

**University of Lancaster**

**Did Fools Rush In?**

**Exploring Practitioners' Views on the Scaled Approach  
to Youth Justice**

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**Thesis submitted for the degree of Doctor of Philosophy**

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## **Declaration**

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## **Dedication**

For my mother, Susan

## **Abstract**

This thesis is an ethnographic, 'step-in, step-out' exploratory study of how the concept of 'risk' has impacted on Youth Offending Team (YOT) practice in England. The Scaled Approach provides YOTs with a model designed to match the intensity of their work to a young person's assessed risk of reoffending. The explicit risk-led model of practice requires YOT practitioners to make judgements using assessment tools (Asset) on a young person's likelihood of reoffending. The impact that the Scaled Approach and subsequently 'risk' has made on YOT practice is explored from YOT practitioner's points of view. The impact that risk has had on young people in the youth justice system is also considered; eight young people's journeys whilst on a community order form a key component of this research. Sutherland (2009) postulated that the Scaled Approach was potentially an example of where 'fools rush in', making policy based on a poor evidence base; this thesis seeks to assess whether that is the case. The first strand of the research involves an exploration of why YOT practitioners do the job that they do; by considering the occupational identity and organisational culture that YOT practitioners have and work in, a basis for an in-depth discussion of how they construct and view risk assessment in youth justice is provided. This thesis then considers the effect that risk has had on YOT team structures. The second strand of the thesis specifically addresses the impact that the Scaled Approach has made on assessment in youth justice from practitioner's points of view and uses several case studies of young people as examples. The thesis concludes with a summary of the main themes before making some recommendations for policy, practice and future research.

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## **Abbreviations**

**ADHD-** Attention Deficit Hyperactivity Disorder

**AIM-** Assessment, Intervention and Moving-on Assessment Framework

**ASBO-** Anti-Social Behaviour Order

**APIS-** Assessment, Planning Interventions and Supervision

**Asset-** (not an abbreviation) the Assessment tool used with the youth justice system

**BESD-** Behavioural, Emotional and Social Difficulties

**CAMHS-** Child and Adolescent Mental Health Services

**CEOP-** Child Exploitation and Online Protection Centre

**CID-** Criminal Investigation Department

**CJIA, CJIA2008-** Criminal Justice and Immigration Act 2008

**CJS-** Criminal Justice System

**CPS-** Crown Prosecution Service

**CSC-** Children's Social Care

**D.O.B-** Date of Birth

**D.O.D-** Date of Death

**DTO-** Detention and Training Order

**ETE-** Education, Training and Employment

**HMIC-** Her Majesty's Inspectorate of Constabulary

**HMIP-** Her Majesty's Inspectorate of Probation

**IP-** Intervention Plan

**ISS-** Intensive Supervision and Surveillance

**KEEP-**Key Elements of Effective Practice

**LAC-** Looked- After Child/Children

**LASPO-** Legal Aid, Sentencing and Punishment of Offenders Act 2012

**LoR-** Likelihood of Reoffending

**LSCB-** Local Safeguarding Children Board

**MOJ-** Ministry of Justice

**NEET-** Not in Education, Employment or Training

**OASys-** Offender Assessment System

**OGRS-** Offender Group Reconviction Score

**PCSO-** Police Community Support Officer

**PRU-** Pupil Referral Order

**PSR-** Pre-Sentence Report

**RFPP-** Risk Factor Prevention Paradigm

**RFR-** Risk Factor Research

**RJ-** Restorative Justice

**RMP-** Risk Management Plan

**RoSH(a)-** Risk of Serious Harm (assessment)

**SA-** Scaled Approach

**SCR-** Serious Case Review

**SEN-** Statement of Educational Need

**SQS-** Short Quality Screening

**VMP-** Vulnerability Management Plan

**WDYT-** What Do You Think (Asset)

**WTWF-** Working Together with Families

**WTWTF-** Working Together with Troubled Families

**YIP-** Youth Inclusion Programmes

**YJB-** Youth Justice Board

**YJMIS-** Youth Justice Management Information System

**YJS-** Youth Justice System

**YOGR-** Youth Offender Group Reconviction Score

**YOT-** Youth Offending Team

**YPS-** Young People’s Service

**YRO-** Youth Rehabilitation Order

## **Chapter One: Introduction**

The Youth Justice System (YJS) in England<sup>1</sup> has over the last twenty years become increasingly political and punitive. The system arguably has become encapsulated by risk-based managerialism (Pitts, 2003; Muncie, 2006a; Case, 2007). It seeks to label and categorise groups of young people, based on levels of risk that are assessed using a series of 'risk factors'. Predicting what people, especially young people, will do in the future based on a list of factors that have somewhere been shown to be statistically related to a young person's offending behaviour, is in itself a risky business (Armstrong, 2004). The Criminal Justice and Immigration Act 2008 (CJIA2008) received royal assent on the 8th May 2008 and proposed several changes to the YJS; the changes came into effect on the 30th November 2009. The Act introduced one generic community sentence for children and young people who offend, the Youth Rehabilitation Order (YRO). The YRO replaced the nine generic sentences that previously existed and can have 18 different requirements attached to it, allowing a sentence to be tailor-made to fit a young person's assessed risks. Alongside this, the Scaled Approach was also introduced which provides youth offending teams (YOTs) with a model designed to match the intensity of a YOTs work to a young person's assessed risk of offending or reoffending. The explicit risk-led model of practice requires YOT practitioners to make judgements using assessment tools such as Asset on a young person's risk of future offending or reoffending. The higher the risk, the higher the level of intervention will be according to the Scaled Approach (YJB, 2008c). The Scaled Approach aims to ensure that interventions are tailor made to suit an individual young person based on the assessment of their risk and needs according to Asset. The Scaled Approach has been categorised as a policy which is an example of how 'fools rush in' (Sutherland, 2009), in this case the Youth Justice Board (YJB), in to creating flawed policies based on faulty evidence which 'punishes poverty' (Bateman, 2011).

### **Research Questions**

The overall aim of this research is to investigate how the Scaled Approach and the YRO has impacted on the treatment of young people who have offended, from YOT practitioners' points of view. The research employs a qualitative, iterative-inductive, reflexive methodology influenced by grounded theory. A variety of methods have been used to explore and

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<sup>1</sup> This research focused on YOTs based in England; it is recognised that there is a growing 'dragonization' (Haines, 2010) of youth justice policy and practice in Wales despite the remit of the Youth Justice Board covering both England and Wales.

ultimately answer this study's research questions (see below). Participants have been drawn from 5 YOTs within England. At the heart of my research are three key research questions:

1. To what extent has the concept of 'risk' impacted on youth justice practice?
2. What effect has the Scaled Approach and the YRO had on the treatment of young people who have offended?
3. How has this impacted on practitioners' perceptions of the youth justice system?

### **Note on Terminology**

In this thesis the term 'YOT practitioner' is used interchangeably to refer to practitioners whose titles may include YOT Worker or YOT Social Worker. It is meant as an all-encompassing term to refer to those who directly practice with young people on court orders. Due to the competing aims and objectives of the various agencies that make up a YOT, those practitioners who are seconded in from the police or probation service are specified with the relevant label. Additionally, those practitioners who are 'qualified' but their qualification was unclear are indicated as 'Q.YOT Worker'.

### **Outline of the Thesis**

Chapter 2 sets the scene for the thesis by discussing the concept of 'risk' and its impact on criminology and crime control through a review of the relevant literature. The growth of risk factor research (RFR) in academia is then addressed; several key longitudinal studies and the impact that they have made form a key component of this section. Finally, the impact that 'risk' has had on youth justice policy and practice in England is explored through focusing on risk assessment in youth justice practice before moving on to specifically discuss the creation of the Scaled Approach and YRO.

Chapter 3 outlines the methodological approach and methods that were adopted in order to answer the research questions as set out above. A detailed account of the challenges I faced during the data collection process relating to my identity in the 'field', the emotional aspects of undertaking research with people and questions raised regarding 'ethics in action' is provided. The chapter is not designed to be an explicit 'confessional tale' but rather a reflexive account of undertaking research in the real world. The latter half of the chapter considers the strengths and limitations of the research design with a view to achieving reflexivity.



Chapter 4 is the first data chapter of this thesis and somewhat sets the scene for later discussions particularly in relation to chapter 5. The main concern of the chapter is to explore why do YOT practitioners do the job that they do? How YOT practitioners see themselves and their role is explored before four core characteristics of YOT practice culture are proposed. Following this, the chapter moves forward to consider the impact that the concept of 'risk' has made on YOT practice wider than just in relation to assessment. This is done by focusing on team structures and the 'qualified/unqualified divide.'

Chapter 5 is the core chapter of the thesis in that it discusses risk assessment and its relationship with the Scaled Approach. It first considers practitioner's understandings of assessment and risk management before moving on to critique the Asset assessment documents. It then considers the Scaled Approach and the impact it has made on practitioners and young people in the YJS. It should be read in conjunction with Appendix Two.

Chapter 6 looks at the YRO and how the order works in practice. It considers the Scaled Approach in action through exploring how risk impacts on the delivery of the order for young people. The relationship between risk assessment (Asset), a young person's intervention plan and subsequently their order is also explored. Several case studies of young people on their journey in the YJS are presented in Appendix Two which should be read in conjunction with this chapter and chapter 5.

Chapter 7 draws together the main themes of this thesis to formulate a conclusion. The main themes are laid out before recommendations for youth justice policy and practice are made. Future changes in relation to assessment are acknowledged and discussed before recommendations for future areas of research are made. The final section offers an overarching statement, addressing the title of this thesis directly as to whether 'fools did rush in?'

## **Chapter Two: Literature Review**

This chapter introduces the research area of the thesis by discussing the relevant literature. The literature can be divided into several key areas which will each be discussed in turn. These are: Crime, Risk and the 'Risk Society'; Risk Factors and Risk Factor Research; from research to policy and practice: the implications of the RFPP, including the inception of the Scaled Approach and YRO.

### **Crime, Risk and the 'Risk Society'**

'Risk' has been considered an important factor within the field of criminal justice for decades. How 'risky' a person is both prior to and after offending is a major consideration for the various agencies of criminal justice. O'Malley (2006:363) states that 'risk' 'within criminology refers to the probability of harm, the role of its calculation or assessment in making decisions about whether to perform criminal actions, and its role in criminal justice decision-making.' The act of committing a crime is risky, as it requires the potential offender to go through the process of weighing up the costs and benefits of breaking the law- a calculation of risk. The risk of being caught, convicted and facing punishment are all areas that an offender, ideally, should consider before committing a crime, yet it has been argued that certain acts of criminal behaviour, such as joyriding and shoplifting, are committed because of the sense of excitement offenders feel during and after the act- the so called 'adrenalin rush' of crime (Presdee, 2000; Ferrell et al, 2008). In other words, some offenders enjoy the risk! The concept of risk is fundamental to criminology. Risk is one of the factors used by criminal justice agencies, particularly Probation and YOTs, to determine how to sentence, punish and rehabilitate offenders. Increasingly, risk refers to the governing of crime through techniques known as 'risk management.'

Society has been accused of becoming increasingly obsessed with risk (Beck, 1992; Douglas, 1992) leading to Beck (1992) coining the phrase 'risk society.' For Beck (1992) the foundation of the risk society is in historically unique risks and dangers, specifically nuclear radiation and environmental pollution- so called 'modernisation risks' (Beck, 1992). These risks affect everyone, no matter what class, race or gender. These 'modernisation risks' (Beck, 1992) create a distinct form of consciousness and social organisation. Within the risk society, science and knowledge become highly critical with people in areas such as medicine, science and the Government becoming responsible for the defining of risks and therefore the boundaries of what is and is not risky. Consequently, crime control becomes dependent

on those with 'expert' knowledge to analyse and interpret the risks accordingly. Danger and security become central in terms of which problems of risk are conceptualised (O'Malley, 1998: xi). This means that danger provides the context for risks which are identified culturally or politically, with experts usually being in charge of this identification process. Risks have become associated with danger- 'the word *risk* now means danger, *high risk* means a lot of danger' (Douglas, 1992: 24). This has resulted in an increased demand for risk-based security, as people begin to panic in what are seen to be dangerous times. The more that risk becomes the framework for dealing with problems, the more new risks are revealed, resulting in a heightening of risk consciousness and a vicious circle of fear and securitization (O'Malley, 2010: 12). A number of academics see that the above condition is demonstrated in the ways in which crime has become a much more prominent issue needing to be governed by new risk techniques (see Ericson and Haggerty, 1998; O'Malley, 2010). Neo-liberal modes of governance have supported the restructuring of socio-economic and political relations (Muncie, 2005) in favour of risk. The decline of the rehabilitative ideal and the rise of the 'new penology' (Feeley and Simon, 1992) has created a correctionalist, offence-focused, individualised criminal justice policy in a number of advanced industrial nations. 'Risky' individuals become categorised, 'responsibilised' and controlled through risk management techniques.

Since the 1990s, at the heart of the YJS in England, there has been a focus on managerialism, risk and early intervention, which replaced the welfare and justice focus that the previous Conservative Government held in the 1980s. Since 1993 and the murder of James Bulger, there has been widespread 'moral panic' (Cohen, 1972) around young people and their involvement in criminal behaviour, often referred to as 'youth in crisis' (Davis and Bourhill, 1997). The battle for political power in the run up to the general election in 1997, led to New Labour producing several policy documents (Home Office, 1997a; 1997b) in which an agenda based on risk, management, prevention and actuarialism was pushed forward. The practices which had worked to great success in the 1980s/early 1990s enshrined by diversion, decriminalisation and decarceration were no longer an option for a political party intent on winning (Goldson, 2000b; Pitts, 2001). When New Labour was elected into power in 1997, the CJS became centred on the management of risk- the riskiness of an offender's behaviour to others and themselves took centre stage. For young people, the predominant aim was to prevent them from becoming involved in the system in the first place (as placed into statute by the Crime and Disorder Act 1998. S37(1)); however, should they get involved the next step became to manage their behaviour through the use of

risk assessment and actuarial scoring focusing primarily on offending behaviour not welfare needs. This new focus was not only politically driven but helped along by emerging risk factor research (Case and Haines, 2009). Through the Crime and Disorder Act 1998, the YJS became framed around 'risk' with a new sentencing framework, a new system of organisation (YOTs) and a package of risk assessment techniques (Asset<sup>2</sup>) being introduced. These changes provided ways of targeting those who may become delinquent and predicting those who may subsequently re-offend. Practitioners working within the YJS were no longer trusted to make the right decisions on how an offender should be sentenced/reformed meaning that tools<sup>3</sup> such as Asset (Baker et al, 2003) and AIM<sup>4</sup> (Assessment, Intervention and Moving-on Assessment Framework) were introduced to 'assist' decision making. Actuarially-based risk instruments favour an individual, psycho-social focus rather than including, in their assessments, broader structural factors, such as the influence of socio-economic deprivation on offending behaviour. Youth offending is more often than not the result of a lack of structural opportunities in terms of education, employment, housing, adequate income and constructive leisure opportunities as well as the rational choice to offend by young people themselves (Gray, 2005; France et al, 2012). Barry and McNeill (2009:11) argue that this duality between structure and agency in youth crime is rarely seriously considered by politicians and policymakers. The emphasis is placed solely on the young people themselves for their propensity to offend, resulting in making them responsible for such actions, increasingly through punitive means:

*'Some argue that youth justice systems in many jurisdictions have lost their 'social justice' ethos. Although they purport to offer multi-disciplinary and welfare-oriented services their emphasis is increasingly on containment, surveillance and blame within a criminal, rather than a youth justice ideology.'* (Barry and McNeill, 2009:12)

As criminal career research within the UK and USA (see Farrington, 1990; 1996; Loeber et al, 2003) started to unravel the mysteries behind young people's offending, politicians and policy makers began to take notice within England during the 1990s. Being able to predict which young people would offend fitted well with New Labour's desire to reform the YJS (as set out through the 'No More Excuses' agenda, see Home Office, 1997a). The following

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<sup>2</sup> Asset is not an acronym but the name of the core assessment tool used within the YJS as developed by the YJB (2006), see also Baker et al, 2003; 2005.

<sup>3</sup> In the adult CJS, OASys (Offender Assessment System) is the risk assessment tool that is used (see Lancaster and Lumb, 2006).

<sup>4</sup> A specialist assessment framework for assessing young people who display sexually harmful behaviour (see Griffin and Beech, 2004).

section will explore the concept of risk factors, the research that has been undertaken into them and the evidence base of the risk factor prevention paradigm (RFPP).

### **Risk Factors, Risk Factor Research and the Risk Factor Prevention Paradigm**

Risk factor research (RFR) has underpinned youth justice policy in England since the late 1990s. Trying to establish what leads a person to offend has puzzled criminologists for decades and has not only produced a large number of theories, but also a large body of empirical research. Identifying factors which lead a person into a criminal lifestyle means that interventions can be used to prevent or reduce this from occurring and therefore minimise the risk of that person becoming an offender. Risk factor research as Farrington (2000:1) states:

*'Is a very simple idea: identify the key risk factors for offending and implement prevention methods designed to counteract them. Such an approach can be used not only to identify variables to be targeted, but also to identify persons to be targeted in an intervention programme.'*

Much RFR has been underpinned by the seminal longitudinal study, The Cambridge Study of Delinquent Development, a study for which Farrington has been director of for over thirty years. It was through this study that Farrington, coined the term, the risk factor prevention paradigm, a term that has permeated through youth justice ever since Farrington's use of it in 2000. The paradigm is a 'pragmatic crime prevention model that uses risk assessment and survey to identify factors in the key domains of a young person's life (family, school, community, psycho-emotional) that statistically increase the likelihood of (official or self-reported) offending ('risk' factors) or decrease its likelihood ('protective' factors)' (Case, 2007:92). The Cambridge Study of Delinquent Development is a prospective longitudinal study of 411 working class, primarily white, males born in London mostly in 1953 (Farrington, 1990). They were all recruited at age 8/9 using the registers of six state primary schools in inner-city London. The males have been followed, so far, up to age 50 and subsequent research has been undertaken looking at generations of the men's family and their involvement, if any, in criminal behaviour. The study has largely been funded by the Home Office and has produced a long list of risk factors which according to Farrington (2000:4) correlate highly with offending behaviour. Farrington (1990:97) states that there are six categories of variables that predict offending independently of one another, they include: disruptive child behaviour (troublesomeness or dishonesty); criminality in the family (a convicted parent, a delinquent sibling); low intelligence or low school attainment; poor child

rearing (poor discipline, poor supervision or separation of a child from a parent); impulsiveness (daring or risk taking, restlessness or poor concentration) and socio-economic deprivation (low income, poor housing, large family size). These factors have been statistically shown to be related to offending, for example the Cambridge study found that, 'a substantial minority of 63 boys [from the 411] had a combination of at least three of the five predictive items. Almost half of this group [less than 32] became juvenile delinquents compared with only a fifth [83] among the sample as a whole' (West, 1982: 30). The findings of this study have been replicated, validated and added to by many more longitudinal studies conducted in the Western world including the United States (The Pittsburgh Youth Study, see Loeber et al, 2003), New Zealand (The Dunedin Multi-Disciplinary Health and Human Development Study, see Moffitt et al, 2001) and the Netherlands (The Dutch National Crime Study, see Blokland, 2005). This validation has led to many YJS's around the world adopting risk assessments, risk management techniques and early intervention, none more so than the English YJS. The RFPP does have advantages, as for example, it appeals to common sense that through using RFR, resources can be more effectively targeted, therefore there is more efficiency and cost-effectiveness in the YJS. This is easy to understand and make sense of which is one of the other advantages of the RFPP; it bridges the gap between academia and policy making, practitioners and researchers. However the RFPP, RFR and risk factors generally have their flaws. The following sections aim to evaluate some of these flaws.

#### How do you define and measure a 'risk factor'?

As with most criminological concepts, there is no clear agreed upon definition of what exactly constitutes a risk factor. Farrington (2000) himself, acknowledges that there is no consistent use of the term risk factor across criminological research. According to Farrington (2000:3), 'a risk factor by definition predicts an increased probability of later offending.' There are three common ways a risk factor is categorised: it can be an *extreme* category of an explanatory variable (e.g. poor parental supervision), a *dichotomous* variable (e.g. poor/good parental supervision) or a *continuous* explanatory variable (e.g. scale of parental supervision from poor to good) (Case, 2007:96). The lack of consistent use of terminology means that there is no strong link between underlying theoretical concepts and operational definitions used by practitioners. What a risk factor means to one academic researcher will most likely be different to what it means to a practitioner working directly with young people. A lack of an agreed upon definition and interaction between academics and practitioners means that much RFR simplifies arguably complex phenomena, a process

France (2005) has called 'risk factorology.' It also raises questions over whether young people themselves understand the concepts, as what is risk and who is risky will be different to a young person than an adult. Therefore a practitioner could complete all the relevant documents, including an Asset (to assess young people's criminogenic factors rated on a numerical scale) and Risk of Serious Harm assessment (RoSHa)(a specific assessment used to assess the young person's likelihood of serious harm to themselves and others rated on a low to high scale) but the young person will not always understand why they are being rated at 'high risk' or 'a risk to others' because the reasons do not necessarily translate easily. For example, explaining it is because you live in a high risk area will not mean anything to a young person as they know no different to the place they have grown up in. Additionally, there is a question over when exactly a risk factor is a risk factor? For example, Case (2007: 95) raises the point that broad issues like disaffection from school or having bad friends can happen to all young people at some point in their adolescence. What happens to turn such issues into a risk factor for criminality? 'They [risk factors] serve as the much sought after catch all concept yet consequently lack in discriminatory power or temporal fixedness' (Case, 2007: 95). The question is quite simply, if you cannot consistently define the basic concept, how can you go on to try and measure it?

The measuring of risk factors in youth justice is largely a quantitative exercise using closed, tick box style questions, like those used by English YJS assessment tool Asset, to make an assessment of what correlates highly with offending behaviour. Due to cost efficiency and politicians being easily seduced by numbers (Young, 1999; 2011), RFR will continue to prioritise quantitative methodologies, despite the inherent problem that has plagued it ever since the Glueck's (1950) conducted their longitudinal studies, that is the problem of causality<sup>5</sup>. What factors cause criminality, which factors are merely predictors of criminal behaviour and is one factor more important than another? These are all questions which Farrington (2000) himself, identifies as problems of the RFPP. As Armstrong (2004:106) states, 'at best, risk factor research has been able to account for a statistically significant proportion of the variance in respect of the antecedents correlating with offending.' These correlations are not the same as causality and they certainly do not inform us as to why young people behave as they do. Hinshaw (2002:436) argues that there is distressingly little evidence for the causal status of nearly all of the entries in the typical risk factor list<sup>6</sup>. The

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<sup>5</sup> This is not to say that the issue of causality is not a problem for qualitative researchers, it is, however researchers in the qualitative tradition are far less likely to focus on causality.

<sup>6</sup> See table 1 for an example of such a list.

driving need to be seen to be ‘tough on crime, tough on the causes of crime’ (Labour Party, 2001) has led to a YJS being built on a very shaky foundation.

The problems of the RFPP are further compounded when the notion of false positives and false negatives are taken into account. Case (2007:94) argues that individuals may get ‘lost in the statistical shuffle’; tools like Asset are based on actuarialism and reduce individuals to a number through supposedly sophisticated statistical analysis, yet the room for error through false positives and negatives is quite substantial. False positives occur when an individual is predicted to reoffend but does not. By contrast, false negatives occur when an individual is not considered to be at risk but they actually are. For example, Loeber et al (2005) when reporting on the American equivalent to the Cambridge Study, the Pittsburgh Youth Study<sup>7</sup> disclosed that the number of false positive errors thrown up by the analysis- i.e. individuals classified as homicide offenders who were not homicide offenders- was 86.6 per cent (approximately nine out of ten individuals identified as a significant homicide risk did not commit a homicide). The negative predictive power of the model (those correctly identified as non-homicide offenders) was 98.9 per cent however, in comparison; the positive predictive power (the correct identification of homicide offenders) was only 13.4 per cent. The risk factor analysis barely predicted one in ten homicide offenders (Loeber et al, 2005). Furthermore, when Baker et al (2005:7 as cited in Bateman, 2011:175) conducted the second evaluation into the assessment tool Asset, it was revealed that in almost one in three cases, assessment failed to predict the correct outcome over a two-year follow-up period. These mistaken forecasts were split equally between false negatives and positives- so that nearly one in six young people who, on the basis of the Asset score, would be predicted to reoffend did not, in fact, do so. Whilst it is clear that there is a statistical link between certain risk factors and offending behaviour, the link is fraught with definitional and measurement problems, which raises questions over whether or not it is safe to create policies such as the Scaled Approach, that are based solely on risk. The question remains: are risk factors worth the risk?

*Risk Factors- young people at risk from what?*

The list of discovered risk factors is now very long and familiar to researchers in the field of youth justice. Table 1, presents a typical list of risk factors as taken from Ireland’s National Crime Council’s (2002) document, ‘Tackling the Underlying Causes of Crime.’

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<sup>7</sup> A longitudinal study of 1,517 boys which sought to predict violence and homicide through risk factor analysis.



<b><u>Academic &amp; School Factors</u></b>	<b><u>Family Background/Parenting</u></b>	<b><u>Individual Factors</u></b>	<b><u>Neighbourhood &amp; Community Factors</u></b>	<b><u>Socio-Economic Deprivation</u></b>
Poor academic performance in primary school	Poor parenting skills- erratic or harsh discipline	Hyperactive and impulsive	Community disorganisation and physical deterioration	Low family income/consistent poverty
Disruptive and aggressive behaviour, including bullying	Lack of parental control, supervision and monitoring	Lower than average IQ	High levels of mobility and lack of attachments to the community	Parents long-term unemployed
Lack of concentrations and motivation	Poor or disruptive attachments with child	Mental and/or physical health problems	Majority of local authority or rented housing	Poor housing
Poor attendance	Parental conflict	Low self-esteem	High population of single parent families	Large family
Lack of discipline and organization within the school	Family breakdown/family dysfunction		Higher than average percentage of young people	Single parent family
Early school leaving	Criminal, antisocial and/or alcoholic parent(s)		Poor levels of service provision	

Table 1: Adapted from: National Crime Council (2002) Tackling the Underlying Causes of Crime, Dublin: Stationary Office.

Longitudinal studies like the Cambridge Study, the Pittsburgh Youth Study and the Dutch National Crime Survey, have consistently delivered very similar results, validating and replicating RFR that we have known about since the Glueck's study 'Unravelling Juvenile Delinquency,' first published in 1950! They have all produced a set list of risk factors which have a narrow, psycho-social focus, meaning that instrumental factors of a macro, structural and political nature tend to remain in the background in interpretations of research by policy makers. It is the macro, structural and political risk factors, factors such as socio-economic deprivation (poverty) and political motivations that have to be considered, and considered on a theoretical and empirical level, in order to provide a full understanding of youth crime. As Haines and Case (2008:11) explain:

*'The RFPP is 'psycho-reductionism at work. It prioritises immediate, proximate, individual factors, relegating social and structural influences as secondary, 'distal' factors that simply interact with and exacerbate developmental anomalies.'*

For example, the Cambridge Study downgraded the potential influence of neighbourhood factors by grouping family and peer factors together within the general, inappropriate

category of 'community risk factors' (Haines and Case, 2008:11). This means that a wide range of factors are all muddled together, so that the impact of structural factors, such as the socio-economic status of an area (which will dictate the availability of services such as youth groups) are intermixed with factors more specific to individuals, such as family size and parental employment status. Arguably then, 'despite its ostensibly pragmatic inclusiveness the risk factor prevention paradigm continues to marginalise the underlying structural causes of crime' (Hughes et al, 2002:205). This problem is further compounded when considering that in the majority of cases, the risk factors that the RFPP has identified have insufficient sensitivity to individual, social and temporal differences relating to age, gender, ethnicity, socio-economic status, local area, country, type of offending (self-reported, officially recorded, violent, property etc) and cultural, political or historical context (Webster et al, 2006; Case, 2007). Whilst this is largely linked to the quantitative nature of the RFPP, research such as the Edinburgh Youth Transitions study (see McAra and McVie, 2010) has considered macro level factors and individual differences. O'Mahony (2009:100) states that the 'level of public and private funding required by and now often provided to risk-focused research has a bearing on researchers' willingness to critique the more grandiose and less well-founded claims of the RFPP.'

HomeI (2005:86) accuses the RFPP of having 'a thicket of single factor associations at the individual level obscuring the view of the larger landscape of environmental and structural forces.' This is not to say that individual factors should be ignored, it is just necessary, in order to get a full picture of the 'causes' and correlations of offending behaviour, to consider socio-political and economic factors. As Goldson (2005:257) importantly states:

*'The children who are most acutely targeted by correctional interventions and authoritarian incursions are invariably drawn from the most damaged, distressed, neglected (and correlatively sometimes neglectful) families, neighbourhoods and communities. This is not to suggest that all poor children are troublesome or that only poor children are refractory, but the intersections of poverty, child crime and state intervention are undeniable. [...] Poverty is the unifying social characteristic of the majority of child 'offenders' and such adversity has deepened and widened in recent times.'*

By most RFR acknowledging, but doing little else with, macro, structural, political factors, the governance of childhood<sup>8</sup> is being furthered. Gray's (2005:952) own research found that even when the negative effects of such factors as school exclusion and unemployment were taken into account, they tended to be blamed on young offenders' anti-social attitudes and reasoning skills rather than broader structural barriers or inadequate resources. RFR seeks to further the 'responsibilization' agenda<sup>9</sup> by focusing on individual faults and holding young people disproportionately, directly accountable for them rather than questioning issues of social exclusion<sup>10</sup>. It is easier to reassure voters that individuals are to blame for criminality not societal flaws, meaning politicians do not have to answer for their failed policies (Armstrong, 2004; Case, 2007; Phoenix, 2009).

### *Risk Factor Research and the Governance of Childhood*

Recent UK Governments (initially Labour (1997-2010) now the Coalition Government (Conservatives and Liberal Democrats) are using the RFPP as the theoretical justification for invasive policies; 'exploiting the notion of 'risk' to legitimise earlier and earlier intervention and interference in the lives of 'high risk', 'at risk' or 'dangerous' (yet often non-offending or non-convicted) young people and their families' (Armstrong, 2004; Goldson, 2005; Haines and Case, 2008). Whilst the age of criminal responsibility is ten in England, meaning that children cannot be prosecuted until that age, children are targeted before then through Child Safety Orders<sup>11</sup> and services, such as Family Intervention Projects (White et al, 2008), Youth Inclusion Programmes (MOJ, 2014) and now, the Troubled Families programme (Departments for Communities and Local Government, 2012) under the premise of tackling social exclusion. Services such as the above, often have more than one objective which results in overlapping priorities, meaning that tackling the problem of social exclusion is often translated in to tackling the risk of offending. Moreover civil sanctions, such as Anti-Social Behaviour Orders (ASBOs)<sup>12</sup>, can be triggered by a risk assessment and prediction of a practitioner not necessarily a criminal offence, meaning the reach of the government to

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<sup>8</sup> Here I am referring to the idea childhood is becoming increasingly governed (controlled) by political and policy making organisations.

<sup>9</sup> By this, I am referring to 'strategies of crime control which aim to shift primary responsibility for crime prevention and public security away from the state and towards businesses, organizations, individuals, families and communities' (Muncie, 2006b:357).

<sup>10</sup> Whilst the concept of social exclusion is a contested term, for the purposes of this research it is understood as meaning, 'the dynamic, multi-dimensional process of being shut out, fully or partially, from the various social, economic, political or cultural systems which serve to assist the integration of a person in society' (Bradley, 2006:400).

<sup>11</sup> The Child Safety Order is a court disposal aimed at children under the age of 10. It is an early intervention measure designed to prevent children becoming involved in anti-social behaviour (Ministry of Justice, 2011).

<sup>12</sup> Although they are currently being phased out following an announcement from Theresa May (current Home Secretary) to replace them in July 2010 (Home Office, 2013), a new order the Criminal Behaviour Order is to be introduced instead.

intervene in children's lives has never been greater. This has been referred to by Goldson (2000b) as 'evidential irrationality' as early intervention is irrational, due to the amount of evidence (see McAra and McVie, 2007) that exists showing that stigmatisation and net-widening, through being labelled criminal and/or offender, all increases youth offending. Risk assessment using risk factors is arguably the most effective, particularly cost effective, way to target interventions however, it increases the likelihood that individual characteristics (in this case age, but also race, locality, gender) will become associated with their high or low risk classification 'thus marginalising, stigmatising and stereotyping populations such as young people, who may already be disadvantaged and disaffected, economically, educationally, politically or a combination of any of these' (Silver and Miller, 2002: 151).

Not every child that has the afore mentioned risk factors will go on to offend, indeed some young people will use those factors, such as growing up in poverty, coming from a dysfunctional family and having poor attendance at school to push themselves into a better lifestyle (Armstrong, 2004). The language of risk, which has pervaded the YJS, has replaced the language of need with processes of governmentality contributing to this. Armstrong (2004) argues that these processes are embedded in the valuation of academic and professional judgements that masquerade as expertise. It is a masquerade because their science is decontextualised from the contested beliefs and values which give meaning and relevance to particular representations of normality and social order (Armstrong, 2004). References to culture and social structure are largely missing from most longitudinal risk factor studies (there are some exceptions such as the work of Sampson and Laub, 1993; McAra and McVie, 2007). The 'relationship between risk factors, trajectory and final outcome for young people is complex in respect of social context, social processes and the interaction between individual agency and social structure' (Kemshall, 2008:27). The complexity has to be acknowledged by policy makers and practitioners in order to effectively help young people in conflict with the law. Yet because RFR offers a clear, simplistic and achievable discourse it is attractive to policy makers especially as most RFR purports to identify the elusive causes of crime. As certain sorts of knowledge, in particular, that which is easy to understand and can provide an evidence-base, is seized upon by policy-makers it is understandable (to an extent) to see how RFR has become the basis for the YJS in England. The next section of this review will focus on how the RFPP became the basis for the YJS in England. It will offer a detailed critique of some of the key developments within the system including the Asset assessment tool before finally discussing the YRO and the Scaled Approach.

## **From Research to Policy and Practice: the Implications of the RFPP**

In 1997, New Labour won the general election with one of the main focuses of their winning campaign being to tackle the supposed 'problem of youth' through various pieces of youth justice legislation. Several influential Government papers (Audit Commission, 1996; Home Office, 1997a; 1997b) framed New Labour's Crime and Disorder Act 1998 which changed the landscape of youth justice for ten years up until the introduction of the CJIA2008. After conducting an audit on ten years of Labour's youth justice reforms (1998-2008), Solomon and Garside (2008:11) concluded that:

*'In reality, the record on youth justice reform is at best mixed. Despite the huge investment, self-reported youth offending has not declined and the principal aim of the youth justice system set out in the 1998 Crime and Disorder Act, 'to prevent offending by children and young persons' has yet to be achieved in any significant sense. Fundamental questions need to be asked about whether the youth justice agencies can really address the complex economic and social factors which are the cause of so much youth offending.'*

Research/academia and policy have not 'married up' well under New Labour, as when the 'five core messages distilled from research and practice experience are juxtaposed with the trajectory of contemporary youth justice policy in England, profound rupture is apparent' (Goldson, 2010:168). Using the illustration below (Figure 1), Goldson (2010) argues that despite the relative normality and stability of youth offending and youth crime, New Labour crime policy discourse is underpinned by essentialised moral binaries.

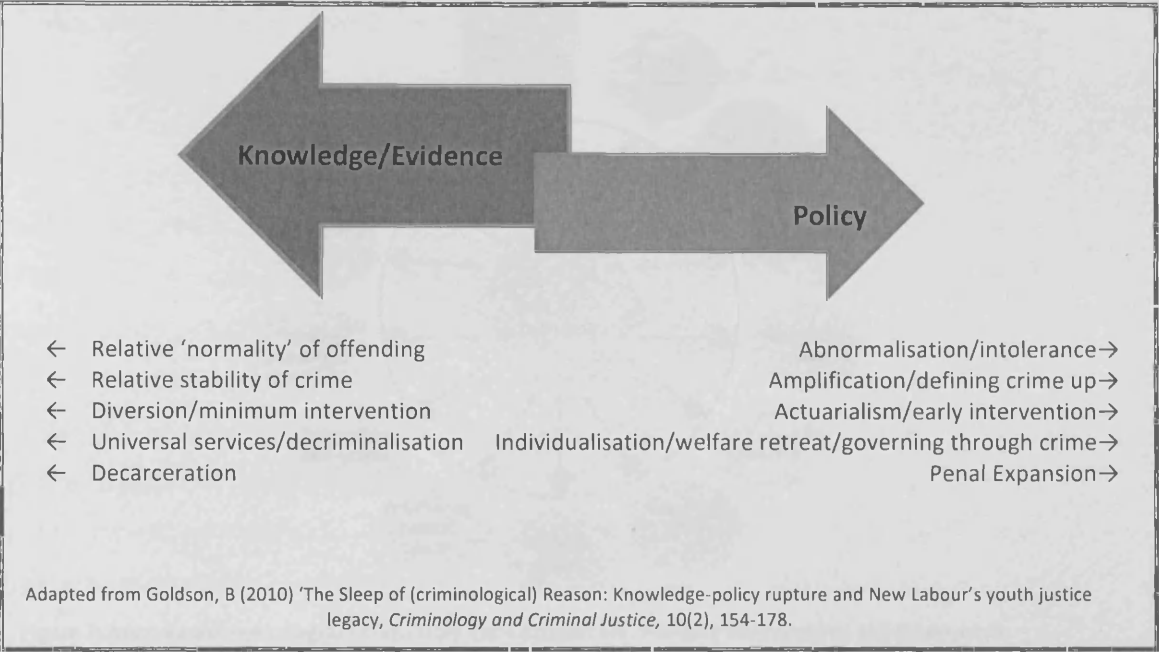


Figure 1: Goldson's (2010) Knowledge-Policy Rupture

Working in opposition to some of the knowledge and evidence base that academia and research has created, New Labour have enforced policies built on the principles as depicted on the right hand side of figure 1. They have created 'institutionalised intolerance' (Muncie, 1999) to youth offending, through increased politicisation of the 'issue', amplifying and exaggerating the 'problem' to a point where there is a constant changing of policy and practice. Policy that has been built on a faulty evidence base (the RFPP, as discussed in the previous section) has infiltrated the lives of thousands of young people who are drawn into the YJS every year. Labour's lasting legacy (before losing the 2010 general election) was to engulf the YJS in a risk-based, risk-led approach to offending behaviour and the assessment/subsequent treatment of children and young people through the CJIA2008

After the Crime and Disorder Act 1998 was introduced and YOTs were created, a new assessment framework was required in order to put the new aim of 'prevention' of youth offending into practice. The YJB stated that 'a common approach to the process of assessment [that] can assist practitioners [as] the basis for arriving at judgments and making decisions' (YJB, 2003a:5) was needed and in 2000, the Asset risk assessment instrument emerged. Developed by a team of academics from Oxford University, Asset is completed by a YOT practitioner following an interview with a young person aged 10-17 on entry to the YJS. The tool measures a young person's exposure to 'dynamic' social and psychological risk factors, such as motivation, as well as considering static factors, such as criminal history. The core profile covers 12 areas of risk: ranging from living arrangements, education, training and employment to perception of self and others and attitudes to offending (see figure 2).

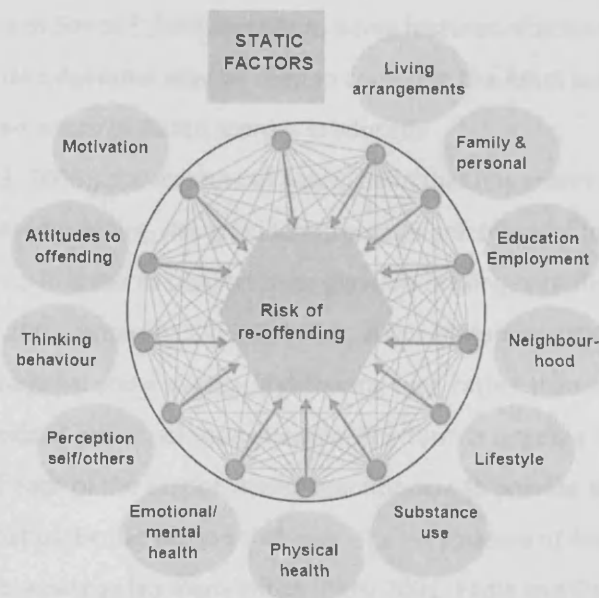


Figure 2: Asset Assessment diagram taken from YJB's Assessment, Planning Interventions and Supervision Framework (2003a)

The intent of the developers of Asset was to create a practical, standardized and evidence-based method of targeting interventions based on measured risk of reoffending, the young person's perceived 'vulnerability' and their risk of serious harm to themselves and others (Baker, 2005). The Asset assessment tool has faced criticism from practitioners and academics in terms of its content, methodology and practical application. It is important to examine these criticisms before moving to a wider discussion of the Scaled Approach.

The tool is an actuarial form of assessment meaning that the score Asset gives the practitioner upon its completion is based on quantified assumptions regarding behaviour, attitudes and characteristics. For example, complex family problems, ranging from separated parents to the lack of discipline shown by the parent/s which individually have different effects on a young person's risk level, are all grouped together and reduced to a quantified score, based on a judgement of their aggregated association with the likelihood of future offending. Baker (2005) argues that it is not accurate to refer to Asset simply as an actuarial tool as professional judgement retains an important role in predictions made on the basis of these scores. An assessment has to be made by the practitioner as to whether or not there is a link between a set of circumstances and a young person's offending behaviour. This subjective assessment is then translated into a numerical score ranging from 0 (not associated at all) to 4 (very strongly associated) (YJB, 2006:4). Despite Baker (2005) arguing against Asset being an actuarial tool, it clearly involves the statistical identification of high and low risk groups for the purposes of planning interventions and allocating criminal

sanctions, which Feeley and Simon (1994) identify as being features of actuarial justice. The practitioner's professional judgement may be used to complete the Asset but ultimately at the end of that process an actuarial-based score is produced.

Baker et al (2003; 2005), the creators of Asset, claim that it is enshrined in the paradigm of evidence-based practice, designed to encourage practitioners to be structured and have reliable evidence in order to support their decision-making regarding interventions. Conversely critics (Pitts, 2001; Annison, 2005; R. Smith, 2006; O'Mahony, 2009) argue that Asset is impersonal, managerial and a statistical gathering tool, rather than a tool that prioritises the actual needs of individual young people. The form is largely a tick-box exercise with boxes at the end of each of the section asking practitioners to provide evidence as to why they have scored that particular section that way. The very nature of Asset, the fact that it is standardised and actuarial has led many critics (Pitts, 2001; Eadie and Canton, 2002; Smith, R, 2006) to argue, that practitioners are being controlled, neutered and deprofessionalised. Asset has encouraged a 'depersonalised, rigid tick box quality to assessment where risk factors become a checklist of triggers to action' (Souhami, 2007:18) and the process has robbed practitioners of their ability to use discretion and their experience (Eadie and Canton, 2002). This process has appropriately been described by Pitts (2001) as the 'zombification of youth justice.'

The evaluations of Asset (Baker et al, 2003; 2005) show that the tool was able to correctly predict reconviction outcomes in 67% after one year (Baker et al, 2003) and 69% after two years (Baker et al, 2005) of follow-up studies. Therefore the tool has predictive value, as it is useful in predicting levels of reconviction; nonetheless, these levels of predictive value also mean that the tool is highly 'predictable' in regards to false positives (those predicted to reoffend who do not) and false negatives (those predicted to not reoffend who do). It is reported that approximately one in three young people (based on reconviction outcomes after one year) may have been incorrectly categorised resulting in a false positive or negative (Baker et al, 2003). The impact of these are serious, as children can be unnecessarily drawn into the YJS subsequently experiencing undue criminalisation and labelling effects as a result of being labelled 'risky' (false positive). By contrast, children can 'slip through the net' and be deprived of vital intervention as a result of being incorrectly assessed as 'not risky' (false negative). What happens to these young people who have been 'wronged' by the predictive futility of Asset? As R. Smith (2006:102) questions, 'is routine error just an unfortunate by-product of scientific logic? Do we consider it acceptable to 'get it wrong' sometimes in order to manage and control risk?' This question has never been addressed by the YJB.



Ultimately, Asset is an adult led assessment of a child's life and offending behaviour. Whilst the tool is designed to be completed following an interview with the young person, the young person does not necessarily see the completed document; therefore they are excluded from the very assessment that is going to dictate the interventions that they will receive. Case (2006:174) has called this notion, 'prescription without a consultation.' The lack of consultation between the practitioner and the young person has been blamed by the designers (see Baker, 2005; Baker et al, 2003, 2005) on the implementation of Asset not the function of the tool itself. Indeed there is a section of Asset devoted entirely to gathering the thoughts of the young person themselves, aptly entitled, 'What do you think' (WDYT). The form is long winded and contains a series of questions that target the same areas that Asset does (i.e. family, school, substance use and so on) asking a young person to rate how much they think the statement is like them. The section could be construed as an after-thought, as it is often completed by young people once a practitioner has already made their assessment or even when interventions have already begun. The YJB's own evaluation of the tool revealed that practitioners often do not use this section to its full potential (Baker et al, 2003) meaning that it is often ignored and neglected. Moreover, the design of the form itself does not work to enable a young person to easily complete it. The form requires a level of reading and writing that some young people who come into contact with the YJS simply do not have as, '25% of children in the YJS have identified special education needs, 46% are rated as underachieving at school and 29% have difficulties with literacy and numeracy' (Prison Reform Trust, 2013: 42). Asset marginalises young people through the neglect to take into serious consideration a young person's construction of risk. This casts more doubt over the validity and meaningfulness of the risk factors measured and targeted by risk assessments in the YJS. The practitioner is put in an impossible position of having to complete the required bureaucracy (paperwork) whilst also forming a workable relationship with the young person under their care. This is further complicated by the fact that Asset has to be completed using a computer meaning that there is an additional medium in between the young person and the practitioner (see White et al, 2009). Not considering a young person's views in intervention planning is highly likely to reduce their willingness to comply with the plan and in some extreme cases lead to breach proceedings. Asset is far from a perfect assessment system, yet it is the foundation of the risk-based approach to interventions under the Scaled Approach. The remaining part of this review will discuss the Scaled Approach and the new YRO, the two subjects of this research.

## **The Scaled Approach, Youth Rehabilitation Order (YRO) and Risk Based Youth Justice**

In 2002, following the emergence of Asset in the YJS, the YJB published a series of booklets entitled 'Key Elements of Effective Practice' (KEEP), that promoted evidence based practice and the linking of risk-focused assessment with risk-focused intervention, in 10 areas of youth justice ranging from accommodation to young people who sexually abuse. All 10 areas are linked together by the Key Element of Effective Practice: Assessment, Planning Interventions and Supervision (APIS) (YJB, 2003b) which promotes an 'embedded system for practice management' (Case and Haines, 2009:297). This booklet underpins all areas of practice including: practitioner training (both in-house YOT training and the foundation degree in youth justice offered by the Open University), the Effective Practice Quality Assurance Framework (which practitioners use to audit their performance) and the National Standards for Youth Justice Services. It is the 'managerialism, preventative ethos and risk-focus of the APIS, the KEEPs and risk assessment in the youth justice system that now embody a new 'new youth justice' (Case and Haines, 2009:298). At the same time, the Audit Commission published their follow-up report to 'Misspent Youth' (Audit Commission, 1996), recommending that 'YOTs should make better use of Asset to determine the amount as well as the nature of interventions with individuals using a Scaled Approach' (Audit Commission, 2004: Point 142). It is these events that have led to the culmination of a risk-focused, risk-based approach to interventions called the Scaled Approach.

The Scaled Approach is a model designed to match the intensity of a YOTs work to a young person's risk of reoffending. It was introduced in 2007 and became youth justice policy (although non-statutory) on the 30<sup>th</sup> November 2009, the same day the relevant statutory youth justice sections of the CJIA2008 came into force in England. The explicit-risk led model of practice requires YOT practitioners to make judgements using tools such as Asset on a young person's risk of reoffending. The higher the risk, the higher the level of intervention will be according to the Scaled Approach (YJB, 2008c). The Scaled Approach aims to ensure that interventions are tailor made to suit an individual young person based on the assessment of their risk and needs according to Asset. According to the YJB (2010a: 5), 'the intended outcomes are to reduce the likelihood of reoffending for each young person by tailoring the intensity of intervention to the assessment and also by more effectively managing risk of serious harm to others.' A young person's Asset score now means more than ever before as it will determine how often they have to be seen by a YOT practitioner. The Scaled Approach requires practitioners assign a risk score (out of 64) to a young person

through combining the scores (0-4) from the 12 areas of Asset and the total scores from four static factors: offence type, age at first reprimand/caution/warning, age at first conviction and number of previous convictions (see YJB, 2010a:17). The total of these four scores are then added to the Asset score to create one risk score (out of 64) which then is linked to a risk level either:

- *Standard*- a score between 0-14
- *Enhanced* - a score between 15-32
- *Intensive*- a score between 33-64

This score now determines a young person’s ‘risk of reoffending’ and controls the type of intervention they will receive in relation to the:

- *Sentence* that is proposed by the practitioner to the court
- *Proposed frequency of contact* between the practitioner in the first three months of the order
- *Content* of the intervention-the specific nature of the risk-focused intervention (YJB, 2010a).

The frequency of contact between the practitioner and the young person as stated above is dependent on the level of risk a young person is rated at. After several alterations, the levels of contact are depicted below:

Intervention Level	Minimum number of contacts per month for first three months of order	Minimum number of contacts per month for remainder of order
Standard (0-14)	2	1
Enhanced (15-32)	4	2
Intensive (33-64)	12 <sup>13</sup>	4

Table 2: Frequency of practitioner and young person contact according to the Scaled Approach (adapted from YJB, 2010a).

The Scaled Approach is non-statutory; however it underpins the new sentencing framework that was introduced alongside the policy through the CJIA2008. The YRO, replaced the previously existing nine community sentences, and allows for sentences to be ‘tailor-made’ for young people (see below for a discussion about this notion). There are eighteen different

<sup>13</sup> The Intensive level of contact was reduced in 2013 following a review of National Standards (YJB, 2012c; 2013e). The minimum number of contacts per month for the first three months of order reduced from 12 to 8. The minimum number of contacts per month for remainder of the order stayed the same at 4; no explanation for the reduction has been provided by the YJB.

requirements ranging from supervision to a programme requirement that can be attached to an YRO, meaning that for every section of Asset, there is a requirement that could be used to help reduce a young person's Asset score. As the YJB (2010c:9) state, 'the range of YRO requirements offers a community sentence which can be a viable and robust alternative to custody. If used effectively, the YRO should [...] help reduce reoffending.' The new sentencing framework, coupled with the Scaled Approach, allows for YOTs to effectively manage resources and practitioners time; an advantage when faced with a financial crisis which is resulting in serious public service financial cuts (see Travis, 2011). Despite this, what the approach does do is prioritise and consolidate a deterministic reading of risk, at the expense of other theoretical explanations<sup>14</sup> from other parts of RFR. New Labour have reformed the entire YJS based on the notion that psycho-social risk factors are key causal and predictive influences on youth offending, prioritising risk focused early prevention and risk-based intervention for those who do offend. As the previous section, however, showed, very little robust evidence exists to support the validity of risk-focused intervention and its application to all young people in trouble with offending. A Process Evaluation (YJB, 2010e) was commissioned by YJB to pilot a 'risk-based approach to youth justice' (what is now known as the Scaled Approach) in 2006. The pilot period ran from December 2006 to June 2007 and involved four YOTs, one in the West Midlands, two in the South East and one located in Wales. Two of these pilot YOTs had been implementing a risk-based approach prior to the commencement of the process evaluation meaning that it was proposed that comparative data would be collected from 4 YOTs that were operating 'normally' in order to compare (YJB, 2010e: 6). The Process Evaluation details that the scaled approach was developed by the YJB based on the concept that interventions for young offenders should be both risk-based and proportionate (YJB, 2010e: 6). It states that the pilot YOTs were given the freedom to implement a risk-based approach in a way that suited their local circumstances/existing practices (YJB, 2010e: 19) meaning that there were variations in implementation and differences in terms of risk-level allocation, PSRs and intervention planning all which have a significant impact on a young person's journey through the YJS. Such 'freedom' and a lack of information recorded by those conducting the process review about which YOTs did what raises the question as to how does the YJB know what approach worked best? Haines and Case (2012: 221) argue that because this variation was allowed, it is a 'hollow claim' that there was a pilot period. The review was not tasked to measure the

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<sup>14</sup> Such as Life Course Criminology (see Sampson and Laub, 1993; Laub and Sampson, 2003); Constructivist Pathways Approach (Webster et al, 2004; France and Homel, 2007); Developmental Ecological Action Theory of Crime Involvement (Wikström, 2005; 2012).

impact of the pilots in terms of outcomes (reconvictions) for individuals nor was it to examine the cost-effectiveness of a risk-based approach to youth justice (YJB, 2010e: 14). Due to this, information in regards to reconviction rates, a key performance indicator for youth justice (YJB, 2008a), was not collected therefore an objective assessment of which were the most effective practices in terms of cost and outcome adopted by the pilot YOTs is unknown (YJB, 2010e: 14). In terms of cost-effectiveness, the idea that the scaled approach allows for the targeting of resources to those most needy is questionable as such a claim has never been tested. All of the YOT pilots were expected to achieve positive outcomes in terms of a reduction in reconvictions through the application of the scaled approach yet the 'unprincipled local variation produced markedly different outcomes as demonstrated across the pilot YOTs' (YJB, 2010e: 19). The pilot concluded that there are 4 key principles of a risk-based approach: accurate and consistent assessments; intervention plans that are appropriate to the risks; case reviews that monitor and respond to changes in risk; enforcement of breach (YJB, 2010e: 14). These are interesting conclusions given that the varieties of practices adopted by the pilot YOTs do not give an indication of which principles are most important; for example is it crucial that all of the principles are in place or just one or two? As the objective of the scaled approach is to improve the quality and consistency of YOT practice then a fundamental question has to be raised as to why allow different YOTs to do different things when you are piloting what is a dramatic change to youth justice assessment? Most worryingly, Haines and Case (2012: 222) showed in their review of the process evaluation that when the scaled approach was assiduously applied by the Welsh pilot YOT there was a significant increase in youth reconviction rates (62%). Therefore, whether the scaled approach is applied as directed or if local variation is allowed markedly different results occur meaning that young people are put at greater risk of being drawn into the YJS further through the risk-based approach which evidence shows (McAra and McVie, 2007; 2010) is detrimental to a young person's welfare and life chances. Despite these concerning 'results' from the YJB's own evaluation of their pilot, they pressed ahead with the introduction of a risk-based approach. Meaning that even though it has only been in practice for a short period of time, it has faced several criticisms in relation to its methodology and theoretical design, each of the key areas will be discussed in turn now.

### *The Criminalisation of Poverty vs. the Missed Chance to Intervene*

The RFPP and the Scaled Approach has the potential to criminalise the already disadvantaged children and young people who are increasingly drawn into the YJS by harsh

and unfair laws and policies. It also has the potential to fail to distinguish when a young person truly does need intervention, i.e. the young person ‘slips through the cracks’ potentially resulting in catastrophe. The Scaled Approach requires that intervention levels must be matched to actuarial risk scores produced by Asset. As previously established, Asset is far from a perfect assessment system, meaning there is the potential for a serious offender who measures low risk following an Asset assessment to receive minimal intervention whereas a minor, one-off offender may receive intensive intervention if they are assessed to be of high risk of reoffending. Bateman (2011:175) states that:

*‘The scaled approach requires a higher level of intervention in such cases that is not justified on the grounds that it is required to reduce recidivism or as a proportionate response to the young person’s behaviour. Given that intervention is compulsory and enforceable (in other words a punishment), the potential infringement of children’s human rights implicit in the model is considerable.’*

Practitioners have been cautioned by the YJB in the guidance, that they are to review the intervention level in the context of all other available information and consider whether there are any factors that indicate the intervention level may need to be increased or decreased (YJB, 2010a: 7). Yet, when you are facing large caseloads and have a lack of resources available to you, it is highly unlikely that a practitioner will ‘go the extra mile’ in every case that crosses their desk. Indeed, Case and Haines (2009:300) have called the YJB’s caution, ‘having your cake and eating it.’ For example, table 3 (see below), shows the changes made during the implementation process of the Scaled Approach to the score brackets for each level of intervention. The risk bands were altered without any given explanation and it can only be interpreted to mean that the YJB were attempting to significantly increase the number of young people to be dealt with on an enhanced or intensive level, most likely for political motivations or possibly as Bateman (2011) proposed, to ‘make the scaled approach resource neutral.’

<u>Intervention</u>  <u>Level</u>	<u>Asset Score</u>	
	September 2008	February 2009
Standard	0-24	0-14
Enhanced	25-41	15-32
Intensive	42-64	33-64

Table 3: Proposed Risk Banding: September 2008 and February 2009 (Derived from the YJB, 2008c, 2009c).

In fact, what these new risk band levels have served to do is lower the threshold for a young person to have unnecessary contact with the YOT, i.e. increased the chance of criminalisation. For instance from 2009, a young person with the Asset score of 15 is now on equal standing to a young person with the Asset score of 32, resulting in the Asset score 15 young person having to have the same level of contact, 4 times per month (one a week) as a young person with the 17 points higher Asset score.

Alternatively, whilst it is most likely that the scaled approach will result in increasing numbers of young people becoming criminalised, it also has the potential to allow for young people to 'slip through the cracks.' For instance, a young person who has a relatively stable family life, is in education and only occasionally drinks alcohol could receive a small Asset score of say 9 and would therefore, for the first 3 months of his/her order be required to attend fortnightly meetings at the YOT. Whilst anything higher would most likely be seen as undue criminalisation, an Asset is only required to be reviewed once every six months unless the circumstances of the young person change (National Standard Number Four, YJB, 2013e:21). If a practitioner is only seeing a young person fortnightly- this is dependent on what risk factors need addressing, for instance if a young person has to complete reparation or attend appointments with a mental health advisor then this counts as one of the fortnightly contacts, so a YOT practitioner potentially may not see a young person for up to three weeks at a time. This does not necessarily give the practitioner a chance to build up a relationship with that young person therefore making the YOT potentially the last people to know about a change in circumstances. There appears to be no happy medium between the chance of criminalisation and a young person slipping through the crack in the system. The emphasis within the approach needs to be placed on practitioner discretion and judgement, however as it is based on Asset, it has eroded that ability, resulting in young people being potentially caught between a 'rock and a hard place.' It is also increasingly being demonstrated by academic research (see McNeill, 2009; Stephenson et al, 2010) that the practitioner/young person relationship is particularly important as it can have an impact upon a young person's propensity to continue to offend. Should a young person be unfairly assessed (by a YOT practitioner following Asset) it would not be unreasonable to expect that they may feel unfairly treated and such perceptions are likely to result in less positive engagement which will probably lead to increased rates of non-compliance and possibly to breach proceedings.

An ambitious request of resources/practitioners?

One of the most positive attributes of the new generic YRO is that it allows for the sentence to be tailor made to suit the young person. For every section of Asset, there is a requirement that could be used to help reduce a young person’s Asset score. It is stipulated in the guidance that one of the factors a court must consider before sentencing a young person to a YRO is the availability of the requirements at a local level, i.e. there is no point in attaching a drug treatment requirement to the YRO if the YOT the young person will be supervised under does not have a drug worker or links to a drug intervention team, as they are essentially setting the young person up to fail. This is because should the young person be given this requirement they will not be able to complete it and are potentially faced with returning to court to be resented. Whilst this is an extreme example, the possibility does exist which is why it is important that the resources of YOTs are considered. YJB (2014a) statistics show that in 2012/13, 13,527 YROs were given to young people, 2,372 of these YROs had one requirement attached to them. A further 2, 623 had two requirements<sup>15</sup> attached to them (see table 4 below).

Number of requirements	Frequency 2010/11	Share of total 2010/11	Frequency 2011/12	Share of total 2011/12	Frequency 2012/13	Share of total 2012/13
1	4,046	36%	4,040	29%	2,372	28%
2	3,826	34%	4,455	32%	2,623	31%
3	2,060	18%	2,941	21%	1,781	21%
4	1,111	10%	1,978	14%	1,245	15%
5 or more	250	2%	541	4%	470	5%

Table 4: Distribution of YRO Requirements from 2010/11 to 2012/13 (adapted from YJB, 2012b; 2013c; 2014a)

Of the 18 requirements, supervision has remained the most popular one throughout the past three years of the YRO being in use. The top eight requirements<sup>16</sup> that are recorded as being the most used over the last three years that the YRO has been available for are:

<sup>15</sup> According to the YJB (2014a:34) ‘a large number of YROs (7,375 out of 13,527) recorded in Youth Justice Management Information System (YJMIS) did not have any requirement attached to them. This represents 46 per cent of all YROs. All YROs given should have requirements attached; therefore this can be attributed to data recording issues.’

<sup>16</sup> See table 10 for full details of how many times all 18 requirements have been recorded as being attached to a YRO over the last 3 years.



Requirement	2010/11	2011/12	2012/13
Supervision	9,354	11,991	7,375
Activity	3,631	5,145	3,287
Curfew	3,518	4,935	3,060
Electronic Monitoring	2,087	3,426	2,350
Unpaid Work	1,696	2,299	1,336
Programme	1,369	1,951	1,159
Attendance Centre	1,129	1,432	823
Prohibited Activity	160	400	283

Table 5: Top Eight YRO Requirements Used from 2010/11 to 2012/13 (adapted from YJB, 2012b; 2013c; 2014a)

It is of no surprise that supervision is significantly used more so than any other requirement given that it is the only requirement that allows for direct one-to-one contact between a young person and their YOT practitioner. There are large differences in the requirements that are used, with the more unconventional and difficult ones to be monitored very rarely used, such as drug testing or the mental health treatment requirement. Furthermore, with increasing Government cuts to public services, resources have become sparse and competition for places on limited schemes has increased, resulting in young people not getting the help they need because the services do not exist or they are not deemed 'needy' enough (Goldson, 2005).

Despite this, the one requirement that will remain relatively stable is supervision. Whilst cuts may result in YOTs having fewer practitioners meaning that individual caseloads will be higher, the requirement of supervision will largely remain unaffected. So the question becomes how effective is the supervision requirement on its own? It is logical to expect that the higher the Asset score, the more intensive the level of intervention should be, meaning that the higher the Asset score the more supervision meetings a young person is likely to have with their YOT practitioner. Sutherland (2009) found in his research that despite the expectation to be the above, in most cases, practitioners did not offer the minimum number of contacts, despite efforts being made in some instances to offer more than the minimum. His research showed, that most young people were offered around the same amount of contact but that there were large variations even where young people had the same score, for example, four young people in his sample had a total Asset score of 21; one was offered 9 appointments, another 21 (still below the minimum requirement) (Sutherland, 2009:51). He concluded that 'whilst a number of factors could affect the frequency of *actual* contact (e.g.

staff sickness/absence, the young person refusing to attend), this analysis, though based on a small sample (60) shows no relation between levels of risk and the frequency of *offered* (i.e. planned) contact' (Sutherland, 2009:52, original emphasis).

### *The Scaled Approach: The Return of Repressive Welfarism?*

The Scaled Approach brings back to the forefront of youth justice the classic welfare vs. punishment debate. For if the approach is truly followed by practitioners, then there is a high chance that the scales of justice will once again be tipped in favour of punitive punishment rather than an equal balance of both. Through using the language of risk, the welfare vs. punishment contradiction is expressed though recommendations for more youth justice interventions. Youth justice practice is complex and inherently volatile (Phoenix, 2009:117). Kemshall (2003: 45) notes that:

*'however punitive the effects of the rise of risk thinking and the drive to make individuals, families and communities responsible for 'the crime problem' and 'crime', operational managers and practitioners nevertheless interpret and put into action the policies in the face of limited resources, pre-existing or well-established professional ideologies, local partnership arrangements and so on.'*

Whilst the global definition of risk is ever-changing and often altered to suit the purpose for which it is being used, the YJB are mistakenly forgetting that whilst they offer one definition of risk and risk factors, practitioners will have their own definition of what constitutes risk, in light of their opinion on the welfare vs. punishment debate and will not necessarily change this to suit the new approach. How practitioners interpret and interact with tools such as Asset following the introduction of the Scaled Approach will not necessarily change as the tool has been in existence for over a decade now, the Scaled Approach for only 24 months<sup>17</sup>. Furthermore, the existing problems with Asset will not have disappeared; they will have only been exacerbated. Phoenix (2009:125) found in her study, that the YOT practitioners she interviewed were 'carrying out an 'unofficial' assessment based on the notion of the state's abrogation of its responsibilities towards young marginalised individuals. Here the YOT interviewees discussed at length the many and different ways that social provision for young people had systematically let them down and left them vulnerable to offending'. Gaps in provisions from simple places to go i.e. parks to a lack of mental health provisions were cited as reasons why young people had been pushed into law-breaking behaviour (Phoenix,

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<sup>17</sup> 24 months at the start of this research.

2009:126). Due to this, 'punishment and increased criminalisation was seen as a form of welfarism, as the risks posed to young people by the dearth of welfare services could be offset [by YOT intervention]' (Phoenix, 2009:128). The irony of this thinking is that a return to 'repressive welfarism' (Phoenix, 2009), is being ushered in, by the very practitioners who are expected to be balancing the welfare vs. punishment scales out.

### **Summary**

In this modern age, it is a sad notion that due to the 'punishment of poverty' (Bateman, 2011), children and young people who have entered the YJS are drawn deeper into it than was ever necessary, partly because of the state's inability to recognise that risk assessment is not an exact science and to ensure that there is a good balance between actuarial tools and professional judgement. Where a child has a high Asset score, it is normally indicative of them being from the most disadvantaged backgrounds, where they have little or no parental support, are not in mainstream education and live in largely poverty stricken areas (Case, 2007; Case and Haines, 2009). Now thanks to risk-led intervention, they will be 'subjected to elevated and more intrusive levels of criminal justice intervention and a consequent increased probability of breach' (Bateman, 2011:180). The Scaled Approach has resulted in practitioners being reliant upon a tool which is actuarial based reducing young people and complex phenomenon to numerical scores. As this research began a review of the Assessment framework was ordered by the YJB 'in the light of the emerging evidence base' (Teli, 2010: 3). This review has resulted in the updating of Asset to a new model AssetPlus (YJB, 2014d). At the time of writing, AssetPlus is scheduled to launch in June 2015 (some of the new assessments contained within it have already been released by the YJB (2014c)); this release date has already been pushed back twice by the YJB, largely due to complications with the computerisation of the assessment tool. In the face of media pressure and political competition, it is now more important than ever that the Government get their approach towards youth justice right, the question remains as to whether the Scaled Approach, has as Sutherland (2009:44) has suggested, turned into an example of 'fools rushing in'?

## **Chapter Three: Methodology**

The research aimed to explore how the concept of 'risk' had impacted on the treatment of young people who have offended from practitioners' points of view. This was done by specifically focusing on the impact that the introduction of the Scaled Approach and the YRO has had on youth justice practice. A qualitative methodological approach was adopted for this research because of my desire to generate rich and deep data. As identified in chapter two, there has been strong criticism of RFR due to the focus that has been placed on quantitative research methods therefore it was important that this research took a qualitative approach in order to not be guilty of the same criticisms as the paradigm it seeks to investigate. Whilst quantitative methods are useful in some instances, numbers and statistics cannot talk and therefore cannot give you the insight into people's views. The concept of risk is fluid; an adaptable methodological approach was key in order to pursue an understanding of how the concept has impacted on YOT practice. Having adopted Richardson's (1994:521) notion about research that its 'not so much about getting it right as getting it differently contoured and nuanced' then a qualitative ethnographic approach is the most appropriate methodology for the pursuit of the proposed research questions (see chapter 1).

This chapter presents the methodological approach adopted to answer the research questions and details the specific methods used. It highlights the challenges I faced during the data collection process relating to my identity in the 'field', the emotional aspects of undertaking research with people and questions raised regarding 'ethics in action'. I must also acknowledge the role of chance and pure luck in my research (Sarsby, 1984:96). This chapter is not designed to be an explicit 'confessional tale' (Noaks and Wincup, 2004: 103) but rather a reflexive account of undertaking research in the real world. As Pearson (1993: vii) acknowledges, published accounts of fieldwork are invariably cleansed of the 'private' goings on between the researcher and the researched despite the fact that conducting ethnography is a 'messy business.' Reflexivity is a vital part of the research process especially when the research is embedded in a social, political and ethical context as criminological research is (Jupp et al, 2000). Okely (1992:24) describes reflexivity as:

*'Thinking through the consequences of our relations with others, whether it be conditions of reciprocity, asymmetry or potential exploitation. There are choices to be made in the field, within relationships and in the final text. If we insert the ethnographer's self as positioned*

*subject into the text, we are obliged to confront the moral and political responsibility of our actions.'*

Through being reflexive, researchers can reflect upon various aspects (gender, age, social class, political stance) of themselves and how they may have influenced areas of their research including access and participant interaction. It is 'good practice' (Brewer, 2000) to be reflexive even more so when using an ethnographic approach to research due to the depth of involvement the researcher has in the data collection process. The impact of the self on the research process and the impact of the research process on the self should be recognised within the reflective writing practices of ethnography (Coffey, 1999:7). Moreover, self-conscious transparency should be undertaken not just as a corrective to the accidental imposition of subjectivity onto the data (Gross, 2000), but to ensure an account of the research that serves as an open guide rather than a defensive justification (Crewe, 2009:463). In the first part of this chapter the methods used will be discussed as well as how access was procured. The second part of this chapter will focus on specific issues faced during data collection with a view to achieving reflexivity.

## **Methods**

Most qualitative researchers in modern times would agree that the term ethnography can be used to describe a variety of ways that research is carried out in everyday settings. Hammersley and Atkinson (2007:3) in their search for a definition of ethnography focus on what ethnographers do, recognising that:

*'ethnography usually involves the ethnographer participating, overtly or covertly, in people's daily lives for an extended period of time, watching what happens, listening to what is said, and/or asking questions through informal and formal interviews, collecting documents in fact gathering whatever data are available to throw light on the issues that are the emerging focus of inquiry.'*

It is clear from this definition that ethnography encompasses multiple methods of collecting data yet to focus on a purely practical definition like this would neglect some of the other particular features of the ethnographic method. Ethnography is more than just a collection of methods; it involves the recognition of a theory of practice about researching social life (O'Reilly, 2012: 11). Ethnography is complex and this complexity can make the researcher's study appear to be, on face value, messy (Law, 2003) and disorganised. Though as Pearson (1993: xi) comments, 'if ethnographers are sometimes sceptical about what counts as

‘technique’ and ‘skill’ in research, this is not to be mistaken for sloppiness, but is in the nature of the enterprise.’ By viewing ethnography as a practice, it is difficult to plan and predict what should be done in a period of fieldwork. It is only through reading other studies of what has been done before and how people have overcome various difficulties that the novice ethnographer can develop what Plummer (2001:118) terms ‘a self-consciousness about method’. There are several key features that an ethnographic study comprises of, some examples include: the study being small in scale, it will be in-depth and take a period of time, involve studying people or actions in everyday settings rather than artificial set-ups the researcher has created, a wide range of data will be collected including participant observation field notes and comments from informal conversations and as such the data collection process will be fluid and generally unstructured in nature. The ethnographer will be faced with several juxtapositions which they will have to balance in order to maintain a sense of self within the field including the participant-observation oxymoron (O’Reilly, 2012: 105), the authenticity versus distance debate (Pearson, 1993: xi) and the construction and production of self and identity within and after fieldwork (Coffey, 1999: 1). Pearson (1993: xviii) summarises what I believe is necessary of an ethnographer by saying:

*‘What is required of an ethnographer is neither full membership nor competence, but the ability to give voice to that experience and to bridge between the experiences of actors and audiences, ‘authenticity’ and ‘distance’. Just as a boxing commentator does not need to slug it out over twelve rounds to bring a fight to life, so the ethnographer must remain content to*  
*‘talk a good fight.’*

This thesis is a ‘step-in, step-out’ ethnographic study comprised of participant observation, interviews, documentary analysis and case studies. The ‘step-in, step out’ approach is what Madden (2010: 80) describes as being the short-term and/or not co-resident approach to ethnography, which is arguably ‘inimical to ‘proper’ ethnography’. Despite being referred to as inferior to long-term, immersion ethnography, the way ‘step-in, step-out’ ethnography is conducted is the same. ‘The ethnographer wants to get as close to the participants as they can in the time given, and yet maintain their critical ethnographic position’ (Madden, 2010:80) - through using a ‘step-in, step-out’ approach the separation between the ethnographer and the field is enforced especially in the case of researching organisations where the time spent in the ‘field’ of study is limited to ‘working hours’ (usually 9am to 5pm). My fieldwork began in August 2012, following the confirmation of access to one set of YOTs (access to a further team was secured 9 months later); it came to an end in October 2013 after 14 months. Researching organisations can be particularly difficult to undertake

given the multiple levels of access that have to be negotiated. Following Buchanan et al's (1988:53) advice I adopted an opportunistic approach to my fieldwork. As fieldwork is caught between what is theoretically desirable and what is practically possible 'in the conflict between [the two], the possible always wins' (Buchanan et al, 1988:54). This means that any opportunities that I was given to collect data I undertook, in the spirit of being opportunistic. Through being to some degree an 'insider' I was able to use my own situational knowledge and experience of being in and around YOT practitioners to further my research agenda; I had somewhat an advantage over someone who had not been exposed to the world I was entering (Riemer, 1977). The way I conducted and collected my data unfolded as I spent more and more time in 'the field' because as Pearson (1993: x) states, 'there can be few if any hard-and-fast rules for the successful conduct of ethnographic research.'

Practitioner voices have largely been neglected in the build up to the introduction of the scaled approach; some practitioners were consulted in the process evaluation (YJB, 2010e) but there has been a lack of meaningful consultation prior to its inception and there certainly has been a lack of review with practitioners since its implementation. This lack of consultation and review means that the voices of those who are using the approach day-in, day-out are effectively silenced rendering what is meant to be an evidence-based approach anything but. This research seeks to give voice to those who have ignored by prioritising the opinions of practitioners in the presentation of its findings. Subsequently in order to do this the majority of my 14 months in the field was spent undertaking participant observation in a variety of settings including youth courts and YOT offices, attending team meetings, talking to practitioners and reading documents including YOT policies and procedures as well as young people's case files. By triangulating these methods, I was able to build up a picture of YOT practice, seeing how risk had impacted in a variety of settings and with a range of different practitioners. How I procured access as well as each of the strategies and techniques of the four methods will now be discussed in turn.

### **Access**

Negotiating access for my fieldwork was done on several different levels with different members of the organisational structure of the YOTs I visited. Access was secured to four of the five YOTs all based in the North of England after 'permission' had been sought via e-mail correspondence with the Youth Justice Service Manager for the entire local authority. I refer to this as 'permission' because the authorisation was sought as a formality rather than necessity as the Service Manager is not involved in the day-to-day running of the YOTs. I was

directed by the Service Manager to contact the Team Manager (via email<sup>18</sup>) of any of the YOTs within the local authority that I wished to visit. Following negotiations with a number of team managers, I was then instructed to liaise with the practice manager in relation to arranging contact with practitioners and young people. Hammersley and Atkinson (1995:64) state that knowing who has the power to grant access is an important aspect of sociological knowledge about the setting, therefore on reflection, the identification of the practice manager as the 'gatekeeper' has been critical to my fieldwork. These initial negotiations allowed me to see how the YOT's in this local authority were structured and raised some interesting questions regarding the value practitioners place on academic research. I make this point because two practice managers who have enabled access have made comments regarding the 'value' they place on having someone observe the work their team is undertaking with young people and that it is *'nice to have someone with fresh eyes look at what we do'* (Helen). This is interesting given that the concept of participant observation can often sound like spying (O'Reilly, 2009:86) yet in the case of my fieldwork, the practice managers have arguably embraced my presence as a researcher and given me access to what I wanted/needed. Once access had been granted, the practice manager's role became one of facilitator; they enabled my research to progress through helping me with making research decisions in regards to my selection of case study young people for example, or with practical issues such as gaining computer access. In order to introduce myself to the practitioners I attended a team briefing.<sup>19</sup> The practitioners were given prior notification of my attendance and had been emailed my research proposal by their practice manager. At the briefing(s) I was given the opportunity by the Chair of the meeting (the practice manager) to inform the practitioners about my research, its aims and objectives and openly invite them to get involved.

Access to the fifth team was arranged in slightly different way; through the use of Twitter. Throughout my PhD research I have been using Twitter to keep abreast of news and information in relation to criminal justice policies and practices; I have also used it to try to recruit participants as a large portion of the people I follow and who follow me work in YOT offices or are probation workers. Having sent out several 'tweets' over a period of months, stating for example, *'looking for practitioners for my PhD research exploring risk in the YJ system, would like to visit more YOTs & hear about more great work'*, I received a response from a person who transpired to be one of the practice managers of a YOT. We exchanged

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<sup>18</sup> Email addresses were supplied to me by the service manager.

<sup>19</sup> A weekly meeting where the practitioners and practice manager gather to discuss the following week's court list and other practice issues.



contact information on Twitter and the following day I emailed them my research proposal. After a discussion with the Service Manager of the YOT, provisional access was granted and an initial visit was arranged. During that initial visit, I was asked questions by the practice manager regarding my procedures surrounding confidentiality and anonymity; after reassurance that I was committed to maintaining participants' anonymity and the team's as a whole, the access was granted. He subsequently took me around the open-plan office and introduced me to the practitioners, encouraging them to talk to me and at times particularly trying to get them to give me a date/time when they were free. This was unexpected and made me feel somewhat anxious, as I did not want practitioners to feel that they were obligated to talk to me because management had said so. If such a perception was had by the practitioners it provides a challenge to practitioner's ability to give 'informed consent'; I did emphasise at all stages that their participation was voluntary.

### **Ethnographic Observations**

The core method of an ethnographic study is participant observation. An ethnographer has to manage the constant tensions between participating in the situation they are in to the extent that their participants get used to and act naturally in their presence whilst also learning from the experience. You have to participate and observe simultaneously; participate in the actions surrounding you, think critically about what you have seen, ask questions and make notes about what you have witnessed and how it relates to wider issues in relation to policies and practices. It requires time, as you need time to settle in to the new surroundings.

The majority of YOT practitioners work occurs within the boundaries of the team's office building meaning that I spent a large portion of my fieldwork in office surroundings. I also spent some considerable time in another location key to YOT practice; the youth court. My time spent in the team's offices informed the interactions that I observed in the youth courts and vice-versa. After some initial visits exploring the settings and the structure of the teams, I started to focus on trying to understand how practitioners understood their work and how they interacted with one another, senior management and young people. When I visited the YOT offices, it was usually for a specific reason such as to attend a team briefing, visit a practitioner for an interview or to collect computer-based data, yet during these times I would observe as much as possible, without being intrusive, the goings on in the office.

## Fieldnotes

During observation periods, I made fieldnotes influenced by Spradley's (1980:78) nine points of observation: space, actor, activity, object, act (single actions that people do), event (a set of related activities that people carry out), time, goal and feeling. My notes did not just cover what I saw and heard but what I was feeling at the time. These notes were then written up in narrative form once I was away from the field. I developed a habit of carrying two notebooks around with me, one that I would use to record interactions in and make lists of things or people I wanted to speak to/observe. The second developed into a diary and contained the aforementioned notes written in narrative style as well as analytical analysis. In some of the situations I was in it would be natural for note-taking to occur such as in team meetings whereas in others it was unnatural for example talking to practitioners in the kitchen. Hammersley and Atkinson (2007:143) highlight that 'the conduct of note-taking must be broadly congruent with the social setting under scrutiny.' In the youth court, I was very aware of the strict rules regarding anonymity and confidentiality that surrounded it. I had to 'test the water' somewhat in court as it was a setting where note-taking would occur naturally however given that I was not, at the beginning, a recognised presence within the setting I was careful as to how I made my notes. So for example, I started initially making notes on post-its as they were small and I could be subtle in my actions. I also developed my own form of short hand so should anything get misplaced it would be useless to anyone but me. Gradually as my presence became somewhat accepted I moved towards using notepaper however I never wrote detailed notes whilst I was in the building. I would, as soon as I was elsewhere, fill in the gaps with information that I could recall. This often meant writing notes up in a café or my car rather than waiting till I was home to write them up (which I usually would do with office-related notes). In the office spaces I would still try to seem nonchalant about noting things down as I did not want to prevent 'natural' participation from occurring. At times it was just not appropriate given the nature of the conversation I was having, for example, as it would have been a distraction and also quite rude given the personal nature of the discussion. My main concern was in relation to creating distrust amongst the practitioners however given that several of them saw their position being to teach me the ways of the YOT they were mostly unphased by the note-taking as it fitted in with the 'teacher-student' dynamic. The pattern of the fieldwork enabled there to be time to develop and expand upon my notes in-between visits; what I referred to as processing my fieldnotes.

### Observing Interactions

As 'ethnography is essentially a relationship-building exercise' (O'Reilly, 2012:100) I built up a significant number with several practitioners in each different site, all of whom had a particular interest in my research. I often found myself using them as a 'safety net' whilst I was immersed in the YOT offices, going to them for support or comfort when I was feeling particularly 'out of place.' Even this however became a concern, as by fluctuating to the same team members, there was the potential that I could risk alienating other members and therefore research opportunities. Mason (2002: 67) argues that researchers should try to maintain a neutral stance, but also recognises that this is hard to do. There are inevitably personal issues and tensions within a group of people who work together day-in, day-out, I was not necessarily aware of these (initially) but by singling out certain practitioners and not others I was aware that I could be adding to or creating tension. For example, at one of the YOT's I visited I particularly formed a bond with one of the managers, I thought that they had a good sense of humour and their experience of the YJS was invaluable. At one point I expressed how I had enjoyed talking to the manager in front of some of the practitioners, when my opinion was dismissed and I was told the 'truth' about what they were like as a manager which was largely a negative conversation.

I was unprepared for the vague nature of fieldwork; it took me time to adapt to the role of participant observer. I was surprised at some of the difficulties I faced in terms of getting access to some data which I assumed would be easy and the relative ease of getting access to others which I assumed would be more difficult. For example, accessing the youth court which I thought would be very difficult was relatively straightforward. In comparison trying to observe certain actions of practitioners such as sessions with young people was complicated and became difficult to gain access to because of the concern that my presence might reduce the young person's engagement in the session and therefore create difficulties for the YOT practitioner/young person relationship. The time spent in each team (see table 6 below) varied either due to what the gatekeeper (usually the practice manager) would allow me to do and/or what was feasibly possible. I spent the most time across my year of fieldwork with the Rosedale team largely because of the access I was given. A consistent period of time was also spent with the team at Oakshire; the interaction of the team was observed over a set period. A large proportion of my fieldwork year was also spent undertaking observation at two youth courts. I visited one of these courts twice before the access became difficult; at the second court, access was far more successfully arranged meaning I spent a considerable amount of time there (24 separate visits, approximately 90

hours). Moreover, the 8 case study young people were selected in part, on the basis of having seen them at court, so the access I had been able to arrange at one site was particularly significant.

<u>Venue</u>	<u>Time Spent (approximately)</u>
Rosedale Offices	34 visits, approximately 75.5 hours
Oakshire Offices	12 visits, approximately 96 hours
Pinewood Offices	5 visits, approximately 18 hours
Springville Offices	1 visit, approximately 6 hours
Grassington Offices	1 visit, approximately 1.5 hours
Youth Court 1 (YC1)	2 visits, approximately 9 hours
Youth Court 2 (YC2)	24 visits, approximately 90 hours
<b>Total</b>	<b>Approximately 296 hours</b>

Table 6: Breakdown of Estimated Time Spent in Each Fieldwork Site

The fieldwork varied in intensity across the fourteen months. Sometimes I would spend consecutive days or weeks immersed in the field, for example going to court on a weekly basis or visiting the YOT office a few days out of the week. The first weeks of fieldwork were a testing period as given that I had been around a YOT team and I had had an interest in youth justice for many years, I had to constantly keep myself in check in terms of what I was saying. It is usual for the fieldworker upon entry to the field to have to ‘learn the language’ and to become acclimatised with their surroundings; I did not have to do as much of this due to my ‘insider status’, I already knew for example, what most of the acronyms meant. What I had to do instead, was to keep myself from coming across as arrogant or a ‘know-it-all’, therefore I often acted naïve. The early period was intense, from September till December 2012 I was consistently in and around four of the teams, observing the YOT offices, proceedings at courts and interviewing practitioners. After this initial flurry, I would spend two or three weeks away from the field all together, mulling over the data I had already collected and preparing myself to go back in. I was always aware of the fact that I did not want to be a nuisance or a burden to the practitioners, yet this seemed to be more of a concern for me then it was to the practitioners or their managers. These intermittent periods of withdrawal were never planned aside from some time I took out at Christmas (December 2012), see below), they usually coincided with negotiations for access to a new site or other responsibilities I had. Sometimes I struggled with juggling all the locations and the travelling between them was tiring. At times when the ‘stresses and strains’ were too much to bear or

because of the amount of data I collected was overwhelming and I needed a break to rest, I was particularly glad of this time-out.

### **Lost in the Myths of Ethnography**

There are many textbooks available that are 'how-to' guides to conducting ethnography however they often present it as a clinical and impersonal process, a series of actions that a researcher has to follow in order to conduct what is known as ethnography (see Silverman, 2005; Flick, 2009). Yet ethnography is a messy, emotional business (Simpson, 2006).

#### *i. The 'Strains and Stresses' of Fieldwork*

Fieldwork is exhausting and emotionally draining; the whole experience can be likened to a roller-coaster with highs of fun and success and lows of sadness and feeling lost. Being immersed in a world where you do not belong and subsequently spending time there can initially be an uncomfortable experience. The focus in qualitative research is often on the difficulties of the research rather than the joys (Coffey, 1999) arguably due to the perceived compulsion qualitative researchers have with feeling they need to prove themselves or justify their research methods as not being a 'soft option'. Practically, the period of transition from planning this research to actually doing the research was relatively straight forward, however emotionally it was stressful.

The most stressful and emotionally challenging environment was the youth court. For example, one day which was particularly emotional was when I observed my first custody case. It was the first case that I had seen where custody was the most likely outcome, something which rather naively I had assumed I would not witness as the general impression I had been given by the practitioners was that this team's use of custody was rare. As 'ethnographic research properly begins once one has entered the field' (O'Reilly, 2009), what had been discussed and planned during access negotiations in regards to coordinating the relevant days when I went to court no longer appeared to be in place. I was able to go to court almost when I pleased. This was a significant step forward in terms of 'being there but not being seen' but it also meant that at times I was not emotionally prepared for what I might observe. This was a specific issue on the aforementioned day in October 2012, when during a very hectic day at youth court, I witnessed a 16 year old boy being sentenced to an 18 month custodial Detention and Training Order (DTO) for robbery; this was a very stressful event. I recall him being in tears, his parents in tears and subsequently I was upset. I also remember feeling awkward at being upset as I did not want

to appear unprofessional to the YOT practitioners and other justice professionals who were present. To use Stein's (2006:73), 'fish out of water motif', I felt in this instant (although it is not the only time) very much out of place within the court. By being upset, I was worried about my presence being questioned and my access being compromised. I felt I was doing something wrong, that this was not what research was supposed to be like. Upon reflection, it was naïve to think that emotion would not enter into the observation I was doing (see Jewkes, 2014). Reflecting on the emotional side of fieldwork is crucial as it acknowledges what Fetterman (2010:128) refers to as achieving 'an explicit presence'- as we, the researcher, are the primary research tool<sup>20</sup> in ethnography we need to reflect on ourselves as to how we have experienced the position and the research.

In order to combat the 'strains and the stresses' of fieldwork, I developed a pattern of engaging in periods of intensity and intermittent withdrawal. The only time I took a time-out that I had somewhat enforced was over the Christmas period of 2012, following one of the most stressful days I had during my fieldwork. During this day, the court was manic with cases trying to get resolved before the Christmas closures, in the middle of the chaos, I witnessed 'Kevin' a 15 year old boy who subsequently became a case study young person (see below; Appendix Two) be sent to custody for breaching an Anti-Social Behaviour Order (ASBO) for 4 months. He was not the first young person I saw being sent to custody (see above) however it was an even sadder situation than the first time. Whereas the previous custody case I observed was guaranteed a custodial sentence due to the serious nature of his offence, for 'Kevin' it was only an option, an option which none of the professionals in the room (CPS, Solicitor, YOT, and Clerk) thought the magistrates would choose but they did. It was a tense, awkward and distressing situation to watch, the offences were so petty in nature that it just seemed harsh. What was worse was that we knew he was going to custody before he did, as before they brought him and his family back in to the court room to hear the sentence, the custody officers had appeared, with handcuffs at the ready. His face, as he walked in, will never leave me, as the Chair of the Magistrate's bench delivered the sentence and the handcuffs were placed on him, he was stunned into a state of shock. I was left in a state of numbness and confusion, I was upset for 'Kevin', he was going to spend Christmas locked up, away from his family but I was also upset for the practitioners who were working with him as this was not the outcome they wanted. After we had concluded in the court, the two YOT practitioners and I returned to the YOT offices where I entered a conversation with

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<sup>20</sup> Ironically as social workers and subsequently YOT workers are in there job; they have to make decisions regarding cases etc. on a daily basis using their professional judgement (see Taylor and White, 2006).

Helen (Practice Manager), Sarah (who had been at court) and Warren (Kevin's YOT worker) about what had happened at court and where Kevin would be placed. It was comforting to see that they were talking things through however at the time, I could not be open as to how I felt, it did not seem appropriate, it was their time to vent and digest what had happened. The sense of failure projecting from them was overwhelming; this was in no way, the outcome they wanted. Following this day, I withdrew from the field for approximately a month, part of this break would have occurred naturally as it was Christmas/New Year meaning to be around the practitioners at this time would have been impractical given the change in working patterns. Yet, I took longer than the Christmas holidays, I did not re-enter the field until mid-January 2013. This break allowed me to refocus my mind on what I had previously observed and make sense of it whilst not collecting any new data. I was always filled with anxiety when I returned to the field, yet I was continually welcomed back and practitioners would make time to ask me about the progress of my research and offer new leads of inquiry. Returning to the field was always enshrined in a cloud of uncertainty, as months in to my fieldwork it appeared as though the research access had become fixated around the 'good-will' of certain people rather than the organisation as a whole.

The YOT office has also been a site where I have had to do 'emotion work' (Hochschild, 2003). Each team I visited was different in size, make-up and atmosphere. Some 'teams' I went to were far more cohesive and functional than others. All of the teams were going through significant challenges in terms of staff levels and funding cuts yet how this was being dealt with varied, meaning that it was hard to predict what the mood would be in any of the offices I entered. Initially, this did not really affect me as people were showing some interest in my presence, however as I began to ask for participation in interviews, the pressures practitioners were under became apparent. The 'gloomy' mood was also discussed on occasion by participants who did participate in an interview. At times I was not, due to my conflicted membership role within some of the teams, privy to some conversations yet at other times I would have rather been excluded from some I witnessed. For example, I was not allowed at times to observe certain parts of team meetings which resulted in one instance, me exiting the room and sitting in the office space waiting for the team to emerge from the confidential discussion. When they did emerge whatever had been discussed had upset several practitioners and resulted in a series of heated comments and insults being levied at the management and rather unusually they all collected their belongings and headed straight out for lunch, ignoring the policy that there should be at least one person available at all times in the office. My plan had been to try to arrange some more interviews

however the atmosphere made it impossible. I was also scheduled to interview one of the managers later that day so I was particularly self-conscious about the way I phrased questions as I did not want to be insensitive to what was obviously a tense situation. Due to the fact that I had been excluded from the discussion that had caused so much upset it was particularly challenging to be in the setting as I did not know what had been discussed so anything I said could have provoked an unintended response. Alternatively at times I did, as previously stated, witness some incidences that I would have much rather not have been an observer too, one such example was a meeting I attended at one YOT which I was invited into by a practitioner. The meeting was in relation to organising an event and was difficult from the start as people had to be coaxed in to participating. There was little interest in the subject of the meeting and eventually it descended into a series of heated debates and arguments about practitioners/managers who were not present at the meeting and why people thought this was. This type of conversation I did not need to witness as given that I always had a notebook/pen with me it made practitioners suspicious at times that I was spying on them (McCoy, 1998) and often put barriers back up that I had worked hard to break down, with practitioners being concerned about what I might be noting down to tell management. Moreover it did not feel my place at that point to observe such personal discussions as I did not know either set of people very well so I felt by hearing the discussion it clouded my opinion of practitioners I was yet to interact with.

ii. Attending Youth Court: It's all a Matter of Dress

It took approximately two months to be granted ethical approval by the University for my research and during the rigorous process of filling in forms and the compiling of consent forms/information sheets it was 'drilled' into me the importance of ethics and conducting what the University sees as ethically sound research. When I entered the field, however, the reality of conducting ethical research was very much different to what the university had prepared me for. When I entered the court building (YC1) for the first time, I was prepared to have my identity and purpose for being there questioned, I was armed with a folder full of documents including my research proposal, consent forms and copies of my ethical approval. Yet, the strangest thing happened, because I was with a YOT practitioner who was known by the security officers and ushers, my presence was not questioned, I was just waved on through. I was subsequently able to move around between the court, the foyer and the office freely, no one stopped to ask me who I was; this was puzzling. I had a similar experience at the second youth court I visited however at this court, I was not even asked to stop when the alarm at the security gate went off, I was just waved on through. This became



a routine, despite the electronic scanning that was required the more familiar my presence became the more the security guards would just let me go on through. It was rather amusing on one occasion when I was waved through and a YOT practitioner who had not been to court before was stopped and searched. Both buildings have an air of officialdom about them with their being two distinct sets of people that visit them; the first being those who are there because they have been summoned to be due to conflict with the law, easily identifiable (in most cases) through the wearing of trainers, tracksuits and/or jeans. The second set being those whose job it is or involves having to be there, the solicitors, the police officers, the probation/YOT staff, easily recognisable due to the wearing of suits, or formal, smart clothes- it was this group that I fitted in with, simply through what I was wearing. By dressing formally, I had (unintentionally) aligned myself with those who were at the court building to work rather than appearing as I overheard one usher state as a 'customer'. Norris (1993: 139) reports that he tried to dress similar to CID officers in his ethnographic study of the police because as he acknowledges 'one's aims are to make the research role invisible in the field and to emphasise similarity at the expense of difference.' Yet I never really considered up until this point how being dressed would affect what role the people I was surrounded by would assign me. I simply had just dressed as I thought people did when they went to court. When I entered the court itself for the first time, I fitted in with the people I was surrounded by such as the prosecutor, defence solicitor and the other YOT practitioners, and it appeared as through being dressed akin to how they were, that I was able to observe and listen to the conversations they were having about for example, clients, the days court list and what happened at court the previous day without being questioned as to who I was and why I was there. This shows a juxtapositioning between the university's ethics process and how ethics work in the real world, as although a youth court has special constraints in terms of anonymity and confidentiality of its cases on the grounds of age, this does not mean that they are upheld by the people who are working within them. To consolidate this, once I was introduced to the key people within the court such as the Clerk and the Ushers as a 'student', my identity was compounded and there was almost an unwritten, assumed role assigned to me that I knew the rules of the court and that I would not disclose anything I had heard within it. Additionally, by being on some level, 'vouched for' by the YOT practitioner(s) I was with, I was able to observe and listen to several interactions I thought I would never get to see due to the ascribed anonymity/confidentiality that I had read the youth court has.

iii. Membership Role- A Clash of Identities?

Madden (2010:52) comments on his fieldwork by saying 'my social home is a comfortable place; my ethnographic home is an unresolved problem'- I can empathise with this observation as I struggled throughout my field work to find a comfortable role to play. The conflicted status of my membership role within the various YOT teams I have spent time in is possibly the biggest issue I have faced during my fieldwork as if this had been resolved then perhaps some of the 'strains and stresses' I faced may not have been so acute. I had assigned myself the role of researcher not knowing how I would be treated but with the expectation of being allowed to see and observe things as discussed during access arrangements. Yet due to my conflicted insider/outsider status and the fact that YOT teams deal with students on social work placements frequently, the role that I had assigned myself was not necessarily what the practitioners had assigned me. Simpson (2006: 125) states that, 'however much we might wish to assume the identity of an academic researcher replete with methods, theories and learned degrees, the truth is that once we step into the complex flow of other people's social experience we are novices and bumbling incompetents, largely oblivious to the complex and multiple layering of our informants' lives.' What role I am assigned by practitioners will reflect what I will/will not be able to see or observe. Ultimately there will always be an important clear difference between myself and the YOT team members, I am not a practitioner<sup>21</sup>. I cannot then participate in the main activity of the team (YOT practice) meaning that in this instance my role is similar to that described by Adler and Adler (1987:36) as a 'peripheral membership role' where researchers 'interact closely, significantly and frequently enough to acquire recognition by members as insiders. They do not however interact in the role of central members, refraining from participating in activities that stand at the core of group membership and identification' (Adler and Adler, 1987:36).

This does not mean that there are not a string of constant tensions in my membership roles, for example, am I a participant or observer, am I team member or researcher, am I a social work student or PhD researcher? All these conflicting statuses have different connotations and significance attached to them meaning that adopting Adler and Adler's (1987) 'peripheral researcher-member role' is more multifaceted than first thought. There is an ambiguity in the position I have within my field work which it can be argued, in part, stems from the inherent contradiction within the main method used in ethnographic research, participant observation. Simply put, how can one be both a participant and an observer? The two terms are distinctive as 'the notion of participation is oddly neutral and

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<sup>21</sup> There has been a move in recent years for practitioners to conduct research themselves particularly in health and social work, see Shaw and Lunt (2011) for further information.

covers a multitude of possible positions vis-à-vis the object of research, while observation carries with it an idea of distance and separation which harks back to the natural sciences models of investigation' (Simpson, 2006:127) meaning that participant observation is an oxymoron; it presents the researcher with a contradiction that he or she has to battle with. During my fieldwork, the observer within me was trying as much as possible to be present within settings such as, the youth court, without being seen. This half of me was trying to adhere to the principal of naturalism, which 'proposes that, as far as possible, the social world should be studied in its 'natural' state, undisturbed by the researcher' (Hammersley and Atkinson, 2007:7). In contrast, some situations required me to change from an observer to participant. This was often unplanned meaning I had little time to consider the implications of my role-change. For example, on several occasions during busy sessions at the youth court, I was left alone in the court as the YOT practitioner/s who I was with were outside dealing with the young people/parents during which time I was asked questions which related to upcoming cases or specific young people by the Clerk, some of the solicitors and even the magistrates. It was an awkward position to be in, should I answer them or just say I was not able too? Would it compromise my position with the YOT or more broadly in terms of my access if I did or did not participate? I have, for instance, on more than one occasion had practitioners and managers make comments such as 'did I want a job' in a joking manner but they have made me feel slightly awkward. It was difficult to know where the borderline was, as it really did depend on whom I was with or where I was. Given that YOTs are often selected as placements for students undertaking social work training, it was not surprising that several of the practitioners and the YOT managers processed me into that 'box', indeed upon my first visit to one youth court (YC1), I was introduced to the magistrate bench and the clerk as a social work student. Before I had time to correct them or the YOT practitioner, my presence was deemed acceptable, access was granted and the court began its business for the day. At the second youth court, I was introduced on my first visit as a researcher yet given that magistrate benches differ regularly this introduction did not occur during every visit. This situation resulted in an unintended and unexpected subterfuge occurring in that some of the magistrates and one of the clerks<sup>22</sup> knew exactly who I was and what I was doing there yet others did not. However once my presence had been accepted, and importantly the regular youth court clerk got to know my name then it no longer seemed to matter who or rather what role I had, I became known as Rachel who was working with the YOT. Was it wrong of me to not persist in clarifying who I was both ethically

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<sup>22</sup> Importantly the youth court clerk whose job it was to clerk for the youth court.

and practically? Lugosi (2006) argues that there is a space between overt and covert research in that it is up to the ethnographer to interpret the social context and their relationship with participants as to the overtness or covertness in the research. Just like Lugosi (2006) the context of the setting I was in was critical in determining the level and nature of my overtness; I often found myself conducting 'situated ethics' (Calvey, 2008). Like Calvey (2008: 912) I viewed ethical codes as 'contingent, dynamic, temporal, occasioned and situated affairs.' From the moment I entered the court building and was waved on through security it was clear that the rigid ethical guidelines the university had given me were a sanitized picture of what social research was. I was unprepared for such a situation and had to subsequently deal with the notion of a 'blurred self' (Calvey, 2008:913) whereby I had to become my own moralist (Punch, 1986: 73). Yet one of the difficulties perhaps of being pigeon-holed into a role such as a student social worker was that it paved the way for some element of participation to be expected of me by the people I engaged with. Often I was asked for information about certain areas of academic research or clarification on areas of legislation by practitioners, I of course responded, happy to provide such information, yet upon reflection perhaps I should not have done as the repercussions of me providing inaccurate information could have been severe. I was caught in-between the participant and observer oxymoron and also in-between increasing participant rapport and ruining it. Madden (2010:77) states that participation is central to 'being ethnographic' and that ethnographer's talk, participate and observe simultaneously, the sum total of such activities creates participant observation in its broadest sense. If this is the case then perhaps participation and observation are not as juxtaposed in ethnographic research as first thought, indeed O'Reilly (2009:106) argues that the tension between participation (and involvement) and observation (and distance) does not have to be resolved: it is what gives participant observation its strength. This does not mean that the two stances will be balanced; at times during fieldwork, one might lean more towards the side of participation and at other times observation; shifts in role can often be made over the course of fieldwork. 'Different roles within a setting can be exploited, then, in order to get access to different kinds of data, as well as to acquire some sense of the various kinds of bias characteristic of each' (Hammersley and Atkinson, 2007:86). By being able to change and move between roles of either participant or observer, researcher or ambiguous student social worker it might have actually allowed me to collect data I would not necessarily have been able to had my role been resolved.

## **Ethnographic Talk**

Participant observation is regarded as the main method in ethnography however ethnographers do spend a considerable time when they are in the field talking to people. There is often not a clear distinction between doing participant observation and conducting interviews. O'Reilly (2012:116) identifies that the ethnographer can have many interactions whilst undertaking ethnographic research which involve talking, these range from opportunistic chats, spur of the moment question asking, one-to-one in-depth interviews, group interviews and all sorts of interactions in between. Upon reflection there are three groups under the guise of ethnographic talk that I can sort some of my spoken data into: opportunistic chats; guided conversations and one to one 'ethnographic' interviews. It is difficult to categorise all of the interactions that I had in the field into the aforementioned categories meaning that they are not all inclusive.

### *i. Opportunistic Chats*

'Social life is heavily dependent (in most contexts) on conversation and talk' (O'Reilly, 2009:125). Within the context of ethnography the ethnographer not only has to learn the art of getting people to talk but also how to keep people talking (Madden, 2010). Opportunistic chats are the name I have given to those interactions with people, in the field which were largely unplanned and/or one-off opportunities. They ranged from short interactions which were illuminating in reflecting for example how a practitioner was currently feeling or a longer discussion about a current young person's case or particular policy which involved multiple people. These opportunistic chats often occurred, unlike my interviews, in unconventional locations such as the office kitchen, waiting areas and even at times in the ladies toilets! It was critical to having these types of naturally occurring conversations that I went through a process of 'acclimatisation'; getting to know the practitioners general routine enabled me to identify potential moments/activities where it was useful for me to stay behind or position myself so that I could interact in a conversation (should it be appropriate). For example, the longer I spent observing the youth court the more I realised the significance of the 'post-court cigarette.' It was over this activity that the practitioners would gather once the day's court business had concluded to discuss and reflect on the day's events, the outcomes that young people had received and any reports that had to be written. Initially as a non-smoker it did not occur to me to stay behind and partake in that conversation; I was also concerned about the potentially private nature of it. As an outsider it appeared to be a rather intimate discussion where perhaps the practitioners may have wished to have privacy,

there was a reason after all why they did not have the same discussion inside the comfort of their office building. At one point, I was invited in to the conversation by one of the practitioners and from that moment it appeared to be acceptable that I stayed and engaged in the discussion. This had to be as natural a process as possible, had I forced my participation potentially it would not have been accepted. Rubin and Rubin's (1995) notion of considering fieldwork as one long conversation is interesting to consider at this point as well as the concept of time. Conducting ethnography is a long term sustained process, even when the study is 'step-in-step-out' as this one is. I initially undertook a passive approach to interviewing whereby I would just listen and ask questions within the context of everyday conversations leaving the detailed probing or the guiding of the conversation into areas I wanted to discuss until I had spent some time around the practitioners. Originally I did not realise that interviews could take the form of informal, opportunistic questioning (O'Reilly, 2012:116), I had been taught through various courses and textbooks that interviews were one-on-one recorded interactions between a researcher and a participant and mainly involved some level of preparation and scheduling. Consequentially I questioned, as I did throughout the fieldwork process, was what I was doing right or could it even be counted as 'research'? Whyte (1993:303) in his renowned study 'Street Corner Society' was taught by one of his participants, Doc, that sometimes it is better to simply listen than to ask questions:

*'Go easy on that 'who', 'what', 'why', 'when', 'where' stuff Bill. You ask those questions and people will clam up on you. If people accept you, you can just hang around and you'll learn the answers in the long run without even having to ask the questions.'* (Whyte, 1993:303).

I learnt a similar lesson myself when on a visit to one YOT office the following occurred:

*'I went into the kitchen to make a brew, for me and Sarah who was in the office with me downstairs. Fergus and Cheryl were in there making a drink themselves. I felt awkward going in as the kitchen was not particularly big. They appeared to be discussing a report that has to be written for a young person who is appearing in court tomorrow. Fergus was complaining about Children's Social Care's lack of input in the case and how slow they were in responding to information requests. I concentrated on making the drinks, I don't think they were bothered I was there as they carried on discussing the situation commenting about one of the other practitioners and how slow they were at completing the assessment, joking regarding his illegible handwriting (how reliant we are on computers-reminds me of students/exams). I was waiting for Cheryl to finish with the milk, it was getting a bit uncomfortable at this point as they were talking about another colleague who I was particularly fond of- it's always weird*

*to hear other people's bitching. It transpired that neither of them are the report writers of this report, they are complaining about the report writers lack of having done it on time- Cheryl is on court duty tomorrow and is always nervous about it so seemed particularly annoyed. It was at this point that I asked a daft question regarding whether it was usual for reports to be written so late and before an assessment had been completed? I stopped the discussion in its tracks and rather interestingly they started to defend the colleague that they had been previously criticising, safe to say I finished the drinks and soon scarpered-I spent the next hour or so hiding from them behind a computer screen!' (Excerpt from fieldnotes, 01/10/2012)*

By asking the question I halted the discussion and made my presence explicit, whereas before I had just been there in the background not involved in the discussion. Perhaps had I had the advice that Doc gave Whyte (1993:303) in the above extract, I would have realised the importance of listening and that I could have heard the answer rather than by asking the practitioners directly and subsequently creating a difficult situation all-round. That said, the longer I spent in the field the better I became at judging when to ask a question and when to simply just listen.

ii. Guided Conversations

In between the 'opportunistic chats' and the 'ethnographic interview' is the concept of the 'guided conversation'. A guided conversation is where the ethnographer takes advantage of naturally occurring groups [or discussion] to gently guide the conversation in ways to suit his or her research purposes (O'Reilly, 2012:133). It is one step up from an opportunistic chat as it is an active process where the researcher is bringing his or her own research agenda to the exchange however it is not as direct as an interview. The guided conversation requires the ethnographer to use all of their skills to listen and digest what is being said and then to gradually steer the discussion in a way that benefits them on a research level. There were several instances where this type of interaction occurred and ranged from being with an individual to a group discussion. I would often wander around the office spaces when I was there, particularly in one office setting where it was a large open plan space. At times when I stopped and 'caught up' with people who I had not seen for a while we would get talking about one of their cases or another topic in relation to policy or practice, it would move from what was a naturally occurring discussion to a guided conversation where I would be trying to elicit the practitioners views on a particular issue. Madden (2010: 65) comments that the 'usual character of ethnographic conversations lies in the tension between the 'naturalness'

of good conversation and the 'instrumentality' embedded in the ethnographic endeavour.' The skill of the guided conversation is in the transitional elements of a traditional conversation. According to Rubin and Rubin (1995: 123) transitions should be smooth and logical, the more abrupt the transitions, the more it sounds like the interviewer has an agenda that he or she wants to get through, rather than wanting to hear what the interviewee has to say. That tension between building up rapport with participants and the pursuit of my research interests was always present. Hochschild (2010) identified in his research which uses guided conversations as one of its methods that the 'canteen' was where he collected most of his data. Like Hochschild (2010) it was often the open spaces in the offices or the court building where the most enlightening discussions took place. Moreover, I would argue that at times the conversations I had were particularly illuminating because I did not take notes or record them therefore I lost my tools<sup>23</sup> which reminded people that I was a researcher. Although I often regretted not taking notes/recording the discussion, what was said would simply not have happened if I had just stopped the discussion and said 'wait a minute let me put on my recorder'. Often a guided conversation snowballed into the arranging of an interview with a practitioner; either due to those initial barriers having been broken down and/or because I had made a good impression meaning the practitioner wished to talk further.

### iii. Ethnographic interviews

The third type of talking interaction I had was my version of an ethnographic interview. I conducted 28 detailed interviews with a variety of different practitioners across the multiple fieldwork sites. I did speak to many more practitioners throughout the course of my fieldwork year however I was able to spend one-to-one<sup>24</sup> time with 28 of those who I met and record the interactions. My approach to interviewing was to pitch them as 'conversations'<sup>25</sup> to the practitioners and to keep them as informal and relaxed as possible. I referred to them as 'conversations' as opposed to interviews because the term 'interview' has strong negative connotations and its best to avoid if possible (Buchanan et al, 1988: 57). The word interview in the world of youth justice has strong legal connotations and is often tangled up with the idea of being interrogated. The interviews were designed to be semi-structured and informal in nature however as the study progressed and more time was spent

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<sup>23</sup> My recorder and notebook.

<sup>24</sup> Out of the 28 practitioner, two practitioners chose to be interviewed as a pair.

<sup>25</sup> I appreciate that the language may get confusing in this section due to the repeated use of the word conversation but my whole approach to my interactions with people was to keep them informal and to avoid the use of the word interview with the participants even though what I was doing was interviewing them.



in the same locations, the interviews gradually became unstructured as I became more familiar with people and the discussion topics. At times, it was either impractical to follow the schedule I had designed due to a time restriction being placed on the interview (the practitioner had to be somewhere) or because rapport was going well meaning that I did not want to introduce the structure of the schedule into the situation, being afraid I would ruin it by becoming more formal. Having to get participants to complete the consent form was the most awkward part of the interview in most cases. It introduced a formality into what was often a naturally flowing conversation and brought it to an end whilst they completed the form. Most people ironically did not read the form and just signed it; I did explain the key points of the form to them and left them with a copy as per the conditions of my ethical approval from the University.

I began the research with the intent to interview who I could, when I could, as given the unpredictable nature of YOT work, being flexible was a major driving force in my approach. As the research progressed and I spent more time in and around groups of practitioners and particularly when my case studies were chosen, certain practitioners became targeted. I spoke to a range of practitioners, I was not just interested in the YOT workers per se, I wanted to explore and try to understand how the multi-agency team worked together. Therefore I interviewed, YOT seconded police officers, probation officers, mental health specialists and social workers as well as those practitioners classified as YOT workers. The vast majority of my interviews took place in the offices where the practitioners worked, usually in a side-room that they used for visits with young people. I did always offer to see practitioners away from the office environment (I did conduct two interviews in a café/bar) however due to the convenience and busy schedules of practitioners most chose to be interviewed in-situ. I also think that often, most participants had the view that they did not have anything to hide from their colleagues, so they did not mind if they were spotted talking to me in private. I did emphasise that the conversation was confidential and that pseudonyms would be used in the reporting of my research.

All of the interviews were digitally recorded with the recorder being positioned close to the practitioner to allow them to have the control to turn it on/off should they wish too (none of them did). Some eager participants started talking before they had consented or the recorder was on meaning that I did not have the start of the conversation recorded- this was often an instance where the conversation was naturally flowing and at times putting the recorder on stopped participants in their speech. This was also symptomatic of several of my interviews which could be classified as 'instant interviews'. 'Instant interviews' is the name

given to those situations whereby upon introduction to a person you commence the interview there and then. Whilst I would not recommend this technique as it often puts the ethnographer on the spot, sometimes it is unavoidable. For instance, when I first visited one of the YOT offices I was shown around and introduced to several practitioners, during these introductions the manager I was with started to encourage the practitioners to meet and chat with me emphasising how good it would be for them and the organisation. This was awkward as it was not the way I went about trying to arrange interviews and I felt as though many were pushed or 'guilted' into it by the manager. This resulted in me having one instant interview within a few minutes of meeting one YOT practitioner and several others booked for later that day which was not really ideal. I preferred to get to know people briefly before I interviewed them in-depth as it helped with the preparation and phrasing of certain questions. In terms of the recorder, some more than others were more aware of it; they would look at it and sometimes rephrased what they had said once they remember it was present especially if they were discussing what could be considered quite a controversial point. For example:

*"[...]so when I first came one of things that I really struggled with was that if they don't conform, if they don't make so many appointments, we've got to go through breach and I just really struggled with it. But I learnt that, manipulate is not the right word and I'm mindful that I'm being recorded, but that it's at my discretion..."*  
*(Excerpt from 'Anna', Q.YOT Worker, Interview Transcript)*

It is crucial to acknowledge the role reactivity plays in the process of recording. Reactivity describes the notion that participants may 'react' to the ethnographer or the ethnographer's technique of recording information (Madden, 2010:127). In the above example, Anna was commenting that she was aware that she was being recorded and subsequently rephrased what she was saying possibly to make it sound less controversial. Such reactions are problematic because they can interrupt the flow of the interview. Yet in the case of Anna, it did not necessarily stop the discussion; this is important to note and recognise especially in light of the above discussion in relation to instant interviews. I had been able to get to know Anna quite well prior to interviewing her which was of great use in being able to follow up on some points in detail that had come up in previous opportunistic chats. As De Laine (2000:49) comments the 'reactivity issue may be negated by length of time spent in the field, since people tend to forget the researcher's presence'. Digitally recording the interviews was not the only method that I used to record my interactions, I made notes. Doing this

helped me to follow up on points, note down things the recorder had missed and circle back round to topics if we had gotten off track (Rubin and Rubin, 1995). I also used the notebook to note down any distinctive features of the participant's body language and to make reflexive notes once the interview had concluded.

The interviews covered a range of topics with the focus primarily being on exploring their views of the Scaled Approach and the YRO but other topics discussed included assessment, the youth court and working in a multi-agency team. Using Spradley's (1979:67) twelve speech events which he suggests can be found in an ethnographic interview for guidance, I initially focused on getting the discussion flowing with my participants. Each interview began with establishing basic information about my participant, such as their official job title, how long they had been working in youth justice, the 'easy questions' so to speak. This would allow the participant to settle into the situation and often provided very useful information that would direct the course of interview. For example I asked practitioners how long they had worked in youth justice and for some this was decades meaning that I could ask them about approaches that pre-dated the Scaled Approach, for some even YOTs as a whole which was very illuminating. Also by asking them to tell me their official job title, I was able to explore how they themselves saw their role, what it meant to them. Through conducting interviews using the 'ethnographic imaginary' (Forsey, 2010) I was able to ask questions that went beyond the immediate concerns of my research questions. I would then focus on using open ended questions, allowing participants to take the conversation where they wanted to go but I always did have my interview schedule at hand or topics in mind to refer back to should the conversation stop flowing or if the participant headed to far off topic. I would express cultural ignorance (Spradley, 1979:67) or ask naïve questions at times whereby I would get the interviewee to 'educate' me about what it is they do through pretending not to know what it was they were talking about exclaiming comments such as, 'I never knew that' or 'I didn't realise that happened'. This was a fine balance as I did not want to come off as being completely unknowledgeable or at the other extreme, arrogant because I thought I knew something, what I did learn was that by using their language I was able to navigate in-between the two. Moreover, as Schwartzman (1993: 58) states, 'responses that build on terms, expressions or experiences used by the informant are much more likely to produce richer informant responses to questions.' All of the interviews ended with the question, 'if you could change anything about the youth justice system, what would it be?'- this was purposefully a tricky question but it allowed for the practitioners to be somewhat creative and free in what they stated. It was interestingly

answered by each participant with several of them talking on a grand, macro level wanting to address problems in the YJS as a whole and some being very specific referring to incidents they had discussed earlier in the conversations which were personal or local to them. The interviews lasted on average an hour; the shortest being approximately 35 minutes, the longest 2 hours. The shorter ones were problematic in terms of having little time to go in to any great deal of depth about the topics. There were also issues in terms of the use of 'loaded terminology'; practitioners would regularly use words such as 'risk', 'causation', 're-offending' and if the interview was only short there was no time to explore what they understood the terms to mean.

Several of the practitioners reported having enjoyed the interview once it had concluded saying that they had relished the chance 'to vent' and 'tell someone from outside how they felt'. Some commented that it 'wasn't as bad as they thought it was going to be' and that 'it was more like a conversation than an interview'. One of the first managers that I interviewed in the build-up to the conversation kept commenting that I was going to 'give him a roasting' and that he would have to 'watch what he said' which I thought was peculiar given that several of the practitioners in his team had all said that they had enjoyed the experience. He also joked that he had 'nothing to say'. These types of comments continued into the session and made me rather weary of how I phrased questions and interpreted what he was saying. I could somewhat understand his distrust as it is common place in organisations especially those which are scrutinised politically and publically to be suspicious of researchers. In one instance, he corrected me and told me that what I had said was not what he meant. It seemed as though he was trying to keep the interview formal. Ironically we spent almost 2 hours together and eventually his personality shone through, he regaled me with stories about his experience as a practitioner (before he became a manager). The conversation was one of my most illuminating interviews with someone who had been in YOT practice for a lengthy time. Yet, I would characterise the interview as awkward, I did not feel comfortable in the situation and afterwards it made me reflect on my approach to my interviews and whether I needed to adapt or change it. Listening back to the interview made me reflect on the idea of 'performance' and perhaps that he struggled to separate his views as a practitioner and the notion of representing the organisation as a manager.

Some of my conversations were very much participant led, these tended to be the ones where practitioners had strong feelings about the topics we were discussing, those who were 'venting'. Others required more pushing and prompting for answers, these tended to be practitioners who were newer to the role who had no previous policy/practice to

compare the Scaled Approach and YRO too. Most practitioners and some of the managers used cases, either historic or current as examples of points they were making. This was at times particularly helpful as I would later come across these young people either in person or their case file and I could make a connection between the two incidences. Undertaking the interviews once I had spent some time in the field was crucial as I soon learnt that people did not behave the way they often proclaimed or thought they did. There were often differences between what I was told in interview and how that person then behaved in the office. Why this was, was unclear however given that I knew myself I was playing a role, perhaps in some way the practitioners were too? Such a notion was evident in some of the interviews that I had where the practitioners became rather formal in their behaviour. For example one YOT practitioner, commented that they would attempt to speak 'properly' and kept self-correcting their comments as they spoke often acknowledging whilst doing so that they were aware that they were being recorded. I often had to play down my own personal beliefs and stances on the topics at hand in order to allow for the practitioners to have a non-judgemental space to voice their own opinion. At times I was 'tested' by some of the practitioners who asked me questions in the interview and for my opinion meaning I had to carefully word my response as I did not wish to make anyone uncomfortable or offend them.

### **Case Studies**

As a way of looking at risk, the scaled approach and the YRO 'in action' a series of case studies were undertaken. The case studies involved the selection of eight young people and subsequently following them through their YRO order using a combination of all three of the methods used within ethnography: participant observation, interviews and documentary analysis. Whilst there is little agreement about the overall definition of a case study from a methodological standpoint (Stake, 2005), Gillham (2000) remarks that 'a case study often refers to a unit of human activity embedded in the real world, which can only be studied or understood in its present context, a context where precise boundaries are difficult to draw.' With this in mind, the reason to highlight the particular journeys of eight young people through the YJS was to provide a better overall understanding of risk in action (such focus is regarded as collective case study according to Stake (2005)); being able to generalise from the case studies was not a primary concern as the primary focus was to report the journeys that young people in the YJS go through and the relationship between that journey and their risk score. There was nothing specifically extra I did in relation to the case study young people, they were just specific names I would look out for/strive to collect as much

information on as possible yet I collected the data in the same way I did generally for my research. A summary of the individual case studies is presented in appendix two.

The Eight Young People

The eight young people were selected on the basis that I had seen them at court at the first point that a YOT practitioner ordinarily would, normally at the first hearing of the case. Through the help of the YOT practitioner's I was able to identify when that young person would be sentenced, what the likely outcome was and subsequently follow them through their order. The choosing of the case study young people was not particularly difficult as there were several young people who I had from the period of September 2012 to December 2012 seen repeatedly appearing in the youth court. Initially 4 young people from that period were chosen and then 4 young people from later periods of observation in youth court, 8 in total. The young people were chosen as the research progressed, they were not chosen at the start. This was because I wanted to get to know the practitioners first as they would also be involved in the case study process. All of the young people came from one YOT, this was due to practical reasons and that I had the access to the Youth Court it was attached to. It was difficult to gain a balance of gender however ultimately the sample reflects the current caseload of one of my YOT office fieldwork sites. I was able to track the process of their case through the court, (first hearing and sentencing hearing(s)), access their case files at the YOT office and talk to them and their YOT practitioner about their progress. Several of the eight young people re-offended and appeared before the court again so I observed them multiple times in that particular setting. The eight young people are:

<u>Pseudonym</u>	<u>Age<sup>26</sup> &amp; Gender</u>	<u>Offence<sup>27</sup></u>	<u>Order<sup>28</sup></u>
George	16, male	Criminal Damage	YRO with supervision and programme requirement (8 months)
James	14, male	Criminal Damage & 2x Assault by Beating	YRO with supervision (6 months)
Kevin	15, male	Burglary of a Dwelling	YRO- ISS (supervision, 91days activity, ISS band 2, curfew 10 weeks 9pm-7am daily) (12 months)
Liam	17, male	Assault PC and breach of	YRO with supervision, 40 hours unpaid work, 6 weeks

<sup>26</sup> This was there age when I first encountered them.

<sup>27</sup> This is the offence that I saw them initially be prosecuted for, it was not necessarily the young person's index offence neither is it the only offence that they may have committed during my fieldwork period.

<sup>28</sup> This is the order that I saw them initially received for the attached offence it is not necessarily the only order that the young person received during the period August 2012-October 2013.

		YRO	tagged curfew 9pm -7am (8 months)
Lucy	14, female	Assault by Beating x 3 & Criminal Damage	YRO with supervision (6 months)
Patrick	16, male	Assault by Beating	YRO with supervision and activity requirement (12 months)
Stuart	17, male	Assault by Beating	YRO with supervision (3 months)
Will	16, male	Threatening Behaviour	YRO with supervision, activity (to attend Addaction), programme (to complete a knife-based programme and an offence-focused programme) (12 months)

Table 7: The Eight Case Study Young People

### **Documentary Analysis**

In addition to the ethnographic observations and the interviews that were conducted, analysis of documents was also undertaken. There were two categories of documents that were analysed, YOT policy and practice documents and young people's case files. YOT policy documents included those that had been devised on a local level to instruct practice and were specific to that local authority. Documents such as risk management guidelines, case supervision expectations and best practice guidance were looked at and were particularly helpful in contextualising some of the comments made by practitioners. This category also includes documents from the YJB such as the National Standards for Youth Justice (YJB, 2013e); these documents instructed YOTs in what the minimum standards of service they were expected to deliver and also detailed guidelines/minimum requirements of orders (Case Management Guidance- YJB, 2010b). This data was important when considering young people's sentences as well as when it came to analysing young people's case files as it provided vital contextual information. Interweaved with the second category (young people's case files) I also explored intervention programmes that practitioners had used with young people during supervision/as part of a YRO requirement. For example, one young person had a programme requirement attached to their YRO to complete the 'Life not a Knife' offending behaviour programme; through looking at the programmes guidelines and worksheets I was able to see what type of areas the young person would be covering and in what manner. This put some of the text I had read in young people's files into context. As previously eluded too, the second set of documents which were collected and analysed were

young people's case files, 25 of them to be precise<sup>29</sup>. The files were computerised, contained on specialist youth justice software. Once I had gained access to the software, I was able to look up young people and read their case files. At one YOT this was directly related to my youth court observations as that was there I would first encounter young people, I would observe their case then go and continue my research through looking at their case files. At another YOT I was provided with a list of young people by their data manager once I had given him the parameters of what I was interested in (young people who had received/been on a YRO in the last 6 months). Specific documents were searched for and accessed in order to gather a full picture of a selection of young people and their order. Documents included the Asset assessment form, Pre-Sentence Reports (PSRs), Risk of Serious Harm forms (ROSHs), Risk Management Plans (RMPs), Vulnerability Management Plans (VMPs), Intervention Plans (IPs), Case Management documents, Record of Contacts as well as other data the computer system holds such as offence history, sentence history and the record of Scaled Approach levels. I tried to gather the above documents for the length of a young person's sentence, if they were a current open case then as much data was collated as possible in the time frame. It must be recognised that the documents particularly the young people's case files are only a partial picture and that they should not be taken as 'truth'; they are one person's interpretation or assessment of the situation. I have in relation to my eight case studies interacted with the young people and the practitioners therefore I do believe I have a sense of the young person's current circumstances and that the documents are added support to that. They are useful to read and analyse as they have been discussed and mentioned in detail during my observations and conversations with practitioners however care needs to be taken that they are situated in context.

### **Leaving the Field**

Fieldwork is often begun with no clear idea of when it will end. The unpredictability of the field makes for uncertainty, as does the contingent nature of qualitative inquiry: fieldwork can conclude when there is enough data to support 'the analysis' but how quickly the data will flow and exactly what analysis will emerge, is unpredictable. Often 'fieldwork is concluded by brute facts: the grant runs out, or other work intrudes. Departure is often unplanned or discrepant with the original plan, and sometimes abrupt' (Fielding, 2006:287). Fourteen months after I began my fieldwork (August 2012-October 2013) I left the field. My fieldwork came quite naturally to an end due to having reached the stage where I had collected enough data and practically, I had to stop collecting in order to have time to

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<sup>29</sup> This number includes the 8 case study young people.



analyse and write up the results. Due to the relationships that I had developed with several of the YOTs, the door was left open should I need to return to clarify any details or collect anything that I had missed; this was particularly useful in relation to the case study element of the research. In order to look at risk and practitioners understanding of it, I needed to spend time within the field; 14 months gave me that time. In the final months of that period I did try and leave the field multiple times however I fell afoul of what Van Maanen (1979: 52) calls the 'illusion' that a little more time would allow for loose ends to be tied up and additional crucial facts to be discovered. The difficulty of researching a 'live' criminal justice based organisation is that it is liable to change as political and media pressure result in shifts in policy and practice. It seemed as though every time I tried to leave, one of these shifts would happen giving me extra impetus to stay. Either new legislation would take effect (such as the Legal Aid, Sentencing and Punishment of Offenders Act 2012) meaning that YOT practice would change/adapt to support the new guidelines, or something else happened on a local level such as a staff/structural change meaning that there was always something new and interesting to observe. I would not consider myself to have reached data saturation but that I have enough data to address my research questions.

### **Analysing the Data**

It was only once I had left the field that I realised just how much data I had collected; the sheer volume of it was overwhelming. The approach to the process of data analysis was iterative-inductive using broad principles of grounded theory as a guide. Throughout the fieldwork, after a period of immersion, I would return 'home' and explore what data I had gathered. I would then return to the field to follow up on what I had learnt. Ethnographic research is not linear, it is cyclical, fluid and flexible; grounded theory encourages researchers to move back and forth between data and analysis (Charmaz and Mitchell, 2001: 160). I was able to compare data with data from the beginning of my research as collection progressed as opposed to leaving it all to analyse once I had concluded my fieldwork. By doing this I was able to identify emerging themes and pursue them in the field. I focused on listening to my interviews repeatedly to become familiar with the key points contained within them; I transcribed several of my interviews but not all of them due to time constraints. I selected the ones which had the most relevant discussions within them. As some of my interviews were unstructured in nature, a large portion of the discussion whilst interesting was not relevant to my research questions. Although I did not engage in the process of coding my transcripts or fieldnotes, I did use a practice akin to memo-making in order to bridge the analysis process and writing of the first draft. I continually interrogated

my data; interweaving the various types of information I had collected, cross-referencing it so as to prevent the premature closure of analysis. This is what Madden (2010) refers to as 'writing out data'. As writing deepens our level of analytic endeavour (Coffey and Atkinson, 1996: 109), the process of 'writing out' helped to expose the key issues and any gaps in the data. Writing and rewriting my data chapters enabled for my thoughts to become clear in relation to answers to my research questions. In relation to the case studies, I cross-referenced all the data I had collected; I then plotted the young person's journey on a timeline in order to make sense of what was often a complex situation. The focus in relation to the case studies was to tell the story of the young person's journey through the YJS.

### **Strengths and Limitations of the Research Methodology and Methods**

The final section of this methodology chapter will discuss the strengths and limitations of the research methodology and methods. Whilst several areas have already been raised in relation to specific difficulties, it is important to now draw together the strengths and weaknesses of using ethnography to research criminal justice agencies such as YOTs.

#### **Problem of Definition**

One of the persistent issues in relation to ethnography is the 'fuzzy semantic boundaries' (Hammersley and Atkinson, 2007:1) it invokes. There is no one agreed upon definition of what constitutes ethnography, many would regard what I have done as not to be 'proper' ethnography. Given that it is a relatively open-ended approach, the boundaries of ethnography are endless. I have followed the guidelines from a practical point of view, as laid out by Hammersley and Atkinson (2007: 3) as to what ethnographers do. My research involves participant observation, talking and listening to people and collecting documents which when taken together shed light on the focus of my inquiry (risk and youth justice practice). It is difficult to plan in advance what you are going to do during a period of fieldwork as until you are in the field you can only speculate as to what may or may not be possible.

#### **The Access Continuum**

A perennial problem that persists through the research process is one of access. Even once access was granted and the research began there were more negotiations that had to take place and it became a case of relying upon practitioner's general good will in order to undertake certain aspects of the process such as observing office practices and team meetings. The importance of pure sociability (Hammersley and Atkinson, 2007: 70) should be

recognised in the generation of trust and rapport establishment. Had I not spent as much time doing things such as engaging in small talk and sharing knowledge that I had of, for example, current academic research in youth justice then I strongly doubt I would have been able to achieve what I have. In contrast however whilst I was able to gain significant access to areas such as the youth court and practitioner's, accessing young people was a persistent problem throughout the fieldwork period. During access negotiations it was discussed the best way to go about setting up interviews with young people and observing practitioner/young people interaction however when it came to instigating the advice which was to essentially just ask practitioner's this became difficult. Initially I was, in contrast to my general persona, relatively shy (Scott et al, 2012) in approaching practitioners and asking for their help/essentially for them to do extra work. This needed time and a relationship establishing; my shyness prevented me from exploring some areas. The blurred boundaries of ethical guidelines and principles in relation to YOT practice meant that it was tricky for the practitioners as well as myself to know what was acceptable and what was not. As the practitioners had a job to do which for most was reliant upon them establishing a strong and trusting relationship between themselves and the young people they had been assigned, being able to observe that interaction was just unlikely as for many it was already a battle to get the young person to engage with them. This would have only been made more difficult had I been present, most likely with a note book as it could have been perceived as 'spying' (McCoy, 1998). YOT practitioners are restricted in the amount of time they have to work with a young person (dependent on sentence length and risk level) meaning that for some there was simply no opportunity for my involvement in the case.

### *Who or Rather What Am I?*

The participant-observer oxymoron was something I had read about whilst researching my chosen method however I was not prepared for the conflict this caused in the field, emotionally and at times, ethically. As Van Maanen (1978a:346) points out, 'short of wearing a sign there is no way for the field worker to be sure that [their] research role in the organisation is in fact the role that the others are responding to.' In the specific case of my ethnographic research, the fact that my role was somewhat ambiguous was particularly productive in that it allowed me to gain access to people and places who, had I been pigeon-holed into one box labelled 'researcher', I would not have been able to reach. The success of my research was dependent on my participants, had I entered the field as a rigid, dispassionate researcher I would not have been able to achieve what I have. As Kleinman et al (1992:9) comment: 'qualitative researchers only gain control of their projects by first

allowing themselves to lose it'; immersion is key in ethnography no matter the type whether it be organisational as this study was or an anthropological Malinowski-esque (1922) trek into an unexplored culture. Whilst it could be argued that I should have spent more time in the field perhaps in relation to more consecutive days and tried to gain access to the missing area (see above), I went in with the notion that flexibility would be key to my success as it is '*key to successful youth justice practice*' (Bella, YOT Team Manager). Once you are out of the field it is easy to play the 'shouda, woulda, coulda' game and wish you had explored one area further or talked to somebody in more detail, it is not always possible whilst you are in a state of 'infiltration' (Punch, 1986) to recognise that.

### *The Trouble with Talk*

The application of labels has been a particular problem throughout this methodology chapter but has been particularly acute in the section in relation to ethnographic talk. Trying to describe what was undertaken in relation to speaking to people has been particularly challenging given that I was reluctant to rely on the use of the word interview. It is perhaps required of the academic in training to demonstrate that he or she knows the difference between the types of interview (formal, semi-structured, and unstructured) yet such labels become distorted during the ethnographic enterprise. It is hard to apply consistently one label to the various types of interactions I had with people during the fieldwork. There is a great deal of overlapping terminology in the areas of qualitative research and ethnography (Heyl, 2007: 369). The most consistent defining features of interviews in relation to ethnography are both the time factor- duration and frequency of contact- and the quality of the emerging relationship (Heyl, 2007:369). The fieldworker spends time in and around their participants building a relationship, through having conversations, laughs and discussions about a range of topics not just those that interest them in order to try to get their participants to teach them 'what they know in the way that they know it' (Spradley, 1979:34). There have been many debates over the last twenty years about what can be uncovered through ethnographic interviewing and challenges raised by poststructuralist and feminist scholars (Stanley and Wise, 1993; Kvale and Brinkmann, 2009). Despite such debates, there remains consistent agreement about what we should do when we carry out ethnographic interviews, we should: listen well and respectfully; acquire a self-awareness of our role in the co-construction of meaning during the interview process; be cognisant of ways in which both the ongoing relationship and the broader social context affect the participants, the interview process and the project outcomes; recognise that dialogue is discovery and only partial knowledge will ever be attained (Heyl, 2007: 370). The last point is

particularly poignant in that only partial knowledge will ever be attained during an interview (whatever type it may be) meaning that it is crucial within ethnography that interviews are just part of it and not valued above or below the other data collected. Being in one-to-one situations with your participants can, once the interaction, has concluded enhance other areas such as your observations. Indeed, after several of my 'interviews' participants would on the basis of what we had discussed recommend cases for me to look at on the computer system or invite me to observe a specific interaction, for example a group meeting. Critically, my ethnographic talk did not involve me entering the field, collecting the data, then immediately leaving. As O'Reilly (2012:127) states it is an engaged, committed, involved and time-consuming process which is where the strength of my data comes from. Given that I stayed around my participants, engaged with further conversations with them, observed them, read documents written by them I was able to create as full a picture as possible; my participants were collaborators in my research, shaping and directing it rather than just acting as informants. Accounts produced by the people under study must neither be treated as valid in their own terms, and thus as beyond assessment and explanation, nor simply dismissed as epiphenomena or ideological distortion (Hammersley and Atkinson, 2007:120). All dialogue whether gathered in conversation, group discussion or one-to-one recorded interviews must be examined in the social context in which they were produced. If as Stanley (1990) argues that 'good' research is that which accounts for the conditions of its own production, then the context is crucial in adding to the completion of the jigsaw yet as it was previously established by Heyl (2007) recognition must be paid by the researcher to the fact that there will always be some pieces missing.

### *The Crisis of Validity and Representation*

Ethnography has long been accused of facing a crisis in relation to claims that it is not 'scientific' or 'reliable' (see Hammersley, 1992; Fine, 1993; Brewer, 1994). Given the influence that the researcher's 'cultural baggage' (Callaway, 1992) plays and general lack of control that we have over our field work sites this is not surprising. Validity is about whether the research is measuring what it intended to measure, in my case the impact the Scaled Approach and the YRO has made on youth justice practice. I would argue that my research data can address what I set out to explore as well as going beyond that to make some observations about youth justice practice in general. Madden (2010: 24) set's out two simple propositions which summarises my thoughts in relation to validity:

*'an ethnography that is not informed by scientific principles (like systematic data collection, analysis and presentation) is not good ethnography, it's more like fiction; and an ethnography that is not informed by the art of prose writing, argument, rhetoric, persuasion and narrative is not ethnography, it's just data.'*

My research was informed by numerous texts and examples that I read of what constitutes 'good ethnography' yet I have tried to, by being reflexive, address the ethnographer's critique of ethnography (Brewer, 1994). As ethnography involves direct and sustained contact with our participants, it is them who can correct us, inform us if we are misunderstanding a situation and show us the new direction we need to take. O'Reilly (2012:226) rightly points out that ethnographic research is iterative-inductive: it involves constantly moving forwards and backwards from our research questions to the data and back to refine our questions or line of inquiry in light of what our participants share with us. It has been acknowledged throughout this chapter that dealing with humans is a messy business and ethnography if it is true to its roots can never be packaged up nice and neatly, it is what it is. Hammersley (1998) advises that if we are being thoughtful and committed to our work then we are ensuring validity; we should challenge our findings and accept challenges made to them. We should also confront and deal with our prejudices to address bias (Hammersley, 1998).

### **Summary**

I have attempted to evoke what Brewer (1994:236) has termed the 'ethnographic imagination' throughout this chapter by not only describing the methods used but situating myself, the ethnographer, alongside them. I have explored, with candidness, my experience of conducting ethnographic fieldwork and have attempted as the instrument of data collection to be reflexive in explaining how I have shaped my research findings. By situating myself within the text I hope to have overcome any threats to the authority of the data (see Brewer, 2000). The avoidance of 'I' in social research is foolish as the researcher is the instrument of data collection (May, 1993) and research is both shaped by and shapes social life. My life experience, my habitus (Bourdieu, 1977) helped to shape what I chose to investigate (Green, P., 1993). My fieldwork was a rollercoaster of emotions, from the joy of getting access to the sorrow of hearing some young people's life stories, to the laughter I had with practitioners and the ever frustrating experience of the bureaucracy of the youth justice system, it was certainly 'hauntingly personal' (Van Maanen, 1988: ix) and very much an individual tale.

## **Chapter Four: Working in a Youth Offending Team: Culture and Identity**

*'Changing the culture is a slow process.'* - (Anna, Q.YOT Worker)

*'You can change the policy no problem that's easy, changing how practitioners practice that's the more difficult part.'* - (Sharon, YOT Practice Manager)

### **Introduction**

The delivery of youth justice services has an important and long standing relationship with practitioners' understanding of the philosophy underlying the aims of youth justice work. Haines and Drakeford (1998:68-9) argue that 'it is crucial that professionals within the youth justice system understand the aims of their work, and in order to do so it is essential to be explicit about this philosophy and its importance. Philosophy gives purpose to action: philosophy shapes the way in which we use knowledge and skills to achieve certain outcomes.' Youth justice is an ever changing and evolving field of policy and practice. With its close and somewhat unfortunate connections to political and media discourse, the philosophy underpinning youth justice in England is never set. This means that with every reconfiguration of the YJS, practitioners' are expected to adapt and reconfigure with it. The most recent legislative changes to the YJS (Criminal Justice and Immigration Act 2008; Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)) alongside the current period of economic recession have meant another reconfiguration has been necessary. Currently policies in the YJS are underpinned by a risk-based managerialism (Muncie et al, 2002; Pitts, 2003) yet on a local and individual level such practice does not necessarily follow suit. This is due to the different interpretations local authorities make on policies from the YJB leading to what many have termed as a 'postcode lottery' (Ramsbottom, 2012) of youth justice services. The nature of youth justice is like a 'pick and mix' (Muncie, 2000:31) despite National Standards (YJB, 2013e) being in place; whereby instead of providing a set framework for all work with young people in the system, the shifting philosophical and ideological foundations results in a constant status of central ambiguity (Souhami, 2007).

For practitioners, this 'central ambiguity' results in diverse and conflicting approaches to the delivery of youth justice services. This is further complicated by the multi-agency approach<sup>30</sup> of YOTs; as there are practitioners from organisations whose ethos do not naturally blend well together, for example, the police (public protection/justice oriented)

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<sup>30</sup> As placed into statute by section 39.5, Crime and Disorder Act 1998.

versus social services (welfare oriented). The inherent nature of youth justice services is subsequently one of contradiction or as Sarah, a YOT Social Worker described, '*youth justice practice is just messy*.' To practice in a YOT is to negotiate a consistent state of ambiguity; practitioners have to balance their own beliefs, with that of the team and then situate that in the wider ethos of the YJS. As Souhami (2007:193) states, 'practitioners' fluctuating and contradictory understanding of what it was to be an occupational member was brought into focus by the 'ambiguous organisational position' that they were required to adopt'. It is therefore important to consider the organisational culture and occupational identity of YOTs and YOT practitioners especially before exploring the impact the Scaled Approach has had.

The organisational culture and occupational identity of YOTs and youth offending practitioners has received little exploration in comparison with some of the other key agencies of criminal justice. There is a vast body of research literature on the organisational culture and occupational identity of police officers (Van Maanen, 1978b; Skolnick, 2008; Reiner, 2010) and over recent years more research has emerged exploring prison officer culture and identity (Crawley, 2004; Bennett et al, 2007; Liebling et al, 2011) yet agencies such as probation<sup>31</sup> and youth offending teams have received much less attention. Anna Souhami's (2007) seminal work exploring the occupational culture and identity of YOT practitioners has been the most detailed published account to date which focused on exploring the transition of a former social services youth justice team into a multi-agency YOT in 1999/2000. Moreover, Burnett and Appleton (2004) as well as Ellis and Boden (2004) have also explored YOT professional culture yet both concluded that more research was needed in this area to explore key issues such as multi-agency working and the values underpinning team practice. This chapter seeks to explore the organisational culture and occupational identity of YOTs and YOT practitioners and how such concepts can inform an understanding of the relationship between policy and practice. It will first discuss what does it mean to be a member of a YOT and how do practitioners understand their work, values and identity? It will then move on to discuss core characteristics of YOT practice. The chapter will then conclude with a discussion as to how risk has impacted on the daily practice of YOTs through exploring how team structures have changed.

The culture of an organisation can be described as the values shared by individuals that are noticeable in the practices of members of that occupation or organisation. There are

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<sup>31</sup> Mawby and Worrall have sought to rectify this with their recent ESRC project entitled: Probation officers, their occupational cultures and offender management, Grant reference: RES-000-22-3979.



many different ways to define culture however for the purposes of this chapter Schein's (2004:11) definition is helpful to set the parameters of interest:

*'the deeper level of basic assumptions and beliefs that are shared by members of an organisation, that operate unconsciously and define in a basic taken-for-granted fashion an organisation's view of itself and its environment.'*

In order to account for some of the aspects of YOT practitioner behaviour and how a YOT understands and deals with policy and practice change it is useful to explore the organisations culture (see Chan, 1997). It is common place to see in reports about criminal justice agencies comments about the 'organisational culture' of the establishment and the attitudes of its officers (particularly in relation to police and prison officers). YOT practitioners work in tempestuous economic, political and social conditions. Working in the CJS in roles requiring contact with offenders has often been classed as 'dirty work' (Ashforth and Kreiner, 1999; Ashforth et al, 2007). Police officers (Reiner, 2010), prison officers (Liebling et al, 2011) and most recently probation officers (Mawby and Worrall, 2011) have all been cited as occupations of 'necessary evil'; positions that involve doing morally questionable work or liaising with stigmatised groups/people. Like the aforementioned occupations, YOT practitioners can also be seen to be doing society's 'dirty work' dealing with children and young people who break the socially constructed mould of what it is to be a 'good child' (Davies and Bourhill, 1997). It was clear from the data collected that practitioners often viewed themselves as doing the work that no one else wanted to do, working with young people and families characterised as 'difficult' and 'hard to engage'. This raises the question of why do YOT practitioners do the job they do? It is an important consideration as what became clear during the data collection process is that why a person had become a YOT practitioner often helped to explain why some of them had difficulties with certain policies and practices such as the Scaled Approach. There were several reasons why my participants had chosen to do the job they do.

### **Making a Difference**

Some YOT practitioners were drawn to the job because they wanted to 'make a difference'; they held values that resulted in a strong belief in rehabilitation and that young people could change. Similar to Reiner's (2010:119) theme of 'mission' that he observed in relation to police culture, to some YOT practitioners their occupation was more than just a job, it was a vocation. These practitioners acknowledged that they had to deal with a young person's

offending behaviour (usually through processes of responsabilisation- see Kemshall, 2008) however concerns about a young person's welfare were more likely to take precedence:

*'When I first came to youth justice one of the things I really struggled with was being a youth worker and having this quite grounded youth work ethos in that I'm very welfare based. For me young people that come through our door are young people, full stop, then some of the issues is that they've got offending behaviour.'* (Anna, Q.YOT Worker)

*'It's the children's side of it rather than the justice side of it which really, when we're talking about where you lean, where you come from or what your background is, then it's still very welfare rather than justice and process driven.'* (Kate, YOT Worker)

Practitioners who reasoned that it was 'to make a difference' as to why they practiced in youth justice were far more likely to be at odds with the system than some of their colleagues (particularly some police officers). As YOT practitioners, who are agents of the court, are required to have due regard for the welfare of a child/young person as defined by section 44 of the Children's and Young Person Act 1933, there has been a longstanding conflict between this and other aspects of the CJS such as public protection and punishment. Anna and Kate both talked about having difficulty with the enforcement side of their job, because it goes against their welfare oriented approach to making a difference:

*'One of things that I really struggled with was if they don't conform, if they don't make so many appointments, we've got to go through breach. I just really struggled with it'. (Anna, Q.YOT Worker)*

*'I don't like the enforcement side of it; I think the fact that people have to come sometimes it does work because otherwise you wouldn't see them. Some of them do have to come and do open up to you in ways that they possibly wouldn't if they didn't have to, but to my mind because somebody comes because they have to then that that is a barrier to engagement in the first place. Then you have to be creative, I do get over it and you are creative to get over it but you've always, do you know what I mean, there's always that stick in the back where 'if you don't come things have to happen.'* (Kate, YOT Worker)

Both practitioners spoke about being 'creative' in terms of working around the system to get the best outcomes for the young people they were working with. For Kate, in particular, she felt that if the enforcement process ever did get any more comfortable for her then she would not be being true to herself:

*'If it ever sits comfortably with me then I'd be a different kind of person.'* (Kate, YOT Worker)

Practitioners, who had difficulties with the enforcement side of things and were 'creative' in trying to engage young people, often did it at the expense of working with their colleagues as Carrie explains:

*'Some workers are better on breach than others in terms of being quick. It's really important to be quick on breach. Some workers are very laid back, 'oh yeah he might need breaching for that' ((said in a nonchalant voice to reflect the laid back nature of some of her colleagues)) and it's like no if you don't breach him now it has a knock on effects for the other kids. This is the problem we've got at the moment because this young person wasn't breached straight away, if he'd been in court like 2 days ago he wouldn't have committed a burglary last night with another young person and that other young person now wouldn't be looking at custody. Now both young people are looking at custody when actually if he'd been breached 2 days earlier that would never have happened and they'd be one less victim, so actually just being on the ball is important.'* (Carrie, YOT Worker)

For Carrie, a YOT worker who had a similar view of wanting to help young people like Anna and Kate, she strongly felt that another colleague's laid back approach had resulted in her young person now being placed in a situation where custody was a likely outcome. I asked her if there would be a discussion with the management team about it:

*'There will be because I'm not happy about it; I will be discussing it higher because I think another young person wouldn't have to go to prison if another worker had acted faster which annoys the hell out of me. You have to be on the ball all the time; you have to be kind of paced with it and if you're not, if you're a bit more laid back and you think ah it'll all work out, then this happens.'* (Carrie, YOT Worker)

### **Social Work with Young People in the CJS**

Other practitioners did the job because they were interested in the CJS and social work with young people therefore being a YOT practitioner was the perfect position for them. These practitioners still had a somewhat welfare-oriented approach yet were more interested and accepting of the risk-based approach that the YJS has become enshrined in:

*'The support aspect of it and the affecting change aspect of it is the job role that I like. Obviously it ticks my box in terms of, I like working with young people, I'm interested in why*

*young people offend, why some can go through what we would class as risk factors and don't offend and some do.'* (Megan, YOT Social Worker)

*'I used to be a part time youth worker in [named place] for about seven years. I worked in a really rough area and my kids were in trouble with the police. So I joined the special constables with the police and did that part time. Then I thought I wanna go to uni and do social work, I worked in [unrelated occupation] for seven years when I left school, did part time youth work in the police and then I moved into social work, to work with teenagers so youth justice was the ideal side cause otherwise I'd be stuck with younger kids so it worked out perfect really.'* (Sarah, YOT Social Worker)

Those practitioners who were recently social work qualified and were particularly new to the job (less than 5 years' experience), had been trained to undertake assessments and complete large quantities of paperwork; to them it was a key aspect of the role:

*'I'm a trained qualified social worker, I am welfare based through and through but I'm also working with children who pose a risk to other people and so you cannot avoid risk assessment. Being risk led in some approaches, it's down to that individual person.'* (Megan, YOT Social Worker)

This acceptance of the need for large quantities of paperwork and more critically the risk-based approach which many practitioners who viewed YOT as a vocation considered it to be negatively focused caused the clashes between these two groups of practitioners<sup>32</sup>. The different backgrounds, levels of training, experience and qualification were often at the root cause of many of the conflicts witnessed; to several practitioners this had worsened since the introduction of the scaled approach.

### **The Challenge of Working with Risk**

The third reason that practitioners spoke about being the purpose that they do the work they do was that they enjoyed the challenge and unpredictable nature of the role. Several practitioners commented that the unpredictability, whilst at times can be frustrating and cause difficulties, was an element of the job that they enjoyed. They viewed themselves as not being suited to a traditional office based 9-5 job and liked that they were challenged on a daily basis.

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<sup>32</sup> Those who considered YOT a vocation and those who were interested in criminal justice/young people and more recently qualified in social work.

*'I actually like working with young kids, I love it, I love that cause I get on well with them. I have a laugh, I poke a bit of fun, I take a bit of fun back and do things, be creative and things like that. I'm not really into working with big oiks [referring to adult offenders], I'm just not into it, it doesn't do anything for me.'* (George, Probation Officer)

It can be argued that the challenge and unpredictable nature of the job was also the reason that many practitioners' stayed in the role as much as they argued it was the reason they had entered the service to begin with. The idea of liking the challenge was also tied up with the notion of risk and holding the higher risk cases/young people. Such cases were particularly sought after by those workers, who liked a challenge and wanted to undertake intensive work with young people and families:

*'Being here that long I do all the big cases, I manage the high risk ones, custody ones, I love it.'* (Sarah, YOT Social Worker)

To those who were not considered to be 'qualified' to hold such cases, the wanting of the challenge (see below) was the reason why they had undertaken additional training or were actively seeking promotion:

*'I'm hoping there's a permanent post coming through the system at the moment. I'm gonna apply for that, I would really like to continue being [in a qualified post] because it means that we get to work with the more risky young people and more complex needs.'* (Anna, Q.YOT Worker)

*'That's what I've done the qualification for, so I can [be in a qualified worker post].'* (Stella, Q.YOT Worker)

For team members of the YOT who were seconded in from other agencies such as the police and probation service, the challenging nature of working with young people was often the reason they cited for having applied for the secondment:

*'Prior to me coming here, I was the youth involvement officer in the police. So for four years I worked with young people before they came to YOTs; that opportunity arose just out of the blue really, I was in the police station somebody asked does anyone want an internal secondment to be the youth involvement officer and I said yeah I'll have a go. So for 9 years I've been working with young people. Once I did that over at the police station, I liked it, I have a good rapport with kids, I wasn't all about lets lock em up, it was the case of what can we do so that they won't do what they're doing anymore. Then a job came up here and I*

*applied for it; I wanted to move on to deal with the older ones who were actually coming into contact with the system more.'* (Matt, YOT Seconded Police Officer)

Despite initially 'taking stick' from his colleagues in the police for 'getting a nice cushy desk job', Matt relished his work as a YOT seconded police officer and was particularly proud of the reputation he had obtained for being successful in working with young people who had sexually offended. By being willing to embrace the challenge of working with young people who have offended, some practitioners were able to have a second chance at a career. This appeared particularly significant amongst some of the seconded probation officers. It was a common theme that they felt as though probation had changed and the way of working that was expected of them now was no longer matching the reason why they had gotten into the occupation to begin with:

*'I much prefer working with young people as a probation officer; certainly in my time as being a probation officer where the philosophy and ethos of the role which traditionally was based on the principle of advice, assist and befriend got replaced with offender management and risk management, protecting the public and victim centralisation, all of which is complete bollocks. But that's what they were into, but my background as being from many years involved in community voluntary sector and people focused stuff, I've always worked with children and young people for many years in one form or another so my natural meaning was to aim to work with young people professionally. So hence this and the role of the probation officer in the YOT was far more akin to my feeling of what the role of what a probation officer should be i.e. getting your hands dirty and you know actually daring to go and spend some time with an offender.'* (George, Probation Officer).

George had been seconded to YOT as a probation officer twice within the last 9 years; he spoke of the irony of having to 'fight'<sup>33</sup> his way back into YOT the second time despite no one else applying for the secondment. It was a position which he really enjoyed because he preferred 'getting [his] hands dirty' something that probation work no longer provided (Mawby and Worrall, 2011). Mawby and Worrall (2011:9) found in their study exploring the occupational culture of probation workers that 'beneath the surface, was a principled rehabilitative approach to working with offenders and a readiness to move on to other jobs if they were not allowed to work in the way that they wanted.' This perhaps could explain why several of the seconded probation officers, including George, felt that working in probation was no longer fulfilling and that they needed to take their skills and values elsewhere. Joining

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<sup>33</sup> The theme of 'fight' is significant throughout YOT work and will be returned to later in this chapter.

the YOT provided such an opportunity. Having to 'fight' to do the work that they were passionate about was not just limited to probation officers, Stella had fought to stay within youth justice when a government funded project she worked for as a YOT worker came to an end:

*'Their job description [for the Govt. funded project] was different to ours because I was actually employed [in a qualified position even though she was not 'qualified'] under the same job description as everybody else. But that's what I wanted to do because at that time I was doing my foundation degree to eventually be able to apply for qualified posts, so I didn't wanna leave our service, it would have meant my contract changed, it would have meant a drop in salary, so I fought to stop within youth justice and I was fortunately able to do that.'*

*(Stella, Q.YOT Worker)*

It has been identified that YOT practitioners come from a variety of backgrounds and walks of life, with the reasons why they do their job being varied. The above three groupings are the collation of the most common reasons practitioners discussed being the motivation behind why they do, and for the most part, enjoy the job that they do. It is important that there is a shared orientation to YOT work; there needs to be a common 'ideology of unity' (Crawford, 1994) amongst all practitioners in the YOT so that positive outcomes can be achieved for young people involved in the service. A shared understanding of principles and goals of youth offending team work is also seen as an essential part of team membership (Souhami, 2007:49). This is because, according to Parker (2000:86) by having a shared ethos or common understanding, the categories of 'us' and 'them' are defined; it sets the boundaries of the team. The problems of having a shared orientation to youth offending work were first identified as YOTs began to be created in 1999/2000 by numerous authors including Souhami (2007), Burnett and Appleton (2004) and Ellis and Boden (2004). Even the Home Office's own commissioned research into the evaluation of the pilot YOTs found that there were 'cultural hang-overs' from previous youth justice practice, including disagreements over implementation of case working and resistance to management over attempts to introduce evidence-based practice (Holdaway et al, 2001). It is clear that these 'cultural hang-overs' (Holdaway et al, 2001) have never disappeared from YOT practice as there are still key unresolved issues within YOT work. What is the purpose of YOT work? Is to prevent offending, to reduce reoffending, to measure crime, to deliver justice, to look out for a young person's welfare? These common underlying tensions within youth justice policy have helped to create a system whereby the very nature of its work is 'ambiguous' (Souhami,

2007). How then are practitioners expected to practice and work with young people if the very nature of their work is undefinable?

Souhami (2007), found that the relationships practitioners have with other agencies in the CJS [which can be varied and still thirteen years post-YOT creation be based upon who you know rather than formal arrangements] and the state plus the values, aims and technologies of their work are all unsettled creating this ambiguous nature. Most practitioners interacted with regardless of their professional or personal background do share common values and views of the reasons why young people offend in the first instance, poverty, poor parenting, lack of boundaries, school exclusion and negative labelling were all commonly cited as the causes of offending. What practitioners disagree upon is the best way to deal with such behaviour and of particular relevance as to whether a risk-led approach is the best way. Meyerson (1991: 131) argues that, 'members who do not agree on clear boundaries, cannot identify shared solutions and do not reconcile contradictory beliefs and multiple identities. Ambiguity is thus 'normal': it comprises the 'essence of their cultural community.' The ambiguous nature of YOTs, driven by the individualised and indeterminate nature of YOT practice is what makes them unique and arguably successful in what they do. The flexibility that the ambiguity promotes is particularly important given the complex nature of the lives that some of the young people who YOTs come in to contact with have, meaning that YOT practitioners need to be able to adapt and use a mix of styles/ways of practice in order to help them. For example, the different ways of delivering interventions or building up a relationship with a young person encountered included: interviewing them at home, interviewing them at the office, going to a local cafe for a milkshake, going to MacDonalds for something to eat, going on a walk with them, completing a worksheet, watching offence-focused DVDs, group work and so on.

### **Core Characteristics of YOT Practice Cultures**

Given the 'melting pot of multiple discourses in youth justice' (Fergusson, 2007:179), it is not surprising that YOTs and indeed the YJB are vulnerable to interference from external agencies, namely politicians. Through YOTs being multi-agency organisations, a cohesive and collective organisation culture is very difficult to achieve yet in every team there were several core characteristics present, these will now be discussed each in turn.



## **The Pressure to Produce**

Skolnick (1966) constructed the idea of the 'police officer working personality' which described how the concepts, 'danger, authority, and constant pressure to appear efficient' (Skolnick, 1966:44) form the basis of the socially generated police culture. Whilst 'danger' and to some extent 'authority' may seem far removed from the daily life of a YOT practitioner, the pressure to appear efficient (Skolnick, 1966:44) is a constant core characteristic of YOT practice. YOTs are consistently under pressure to produce 'results' particularly in relation to reoffending (YJB, 2014b) as crime and justice continues to be a strong political topic. The YJB have three performance management indicators that YOTs are required to send quarterly statistical data about: first time entrants to the YJS, reoffending of young people in the YJS and use of custody for young people. Alongside those indicators, are locally-determined measures designed to ensure effective service delivery with targets centred on specific areas of Asset for example education, mental health and substance misuse. There are also targets and performance management data collected about compliance with National Standards which has a direct link to the way Assets and interventions are delivered. The focus is on how 'timely' assessments (Asset) have been completed and whether the required level of contacts (as per the Scaled Approach) have been achieved. In order to manage such pressure, practitioners have to be able to rely on being able to use their discretion in order to cope with the demands of the job. Discretion or what Lipsky (1980) refers to as 'street-level bureaucracy' is a key component of YOT practice. Lipsky (1980) argues that discretion is not only inevitable in welfare services but necessary. It has already been established that YOT practitioners, for the most part, do what they do because they want to help young people. Despite such desires, in real day-to-day practice they have to operate in a 'corrupted world of service', where they have to battle conflicted policy goals and strained resources (Lipsky, 1980: xiii). Lipsky (1980) says that discretion occurs in a context of conflict between front line workers and managers, between the desire for top-down control and local opposition to it. YOT practitioners are charged with using their knowledge, skills and values to balance the tensions between the prescriptions of the organisations and the exercise of judgement in their decision-making (Eadie and Canton, 2002). The current managerialist, bureaucratic ethos of the YJS where policy is reactive, risks constraining reflective practice (Schön, 1991). Through trying to control practitioners in terms of what they do and how they do it YOT managers/policy makers risk creating 'constrained practice' where according to Eadie and Canton (2002), levels of accountability are high whilst use of discretion is low. It is hard to determine using Eadie and Canton's

(2002: 17) quadrants where YOT practice currently is in terms of the balancing between accountability and discretion. Where accountability is high, discretion is high and this is where best practice occurs according to Eadie and Canton (2002); evidence of such practice was found in most of the YOT teams I visited where there is a strong sense of team work, where practitioners and the practice manager work together to achieve the best outcomes for young people whilst maintaining compliance with National Standards. It appears that YOT practice fluctuates between quadrant D (high accountability, low discretion- constrained practice) and quadrant A (high accountability, high discretion- best practice) (Eadie and Canton, 2002: 17) due to the relationship youth justice bares with politics and the media. In times of scrutiny, such as in the wake of cases like Dano Sonnex (probation) and Baby Peter (social work) (see Fitzgibbon, 2011) despite criticisms being levied at partner agencies<sup>34</sup>, YOT practice still becomes constrained due to the increase in management oversight meaning practitioners become reluctant to use their discretion. This is normally due to fear of reprisal or being 'told off'; Fred (YOT Worker) for example, explained that he was on his last warning about going against management's instructions yet for him what he was doing was helping the young people under his supervision. Then, at times, where new or renewed interest in areas such restorative justice or desistance (helped by academic research) occurs, YOT practice moves into quadrant A whereby practitioners are given room to use their discretion as long as they remain accountable. This usually coincided with previous media and political pressures subsiding as the news/politics moved on. Anna (Q.YOT Worker) illustrates how the influence of academic research into desistance (see McNeill et al, 2012) has had an impact on her confidence to use her discretion:

*'Well I feel that we've got some [discretion] of that back, the fact that desistance is such a big hot topic, I think that actually allows us even more discretion. We had a meeting the other day about desistance, we were shown the film [The Road from Crime<sup>35</sup>] and it just made me think actually what I do in part of maintaining or establishing a relationship falls into desistance. I started playing with how I engage with young people and being much more flexible in that without blatantly young people going (IN AN ANIMATED VOICE) 'I'm not doing anything' and its worked a treat.'* (Anna, Q.YOT Worker)

The pressure to produce causes practitioners to use their discretion in order to manage the requirements of the job. YOT practitioners have a strong sense of self-awareness and ability

<sup>34</sup> Similar situations can be found leading up to or following inspections in either the YOT itself or neighbouring YOTs.

<sup>35</sup> McNeill, F., Farrell, S and Maruna, S (2012) The Road from Crime Documentary, available at <http://blogs.iriss.org.uk/discoveringdesistance/documentary/>

to self-organise; they have to be able to create relationships with young people whilst still maintaining some sense of distance in order to see the 'risk factors' which are at the forefront of current youth justice policy/practice. YOT practice is shaped by both national (orchestrated through the YJB) and local policy but as such policy is not fixed, the need for discretion guided by principles remains.

### **Instances of Group Solidarity and Social Isolation**

YOT workers have a strong belief that young people wrapped up in the YJS can change. They, often going against practitioners from other agencies such as Children's Social Care (CSC) and the police, have a central belief that young people, no matter how 'difficult' or 'objectionable' they come across as being, can surprise you and reform their behaviour even in the most difficult of circumstances. It is through establishing a good relationship with the young person that this is achieved. Through doing such 'dirty work' (Ashforth and Kreiner, 1999), YOT practitioners, in similar fashion to their probation colleagues, have become arguably isolated or tainted and should potentially consider themselves as being ashamed of the work they do with the 'undeserving' (Worrall and Mawby, 2011). YOT practitioners provided a range of answers when asked to describe the young people that they worked with, they ranged from referring to them as 'damaged', 'challenging', and 'difficult' to 'resilient', 'creative' and 'lovely'. Alice (YOT Worker) explained how at times, people reacted to her explaining what her occupation was and her views on the young people she worked with:

*'I think most people that I've mention the work that I do to automatically go 'ooof I don't know how you could work with such people'. I think they have a bit of an idea that there evil people that run about causing trouble, but actually they've all got different needs which haven't been met. That causes them to meet their own needs which might mean breaking the law. I've never had any issue with anybody being aggressive, they've always been polite, just some are more challenging to work with. I find that more in the sense of being able to get information out of them.'* (Alice, YOT Worker)

Due to YOTs having a close relationship with social work they are vulnerable to the same criticisms and scrutiny as the social work profession. The increased political and media interest in the 'failings' of social workers due to high profile cases such as Baby P (see Fitzgibbon, 2011) and Daniel Pelka (see S. Morris, 2013) has led to YOT practitioners feeling the pressure from management to undertake 'high quality assessments' (Helen, Practice Manager) which increasingly take the place of face-to-face quality work with young people.

In order to prioritise the central belief, practitioners work together exhibiting solidarity, managing 'the pressure to produce' through a reliance on each other. Practitioners regularly covered for one another by, for example: exchanging appointments to make things easy on themselves (usually related to transport), being evasive when managers asked where their colleague was even though they knew and in some cases re-allocating court reports or 'unofficially' co-working cases to help one another out. Whilst they may be carrying out 'dirty work' (Ashford and Kreiner, 1999) and have a negative stigma associated with doing the job by the public on the outside, on the inside practitioners have taken the label and retained a 'positive self-definition in the face of social assaults on the work they do' (Ashford and Kreiner, 1999: 418). Many were very proud of the difficult job that they do, especially as several YOT workers viewed themselves as being the last resort for young people who various other organisations such as Children's Social Care had let down. Within each team and linked to the previous discussion regarding why practitioners do the job they do, was a group of practitioners who believed so strongly in rehabilitation and desistance from crime that they consistently went 'above and beyond' their job description in order to assist young people to change. They somewhat isolated themselves in terms of philosophy (they were very much welfare-oriented) from other colleagues within the team in order to do what they considered to be the best for their young people. These practitioners took their role almost to be 24 hours a day, 7 days a week and admitted it had somewhat taken over their personal lives. Philip and Carrie, both YOT workers, demonstrate their strong dedication to their job in the following extract:

*'Philip= This kid I've had him in breach cause he just won't get up for his unpaid work, it's the one I'm ringing at like seven thirty in the morning going you're talking to me just get up! My partners sat in bed going, why do you keep ringing him? Cause I want him to do it, I want him to get up and get to unpaid work!'*

*Carrie= Yeah my husbands the same, he'll say have you not finished work yet? And I'm there like still nagging through text for instance, for one of my young people to do something.'*

Both of them, despite their unpaid work service being carried out by their local Probation Office<sup>36</sup> and it being their role to just 'oversee' the order, felt the need to be consistently reminding their young people to get up and go to their session. Carrie regarded such dedication as being a demonstration of what a 'good YOT worker was':

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<sup>36</sup> This was prior to the split and privatisation of the Probation Service.

*'If you've got a good worker, they'll still be nagging in the background regardless of who owns the order.'* (Carrie, YOT Worker)

Carrie is somewhat of an extremist in that she felt very guilty for having time off to go for example, on holiday. She often accrued large amounts of annual leave and toil<sup>37</sup> which she never took, much to the frustration of her managers. She commented that:

*'The relationships so important, it's so important with my kids. I worry when I go on holiday cause I think I can't leave you for 2 weeks to come and see a duty worker, because it's not good enough.'* (Carrie, YOT Worker)

She goes further, demonstrating that her dedication has made her isolated in the fact that she had become the subject of her colleague's jokes:

*'They all take the mick out of me because my phones on all the time.'* (Carrie, YOT Worker)

Yet Carrie explained how by having her work phone on and answering it, she had potentially saved one young person from harm:

*'I had a young person move and he'd run away from home. It was half past ten at night and he'd rung me up he was lost; he was crying his eyes out on the phone. Now if I'd not picked up my phone, that kid would have been lost. I managed to negotiate with his mum to try and get him back but I got such ribbing taken out of me the next day for answering my phone to that kid. If I'd not answered it then the police would have had to go and pick him up but actually we'd solved all that with me just being on the phone for an hour trying to negotiate. It was like it's done, it's dealt with but they [referring to her colleagues] took the piss out of me.'* (Carrie, YOT Worker)

It is of interest to note, that seconded officers, especially police officers, struggled with the experience of being isolated even more so than YOT workers. Reiner (2010: 122) identified that group solidarity coupled with isolation was a feature of police officer culture. He states, that many police officers report difficulties mixing with civilians in ordinary social life due to the nature of the job (shift work, erratic hours, the tension within the job) (Reiner, 2010: 122). It can be argued that police officers who are seconded to YOT often face even more social isolation as they may not only experience isolation from their YOT colleagues (see Souhami, 2007) but also can experience it from their police colleagues due to them being viewed as 'soft' and having 'gotten out' of taking part in the dangerous work that being on

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<sup>37</sup> Time owed back to her for working extra hours.

the front line brings. Matt, (Seconded YOT Police Officer) spoke about how at first he had experienced some nasty comments from his fellow police officers alleging he had 'jumped ship' at a time when the police service was going through some dramatic changes. Yet once those internal upsets had calmed down so had his colleagues and now he enjoyed the same relationship he had prior to joining the YOT with his police colleagues; he still experienced some jokes but he saw it as banter and part of the humour of the police service.

### **Management of the Self**

YOT practitioners have to perform 'emotional labour' (Hochschild, 2003: ix) in order to 'manage feeling and create a publically observable facial and bodily display' (Hochschild, 2003: 7). They need to be able to control their emotions in a variety of settings in order to maintain a balanced outlook which is required for the completion of assessments and court reports. 'Emotional expression is constrained by the 'feeling rules' of the organisation-implicit rules about the kinds of emotions it is appropriate to express and indeed, to feel at work' (Crawley, 2004:47). How practitioners manage hearing difficult life stories and dealing with trauma, distress and misery on a day-to-day basis is interesting to consider. There are different locations that YOT practitioners encounter daily which offer different levels of emotional freedom (Hearn, 1993). The open-plan design of most of the YOT offices meant that practitioners needed to find other spaces to emote should they be having a particularly difficult day. Such spaces included the smoking spots which were located outside in discrete cubby holes and alleyways which surrounded some of the team's offices. Here practitioners would gather, including at times non-smoking practitioners to discuss current events, challenging clients or to generally just have a '*good moan about the world*' (Cheryl, YOT Social Worker). Other spaces included the kitchen and toilets where similar types of discussions would take place. These spaces allowed for 'emotional expression' (Crawley, 2004:47), for practitioners to voice their real opinions, release the built-up emotion and get, should it be necessary, cathartic support from their colleagues. For practitioners who were for example, struggling with a report they had to write or sorting out a young person's particularly difficult home situation, through having spaces that they could go and take five minutes in to refresh and refocus, helped them to move forward with what they were doing. Colin (Q.YOT worker) explained that he liked the size of Oakshire's new office as there were plenty of spaces for him to be able to step out of the 'hussle and bussle' of the office space and go somewhere quieter to just have a think.

Controlling one's emotions is particularly important when undertaking direct work with young people. If a YOT practitioner is over optimistic in, for example, the sentencing outcome a young person may receive therefore providing them with false hope then there is the potential for upset and the damaging of the YOT/young person relationship to occur. Being a YOT practitioner requires a careful balancing of emotions, as young people want their worker to be *'human, not a robot'* as Lucy (case study young person, age 14) articulated to me. Yet at times, *'being a robot'* or perhaps *'switching off'* as it was referred to by practitioners, was a defence mechanism invoked by them in order to deal with upsetting and tragic events, none more tragic in the YOT profession than dealing with the death of a young person under the YOTs supervision. I arrived for a period of fieldwork a few days after the incident had occurred; the tragedy provoked a response from practitioners of sombreness, with care and concern being directed to the specific practitioner who was the young person's worker. I was made aware of the situation as soon as I arrived, with one of the practice managers urging me to avoid the practitioner involved and take the situation into account during my interactions with practitioners. In the following days after the news had broken, there was an unsettled quietness in the office, with practitioners going about their day's work in a far more restrained manner than was usual. Both practice and team managers spoke to the practitioner involved where both emotional and practical support was offered. There was an issue however, that whilst the practitioners involved in the case including those at management level (who had been involved in the construction and approving of the young person's PSR), had been given the option of compassionate leave and/or offered emotional support there was still an expectation that the required processes would be completed. These include notifications to the YJB, YOT Management board and Local Safeguarding Children Board (LSCB) and the compiling of documents about the case to help with the completion of a critical learning review (YJB, 2013d) which has to be completed within 10 working days following notification. Incidences like this demonstrate how practitioners have to develop a good *'emotional mask'* whereby they suppress or re-present their own private emotions to make them appropriate or consistent with the socially accepted norms of the organisation or role (Crawley, 2004:47).

### **'Fight'**

The final core characteristic of YOT practice is *'fight'*. There was a strong sense of practitioners having to *'fight'* either management or *'the system'* in order to do the best for the young people they were working with. Increasingly tight budgets and the focus on risk management has resulted in practitioners spending more and more time at the computer

instead of interacting with young people (see chapter 5). Fergus (YOT Worker) commented that he felt *'chained to the desk'* and never in his twenty years' service had he had to do so much computer-based risk assessment. Similarly, Fred (YOT Worker) speculated that *'all the assessment'* was to blame for the high rates of *'burn-out'* amongst fellow practitioners and the direct cause for him being signed off from work with stress. Additionally, Sarah, described the reasons why one of her long standing colleagues had recently left the profession:

*'He left after 20 years in the job cause he said he'd just had enough, it had gone to bureaucratic, too much paperwork, he wanted to spend time with the kids but he hadn't got any chance to do that.'* (Sarah, YOT Social Worker)

When practitioners did come to work with young people they felt restrained in what they could deliver in terms of interventions and also to some extent what support they could offer (see chapter 6). Practitioners such as Anna and Carrie explained that they felt they had to be *'creative'* in order to achieve the best outcomes for the young people under their care. This meant using their *'discretion'* and going against either National Standards (YJB, 2013e) or manager's instructions to do what they felt was right for their young people. For Anna, using her discretion allowed her to build up her confidence and develop a way of writing an intervention plan which worked for the young people under her supervision factoring in time to get to know that young person before starting any formal intervention. Practitioners such as Kate felt that all young people sometimes needed was the simple things to help them *'fit in'* and give them some positivity in their difficult lives, yet she felt, because it was perhaps going *'above and beyond'* or *'breaking some rules'* she had to fight to achieve this. In the following example she explains her fight against her practice manager and other colleagues to do what she felt was right for one of the young people under her supervision:

*'I argued to get him [16 yr old Ash on ISS] a bag to take his stuff on a residential; his mum's on her own and on benefits but that's not the point, the lads on ISS! We're supposed to be able to promote things, he was going on residential, you don't want to take your stuff in a carrier bag. I said can I have some money for a bag, I said I'll go with him to the shop, make sure we get it and bring the receipt back but it were still all ifs and buts and everything. Then when he got slung off after two days, about three people piped up 'are you gonna get that bag back off him then' and I just thought please why does everything have to be so punitive. It was like a ten pound bag but he had as much right to have that and go on that residential take his stuff in something as much as anyone else.'* (Kate, YOT Worker)



Kate was disappointed that she had not stood up for herself and Ash (the young person involved) against the criticism that she was faced with following Ash being 'kicked off' the residential. Kate was caught between doing what she felt was the best way to help Ash and following procedures, what she later referred to as 'playing it safe.' She became, similarly to Carrie (in her example above), the 'butt of the office jokes'; I wondered whether such a reaction would put her off from fighting for her young people in the future. It later transpired, following Ash and I interacting, that he had not sold the bag and in fact was grateful for it as he had just secured employment which required him to commute so the bag would be very useful.

The notion of 'fight' is important as it demonstrates the increasingly difficult position practitioners are placed in by the over-zealous risk management emphasis that the YJS has become enshrined in (Case and Haines, 2009). The focus on bureaucratic accountability has resulted in some cases, in an increased 'distance between managers and front-line workers with managers involved in bureaucratic monitoring and control of the administration systems and having little idea of the stressful difficulties faced by practitioners' (Collins et al, 2009:240). Such a misplaced focus has caused, in some cases, practitioners feeling as though they have to 'cover their backs' by being almost extreme in keeping their management informed of what they were doing and getting them to record it on the system. Carrie (YOT worker) explained how she was late completing an Asset because she had been interrupted by a young person in crisis as they had no food. Before she took the young person to get something to eat, she explained the situation to her manager, requesting that it was recorded on the computerised case management system why she was late with the document so as to protect herself from any criticism. Carrie demonstrated, amongst others, an increase in the 'defensiveness' of practitioners which has resulted in 'workers versus bosses' rather than a 'flat hierarchy' of skilled professionals (Fitzgibbon, 2011:142). When practices such as the Scaled Approach rely on practitioners being able to approach their manager and discuss the use of the over-ride feature (YJB, 2010a) to avoid the over-criminalisation or the 'slipping through the net' of young people, good practitioner/manager relations are vital.

The notion of fight is not entirely all about tense relationships between practitioners, managers and the YJS; there is another side to this core characteristic. Increasingly, it appears that despite the move away from having specialist teams following the introduction of the Scaled Approach (see below), practitioners are 'fighting' to carve out particular niches for themselves as they strive to keep themselves engaged and invigorated with their

occupation in its current form. Mary, for example, is a YOT worker with over ten years' experience; she very much had a 'seen it all attitude' and was adamant that the YJS worked in cycles with the current focus being on risk management however she was sure this would change in the near future. As a way to keep herself interested in the role, she had created a reputation for herself as being not only passionate about but good at, in terms of meeting performance targets, delivering restorative justice (RJ) interventions. She was a firm believer in the theory behind restorative justice and had, to use her words, 'whittled' away at management until they had sent her on all the relevant YJB (2012a) sponsored training following the increased push on restorative justice interventions<sup>38</sup>. Mary's enthusiasm for delivering RJ focused interventions and also working with volunteers<sup>39</sup> had been recognised by her practice manager, so much so that when allocating cases, if there was the potential for a RJ focus then he would allocate it to Mary. This was one of his 'unofficial' rules when it came to case allocation guidance. Creating this niche also helped Mary to manage her disgruntled feelings towards the increased allocation of 'risky' or 'complex' young people to qualified workers such as social workers/probation officers. Despite being a YOT worker for over ten years and being in practice prior to YOTs existing, Mary was considered to be 'unqualified' and therefore could not (without a qualified co-worker) manage the more risky or 'juicer' cases. Hence, the creation of the niche allows Mary to keep herself motivated due to the challenge of involving all parties (victim, offender, community) in the RJ process and keep herself skilled through being involved in the expansion of how her YOT uses RJ by sitting on the relevant working group. Similar instances were found in other YOTs in relation to practitioners developing their own interventions/policies/practices for working with either specific demographics of young people or specific crimes, such as looked after children or knife crime. Anna (Q.YOT Worker) for example had a particular passion for working with young women which had been fuelled by an increase in young women coming to the YOT having committed serious violent offences. She and several colleagues had successfully strived for a specific programme being set-up at her YOT for young women and had, like Mary, carved out a niche for herself in preferring to and being good at working with vulnerable young women. This had been taken on board by her practice manager in that should a young woman be sentenced to a community order, Anna and a few of her colleagues would be more likely to be allocated the case.

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<sup>38</sup> See Ministry of Justice (2010) Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders Green Paper.

<sup>39</sup> Most of Mary's workload is referral order cases which meant organising and working with volunteer panel members.

## YOT Structures- A Risky Divide

YOTs are multi-agency teams of practitioners composed mainly of five key agencies; Children's Social Care, Education, Health, Police and Probation (as per Section 39 (5) Crime and Disorder Act 1998). Many of the YOTs visited had several members of other key agencies from the third sector present too, for example, substance misuse services. All of the teams had a management structure similar to the following<sup>40</sup>:

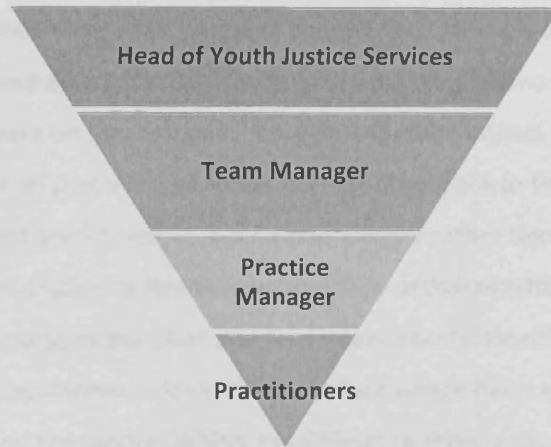


Figure 3: YOT Management Structure

There were major signs of change in relation to team structure apparent in all of the YOTs; several are similar to those experienced by practitioners back in 1999/2000 when YOTs were first created (see Souhami, 2007). In 1999, when YOTs (following the Crime and Disorder Act 1998) were being formed largely out of pre-existing youth justice teams, three major changes were experienced: practitioners from traditionally opposite agencies (for example, the police and social services) began to work together in one team; youth justice team structures changed due to the addition of partner agencies and a change in premises was necessary as the size of the team increased (Souhami, 2007). Now, those issues that happened at the formation of the YOTs over a decade ago have resurfaced in the face of economic recession (see Puffet, 2013a). YOTs, instead of adding members of staff from partner agencies, are fighting to keep hold of them as their parent agencies (services such as the police, probation, health and education) face considerable financial cut backs and the likelihood of redundancies increase. According to YJB statistics (YJB, 2013c; YJB, 2014a) the total YOT workforce excluding volunteers and sessional staff was 17,283 in 2008 prior to the

<sup>40</sup> There are several overlaps of terminology between the YOT teams so I have simplified them for the purposes of this analysis using the term 'Head of Youth Justice Services' to refer to those in charge of the entire delivery of youth justice in a geographic area; team manager for those who responsible and accountable for a YOT team's performance; practice manager for those who are in charge of the day-to-day practice of the YOT practitioners.

'credit crunch' now in the 2012/13 it is 8,116, that is a reduction in staff of 47%. It is not just the core agencies that are facing considerable financial pressure as services from the voluntary sector which provide vital specialist support to YOTs (for example, substance misuse) are also increasingly adapting/changing the types of support they can offer YOTs as they face the consequences of the recession. For example, practitioners explained how at one YOT that they were particularly struggling with outreach programmes for young people as several charities which had previously offered them were no longer able to due to loss of funding. Such programmes are often crucial in helping YOTs to meet the required levels of contact as per the scaled approach particularly for young people who scored intensive on their assessment or were on ISS. As teams struggle under the impact of the loss of or in some places a 'retreat' of practitioners from other agencies back to their home base, the structures of YOT teams are altered, in some cases forcibly rather than through choice. Services particularly in relation to health have gradually withdrawn from being based within YOTs and instead the nurse or the Child and Adolescent Mental Health Service (CAMHS) worker has a weekly appointment slot in the YOT office where he or she sees young people on YOT orders requiring the service. Whilst it is difficult to show a causal link between the withdrawal of services and an increase in need, practitioners at each YOT identified particular areas that they struggled with in terms of getting access to other services, for example, practitioners at Rosedale YOT struggled with getting access to health services especially specialist mental health intervention because the services were not present in that location. Differently, Pinewood YOT practitioners reported difficulties in relation to housing for young people as there was a lack of such provision in their area especially in relation to gender specific housing. For Grassington YOT practitioners, the commonly cited issue was the availability of alternative education provision for young people who had been excluded or who had particular learning needs; such young people were reported as having to travel miles to attend such facilities.

In recognition of YOT structures changing the YJB has issued a new version of the long out-dated 'Sustaining the Success' (YJB, 2004a) which originally provided some of the key guidance for establishing YOTs. The 'Modern Youth Offending Partnerships' guidance (YJB, 2013b) recognises that whilst the statutory basis and objectives of YOT partnerships have not changed there are recent and ongoing changes to service delivery in health, education, probation and police which are putting a strain on the 'multi-agency' nature of YOTs. All five of the teams in this research had the core agencies represented but how well the agencies were integrated into the YOT was varied. The agency that appeared to be most

problematic in terms of being integrated into the team was the police. This was largely due to the juxta-positioning of the two agencies with the police being viewed as punishment and enforcement of the law against the welfare-oriented YOT. Several practice managers commented that they had been 'lucky' with the police officers that had joined their team, with them struggling to see how they could practice the way their team did if the police officers had not been more welfare-oriented than anticipated. Somewhat surprisingly, it was probation officers who several practice managers reported as having had the most difficulties with; this was largely due to the differences between working with adults and working with children, with children there is the added pressure of being responsible for their welfare. One practice manager, Helen, commented that she had been reassured that the probation officer that they had in their team 'got it' when they came to her to report concerns in relation to the safety of a young person's home, it showed her that they understood the wider concerns that YOT practitioners need to have then just the young person's offence. The two positions that were projected to have the most turn-over in terms of staff were the police and probation roles yet it was clear that this had not been the case, again something the management considered to have brought the YOT good fortune. For example, Matt had worked in the same YOT as the YOT Police Officer for over 5 years, George had been seconded twice to the same YOT as a Probation Officer and Gwen had secured a permanent secondment to the YOT as a Probation Officer.<sup>41</sup> George explained the thinking behind the secondments and in reality what happened:

*'The original idea was about having a turnover of staff in the YOTS so that they were up to date in how they were engaging with kids and they didn't stagnate. Of course what happens instead is you get people who have been here years, some even decades, so there's nothing new under the sun you see; basically things do stagnate. So arguably the only two roles in YOT where there is a specific turnover are the police and the probation role yet this is not the case.'* (George, Probation Officer)

He rather comically referred to having to leave his YOT secondment and return to probation as 'having to go back to the mothership for 2 years of re-indoctrination and political education' (George, Probation Officer). Such a system of secondment raises questions in terms of how probation officers in particular, as they were expected to hold cases and work with the higher risk young people, kept up with the policy and practice changes in both

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<sup>41</sup> There is however a possibility this will now change with the privatisation of probation (Lepper, 2012).

organisations. George explained the stark differences between the two organisations and what it was like 'yo-yoing' (his word) between the two:

*'I went from the YOT in 2009 having had this really good job; I actually felt competent and part of the team, I was on the road a lot of the time not being stuck behind a desk. I had a case load of probably 20-25 kids, some of them were in custody, some were out in the community, I was really enjoying it. I then went back to the probation service which in the time I had been away went through some fundamental changes, i.e. the bringing in of this big case manager idea. I went back to that in August 2009 and it was horrendous. I went from 25 cases, getting out and about seeing people, feeling like you were on top of things, to not having any clue what I was doing in the adult probation service. I had 35-40 cases which involved endless, meaningless, assessment upon assessment through OASys. It was ridiculous! Ironically as I was leaving the probation trust about six months ago, suddenly they re-invented the idea that offender managers were actually more capable than being just sat at a computer imputing. That actually some of these assessments we were doing were probably a little extreme and maybe we should cut back on some of that and actually start getting our hands dirty again. That's what probation have realised they maybe should be doing and have started to reintroduce that sort of role at the very same time as YOTs are getting deeper and deeper into this ridiculous reams of bloody paperwork and risk management.'* (George, Probation Officer)

There have also been structural changes in terms of management and business support staff; management posts have been altered or shrunk in some YOTs to try and account for the deficit in the Youth Justice Grant (YJB, 2014a:72) and Local Authorities own budgets rather than to cut front-line practitioner positions. Similarly, business support staff who provide vital administrative support to the YOT have also faced redundancy/had their hours reduced resulting in YOT practitioners having to do more and more computer-based tasks such as typing out their own letters rather than spending time actually with young people:

*'I didn't do my degree to sit at a desk and be a secretary, I could have gone and done a secretarial degree to do that, I don't see how writing and sending letters is my job.'* (Carrie, YOT Worker)

Two YOT's faced considerable restructuring as they merged together to form one team to cover a large geographical area. The idea behind the merger was to cut down on management costs by becoming one team; they only needed one team manager instead of two. As the team manager of Grassington had taken voluntary redundancy prior to this

fieldwork starting, the YOT had been without a permanent manager for some time, the merger with Rosedale was seen as a solution to this problem. Similarly to this, Oakshire had also gone through some dramatic and physical restructuring during the period of this research; several areas were altered including the way basic services such as the supervision of young people was delivered. This move unlike the aforementioned team merger appeared to be, on balance, seen by practitioners as a more positive step forward in Oakshire, in comparison to the Grassington/Rosedale merger, where practitioners saw it as the first step towards job losses, or as one practitioner put it, *'a sign of the times'* (Fred, YOT worker).

The third change which Souhami (2007) reported was that due to team structure changes and an increase in practitioners joining what was becoming a YOT, a change in premises was necessary. Three of the teams (Rosedale, Pinewood and Oakshire) were having to change premises either due to the team structure changes (Oakshire) or the financial cost of the building they currently worked in (Rosedale, Pinewood). Rosedale and Pinewood both occupied buildings that were not ideally suited to the nature of YOT work; Rosedale had limited space whereas Pinewood was awkwardly located for most of the young people the team worked with to get to. Given the pressure on local authority budgets, moving these two teams was seen as an ideal solution to both the particular problems the building/location had and also the expensive cost of an unfit for purpose building. The way the move was handled by each team was different largely due to the different styles the practice manager had and also how determined the plans were. The practice manager at Rosedale for example, spent some considerable time consulting with the practitioners, mind-mapping on flipchart paper what it was they wanted in the new building, what practical changes they wanted to see to improve their practice; examples included more spaces to see young people in and a better location for the resources library. This paper then remained on the wall in the practitioner's team meeting room so that practitioners could revisit it and add things should they think of anything else. In comparison due to the Pinewood YOT having the location of their new office decided for them (it was going in a newly created 'youth zone' where most youth services would all be located together) there was little opportunity for such a discussion leaving practitioners with lots of unanswered questions and a feeling of management deciding everything. Such apprehension from practitioners was left unaddressed even after the move was briefly discussed in a team meeting. Following the brief discussion the levels of apprehension rose especially after the team discovered that the office was to be all open-plan resulting in practitioners and managers all being sat, integrated together; *'that's the end to fun and gossip then'* (Phoebe, YOT Worker); *'best*

*behaviour then' (George, Probation Officer)* were examples of comments made voicing concerns over the lack of consultation.

### ***Division by Risk in the Ranks***

YOT structures are being forced to adapt and change in the face of harsh economic times but the introduction of the Scaled Approach has also had an impact on the way YOT teams are structured and how the practitioners within the teams are allocated cases. The introduction of the Scaled Approach has forced two types of changes in terms of team structure which are interlinked. Firstly, there has been a shift in how practitioners within the teams are organised as prior to the Scaled Approach it was common place that practitioners were arranged in sub-teams of specialisms (for example, either arranged by order such as supervision team, referral order team or arranged in terms of court team, interventions team, custody team). During the Scaled Approach's inception in to YOT practice, practitioners within several of the research sites, faced upheaval as they were shifted around as the sub-teams changed from specialist teams to become teams arranged by areas. The Scaled Approach was seen by many of the practitioners to be the driving force behind the change; *'the scaled approach is completely what forced it' (Anna, Q.YOT Worker)*. Such a dramatic change resulted in practitioners who had worked together for long periods of time to be split up and shuffled into new sub-teams which created more disruption and upset amongst practitioners. The shifts caused some practitioners to re-evaluate whether or not they wanted to continue doing the job:

*'Glen explained to me that he was unhappy at having to shift team largely because he was not happy that it resulted in a change in practice manager<sup>42</sup>, he liked the manager he had because she was experienced, he considered his new manager (who had only come into post a few months ago) to not (yet) be up to the job. This was only half of the problem, the other reason he was opposed to the move was that it meant he physically had to move desk away from a set of colleagues who he particularly 'gelled' with to others he did not like or did not really know, he questioned whether he wanted to continue working in the YOT, commenting that he was 'not right for the job.'* (Fieldnotes, 10/07/13 Oakshire YOT Offices)

To some YOT practitioners the change to sub-teams which were organised by area was an opportunity to expand their role and to become what would be considered to be a fully-rounded practitioner who had experience of working with young people on all three major

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<sup>42</sup> This YOT had more than one practice manager each covering one of the 'sub-teams.'



types of order (referral orders, YROs and custody orders (either DTOs or Section 90/91 sentences)):

*'I do actually like being able to have my finger in lots of pies when it comes to the different orders that you supervise.'* (Anna, Q.YOT Worker)

*'I think it's better, there was a little bit of elitism, that the resettlement team or the supervision team were better than the referral order team cause we were just dealing with small kids that aren't all that much, they aren't that much of a bother it's just anti-social behaviour. Now it's kind of like actually you can see what a referral order entails, it's a lot of work, you've still got kids that are high risk. It is better, I prefer it, and its skilling us up! Now you could give me any kind of case and I would know what to do with it, whereas before I would have been like if it's a referral order I can do it. People still today are like 'oh it's a referral order why don't you ask Carrie how to do it' cause obviously referral orders were my thing and I know kind of exactly what I need to be doing and if it's a DTO, I'd go ask Colin who was like on the resettlement team, I'll go to him for his expertise but now everyone's more kind of we all know everything or we should! I know every bit about everything.'* (Carrie, YOT Worker)

Carrie's comments are interesting as she talks about how the change has been a positive step forward removing this sense of 'elitism' that was wrapped around the different teams. Practitioners often did, as Carrie comments, associate referral orders, despite them being one of the more complex orders to deliver, as being about, to use Carrie's words '*small kids that aren't all that much*' and associated with minor types of crime as it is the first order young people appearing in court for the first time can receive other than custody if they plead guilty. Since the addition<sup>43</sup> of the scaled approach, young people sentenced to referral orders can still be assessed as high risk and require intensive intervention so it is now more difficult to make such judgements regarding what type of case a young person is going to be solely based on what orders young people receive. For Carrie, the change from being in the referral order team to a practitioner that could be working with young people on various types of orders who reside in her team's area allowed her to develop her knowledge and 'skilled her up'. Yet her reputation of knowing and being good at delivering referral orders did not leave her once the teams changed as her colleagues (at times even senior members of staff) still came to her for advice on what to do. This was not recognised much by those practitioners who had been in the teams lower down the sentencing tariff as there was an

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<sup>43</sup> Following legislative changes through the LASPO2012 young people can now receive a second referral order.

underlying assumption that because you dealt with the custody cases or high risk/complex cases you would know what to do with those orders lower down the sentencing tariff.

There is a contradiction in what Carrie says in that she comments: *'now everyone's more kind of we all know everything or we should!'*, this idea that everyone knows a bit of everything is probably the case yet there are and will always continue to be practitioners within the YOT teams who could be considered specialists or experts in delivering specific orders or interventions. One of the unwritten rules that one Practice Manager used when allocating cases was based around this notion of practitioners being good at certain types of cases or interventions (such as Mary and restorative justice- see earlier); this 'unofficial' rule did confuse practitioners who were trying to 'skill up' and wanted the challenge of working with young people on different orders as they kept getting for example, a case load where the majority were referral orders despite asking for more YROs. The idea that 'everyone should know everything' is a challenging assertion as a vast quantity of the practitioners were not (yet) fully up-to-date with the recent changes in legislation (LASPO) or the revisions made to National Standards (YJB, 2012c; YJB, 2013e). The one area that most practitioners maintained that required somebody specialist to undertake the work was in the courts. Prior to the reshuffle, Oakshire had a dedicated court team which had at least 3 practitioners attached to it who were responsible for organising and attending that team's court day(s) each week. Following the restructuring that the team experienced during the time of the induction of the scaled approach the court 'team' was reduced to one full-time practitioner, a practitioner who assisted on a part-time basis and there was a rota for other staff to attend as support. Charlie (Practice Manager) explained that it was due to a significant drop in the numbers of young people appearing before the court that resulted in the court team being dispersed. Such a reduction can only be viewed as a positive thing, yet practitioners within the Oakshire team appeared to be confused as to why the court team had been disbanded:

*'The discussion about the breach papers had turned into a discussion about court, Pauline (Probation Officer) raised the point 'why don't we have a court team?' The response is laughter and 'no comment' from Neisha (Q.YOT Worker who was in the court team). Stella (Q.YOT Worker) comments that you have to be confident in what you're saying in relation to appearing in court. Anna (Q.YOT Worker) raises a key point, 'I know [Service Manager] isn't keen on this but why aren't we using peoples experience and expertise in their areas who want to do roles like court?' There is a good debate across the table about this issue with the basic message from most of the practitioners in the meeting being that people should be doing what they want to do and what they are interested in/good at. Pauline comments that*

*the service manager's reason for not having people specialise are that he wants the team to be multi-skilled.'* (Fieldnotes, 05/08/13 Oakshire YOT Offices)

Such views conflicted with what practitioners said in private, Stella wanted to gain experience of working in court but was not offered the opportunity whereas Anna was on the rota to attend court but did not want to as she found it intimidating. These two practitioners had arranged to swap so that Stella could go to court in place of Anna but their practice manager found out and vetoed the idea. It was hard to find practitioners who did ultimately, despite having the experience and expertise in working in court, want to go there. When the situation is unpicked there was a contradiction between what practitioners said whilst amongst one another and what they really thought when on their own. There was also a conflict between the managers and the practitioners over how best to use their skills and experience; this was intrinsically linked to the second impact that the scaled approach has had on YOT structure which has been an increased divide of practitioners in terms of qualification. Such a divide has crudely been referred to within YOTs as 'qualified' and 'unqualified' workers. The qualification status of a YOT practitioner determines the level of risk that they can manage. A social work qualification, probation-related qualification<sup>44</sup> or qualification such as the Professional Certificate in Effective Practice in Youth Justice<sup>45</sup> are considered across the YOTs to give the practitioner 'qualified' status and enable them to manage higher risk or complex cases. It also determined the way the practitioner represented the YOT. Megan (YOT Social Worker), for example, explained how she had joined the YOT following the completion of her BA Social Work degree, yet despite being 'qualified' she had spent the last five years working in an unqualified post. Due to a lack of qualified positions having been advertised, Megan had only recently become a practicing qualified practitioner. Prior to the shift in team structure, Megan had been in the referral order team, carrying between 18 and 25 cases<sup>46</sup> at any one time. Despite the large caseload, Megan appeared to have spent the later part of the five years, longing for the 'challenge of working with risk' (see above). Now she was working with 6-8 young people on a variety of orders and varying levels of risk which was what she had always wanted:

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<sup>44</sup> It appeared however that as probation officers were seconded in to the YOT that it was assumed that they were qualified to undertake the tasks they were given. This was not always the case as it was not that easy to switch from working with adults to young people especially as probation officers can have differing views to YOT workers and Social workers on what the aims of the CJS should be (Ellis and Boden, 2004) (see chapter 5).

<sup>45</sup> There are several others such as youth work degree, youth justice degree etc. I asked several managers if there was an 'official' list of what qualifications were considered to make a practitioner qualified, they appeared to be unaware if such a list existed.

<sup>46</sup> This was at a time when numbers of young people going through the YOT were high (the caseload a practitioner carried varied in size and complexity), numbers ranged from 5-8 to 15-18. They were no longer at this level hence the drop in case load numbers.

*'I wanted to do the job I trained for, to work with the more challenging young people. I really enjoy what I do now.'* (Megan, YOT Social Worker)

For practitioners like Megan, the divide in qualification had enabled her to gain access to those cases that she had always wanted to hold. Helen (Practice Manager) explained the significance of being qualified, in terms of being 'responsible':

*'The situation with being qualified is, very crassly put, your paid more so therefore you carry more responsibility. There are some tasks or particular situations within the YOT where it would only be acceptable for social workers or probation officers to deal with, one being high risk cases because there's such a lot of responsibility associated with them.'* (Helen, Practice Manager)

'Risk' has become some sort of status icon whereby it has created this divide between qualified and unqualified workers resulting in unqualified workers only being able to carry the lower risk, less complex cases. Practitioners therefore have increasingly sought to 'up-skill' themselves so that they can work with the 'juicier' cases such as those like Kevin or Will (case studies, see Appendix Two):

*'My youth justice degree was hard work but actually interesting and well worth it in the end. I did it whilst I were working so it took four years; I finished it 2 years ago, so I've been qualified 2 years. I'm not in a qualified post, I'm waiting for one to come available but I have worked in an 'act up' post previously. Being a qualified worker, that's me, that's what I've done the qualification for to work with those difficult risky cases.'* (Stella, Q.YOT Worker)

Stella had specifically completed a youth justice degree in order to become a qualified practitioner yet as she worked at the same YOT as Anna, both were faced with a shortage of qualified positions and competition for them was high. Anna explained her position:

*'I'm hoping there's a permanent post coming through the system at the moment; I'm going to apply for that. I would really like to continue being in a [qualified post] because it means that we get to work with the more risky young people and more complex needs which I love, I really do.'* (Anna, Q.YOT Worker)

Pursuing the desire to work with risk has resulted in more and more practitioners seeking further education and training in order to move up the employment scale<sup>47</sup> (often at their

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<sup>47</sup> Qualified workers earn more money than unqualified workers.

own expense) and keep their caseload, in light of the scaled approach, challenging. Yet the divide by qualification has resulted in some considerable tension over the valuing of what has been referred to as a 'piece of paper' over a practitioner with relevant experience usually of many years. Jones (2002:15) has commented that 'all youth justice knowledge and practice prior to 1998 was attempted by the YJB to be expurgated' whereby 'whatever was to count as evidence, the skills and experience of youth justice practitioners were definitely not' (Smith, 2006: 79). The divide had existed for several years within the team but it was not necessarily of daily concern; this was until the introduction of the explicit risk-led scaled approach which placed the divide back at the fore front of daily practice as practice managers now have to consider the qualification status of a practitioner when allocating cases. The scaled approach has made it so that it is necessary for there to be an explicit divide in YOT management's eyes of qualification in order to ensure that those cases where the risk level is high or very high in terms of either risk of serious harm to others or vulnerability, that those young people are supervised by a qualified worker. All of the YOTs had this policy written in policy procedural documents and it was used in practice by management. It is unclear however when looking at such documents what the reasoning behind such a policy is. For example, one policy document entitled 'Managing Risk in the Community Procedures' (YOT Policy Document 1, 2013) explains the roles and responsibilities of primary/secondary case holders, practice managers, team managers, before giving detailed definitions of risk but it does not explain why it is necessary to have a qualified worker to deal with risk. There is recognition in the introduction that the document is:

*'one of a series of measures being taken to move YOT practice away from undue emphasis on recording and compliance with targets and procedures to practice which empowers front line staff to focus attention on the understanding and management of risk as a meaningful professional activity, requiring sound professional judgement.'* (YOT Policy Document 1, 2013)

The document further details that it:

*'Seeks to enable managers to balance accountability and performance management with developing and supporting professional expertise.'* (YOT Policy Document 1, 2013)

The notion that the management of risk should be viewed as a 'meaningful professional activity, requiring sound professional judgement' perhaps gives an indication of some of the

thinking behind the qualification divide; the management of risk is part of the job regardless of your personal opinion about it. Whilst any members of a YOT team can (and are expected to) report any concerns they have about a young person in relation to risk to themselves or others, it is primarily a responsibility of the case holder to assess and deliver interventions in relation to reducing that risk. It is commonplace in other agencies such as probation to have a system whereby those with particular qualifications (namely a social work degree or Diploma in Probation Studies, see Deering, 2010) hold the higher risk cases. Such a system has been criticised within probation for creating a 'two tier' workforce of differently qualified staff with potentially very different orientations to their work (Deering, 2010; Robinson et al, 2014). A two-tier workforce has been created in YOTs through the scaled approach and the increased pre-occupation with risk. It is not just the practitioners who are expected to be held accountable should there be for example, a serious incident, but also the organisation itself. The rise of serious case reviews and high profile failures such as Baby Peter and Dano Sonnex (see Fitzgibbon, 2011) have helped to create a move towards the blaming of 'the system' and individual practitioners rather than a sole focus on holding the perpetrator/offender responsible. Some practitioners appeared to be unclear as whether they would be held accountable/responsible should there be a serious incident/case review:

*'I think your qualification puts you in a position where experience wise you'd have the ability to be making the decisions. But you're never on your own, we have procedures, like risk panel, we have our team managers so obviously it's not solely 'you're responsible.' I think ultimately it does come down to accountability but not 'you're responsible', it wouldn't be pointing fingers I don't think.'* (Megan, YOT Social Worker)

Megan (YOT Social Worker) commented that she thinks the qualification, in her case a social work degree, puts her in the position where she has the ability to make decisions. There is a contradiction in her statement as just because you have the qualification to allow you to be a qualified worker it does not necessarily mean you have the necessary experience to make the decisions required when working with young people scored as high risk or who have complex needs. Having years of experience of making the decisions and seeing the consequences arguably would put practitioners in better positions than those who have not had any real-life experience but have a relevant qualification. This contradiction then raises the point that those practitioners who have been trained over the past decade during the advent of the risk managerialist based approach will have been educated in managerial processes, targets and tasked based working so that they fit with current stance of the YJS.

They will then have an appreciation for recording, meeting targets and performing things 'right' perhaps over youth justice workers who practiced particularly in pre-YOT times where the emphasis was different; there was more of a focus on the young person with the welfare and justice scales more balanced (see Haines and Drakeford, 1998). Moreover, those who have completed training in the last decade will have been taught about risk factors (Stephenson et al, 2010) therefore potentially are more accepting of Asset and its evidence base however faulty it may be (Case and Haines, 2009). This was evidenced by there appearing to be a general consensus amongst practitioners who had begun to practice within the last 5 years struggling to appreciate some of their more experienced colleague's problems with Asset. This conflict between the valuing of qualification over experience continues to be difficult to understand, especially in the face of the 'shift in blame' that has occurred over the past few years.

In order to counter-act such a 'shift in blame', there has been an increase in bureaucratic processes such as the completion of additional documents and mandatory attendance at multi-agency meetings. For example, all of the YOTs had implemented risk panels whereby practitioners would be asked following the completion of a full Asset assessment,<sup>48</sup> to present a young person's case, if they were scored as high or very high risk, to their team manager and/or practice manager alongside colleagues (from multiple agencies) in order to discuss and check the progress of the case. Ruby (YOT Social Worker) referred to these meetings as:

*'It's like being at school as I have to go through the entire case file to prepare; it's like revising for a test. You're quizzed by managers on all your paperwork, why you're doing this, why you're doing that, its intimidating.'* (Ruby, YOT Social Worker)

There are specific time limits and protocols attached to these meetings, with practice managers for example being required to write up the outcomes of the meetings and record them on the relevant computerised young person's file on the same day. This drive for accountability means that qualified YOT practitioners are faced with an increased focus on their ability to write good, timely assessments; they are viewed due to possessing a degree or similar qualification that they have good analytical, critical thinking skills and the ability to sift through and digest information quickly (see Chapter 5 for further discussion). This has resulted in many of the qualified workers, somewhat ironically, feeling that their

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<sup>48</sup> Practitioners could request themselves to present a young person's case to the risk panel but being requested to, was more common.

qualification status has resulted in them becoming increasingly tied to the desk as they are the ones tasked by managers to complete the appropriate documents/reports:

*'If you get a kid and you think oh gosh they're gonna need a ROSH done now, that means an extra three pieces of assessment, a ROSH, an RMP, a VMP, it's a massive impact on your workload. That's what happens to qualified workers in a sense, more and more all we do is sit and fill in paperwork cause most of our kids are gonna be high risk offenders so they're gonna require all these documents on top of their Asset.'* (Sarah, YOT Social Worker)

Given that the direct work with young people was what any practitioner within the YOT wanted to do, referring to it as the 'real work' and the 'most important part of the job' taking the qualified practitioners away from that affected their morale and occupational identity. Worryingly, Carrie (YOT Worker) disclosed that there had been a move to make such a segregation of work permanent within her YOT where other agencies would deliver the direct intervention with the young people. This move, not dissimilar to one that has occurred in probation (see Robinson, 2005), would have resulted in 'a new style of delivering supervision based on a new understanding of offenders as 'actuarial subjects' to be assessed and then 'managed into' appropriate resources (Robinson, 2005: 309). The scaled approach has helped to re-enforce and somewhat justify qualified practitioners potentially becoming 'full time box-tickers'. The pressure on qualified practitioners to perform to the expected standards of managing risk as well as to deal with the complex and often chaotic lives of the young people who particularly characterise the 'high' or 'very high' risk score categories of the scaled approach is of concern, in particular to practice managers who see the practitioners daily. In order to try to reduce this pressure practice managers considered the levels of risk that a practitioner is managing as part of their case allocation process. This was helped by the aforementioned restructure whereby practitioners could work with a range of sentencing options rather than just being specialised in one or two orders. As practice managers looked at the risk levels of the young people who practitioners were working with rather than just focusing on the type of order (and naively assuming that because a young person for example was in custody they were in need of a qualified worker), they were able to distribute the 'risk' more evenly. Bill (Practice Manager) referred to this as '*balancing out the case load*', an important process in his view to make sure that practitioners were able to cope with their workload. There was an opposite side to this allocation process as practice managers also revealed that when looking at the risk levels they considered who might need



a challenging case<sup>49</sup>, with a view to as Bill put it, *'keeping practitioners skilled' or 'giving them a case to get their teeth into.'*

Since the introduction of the scaled approach, co-working has become an increasingly important practice. This is because it can help to reduce the tensions created by the approach through allowing unqualified practitioners to still work with higher risk/complex young people, they just have to work alongside a qualified practitioner; it is a way of handling the risk divide. The qualified worker will take the lead on the assessment and planning of interventions with the young person, whilst the 'unqualified' worker generally will deliver the appointments and work with the young person for example, delivering reparation. On the surface this seems to be a clever way of YOT practice managers managing the qual/unqualified divide yet in the face of financial cutbacks and staffing shortages, it is of increasing concern to YOT senior managers about whether it is necessary. Bella (Team Manager) explains:

*'Co-working is an interesting point because in terms of that apparent use of resource, that's not necessarily looked on kindly by the powers that be, because it's well why do you need 2 people on this case? Rather than taking the bigger picture view to say well cause sometimes we can offer a different perspective and that may be helpful in a more, holistic picture of that young person, their circumstances and why they offend.'* (Bella, Team Manager)

Bella stated that such a practice *'will be a really interesting one to watch'* especially as it appears to be unclear as to its approval status with senior managers. It was also vague as to how the practitioners themselves felt about the co-working policy both in relation to qualified and unqualified practitioners. The co-working policy results in qualified practitioners having larger caseloads than other team members because of the additional supervisory role that they have, often this appeared to be forgotten. Some of the 'unqualified' practitioners, viewed working with a qualified worker on a case as extra 'support':

*'It allows for people to work to their strengths, some people are good at assessments, others at doing the interventions. It's about supporting one another to support the young people.'*  
(Philip, YOT Worker)

Whereas, for others who were unqualified, they viewed the co-working policy as extra supervision:

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<sup>49</sup> A practitioner who is carrying all low/medium risk young people and perhaps with some cases due to finish would, according to Bill (Practice Manager), be given (should other criteria fit) a higher risk/more complex case.

*I think you just get that extra supervision if you've got the higher risk ones if you're an unqualified worker rather than a qualified worker.'* (Alice, YOT Worker)

The idea of extra supervision was tangled up with the practitioner's perception of trust, viewing the co-working policy and the addition of a qualified worker to the case as an extension of the increased preference for qualification over experience. This made Mary (YOT Worker), for example, particularly despondent about her position in the YOT:

*'It makes me feel pretty low to be honest, I have over ten years' experience working in the YOT and before it even existed. Some of these people joining the team now are fresh out of uni and have no experience. I don't understand why they are valued more than me.'* (Mary, YOT Worker)

The lack of a qualification prevents those 'unqualified' practitioners from engaging in the assessment process which is seen to be core-work of the YOT. 'Unqualified' workers were concerned about being 'deskilled' by the division of labour that was occurring through co-working. This was combatted in some YOTs where there was a strong sense of team unity by allowing those YOT workers who had been writing assessments for years to do so; there was a qualified worker attached to the case but they were present essentially in name only:

*'What we're trying to do because we've got YOT workers who have been here for years, so they can do ROSHs and RMP's and they do them now but they might just say can you check it kind of thing and that's fine or they might just do it and get it on with it. It's just if anything happens they have to be seen to be having qualified worker oversight.'* (Sarah, YOT Social Worker)

By allowing the so called 'unqualified' workers to be involved in the 'core business' of the YOT, it boosted their self-confidence and kept them feeling as valued members of the team. Helen (Practice Manager) was particularly keen for those 'unqualified' YOT workers to hold high risk cases as she recognised that they were very skilled:

*'We have these so called 'unqualified'- I hate that, I really don't like that term, 'YOT workers'. They will hold cases but officially they don't hold high risk or complex- or they shouldn't. They don't hold high risk cases and shouldn't hold complex cases but actually because they are very skilled often they do, they are involved in that area of work.'* (Helen, Practice Manager)

Whilst some of the unqualified practitioners strived to keep themselves involved as much as possible in all aspects of YOT work, others felt that given the increased focus on risk-based

managerialism and increased levels of blame towards front-line practitioners if things went wrong (Fitzgibbon, 2011) they were lucky to be considered unqualified to hold such unpredictable and 'risky' cases. Fred (YOT worker) stated that there was no enjoyment in the job anymore for him because of the increased bureaucracy, so when the qualification divide was reinforced by the scaled approach, he was quite happy to be told that he was not going to be able to hold high risk or complex cases as he *'did not get paid enough to play the blame game'*. Sarah explained what a YOT worker's caseload would be and the difference in comparison to hers:

*'A YOT worker in terms of caseload will have more kids who are on lower intensive orders so they might spend a bit less time on the computer cause they won't necessarily have ROSH's, RMPs, VMPs for their kids whereas every one of my kids has got all them documents.'* (Sarah, YOT Social Worker)

For some of the YOT workers', not being tasked with completing this paperwork was 'freeing'; they were able to work directly with young people, what they came into the job for. Fergus (YOT Worker) particularly enjoyed the additional role he had as reparation officer because it meant he could spend time outside with young people, *'trying to affect change through doing old fashioned social work'*. He could not see himself having time for such a role if he was a qualified worker due to the copious amount of paperwork he would have to complete.

In order for co-working to work there needed to be boundaries put in place by the management as to the responsibilities of each practitioner within the partnership. Several practitioners were unclear as to what would happen should a young person return on a higher tariff order and increase in risk:

*'Obviously if you've got a young person you've worked with on a referral order then they come through with something more serious and higher risk, I would think that the case would still come to the person that they worked with on the previous order whether they were qualified or not.'* (Alice, YOT Worker)

*'If suddenly a young person became higher risk because of a change of circumstances ideally they should be taken off you but in the grand scheme of young person focused safeguarding, is that the right thing to do? Because the relationship sometimes with the YOT practitioner is often the only thing that's monitoring and managing that risk. So do you move that young*

*person to a different practitioner just because of that risk level? I think as a service this is where our boundaries aren't clear.'* (Megan, YOT Social Worker)

Helen (Practice Manager) believed that the relationship between the young person and their YOT practitioner was very important (see chapter 6) and she strived to keep a young person's practitioner consistent despite risk being one of the things she had to consider when allocating cases:

*'It's a big deal to me to try to keep that continuity going, it's really important that they have kind of a core person who they know is their first port of call in YOT. This team works really well together so if the more we find out about a young person the more riskier they become (which often then happens) it's not difficult to then perhaps if a YOT worker was working with that young person what I would look to then do would also allocate to a social worker or a probation officer so that the young person doesn't lose the relationship they may have begun to build with that worker but that worker, the so called 'unqualified' worker isn't left with the case by themselves, they get support from a social worker or a probation officer colleague.'*

*(Helen, YOT Worker)*

As risk is dynamic, it is likely that a young person's risk will increase as they become increasingly entrenched in the YJS. This means that to have such a static policy as the qualified/unqualified divide could be read as would have resulted in young people such as Liam and Will (case studies; see Appendix 2) constantly changing case worker. Given that it is often the relationship between the practitioner and young person which can be the most important factor when it comes to desisting from crime (Burnett and McNeill, 2005; Robinson, 2014); it is significant to note that co-working, either official or unofficial, is being used by YOTs as a way to satisfy the demands of increased managerialism and accountability whilst maintaining the consistency of practitioner that young people desire.

## **Summary**

This chapter has sought to explore YOT practice through looking at the organisational culture and occupational identity of the practitioners who work within it. It has become clear that there are a variety of reasons why practitioners do the job that they do influenced by their background and life experiences. This has been an important discussion as the reason why practitioners do the job that they do influences the way they work with the young people under their supervision. Crucially for the purposes of this thesis, how practitioners assess those young people will be influenced by their particular backgrounds and motivations. A

YOT team is a fascinating place because of all the walks of life that the practitioners within it come from, as Anna (Q.YOT Worker) summarises:

*'One thing I really do like about youth justice is that we've got staff from all walks of life, all backgrounds, we've got lots of different qualifications. So we don't just take social workers obviously, I'm a youth worker, we've got probation staff, we've got ex-teachers, people with psychology degrees, so it's quite a good mix mash of people. And you know people might not disclose this to you when you're interviewing them but I know that we've got staff that have gone through difficulties in their life and it's made them who they are today and made them want to you know give back.'* (Anna, Q.YOT Worker)

Whilst practitioners at times are unified in their reasons for doing the job that they do, the aims of youth justice policy still remain 'ambiguous' (Souhami, 2007). Despite the fact that the aims of youth justice policy may be unclear there are common core characteristics that can be found which demonstrate that there are some unifying characteristics about YOT practice culture. The 'pressure to produce', instances of group solidarity and social isolation, management of the self and fight can be found across all YOTs. They are features of YOT practice cultures; a culture which is dynamic and shifting as it faces and responds to the current challenges of youth justice practice. This chapter has also discussed how team structures have been affected by the increased focus on risk illustrated through how the scaled approach has altered the way YOT teams operate. Using Souhami's (2007) account of the changes that took place in 1999 as YOTs were formed as a guide, it was evident that there had been three major changes taking place since the inception of the scaled approach. The first was the loss or retreat of practitioners from host agencies such as the police as the services went through the economic recession resulting in significant job cuts. Secondly there was evidence of YOT's actively restructuring as they faced up to the demands of local authorities and the YJB to make significant savings; this, in some cases, forced the third change to occur which was some YOTs moved premises due to changes in team size or cost-cutting. The impact that the Scaled Approach has had directly on YOT team structures was discussed with the focus being on the change in how teams were organised, from specialisms to being organised by area. The final discussion that took place was about the qualification divide which has been directly linked to the scaled approach. The next chapter will focus on the core business of YOT practitioner's work which is assessment, exploring how risk has impacted on this key element of youth justice practice.

## **Chapter Five: Assessment, Risk Factors and the Scaled Approach**

*'Increasingly I think of risk as something that the system is obsessed by and not in a healthy way.'* (Helen, Practice Manager)

*'The whole process that young people are reduced to numbers, I find that uncomfortable, it doesn't feel right.'* (Barbara, Q.YOT Worker)

### **Introduction**

One of the main roles of YOT Practitioners is to complete an Asset assessment including where indicated a ROSH, RMP and VMP. Following this assessment an Intervention Plan is completed using information drawn from the Asset, which will set out what a young person is going to do over the course their court order (a plan covers 3 months). There are National Standards (YJB, 2013e) and Case Management Guidance (YJB, 2010b; 2010c) which direct practitioners in the completion of these tasks. The Scaled Approach is tied to Asset in that the Asset should be completed first with the scoring used to determine the young person's intervention level. This chapter will first discuss practitioners understanding of assessment and risk management before moving on to explore criticisms of the Asset assessment documents. It will then consider the Scaled Approach and the impact it has made on practitioners and young people in the YJS. This chapter should be read in conjunction with the young people's case files which are presented in Appendix Two.

### **Youth Justice Risk Assessment**

Assessing young people in terms of three key areas is part of the core business of YOTs. A young person's risk of reoffending, risk of serious harm (to others) and vulnerability are the three major areas of concern that practitioners have to explore using the Asset tool. Assessments, are the outcomes of 'negotiated actions' (Rhodes, 1997); they are constructed by practitioners using their skills and professional judgment but these are mediated by the occupational identity and organisational culture of the team that they have/work in. Assessments are socially and organisationally constructed (Kemshall, 1998b:206); a practitioner's decision-making is impacted upon by the wider social and political concerns occurring at the time. Lupton (1999:29) states that 'a risk is never fully objective or knowable outside of belief systems and moral positions: what we measure, identify and manage as risks are always constituted via pre-existing knowledge and discourses.' The decisions that practitioners make in relation to assessing a young person are situated in a context of

interaction between the practitioner’s value base, knowledge base and agency (see Figure 4 below).

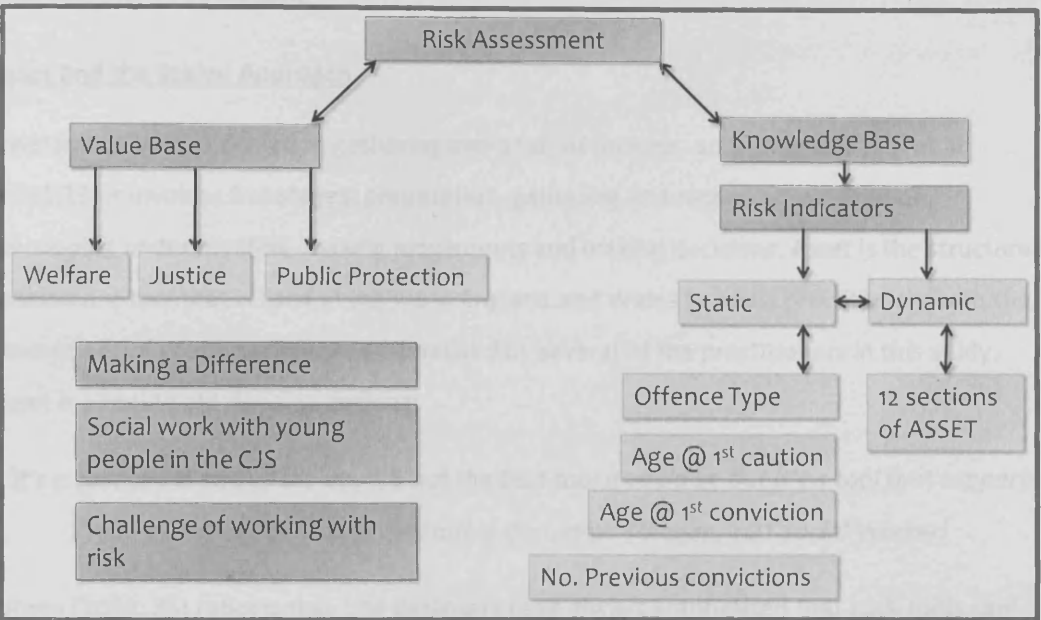


Figure 4: Risk Assessment in Youth Justice (adapted from Kemshall, 1998b)

Practitioners have agency, they have value systems and their own reasons for doing the job that they do (see Chapter 4) which influence the way they construct risk assessments as Megan explains:

*‘There’s obviously a balance of welfare and risk-led, that’s why my opinion is different from somebody else but it doesn’t mean either of you are wrong does it? It means you’re both coming from different approaches. Those approaches influence how Assets are done.’*  
(Megan, YOT Social Worker)

Practitioners in organisations like YOTs ‘construct and enact in worlds that, in turn, affect their behaviour. What they study is what they become knowledgeable about and skilled in carrying out’ (Cooperrider et al, 2008:33). Risk assessment affects every element of YOT practice; the focus is not just on risk assessing young people and their behaviour but also on the smaller everyday decisions practitioners have to make (should a practitioner go alone on a home visit, should they see a young person in the community or at the office for supervision and so on). The task of risk assessment generates its own risk and ‘creates new dangers’ (Beckett, 2008:41) because the policy preoccupation with risk means that practitioners ironically end up spending less quality time with young people and more time on the ‘less risky’ task of risk management procedures (completing assessments on the PC).

Risk management processes and procedures impose new risks on practitioners, i.e. they will miss deadlines. Working as a YOT practitioner is now full of risk without the young people even needing to be present.

### **Asset and the Scaled Approach**

Assessment is an information gathering and analysis process; according to Baker et al (2011:13) it involves five stages: preparation, gathering and recording information, developing understanding, making judgements and making decisions. Asset is the structured assessment tool that is used in the YJS in England and Wales to assist practitioners with the assessment of young people. As emphasised by several of the practitioners in this study, Asset is a tool to aid decision-making:

*‘It’s a tool at the end of the day it’s not the best tool it could be but it’s a tool that supports you in making decisions, defensible decisions.’ (Megan, YOT Social Worker)*

Whyte (2009: 85) reflects that ‘the designers have always emphasised that such tools can only ever be aids to practice and, in effect, are only as good as the practitioner completing them.’ The completion of such a structured assessment requires practitioners to have ‘a set of skills in terms of the methods they employ and the way in which they process information’ (Skills for Justice, 2008). Yet Bella (Team Manager) made the following comment about the focus on assessment skills within youth justice:

*‘I think that critical thinking skills are probably less current than they used to be and I think that’s partly to do with education and training and how people are prepared and supported. So I can’t just say to somebody well you’ve got to make an analysis cause they’ve got to understand what an analysis is and how to inform their sort of conclusions.’ (Bella, Team Manager)*

Likewise, Helen (Practice Manager) was not sure that senior managers<sup>50</sup> within the YOT understood the difference between making an assessment and writing it down:

*‘We’re asked to write critical, analytical assessments which of course we should be doing but we have practitioners in this team who do not have the experience of critical and analytical working environments, so they haven’t done a degree for example. So I think sometimes we ask practitioners to write assessments in a way that we’ve never trained them to do and we’ve recruited them on the basis that they’re not graduates. I suppose why I’m saying that is*

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<sup>50</sup> Who are responsible for the creation and interpretation of youth justice policies.



*I think of that critical analysis skill as being a graduate skill. I think our ability to assess is judged on how we write assessments and I think that is different than judging our assessments on knowledge a practitioner has. I think what can happen is people will say this is a really poor assessment and what is actually the case is its written poorly, that's not the same as a practitioner not understanding that young person. It's a bit of a battle I'm engaged in at the minute as I'm struggling to get senior managers to understand that there's a difference between thinking critically and writing critically; that isn't acknowledged in YOT at all.'* (Helen, Practice Manager)

The skills to make assessments of young people and their behaviour coupled with the knowledge base of what works when it comes to reducing offending are key elements of what it is to be a YOT practitioner. Yet the central argument that has been postulated with the introduction of Asset is that because of its standardised and actuarial nature practitioners are being controlled, neutered and deprofessionalised (Eadie and Canton, 2002; Pitts, 2003; Smith, R, 2006). Now with the introduction of the Scaled Approach which is intrinsically linked to Asset, such criticisms need to be reconsidered.

### **Asset- Labour-intensive**

Completing an Asset is a long and laborious task:

*'I'll never get on to the court report as I'm still doing the Asset, it takes me like 3 years to complete cause it's so fucking long. I find it very difficult when you've only met someone once to make that much of an assessment.'* (Janet, YOT Worker)

*'After a bit of time I'll probably get a bit quicker with them, but they do take quite a long time.'* (Alice, YOT Worker)

Alice explained that if she had a new Asset to complete for a young person who was a first-time entrant to the YJS, she would set aside a block of time (she estimated approximately four hours) where she would try to find a quiet space to work in the office in order to complete the document. When in the YOT offices, you could usually tell who was working on an Asset document or a PSR for example, as it was likely that they would be wearing earphones in order to block out the noise of the open-plan space. Alice stated that if she suspected that a ROSH, RMP or VMP would be triggered then she would set aside a longer period of time. Such a process appeared to be common place with practitioners using their judgement in order to 'roughly guess' where a young person would score in terms of the

scaled approach prior to them having completed the actual Asset document. Alice further explained that if she was allocated a case where a young person had been in contact with the YOT before, she would complete the Asset from fresh rather than editing the existing Asset as she liked, being in the early stages of her YOT career, to know it was done 'properly'. This related to her previous experience of being allocated the case of one young person who was half way through his order when his YOT worker left the service. She found his Asset difficult to follow and understand due to the way it had been completed (old information had been continually added too) resulting in her feeling 'unprofessional' when it came to working with the young person as she had to ask him lots of questions in order to gain an understanding of his current circumstances because the document was written so poorly.

Despite risk factors being dynamic and ever-changing (Kemshall et al, 2013), the Asset document of which young people are only meant to have one of on their case file, is not dynamic; it does not allow for easy updating and reviewing.

*'I think the actual tool, as in how you use it, is a pain because to review it, close it or update it, it's really difficult as there's not a particular consistent way of doing that. I'm constantly being really irritating to folk and saying how do you want me to do this because some people keep all that information in from previously and date it you know e.g. 'end Asset', some people take out some information but leave it and then title that 'historical relevant information', whereas some people, which is what I've start to do, take everything out knowing very well that its case staged<sup>51</sup> and assess it at that moment in time.'* (Stella, Q.YOT Worker)

Most practitioners complete it as a word document or as an internet-style form which has limited functions in terms of the way it looks and is saved by the computerised case management software. Due to its status as 'core profile' (YJB, 2006), it is the place where information should be recorded in relation to changes to a young person's circumstances such as living arrangements, substance use, mental health, however because of the way the Asset is presented on the computer system it is really difficult for practitioners to easily update meaning most choose to input new or altered information in as a recorded contact<sup>52</sup>. This is in a separate location to the Asset and usually does not follow a young person should they transfer to a different YOT, the Probation Service or to the Secure Estate. The contact record is, as it states, a record of all recorded contact either with a young person or about a

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<sup>51</sup> Assets are recorded as either being 'start', 'review' or 'end' Assets on the computerised case management software that this YOT uses meaning that the system will reflect what stage of a young person's order it is connected too.

<sup>52</sup> This is normally with a view to then inputting it into the relevant Asset section when it comes time to review it, however given many practitioners are under the 'pressure to produce,' time to do this is highly unlikely.

young person; it can be a long list of interactions of varying detail. This practical difficulty with Asset was evident in several of the young people's case files that were accessed where information was recorded in the contact record which should have been in the Asset document but was not. This has an impact now, because of the scaled approach, in that if the information is out of date then the young person is not being assessed on their current circumstances and therefore not scored accurately. On the other hand, because of this problem some practitioners have resorted to leaving historic or previous information in the Asset through fear of losing it or it becoming relevant in the future; this makes the evidence boxes within the dynamic sections in particular, look messy and because of the conflicting information which is often present, makes the scoring of the section questionable. An example of this can be found in Liam's Asset where the evidence box in the Lifestyle section does address the tick box questions yet it is out of date. It refers to 'previous YOT records' when discussing Liam's choice of friends stating information that refers to Liam as being 16 with him hanging around with younger peers. He is not 16, he is 17 and at the time of this being updated he would have been 18 so this information is long outdated and no longer of relevance. Moreover, the Neighbourhood section in Will's Asset identifies that there are obvious signs of drug dealing and/or usage within the locality that he lives in. The evidence box presents a mix of current and previous information with it being clear that Heather (Will's YOT Social Worker) believes where Will resides is of significant concern. She comments that:

*'Will's family have been known in the area where he chooses to spend a great deal of his time as part of the drug using community. This has caused trouble for Will with other young people for which he feels he has had to either defend himself against or to avenge comments made about him, his family and his mother.'* (Case Study: Will's Asset)

It is unclear whether these comments are of current concern as it is also noted within the evidence box that Will's mother has recently moved to the next town; the information has, it would appear, been added to the evidence box with the text already within it having been ignored. In both these examples, the scoring of the section becomes questionable because the information is confusing. As the score directly impacts on the young person's intervention level under the scaled approach this could result in unnecessary criminalisation with the young person being seen at a higher intervention level than was actually warranted because the Asset has not been appropriately reviewed or edited.

Most practitioners cited Asset's repetitive nature as being incredibly frustrating:

*'A lot of it seems quite repetitive, it's really annoying. Thinking which bit should I put this bit in, well I should kind of put it in both because it's kind of relevant for one section and another means you copy and paste information around.'* (Alice, YOT Worker)

*'It's repetitive which is frustrating; I don't think it's the best use of time.'* (Megan, YOT Social Worker)

The repetitive nature of Asset is a serious concern in relation to the scaled approach as it was evident in a number of the case study young people's Asset's that information had been repeated in several sections of dynamic factors assessment resulting in young people being scored repeatedly on the same information. This, in similar fashion to the leaving of outdated information in the evidence box may result in young people receiving a score and intervention level which is inaccurate and most likely to be unnecessary. This then, ironically, may put young people at greater risk of breach because the intervention level may be too much for them to be able to manage or they cannot understand why they need to be seen by a YOT worker so often. For example, in George's Asset it is commented by his YOT worker in the ETE section that boredom is a factor in his offending:

*'Since George is not attending college and his mother is covering for him I am scoring this section 2 as he clearly has too much time on his hands which could lead to offending behaviour through boredom.'* (Case Study: George's Asset)

His YOT Worker then comments again in the Lifestyle section that boredom is connected to George's offending behaviour linking it again to the justification for the score given:

*'George does admit that boredom is a contributory factor in his offending behaviour, however he does acknowledge that boredom is no reason to keep getting into trouble. I am re-scoring this section 2 due to the fact that George is not involved in any positive activities and he can behave in a reckless manner especially when he is bored and under the influence of alcohol.'* (Case Study: George's Asset)

George has been scored twice on the same issue; when Cheryl (his YOT Social Worker) was asked to explain how she had completed the Asset, she said she had followed its questioning and not really considered that she was repeating information as she was trying to link the sections. This is a balancing act for practitioners in that they need to avoid repeatedly scoring young people on the same issues but they also need to illustrate how certain issues are interconnected. The effects risk factors have on the likelihood of a young person offending have been characterised in a variety of ways; they are not just considered to be predictive

which is the view that Asset takes. They can be interactive (Cashmore, 2001), overlapping (Kraemer et al, 2001) or multiplicative (Farrington, 2007). If the interventions that a YOT practitioner delivers are to be effective then the interconnected nature of risk factors is important and needs to be considered by practitioners as they may have to design interventions that address more than one risk factor at once. Tied in with the notion of repetition is the problem of 'copying and pasting' information across sections and even at times across young people's Assets in general. Often done to save time, through copying and pasting information, practitioners are not engaging with the 'analysis' stage of the assessment process (Baker et al, 2011). This is where practitioners can explain, individualise and contextualise their thinking behind their answers to the tick box questions. Copying and pasting is doing them and the young person who they are writing the assessment for a disservice especially as the Asset is what informs the young person's intervention plan (YJB, 2010c).

### **Loss of the Complexity of Risk**

One of the major criticisms of RFR and subsequently Asset is that it has over-simplified the complex nature of risk through crude factorisation (Case and Haines, 2009) where young people's lived experiences are aggregated into a score of 0-4 by a YOT practitioner. The tool is an actuarial form of assessment (despite Baker (2005) arguing against such notions) meaning that the score Asset gives the practitioner upon its completion is based on quantified assumptions regarding behaviour, attitudes and characteristics. For example, complex family problems, ranging from separated parents to the lack of discipline shown by the parent(s) which individually have different effects on a young person's risk level, are all grouped together and reduced to a quantified score, based on a judgement of their aggregated association with the likelihood of future offending. This subjective assessment is then translated into a numerical score ranging from 0 (not associated at all) to 4 (very strongly associated) (YJB, 2006:4). An assessment has to be made by the practitioner as to whether or not there is a link between a set of circumstances and a young person's offending behaviour yet the competing priorities of welfare, justice and risk make the scoring of the Asset even more complex. Now with the Scaled Approach, scoring has even more of a focus in that it now determines the level of intervention a young person will receive (prior to the Scaled Approach intervention levels were determined by the type of order a young person received (see YJB, 2004b)). Most of the practitioners appreciated the clear direction that the Scaled Approach provided them in terms of the intervention level a young person should

receive, making comments such as *'practically it's very helpful'* (Mary, YOT Worker). Carrie described how she interpreted the scaled approach levels:

*'The majority of the kids will fall into enhanced; if they fall into standard perhaps they should never have been on a court order in the first place. We've got a couple of kids at the moment that are on a YRO that have scored an Asset score of 6 or 5 out of 60. They don't need us, they're both in college, they're both employed, they've not got any previous, they're both 18 in August so they're not gonna offend again. It's just like why are we bothering? So you've got your standard, a lot of the kids end up at enhanced and then we have a few on intensive; for most of the intensive kids it's really about the risk.'* (Carrie, YOT Worker)

Practitioners are more favourable towards an assessment tool if they can see its relevance to other aspects of their work (Baker, 2005: 113); with the introduction of Scaled Approach, Asset had a renewed purpose in that it now had to be completed on time and prior to a PSR or other report being written. Sarah explained:

*'We were always meant to do the Asset and then the report but because of time constraints, often I was writing the PSR on the Tuesday morning for court, I'd do the report in the morning and the Asset afterwards. The scaled approach changed things in a sense because obviously we have to do the Asset first whether we like it or not now to determine the score, to determine the level of intervention. It's forced us to go back to way it should have been done, but when it comes to priorities if you've got a report and an Asset, you have to do the report because it's due in court.'* (Sarah, YOT Social Worker)

In spite of Sarah's comments, there was still clear evidence at several of the YOTs that Assets were not being completed prior to the writing of court reports. Practitioners would conduct their interview with the young person for the dual purposes of the Asset and the court report, gathering information about the offence and the young person's life. They would then 'pause' with writing the Asset, focusing on writing the PSR/court report as it was likely that the deadline for this was more imminent than the Asset's deadline. It is understandable when there are competing deadlines and priorities at play why practitioners do not 'write up' their assessment prior to writing the court report. Yet, by not doing this they are not engaging in the process of analysis; tools like Asset can assist to distinguish between facts, descriptions and inferences/judgements (Baker et al, 2011:75). By not inputting the information on to the Asset, it is difficult to see, no matter how skilled the practitioner is, how they can synthesise the large amount of information that they gather in relation to a

young person without using some sort of structured tool to guide them. Anna (Q.YOT Worker) details where she gathers information from when writing an Asset:

*'I'd start doing all me checks, like the first thing I would be doing is emailing our police officer to see if they could give me any intelligence on the address, parents, young person. I'd be speaking to schools or colleges pulling all that information together. Obviously speaking to that young person and their parents or if they're looked after, the care home, pulling information through that. I'd look for previous information that we hold if they've been subject to other orders. Anyone that that young person deems as important in their life I would be in contact with, so it's about just gleaning as much information as possible. Then going back to them and checking information out with them, because one interview is just, you know, just not enough.'* (Anna, Q.YOT Worker)

Brandon et al (2008:3) comment that 'it is what is done with information, rather than its simple accumulation that leads to more analytic assessments and safer practice.' By leaving the Asset to be completed after the PSR is written, there is a question to be raised regarding the scoring and subsequent level of intervention that a young person is given. If the practitioner has not completed the Asset then how will they know what score a young person is going to receive and subsequently what intervention level they will be? A practitioner may have a rough idea of how they are going to score a young person in terms of the dynamic sections yet this is not fully fixed until they complete the Asset and the computerised risk assessment software generates the total score including the static factors. What happens if the practitioner recommends a young person is to be sentenced to a YRO with supervision requirement where they will be seen on the enhanced level in the PSR which is then imposed by the court. Then the YOT practitioner completes the Asset (after the sentence has been imposed) the score is calculated and it comes out higher or lower than what they had previously stated; does the practitioner then manipulate the score so it fits with their initial recommendation in the PSR or do they see the young person at the level they are now assessed as needing? If this is lower than what they recommended to the court then what does that say about the credibility of the magistrates or judge who sentenced the young person? The following extract from my fieldnotes illustrates a similar instance:

*'One particular case which was discussed at a court team meeting was that of a 16 year old female who was charged with wounding. She was in the situation of being either eligible for a referral order or a DTO (custody); the conclusion of the manager and practitioner was to recommend a referral order at level intensive under the scaled approach. Janet had not yet*

*completed her Asset (the report was due in a week's time); commenting that she'd 'never get on to the court report as I'm still doing Asset' (Janet, YOT Worker) a sentiment everyone else in the room sympathised with. The manager asked Janet if she had 'any feelings' about where the girl would come out, medium risk she said. 'Well it doesn't matter given what we're recommending', the manager responded. The condition of being put under the 'intensive' level of the scaled approach was excused through the repeated statements of the team manager saying 'we can always put it down afterwards'. Whilst the scaled approach does have this facility, it is common practice for practitioners to see young people more often than they are required to in most circumstances with such interaction seldom being recorded.'* (Fieldnotes, 09/07/13)

There was clear evidence of 'repressive welfarism' (Phoenix, 2009) occurring through the discussion had about the above young person, the idea that she needed 'saving from custody' meant that an intensive and potentially unwarranted level of intervention was required in order to look like a 'robust' alternative to the court regardless of where she came on the scaled approach intervention level. The dearth of welfare services for young people, young girls in particular, has resulted in practitioners trying to offset this by scoring assessments higher so that they create a justification for keeping that young person under YOT supervision. It was apparent that YOT practitioners took it upon themselves to be the point of access to services that they thought a young person *might* want or need; without their intervention it was assumed that the young person would not get access. Janet (YOT Worker) commented for example about the above young woman that '*well for her own good she may need easy access to services*'. To qualify for an intervention, young people must demonstrate some form of deficit, such as being involved in the CJS; Goldson (2005) argues that this is due to the prioritisation of risk as a guide to appropriate intervention meaning that services are drawn along negative lines. This means that young people have to be identified or assessed as being 'at risk', 'high risk', and/or 'posing a risk to themselves or others', in order to qualify for intervention. This all compounds into a complicated situation where there is the potential for over-criminalisation and a fast-track to breach, because of this repressive welfarism oriented approach. Practitioners see themselves as compensating young people (especially young women and looked-after children) by providing (easier) access to welfare services for the perceived suffering a young person has had at the hands of other organisations (Children's Social Care for example) or the poor time a young person has had in the care system. Yet whilst doing what they think is best for the young person,



practitioners are failing to recognise the negative impact an association with the YOT and YJS can have on young person (see below).

**Static Factors, Not So Static**

As the scoring is made up of both static and dynamic factors, practitioners particularly took issue with the static factor scoring as they had no control over what is a maximum of sixteen points. Sarah felt that the static factors made the levels that the scaled approach were set at unfair because:

*‘The static factors can tally 16 straightaway and that bumps you immediately into enhanced. So we often get young people who’ve met all those statics at an early age like 11 and before we’ve done the dynamic assessment (Asset) they’re already on enhanced. Then you can get them having several years offence free, commit something like a shoplifting offence age 17 and despite having gone 6 years without offending suddenly they are at the enhanced level because of the statics.’ (Sarah, YOT Social Worker)*

Several of the case study young people had high static scores which immediately put them either close to or straight in the enhanced intervention level before the dynamic assessment had been completed. For example, Will had already accrued the maximum 16 static factors even before he had been dynamically assessed; when his Asset had been completed he had amassed a score of 47 in total (16 static, 31 dynamic) meaning that he was pushed into the intensive bracket of the intervention levels by his static factors. Moreover, in Liam’s case because of his early involvement from age 12 in the YJS, he steadily has increased in static factors to the point where at times his static factors are the same score as his dynamic factors. They breakdown as follows:

Age at first reprimand= 12 = **4** + age at first conviction =15 =**3** + number of previous convictions = 4 or more =**4** = Total= **11**

Liam’s Scaled Approach record:

<u>Date</u>	<u>Static</u>	<u>Dynamic</u>	<u>Total</u>	<u>LoR</u>	<u>Intervention Level</u>
October 2011	5	21	26	Medium	Enhanced
November 2011	7	8	15	Medium	Enhanced
April 2012	10	14	24	Medium	Enhanced
July 2012	10	11	21	Medium	Enhanced
September 2012	11	11	22	Medium	Enhanced

September 2012	11	13	24	Medium	Enhanced
October 2012	11	13	24	Medium	Enhanced
January 2013	14	20	34	High	Intensive
July 2013	11	18	29	Medium	Enhanced

Table 8: Liam's Scaled Approach Record

As the record shows, Liam has ‘yo-yoed’ around the Scaled Approach levels since entering the YJS. As he has reoffended over the course of his YOT involvement, Liam’s static factors have steadily increased rising from 5 at the start of his referral order (age 15) to 14 just prior to the transfer of his case to probation (age 18). Such a high number of static factors consistently keep Liam at the enhanced intervention level. His dynamic factors at their lowest are 7 (at the end of his Referral Order in 2011) and at their highest are 20 at the start of his fifth YRO in January 2013. It was this and his static score (14) that pushed him into the intensive level for the first time, only by one point though. Liam did not have a supervision requirement attached to his order which, as he was assessed as needing ‘intensive’ support was potentially a good thing, as it is difficult to see how he would have coped with such an increase in required attendance at the YOT; especially given his compliance level with the enhanced level of intervention had been so poor. It appears on Liam’s scaled approach record that his statics factors change from 14 to 11. The point of static factors is that they are static (Ansbro, 2010: 257); yet somewhat bizarrely because one of the component parts is ‘offence type’ they can change according to the YJB (2009a) guidance:

*‘The young person’s static factor score is for their current offence(s), so if their current offence(s) do not include motoring or burglary offences then they will score 0.’ (YJB, 2009a: 10).*

The inclusion of the static factors according to the YJB (2009b) is that they increase predictive validity and accuracy. Whilst this may be the case, several practitioners actively felt that had to give due consideration to their scoring on the dynamic sections of the Asset because they were not sure as to what the static scoring would be:

*‘I’m quite careful about my scoring anyway but I think you do when you’re hitting like the higher levels and you know maybe that they’ve got a cluster of statics that are going to go on I think that’s where you do probably think about it a little bit more.’ (Kate, YOT Worker)*

Ansbro (2010: 257) argues that static factors are important especially as there is evidence from previous probation cases where they were ignored and the offender has gone on to

reoffend committing serious offences such as murder. Static factors need to be accurate to be relevant; like Bateman (2011:177) I question whether the inclusion of the static factors enhances practitioner's ability to assess risk. The data that has been used to determine one of the four scores which make up the static factor score total, 'offence type' is from 2003, which at the time of the scaled approach's creation was seven years out of date (Bateman, 2011:177). The Scaled Approach documentation uses the Asset evaluation (Baker et al, 2003) from 2003 as its basis for the offence type scoring determination where motoring offences score 4 and burglary offences score 3- any other offence scores 0. This is because at the time the research was undertaken, young people whose primary index offence was burglary or motoring offences were more likely to be reconvicted in the subsequent 12 months than those young people whose primary index offence was another offence type (YJB, 2010a:17). This is why, referring back to Liam, (see table 8) his static score increases from 11 to 14 in January 2013 as he is convicted of a burglary with intent, so the offence type score comes into play in relation to his static factors. The use of this out of date data reflects the philosophy of the scaled approach where score is indicative of the risk of reoffending per se without regard to the nature of subsequent law-breaking (Bateman, 2011: 177). Indeed, the YJB's own statistical data for 2012/13 (YJB, 2014a) shows that young people whose index offence is a 'miscellaneous crime against society'<sup>53</sup> are the most likely to re-offend (42.7%) with those who commit a robbery offence, the second most likely (40.4%). Both of these sets of offences are ahead of the two which the YJB preferences in the 'offence type' static factor scoring. The other components which make up the static factor score have also drawn criticism particularly in relation to the age at first reprimand/age at first conviction score. This is because if a young person has contact with the YJS from a young age then they will score the maximum of four points which they cannot change. The logic is based on actuarial analysis showing that early onset is associated with a higher risk of subsequent reoffending (Bateman, 2011:177). As certain groups of young people such as children in care are under greater surveillance than their peers, they are more likely to have an 'early onset' and come to the attention of the YJS earlier- this can be seen in the cases of Lucy and James who both enter the YJS at ages 12 and 10 respectively. They are immediately now, due to the static factor scoring placed at an additional disadvantage. Given the previous discussion in relation to young people automatically ending up close to or in the enhanced intervention level due to their static factors, it seems particularly unfair that an early offence should be regarded as

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<sup>53</sup> Offences such as breaches of bail, handling stolen goods, going equipped are included in this category (HMIC, 2014).

raising a young person's risk of reoffending especially as often there is no correlation between the offences committed.

### **Manipulation of Scores**

In order to manage issues such as the static scores, some practitioners actively manipulated the dynamic scores which are in their control to either get or keep young people in the intervention level that they felt was appropriate. This was usually done with the best intentions of keeping the young person at a manageable level where they were less likely to be at risk of breaching the order but could gain access to YOT support. Practitioners would then do additional work with the young person on a voluntary basis so that there is no comeback for the practitioner or the young person if the approach failed:

*'I think it's more with the enhanced and the intensive levels where people play with the scores. I mean if you've got standard fantastic, but most of the kids are enhanced just generally because their Asset scores will put them into enhanced. So it's more with the enhanced and intensive levels where people are susceptible to manipulating the scoring because you go from once a week to three times a week; it might be different for different workers as some workers work lower level cases than I do. For me if you've got a kid on intensive there's more chance of them getting in breach because they might not be able to cope with three appointments a week whereas at enhanced they can do their one appointment a week and if they need to see you more than they will. So it's like some of my kids are on enhanced and they'll come in everyday to see me so there doing more than intensive but if I put em in intensive I haven't got an option then if they don't come in three times a week I have to breach.'* (Carrie, YOT Worker)

*'If they're going to go into intensive meaning I have to see them three times a week then that's one of the times where I do think about the score a little bit more. I don't want to have people coming down three times and not getting any value out of it, just cause they've gone two points over.'* (Kate, YOT Worker)

This manipulation of the score is arguably evidence of practitioners using their discretion and professional judgement to manage the potential for false positives (young person is predicted to reoffend but does not) and false negatives (a young person is not predicted to reoffend but does so). False negatives are the outcomes that drive a lot of anxiety in professionals as they are more visible and easily identified and carry with them the fear of blame for the negative outcome (Kemshall et al, 2013:29). No amount of informal 'working

beyond the risk-score' can defend against this when a crisis occurs (Fitzgibbon, 2011:143). There is an override feature built into the scaled approach model whereby should a practitioner feel that the intervention level which the young person has been assessed as requiring be too much (i.e. intensive level) or too little (i.e. standard level) then they can go to their practice manager to ask for the intervention level to be 'over-ridden.' This, according to the YJB (2010a) 'should be defensible, discussed and agreed with a manager, and the reasons clearly recorded.' Having this in-built over-ride system is important as it provides practitioners with the opportunity to score the Asset as they see fit and then to have almost a backup plan should the young person come out at a level that they disagree with:

*'I think it would be quite difficult if there wasn't that flexibility there, because you want to be able to score the Asset accurately, make your judgments and then just see where the scoring comes without having to think ahead of how often you think this person needs to be seen. It needs to be scored properly and then if you need to, because it comes out higher or lower or whatever, you need to then be able to go and see your manager.'* (Alice, YOT Worker)

Alice illustrated her comment with the following example of how she had sought the use of the over-ride procedure:

*Alice= 'I've had one case where he came out higher on his scoring but I didn't assess him as needing to be seen as often as that. I thought this is too much for him and {Named Manager} felt the same as me so it was overridden and he was managed at the lower standard.*

*(ME)= what were the intervention levels?*

*Alice= He was coming out as enhanced but actually I'd have struggled to have found things to fill the required appointments. It was the static factors which raised him to enhanced, he was probably higher in the static factors than anything else in the rest of the Asset. ' (Alice, YOT Worker)*

In this instance, the young person in question was prevented from facing unwarranted intervention and therefore undue criminalisation, which was, as Alice states because of his static scoring. Through invoking the override procedure it also meant that her time could be spent with other young people on her case load who warranted it more. It is important to note here that it is crucial to consider how the Scaled Approach is operationalised; if the Scaled Approach is viewed as being rigid, to the point where practitioners and their managers see the contacts as 'once a week' or 'twice a week' then it does not allow for both practitioners and young people to miss or cancel appointments. As the guidance (YJB, 2010a)

stipulates 'four contacts per month' or 'eight contacts per month' this allows for some flexibility; for the young person to 'make up appointments' should they have missed an appointment or in some instances where it has been cancelled by a practitioner/the YOT. Someone like Liam (see above), for example, who has a statement of educational needs, low levels of maturity and a lack of parental supervision needs the maximum opportunity to attend before breach proceedings are begun. Anna (Q.YOT Worker) was a particular fan of this aspect of the Scaled Approach because it allowed her to be flexible and cater for the chaotic lives of the young people, in particular the young women she worked with:

*'I like how, before it was so many appointments then you're breached, whereas now if you're on enhanced its four appointments per month. So actually you can have a young person or particularly a young woman coming in three times one week, miss two weeks and have them in a week after and you've still met your national standards. I really like that flexibility; I like being able to work like that.'* (Anna, Q.YOT Worker)

For some practitioners however, it was very rare that the over-ride feature was used within their team; this was, according to Sarah (YOT Social Worker), because it was rare that there was a justifiable reason to do so which the YJB (2010a) stipulates you need to have. Despite Sarah having the necessary experience and qualification to work with young people at high risk levels, she struggled to convince her manager to override the score that the computer generated at times. What she did to combat this was work with that young person at the level she did not agree with, 'being creative' in the way she organised appointments and what she classed as a 'contact' for the first 3 months of the order; actively trying to minimise the undue criminalisation a young person may receive. Then when it came to review stage at the 3 month point<sup>54</sup> the focus would be to drop the young person down to a lower intervention level.

Similarly, Kate (YOT Worker) explained how she would not actively alter the scores but she would 'hold off' reviewing a young person's Asset, even though she should have reviewed it, because things in a young person's life can rapidly change:

*'I won't score down unnecessarily but it's like Ash's Asset really at the moment, they [the scores] could do with being reviewed and kind of going up. But then again, he's now in work, so by the time I've reviewed them, things could have changed all over again so what's the*

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<sup>54</sup> In 2012, the YJB (2012c) declared a yearlong trial of new National Standards using a 'freedoms and flexibility' approach where YOT management boards could decide what standards to use, the current ones or these new ones where certain timings for reports etc. had been relaxed. The review period under the trial was changed from 3 months to 6 months; Sarah's YOT chose to maintain the 3 monthly review policy.

*point? I might as well just monitor things from where he is at the minute, unless my manager twigs and says otherwise.’ (Kate, YOT Worker)*

It appeared that there was an unease amongst some of the practice managers in relation to the over-ride feature in that they were unwilling to shoulder the blame should something happen after they downgraded a young person from for example, intensive to enhanced:

*‘I’m not comfortable with using the over-ride feature. I’m worried, because I’ve seen it happen, that if something did go wrong that I would be in trouble and get the blame.’ (Helen, Practice Manager)*

*‘I don’t encourage practitioners to over-ride the score; they work to what system says.’ (Bill, Practice Manager)*

There is no evidence that someone receiving a higher intervention will desist from crime (McNeill, 2009). High levels of intervention actually result in young people being placed at higher risk of breaching their order and facing serious consequences<sup>55</sup>. Moreover, approaches such as the one that Sarah (YOT Social Worker) described whereby practitioners were ‘creative’ in the way appointments were counted and what constituted a contact meant that there was the potential for young people to get confused by the practitioner as what counted as a contact<sup>56</sup> one week might not count as a contact the following week. This was evident in the case of James (case study young person) where Melanie (YOT Worker) would count key work sessions and certain events at the care home where he resided as contacts yet when his case was reassigned to Cheryl (YOT Social Worker) she did not share the same view as her colleague. This left James confused as to what was and what was not part of his YOT order.

### **‘Just in Case’**

The focus up until this point has been on how practitioners have manipulated the scoring of the Asset to combat the issue of static factors and concerns in relation to false positives. There has however also been a development of a ‘just in case’ mentality in relation to young people who could be classed as having the potential to be false negatives. This ‘just in case’ mentality appeared particularly salient amongst those who had been designated as

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<sup>55</sup> Breach of an YRO, for example, can result in custody (YJB, 2010d).

<sup>56</sup> ‘A contact is a planned, meaningful face-to-face meeting that takes place between the child or young person, the YOT case manager, another member of the YOT, a member of another agency or a volunteer approved to work with the young person in respect of the supervision of his or her court order.’ (YJB, 2013e)- see chapter 6 for further discussions regarding contacts.

'unqualified' workers since the inception of the scaled approach (see Chapter 4). Fergus, for example, a YOT practitioner of decades of experience yet an 'unqualified' worker was particularly aware of his abilities and limits when it came to risk assessment and some aspects of working with young people. He explained how he worked at times on 'gut feelings' when it came to carrying out supervision sessions with young people yet felt constrained when completing an Asset in how he could express such thoughts due to the strong focus on evidence-based practice (Dix and Meade, 2012). There is a box on the Asset form about 'gut feelings' but it is located in the 'Indicators of Risk of Serious Harm' section at the very end of the 48 page form. By it being located in this section, the box was only completed by practitioners when they had concerns about a young person's potential for 'harmful behaviour' (YJB, 2006: 30) as the question is posed. Sarah explained how the box can be crucial when it comes to a lack of evidence:

*'There is a box on Asset which asks you about 'gut feelings' and that's where your professional judgement comes in big time. Twice I've had gut feelings about somebody, once I said someone would be a violent rapist and to be fair he's not been convicted of rape but he's in a psychiatric hospital on a long term section, he's an adult now. The other time I said a young man would kill somebody and he's now serving 18 years for murder. So only twice have I had that gut feeling really strong and twice it's come true. I had no evidence to back it up at all but I was really concerned so much so I had to put something in.'* (Sarah, YOT Social Worker)

Whilst in Sarah's example both of the concerns she raised in relation to 'gut feelings' had somewhat come true it will not be the case in every instance where a young person's score can be interpreted as a false negative. The 'just in case' mentality that was evident in several of the YOTs had resulted in practitioners noting concerns within the dynamic section evidence boxes within the Asset even when they could not be sure of a link between specific issues and a young person's likelihood to reoffend. This seems like a reasonable thing for practitioners to do however the issue is practitioners were then scoring sections based on this information. Fergus (YOT Worker) explained that by doing so he was '*covering [his] back, just in case anything went wrong.*' Fergus had invoked the 'precautionary principle' (Kemshall, 1998a) whereby he was erring on the side of caution, giving sections of the Asset low scores where there may have been a link but he was not sure. Such instances were particularly evident in cases where there were allegations of abuse. High profile cases such as Baby Peter (see Fitzgibbon, 2011) and the general paranoia that runs through welfare



services regarding abuse in particular sexual abuse has resulted in practitioners assessing and in this case scoring on a 'just in case' basis. For example, in Stuart's Asset (completed by Fergus), the justification for the score of one in Section 8-Emotional and Mental Health is given as:

*'I have decided to score this section as 1. Stuart does not appear to be presenting with any symptoms in regards to mental health. However, he has clearly been through a turbulent period as a child. This coupled with the significant issues surrounding some family members lead me to conclude that this area may have some impact on his offending behaviour.'* (Case Study: Stuart's Asset)

The 'just in case' mentality has come through into the scoring of the section, in both Stuart's start and end Asset; the score does not change. It is not a topic however that is covered in supervision sessions. Further explanation of how the practitioner sees Stuart's emotional and mental health being linked to his offending behaviour is needed in order to fully understand their point of view. Practitioners are reliant on their professional judgement when completing the dynamic sections of Asset and should be encouraged to exercise it where ever possible yet there is a line between what constitutes professional judgement and what is guesswork. Based on the notion that Stuart has had a 'turbulent period as a child' and 'significant issues surrounding some family members' the practitioner has concluded that the emotional and mental health section 'may have some impact on his offending behaviour.' Whilst a practitioner cannot be certain what has caused a young person to offend (unless they directly say) there is a need for them to be more specific in their assessment in order for it to be of use when it comes to drawing up an intervention plan. Such specificity, however, can only come once a relationship has been established with the young person; it would be difficult for anybody but especially a child to discuss such sensitive issues as sexual abuse in the first meeting. It is recorded earlier in the Asset that Stuart is adamant this did not happen. Given this was an end Asset; it is unclear whether any progress has been made to uncover the effect the 'turbulent' childhood may have on Stuart's propensity to offend. By invoking the 'precautionary principle' (Kemshall, 1998b:67) Fergus felt he had covered his back should something happen. Ansbro (2010:259) found in her study that practitioners were more inclined to override a low actuarial score than a high one, with them erring on the side of caution when it came to risk assessment. Given that practitioners face working in a climate where any failings in practice will be looked for if a young person commits a serious crime or harms themselves whilst under the supervision of the YOT, it is not surprising to see this 'just in case' scoring occurring. Munro (2010: 1149) comments that

being 'defensive is an understandable reaction to the level of blame from society when children die. However it is response that inadvertently encourages people to place the protection of themselves and their agencies above the protection of children.' Reaching a decision about what to score a section on the Asset is not an exact science; risk decision making is never just a technical activity (Baker et al, 2011:30). There are many competing components that practitioners have to consider when it comes to reaching a 'defensible decision' (Baker et al, 2011) and a score for the Asset/young person. Practitioners need to use their knowledge and senses about the situations facing them (Peckover et al, 2011:85) alongside the assessment tool to draw defensible conclusions. Whilst the organisational context is as relevant to practitioners as the social context is to young people (Whyte, 2009:177), risk decision-making is, a value-laden process characterised by uncertainty and anxiety (Kemshall, 2002).

### **The Pursuit of Quality**

The 'quality' of an Asset is something which is measured during a YOT inspection by HMIP (see HMIP, 2013a) and frequently by increasing numbers of within house processes such as internal audits and case management review procedures. One of Helen's roles as practice manager was to 'quality assure' documents such as Assets and PSRs; this meant reading the documents and giving a practitioner feedback. It was increasingly taking up large chunks of her time and a job that she felt was increasingly resulting in practitioners losing their autonomy. One of the original reasons behind the creation of Asset was to promote consistency across the YJS in the way that YOT practitioners assessed, planned and developed interventions for the young people within the system (YJB, 2006). Yet the quality of assessments and plans is variable with reports from inspections highlighting good practice where it is found but also frequently reporting that 'assessments are not of good enough quality' in some YOTs in England and Wales (HMIP, 2013b). The National Audit Office (2010:7), for example, reported that 'youth offending teams assess most young offenders according to evidence-based methodologies but the quality of many assessments is not good enough [...] HMIP found that around one-third of assessments are not of sufficient quality.' There is little to no explanation of what 'good or sufficient quality' means meaning that practitioners are left with little guidance as to what managers are looking for. Megan (YOT Social Worker) for example, saw quality as the interlinking of assessments to intervention plans which is what the YJB's case management guidance (YJB, 2010b; 2010c) states as being one of the key aims of the assessment process in youth justice. Carrie (YOT Worker)

explained the difficulty she had with knowing what was expected of her from her managers due to the constant changing of how AssetS were to be completed:

*'They [the management team] keep changing how you're supposed to fill it in. I mean I'm use to a lot of my Assets being used as like good practice for other practitioners to look at- so when I'm struggling to keep up the constant changes, I think if I'm struggling then the person who is supposed to be looking at my work thinking that I'm good at what I do is gonna struggle! Sometimes I'm like 'I don't know what I'm doing' (LAUGHTER).'* (Carrie, YOT Worker)

This constant moving of the 'goal posts' as Fergus phrased it, was often tied to significant events such as serious incidents which triggered Serious Case Reviews or prior to or following an inspection. Fred, for example, was told prior to a Short Quality Screening (SQS) Inspection taking place at his YOT that his court reports, Assets and Intervention plans 'were fine, were really good.' After the inspection, he was told they were 'written wrong and were not detailed enough.' This left him confused and not knowing which way was right or wrong. The constant changes and updates to policies, procedures and guidance had left Fred exhausted with him commenting that:

*'It's a young man's game this now, I can't keep up.'* (Fred, YOT Worker)

Even around the YOT offices on posters about risk assessment the words 'sufficient quality' appear; on practitioners desks they have flip-books called 'YOT Good Practice' reference guides where practitioners are provided with the key aspects of working with young people in the CJS. Within this guide, the Asset page entitled 'how will they be judged' has the opening question 'was the assessment done on time and of sufficient quality?' 'Sufficient quality' is then repeatedly stated but again with no explanation of what this is judged to be. The vague nature of what 'sufficient quality' means and increasing management oversight of the completion of Assets has created 'Asset paranoia' with practitioners worried as to whether they are filling it in 'right' as though there is a correct way of completing the form. Glen (YOT Worker) for example, questioned whether he was doing the assessment 'right' and ultimately whether he was 'right for the job'; given his background (he left school at 16) he felt he increasingly did not have the skills that management were requiring of practitioners in order to complete the Asset documents in the 'right way.' The following excerpt illustrates the difficulties Glen was having:

*'Glen spoke of tensions between what he sees as valuable and useful work with young people versus the computer work/way management assess 'good work'. He explained how he had been collaborating with one young person on what he wanted to work on during the course of his order so as to reduce the risk of him breaching; he let the young person say what he did and did not want to address. So, the young person stated that he wanted to focus on ETE and that he did not want to discuss at this point his cannabis use. Glen agreed to this and constructed the young person's intervention plan on this basis in spite of the Substance Use section being scored higher (3) then the ETE section (1). Glen stated that he explained this approach/agreement to his manager who was to use his words 'concerned' about him not following the Asset; he was told by his manager that she would review the Asset and get back to him; this left him feeling 'unnerved and questioning his judgement.'* (Fieldnotes, 10/07/13)

Pickford and Dugmore (2012:158) comment that 'as practice develops, it is crucial that practitioners ability and confidence to use Asset as a tool to enhance practice increases'; this was not the situation that Glen was left in following the discussion with his manager. He felt he was doing the right thing by the young person, but had been thrown into a quandary due his manager stating that she would review his Asset. A few days later, Glen commented that his Asset for this young person had been 'signed off' by his manager but was told he had to do some work around the young person's cannabis use as soon as possible. Glen felt he had been able to convince his manager that his approach was appropriate but was still left with a crisis of confidence over his Asset completion.

Despite Asset requiring practitioners to use their professional judgement alongside the structured framework of the form (Pickford and Dugmore, 2012:158) many of the practitioners felt that their judgement was often undermined by focus given to the Asset document itself.

*'I think there's too much focus put on it.'* (Megan, YOT Social Worker)

*'Doing an Asset for what purpose? What's it actually fundamentally for? I mean don't get me wrong its fine if you wanna have some information on paper, a sketch plan of what this young person's life is and consists of, fine I don't have a problem with the essential principle. I'm not saying we shouldn't do things like that it's just the priority it takes within the job and in the philosophy and ethos of what we do.'* (George, Probation Officer)

George was particularly frustrated by the focus placed on Asset; being a probation officer he knew the problems or 'dangers' as he referred to it of an emphasis on risk assessment. He

felt that the YJS was going the way Probation had in terms of becoming obsessed with risk and its management:

*'YOT have gotten deeper and deeper into this ridiculous ream of bloody paperwork, Assets, vulnerability management and risk management. It's made it so that actually it becomes the norm and when it becomes the norm you ignore it because it is the norm, 'oh he's got a VMP oh right ok, next case' as opposed to 'oh right he's got a VMP oh right what's that about.'*

*(George, Probation Officer)*

Such a statement was evident when undertaking observations of case-based discussions where it appeared that the completion of ROSH assessments, RMPs and VMPs was an automatic process as opposed to being led by the professional judgement of the practitioner. Kate (YOT Worker) made a key point that YOT practitioners can complete all the risk assessment documents such as a ROSH or a VMP but fundamentally they will not prevent someone from hurting themselves or someone else:

*'Sometimes you'll go to managers to just express some concerns and they'll kind of listen and reflect back. Sometimes all you want is 'well ooo yeah that's a bit hard, well what about trying this' and 'what about that? You'll get kinda that but at the end of it all its 'right well your gonna need to review them risk documents aren't you, and it's really quite serious so do you think you can have that done by end of the week?' And you just think (HOLDS HEAD IN HANDS) what are they gonna do when there [young person] cutting their wrists? Are they gonna be able to go out and wave their VMP at somebody and say oh I'm not vulnerable to this cause I've got this VMP in my hand?'* (Kate, YOT Worker)

This frustration was commonplace across the YOTs in that practitioners would, as Kate described, go to managers to discuss cases they had particular difficulties with or concerns they had, wanting someone to 'sound off' too, but the result too often would be to trigger risk-related paperwork. This gradually, in some instances, resulted in practitioners increasingly not having these important reflective discussions with managers through fear of the triggering of additional paperwork which would take the attention away from directly helping the young person who may be experiencing a crisis. George offered the following example, to illustrate the point that YOT practitioners can complete risk assessments and have meetings upon meetings about a young person but unless somebody does something to actually help them then the documents are useless:

*'I used to work with this boy called 'Jordon', I loved Jordon, I could have adopted him, he was sweet little lad. He was 13, when I first came into YOT, I was at the youth court and he turns up, a tiny, little thing. His mum was off her head on cannabis. He was this quiet shy little boy and I worked with him for about 4 years; he grew into a quiet shy little older boy. This kid used to turn up to our office, he'd smell, he'd look unkempt and he'd look unfed. He'd gone into year 9 and wouldn't go to school. I used to go to these meetings at school with the welfare and education officer and she'd say 'oh I do love Jordon, I could just take him home, wash him, feed him and just look after him, he just needs that doesn't he.' Then I'd sit in these multi-agency meetings, the police would be there referring to him as a 'little bastard' for being a nuisance, teachers would be there too complaining about his lack of attendance. I used to look round the room and it wasn't just with this boy, but I used to look round the room and think, thirty grand a year, probably fifty grand a year, twenty five grand a year and you'd think probably around this table was probably 150k a year of salary. Every one of them is saying exactly the same thing about what he actually needs yet none of them are providing it. All of them are basically looking for the first excuse with the exception of me, to just get rid of him, to wash their hands of him. This same little kid who they were pushing more and more towards YOT and me to do something about used to turn up at his school (when I did get him there) smelly and all the rest of it, and he had these school pants bless him black school trousers with a wonderful repair job by his mother, right, bright blue stitching right up his crotch! Whys he not at school? Because he smells, you [the teachers] could actually get him in shower in the morning because you've got the facilities to do that. You [the school] could get him a school uniform that actually fits that hasn't got a big fucking blue stitch up his crotch where all the other kids go ((imitates kids pointing and laughing)). Why wouldn't he go to school? You know, come on! Now I did hundreds of fucking Assets, loads of bloody VMPS and all the rest of it for him and actually all what he needed was some decent clothes to wear and a parent who gave a shit.'* (George, Probation Officer)

George was adamant that had the simple things such as providing Jordon with a shower and decent clothes (which the school had access too) been done then things would have been different for him, i.e. he would not have gotten deeper involved in the YJS. Yet, because of the risk-focused agenda, practitioners and agencies were too busy to use his words '*passing the responsibility around*' and completing copious amounts of paperwork on the young person rather than proactively doing anything to help him. George continued saying:

*'In fairness, like me, a lot of these people [that were sat in the multi-agency meetings] are tied to these fucking jobs where somebody above them is looking at the arsehole above them*

*whose looking at the arsehole above them and so on. Phrases like 'oh you must do this' or 'oh you must manage him' or 'have you done the VMP?' Fuck off with your VMP, no I haven't, what I'm going to do is take him out and buy him a bloody MacDonald's cause he needs feeding! He'd be a lot less vulnerable if someone fed him and sheltered him, made sure he was clean and had something to do constructively with his time-you'd kill his vulnerability like that ((clicks fingers))! What you're asking me to do is just to re-emphasises what actually the problem is and do nothing about it because I'm spending all my time just typing on the computer.'* (George, Probation Officer)

Practitioners generally agreed that there needed to be some way of recording information about a young person but the amount of paperwork they had to now complete was too much. The 'pressure to produce' (see Chapter 4) high 'quality' assessments within strict time frames caused several practitioners to feel they needed to 'cover their backs' should they not be completing the documents within the set period. Carrie (YOT Worker), for example, explained how she asked her manager to note on the young person's case file whose Asset she should have been reviewing that she was going to go out of the timeframe set by the performance management target because she had to deal with a crisis:

*'The demands of the 'system' prevent us [practitioners] from doing good work with young people. I've got an Asset that I know it's been on my to do list to get this Asset done and it's there but then a young person rings me, he's downstairs, he needs a supervised shop because he's hungry, he's got no food nor money. I've now got into a habit now of saying to my manager, 'right I know I've got to get this Asset done but I've got a young person downstairs, can you just write on the system that I've told you' so that I've covered my back to say well actually I'm saying to you that I know this Asset needs doing, you don't need to tell me that it needs doing, but I've got an emergency to deal with and it's with a young person. I've covered my back so my manager can't come to me and say you haven't done this Asset, why?'* (Carrie, YOT Worker)

The unpredictability of working with young people who are under YOT supervision makes it a real skill for a practitioner to keep on top of their assessments and recording of information whilst dealing with the day-to-day issues young people on their caseloads can face. For example, Karen (Q.YOT Worker) had to stop working on an Asset which she was under pressure to complete (her deadline was the following day) to go and deal with one of the young people who was on her caseload who was caught smoking cannabis in the toilets in the reception of the YOT building with her friend. As well as dealing with the incident itself,

she then had to report it to her manager, complete an incident form and record it on the young people's case files. This took over an hour out of the time she had allocated to be able to complete the report before she had to see a run of young people for their statutory weekly appointments. Karen explained the following day that she had taken the Asset home with her to complete as she had not managed to finish it following all the commotion she had been drawn into: *'even if you leave space in your diary to do the computer work, you just cannot guarantee it will all go to plan'* (Karen, Q.YOT Worker). It is this 'invisible work,' Karen commented that is not seen by the managers which is often the reason why practitioners have struggled to meet deadlines for the computer based work.

### **Asset- 'it's all about the negative' (Mary, YOT Worker)**

Since the introduction of the Scaled Approach, one of the major criticisms of Asset that has become more significant is that it is negatively focused:

*'I think Asset is really negative because everything it asks you is, are they deprived, are they this, are they that. I mean you can put positive things in but you have to drag it out of yourself.'* (Kate, YOT Worker)

The positive section is towards the end of the Asset document and most frustratingly does not count towards the scaled approach score. It has become almost absurd to associate risk with positive outcomes or to use it in a positive manner (Hayes, 1992; Lupton, 1993; Green, E et al, 2000). In most of the Assets for the eight case study young people, the positive factors section is scarcely filled in. As Kate (YOT Worker) states, YOT practitioners have to 'drag it out' of themselves in order to complete the section, which can be hard work after spending the previous 20 pages of the document focused on the negative aspects of young people's lives. In Liam's Asset for example, the Positive Factors section is almost blank aside from one tick to 'a goal, ambition, sense of direction or something to 'aim at' in life' with the evidence box reading that:

*'Liam continues to maintain that he wishes to join the army. He has been informed that the Army will not accept him with outstanding court orders. He has been advised to visit an army careers office to look at whether he would be eligible to apply.'* (Case Study: Liam's Asset)

It is mentioned in several of the previous dynamic scoring sections that Liam does not have any aspirations however one consistent comment Liam makes across the case file, to YOT practitioners and in court is that he wants to join the Army. The problem is that until he



completes his court orders he cannot make any progress with an application. Liam's YOT Worker Warren (a Probation Officer) commented that Liam was not serious and the Army would not accept him; this was not the impression Liam gave in court. This is not mentioned in the ETE section or anywhere else in the dynamic sections of Liam's Asset. The evidence box (see above) in this section makes it seem as though Liam is being left to explore this option himself even though if it is something he is genuinely interested in, it would reduce his risk of reoffending significantly. Whether the Positive Factors section was completed by a practitioner depended on the time they had to complete the Asset and their personal views on the best way to practice. For Stella (Q.YOT Worker), her particular viewpoint meant that she always completed the section:

*'There's a little section at the end where you do the positives; it's very easy just to focus on the negatives all the time or the offending. Yet actually if you want to support a young person, I personally think you have to come from a strength based perspective, because if you don't work on the strengths of that young person you aren't going to get anywhere.'* (Stella, Q.YOT Worker)

Megan had a similar viewpoint in that the focus was often too much on assessing the negative aspects of a young person's life, she stated that:

*'People forget that part of reducing risk is working on the positives.'* (Megan, YOT Social Worker)

The negativity of Asset appears to have become so ingrained in practitioners that despite some young people having positive or protective factors which would reduce the impact that a risk factor would have, practitioners appeared to separate out the two just like the Asset document does itself, seldom reporting within the dynamic sections positive aspects of a young person's life. Asset focuses on the 'criminal deeds of young people rather than the social or psychological needs' (Pitts, 2005:24); the priority is on assessing the risk factors a young person has rather than looking at the positive aspects. Positive or protective factors are at times only analysed in terms of the avoidance of a negative outcome; they are risk-dependent (Case and Haines, 2009) pigeonholed entirely as being reliant on the risk factor rather than being seen as independent and capable of promoting positive behaviour on their own. Case and Haines (2009:41) state that 'a more holistic, dynamic and potentially profitable standpoint for risk factor research (in practical, political and methodological terms) would be to explore protective factors as mechanisms/processes (rather than discrete variables) that encourage positive behaviours or outcomes.' If positive factors were seen as

promoting positive outcomes as opposed to just reducing negative outcomes then this would surely be more productive and reflective of how many practitioners like Stella (Q.YOT Worker) work with young people. There has been recognition of the lack of inclusion of positive factors within the main body of the dynamic sections by one YOT within this research in that the management has issued guidance to practitioners which states that they are to reflect on the positive factors that a young person has within each dynamic section of the Asset in the evidence box. Practitioners are also to consider them when they consider the score that they want to give that particular section. This is an important step forward as this YOT moves towards a desistance-focused<sup>57</sup> model of practice.

### **The Neglect of Structural Factors**

A fundamental problem with Asset is that the reading of risk factors has been shrunk by it due to the creators focus on a particular strand of RFR. The focus on the developmental strand of RFR means that priority has been given to psychosocial risk factors such as levels of intelligence, mental/physical health problems, low self-esteem, poor parenting skills, lack of parental control and parental conflict as opposed to considering structural and socio-political risk factors. Such a focus creates a 'morality of blame' (Armstrong, 2004) where individuals are held responsible for their own deficits as opposed to considering the role of structural factors in creating those circumstances. Structural factors which affect the daily lives of young people such as neighbourhood and wider factors such as unemployment, poverty and the availability of opportunities to change have been relegated to the margins by much risk factor research. Gray's (2005:952) findings are an example of such relegation, as she found that 'even when the negative effects of such factors as school exclusion and unemployment were taken into account, they tended to be blamed on young offenders' antisocial attitudes and reasoning skills rather than broader structural barriers or inadequate resources.' The 'problem' of youth offending needs to be situated in the broader contexts of young people's daily lives in order to be more coherently understood, though it should be accepted that we may never know the full reasons why someone chooses to break the law, it is after all a subjective experience. There also needs to be recognition of the role of the state in particular the effect contact with the CJS itself has on the likelihood of a young person offending or reoffending. McAra and McVie (2007) have argued that the deeper a young person penetrates the YJS, the less likely they are to desist from offending. This can be seen in several of the case study young people's stories. For example, George has throughout his

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<sup>57</sup> This will be supported by the new AssetPlus model which the YJB have been developing to replace Asset (see Chapter 7) (YJB, 2014d).

involvement with the YOT since age 14 always been assessed as needing contact at the enhanced intervention level. His scoring changes throughout his orders (see table 9 below) particularly as his static factors increase but his intervention level never changes. At the start of his first YRO in October 2012 through to March 2013, his dynamic score is 14 meaning that it is his static score (6) that pushes him over into the enhanced contact level. George’s number of convictions steadily increases due to him breaching his YRO order (on grounds of failure to comply as opposed to reoffending). On each conviction his static factors have increased, resulting in his intervention level consistently staying in the ‘enhanced’ level despite initially reported falls in the scoring of several of his dynamic sections.

George’s Scaled Approach Record:

<u>Date</u>	<u>Static</u>	<u>Dynamic</u>	<u>Total</u>	<u>LoR</u>	<u>Intervention Level</u>
August 2011	3	19	22	Medium	Enhanced
November 2011	3	12	15	Medium	Enhanced (Should be standard)
November 2012	6	14	20	Medium	Enhanced
April 2013	6	16	22	Medium	Enhanced
July 2013	7	16	23	Medium	Enhanced

Table 9: George’s Scaled Approach Record

George should comply with his order however there should be recognition within the YOT of the detrimental effect the increasing number of convictions can have on a young person’s future prospects in terms of employment and education. In addition to the narrow reading of RFR that Asset is based upon, because it is fourteen years old Asset does not contain some of the emerging concerns that have been the focus of much policy and practice over the last five years such as the involvement with a gang (Pitts, 2008), child sexual exploitation (CEOP, 2011) or adolescent-to-parent abuse (Holt, 2014). Practitioners reported struggling to find space to record issues that were not within the Asset but were salient to a young person’s life or that they had particular concerns about. Most recognised the importance of the Asset document as a young person’s ‘core profile’ acknowledging that is the document which follows a young person throughout their YJS journey meaning that they wanted to record as much information in it as possible.

Sarah (YOT Social Worker), for example, commented how she had increasing concerns about Lucy (case study young person) being involved in child sexual exploitation; this resulted, in part, in Lucy being assessed as highly vulnerable. Various protocols were

triggered by such an assessment including the requirement for a quarterly management review of the case and attendance at a 'high risk review' meeting to present the case to managers and other partner agencies. Safeguarding procedures also had to be followed alongside these, such as the requirement for a multi-agency risk management meeting. Sarah was adamant that the Asset document did not help her make that high vulnerability assessment of Lucy and it was her ability to 'manipulate' the document that allowed her to record her concerns. She explained how she settled on documenting her concerns in relation to Lucy being at risk of, or involved in sexual exploitation, in the Physical Health section due to the tick box question 'health put at risk through his/her own behaviour' which is posed. Yet, she was well aware of the wider impact involvement in child sexual exploitation can have on a young person. The allegation was recognised by Sarah as needing '*further explorations as [they] have no firm evidence at present*'; a score of 1 was given to the physical health section. Sarah felt there was a real danger of the concern she raised being lost amongst some of the other sections which had considerably higher scores. Such concerns should be noted down, however again because the scoring asks a practitioner to rate the extent to which a 'named section' is associated with the likelihood of further offending, the practitioner is placed in a difficult position. They have to find a place to insert such critical safeguarding information whereby it can be seen by relevant parties but it arguably should not impact on the scoring as it is a welfare concern. This is a common issue when it comes to young women in the YJS as because they are likely to have welfare-needs they are scored and subsequently required to attend YOT more often based on those, more so than their criminogenic needs/risk factors which puts them in a situation where they are more likely to be breached and over-criminalised because of welfare or safeguarding concerns (see Sharpe, 2011). It is difficult for practitioners to separate out the welfare concerns from the risk factors for reoffending as they are interconnected but the dynamic sections of Asset are only interested in the connection that the young person's likelihood of further offending has with that topic. The Indicators of Vulnerability section and the subsequent VMP is perhaps a more suitable place for safeguarding or welfare concerns but the VMP has been criticised as it is a 'plan,' it is not a '*tool which helps you assess if young people are vulnerable*' (Kate, YOT Worker).

### **Being Risky, Being Young**

Several practitioners reported that they did not necessarily always see risk as being negative and felt that part of being young was to experiment, to break rules and to risk take:

*'I know where I sit with risk; it's probably not where youth justice wants me to sit with it, because I think that risk is part of that transition from childhood to adulthood. I think we should actually, not just in youth justice, as a society, encourage young people to take risks, we learn from taking risks. I think when young people are displaying certain behaviours, is that risky or is it actually just what's expected of a child at that age?'* (Anna, Q.YOT Worker)

Many practitioners such as Anna, spoke of how they themselves had engaged in illicit or illegal activities when they were young and had subsequently grown out of the behaviour as they matured; those that had this life experience strongly believed that maturation was the key factor in a young person's propensity to stop offending (Rutherford, 1992; Barry, 2006). Anna explained that based on the risk factors she daily assessed in relation to young people, her daughter was at high risk of being involved in the CJS:

*'I'm a single parent, I've got a 19 year old daughter who you know on pure statistics, cause of where she was born, where we lived, the fact that she's mixed race, the fact that I'm a single parent, all those factors she should be committing offences by now. But she's not, she's at university studying law, she's working, I'm really proud of her. She's doing really well and I thought it don't have to go that way for young people just cause they're born in a certain postcode or they come from a certain family background.'* (Anna, Q.YOT Worker)

Anna demonstrates how just because a young person has a certain number of risk factors, they do not determine the path that they take. Young people should not be considered as passive in their own lives, they are active and able to make choices; just not always necessarily what we as adults would deem to be the 'right' ones. The period of youth is a period of transition (Barry, 2006); they experience biological, psychological and sociological changes. RFR consistently links factors discovered in childhood to offending that occurs in teenage years- they are not necessarily applicable. There is no reflection on the complex, fluid and unpredictable nature of youth. There has been little consideration given to the notion that a young person may be able to actively manage or resist risk in the creation of Asset. Each young person will have a different understanding of risk; it is a subjective notion, dependent on a person's specific context and life experience. Additionally, young people's individual vulnerability to risk factors may shift and change across time and space due to such changes. At times young people actually can make better choices than some adults, this is evident in Stuart's case where there is an irony present in that college, the place which traditionally would be viewed as helping Stuart to reduce his risk of reoffending through enabling him to gain more qualifications, is a risk factor. Stuart is aware of the risk that

staying at the college that both he and his victim attend poses. His YOT worker, Fergus agrees with Stuart that the college is a significant risk factor for him with the evidence box in the ETE section of his Asset detailing the reasoning for this:

*'The college has a zero tolerance of aggression and would exclude Stuart permanently if he was to repeat this aggressive behaviour on the college grounds. Section scored at 2- Stuart did comment to me during interview that further incidents of confrontation may occur between him and the victim and Stuart said if he was attacked by the victim he would retaliate. In view of this I feel there is a risk of the victim coming into contact with Stuart as they both attend the same college.'* (Case Study: Stuart's Asset)

The section stays the same score of 2 throughout Stuart's order. Halfway through the order, Stuart informs Fergus that he wants to move colleges to start a new course in the new academic year. The course is a change of subject (from bricklaying to mechanics) and a change of venue (it is not in the same place as the current college). It is recorded in the Asset that Stuart wanted to change course/college because he had lost interest in the course and was somewhat tired of 'watching his back.' Yet in spite of this positive step taken by Stuart to reinvigorate his interest in further education and avoid any further confrontations which arguably shows maturity and a commitment to not re-offending, his YOT worker actually encourages him to stay at the place where there is the risk of further offending! YOT practitioners are pressured to encourage young people to take responsibility for their actions (Gray, 2005:939) particularly through the use of offence-focused behaviour programmes (YJB, 2008b) yet on the other hand young people are treated particularly by the developmental strand of RFR (the basis for Asset) as though they have no ability to navigate risk factors and make prudential choices.

In the opposite situation to Stuart, Lucy for example, was excluded from high school as a result of an assault offence in November 2012 (age 14) for which she received a conditional discharge. She was then educated within the care home where she resided for what is referred to as a 'significant period of time' in her Asset before being placed at a Pupil Referral Unit (PRU); yet she only attends the PRU in the afternoon. She is academically talented and often comments that the PRU is not challenging enough. Her ambition was to return to mainstream school however it is commented throughout her case file that '*she needs to commit to behaving whilst at the PRU if she is to be successful with this.*' In this instance Lucy's voice was not listened to; she felt that whilst some people, particularly Sarah (her YOT Social Worker), were supporting her in some aspects such as anger management,

no one was actively fighting for her in terms of getting more education hours or a return to mainstream school. Her despondent behaviour, initially, towards the PRU was her way of showing how she felt about not being heard. The focus in her YOT sessions was on her individual cognitive skills which formed the targets on her intervention plan rather than looking at wider structural factors; there was a future target of *'to move back into full time mainstream education'* however there is no evidence of any discussion around this taking place in her case file.

This concentration on the 'deficit' model of behaviour, alongside the lack of recognition of the impact of structural factors leads to a focus on interventions that either locate blame with individuals or set them up to fail (France et al, 2012:74). The chances of Lucy subsequently returning to mainstream school got slimmer and slimmer as time progressed; as her behaviour and attitude disintegrated over the course of her involvement with the YOT her attendance at anything outside of the care home including the PRU became a risk factor rather than a protective factor. The caveat that Lucy was under was that she had to *'maintain consistent good behaviour and consistent attendance in order to return to mainstream school.'* This was unobtainable for her and consequently she was set up to fail in that what was considered to be 'good behaviour' was subjective; there were clear differences between what Lucy, Sarah (her YOT Social Worker) and the Care Home viewed as 'good behaviour.' Moreover, Lucy, when asked her about her attendance at the PRU was honest and said that sometimes when the staff dropped her off she left and went elsewhere but also at times when she had been 'difficult' in the morning at the home, staff would refuse to take her. MacDonald (2006: 379) argues that 'young adulthood presents unpredictable 'critical moments', with unpredictable consequences for some transitions.' It is clear that the exclusion from mainstream school had a detrimental effect on Lucy; she did not understand why she was not allowed a second chance especially given the circumstances of her arrest<sup>58</sup>. Whilst she accepted that her behaviour was unacceptable, she thought the school were unwilling to hear her side of the events. The combination of being excluded, bored (*'there's nothing to do here, I want to be doing what everyone else is'* Lucy (age 14)) and lonely (*'I miss my friends'*) made Lucy feel increasingly *'bad about'* herself. Given that it was identified by her YOT worker that Lucy has particular difficulties managing her emotions (she has a SEN for emotional/behavioural difficulties), it appears that not being able to return to mainstream school and the resulting significant gap of her not being in education

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<sup>58</sup> Lucy was restrained by a PCSO as she attempted to leave school grounds; as Lucy did not understand why she was being detained and has had negative experiences in the past in relation to abuse, she lashed out during the restraint process, resulting in the assault PCSO charge.

was a key turning point in Lucy's pathway. What is even more frustrating about the situation is that the initial lack of provision and then the half day timetable at the PRU meant that Lucy was spending more and more time at the care home, the location of all of her offences bar one<sup>59</sup>, meaning that she was actually at higher risk of reoffending by not being at school.

'Things happen' (Bottrell et al, 2010) in life, often unpredictable and unchangeable once occurred, YOT practitioners cannot predict everything. Bella (YOT team manager) explained how the Asset may or may not be helpful especially when considering Pinewood YOT's previous serious incidents:

*'I think this team has great strengths around diversity, recognizing individual need and that the young person's experience is the thing that informs them what their future risks are. Which you can't process-size, you can have an assessment form but actually that's a number of scores they may be helpful but actually they may not be helpful. I think in the past three years all of our most serious incidents have been committed/happened to young people predicted as low risk, because the out of the blue, the absolutely unpredictable ones, will always come from there.'* (Bella, Team Manager)

Through making mistakes and bad choices it is only hoped that experience is gained yet through our 'panic' and obsession with risk we fail to allow young people this chance. Sharland (2006:252) refers to this as the 'pedagogical paradox'-in the desire to protect young people or ourselves, we prevent them from achieving the maturity that risk taking and learning from mistakes might afford.' Helen was concerned that YOT practice was in danger of becoming risk averse:

*'We have to think about risk and be aware of it but the system is too much heavily weighted in terms of risk. Risk can be really positive; I think being risk averse is really dangerous, we have to allow young people to be young people. I'm not advocating them being allowed to hurt other people that goes without saying, but young people have to be able to take some risks in their lives otherwise we're not helping them develop into rounded young adults. I think we're in danger of becoming risk averse.'* (Helen, Practice Manager)

### **The Problem of Context**

For some young people, offending is a way of managing boredom (see France et al, 2012) but for others, it is an incident which gets out of control, 'an unfortunate set of circumstances' as

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<sup>59</sup> Lucy has committed 13 offences, 12 of those were at the care home either towards care home staff or the home itself.



Fred (YOT Worker) characterised the nature of some young people's offending. Yet once they enter the YJS, their life circumstances which often were nothing to do with the circumstances of the offence are assessed and due to the focus on a young person's deficits (Goldson, 2005) high intervention levels are the result because 'risk factors' are uncovered. The context of the young person's offence and in some cases offending history is lost. In 'isolating individual risk factors from their context in biography, place and social structure, such devices offer ways of managing offenders rather than addressing the causes and cessation of individual offending' (Webster et al, 2006:18). For example, Stuart maintains from the start to the end of his YRO that he was acting in self-defence when he committed the assault he was convicted of. My fieldnotes do note that the Prosecutor at court when reading out the facts of the case did say that the victim hit Stuart first. This is lost as his offence and life circumstances are analysed using the Asset; as other risk factors come to the forefront, the context of Stuart's offending is not considered. France et al (2012:74) state that whilst discrete definitions of risks and opportunities may function as useful guides in work with young people, the evidence in the narratives of young people is that context is 'everything.' Patrick's (age 16) offence (common assault), for example, which resulted in him receiving an YRO was committed as part of a group which was situation specific, i.e. going to the 'rescue' of a young girl. It is unlikely that these set of circumstances would occur again yet within the ETE section of his Asset, his YOT Worker tries to force a link to his educational status of 'not in education, employment or training' (NEET), despite Patrick not being NEET at the time of the offence. There is evidence (YJB, 2005) to support the argument that being engaged in employment/education reduces the risk of offending however for the YOT to try to push Patrick to stay involved with an educational provider post-16 is not letting him have the experience of decision making which is a skill every young person needs to develop in order to survive in the adult world. Nowhere is the tension between the need to prevent risk and the necessity of learning to manage and take calculated risks more apparent than in the process of growing up from childhood to adulthood (Thom et al, 2007:1). Patrick needs to be able to build up resilience, which as Gilligan (1997) states is the capacity to draw on one's own resources to withstand unpredictable events that are a part of everyday life. This is developed through taking risks and learning to cope with the unexpected (Gilligan, 1997). Patrick needs to be able to put into practice the consequential thinking skills that his previous YOT practitioners have discussed with him and be trusted to make life choices regardless of whether or not the adults in his life agree with them if he is to be able to cope in the adult world.

In an opposite manner, at times, due to the severe and serious nature of some young people's offences, practitioners can get swallowed up in the risk discourse, forgetting to contextualise the offence in the context of a young person's life. Anna explains:

*'The thing about risk is, I've worked with some young women who've been extremely violent, generally towards other young women but it's about contextualising that. For example I'm currently working with Tasha, she's just seen through the intensive part of her order, she was very close to going to custody. Her and her co-accused, who did go to custody, attacked a girl in town in a street robbery and really went to town on her. Tasha had been on various orders before, referral orders etc. and when we started to talk to her about the amount of violence she'd used in the offence, she just could not grasp that that was an extreme reaction. I just thought obviously lots of work needs to be done around this, but for a girl at her age, she was 15 at the time, to have normalised that amount of violence just screamed that she had witnessed that at some point in her life. So I had many a conversation with her about, have you ever seen people fighting at home, 'well no not really', and she went on saying not really for quite a while, possibly a couple of months. But then one afternoon I was talking to her about something and she started to tell me about how on one occasion her dad had took a knife to her mum's throat and she'd had to jump on his back and pull him off. I said to her 'but you'd said that you'd not seen violence' and she said 'well that happened weekly.' She'd actually normalised that behaviour, it wasn't extreme violence to her. So despite people encouraging me to rate her as high risk of harm due to the level of violence involved in her crime, there were reasons behind it which meant it needed to be contextualised.'* (Anna, Q.YOT Worker)

Anna was clear that despite colleagues encouraging her to score Tasha as high risk of harm because her offence involved a high level of violence; it needed to be situated within the context of her having normalised violent behaviour. Tasha (age 17) had spent most of her life witnessing domestic violence from her father towards her mother and then being physically assaulted herself by her father. She has, according to her social worker, *'experienced things as a child that no child should experience'*; Tasha's life experience needs to be considered alongside the circumstances of the offence as it may go some way in explaining the reasons behind it. This is not to say that the context and the welfare concerns should take over and become the primary focus of the intervention; YOT practitioners are faced with a balancing act.

## **Summary**

Risk assessment is core business of YOT practice; it is a complex and tricky process for practitioners to undertake as they are faced with a balancing act. YOT practitioners have to balance their own personal reasons for doing the job that they do with the aims of the YJS. They also have to consider the context of a young person's offence and the context of that young person's life; this means that risk assessment is no easy task. It is a risky business for practitioners to engage in and most certainly is not a finite science, YOT practitioners are fallible and can (and do) get things wrong. The tool that they are partially reliant on (they also rely on their own professional judgement), Asset, is out of date, repetitive, labour-intensive and of questionable relevance to the reality of some young people's lives who come into contact with the YJS. Increasingly because of the intense attention paid to risk assessment documents through processes such as HMIP Inspections and internal YOT audits, risk assessment is something that practitioners 'do' rather than engage with. This increased focus has resulted in practitioners spending increased amounts of time tied to the computer desk rather than being out working directly with young people, which for many YOT practitioners, was the primary reason why they did the job they did, to 'make a difference.'

The Scaled Approach has made completing Asset and its component parts a task of increased importance as without doing those documents you cannot complete a PSR as you will not know what intervention level a young person is going to be at. Yet, there was evidence that documents were being manipulated, largely for the benefit of young people so that they did not receive too little or too much intervention. Such 'manipulation' however, also served practitioners in balancing their caseload and working with someone at the level they had control over rather than being dictated to by the computer. The following chapter will explore how risk assessment informs a young person's intervention plan and subsequently the impact that the scaled approach has had on young people and their YOT orders; this will be done by focusing on the YRO.

## **Chapter Six: The Scaled Approach in Action: Exploring the Relationship between Assessment and Intervention**

*'We've kind of got to make it up as we go along.'* (Bella, Team Manager)

*'The YRO's like a pick and mix of what do you fancy trying this time round.'* (Pauline, Probation Officer)

### **Introduction**

This chapter will focus on how practitioners following on from completing an Asset, construct intervention plans (IP) for young people to tackle their identified risk factors. It will also, through using the YRO as an example, look at the scaled approach in action. Several case studies of young people on their journey in the YJS are presented in Appendix Two which should be read in conjunction with this chapter. The Youth Rehabilitation Order (YRO) replaced the previously existing nine community sentences, and allows for sentences to be 'tailor-made' for young people. There are eighteen different requirements ranging from supervision to a drug testing requirement that can be attached to an YRO, meaning that for every section of Asset, there is a requirement that could be used to help reduce a young person's Asset score and subsequently their risk of reoffending. As the YJB (2010d: 9) state, 'the range of YRO requirements offers a community sentence which can be a viable and robust alternative to custody. If used effectively, the YRO should help reduce reoffending.'

### **Intervention Plans**

The Scaled Approach aims to ensure that interventions are tailored to the individual based on an assessment of their risks and needs (YJB, 2010a). Practitioners generally agreed with the notion that those young people who were assessed as high risk required the most of their time and the YOTs resources. The targeting of resources has become a particular important principle within YOTs and related agencies such as the police as the effects of the economic recession have taken hold. Resources such as access to different venues, programmes and projects, particularly those which were organised by young people's services, have dwindled or in some cases been lost altogether (Puffet, 2013b; Lepper, 2014) which has made the work of YOT practitioners ever more difficult. If the scaled approach is to work as it was intended then there has to be a link between the Asset and the Intervention Plan. Sutherland (2009:12) raised concerns about the lack of such a link prior to

the inception of the scaled approach; these links are still not always present now.

Practitioners commented that the Intervention Plan document was poor:

*'There is a real problem with plans; I think those documents are really poor, they don't ask clear questions, they become something that people just do to keep the computer happy as opposed to an actual working plan. They are not helpful in terms of planning work. I think what we would like is something that's a lot simpler, what is the problem what are you going to do about it, who's going to do it, by when whereas actually they ask a lot of repetitive questions and are quite confusing.'* (Helen, Practice Manager)

*'It's a crap plan; you don't want to scare the kid by putting all your intentions on it.'* (Charlie, Practice Manager)

Both Helen and Charlie were convinced that the documents that the YOT practitioners were tasked with completing did not aid them in formulating a sensible and workable plan of action. Intervention plans within YOTs have consistently been criticised by HMIP (2009; 2013b) for not having strong enough links with Asset. It seems ridiculous that a practitioner completes a 48 page document and then does not use it to formulate a plan of action for that young person on their order. Some practitioners recognised themselves that there was a need for more integration:

*'I think there could be a more integrated approach that links your assessment with your intervention plan.'* (Megan, YOT Social Worker)

Reder et al (1993: 83) comments that 'the aim of assessment is to guide action', if this is the case then there should be a link between the two. The YJB's Key Elements of Effective Practice: Assessment, Planning, Interventions and Supervision guidance (YJB, 2008a:14) states:

*'Individualised information recorded throughout Asset should have drawn on as wide a range of information as is possible, and should be used to tailor intervention plans that take account of each young person and their circumstances, ensuring that individual needs are clearly linked to intervention plans. Individualisation of intervention plans is required in order to have an impact on offending.'* (YJB, 2008a:14)

There is a concern that a lack of a link could be due to what Munro (2008: 103) refers to as 'tunnel vision', where professionals get into the habit of treating all cases with a fixed pattern of response.' Whilst such guidance (as above) states that plans such be

individualised, there were several common themes that featured on young peoples’ intervention plans. For example, all of the case study young people had objectives based around offence-focused work and victim awareness on their plans even if their crime did not have a specified victim. Young people almost seemed to have been homogenised (Case and Haines, 2009) in some cases, whereby the same pieces of work were carried out regardless of whether or not it was necessary. For example, Stuart completed sessions on drug use despite the section scoring a 0 on his Asset with it being reported that he does not use any substances. In contrast, both George and Patrick have committed offences under the influence of alcohol but it was not on their IP’s. Most of the IP’s could be seen as being quite broad in the objectives that are stated so George and Patrick may have done substance misuse work under the auspices of one target such as *‘explore past pattern of offending.’* Patrick’s IP (Figure 5), for example, for the offence of Common Assault is as follows:

**Intervention Plan 1**

**What sentence did you get?** YRO   **How long is your sentence?** 12 months

**This means that you have to:**

Attend weekly to see Grace (YOT Worker) at an agreed venue, date and time

**Main Objective**

**We are going to try and stop you offending again by working on:**

Helping Patrick understand what went wrong and how he can reduce the risk of further offending

**Major targets for our three-month plan**

	What are our targets?	How is this going to be done?	Who is going to do it?
1.	Explore past pattern of offending	Creative thinking skills, mind maps	Patrick and Grace (YOT Worker)
2.	Explore the cost, sharpen ‘risk assessment’ skills	By thinking about how YP already risk assess	Patrick and Grace (YOT Worker)
3.	Keep the victim’s in focus	By reflecting on cost to victim in every session.	Patrick and Grace (YOT Worker)

**Future Targets:**

Victim awareness, Achieving work/career goal

Figure 5: Patrick’s Intervention Plan

The targets do not appear to be very specific to Patrick when looking at his Asset; it was commented in interview by several practitioners that despite YJB (2008a) guidance they tended to keep IP’s quite broad so that they could cover a range of work without having

specific targets which could tangle the young person and the practitioner up in breach proceedings if they did not comply or complete the work. Such an ‘unofficial’ practice also recognises that young people’s lives can be chaotic and ever-changing meaning that by keeping the plan broad it allows for a variety of work to be done under the auspices of one target rather than tying them down to something specific.

### The YRO

For many of the practitioners the YRO was just another name for an order that has always existed (specifically the Supervision Order), for example, Sarah (YOT Social Worker) stated:

*‘I don’t think it’s any different to previous orders in a sense because we used to get supervision orders with the requirements attached to them anyway.’ (Sarah, YOT Social Worker)*

Bella suspected that what you called an order made no difference to young people. By contrast, she noted that:

*‘I suspect if you are in court as a young person it doesn’t make the slightest bit of difference whether you’re on an action plan order, a referral order, a YRO, a supervision order, I don’t think it matters. I think for me, it’s got to be the engagement, if you can’t get on with your YOT worker and think they are a person worth coming to see and spending some time with then really you could call the order skyblue pink, it won’t matter cause you’ve got to have that relationship.’ (Bella, Team Manager)*

There did seem to be an almost predictability about the types of YRO orders that the practitioners would create and recommend to the court. There was in each YOT the opportunity for practitioners who had a to write a court report or a referral order report to engage in a meeting with a practice manager and fellow colleagues to discuss the case and draw together some sentencing recommendations. Hearing practitioner’s talk about the young people and their case, it was obvious that a young person’s welfare was most practitioners’ primary concern even when the crime they had committed was serious. However it can be characterised as a repressive form of welfarism (‘repressive welfarism’ (Phoenix, 2009)) whereby practitioners use young people’s welfare concerns as a way to justify YOT and the YJS’s involvement in a young person’s life. In most cases, the arguably over-zealous YOT involvement was to make up for the lack of help and support young people had received from other services primarily Social Care Services or the Care system itself (Phoenix, 2009). Practitioners felt as though it was their duty now the young person was in

the YJS to provide them with access to services that they should have had many years ago. Such repressive welfarism can be seen throughout various different elements of YOT practice; it was evident in Assets (see chapter 5) and young people's case files as well as practitioner interviews but was particularly acute in meetings where practitioners were discussing the court list for the week ahead. The following example is extracted from field-notes:

*'The third case discussed during the case planning meeting was that of a 16 year old male, 'Luke' who was charged with a burglary of a dwelling and three counts of theft. He was due to appear in youth court in three days' time for sentencing after pleading guilty; an all-options PSR had been requested and assigned to his current YOT worker (Alice) to complete.*

*The following information was provided at the meeting by Alice:*

*Luke is a looked after young person who is currently subject to a 12 month referral order which actually finishes today. The set of offences he has just been convicted of both occurred following him recently being taken into care. The circumstances of the burglary are 'very serious' as it occurred at 4am with people in the house, Alice does not have the details of the thefts. She does state that Luke was missing for a period of 5 days and it was during this time that the offences occurred. He was co-accused with another young person who received a 9 month referral order for the burglary charge. Alice states that she has been working with him for 12 months and does not get past general conversation, he is withdrawn, down and very anxious. She explains that she has to go and see Luke early in the morning in order to ensure that he is there as the first chance he gets he 'scarpers' from the home. He is in care on the grounds that his parents were not looking after him; he has essentially been told he was not wanted since age 4. Subsequently, Alice says he has not seen his mother for 2 months now. Furthermore he has not been in school for the last two years despite being mentally capable; he just does not engage. He consistently has been a missing child both when he was with his parents and now he is in care. There are also concerns that he might be being sexually exploited due to him engaging in high risk behaviour (entering shops and exchanging sexual services for items). This is further compounded by the fact that he does not eat regularly yet never asks for money. When asked what he wants to do with his life, he states he wants to go in the Army. Throughout her overview of the case, Alice as well as offering the facts, offers her professional opinion, stating for example, in relation to the Army, 'he just wants somewhere to belong.' Sharon, the practice manager leading the meeting, states, that she 'feels very sorry for him but at some point he has to snap out of it', and that he's 'another kid they've [referring to his parents] made essentially.' The discussion*



moves to talk about what order the YOT should recommend to the court with Alice stating that Luke would not be able to cope with custody. Ironically, Sharon says, 'if he did go to custody at least we will know where he is.' After a few giggles, the practitioners continue the discussion, Sharon asks Alice for an update of Luke's compliance with the referral order, she says it has been acceptable, she has issued a few warning letters but not undertaken any enforcement for breach. 'That works in his favour then', states Sharon. Arguably though, Alice is going above and beyond to ensure Luke gets through his order (seeing him at irregular times). Alice states, that Luke would be 'unable to cope with any new workers.' The room goes quiet, it's almost like a stumped silence, Sharon is the first to speak, she states, 'fuck I don't know.' After another pause, Sharon says, 'go for a YRO, it might be more suited to him, suggest about 9 months as the burglary is serious.' Sharon continues to say, that 'supervision is an obvious, do you have any idea of where he will be [referring to the scaled approach]?' 'His statics are 3, 2, 3, 4[offence type, age at first reprimand/caution, age at first conviction, number of previous convictions] a total of 12, the dynamic is 27 (total 39) and he's on intensive now largely due to his vulnerability issues' Alice replies. 'How about a curfew, electronically monitored for say 2 months and reparation?' asks Sharon, with Alice responding, 'he'll be fine with the curfew as he has stuck to the one he's had in relation to his bail, what he does instead of going missing at night is he'll disappear during the non-curfewed hours.' Sharon: 'what hours has he been on then?' Alice replies, '9pm-6am.' Do we need to alter it, go for a 7-7 as a punishment?' questions Sharon. 'I don't want to confuse him by changing the time, [...] in terms of reparation we'll have to do it on a 1:2:1 basis but its workable.' Sharon continues, 'ok so we need to include victim work and to engage in ETE.' 'His current care placement are doing life skills with him but I was thinking of also getting him to explore working with the nurse' Alice states, 'not as a requirement though?' questions Sharon. 'No not as a requirement' confirms Alice. Sharon finishes filling in the sentence planning sheet before saying 'right then it sounds as though that would be enough, if you write the PSR and then send it to your manager, they'll QA [quality assurance check] it and let you know if there's any changes to be made.' Sharon pauses before saying, 'poor little bugger' and sighing.' (Extracted from field-notes: Court List Meeting, 09.07.2013, Oakshire YOT).

Luke's case was difficult, everyone had been stumped in the meeting as what to recommend. In this instance the YRO was helpful because it allowed Alice and Sharon to pick and choose requirements that were appropriate to manage the complex, intertwining risks and welfare

concerns that Luke posed/had. Luke was sentenced to what Alice recommended by the court which given it was only her second PSR was a great success.

### **When is a Contact a Contact?**

As the Scaled Approach determines the level of intervention or 'contact' a young person receives, it is stipulated in the YJB (2013e) guidance what a contact is:

*'A contact is a planned, meaningful face-to-face meeting that takes place between the child or young person, the YOT case manager, another member of the YOT, a member of another agency or a volunteer approved to work with the young person in respect of the supervision of his or her court order.'* (YJB, 2013e)

A contact, however, is context-specific, as Sarah (YOT Social Worker) explained:

*'A contact can vary from, maybe say you've got some kids who are coming to the end of an order or their on their third appointment for that week you might only see them for 15 minutes for a catch up, how's things going, what's happening, here's your appointment for the next week kind of thing or they might be in for an hour and half sometimes. Most of them are between half an hour and an hour, depending on how a young person engages back with you, some kids sit and say nothing; they are really hard work.'* (Sarah, YOT Social Worker)

Sutherland (2009:51) found in his research on the Scaled Approach that in most cases practitioners did not offer the minimum number of contacts, despite efforts being made in some instances to offer more than the minimum. He found that there were discrepancies in levels of contact even when young people had the same score, for example four young people had a total Asset score of 21; one was offered nine appointments, another 21 (still below the minimum requirement) (Sutherland, 2009:51). It was clear that practitioners struggled at times to offer the levels of contact that young people were assessed as needing, particularly for those that were scored as needing 'intensive' intervention. In order to meet the required standard of contact at the intensive level<sup>60</sup>, practitioners would often get another service involved in the case such as a drugs worker or class certain activities that the young person was already engaging in as contacts, as Sarah describes:

*'Often on three times a week we try and get someone else involved so it might be that we see them twice and a drugs worker sees them once a week or if a young person is in care we can use their key work session which they will have as a contact. They have to be seen 3 times by*

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<sup>60</sup> Especially before the contact level was reduced to 2 appointments a week by National Standards 2013 (YJB, 2013e).

*an agency not just by us. But the understanding is for example, the drugs worker will see them on a voluntary basis so as part of their court order they have to see the drugs worker but if they don't see them they have to come see us an extra time to make that up. It's like when they see the health worker that's confidential and voluntary, so they know if they don't do that they're still going to have to come see somebody at YOT.'* (Sarah, YOT Social Worker)

Getting someone like a drugs worker involved in the case to help meet the required level of contact allowed practitioners to manage the 'pressure to produce' whilst letting young people access specialist support. It was however unclear at times whether young people understood what was classed as a YOT appointment and what was not; for some young people like Will (see Appendix 2), whose life was so disordered it was difficult to see how he kept track of where he was meant to be and who with on a weekly basis. Will was at one stage of his involvement with the YJS, on an YRO with Supervision and 12 Activity sessions; this was designated to be 12 sessions with a drugs worker centred on exploring Will's increasing drug use. This was not his first involvement with a drugs worker but it was the first time it was made statutory by being made part of his order, if he did not comply he could be breached. This blurred the line between mandatory involvement with a charity whose services are provided on the basis of voluntary engagement. As Will was not ready to stop using drugs at the time of the order, he failed to engage with the drugs worker and subsequently, as Sarah stated, had to attend YOT for all of his appointments. This did not mean that the work around Will's drug use was completed by his YOT workers; Will's life was so chaotic at the start of his 4<sup>th</sup> YRO that the focus was given to 'practical issues' as opposed to undertaking work that was on his IP as one of the contacts on his record details:

*'YOT current intervention has focused on addressing the practical issues for Will around his lack of housing rather than a clear programme work despite Fergus and Heather having a plan to complete this work. Decision made that no direct programme work will start until Will has a settled and safe place to live. However we recognise that as he becomes settled, he is becoming more ready for direct programme work and we are aware of work around offence analysis and consequences of actions.'* (Extract from Case Study 'Will')

A large portion of what YOT practitioners do is 'firefighting' where they have to deal with issues as they emerge which means that the IP has to be 'parked' whilst they deal with the more pressing situation:

*‘I spend my time going from crisis to crisis with some young people; we can never get to the work on the intervention plan because it’s just one thing after another.’ (Glen, YOT Worker)*

**What Works? The YOT Practitioner and Young Person Relationship**

There was a strong belief amongst the practitioners and some of the managers (specifically those who had been in practice) that the relationship between the YOT practitioner and the young person was the most important thing. This in part contributed to supervision being the number one requirement that was attached to a YRO (see Table 10).

Requirement	Number of requirements for the YRO in 2010/11	Number of requirements for the YRO in 2011/12	Number of requirements for the YRO in 2012/13
Activity	3,631	5,145	3,287
Attendance Centre	1,129	1,432	823
Curfew	3,518	4,935	3,060
Drug Testing	25	21	16
Drug Treatment	76	89	68
Education	196	235	166
Electronic Monitoring	2,087	3,426	2,350
Exclusion	179	318	270
Intensive Fostering	20	16	13
Intoxicating Substance Treatment	48	37	29
Local Authority Residence	25	57	38
Mental Health Treatment	17	18	29
Programme	1,369	1,951	1,159
Prohibited Activity	160	400	283
Residence	91	141	93
Supervision	9,354	11,991	7,375
Unpaid Work	1,696	2,299	1,336
<b>Total</b>	<b>23,621</b>	<b>32,511</b>	<b>20,395</b>

Table 10: YRO Requirements from 2010/11 to 2012/13 (adapted from YJB, 2012b; 2013c; 2014a)

Helen (Practice Manager) stated that often the YOT can do nothing for the young person other than be a point of stability:

*‘I think if we can do nothing else, which often we can’t, we can be just a point of stability. Sometimes, we have to accept that that might be all that we can do but that can be quite powerful for a young person especially if we’re given a bit of time to work with them. We might not be able to achieve a great deal but if we can just be here than that in itself can be a useful (hopefully) experience for a young person.’ (Helen, Practice Manager)*

Desistance research (Burnett and McNeill, 2005; McNeill et al, 2012) shows that it is the actual relationship between a young person and a YOT worker that is beneficial, not necessarily the programmes and interventions that take place on an order. Carrie explained how significant she thought the YOT practitioner/young person relationship was:

*‘It’s the relationship, the relationship is so important. Someone could ask you a question about that kid and you’ll know instantly the answer. Often they haven’t got a good family so you almost become their family, you know their birthday, where they live, you know everything.’ (Carrie, YOT Worker)*

Similarly, Alice (YOT Worker) said that there was recognition of the need for time to build a relationship with a young person in order to get them to talk to you. Yet this time was not always afforded to practitioners due to the timings that are placed on them by National Standards (YJB, 2013e) and increased demands in relation to case management. Farrow et al (2007:211) comment that ‘there is a danger of a complex case management process devaluing face-to-face contact with the individual.’ Building a relationship can be as much about managing risk as doing a set programme of intervention can be. Doing things such as going to MacDonald’s with a young person was not only ensuring that they got something to eat for that day but aiding practitioner’s to break down barriers and build trust. It also made them seem ‘normal’ (Lucy, age 13) and less like a teacher for whom many young people in the YJS have had negative experiences with. Anna explained the significance of such activities in the context of writing an IP:

*‘What I do in part of maintaining or establishing a relationship falls into desistance and if I can evidence that by putting in my intervention plan that for the first three months, if it’s a particularly challenging young person or young woman for example, with quite complex needs then I’m gonna spend three months getting to know this young woman for her to be building that confidence in me and establishing a relationship. Whereas before I’d have not had the confidence in being able to put that into an intervention plan cause it looks a bit wishy washy, it’s a bit you what? You’re making friends with somebody? But actually it’s not just making friends, it’s about establishing her confidence, making young people feel comfortable therefore allowing them to be able to disclose more information and build a bigger picture which sits with desistance.’ (Anna, Q.YOT Worker)*

There were comments that some activities like taking young people out of the office environment particularly for food were seen as ‘rewarding bad behaviour’ (Simon, YOT

Worker). Yet by taking young people to another venue, practitioners could break the monotony, for themselves as much as the young person, of spending all their time in the office. This contact (Figure 6) from George’s case file illustrates such benefits:

<p><b>21/12/2012      Supervision Session (Stat Order)</b></p> <p><b>Assessed area of need linked to intervention plan:</b> Relationship building.</p> <p><b>Aim of session:</b> To take George out for a milkshake.</p> <p><b>Current vulnerability/Risk/Significant changes: e.g. medium/high/low:</b> No change.</p> <p><b>Any changes in personal circumstances:</b> None identified in the session.</p> <p><b>Content of the session and the method used:</b> Took George to Starbucks for a milkshake to see if he would be more open in a situation out of the office environment. George appeared nervous, although it was very busy in town. We spoke about plans for Christmas and he was looking forward to the day. George continues to engage with college and is enjoying the course; he reports no problems at home.</p> <p><b>Outcome of session i.e. if aims achieved:</b> Yes, good relationship building exercise although George was nervous.</p> <p><b>Level of engagement in session from worker's perspective &amp; feedback from young person:</b> George engaged well and appreciated the time away from the office and doing worksheets [related to the programme].</p>
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Figure 6: Example Contact from George's Case File

Practitioners often felt pressured (due to a clash between what they and what senior managers constituted as ‘evidence-based practice’) to enrol young people onto programmes or do activities such as worksheets which are reliant on them having good cognitive skills and levels of literacy that some young people in the YJS do not have (see Chapter 2). Sarah explained how she tried to keep sessions interactive especially with younger YOT clients (ages 10-13):

*‘We’ve got some special programmes for some kids that we use. For others it just depends really cause obviously we sit down, we’ve got a craft box, we’ll cut out papers and so on to make words and the kids will write a paragraph about what they’ve done and what they’ve got but they’ll use paper cuttings or pictures for words to say what’s happened. Or we’ll use newspapers for example to show offences that have happened to somebody else, to show victim issues. There’s the ripple effect too where we look at who’s been affected by a young person’s offence- you’ve gotta be creative. I’ve got a ten year old client, I was on the floor with them drawing pictures of a body map and putting our families around, I did it as well to make him feel more comfortable and between that we’re playing games so we’ll do a bit of*

*the session, a sheet on the WDYT Asset<sup>61</sup>, we'll do that first, one page of it and then stop and play a game just to keep his attention.'* (Sarah, YOT Social Worker)

'Being creative' was seen as being the way to get around the pressures of case management and keeping young people engaged in supervision sessions. There is an element of art (England, 1986) to what practitioners do when it comes to assessing and working with young people. Karen (Q.YOT Worker) and Sally (Q.YOT Worker) for example, were both each working with 15 year old young women (Jade and Alexis) who were inseparable. The girls would turn up to each other's appointments together and were described as a '*force to be reckoned with*' (Karen) if workers tried to separate them. Whilst it went against the YOT's policies and procedures, the two YOT practitioners worked together to deliver joint sessions as otherwise the girls would refuse to attend appointments and would have ended up in breach. They had similar backgrounds and similar risk factors so it made sense from the practitioners' point of view to unofficially co-work. Both had experienced abuse, neglect and were in care; they were also co-accused on most of their offences which was why they should not have been seen together even though keeping them apart was impossible for YOT practitioners to police. One such session they did was all four of them went for a mini-hike together into some of the surrounding countryside, a setting neither girl had experienced before. Karen reported that during this hike, Jade opened up about some of the experiences she had missed out on during her childhood due to the frenzied, drug-fuelled lives her parents lead. Karen explained that it:

*'Went someway to explaining why she is why she is, like an onion full of layers, peel back the tough, abrasive, full of attitude outer layer and you see she is just a vulnerable child who has had a shit life.'* (Karen, Q.YOT Worker)

Also through observing the girls together, it enabled the practitioners to see the dynamics of their relationship which was significant in terms of thinking about who was the driving force behind the offences. Such common sense and innovative thinking by Karen and Sally prevented Jade and Alexis from going into breach and resulted in the bonds between Karen and Jade and Sally and Alexis being enhanced. A trusting and respectful young person/YOT practitioner relationship can have an impact upon their propensity to continue to offend. If, however, the tools used for assessment, and the training provided to YOT workers encourages a focus on enrolling young people onto programmes such as anger management,

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<sup>61</sup> The What Do You Think (WDYT) Asset is the section of the Asset assessment tool which is completed, usually using computer software, by the young person. It asks them to rate on a scale of 'like me' to 'not like me' how much they think a serious of statements about all aspects of their life relate to them.

which have little bearing on young people's daily lives rather than developing this then successful outcomes are hard to achieve. Several of the young people in France et al's (2012:75) study commented that they thought programmes such as alcohol abuse, anger management were not very relevant or useful to them. Moreover, when comparing, for example, Stuart's intervention plan (see Appendix 2) to his end Asset it is difficult to firmly state that the YOT order made an impact on Stuart's propensity to offend especially as in this case his scoring and intervention level went up at the conclusion of the order despite him having completed offence-focused work.

### **Risk as a Constraint to 'Good Practice'**

The preoccupation with risk in every aspect of youth justice practice has left some practitioners feeling restrained in the activities that they can do with young people. Fitzgibbon (2011:145) states there is a 'need to continually think outside the risk-score'; often practitioners wanted to do activities with a young person but it was deemed as inappropriate or 'risky.' Anna (Q.YOT Worker) explained how she had to fight with her managers and colleagues from external agencies to deliver a joint intervention with a young girl (who was in care) and her step-mother (the only family member she had). The step-mother was seen to be a bad influence on the young girl as she was a street sex-worker and habitual drug user:

*'One woman in particular I'm working with at the moment, she's just turned 16, she was 15 when she became subject to an order. Both her parents are in custody and she was living with her stepmom who is a street sex worker and heroin user before being taken into care. There was a strategy meeting called by the police where it was decided that an abduction notice needed to be served on the stepmom because there was risks that this young women would go visit her stepmom and possibly get involved in sex work and drug misuse; this was all prior to her coming to an order. When I started working with her on the order, they had a follow up strategy meeting to look at how the implementing of the abduction order had worked; it hadn't! Because basically both the stepmom and the young women had flouted it; they had been together loads! The first time I met stepmom they were actually together in court yet there's an abduction notice for them not to be together at any one time! So at the meeting I proposed that the abduction notice needed to go, we actually needed to bring stepmom in and start working with her. And I were told 'you've got no chance it's far too risky', 'she's a sex worker', she's got all her own vulnerabilities, they just weren't buying it. But for me that is the way forward, I strongly believe in that working with any of our young people and*



*especially looked after children, if it's possible, that we engage parents. It's crucial and whoever they deem parents to be so that might not necessarily be birth mum or birth dad and in this case it wasn't, it was dad's current partner. I kept on about it and on about it, it was like banging me head against a brick wall but ultimately they decided that they'd remove the abduction notice and allow us to do some intervention with stepmom. But that had to go through risk panel to get managers to agree it, we had to go through social care to them to sign it off but now we're doing it! Every week we meet with stepmom, a drugs worker, me and that young women and we do a 4 way meeting. It's not been easy but I think it's been very productive; she's not reoffended but her stepmom's gone back to using heroin. You know the hierarchy, our management, would see that as very very risky but for me its supervised; we're having some contact, some impact on that young women, if we, said no that abduction orders imposed and you're not to see her, she'd see her anyway and we wouldn't have a clue what she was up to. So this way at least we've got a foot in the door as to what's actually happening at that house when she goes.' (Anna, Q.YOT Worker)*

Anna had to go through so many processes and procedures to do what actually turned out to be important work with a girl recorded as highly vulnerable. She was working in the context of that young women's life, she had already been exposed to drug use, violence and prostitution so shielding her from it now seemed like a pointless process. Anna further explained one of the interventions that was undertaken with the young women following an incident related to her stepmom's drug use:

*'The thing is that even though I do say to the stepmom you're not to use in front of her and as much as I would love to hope that she didn't, reality is, she does use in front of her. In fact the young woman found her overdosed a few months ago and had to call ambulance. So one of the sessions that our drugs worker actually did was what to do if she finds her unconscious again and the first aid element of that. People would struggle to understand that we're having that conversation with a young person but actually that's her life.' (Anna, Q.YOT Worker)*

It may appear difficult to understand how you could teach a 16 year old to do such a thing but it was likely that the young woman might need that skill in the future. Anna, like many YOT practitioners wanted to have discussions or do activities with young people that were for them taking a risk or thinking outside of the box; whether managers or colleagues from

other agencies supported the risk taking was dependent on the practitioner having confidence in their ability to deliver it:

*'I'm right up there with positive risk taking, I really do believe in it. I think you have to be confident in your ability to do what you say you're gonna do in order for agencies to think it is risky but I'll take a chance.'* (Anna, Q.YOT Worker)

Stella (Q.YOT Worker) and Richard (YOT Worker) explained how doing activities such as fishing, playing pool or driving in a car were very productive in breaking down barriers:

*'I've been fishing loads. I would take a group of young lads who had been offending and exhibiting quite challenging behaviours, but once you stuck them on a river bank with a fishing rod, you sat next to them and they're not looking at you, their concentrating on fishing you can have some really good one-to-one chats. Likewise in a car it's the same thing; chats that you can have in a car or doing something, another activity that's distracting but having a conversation at the same time, can be really productive.'* (Stella, Q.YOT Worker)

*'I think some people within youth justice, practitioners, managers and maybe the YJB all think that something like the pool table is too youth workerier, it's not 'professional.' Interventions need to be more specific, more targeted; it needs to be more focused on their criminogenic needs. But I get more out of a young person say about their drug use whilst playing pool then I do sat in a room round a table for an hour doing a cannabis workbook.'* (Richard, YOT Worker)

Yet such activities were rarely encouraged as they fell into the bracket of 'rewarding young people for bad behaviour' which if uncovered by, for example, journalists could be easily criticised. They were however opportunities that most young people involved in the YJS would never have but such activities now had to be risk assessed for insurance purposes which reduced the chance of them taking place; even crucial, simple tasks such as practitioners transporting young people in their car or going on home visits had become subject to scrutiny as to what the risk involved for the practitioner and the agency as Kate illuminates:

*'I was going round to see a young person (age 13) and I'd phoned his mother to confirm; she said to me that she 'hates police', 'hates this agency, that agency.' My [named colleague]*

*said are you going on your own and I said well yeah. I said if she's anti-agency, I'm not going in, in twos, I said people aren't stupid are they? If they've seen quite a lot of the police or social services then they're not daft. I just thought if it's really hairy scary and they start being funny, I'll just walk out. But if we go in, in twos and this women's anti-agency plus you don't know layouts of people's houses, you can end up with two bodies having to sit in the place and all the dynamics of that when I just thought I could just plonk myself down and see how it hangs then if I'm not happy I'll leave.'* (Kate, YOT Worker)

Kate was trying to do what she thought was the right thing to encourage the family to work with the YOT; the risk policy in relation to home visits was a barrier to this, Kate was clear that had she followed the rules then the young person and his mother would have been impossible to work with. In each YOT there was a group of practitioners who were keen to develop new interventions or activities for young people in their service. A reason behind this was because of the loss of existing resources through the financial cut-backs or because they recognised a gap in provision. Group work was one such area that has seen resurgence in recent years within youth justice, Stella expressed why she thought this was:

*'It's really interesting in terms of the political agenda and how things move and change. A few years ago it wasn't about group work cause group work was too kind of airy fairy and it was perhaps too youth worky. It was all, if you did group work it was just about offence focused work whereas now I think we're going back a bit and it's about engaging with young people, doing more sort of informal education.'* (Stella, Q.YOT Worker)

Some examples of groups were a girls group, a football based group for boys, a series of events for young people during summer holidays; all of these were focused on getting young people together doing an activity where they can learn skills in communication and team work. Most of these sessions took place during the evening or at the weekend; this meant that practitioners who were on the rota to manage the group at that point had to set some time aside to plan the activity. As practitioners stated they *'never had time for planning'* (Sarah, YOT Social Worker- see chapter 5) this was an added challenge which those practitioners involved in the groups embraced as they were particularly passionate about what they were doing. There was criticism levied at several of these practitioners as they were *'racking up ridiculous amounts of leave and toil'* (Charlie, Practice Manager) because they were always the ones involved in this activities; this created a difficulty for their line managers who were pressured by Human Resources to make the practitioners take their

allocated leave. Moreover even group work activities required risk assessments to be undertaken as it was seen as 'risky' to have several young people who were on YOT orders in the same place at the same time.

### **'Adaptation Saturation'**

One of the frustrating things about practicing in youth justice is the constant changes of legislation and policies. Bella (Team Manager) characterised much of youth justice policy as reactive, stating that:

*'I think it's unfortunate because best practice evolves in a reflective way not in a reacting to 'right we've got this new sentence coming in, this new provision, does anyone know what it is?' No they don't so we've got to do that and we kinda got to make it up as we go along which for me is not the best way of putting together effective interventions to prevent young people from offending.'* (Bella, Team Manager)

This made it difficult for practitioners to keep up with the changes leading to what can be termed 'adaption saturation'; they have become totally overwhelmed by the changes that they are saturated with them, *'my brain cannot take anymore'* (Fred, YOT Worker). Some of the nuance policies and procedures that were attached to the YRO were particularly difficult for practitioners to have the time to grasp; for example, the process of revocation and resentencing with the YRO was initially perplexing. When a young person is on a YRO and they reappear before the court charged with a new offence or with breach of the YRO then the court, if they wish to resentence the young person has to revoke the existing YRO, before they can do so (YJB, 2010d). This is because a young person can only have one YRO running at once. Sarah (YOT Social Worker) expressed concern about the resentencing process:

*'I just don't like the fact you have to be resented every time, the purpose was to stop kids having 15 court orders at the same time but then when you get the same kid week in week out getting the same sentence it just becomes complicated. I've got a boy who got a referral order in September last year, then he got an extension and then he got a YRO, he's never actually completed an order yet, he's on his 11<sup>th</sup> YRO now since September last year. So now when he goes to court for a resentencing exercise I've got to print off a list of all his offences since September last year that he's got to be resented on. It reflects quite badly on him that he's never finished an order, but he's not been given a chance.'*

*(Sarah, YOT Social Worker)*

The revoking and resentencing of YROs had an impact on the case management process in that practitioners had to do double the amount of paperwork:

*'We have to do a new Asset with every single new order that we get especially now with the YROs, I've got a lad for example whose been in court every fortnight and every time because of the system with YROs, you can only have one order at a time so they have to revoke it and resentence them. So everytime he gets revoked and resented we have to do an end Asset and a new start Asset for the order. So you are just reviewing it every single time.'* (Sarah, YOT Social Worker)

This process has also had an impact on young people, particularly those who are regularly in and out of court in that they struggle to understand the revocation process; Liam (case study- see Appendix 2) for example, had a total of 6 YROs in the space of a year, he never completed one of them commenting that *'I've been on a YRO for ages, when will it end? I just can't get ahead'* (Liam, age 17). Liam, like several other young people, struggled to keep track of when his sentence would end and what was expected of him as it all merged into one. Due to the revocation process, it was clear when exploring case files of young people that the individual offences that a young person has committed got lost with every revocation. This meant that often some offences were not addressed in supervision sessions. Matters are complicated further by the fact that because the YRO is a menu of requirements, orders can be varied to remove requirements and attach new ones. This can be for the benefit of young people and YOT practitioners; removing requirements that are *'a nightmare to sort out'* (Philip, YOT Worker) with the young person refusing to engage in them. It can also be an opportunity to use new resources. Patrick for example, had his YRO varied twice (see Appendix 2) to amend the requirements that were attached to it when he appeared before the court for breach. On the first occasion the supervision requirement was removed and replaced with an activity requirement which was to complete six days of reparation. Patrick struggled to engage with this and subsequently entered breach proceedings again a month later. The YRO was varied for the second time with the activity requirement being removed and an attendance centre requirement for 20 hours added to be completed in six months. The attendance centre was a recent addition to the repertoire of requirements that Rosedale YOT could offer as their local Probation Service had started a centre for 16-24 year olds. They had requested that the YOT help to increase the use of the service meaning that there was a steady increase in the number of YRO's with the requirement attached to it being issued. The centre ran weekly sessions which lasted for 2 hours and were centred on a

specific theme associated with offending for example, alcohol awareness, anger management and victim awareness. I asked Grace (Patrick's YOT worker) if she had discussed the change in requirements that were attached to Patrick's order following his two breach offences with him. She said they had discussed them and each time Patrick presented as being motivated to complete the new requirement. Her choice of word 'presented' was interesting. She also commented that the attendance centre was a new service being offered by Probation and the message from management was 'if you don't use it we'll lose it.' This was why she had recommended that be attached to his YRO on his second breach rather than unpaid work.

Which requirements were attached to a YRO in the first instance depended on various factors such as: a young person's sentence history, what was available and what practitioners wanted to achieve. Some of the requirements have certain conditions attached to them as to when they can be imposed such as unpaid work- only 16 and 17 year olds can be given this requirement (YJB, 2010d). Bella (Team Manager) explained:

*'Out of the available ones, they'll be a limited menu that will get used a lot. Sometimes we may not have that provision available, sometimes it might not be appropriate and sometimes it might be that they want to do that work with the young person but not necessarily have it mandated on an order because of that kind of voluntarism and you know getting a young person to a point of engagement. So we tend to use the more standard ones around drugs and alcohol or around employment.'* (Bella, Team Manager)

There was a view amongst some of the practitioners that some of the requirements were over-zealous and could result in further criminalisation such as the education requirement or the residence requirement (see table 10). Others were used as a clear punishment such as curfew, unpaid work and the attendance centre requirement; the perk of these requirements in particular was that they were run by the Probation Service<sup>62</sup> so this meant that it freed up some of the YOT practitioners time. Several of the case study young people were on YRO's with only supervision attached to them yet they would undertake activities or programmes during supervision sessions; these could have been recorded as separate requirements attached to their order. This was not done so as to protect young people from being breached in a similar natured way targets on intervention plans were kept broad by practitioners. The availability of requirements or who was going to enforce them was also a

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<sup>62</sup> This was until recently when the Probation Service was split and privatised, at the time of writing, it was unclear what would happen to the delivery of such services but according to a YJB Bulletin (YJB, 2014e) it appeared that YOTs would resume control of organising and delivering the unpaid work requirement.

concern when practitioners were choosing from the menu as to what to attach to an order. For example, Sarah explained how the curfew requirement was seldom used by itself as it required someone to monitor it which she did not have the time to do so, meaning that the requirement if it was to be used always had, at her YOT, the electronic monitoring requirement attached to it as well.

It was unclear as to how effective certain requirements were on their own. To illustrate, George was sentenced to a YRO with programme requirement for the offence of Common Assault (see Appendix 2). The programme was a restorative justice based intervention where the young person and the YOT practitioner work through a booklet of activities designed to get the young person to think about the harm that they have caused to others and how they could repair it. Despite the order, however, only containing the programme requirement, other work/intervention not related to the programme occurred meaning that George may have well had been on a YRO with Supervision from the start of his YRO. Sarah (YOT Worker- not George's case worker) told me that the issues the programme would have addressed would still be covered in supervision anyway so what was the point of the programme requirement in the first place? Moreover, at times the supervision requirements was removed due to young people failing to comply yet YOT practitioners continued to be involved in a young person's life. Liam, for example, after several years on numerous YOT orders was placed on a YRO with unpaid work, with no supervision attached to it (it was removed following him failing to attend appointments). With no mandate to assist Liam, both Warren (Probation Officer) and Fergus (YOT Worker) continued to aide him when he became homeless to seek accommodation rather than refer him to the appropriate agency. Such instances showed the dedication practitioners had to the welfare of young people (see chapter 4), as Carrie stated: *'we just can't help ourselves at times.'*

### **Summary**

The YRO has had an impact on the way YOT practitioners practice in that it has created extra paperwork through the revocation process. The requirements that are used by practitioners are dependent on what young people are assessed as needing but also what the practitioner thinks that a young person can cope with. YRO requirements are dependent on what is available in that area; not every YOT has the resources to offer the full range of requirements meaning that they choose from a limited list. To combat this, YOT practitioners are increasingly developing their own in-house interventions to give young people the bespoke

order that the YRO is meant to be (YJB, 2010a). Fundamentally, there was still a general sense amongst practitioners that it was unclear what exactly worked to stop young people from offending/reoffending, as George illustrates:

*‘What’s the point of highlighting the risk if we can’t actually manage it anyway? To scare everybody? We can’t manage it, I can’t stand over somebody 24/7 to make sure he doesn’t do that, nor would I wish to frankly. At the end of the day all you can do is identify what the risks are and put things in place. But you meet these kids at 14, he’s screwed out of his head, all over the bloody place, already started using cannabis, his parents don’t want to know yet apparently over the course of two, 1 hour sessions a week I’m going to change him, of course I am! I’ve also got fucking wings and a bloody magic wand I’ll wave at him.’ (George, Probation Officer)*

Most YOT practitioners, particularly those who saw YOT as a vocation, believed that it was the YOT worker/young person relationship which was the most significant factor. This view was supported by many of the young people on YRO orders. In order to illustrate many of the points that have been made in this thesis, particularly in Chapters 5 and 6, several case studies are presented in Appendix 2 which show how the Scaled Approach and the YRO works in practice. The following, final chapter of this thesis will present a summary of the key themes before concluding with several recommendations for policy, practice and future research.



## **Chapter Seven: Conclusion: Did Fools Rush In?**

***‘Bloody Scaled Approach, it’s just a load of old nonsense.’ (George, Probation Officer)***

***‘We work cases together as a team. The Scaled Approach or any new policy won’t change that.’ (Sarah, YOT Social Worker)***

### **Introduction**

This thesis has explored how the concept of ‘risk’ has impacted on youth justice practice in England. This has been done by exploring the effect the Scaled Approach and the YRO has had on YOT practice. An ethnographic, ‘step-in, step-out’ methodology allowed for an in-depth exploration of what it is like to practice in a YOT from practitioners’ points of view. By adopting a reflexive, iterative-inductive approach, I have been able to reflect on my position within the research and the influence my views of the YJS and the treatment of young people have had on all aspects of the research process, from data collection, analysis, interpretation and the representation of my findings. Chapters 4, 5 and 6 presented the findings of my ethnographic fieldwork; the purpose of this final chapter is to draw together the main themes highlighted in this qualitative study of YOT practice. It will address the research questions proposed in Chapter 1, before making recommendations for policy and practice. It will then reflect on future developments within youth justice policy before concluding with some recommendations for future research.

### **Key Themes**

#### **Risk Assessment is Risky Business**

Risk assessment is a feature of everyday youth justice practice. Making an assessment of the likelihood of a young person reoffending is the focus of the core Asset profile; additional risk based assessments include the ROSH, an assessment of the risk of serious harm to others a young person poses and the VMP, which explores a young person’s vulnerability. Such assessments are core business of YOT practice yet risk has had a wider impact on such practice than just in relation to assessment. It has impacted on the way that YOTs are structured; it is one of the determining factors when cases are allocated to practitioners and it is something that has to be considered when creating and delivering interventions with young people. Practitioners are also expected to risk assess in terms of their health and safety when it comes to meeting with young people particularly in relation to conducting home visits. Risk was largely viewed to be a negative thing by practitioners as it had been ‘drilled’ in to them that it was connected to a young person’s risk of reoffending and risk

they posed in terms of public protection. There was little consideration generally given to the notion that the process of growing up in the 'risk society' (Beck, 1993) is a risky business for young people. It has become almost absurd in YOT practice to associate risk with a positive outcome or to use it in a positive manner (Lupton, 1993; Green, E et al, 2000); YOT policy and procedural documents such as 'Managing Risk in the Community Procedures' (YOT Policy Document 1, 2013) view risk as something which can be managed and dealt with in order to prevent a negative outcome. The idea that risk is fluid, dynamic and perhaps unmanageable has had little attention paid to it by youth justice policy makers at both national and local level despite emerging research (see France et al, 2010). On the front-line, a few practitioners did acknowledge this, yet this was because their particular viewpoint of how you should work with young people who have offended was to come from a strengths-based perspective (a more positively focused approach); something which was fundamentally linked to their reasons for doing the job that they do (their occupational identity) (see below).

Young people no longer have to be present for YOT practitioners to be engaged in the process of risk assessment. The task of risk assessment generates its own risk and 'creates new dangers' (Beckett, 2008:41) because the policy preoccupation with risk means that practitioners ironically end up spending less quality time with young people and more time on the perceived 'less risky' task of risk management procedures (completing assessments on the PC). This has been shown in high profile cases of failure by organisations such as Children's Social Care (Baby Peter Connelly) (see LSCB Haringey, 2009; Fitzgibbon, 2011) or Probation (Dano Sonnex) (see Hill, 2009; Fitzgibbon, 2011) where because the clients were deconstructed into a set of risk scores and the relevant paperwork was completed that it was viewed as though the risk was being managed. Hindsight shows this was not the case. As Munro (as cited in Jenkins, 2008) stated, in relation to the case of Baby Peter, 'Haringey [CSC] had a beautiful paper trail of how they failed to protect this baby.' If things do go wrong, which inevitably they might because organisations such as YOTs are dealing with human beings, then having completed the relevant paperwork is not going to prevent something from happening. All that will be demonstrated is that practitioners were sat behind desks staring at a computer screen, when they should have been out in the 'real world' trying to effect change for their client(s). YOT practitioners have less time than ever before under the 'pressure to produce' to get to understand the complex lives some young people lead. Many practitioners expressed that they had little time to reflect and consider the interconnected nature, for example, of some risk factors or how they were going to

construct a workable and effective YRO sentence. This resulted in similar sentences and interventions being given/carried out with young people; the idea that the YRO should be bespoke (YJB, 2010d), was simply not evident as many young people were sentenced (at times repeatedly despite reoffending) to the same YRO requirements. This could be because there are common links across the young people that are in the YJS in terms of what risk factors they have (one of the justifications for the evidence-base that has been used for Asset- Baker et al, 2003; 2005) and/or because the availability of YRO requirements was an issue which had to be considered when constructing PSRs or sentencing. Risk management processes and procedures impose new risks on practitioners, they are not infallible, they are likely to miss some of the many deadlines they face; indeed many choose to do so in favour of prioritising or having to deal with a crisis, for example, Philip (YOT Worker) and his homeless young person or Karen (Q.YOT Worker) and the two girls misbehaving in the YOT office (see chapters 4, 5). In relation to child protection social work practice Munro (2010:1138) has stated:

*‘Practitioners can break rules for good reason. The range of decision scenarios they confront is so varied that, at times, the rules or accepted good practice do not apply. Also, when there are constraints of time and resources in the system, workers have to make pragmatic decisions about what to prioritise. Therefore, the work environment can make it difficult or undesirable to follow the official procedure.’ (Munro, 2010:1138).*

YOT practitioners can also break the rules for good reasons too; they are often the people who know the most about what is going on in a young person’s life because they have been working with them, often in their own environment (i.e. visiting their home, school). It must be acknowledged however that this will be only a partial view of a young person’s life. The inspection framework (HMIP, 2013a) which has in-turn encouraged the creation of in- house YOT audits and case management review processes, has resulted in a focus on the computerised risk assessment where the actual quality of the intervention that a practitioner is delivering with a young person is based upon how good a practitioner is at completing the computerised risk assessment as opposed to how good they are at working with a young person. There was a disconnect evident in several of the YOTs in that it was assumed that because a practitioner can write a ‘quality’ Asset on time, that they were good at working with young people; one does not necessarily follow the other (see chapter 5). Often practice managers considered some of their best practitioners those who were through YOT case allocation guidance to be ‘unqualified’ to hold the ‘risky’ cases. They were, however, precisely the type of practitioner that such a young person needed because they had (more

often than not) decades of experience of working with young people; they were able to connect with young people easily.

### **Practitioner's Occupational Identity and Organisational Culture Affects Risk Assessment**

The way that YOT practitioners conduct risk assessments such as Asset is influenced by their occupational identity and the organisational culture they work in. Reasons why YOT practitioners do the job that they do could be divided into three broad categories: making a difference; social work with young people in the CJS; the challenge of working with risk. Practitioners, who wanted to make a difference, saw their job as a vocation. They were more likely to be critical of the scaled approach because of its perceived negative, risk-led focus; for these practitioners the young person's welfare was the top priority when it came to assessing, planning and delivering interventions. This could be seen in the Assets that those practitioners constructed, where the overriding focus was to deal with the underlying welfare issues a young person had such as poor familial relationships or emotional issues (in relation to childhood trauma) where the link to the offence that resulted in the order may not be easy to see or even exist. They were also the group most likely to participate in 'repressive welfarism' (Phoenix, 2009) (see below); taking it upon themselves to rescue the young person from what they saw as the failings of other services (i.e. CSC). They were likely to have been practicing for over ten years and in some cases prior to Asset and even YOTs.

Those practitioners who wanted to do social work with young people and had an interest in offending were mostly of a post-YOT generation; they were more accepting of risk assessment. They often were in the early stages of their career and had only begun practicing with the scaled approach meaning that they had little to no experience of practicing without it. As most of these practitioners had undertaken a degree in Social Work or similar professional training, they were more accepting of the link between the research base of developmental RFR and the scaled approach, and how they linked to YOT practice. This group of practitioners were more likely to follow the policies and procedures laid before them by their management; if they had cause for concern in relation to, for example, the scaled approach level a young person following their assessment had gained, then they were likely to seek management over-ride as per the YJB (2010a) guidance rather than to manipulate the score themselves.

The final reason that was evident why YOT practitioners do the job that they do was that they enjoyed the challenge of working with risk. The unpredictable and challenging nature of working with 'risky' young people, despite at times being frustrating and difficult,

was the driving force for many practitioners being in the job that they were in. This group viewed themselves as not being suited to 9-5 roles; responding to incidents and situations that young people in the YJS face was a role which involved working 'elasticated hours.' Seconded officers from the police and probation service were particularly grateful for the opportunity that the challenge of working with risky young people offered them; it allowed for them to have a second career, something for those who had become despondent with their primary career were grateful for. For example, George, a Probation Officer was not happy with the changes that probation had gone through in the shift from 'assist, advice, befriend' to 'offender management'; being seconded to YOT provided him with the opportunity to do more face-to-face work with young people.

The reasons why practitioners do the job that they do, in particular where they sit on the welfare vs. justice (R. Smith, 2005) continuum, influences their approach to risk assessment. As the aims of youth justice policy remain ambiguous (Souhami, 2007), practitioners use their own background and viewpoints on how children in conflict with the law should be treated to construct assessments and devise intervention plans. There was always a focus on ensuring that a young person's offending behaviour was dealt with by practitioners however this was done in the context of a welfare-focused approach, with a young person's needs being focused on primarily rather than their deeds. This is not to say that the risk a young person potentially posed was ignored; the ROSH a young person posed to themselves and others was always considered by practitioners even if it went against their primary welfare-orientated instincts as such an assessment was viewed in turn as being important for a young person's welfare.

### **The 'Pressure to Produce'**

The 'pressure to produce' was a strong theme and indeed appeared to be one of the core characteristics of YOT practice culture. YOT practitioners face increasing pressure to deliver 'results' particularly in relation to reducing reoffending. The increasing number of performance targets that YOTs are subject to, mean that practitioners on the front-line are tasked to 'perform' and 'deliver' results yet there is a divide between what senior managers/YJB measure as good results and what YOT practitioners see as a good result. This was often seen in intervention plans whereby practitioners would create broad targets which would satisfy their managers in that they were, for example, delivering offence-focused sessions but at the same time were protecting themselves and the young person from being tied to very specific targets (see chapter 6). YOT practitioners would often count what could

be viewed as the little things as signs of progress or a good result such as a young person attending school or going a week for example without smoking cannabis. It was a widespread view that should a young person be sentenced to custody, the YOT had failed them (both managers and practitioners expressed such a view). Therefore doing what they can to prevent this from happening resulted in practitioners relying on their use of discretion to subvert at times what were viewed as unfair policies or legislation. The focus on risk assessment has increased the 'pressure to produce' with practitioners now faced with an increased focus on how efficiently their assessments have been completed and whether or not the computerised case file is up-to-date or not. This goes against the common link between all three of the identified reasons why practitioners chose to do the job that they do which was to work directly with young people in the YJS. Time spent on the computer was not seen as being effective in terms of helping a young person to change their behaviour; as George (Probation Officer) proclaimed, YOT practitioners should be *'going out and getting your hands dirty and actually daring to go and spend some time with a young person.'*

### **'Firefighting'**

YOT practitioners spend a vast proportion of their time, with some young people, like Kevin, Will and in the later stages of her order, Lucy, 'firefighting.' These young people have lives which can be described as chaotic and dysfunctional, meaning that often all YOT practitioners can do is act like a firefighter, putting out fire after fire until things settle down or something happens to put the fire out completely (i.e. the young person, e.g. Kevin, enters custody). Being a consistent source of support or stability as Helen (YOT Practice Manager) refers to it, is at times, all YOT practitioners can be to a young person. This was illustrated in the case of Will where work related to his intervention plan for his YRO was suspended for approximately 6-8 weeks after he was kicked out of the family home because his welfare needs took priority. YOT practitioners have to deal with situations as they emerge when supervising young people; the relationship between the practitioner and the young person is critical from both practitioner's and young people's points of view in reducing the likelihood of them reoffending. Spending time talking and getting to know a young person, doing activities that may be considered to be 'youth worker-y' such as playing pool, whilst on the face of it may seem as inappropriate or 'rewarding bad behaviour' were often crucial relationship-building activities which led to other work such as offence-focused programmes being able to be completed. Yet because of the 'pressure to produce' (see above; chapter 4) practitioners felt that there was little time afforded to them to get to know young people before they were expected to have drawn up and begun work on their intervention plan.

Asset did not help in the creation of a relationship because of the amount of questions practitioners are expected to answer they have to, in turn, ask a young person a large number of questions in order to get the level of detail it requires to be completed. There is a skill involved in eliciting information from a young person without the process being likened to an interrogation; a process which again needed time practitioners felt they were not afforded.

### **‘Adaptation Saturation’**

YOT practitioners can be seen to have faced ‘adaptation saturation’ (chapter 6) whereby the constant changing of youth justice policy and shifting focus of practice has resulted in practitioners being overwhelmed. Given that youth justice policy has a history of being reactive to political and media pressure, this often gave YOT managers little time to prepare their practitioners for incoming legislative and practice changes. Some of the nuanced policies and procedures that are attached to the YRO such as the revoking and resentencing process, whilst welcomed on a practical level (as it prevents young people having multiple orders running at the same time as was the problem prior to the CJIA2008), created initial difficulties for practitioners as they did not have the time to study the guidance. Such a process also resulted in practitioners having to complete ‘double’ the amount of paperwork as, for young people such as Liam and Will who were regularly in and out of court being resentenced each time, this meant that they had to complete an end Asset and a start Asset every time they got a new YRO. Those practitioners who had been in practice for over a decade, were exhausted by the constant changes, having a very much ‘seen it all’ style attitude. They wanted to ‘make a difference’ and consequently accepted legislative and policies changes as just being a feature of the job- they did not change their particular way of practicing. The constant changes impacted on practitioner and team morale in that there was a general sense evident in several of the YOTs that they were constantly ‘playing catch up’ or ‘chasing their tail’ when it came to legislative and policy changes.

### **‘Being Creative’ vs. ‘Manipulation’**

‘Being creative’ was a phrase repeated by practitioners and managers across all the YOTs; it was what they termed using their discretion in order to subvert policies and procedures which they did not agree with, this included sentences that a young person had received. Also for practitioners, ‘being creative’ was also at times used in order to do what they felt was best for the young person under their supervision in spite of manager’s instructions to the contrary. Through invoking their discretion, practitioners were, in particular, able to

manage the 'pressure to produce' in relation to the timely completion of Assets and the various other paperwork that they are expected to complete/keep up-to-date. 'Being creative' was used to manage the scaled approach especially in relation to the static factor score that practitioners had no control over. Where relationships between practitioners and managers were poor or a practitioner felt that they did not have the evidence required to request an over-ride of the score that had been generated which was (primarily) too high, they would use their discretion to manipulate the score so that a young person would end up in the intervention level that they felt was appropriate. This was done to protect the young person from possible undue criminalisation; however by doing this practitioners were also protecting themselves from having to deliver a particular number of appointments to a young person which they most likely would have struggled to do. They were protecting themselves from a 'risky outcome.' If a practitioner could not prevent a young person from being, primarily, in the intensive level of intervention, they would work with the young person at that level for the first three months of their order, 'being creative' as to how they organised that young person's appointments. They would be particularly wide ranging as to what they might class as a statutory appointment, for example, young people in care like James and Lucy would often have their key work sessions at the care home classed as a YOT contact. There was then, when it came to the three month review stage<sup>63</sup> an almost 'automatic process' where the young person would be dropped to what was viewed as the more appropriate intervention level which they should have been on from the start. Again, 'being creative' was seen as a way to subvert the scaled approach. The over-ride feature within the scaled approach was rarely used in some of the YOTs because practitioners felt they seldom had the evidence required other than their 'gut feeling' to convince their practice manager that the intervention level should be overridden. Moreover, some practice managers actively dissuaded their practitioners from requesting an over-ride because they were uncomfortable over-riding the score as they would be accountable should anything go wrong. There was another side to such manipulation of scores by practitioners in that by doing so they were benefitting themselves by getting other agencies involved in a young person's case who could potentially deliver interventions which could be classified as offence-focused work meaning that it could be recorded as a contact; this resulted in freeing up practitioners time so that they could spend it doing something else. Involving other agencies in a young person's case was seen as a way to manage the 'pressure to produce' and all of the roles and responsibilities an individual practitioner may have (see chapter 4).

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<sup>63</sup> All the YOTs in this research maintained the 3 monthly review policy despite the National Standards Trial of a Freedom and Flexibility approach which changed the policy to 6 months (YJB, 2012c).



## **‘Fight’**

There was a strong sense that the core characteristic of YOT practice, ‘fight’, was becoming increasingly prominent as practitioners were tasked with delivering high quality and effective interventions with young people in the current climate of economic recession. It is hard to establish whether it has been the impact of the scaled approach alone or in combination with the recession and the dearth of welfare services (Phoenix, 2009) that has resulted in the rise of a repressive welfarism approach to young people in the YJS. There was clear evidence that practitioners were experiencing challenges in relation to the loss of access to welfare services and where services did exist, thresholds for accessing them were higher than before. Young people increasingly have to present as having a defect, something wrong with them or have been labelled ‘risky’ or ‘at risk’ in order to qualify for intervention (Goldson, 2005); the language of need has been replaced by a language of ‘risk’ as the core principle of social policy formation and welfare delivery (Kemshall, 2002:1). Some practitioners used the scaled approach, specifically the dynamic scoring, that they have control over to manipulate a young person’s score and subsequent intervention level so that they could gain access to vital services. This was done with the best intentions behind it; the young person’s welfare was the highest priority. Yet practitioners often failed to consider in their justifications for scores that were given to Asset sections where the scoring had been stretched to meet certain criteria for referrals to services such as CAMHS, whether a young person wanted to access the services in the first instance. Secondly practitioners often failed to consider whether the young person was in a suitable, stable position in order for such a service to be effective. This can be evidenced in relation to Will’s chronic, unstable substance use in that the vast majority of substance abuse research (for example, Pycroft (2010)) would detail that a person would have to want to quit in order for any intervention to be successful. By making Will address his cannabis use (amongst other substances) as part of his YRO order through an activity requirement to attend sessions with a substance misuse charity, Will was forced to address something which he in himself was not ready to deal with; the cannabis use was his way of dealing with his feelings towards experiencing neglect by his mother during his childhood. Will was not, at that point in time, ready to deal with such painful and emotional memories nor should he have been made to do so given that his living arrangements were at that point unfixed. Will subsequently went on to breach this requirement as he did not want to work with the substance misuse charity at that point in his life.

Some practitioners would regularly go ‘above and beyond’ to help a young person under their supervision or at times, young people who they no longer had a statutory duty to

assist but felt that it was morally appropriate to do so. They would 'fight' what was often viewed as a YJS which was unfit for purpose in order to get the best outcomes for a young person. For example, Kate with the purchasing of a bag for Ash (chapter 4); Carrie despite being on annual leave assisting to locate a young person who was lost (chapter 4) or Warren and Fergus assisting Liam to find suitable accommodation once he had been kicked out of the family home (chapter 6) were just some of the many examples discussed in this research where practitioners went beyond their job description. Whilst this was often to respond to crises or to do what they felt was best for a young person, it often blurred the lines for a young person as to what they were entitled to from YOT. If, for example, a young person's risk levels changed and therefore it required a change in worker (see chapter 4, 5) then a young person's expectations were skewed often assuming that they could expect similar treatment from all YOT practitioners when this is not the case. Liam (case study), for example, explained how he was confused by who was in charge of his case and what was an acceptable request of a YOT practitioner. Fergus was Liam's original YOT Worker prior to unpaid work being added to his YRO; in order to encourage Liam to attend an ETE-related project Fergus would collect Liam each morning and drop him off near to the project. Yet when his case was reassigned to being managed by Warren (Probation Officer), the arrangement did not continue;<sup>64</sup> this left Liam feeling as though he had done something wrong, something to upset Fergus when actually Fergus had been trying to help Liam out by going 'above and beyond' what was expected of him. The increased focus in over-zealous risk management (Case and Haines, 2009) and bureaucratic accountability has left some practitioners feeling that they have to 'cover their backs' by almost 'over-recording' concerns/incidences (see chapter 4). Following the introduction of the scaled approach and the increased attention paid towards assessments, several practitioners were left ultimately questioning whether they were 'right for the job.'

### **Recommendations for Youth Justice Policy and Practice**

The main findings of this thesis have been set out above; based upon them several policy and practice recommendations can be made, each will now be described in turn.

#### **Review of the Evidence Base**

There have already been calls by numerous academics (Armstrong, 2004; Case, 2007; Case and Haines, 2009 and O'Mahony, 2009) for the YJB to review the evidence base of its youth

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<sup>64</sup> This was not because Warren did not want to assist Liam, it was practically difficult as Fergus lived in the same town as Liam passing his house on his way to work each morning; Warren did not.

justice policies, especially in relation to the use of developmental RFR. This study adds to those calls, urging the YJB to review the evidence base for their current policies specifically in respect of assessment, Asset and the Scaled Approach. The results of research such as the Cambridge Study of Delinquent Development (West and Farrington, 1973; Farrington, 1996) cannot and should not be ignored given the fact that they have been replicated and arguably validated to some extent across the world. Yet, given the sample within the Cambridge Study, the basis for Asset, was 8-10 year old boys who all lived with their parents in South London and grew up in the 1950s the question has to be asked as to just how such data based on this sample is relevant to the youth of today? Can it account for female offending or the offending of looked-after children? Youth justice policy makers and Government officials should look to consider other more recent research such as that of the Edinburgh Study of Youth Transitions and Crime (McAra and McVie, 2007; McAra and McVie, 2010) which has explored elements the Cambridge Study has not, such as the impact that contact with the YJS has, on a young person's likelihood of reoffending. Moreover, the authors (Smith and McVie, 2003) have been critical of the methods and theories used within their own study, something which has largely been absent from the Cambridge Study of Delinquent Development (Case and Haines, 2009). Risk assessment within youth justice is an example of how easy it can be for policy makers and politicians to seize upon research which claims to produce 'scientific fact' (France, 2008) and build policies and practices based upon what, under the surface is a faulty evidence base (Case, 2007; Case and Haines, 2009; O'Mahony, 2009). The Cambridge Study offers easily digestible knowledge for policy-makers that encourages a focus on the individual in explaining youth crime meaning that structural risk factors such as access to employment, education and socio-economic deprivation are pushed to the background. RFR will continue to be a risk to its self, if it is not critically assessed in terms of both methods and theories used. There should also be a review of wider literature from disciplines such as youth studies in order that the wider context of growing up in the 'risk society' is considered.

### **Reduce the Focus on Filling in Forms**

It is clear from this research that the focus which is placed on risk assessment within YOT practice has resulted in increased pressures placed on practitioners to deliver high quality assessment (despite what 'quality' is not being clearly defined) whilst delivering high quality interventions with young people. The increased focus on 'getting risk right' has resulted in YOT teams becoming fractured because of the division through qualifications. It has also resulted in tense relationships between YOT practitioners and YOT managers as each set of

people try to do what is expected of them in times of tight budgets and a recession-hit climate. The focus on assessment within YOT practice has created Asset paranoia where practitioners worry whether they are filling the document in 'right' rather than engaging with the process of assessment (Baker et al (2011) state that there are 5 stages to the process-see chapter 5). The attention given to assessments has created a system where they are something which are 'done' because they are a requirement as opposed to being seen as a useful; similar criticisms have been found in social work and probation. There is no doubt that assessments have to be completed because they allow for information to be collected, sifted and analysed in order to identify key areas requiring intervention. Yet to focus on them in processes such as inspections led by HMIP (see HMIP, 2013a; 2013b) is to ignore the other side of the work that YOT practitioners do, the direct intervention with young people. Observations of practice and/or wider discussions about the direct work that they do with young people should be included in the inspection framework and other similar practices such as internal YOT audits.

### **Reconsider the use of static factors**

The use of static factors in the calculation of a young person's intervention level as per the scaled approach has been shown to be problematic by this research. From practitioners' points of view, they are out of their control, generated by the computerised risk assessment software that they use. The score can often be incorrect and of concern to practitioners, so much so that they manipulate the dynamic factor score which is within their control in order to prevent young people receiving an intervention level they feel is too much or to enable a young person to receive a level they feel they need (repressive welfarism). Moreover for those young people who enter the YJS at a young age (10-13) and then go on to have several years crime free before offending again when they are 17, static factors can result in unwarranted levels of intervention because of the significance that they carry in the scaled approach calculation. This is unfair especially as it is often the case that the static factors bare no significance on the current context of that young person's life or offending. In light of the evidence base that the use of static factors is based upon (see Chapter 2), it is hard to argue against their inclusion in the calculation of a young person's likelihood of further offending. However in consideration of the views of practitioners and the evidence of the impact that they have had on several of the case study young people's intervention levels, the weight that they are given should be reviewed.

## **What's Important is What's Valued**

The question of what works in helping young people to stop offending has been a long standing issue since the 1970s. Increasingly what young people and YOT practitioners view as being important in supporting the desistance process is at odds with what youth justice policy makers and senior managers within YOTs view as being the most successful way to reduce offending. Repeatedly, academic researchers, including myself have been told that the relationship between the YOT practitioner and the young person is the single most important factor when it comes to encouraging desistance; a finding which has also been found in both work with adult offenders and probation officers (Burnett and McNeil, 2005; Robinson, 2011) as well as replicated internationally in desistance research (Leibrich, 1993; Laub and Sampson, 2001; Kazemian, 2007). Despite this, practitioners reported that they struggled to convince their managers that they needed time to build a relationship with a young person at the start of their order as opposed to being pressured to enrol young people on to programmes and ready-made packaged interventions. Practitioners need to be allowed, especially in light of future developments in youth justice risk assessment (see below) to use their professional judgement whilst remaining accountable ('Best practice' according to Eadie and Canton, 2002) if they are to be of any assistance to a young person who is trying to stop offending. Those that work on the front-line more than any other body of people including policy makers, politicians, the media or academics know what works when working with young people because they are the ones who have seen the context of the life that that young person leads.

## **Vulnerable Young People Deserve Specific Specialised Practice**

The YJS contains some of the most vulnerable and complex young people who have experienced childhood trauma in various forms such as parental neglect, witnessing violence and/or experiencing abuse as illustrated in several of the case studies (see Appendix Two). Whilst young people are legally held criminally responsible for their actions at the age of 10 in England, the pursuit of 'responsibilising' young people should not overshadow the responsibilities that the system has for their welfare<sup>65</sup>. In particular, the YJB should review policies and practices in relation to looked-after children and girls which have been developed on a local level following recognition that because of their particular needs they require differential treatment. Such localised practice which has been viewed as 'good and evidence-based' given that there are several examples of it on the YJB's own effective

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<sup>65</sup> As set out in the United Convention for the Rights of the Child (UN General Assembly, 1989) which the UK ratified in December 1991.

practice website<sup>66</sup> could be used to develop policies on a national level which would encourage all YOTs to take up specialist practice that recognises the unique challenges and difficulties girls and looked-after children face in the YJS.

Practitioners should consider the way that they score an Asset and how they use their discretion particularly in relation to vulnerable young people such as the 'Lucys' and 'Wills' that potentially could be on their caseload. Discretion is often used to manage the problems of Asset and now the scaled approach however in order for the problems to be fixed they need to be reported to managers and subsequently higher up the chain to the YJB. Practitioners should be aware that through 'being creative' or 'manipulating' the score, whilst with the best intentions behind it could put young people at further risk of criminalisation. The over-ride feature was built in to the scaled approach for the reason that risk assessment is not an exact science; practitioners should, where they have concerns, be encouraged to engage in reflective practice with managers who can then use their expertise in deciding whether or not to alter the score. Further training and education in more strengths-focused, desistance-based approaches may help to address this.

### **Future Developments in Youth Justice Policy and Practice**

Researching legislation, policy and practice such as that of youth justice inevitably means that as the research is under way things change; this was the case in this research as the YJB announced within months of this research beginning, the replacement of Asset to AssetPlus. As this research has progressed, so has the YJB's plan to deliver a new assessment framework, AssetPlus. The material that has been released in stages by the YJB and AssetPlus's creators which includes Kerry Baker, one of the designers of Asset, states that it has been designed 'with a renewed focus on professional judgement of practitioners, AssetPlus will enable better-focused intervention plans to provide improved outcomes for young people currently within the system and those at risk of entering' (YJB, 2014d). In light of the research findings of this thesis, such a renewed focus would be welcomed. Indeed, many of the findings of this thesis are likely to be very relevant to AssetPlus. AssetPlus was referred to in many discussions that were observed and was viewed by practitioners as being the solution to many of the issues that they faced in terms of Asset and the scaled approach (chapter 5). There is however concern that to revert to a style of practice which encourages an emphasis on professional judgement after it has been somewhat eroded through having caveats such as quality assurance processes and management countersignatures, will be

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<sup>66</sup> YJB Effective Practice website: <http://www.justice.gov.uk/youth-justice/effective-practice-library>.

hard to achieve. Helen (Practice Manager) commented that she cannot see her senior managers '*going for such practice*'; indeed it seems hard to think that in the current risk averse climate that an emphasis on professional judgement will be welcomed with open arms by those in management positions. The release of AssetPlus has been pushed back at least twice by the YJB, largely due to complications with the computerised aspect of the assessment tool; it is now set to be released at the earliest in 2015, although certain new assessment features such as a speech and language assessment tool (an area which desperately needed to be included in the assessment process as case studies such as Patrick illustrate) have been released as early practice change materials for YOTs to begin using should they wish to do so (YJB, 2014d).

In terms of the Scaled Approach, the YJB have stated that, despite rumours in the sector, it will remain in place, 'with intervention levels and contacts for those levels continuing as they currently operate' (YJB, 2014d). They have further stated that the 'allocation to an intervention level will also continue to take account of the same factors i.e. the likelihood of reoffending, risk of serious harm and professional judgement' (YJB, 2014d). There will however be a change to the way in which a young person's likelihood of reoffending level (scored either high, medium or low) is calculated; this will now be determined by the Youth Offender Group Reconviction Scale (YOGRS) calculation (which takes account of static factors only), which according to the YJB (2014f) has a level of accuracy when predicting outcomes such as reconviction. The Offender Group Reconviction Score is currently used in probation to calculate an adult offender's likelihood of reconviction. Dynamic factors will still be an important consideration but they will be represented as factors as opposed to numerical scores. Practitioners will be asked to rate, using their professional judgement, which factors will be most and least influential factors on a young person's future behaviour; the categories are potential, weak, medium and strong (YJB, 2014f). Again, such a shift in practice will be interesting to monitor and will be an important future area of research.

### **Future Research Areas**

There are areas of this research which require further exploration, particularly in relation to the views of young people. It is a limitation of this research that despite attempts to speak to young people, their direct voices are not as strong as they could have been in this thesis. But, that said, the case studies (Appendix Two) show very clearly young people's pathways and possible progression through the YJS. Further research is required to ascertain more

information as to how young people understand the scaled approach as initial findings in this thesis suggest that young people accepted the judgements that practitioners made of them, associating the reason that they had to attend YOT as much as they did due to the offence that they had committed as opposed to the broader assessment that practitioners conduct. Additionally this thesis highlights the need for specific research into the treatment of girls in the YJS. Whilst this area of research has increased in momentum recently with contributions such as Sharpe (2011) and Creaney (2012) being contemporary examples, more research is needed especially in relation to the relationship between repressive welfarism (Phoenix, 2009) and young women in the YJS.

Other areas of interest which have emerged from this thesis as avenues of future research would be to explore how risk has impacted on magistrates and their decision-making. Do they understand the risk assessment process which forms a key basis for the PSRs that they read and use it in the construction of their sentences or are there other factors which they consider are questions worthy of exploration. Moreover how they understand the YRO and what they think the impact it has made on the YJS would also be of benefit to research to gain a fully rounded picture of the impact the scaled approach and the YRO have made on the YJS in England.

As the Asset assessment tool is about to be significantly updated for the first time since its creation (AssetPlus), this inevitably will require research to explore the impact that this will have on YOT practice. This needs to involve consultation with YOT practitioners as well as using quantitative data to assess its impact on, for example, reducing reoffending.

### **Overarching Statement: Did Fools Rush In?**

The title of this thesis takes its lead from Sutherland's (2009) article, the first, on the Scaled Approach. He concluded at the time, that if the YJB pressed ahead with the scaled approach without considering how far away from the ideas of 'risk-led' practice YOTs might be, then the likely losers will not be practitioners or policy makers but the young people subject to the YJS (Sutherland, 2009:57). This thesis illustrates that the YJB did rush in, in respect of using the risk factor prevention paradigm as the evidence base for the approach. It also demonstrates that the scaled approach on a purely practical level is useful in the context of the busy life that a practitioner leads. Yet through unpicking the way practitioners view risk assessment and undertake it, it is clear that whilst the scaled approach might be 'official' youth justice policy that does not mean it is strictly adhered to; when it comes to young people in the YJS, the overwhelming priority for most practitioners will be given to a young



person's welfare needs. The aims of youth justice policy remain ambiguous as despite the scaled approach being tag-lined with the notion that 'the higher the risk, the higher the level of intervention will be' (YJB, 2008c), this is not always the case and not always needed to be the case, when it comes to working with young people in the context of their actual lives. It is hard to dispute that the neediest young people in our society deserve the most of a YOT practitioner's time and a YOT's resources. Haines and Case (2012) concluded their analysis of the scaled approach, stating that:

*'the failure of it to produce consistent reductions in reconviction are attributable to the inherent flaws in the risk factor paradigm and the absence of an overarching central guiding philosophy that gives meaning and purpose to the work of youth justice professionals.'*

*(Haines and Case, 2012: 226)*

The absence of an overarching central guiding philosophy actually, in the context of this research, allows for practitioners to move between the competing realms of welfare, justice, public protection and risk, meaning that they can try to address young people's needs and deeds at the most appropriate time during the course of their YOT order. The idea that structured risk assessment leads to structured risk-focused interventions which in turn leads to reductions in reoffending is the basis for the approach. The consistent practice which directly linked young people's Asset to their intervention plan was evident but for practitioners to realistically carry out the work that they identified as needing to do in order to 'reduce the risk' required time and resources that they seldom had. As practitioners are individuals, with their own habitus (Bourdieu, 1977) what was viewed as good, effective practice (which includes risk assessment) varied within and across YOTs. The Scaled Approach appears to be staying for the foreseeable future; it is unclear what the risk-based policy's lasting legacy will be, but for many academics, policy-makers and YOT practitioners it will remain an example of how fools did rush in. The fluid and dynamic nature of risk combined with the complex and all too chaotic lives that many young people in the YJS have mean that YOT practitioners need to respond to issues as they occur; young people such as Kevin, Liam, Lucy and Will will generate (in the current system) plenty of risk-based paperwork to keep a practitioner tied to a computer but fundamentally, completing such tasks, risk assessing them and applying labels such as 'high risk' is not helping them to change their lives. George, one of my favourite interviewees, summarises, the essential, unresolved, conundrum:

*'The principle of the Scaled Approach is fine but it's not addressing the fundamental question, 'what are we doing with these young people to change their lives?' I don't care what approach you've bloody got, call it bloody blitzkrieg, call it the final solution, bloody scaled approach it's just a load of old nonsense. What are we doing with young people that's the issue, what are you [YOT managers, YJB] giving me the freedom to do with young people to help them change their lives?'* (George, Probation Officer).

# Appendix One: Breakdown of Scaled Approach Score(s)

## Dynamic Sections of Asset (YJB, 2006)

1. Living Arrangements

2. Family and Personal Relationships

3. Education, Training and Employment

4. Neighbourhood

5. Lifestyle

6. Substance Use
7. Physical Health

8. Emotional and Mental Health

9. Perception of Self and Others

10. Thinking and Behaviour

11. Attitudes to Offending

12. Motivation to Change

The extent to which a section is associated with the likelihood of further offending is rated on a 0-4 scale.

- **0-** Not associated at all
- **1-** Slight, occasional or only a limited indirect association
- **2-** Moderate but definite association – could be a direct or indirect link. May be related to some offending, but not all. Tends to become offending related when combined with other factors.
- **3-** Quite strongly associated – normally a direct link, relevant to most types/occasions of his/her offending
- **4-** Very strongly associated – will be clearly and directly related to any offending by the young person. Will be a dominant factor in any cluster of offending-related problems.

Total of Dynamic Sections= 48

## Scaled Approach: Determining Likelihood of Re-offending (YJB, 2010a)

<u>Static Factors</u>	<u>Scoring</u>	<u>Score</u>
<b>Offence Type</b>	Motoring	4
	Burglary	3
	Other	0
<b>Age at first reprimand/caution/warning</b>	10-12	4
	13-17	2
	No previous reprimand/caution/warning	0
<b>Age at first conviction</b>	10-13	4
	14-17	3
	No previous convictions	0
<b>Number of Previous Convictions</b>	4 or more	4
	1 to 3	3
	No previous convictions	0
<b>Total Static Factors</b>		16

Total Static Factors = 0-16 + Total Dynamic Factors = 0-48 = Total Static and Dynamic Factors= 0-64

## **Appendix Two**

### **Case Studies Background Information**

#### **The Eight Case Study Young People**

<b><u>Pseudonym</u></b>	<b><u>Age<sup>67</sup> &amp; Gender</u></b>	<b><u>Offence<sup>68</sup></u></b>	<b><u>Order<sup>69</sup></u></b>
George	16, male	Criminal Damage	YRO with supervision and programme requirement (8 months)
James	14, male	Criminal Damage & 2x Assault by Beating	YRO with supervision (6 months)
Kevin	15, male	Burglary of a Dwelling	YRO- ISS (supervision, 91days activity, ISS band 2, curfew 10 weeks 9pm-7am daily) (12 months)
Liam	17, male	Assault PC and breach of YRO	YRO with supervision, 40 hours unpaid work, 6 weeks tagged curfew 9pm -7am (8 months)
Lucy	14, female	Assault by Beating x 3 & Criminal Damage	YRO with supervision (6 months)
Patrick	16, male	Assault by Beating	YRO with supervision and activity requirement (8 days reparation) (12 months)
Stuart	17, male	Assault by Beating	YRO with supervision (3 months)
Will	16, male	Threatening Behaviour	YRO with supervision, activity (to attend Addaction), programme (to complete a knife-based programme and an offence-focused programme) (12 months)

<sup>67</sup> This was there age when I first encountered them.

<sup>68</sup> This is the offence that I saw them initially be prosecuted for, it was not necessarily the young person's index offence neither is it the only offence that they may have committed during my fieldwork period.

<sup>69</sup> This is the order that I saw them initially received for the attached offence it is not necessarily the only order that the young person received during the period August 2012-October 2013.

## Case Study: 'George'

**Age when I first met him:** 16

**Order when I first met him:** 3 month YRO with Programme requirement

**Case worker:** Cheryl (YOT Social Worker)

### Biography

George is a 16 year old male who was convicted of his second offence of criminal damage in October 2012 which was when I first met him. He has three previous convictions with his index offence being a dwelling burglary committed when he was 14. This offence resulted in him entering the YJS; he had had no prior reprimands or a final warning. George lives with his mother. His parents are divorced but he has regular contact with his father who accompanied him to court on several occasions. There has been no contact with Children's Social Care. George does not have any educational qualifications due to poor attendance at school. He does however have some vocational qualifications and was enrolled on a Welding course at a local college after leaving school at age 16. George initially had a YRO of 8 months to be completed which should have run from October 2012 to June 2013. Yet due to persistent breaching his YRO is repeatedly varied with requirements swapped and added so much so that he continues to be on an order past its original end date.

### Asset and the Scaled Approach

Asset scores at the start of the order:

1.	1	5.	2	9.	0
2.	2	6.	2	10.	2
3.	0	7.	0	11.	1
4.	2	8.	1	12.	1

Total: 14 + 6 (static) = 20 = enhanced

Asset scores following review after 3<sup>rd</sup> breach:

1.	1	5.	2	9.	0
2.	2	6.	2	10.	2
3.	2	7.	0	11.	1
4.	2	8.	1	12.	2

Total: 17 + 7 (static) = 24 = enhanced

### Static score calculation:

Offence type (burglary) = 3 + age at first conviction (14-17) = 3 total = 6

The 7 is calculated by: age at first conviction (14-17) = 3 + number of previous convictions (4 or more) = 4 = 7.

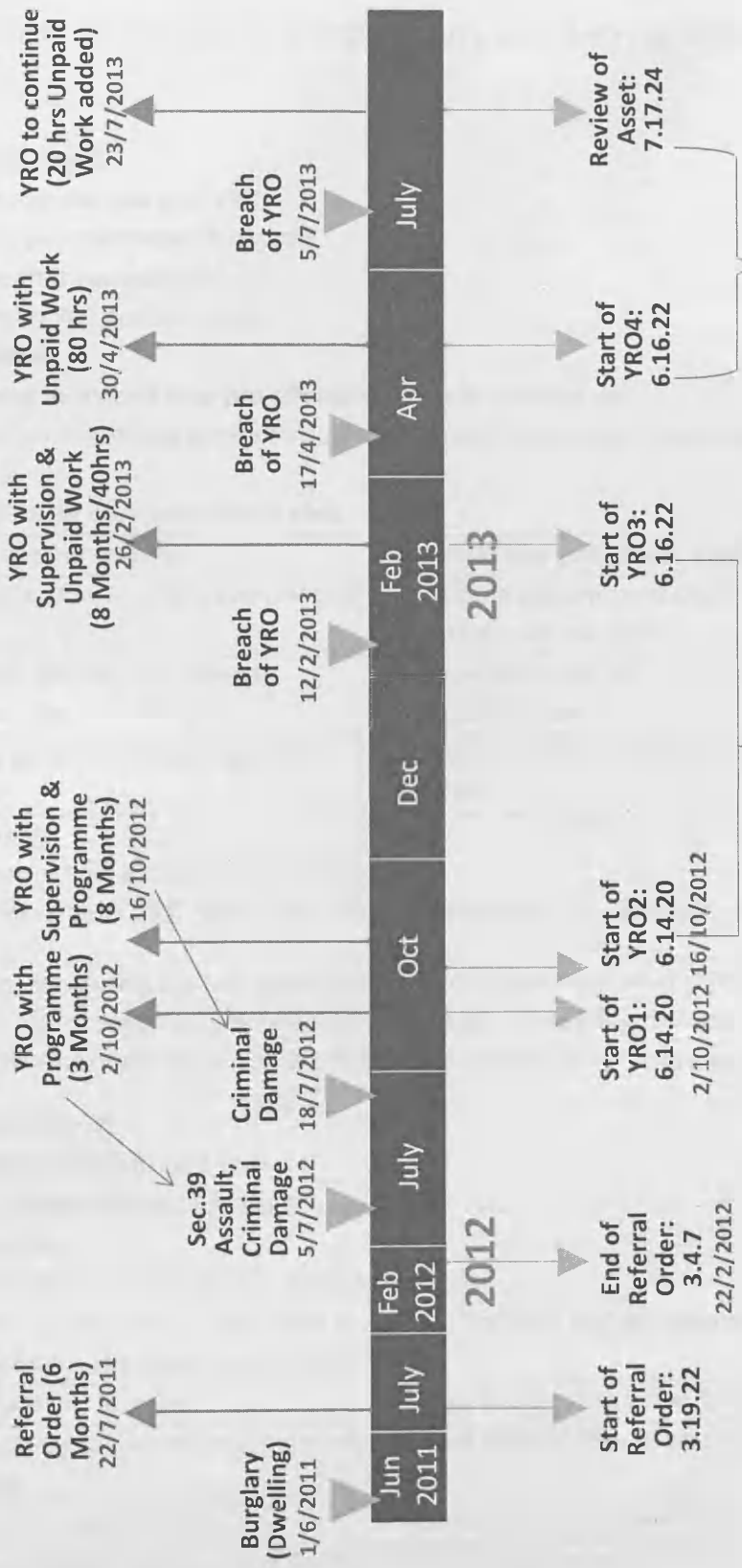
### Scaled Approach Record:

Date	Static	Dynamic	Total	LoR	Intervention Level
August 2011	3	19	22	Medium	Enhanced
November 2011	3	12	15	Medium	Enhanced
November 2012	6	14	20	Medium	Enhanced
April 2013	6	16	22	Medium	Enhanced
July 2013	7	17	24	Medium	Enhanced

Should be standard

- ▲ Sentence
- ▼ Offence(s)
- ▼ Scaled Approach score

# *Timeline of George's YJS Journey*



The 14 on dynamic factors becomes 16 when it is uncovered that George is no longer attending college. The perception of the worker is that now he has more time on his hands he is at risk of further offending; the context of George's offences to date were not a consideration when re-assessing. Nor were the circumstances of George dropping out of college which involved several months of lying to his parents and YOT worker that he was still attending.

George gains another conviction which accounts for the increased static score. The increase in dynamic score comes from the increase of Motivation to Change section from 1 to 2.

X.X.X= Static score, Dynamic score, Total score

## Intervention Plan

There is an Intervention Plan for each of George's YROs. They highlight that George will be on weekly contact with the YOT. The plan for his YRO with Supervision and Programme requirement is as follows:

### Intervention Plan 1

**What sentence did you get?** YRO

**How long is your sentence?** 8 months

**This means that you have to:**

Attend weekly YOT appointments

#### **Main Objective**

**We are going to try and stop you offending again by working on:**

How my behaviour affects others through completing the [named restorative justice based] Programme

#### **Major targets for our three-month plan**

	<b>What are our targets?</b>	<b>How is this going to be done?</b>	<b>Who is going to do it?</b>
1.	I will attend all my YOT appointments	To keep appointment slips where I can see them	George
2.	To work through the [named] programme	By attending all YOT appointments	George and Cheryl
3.	To say sorry for the damage I have caused	Write a letter of apology to the victim	George

#### **Future Targets:**

Work around school and peer relationships

**Date of review/plan:** 23 October 2012    **Next review/plan:** 23 January 2013

The primary aim during the first three-months is to complete or 'work through' as it is phrased, the restorative justice based programme. This would fulfil the condition of completing the programme requirement. The future targets that are set do not appear on his follow up Intervention Plan:

### Intervention Plan 2

**What sentence did you get?** YRO

**How long is your sentence?** 8 months

#### **Main Objective**

**For the next three months we are going to work on**

My cannabis use and how it affects my motivation and links into re-offending

#### **Major targets for our three-month plan**

	<b>What are our targets?</b>	<b>How is this going to be done?</b>	<b>Who is going to do it?</b>
1.	To say sorry to the victim of the criminal damage	I will write a letter of apology	George and Cheryl
2.	Look at my cannabis use	Through cannabis workbook	George and Cheryl
3.	I will participate in group work for 7 weeks	I will motivate myself to attend all the sessions	George and Cheryl

4.	To complete my 40 hours unpaid work	By me attending all me sessions on a Friday	George and his Mum
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**Future Targets:**

To complete YRO and not to offend again

**Date of review/plan:** March 2013     **Next review/plan:** June 2013

**Summary of Key Points**

- The Asset highlights that there is a ‘moderate but definite association’ between several of the dynamic sections and George’s risk of further offending yet the focus of both the intervention plans (aside from the cannabis target on Intervention Plan2) are on delivering the specific YRO requirements that George is subject too. The connection between the Asset and the IP is interfered with by the specific requirements George’s YRO has; the ‘risk’ is addressed through the programme requirement which encompasses offence-focused discussions as well as victim work.
- He acquired 3 further convictions on his record due to his failure to comply. With each breach George increases in statics (as illustrated on the timeline); his dynamic score increases too largely due to connection between the failure to comply and the ‘motivation to change’ (section 12) of Asset.
- George was offered 21 appointments on his 8 month YRO with supervision and programme requirement; he attended or had an authorised absence for 13 of them. The supervision element is removed from George’s YRO due to his lack of attendance at YOT appointments, 6 months into his 8 month order. It is unclear as to whether the YOT intervention benefitted George as although there was some good work completed around victim awareness and his previous offences, little to no progress was made exploring his substance use (the score does not change from 2) or ETE (the score increases from 0 to 3 after it transpires George has quit college, this was not discovered by the YOT or George’s parents until February 2013, he left in December 2012).

**Final Outcome:** YRO with unpaid work requirement (100hours) still ongoing, one warning for non-attendance attached to it. George had not completed his programme requirement and failed to comply with supervision/unpaid work. His ‘risk’ had not reduced through the course of his YOT involvement, partly due to George’s failure to comply. Being on a YOT order has actually increased George’s risk of further offending as his Asset score has increased through the course of his YRO.



**Case Study: ‘James’**

**Age when I first met him:** 14

**Order when I first met him:** 6 month YRO with Supervision Requirement

**Case worker:** Cheryl (YOT Social Worker) and Melanie (YOT Worker)

**Biography**

James is a 14 year old boy who has been known to the YOT since he was 10 years old. He has 14 convictions on his record and has had 8 separate disposals. James has been accommodated under a Voluntary Agreement with his Parents (s20 Children Act 1989) since he was 11 years old and has been placed in a private residential care home. He has 9 offences of Assault and 4 offences of criminal damage on his record plus 1 offence of Section 5 Public Order (using threatening behaviour). Four of the Assault offences were committed against his mother prior to him being accommodated in care; his negative behaviour and repeated acts of violence against his mother were the reasons behind why he was placed into care. Ten of his offences were committed at the care home against either the care staff or the property. Prior to being accommodated by the local authority he was subject to a child protection plan (due to witnessing domestic violence between his parents and being physically abused himself) and was temporarily removed from his home and placed in temporary foster care by social workers who were concerned he was at risk of further physical abuse. He has never touched any drugs or alcohol however he does smoke. He is enrolled at a school for Behavioural, Emotional and Social Difficulties (BESD) where he is reported to be doing well. The main theme throughout James’s case file and court appearances is his inability to manage his temper. There have also been reports that James has been involved in fire-starting which has prompted him to be assessed as vulnerable and a risk of serious harm.

**Asset and the Scaled Approach**

Asset scores at the start of the order:

1.	1	5.	0	9.	1
2.	2	6.	0	10.	2
3.	0	7.	0	11.	2
4.	0	8.	2	12.	2

Total= 12 + 12 (statics) = 24 = enhanced

**Static score calculation:**

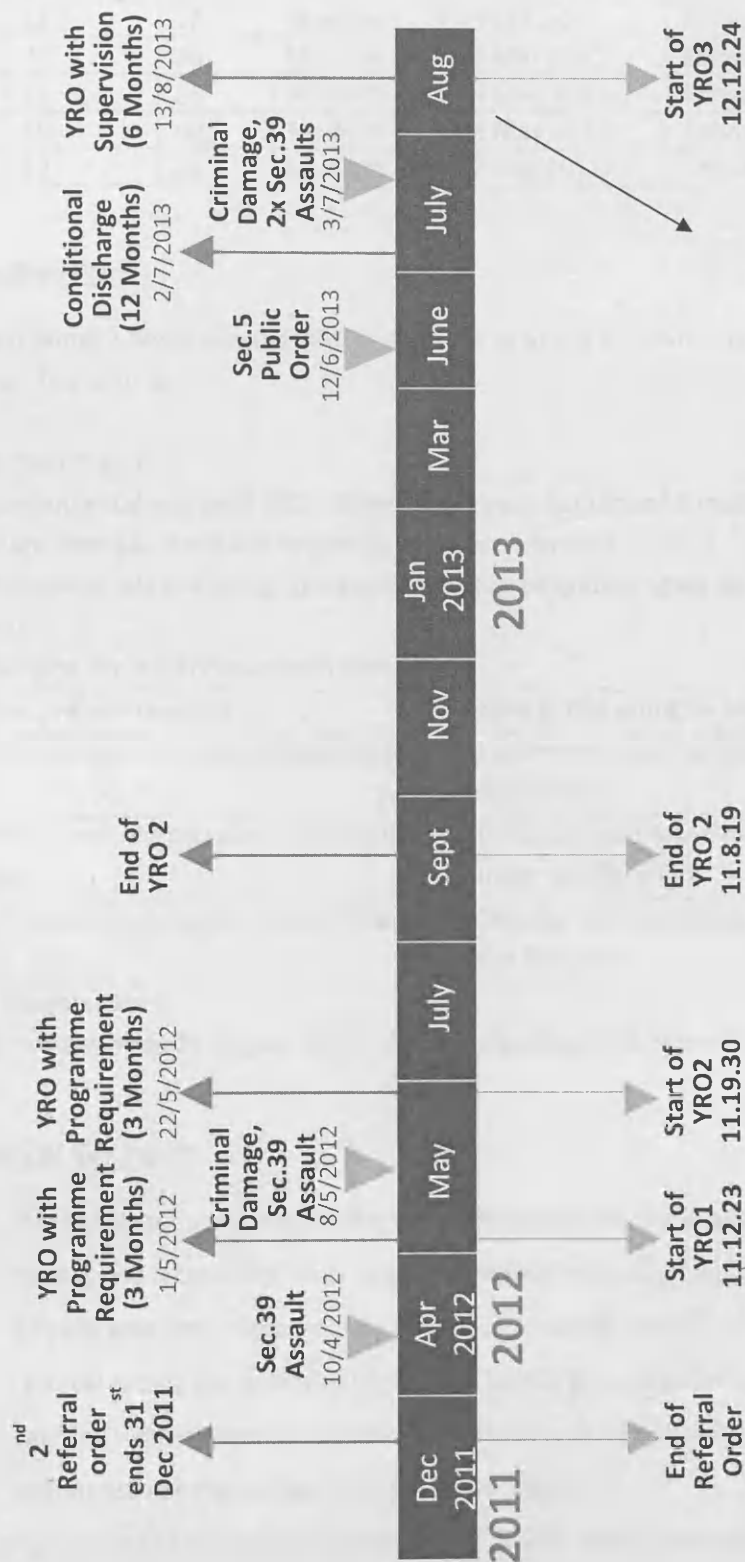
Age at first reprimand/caution/warning (10-12) = 4 + age at first conviction (10-13) = 4 + number of previous convictions (4 or more) = 4 total = 12

Sentence

Offence(s)

Scaled Approach score

Timeline of James's YJS Journey



The YOT are viewed during the court session as the solution to James's problems, with him and care home staff stating that 'when he is on YOT he's fine' - he cannot however be on a YOT order forever. The fact that James likes going to YOT is of concern to the practitioners on court duty in relation that he may commit further offences to get a YOT order in the future.

James's young age accounts for the jump in static factors

X.X.X= Static score. Dynamic score. Total score

**Scaled Approach Record:**

<u>Static</u>	<u>Dynamic</u>	<u>Total</u>	<u>LoR</u>	<u>Date</u>	<u>Level</u>
4	13	17	Medium	16 Dec 2009	Enhanced
4	13	17	Medium	11 Oct 2011	Enhanced
11	9	20	Medium	30 Mar 2012	Enhanced
11	12	23	Medium	24 May 2012	Enhanced
11	19	30	Medium	24 May 2012	Enhanced
12	12	24	Medium	27 Aug 2013	Enhanced

**Intervention Plan**

The IP on James’s file states that the primary focus of the 6 months of supervision will be working on his anger. The plan is:

**Intervention Plan 1**

**What sentence did you get?** YRO   **How long is your sentence?** 6 months

**This means that you have to:** Attend all YOT appointments

**Main Objective:** We are going to try and stop you offending again by working on:

My anger

**Major targets for our three-month plan**

	<b>What are our targets?</b>	<b>How is this going to be done?</b>	<b>Who is going to do it?</b>
1.	I will engage in my supervision sessions	I will try my best not to say ‘I don’t know’	James and Worker
2.	I will try and identify what triggers my anger	By talking, work sheets and using the flip chart	James and Worker
3.	To look at how I behave when I’m angry	Talking, work sheets and using the flip chart	James and Worker

**Future Targets:** Blank

**Date of review/plan:** 21 August 2013   **Next review/plan:** 21 November 2013

**Summary of Key Points**

- James has been involved in the YJS from age 10 and has exhibited what are considered to be ‘classic risk factors’ for early onset of criminal behaviour namely fire setting. He has, age 14, already amassed a score of 12 in terms of his static factors. All of James’s offending (post referral order) has occurred in the care home; given that he is likely to remain in residential care for the foreseeable future it is more likely than not that James will reoffend as he cannot escape the context of his offence history.
- As his risk has increased (see timeline), he was reallocated from Melanie (a so-called ‘unqualified’ worker) to Cheryl (a ‘qualified’ worker) despite his Asset score being much higher when he started his second YRO in May 2012 when Melanie was working with him. It was requested by Helen (Practice Manager) that a full ROSH and VMP assessment was

carried out by Cheryl due to her highlighting several concerns in the corresponding sections on the Asset, a month and a half in to the order this was still to be completed. Cheryl went on sick leave during that time so it was requested that Melanie (who was reassigned James's case to work with him whilst Cheryl was away) completed them. This appears to make the original decisions to reallocated James to a qualified worker seem ridiculous as the 'risky' paperwork is now going to be completed by an 'unqualified' worker.

- James is on his third YRO having previously had 2 YROs with Programme requirements. The programme requirement in James's case was offence focused using a restorative justice approach; it is indeterminate whether these were effective as if you focus specifically on the offence then there is a greater risk of ignoring other salient factors such as the impact James background is having on his Thinking and Behaviour. It is clear James needs support but that other services such as CAMHS may be better placed to provide it as they will have the specialist knowledge on how to work with James to address his emotional issues. There is a concern that the YOT is viewed as being the service to help him with no regard for the effect the increased criminalisation could have on James's future options.

**Final Outcome:** 6 month YRO with Supervision still ongoing

### **Case Study: 'Kevin'**

**Age when I first met him:** 15 (16 at the end of fieldwork period)

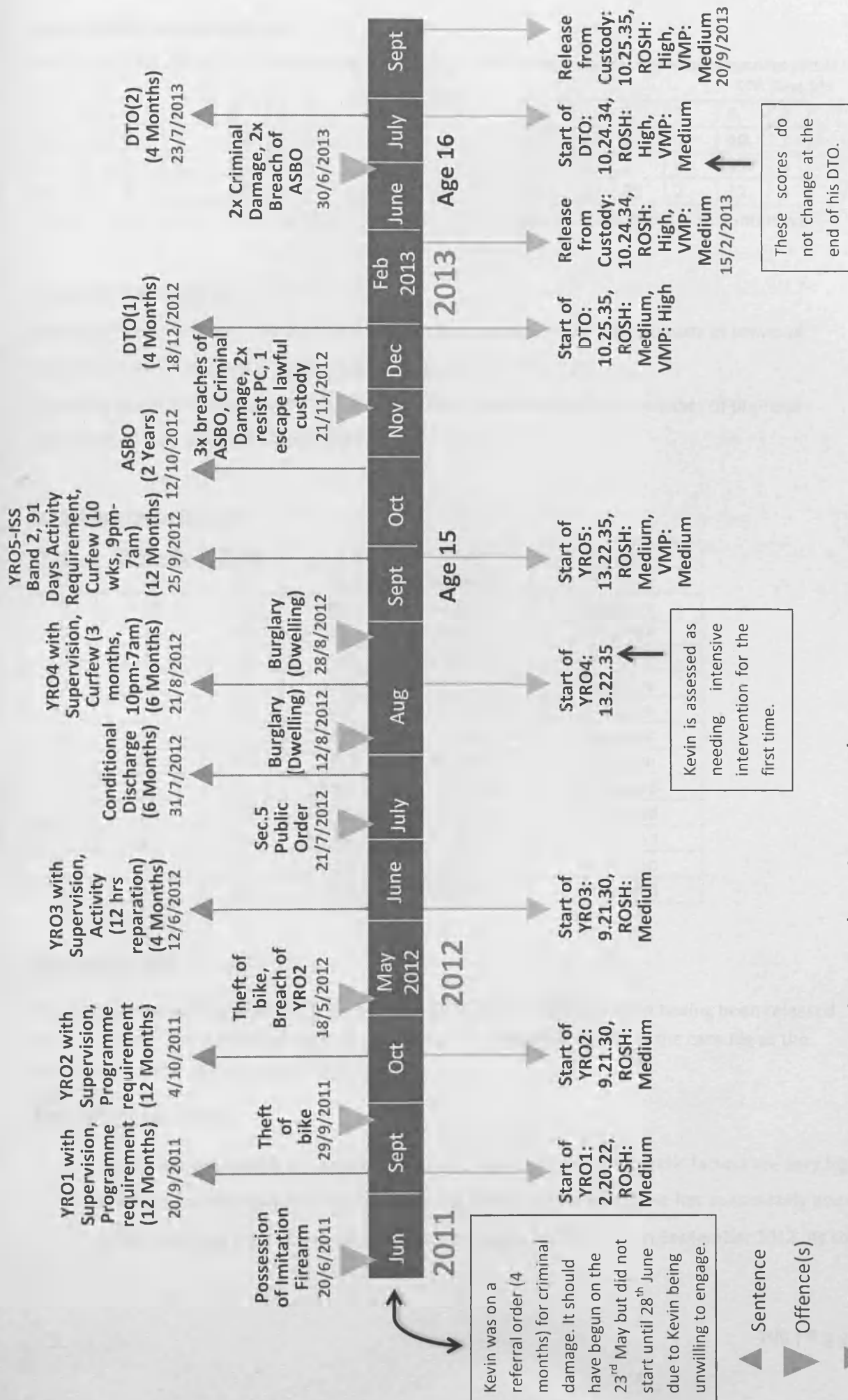
**Order when I first met him:** 12 month YRO- ISS (supervision, 91days activity, ISS band 2, curfew 10 weeks 9pm-7am daily)

**Case worker:** Initially Fergus (YOT Worker) and then Warren (Seconded Probation Officer)

### **Biography**

Kevin is a 15 year old boy who has been known to the YOT since age 12 when he was involved in a crime prevention project. He has steadily progressed from this early contact with prevention services to having served two custodial sentences by age 16. Kevin comes from a family who are 'well-known' to the police, social services and various other agencies. He has older siblings who have been involved in the CJS, as have his parents. Kevin has a history of failing to comply with community orders and the ASBO he is subject too. The community orders have gradually increased in complexity and the type of conditions that Kevin has been placed under. He has never completed one of his community orders and has consistently been on an order since receiving his referral order (age 13). Kevin has been attending a Behavioural, Emotional and Social Difficulties School (BESD) since he was 13; he has a SEN for BESD. It is reported that contrary to other aspects of Kevin's life, school is the one consistent requirement he has attended regularly; it is a strong protective factor in his life. There are concerns that Kevin may have suffered some form of abuse and has definitely witnessed violence in the context of the family home. He is reported as having low self-esteem and poor communication skills; described by his YOT worker as a 'very moody, quiet and sullen young man.' Kevin is reported as having used cannabis and mephedrone; there are also concerns that he has been using steroids. Numerous professionals have expressed concern in relation to Kevin's emotional and mental wellbeing especially given the chaotic and unstable home life that he has. On the first occasion Kevin was sent to custody he was placed at a secure children's home following a vulnerability assessment; on the second occasion he served his custodial sentence at a secure training centre. Kevin has been, following his second custodial sentence, assessed as being high risk of reoffending, medium in terms of vulnerability and high risk of serious harm. He is a police target and under the conditions of an ASBO for 2 years. When he received his ASBO his name and picture was circulated in the local newspaper.

## Timeline of Kevin's YJS Journey



Asset and the Scaled Approach

Asset scores at the start of his 5<sup>th</sup> YRO (Sept 12):

1.	2	5.	2	9.	2
2.	2	6.	1	10.	3
3.	0	7.	2	11.	3
4.	2	8.	2	12.	2

Total: 22 + 13 (static) = 35= intensive

Asset scores following completion of custodial part of his  
DTO (Sept 13):

1.	2	5.	3	9.	2
2.	2	6.	1	10.	3
3.	1	7.	0	11.	3
4.	3	8.	2	12.	3

Total: 25 + 10 (static) = 35 = intensive

Static Score Calculation:

**Score 13:** Age at first reprimand= 13 = 2 + age at first conviction =13 =4 + number of previous convictions = 4 or more =4 + offence type = burglary = 3 = Total= 10

**Score 10:** Age at first reprimand= 13 = 2 + age at first conviction =13 =4 + number of previous convictions = 4 or more =4 = Total= 10

Scaled Approach Record:

Static	Dynamic	Total	L.o.R	Date	I Level
10	25	35	High	03/09/13	Intensive
10	24	34	High	18/04/13	Intensive
10	24	34	High	19/02/13	Intensive
10	25	35	High	13/02/13	Intensive
13	25	38	High	12/12/12	Intensive
13	22	35	High	08/11/12	Intensive
13	22	35	High	17/10/12	Intensive
13	22	35	High	14/09/12	Intensive
9	21	30	Medium	25/06/12	Enhanced
9	21	30	Medium	05/10/11	Enhanced
2	20	22	Medium	31/08/11	Enhanced
2	20	22	Medium	07/07/11	Enhanced
2	18	20	Medium	08/06/11	Enhanced

Intervention Plan

There is no intervention plan available on Kevin’s file, this was due to Kevin having been released from custody at the time I was collecting the data. It was difficult to access the case file as the practitioner was in the process of updating it.

Summary of Key Points

- Kevin has consistently increased in his scaled approach score; his static factors are very high and lead to him often entering the intensive level of intervention. He has consistently been at the intensive level of intervention since he began his fifth YRO in September 2012. As this

YRO has ISS attached to it, that requirement mandates the contact level that a young person has regardless of their assessed intervention level completed by a practitioner.

- Due to Kevin's special educational needs (BESD) and poor communication skills, he is a challenge for any practitioner who works with him as he very rarely engages in sessions such as supervision.
- Kevin's ASBO is the main source of his convictions following it being imposed in October 2012; it has 4 conditions attached to it which are quite broad and unspecific in some of their wording. There is a strong link between Kevin's low cognitive understanding and the fact he repeatedly breaches his ASBO. When the conditions were explained to him, it was unclear according to Warren (his YOT Worker) as to whether he was 'just being stropky and not listening' or if truly did not understand them. Kevin is a police target; again something which it is unclear if he understood. The nature of many of his breaches of ASBO are petty and involve being in 'the wrong place at the wrong time.'
- Kevin's fifth YRO was set to run for 12 months, yet due to him committing a series of further offences (see above) he was sentenced to custody in December 2012, 3 months after the start of his YRO with ISS. The custodial DTO sentence was for 4 months, meaning that he served 2 months inside, 2 months in the community on an ISS licence. The short-term sentence, only gave YOT practitioners 2 months to work with Kevin once he was released. The fact that his Asset scores including his ROSH and VMP score do not change show that this was not enough time for the YOT to assist Kevin; as he ends up back in custody, this is a further illustration of the lack of progress that could be made in the short term. Several of the YOT practitioners including Warren and his solicitor were surprised at the custodial sentence issued in December 2012 concluding that he had received it because the magistrates were 'seeing too much of him'. Had Kevin's YRO with ISS been allowed to continue (with additional penalties for the further offences) perhaps the results would have been different as the YOT would have had more time to work with him; the custodial sentences did not assist in reducing Kevin's risk of reoffending.

**Final Outcome:** Kevin was released on licence from his second custodial period within 12 months, in September 2013. He will serve the remaining 2 months of his 4 month DTO sentence in the community on ISS (band 1). He remains under the conditions of his ASBO and is still a police target.



### Case Study: 'Liam'

**Age when I first met him:** 17 (18 at the end of fieldwork period)

**Order when I first met him:** 8 month YRO with supervision, 40 hours unpaid work, 6 weeks tagged curfew 9pm-7am

**Case worker:** Initially Fergus (YOT Worker) and then Warren (Probation Officer)

### Biography

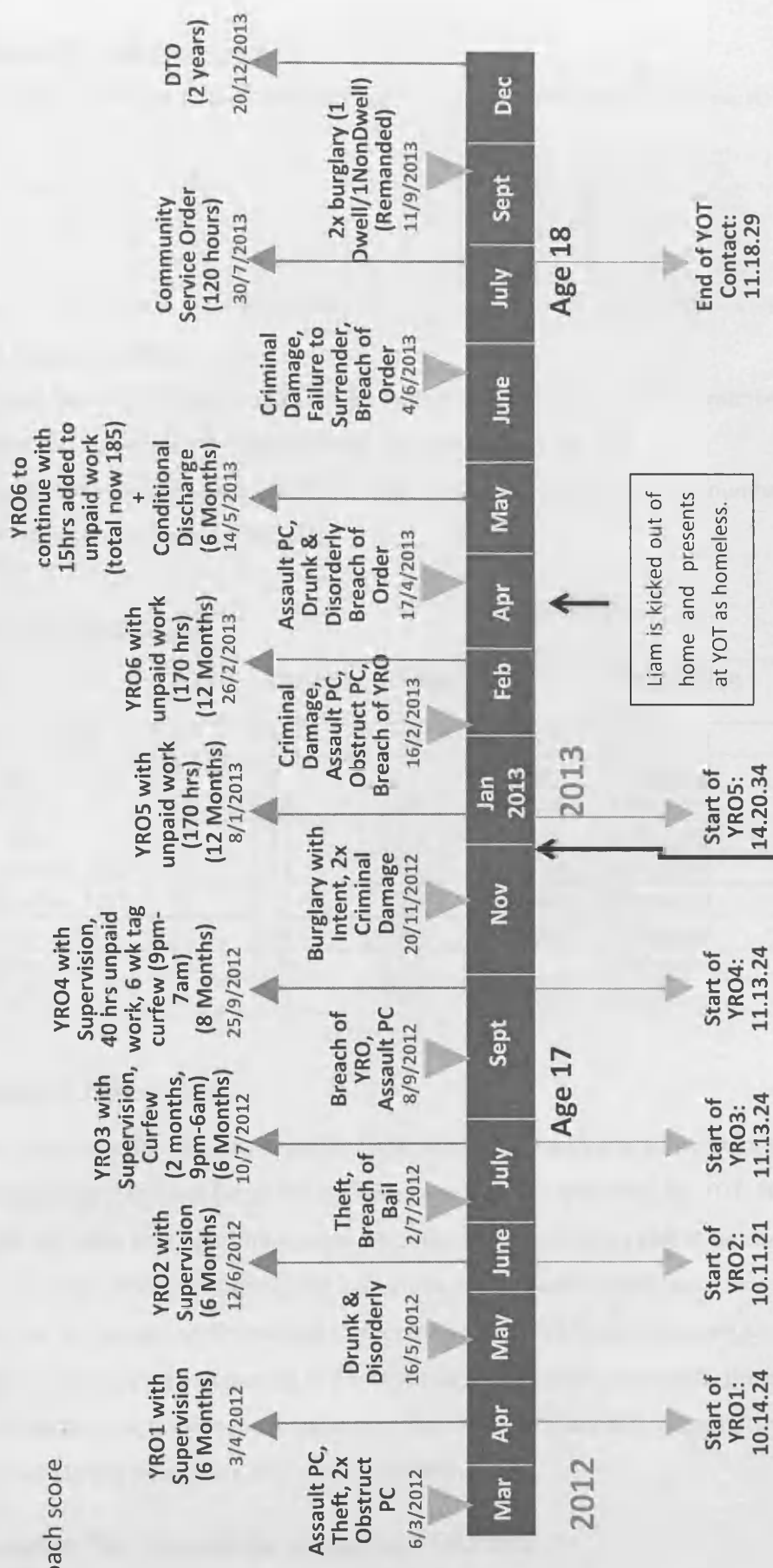
Liam is a 17 year old male who has an extensive list of convictions (over 10) and has been in contact with the YJS since he was 12 years old. He has progressed up the sentencing tariff 'step-by-step' receiving a reprimand, final warning, referral order and a total of 6 YROs. Since fully entering the YJS age 15 when he received a 6 month referral order for a dwelling burglary he has spent only 4 months not on a YOT order, up until he was transferred to probation when he was 18. His offending is mostly minor petty offences such as theft and criminal damage. His most serious offences are four burglaries (over the course of 3 years). What, however, he has a reputation for doing is assaulting or obstructing police officers normally whilst they are trying to arrest him; he has 7 offences of such nature. He was living with his mother, stepfather and siblings until April 2013 when he was 'kicked out'. He then stayed in supported accommodation until he was evicted; he subsequently at the end of his YOT contact was living with a relative. He was excluded from mainstream school (age unknown but before he sat his GCSEs) and enrolled at a BESD school some distance away from where he resides. His attendance was very poor. He was classified, at age 17, as NEET; the Young People's Service (YPS) have tried to engage him on numerous courses/placements but Liam has always struggled to attend for any consistent period of time. The only time he did attend regularly was on a project where there was a monetary incentive to turn up. Liam has a SEN as he has a diagnosis of ADHD.<sup>70</sup> Many of his offences have been commissioned under the influence of alcohol and he has reported using cannabis daily to his YOT worker. He has had at least four different practitioners over the course of his YOT involvement with Fergus being the last worker to carry out supervision sessions with Liam before he had that requirement revoked and was on a YRO with only unpaid work attached. This was handled before he was 18 by Warren (Probation officer) until he was transferred fully into the probation service on his 18th birthday.

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<sup>70</sup> Attention Deficit Hyperactivity Disorder

▲ Sentence  
▼ Offence(s)  
▼ Scaled Approach score

Timeline of Liam's YJS Journey



Liam is kicked out of home and presents at YOT as homeless.

It is noted that the 40 hrs unpaid work Liam was sentenced to has 'been missed' meaning that he does not complete any of the hours attached YRO4.

x.x.x= static score. dynamic score. total score

Asset and the Scaled Approach

Asset scores at the start of his 4<sup>th</sup> YRO (Sept 12):                      Asset scores at the end of his YOT contact (July 1):

1.	0	5.	1	9.	0
2.	0	6.	3	10.	2
3.	2	7.	0	11.	2
4.	2	8.	0	12.	1

Total: 13 + 11 (static) = 24 = enhanced

1.	0	5.	2	9.	2
2.	1	6.	2	10.	2
3.	2	7.	0	11.	2
4.	0	8.	2	12.	3

Total: 18 + 11 (static) = 29 = enhanced

Static score calculation:

**Score 14:** Age at first reprimand (12) = 4 + age at first conviction (15) =3 + number of previous convictions (4 or more) =4 + offence type (burglary) =3 = Total =14

**Score 11:** Age at first reprimand (12) = 4 + age at first conviction (15) =3 + number of previous convictions (4 or more) =4 = Total= 11

Scaled Approach Record:

Date	Static	Dynamic	Total	LoR	Intervention Level
October 2011	5	21	26	Medium	Enhanced
November 2011	7	8	15	Medium	Enhanced
April 2012	10	14	24	Medium	Enhanced
July 2012	10	11	21	Medium	Enhanced
September 2012	11	11	22	Medium	Enhanced
September 2012	11	13	24	Medium	Enhanced
October 2012	11	13	24	Medium	Enhanced
January 2013	14	20	34	High	Intensive
July 2013	11	18	29	Medium	Enhanced

Intervention Plan

There is an IP on Liam’s case file and it, on face value, is thoroughly completed. It is for his 4<sup>th</sup> YRO, and details that Liam will be on the enhanced intervention level with the YOT. The plan contains six targets, the most on a plan I have seen. As stated it looks on face value to be very detailed however it is an amalgamation of targets from 2 previous IP’s for Liam’s previous six month YROs. Though it is likely that the targets on IP’s will roll over onto other plans should the young person be reconvicted meaning that copying and pasting in this instance is somewhat acceptable, the problem with doing this is that the practitioner must make sure that the targets are still relevant, tied to the Asset and achievable in the time given. The plan is as follows:

Intervention Plan 1 (completed by Fergus, YOT worker)

What sentence did you get? YRO      How long is your sentence? 8 months

**This means that you have to:**

Attend appointments once a week for at least the first three months of the order to agree an intervention plan and attend all appointments with YOT

**Main Objective: We are going to try and stop you offending again by working on:**

Supporting you with avoiding offending behaviour engagement in education and/or employment

**Major targets for our three-month plan**

	What are our targets?	How is this going to be done?	Who is going to do it?
1.	To make a positive life for myself by not re-offending and engaging with YOT education and YPS	By working with YOT to help me understand the effects of offending behaviour on my life chances	Liam and YOT worker
2.	To desist from offending behaviour and ASB <sup>71</sup>	By engaging in positive activities either work, hobbies, training or education	Liam and YOT worker
3.	To explore and improve my own life expectations and opportunities	By exploring the practical possibilities of accessing positive opportunities	Liam and YOT worker
4.	To continue to engage in seeking employment and/or education	To continue to attend 'Education project'	Liam and YOT worker
5.	To continue to engage with YOT and attend all appointments	Liam to attend all appointments	Liam and YOT worker
...	To meet with a police officer to try and get a better understanding of their role in the community	Liam to agree with YOT worker who, where and when	Liam, YOT worker and a Police Officer

**Future Targets:**

To find employment

**Date of review/plan:** 24<sup>th</sup> October 2012    **Next review/plan:** 04<sup>th</sup> February 2013

**Summary of Key Points**

- The targets on Liam’s IP are relatively vague. There is no mention of alcohol or aggression, two key areas that the PSR for his 4<sup>th</sup> YRO said the supervision element of his YRO would cover. As Liam’s alcohol use and aggression are assessed by both Liam’s YOT workers as being significantly connected with his offending, they should appear. Reviewing his previous IPs, Liam has been on almost the same plan since his first YRO in April 2012 (age 16).
- The entire process at the start of Liam’s 4<sup>th</sup> YRO is slow, it took 3 weeks for the IP to be drawn up and there is no evidence that a home visit has been conducted at all during the order. Moreover it was found during an in-house audit<sup>72</sup> by the YOT that Liam ‘had an unpaid work requirement linked to his current YRO but that no contact appears to have

<sup>71</sup> ASB- Anti- Social Behaviour

<sup>72</sup> The audit was initiated as Liam’s case was selected to be inspected by HMIP as part of a ‘short quality screening.’

been made (according to the computer software) so the unpaid work requirement appears to have been missed'. It seems as though the entirety of Liam's 4<sup>th</sup> YRO was a mess, with neither parties particularly engaged in the order. The supervision element was removed in January 2013 according to Sarah (who was on court duty that day) due to his lack of compliance on his prior YRO.

- Using information from the Asset and fieldnotes it becomes clear that Liam was 'kicked out' of the family home in late April 2013 by his stepfather. He presents himself at YOT as homeless who trigger a referral to CSC who later temporarily place Liam in a B&B which houses other known youth and adult offenders. It is unclear how long he is housed there but eventually a place at a supported accommodation programme is secured and he moves in there. As YOT had no statutory requirement to get involved in this there is little information in the case file. For someone who it is frequently commented about as having a low level of maturity, in the space of a few weeks Liam had to do a lot of growing up.
- Liam explained to his YOT workers and myself that he feels he is getting nowhere with his unpaid work hours and that he feels as though he has been on a YRO forever. The revocation and resentence process is resulting in him being 'lost' with what he needs to do. It appears little changed for Liam over the course of his time with the YOT especially once the supervision requirement was removed from his YRO. Whilst this may have assisted Liam in some respects as it reduced his likelihood of further breach offences, it meant his other 'risk factors' were no longer being dealt with. At his transfer to probation, it seemed, as the Chair of the magistrate's bench said, that everyone had given up on Liam; he was to be left to find his own pathway out of his current circumstances. When I spoke to him outside of court when he received his community service order, he was determined to make his own choices about what he wanted to do and when he did it. He had had all the information about the consequences of his continued involvement in offending and animosity towards the police explained to him in numerous supervision sessions and court appearances. If he made the decision to continue down the 'wrong pathway' then he was happy to face the consequences, he stated, but at that point in time all he wanted, it appeared, was to have some breathing space away from the YOT (he had had 3 years of orders).

**Final Outcome:** YRO revoked, resentence to a Community Service Order with 120 hours of unpaid work.

**Addendum:** Liam was charged in September 2013 (age 18) with having committed two serious burglaries, one was the burglary of a house where the occupants were inside the property. He,

alongside another young person, pled guilty to the offences at his plea hearing and Liam was subsequently remanded into custody as the case was remitted to Crown court for sentence due to the serious nature of the offences. When I spoke to Warren about Liam after having been told this, he commented that, 'he'll be gone now; he'll be down for some serious time'. He continued to say, 'stupid boy, his parents will wash their hands of him now'. It appeared Warren was right as when he appeared at Crown Court for sentencing, Liam was sentenced to a two year Detention and Training Order (DTO) to be served at a Young Offenders Institute.

### **Case Study: 'Lucy'**

**Age when I first met her:** 14

**Order when I first met her:** 6 month YRO with Supervision

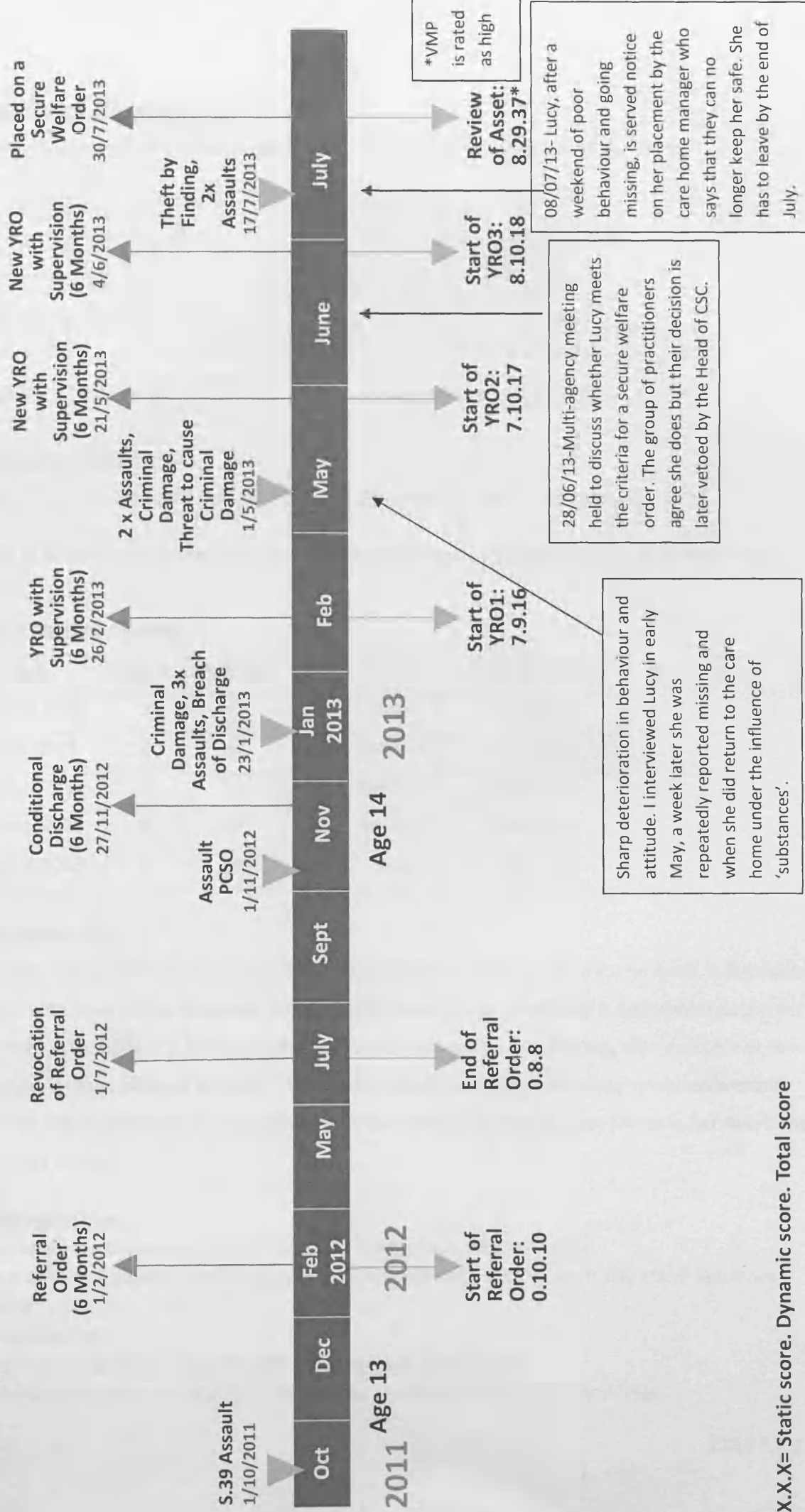
**Case worker:** Sarah, YOT Social Worker

#### **Biography**

Lucy is a 14 year old female who was convicted after pleading guilty of three section 39 assaults, criminal damage and breach of a conditional discharge. Lucy has two previous convictions, one for section 39 assault for which she received a 6 months referral order and the second for Assault of a PCSO for which she received the 6 month conditional discharge. The referral order was revoked early on the grounds of good progress. Lucy is in the care of the local authority and has been for at least three years. She has resided in a private residential care home in Rosedale's catchment area for 16 months yet is from the North East. This has been her longest care placement. The care home has two other residents, one of whom was also known to YOT. Rosedale YOT have 'care taken' her previous referral order for her 'home' YOT in the North East. All of her offences apart from the Assault of a PCSO relate to the care home/care home staff. She has the same YOT worker as she did when she was on her referral order. Lucy is in care as her behaviour got too much for her adoptive mother to manage. There is a long-term plan in place that Lucy will return to the care of her mother but this is, according to her case file, dependent on her behaviour. She had at the time of receiving her first YRO been visiting her mother on the weekends but this eventually ceased.

As a result of the offence in November 2012 (age 14) for which she received her conditional discharge, Lucy was excluded from high school. She was then educated within the care home for what is referred to as a 'significant period of time' before being placed at a PRU. She only attends the PRU in the afternoon. She is academically talented and often comments that the PRU is not challenging enough. Her ambition is to return to mainstream school however it is commented throughout her case file (Asset and court report) that 'she needs to commit to behaving whilst at the PRU if she is to be successful with this'.

# Timeline of Lucy's YJS Journey





**Asset and the Scaled Approach**

Asset scores at the start of the order:

Asset scores at the end of the order:

1.	1	5.	2	9.	0
2.	0	6.	1	10.	2
3.	1	7.	0	11.	1
4.	0	8.	1	12.	0

1.	4	5.	4	9.	1
2.	2	6.	4	10.	4
3.	1	7.	1	11.	2
4.	1	8.	3	12.	2

Total: 9 + 7 (static) = 16

Total: 29 + 8 (static) = 37

**Static score calculation:**

Age at first conviction (13) = 4 + number of previous convictions (1) = 3 total = 7

The 8 in static factors comes from her number of previous convictions rising to ‘4 or more’ = 4

**Scaled Approach Record:**

<u>Date</u>	<u>Static</u>	<u>Dynamic</u>	<u>Total</u>	<u>LoR</u>	<u>Intervention Level</u>
August 2012	0	8	8	Low	Standard
April 2013	7	9	16	Medium	Enhanced
08 July 2013	7	10	17	Medium	Enhanced
08 July 2013	8	10	18	Medium	Enhanced
25 July 2013	8	29	37	High	Intensive

**Intervention Plan**

The Intervention Plan on Lucy’s case file is fully completed and connected to the Asset. It highlights that a restorative justice approach will be used to complete the work that is undertaken during her supervision sessions. It is envisaged that a formal restorative justice meeting will take place at some point during the course of the order. The plan is written in language that Lucy would understand with the first target being about exploring her emotion management; a key theme in her Asset. The plan is as follows:

**Intervention Plan 1**

**What sentence did you get?** YRO **How long is your sentence?** 6 months

**This means that you have to:** Keep all of your appointments with YOT and stay out of any more trouble

**Main Objective**

**We are going to try and stop you offending again by working on:**

Understanding why you get angry and how you can deal with this more positively.

Major targets for our three-month plan

	What are our targets?	How is this going to be done?	Who is going to do it?
1.	To understand why I get wound up and explore how I can stop this happening	Discussion/flipchart and pens to devise a list of things that wind me up most and strategies for dealing with these	Lucy and Sarah
2.	To formally apologise to Victim	Working through an RJ approach looking at the 5 key questions before a meeting with Victim is arranged	Lucy and Sarah

**Future Targets:** To move back into full time mainstream education and decide on where I want to be in the future.

**Date of review/plan:** March 2013

**Next review/plan:** June 2013

Summary of Key Points

- At the start of the first YRO, Lucy consistently is reported as engaging well in the one-to-one sessions with Sarah with the main activity being cutting out words from magazines in a creative way to address the 5 key restorative justice questions<sup>73</sup>. Each question appears to form the basis of a session with Sarah collaborating with Lucy on how they are going to complete the task.
- Lucy’s behaviour deteriorates in May with her continually going missing, not doing as she’s told by care home staff and further offending. She refuses to comply with YOT, meaning that no further work is done in relation to her intervention plan from this point onwards. At the end of June (28/06/13), discussions are had at an emergency multi-agency meeting between the care home managers, a Police officer, a representative from the Public Protection Unit and Sarah regarding Lucy’s absconding and the on-going use of police resources to find her and bring her home almost daily. The police are particularly keen for her to be moved suggesting a more therapeutic placement may be beneficial.
- In early July, Lucy told the manager of the care home that she is involved in sexual exploitation and requested a pregnancy testing kit. Following this the care home manager concluded that her welfare could no longer be managed at the home and served notice on her placement (08/07/13). All of this information is relayed to Sarah (Lucy’s YOT Worker) who has to complete the appropriate risk-related paperwork, including a VMP

<sup>73</sup> The five key restorative justice questions are: what happened, how did you think/feel, how do you think/feel now, who else was affected and what can be done to make it better.

and update her Asset. Her dynamic factors score changes from 10 to 29 resulting in Lucy entering the intensive level of intervention. Sarah assesses Lucy as high vulnerability.

- Lucy, prior to her being placed in a secure children's home, was in the position where there were only six days left before she was being evicted, and she did not know where she would be living. This added to her already unstable emotional wellbeing, meaning that she was particularly despondent about her current circumstances. As she had self-harmed in the past, this slow decision-making by her 'home' CSC put an already vulnerable young girl in an even more 'risky' position in terms of harm to herself.
- Despite Lucy being on a secure welfare order in late July 2013, she has 4 outstanding court appearances for multiple charges which are all related to the care home. Her solicitor viewed it as not being in the public interest to prosecute her further and informed the YOT that he will write to the CPS to ask them to drop the charges. The CPS refused, even when the care home offered to withdraw the allegations.
- It is recorded in a series of email contacts between Sarah and the Practice Manager of Lucy's home YOT that she is finally going through the assessment process to see a psychiatrist whilst she is in the secure unit. It is sad that it has got to this point for her to receive the therapy many professionals and her mother felt she needed. It is noted on the case file that 'national standards are suspended' and that it is Sarah's intention to get the YRO revoked or changed to a conditional discharge. There are no further contacts on the file to indicate whether this happened or the other charges were dropped.

**Final Outcome:** YRO never completed, placed under a S.25 Secure Placement Order on Welfare grounds for 3 months on the 31<sup>st</sup> July 2013.

### **Case Study: 'Patrick'**

**Age when I first met him:** 16 (17 at the end of fieldwork period)

**Order when I first met him:** 12 month YRO with Supervision and 8 days activity requirement

**Case worker:** Initially Grace (YOT Worker) and then Warren (Probation Officer)

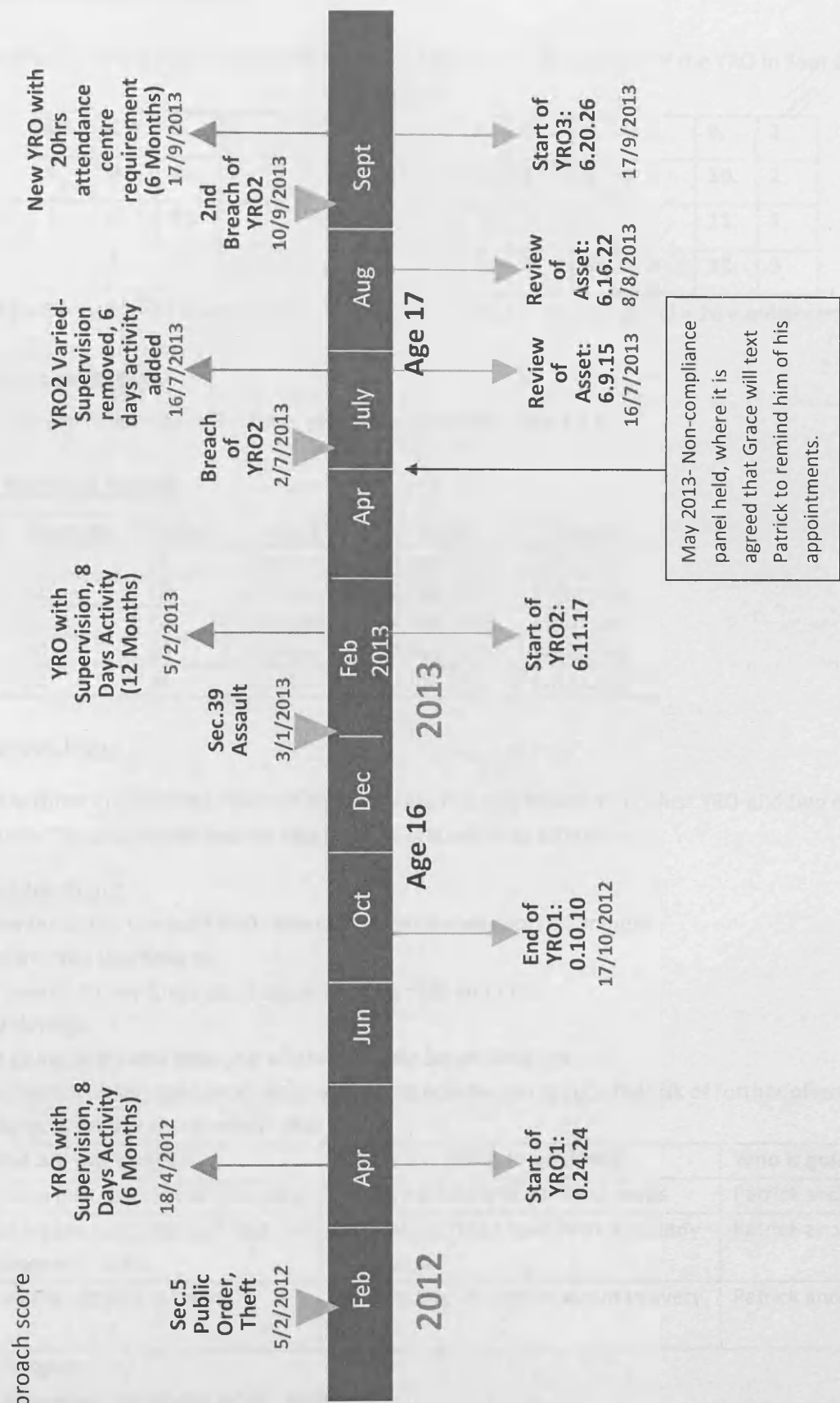
#### **Biography**

Patrick is a 16 year old male who was a transfer into Rosedale YOT following him moving into Rosedale's catchment area from the North East. At the time, he was on his first YRO sentence (6 months) for offences of theft and section 5 Public Order. This sentence had only just started when Patrick and his family moved into Rosedale's area prompting care taking procedures to be initiated by Patrick's home YOT. Patrick lives with his mother and younger brother. He was permanently excluded, age 14, from high school after receiving a high number of fixed term exclusions. His attendance at school was poor and when he was there his behaviour was described as disruptive. One of the challenges Grace, Patrick's YOT worker subsequently faced was to get him into some form of ETE. Patrick has been on the child protection register under the category of neglect; he spent approximately 12 months on the register before the case was closed. Patrick completed his first YRO 'successfully' in October 2012. He was subsequently then arrested at the start of January 2013 on suspicion of section.39 assault and appeared in court on the 22<sup>nd</sup> January to enter a plea to the charge. He is not known to use drugs and rarely drinks alcohol. He has had a reprimand, final warning and a referral order prior to receiving his first YRO. Rosedale YOT, because they were caretaking Patrick's case for his home YOT initially, were reliant upon them fully completing the case file and to the same 'high standard' that they expected of their own practitioners. There was considerable delay (almost a month) in the Asset being reviewed and reassessed by the home YOT which hampered Rosedale in starting Patrick's first YRO. The impact of the case being caretaken is clear in that Rosedale only have access to the information that is supplied to them by the home YOT they have no access for example, to Patrick's full criminal history or the scaled approach record to see his fluctuation in risk scoring. It is Rosedale YOT's policy that:

*'The Scaled Approach Intervention Level allocated by the Originating YOT should be continued by the Receiving YOT until the Receiving YOT have re-assessed the young person's likelihood of re-offending, risk of serious harm to others and their resulting Scaled Approach intervention level. Any alteration in Intervention Level needs to ensure that a process of defensible decision-making is recorded on the YOT case management system and approved by a manager.'* (YOT Policy Document 2- 'Caretaking Procedure' 2013.)

- ▲ Sentence
- ▼ Offence(s)
- ▼ Scaled Approach score

# Timeline of Patrick's YJS Journey



X.X.X= Static score. Dynamic score. Total score

**Asset and the Scaled Approach**

Asset scores at review stage of the order:

Asset scores at the start of the YRO in Sept 2013:

1.	0	5.	2	9.	1
2.	1	6.	0	10.	2
3.	3	7.	0	11.	2
4.	2	8.	1	12.	2

Total: 16 + 6 (static) = 22 = enhanced

1.	0	5.	2	9.	2
2.	2	6.	0	10.	2
3.	3	7.	0	11.	2
4.	2	8.	2	12.	3

Total: 20 + 6 (static) = 26 = enhanced

**Static score calculation:**

Age at first conviction (15) = 3 + No of previous convictions (3) = 3 = 6

**Scaled Approach Record:**

<u>Static</u>	<u>Dynamic</u>	<u>Total</u>	<u>L.o.R</u>	<u>Date</u>	<u>I Level</u>
6	11	17	Medium	04 Apr 2013	Enhanced
6	11	17	Medium	20 Feb 2013	Enhanced
6	11	17	Medium	14 Feb 2013	Enhanced
0	20	20	Medium	04 Sep 2012	Enhanced
0	24	24	Medium	15 Jun 2012	Enhanced

**Intervention Plan**

There are three Intervention Plans on Patrick’s case file; one relates to his first YRO and two relate to his second. The plan for his second YRO (assault offence) is as follows:

**Intervention Plan 1**

**What sentence did you get? YRO    How long is your sentence? 12 months**

**This means that you have to:**

Attend weekly to see Grace at an agreed venue, date and time

**Main Objective**

**We are going to try and stop you offending again by working on:**

Helping Patrick understand what went wrong and how he can reduce the risk of further offending

**Major targets for our three-month plan**

	<b>What are our targets?</b>	<b>How is this going to be done?</b>	<b>Who is going to do it?</b>
1.	Explore past pattern of offending	Creative thinking skills, mind maps	Patrick and Grace
2.	Explore the cost, sharpen ‘risk assessment’ skills	By thinking about how Patrick already risk assess	Patrick and Grace
3.	Keep the victim’s in focus	By reflecting on cost to victim in every session.	Patrick and Grace

**Future Targets:**

Victim awareness, Achieving work/career goal

**Date of review/plan:** 11 March 2013      **Next review/plan:** 01 May 2013

## **Summary of Key Points**

- In relation to Patrick's IP, it is difficult to see how he would understand some of the technical language such as 'risk assessment' contained within it. The plan, when it is reviewed, is cloned, meaning that it stays the same for the duration of the order. In comparison to the plan for his first YRO, it is very similar with the primary target on that plan being 'looking at your offending and why you get into trouble'. This was to be done through the use of a specific offence-focused programme that required Patrick to complete a booklet of activities. Patrick struggled to engage with this resource which even though it is completed with a YOT practitioner, is quite reliant on a young person having a good level of literacy.
- Patrick does not maintain engagement with his first YRO and a similar pattern developed over the course of his second YRO. Patrick's low levels of literacy and understanding may have had an effect on his ability to engage in any detailed offence-focused work; this connection however is not made by his initial caseworker. Eventually a learning styles questionnaire is completed which provides his new worker, Grace, with important information to use when designing interventions.
- Patrick ends up on the cusp of breach for the first time in April 2013 when he misses two appointments without any explanation. There is a connection between the timing of this absence and later ones in that it would have been the Easter school holidays. An assumption could be made that when Patrick is on holiday from his ETE provider that he struggles to motivate himself to attend other appointments, perhaps due to the influence of his friends which Grace (his YOT worker) indicates in his Asset.
- Patrick had ample opportunity to engage with his order but following leaving the ETE provider (he was school leaving age) things seemed to decline and he just became a 'frustratingly persistent nuisance' as Grace described him to me. You cannot but help feel firstly that had the report not recommended an overly long order (according to Sarah who was on court duty it should have been 6 months but the stand-down report written by Warren recommended 12 months) then he would have completed it much more successfully. Secondly, that if his learning needs had been taken account of earlier in his second YRO (or even assessed in his first YRO) then the YOT would have been able to complete work with Patrick that was more suited to his ability and needs.

**Final Outcome:** Initial YRO revoked and resentenced to a YRO with an Attendance Centre requirement (20 hours with 6 months to complete). The case was transferred to Warren who was to monitor it in conjunction with Probation.

### Case Study: 'Stuart'

**Age when I first met him:** 16 (17 at the end of fieldwork period)

**Order when I first met him:** 3 month YRO with supervision

**Case worker:** Fergus, YOT Worker

### Biography

Stuart is a 16 year old male who was convicted following a trial of Section.39 Assault. He has no previous convictions, just a police reprimand a year prior to this offence for criminal damage. Stuart lives with his mother, father and older brother (age 17, he received a final warning at the same time for a different offence) in a small town. It is unclear throughout the case file just how many children there are in the family; I think there are 4. He has never been a 'Looked-After Child' or a 'Child In Need' but that he has been subject to a Child Protection Plan due to possible sexual abuse<sup>74</sup>. Both his Uncle and his father have been convicted of sexual offences and are on the sex offenders register. According to the Solicitor at court, the household is deprived with only Stuart's mother working part-time. Stuart is at college studying Bricklaying and has a part-time job which funds his means of getting to college. Unlike several of the other case study young people, Stuart has qualifications (10 GCSEs) and does not have a SEN. He has no physical health issues and does not report using any substances other than alcohol which he says he drinks on special occasions. Stuart informed Fergus that he has no issues in relation to mental health however Fergus concludes that it would be prudent to monitor this based on information from CSC and the police. The main areas of concern are Stuart's neighbourhood and thinking/behaviour. It is reported that there are problems in the area that the family live on account of the father's conviction. The family are well-known to the police in the area and regularly call them in relation to harassment they receive from local youths. Stuart told Fergus, that he can display poor temper control particularly when confronted by someone. Stuart has no intention of continuing to offend and wants to engage with the services that are available to him. Stuart has a number of positive factors that are reported in the Asset, which include the support of his parents, college and a local police officer. It is recorded here that Stuart has a long term goal of eventually attending a different college to undertake a mechanics course (his victim attends the same college and the incident happened just outside the college boundary). He is not considered vulnerable or a risk of serious harm.

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<sup>74</sup> This is a conflicting piece of information throughout the case file as Stuart's Uncle has alleged he has abused him whilst incarcerated yet Stuart firmly denies this.



**Offence and Sentence History<sup>75</sup>**

Hearing Date	Hearing Type	Hearing Outcome
May 2011	-	Police Reprimand
18 <sup>th</sup> December 2012	Adjournment	Trial Date to be set, Stuart pleads not guilty
5 <sup>th</sup> February 2013	Adjournment	Appeared for sentencing, case adjourned for YRO assessment. Bench wanted to sentence then and there but no staff were available to complete a stand down so had to be adjourned
26 <sup>th</sup> February 2013	Sentencing	Sentenced to a 3 month YRO with supervision

**Asset and the Scaled Approach**

Asset scores at the start of the order:

1.	2	5.	0	9.	0
2.	2	6.	0	10.	2
3.	2	7.	0	11.	2
4.	2	8.	1	12.	0

Total: 11 + 0 (statics) = 11

Scaled Approach:

Date	Static	Dynamic	Total	LoR <sup>76</sup>	Intervention Level
February 2013	0	11	11	Low	Standard
March 2013	0	11	11	Low	Standard
June 2013	0	16	16	Medium	Enhanced

Asset scores at the end of the order:

1.	2	5.	2	9.	0
2.	2	6.	0	10.	2
3.	2	7.	0	11.	2
4.	3	8.	1	12.	0

Total: 16 + 0 (statics) =16

**Intervention Plan**

The Intervention Plan highlights that Stuart will be on fortnightly contact with the YOT and that most of the work that is undertaken during those sessions will focus on Stuart’s interactions with the community. The plan is as follows:

**Intervention Plan 1**

**What sentence did you get?** YRO    **How long is your sentence?** 3 months

**This means that you have to:** Attend YOT fortnightly

**Main Objective:** We are going to try and stop you offending again by working on:

How I spend time in the community, positive interaction in the community, and break down the barriers.

<sup>75</sup> There is no timeline for Stuart as the assault charge is his first and only recorded offence.

<sup>76</sup> Likelihood of Re-offending

Major targets for our three-month plan

	What are our targets?	How is this going to be done?	Who is going to do it?
1.	Avoid confrontation in community	Working on social skills in the community	Stuart and Fergus
2.	Be assertive not aggressive	Learning to be assertive	Stuart and Fergus
3.	Avoid reoffending negative/aggressive reactions towards others	Thinking things through discussion not aggression	Stuart and Fergus
4.	Understanding the effects of aggression on victims	Victim impact work	Stuart and Fergus

Future Targets:

To attend and complete college course, avoid future offending behaviour, learn from the supervision sessions how to avoid reoffending

Date of review/plan: 18<sup>th</sup> March 2013    How often? Every: 2 weeks

Next review/plan: blank (3 month order)

Summary of Key Points

- Stuart is the only case study young person to ‘successfully’ complete his YRO. Due to Stuart being on fortnightly contact and the shortest of orders (3 months), he had six<sup>77</sup> recorded face-to-face contacts with his YOT worker where work on the intervention plan was completed. Two of the six contacts were home visits, where Stuart’s parents and sibling(s) were present. Stuart missed only one appointment however the reason provided was accepted and the appointment was rearranged
- Looking at the dates, there are significant gaps between some of the appointments which raise the question as to just how effective the standard contact level is. Whilst it is designed for young people who get involved in the YJS but perhaps are not as ‘risky’ as others therefore do not warrant high levels of YOT intervention, it is unclear through the contacts whether the sessions that Stuart was entitled to were enough to complete the objectives on the intervention plan. When looking at the recorded time spent on the sessions, they are always an hour if not more, one for example is 1 hour 45 minutes long. Is this the case of Fergus having longer than average sessions because the order is so short and Stuart is on the standard intervention level meaning that time is limited in terms of what is feasibly possible to be completed during the order? Such an approach would not work with other young people who were for example, younger or who had an SEN statement as they would struggle to concentrate for that length of time.

<sup>77</sup> There were seven contacts in total, one for the Asset meeting and six for the intervention/supervision. One of the contacts was with a different practitioner to his assigned worker.

- Stuart's place of ETE is an ironic risk factor instead of a protective factor, as it was outside college where his offence occurred and the victim of the offence attends the same college. It was reported to Fergus that Stuart had been refused a bus pass as his attendance had fallen below 50% during the course of this order. Through various telephone calls the issue appeared to be resolved with Fergus commenting to the college staff member that if Stuart did not receive a bus pass then 'this could impact on the course he is attending and on his offending behaviour'. Such a statement demonstrates how the risk of something worse happening (in this instance further offending) has become a persuading factor in negotiations around access to services/facilities.
- The final contact recorded on Stuart's case file details that the family have through Fergus's referral become a Working Together with Troubled Families (WTWTF) nominal and will therefore receive multi-agency support in relation to the community issues they face. Fergus will attend the meetings on behalf of the YOT meaning that there will still be a YOT association for Stuart despite having completed, 'successfully' according to Fergus, his YRO. This is troubling as the YOT are a statutory service tasked with delivering court orders, once the order has finished you are essentially discharged from their service. Whilst no YOT practitioner ever, once the end date of a young person's order arrives just drops them and waves goodbye, to keep them involved in a case is entering into murky waters whereby the ongoing association could be detrimental to a young person's rehabilitation.
- Measuring how successful a YOT order has been is difficult as there are multiple measures that can be used. In the time between Stuart finishing his order (May 2013) and the writing up of this thesis Stuart has not been re-convicted. As he is now 18 if he was to be re-convicted he would fall under the supervision of the Probation Service if he was sentenced to a community order. According to the YOT Stuart completed the order well; up until the end of my fieldwork (September 2013) the family were still a WTWTF nominal and receiving support from various agencies but in particular the police in relation to the ongoing community issues. It is hard to determine whether a longer order would have benefitted Stuart more, I question whether the referral to the WTWTF programme was to compensate for the short order/standard level of intervention to allow for further work to be completed.

**Final Outcome:** YRO completed successfully

### Case Study: 'Will'

**Age when I first met him:** 16

**Order when I first met him:** 12 month YRO with supervision & 40 hours activity requirement

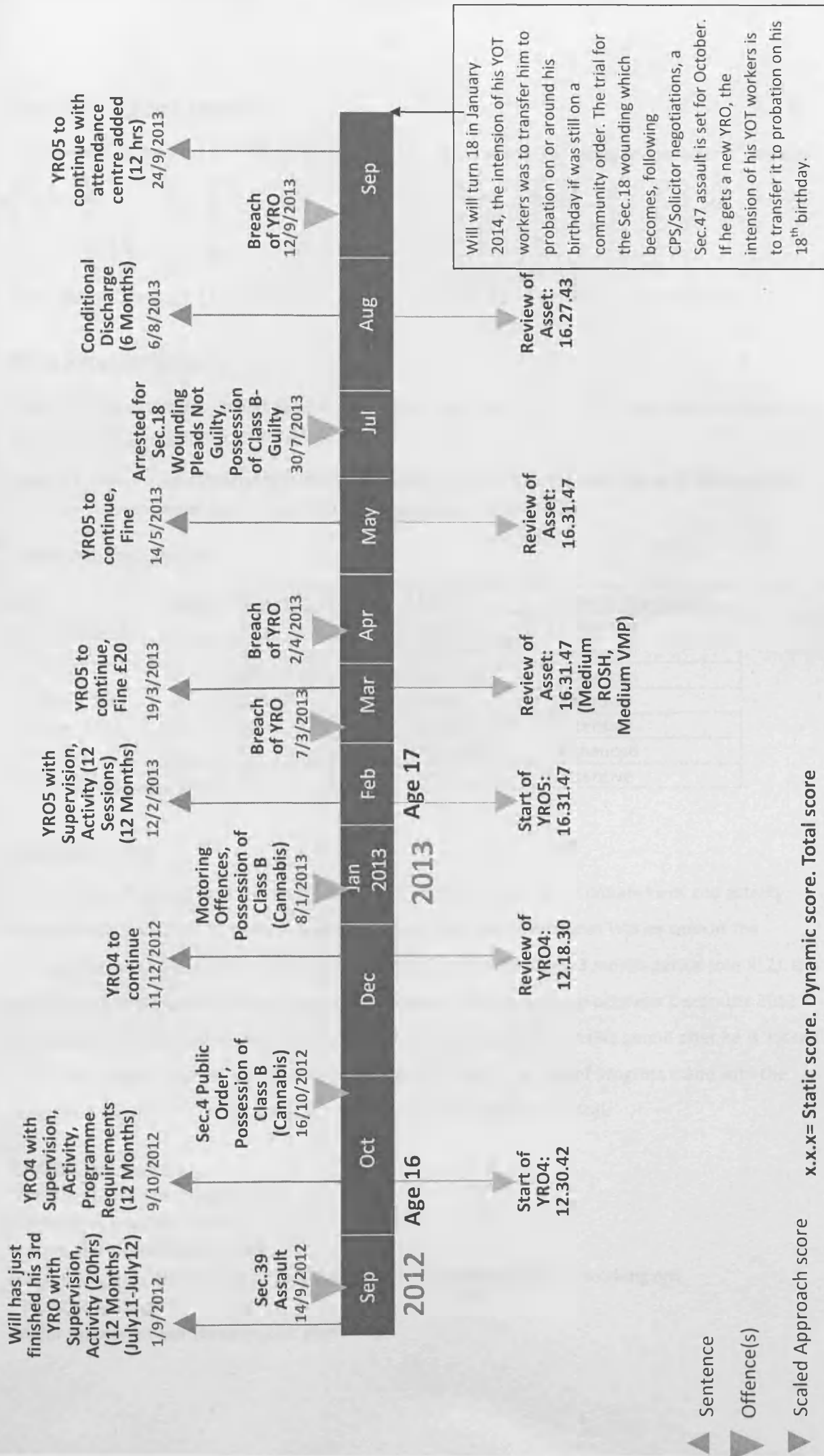
**Case worker:** Fergus, YOT Worker and Heather, YOT Social Worker

#### Biography

Will is a 16 year old male who has been known to the YOT since he was age 11. He has, what is considered to be an extensive criminal history (approximately 30 offences) and has had 8 different orders (including a referral order, supervision order and 5 YROs). He has breached several of his YROs and had the requirements varied as his compliance with requirements has changed. The family have a long history of CSC involvement with Will and his sibling being on a child protection plan for periods of Will's childhood under the category of neglect due to his mother's substance use. Will was living at home with his mother and younger brother up until he was 17 when he was asked to leave. He then spent some time living in a B&B<sup>78</sup> having been placed there by CSC before he gained a placement at a supported housing project. He was subsequently evicted from this accommodation and returned to the B&B whilst an alternative placement was sought by CSC. This was another supported housing project however Will did not use the room resulting in him losing that placement; he then returned to live with his mother. Will has a long history of substance use problems largely focused on cannabis use however he has been known to take a variety of drugs including non-prescribed valium. He was permanently excluded from high school (approximately year 9) and spent over a year out of education following this exclusion. He was then placed at a BESD school as he has an SEN for BESD. It is unclear as to whether Will ever finished school as it is recorded that he has no educational or vocational qualifications. He does have low levels of literacy and numeracy. He is not engaged in any ETE. Will is often referred to as having mental health problems namely insomnia and paranoia; these are largely considered to be due to his cannabis use. He is assessed as being of 'medium' vulnerability and risk of serious harm.

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<sup>78</sup> Will, Liam and Kevin have all stayed at this B&B which is also a place where adult offenders on probation are placed.



## Asset and the Scaled Approach

Asset scores at the start 4<sup>th</sup> YRO order:

1.	2	5.	3	9.	2
2.	4	6.	2	10.	3
3.	3	7.	0	11.	2
4.	3	8.	3	12.	3

Total: 30 + 12 (static) = 42 = intensive

Asset scores following review after 3<sup>rd</sup> breach:

1.	3	5.	3	9.	2
2.	4	6.	3	10.	3
3.	3	7.	1	11.	2
4.	2	8.	3	12.	2

Total: 31 + 16 (static) = 47 = intensive

### Static score calculation:

**Score 12:** Age at first reprimand (10-13) = 4 + age at first conviction (10-13) = 4 + number of previous convictions (4 or more) = 4 total = **12**

**Score 16:** Offence type (motoring) = 4 + age at first reprimand (10-13) = 4 + age at first conviction (10-13) = 4 + number of previous convictions (4 or more) = 4 total = **16**

### Scaled Approach Record:

<u>Date</u>	<u>Static</u>	<u>Dynamic</u>	<u>Total</u>	<u>LoR</u>	<u>Intervention Level</u>
February 2011	12	12	24	Medium	Enhanced
April 2011	12	17	29	Medium	Enhanced
July 2011	12	20	32	Medium	Enhanced
February 2012	12	21	33	High	Intensive
October 2012	12	30	42	High	Intensive
December 2012	12	18	30	Medium	Enhanced
March 2013	16	31	47	High	Intensive

### Intervention Plan

Will has two IPs on his case file, for his 12 month YRO with supervision requirement and activity requirement (to attend 12 sessions with Addaction). The plan details that Will be seen at the intensive level; this does not change when the plan is reviewed at the 3 month period (see IP 2). It is recorded on Will's contact record that work related to IP1 is suspended between December 2012 and February 2013 as Will's welfare becomes of paramount concern in this period after he is 'kicked out' of his mother's house and presents at YOT as homeless. The lack of progress made with the targets on the first IP is reflected in IP 2 as both plans are almost identical:

#### Intervention Plan (1)

**What sentence did you get?** YRO

**This means that you have to:**

Attend YOT three times a week

**Main Objective: We are going to try and stop you offending again by working on:**

What I do in the day

**Major targets for our three-month plan:**

	What are our targets?	How is this going to be done?	Who is going to do it?
1	Substance misuse sessions	To work with Addaction for 12 weeks to address my drug use	Will & Addaction
2	Accommodation	To work with Staff at [supported accommodation] and YOT to keep my housing arrangements	Will, YOT workers & Staff @ accommodation
3	To complete work around coping strategies	To complete 6 sessions on anger work and how to deal with conflict	YOT staff & Will
4	ETE	To complete sessions at training provider to help me in my future. To complete six sessions	YOT staff, Will and YPS

Future Targets: blank

Date of review/plan: 04 March 2013

Date of next review/plan: 04 May 2013

Intervention Plan (2)

What sentence did you get? YRO

Main objective: For the next three months we are going to work on: Attend YOT weekly

Anything else you think we should be doing: Looking at ETE

Major targets for our three-month plan:

	What are our targets?	How is this going to be done?	Who is going to do it?
1	Substance misuse sessions	Complete cannabis pack with Heather as activity requirement-6 sessions remaining	Will & Heather
2	Coping strategies sessions	Complete 1:1 sessions with Will to look at how he deals with issues during periods of stress	Will, Heather & Fergus
3	ETE	To work with YOT and YPS to access appropriate training opportunities	Will, Heather & Fergus
4	Family Support- Contact by phone/home visits/general conversation	To complete home visits and to remain in contact with mum weekly to ensure relationship difficulties do not fester, to assist in resolving issues	Will, his mother, Heather & Fergus

Future Targets:

None recorded

Date of review/plan: 02 May 2013

Date of next review/plan: 05 Aug 2013

Summary of Key Points

- Will entered the YJS age 12 and since then there have only been approximately 6 months where he has not been on a YOT order. There is also a long history of CSC involvement with the family. The family are viewed as being ‘difficult’; Will’s younger brother is also involved with the same YOT at the same time as Will is on his 5<sup>th</sup> YRO. Will’s mother blames Will for

his younger brothers offending and subsequent YOT involvement; this creates even more tension within the household.

- The last year of Will's contact with the YJS has been particularly complex with his intervention level reaching 'intensive' and staying there for the period of October 2012-September 2013. He hits the maximum in static factors 16 and reaches the highest score dynamically of 31 (a total of 47) resulting in him, out of the eight young people being considered the 'most risky'.
- Will's chaotic drug use particularly his habitual use of cannabis is the focus of concern throughout his YOT engagement, with him being made to address it through way of it being part of his YRO (an activity requirement).
- There are numerous incidences which prompt a ROSH and VMP assessment, both recorded as medium. One such incidence includes Will taking a suspected overdose, at the time he was in police custody which resulted in a visit to A&E. He then left A&E and made his way to a local bridge, appearing to be threatening to commit suicide.
- Will struggles to consistently engage in supervision sessions; his YOT workers do what they think is best for him including doing joint sessions with his friend who is also a co-accused of his, in order to get him to engage despite this being against YOT procedures. Both of Will's workers describe working with Will as moving from 'one crisis to another' - he is an example of 'firefighting' in that for some young people their lives are so chaotic that they have competing needs and risk factors meaning that all YOT practitioners can do is move from one 'fire' to the next in the hope that what they are doing is having some effect.
- Will appears to have caused a sense of 'burn out' amongst his YOT workers who seemed in the later months of 2013 when he was still on his 5<sup>th</sup> YRO, to be at a loss as to what to do with him. His sporadic engagement with the process of supervision was problematic because they could not get it removed due to his levels of risk plus he was assessed as unsuitable for unpaid work. Heather expressed that she was 'looking forward' to Will turning 18 in January 2014 so that he could be transferred to probation.

**Final Outcome:** YRO ongoing, 12 hrs attendance centre added to his order following his third breach of the order in September 2013. Will also has outstanding offences so will be appearing in court again in the following months.



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### **YOT Documents**

YOT Policy Document 1- *'Managing Risk in the Community Procedures'* 2013.

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### **Legislation (chronological order)**

Children and Young Person Act 1933

Children Act 1989

Crime and Disorder Act 1998

Criminal Justice and Immigration Act 2008 (CJIA)

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO))