased to associate themselves as part of the YOT and saw themselves as fully immersed in the police environment:

*I don't see it as much a part of the Youth Offending Team. Obviously, we have close connections with them because we are still Council employees, and it started from there, and we refer on to there. But I would say we are more part of the Police now. (Stevie - Outpost caseworker)*

Sam, the Team Leader, highlighted that a cultural separation from the YOT may have stemmed from an inferiority complex of being seen as a subsidiary of the YOT. This may well have caused those within the newly formed Outpost team to be drawn towards a more immediately present and dominant cultural home:

*We actually came out of the Youth Offending Team that is our roots, and I think for a long time the Youth Offending Team viewed us as that little pilot that is going on over there, because it*

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traits. This may mean that I fail to see the extent of the oppression naturalised by other members of the YOT; as Cohen (1985, p.155) suggested, in this regard, perhaps I am just another well-intentioned fool who "believes that everything he does is fostering values of personal intimacy, emotional depth and social cohesion, and simply cannot understand suggestions to the contrary.". A less involved researcher may well regard all members of the YOT as victims of misrecognition but have developed techniques to neutralise managerial impact.

*was only for a year and then we were recommissioned for 2 years and it was kind of like - and this is just a feeling that people did not take it quite seriously and that 'well they are only out of court disposals, they are only community resolutions so that is not high level offending like we are dealing with, we are dealing with the important stuff over here'. (Sam – Outpost Team Leader)*

At the Outpost, only one caseworker had experience as a practitioner at the YOT, which was limited to less than a year. For three caseworkers, who joined soon after they graduated from university, it was their first role in penal welfare. Three other caseworkers had health and welfare experience but not youth justice, and another had retired from the police. Despite intentions to take the YOT's cultural values to the Outpost, a dominant police environment and a lack of personnel from the YOT meant that its values were unlikely to be absorbed by new members with their ideals and values. Because the YOT's culture was neither dominant nor of real significance within a contrasting foreign environment, it failed to retain its field-protecting capabilities. The new team was vulnerable to external pressures and had formed entirely new organisational value systems.

A change in the environment has had consequences on ideological focus. A dominant police culture that surrounds and exists within the team functions to establish a justice culture. Millings et al. (2019), in their probation-facing work, found that despite early enthusiasm to retain their cultural roots within the CRC in the hope that it would “nullify the threat of business imperatives” (p.74). Overwhelmed by the momentum of change, manager roles morphed from motivational leaders, championing a rehabilitation culture, to becoming preoccupied with organisational order and efficiency. Millings et al. (2019) suggest that probation managers became consumed by the new parameters and regressed from voices of aspiration to the gatekeepers of organisational bureaucracies. Les reproduces similar managerial adaptations and, in doing so, displays divergence from the YOT at the top level:

*They (policies) are massively important; I used to lose sleep over things because we didn't have a policy in place...it is important for me that we've got a policy in place because I am held accountable. (Les - Outpost Manager)*

Additionally, contrary to the YOT, Les felt that responsibility for the teams' administrative image was restricted to him, as he added:

*...but I'm not sure how important policies are for a practitioner. (Les - Outpost Manager)*

Les has attempted to emulate the layered structure at the YOT by shouldering bureaucratic responsibilities to create the face value of the Outpost. Les stresses the importance of policies and *being accountable* to funders but fails to appreciate that the team also shares his concerns. Despite Les' belief that practitioners were immune to bureaucratic anxieties (as seen at the YOT), staff members have likely recognised their managers' priorities and reflected them in their practice to access new forms of capital, just as Disciples at the YOT have. Cohen (1985, p.163) argues that "managers are the key sector of the administrative class" in commanding "groups who do the dirty work of control". Cohen (ibid) adds that managers are caught between two places in that they are neither exploitative masters nor "tools of the state" but will use their position to "advance their own interests". With that, Cohen (1985, p.164) suggests that the *new class of professionals* protect their cultural capital in ways that respond to managers and bureaucratic occupational environments:

*Occupational groups seek to gain and maintain control over their work: protecting their 'cultural capital' (the technical knowledge possessed neither by wealth nor common sense), rising up economic and status ladders, controlling their work conditions.*

Cohen's (1985) framework is reflected in the data as Outpost team members mirrored Les' administrative concerns and shared his view that these concerns were a primary task:

*Our main job is the assessments and then the referrals on. (Sandra - Outpost caseworker)*

*It is because they have been offending, but that is why we are after them, and I think the important thing is, it is about that assessment at that time and then what plan is put in place to try and support that young person. (Sam – Outpost Team Leader)*

Cheliotis (2006) suggests that "pragmatic managers tend to recruit, promote and therefore keep control in the hands of their young and culturally similar peers." (p.320). Meaning that whilst Les sets organisational values and aims, he is also likely to recruit practitioners that share a heightened administrative concern. Additionally, Cohen (1985, pp.161 – 191) argued that as programmes shifted towards privatisation, practitioners would inevitably begin to prioritise their status and financial position more. This is evident at the Outpost whose creation reflects a shift where services are provided at the behest of capitalist structures and insecure funding streams which has naturally elevated staff concerns for the status and financial position of their

operations. Furthermore, Cohen argues that the new class of professionals gain knowledge through *technocratic arts degrees* to show their understanding of the field, however, that knowledge is not based on empathy and humanistic understanding but on systems, data sheets, and bureaucracy (Cohen, 1985). This is highlighted within the Outpost team, by Robin, who had direct professional experience before joining the Outpost, but had been recruited straight from her university studies after volunteering in a similar area.

*To be fair with the policy and guidance, when I started, I did spend a week looking at it; there is things like, for me, the main thing was, well, back in the day when I started with the CAF, so the Common Assessment Framework and sticking to that. But the one thing that sticks in my mind is always the Safeguarding policy and your duty of care to that child. So that is one policy that I never try and compromise on (Robin – Outpost caseworker)*

The YOT's strategy promotes empathy and understanding through discretionary practices whilst being mindful of organisational administrative matters. In comparison, Les prioritises organisational bureaucracies of efficiency and recordable successes. Where There was a direct contrast between the YOT and the Outpost. At the YOT, Disciples and Mavericks were inoculated to the worries of efficiency and reliability, in contrast, those same pressures were a significant preoccupation for Outpost practitioners. This is highlighted by Three Outpost caseworkers who stated that once an assessment was completed and a referral had been made to a relevant agency there was pressure to close the case. This ensured that data highlighted the speed and efficiency of interventions:

*So, it would be a case of closing your case when you have done some work and leaving that person without any support; it is a difficult one...we have done our role, but on a personal level, I would see that more of a failure because I would feel that I hadn't completed, I like to complete what I set out to do. (Angie - Outpost caseworker)*

However, Les, as manager, is subject to different pressures than his counterparts at the YOT. This is because the Outpost is at the behest of external funding streams (see 5.3), and the need to justify that funding and keep new masters happy will understandably become a key concern for Les should he have long term operational desires for the team. Despite such concerns, Les emphasised that the model for the Outpost team had derived from Arrest Referral at the YOT (see section 4.2.2), and with that, Les reaffirmed that they were:

*...still very focused on the restorative approach. (Les - Outpost manager)*

Furthermore, Les explains that, like the YOT, practices at the Outpost are underpinned by restorative justice:

*Every youth that certainly comes through our service goes through some form of restorative justice. (Les - Outpost manager)*

At the YOT, Mavericks and Disciples saw restorative justice as a useful tokenistic tool to occasionally draw upon. However, at the Outpost, Mavericks and Disciples (like Bureaucrats at the YOT) were more wedded to it as an operational ideology, seeing restorative justice as far more crucial to organisational success. In a discussion with Sandra, she described the benefits of restorative justice methods:

*I can certainly tell that people are championing it more and we do seem to have more tailored programs. So, looking at specifically at what offences we are getting coming through. So, it does seem to be more effective now, but I don't know a time when it wasn't restorative. (Sandra – Outpost caseworker)*

The insinuation is that Sandra has never experienced non-restorative methods, which is the power of the restorative rhetoric. To Sandra and her colleagues, all their practices fell under the *restorative umbrella* (see 3.3). However, though YOT practitioners also described their practices as falling under the restorative label, there was a significant difference between the two sites. Whereas managers at the YOT attributed success to intuitive practices that respond to context-dependent variables, Les remained focused on process and administrative outcomes. That is not to suggest that Les did not share an understanding of the complexities of children's needs, he spoke about this in depth. However, whereas other managers talked about success in terms of empathy and understanding, for Les, success was tied to recidivism. When discussing the success of the Arrest Referral restorative model, Les articulated this through a quantitative measure of first-time entrants into the justice system:

*Reducing first-time entrants in [omitted], from I think they were probably running at 900 to 1000 a year, and I think at our lowest point, I think we got them down to 60 – 65 in a year. So, a significant impact. (Les - Outpost manager)*

At the YOT, restorative justice, is a label given to existing practices that respond to need and reject criminal justice frameworks. However, at the Outpost, restorative justice becomes a bureaucratic model that works *with* criminal justice frameworks to divert children efficiently and

swiftly from the system. Les is forced to respond to the added pressures of justifying funding and his occupational existence. The consequence is that the newer recruits will likely compete for administrative forms of capital. Additionally, when recruits join the YOT, they are introduced to a cultural system that supports and nurtures welfare-focused ideologies, starkly contrasting to the Outpost. For recruits at the Outpost, the prevalence of criminal justice ideologies and symbols will likely have a contrasting effect to those at the YOT and represent *the black and white* and *the pink and fluffy* (see 5.3.1). The welfare-inducing powers of the YOT are activated towards justice at the Outpost, which was highlighted in how practitioners routinely expressed that punitive justice should play its part in their restorative practices:

*There is a consequence to that offending behaviour, hence the reason for the restorative bit, it joins, I think it comes level par with the consequence. (Robin - Outpost caseworker)*

*There has got to be some punitive measures to it, in a sense, it can't all be about 'let us help that person' at the end of the day, they have committed a crime (Sue - Outpost caseworker)*

As seen with the Restorative Practice Team, increased exposure to the 'justice' discourses has affected how restorative justice is understood. This has also spilt into other areas of practice where Robin, identifying as a legal expert, justifies her rationale for providing legal advice:

*It's youth work, really, but basically trying to give them advice. Like because of our legal background, you could give them some legal advice. (Robin - Outpost caseworker)*

Although this is an isolated comment, it does highlight a stark contrast between the two locations. It indicates that resistance to criminal justice frameworks is not a factor at the Outpost and beyond this, the will to operate intuitively in welfare-oriented ways is strangled by pressures over time efficiency. This is evidenced by Outpost practitioners condemning pressure to complete cases quickly as the most significant hurdle to providing a better service:

*It is the nature of what we do, it is that early intervention as well, so we do get loads. So, it is sometimes, it does feel like assessment after assessment, after assessment and it can be quite difficult in that way. (Sandra – Outpost caseworker)*

Under the conditions at the Outpost, even if practitioners had desires to prioritise welfare, the pressure to generate large volumes of quantifiably pleasing completed cases acts as a barrier to the time and consideration needed to address the unique complexities that each case brings, which Angie adds further evidence of:

*So, you might get really busy times of year and you might be allocated 10 people in one week, so if you are allocated 8 youths in one week then you need to see them all after 4 o'clock and you are working an early shift, you finish at 4 o'clock, so that is going to impact on how long you work with someone, it might be 2 weeks before you can get to see them and that is 2 weeks into your 10 week period. Then they might be on holiday, somebody could be sick, so it very much does eat away at your time frame. Then you have obviously got to refer into other services, so yes, I feel it is a constraint, I don't think it is long enough that we get to work with people.*  
(Angie – Outpost caseworker)

Angie described a pressure to close cases within a ten-week period which impacts the degree of work that could be conducted, which above she expresses as a *personal failure*. Such conditions place strain upon practitioners as time efficiency supersedes professional judgement. However, she felt that an organisational preoccupation with efficiency compromised her ideals. This symbolises the stark contrast between the two sites; where YOT practitioners felt support from management to operate instinctively and beyond requirements, Outpost practitioners felt their skills were constrained by bureaucracy.

Both sites made use of the different skillsets and habitus of practitioners with the availability of both *social capital* and the *institutionalised* form of cultural capital (Bourdieu, 1986):

*Social capital is the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition—or in other words, to membership in a group which provides each of its members with the backing of the collectively owned capital, a “credential” which entitles them to credit. (Bourdieu, 1986, p. 21)*

Social capital recognises the resources that maintain or improve membership in a group, whereas symbolic exchanges reinforce the values of a group. Institutionalised cultural capital, however, enables the recognition of individual worth within a given field. Agents can display objectified cultural capital through qualifications and accreditations, providing a value economy in the shape of a tangible framework upon which agents can compare themselves.

Practitioners think and feel about youth justice differently because of the various ways that power becomes accessible to them. Because the YOT has two structures (the face value and the face beneath), capital is achieved in quite contrasting ways. Mavericks, operating at the face beneath, gain social capital attached to the social work legacies of their occupation, where practising in ways that reflect those legacies garners social approval from like-minded

practitioners. Meanwhile, Bureaucrats seek power by aiming to effectively steer operations through the administrative melee, where youth justice is situated and, therefore, gains institutionalised cultural capital. Although Mavericks' and Bureaucrats' endeavours are geared mainly towards organisationally restricted capital, they know that such skills are recognised beyond the YOT's confines and transcend its structures. Mavericks' ethical will to put children's needs first supersedes administrative boundaries, whereas Bureaucrats see that other institutional bodies professionally recognise their occupational abilities. Contrastingly, the focus of Disciples remains within the remit of the institution, meaning that their habitus and their propensity to think about how and why delinquent children should be addressed is a holistic representation of the cultural architecture of the organisation where both Bureaucratic and Maverick elements are required, without fully immersing in either. To do so would jeopardise the informal structures of the YOT. However, at the Outpost, doxa has adapted to the criminal justice setting and the economic strains placed upon it because the capital has adapted to reflect those changes. Operating as a Maverick is far less valuable as it presents increased risks, whereas operating efficiently and in ways that reinforce the administrative image of the team garners increased positive recognition. Therefore, at the Outpost, Disciples have naturally responded to the different rules there to gain capital, which, compared to the YOT, means that Bureaucratic skills are favoured over the uncertainty and unreliability of Maverick skills.

Practitioners at the Outpost hold significant similarities to the probation workers identified by Robinson et al. (2016), who held a *liminal status*; "between socially constructed identities" (p.166). The authors note feelings of insecurity that practitioners transitioning from the probation service to the CRC felt moving from old to new, from "public to the outsourced" (p.173). For some, being between worlds caused anxieties created by unknown expectations and unsettled operational values. However, other practitioners reacted more positively to their new environment and willingly tried their new roles. In later research, the researchers found that despite attempts by leaders to embed the values and ethos of probation into their new landscape, leaders found that their efforts were "eclipsed by new models of working." (Millings et al., 2019, p.72).

Two Outpost practitioners with significant welfare experience highlighted disillusionment with the operational processes. Dave and Stevie, who might fit the criteria of a Maverick (or at least a Disciple with Maverick tendencies), explained that their practices were not at home within the Outpost. They also described that their efforts were tied to empathetically understanding the strains upon children's lives which had caused them to offend. Dave (see 5.4.1) suggested that his younger and less experienced colleagues were less able to empathise with children under their supervision, whilst Stevie was critical of colleagues with different experiences and backgrounds:

*Some people who come through and are managers and come from a different background and different experiences they don't get it. (Stevie - Outpost caseworker)*

Souhami (2007) describes how seconded police officers found it difficult to be accepted within an established *social work* culture. The reverse has taken place at the Outpost as those with a penchant for empathy and meaningful engagement feel out of place within a team consumed by criminal justice narratives and bureaucratic frameworks. Chan (1997) claims that experienced individuals will be unaffected by changes to rules or objectives within a given field regardless of superficial changes; their habitus will revert to their default way of doing things. However, if a field changes in ways to reinforce new habitus, this may cause individuals to change their behaviour. Chan's points can be seen at the YOT, where social work values remain in place despite changes to the occupational environment because the environment supports that habitus. However, at the Outpost, the conditions favour the habitus of bureaucratically minded people willing to accept criminal justice as part of their occupational role and identity.

## 7.5 Summary

This chapter has shown that the YOT protects its welfare-focused cultural values by recruiting individuals with values that reflect the YOT's legacy. This strategy allows the managers to utilise their technical skills to manage the organisation's face value and ensure that the bureaucratic image conveyed to external governance corroborates with those expected of a youth justice organisation. At the same time, managers have faith that similarly oriented individuals at the face beneath *will* practice in ways that prioritise the needs of children and deflect the perceived harm

of system contact. In this sense, managers don't work against but with a series of often developed occupational types.

Conversely, and reflecting Cohen's (1985) critique, the Outpost signifies an evolution in the youth justice field, where youth justice holds a less marginal position and the adoption of a crime-control culture. The new breed of professional youth justice worker is better aligned with new doctrines; increasingly, older members find their habitus out of place. The Outpost culture has become susceptible to conditioning from a dominant and immediate policing culture, meaning criminal justice frameworks are viewed more favourably. Additionally, the need to produce performance measures for new masters means that bureaucracies are felt in practice delivery. Unlike at the YOT, where practitioners are protected by keeping bureaucracies at the surface, the Outpost culture has become entrenched with values shaped by criminal justice and the need to produce swift and efficient results.

Crucially, this chapter has drawn together data described in Chapters 5 and 6. This data highlights that social work values feel the threat of a changing landscape. Furthermore, it has shown how diverging occupational types access the fluidity of restorative justice with an analysis of restorative justice. A theoretical framework that takes a critical view of youth justice practice and that also considers the strains of organisational and occupational cultures enables the analysis to frame the embodiment of restorative justice across three typologies. This shows how youth justice messages are consumed, interpreted and reproduced as restorative justice.

# 8. Adaptations and Resistance through Restorative Justice

## 8.1 Overview

This study responds to a need to pinpoint the connection between an ill-defined approach steeped in progressive rhetoric and its place within a turbulent operational environment. YOT cultures have been shaped by a managerial strategy that increases accountability and decreases practitioner discretion, which creates standardised performance measures at occupational and organisational levels. This thesis has argued that efficiency pressures have increased due to fears surrounding financial uncertainty (and there can be parallels drawn between the conditions experienced by practitioners in the fieldwork stage for this study and more recent challenging settings for the sector). Subsequently, the YOT uses engrained language and managerialist mechanisms to portray itself as a high-performing YJS. The ambiguity of restorative justice is functional to retaining existing values and aims to authenticate practices reflective of a social work culture as *doing justice*.

However, a strategic commitment to resisting the CJS has led to diverging interpretations of youth justice and restorative justice. The study shows that practices already existing at the YOT are more representative of restorative ideologies. Under economic uncertainty, restorative justice is a reimagined bureaucratic mechanism that realises Cohen's (1985) warnings by including tokenistic progressive symbols that legitimise the spread of social control tactics. The two site nature of this research study - with an established team of youth workers at the YOT and a more recently assembled and more multi-agency form at the Outpost, helps the research capture and explore the dynamics at work in the way policy is operationalised by youth justice practitioners. The Outpost team is subject to increased scrutiny and vulnerable to new pressures, due to the control of its external funding. The findings suggest that advancing the restorative agenda under an outsourced regime has increased the pressure to provide business-like efficiencies and value for money. The Outpost facilitates an early intervention mechanism to avoid system-inducing harm, under diversionary and restorative rhetoric. However, in doing so,

it is argued that protective due process barriers are bypassed to welcome control tactics to new areas of civic life and into the cultural values of youth justice.

This chapter will discuss the empirical chapters (four to seven) addressing the research aims whilst considering Cohen's (1985) social control thesis that this study has tested. The data has provided multifaceted yet interconnected discussion points in response to the research aims and emerging from the Bourdieusian analysis. However, despite this, the discussion can be organised into three broad themes which are, the strains felt by welfare practitioners operating in criminal justice, a youth justice policy/practice implementation gap, and restorative justice practice variance across practitioners and agencies. These themes are reflected in the literature, see chapters two and three. Therefore, this chapter first discusses the cultural and operational placement of the YOT and the Outpost within the YJS and the ways that those individual organisations have made sense of their position. Secondly, the chapter discusses data that has captured the bifurcated ways restorative justice is operationalised at an organisational level. Thirdly, the chapter will discuss how youth justice practitioners have consumed restorative justice messages and how they are realised in their practices whilst negotiating their immediate organisational cultures and compliance bureaucracies. The chapter is organised to reflect key findings, such as that the organisation must be contextualised by the political landscape it resides in and the cultural landscape it emerged from. Furthermore, it also shows that restorative justice is practised in varied ways contingent on whether they occur at the *face value* or *face beneath*. The chapter will end with the thesis' concluding comments.

## 8.2 Contextualising Youth Justice Strains

This thesis argues that to understand practitioner restorative justice practices at the micro-level, it is essential first to explain wider changes in the practice eco-system at the macro-level. It must also be established how the YOT interacts with the pressures felt from more dominant bodies in the wider CJS and the role of restorative justice within that tussle. This study shows that the organisation is shaped by the pressures and strains it faces. Therefore, before a discussion of restorative justice can occur, it is essential to draw upon data responding to the first research aim: *to examine the dominant cultural values shaping a YOT's ideological aims towards youth*

*justice*. Data gathered at both research sites indicates that at a strategic level, there were pressures to present as efficient and economically sustainable youth justice agencies that compete with loyalty to cultural social work legacies.

### 8.2.1 Reacting to Organisational Anxieties through Managerialist Strategies

Supporting themes found within the literature (Case, 2021; Kelly and Armitage, 2014; Muncie, 2006; Souhami, 2007; Stahlkopf, 2008; Webb, 2001, sections 2.3.3 and 3.3), managers and most practitioners felt that national frameworks restrict professional discretion. Connectedly, an emphasis on meaningful engagements with children was exchanged for efficiency outputs. Significantly, despite two government changes and six years since New Labour left office (at the time of data collection) youth justice policy developments were felt to fail children, with managerialist reforms made during their tenure, taking particular blame for this (sections 5.2 and 5.3). Despite successive governments making moves to reduce performance monitoring and measures (sections 2.2.2 and 2.3.2), practitioners felt that managerialism has continued to constrain organisation values and aims to the extent that the YOT manager felt that KPIs *strangled* their efforts (section 5.1.2).

Existing research has attributed managerialist discourses in youth justice to cultural conditioning of validating worth through quantitative languages. Research on the impact of economic uncertainty on youth justice has concentrated on a decreasing prevalence of welfare services (section 2.3.2), leaving a scarcity of research that connects managerialism amplification (or maintenance) to austerity pressures. Significantly, economic fears have intensified feelings that organisational performance must be articulated through managerialist discourses. Under New Labour, managerialism was an omnipresent method of increasing reliability through adherence to administrative processes; however, under austerity, managerialism, is less visceral.

The threat of funding cuts and outsourcing has compounded a lack of faith in successive governments. Managers repeatedly point towards the partial privatisation of the probation service as a casualty of austerity. Managers saw the probation service as a metaphorical red flag, a warning of a government more interested in *rolling back the welfare state* (section 5.3) to deal with public agencies deemed inefficient and not cost-effective. Findings show that the probation

service's direction is undesirable and that organisational values and aims would be incompatible within a profit-driven environment. The thesis draws upon Millings et al. (2019) and Robinson et al. (2016) (sections 5.3 and 7.2) to suggest that probation worker's transition to private CRCs saw culture, values, ethos, and operational models inevitably falling victim to the business-like conditions set by new private owners; and confirming YOT management fears to be true.

This thesis shows that managerialism at the YOT responds to the marketisation of public sector penal-welfare agencies. Managers commit to speaking the language of bureaucracy, rather than a commitment to formula-driven processes, so that they may interact with criminal justice and political arenas in ways to prove efficiency and value for money and avoid the fate of the probation service. However, findings from the Outpost show that the cultural values and aims had evolved away from the YOT.

### 8.2.2 Social Work Legacies

Cultural legacies founded in social work, are connected to anxieties at the YOT towards the CJS and political landscape. At the YOT, participants were generally experienced and had moved to youth justice from health or welfare-oriented occupations. Furthermore, managers described how the YOT was initially formed from social workers transitioning into the YOT during its inception. Several members of that original social work team remained at the YOT and they now held senior positions. These are Mike, the YOT manager and Frank, a YOT middle manager, the two most dominant YOT members in shaping culture. This thesis argues that the YOT's cultural genealogy separates it from criminal justice cultures, creating an *outsider* attitude to its placement within the penal field. This finding joins other studies that have found that social work values do not fit within the criminal justice setting (section 3.3).

While youth justice literature has recognised an implementation gap (Fergusson, 2007), this has primarily been dismissed as unclear legislation and ambiguous delivery guidance (sections 3.3.1). This study shares the same finding that ambiguous conditions exist within youth justice, it also argues that divergent practices result from the exploitation of ambiguity rather than being a consequence. Criminological literature (sections 2.3.3 and 3.3.2) suggests that penal-welfare agents experience a contradiction of objectives in combining the purpose of supporting

individuals while operating in systems recognised to exacerbate harm. The literature, elsewhere, describes practitioners feeling strain as their welfare ambitions are suppressed to favour criminal justice practices (section 3.3.2); however, this was not reflected at the YOT. Practitioners in this study routinely claimed to prioritise welfare and relegate criminal justice objectives to a periphery concern (discussed in more depth below in section 8.3.1). Using Bourdieu's (1988) habitus and field concepts, the thesis argues that the practitioner's ontological positioning as welfare agents naturally causes a rejection of structures that they recognise to cause harm or suffering. Therefore, practitioners will steer towards emotional responses to offenders using techniques that create meaningful avenues of communication and understanding. This adds to previous studies that have recognised the *messiness* of youth justice practices and attributed it to personnel imbalances where some practitioners with histories of welfare suffer from a cultural hangover and clash with their more *justice-focused* colleagues (Morris, 2015) (section 3.3.1).

## 8.3 Organisational Functions of Restorative Justice

This and the following section speak to both the second and third research aims: *To assess how practitioners negotiate the welfare/justice dichotomy within youth justice and examine the role of restorative justice in that process, and to assess how YOT organisational aims and values affect how youth justice practitioners consume youth justice policy.* The data has shown the interconnectedness of the above research aims. Primarily, data has shown that restorative justice is realised in ways contingent upon both the organisational culture in which it is practised and the values of the practising individual; this section focuses on the former.

### 8.3.1 The Face Value and The Face Beneath

This research reflects previous bodies of work by exposing the juxtaposing strains exerted upon penal-welfare practitioners to remain committed to improving welfare but only through the structures of criminal justice (Fergusson, 2007; McNeill et al., 2009; Morris, 2015; Page, 2013; Smith and Gray, 2019 - sections 2.3.3 and 3.3). The *face value* and the *face beneath* reveal an attempt to overcome strains by combining the unlikely advantages of a landscape preoccupied with managerialist outcomes and the uncertainties of restorative justice. The *face value* exists at the surface to produce administrative outputs where the organisation interacts with external

bodies. The *face beneath* sits behind that, where the realities of youth justice practices and organisational values are realised in the daily activities of caseworkers.

Crucially, the data shows that the conflicting ways in which restorative justice is realised are symbolic of operational dualism, an administrative restorative justice at the surface, and beneath that, restorative justice is carried out in ways that reflect the practitioner's values. However, data captured from the comparative analysis has revealed crucial operational differences between the YOT and the Outpost and this manifests how restorative justice is realised. In the first instance, the discussion concentrates on the *face value* and *face beneath* at the YOT and then turns to the differences found at the Outpost, before the following section describes the organisational function of restorative justice. At the YOT, caseworkers openly described practises informed primarily by instinct, wisdom and knowhow, legitimised through a shared critique of centralised practice models as being limited and limited in their professional judgement. A prized resource to aid casework was an open access bank of personal and shared experiences disseminated through open dialogue and storytelling (sections 7.2.2). Caseworkers could remain committed to practices based on a social work culture despite pressures to prioritise compliance and efficiency because of the strategy that separated casework realities from administrative obligations. Powerful insights from managers explained that data "can be presented in different ways" (Mike - YOT manager). Significantly, Ian, the Service Director, validated the existence of the *face value* and the *face beneath*. Ian explained that different languages were used to show success externally to those internally. Additionally, Ian illustrated the opposing operational layers by describing how values were retained while accommodating centralised compliance requirements (section 5.3).

The organisation's *face value* is essential to the YOT's survival in a climate where inefficient and costly services are not tolerated (as seen with probation). Therefore, in a pre-emptive strategy to protect their long-term existence, the YOT externally omits an image that they are already operating with business-like shrewdness towards their practices. Caseworkers believed their practices were unattached to centralised models, such as risk. However, they also believed that the results were translated into the bureaucratic outputs at the surface. One caseworker, Nick, suggested that statistical outputs did not reflect real success and that internal operations were

hidden from higher authorities. Although statistics were necessary, their value was reserved for those concerned with satisfying bureaucratic targets and expectations to those concerned with administrative outputs. To Nick, statistics merely “provide some information and stuff to the other men with clipboards” (sections 5.3.2). Nick is indicative of a belief that bureaucratic outputs hold no relationship with the realities of youth justice and certainly not with what is considered successful practice. Organisational bureaucracies are essential at the surface to statistically reflect factors such as recidivism, case turnover, and referrals to partner agencies. Management is aware that without a successful bureaucratic image, it would invite scrutiny into the inner workings of the YOT, with possible consequences like those experienced in the probation service and beneath, the successes of meaningful and welfare-improving intentions are less easily articulated.

*The Outpost* –This thesis argues that parallels can be drawn between the Outpost and probation workers transitioning to CRCs (Robinson et al., 2016; Millings et al., 2019, - section 7.4). Les, the Outpost manager, was initially embedded within the YOT and believed he had taken the YOT’s ethos with him to the Outpost (section 5.4), which included a relocation to a police station. Despite Les’ beliefs, the comparative analysis revealed that an omnipresent police culture, a young and inexperienced team, and the pressures of meeting targets set by new funding streams significantly impacted organisational values compared to those of the YOT. Using Bourdieu’s (1988) notion of ‘field’, the thesis explains that with a more extended history, established culture and contained physical space, the YOT was able to protect its values at the *face beneath*. However, the thesis describes the environment at the Outpost as one that is unmistakably dominated by a police culture and its representative symbols. The impact has seen Outpost members become sympathetic to criminal justice agents and warm towards criminal justice responses to offending children.

Cohen (1985) attacks the notion of *doing good* in youth justice (section 2.3) with a cynical view that seemingly progressive innovations serve only to “insulate the system from criticism, to explain away failure and to justify more of the same under the guise of novelty.” (p.173). This research supports Cohen’s pessimism by showing that restorative justice, a seemingly progressive innovation, indeed does *insulate* the face beneath from criticism. However, whilst

the YOT has welcomed the insulating properties of restorative justice so that it may practice in ways that diverge as best it can from the harm of criminal justice (discussed below), the comparative analysis shows that strategy was restricted to the YOT. At the Outpost, there was no evidence of a face beneath its face value because management, more preoccupied with administrative outputs, had not carved a space for practitioners to work instinctively towards welfare goals; consequentially, there was no space for practises based upon instinct, wisdom and knowhow.

### 8.3.2 Administrative Restorative Justice

The research data here demonstrates that though restorative justice is used in name at both sites, practices that reflect closely the abolitionist ideological roots of restorative justice go unacknowledged as such at the YOT. Therefore, restorative justice is operationalised daily without their knowing, such is the mistrust of the CJS and a belief that harm is better responded to away from it. Practitioners routinely limited contact with the system and promoted a response that considered the situation's ethical parameters and resisted bureaucratically applied ones (sections 6.2, 6.3.2 and 7.2.1). This study finds that restorative justice occurs daily, not out of a will to implement restorative justice, but because of cultural values prioritising children's needs. Practices at the Face Beneath aim to keep the child in the community, reduce state interference and improve the child's chances of participating in the community.

Though data suggests that many practitioners practised restorative justice in ways near its ideological underpinnings (Christie, 1977), this was not acknowledged as restorative justice. Instead, restorative justice is an administrative title; practices are authenticated as 'restorative' through administrative processes as caseload data travels the organisational ladder to the administrative face value. Crucially, all practitioners across both sites recognise restorative justice in its administrative sense, where practises were administratively authenticated in a way palatable to the CJS.

The YOT's Restorative Practice Team interprets restorative justice in line with criminal justice values that harmonise with a contemporary pragmatic refashioning of its values (sections 6.3.1 and 7.3.3). In doing so, practices originally influenced by social work and criminal justice

resistance only become recognised as restorative following a bureaucratising process (discussed further below, 8.4.2). However, the Outpost operationalises restorative justice similarly to the YOT-based Restorative Practice Team because of the additional pressures to present marketised success and a culture heavily influenced by criminal justice rhetoric. Administrative restorative justice *practice* is a bureaucratic exercise performed as a secondary process to a physical intervention. As Karen, the YOT's Restorative Practise Team manager, points out, their role was about addressing offending, but "from a slightly different angle" (section 7.3.3) because their role is "to prove that there is a restorative element into how we address their behaviour" (section 6.3.1). Therefore, though administrative restorative justice requires a practitioner to engage with a child, the restorative aspect in this sense is performed after. As was found at the YOT, the practitioner conducting the intervention was unlikely to be the same practitioner practising administrative restorative justice. The practitioner inspects the completed casework for variables consistent with the recognised restorative justice narrative that can be explained through a criminal justice lens. The Restorative Practise Team are vital to the YOT by retranslating operations at the Face Beneath into bureaucratic languages needed at the Face Value (section 6.3.1).

Contrastingly, there is no Restorative Practise Team at the Outpost. Instead, the entirety of the Outpost team is responsible for their administrative Face Value, which exerts pressures upon them differently from the YOT and has cultural impact (this is discussed below in 8.4). Therefore, whilst the team was collectively responsible for the face value, little focus was paid to the cultivation or practice at the face beneath. This is a crucial finding that forecasts possibilities in youth justice, not because of the data found there but of what was *not found*. Despite the belief that the YOT's culture would be replicated at the Outpost, it was hoped that this could be achieved bureaucratically as Les emphasised that administration was his priority, and he would lose sleep over it (section 7.4). Ironically, it was the overemphasis on administrative duties that stifled the chances of the YOT's culture being replicated, which was shown by practitioners there expressing their disgruntlement of the regimented and inflexibility of their narrow windows of opportunity to practise intuitively (section 7.4).

The Outpost culture was overwhelmed by the pressure to show efficiency, and a Bourdieusian analysis revealed that capital only existed in bureaucratic activities for the Face Value. The result meant that little effort was given to allow intuitive practises or their celebration to foster; such activities only divert attention away from bureaucratic performance. Therefore, any attempts to implement a type of restorative justice that remotely reflects Christie's (1977) progressive framework are quashed in favour of a restorative justice that is recordable in the immediate ways required of being a youth justice organisation.

This thesis suggests that Cohen's warnings are realised in administrative restorative justice. Findings show that restorative justice was incorporated at both field sites not as an abolitionist ideology but as a criminal justice model. Therefore, operationalising restorative justice means implementing crime control techniques in the community. By prioritising a restorative approach, the ethos taken to the Outpost is at the bureaucratic end, leaving little room for ambitions to 'do good'. This was particularly evident in those practitioners most invested in the bureaucratic restorative justice ethos, who suggested that restorative justice processes would be improved by increasing retributive elements and decreasing support (section 7.4).

A move to bureaucratise restorative justice highlights that nostalgia plays kindly with a portrayal as the progressive harm-reducing option. However, administrative restorative justice has abandoned its ideological ties and has been absorbed into the criminal justice status quo whilst retaining a favourable humanitarian image. This study's data highlights that ideological elements are replaced by a liberalised, central conception of *good* that fits more easily into managerialist agendas.

## 8.4 Realising Occupational Values as Restorative Justice

The discussion so far has shown that values and aims are out of place within the criminal justice landscape due to a cultural history rooted in social work. However, the YOT has structured itself to retain a place as a justice agency whilst retaining different operational values. Whilst the Outpost was found to be consumed by its administrative obligations, there was evidence that it retained the desire to promote welfare-focused practices. With that knowledge, the discussion

now progresses into how practitioners consume policy and make sense of their roles as youth justice practitioners, followed by how those factors implement restorative justice practices.

#### 8.4.1 Practising Restoratively through Occupational Typologies

Findings revealed the existence of three practitioner typologies that could be distinguished by their views towards youth justice and the ways that restorative justice informed their roles (sections 7.3.1, 7.3.2 and 7.3.3). Significantly, restorative justice ambiguities lend themselves to practitioners and their ability to express their habitus in diverging ways yet remain functional and tied to one or both of the face value and the face beneath. Additionally, it was found that the typologies were reflective of Cohen's (1985) narrational frameworks designed to portray the differing criminological perceptions of criminal justice reforms.

The Themes across the three occupational types of Disciples, Mavericks and Bureaucrats reflect trends highlighted in the literature review. Firstly, youth justice is practised in diverging ways largely determined by culture rather than policy (Morris, 2015; Smith and Gray, 2019; Stahlkopf, 2008; Souhami, 2007). Secondly, penal-welfare organisations feel strain between their welfare intentions and criminal justice and managerialist obligations (Robinson et al., 2016; McNeill et al., 2009; Millings et al., 2019; Page, 2013). And thirdly, older, more experienced and accomplished practitioners would resist change (Chan, 1997; Reiner, 1992; Worrall and Mawby, 2013). However, this thesis has observed the themes highlighted above are framed to show the interconnectedness between diverging practises functioning together as parts of a larger operational strategy and thus represents the original contribution to knowledge.

*Disciples* - Disciples are the most common typology. They symbolise the YOT's unfinished nature, and remain loyal to organisational leaders (Cohen, 1998). Disciples articulated their practices by describing adherence to frameworks (usually risk assessments) but would describe using professional discretion only in ways that remained compliant with management and cultural precedence. In their efforts to be faithful to organisational values, Disciples operate intuitively and prioritise welfare through the meaningful engagement of children. Applying Cohen's (1985) narrational framework, *Good (but Complicated) Intentions - Disastrous Consequences*, helps make sense of manager and Disciple motivations whereby they believe in their cause and role as

a service but also recognise the problematic nature of implementing youth justice and the harm it often causes. Therefore, they embrace the nature of their position as youth justice practitioners but also see the requirement for discretionary practises where youth justices' processes are deemed ineffective or counterintuitive. For this reason, Disciples aim to access both forms of capital available at the YOT by operating in a child-first manner whilst also being conscious that doing so must be conveyed through a justice narrative. However, because Disciples do not fully commit to neither child first nor criminal justice practises, their capital is restricted to that available internally of the organisation, as managers recognise this largest groups worth as an embodiment of the contemporary strained nature of bifurcated youth justice and a vital occupational type that regurgitates the values of their seniors.

*Mavericks* - Mavericks operate solely at the Face Beneath, symbolising the YOT's utopian ideals. Mavericks show mistrust in centralised frameworks and their ability to achieve positive outcomes for children. Mavericks use their experience and internalised ethical frameworks to design interventions. Therefore, Mavericks had a wealth of experience working with vulnerable groups, and reflecting trends found by Souhami (2007), Reiner (1992), and Worrall and Mawby (2013), Mavericks typically believed in a 'golden era' of service free from managerialist frameworks where intuitive practices were not irregular. Examples of Mavericks were found in both caseworkers, seconded police officers and a retired police officer across both research sites. Their commonalities were, they were older and more experienced members, providing further evidence that Maverick habitus is shaped by operational systems that promote autonomy and provide space for professional judgement. Cohen's (1985) *Discipline and Mystification* framework neatly reflects a Maverick's unfavourable attitude towards youth justice reform and, in doing so, reveals why their more radical sentiments towards the system are generated and how they justify and openly reveal that their practises are generated from internalised values.

*Bureaucrats* - The study found that management celebrated the recruitment of a data analyst and a Restorative Team formation despite findings highlighting that neither affected the practice delivery to any significance. However, the roles were not celebrated for their ability to impact children's lives positively; their roles were crucial to maintaining the administrative Face Value

(the Restorative Practice Team is explained in more detail in section 8.4.2). The role of the data analyst is to retranslate meaningless data, in the arena of public administration, into a statistical language. Bureaucrats emphasised the role of administrative frameworks and articulated their practices through notions of 'risk'. Bureaucrats deviated from frameworks, but unlike Disciples and Mavericks, who did so because they believed those frameworks to be (wholly or partially) ineffective, Bureaucrats did so to gather further information to add to an individual's 'risk' profile. Whilst Mavericks dismiss neoliberalised ethical frameworks, informing practices using an internalised evidence base, Bureaucrats navigated the youth justice field and reduced all details deductively through youth justice narratives. Turning to Cohen's (1985) narrational framework, *Uneven progress* provides an uncanny reflection of Bureaucrats, highlighting their belief in the vision and scientific basis behind youth justice reforms. This is perhaps most evident in the Restorative Practise Team, where the manager, Karen, displayed a militancy towards qualifying all practices through administrative restorative justice frameworks (section 6.3.1).

#### 8.4.2 The Importance of Welfare Legacies to Restorative Justice Practises

Significantly, this study has found two operational forms of restorative justice: administrative restorative justice (discussed above) and practises reflecting key restorative ideologies undefined by practitioners. Crucially, the ability and strains to practise restoratively (or not) in the aforementioned ways were contrasted between research sites.

This study adds to existing research suggesting penal-welfare agents have little trust in government or criminal justice experts' abilities to design initiatives that directly affect the nature of criminality (McNeill and Batchelor, 2003; Pawson, 2006; Smith and Gray, 2019; Souhami, 2007 - sections 3.2 and 3.3). This was initially created by a shared cultural heritage that was different from those typical of criminal justice. The Weberian notion of a *consciousness of kind* (section 7.3) shows that despite operational differences across members (section 5.1.2), the presence of a more dissimilar third party (the CJS) creates unity by highlighting similarities and shared beliefs of the original group. Findings show that criminal justice processes are recognised as harmful and resisted, favouring implementing internal mechanisms viewed as superior to ineffective government-led models (sections 6.2 and 7.2). At the YOT, a consciousness is achieved, making the Face Beneath possible. It also creates a culture whereby Disciples willingly conform to a

cultural welfare precedent and how Mavericks can operate intuitively. By recognising external youth justice models as ineffective, caseworkers operating at the Face Beneath remain committed to operationalising internal cultural values rather than succumbing to centralised legislative pressures. Contrastingly, because the Outpost prioritised the Face Value, administrative restorative justice practises existing at the YOTs Face Beneath were not present. Consequentially, because capital did not recognise instinctive practises, Maverick skillsets were out of place and Disciples would direct their efforts towards administrative efforts to gain capital for efficiency and Bureaucratic skills.

Evidence has been presented of the contrasting team dynamics at each site, which is evident in how the team accepted seconded police officers and those with of a police culture and how the officers themselves viewed their roles. The YOT's seconded police officer revealed significantly different experiences from those of practitioners at the Outpost with police experience. No YOT practitioner commented on the negative impact of a seconded police officer, which is reflected in the way that Alex described a transition in her values from being a police officer to being a social worker (section 5.4.1). However, Paula, the Outpost's seconded police officer who had less police experience, contrasted Alex as she explained that regardless of the situation, she practises as a police officer and went on to say that despite her colleagues focussing on "vulnerabilities", she would take such accounts with "a pinch of salt" (section 5.4.1). Her welfare-focused colleagues recognised Paula's police focus for favouring punitive and criminal justice responses to children (section 5.4.1).

Further evidence pointing towards differing cultures, is found by contrasting and analysing Alex's data against Dave's. Dave, a retired police officer, now a Maverick Outpost Team member, and Alex, a seconded police officer and Disciple at the YOT, offer important insights despite only being the testimonies of two participants. They were of a similar age, and with Dave having recently retired and Alex retiring the year following field research, they both had extensive police careers. Both lamented a perceived transition of police work into an overly managerialistic profession, indicating a similar ideological view over practice. However, whereas Alex stated that she now operated more like a social worker than a police officer, as she admitted that she had acclimatised to the YOT culture (section 5.4.1), Dave contrastingly saw himself at odds with his

Outpost peers who did not have the experience to know when to veer away from compliance frameworks and use their intuition instead (section 7.4) in a similar way to Morris (2015) found with those striving to *make a difference*.

Mavericks at both sites embody Cohen's (1985) *it's all a con* narrational framework as the YJS is seen as a failure in safeguarding or understanding the needs of vulnerable children (section 7.3.2). However, because YOT-based Mavericks felt that the organisation shared their child-first values, it highlights organisational solidarity as ideologically separate from the broader justice landscape. In contrast, Outpost members displaying Maverick traits felt ideologically estranged from their counterparts and at odds with operational priorities because of the focus on administrative restorative justice. The effects were felt across team members who desired to practise in child-focused ways and who resented that they could not (section 7.4).

The findings reflect previous literature recognising intra-organisational relationships and dynamics within YOTs as crucial to understanding restorative practice (Stahlkopf, 2008). Specifically, the ways that individuals value differently occupationally focussed colleagues were telling in the ways that practitioners perceived their roles. Morris (2015) found that those practitioners whose focus was to make a difference in children's lives were at odds with other practitioners whose focus remained on assessing risk and towards seconded police officers whose educational pathway to youth justice was based on risk. Souhami (2007) also observed differences between more experienced, welfare-focused practitioners and their younger, risk-led peers. Still, in contrast to Morris, seconded police officers who had worked with the YOT for more prolonged periods were more readily accepted. Though the data here reflects similarities to both mentioned studies, it also has key differences, and the key to contextualising those differences are the nuances between the YOT and Outpost. At both sites, more experienced staff, particularly Mavericks, showed disgruntlement towards risk-led assessments and compliance (data from Geoff - YOT caseworker - section 7.4). However, at the Outpost it was directed towards other team members, whereas, at the YOT, Mavericks were thankful for their bureaucratically minded counterparts who were able to give "a title" to the child-focused efforts at the Face Beneath (section 6.3). Whereas, at the Outpost, like Morris' and Souhami's observations, attempts to

showcase intuitive skillsets in a child first way were undermined by a stronger focus on administrative restorative justice.

The YOT's operational structure captures Cohen's (1985) notion of *moral pragmatism*; "my preference is to be pragmatic about short-term possibilities but to be genuinely utopian about constructing long-term alternatives" (p.252). The YOT protects its long-term survival by responding to its bureaucratic demands whilst preserving a culture that prioritises children's welfare needs. Such a strategy is comparable to Cohen's (1998) more recent argument that whilst revolution is dismissed as too radical, reform is too readily absorbed into the status quo. This suggests that moral pragmatism might be achieved by remaining *unfinished* in both revolution and reform, as a tactic to not give up on long-term ideals whilst remaining mindful of the current short-term conditions. The thesis suggests that the YOT is *unfinished*; it remains committed to long-term ideological ambitions of treating people outside criminal justice corridors whilst being mindful of its position within the system and not jeopardising its cultural ideals.

Failing to fully implement a Face Beneath at the Outpost to harbour child-first ideologies has a knock-on effect on its practitioners' values. Practitioner types are not entirely fixed states, whereby practitioners may temporarily adopt traits of a different typology to avoid risking the established culture. Whilst Mavericks and Bureaucrats operate at the YOT's ideological polar extremes, to do so wholly would ignore either the cultural legacies or the need to provide a show of compliance at least. In either case, the organisational culture and operations would be jeopardised. Therefore, staff retention has naturally favoured those willing to conform, in varying degrees, to all aspects of operations through Disciple traits, which explains how contrasting cultures exist. Whilst Disciples regurgitate a child-focussed welfare value system at the YOT, an all-encompassing administrative priority at the Outpost becomes the priority of its Disciples. Whilst the Outpost manager had hoped to replicate the culture of the YOT without taking the time to create space for intuitive child-focused practices, welfare practices are suffocated by the mounting pressures of producing administrative outputs. Crucially, realising restorative justice in such ways created strains within the practitioners there, who identified that prioritising efficiency came at the cost of pursuing more meaningful and considered interventions with children (see 7.4). Importantly, this shows that the Outpost reflects critical literature pointing to conflicting

priorities in penal/welfare agents (see 3.3.2), which practitioners did not present at the YOT. Disciples and Mavericks with child-first values at the YOT were less likely to feel the strains of practising in ways that reflect youth justice structures because the Bureaucrats largely absorbed this task within the Restorative Practise Team.

Furthermore, at the Outpost, several members were 'new' agents, younger than their YOT counterparts. They had little professional experience, and only two had experienced working at the YOT before the Outpost's development. The rest of the team were recruited directly to the Outpost, meaning that most members did not have internalised cultural values from the YOT. Sentiments at the Outpost starkly resembled Cohen's (1985) warnings of the *new professional* more concerned with organisational tasks centred around criminal justice narratives and their administrative values than the human subjects of their work (section 7.3).

At the Outpost, despite the diverse interpretations of restorative justice, it mattered little due to the restraints of structured practises that neutralised discretion. Interactions with children were extremely limited due to prioritising time and cost efficiencies. Opposingly, restorative justice at the YOTs Face Beneath prioritised distance from youth justice mechanisms but remained unstructured. However, such practices should not be mistaken for a utopian realisation of Christie's (1977) framework. While cultural investment is achieved, reliable practices are not; findings show that strategic priorities are directed towards maintaining the bureaucratic face value so that practices beneath could embody social work values. However, values were realised differently across members, meaning that seemingly unifying yet arbitrary ideals of 'doing good' are achieved using divergent and "messy" practices (Morris, 2015).

Data shows that though practitioners resist centralised criminal justice frameworks, they are not opposed to implementing punitive elements to interventions. Practitioners celebrated intuitive practices, believing they had natural abilities to respond to children's needs and implement efficient youth justice interventions. This included not only welfare aims but also punishment. Findings suggest that practitioners adopted a judge-and-jury approach to their operations. Practitioners can exercise interventions with afforded autonomy as they see fit, safe in the knowledge that they will remain concealed at the face beneath (sections 6.3.2). Practitioners

reported implementing practices that diverted the system, responded to welfare or administered new forms of justice. The thesis argues that in focusing on what is wrong with criminal justice, anything different is legitimised, giving little attention to the ethical parameters of how their practices are realised.

## Concluding comments

Critical to the complexities of youth justice models presented in this research is their operational malleability. This phenomenon was highlighted at the beginning of field research (section 4.3.2) as questions were raised about how restorative justice transformed from a singular small operational model into an organisational ethos. Literature has suggested that dominant youth justice mechanisms (such as restorative justice and diversion) are ambiguous. Despite the unclear nature of restorative justice and diversion, they continue to be a staple point of youth justice and have increased in their use under recent governments for their ability to direct children away from the system in a cost-cutting exercise. Though Cohen (1985) suggests that the language of progressive intentions hid retributive efforts, this is turned on its head, where efforts to extend crime control under vague terms are used to create space to implement organisational aims and values (section 5.3). A culture of resistance goes some way to reverse this trend as the ambiguity of youth justice frameworks is adapted to meet alternative ends.

The YOT brings hints of optimism within a faltering system, where management believes in the good of their pursuits and have well-meaning intentions. They celebrate what their organisation can and does achieve, yet they lament successive governments for improper policy implementation and failing to prioritise the needs of children. This story might make the narrative of this thesis fit a *Good (but Complicated) Intentions - Disastrous Consequences*. However, the Outpost highlights a youth justice where efficiency is prioritised, and Maverick skillsets become an increasing burden to achieving bureaucratic success. The Outpost pessimistically reflects a *Discipline and Mystification* story where Cohen prophesied that *new professionals* would coordinate an administrative reaction to offending children and reinforces arguments that practitioner skills prioritising compliance and efficiency are most prized under pressure to show value for money.

The thesis shows that at the YOT, restorative justice is neither a model of practice nor an ideology; it is rhetoric accepted within the narratives of criminal justice as a legitimate mode of offender intervention. Within the YOT, the Restorative Practice Team act as Bureaucrats and operates at the administrative end, aligning values inside with the required commitments to the outside. Whilst restorative justice has become entrenched within the language of criminal justice, it has severed ideological ties yet retained certain mythical qualities. The Restorative Practice Team identifies vaguely accepted restorative elements of community and victim within existing practices and authenticates practices as youth justice. Whilst practices on the inside might be perceived as *messy*, it is an orchestrated messiness. Nevertheless, to outsiders, practices are uniformly delivered using *restorative justice* to divert children from the system, but the implementation gap still exists internally. On the surface, the YOT is an efficient, restorative-led youth justice agency.

Administrative restorative justice has become a vehicle for expanding social control mechanisms into civil areas previously out of reach to the CJS. A marketisation of public services has seen youth justice respond by adopting mechanisms that purport to *doing justice* whilst attempting to retain cultural values of 'doing good'. However, whilst cultural histories and internal ideologies encourage practitioners in one direction, ongoing strains created through austerity and the ever-presence of a crime control narrative exert pressure on an 'unfinished' organisational structure. Humanitarian ambitions struggle to hold their position as self-fulfilling prophecy stories become a feature of practitioners tasked with providing the Face Value image of doing justice. Hidden welfare missions face mounting pressures against a tide of crime control rhetoric as Youth Offending Team Officers, employed within a Youth Offending Service deliver youth justice orders at the bidding of much more dominant criminal justice forces that have a labelling effect on practitioners. Whilst this thesis has presented Maverick practices as representative of what the YOT *wants* to do, Bureaucratic practices represent what *must* be done. As pressures increase on the YOT to protect its long-term security and not fall victim to a necessary budget cut of inefficient government organisations, the YOT finds itself having to produce more *must-do* practices.

The implementation gap problem is unlikely to be resolved soon while policymakers struggle with the unenviable proposition of rolling out legislation and programmes that ensure the 'doing of good' reliably. This cuts across the convenience of critical voices arguing that *all things state are bad*, but acknowledges the reality of bureaucratic rationality and its ability to design out context-dependent ethics. This research has shown that the absence of criminal justice structures does not guarantee utopian endings: where criminal justice processes are diverted to limit their impact, they are only to be replaced by a youth justice practitioner who now can decide upon deservingness, dosage, and justice, and the capability to do so in retributive ways.

It is no easy feat to *design in* humanitarian responses on a national and reliable scale whilst also *designing out* the human will to punish. The task is paradoxical; bureaucratic rigidity reduces empathy and meaningful connections, but there are inherent dangers of leaving the response to individual morality. The critical left corners policymakers into an impossible position, arguing for systemic parity but condemning a lack of humanity within the bureaucracies needed for consistency. This thesis recognises a significant obstacle to providing effective responses to social harm that increase the risk of offending is to treat those harms as *an offending risk*; doing so ensures commitment to criminal justice processes, even if they are temporarily resigned to the background. A social work culture, imagined or not, separates the YOT from the Outpost. YOT caseworkers generally see the offence as an opportunity to respond to the 'real' areas of need and viewing those needs as symptomatic of broader social failings. In this sense, the ideals of restorative justice are achieved through an approach that disregards the latter component of the child first, offender second mantra, with the belief that to acknowledge an offender label is to invite in the harm of criminal justice structures. However, despite that, the pressures of a marketised system have created vulnerabilities; The Outpost team was forced to leave the confines of the YOT for long-term security, resulting in the erosion of cultural values and aims.

Cohen was right; humanitarian acts of resistance should not be accepted whilst existing within a criminal justice framework where prioritising human need is only possible in the fissures created through acts of resistance. However, this study has shown that despite the YOT labelling itself as *restoratively-led* state frameworks are present and are reaching into the cultural oasis at the YOT. We are reminded here that Cohen (1985) suggested that the reason for having playgrounds for

children is not that it might help ease juvenile delinquency; it is right to have playgrounds for children because children enjoy playgrounds (p.264). Without a real change to how needs are responded to, the system and criminology's critical voices will be resigned to a never-ending cycle of regurgitating the same criticisms, condemning processes that do not take welfare needs seriously enough, but also condemning the results when welfare is taken too seriously. The answer is not to dismiss welfare, it is right to take it seriously, however, whilst children's needs are filtered through a crime control lens, the cycle continues. The real challenge for policymakers, and society more generally, is to rethink how social harm should be resolved and how to do this outside of the crime control paradigm.

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