Dynamic Diversion?

Examining the Multiple Impacts of 'Welsh Town' Bureaux

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Abstract

Wales' devolutionary settlement at the turn of the century and subsequent policy focus on the promotion of children and young people's rights and entitlements has created fertile ground for the emergence of an innovative pre-court diversion scheme – the Bureau Model of Youth Justice.

In the decade following the materialisation of the architype Bureau Model in 2009, formulations of Welsh Bureaux have begun to function throughout the country. Nonetheless, to date, the existing published academic literature into the workings of Welsh Bureaux has predominately focused its attention on the original Bureau Model of Youth Justice. Findings from these empirical studies have painted a positive picture of the original Bureau Model and have suggested that it holds much promise as a practical framework for keeping children and young people away from the formal youth justice system, whilst also offering them 'appropriate' levels of support if required.

However, although clearly insightful, empirical research into the functioning of the original Bureau Model is now arguably outdated and encompasses a series of limitations. For example, it is focused narrowly on a single geographical setting, over a narrow timescale (that does not account for significant changes in legislation) and does not encompass the views of children and young people and parents and carers.

This thesis seeks to rectify these 'gaps in knowledge' concerning Welsh Bureaux through utilising mixed-methods empirical research in three locations where versions of Welsh Bureaux currently operate. In doing so, the intention is to amalgamate quantitative understandings with qualitative perspectives from individuals intimately engaged with the model's workings. The ambition is to provide a more comprehensive and contemporary understanding of how Welsh Bureaux function and perform.

Declaration and Statements

DECLARATION

This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree.

Signed .... (candidate)

Date ....

STATEMENT 1

This thesis is the result of my own investigations, except where otherwise stated.
Other sources are acknowledged by footnotes giving explicit references.
A bibliography is appended.

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STATEMENT 2

I hereby give consent for my thesis, if accepted, to be available for photocopying and for inter-library loan, and for the title and summary to be made available to outside organisations.

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Chapter One
Introduction

Diverting children and young people away from the formal processes of the youth justice system is not a new concept within western juvenile justice policy and practice (Klien, 1984). Smith (2014) has stated that: "'Diversion' has been a central feature of youth justice in England and Wales for a very long time" (Smith, 2014, p.109). In spite of its longevity, even at a basic conceptual level, a universal or singular definition of what it means to 'divert' a child or young person within a youth justice context has remained stubbornly elusive (Richards, 2014).

In part, this has been due to the fact that in England and Wales the development of youth diversion has been ductile, meaning that as it has evolved it has not been deployed in a uniformed or fixed manner. Instead, it has been utilised in conjunction with a variety of different philosophical paradigms (for example, welfare, new-orthodoxy, justice, new youth justice) and for a variety of different purposes or end-goals. For example, *inter alia* as a way of keeping children and young people who have committed first-time offences away from court, or alternatively as a way of keeping children and young people post-sentencing away from custody, or even as a way of specifically ensuring that children and young people with identified mental health and developmental difficulties are kept away from the formal youth justice system and placed in appropriate forms of support that can best cater for their specific needs (Creaney and Smith, 2014). The liquescent nature of the concept 'diversion' has therefore meant that it has become increasingly susceptible to being conflated and misappropriated.

Acknowledging this fact, it makes sense at the outset of the thesis to try to identify some of the challenges that have made arriving at an agreed definition of 'diversion' in youth justice difficult to achieve. In the process of doing so, there will also be the opportunity to more clearly articulate and identify the specific form of youth diversion which will be subjected to empirical examination in the thesis.

'Diversion': A Concept with Different Meanings in Youth Justice

The term 'diversion' in youth justice is conceptually complicated (c.f. Klein, 1979, Dingwall and Harding, 1998, Newburn and Souhami, 2005, Richards, 2014, Ray and Child, 2015, Mears et al. 2016). It has come to assume "multiple-meanings" (Morris and Giller, 1987, p.137) resulting in it suggesting various things to various people and moreover denoting various things within various contexts (Cressey and McDermott, 1973, Richards 2014, Kelly and Armitage, 2015). Specifically, it has been contended that 'diversion' has fallen foul of a homogenous approach to its usage which has rendered it protean and served to blur any attempt to engage with it accurately (Cressey and McDermott, 1973). This definitional predicament has meant that widely different interpretations of what it means to 'divert' a child or young person have inevitably been placed under the same all-encompassing heading.

Dingwall and Harding (1998) provide a helpful starting point for exploring why 'diversion' in youth justice has proved so difficult to define, when they assert that: "Diversion begs the question of the norm: from what is the offender being diverted" (Dingwall and Harding, 1998, pp.1-2). What on the surface appears a straightforward statement to answer, is made difficult due to the fact that the generic term 'diversion' has frequently been employed interchangeably in youth justice. For example, it has been loosely employed as a way of describing both 'pre-court diversion' (sometimes also referred to as 'diversion from court'), as well as 'diversion within the court system' (sometimes referred to as 'diversion from institutions').[1] These are very different concepts, with 'pre-court diversion'[2] aimed at diverting children and young people 'away from prosecution' and concomitantly the stigmatising properties that accompany such exposure (McAra and McVie, 2007, Petrosino et al. 2010, White, 2017). Diversion 'within the court system' relates to diversionary activity initially away from the secure estate via remand or bail and subsequently at the point of sentencing (NACRO, 2011). To employ practical illustrations, during the 1980s Juvenile Liaison

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[1] See Morris, A. and Giller, H. (1987). *Understanding Juvenile Justice*. London: Croom Helm, pp.137-138. It provides a helpful overview of the multiple meanings and usages of diversion within the academic literature.
[2] Often conflated with 'primary crime prevention'.

Bureaux (JLBx) and police cautioning practices proved to be effective in diverting children and young people 'away from prosecution'. In a separate fashion, the Department of Health and Social Security Intermediate Treatment Initiative (DHSS ITI) proved to be effective in diverting children and young people 'away from custody'. This may seem an obvious distinction to make, but it does initially serve to illustrate the breadth of application to which the catch-all term 'diversion' in youth justice has been subjected and the confusion that it subsequently generates (see Figure 1).

Furthermore, 'diversion', particularly in respect of its 'pre-court' form, has also often erroneously been considered analogous with 'primary crime prevention'. Richards (2014) makes this point, arguing that "…much youth justice literature and policy…conflate 'diversionary' measures with primary crime prevention" (Richards, 2014, p.135). Again however, there is a distinction to be made in that 'primary crime prevention' strategies traditionally serve the purpose of preventing delinquency before it arises; that is to say, prior to an offence being committed by the child or young person, often via social or situational interventions. For example, a boxing club in the local community may provide a fun and safe environment for children and young people to interact and channel their energy towards positive rather than delinquent ends. Conversely, 'pre-court' (and 'within the system') diversion is more commonly understood as dealing with delinquency after it has transpired. The principal intention being to pinpoint and filter away children and young people on the verge of prosecution (or after sentencing). Rather than those simply exhibiting some form of 'risky behaviour' or deemed vulnerable through being situated in a specific social, economic or geographical milieu.

It is also helpful to appreciate that 'diversion' is fundamentally a 'dual concept' (Brown, 2018). As implicit in Dingwall and Harding's above quoted statement, the first aspect of 'diversion' logically concerns what exactly the child or young person is being diverted 'away from' at the front-end of the process (for example, the stigma and label of a criminal record or a court appearance). The second key aspect of 'diversion' however concerns what precisely those same children and young people are subsequently being diverted 'into' at the back-

end of the process. It is this frequently overlooked secondary aspect which has resulted in further complexities. Here, there are two options. A child or young person simply receives an out of court disposal at the end of their diversionary process and nothing else. Alternatively, an out of court disposal is further supplemented with additional intervention(s). The latter option must be carefully navigated, as interventions flowing out of 'pre-court' diversion, if too rigid or punitive, risk prolonging system contact and 'up-tariffing' a child or young person back into formal criminalisation and sanctions. If for instance, a child or young person breaches terms by failing either to attend the intervention or meet subsequent arranged targets or goals (Richards, 2014). Lemert (1971) offers an insight into the counterproductive nature of this phenomenon, stating that:

> "One of the greatest paradoxes of organized society is that agencies of social control may exacerbate or perpetuate the very problems they seek to ameliorate. In doing so they foster conditions of secondary deviance…From this point of view the sanctions, dispositions, or "treatment" imposed by the juvenile court personnel too often simply add another series of problems to original problems of parents and children, then further stigmatize the failures to cope with the new problems."

(Lemert, 1971, p.13)

To safeguard against detrimental outcomes that serve to undermine diversionary impact, it is therefore important that 'pre-court' diversionary outcomes are always appropriate, possess positive intentions and are tailored to the individual requirements of children and young people. For some children and young people this will mean they are better suited to receive an out of court disposal and no form of intervention, but for others, they may require some type of support package in addition to their disposal (see Figure 1).

YOUNG PERSON COMMITS OFFENCE

YOUNG PERSON IS PROSECUTED

Primary Crime Prevention

Pre-Court Diversion/ Diversion 'Away From' Prosecution/Court

- •Non Intervention/
- •Intervention

Diversion 'Away From' Custody/Institutions

- •Community Provision
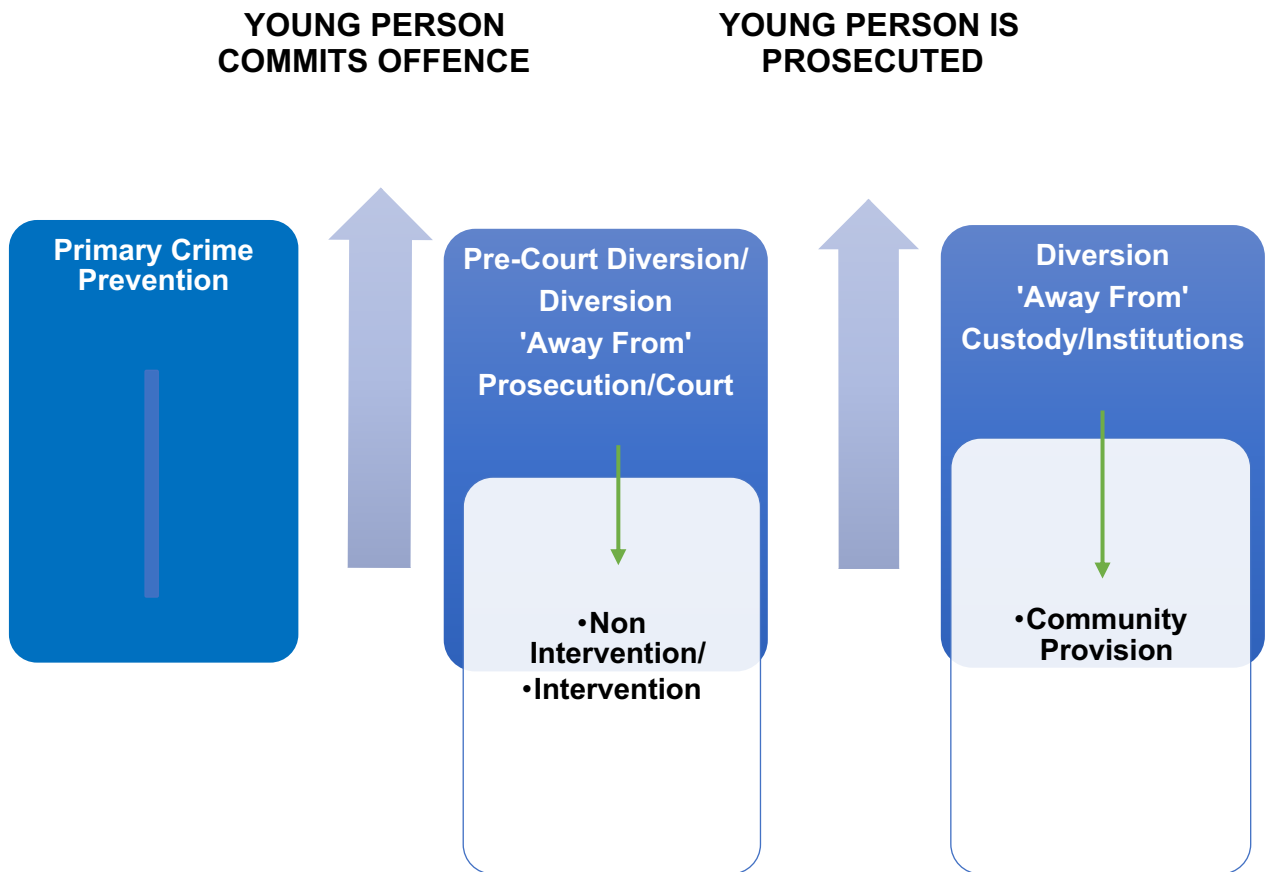
Figure 1: A Timeline of the Youth Diversion Process.

Delineating the Type of Youth Diversion to be Examined

The definitional challenges and complexities revealed in the above analysis illustrate how easy it is to conflate and confuse understandings of diversion in a youth justice context. It is therefore important to establish parameters at an early stage concerning the specific type of youth diversion to be empirically examined in the thesis.

The thesis in its empirical fieldwork component will examine:

- Three post-offence, but pre-court, youth Bureau Models (to be referred to as Youth Crime Diversion Models), which are situated in three separate locations (to be referred to as Area One, Area Two and Area Three), but which are encompassed within a single Welsh Youth Offending Service (YOS) region (to be referred to as Welsh Town).

- Their core function is to divert children and young people 'away from' the formal processes of the youth justice system and 'into' – when deemed necessary – appropriate and positive based interventions designed to promote pro-social behaviour and bring about reductions in recidivism (e.g. dual-diversion).

- As such, they do not adopt a 'radical non-interventionist' (Schur, 1973) approach, but equally, do not employ interventions in respect of 'every' child or young person - so as to limit the possibility of 'secondary deviance' (Lemert, 1971) transpiring unnecessarily.

What Do We Know About Welsh Bureaux and Why Do They Require Further Examination?

Having briefly outlined the type of youth diversion to be examined in the fieldwork component of the thesis (that is to say, encapsulated by Welsh Town Area One, Area Two and Area Three Youth Crime Diversion Models), it is necessary to offer a justification for why they warrant specific attention.

To understand this, it is important to appreciate the aetiology of youth diversion in a Welsh context. Following on from Wales' devolutionary settlement at the turn of the century, policymakers have made a conscious effort to promote the rights and entitlements of all children and young people (c.f. UNCRC, 1989, Welsh Assembly Government, 2002, Williams, 2013), whether situated outside or inside the formal youth justice system (c.f. Welsh Assembly Government and Youth Justice Board, 2004, Welsh Government and Youth Justice Board, 2014). Specifically, in respect of children and young people in conflict with the law, this means that those who have committed offences have not been

deemed underserving of entitlements or unworthy of rehabilitation, but rather, are seen for what they are: 'children first and offenders second' (Haines and Case, 2015) who possess indelible and undisputable rights. Eschewing more punitive models, which have traditionally been the norm in youth justice settings, diversion has therefore become a central tenet of the Welsh government's approach to children and young people in conflict with the law. Essentially, if a child or young person's journey into further criminalisation, a criminal record and a court appearance can be avoided or halted, then it should be whenever possible, in turn, creating the necessary conditions for them to move forward free of stigma and a negative label. Significantly, the space created by this 'dragonised' (Haines, 1999) desire to divert has allowed space for the emergence of the innovative Bureau Model of Youth Justice (Haines and Charles, 2010, Haines et al. 2013, Haines and Case, 2015), a pre-court youth diversionary mechanism first established in 2009, but which has since been replicated in many other parts of Wales.

In respect of existing academic literature into youth diversion within a Welsh context and specifically the functioning of Welsh Bureaux (which is the explicit diversionary model being examined in this thesis[3]), the original Bureau Model of Youth Justice has received the majority of academic examination (Haines and Charles, 2010, Haines et al. 2013, Smith, 2014, Haines and Case, 2015). These studies have described it as a "promising" (Haines et al. 2013, p.19) mechanism for keeping children and young people away from the formal youth justice system. However, although useful, this previous analysis into the functioning of the original Bureau Model is arguably now outdated and also possesses a number of clear limitations. For example, existing academic analysis:

- Has only provided a limited snapshot of Welsh Bureaux statistical output and performance over a limited time-frame.

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[3] It is important to state at the onset of this thesis, that the fieldwork component is exclusively concerned with examining Welsh Bureaux and not Triage or Neighbourhood Resolution Panels, which also function in Wales. However, academic evaluations of existing pre-court youth diversionary models functioning in England and Wales will be highlighted in the literature review.

- Has been restricted to a single geographical location and is now largely compromised due to the introduction of new legislation. For example, the Legal Aid Sentencing and Punishment of Offenders Act (LASPOA, 2012) which has substantially amended the workings of Welsh Bureaux.

- Has been exclusively stakeholder-centric and does not encompass the views and opinions of key Welsh Bureaux service users, including children and young people and parents and carers.

Evolving Understandings of Welsh Bureaux: Key Themes to be Examined

If a more comprehensive and up-to-date understanding of Welsh Bureaux is to be ascertained, these shortcomings require addressing in this thesis. Practically, the thesis seeks to address each of these 'gaps in knowledge' through engaging mixed-methods (quantitative and qualitative) fieldwork in three locations in which versions of Welsh Bureaux currently function (Area One, Area Two and Area Three Youth Crime Diversion Models, which comprise Welsh Town). In doing so, a number of key themes identified as lacking in the existing academic literature published on Welsh Bureaux will be explored, including:

- What is the current (post-LASPOA, 2012) structure and operation of Welsh Town's Youth Crime Diversion Models (in Area One, Area Two and Area Three) and how do agency-officers (professionals) view their respective impact in regard to youth crime prevention?

- To what extent do officially recorded statistical outcomes (relating to Area One, Area Two, Area Three and the Welsh Town region) suggest that Welsh Town's Youth Crime Diversion Model is effective in reducing youth crime?

- To what extent do children and young people who have engaged with Welsh Town's Youth Crime Diversion Models (in Area, One, Area Two and Area Three) believe it has met their needs?

- To what extent do parents and carers believe that Welsh Town's Youth Crime Diversion Models (in Area One, Area Two and Area Three) has enabled family interaction in the youth justice system and assisted them in addressing their children's offending behaviour?

Ensuring that Children and Young People's Voices are Recognised: Adopting a Children's Rights Perspective on Youth Justice

As has been identified, a clear limitation within the existing Welsh Bureaux literature concerns the lack of empirical attention that has been afforded to children and young people's views. Accordingly, at the outset of this thesis it is necessary to assert that gaining the views of children and young people in relation to Area One, Area Two and Area Three Welsh Town Youth Crime Diversion Models is seen as being critical to any legitimate study of their workings. As such, this thesis in its approach will be anchored in a children's rights perspective on youth justice and will seek to position children and young people's contributions as a key element in understanding the functioning and impact of Welsh Town's Youth Crime Diversion Models.

In contextualising the reasons for why a children's rights perspective has been adopted, it is important to appreciate that affording importance to the views of children and young people in processes that intimately impact upon them is fundamental to a number of international norms and national-level policy strategies. For example, Article 12 of the UNCRC (1989) makes clear that:

> "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

> (Article 12, UNCRC, 1989)

In relation to specifically youth justice, the 'Guidelines of the Committee of Ministers of the Council of Europe on child-friendly youth justice' states that: "…children have the right to express their views and opinion on any issue or case that involves or affects them" (Council of Europe, 2010, p.80). Similarly, the United Nations Committee on the Rights of the Child's General Comment No.10 (UNCRC, 2007) states that:

> "The right of the child to express his/her views freely in all matters affecting the child should be fully respected and implemented throughout every stage of the process of juvenile justice. The Committee notes that the voices of children involved in the juvenile justice system are increasingly becoming a powerful force for improvements and reform, and for the fulfilment of their rights."

(UNCRC, 2007, p.5)

In Wales, where importantly the Bureau Model functions, acknowledging the views of children and young people in conflict with the law is a key underlying principle of both the 'All Wales Youth Offending Strategy' (Welsh Assembly Government and Youth Justice Board, 2004) and 'Children and Young People First' (Welsh Government and Youth Justice Board, 2014). For example, a key underlying principle of 'Children and Young People First' is that:

> "The voice of the young person is actively sought and listened to"

(Welsh Government and Youth Justice Board, 2014, p.5)

Additionally, at an organisational level, seeking to listen to the views of children and young people in conflict with the law is a key component of both the Youth Justice Board's 'Participation Strategy' (Youth Justice Board, 2016) and the National Police Chiefs' Council's 'National Strategy for the Policing of Children and Young People' (National Police Chiefs' Council, 2016).

Theoretically, in respect of research relating to children and young people, James and Prout's (1990) 'Constructing and Reconstructing Childhood' marked the emergence of a 'new paradigm' termed the 'new sociology of childhood'. Significantly, as Moran-Ellis (2010) has written, within their work:

> "James and Prout explicitly called for the study and theorization of children as social actors, with an emphasis on agency, and on seeing children as members of society in the here and now rather than in terms of what they would become when adults."

(Moran-Ellis, 2010, p.188)

As such, scholars adhering to a 'new sociology of childhood' perspective (see for example, Alderson, 2008, Christensen and Prout, 2002, Mayall, 2002) maintain that value and importance should be attached to how children and young people view and experience the world around them. That is to say, that children and young people should be viewed as the 'true experts' of their own experiences. Significantly, within the area of youth justice, there has similarly been a growing body of research emerge (see for example, Hart and Thompson, 2009, Hazel et al. 2002, Cleghorn et al. 2011, Creaney, 2014, Drake et al. 2014) which has highlighted the importance of attaching weight to the views of children and young people in conflict with the law. As Drake et al. (2014) have noted:

> "Young people's subjective experiences of youth justice offer a way of understanding young people as subjects within changing youth justice processes, rather than as objects of study…Young people's accounts of their experiences can provide critical perspectives on the successes and limitations of current policies and practices that are inherently unique and prospectively illuminating."

(Drake et al. 2014, p.2)

As has been evidenced, there is then a growing acceptance, encompassing international norms, policy and theory, that children and young people's views matter and should not be diminished or overlooked. Accordingly, this thesis, in aligning with this evidence base, considers that simply seeking to understand Welsh Town's Youth Crime Diversion Models exclusively from the perspective of adults (although the views of agency-officers and parents and carers will be collected) would lack legitimacy and crucially would also serve to undermine children and young people's rights. For this reason, in its methodological approach, this thesis will purposefully cater for children and young people's contributions (in their own words) relating to the workings of Welsh Town's

Youth Crime Diversion Models. Ultimately, through adopting a child-rights perspective, it is anticipated that a more comprehensive, authentic and importantly rights-based understanding of each of the model's workings will be achieved.

The Structure of the Thesis

The thesis is arranged into eight chapters (including the introduction) which are summarised below.

Chapter Two provides a sequential examination of the early development of youth diversion in the youth justice system in England and Wales. It begins with analysis of welfare infused philosophies that gained hegemony within juvenile justice practice up until the late 1970s and which became the ideological prism through which work with children and young people was both undertaken and justified. In attempting to understand the practical outworking of this approach, time is spent considering the impacts, shortcomings and unintended consequences of Intermediate Treatment (IT), a welfare imbued programme set out in the Children and Young Persons Act 1969 which intended to fill the gap between dealing with children and young people in their own homes and removing them into local authority care. Consideration then turns to how in the following decade (and largely set against a robust critique of the inadequacies of welfarism) a new ideological approach to interacting with children and young people was crystalised. An approach centred around distinctive new-orthodoxy ideals of increased diversion, minimised-intervention and reductions in the use of custody. Successively, attention turns to the impact New Labour policies possessed for children and young people in conflict with the law, with particular attention being given to the provisions of the Crime and Disorder Act 1998. The themes and literature covered in the chapter provide a necessary point of comparison for later reflecting on the nature and formulation of contemporary youth diversionary mechanisms (post-2008), of which the Welsh Bureau Model is an example.

Chapter Three builds upon the themes and literature already reviewed and moves understandings and analysis of youth diversion forward to the present (post-2008). It begins by assessing the catalysts for diversion's present standing within youth justice policy and practice. Centralised and localised pre-court diversionary mechanisms that have taken shape over the last decade are then highlighted and their respective impacts appraised. Wales' distinctive and purposeful post devolution emphasis on upholding the rights and entitlements of all children and young people (residing both inside and outside of the youth justice system) is then underlined. As part of this analysis, specific consideration is afforded to how youth justice (presently a non-devolved matter) has profited from being located within Wales' broader rights-respecting framework and concomitantly how this has aided and provided space for the emergence of the innovative Bureau Model of Youth Justice; a rights-infused, pre-court diversionary mechanism that seeks to divert children and young people 'away from' the formal youth justice system and 'into' – where deemed necessary – appropriate interventions. Existing academic studies into Welsh Bureaux are then examined, before the chapter concludes by highlighting the deficiencies and gaps in Welsh Bureaux knowledge that require further exploration in the methodological component of the thesis.

Chapter Four draws upon the themes examined within the reviewed academic literature and sets out to provide a thorough and detailed explanation for the methodological approach assumed in the thesis. It begins with an overview of why the research questions were chosen and how they translate into the explicit mixed-methods design. It then proceeds to discuss in detail the data-collection instruments engaged (both qualitative and quantitative), the justification for their use and the sampling framework adopted. Subsequently, attention turns to consideration of ethical issues, with a focus on not simply conventional principles such as informed consent, confidentiality and minimising harm to participants, but also, on the rights-based requirement of hearing from children and young people engaged in the youth justice system. Finally, the procedures for analysing both quantitative and qualitative data are outlined.

Chapter Five presents the qualitative findings of a system-mapping exercise undertaken in respect of Area One, Area Two and Area Three Youth Crime Diversion Models, which comprise Welsh Town. The chapter draws upon semi-structured interviews with key Youth Crime Diversion Model agency-officers (professionals), as well as a series of non-participant observations of Youth Crime Diversion Model Panels. Utilising this data, the chapter begins by outlining the rationale underpinning each of the three Youth Crime Diversion Models and it is suggested that they broadly coalesce around three key themes: diverting children 'away from' the formal youth justice system and 'into' - where necessary – 'appropriate' based interventions, attempting to limit the injurious impact of labelling and stigma, and wherever possible, reinforcing rights and promoting participation. Technical aspects common to all three Youth Crime Diversion Models are then highlighted, with particular attention being afforded to the specific roles and functions of 'institutions' and 'individuals' who interact with the process on a routine basis. Generalisable outputs such as disposals, interventions and restorative actions emanating from the Youth Crime Diversion Models are then discussed, followed by detailed analysis of two recent innovations to have impacted upon their workings – a screening tool and the Police Community Resolution. Next, through examining the three Youth Crime Diversion Model's aetiologies, points of difference are identified between each (particularly in respect to the workings of the Panel), before the chapter concludes by considering the strengths and tensions of the Welsh Town Youth Crime Diversion Model process.

Chapter Six presents an overview of the quantitative impact of Welsh Town's Youth Crime Diversion Models. Utilising a 'tripartite' statistical framework, it initially looks at youth justice performance in England and Wales and establishes that a long-term trend of declining numbers of youth First Time Entrants (FTEs) entering into the youth justice system has been discernible, which has also been accompanied by reductions across a number of other key youth justice performance measures. Successively, the chapter turns to examination of youth justice performance in Wales (as a distinct entity from England and Wales) and concludes that these downward trends experienced in England and Wales have also largely been replicated across Wales. Finally, the

chapter turns its attention to youth justice performance at a Welsh Town level. Initially, 'aggregated' numbers of youth FTEs across the Welsh Town region are examined, before 'individualised' numbers of youth FTEs specific to Area One, Area Two and Area Three are discussed. Successively, this youth FTE analysis is supplemented by examination of more specified data (and outcomes) relating to Area One, Area Two and Area Three Youth Crime Diversion Models. The chapter concludes by analysing the impact made by Welsh Town's Youth Crime Diversion Models on re-offending rates.

Chapter Seven discusses findings gathered from qualitative semi-structured interviews undertaken with children and young people and parents and carers engaged with Welsh Town's Youth Crime Diversion Models. The chapter begins by emphasising the need for the voices of the underrepresented (the children and young people and parents and carers) to be heard within the thesis. It is suggested that hearing from children and young people and parents and carers is necessary so as to prevent their marginalisation in youth justice proceedings. In arranging the thematic findings from the interviews conducted, the chapter initially considers those key themes that both children and young people and parents and carers broadly perceived as being strengths or positives of the Welsh Town Youth Crime Diversion Model process. Here, specific attention is afforded to how children and young people and parents and carers viewed and understood the workings of the Youth Crime Diversion Model Panel. Sequentially, thematic attention turns to how children and young people and parents and carers viewed and understood the 'away from' and 'into' diversionary impacts of the Youth Crime Diversion Model. A number of tensions within the process are then discussed, before the chapter concludes by summarising the key findings.

Chapter Eight discusses conclusions to emerge from the empirical research undertaken in the thesis. It begins by recapping the rationale for why Welsh Bureaux required further empirical investigation. In doing so, it highlights the limitations and gaps in knowledge within the existing Welsh Bureaux published academic literature. It then proceeds to revisit the methodological research

design adopted and underlines the three empirical phases or work packages (qualitative>quantitative>qualitative) which comprised the empirical fieldwork component. Key empirical findings to emerge from the three phases of empirical fieldwork are then summarised. The chapter concludes by underlining the theoretical contribution that the findings make to Welsh Bureaux (and youth diversion) knowledge and practice. It is argued that the specific success of Welsh Town's Youth Crime Diversion Models arguably resides in the 'dynamic' way in which they facilitate diversion, via a combination of foundational or keystone principles. It is suggested that these foundational or keystone principles may form an important point of reference for future youth diversionary practice, both within England and Wales and further afield.

Chapter Two
The Early Development of Youth Diversion
in England and Wales

Introduction

The purpose of this chapter is to provide a sequential examination of the early development of youth diversion in England and Wales, inclusive of the period 1960 to 2008. The chapter begins with analysis of the welfare grounded philosophy that characterised juvenile justice up until the late 1970s, with the dominant welfare programme of the period Intermediate Treatment (IT) forming the basis of a detailed critique. Consideration then turns to how in the following decade and largely set against a robust polemic of the inadequacies of welfarism, a new ideological approach to interacting with children and young people was crystalised; an approach anchored around new-orthodoxy ideals that precluded highly interventionist and welfare approaches, in favour of those predicated on increased diversion, minimised intervention and reductions in the use of custody.

The policies of the New Labour government form the next point of examination and particular attention is paid to the provisions encompassed within the Crime and Disorder Act 1998. It is contended that although there were a number of positive developments during this period, these were also accompanied by a series of policies which negatively impacted upon children and young people in conflict with the law. The themes covered in the chapter provide a necessary point of comparison for later reflecting on the nature and arrangement of current diversionary initiatives (post-2008) and specifically the form assumed by the Bureau Model of Youth Justice, which operates exclusively within Wales, and whose workings form the central focus of this thesis.

The influence of Welfare: Examining 1970s Intermediate Treatment

Diverting children and young people became the *zeitgeist* of 1980s juvenile justice policy and practice in England and Wales. In understanding how this

was realised, there is first a requirement to scrutinise how the juvenile justice system functioned up until that point and specifically how practitioners' *modus-operandi* towards children and young people was heavily influenced and predicated upon welfare modes of thinking and operating.

The coming to power in 1964 of a Labour government heavily influenced by needs-centred arguments provided a catalyst for a "single and throughgoing welfare-orientated philosophy" (Haines and Drakeford, 1998, p.36) to take hold in respect of attitudes towards children and young people. As Smith has emphasised: "faith was placed in the twin pillars of state welfare and professional expertise" (Smith, 2005, p.4). The credence afforded to welfarism during the 1960s meant that a traditional fixation on children and young people's 'deeds' and 'actions' was supplanted by ever greater consideration of their 'needs' and 'treatment' (see Table 1). This change in focus from traditional retributive modes of operating towards those predicated largely on welfare ideals was most clearly discernible within the Children and Young Persons Act 1969.

A key outworking of the Children and Young Persons Act (CYPA, 1969; Priestley et al. 1977 provides analysis of the legislation) involved a "welfarist diversion" (Smith, 2017, p.123) programme entitled Intermediate Treatment (IT). The notion of IT was first referenced in the White Paper 'Children in Trouble' (1968, p.9) which underpinned the CYPA (1969) and subsequently sections 12, 18 (4) and 19 of the CYPA (1969) outlined statutory provisions relating to IT. This "new wonder treatment" (Bell et al. 1999, p.91) as Cawson (1985) has identified: "was developed to fill a gap between dealing with young offenders in their own homes and removing them into local authority care" (Cawson, 1985, p.675). Within a strict judicial context, IT could be utilised by the courts to supplement a Supervision Order. However, a wholly judicial interpretation of IT as primarily an 'add-on' to a Supervision Order and simply the province of magistrates vastly betrays the breadth of its application, as well as its genuine intention during this period (Adams et al. 1981, Curtis, 1989).

Rather, IT during the 1970s as facilitated by Social Services Departments extended far beyond simply adjudicated children and young people to

encompass one-to-one work with virtually any child or young person deemed by social workers in their discretionary opinion to be 'of concern' (Morris et al. 1980, Bottoms et al. 1990). That IT was intended to be broad-based in its outlook was made apparent in 1973 in a Department of Health and Social Security 'Development Group Report', which determined that: "…intermediate treatment facilities will frequently be used by unsupervised children, whether 'at risk' or not, as well as by children under supervision orders" (Department of Health and Social Security, 1973, p.19[4]). Owing to these broad parameters, it has been strongly contended by certain commentators (Thorpe et al. 1980, Adams et al. 1981, Thorpe, 1982, 1983, Nellis, 1989, Smith, 2017) that IT lacked a clear and concise focus to its workings. This lack of focus did not simply pertain to its proposed target audience, which as previously noted, covered a diverse range of children and young people including those 'in trouble', 'at risk', or thought to be 'at risk of getting in trouble'. Crucially, it also extended to the endless list of activities that the programme encapsulated (Haines and Case, 2015). These included, but were not restricted to, youth clubs, reading, writing and discussion classes, out-of-doors group exercises and volunteer work[5] (see Jones, 2012 for more detail on the types of activities included in IT). The multifarious character of IT has been depicted aptly by Curtis (1989) who has stated that:

> "If you ask in different places what kind of young people attend Intermediate Treatment schemes, how old they are, how they were selected, what they do on them, how long they stay, whether they include girls as well as boys, whether their parents are involved, or whether they are all offenders, the answers you will receive will vary."

(Curtis, 1989, p.1)

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[4] See also 'Children in Trouble' (Appendix C, Paragraph 1) which states that "…where possible, a child or young person under supervision should be treated as a member of his local community and in association with others of his own age, and treatment of this nature should not be restricted to groups of delinquents alone." Also see, Department of Health and Social Security (DHSS, 1972) I.T*.: A Guide for the Regional Planning of New Forms of Treatment for Children in Trouble*. London: DHSS, p.9.

[5] DHSS (1973). *Intermediate Treatment Project: Development Group Report.* London: HMSO. Chapter 3; Paley, D. and Thorpe, J. (1974). *Children: Handle with Care, A critical analysis of the development of Intermediate Treatment*. Leicester: National Youth Bureau. Chapter 3; and Adams et al. (1981). A *Measure of Diversion? Case Studies in Intermediate Treatment*. Leicester: National Youth Bureau. Chapters. 4-9 all contain detailed descriptions of IT projects.

For Thorpe (1983) the unmitigated scope and reach of IT was problematic, leading him to conclude that it had become guilty of trying to be "All things to all men" and a misdirected product of "needology" (Thorpe, 1983, p.78). In this context, use of the term "needology" represents the way in which social workers having been afforded discretion in implementing IT programmes then went on to make incorrect decisions about the incorrect categories of children (Thorpe, 1982, 1983). Building on this critique, Adams et al. (1981; see also Goldson, 1997, p.78) have stated that:

> "Intermediate treatment has been used by the state to extend its control into communities where the disadvantaged and poor working classes live. Most social workers are blithely unconscious of this danger, because they do not accept this sinister role and point to the way in which their programmes both attract and hold virtually all children on a voluntary basis. Nonetheless the point remains, that however enjoyable, intermediate treatment does represent intervention where non-intervention may be more appropriate."

> (Adams et al. 1981, p.303)

In statistical terms Pitts (2005) has illustrated that IT extended its remit far beyond simply the child or young person in conflict with the law to also encompass the non-offending child. Ascertaining that: "By 1977, an estimated 12,000 children and young people were involved in I.T., of which only about 1,500 were adjudicated offenders" (Pitts, 2005, p.4). As a direct consequence of its welfarist aetiology and its propensity for excessive interventionism (Gelsthorpe and Morris, 1994, Goldson, 1997) IT was therefore understood by its critics as being implicit in the facilitating of 'net-widening' practices. Cohen (1985) has suggested that IT was implicit in a "classic form of net-widening" (1985, p.61) which meant that by 1981 almost 50 per cent of participants subjected to IT treatment programmes were not under any court order.

Critics of the welfare approach argued that this susceptibility to 'net-widening' concomitantly opened the door to episodes of 'up-tariffing' (Kerslake, 1987, Haines, 2008b), a process whereby children and young people once on IT programmes could then be escalated into custodial sentences, simply through

attempting and then coming up short at treatment. Rutherford (2002) pinpointed this phenomenon when writing of 1970s IT programmes that:

> "Inevitably, these early projects tended to 'widen the net' by moving youngsters further up the tariff than was justified by their particular offences. In some instances, where the projects were cast in a preventive mould, young people with no history of offending were drawn into the official process."

> (Rutherford, 2002, p.23)

Moreover, it is interesting to note that the possibility of 'up-tariffing' was also envisaged even by those seemingly enamoured with the potential of IT programmes. Somewhat ironically, Mays (1975) in his generally positive observations on the prospective impact of IT, made clear that:

> "Those who truculently rebel or who persist in attempts to sabotage the programme would have to be excluded and dealt with by other means (for example, by being returned to court for further consideration of their needs)."

> (Mays, 1975, p.318)

There was then a clear realisation, even early on, that children and young people who did not conform to the aims of treatment programmes (such as IT) would need to be fast-tracked back into formal proceedings to be dealt with in another (most likely punitive or escalatory) manner. Reflecting such weaknesses, IT was pinpointed as being implicit in the stark surge in youth custodial sentences experienced towards the end of the 1970s.[6] In 1969 around 2,600 young people received custodial sentences and by 1979 this figure had increased to 7,100 (Home Office, 1989).

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[6] It is important to note however that not all commentators conform to the idea that IT was ineffective or counterproductive for children and young people. See for example, Robertson, A. and McClintock, D. (1996). *The Community Based Alternative: Intermediate Treatment for Young Offenders*. In. S. Asquith (Ed) *Children and Young People in Conflict with the Law.* London: Jessica Kingsley Publishers. Their research explored the effectiveness of IT and determined it: "… to be no less effective than other forms of provision." p.151

Contemplating the Impacts and Outcomes of 1970s Intermediate Treatment

In evaluating the impacts and outcomes of 1970s Intermediate Treatment (IT) it would be easy to be highly critical of Social Services Departments and the actions of individual social workers. Principally for spreading their net too widely and aggressively and being culpable for the "spectacularly counter-productive" (Goldson, 1997, p.78) accelerations in youth custody figures discernible at the end of the decade. Although arguably justified in part, this somewhat crude viewpoint overlooks a series of key arguments that are worth exploring. For example, the strong welfare ethos that underpinned Social Services Departments and social workers' motives and actions during the period. Practitioners' desire to intervene and actively engage with large numbers of children and young people was to all extents and purposes not borne out of a yearning to simply meddle in or unduly involve themselves with the affairs of children and young people, but instead, was frequently driven by good intention and an authentic belief that their measures were both 'positive' and 'helpful' (Goldson, 1997). Haines and Drakeford (1998) have stated that:

> "If treatment was a good thing, and social workers (and others) in the 1970s generally believed that it was, then it should be available to any young person in some kind of need."

> (Haines and Drakeford, 1998, p.39)

In furtherance of this point, it must also be noted that many of the social workers who were eventually tasked with administering 1970s IT programmes had first entered the profession a decade earlier owing to a deep-rooted desire to make a difference in respect of matters of social justice. Jones and Kerslake (1979) have underlined this fact, stating that "…working with and for children, especially in trouble, was seen as one employment opportunity for the socially concerned young person in the late 1960s" (Jones and Kerslake, 1979, p.2). A social worker's personal vocation to make a difference amongst the neediest within society would no doubt have been indulged and reinforced by a wider welfare philosophical acceptance that programmes predicated on 'treatment'

and 'needs' provided the best answer for the 'at risk' child (Haines and Drakeford, 1998). Framed in this light, a more identifiable rationale to the arguably excessive interventionist actions of certain social workers in the administering of IT programmes becomes evident.

There is however a further argument for why Social Services Departments and specifically social workers may not have fully anticipated the high youth custody rates that would follow on from their decisions in respect of IT. To understand this argument, it is necessary to appreciate that the CYPA (1969) was primarily underpinned by a welfare ethos that contained measures to abolish many of the existing youth justice apparatus in favour of more welfare orientated measures such as treatment programmes, Care Orders and Supervision Orders. Crucially the Conservative government which came to power in 1970, although electing to implement many of these aforementioned welfare measures, concomitantly also chose to retain much of the prevailing youth justice apparatus, rather than seek its abolishment, as the CYPA (1969) had originally envisaged (Bottoms and Dignan, 2004, Muncie, 2009). Therefore, as Priestley et al. (1977) have stated "…the pursuit of a totally integrated crime-care system was obstructed by the retention of criminal proceedings" (Priestley et al. 1977, p.19) whilst Smith (2005) has similarly noted that "the objective of replacing judicial interventions with welfare measures was compromised" (Smith, 2005, p.5). The upshot of this pivotal decision according to Thorpe et al. (1980) was the formation of a "vertically integrated" (Thorpe et al. 1980, pp.22-23) juvenile justice system with a swollen base of disposals that could increasingly be utilised against children and young people. This case of fractional implementation was more fully elucidated by Thorpe et al. (1980; see also Thorpe, 1983, pp.74-87) in their influential critique of the ramifications of the CYPA (1969) where they argued that:

> "There can be no doubt that the 1969 CYPA was abolitionist in intent…But what really did happen? The answer is simple and obvious: a new system came in but the old one did not go out. Intermediate Treatment arrived but detention centres and attendance centres remained…and borstals were still available for 15-year-olds."

(Thorpe et al. 1980, p.22)

It could be contended therefore that any perceived failings of Social Services Departments, and by extension its practitioners, was amplified and framed by wider structural and legislative inadequacies inherent within the juvenile justice system of that time. To qualify this statement, this is not to argue that the individual actions or decision-making processes of individual practitioners and their outcomes were not significant or void of any influence, as they clearly were prominent (Haines and Drakeford, 1998). Rather, it is to argue that these decisions and outcomes must not be detached from the overarching structural framework of the juvenile justice system at that time, which ostensibly facilitated the possibility of poor decision-making and aided interventionist outcomes.

Social Services Departments and social workers could also not have been expected to have anticipated, at least to begin with, the course of action taken by another pivotal criminal justice group in the form of magistrates. The fact that Social Services Departments and social workers were afforded increasing responsibility as to how to administer Care Orders under the heavily welfare orientated CYPA (1969) served over time to foster a growing disquiet and uneasiness amongst magistrates (Haines and Drakeford, 1998). A key contention lay in the fact that the Care Orders' predecessor, the Approved School Order, had been entirely the remit of magistrates and so they fundamentally held the power in deciding whether a child or young person was to be removed from their home environment and placed in an institution. Conversely however, with the introduction of the Care Order this power shifted from magistrates across to Local Authorities or in effect Social Services Departments who would under this new framework be the adjudicators as to whether institutionalisation was appropriate in every case (Bottoms and Kemp, 2007; see also Morris et al. 1980, pp.24-26).

Thus, perhaps unsurprisingly, as Nellis (2004) has stated: "the powerful magistrates lobby…reacted against the perceived liberalism and sentimentality of the CYPA 1969" (Nellis, 2004, p.78) and the Care Order, with the result that they gradually refrained from utilising it as an option when considering sentencing choices for children and young people. As Care Orders were increasingly shunned so penal judgements increasingly became the norm,

resulting in more and more children and young people being placed in custody (Bottoms et al. 1990). Bottoms and Kemp (2007) substantiate this point when stating that:

> "During the 1970s there was a significant decline in the use of care orders in offence–based cases. By contrast, custodial sentences for older juveniles increased, since in the eyes of the court these guaranteed an institutional placement."

> (Bottoms and Kemp, 2007, p.143)

Finally, Pitts (1989) has strongly argued that individual actors (for example, social workers) have unfairly borne the brunt of the existing academic polemic, whilst the government has seemingly been excused from its role and responsibilities in proceedings during this period:

> "Criminologists looking for explanations of the 1970s juvenile imprisonment bonanza seem to search endlessly amongst the actors within the system for the culprits. It is almost as if government stands like a concerned anxious but powerless parent on the sidelines of the juvenile justice system. The target of criticism is always these low-level agents of control, the mistakes they made, and the unintended consequences of their actions…The fact that they are employed by somebody to do something and that the something which they do fits into a much broader set of political and bureaucratic arrangements is ignored."

> (Pitts, 1989, p.33)

In pulling together these various strands, it would appear naive and far too simplistic to unduly single out either social workers, magistrates, wider structural inadequacies or governmental directives as singular culprits in any perceived failures of the welfare approach as embodied by 1970s IT programmes. Rather, a more nuanced reading suggests that it was the coincidental interplay of these factors that created the conditions necessary for the rise in youth custody experienced. Nonetheless, whatever the roots of the unintended consequences of the 1970s it was undeniably the case that as the decade drew to a close the welfare approach was increasingly perceived as being irreparably wounded.

At this point, it is important to recognise that coinciding with growing ideological and philosophical polemics concerning the rise in youth custody figures (under a prevailing welfare and IT inspired approach) a number of empirical evaluations also began to call into question the validity of welfarism. Within the UK, the Home Office Research Unit's 'Intensive Matched Probation After-Care and Treatment' study (Folkard et al. 1976; see also Clarke and Sinclair (1974) and Brody's (1976) critiques which also proved highly influential) found little evidence to suggest that treatment-based programmes were routinely effective. Whilst in America, a study by Martinson (1974) into the usefulness of rehabilitation, which examined 231 studies reported between 1945 and 1967 on behalf of the New York State Governor's 'Committee on Criminal Offenses', also proved influential in destabilising the unquestioned prioritisation of treatment perspectives. In particular, the study's stark conclusion that 'nothing works' would have a profound impact upon youth justice thinking and operating over subsequent years. Ultimately, the cumulative impact and force of both ideological and empirical misgivings meant that: "By the end of the 1970s, the philosophy of welfare as an appropriate basis for responding to juveniles who commit offences was increasingly being questioned" (Morris and Giller, 1987, p.122). In succinctly summarising these misgivings, Pratt (1989) has suggested that the critique of welfare was fundamentally built around the following key tenets:

- "The ineffectiveness of treatment-type intervention,
- Evidence of the inhumanity of welfare,
- The critique of the status of expert,
- And the ineffectiveness of welfare in controlling delinquency."

(Pratt, 1989, p.238)

Ultimately, as a new decade began, welfarism was progressively viewed as being a poor indicator of delinquent causation, ineffective in its ability to generate programmes to adequately treat children and young people at risk and easily engineered to rubber stamp excessive and disproportionate forms of intervention (Haines and Drakeford, 1998).

Table 1: The 'Welfare' Approach Towards Children and Young People.

The 'Welfare' Approach	Philosophical Rationale	Objectives	Application	Key Criticisms
	An acceptance of 'treatment' based approaches and initiatives to interacting with children and young people.	Focusing on the 'needs' rather than 'deeds' of children and young people. The utilisation of 'professional' proficiency and knowledge.	The deployment of 'treatment programmes' (for example, Intermediate Treatment), delivered by Social Services Departments and social workers.	A propensity for excessive intervention, resulting in avoidable labelling, net-widening and up-tariffing practices. The knock-on rise in youth custody rates.

The Rise of the 1980s New-Orthodoxy: Identifying its Drivers

At the beginning of the 1980s a multiplicity of factors combined to instigate one of the most progressive and liberal periods experienced within contemporary youth justice. Referred to as the 'decade of diversion' or 'successful revolution', it pivoted upon an influential new-orthodoxy dogma (see Table 2) that sought wherever possible to *inter alia* promote diversion, diminish excessive intervention and keep children and young people out of custody (Haines, 2008). Jones (1989) characterised the accomplishments of this period in charismatic fashion, writing that:

> "The 1980s have seen a revolution in the way the juvenile justice system operates in England and Wales. There are few areas of criminal justice practice of which we can be proud but this is an exception…Many notions, which once seemed totally unrealistic, such as the abolition of juvenile imprisonment, are now viewed as achievable."

(Jones, 1989, p.i)

The Work of the 'Lancaster Group'

Spearheading the legitimacy of a new-orthodoxy philosophy to interacting with children and young people was a collection of academics (principally Norman Tutt, David Smith and David Thorpe based at Lancaster University), who as Bottoms (2002) has acknowledged: "operated wholly outside the sphere of central government" (Bottoms, 2002, p.444). Through the deployment of theory and research, coupled with the advancement of 'systems-management' techniques, they provided the *raison d'etre* for a change in focus for practitioners working at the heart of juvenile justice (Haines and Drakeford, 1998). Through their use of theorising, the Lancaster Group sought to refute highly interventionist and welfare grounded interpretations of juvenile offending as 'diagnosable' and 'curable' (Goldson, 2000). Instead, they emphasised that system contact with the formal processes of the juvenile justice system was damaging and should be avoided due to the stigmatising consequences it produced. Subsequently, many of the theoretical arguments the group engaged

with reached to the core of the criminological rationale for the efficacy of minimum intervention, diversion and the associated need for reduced levels of system-overreach (Newburn and Souhami, 2005).

Labelling Theory

Fundamental to the new-orthodoxy cause was labelling theory (Tannenbaum, 1938, Lemert, 1951, Becker, 1963, Matza, 1969). It argues that children and young people who are engaged with the formal processes of the juvenile justice system quickly become labelled as delinquent and then subsequently adopt and live up to this label. The label is then fortified as the child or young person finds themselves stigmatised by those around them, ostracised from conventional law-abiding avenues and drawn into a group of similarly labelled lawbreakers (Cressey and McDermott, 1973). Tannenbaum (1938) provided an early and succinct synopsis of the labelling perspective when writing that:

> "The process of making the criminal, therefore, is a process of…stimulating, suggesting, emphasizing, and evoking the very traits that are complained of…The entire process of dealing with the young delinquent is mischievous in so far as it identifies him to himself or to the environment as a delinquent person."

(Tannenbaum, 1938, pp.19-20)

Labelling theory debased mechanisms at work in existing welfare programmes, where for certain critics (Thorpe et al. 1980, Giller and Covington, 1983, Thorpe, 1983, Cohen, 1985), state agencies and social workers had taken on a quasi-justice role and played a part through their decision-making in drawing 'non-delinquent' and 'at risk' juveniles into the formal juvenile justice system. In doing so, it theoretically illuminated the power held by institutions and individuals in positions of authority and suggested that professional modes of practice could be exacerbating the unnecessary stigmatisation of children and young people who frequently possessed little or no power by comparison. Thorpe et al.

(1980), Pratt (1986) and Bell et al. (1999) have all acknowledged this argument, asserting that:

> "…labelling, stigmatising and controlling activities of official agencies, including those who employ social workers, are qualitatively different from those of everyday life and make a large contribution to our present mismanagement of delinquency."
>
> (Thorpe et al. 1980, p.32)

> "…there was a critique of social work professionals during the 1970s — a critique framed around the axis of labelling theory."
>
> (Pratt, 1986, p.227)

> "Labelling theorists…suggested that by being exposed to formal and interventionist systems of justice (including visits from police, social workers, appearances at court, *and/or packages of preventative Intermediate Treatment)* young people become labelled as young 'criminals.'"
>
> (Bell et al. 1999, p.92)

Notably, the Lancaster Group's postulation of labelling theory in respect of children and young people in conflict with the law was not simply a UK academic contention. Rather, it mirrored (and more accurately was preceded by) a growing transnational sentiment that societal agents may have smoothed the passage for the promotion of a detrimental, stigmatising and labelling culture towards particular groups of juveniles. This growing credence afforded to labelling theory was particularly evident in America from as early as the 1960s, where academics such as McEachern (1968), Gold and Williams (1969) and Thornberry (1971) established studies aimed at investigating labelling theory's core contentions[7]. Gold and Williams in their 1969 research sought to test the hypothesis that a child detained for a delinquent act will go on to transgress at a higher rate than a youth who had not previously been detained.

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[7] See Kavish, D. R. (2017). *Policy Implications of Contemporary Labelling Theory Research*. In J. Subjack and B. Burton (Eds) Critical Issues in Justice and Politics. Utah: Southern Utah University. It provides a contemporary overview of academic research conducted into labelling theory.

The results of their research upheld the hypothesis that arrest propagates further recidivism and offending behaviour. However, both McEachern and Thornberry's studies into the effects of labelling were far less decisive in their outcomes. Within both these studies certain findings appeared to fall into line with a labelling perspective, but in other cases, were the opposite of what labelling theory would be expected to produce.

Yet despite mixed empirical results, labelling theory both in America and in the UK gained considerable traction as an explanation for juvenile crime during this period and in doing so played a pivotal role in elevating the stock and legitimacy of diversionary approaches (Mahoney, 1974 provides more detail regarding studies into the empirical validity of labelling theory). Notably, the actions of Jerome Miller, who pursued a policy of diversionary decarceration during his tenure as Massachusetts' Head of Youth Services was especially important in championing the practical validity of an approach based on counteracting labelling and reducing unnecessary criminalisation. By the mid-1970s Miller had managed to shut down all the State's youth training facilities (see 'Last One Over the Wall', 1998 for a more detailed account)[8]. Here, the growing nature and strength of the symbiotic relationship between diversion and a labelling perspective led Moyer to acknowledge in 1977 that:

> "The theoretical rationale for diversion, in the measure that one exists, may be said to be labelling theory. Certainly, this outlook has been the most frequently quoted basis for diverting young people from court processing."
>
> (Moyer, 1977, p.67)

'Maturation' and 'Growing Out of Crime'

Supplementing labelling theory, the maturation hypothesis (Glueck and Glueck, 1937, 1940, Osborn and West, 1980 and also Rutherford's (1986) seminal work

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[8] Although it is important to note that the overall success of Miller's decarceration approach in Massachusetts has been contested. See for example, Romig, D. A. (1978). *Justice for Our Children, An Examination of Juvenile Delinquent Rehabilitation Programs*. Lexington, KY: Lexington Books. Chapter 15.

around 'growing out of crime') was also important in promoting the value of an approach towards children and young people in conflict with the law that curtailed excessive forms of intervention. The maturation hypothesis broadly contends that delinquency is a regular part of growing up which children and young people will naturally transition and mature out of over time, in most cases, without the need for aggressive or incursive action from state apparatus or its agents. Mulvey et al. (2004) capture the fundamentals of this approach when stating that:

> "Developmental change in late adolescence and early adulthood facilitates the acquisition or refinement of competencies or values that make criminal behaviour less attractive or less acceptable."

(Mulvey et al. 2004, p.17)

An acceptance of maturation naturally led to a conclusion that it was counterproductive for societal and state agents to unnecessarily intervene and engage with a child or young person displaying minor offending behaviour; in the process, risking them being drawn deeper into the formal juvenile justice system and unnecessary criminalisation. Rather, it was proposed that the adoption of a more moderated approach by societal agents would allow a child or young person to naturally transition from minor teenage offending into most likely conformist behaviour as a young adult, without deleteriously shutting down their pathways to education and employment (due to for instance the acquisition of a criminal record or a court appearance).

'Up-Tariffing' and 'Net-Widening'

Accompanying these two keystone theories was also an argument that centred on the detrimental repercussions of 'up-tariffing' practices. The term 'up-tariffing' denotes how children and young people who have initially breached the formalities of the juvenile justice system are subsequently placed upon a criminal escalator of ever-increasing sanctions, commonly as a consequence of committing a series of additional low-level crimes (Haines, 2008b). The rigidity

of this framework means that there is little room for flexibility in sanctioning practices that can work to de-escalate their route through the system. The outcome is that children and young people end up being heavily penalised for what constitutes a succession of trivial offences. The dangers of 'up-tariffing' resonated particularly forcefully at the time, as it was recognised as constituting a key limitation within the prevailing welfare and more directly 1970s IT model (Frost and Parton, 2009). As Cavadino and Dignan (2002) have underscored:

> "Welfare based measures had been applied to young people without serious records of offending by well-meaning practitioners, with the unintended result that if the young people subsequently came before the courts they would be propelled more readily into custody because they were seen as already high up the tariff."

> (Cavadino and Dignan, 2002, p.295)

In an associated manner, the dangers of 'net-widening', the process by which children and young people are increasingly filtered into the formal juvenile justice system at progressively earlier stages, provided another theoretical justification for a *volte-face* away from existing welfare based measures and programmes. As has been emphasised, IT programmes had been understood as being particularly susceptible to 'net-widening' practices due to the individual decisions of practitioners, concomitant with the structural composition of an analogous and overreached juvenile justice system (Thorpe et al. 1980). O'Brien and Yar (2008) have summarised the impact of this parallel system on 'net-widening' practices, stating that:

> "Welfare-orientated programmes of the 1970s had provided the system with wider and stronger nets consisting of a thinner mesh and led to an increase in the rate and variety of behaviours that were criminalised and subject to social control."

> (O'Brien and Yar, 2008, p.113)

In a corresponding manner, Thorpe et al. (1980) have argued that:

"The concept of children 'at risk' is invoked in the identification of a new population for whom social work intervention is appropriate prior to confrontation with courts. Once such children begin to appear in court, however, they are fairly rapidly phased into the penal system…"

(Thorpe et al. 1980, p.23)

Dual criticisms of 'up-tariffing' and 'net-widening' practices were consequently central to the Lancaster Group's debasement of welfare catalysed intervention. Specifically, these twin arguments gave weight to the notion that children and young people during this period may have been 'better left alone' (Schur, 1973).

The Impact of Custody

Finally, it was contended that once in youth custody, children and young people were subjected to entrenchment in a 'total institution', resulting in their being fenced off from outside society and their identity gradually being diluted. Likewise, it was maintained that children and young people were frequently exposed to criminal influences as they observed and learned from more experienced individuals who had committed offences. Theoretically this line of reasoning resonated strongly with Goffman's (1961) notion of the 'mortification of the self' and 'differential association theory' (Sutherland, 1939). Such an argument was impactful, considering many of the children and young people caught up in the 'net-widening' practices of 1970s IT could hardly be categorised as intransigent offenders (Pitts, 2005). Therefore, the promotion of diversionary approaches that could act to neutralise the counterproductive custody effect was understood as being both desirable and eminently sensible. As Morris (1978b) highlighted: "Diversion, it is also argued, can avoid contamination; it can prevent naive and early offenders from meeting with more experienced offenders" (Morris, 1978b, p.47).

Ultimately, through a combination of these theoretical strands the Lancaster Group (and its key proponents) managed to build a coherent and persuasive ideological base for promoting the validity of new-orthodoxy ideals based

around the three pillars of "diversion, decriminalization and decarceration" (Goldson, 1997, p.78). However, a basic academic or philosophical argument alone does not adequately account for the type diversionary gains subsequently experienced during the 1980s.

'Systems-Management': A Key Strategy in Achieving New-Orthodoxy Outcomes

It was in this respect that 'systems-management' techniques (Thorpe et al. 1980, Haines, 1996, Bell et al. 1999, Haines, 2008) which could be deployed by practitioners at a local level to promote diversion, minimum intervention and anti-custody objectives proved noteworthy. In simple terms, 'systems-management' maintains that the juvenile justice system is made up of a sequence of decisions or pronouncement points. Accordingly, each decision faced by a criminal, as they make their way through the justice process sequentially has repercussions for forthcoming proceedings and prospective outcomes. By understanding this causal relationship, it was believed that the targeting and manipulation of these pronouncement points (for example, at entry level, at sentencing, at appeal) could bring about alterations in the way in which a child or young person was handled (Cavadino et al. 2013). Haines (1996) states that:

> "The notion that the juvenile system actually comprised a system in which all decisions made in individual cases had implications (or at any rate potential implications) for the outcomes both for each successive individual and the overall operation of the juvenile justice system was extremely influential for developing 'juvenile justice' strategies of the 1980s."

> (Haines, 1996, p.3)

In understanding 'systems-management' during this period, it is necessary to appreciate that there was (and is) no pre-set nexus between the mobilisation of 'systems-management' and the promotion of anti-custody or diversionary measures. Rather, 'systems-management' could (and can) be utilised just as easily to escalate the route of children and young people through the legal

process (Haines and Drakeford, 1998). It is therefore contended that the effectiveness of 'systems-management' during this period pivoted primarily not on the technique in and of itself. Instead, more important, was the fact that at its rudder was a growing body of practitioners who had been evangelised into trusting in the value of new-orthodoxy ideals, in spite of the polemical critique of social work practices during the 1970s that could have caused resentment. It has been strongly argued by Rutherford (1987) and Telford and Santatzoglou (2011) that it is necessary to move away from seeing the transition away from the vestiges of welfare towards the fulfilment of the new-orthodoxy as a profoundly centralised or academic top-down scenario, one in which those working locally at the coalface of youth justice simply applied the final changes to what had already largely been animated by politicians and intellectuals (although as highlighted, the work of the Lancaster Group academics was influential). Rather, as Matthews (1995) has pointed out:

"Many of these changes appear to be practitioner led. There were a number of official directives which were issued during the period but they often seemed to reinforce rather than introduce changes. They were more concerned with consolidation rather than innovation."

(Matthews, 1995, p.100)

Telford and Santatzoglou (2011) in their recent study incorporating data from qualitative interviews with 1980s juvenile practitioners have stressed how juvenile justice professionals not only became increasingly prominent within localised decision-making, but did so against a backdrop of inter-professional cooperation, in which they managed to re-open lines of communication and regain the faith of magistrates and other key juvenile justice partners. Bearing this point out, Muncie (2009, p.293) has similarly emphasised the "multi-agency collaboration" that became a hallmark of the 1980s and which saw discord and schisms replaced by a largely harmonious and effective working approach to dealing with children and young people in conflict with the law. Accordingly, Telford and Santatzoglou (2011) in their research concluded that:

"From the formal and informal communicative structures, to the straightforward and gentle conversations, the 1980s communicative strategies and practices of the youth justice practitioners contributed to the emergence of communicative conditions where the participants were prepared to listen, express, and explore differences with respect and openness."

(Telford and Santatzoglou, 2011, p.19)

The academic literature therefore indicates that it was not simply that juvenile justice practitioners demonstrated a commitment to new-orthodoxy ideals, but that they coupled this commitment with innovation through 'systems-management', diplomacy and crucially an ability to build bridges with those with whom they had not always seen eye-to-eye (particularly magistrates). It was this potent combination that proved such a powerful force in pushing forward the cause of 1980s new-orthodoxy inspired diversion.[9]

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[9]For certain youth justice commentators, this period more accurately reflected what has been referred to as 'corporatism'. In-effect, a 'third-model' of youth justice. 'Corporatism' places a heavy emphasis on 'multi-agency' working and "as a sociological concept refers to the tendencies to be found in advanced welfare societies whereby the capacity for conflict and disruption is reduced by means of the centralization of policy, increased government intervention, and the co-operation of various professional and interest groups into a collective whole with homogeneous aims and objectives". For further explanation, see Pratt, J. (1989). Corporatism: The Third Model of Juvenile Justice. *British Journal of Criminology*, 29, 3, p.245.

Table 2: The 'New-Orthodoxy' Approach Towards Children and Young People.

The 'New-Orthodoxy' Approach	Philosophical Rationale	Objectives	Application
	An acceptance of the core contentions of 'labelling' and 'maturation' perspectives. Recognition of the dangers of excessive interventionism by state agencies and its actors. Acknowledgment of the criminogenic nature of custody for children and young people. The theoretical work of the Lancaster Group (encompassing many of the above arguments).	The promotion of diversion. A desire to keep children and young people out of custody. A desire to prevent avoidable and excessive intervention.	New-orthodoxy aims were furthered through the appropriation of 'systems-management' techniques and 'inter-co-operation' between practitioners at a localised level.

The Justice Model: Proportionality, Transparency and Legal Safeguards

The 1980s concurrently marked the emergence of an extremely effective lobby termed the justice/or back to justice movement (Morris 1978, Fogel, 1975, Von Hirsch, 1976, Taylor et al. 1979, Morris et al. 1980). The justice model could be seen to be diametrically opposed to prevailing welfare and highly interventionist methods of engaging with children and young people (Smith, 2017). It would also go on to possess important ramifications for the Criminal Justice Act 1982, which contained key clauses utilised by proponents of the new-orthodoxy in curbing the use of custody for children and young people.

In purely ideological terms a series of clear schisms were identifiable between welfare and justice approaches. As already highlighted, a conventional welfare approach centred on 'identifying' and 'treating' the 'needs' of individual children and young people. Yet, as we have also seen, the 1970s IT model clearly revealed that such needs were potentially limitless in sum, meaning that social workers frequently found themselves intervening in the lives of more and more children and young people (Thorpe, 1983). In contrast, proponents of justice rejected these ideals and principles and instead argued for "absolute liability of a crime" rather than the identification and treatment of needs to be the basis for any form of intervention with children and young people (Morris et al. 1980, p.76). Pratt (1989) denotes this point well when stating that for exponents of justice: "There is thus no scope for open-ended and indefinite social work intervention" (Pratt, 1989, p.239). In simple terms, proof of complicity in a crime should be the solitary reason for criminal justice intervention and any subsequent penalty.

Relatedly and equally significant to the philosophy that underpinned the justice movement was the belief that the existing welfare approach to the use of sanctions resulted in "arbitrary decision making" (Morris et al. 1980, p.76), primarily owing to the wide range of needs based factors that went into so many decisions. This then resulted in a lack of conformity along with disproportionality in outcomes. Alternatively, a justice approach sought to offer a clear, fixed and transparent procedure to sentencing, in which the category and level of the

offence were fundamental to the decision-making process. Under a justice approach, any sentence administered would be determinate, with the child or young person justly and proportionally punished (to an extent, mirroring a classical criminological approach put forward by Beccaria, 1764/1995), rather than exposed to a blurred and intermediate sentence often resulting from a subjective understanding of needs. Hence as Morris et al. (1980) outlined at the time: "The nature and duration of the disposition would be determined by the court at the time of sentence on the basis of the offence" (Morris et al. 1980, p.76).

Here, it is important to understand that in accordance with their minimal interventionist beliefs, proponents of a justice approach argued that where punishment was to be administered the "least restrictive alternative" (Morris et al. 1980, p.76) sentence proportionate to the crime was then to be sanctioned. Lastly, a justice approach argued that the existing welfare status-quo made it almost impossible to adequately protect the rights of children and young people. Instead, they argued that children and young people's rights could only be sufficiently upheld by means of legal representation and judicial protections[10] (Morris et al. 1980, pp.77-78, Morris, 1983, Chapter 8). Reinforcing this point, key advocates of the justice approach Taylor et al. (1979) combatively opened their work 'In Whose Best Interests?' with the following statement of intent:

> "This book draws attention to the grossly unsatisfactory manner in which our courts and institutions handle difficult, disturbed and deprived children. It provides evidence that injustice, hypocrisy and the denial of human rights, occur within every part of the present system."

> (Taylor et al. 1979, p.7)

Taken together, justice infused arguments were suggesting the need to supersede an indistinct and blurred welfare grounded juvenile criminal process with the robustness and clarity offered by a justice philosophy that set out

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[10] Parallels can be drawn with *In Re Gault* 387 U.S. I (1967) - The U.S. Supreme Court ruling which afforded children similar due-process rights as adults.

clearly and publicly the processes and rights of children and young people who penetrated the formal system. Morris and Giller (1987) have provided a helpful overview of the key elements of the justice model:

- "The removal from the juvenile justice system of non-criminal behaviour by juveniles (for example, truancy) and victimless crimes (for example drug abuse),
- Diversion of juveniles from the juvenile courts wherever possible,
- Procedures to make visible and reviewable the discretionary practices of those working in the system and limiting sanctions available to juvenile courts by reference to principles of proportionality, determinancy, and the least restrictive alternative."

(Morris and Giller, 1987, p.246)

The ideas and the arguments put forward by the justice movement (see Table 3) would become influential in generating progressively more just-centred legislation, as well as promoting the value and sagacity of approaches that reduced interventionism (Pitts, 2005). The Criminal Justice Act 1982 provided an early example of the movement's growing resonance. Within the legislation were provisions for legal representation, transparency in decision-making, the requirement for a social enquiry report, as well as set conditions that needed to be triggered before a child or young person could be detained in custody (see Jones, 1983 for a detailed description of the youth justice provisions of the Act).

Table 3: The 'Justice' Approach Towards Children and Young People.

The 'Justice' Approach	Philosophical Rationale	Objectives	Application
	A belief in the 'absolute liability of a crime' rather than the identification and treatment of 'needs' to be the basis for any form of intervention with children and young people. A desire to see 'conformity' and 'proportionality' in sentencing practices. A desire to see the 'rights of the child' protected and upheld in legal settings.	The bringing about of more 'just' centred legislation. In order that an indistinct and blurred welfare grounded youth justice process could be superseded with the robustness and clarity offered by a 'justice' philosophy that set out clearly and publicly the processes and rights of young people who penetrated the juvenile justice system.	The Criminal Justice Act 1982 - which contained a number of 'just-centred' provisions. For example, increased legal representation; transparency in decision-making; and crucially the requirement for a Social Enquiry Report. Also, it laid out set conditions that needed to be triggered before a child or young person could be detained in custody.

The Significance of Political and Economic Factors

Coinciding with the work of the Lancaster Group, the localised actions of practitioners via the utilisation of 'systems-management' and the influence of the justice movement, there was clearly a political and fiscal dimension at play. A government under the premiership of Thatcher constituted an unlikely backdrop to one of the most progressive periods experienced within juvenile justice (Rutherford, 2002). Jones (2012) has stated that:

> "Almost all commentators considered that the election of the Conservative government in 1979 would lead to a major increase in custodial sentencing of young offenders. Ironically, the result was actually the opposite…"

> (Jones, 2012, p.146)

Yet, political aims and economic necessity converged at exactly the right time to provide space for the new-orthodoxy to gain traction. The Conservative response to youth crime during this period has been most notably characterised by youth justice academics as constituting a policy of 'bifurcation' (Bottoms, 1977), a twin-track strategy which essentially lent itself to punitive custodial sentences for persistent or hooligan children and young people committing crimes, but contrariwise, sought reduced intervention and anti-custody measures for those carrying out minor offences. As Pitts (1989) has put it: "A bifurcated policy allows government to get tough and soft simultaneously" (Pitts, 1989, p.39). This dual-treatment of children and young people who came into contact with the law would become a hallmark of much of the Conservative policy to emerge during the 1980s and early 1990s.

For example, following on from the release in 1979 of a tough talking manifesto, the presence of 'bifurcation' was immediately apparent in the 1980 White Paper 'Young Offenders'. The 1980 White Paper undeniably espoused views analogous with a traditional justice approach to dealing with children and young people who had offended. It contained within it an immediate pledge to

implement a 'short, sharp, shock' regime within two detention centres - Send and New Hall. A course of action that was later expanded to include all detention centres (Newburn, 1997). However, the White Paper's strong justice stance towards children also cogently called for an adherence to the principle that any punishment should be proportionate to the crime committed. Consequently, the 1980s White Paper, although in many respects appearing overtly authoritarian and punitive in its language and implications, also logically upheld the promotion of minimum intervention for minor crimes, along with the use of custody only for the most serious cases (Smith, 2007).

In a similar fashion, the Criminal Justice Act (CJA, 1982) was clearly brought in with the aim of getting tough on youth crime and re-establishing law and order, yet, in the same dual manner, it also laid out clear precincts for the use of custodial sentences in respect of children and young people (Hopkins-Burke, 2008). With these seeming contradictions in mind, Rutherford (1986) aptly made the point that the: "Paradox is that the decade of 'law and order' was also the decade of what has been called 'the successful revolution'" (Rutherford, 1986, p.5). The irony then was that "a period which witnessed the most determined and ruthless affronts to social justice" (Goldson, 1999, p.4) was also arguably the foremost progressive period within English and Welsh criminal law. However, it is important to recognise (c.f. Hopkins-Burke, 2008, Smith, 2007) that in political terms this policy of 'bifurcation' shrewdly allowed Thatcher to appear robust and hard-hitting towards children and young people who had offended in the eyes of the public, whilst simultaneously, also allowing her to pursue a key Conservative ideological objective of reducing the role of the state in everyday life. In this instance, through non-interference in the lives of children and young people who had committed minor offences, and by extension, also their families.

Functioning concurrently with this policy of 'bifurcation' was a clear fiscal ambition. Pitts (2001) has stated that the incumbent Conservative government in the midst of an economic recession appreciated that a welfare orientated juvenile justice system:

"…was locking up more and more less problematic children and young people. This was forcing older juveniles up into adult jails where their presence was placing enormous strains on a prison system which was itself at bursting point."

(Pitts, 2001, p.6)

To remedy this problem and relatedly the excessive costs that it produced, the logical answer was for successive Conservative Home Secretaries to place a renewed emphasis on the value of anti-custody measures in line with the prevailing policy of 'bifurcation'. Even so, as previously stated, it would be wrong to think that political and monetary policy objectives in a top-down manner could have solely animated the liberalism of 1980s juvenile justice. Rather, the gains experienced were the product of the interplay between a series of events (animated by 'systems-management') that united to create a vigorous diversionary and an anti-custody dogma.

The Diversionary Outworkings of the 1980s: Diversion in Action

The fluid and coincidental combination of the aforementioned drivers and catalysts saw a range of new diversionary initiatives and practices deployed during the 1980s.

The Development of 'Intermediate Treatment Initiatives'

An early outworking of 1980s diversion was apparent in the DHSS (1983) reformulated Intermediate Treatment Initiative (I.T.I.). Unlike the forerunner 1970s version, it operated not along predominantly welfare lines, but instead, sought to divert children and young people at the intransigent end of the judicial spectrum 'away from custody' and 'into community-based provisions' (Newburn, 1997). I.T.I in this format was primarily a direct response to the failures of the previous 1970s programme (for example, excessive welfare fuelled intervention and susceptibility to 'net-widening' and 'up-tariffing' of children and young people into custody) and was chiefly funded through fifteen million pounds of

seed corn monies. During the middle part of the 1980s it incorporated over 100 projects, offering nearly three and a half thousand places to children and young people, in over sixty local authorities (Rutherford, 1989, Pitts, 2001).

I.T.I. was subjected to oversight by staff from the National Association for the Care and Resettlement of Offenders (NACRO) to determine its diversionary impact. Subsequently, the team at NACRO established, through a six-monthly census completed by projects, the presence of three positive trends emanating from I.T.I. These trends have been summarised by Allen (1991, p.48; see also Curtis, 1989) broadly as follows: firstly, that the rate of custodial sentencing in initiative areas was below the national average in the latter part of 1986 and throughout 1987; secondly, that young persons enrolled on I.T.I programmes reflected in offence make-up those who would have traditionally been subjected to custody; and thirdly, that three quarters of young offenders enlisted on the programmes achieved completion. Statistics from the period indicate that in 1981, 7,900 children received custodial sentences, but that by 1990 the number had decreased to 1,700 (Home Office, 1991).

However, it is worth noting at this point that for certain commentators such as Pitts (2001, p.8) reductions, although undeniably stark, may also have been attributable in part to the fact that I.T.I was implemented in geographical areas where subdued custody rates were already evident. Significantly, a prerequisite for acquiring I.T.I funds was that police and magistrates were in support of utilising non-custodial measures. Yet, diversion 'away from custody' and 'into community-based alternatives' accounts for simply one aspect of what transpired during the 1980s.

The Impact of Cautioning Practices and Localised Juvenile Liaison Bureaux

In addition, there was also a clear drive to divert children and young people 'away from prosecution' in line with a policy of minimum-necessary intervention. Arguably, there were two notable practices which combined to enact this type of

diversion during the 1980s. The first of these took the form of police cautioning of children and young people caught up in minor offending behaviour. The central role afforded to cautioning was reinforced and aided in official terms by a series of Home Office Circulars (14/1985[11], 59/1990) which sought to promote its merit to senior police officers and highlight the practice's advantages over other measures more attuned to pushing children and young people into custody. The fact that police practices duly went on to reflect the Circulars' instructions has been illustrated by Ashford (2001), who states that: "By 1990 some three-quarters of male offenders under 17 and almost nine out of ten female offenders under 17 were cautioned rather than prosecuted" (Ashford, 2001, p.66). This rapid increase in the administering of cautions unsurprisingly also led to a substantial knock-on decrease in juvenile court sentencing figures as the decade progressed. Newburn (1997) has asserted in respect of those aged 14-16 that:

"The number of male juveniles receiving custodial orders in England and Wales in 1988 was less than half that in 1984 and under 42 percent of those in 1981."

(Newburn, 1997, p.643)

Aside from the effective use of police cautioning, a demonstrable impact was also made by the emergence of Juvenile Liaison Bureaux (JLBx). These were most notably deployed in Wellingborough and Corby in 1981 and subsequently Northampton in 1984 (c.f. Hinks and Smith, 1985, Davis et al. 1989, Bell et al. 1999, Smith, 2011) and acted as another important diversionary mechanism 'away from prosecution'. At a strategic level, the JLBx model centred on a multi-agency approach, incorporating police, social services, probation and youth and education services (Bell et al. 1999). The key stated aims of JLBx operating during this period have been described in the following terms:

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[11] See Wilkinson, C. and Evans, R. (1990). Police Cautioning of Juveniles: The Impact of Home Office Circular 14/1985. *The Criminal Law Review*, pp.165-176. Their evaluation into the impact of Home Office Circular 14/1985 revealed a rise in the average national use of cautioning following on from its implementation.

"1) To divert young people, wherever possible, away from the penal and welfare systems into informal networks of control, support and care;
2) To avoid the imposition of those forms of penalties and welfare intervention which tend to aggravate the very problem they seek to reduce;
3) To enable the agencies to respond to delinquent behaviour in ways which will reduce re-offending and enable young people to become responsible adults;
4) To encourage the normal institutions of society to respond constructively to adolescent behaviour."

(Bell et al. 1999, pp.95-96)

As illustrated in point 2) the need to restrict system intrusion into the lives of children and young people engaged with JLBx was recognised. The criticism of welfare approaches was fresh in the memory and it was made clear that:

"1) the reasons for intervention must be clear, explicit and have positive consequences for the offender or injured party;
2) intervention should be directed toward resolving offenses informally and treating the offender as a 'normal' adolescent;
3) minimum appropriate intervention should be used;
4) intervention should aim to increase the amount of community involvement and create a greater tolerance and understanding of the problem of juvenile crime;
5) concern should be shown for the injured party as well as the offender."

(Bell et al. 1999, p.96)

Perhaps most renowned amongst the schemes operating was Northampton JLB (Hinks and Smith, 1985, Bell et al. 1999, Smith, 2011) which employed a four-tiered system to dealing with low level offences by children and young people that encapsulated: Informal Action, Police Cautioning, Bureau Involvement, and lastly if all else failed, Prosecution. Of these disposals, Informal Action/No Further Action where a child was spoken to and verbally warned by Bureau staff about their behaviour was the preferred avenue of action (Haines and Case, 2015). Significantly, Informal Action/No Further Action was not documented at the Central Criminal Records Office, nor could it be

disclosed to employers (Bell et al. 1999). In broad terms, the quantitative impact during this period was evidenced by the fact that:

"In 1992 (the final full year of operation) the JLB dealt with 2,399 referrals representing 1,389 individuals…For the same year only 9 per cent of young people were prosecuted with over 80 per cent receiving a non-citeable disposal of 'no further action' or 'informal action.'"

(Bell et al. 1999, pp.97-98)

Despite such successes, it would be wrong to think that the JLBx archetype was void of any deficiencies. For example, within Northampton JLB there were schisms discernible relating to the achieving of day-to-day policing targets when set alongside an ambition to see diversion fully realised. Accordingly, as Davis et al. (1989) have highlighted in relation to decision-making over disposal outcomes:

"A difference in outlook was evident at Bureau meetings, where there was a clear tendency for police members of the group to argue 'up' and for the social worker and probation officer to argue 'down.'"

(Davis et al. 1989, p.229)

In more general terms, evaluations of JLBx conducted around the time did also highlight the potential for the workings of the model, if not properly overseen, to facilitate injurious outcomes for children and young people. For example, it has been argued that a child or young person engaged with a scheme such as the JLBx may have felt under pressure to confess to a crime to receive a diversionary outcome, in line with the objectives and targets of the model, as opposed to arguing their innocence or challenging a charge as they might otherwise have done (Smith, 2007, pp.8-9). Davis et al. (1989) in their evaluation also argued that JLBx in their methodology afforded a lack of attention to the views of victims and parents in the pursuit of achieving diversionary outcomes. Nonetheless, it is widely held that JLBx, along with police cautioning practices, did play an important and largely successful role in expediting the anti-custody and minimal interventionist ideals so central to the

new-orthodoxy. A point exemplified by the fact that: "In direct contrast to 1980, in 1990, 64,700 fewer young people were dealt with by the youth justice system, representing a decrease of 37%" (Telford and Santatzoglou, 2011, p.4).

The Impact of Centralised Legislation

Finally, it is worth re-emphasising again the impact made by legislation in crystallising minimum intervention, diversion and the anti-custody progress experienced during the 'decade of diversion'. The CJA (1982), although still fundamentally a hybrid of welfare and justice policy, through its provisions, did manage to create room for the "diversion, decriminalisation and decarceration" (Arthur, 2010, p.21) of children and young people in conflict with the law. As well as bringing in increased legal-representation (in line with a justice approach), crucially, it also set out three clear criteria pertaining to incarceration, of which a minimum of one had to be met before a custodial order could be enacted. These were:

> "(i) that the delinquent is incapable of or refuses to answer to non-custodial punishments; (ii) that custody is a requirement in order to protect the wider community and (iii) that a non-custodial sentence cannot be vindicated owing to the seriousness of the crime."

> (Criminal Justice Act, 1982, Act (1 (4))

Crucially, rather than remaining a purely politicised exercise, in line with a 'systems-management' approach, juvenile justice practitioners at a local level over time started to use provisions such as the 'three criteria' to challenge and appeal custody decisions. As Allen (1991) has observed:

> "Professionals have found the criteria a valuable focus in appeals against inappropriate sentences, and magistrates and their clerks have become aware of the necessity of giving serious consideration to whether a case meets the criteria."

> (Allen, 1991, p.41)

That appeals against custodial sentences saw a significant rise is evidenced by the fact that they witnessed an upsurge from 2,348 in 1983 to 3,985 in 1985 in respect of children and young people who had committed crimes. These appeals were by-and-large successful in the re-apportioning of lower sentences (Allen, 1991). Together with the 'three criteria', further measures such as the 'social enquiry report', in which an explanation for custody over and above other non-custodial sentences had to be documented, along with the requirement for courts to explain custodial decisions to convicted offenders, also contributed to an environment where juvenile practitioners were influencing court processes via 'systems-management' in favour of diversionary outcomes.

Evaluating the 1980s New-Orthodoxy: Contemplating the Accomplishments, but also the Shortcomings of the Period

In evaluating the 'decade of diversion' it appears evident that the highly interventionist ideals that had previously underpinned a welfare approach to dealing with children and young people were largely superseded by a new–orthodoxy influenced philosophy. In statistical terms this transition was revealed in the large drops experienced in the number of children and young people both appearing at juvenile courts and then subsequently being channelled into youth custody. In assessing the motivators for this reduction, Hester (2012; see also McCarthy, 2014) is correct (as the previous analysis has sought to demonstrate) in arguing that a 'perfect storm' of conditions lay behind the reductions experienced. As Smith (2007) has stated:

> "It is probably best to think in terms of a multiplicity of factors combining to create a favourable climate for the liberalisation of youth justice from the early 1980s onwards."

> (Smith, 2007, p.16)

It would, however, be naive to simply assume that everything that occurred during this seemingly 'successful revolution' took place absent of any untoward ramifications. For example, a simple surface level reading of the period indicates that there may have been casualties emanating from the shift from a

welfare based 1970s diversionary IT towards a version in the 1980s that was far less interventionist in character. Thus, whereas 1970s IT was purposefully ambiguous in the children and young people that it targeted, the 1980s version was much more specified and directed towards the adjudicated child or young person (Bottoms et al. 1990). It stands to reason therefore that there would undoubtedly have been a large number of children and young people with genuine needs or welfare challenges during this period that were either left behind or bypassed owing to these practice changes. Williamson (2003) underlines this criticism well, when he argues that: "To leave kids alone – particularly those who are most vulnerable to the risks – is tantamount to 'malign indifference'" (Williamson, 2003, p.6).

There is however a further consequence that has been put forward by Haines and Drakeford (1998, pp.65-66) pertaining specifically to work with children and young people on Supervision Orders. They argue that the justice climate that concentrated on the 'crime committed' rather than the 'needs of a transgressor' then overflowed into work with children and young people subsequent to their receiving a Supervision Order. Here, to all extents and purposes, juvenile justice workers were at least in official terms discouraged from dipping into welfare grounded social work with children and young people. Yet, as one would expect, whatever the official line, many of them felt obligated to try their best to remedy these wants. For Haines and Drakeford (1998) this ultimately resulted in them getting tangled-up in what was essentially pre juvenile justice social work, but without the required training (particularly for those entering the profession in the mid-1980s) as to how best serve the interests of the children and young people in question. In light of this argument, they bluntly conclude that:

> "New-orthodoxy thinking is an extremely powerful professional tool for system intervention, but it was professionally sterile for face to face practice with young people."
>
> (Haines and Drakeford, 1998, p.66)

Moreover, criticism has also been directed at the perceived racial and gender discrepancies apparent during the 'decade of diversion', where children and

young people from an African-Caribbean heritage were subjected to more punitive treatment than their Caucasian counterparts. This injustice has been illustrated by the fact that:

"In 1987, 9.8 percent of the-18s received into custody were from ethnic minorities compared to their representations in the general population of no more than 5 per cent."

(Children's Society, 1989 cited in Muncie, 2009, p.294)[12]

Underlining such trends, Goldson (1997) has argued in relation to the decade, that:

"…even the `progressive' practitioners tended to adopt 'colour blind' and 'gender blind' approaches. Black children and young people experienced racism at every point of the 'juvenile justice' process…"

(Goldson, 1997, p.83)

The extent to which the new-orthodoxy could therefore truly be referred to as a 'successful revolution' or a 'highpoint' for youth justice has therefore been strongly contested. More broadly, when contextualising the diversionary gains of the period, it would be remiss to not highlight that there was an 18 per-cent reduction in the population aged 14-16 years old between the years 1981 to 1988 (Newburn, 1997, p.644; see also Allen, 1991, p.32) and that 'relative poverty' amongst children and young people accelerated sharply during the decade, from 13 per cent in 1979 to 29 per cent in 1992 (Joyce, 2014).

Lastly, it is worth highlighting that as diversion (both during the 1980s and even earlier) became increasingly embedded within juvenile justice policy on both sides of the Atlantic, it was also increasingly subjected to critique. Discussions around the propensity for diversion and diversionary schemes to facilitate 'net-

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[12] See also, Landau, S. F. (1981). Juveniles and the Police. *British Journal of Criminology*, 21, 1, pp.27–46; Landau, S. F. and Nathan, G. (1983). Selecting Delinquents for Cautioning in the London Metropolitan Area. *British Journal of Criminology*. 23, 2, pp.128-149 and Goldson, B. and Chigwada-Bailey, R. (1999). (What) Justice for Black Children and Young People? In B. Goldson (Ed) *Youth Justice: Contemporary Policy and Practice,* Aldershot, Hants: Ashgate Publishing Ltd.

widening' became a reoccurring feature of academic research. Research studies conducted by Ditchfield (1976), Blomberg (1977), Klein (1979), Austin and Krisberg (1981), Farrington and Bennett (1981), Cohen (1985), Decker (1985) and Ezell (1989) were especially important in making this argument.

The impact of diversion programmes on specifically re-offending rates also proved unequivocal in quantitative terms, with the overall impact of diversion on recidivism remaining contested and abstruse. Evaluations (predominantly conducted within America) by Lincoln (1976), Lundman (1976), Gibbons and Blake (1976) and Haapanen and Rudisill (1980) indicated that diversion programs made little impact on re-offending rates, whilst conversely, studies undertaken by Quay and Love (1977), Pogrebin et al. (1984) and Davidson et al. (1987) found lower recidivism rates amongst diverted youths. For that reason, Decker (1985) concluded in his systematic analysis of diversion: "The effect of diversion programmes on rates of recidivism is not clear" (Decker, 1985, p.209).

Equally, commentators such as Klein (1979) maintained that for all the success of diversion in gaining funding and policy traction in criminal justice circles, it fundamentally remained inadequately conceptualised and haphazardly implemented. It is therefore important to stress that the impact and effectiveness of youth diversionary mechanisms was not (and still is not) without critique and its central tenets were (and still are) subjected to sustained probing.

The Dilution of a New-Orthodoxy Approach to Children and Young People

The 1990s saw a sudden shift in the direction of youth justice policies away from the practices of the new-orthodoxy towards a more politicised approach to "preventing offending by children and young people" (Crime and Disorder Act, 1998, Section 37) in conflict with the law (Goldson, 1997, Bell, 1999).[13] The key objective became the introduction of mechanisms aimed at diverting children

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[13] Although, the Criminal Justice Act 1991 introduced at the beginning of the decade was considered to be a generally progressive piece of legislation, amongst its provisions, it enacted the Youth Court and raised the custody threshold from 14 to 15 years old.

and young people 'away from crime' (Smith, 2017). Smith (2017) has stated that:

> "…fears about children and childhood had been heightened, and this prompted a spirit of retrenchment and a reassertion of the need for control over potentially dangerous delinquents. The imperative, then, was to find effective ways of assessing the level of threat and developing measures to regulate this."

(Smith, 2017, p.129)

The catalyst for this policy reversal towards 'populist-punitiveness' (Bottoms, 1995) have been widely held to have been found in the civil disturbances of 1991 that occurred in a number of towns (Newburn, 1997), increased concerns over the prevalence of the "persistent young offender" stimulated by their increasing 'demonisation' in the media (Goldson, 1999, p.7), and successively, in 1993, the societal 'moral panic' (Cohen, 2002) that erupted following the killing of James Bulger by two 10 year old boys (Jennings et al. 2017).[14] The magnitude of these various events in turn aided a general perception (given added credence by then Conservative Home Secretary Michael Howard and other senior Cabinet Ministers) that children and young people's troublesome behaviour was rapidly becoming pervasive within society; a view lent weight in the eyes of some by the tempering of the youth justice system and soft diversionary approach espoused during the height of the new-orthodoxy (Yates, 2003).

The concern and anxiety surrounding the seeming rise of youth crime throughout the country reached new highs during the run up to the 1997 General Election. A political pre-election struggle or "punitiveness auction" (Drakeford and Vanstone, 2000, p.369) ensued for the right to be seen as the most aggressive party on youth crime (Pitts, 2001). Labour produced a youth

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[14] See also Goldson, B. (1997). Children, Crime, Policy and Practice: Neither Welfare nor Justice. *Children & Society*, 11, p.79. In it, he argues that there were 'five key elements' which combined to create the policy reversal that took place. These five key elements included: courts growing discontent with political intrusion in their decision-making powers; a Government front-bench desire to re-ignite their populist appeal; the rise of 'new-discipline' and 'toughness' as key approaches to children and young people and an associated belief that penal moderation had been excessive; and lastly the role of 'media-hype' in demonising children and young people [p. 79].

justice consultation document 'Tackling Youth Crime and Reforming Youth Justice' (Labour Party, 1996), whilst the Conservatives requested a review of the system, which would take the form of 'Misspent Youth' (Audit Commission, 1996; see also Jones, 2001 for a detailed critique). 'Misspent Youth' rejected 1980s style cautioning, deeming it to be largely inept and arguing that it became: "progressively less effective once a pattern of offending sets in" (Audit Commission, 1996, p.22). However, New Labour's success at the 1997 General Election marked the beginning of what has been characterised by one leading commentator as the 'new youth justice' (Goldson, 2000) with its overarching mantra of 'getting tough on crime'. Post-election, the White Paper 'No More Excuses' (Home Office, 1997) with its heavy dose of interventionist proposals was published and many of these suggestions went on to find a permanent home in the Crime and Disorder Act 1998.

The Crime and Disorder Act (CDA, 1998) and its Impacts for Children and Young People

The Crime and Disorder Act (CDA, 1998) constituted the cornerstone and pragmatic outworking of New Labour's approach to crime, and by extension, approaches to youth justice (Creaney and Smith, 2014). The CDA (1998) advocated the core aims of the 'prevention of offending', the promotion of localised solutions to localised problems, and the preferment of a more joined-up and integrated approach to working with children and young people in conflict with the law. These aims were supplemented by the creation of the centralised quango the Youth Justice Board (YJB), as well as localised Youth Offending Teams (YOTs) throughout England and Wales. Correspondingly however, it has been strongly contended by certain commentators that this legislation equally paved the way for the emergence of a series of control-based, risk-centric and highly responsibilised ways of dealing with children and young people displaying offending behaviour (Bell, 1999, Yates, 2003, Jamieson, 2005). Accordingly, it is necessary to examine certain key components of the CDA (1998) in greater detail.

The Introduction of a New 'Out of Court' Tariff: Reprimands and Final Warnings

A fundamental criterion of the CDA (1998) was the rolling out of a new system of out of court disposals for low-level crimes, seen by some youth justice commentators (Haines and Case, 2015, Smith, 2017) as an overtly interventionist form of diversion. The rationale behind the introduction of the new tariff centred on New Labour's contention that children and young people were not being held accountable for their misbehaviour due to the fact that under the previous model they could tally-up recurring cautions, thereby seemingly avoiding the consequences for offending behaviour (Muncie, 2009). It was therefore determined that the new system of Reprimands and Final Warnings would be administrable on a single occasion only (Smith, 2007). Morgan and Newburn (2012) have pointed out that the new tariff brought with it: "A high degree of automaticity: it was to be 'two strikes' and no matter how minor the subsequent offence, 'you're out' or rather in court" (Morgan and Newburn, 2012, p.512). Recently, a growing critique has developed around the inflexible and rigid nature of these changes, accusing them of being implicit in the unnecessary and avoidable 'up-tariffing' of children and young people deeper into the formal youth justice system (and eventually custody). Hart (2012) in particular has embodied such critiques when writing of the system of Reprimands and Final Warnings that:

> "Children progressed through these stages regardless of their circumstances and could rapidly find themselves facing formal prosecution following one or two minor offences. There was no going back once a child had stepped on the escalator."
>
> (Hart, 2012, p.2)

The Development of 'Child Safety' and 'Parenting' Orders

The CDA (1998) also contained within it provisions for a new Child Safety Order (see Muncie, 1999 for detailed analysis). The Child Safety Order (CSO) could be administered by a court as a means of protecting children under ten considered 'at risk' of engaging with criminal behaviour. However, if broken,

authorities could then intervene and administer a comprehensive Care Order. Subsequently, in ensuing years critics such as Goldson (1999) have contended that the CSO was adversely interventionist on the grounds that a child could be "…made the subject of a court order (with the looming threat of a full care order for failing to comply) for no more than a perceived 'risk of becoming involved in crime'" (Goldson, 1999, p.15). Put another way, it has been argued that the CSO lowered the interventionist threshold to include children and young people deemed to be "near criminal, possibly criminal and potentially problematic" (Goldson, 2010, p.169). Concurrent with the CSO was the introduction of a Parenting Order (PO) which sought to negate a perceived *laissez-faire* approach that parents and carers were believed to have assumed towards children and young people who displayed offending behaviour. It sought to force them, by means of the threat of a penalty or fine, to keep their children in check (see Hollingsworth, 2007 for more detailed analysis of the PO). In purely semantic terms, the PO directive talked of 'helping' and 'supporting' guardians in dealing with their child's delinquent behaviour. Wacquant (2001, p.407) has spoken of "social panopticism" where packages designed to support a marginalised or outcast group are actually used to subject them to continually increasing forms of surveillance. Here, Goldson (1999; see also Yates, 2003) has contended that a clear punitive undercurrent was visible behind the adoption of empathetic language, leading him to conclude that:

> "The conceptual confusion intrinsic to the juxtaposition of 'help' and 'support' with a requirement to 'control', and the visitation of substantial financial penalties…is deeply problematic and insidiously authoritarian."

> (Goldson, 1999, p.13)

Moreover, Muncie (1999) has contended that ironically this approach towards parents and carers only served to heap additional pressure on prevailing family structures, in turn, destabilising and undermining any parental and carer influence that may have previously existed over a child displaying offending behaviour. Subsequently, it has been argued that the CDA (1998) smoothed the passage for parents and carers to be understood as part of the problem, as opposed to being understood as part of the solution to their child's offending

behaviour. In this respect, such measures reflected a neo-liberal shift towards 'individual responsibilisation' in which the social challenges and issues facing children and young people and parents and carers were characterised as the remit and responsibility of the individual, rather than that of the State (see Arthur, 2012). However, it is worth noting that such a critical view of the PO has been contested, with Ghate and Ramella (2002) in their 'National Evaluation of the Youth Justice Board's Parenting Programme', stating that:

"…there does seem to be a place, in both policy and practice terms, for Parenting Orders. These may be a powerful way of reaching some parents who are particularly bogged down in problems, and who might otherwise never manage to set foot over the threshold of a parenting support service."

(Ghate and Ramella, 2002, p.78

In the same evaluation, they did however also conclude, that moving forward POs may work best if they were held in reserve only for those cases where voluntary engagement with parents had failed.

The Removal of Judicial Safeguards

Perhaps most importantly in legal terms, the assent of the CDA (1998) served to enact the abolishment of *doli incapax* (see Bandalli, 1998, 2000 for a detailed critique of its removal)*. Doli incapax* purported that juveniles between the ages of 10 and 13 years were considered incapable of delinquent intent. Accordingly, when in court this 'principle' had to be rebutted by prosecution lawyers before a conviction could be rightfully administered. Concurrently, under *doli incapax* the onus was to be on the prosecution to prove 'beyond reasonable doubt' that the child or young person knew that what they were doing was 'wholly wrong', rather than say a joke or prank that had spiralled out of control. Although *doli incapax* was never understood to be a blanket mechanism for protecting children and young people from prosecution, it was clearly an important feature in safeguarding their rights (Muncie, 1999). Bandalli writing at the time, made clear that: "The abolition of the presumption of *doli incapax* would shift

responsibility onto the shoulders of the child and deny the responsibility to the rest of us" (Bandalli, 1998, p.121).

The Creation of the Anti-Social Behaviour Order (ASBO)

The most publicly recognisable outworking of the CDA (1998) in respect of children and young people took the form of the Anti-Social Behaviour Order (ASBO). The ASBO, a civil rather than criminal order, was deemed to be a direct response to the stain of anti-social behaviour on society. It could be used against children and young people aged ten or over who displayed actions 'thought likely' to cause 'alarm, distress, or harassment' (Scraton, 2007, Muncie, 2009). Preliminary use of the disposal was small (466 orders were enacted in the space of the first two years), although notably, those under 18 years of age were subjected to the majority of these (Smith, 2007). However, increased coercion and championing of their use by the New Labour government and the introduction of the Anti–Social Behaviour Act 2003 meant that over the ensuing years uptake increased rapidly; by the end of September 2004, 3,826 orders were issued (Squires and Stephens, 2005). Despite this increase however, their usage was subjected to increasing condemnation. A key criticism put forward by certain youth justice academics centred on their susceptibility for 'net-widening' and 'up-tariffing' children and young people into further criminalisation, primarily for low-level crimes. Carrabine (2010) has pointed out:

> "Their most controversial aspect is that the breach of this civil order is punishable by up to five years imprisonment, even when the original 'offence' was non-imprisonable."
>
> (Carrabine, 2010, p.17)

These failings led Rutherford (2000) in particular to castigate the ASBO as a "criminalisation of youth policy" (Rutherford, 2000, p.56). Empirical evaluations (c.f. Campbell, 2002) also began to emphasise the ASBOs statistical ineptitude in dealing with children and young people in conflict with the law. Hodgkinson and Tilley (2011) have explicitly underlined the empirical weaknesses apparent in the ASBO, pointing to 2011 data which shows that: "70 per cent of 10 to 17 year olds and 51 per cent of those over the age of 18 are recorded as

breaching their ASBO, an average of 4.4 times" (Hodgkinson and Tilley, 2011, p.290). Growing uneasiness surrounding the ASBO, based upon its propensity for 'net widening', 'up-tariffing' and its statistical ineffectualness, has more recently culminated in a commitment to their being phased out. Since 2014/15 ASBOs have been replaced (although how effectively has already been queried) with the Criminal Behaviour Order (CBO) and the Civil Injunction (CI).

The Growth of Risk-Focused Assessment

Coinciding with the introduction of the Youth Justice Board (YJB) and Youth Offending Teams (YOTs), the stock of reductionist assessment via the 'Risk Factor Prevention Paradigm' (RFPP; as derived from West and Farrington, 1973, Farrington, 1995) also gained prominence. The RFPP has been described as a framework for establishing effective interventions with children and young people displaying offending behaviour. The YJB have subsequently endorsed its use and determined that:

> "All children and young people entering the youth justice system should benefit from a structured needs assessment. The assessment process is designed to identify the risk-factors associated with offending behaviour and to inform effective intervention programmes."

> (Youth Justice Board, 2010, p.5)

As such, structured risk assessment instruments such as ONSET and ASSET and most recently ASSET Plus have assumed predominance in the day to day work of youth justice practitioners within localised YOTs, in what has been characterised by some, as the "new penology of actuarial assessment" (Muncie, 2006, p.9). The argument (c.f. Baker, 2005) behind the usage and need for such risk-based tools has traditionally been that they play an important role in promoting consistency and transparency in practice and cater for more effective targeting of resources through augmented diagnostic precision. Equally, practitioners such as Shepherd (2012), although recognising weaknesses in risk-based tools such as ASSET, have contended that these are often offset by practitioners on a day to day basis. Yet, it is true to say that a growing and robust critique (Webster et al. 2006, Case, 2007, Kemshall, 2008, Case and

Haines, 2009, Almond, 2012) of the RFPP has also taken root since the middle of the last decade. This critique is centred on the extent to which such tools impinge upon practitioner discretion, expertise and creativity, are susceptible to decontextulisation and aggregation, exclude macro, structural and political factors, and perhaps most importantly, fail to acknowledge the views of children and young people adequately.

The Intensification of Managerialism

The aforesaid legislative initiatives evolved against a backdrop of increasing 'mangerialism' during New Labour's tenure in office (McLaughlin et al. 2001). In part, this managerial emphasis it has been suggested, helped incubate an unhelpful target and performance culture in respect of police interaction with children and young people. Official reports from the period indicate that police officers were increasingly incentivised to "trawl the margins" (HMIC, 1999, p.3) via target orientated policing (Loveday, 2006) in order to pursue and obtain officially documented disposals, rather than engaging with more relaxed and less interventionist measures to deal with children and young people who had committed low-level infringements. Notably, it has been contended that the introduction in 2002 of the 'Offences Brought to Justice (OBTJ) sanction detection target' under New Labour was particularly detrimental in facilitating the excessive and disparate criminalisation of children and young people. Newburn (2011) has summed up its influence stating that:

> "Whereas between 2002 and 2006 there had been an approximately 10 per cent increase in adult OBTJ cautions and convictions, the increase was well over 25 per cent in relation to young offenders."

(Newburn, 2011, p. 5)

However, in an organisational and structural sense, a managerialist agenda equally lent itself to the creation of the YJB, as well as the introduction of localised YOTs, something which has often been viewed as a positive development (Souhami et al. 2012). Here, the rationale underpinning the creation of the YJB and YOTs under the CDA (1998) was one largely

predicated on generating a more 'joined up, integrated and effective' (McLaughlin et al. 2001) approach to dealing with children and young people in trouble with the law.

Referral Orders, Splash Schemes, YIPs and YISPs

Notably, the years immediately following on from the CDA (1998), saw the creation of a number of innovative disposals and schemes designed to both prevent children and young people from initially engaging in offending behaviour, but also provide them with opportunities post-sentencing to make amends for their offence, without having to enter into custody. A number of these disposals and schemes are worth exploring in more detail.

The Referral Order

The Referral Order was introduced in the Youth Justice and Criminal Evidence Act 1999 and was originally piloted in in 11 locations encompassing the period March 2000 to August 2001, before being introduced to the rest of England and Wales the following year. A Referral Order could be administered by the courts to children and young people aged 10-17 years who admitted guilt and were convicted in relation to a first offence. Significantly, a Referral Order was not designed to be administered if custody, a Hospital Order or an Absolute Discharge were considered to be suitable options by the court. The length of a Referral Order could be set by the court between three and twelve months, and following on from it being dispensed, a child or young person was required to attend a 'youth offender panel' (Earle, 2008).

The youth offender panel was purposefully developed to cater for multiple contributions from a variety of different individuals and was intended to possess a distinct restorative component. Youth offender panels were intended to consist of a single Youth Offending Service (YOS) professional, two members of the public, the child or young person and their parent or carer, along with the victim(s) or any other person(s) who the panel deem to be helpful (for example, additional members of the child's family). Practically, at the panel meeting, the

panel members (the YOS professional and two members of the public) discuss the context of the offence and its repercussions with the child or young person, their parent or carer, and if in attendance, the victim(s) and any other person(s). A personalised 'contract' is then developed with the child or young person, which outlines what steps will be undertaken to prevent further offending and which must also include restorative/reparative actions designed to repair the harm caused by the offence (for example, via some form of reparation or an apology letter). In the event of the child or young person refusing to agree to a contract, they can be sent back to court for consideration of their offence. Once the contract has been agreed, it is then the role of the YOS to oversee the agreed contract and ensure it is completed effectively by the child or young person. Here, further panel meetings can be initiated with the child or young person in order to review progress and ensure compliance. Once the Referral Order has been completed successfully (in line with the Rehabilitation of Offenders Act 1974) it is considered 'spent' (Newburn et al. 2002). As such, the overarching aspiration of the Referral Order has been described as:

> "…to prevent young people reoffending and provide a restorative justice approach to achieve this, that involves victims, within a community context."

> (HM Inspectorate of Probation, 2016, p.10)

A number of evaluations have been undertaken into the impact of Referral Orders which provide certain insights into their effectiveness. For example, Newburn et al. (2002) undertook an 18-month evaluation in 11 pilot areas in England and Wales where Referral Orders were being utilised. Significantly, they concluded that:

> "…in the main, the pilots successfully accomplished the implementation of referral orders and youth offender panels. Across the pilot areas the majority of the key aims underpinning referral orders were well realised."

> (Newburn et al. 2002, p.61)

More specifically, they found that the youth offender panel meetings were "constructive, deliberative and participatory forums in which to address young people's offending behaviour" (Newburn et al. 2002, p.62) and that members of the public worked well with YOS professionals in relation to their panel duties. However, a significant concern raised by the evaluation related to a lack of victim participation in panel meetings, particularly given the restorative principles underpinning the process.

More recently an inspection (HM Inspectorate of Probation, 2016) has been undertaken into the workings of the Referral Order operating in six YOS locations. The inspection found low levels of victim participation in the process and also highlighted concerns that key aspects of the contract were often pre-determined by YOS professionals prior to engagement with the child or young person at the panel meeting – rather than flowing out of the discussion as envisaged by the legislation. Moreover, it identified that more attention needed to be given to the 'room layout' in which panel meetings took place, so that children and young people could feel at ease during proceedings. It did also identify elements of good practice, for example, the inspection did find that children and young people responded positively to members of the public at the panel meeting and also observed good examples of different types of reparation being incorporated into contracts.

In addition to the introduction of the Referral Order, which was designed to be administered by the courts as a sentencing option, this period also saw a number of new schemes created which aimed to prevent children and young people from initially engaging in offending behaviour and subsequently coming into contact with the formal youth justice system (for example, the courts).

Splash Schemes

In July 2000, the New Labour government declared that they would fund a number of 'Splash' schemes. Overseen by the YJB, 105 Splash schemes sought to engage 'at risk' children and young people aged 13-17 years old, residing in deprived estates, in a variety of constructive pursuits during school

holidays. The schemes employed activities such as sport, music, drama and the arts, and the aim was to prevent children and young people from engaging in offending behaviour (Prior and Paris, 2004). An early evaluation conducted into the schemes by Loxley et al. (2002) focusing on six summer Splash schemes (from a total of 105 that were in operation during the summer of 2000) was only able to gather outcome information in relation to three schemes. Here, although the analysis undertaken was limited, the evaluation did conclude that:

> "There was limited evidence to show that Splash schemes reduced youth related incidents reported to the police in the short term. However, in the current study, no assessment has been possible of any longer term crime reduction effects that might result from the opportunity of youth workers building relationships with the young people at risk of offending. Other potentially beneficial aspects of these schemes should also be recognised, such as the opportunity to try new activities, acquire new skills and forge new relationships."
>
> (Loxley et al. 2002, p.17)

In 2002, building on the format of Splash, the New Opportunities Fund (NOF) provided £12 million in resources to launch 'Splash Extra'. It was aimed this time at children and young people aged 9-17 years old seen as being 'at risk' of offending behaviour and residing in 300 estates in proximity to street crime hotspot areas. A press release from the Department for Culture, Media and Sport made clear at the time that:

> "The extra investment in Splash schemes is a key element in supporting the Government's street crime initiative in the ten police force areas where 82% of street crime is concentrated."
>
> (Department for Culture, Media and Sport, 2002, Press Release)

In a similar vein to Splash, it sought to engage children and young people in a wide range of constructive activities with the ambition of preventing children and young people from engaging in offending behaviour. In 2002, following on from NOF funding, Splash provision was also extended to Wales under the format Splash Cymru. Here, data from 2002/3 indicates that Splash Cymru delivered programmes in the school holidays of October 2002, Winter 2002 and February

2003, resulting in 10,893 children and young people being engaged in the schemes (Woolland, 2003).

Youth Inclusion Programmes (YIPs)

Youth Inclusion Programmes (YIPs) were likewise developed in 2000 (funded by the YJB and local agencies)[15] and were designed to provide voluntary bespoke programmes for children and young people aged between 13-16 years old who were classified (by local statutory agencies, including YOS, police, social services and schools) as being at 'high risk' of engaging in offending behaviour. Specifically, following on from their introduction, they functioned in 70 of England and Wales' highest crime/deprived estates and sought to focus their interventions with groups of 50 to 80 children and young people in each location (Morgan Harris Burrows, 2003). They have been described as giving:

> "young people somewhere safe to go where they can learn new skills, take part in activities with others and get help with their education and careers guidance. Positive role models - the workers and volunteer mentors – help to foster positive attitudes to education and direct children away from crime."

> (Ashplant, 2008b, p.378)

An evaluation into the work of YIPs (Morgan Harris Burrows, 2003) relating to 'phase one' of their implementation (the years 2000-2003) found that:

> "There is evidence that the majority of the top 50 are being arrested less since their engagement on the programme, and for less serious offences. In addition, there has been a reduction in exclusion from schools (albeit the data on this issue is far from comprehensive)."

> (Morgan Harris Burrows, 2003, p.107)

However, allowing for these positive findings, the same evaluation did also find increases in the 'average rate of overall absence' (truancy) and also established that the programme had missed a key ambition 'to reduce crime in the

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[15] Other funding streams such as the 'New Deal for Communities' were also used to fund YIPs.

neighbourhood'. A subsequent evaluation into 'phase two' of the programme (Mackie et al. 2008), encompassing the years 2003-2006, determined that the programme exceeded its ambitions in relation to certain key targets such as 'engagement' and 'arrest rates', but fell short in respect of others, such as 'contact' and 'education, training and employment'.

Youth Inclusion and Support Panels (YISPs)

A further important prevention development to take place during this period involved the creation of 'Youth Inclusion and Support Panels' (YISPs). In 2003, the YJB and Children's Fund resourced the piloting of YISPs in 13 locations. YISPs comprised of multi-agency panels made up of a number of local agencies (often the police, schools, social services, health agencies, anti-social behaviour units) and sought to pinpoint and then support children and young people aged 8-13 years old (and also their families) considered to be 'at risk' of committing offending behaviour. Accordingly, it has been stated that:

> "The emphasis in YISPs is on ensuring that children at risk of offending or reoffending and their families receive mainstream public services at the earliest opportunity."

(Walker et al. 2007 p.10)

Significantly, participation in YISPs was intended to be voluntary and therefore needed the written consent of both the child or young person and their parent(s). Practically, it involved a report (based upon an ONSET assessment) which outlined the reasons for concern around the child or young person, along with potential ways in which they (and their family) could be supported, being placed before the panel. Subsequently, an 'integrated support plan' was formulated with the child or young person (and their family), detailing what support services would be engaged, who would provide them, and for what duration. The panel would then regularly appraise the plan in order to confirm its efficacy and also ensure that both the child or young person (and their family) remained content with the support that was being delivered (Robinson, 2005, Ashplant, 2008a).

Following on from their implementation, a number of evaluations have been conducted into YISPs in order to ascertain their impact and effectiveness. One such evaluation by Raws (2006) into Solihull YISP established that:

> "Overall the evaluation showed that within its remit the Solihull YISP had many small and large successes. It was able to meet the disparate needs of a group of young people who presented a wide variety of circumstances, personalities and problems. And it achieved these successes by operating in a child-centred way and by holding to the principle that every child had the potential to flourish."

> (Raws, 2006, p.76)

A further evaluation was undertaken the following year by academics at Newcastle University (Walker et al. 2007) into thirteen pilot YISPs. Although it cautioned that YISPs needed to remain focused in their remit (particularly in respect of the length of interventions applied), the evaluation did conclude that:

> "There is evidence in our evaluation that the behaviour of YISP children did improve, some children were reintegrated into school, and some families experienced improved relationships and reductions in stress. What qualitative evidence we have suggests that risk factors were reduced, but we are unable to say whether resilience increased. We are not able to say whether longer-term outcomes, including less offending, fewer arrests, improved educational behaviour and enhanced employability, were achieved."

> (Walker et al. 2007, p.173)

During this period there was then a purposeful effort to develop innovative disposals and schemes designed to both prevent children and young people from initially engaging in offending behaviour, but also, provide them with opportunities post-sentencing to make amends for their offence, without having to enter into custody.

Reviewing the Evidence: Some Developing Themes

As this chapter has sought to demonstrate, over a number of decades youth diversion has materialised hand-in-hand with different philosophical approaches to youth offending. For example, welfare infused diversion encapsulated by IT programmes was over time eclipsed by the rise of youth diversionary practices

that conformed to a justice and new-orthodoxy emphasis on minimum-intervention. In considering these youth diversionary evolutions, it is apparent that in spite of positive elements of practice, they have frequently also possessed unintended (and undesirable) impacts for children and young people in conflict with the law. Here, ideologically, welfare approaches were at root concerned with the 'needs' of children and young people, equally a key motivation of the justice movement was to guarantee proper and legal safeguards for children and young people before the law, whilst new-orthodoxy ideals were designed to limit the harmful impacts of labelling and stigma associated with over-zealous system-intervention. Honest child-centred or benevolent motives were therefore discernible to an extent within each ideological paradigm, however as has also been evidenced, the aims of these philosophical approaches were not always realised perfectly (especially when blended with wider political, financial and legislative imperatives).

More recently, New Labour's ideological approach to youth justice has (like those paradigms before it) been critiqued as to its impact and effectiveness. Notably, this period saw the creation of the YJB and the introduction of localised YOS, along with the promotion of a more joined-up and integrated way of working with children and young people displaying problematic behaviour. It also saw the increased use of localised solutions as a way of meeting localised problems and a key emphasis placed on the 'prevention of offending by children and young people'. Here, it must also be recognised that during New Labour's period in office there were efforts made both to prevent children and young people from initially engaging in offending behaviour, as well as offer them opportunities post-sentencing to make amends for their behaviour, without entering into custody. In and of themselves, these policies could be seen to possess positive impacts for children and young people.

Nonetheless, it is also necessary to highlight that this period, and the New Labour approach, also produced impacts for children and young people that could be viewed as being less favourable. For example, New Labour's early period in office has been understood by certain commentators (Bell, 1999, Goldson, 2000, Scraton, 2004) as being culpable for a swift re-politicisation of

youth justice. Notably, a number of the provisions contained within the CDA (1998) have been seen as implicit in this punitive turn. Here, it has been argued that many of the non-interventionist measures enacted under the new-orthodoxy were paradoxically reversed for approaches that increased the potential for children and young people to become unnecessarily embroiled in the formal youth justice system and subjected to avoidable stigmatisation and labelling practices (Barry et al. 2009). As Yates (2003) has said of the CDA (1998):

> "The Act ditched decriminalisation, diversion and decarceration in favour of early intervention and making young offenders responsible for their actions, reinforcing the responsibility of parents and making young people face up to the consequences of their offending."

(Yates, 2003, p.49)

In line with this broader argument, a number of key themes become evident, which are worth exploring in greater detail.

Continual Changes in Policy and Practice

Following on from the accepted failings of welfare approaches, the liberal and progressive impetus behind the new-orthodoxy (reinforced by the justice movement) actively sought to avoid interventionist practices, increase diversionary outcomes and restrict avenues for children and young people to enter into custody (Haines, 2008). Conversely however (and notwithstanding that there were constructive elements of practice developed during the New Labour years in office), it is argued that the New Labour approach saw the introduction of a series of polices which in certain instances eroded the liberal rationale and theorising that lay behind the tangible anti-custody gains experienced during the 'decade of diversion'. These policies, at times, had the effect of promoting intervention, interventionist forms of diversion and prohibitive and responsibilised punishment as the correct retort to children and young people's offending behaviour. For example, police cautioning was replaced with criminalising and control-based measures such as the CSO and the ASBO. Likewise, JLBx were replaced with juvenile targeting practices, such as the

'OBTJ sanction detection target', which was disproportionately aimed at penalising the child or young person, and a concern with the rights of the child in the youth justice system replaced with a fixation on risk and reduction, as exemplified by the removal of *doli incapax* (see Scraton, 2007, Chapter 7). As Goldson (1997b) has put it:

> "Early intervention, the erosion of legal safeguards and concomitant criminalisation, is packaged as a courtesy to the child. Yet it is an interventionism which 'promotes prosecution'...violates rights, and, in the final analysis, will serve only to criminalise the most structurally vulnerable children."
>
> (Goldson, 1997b, p.130)

Significantly, these policy changes it is contended, on occasion, resulted in a lowering of the interventionist-threshold to encapsulate the criminalisation of children and young people not only involved in minor offending, but simply deemed 'at risk' or 'on the cusp' of engaging in criminal behaviour (Goldson, 2010, Smith, 2017). As such, it is suggested that the New Labour approach to youth justice at times worked to 'escalate' rather than 'de-escalate' the trajectory of criminal outcomes for children and young people in conflict with (or equally outside of) the law. This was especially the case, considering the introduction of a rigid system of Reprimands and Final Warnings that purposefully moved upwards, the introduction of centralised managerialist quotas that needed to be filled and the development of the ASBO whose usage and uptake was centrally championed (to name but a few examples). Reflecting this argument, Muncie (2006) has contended that:

> "A diverse and expanding array of strategies have now been made available to achieve the governance of young people. It is an array that is capable of drawing in the criminal and the non-criminal, the deprived and the depraved, the neglected and dangerousness."
>
> (Muncie, 2006, p.24)

Foucault (1977, p.297) famously termed this diffusion of control, the 'carceral archipelago', asserting that:

> "The frontiers between confinement, judicial punishment and institutions of discipline, which were already blurred in the classical age, tended to disappear and to constitute a great carceral continuum that diffused penitentiary techniques into most innocent disciplines, transmitting disciplinary norms into the very heart of the penal system and placing over the slightest illegality, the smallest irregularity, deviation or anomaly, the threat of delinquency."

(Foucault, 1977, p.297)

Therefore, during this transitional period, in something akin to 'transcarceration' (Cohen, 1985), the weakening of the thresholds for a child or young person to become embroiled in the processes of the formal youth justice system was concomitantly accompanied by a widening and strengthening of the nets of expressive forms of social control (Foucault, 1977, Cohen, 1985, Garland, 2001, Yates, 2003, Scraton, 2004).[16]

The Delegitimisation of Children's Views in the Youth Justice System

As the above discussion has demonstrated, children and young people have seen their rights encroached through a variety of authoritarian and overtly punitive youth justice practices. Cunneen et al. (2017) have stated:

> "…the excesses of punitiveness – that came to characterize youth justice reform in England and Wales for much of the period 1993–2008 – represented blatant violations of children's human rights."

(Cunneen et al. 2017, p.20)

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[16] As has already been highlighted, is important to note that in the years following the introduction of the CDA (1998) a number of prevention schemes were introduced (which had positive impacts for children and young people). However, it is the case that these functioned during the same period as policies such as the 'Offences Brought to Justice Sanction Detection Target'.

Here, it is contended that the introduction of detrimental youth justice measures have not occurred in isolation, but rather, have been framed and compounded by a shift towards 'actuarial justice' in which the voices of children and young people in conflict with the law have become increasingly delegitimised; particularly, as part of a broader reliance on administrative-style practice and risk-centric, technicised and highly positivistic approaches to youth justice work (Pitts, 2001b). Case (2007) reflecting this point, has made clear that the RFPP has frequently lacked sufficient recognition for the views of children and young people embroiled in the youth justice system, arguing that:

> "There is a pressing need for a more holistic approach to risk assessment with young people; one which tempers the broad-brush garnering of evidence from stereotypes and generalizations by adult 'experts' with the addition of an inclusive, consultative approach to and with young people in the YJS."

> (Case, 2007, p.101)

It is suggested therefore that such developments have served to undermine children and young people's rights and worked to diminish their views within the youth justice system.

Parents and Carers of Children and Young People in Conflict with the Law

There are however further themes identifiable from the literature reviewed that extend beyond simply the child or young person. An example concerns the approach towards parents and carers and specifically the pursuit of policies predicated on a belief that they would only take responsibility for their children's offending behaviour if compelled to do so under the threat of a sanction or fine (Yates, 2003, Jamieson, 2005). Here, it has been argued that this approach and the subsequent construction of parents and carers as either 'ambivalent' or 'resisters' rather than 'willing partners' in working towards pro-social outcomes for their children meant that a 'war on crime' increasingly assimilated into a 'war on parents' (Gelsthorpe, 1999). Likewise it has been argued that drawing a simple correlation between the 'punishment of parents' and the 'prevention of children's offending' is misplaced, highly reductionist and commits what Currie

(1985, p.185) terms the "fallacy of autonomy", in that it overlooks other more nuanced, compound socio-economic factors and in doing so situates family life within an artificial and false vacuum. As Arthur (2005) has articulated:

> "Laws that penalise parents for their children's behaviour ignore the complex patterns and interrelated problems that such families invariably endure…The criminological research suggests that in many cases where children are in trouble, the reality of parenthood undoubtedly involves vulnerability and poverty, with many parents (especially mothers) living on state benefits and experiencing housing problems. Punishing parents for a perceived lack of responsibility on their part accelerates family conflict and breakdown."

(Arthur, 2005, p.240)

Ultimately, in drawing together the above themes, it is the case that youth diversion has aligned itself with a number of philosophical approaches (or paradigms) over the course of its development. Here, its usage alongside these approaches has never been excluded from query or probing, but as has been demonstrated, its workings and impact (both progressively, as well as at times less favourably) cannot be detached from the wider political, economic and social context in which it operates.

Chapter Summary

A dominant welfare approach that espoused the treatment of needs, relied heavily on professional expertise, and notably promoted welfarist-diversion via Intermediate Treatment (IT) programmes was initially subjected to examination. The 'unintended consequences' that emanated from the programme and the philosophical approach of the period more broadly (primarily criticisms relating to system overreach into the lives of children and young people) were then explored. This was followed by an examination of the emergence of justice and new-orthodoxy infused arguments which resulted in a 'decade of diversion' predicated largely on the advancement of measures predicated on minimum-intervention. Notwithstanding the optimism of the period, it was necessary to again consider whether there were any inadvertent ramifications resulting from 1980s diversionary policy; for example, the tendency for practice to become

sterile and for diversionary outcomes to contain racial discrepancies. The New Labour approach to youth justice and the policies and practices of the period formed the next point of analysis, before finally, some emerging themes from the reviewed literature were highlighted. Here, it was suggested that the latter transition to what has been referred to by its critics as the 'new youth justice' (Goldson, 2000), although certainly containing positive and constructive developments, also possessed a series of detrimental impacts for children and young people in conflict with the law.

Chapter Three seeks to move understandings of youth diversion forward to examine the latest phase of diversionary policy and practice in England and Wales – largely post the year 2008. Specifically, the role and impact made by a number of new centralised and localised schemes that have predominately arisen following on from the disintegration of the New Labour administration will be analysed. Attention will then turn to the growing potential of 'devolutionary-diversion', and specifically, how this has been reinforced by a wider Welsh government promotion of rights and entitlements for all children and young people both inside and outside of the youth justice system, Significantly, an approach which has been key in creating space for the emergence of the Bureau Model of Youth Justice. As part of this analysis, existing academic research into Welsh Bureaux will also be evidenced and relevant shortcomings identified.

Chapter Three

Present Diversion and its Devolutionary Potential

Introduction

Building upon the themes and academic literature already reviewed, the chapter seeks to move understandings and analysis of youth diversion in England and Wales forward into the present period (post the year 2008). It begins by appraising the reasons for diversion's present position within youth justice policy and practice, before turning to consider centralised and localised pre-court diversionary mechanisms to have arisen over the last decade and their respective impacts. Wales' post devolutionary emphasis on promoting rights and entitlements for all children and young people, situated both inside and outside of the formal youth justice system is then highlighted. As part of this analysis, specific attention is paid to how youth justice (currently a non-devolved matter) has benefited from being situated within Wales' broader rights-respecting framework and concomitantly how this landscape has been instrumental in consolidating the emergence of the innovative Bureau Model of Youth Justice; a diversionary initiative that seeks to divert children and young people 'away from' the formal processes of the youth justice system and 'into' (where deemed necessary) appropriate interventions designed to provide support, promote pro-social behaviour and ultimately bring about reductions in recidivism. Existing academic studies into Welsh Bureaux (with specific emphasis on the original Bureau Model formulation) are then discussed, before the chapter concludes by highlighting limitations and gaps in Welsh Bureaux knowledge that require addressing within the methodological component of the thesis.

Contemplating the Reasons for Diversion's Present Standing within Youth Justice

Since the turn of the decade a number of new diversionary mechanisms (c.f. Haines and Charles, 2010, Rix et al. 2011, Home Office, 2012, Haines et al.

2012, Haines et al. 2013, Soppitt and Irving, 2014) have been conceived and promoted as important tools for engaging with children and young people in conflict with the law. Coinciding with the introduction of these diversionary mechanisms has been something of a liberalisation of youth justice praxis. Given the interventionism that characterised segments of youth justice policy in the immediate aftermath of the CDA (1998; see Muncie, 1999, Bell et al. 1999, Goldson, 2000, Yates, 2003, Scraton, 2004, Goldson, 2010), it is necessary to examine what has fuelled recent moves towards "penal-moderation" (Cunneen et al. 2017, p.4).[17]

Toward the latter part of the last decade, a series of reports (Flanagan 2007, 2008) conducted into policing practices proved influential in confirming suspicions that excessive 'net-widening' was infiltrating the day-to-day work of police forces (Morgan and Newburn, 2012, Smith, 2017). Specifically, the Flanagan reports determined that centralised target quotas (for example, the 'OBTJ sanction detection target') were pressurising police forces into an unhealthy preoccupation with pursuing performance objectives at any cost; often to the detriment of children and young people who were disproportionately criminalised by target-enthused forms of policing (Bateman, 2008, Newburn, 2011, Ministry of Justice, 2017). A key passage in the 'Final Report' (2008) established that:

> "The consequence of poor professional judgment, combined with existing performance management arrangements, are that officers are encouraged to criminalise people for behaviour which may have caused offence but the underlying behaviour would be better dealt with in a different way."

> (Flanagan, 2008, p.57)

Consolidating this theme, and around the same time, Rod Morgan in resigning as Chairman of the Youth Justice Board (YJB) warned that:

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[17] This is not to minimise wider challenges in the youth justice system. For example, the low minimum age of criminal responsibility, the disproportionate representation of BAME in youth justice proceedings or the challenges facing youth custody.

> "The government has a target to increase the number of offences brought to justice to 1.25m by spring 2008. It boasts that it is already well ahead of target. But how is this being achieved? Not by prosecuting and convicting more serious offenders…to meet crime targets, the police are picking low-hanging fruit."

> (Morgan, 2007, Letter to the Guardian Newspaper)

Growing concerns around the unnecessary and avoidable criminalisation of children and young people subsequently enacted a series of significant policy changes aimed at de-escalating and softening the system. In 2008, the remit of the 'OBTJ sanction detection target' was restricted in scope to pinpoint only violence, sexual and acquisitive crimes, thereby, excluding more minor infringements from its scope and reducing the likelihood of children and young people being disproportionately criminalised[18] (Bateman, 2008, Newburn, 2011). Additionally, new policy stratagems such as the 'PSA Delivery Agreement 14' (HM Government, 2007), 'Children's Plan' (DCSF, 2007) and 'Youth Crime Action Plan' (HM Government, 2008) all contained key provisions aimed at reducing numbers of First Time Entrants (FTEs) into the youth justice system (Bateman, 2012, Smith, 2017, National Association for Youth Justice, 2017)[19]. The 'Youth Crime Action Plan'[20] incorporated the following statement of ambition:

> "Reductions in youth crime will principally come about if we reduce the flow of young people entering the criminal justice system. Each year around 100,000 young people aged 10–17 enter the criminal justice system for the first time. Our new goal is to reduce the rate by one fifth by 2020."

> (HM Government, 2008, p.14)

The '2020 reduction goal' was duly achieved ahead of schedule. Moreover, legislatively, since 2013, the Legal Aid Sentencing and Punishment of Offenders Act (LASPOA, 2012) has supplanted the formulaic and escalatory tariff of Reprimands and Final Warnings imposed under the CDA (1998), with a

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[18] In 2010 the 'OBTJ sanction detection target' was comprehensively dismantled under the then Coalition government.

[19] Notably, a reduction target for FTEs had been deployed even earlier in 2005 by the YJB.

[20] See also, Department for Children, Schools and Families (2007). *The Children's Plan: Building brighter futures*. London: DCSF. p.14.

new system of Youth Restorative Disposals (YRDs), Youth Cautions (YC) and Youth Conditional Cautions (YCC). A change which has potentially offered greater scope for de-escalation and increased use of discretionary practices in dealing with children and young people in the pre-court arena (Hart, 2012). As such, "penal moderation" (Cunneen et al. 2017, p.4) has been evident both via the dismantling of damaging centralised target structures in favour of the development of policies aimed at reducing numbers of FTEs, as well as via the introduction of reforms in the pre-court arena aimed at promoting greater flexibility, all of which have been advantageous to the cause of youth diversion.

There is also little doubt that youth diversion's stock has risen exponentially (and continues to rise) when set against the financial crash and deep economic recession that reached a peak during the year 2008, with a consequence of the recession being that fiscal prioritisation and cost-cutting efforts to reduce numbers of FTEs arriving into youth custody have become increasingly prominent and valued as policy objectives. Goldson (2015) has argued:

> "It seems likely that it is the instrumental imperatives of cost reduction, as distinct from any intrinsic priorities of progressive reform, that ultimately provide the key to comprehending the substantial fall in child imprisonment in the post–2008 period."

(Goldson, 2015, p.178)

It is also worth remembering that there has always remained "a body of committed practitioners geared towards promoting the rights and best interests of children in trouble" (Smith, 2014, p.116), as well as, Non-Governmental Organisations (NGOs) such as the Howard League for Penal Reform, National Association for Youth Justice and Centre for Justice Innovation who have used the space created by recent developments to push for a more positive and progressive agenda towards children and young people in conflict with the law that incorporates diversion as a central tenet. Accompanying and frequently feeding into this effort, recent academic studies (Petrosino et al. 2010, Wilson

and Hoge, 2013, Wilson et al. 2018) have also proved impactful in empirically reinforcing the positive effects of youth diversion programmes.[21]

These various catalysts have had the combined effect of pushing forward 'practice-change'. The extent to which these 'practice-changes' have been propelled by pressure, principle or purely fiscal concerns – or an amalgamation of these factors - has been subject to on-going debate (c.f. Bateman, 2014, Smith, 2014, Haines and Case, 2015, National Association for Youth Justice, 2017, Cunneen et al. 2017). Nonetheless, statistically over the last decade, a prolonged pattern of reduced numbers of FTEs entering the youth justice system has been discernible (Ministry of Justice and Youth Justice Board, 2018). The precise or exact extent to which diversionary practice has played a role in these declines is unclear. In fact, diversionary outcomes are currently not even collated into a set of centralised statistics. However, what is certain is that the 'practice-changes' described have been complemented by the emergence of a number of distinct schemes, both instigated at a centralised and a localised level, that have resulted in diversionary mechanisms becoming embedded throughout England and Wales.

Present Diversionary Initiatives: An Exploration of 'Pre-Court' Mechanisms

Amongst some of the most prominent diversionary schemes employed over the last decade have been the **Youth Restorative Disposal**, **Triage** and the **Youth Justice Liaison and Diversion Pilot Scheme** (as well as a number of localised formulations). Significantly, these schemes have all been addressed at "the pre-court stage of intervention" (Smith, 2014, p.113).

The **Youth Restorative Disposal (YRD)** was a corollary of the 'Youth Crime Action Plan' (HM Government, 2008) and was instigated through a partnership

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[21] However, it is worth noting that this by no means constitutes a consensus, and academic reservations over the impact and effectiveness of diversion and youth diversionary programmes persist. See for example, Schwalbe et al. (2012). A Meta-analysis of experimental studies of diversion programs for juvenile offenders. *Clinical Psychology Review*, 32, pp.26–33.; Weatherburn et al. (2012). Three dogmas of juvenile justice. *University of New South Wales Law Journal,* 35, 3, pp.779–809 and Mears et al. (2016). Juvenile court and contemporary diversion: Helpful, harmful, or both? *Criminology & Public Policy*, 15, 3, pp.953-981.

of the Youth Justice Board (YJB), Ministry of Justice (MoJ), Association of Chief Police Officers (ACPO) and the Department for Children, Schools and Families (DCSF). Its core purpose was to offer a swift and effective method for counteracting low-level anti-social behaviour (without recourse to formal action), whilst also allowing relevant agencies to provide interventions at the earliest possible opportunity. Specifically, a YRD was to be disseminated by the police - one time only - to juveniles found to have committed minor offences and who had not formerly acquired a Reprimand, Final Warning or Caution (Muskata, 2014, Haines and Case, 2015). Within the workings of the YRD, it was anticipated that there would be a strong restorative component, taking the form of an apology letter or in certain cases extending to compensation and reparation arrangements (Smith, 2014).

An evaluation conducted by Rix et al. (2011) following a pilot of the disposal in eight forces (between 2008-2009) found that satisfaction levels amongst both police and victims were "high", whilst offenders were "satisfied" with its usage. Crucially however, Youth Offending Teams (YOTs) did appear to have been somewhat side-lined during the practical day-to-day supervision of the disposal, which was predominately a police-led process. Reflecting this, Rix et al. (2011) state in their evaluation that: "YOT engagement with young people given YRDs was not seen as high" (Rix et al. 2011, p.6). However, it is worth noting that in all pilot areas examined in the evaluation, YOTs were involved in the initial setting up phase of the scheme. In a separate manner, the same evaluation also went on to acknowledge concerns over the impact of the YRD being inhibited when used in isolation rather than as part of a more comprehensive 'restorative approach' in the criminal justice system. Turning to a more localised scheme bearing parallels to the YRD, since 2008, Durham has developed a broadly restorative diversionary approach to youth crime in the form of the **Pre-Remand Disposal (PRD).** It uses 'Common Assessment Framework' arrangements and early intervention in order to meet recognised needs (Durham County Council, 2011). As of 2009, its remit included children and young people aged 10-17 and at its core possesses a hybrid intention of reducing numbers of FTEs entering youth custody, whilst also, incorporating a distinctive restorative component. Specifically, this restorative element involves

every PRD being supplemented with a session aimed at raising victim awareness, and if necessary, the sending of a letter of apology to aggrieved parties. The most recent statistics into the scheme's effectiveness (illustrative of 2007/08-2009/10) have shown a 71 per cent reduction in numbers of FTEs locally (Smith, 2014, p.6) and a 50 per cent decrease in amounts of children and young people re-offending. Furthermore, 98 per cent of PRDs were successfully achieved with full engagement of children and young people and parents and carers and 80 per cent of children and young people in receipt of a PRD were participating in 25 hours of learning, training or work at the culmination of the intervention (Durham County Council, 2011, p.2).

Triage, introduced in 2008, has borrowed a framework more commonly associated with emergency hospital treatment to try and speed up the youth justice process. It places Youth Offending Services (YOS) within custody suites at the point of criminal processing in order to rapidly evaluate children and young people's requirements. Once done, the child or young person is then sent one of three ways: they are 'diverted', they are 'committed to interventions', or they are 'advanced' through the system (Haines et al. 2013, Smith, 2014, Soppitt and Irving, 2014, Haines and Case, 2015). Recently, Triage practices more broadly have been subjected to a detailed Home Office (2012) evaluation in a report entitled: 'Assessing Young People in Police Custody: An Examination of the Operation of Triage Schemes'. The report, although unable to present detailed results into 'impact', owing to a lack of consistency and robustness in local monitoring data, acknowledges that Triage is: "highly valued for its early intervention and diversionary approach" (Home Office, 2012, p.30) and specifically that Triage operates best when police (and specifically custody officers) are fully 'onside with' and 'aware of' the scheme's mechanisms and intended objectives. However, a key area of concern expressed in the report relates to possible tension existing between the workings of Triage and the use of the 'Police Community Resolution' (PCR; Home Office, 2012, p.31). The evaluation highlighted fears that the PCR resulted in problems being settled and processed away from the custody suite, in turn, lessening the number of children and young people then being seen by Triage workers in custody suites. The upshot being that children and young people with needs could potentially

fall through the gap and miss out on the required help that Triage was originally designed to deliver. Accordingly, the Home Office (2012) report established that:

> "Triage schemes are not intrinsically incompatible with community resolution and can fit well. However, there needs to be strategic leadership across the police and the Youth Offending Service and a clear definition of how the different interventions interact."

(Home Office, 2012, p.3)

This apparent discord between the workings of Triage and the PCR has similarly found resonance within a more recent study conducted by Soppitt and Irving (2014) into Triage practices. After undertaking semi-structured interviews with key facilitators at one YOT, they established that:

> "Police stakeholders generally perceived Triage to be a weaker form of community resolution…and therefore concluded that it would have a lesser impact on young offenders."

(Soppitt and Irving, 2014, p.153)

Ultimately, the available evidence suggests that for Triage to realise its full potential further work is required to ensure that police officers believe in the scheme's effectiveness, back its mechanisms, and perhaps most significantly, recognise its ability to function alongside rather than in competition with other interventions such as the PCR. An additional procedural failing in the model resulting from Soppitt and Irving's (2014) analysis relates to the fact that in the YOS they examined in their study, a tag of 'No Further Action' (NFA) emerged on the police record of some of the children and young people who had completed the Triage intervention. Consequently, this marker then impacted negatively on future job attainment for those children and young people, as NFA was repeatedly flagged up by employers at job interviews (in line with the effects of labelling theory). Crucially, stakeholders and caseworkers were initially unaware that this would occur and only became aware when children and young people informed them following on from unsuccessful job interviews.

In light of the damage caused by this procedural limitation, all stakeholders interviewed by Soppitt and Irving (2014) subsequently raised: "Concerns about Triage displaying as NFA on a CRB check and the extent to which this may undermine the philosophy of Triage" (Soppitt and Irving, 2014, p.155).

Again, this broader Triage approach has been harnessed locally, as evidenced in Hull, where Triage practices have been amalgamated into a diversionary scheme in order to "reduce FTEs; reduce remands to secure accommodation and reduce levels of custodial sentences" (O'Connell, 2012, p.2). The scheme in Hull operates over two phases; firstly, triage of the child or young person in the custody suite and subsequently engagement with 'challenge and support' sessions which can cover the following areas: "needs assessment, restorative justice, education, training or employment, parental support" (O'Connell, 2012, p.4). Notably, statistics indicative of 2009/10 demonstrated a 48.7 per cent reduction in number of FTEs, whilst more recent Triage figures provided by Hull Youth Justice Service specify that:

> "Between July 2009 and March 2014, 6320 children have been interviewed by the triage team. Of this group, no further action was taken against 38% of children, 27% received an out of court disposal and 33% were charged to court."

> (Hull Youth Justice Service, 2015, p.18)

In Hampshire, an innovative **Youth Community Court Programme** has been established through Police and Crime Commissioner (PCC) funding, following on from research conducted as part of a Winston Churchill Memorial Trust Fellowship.[22] Trained volunteers aged between 14-25 hold regular restorative-centred hearings where a low-level offence has been perpetrated involving another child or young person aged between 10-17. The child or young person who appears before the Youth Community Court Programme must have

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[22] See Walsh, M. (2013). *Peer Courts UK: Restorative Justice for youths administered by youths*. London: Winston Churchill Memorial Trust Fellowship.

committed a 'suitable offence'[23], admitted guilt and must be willing to engage with a restorative intervention. Additionally, the victim(s) of the crime (and on occasion family members) also attend the hearing. All parties are given an opportunity to talk about the offence, before the trained volunteers discuss the case and decide on an agreed outcome. Rather than resorting to formal criminal charges, outcomes can include: a letter of apology, some form of reparation or voluntary work, or financial reimbursement for any damage caused as a result of the offence. The progress of the child or young person who appears before the court is subsequently reviewed on a regular basis. Offences that have come before the Youth Community Court Programme have typically included: criminal damage, Class-B drug possession and assaults. Jacobson and Fair (2016) state in respect of the Youth Community Court Programme that:

> "95% of 185 children referred as suitable for the programme have engaged positively with their peers and the learning opportunities provided. Levels of attendance by victims have also been high. Victims, offenders, offenders' parents and police officers who have been surveyed have largely reported that they believe the peer court concept to be worthwhile and that the programme has adequately challenged and changed behaviour."

(Jacobson and Fair, 2016, p.11)

The **Youth Justice Liaison and Diversion Pilot Scheme (YJLD)** stemmed from research funded into diversion and mental health by the Department of Health, YJB and Centre for Mental Health in 2007-2008. Following on from some encouraging results emanating from the research, the YJLD scheme was piloted in six sites in England, beginning in 2008, with funding lasting until 2012. Its principal aim was to address the problem of children and young people with health-based conditions (for example, mental health and developmental complications, language and speech challenges and learning disabilities) being trapped in a justice system which lacks the capability and capacity to cater for their needs (Haines et al. 2012). Accordingly, the intention of the YJLD scheme had been to divert these youths 'away from' the formal system and 'into'

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[23] For example, constituting a lower-end Association of Chief Police Officers (ACPO) Offence Gravity Score (OGS).

external agencies or interventions that could better support their specific health, developmental and emotional needs (Smith, 2014, Haines and Case, 2015). In determining the impact and effectiveness of the YJLD scheme, it was established that out of the six pilot schemes, only two had been successful in systematically swaying decisions in favour of diversionary outcomes (Haines et al. 2013, Haines and Case, 2015). Moreover, a study by Haines and colleagues into the YJLD scheme, although defining it as "promising" (Haines et al. 2012, p.187), equally noted that its implementation in some of the pilot sites was rigorously undermined by a lack of police collaboration, primarily owing to pressure to uphold detection rates. The evaluation highlighted that in a number of sites: "The greatest barrier to the implementation of the YJLD scheme has involved problems with securing police cooperation at both strategic and operational levels" (Haines et al. 2012, p.186).

Within the Cheshire area, a liaison and diversion programme entitled **DIVERT** has been used in relation to children and young people aged 10 to 17 years old. DIVERT works on the premise that 'prevention is better than court' and is administered by Cheshire YOS, in conjunction with the Local Authority, the Police and Crime Commissioner (PCC) and the National Health Service (NHS). It seeks to assess and divert children and young people who have committed minor offences (Offence Gravity Score 3 or below), and who are displaying needs (often undiagnosed), into interventions or treatment. The success of the scheme has been demonstrated by the fact that:

> "In 2017/18 Divert dealt with 603 referrals on children arrested by the police, completing assessments and making recommendations for disposals which helped avoid sanctions which could adversely affect their future prospects. Divert has contributed to a 50% decrease in first time entrants to the justice system the following year."

> (Howard League for Penal Reform, 2017, Website)

Assessing the Evidence in Relation to Current 'Pre-Court' Mechanisms

The above analysis has identified certain 'process issues' distinct to individual initiatives. For example, Triage's problematical relationship with the PCR and

the negative and stigmatising repercussions of NFA inadvertently flagging up on employment checks (and subsequently reinforcing the effects of stigma and labelling for children and young people). Equally however, it has also exposed a series of wider weaknesses that are evident across a number of these youth diversionary initiatives. For example, inter-agency working approaches in the facilitating of particular initiatives (for example the YRD) appear at times inefficient and disjointed and would benefit from a much more joined-up approach. In specific cases, such as with the YJLD, this goes a step further than one agency simply dominating the initiative, or a basic lack of communication, and instead has resulted in clear tensions developing between the police and other key agencies in the administering of the scheme. Equally, there is a clear strain of evidence that suggests that across a number of these initiatives - and particularly in respect of the YJLD and Triage - there is a lack of conformity and consistency in local monitoring practices which has served to prohibit detailed evaluation of outcomes and correspondingly has also served to limit the possibility of comparative analysis taking place (Haines and Case, 2015; this is a general criticism of many diversionary programmes, as identified by Mears et al. 2016, p.17). To an extent however, many of these aforementioned issues may well just be teething problems that can be remedied over the longer term. However, the above analysis also highlights a larger issue, in the fact that these initiatives although all centred on diverting children and young people 'out of' the formal processes of the youth justice system, nevertheless, also possess a broad spectrum of distinct rationales. Creaney and Smith (2014) have determined of these initiatives that:

> "…some appear geared towards simply reducing the level of activity involved in processing the reported young offender…others appear…as orientated more directly to promoting community resolution and restorative practice; whilst some focus rather on addressing welfare and support needs."
>
> (Creaney and Smith, 2014, p.84)

In Wales however, championing the centrality of children and young people's rights as a clear and coherent foundation for youth justice practice (including youth diversion) has gained prominence post devolution. Diversion within a

Welsh context (and specifically as embodied by the Bureau Model of Youth Justice) is arguably therefore not simply diversion for the sake of expediency, or a useful mechanism for saving costs, or for keeping victims satisfied, or even keeping numbers of FTEs depressed (although in and of themselves these constitute legitimate goals). Rather, promoting the rights and entitlements of every child or young person is the causal philosophy that underpins, stimulates and drives forward diversionary practice; frequently resulting in the accomplishing of many of the aforesaid objectives. To fully understand how this distinctive type of diversion has evolved it is essential to look more broadly at how Wales as a devolved nation has sought to animate and reinforce a culture of rights and entitlements for 'all' of its children and young people, both inside and outside of the youth justice system.

Wales' Rights Focused Approach: Developing Child-Centred Practice

In Wales, following on from its devolution settlement, there has been an express commitment from the Welsh Assembly Government (WAG) to enact a robust rights and entitlements agenda in respect of 'all' children and young people. Acting as a cornerstone for child-centric policymaking in Wales has been Article 12 of the UNCRC (1989) which states that: "Every child has the right to say what they think in all matters affecting them, and to have their views taken seriously" (Article 12, UNCRC, 1989). In seeking to build upon the UNCRC (1989), further solidify Wales' 'clear red water' (Morgan, 2002), and by means of a process of 'dragonisation' (Edwards and Hughes, 2009, Haines, 2009), policymakers have sought to implement, wherever possible, measures predicated on championing the best interests of 'all' children and young people in Wales (something which is explicitly outlined in Article 3 of the UNCRC, 1989).

An early and influential outworking of Wales' commitment to pursuing this agenda took the form of the policy document Extending Entitlement (EE; Policy Unit, 2000, Welsh Assembly Government, 2002; see also Haines et al. 2004 and Case et al. 2005 for preliminary evaluations into its effectiveness) which encapsulated 'ten universal entitlements' for children and young people aged

between 11 and 25 years old. Broadly speaking, it sets out that children and young people are entitled to provisions, facilities and opportunities that are unrestricted at the point of engagement and comprehensive in nature (Morgan, 2002). It determines that:

> "Each local authority should, working with partners, develop and maintain a young-people centred strategy which will ensure that the entitlement is delivered, that effectiveness of delivery is monitored, and that the views of young people are listened to."
>
> (Welsh Assembly Government, 2002, p.9)

A key emphasis of EE is that the onus of 'responsibilisation' for retrieving entitlements should fall not on children and young people, but rather, should be the remit of adults and service providers. In doing so, it implicitly directs the machinery of governance, both at a national and a local level, to open-up avenues and pathways for Welsh children and young people to access opportunities - especially where they may otherwise lack the means to do so adequately (Butler and Drakeford, 2013; see also Davies and Williams, 2009).

Notably, against the backdrop of emerging post devolutionary policy differences between Wales and England in respect of children and young people, certain commentators (c.f. Neal, 2007, Haines, 2009, Drakeford, 2010, Haines and Case, 2011, 2015) have contended that the philosophy underpinning EE illustrates a clear departure from equivalent formulations that have emerged by way of the Westminster government. For example, it has been argued in respect of 'Every Child Matters' (DfES, 2004 and correspondingly 'Youth Matters', DfES, 2005) that in-spite-of emphasising the importance of 'opportunities' for children and young people, this ambition, contra to EE, is then caveated with a warning that such 'opportunities' are primarily contingent upon compliance. Put another way, under the ethos of 'Every Child Matters' children's rights are not 'unqualified and absolute' but rather are seen as being explicitly intertwined with notions of 'responsibility and conformism'. Accordingly, this has led Haines and Case (2015) to state that:

> "…opportunity…is wedded to 'responsibilisation', such that children who fail to take advantage of opportunities or break the rules (i.e. those who offend or are anti-social) will have these opportunities taken away, rendering their rights 'conditional' on compliance with governmental prescriptions for behaviour."

(Haines and Case, 2011, p.2)

Bandalli (2000) has argued that under the objectives of central government:

> "…policy change has shifted from the *protection of children* from the criminalising effects of the formal justice system in the 1960s to the increasing '*responsibilisation'* of children towards the end of the 1990s.*"*

(Bandalli, 2000, p.82)

As such, it has been argued that the notion of entitlements for 'all' Welsh children and young people, regardless of problematic behaviour, contrasts sharply with the interventionist, responsibilised and control-orientated discourse towards children and young people that has traditionally been seen in English policy immediately following on from Wales' devolutionary settlement (Haines, 2009, Muncie, 2011). Importantly however, Wales' clear focus on unconditional rights, rather than rights as congealed to responsibilities, has not been restricted to EE but has also translated into the production of 'Seven Core Aims' for children and young people, as encapsulated in the policy document 'Children and Young People: Rights to Action'. All seven of these aims are strongly rooted in the UNCRC (1989) and include ensuring that 'all' children and young people:

> "…have a flying start in life; have a comprehensive range of education and learning opportunities; enjoy the best possible health and are free from abuse, victimisation and exploitation; have access to play, leisure, sporting and cultural activities; are listened to, treated with respect, and have their race and cultural identity recognised; have a safe home and a community which supports physical and emotional wellbeing; are not disadvantaged by poverty."

(Welsh Assembly Government, 2004, p.1)

Building on the early objectives of EE and the 'Seven Core Aims' (as well as other child-centred policy documents and strategies[24]) the Senedd has moved to approve the Rights of the Child and Young Persons (Wales) Measure 2011. This landmark piece of legislation advances a duty on every Welsh Minister to have 'due regard' to the central rights and obligations contained within the UNCRC (1989) when designing and formulating new legislation or policy or reviewing or changing existing legislation or policy. As of May 2014, this duty extended to all the functions of Welsh Ministers (see Williams, 2013 for greater analysis of the Measure). Significantly, these various policy and legislative moves, including as of 2015, the Well-being of Future Generations (Wales) Act, have been lent practical weight through the creation of a Children's Commissioner (c.f. Bransbury, 2004, Cook et al. 2008, Rees, 2010) whose primary function is to champion the rights of children and young people in Wales[25]. The Commissioner's job is to work for Welsh children and young people under 18 (or 25 if in care) to assist them to find out about their rights, whilst also in tandem encouraging the Welsh Government to endorse and promote these entitlements (see for example the Commissioner's 'A Plan for all Children and Young People: 2016–19'). Additionally, a clear mandate is placed upon the Children's Commissioner to listen to children and young people to understand their views on what matters to them, as well as advising them as to where they can find support when in distress or need.

<u>Welsh Youth Justice in a (Semi) Devolved Context</u>

In respect of specifically youth justice, following on from devolution, the WAG/Welsh Government (WAG/WG) has partnered with the Youth Justice Board (YJB) to produce a series of key policy stratagems that have included the 'All Wales Youth Offending Strategy' (AWYOS; Welsh Assembly Government

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[24] See for example: Children and Young People: A Framework for Partnership; Children and Young People: Rights to Action; Early Entitlement; Cymorth; The National Service Framework for Children, Young People and Maternity Services; The Child Poverty Strategy; All Wales Youth Offending Strategy, Children and Young People First, etc.

[25] The role of Children's Commissioner was created through the Children's Commissioner for Wales Act (2001). Although Wales was the first country within the UK to appoint a Commissioner, if they have been in care (looked after), the role is not distinct to Wales. Currently Children's Commissioners also function in England (and Jersey), Scotland and Northern Ireland.

and Youth Justice Board, 2004) and 'Children and Young People First' (CYPF; Welsh Government and Youth Justice Board, 2014). Significantly, the partnership between the WAG/WG and YJB that has driven the formulation of these policy documents provides a window into the tensions and challenges implicit in Wales' devolutionary settlement. Namely, that youth justice constitutes a non-devolved matter, but that conversely, education, social welfare, health, probation and housing (amongst other areas) are the prerogative of the WG (Drakeford, 2009, Muncie, 2011). Haines (2009) highlights the day-to-day complexity of this concord, stating that:

> "As both one country and four 'countries'…social and political life in the UK and its four consecutive entities is a complex mix of jurisdictional authorities and responsibilities. While some are dealt with at a UK level, others are dealt with at a national level."

> (Haines, 2009, p.232)

A peculiar "oddity" (Dingwall, 2009, p.9) has therefore arisen in Wales where youth justice is essentially betrothed to two separate masters. On the one hand, youth justice in Wales is enacted by localised YOTs, who on a legislative and criminal justice footing must adhere to the rulings and decrees of primary government (for example, the CDA, 1998), and practically and financially are overseen and are capitalised by the YJB - who are themselves supervised by the centralised MoJ. Yet concomitantly, the key devolved areas of health, education, social services, probation and housing occupy a position within the statutory groups that aid the development and financing of Welsh YOTs (Drakeford, 2009, Williams and Feilzer, 2013, Haines and Case, 2015). As Drakeford (2010) has identified:

> "While there is an absence of any formal responsibility for youth justice or YOTs, at the devolved level, almost all the services on which YOTs have to rely for their direct functioning, and in order to carry out their responsibilities, lie under the control of the Assembly."

> (Drakeford, 2010, p.140)

Owing to the current partial settlement it has therefore been the case that youth justice in Wales has had no option but to move forward on a 'conferred basis',

reflecting the aims and objectives of both Westminster and Cardiff Bay (Drakeford, 2009, Hoffman and McDonald, 2011). Perhaps unsurprisingly these tensions have added additional weight to the possibility of a total transfer of youth justice responsibilities to Wales occurring sometime in the near future, thereby, bringing youth justice policy under one administration and potentially streamlining the process. Such an option has already been considered in a report undertaken by former YJB Chairman Rod Morgan, who determined that: "No one appears opposed to the devolution of youth justice in principle" (Morgan, 2009, p.12). However, his report also went on to acknowledge that the full potential of the existing devolutionary settlement had not been reached and that therefore more could be done in respect of youth justice within the prevailing framework; especially given the significant impact and influence of devolved youth policies on everyday youth justice practices. The report also detected a feeling amongst some Welsh YOT managers that in wanting to safeguard their autonomy and existing ways of practice, the status-quo effectively empowered them to do this by allowing them to 'play both sides' (Morgan, 2009).

More recently, the 'Commission on Devolution in Wales' (Silk Commission, 2014) has recommended that "…the youth justice system should be devolved, given its close links with local government and other devolved functions" (Silk Commission, 2014, p.9). As of September 2017, a 'Justice Commission' has been set up by the First Minister of Wales to re-evaluate the justice system and policing in Wales and contemplate how the system can accomplish better results for the country. Significantly, the scope of the commission will encompass youth justice and the questions concerning its devolution will form a central consideration.

However, notwithstanding the potential for future change in light of this development, currently the existing gap between Westminster and Cardiff Bay 'has been bridged' (Butler and Drakeford, 2013) to a point by means of the Youth Justice Committee for Wales (YJCW) - now the Wales Youth Justice Advisory Panel (WYJAP) - which is made up of the WG, YJB (England/Cymru), Welsh YOTs, the Secure Estate, academic institutions and delegates from the

voluntary sector (Case, 2014) and whose primary purpose "is to assist the Welsh Government and the YJB to implement policy that prevents offending and reoffending by children and young people in Wales" (Welsh Government, 2014b). Also of importance in negotiating the nuances of partial devolution has been the growing role occupied by YJB Cymru, whose chief executive regularly attends and feeds into the WYJAP. Operationally, it has a dual function of interacting at a national level with UK/Welsh authorities and initiating centralised YJB policy, whilst also, communicating with Welsh YOTs (managers, etc.) at a regional level (c.f. Case, 2014 for analysis of the role and impact of YJB Cymru). Despite these clear bridging efforts and mechanisms, existing tensions and conflicts of interest have perhaps been most apparent within the AWYOS where there has been an outright acknowledgement from the start that it:

> "…incorporates *the aims of both* the Youth Justice Board and Welsh Assembly Government policies. It lays *a shared foundation* which should ensure that Youth Offending Teams and other agencies are able to work more effectively to prevent offending by young people in Wales."

(Welsh Assembly Government and Youth Justice Board, 2004, Foreword)[26]

Consequently, Haines (2009, p.238), Drakeford (2010, p.140) and Muncie (2011, p.51) have all argued that the AWYOS reflects the stances and priorities of each. The YJB objectives pivot on more anglicised, interventionist and at times authoritarian approaches to children and young people displaying offending behaviour, as reflected in the following sentence found within the strategy:

> "A balance between the interests of the child or young person and the interests of the wider community and potential victims can be maintained through early intervention, restorative justice measures, appropriate punishment and supported rehabilitation."

(Welsh Assembly Government and Youth Justice Board, 2004, p.3)

Conversely the WAG imprint on the strategy can be seen in the distinctive and progressive belief a few lines further down that children and young people in conflict with the law should be treated as: "children first and offenders second"

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[26] My italics added for additional emphasis.

(Welsh Assembly Government and Youth Justice Board, 2004, p.3); that the strategy endorses "universal entitlement for all children and young people, including those children and young people at risk of offending and those who do offend" (Welsh Assembly Government and Youth Justice Board, 2004, p.3); and that "young people should have the opportunity to participate in decision making on all matters that affect them" (Welsh Assembly Government and Youth Justice Board, 2004, p.5). As such, as well as a clear tension between devolved and non-devolved aspects of youth justice in Wales, it is also worth noting that there has perhaps predictably also been a philosophical battle evident between 'children-first rights' (WAG/WG directives) on the one hand, and 'risk, early intervention and appropriate punishment' (Westminster directives) on the other; a conflict navigated by Welsh YOT workers and youth justice professionals on a daily basis (Muncie, 2011, Cross et al. 2002). Nonetheless, despite these imbalances and at times juxtapositions in emphasis, the AWYOS should be seen as constituting an important and promising first-step in Wales developing a more positive approach to children and young people embroiled in the youth justice system. More broadly, there are certain specific youth justice policy issues that inherently affect Wales but remain the sole legislative responsibility of the Westminster government. In respect of these issues, Wales' ability to act autonomously and in accord with a rights-based approach has been strongly inhibited. A clear example of this straightjacketing phenomenon relates to the 'minimum age of criminal responsibility' which is currently set at 10 years old by the UK government. Brown (2015) in the 'Wales UNCRC Monitoring Group: Report to the United Nations Committee on the Rights of the Child' has highlighted that:

> "The UK Government has confirmed that the age of criminal responsibility (set at 10 years of age in England and Wales, the lowest in Europe) will not be raised despite continued lobbying by children's charities, the Children's Commissioner for England, the National Association of Youth Justice and the Centre for Social Justice. This position is contrary to the obligations of the Convention and international standards of juvenile justice."

(Brown, 2015, p.61)

The UK government opting to raise the 'minimum age of criminal responsibility' would constitute a clear and progressive rights-based (and diversionary as argued by Goldson, 2009, 2013 and Cunneen et al. 2017) concession, which would also extend to Wales. Although at a UK governmental level such a move does not appear forthcoming anytime soon, Wales, utilising the existing powers and influence it does possess under the current status-quo, has clearly demonstrated a willingness to pursue rights-based diversionary policy and support the creation of localised diversionary initiatives and mechanisms.

Devolutionary-Diversion: Putting the Interests of Welsh Children and Young People First

The 'All Wales Youth Offending Strategy' (AWYOS) places emphasis on the value of promoting devolutionary-diversion. It incorporates a section covering 'effective community-based sentencing alternatives to custody', which calls for the: "Further strengthening of robust and credible community sentences" (Welsh Assembly Government and Youth Justice Board, 2004, p.2). Here, the notion of diversion 'away from' custody and 'into' community-based alternatives has a long tradition within youth justice, as exemplified by the Intermediate Treatment Initiative (ITI), a centralised diversionary programme that proved impactful during the 1980s (Allen, 1991, Rutherford, 1989). Although the attention afforded to diversion is not fully expanded upon within the AWYOS, perhaps the strategy's most significant contribution to date has been in setting the groundwork for the creation in 2014 of 'Children and Young People First' (CYPF). CYPF not only updates the existing AWYOS, but has done so in a manner that can be understood as moving towards a fundamentally more Welsh (or dragonised) position, even when accounting for the fact that partial devolution and its challenges remain very much in play. Conveying this shift in focus, Haines and Case (2015) have stated that:

> "In contrast with the AWYOS, which presented an uneasy compromise between English and Welsh principles, Children and Young People First offers a much stronger statement of Welsh philosophy, policy and practice."

> (Haines and Case, 2015, p.186)

Furthermore, in a more developed and detailed manner than its predecessor, CYPF (Welsh Government and Youth Justice Board, 2014, pp.4-12 and p.15) includes much more focus on the importance of diversionary practice for Welsh children and young people in conflict with the law; especially as part of a broader commitment to upholding their rights and working in their best interests. As such, within the first few pages of the CYPF strategy, there is a commitment to ensuring that:

> "Children and young people are not unnecessarily brought into the youth justice system and are diverted into services which are accountable for and able to meet their needs."

(Welsh Government and Youth Justice Board, 2014, p.4)

Echoing McAra and McVie's (2007; see also Huizinga et al. 2003, White, 2017) argument from their 'Edinburgh Transitions Study', further on the strategy also makes the point that: "Children and young people are recognised as being made vulnerable by contact with the criminal justice system, and are safeguarded from harm" (Welsh Government and Youth Justice Board, 2014, p.4). Additionally, CYPF re-endorses the diversionary stance found in the AWYOS in respect of promoting 'alternatives to custody' through robust and effective community sentencing (Welsh Government and Youth Justice Board, 2014, p.4). Later in CYPF, under the heading: 'Priority 2: Early intervention, prevention and diversion' (Welsh Government and Youth Justice Board, 2014, pp.12-15), a detailed outline of how diversion can be animated within a Welsh context is incorporated and for the first time there is mention of Triage and the Bureau Model as promising "mechanisms for diverting children and young people away from the youth justice system" (Welsh Government and Youth Justice Board, 2014, p.14). It is the Welsh Bureau Model of Youth Justice and specifically how it continues to function and perform that is central to the aims of this thesis. Therefore, in the following sections, the existing published academic literature relating to the performance of Welsh Bureaux will be examined. To date, the original Bureau Model (particularly in its pre-LASPOA, 2012 format) makes up most of this analysis and so will be subjected to particular examination.

Swansea: A City Intentionally Child-Focused in its Approach

Before reviewing existing studies into the impact and effectiveness of the Swansea Bureau Model, it is worth contextualising precisely why Wales and specifically Swansea became the setting for the emergence of the first Bureau Model of Youth Justice. It is important to understand that a rights-based approach towards children and young people in Swansea has been discernible since as early as 1998. The long tradition of rights work undertaken within Swansea has helped inform and drive forward Wales' macro-level commitment to the UNCRC (1989), prioritisation of youth participation and ambition to see children and young people in conflict with the law treated as 'children first, offenders second'. National level policy strategies – EE, AWYOS, CYPF - have then subsequently fed back into and reinforced localised practice within Swansea, in what has been a mutually beneficial and cyclical process. Although it is important to stress that geographically rights-based approaches have "been implemented unevenly across Wales" (Hoffman and McDonald, 2011, p.151) this cyclical-process has meant that Swansea has assumed a forerunner and pivotal role in pushing forward and piloting child-focused measures.

In practical terms, the Local Authority, police, social services and academic institutions have all committed to working in a collaborative and inter-agency manner to ensure that the rights and entitlements of 'all' local children and young people are upheld; whether they be situated inside or outside of the formal youth justice system. This joint-cooperation between different institutions and agencies has consequently provided a refreshing, constructive and essential platform for rights-based measures to be animated Swansea wide. For example, the 'tiered-approach model' (c.f. Hoffman and McDonald, 2011), a scheme predicated on rights, engagement and diversion, has been an important mechanism in tackling anti-social behaviour by children and young people within Swansea over a number of years and has benefited from local agencies working together. The example of the 'tiered-approach model' is significant, as traditionally united efforts have not always been the norm when institutions and agencies have joined forces in respect of children and young

people (especially when those children and young people are in conflict with the law). Pitts (1999) has argued that:

> "A feature of work with socially marginalised or emotionally deprived young people is the degree of conflict it can sometimes generate within professional workers. It can also do this within a team, an agency or between agencies."

(Pitts, 1999, p.95)

In policy and practice terms there have been a number of important steps taken since 1998 to work towards children and young people achieving their rights. The 'Swansea Children and Young People's Partnership' stated in 2011 that:

> "We will develop Swansea as a child and young person friendly place. To enable this to happen we will base our actions around the United Nations Convention on the Rights of the Child (UNCRC) so that we ensure that the rights of children and young people are upheld."

(City and County of Swansea, 2011, p.4)

Consolidating this vision, the City and County of Swansea agreed in September 2013 that the UNCRC (1989) should be implanted and become part of the Council's Policy Framework and that an obligation be put on the Cabinet to have 'due regard' to the Convention in:

- "The formulation of new policies or strategies for the Authority;
- The review or amendment of existing policies or strategies of the Authority;
- The development, confirmation, or amendment of operational decisions that rest within the remit of the Cabinet."

(City and County of Swansea, 2013, Agenda Item 8a)

More recently, the 'Children and Young People's Rights Scheme' (City and County of Swansea, 2014) has provided an outline of the arrangements the City and County of Swansea has put in place to illustrate how it intends to

demonstrate 'due regard' to the UNCRC (1989). Included in the document (p.9) are the steps they intend to take to monitor compliance. This includes, internally a 'children and young people monitoring group' working with Council officers to produce an 'annual progress report' to chart the level of 'due regard' displayed, as well as external assessment by the Swansea and Wales 'Observatory on Children Rights' based at Swansea University.

Significantly, the inter-agency partnerships that have developed between academics based at Swansea University and local stakeholders and agencies has been an integral component in validating and stimulating an evidenced rights-respecting agenda within Swansea (c.f. Case and Haines, 2004, Haines and Charles, 2010, Hoffman and McDonald, 2011, Haines et al. 2013, Charles and Haines, 2014). To this end, rights-based research carried out by researchers at Swansea University has occurred in conjunction with the Swansea YOS, South Wales Police (SWP), the SWP Police and Crime Commissioner (SWP-PCC) and local schools (amongst other organisations).

A rights-respecting process alone however, does not fully account for why Swansea has been so successful in developing the 'pioneer' Bureau Model, although as highlighted, Wales' and Swansea's rights-based emphasis has undoubtedly played a key role in informing and creating space for the Bureau Model to emerge. Additionally, Swansea YOS and its key agency-officers, in devising the Bureau Model, made a conscious attempt to reflect and embody the original stated intentions of the CDA (1998). The original intentions of the CDA (1998) legislation included: providing localised solutions to localised problems, utilising and strengthening multi-agency partnerships and working towards addressing the symptoms and impacts of crime (in relation both to the victim and the transgressor). Ultimately, through the mechanisms of the Swansea Bureau Model, arguably all three of these core legislative objectives have been enacted at an applied level, in a way that has been compatible with a rights-respecting agenda. That is not to discount the more deleterious elements of the CDA (1998) which have been discussed, but rather, to highlight that core ideals of localism, multi-agency partnerships and the prevention of

offending have been depicted through the Swansea Bureau Model in a way that is positive, non-criminalising, diversionary and child-focused.

The 'Pioneer' Bureau Model: Swansea's Children-First Model of Diversion in the Youth Justice System[27]

The Swansea Bureau Model of Youth Justice constitutes the pioneer Bureau Model within Wales, in large part, owing to Swansea's innovative and multi-agency approach to working with children and young people in conflict with the law. First set-up in in 2008/9, it was chiefly the product of a collaboration between SWP and the Swansea YOS[28]. The Swansea Bureau Model in its design gained inspiration and best practice from a variety of youth justice schemes and approaches - both past and present - including the Northampton JLB, European family orientated schemes and the Scottish Reporter System and was primarily developed as a localised and innovative solution to meeting the needs of local children and young people displaying offending behaviour (Haines and Charles, 2010, Haines et al. 2013). Significantly, in its workings, it possesses certain similarities with other existing youth justice mechanisms. For example, like the Referral Order, it encompasses contributions from children and young people, parents and carers and members of the public during its Panel. Crucially however, the Swansea Bureau Model is directed at the post-offence, but pre-court arena, whereas Referral Orders are designed to provide children and young people with opportunities post-sentencing to make amends for their offence, without having to enter into custody.

The 'Aims and Ambitions' of the Pre-LASPOA Swansea Bureau Model

The stated aims of the Swansea Bureau Model at its inception focused on the following key ambitions:

- "Diverting young people out of the formal processes of the youth justice system;
- Reducing the number of first-time entrants entering the youth justice system;
- Treating young offenders as 'children first, offenders second';

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[27] This overview of the Swansea Bureau Model focuses on its pre-LASPOA (2012) formulation.
[28] With assistance from other local agencies, such as social services and schools.

- Providing programmes to tackle the underlying causes of offending behaviour through the promotion of positive and pro-social behaviour."

(Swansea Youth Offending Service, 2010, p.2)

The aspiration of the Swansea Bureau Model from its inception has therefore been to couple diversion 'away from' prosecution, avoidable criminalisation and stigmatisation (Huizinga et al. 2003, McAra and McVie, 2007, White, 2017) with - where necessary - the utilisation of 'appropriate' forms of intervention. In pursuing this objective, a series of foundational principles were embedded within its workings. These included:

- Seeking to provide space for the treatment of children and young people as 'children first, offenders second';[29]
- Attempting to give young people (and their parents and carers) 'a voice';
- And endeavouring to make it possible for young people's entitlements and rights to be upheld; even when accounting for the views of the victim(s).

(Haines and Charles, 2010, Haines et al. 2013, Haines and Case, 2015)

The 'Procedural Mechanisms' Underpinning the Pre-LASPOA Swansea Bureau Model

Procedurally, prior to the enactment of LASPOA (2012), the Swansea Bureau Model was restricted to:

- FTEs aged between 10-17 years old, who had admitted involvement and guilt in an offence and who had committed a crime which fell between Offence Gravity Score (OGS) 1-3.[30]

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[29] In this respect, the Swansea Bureau Model reinforces Article 37 of the UNCRC (1989), which states that that there should be measures of dealing with children and young people in trouble with the law without immediate recourse to judicial proceedings and prosecution.
[30] Offences by young people aged 10-17 years old, pre-LASPOA (2012), were allocated an Offence Gravity Score (OGS); these ranged from 1 (low gravity) to 4 (high gravity) based on offence seriousness in accordance with ACPO (2009).

- In line with the fixed tariff set-out under the CDA (1998), disposal outcomes available at the culmination of the process included the: Reprimand, Final Warning and Prosecution. The Swansea Bureau Model also incorporated the Non-Criminal Disposal (NCD), a non-statutory and locally developed disposal aimed at offering a 'true form of diversion' (Haines and Charles, 2010).

The 'Five Stages' Encapsulated within the Pre-LASPOA (2012) Swansea Bureau Model

The Swansea Bureau Model across its original pre-LASPOA (2012) workings comprised of five distinctive stages, which *inter alia* catered for: child, parental and carer, victim and public contributions. The precise structure of each of these stages within its workings is outlined in Table 4 and Figure 2 (see Haines and Charles, 2010 and Haines et al. 2013, pp.6-8 for more detail):

Table 4: The 'Five Stages' of the Pre-LASPOA (2012) Swansea Bureau Model of Youth Justice.

1. Detention and Bailing to the Bureau: Subsequent to arrest, the child or young person on admission of their guilt is bailed by the SWP custody sergeant to participate in a Bureau Clinic, which occurs fortnightly. At the same time, the SWP custody sergeant alerts the Bureau administrator at the Swansea YOS of the referral by means of an F11 form, setting into motion a two-pronged appraisal; one involving the child or young person and any parents or custodians, and the other with the victim(s).

2. Appraising the Child or Young Person: The Bureau administrator proceeds to obtain information from local agencies and law enforcement (for example, schools, social services, police, etc.) concerning the circumstances surrounding the child or young person. A Swansea YOS pre-court team officer, having examined the information acquired from the various agencies, meets with the child or young person and conducts an 'assessment'. Subsequently, a report is compiled by the pre-court team officer incorporating both the views of the child or young person and relevant agencies, along with a reference as to what disposal or otherwise should be administered. Significantly, providing space for 'gaining the views' of children and young people early on in the Bureau process ascribes immediate importance to Article 12 of the UNCRC (1989).

3. Recognising the Victims Views/Restorative Action: If required by the victim(s), a victim support officer is on hand to meet with them to discuss the crime in question, any repercussions, and also if there are any possible restorative actions or reparations that can be enacted by the child or young person. The views of the victim(s) are then grafted into the existing Bureau report and if required they can be offered support interventions (in a similar manner to the child or young person). It is worth noting however, that the end 'outcome' for the child or young person is not dependent upon obtaining the agreement or approval of the victim(s) or any mistreated parties.

4. The Bureau Panel: Bureau Panel meetings are composed of a SWP police sergeant, the Bureau administrator and significantly a member of the public (a volunteer) who receives training to do the role - an aspect of the Bureau that shares similarities with how members of the public are utilised within the Scottish Reporter System. However, the Bureau Panel meeting does not include the child or young person, parents or carers or any victim(s). The Panel then discusses the 'Bureau report' and puts forward a temporary decision

regarding the child or young person in question.

5a. The Bureau Clinic: The final stage (frequently convened on the same day as the Bureau Panel) involves the Bureau Panel members, along with the child or young person and any parents or carers. At the Bureau Clinic, the SWP police sergeant begins by providing an overview of the offence in light of the Bureau report and highlights its repercussions in respect of the child or young person, as well as the parents or carers and victim(s). Room is then provided for both the child or young person and parents or carers to interpose with their own views and opinions regarding the offence. Ultimately, the end objective of the Bureau Clinic meeting is to reach a 'reciprocally established decision or outcome' for the child or young person. If the decision agreed is a Non-Criminal Disposal (NCD) then they are free to leave with no criminal record accrued; potentially mitigating the impact of labelling practices, whilst also helping to remove roadblocks to potential future positive outcomes such as educational attainment, an apprenticeship or employment opportunities.

b. Bureau Interventions accompany all Swansea Bureau Model disposals, but are voluntary, and have been developed with a clear and coherent foundation centred around notions of 'support' and 'assistance' as opposed to "unclear theoretical logic" (Mears et al. 2016, p.17) leading to excessive or aggressive forms of intervention that retributively work to punish or criminalise the child or young person. The types of interventions commonly utilised by the Swansea Bureau Model include anger management and substance misuse programmes, the Duke of Edinburgh's Award Scheme and social and recreational activities.

Figure 2: Pre-LASPOA (2012) Swansea Bureau Model Process Flowchart.
(As appeared in Haines et al. 2013, p.7)
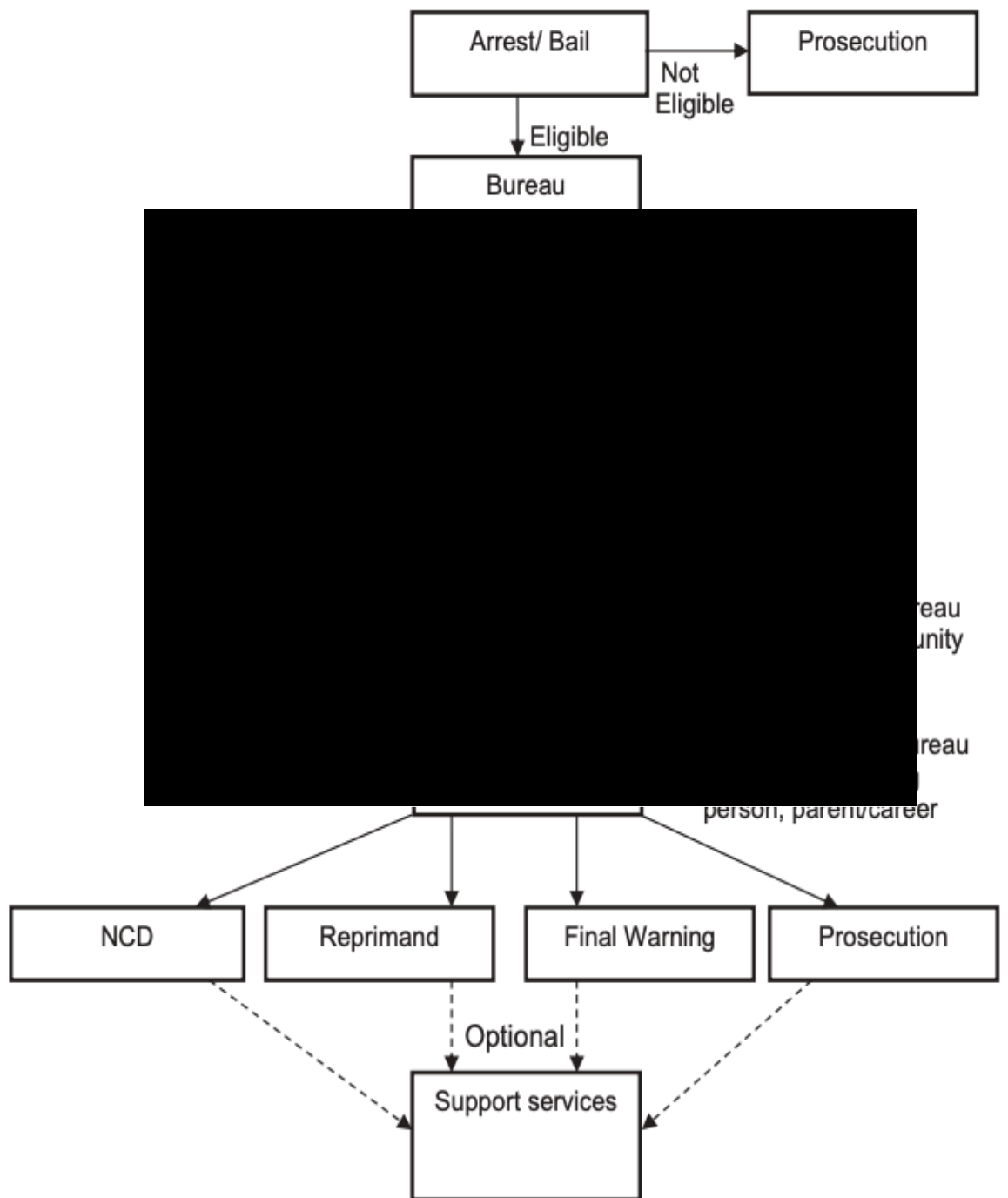
Existing Academic Studies into the Swansea Bureau Model

In respect of detailed mixed-methods studies into the performance of Welsh Bureaux, only the Swansea Bureau Model has been subjected to analysis within the existing published academic literature.

Quantitative Analysis

Researchers at Swansea University (Haines and Charles, 2010, Haines et al. 2013, Haines and Case, 2015) have since 2009 been evaluating the empirical effectiveness of the Swansea Bureau Model, predominately in respect of FTEs and re-arrest/conviction rates. Utilising secondary-data analysis of Swansea YOS figures (see Figure 3), the statistics suggest that following on from the introduction of the pre-LASPOA (2012) Swansea Bureau Model, the number of FTEs locally fell in 2009/10 from 289 to 159, in 2010/11 from 159 to 147, in 2011/2012 from 147 to 86, and in 2012/2013 from 86 to 75 (Haines and Case, 2015, pp.211-12).

Swansea FTEs : Year Ending March 2009-2013
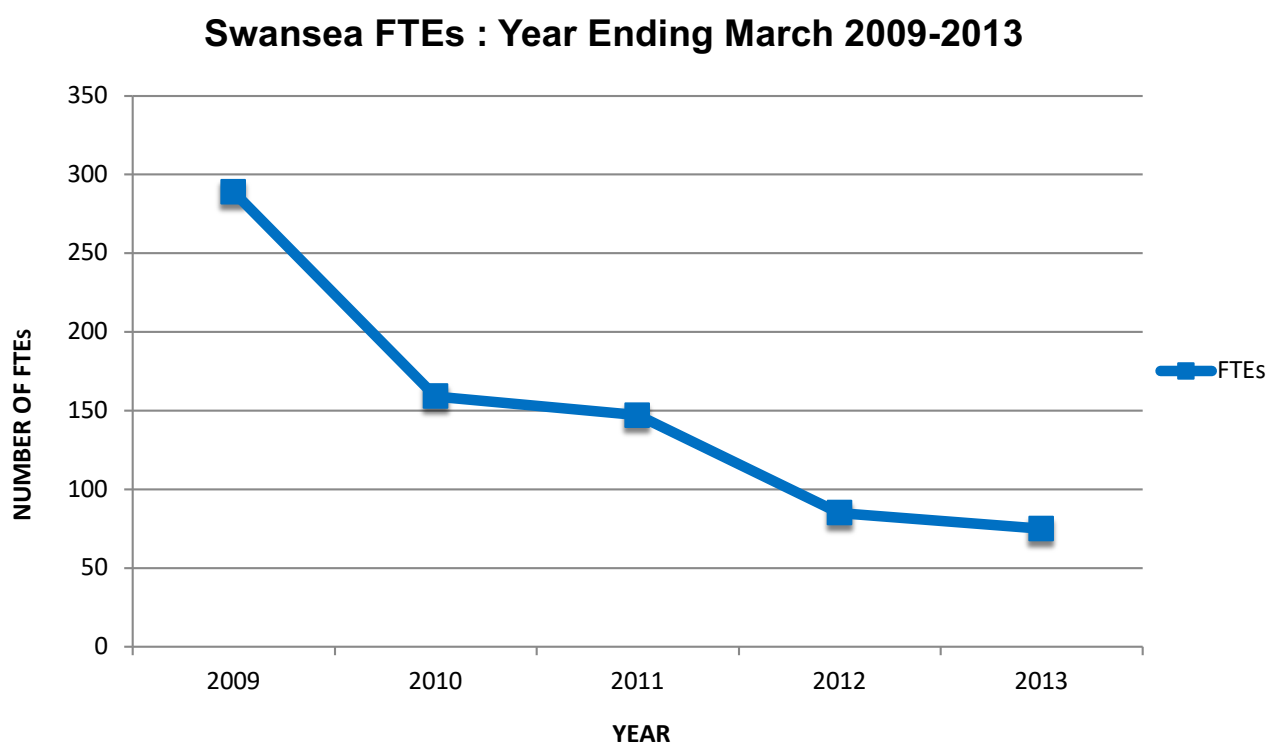
Figure 3: Swansea Number of First Time Entrants. Year Ending March 2009 to 2013.

However, as a means of more comprehensively scrutinising the relationship between the formulation of the pre-LASPOA (2012) workings of the Swansea Bureau Model and this reduction in number of FTEs, a further round of empirical analysis was pursued. This determined (see Figure 4) that the number of NCDs (the locally developed diversionary disposal with no formal criminal record accrued for the child or young person) being dispensed to forthcoming young entrants in the Swansea Bureau Model as a proportion of all disposals saw a year-on-year growth in percentage terms. In 2009/10 the number of NCDs dispensed was 110 (41% in comparison to 35% Reprimand, 12% Final Warning, 13% Prosecution), escalating significantly in the ensuing year to 123 (46%), reaching 152 in 2011/12 (64%); whilst in 2012/13 dipping in number to 147 (66%), but still making up the percentage majority of total disposals (Haines and Case, 2015, pp.213-14).
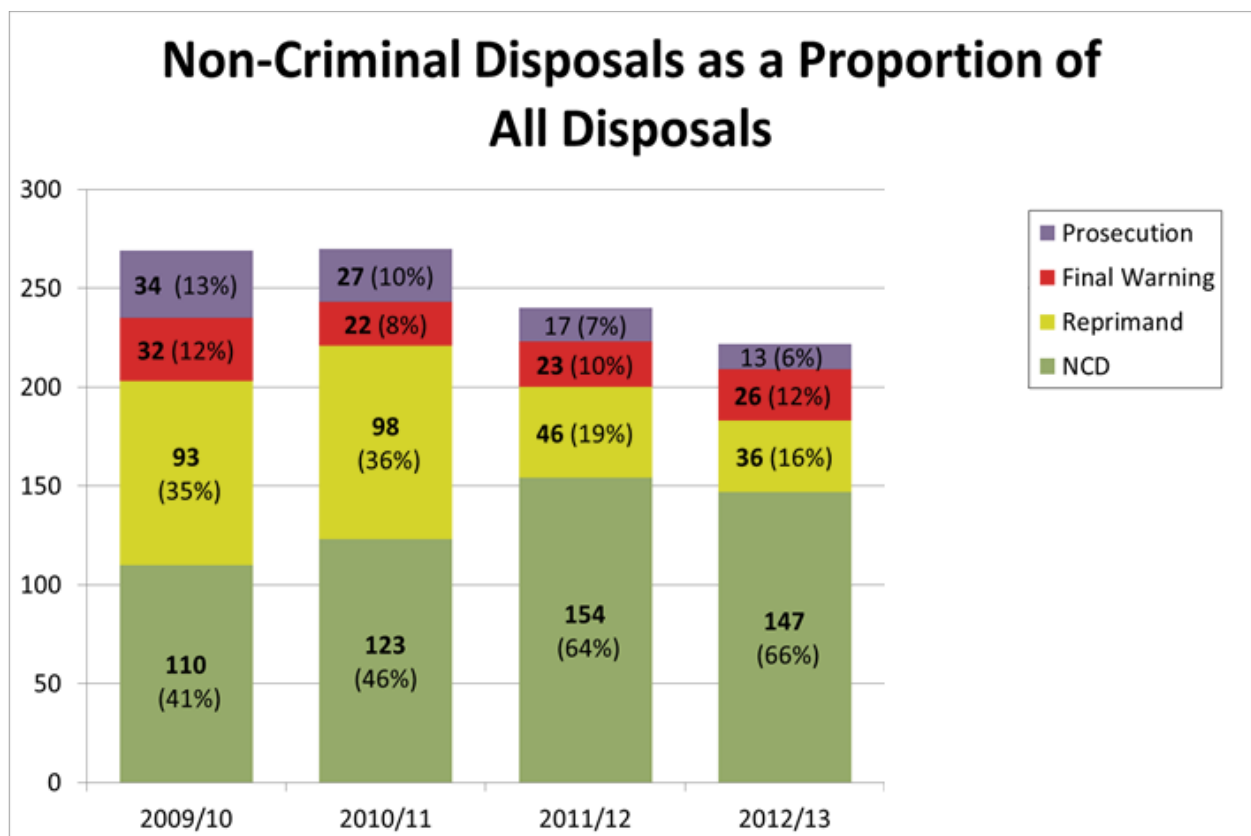
Figure: 4: Non-Criminal Disposals (NCDs) as a Proportion of All Swansea Bureau Model Disposals. Administered 2009/10 to 2012/13.

Equally, a comparably affirmative general pattern has been apparent when measuring obtainable data for NCDs and re-arrest/conviction rates. Analysis of the data, reflecting the period 2003–2013, indicates that lowest rates of reconviction in percentage terms have stemmed from NCDs, followed by Reprimands, then Final Warnings and lastly Prosecution (Haines and Charles, 2010, Haines et al. 2013).

Qualitative Analysis

In turning to qualitative analysis (pertaining exclusively to pre-LASPOA, 2012 operating practice) a series of semi-structured interviews were undertaken with key stakeholders to better understand why they believed the Swansea Bureau Model had made such a positive impression (particularly in statistical terms). Emerging from these interviews, credence was given to three crucial themes (see Haines and Charles, 2010, Haines et al. 2013 for more detailed analysis of each of these themes):

I.   Firstly, stakeholders drew attention to the way in which the Swansea Bureau Model embodies Article 12 of the UNCRC 1989 by allowing children and young people in conflict with the law to both meaningfully participate in proceedings and be heard during its workings.

II.   Secondly, stakeholders believed that the Swansea Bureau Model profited from pursuing a 'child-first' agenda (particularly in respect of interventions), as opposed to the retributive and authoritarian measures frequently promoted in respect of children and young people engaged with the youth justice system.

III.   Thirdly, stakeholders emphasised the vital function that parents and carers fulfil within the Swansea Bureau Model's workings and particularly the way in which parents and carers have frequently utilised the 'golden fortnight' (two-week duration of the process) to take measures to address their children's problematic behaviour.

Key Themes Identified within the Reviewed Literature

In light of the above analysis of the academic literature, certain key themes can be extrapolated. These themes centre on critical tensions concerning the way meaningful diversion processes can work in a youth justice context. Each of the below themes has direct implications for the methodological design to be pursued within the thesis.

Developing Insights into Youth Diversion Statistical Impact

The academic literature surveyed (Rutherford, 1989, Jones, 1989, Allen, 1991, Matthews, 1995, Haines and Drakeford, 1998, Smith, 2017) has highlighted that following on from criticisms of the welfare approach, the new-orthodoxy emerged as a powerful period in which systematic changes to practice resulted in reduced numbers of children and young people becoming embroiled in the formal juvenile justice system, succumbing to labelling practices, and entering into custody. The gains of this period were short lived however, and subsequently under the CDA (1998), a primary aim of 'preventing crime' via localised and multi-agency partnerships was hampered and distorted through the introduction of a number of punitive and control-based measures. For example, the CSO, the ASBO and the 'Offences Brought to Justice sanction detection target' at times worked to pursue not just the offending child or young person, but also those deemed to be 'at risk' or simply 'on the cusp' of criminality. It is therefore argued that such measures could work to 'escalate' rather than 'de-escalate' the trajectory of criminal outcomes for children and young people in conflict with (or equally outside of) the law.

More recently within the academic literature, attention has once again been paid to the negative effects of unnecessary criminalisation (Huizinga et al. 2003, McAra and McVie, 2007, White, 2017; although there have also been other catalysts for diversion's re-emergence) and consequently there has been something of a revival in the use of youth diversionary mechanisms (Smith, 2014). The Welsh Bureau Model has materialised as one such innovative mechanism and has increasingly been seen as holding much potential for

mitigating the impact of injurious labelling practices for children and young people in conflict with the law.

In empirical terms, the initial statistical indicators regarding the impact and effectiveness of Welsh Bureaux as a model for diverting and therefore reducing stigma and labelling practices appear encouraging. Crucially however, much of the available quantitative data that currently exists in the published academic literature predominately relates to the pre-LASPOA (2012) workings of specifically the Swansea Bureau Model. As such, the prevailing academic literature on Welsh Bureaux tells us little about the current or protracted statistical impact of Welsh Bureaux as a crime prevention strategy (especially outside of the geographical area of Swansea). It is therefore suggested that the post-LASPOA (2012) statistical impact of Welsh Bureaux (across different locations) lacks sufficient recognition and requires further analysis within this thesis.

Developing Understandings of How Practitioners View Youth Diversion Practice and Impact

The reviewed academic literature has also highlighted that at the height of the 1980s new-orthodoxy it was primarily practitioners through their appropriation of 'systems-management' techniques and a commitment to multi-agency working that proved influential to the cause of youth diversion (Telford and Santatzoglou, 2011). In a corresponding manner, the reviewed literature – particularly emanating from analysis of the pre-LASPOA (2012) Swansea Bureau Model – suggests that a joint-vision between youth offending services, police, social services, schools and partner agencies has been instrumental in the emergence of the Welsh Bureaux. This commitment to partnership and co-operation has been a crucial factor in animating diversion at a localised level in Wales and has provided valid grounds for optimism.

Nonetheless, it is the case that to date, agency-officer (professional) views have exclusively concentrated on the original pre-LASPOA (2012) Swansea Bureau

Model. Consequently, consideration of how Welsh Bureaux function has been restricted to a solitary geographical location and a relatively short time-frame (the years 2009-2013). As such, there is now an obligation to move beyond simply collecting the views of agency-officers who have engaged exclusively with the Swansea Bureau Model, to encompass a wider selection of agency-officers who have engaged with other Welsh Bureaux currently in operation. This, in turn, will allow for a greater understanding of how Welsh Bureaux operate within different contexts and geographical locations (e.g. via a system-mapping exercise). It will also offer an insight into how agency-officers facilitating diverse Bureau Models view their respective impact as youth crime prevention mechanisms.

Developing Understandings of How Children and Young People View Youth Diversion Practice and Impact

The literature examined has identified that risk-based and actuarial approaches to children and young people in conflict with the law constitutes a growing feature of youth justice practice (Baker, 2005). However, a clear deficiency resulting from the increasing reliance on 'technicised approaches' (Pitts, 2001b) has been that children and young people embroiled in the youth justice system have frequently found their voices and viewpoints delegitimised and their ability to actively partake in proceedings restricted (c.f. Webster et al. 2006, Case, 2007, Kemshall, 2008). This in turn has meant that the views and insights of children and young people involved in the youth justice system have routinely been relegated in favour of adult-centric modes of operating (Hart and Thompson, 2009). Likewise, the surveyed academic literature has highlighted a disturbing and analogous trend in which children and young people having come into contact with youth justice system are often then seen as being 'disqualified from' or considered 'unworthy of' key rights (Muncie, 2008, 2009, Thomas, 2009). Effectively this practice has led to a growing re-characterisation of children and young people in the youth justice system as principally 'offenders first'. That is to say, their status as a 'child' has been superseded by their label as an 'offender'.

In Wales however, something interesting and innovative has occurred post its devolution settlement. There has been a concentrated and purposeful quest to treat children and young people engaged in the youth justice system as 'children first and offenders second' (Haines and Case, 2015). Practically this means that children and young people who have committed offences are not deemed 'underserving of rights' or 'unworthy of rehabilitation', but instead, are seen as having privileges that are inalienable. Eschewing punitive models, diversion has become a key element of the Welsh government's approach to children and young people in conflict with the law (c.f. Children and Young People First, 2014). Practically the Swansea Bureau Model has embodied such an approach, with Evans et al. (2010) highlighting in respect of the original pre-LASPOA (2012) Swansea Bureau Model that:

> "A positive, child-rights and young person-focused methodology has been enshrined within the Bureau process. Distinctively, children are offered multiple opportunities to have their say about decisions made about them, how they think their behaviour should be dealt with and also to offer reflections on the impact of their actions on others."

(Evans et al. 2010, p.65)

As a seemingly rights-respecting model, the pre-LASPOA (2012) Swansea Bureau Model, in both its original formulation and foundational objectives, exhibits clear grounds for optimism in relation to how it caters for children and young people. However, these 'encouraging findings' are solely based upon data gained from stakeholder interviews, rather than from discussions with children and young people themselves. Consequently, previous research studies conducted into the pre-LASPOA (2012) Swansea Bureau Model arguably cannot be said to have sufficiently recognised the voices of children and young people within their research methodologies. As such, despite the participatory nature of the Swansea Bureau Model emphasised within the youth justice literature, as of yet, children and young people themselves have not been able to put on record their own observations or perceptions of its workings. This is similarly the case in respect of every other Welsh Bureaux, where to date, children and young people's views have not been collected and

recognised within the published academic literature. There is then, a clear paucity of available Welsh Bureaux academic research literature that shows the journey of the child through the process in the child's own words. Without rectifying this limitation, a comprehensive and ethically legitimate and rights-based evaluation of the impact and effectiveness of Welsh Bureaux remains lacking. The research design of this thesis will seek to rectify this shortcoming, through providing opportunities for children and young people to freely express their views on how they perceive the Welsh Bureaux process in a number of different locations. Significantly, adopting this methodological approach corresponds with the work of the 'new sociology of childhood' (James and Prout, 1998) which sees children and young people as the experts on their own lived experiences and best placed to inform processes and systems that engage with them on a daily basis. It also harmonises with Wales' broader post-devolutionary commitment to Article 12 of the UNCRC (1989) and other rights-based policies and legislative measures (see Chapter One).

Developing Understandings of How Parents and Carers View Youth Diversion Practice and Impact

The academic literature reviewed (Gelsthorpe, 1999, Drakeford and McCarthy, 2000, Goldson and Jamieson, 2005) has determined that the discourse towards parents and carers of children and young people in conflict with the law has been one that at times has characterised them as 'resisters', rather than 'willing partners' in rectifying their child's problematic behaviour. Underlying this narrative, there has at times been a crude assumption drawn by policymakers between the 'penalisation of parents' and the subsequent 'prevention of children's offending behaviour'. Yet, arguably, this highly reductionist approach has discounted wider structural and socio-economic factors that make many parents and carers of problematic children inherently vulnerable (Arthur, 2005).

Significantly however, published academic research into Welsh Bureaux relating to the workings of the pre-LASPOA (2012) Swansea Bureau Model has instead indicated that it works to assign power back to parents and carers, in line with Article 5 of the UNCRC (1989), which asserts that State Parties shall respect the responsibilities, rights and duties of parents. In doing so, it has been

suggested that It attempts to reverse the 'othering' of parents and carers to instead 'include' them as valued and appreciated constituents in remedying their children's offending behaviour. In this way, it appears that the pre-LASPOA (2012) Swansea Bureau Model seeks to be 'inclusive' rather than 'exclusive', in that it realises that parents and carers can 'benefit the cause' of rectifying their children's problematic behaviour, rather than being understood as 'part of the cause' of their children's problematic behaviour. Therefore, at the very heart of its workings the Swansea Bureau Model seemingly marks a strict departure from what has come before, where all too often "…parents are more important as a convenient political scapegoat than for any practical gains which might be brought about through focusing on them." (Drakeford and McCarthy, 2000, p.111). The Swansea Bureau Model can therefore be seen to support Arthur's (2005) assertion that:

> "The focus of parental involvement in delinquency cases should be on the treatment and rehabilitation of the child and on the parent's role in facilitating their child's development rather than punishing parents."

(Arthur, 2005, pp.233-234)

Yet it remains the case, in a similar manner to children and young people, that these 'encouraging findings' are solely based upon examination of the pre-LASPOA (2012) Swansea Bureau Model (and specifically data gained from stakeholder interviews, rather than from conversations with parents and carers themselves). As such, the explicit views and perspectives of parents and carers engaged with Welsh Bureaux are currently absent from the published academic literature. Consequently, for any comprehensive understanding of Welsh Bureaux to be achieved, it is suggested that the views of parents and carers who have engaged with Welsh Bureaux now need to be collected and subjected to fuller analysis.

Chapter Summary

The chapter initially sought to understand the reasons for why a new phase of diversion has emerged subsequent to the dissolution of what has been termed

the 'new youth justice' (Goldson, 2000). It was suggested that the arrival of a series of influential reports and policy strategies critical of the prevailing 'target culture' and numbers of children and young people entering into youth custody were influential in generating sizeable reductions in numbers of FTEs. It was further suggested that the austerity climate following on from the 2008 financial crash – as has historically been the case – served to further instigate diversionary activity, in line with an ambition of limiting the financial burden of placing children and young people in custody. Equally, it was noted that criminal justice pressure groups and research undertaken by academics also proved fruitful and influential in promoting the value of diversionary approaches. The chapter then proceeded to demonstrate how this new phase of diversion has been practically evidenced through a number of centralised and localised pre-court diversionary mechanisms. For example, via Triage, the Youth Restorative Disposal, the Youth Justice Liaison and Diversion pilot scheme, Durham Pre-Remand Disposal, Cheshire DIVERT scheme and Hants Youth Community Court Programme.

Subsequently, attention turned to the potential of 'devolutionary-diversion' and specifically how a distinctive form of youth diversion has emerged in the context of Wales' post devolution emphasis on promoting the rights and entitlements for 'all' children and young people (both in and outside of the formal youth justice system). The Bureau Model of Youth Justice was highlighted as a scheme that embodies this form of 'dragonised' diversion. Existing research studies into Welsh Bureaux (and specifically the Swansea Bureau Model) were then discussed, before the chapter concluded by highlighting limitations and gaps in knowledge that require addressing within the methodological component of the thesis. Here, although acknowledging the 'clear potential' of Welsh Bureaux, a number of gaps relating to their impacts were identified. For example, the need for greater understanding of system-processes post the implementation of LASPOA (2012), a longer-term analysis of their statistical impact, and the requirement for children and young people and parents and carers voices to be afforded specific attention. Building on the reviewed literature, Chapter Four seeks to justify and outline the methodological approach adopted in the thesis.

Chapter Four
The Methodological Design

Introduction

Reflecting upon the themes examined within the reviewed academic literature, the chapter sets out to provide a detailed and robust justification for the methodological framework adopted. It begins with an overview of why the research questions have been chosen and how they then translate into the design of the study, before proceeding to discuss in depth the data-collection tools adopted and the sampling framework assumed. It then considers ethical issues, with a specific focus on not just traditional principles, such as informed consent, confidentiality and minimising harm to participants, but also on the rights-based necessity of hearing from children and young people engaged with the youth justice system. Finally, the procedures for analysing both quantitative and qualitative data emanating from the research are discussed.

Recapping the Key Themes Examined in the Literature

The academic literature examined within this study has identified a number of distinctive themes and subsequent 'gaps in knowledge' in regard to the workings of Welsh Bureaux. The precise nature of these themes and the way in which they relate to the research questions selected will now be explored more fully.

The Necessity for Greater Empirical Examination of Welsh Bureaux

The published academic literature examined in this thesis in respect of Welsh Bureaux has indicated that in quantitative terms they constitute a 'promising mechanism' for diverting children and young people away from the formal processes of the youth justice system.

However, this favourable reading of the impact of Welsh Bureaux has arguably been based on limited examination of statistical data emerging primarily from the Swansea Bureau Model (Haines and Charles, 2010, Haines et al. 2013, Haines and Case, 2015). Here, the data subjected to analysis has predominately related to the pre-LASPOA (2012) formulation of the Swansea Bureau Model and is therefore largely outdated. Consequently, the existing Welsh Bureaux academic literature tells us little about the current or longer-term statistical impact and effectiveness of Welsh Bureaux as a crime prevention strategy (especially more widely). This is especially the case in light of LASPOA (2012) modifications to youth justice practice which have significantly altered how Welsh Bureaux function. Ultimately, it is contended that the post-LASPOA (2012) statistical impact of Welsh Bureaux remains patchy and incomplete and is therefore in need of further and more sustained examination.

The Necessity of Hearing Directly from Children and Young People Engaged with Welsh Bureaux

The academic literature examined in this thesis (Webster et al. 2006, Case, 2007, Kemshall, 2008, Haines and Case, 2011) has identified that there is a growing body of evidence that children and young people engaged with the youth justice system have increasingly found themselves marginalised through the hegemony of reductionist and risk-orientated practices. It has been argued that the administrative character of much youth justice practice has subsequently led to children and young people's voices routinely becoming relegated, whilst their ability to contribute and feed into youth justice processes has correspondingly been constrained (Hart and Thompson, 2009, Creaney, 2014). Article 40 of the UNCRC (1989; see also Kilkelly, 2011) makes clear that: "Children who are accused of breaking the law have the right to legal help and fair treatment in a justice system that respects their rights" (Article 40, UNCRC, 1989). Yet analysis of the academic literature (CRC, 2008, 2016, Muncie, 2008, 2009b) has highlighted that there are still many instances where children and young people's rights have been removed or de-valued as a consequence of their coming into contact with the youth justice system. In

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Wales however, there has been a deliberate attempt (although there remain shortcomings and areas of weakness[31]) to find ways of engaging more positively with children and young people who have displayed offending behaviour (Gray, 2016). Specifically, a localised and multi-agency approach, enthused by a broader Welsh policy commitment to enhancing the rights and entitlements of all children and young people (Drakeford, 2010, Muncie, 2011), has laid the groundwork in Swansea for the emergence of the Bureau Model of Youth Justice.

Emphasising the importance of rights, a key stated aim of the original Swansea Bureau Model, was to ensure that the voices and viewpoints of children and young people in conflict with the law were recognised and opportunities were provided for their active participation in proceedings. The Swansea Bureau Model has therefore sought to affirm the validity of Article 40 of the UNCRC (1989) and its directive that children and young people who display offending behaviour – even when accounting for their crimes – remain in possession of inalienable rights (Swansea YOS, 2010, p.2), or perhaps more accurately 'foundational rights' (Hollingsworth, 2013). Nonetheless, in spite of promising rights-based intentions being woven into the genesis of the Swansea Bureau Model, the published academic research literature examined has revealed that thus far the personal views and experiences of children and young people who have engaged with Welsh Bureaux remains entirely absent from the published academic literature.

It is contended therefore that the current paucity of children and young people's views concerning the workings of Welsh Bureaux constitutes a 'clear and worrying gap' in the existing youth diversionary and Bureaux literature. Put simply, for those children and young people who have engaged with a Welsh Bureaux and stopped offending, there is currently no clear understanding of the reasons for their non-recidivism. Equally, there is also a lack of understanding concerning the reasons for why certain children and young people continue to re-offend, following on from their involvement with Welsh Bureaux. Furthermore,

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[31] See Brown, A. (2015). Juvenile Justice. In R. Croke and J. Williams (Eds) *Wales UNCRC Monitoring Group Report to the United Nations Committee on the Rights of the Child*. Swansea: Swansea University.

the strengths and limitations of Welsh Bureaux from the perspective of children and young people have similarly not been recorded or documented in sufficient detail.

The Necessity of Hearing Directly from Parents and Carers Engaged with Welsh Bureaux

The academic research literature examined has highlighted the perceived importance of parental and carer participation in the effective functioning of Welsh Bureaux. Haines and Charles (2010) and Haines et al. (2013) analysis of the pre-LASPOA (2012) Swansea Bureau Model found that parental and carer responsibility and engagement was considered by stakeholders to be an integral element in delivering many of the successful outcomes experienced by the children and young people who had transitioned through the process. Endorsing the vital role played by parents and carers within the pre-LASPOA (2012) Swansea Bureau Model, Haines et al. (2013) determined that:

> "The suggestion is that by encouraging parents to take a central position in responding to the behaviour of their children and responsibility for future actions and behaviour, the role of the parent has become a key element in the reduction of re-arrest/conviction."

> (Haines et al. 2013, p.18)

Yet, despite the acknowledged importance of parents and carers roles within the workings of the original Swansea Bureau Model (and concomitantly Article 5 of the UNCRC, 1989)[32], their views remain unregistered in the published academic literature on Welsh Bureaux. There is then no comprehensive and clear understanding from the perspective of parents and carers of how, if it all,

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[32] Article 5 of the UNCRC 1989 states that: "Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly…The Convention does not take responsibility for children away from their parents and give more authority to governments. It does place on governments the responsibility to protect and assist families in fulfilling their essential role as nurturers of children."

Welsh Bureaux work to meet their needs and assist and support them in rectifying their children's offending behaviour.

This limitation in the research is afforded added significance when considering the wider youth justice literature examined within this thesis (Drakeford and McCarthy, 2000, Goldson and Jamieson, 2002, Arthur, 2005, Evans, 2012) which emphasises that parents and carers have at times found themselves disenfranchised from the youth justice process and labelled as part of the problem, rather than part of the solution to their children's offending behaviour. Therefore, in constructing the research question(s) for this study it was considered that to overlook their specific views would only serve to reinforce prevailing misconceptions concerning the role of parents and carers of children and young people who display offending behaviour. That is to say, it would serve to maintain their marginalisation and would also serve to rule out further and deeper exploration of what the literature considers to be a key 'trigger' or 'dynamic' in the production of positive outcomes for children and young people who have engaged with Welsh Bureaux.

The Necessity of Hearing Directly from Agency-Officers Engaged with Welsh Bureaux

The wider literature on youth diversion examined within this study has illustrated the powerful role that stakeholders and practitioners played in driving forward the new-orthodoxy gains of the 1980s, via a combination of 'systems-management' techniques and multi-agency working (Telford and Santatzoglou, 2011). The local landscape in Wales has similarly seen key stakeholders and agency-officers – post devolution - push forward a progressive and multi-agency approach to working with children and young people in conflict with the law in order to develop innovative and positive initiatives such as the Bureau Model of Youth Justice.

Here, the existing academic literature documenting the viewpoints of stakeholders and agency-officers regarding Welsh Bureaux has focused on a single Bureau Model – the original Swansea formulation. Specifically, agency-

officers were asked as part of Haines and Charles (2010, pp.15-20) and Haines et al. 2013 (pp.14-18) studies why they considered the Swansea Bureau Model had made an impact. A number of clear themes emerged, including that it 'animates the Welsh policy context', that it pursues a 'children first, offender second' ethos, and that it promotes 'parental responsibility and engagement'. However, as explained, stakeholder and agency-officer views have exclusively focused on the original pre-LASPOA (2012) Swansea Bureau Model.

Consequently, understandings of how Welsh Bureaux function have been limited to a single geographical location and a narrow time-frame (2009-2013). Accordingly, there is now a requirement to move beyond simply collecting the views of stakeholders and agency-officers who have engaged with the Swansea Bureau Model, to encompass a wider selection of stakeholders and agency-officers who facilitate other Welsh Bureaux. The benefits of including stakeholder and agency-officer views across 'a number' of Welsh Bureaux locations will be twofold. Firstly, it will allow for Welsh Bureaux operating across different contexts and geographical locations to be system-mapped in detail; thereby, allowing the working structure of each (and any differences in operation) to be fully documented. Significantly, part of this process will necessitate understanding how recent legislation such as the Legal Aid Sentencing and Punishment of Offenders Act (LASPOA, 2012) has impacted upon the structural workings of Welsh Bureaux (Youth Justice Board, 2012, Hart, 2012). Secondly, it will give stakeholders and agency-officers an opportunity to talk more broadly and thematically about how they view the diversionary impact of their respective Bureau Model (that is to say, moving beyond a linear discussion of technical details such as structure and process).

The Research Questions

Versions of the Bureau Model currently operate throughout Wales[33], encompassing northern, southern, western and eastern parts of the country. For

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[33] Versions of the Bureau Model currently function in Wales exclusively and operate in Swansea, Bridgend, Caerphilly and Blaenau Gwent, Gwynedd and Ynys Mon, Carmarthenshire,

the purposes of this thesis, and in order to adequately address the above limitations in the existing academic literature, a single Welsh youth justice region (which will be referred to as Welsh Town) that facilitates three individual Bureau Models (which will be referred to as Area One, Area Two and Area Three Youth Crime Diversion Models) were selected as fieldwork sites for analysis for the below research heading and sub-themes (1-4).

Title:

Understanding the Multiple Impacts of Welsh Town's Youth Crime Diversion Models in Three Areas.

Sub-Themes:

1. What is the structure/ operation/ and underpinning rationale of Welsh Town's Youth Crime Diversion Models (in Area One, Area Two and Area Three) and how do agency-officers[34] view their impact as youth crime prevention models?

2. To what extent do officially recorded statistical outcomes (relating to Area One, Area Two, Area Three, and the Welsh Town region) suggest that Welsh Town's Youth Crime Diversion Model is effective in reducing youth crime?

3. To what extent do children and young people who have engaged with Welsh Town's Youth Crime Diversion Models (in Area, One, Area Two and Area Three) believe it has met their needs?

4. To what extent do parents and carers believe that Welsh Town's Youth Crime Diversion Models (in Area One, Area Two and Area Three) has enabled family interaction in the youth justice system and assisted them in addressing their children's offending behaviour?

Merthyr, Monmouthshire Torfaen, Neath Port Talbot, Newport, Rhondda Cynon Taff, Powys and Pembrokeshire and Cwm Taff (Haines and Case, 2015).
[34] The term 'agency-officer' encompasses: YOS practitioners/ social workers; police officers; victim workers; reparation officer and volunteers. All of whom feed into the Youth Crime Diversion Model in each of Welsh Town's three areas.

The Research Design

A 'Mixed-Methods' Strategy

The study adopts a 'mixed-methods' or 'multi-strategy' (Mertens, 2005, Bergman, 2008, Creswell, 2009, Tashakkori and Teddlie, 2011, Creswell, 2015) research design, due to the fact that the data-collection tools employed reflect both quantitative (secondary data-analysis of existing data-sets) and qualitative (non-participant observations/semi-structured interviewing) research paradigms. A mixed-methods approach utilising both quantitative and qualitative data-collection tools and incorporating both fixed and flexible design characteristics (Robson and McCartan, 2016) was fundamental to adequately answering the research question(s) posed within the thesis. Here, mixed-methods studies have regularly been adopted in youth justice settings (c.f. Abrams et al. 2008, YJB, 2010, Meek, 2012, Haines et al. 2013, Hall, 2013, Lanskey, 2014).

Social science research is always underpinned by particular ontological and epistemological assumptions which inform and correspond with the particular research design and methods adopted (Scotland, 2012). Here, drawing on the criminological research of Feilzer (2010) into the 'Crime Scene Study', 'pragmatism' was seen as being a suitable and appropriate foundational paradigm to inform the research. According to Punch (2014):

> "Pragmatism is not the only philosophy or paradigm associated with mixed methods research, but it is the main one…the essential idea of pragmatism [is to focus on] 'what works' in getting research questions answered."

> (Punch, 2014, p.304)

Feilzer meanwhile has emphasised the applied significance of the approach, stating that:

"pragmatism as a research paradigm supports the use of a mix of different research methods…while being guided primarily by the researcher's desire to produce socially useful knowledge."

(Feilzer, 2010, p.6)
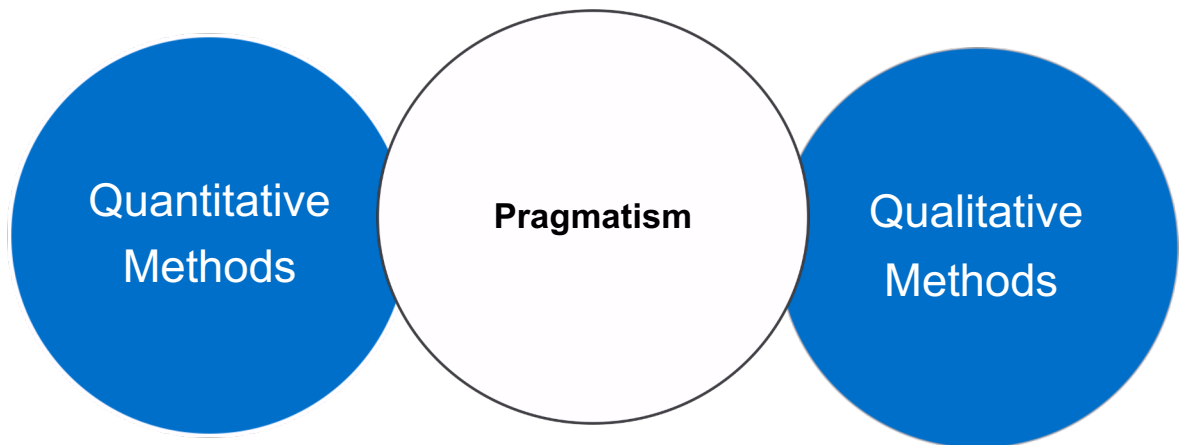
Figure 5: Achieving 'Pragmatism' via a Mixed-Methods Design.

A desire to achieve 'pragmatism' therefore formed the principal rationale behind employing a mixed-methods approach within the study. As Creswell (2015) has stated:

"…there is a general rationale for using mixed methods in a study. It is appropriate to use mixed methods when the use of quantitative research or qualitative research alone is insufficient for gaining an understanding of the problem."

(Creswell, 2015, p.15)

In evaluating a practical model such as Welsh Town's Youth Crime Diversion Model (across three areas) there is clearly both a 'positivist' and 'interpretivist'

dimension to its functioning and performance. The 'positivist' dimension, relating to its empirical success as a diversionary mechanism, necessitates a quantitative approach. Whereas the 'interpretivist' dimension, relating to the lived experiences and emotions of those individuals who participate in its workings requires a qualitative approach. To neglect one or the other of these dimensions would have resulted in key dynamics underpinning Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three remaining unregistered. Therefore, reflecting the mixed-methods construction of the study, both philosophical traditions or paradigms (qualitative and quantitative) were actively engaged within the research design in line with a 'pragmatic' approach.

Qualitative Aspects of the Research Design

A qualitative approach was utilised in both the first and third phases of the fieldwork.

The First Phase

A qualitative approach to data-collection was utilised on two separate occasions during the first phase system-mapping component of the fieldwork. Specifically:

1. **Non-participant observations**[35] were employed (relating to sub-theme one) in order to specifically understand technically and procedurally how the Youth Crime Diversion Model 'Panel'[36] functioned in Area One, Area Two and Area Three.

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[35]'All non-participant observations' were solely undertaken to understand in procedural terms how Welsh Town's Youth Crime Diversion Model Panel functioned in each of the three areas. They did not involve any form of interaction or dialogue with individuals present and in every instance all members present at the Youth Crime Diversion Model Panel were asked if they were happy to be observed, prior to any observations taking place.

[36] The Youth Crime Diversion Model Panel constitutes arguably the key stage within the workings of the Welsh Town Youth Crime Diversion Model.

2. **Semi-structured interviews** were employed (relating to sub-theme one) to collect the views of agency-officers facilitating Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three. Interviewing a variety of agency-officers responsible for overseeing the three models was fundamental to understanding technically and procedurally their job function within each of the three Youth Crime Diversion Models and how they operated. It was also necessary to ascertain more thematically how agency-officers viewed each of the model's respective impacts (both positively and negatively) as youth crime prevention mechanisms.

The Third Phase

A qualitative approach was also utilised in the third phase of the fieldwork. Specifically:

1. Further **non-participant observations** of Youth Crime Diversion Model Panels (relating to sub-theme one) were carried out across the three areas. Here, as part of the third phase of the fieldwork, an opportunity arose for further non-participant observations to be undertaken prior to interviewing the children and young people and their parents and carers. These additional observations helped supplement those undertaken in the first phase system-mapping element of the research.

2. **Semi-structured interviews** (relating to sub-themes three and four) were employed to collect the views of children and young people and parents and carers who had engaged with each of the three Youth Crime Diversion Models.

Figure 6 diagram contents:

Qualitative Approach

Interpretivist Focus

Semi-Structured Interviews

Phase One: Employed during the system-mapping exercise to gather agency-officer's views relating to their job function and technical/procedural underpinnings of each of the three Welsh Town Youth Crime Diversion Models; but also, to determine more broadly/thematically how agency-officers view their 'impact' as youth crime prevention models.

Phase-Three: Employed to collect the views of:
- Children/Young People
- Parents and Carers

Non-Participant Observations

Phase One and Three: Employed during the system-mapping exercise. Additionally, prior to interviews with C/YP/P&C to understand how the Welsh Town Youth Crime Diversion Model Panel functions in each of the three areas.

Figure 6: Qualitative Stream within the Mixed-Methods Design.

Quantitative Aspects of the Research Design

The Second Phase

A quantitative approach to data-collection (sub-theme two), in the form of secondary-data analysis, was used to accurately gauge the statistical and

empirical effectiveness of Welsh Town's Youth Crime Diversion Models in Area One, Area Two, Area Three and the Welsh Town region.
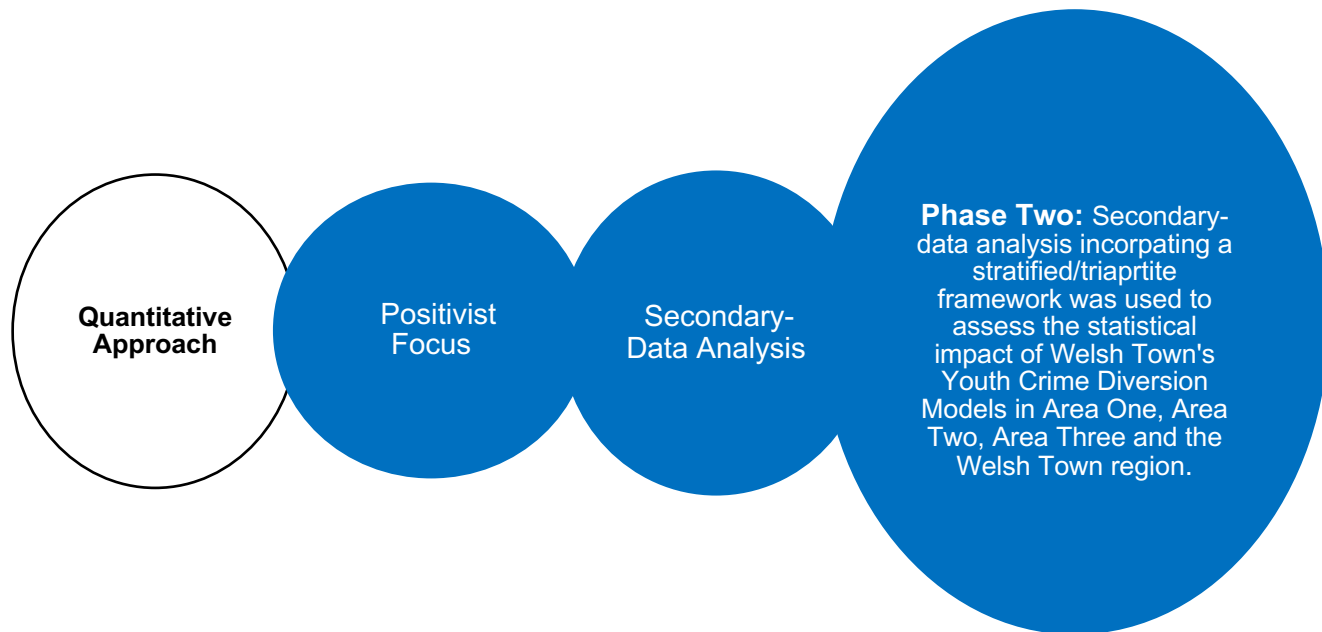
Figure 7: Quantitative Stream within the Mixed-Methods Design.

The 'Order and Prominence' of Qualitative and Quantitative Elements

In designing the fieldwork component, consideration was given to the 'order and prominence' of these respective qualitative and quantitative aspects (Brannen, 2005). A **qualitative > quantitative > qualitative** approach was assumed, which can be broken down into the following three stages or work packages (see Table 5).

<u>The First Phase</u>

The first phase of fieldwork took the form of a system-mapping exercise. This process was undertaken to better understand the structure, operation and underpinning rationale of Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three. Concurrently, it also allowed agency-officers in each of the three Youth Crime Diversion Models to explain in their own words

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thematically how they viewed the 'impact' of each in terms of crime prevention. To achieve this objective, two qualitative data-collection instruments were engaged:

a. **Non-participant observations** were undertaken in order to understand technically how the Welsh Town Youth Crime Diversion Model Panel functioned in the three areas. This was seen as important as the Panel is the cornerstone of the Youth Crime Diversion Model process and involves contributions from professionals and service users. Additionally, it is also the point at which the disposal decision (and any interventions, reparations or restorative packages) are agreed upon and delivered to the child or young person.

b. **Semi-structured interviews** were undertaken with agency-officers to gain a comprehensive overview of their specific job function and the technical and procedural aspects underpinning Welsh Town's Youth Crime Diversion Models in each area. Concurrently, these interviews also allowed agency-officers to discuss thematically each model's respective 'impacts' (both positively and negatively) as youth crime prevention mechanisms. The agency-officer sample comprised of YOS practitioners and social workers, YOS police officers; victim workers, volunteers and a reparation officer.

The Second Phase

The second phase of the fieldwork involved a 'tripartite' statistical examination of youth justice data-trends at an England and Wales, Wales and Welsh Town level. A 'stratified' approach incorporating these three distinct layers of secondary statistical analysis was considered appropriate in order to provide sufficient statistical contextualisation of where exactly data pertaining to Welsh Town's Youth Crime Diversion Models in Area One, Area Two, Area Three and the Welsh Town region resided in relation to broader statistical youth justice

trends occurring in both England and Wales and Wales respectively. By adopting this approach, the statistical performance of Welsh Town's three Youth Crime Diversion Models and the Welsh Town region could be more fully pinpointed; as opposed to a narrow and restricted focus on locality data without recourse to broader patterns and shifts occurring in youth justice data over an extended time-frame.

<u>The Third Phase</u>

The third phase of the fieldwork involved the qualitative semi-structured interviewing of children and young people and parents and carers. As both groups are strongly invested in Welsh Town's Youth Crime Diversion Model in each of the three areas, acknowledging their views was extremely important. They were interviewed immediately following on from their appearance at the Youth Crime Diversion Model Panel at the police station. Additionally, an opportunity arose to undertake further non-participant observations of Youth Crime Diversion Model Panels across the three areas, which supplemented those undertaken in the first phase system-mapping exercise. In total 24 non-participant observations were undertaken during the course of the fieldwork.

Table 5: Sequence, Ordering and Purpose of the Data-collection Tools used within the Fieldwork. (Table adapted from Brannen, 2005, p.16).

Instrument	Sequence	Prominence/ Weighting	Purpose
Non-Participant Observations	**First and Third** data-collection method used within the study.	**Supplementary** data-collection method.	Non-participant observations allowed for a first-hand understanding of how the Welsh Town Youth Crime Diversion Model Panel functioned in each of the three areas. They were initially undertaken as part of the system-mapping exercise. A further opportunity then arose to undertake additional observations prior to interviews taking place with children and young people and parents and carers.

Secondary Data-Analysis	**Second** data-collection method utilised within the study.	**Supplementary** data-collection method.	Secondary-data analysis incorporated a 'tripartite' examination of youth justice data-trends at an England and Wales, Wales and Welsh Town level. 1. **First Layer of Analysis:** England and Wales 2. **Second Layer of Analysis:** Wales 3. **Third Layer of Analysis:** Welsh Town Adopting a 'stratified' approach allowed sufficient statistical contextualisation of where data pertaining to Welsh Town's Youth Crime Diversion Model in Area One, Area Two, Area Three and the Welsh Town region performance resides in relation to broader statistical trends occurring in both England and Wales and Wales respectively.

Semi-structured Interviewing	**First and Third** data-collection method used within the study.	**Principal** data-collection method.	Semi-structured interviews were employed to assist with:
			
			A. The system-mapping exercise and specifically to collect agency-officer's views relating to procedural/technical aspects of the three Welsh Town Youth Crime Diversion Models. As well as to gain agency-officer's views more broadly/thematically on the respective 'impact' of each model in relation to youth crime prevention.
			
			B. Collecting the views of:
			   ▪ The children and young people
			   ▪ The parents and carers

Data-Collection Tools Employed

Secondary Data-Analysis

A key ambition of Welsh Town's Youth Crime Diversion Models operating in Area One, Area Two and Area Three centres on achieving reductions in numbers of youth First Time Entrants (FTEs) and correspondingly reductions in offending behaviour. Any legitimate examination of Welsh Town's Youth Crime

Diversion Models must therefore possess a distinct statistical component. In acknowledging this fact and settling upon a framework for the quantitative aspect of the fieldwork, it was decided that pursuing a 'tripartite' examination of youth justice data-trends at an England and Wales, Wales and Welsh Town level would be most appropriate. A 'stratified' approach incorporating these three distinct layers of secondary statistical analysis was considered necessary in order to provide sufficient statistical contextualisation of where Welsh Town Youth Crime Diversion Model performance resides in relation to broader statistical youth justice trends occurring in both England and Wales and Wales respectively. Put another way, it was seen as important not to reduce the scope of secondary analysis to simply a confined and localised analysis of Welsh Town data, but instead, to understand how Welsh Town and its Youth Crime Diversion Models have performed when set against broader youth justice trends experienced over the last decade.

Semi-Structured Interviews

The Children and Young People*:* In considering the most suitable research tool for gaining the views and perspectives of children and young people contained within the sample, a constructivist and interpretivist rather than positivist approach to data-collection was seen as being most advantageous. Rubin and Babbie (2009) make clear that for the interpretivist researcher:

> "The best way to learn about people is to be flexible and subjective in one's approach so that the subject's world can be "seen" through the subject's own eyes. It is not enough to simply measure the subject's external behaviours or questionnaire answers. The subjective meanings and social contexts of an individual's words or deeds must be examined more deeply."

> (Rubin and Babbie, 2009, p.37)

In acknowledging the work of the 'new sociology of childhood'[37] (Alanen, 1988, James and Prout, 1990, Jenks, 1992, Qvortrup et al. 1994, Swauger et al.

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[37] For detailed overviews of the core contentions of the 'new sociology of childhood' see Matthews, S. H. (2007). A Window on the 'New' Sociology of Childhood. *Sociology Compass,* 1,

2017) the objective was to understand Welsh Town's Youth Crime Diversion Models in each of three areas through the eyes of the children and young people, rather than exclusively from an adult perspective. James and Prout (2015), key proponents of the 'new sociology of childhood', have recently reiterated that:

> "All those engaged in in the making of a new sociology of childhood have, almost by definition, a commitment to children's social relationships and cultures as 'worthy of study in their own right.'"

(James and Prout, 2015, p.xv)

In working towards this aim, the semi-structured interview was considered the most beneficial data-collection tool. A preliminary reason for employing semi-structured interviews centred on the fact that they afforded the child or young person being interviewed a large amount of self-determination and autonomy in how they chose to respond to questions. Bryman (2012) emphasises this point when stating that in a semi-structured interview: "the interviewee has a great deal of leeway in how to reply" (Bryman, 2012, p.471). Conversely, utilising a reductionist-based method such as a questionnaire or survey, in which the line of questioning tends to be more closed and rigid, may well have worked to restrict or impede the scope of the children and young people's answers. This would have placed an unhelpful and unnecessary filter on their contributions (May, 2001). Consequently, it was determined that through employing qualitative semi-structured interviews the rigid boundaries implicit in more structured approaches could be intentionally circumvented, to instead allow space for the children and young people to comment on the model in their own unique way and on their own terms. Without employing this type of approach to data-collection it would have been very difficult to gain a contextually rich and holistic picture of the children and young people's perspectives relating to the workings of the model.

1, pp. 322–334 and Moran-Ellis, J. (2010). Reflections on the Sociology of Childhood in the UK. *Current Sociology*, 58, 2, pp.186-205.

Relatedly, the issue of 'adult-child power imbalances' (Mandell, 1988, Morrow and Richards, 1996, Mauthner, 1997) is a re-occurring methodological concern in research with children and young people. As Mauthner (1997) has argued, an appropriate way of balancing 'power relations' between researcher and child is to:

> "…allow children to set their own agendas and talk about their daily lives and views". To do this successfully she maintains, requires "…adopting a flexible approach during the interview."

(Mauthner, 1997, p.20)

Accordingly, embracing semi-structured interviewing was seen as a method for diluting adult-held power, as its use went someway to affording the children and young people in the study parity with myself (the researcher) in respect of verbal exchange. That is to say, rather than simply responding in a regimented fashion to a set of closed questions posed by an all-powerful adult researcher, the ductile arrangement of the semi-structured interview meant that a child or young person could more easily manoeuvre or shape the interview towards areas that they regarded to be most important and worthy of discussion. Offredy and Vickers (2010) have written that:

> "Within a semi-structured interview; the interviewer and the interviewee are equal partners…the interviewer knows the areas that he/she wants to cover, but allows the interviewee the options of going down a different path and exploring alternative thoughts and feelings."

(Offredy and Vickers, 2010, p.165)

Qualitative semi-structured interviewing constituted a more personal data-collection tool than surveys or questionnaires. This was an important methodological consideration, as children and young people situated within the youth justice system have at times had their viewpoints ignored, have been disenfranchised from decision-making processes and subjected to adult-centric practices. Through employing semi-structured interviews, the intention was to view children and young people as experts on their own lived experiences

(Langsted, 1994, Clark and Statham, 2005) - and in acceptance of this fact - offer them the necessary space to talk in an unconstrained manner. In placing a premium on the child or young person's perspective, it was equally determined that semi-structured interviews would be well suited to capturing emotive or subtle inferences. For example, whether the child or young person felt 'empowered' by Welsh Town's Youth Crime Diversion Model (in each of three geographical areas), saw the model as 'meeting their needs', or provided them with 'hope' moving forward. Brennan (2012) emphasises this point when she states that:

> "Surveys, questionnaires and other types of structured interviews emphasize the collection of quantifiable fact. In contrast...through face-to-face, in-depth guided conversations…qualitative interviewing explores respondent's feelings, emotions, experiences and values."

(Brennan, 2012, p.28)

Semi-structured interviews were also considered to be valuable due to their follow-up capability; specifically, the manner in which they allow the child or young person's initial interview response to be examined more robustly if required. This follow-up capability would not have been available to the same extent if a questionnaire or survey had been employed, where the written answer provided by the child or young person often possesses permanency (Bryman, 2012). Moreover, even when follow-up questions are included within a questionnaire form, these risk reader lethargy and also lack the specificity and adaptability available in an interview setting. The life and experiences of children and young people who come into conflict with the law are often multifarious and complex, defying linear or simple surface level answers that may be more compatible with or likely to emerge from structured and actuarial data-collection instruments. To offer a hypothetical illustration, if a child or young person in the study sample had been asked via a questionnaire: "How did you come to engage with Welsh Town's Youth Crime Diversion Model?" The child or young person's written questionnaire answer may have been: "Due to a drug problem, which then led to the committing of a criminal offence". But crucially, beneath this simple questionnaire answer could have been deeper

catalysts, such as a lack of a stable place to live, the long-term absence of a parent, or a history of prolonged abuse. Accordingly, the permanency associated with a questionnaire or survey answer (as opposed to a semi-structured interview) potentially would have resulted in these 'deeper catalysts' being overlooked, not afforded sufficient attention, or remaining unacknowledged; the result being a less contextualised and detailed understanding of the child or young person's situation and context.

In settling upon a data-collection tool, it was also necessary to appreciate that children and young people situated within the youth justice system frequently suffer from comparatively inferior reading and writing skills, especially when contrasted to their peers situated outside of the youth justice system. Clarke and Dugdale (2008, p.6) in a report for the National Literacy Trust state that: "25% of young offenders are said to have reading skills below those of the average seven year-old", whilst the Prison Reform Trust's (2015, p.62) Bromley Briefing has stated that: "21% of children in custody surveyed for the Youth Justice Board reported that they had learning difficulties". With this in mind, it seemed clear that employing a survey or questionnaire format, where there is a necessity for the child or young person to be able to firstly comprehend a series of written questions, before replying in a corresponding fashion, could have potentially served to rule out a number of respondents contained within the sample.[38] What is more, it is also worth highlighting that even when a child or young person has the ability to read questions listed in a questionnaire, this does not automatically mean that they will always understand their denotation. If such an event transpires when a child or young person is filling in the questionnaire, there is a lack of an interviewer who can step in and clarify or simplify what a given question is seeking to establish. The result may be that the child or young person leaves questions blank or answers incomplete. Conversely, as Sarantakos (2005) has pointed out, in an interview setting the: "fact that the interviewer presents the questions guarantees that all questions will be attempted…" (Sarantakos, 2005, p.286). It was also felt that an

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[38] An example of children and young people in the youth justice system struggling to complete research questionnaires adequately is provided by Connell, A. and Farrington, D. P. (1996). Bullying among incarcerated young offenders: developing an interview schedule and some preliminary results. *Journal of Adolescence*, 19, 1, pp. 75-93.

interviewer being there in person and asking questions could also act as a 'form of motivation' for keeping the children and young people engaged, as opposed to them (if possessing the necessary literacy skills) simply running through an exhaustive list of written questions.

Finally, it is worth stating that focus groups were discounted due to a number of perceived difficulties with their usage in respect of children and young people engaged with the youth justice system. Of particular concern was the issue of access and whether in a youth justice setting groups of four or more children and young people would be accessible on a consistent basis. Perhaps more importantly however was whether in moral and ethical terms children and young people would feel comfortable talking about conceivably delicate and personal subjects in the presence of their peers. Under such circumstances it would be perfectly natural for a child or young person to choose not to divulge information or become cautious in their responses, resulting in potentially valuable data remaining concealed (Wilkinson and Birmingham, 2003). Ultimately, this section has sought to illustrate that there were a number of clear methodological and practical arguments for why semi-structured interviews were considered the best data-collection tool for collecting children and young people's views concerning Welsh Town's Youth Crime Diversion Models and how it operated in each of the three areas. Reinforcing the validity of this approach, Save the Children (2000) have stated that: "One of the best ways to build up an understanding of children's lives, their interests and needs is to interview them" (Save the Children, 2000, pp.23-24).

The Parents and Carers: In considering how best to register the views of parents and carers, as in the case of the children and young people, the objective was to gain a rich and contextualised perspective in each of three areas as to how they perceived Welsh Town's Youth Crime Diversion Model. Again, this logically lent itself towards a qualitative and interpretivist based approach to data collection. Semi-structured interviews were understood as the most applicable data-collection tool for achieving this purpose. In choosing this data-collection method it was felt that rather than potentially boxing in the answers of parents and carers, as implicit in a more structured and positivist

approach, they needed to be able to feel like they could talk about the issues and themes that they perceived to be of greatest importance. A common problem with an actuarial tool such as the self-completion questionnaire or survey is that the agenda is set by the researcher at the design stage. Meaning that once the questionnaire is dispensed, the intended audience then has little opportunity to stretch the discussion outside of the specific (and often narrow) in-built questions. Furthermore, as the existing literature has already highlighted, parents and carers of children and young people involved in the youth justice system have at times found themselves disenfranchised from the youth justice process, primarily due to a perception that they are part of the problem, rather than a potential solution in addressing their child's offending behaviour. It was important therefore that parents and carers were given a real and authentic voice within this thesis. To this end, the inclusive nature of semi-structured interviews appeared far more appropriate than a sterile questionnaire or survey.

Focus groups were contemplated as a possible qualitative based option in respect of parents and carers. It was felt however that they may not be practicable, owing to the potential difficulty involved in constructing groups with sufficient numbers to generate quality discussion and data (Bryman, 2012). It was anticipated that parents and carers may have work commitments, additional children to supervise or mandatory appointments with other agencies that could make alignment of their schedules challenging. More importantly, a focus group setting was considered ethically problematical due to reservations over whether parents and carers would be happy for sensitive issues regarding their children's engagement with Welsh Town's Youth Crime Diversion Models to be raised and discussed in front of other parents and carers. Given the negativity and stigma traditionally surrounding parents and carers of children and young people involved in the youth justice system, it was extremely important that they felt comfortable enough to express their views freely, without fear of judgement, shame or condemnation. Accordingly, a semi-structured interview was seen as a being advantageous. Aside from focus groups, the use of self-completion questionnaires with parents and carers was also seen as potentially problematic. Initially, from a philosophical standpoint the positivist

and reductionist nature of the self-completion questionnaire was considered to be too rigid a framework for truly gaining an in-depth understanding of parents and carers perspectives concerning Welsh Town's Youth Crime Diversion Models. In a more pragmatic manner however, it was felt that the parents and carers would most likely already receive a significant amount of paperwork from the YOS (and possibly a number of other Local Government agencies) and therefore the completion rate may have been limited. Mangione (1995) has suggested that for questionnaires a response rate of below sixty percent is 'barley acceptable' and below fifty per-cent is 'unacceptable'.

The Agency-Officers: For agency-officers engaged within the fieldwork, it was important to employ a data-collection tool that allowed individuals to speak freely and openly about their experiences concerning the workings of Welsh Town's Youth Crime Diversion Model in their respective area; regardless of whether those experiences were positive or negative. The utilisation of a more open qualitative tool like a focus group, where contributions would be easily identifiable by others within the group, could have worked to inhibit certain agency-officers from voicing their views openly. For this reason, the privacy afforded by the semi-structured interview was preferable. Moreover, it was also anticipated that certain agency-officers would need to be individually interviewed at length owing to their specific role, expertise and professional experience in relation to the Youth Crime Diversion Model in their area (especially for the purposes of the system-mapping exercise). A set of 'one-off' semi-structured interviews were therefore seen as being the preferable option for achieving this objective (here, particular questions and themes would be encompassed within the semi-structured interview schedule, but agency-officers would still have flexibility to explore topics they deemed be important from their personal experience and expertise).

Non-Participant Observations

Within the workings of Welsh Town's Youth Crime Diversion Models the Panel occupies a prominent role. It was considered important to observe first-hand

how it functioned in each of the three areas. A series of Panel observations were therefore undertaken. This was necessary not simply to appreciate how it functioned procedurally and technically, but also to gain an understanding of how participants engaged with each other during proceedings. Significantly, non-participant observations did not involve actively participating in Youth Crime Diversion Model Panel proceedings. The remit was purely to observe proceedings. In every instance, all members present at the Panel meeting were asked if they were happy to be observed prior to any observations taking place.

Data-Testing through Triangulation

Given the overall design of the study, the deployment of 'triangulation' (Webb et al. 1966, Denzin 1970) was seen as offering potentially helpful insights. Triangulation within social science research hinges on the principle that engaging a plurality of data-collection tools or data-sources, rather than simply a single data-collection method or single data-source, allows for greater validity and assurance in findings (Jick, 1979). Devine and Heath (2009) have stated that: "This approach can throw light upon inconsistencies, allowing the researcher points of comparison in order to enhance validity" (Devine and Heath, 2009, p.136). That said, not all within the social science research community necessarily agree with this interpretation or ascribe such reverence to its workings. Within the field of criminology and criminal justice Baskin (2002) in critiquing the work of fellow criminologist Robert Weidner, has written of triangulation that:

> "Textbooks in research methods assist us by advising students that the utilization of more than one research method is optimal. However, the emphasis on technique and not on substance has left many with the impression that more is better. Thus, we have been treated to more research that uses more techniques but that produces fewer useful findings."

> (Baskin, 2002, p.225)

The methodological academic literature has also commonly pointed to tensions surrounding triangulation's epistemological and ontological foundations, lack of replicability, as well as the problem of divergent methods used within the same study resulting in conflicting conclusions (Silverman, 1985). In spite of such criticisms, it was strongly felt that triangulation would prove valuable to this particular thesis because of the participants, locations and methods being engaged. Bryman (2012) defines triangulation as: "The use of more than one method or source of data in the study of social phenomenon so that findings may be cross-checked" (Bryman, 2012, p.717). Consequently, it was considered that engaging 'participant data-sources triangulation' (see Figure 8) would prove advantageous because the views, opinions and lived experiences of three separate groups of participants - the children and young people, the parents and carers and the agency-officers – were all fundamental to understanding how Welsh Town's Youth Crime Diversion Model operated as a crime prevention strategy within the three areas being examined. Put another way, all three groups were central to comprehensively answering the study's research question(s) and therefore could not rightfully be omitted. Equally, the topographical structure of the study meant that 'geographical data-sources triangulation' (see Figure 9) was also permissible, due to the fact that Welsh Town's Youth Crime Diversion Model was being investigated in three distinctive geographical areas. This in turn allowed comparisons to be made and for themes and patterns to be identified and investigated between each. In conjunction with 'participant' and 'geographical' data-sources triangulation, 'inter-method' (the use of more than one data-collection instrument within a study) was also considered relevant (see Figure 10). Morrow (2001) states that:

> "Using a range of methods in research with children is a useful way of 'triangulating', or building up a picture of the phenomenon under investigation from a range of perspectives."

> (Morrow, 2001, p.257)

Of the three forms engaged, 'inter-method' triangulation was arguably the most contentious in methodological terms because the data-collection tools utilised encompassed both qualitative and quantitative traditions. Commentators such

as Guba (1990) have strongly held that integrating 'multi' or 'mixed' methods is essentially incompatible and unworkable owing to the strict fixed epistemological and ontological roots of qualitative and quantitative approaches. However, this line of thinking was refuted and a "technical" (Bryman, 2012, p.631) interpretation of mixed-methods which considers both research traditions as eminently compatible and co-existent, rather than inevitably in tension with each other, was assumed. The specific practical rationale for the use of 'inter-method' triangulation centres on the fact that it helps negate the limitations associated with founding the research upon a single data-collection method and epistemological tradition (see earlier discussion of 'pragmatism'). Instead, through adopting a robust framework of data-collection tools - both qualitative and quantitative in genesis - the assets or strong points of one approach can counteract and offset the limitations inherent in the other. The result being, a more comprehensive answering of the research question, and a greater understanding of Welsh Bureaux (Johnson and Onwuegbuzie, 2004).
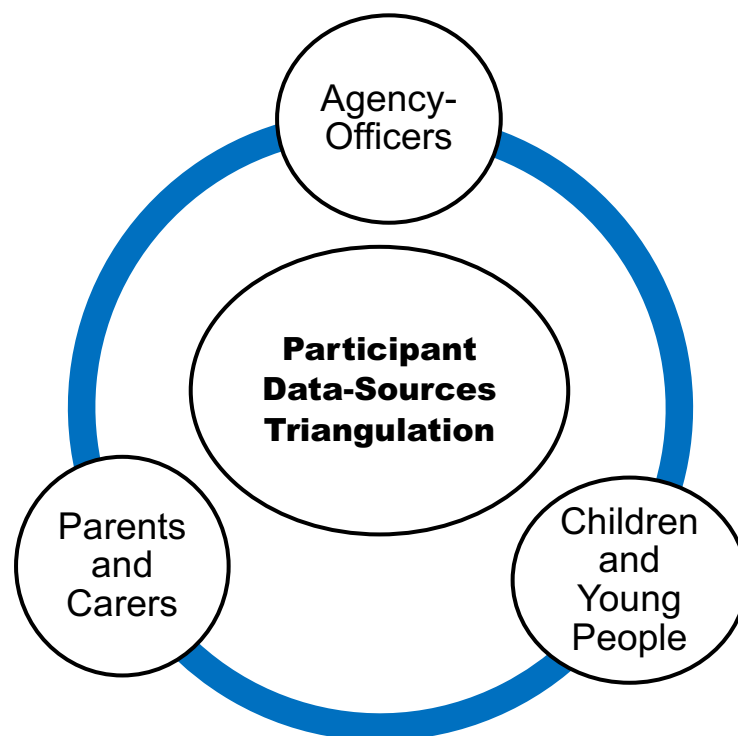
Figure 8: Participant Data-Sources Triangulation.
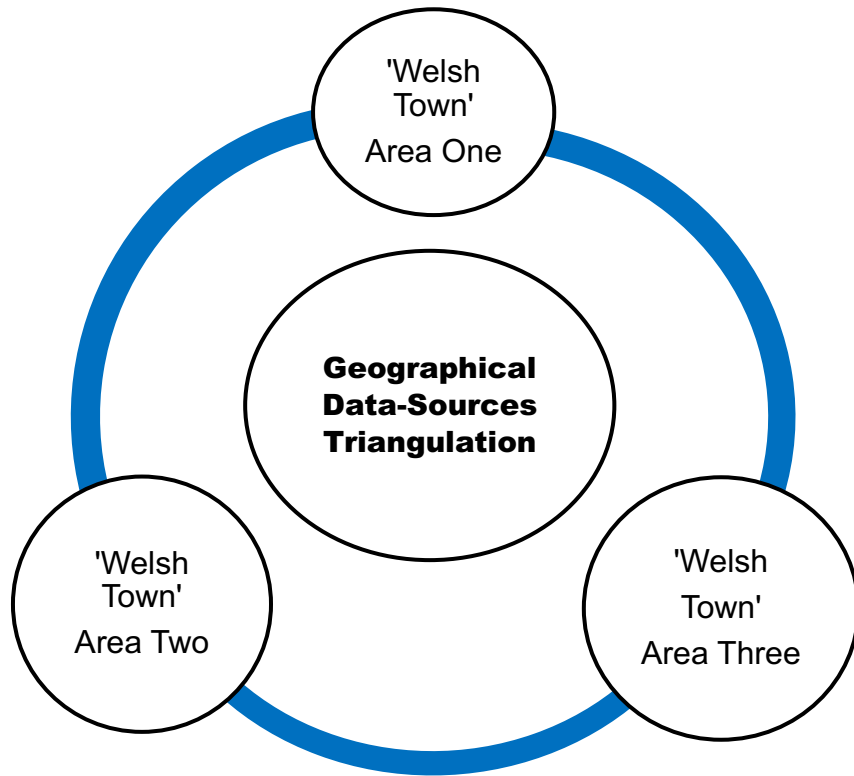
Figure 9: Geographical Data-Sources Triangulation.
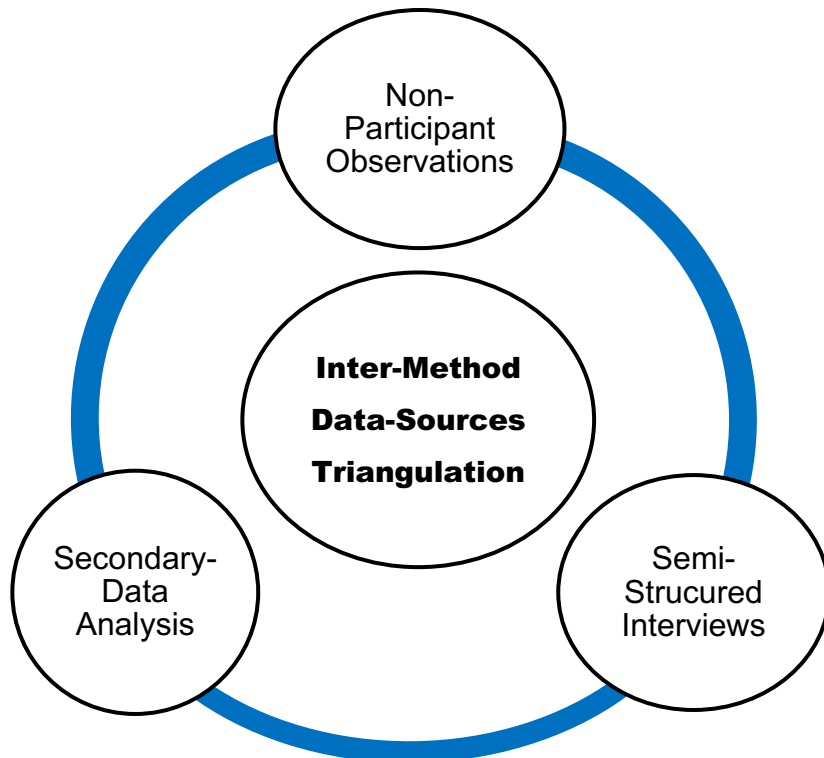
Figure 10: Inter-Method Data-Sources Triangulation.

The Sampling Framework Adopted

As depicted, the fieldwork element of the thesis possessed three distinct phases or work packages. For each of the phases a specific sample was utilised, which is outlined in more detail below.

Phase One Sample

Phase One of the fieldwork consisted of a system-mapping exercise comprising of two separate elements: 1) the semi-structured interviewing of agency-officers (professionals) and 2) non-participant observations of Welsh Town Youth Crime Diversion Model Panels in Area One, Area Two and Area Three. The sample (n=15) utilised for interviewing agency-officers (see Table 6) was 'purposive' in its design and incorporated: YOS practitioners and social workers, YOS police officers, victim workers, volunteers and a reparation officer (who oversees the Welsh Town region). It was decided that 'purposive' sampling was appropriate as participants needed to be recruited and interviewed according to their specific role and professional expertise in relation to the Youth Crime Diversion Models.

Table 6: 'System-Mapping' (Agency-Officer) Sample.

Institutional Role	Number
Practitioners/Social Workers	4
YOS Police Officers	4
Victim Workers	2
Volunteers	4
Reparation Officer	1

In addition to the semi-structured interviews with agency-officers, non-participant observations of Youth Crime Diversion Model Panels in Area One, Area Two and Area Three were undertaken during the phase one system-mapping exercise.

Phase Two Sample

Phase Two of the fieldwork involved 'stratified' secondary-data analysis of three layers of youth justice data in order to comprehensively ascertain the impact and effectiveness of Welsh Town's' Youth Crime Diversion Models.
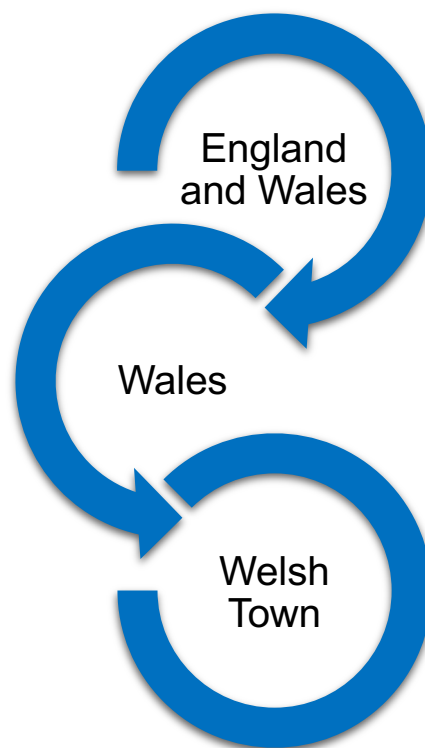
Figure 11: A Tripartite Analysis of England and Wales, Wales and Welsh Town Data.

At an England and Wales level, a series of data-fields for children and young people aged 10-17 (sourced from MoJ and YJB statistics) were subjected to analysis over a ten-year period. These fields consisted of: number of FTEs, number of total arrests, number of proven offences, number of children and young people receiving a youth caution or conviction, and number of children and young people entering into youth custody.

At a Welsh level, data fields examined for children and young people aged 10-17 (sourced from MoJ and YJB and Howard League for Penal Reform statistics) included: rates of FTEs, numbers of FTEs, number of children and young people arrested by Welsh police forces, and a comparison between 'England' and 'Wales' in respect of number of children and young people arrested.

At a Welsh Town level, data-fields examined for children and young people aged 10-17 (sourced from MoJ and YJB and Welsh Town YOS statistics) included: 'aggregated' Welsh Town numbers of FTEs, an individualised breakdown of number of FTEs for Area One, Area Two and Area Three, and Youth Crime Diversion Model specific outcomes in each area.

Phase Three Sample

Phase Three of the fieldwork involved the semi-structured interviewing of children and young people (boys and girls 10-17 years old – meaning under 18 years old) and their parents and carers. It is important to emphasise at this point that the children and young people sample was not constructed to account for specific gender, age, ethnic or socio-economic attributes or the specific type of offence committed. Rather, it was concerned more broadly with understanding how children and young people (under the age of 18 years old) perceived the workings of Welsh Town's Youth Crime Diversion Models. This was similarly the case for the parents and carers sample, where the intention was to broadly gain

their views, rather than offer a stratified analysis of how such views corresponded with specific demographic attributes.

The fieldwork took place over a three month period during which children and young people and their parents and carers were interviewed immediately following on from their appearance at the Youth Crime Diversion Model Panel at the police station (see Newbury, 2011 for a similar methodological approach). Logistically this made sense as it meant that interviews with children and young people and their parent and carers could be undertaken when both were in the same location (which made gaining parental consent for child participation an easier task). Table 7 offers information concerning the numbers of children and young people and parents and carers encompassed in the sample:

Table 7: Children and Young People and Parents and Carers Sample.

	Area One	Area Two	Area Three	Welsh Town 'Aggregated' Number
Children and Young People	5	8	9	**22**
Parents and Carers[39]	3	9	8	**20**

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[39] 'Parents and carers' also include 'appropriate-adults', who accompany the child or young people to their Panel, if a parent or carer is not available.

Organising and Gaining Research Access

A critical aspect of criminological and more broadly social science research involves successfully negotiating and gaining access to fieldwork sites (normally via an institutional gatekeeper) in order to engage with research participants. This has frequently been recognised as a complex task. Any difficulty is further amplified however when children and young people are involved; especially when those specific children and young people also happen to be in conflict with the law (see for example, youth justice studies conducted by Totten and Kelly, 2005 and James, 2013) and are dispersed across three separate locations. As Wilson (2006; see also Armstrong et al. 2014) acknowledged in his study of young black people in the youth justice system:

> "Gaining access to institutions is never easy and difficulties of access were a recurring and time-consuming problem which delayed the research programme at several stages."
>
> (Wilson, 2006, p.185)

Given such recognised challenges, the strong links that the Centre for Criminology and Criminal Justice (CCCJ) at Swansea University had built up with Welsh Town, as well as the region's police over a number of years proved important. This relationship proved especially valuable in initially paving the way for gaining access to Welsh Town's Youth Crime Diversion Models secondary-datasets, as well as the subsequent sample of agency-officers, children and young people and parents and carers required for interviewing. The fact that Welsh Town as an institution had been accustomed to academics (from different institutions) - ranging from undergraduate student interns through to academic staff - operating on their premises on a regular basis also proved significant. Senior management and practitioners were familiar with having to cater for the presence of researchers in the midst of dealing with their own intensive workloads and daily pressures.

Regarding the practical steps undertaken in the period before the fieldwork began, the necessary official documentation to conduct research with children

and young people was acquired in the form of an up to date Disclosure and Barring Service (DBS) check. The next stage involved the sending of an email to the information officer for Welsh Town in order to arrange a meeting with the Welsh Town manager. The purpose of the meeting centred on explaining and clarifying the precise design of my research. Following on from the meeting a number of features of the initial design methodology were substantially altered. The biggest change involved shifting the focus of the research away from a singular examination of Area Three. Instead, it was proposed that Area One and Area Two should also be subjected to analysis (that is to say the entire Welsh Town jurisdiction), thereby, widening the scope of the study to three locations. In addition to these changes, following on from a further meeting with the manager of Welsh Town, it was also decided that two further structural amendments would be included within the research methodology. The first being the anonymisation of the wider region (Welsh Town) and its sub-localities (Area One, Area Two, Area Three) within the finalised thesis and the second being the inclusion of a comprehensive 'challenge and clarification process'. Following on from these changes - which required significant revisionary work to existing literature, methodology and ethical documents - an agreed Institutional Gatekeeper Consent Form document was constructed (see Appendix H) and sent to the manager outlining both my own and Welsh Town's responsibilities in the research process. The signed document was subsequently returned, thereby allowing for the fieldwork stage to commence.

Research with Children and Young People in the Youth Justice System: A Methodological, but also a Rights-Based Imperative

Fundamental to this thesis are the views, opinions and perspectives of children and young people (as well as those of adults) who have encountered Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three. As has already been argued, the theoretical rationale for this study placing a key emphasis on documenting the views of children and young people has in large part been predicated upon the emergence of a 'new sociology of

childhood' (James and Prout, 1998)[40]. It is notable that the originators of liberal rights constructions, John Locke (1690/1975) and John Stuart Mill (1859/2010), afforded little explicit weight to children's 'present' or 'existing' capabilities and went so far as to omit them from consideration within their paradigms. John Stuart Mill in 'On Liberty' made clear that:

> "…this doctrine is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children, or of the young persons below the age which the law may fix as that of manhood or womanhood."

(Mill, 1859/2010, p.17)

The 'new sociology of childhood' marks a disjuncture with this type of thinking and also traditional socialisation perspectives (Alanen, 1988) such as those embodied by Piaget and Talcott (Tisdall and Punch, 2012) which see children and young people as predominantly 'future-possibilities' (Ambert, 1986). Instead, the 'new sociology' views children and young people as social agents in their own right and attaches weight and significance to how they view and experience the world around them (James and Prout, 1990). Correspondingly, from a new sociological perspective it appears necessary, ethical and congruent to believe that children and young people are best placed to inform and evaluate processes, structures and mechanisms that interact with and affect them on a daily basis (Alderson, 2008, Christensen and Prout, 2002, Mayall, 2002, 2008). This is a view endorsed by Hart and Thompson (2009; and also, Hazel et al. 2002, Cleghorn et al. 2011, Charles and Haines, 2014, Creaney, 2014, Creaney and Case, 2014) in relation to specifically youth justice, when they argue that:

> "Involving young people in a meaningful way can produce benefits…outcomes are more likely to be positive where young people have been active partners in shaping the services they receive."

(Hart and Thompson, 2009, p.6)

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[40] Although the extent to which this paradigm is truly 'new' has been questioned by certain commentators. See for example, Ryan, P, J. (2008). How New Is the "New" Social Study of Childhood? The Myth of a Paradigm Shift. *Journal of Interdisciplinary History,* 4, pp. 553–576.

NACRO Cymru in their 2011 report on youth justice participation in Wales have likewise concluded that:

> "Promoting participation offers real benefits to children and young people in the youth justice system. It can provide children and young people with the opportunity to give feedback about the interventions and services they have received…in order to increase knowledge about what is and is not effective from their perspective."

(NACRO Cymru, 2011, p.6)

More recently, the Youth Justice Board (2016) in their 'Participation Strategy' entitled 'Giving Young People a Voice in Youth Justice' have stated that:

> "We believe that a shift towards working with young people, and valuing them as assets: as citizens, advisors, colleagues and stakeholders is crucial if youth justice is to be truly effective."

(Youth Justice Board, 2016, p.3)

From a quasi-legal perspective, gaining the views of children and young people (more widely, but also within the youth justice system) is consistent with the UNCRC (1989), and specifically Article 12, which states that when adults make decisions that impact upon children, children have a right to say what they think should happen and have their views taken into account. At a European level, the Council of Europe Guidelines on 'child-friendly justice' (Council of Europe, 2010) has worked to place an emphasis on the importance of acknowledging the rights of children and young people situated within the criminal justice system. Domestically, in Wales, there has been a conscious commitment from policymakers to enact a robust rights agenda for 'all' children and young people, in 'all' settings and across 'every area' of their lives.

Therefore, in aligning this study broadly with a new sociological perspective, and in considering its methodological design, it was determined that any research into the workings of Welsh Town's Youth Crime Diversion Models that wilfully excluded or overlooked children and young people's views could immediately be accused of lacking legitimacy and maintaining the exclusion of

their voices from youth justice processes and practices (Hart and Thompson, 2009, Creaney and Case, 2014). The purposeful omission of children and young people's perspectives would also sit uneasily alongside the aforementioned quasi-legal conventions and rights-based policies - such as the UNCRC (1989), 'All Wales Youth Offending Strategy' and 'Children and Young People First' - that implicitly permeate and underpin the day-to-day workings of youth justice practice in Wales (Drakeford, 2010, Muncie, 2011, Haines et al. 2013). Finally, any methodological merit to a study of Welsh Town's Youth Crime Diversion Models would be severely compromised and diminished if children and young people's own views and opinions were omitted and the model's functioning was simply interpreted through the prism of adult perspectives (James and Prout, 1990). For example, exclusively from the viewpoint of stakeholders or even the children and young people's parents or carers. As Matthews (2007) has pointed out:

> "Scholars of the 'new' sociology question the practice of privileging adults' views over children's about issues related to children's lives. These researchers advocate interacting directly with children."

(Matthews, 2007, p.328)

Nonetheless, ascribing importance to children and young people's views within a study of the Welsh Town Youth Crime Diversion Model brings with it an associated acceptance that research with this population can, and often does, generate a complex set of ethical challenges (see for example youth justice studies conducted by Yates, 2004, Wilson, 2006, Holt and Pamment, 2011, James, 2013, Hassan, 2016). As Hassan (2016) noted following her study with children in a penal setting: "Researching sensitive topics with young offenders who are considered vulnerable was a complex, personal and intense task" (Hassan, 2016, p.110). Specifically, children and young people involved with the youth justice system are frequently vulnerable initially by their status as children (Lansdown, 1994), but furthermore, are often 'doubly vulnerable' through having experienced a range of dynamics in early life, including: social deprivation, mental health or physical illnesses, drug abuse, self-harm, repeated

system contact, prolonged parental absence, or underdeveloped oral and literacy skills (Prison Reform Trust, 2010). In his ethnographic research on youth and crime in a working-class community, Yates (2004) became aware of this reality, observing that:

> "…the data produced confirmed that a large number of my respondents had been the victims of crime and that a number had suffered emotional and physical abuse from their peers, their families and the authorities."

(Yates, 2004, p.8)

It is important to state however, that the fact that many children and young people in contact with the youth justice system possess vulnerabilities should not and does not automatically negate their involvement in research. Rather, as Alderson (2005) has stated:

> "To involve children more directly in research can rescue them from silence and exclusion, and from being represented; by default, as passive objects."

(Alderson, 2005, p.64)

This argument resonates particularly loudly in respect of children and young people involved with the youth justice system, where it has been strongly argued within this thesis that the agenda has traditionally been dominated by risk-led, adult-dictated and reductionist approaches, which have left little, if any, room for their viewpoints to be registered. In a corresponding manner Holt and Pamment (2011) have highlighted that: "Young offenders constitute two of the most marginalised and maligned groups in popular discourse; 'young people' and 'offenders'" (Holt and Pamment, 2011, p.125). Unquestionably, also inherent in the frequent relegation of the views and perspectives of children and young people (and particularly those who have offended) has been a pervasive belief that they are capricious subjects who are likely to exaggerate and are prone to fabrication (Qvortrup et al. 1994). Equally, for certain sections of

society, reconciling the idea that children and young people who have 'done something wrong' should then have their opinions and perspectives 'valued and promoted' has often proved problematic (Hart and Thompson, 2009). However, this thesis firmly rejects discourses which regard the contributions of children and young people with offending histories as warranting suspicion, or which hold that such children are incapable of representing themselves, or which state that children and young people are underserving of a voice owing to their past misdemeanours. Rather, this study seeks to occupy a diametrically opposed position in which children and young people are allowed to reclaim ownership over their individual, distinctive and legitimate contributions. In collecting these contributions there is however a necessity to ensure that their rights and dignities are safeguarded and recognised ethical codes are respected.

The Importance of Ethical Considerations

In recent years there has emerged a growing conviction within the social sciences that the legitimacy of any research conducted is reliant upon guaranteeing that the rights and dignities of individuals being researched are preserved (Homan, 1991). The argument has been made that without established ethical conventions or codes governing research practice, the trust and confidences of participants who are willing to offer their views and opinions to a researcher - often openly and on sensitive subjects - is in danger of being betrayed. Moreover, the institution, employer or organisation who funds a research project is vulnerable to being misled, and more widely, the overall influence and value of social science as a discipline is susceptible to being eroded (Israel and Hay, 2006). Therefore, as Bulmer (2001) has emphasised:

> "The research community has responsibilities not only to the ideals of the pursuit of objective truth and the search for knowledge, but also to the subjects of their research."

> (Bulmer, 2001, p.46)

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Within the discipline of social science, and specifically criminology, the significance of good ethical conduct has been apparent in the emergence of a growing number of 'professional codes of ethics' which have tended to be broadly deontological and universal in their construction (May, 2001, Punch, 2014). Examples of 'codes of ethics' examined and consulted in regard to this thesis have included (but have not been restricted to) those produced by the Social Research Association (SRA, 2003), Economic and Social Research Council (ESRC, 2015), British Society of Criminology (BSC, 2015) and Swansea University, College of Law and Criminology (2015).

Within an academic setting these professional 'codes of practice' have frequently been supplemented by an institutional commitment to thoroughly review all research proposals that involve interaction with human participants. This has traditionally involved researchers submitting an ethical form for approval to a College Ethics Committee demonstrating how ethical and safeguarding norms will be maintained during the carrying out of fieldwork. In the case of this thesis, approval from Swansea University Ethics Committee was achieved prior to the commencement of the fieldwork. Nonetheless, it is worth stressing that achieving what Guillemin and Gillam (2004) term 'procedural ethics' constitutes simply a mandatory first step in the overall research process. There remains a clear obligation to ensure that 'generally accepted' ethical principles are maintained throughout the totality of the study (of which there will be greater discussion following) and firm contingency plans are thought through in the event of unexpected ethical challenges.

Accounting for Key Ethical Norms: Gaining Informed Consent, Minimising Potential Harm and Ensuring Confidentiality

Through examining the literature (Morrow and Richards, 1996, Mauthner, 1997, Thomas and O'Kane, 1998, Lindsey, 2000, Cree et al. 2002, Farrell, 2005, Alderson and Morrow, 2011, McLaughlin, 2015), consulting with the aforementioned 'professional codes of ethics', and reflecting upon a mandatory ethics module provided by the ESRC, a number of key themes became evident.

It became clear that informed consent, confidentiality and the protection of participants data, and minimising harm to respondents were key ethical norms that needed to be thought through and practically accounted for in respect of the children and young people within the study, but also with regards to parents and carers and agency-officers who would also be interviewed. As Thomas and O'Kane (1998) highlight:

> "Many ethical issues salient in doing social research with children are common to work with subjects of any age. The need to obtain informed consent is always relevant and can always be problematic. Questions of protection, and of the researcher's responsibility for the wellbeing of subjects, can always arise. Confidentiality is an issue in every case, as is the question of how to deal with disclosure of information which makes the researcher concerned for someone's welfare. The possibility of abuse of subjects by a researcher or exploitation by the research process is present in every research relationship."

(Thomas and O'Kane, 1998, p.337)

The Need for Informed Consent

The principle of 'informed consent' refers to the requirement for persons asked to take part in a study to be fully briefed as to the nature and intention of the project, before being provided with a reasonable amount of time to either accept or decline their participation on the basis of that information. Furthermore, it permits the individual, even once having agreed to participate in a study, to opt out or withdraw at any point during the proceedings (Homan, 1991). Accordingly, in heeding the principle of informed consent, it was necessary to secure the explicit agreement of all the individuals partaking in the study (if appropriate under the Mental Capacity Act 2005).

The Children and Young People: Specifically, with regard to all children and young people taking part, a 'triple-lock' approach to informed consent was adopted. This meant that informed consent was gained institutionally via Welsh Town by means of the Gatekeeper Consent Checklist (see Appendix H), parentally through a Parent or Carer: Child Participation Sheet (see Appendix

E), as well as from the child or young person themselves through the Children and Young Person Informed Consent Sheet (see Appendix D - although as is later explained, Gillick competency was applied in each case). On this point, the British Society of Criminology 'Statement of Ethics' (BSC, 2015), makes clear the primacy of children and young people's consent within social research fieldwork. It stresses that:

> "It is not considered appropriate to assume that penal and care institutions can give informed consent to research on young people's behalf. The young people themselves must be consulted."

(British Society of Criminology, 2015, Statement of Ethics)

In practical terms, the informed consent process for the children and young people in the study involved information and an informed consent sheets being distributed in advance of the semi-structured interviews taking place. Significantly, the formulation of both the information and informed consent documents included a requirement to use language that could be easily understood and interpreted (especially considering the potential for children and young people in the youth justice system to suffer from low-level literacy skills). Regarding the format and content of the documents for the children and young people in the study, the Children and Young Person Information Sheet they received incorporated the following key headings (see Appendix C):

- What is this study about?
- Why are you asking me to take part in this study?
- How do I know you won't share what I tell you?
- Do I have to take part in the study (including the right to withdraw)?
- What does taking-part in this study involve?
- What are the benefits of taking part?
- What will happen to what I say?

Notably, the 'right to withdrawal' is often afforded much less attention within the literature than the process of 'gaining initial consent'. However, given the characteristics of the children and young people involved in the sample and anticipating the complexity and sensitivity surrounding their offending backgrounds, re-iterating the right to withdraw throughout the research process was considered to be extremely important. Emphasising this point, Connolly (2003) writing on 'ethical principles with vulnerable groups' has pointed out that:

> "Those participating in qualitative research who are being interviewed about their experiences of particularly traumatic events in their lives…may find that the process is more distressing than they had originally anticipated. In such circumstances they should not feel obliged to continue with the research…"

(Connolly, 2003, p.12)

The Children and Young Person Informed Consent Sheet allowed the children and young people to agree (or alternatively disagree) with the following statements (see Appendix D):

- I have read and understood the information sheet that describes this study and have had a chance to ask questions;
- I am happy for my interview to be taped in full;
- I am happy to take part in this study;
- I understand I can remove my input at any time during the study, without saying why, and also understand that I will not be penalised for doing this or asked the reasons for why I have withdrawn;
- I have had explained to me the ways in which my confidentiality will be protected during the study;
- I am happy for my words to be used as quotes in pieces of writing, as long as these quotes do not identify me to others;
- I understand that if I talk in the interview about any instances of risk to myself or another child or speak about any additional criminal offences I have committed, this information may need to be shared with my Youth Offending Service caseworker/or relevant youth agency.

A space at the bottom of the informed consent form was then included for the child or young person to sign and date if they were happy with all the criteria and wished to partake in the research.

In addition to providing Information and Informed Consent Sheets to the children and young people, parents and carers were also provided with an 'opt-out sheet' relating to their child's participation in the study (see Appendix E). Here, it was appreciated as declared in Gillick,[41] that some children and young people may have had the competence to grant informed consent and participate in the research process, irrespective of their parents or carers' views. As Williams (2006) concludes:

> "Since the early 1990s, the climate of opinion in respect of social science research with children has changed enormously. Children are no longer viewed as inarticulate or as uniquely in need of protection from researchers: they are now increasingly seen as 'highly informed experts on their daily life' and this has influenced attitudes towards issues of consent and risk. Although differences of opinion remain, a consensus is emerging about the need to let young people speak for themselves, subject to appropriate safeguards."

(Williams, 2006, p.23)

To help ensure that children and young people's rights in this context were respected, Welsh Town case managers in each of the three areas were specifically asked whether they considered the children and young people chosen for the study to be Gillick competent. In such cases 'opt-out' informed consent was still requested of parents and carers, but ultimately, the decision of the 'competent child' prevailed. However, given that the children and young people participating were minors and parents and carers may have had legitimate concerns, if any disagreement occurred in relation to this, a meeting was called involving myself, the child, parents or carers, my supervisor and the case manager to discuss the matter further and achieve a resolution. This resolution process was not intended to undermine Gillick competency, but instead ensure that any concerns were voiced and addressed.

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[41] Gillick v West Norfolk and Wisbech AHA. 1985. 3 All ER 402. 1986 AC 112, House of Lords.

The precise setting for the interviews and particularly the issue of 'institutional power dynamics' was also seen as being potentially problematic for gaining wholly informed consent, especially in the case of the children and young people. Police stations are traditionally environments where children and young people are often compelled by authority exercising grown-ups to carry out and obey strict directives or orders. Therefore, it was entirely possible that some of the children and young people - even once having read the information and consent sheets - may still have felt obligated or pressured to participate in the research. Morrow and Richards (1996) illustrate this point well using the example of child research conducted in educational settings, stating that:

> "Children who are required to participate in research in schools may not feel in a position to dissent, simply because most (if not all) tasks and activities in school are compulsory."

> (Morrow and Richards, 1996, p.101)

It was therefore important to make sure that the children and young people did not feel coerced or pressured into participating. Prior to the semi-structured interviews taking place it was re-emphasised that their involvement in the study was an unrestricted choice, that they were permitted to remove their consent at any time, and finally that saying 'no' would not result in any long-term negative repercussions (that it would make no difference to their respective order or interventions). By extension, it was also explained to them that they were not being interviewed on behalf of Welsh Town YOS (in Area One, Area Two, Area Three), the Police and Crime Commissioner, the police, social services or any other related youth or criminal justice agency, but by a PhD researcher from Swansea University carrying out independent and autonomous research.

The Parents and Carers and Agency-Officers: The parents and carers and agency-officers participating in the study were also provided Information and Informed Consent Sheets prior to the commencement of their respective interviews (see Appendix F for parents and carers and Appendix A for agency-

officers Information Sheets). In their case the Information Sheets contained the following headings:

- The 'Welsh Town' Youth Crime Diversion Model;
- What is the purpose of this study?
- Why as an Agency-Officer/ Parent or Carer have I been invited to participate/take part in the study?
- Do I have to take part?
- What will happen to me if I take part?
- If I chose to participate/take part in the study, will what I say be kept confidential?
- What are the possible benefits of taking part in the study?
- What will happen to the results of the research study?
- Who has reviewed the study?
- Contacts for Further Information.

The Informed Consent Sheet (see Appendix G for parents and carers and see Appendix B for agency-officers) asked them to agree with the following statements:

- I have read and understood the information sheet that describes this study and have had a chance to ask questions;
- I am happy for my interview to be taped in full;
- I am happy to take part in this study;
- I understand I can remove my input at any time during the study, without saying why, and also understand that I will not be penalised for doing this or asked the reasons for why I have withdrawn;
- I have had explained to me the ways in which my confidentiality will be protected during the study;
- I am happy for my words to be used as quotes in pieces of writing, as long as these quotes do not identify me to others.

Additionally, the following statement was included on the Parent and Carers Informed Consent Sheet:

- I understand that if I talk in the interview about any instances of risk to my child or speak about any additional criminal offences they have committed, this information may need to be shared with their Youth Offending Service caseworker/ or relevant youth agency.

In a similar manner to the children and young people, when discussing informed consent procedures with the parents and carers it was important to emphasise the boundaries of confidentiality. This was not simply for their own sake, but also considering the fact that they may disclose additional offending (or other types of criminality) in respect of their child which would then need to be disclosed to the relevant staff/ authorities.

Minimising Harm to Respondents and the Researcher

In addition to securing informed consent, there is also an obligation upon the researcher to ensure that respondents within a study are not subjected to 'harm'. The use of the word harm in this context encompasses physical, psychological as well as emotional injury or hurt (Bryman, 2012). The backdrop to harm in respect of research ethics has conventionally related to medical studies in which the potential for a respondent to experience 'physical harm' through for example a clinical trial has represented a very real hazard. Within social research however, the focus has generally tended to be – although not always - upon the potential for participants to experience psychological or emotional harm as a result of the research process. Psychological and emotional harm has been described by Farrimond (2012) as encompassing distress, upset, annoyance or provoking negative memories, flashbacks or mental health issues.

Potential Risks to the Respondents

The Children and Young People: The possibility of any of the children and young people encountering physical harm was deemed to be negligible. However, it remained the case that all of the children and young people participating in the research would have recently committed a criminal offence and may have been in possession of sensitive or complex backgrounds. If touched upon in an interview, these experiences may have raised feelings of distress, upset, annoyance or even negative memories. Yet, it was felt that this should not automatically disqualify children and young people from offering their views or being able to contribute to the study (Archard, 1993). Rather, as Powell et al. (2012) have stated:

> "Protecting children from harm, and any possible adverse consequences of participation in research, is a genuine concern. However, a strong protectionist discourse denies children the right to express their views on matters of concern to them…"
>
> (Powell et al. 2012, p.24)

Ultimately, the benefit or value of a child or young person in conflict with the law being afforded an opportunity to speak in detail about a youth justice model that interacts with them at a critical stage in their offending and life trajectory was seen as being extremely important. However, YOS caseworkers and YOS police officers were always asked prior to any interview taking place whether the child or young person was dealing with any emotional difficulties that could make an interview traumatic or detrimental to their wellbeing. If it was felt that an interview would be unproductive or harmful their advice was always followed. To further alleviate the potential for psychological stress or risk to the child or young person occurring, in constructing interview schedules attention was paid to the NSPCC (2013) ethical guidance, which states that:

> "Qualitative research will often go into more depth than a quantitative approach…to minimise the risk, structure the interview schedule so that difficult topics are given enough time and are not crammed in at the end."
>
> (NSPCC, 2013, p.4)

Practically, all interviews with the children and young people took place at police stations (in Area One, Area Two and Area Three) and were conducted in an appropriate room within each building. Welsh Town practitioners and police officers were always in the vicinity of the interview room and could be called in the event of an emergency.

The Parents and Carers and Agency-Officers: In respect of the parents and carers, the potential for emotional or psychological harm to occur, in the form of feelings of stress, distress or anxiety, was considered a possibility. Specifically, semi-structured interviews conducted with parents and carers touching upon sensitive issues relating to family dynamics and their children's offending behaviour could have worked to evoke such feelings. The importance of hearing directly from parents and carers however was seen as being extremely important. It was considered that to adopt a strong protectionist discourse would only have served to reinforce parents and carers marginalisation from the youth justice system, as well as facilitating the demotion of their views (Drakeford and McCarthy, 2000, Goldson and Jamieson, 2002). Nonetheless, in a similar manner to children and young people, the advice and recommendations of YOS caseworkers and police officers who possessed knowledge and context of family dynamics was always heeded. The possibility of agency-officers experiencing harm within the study was seen as being minimal, owing to their professional training and expertise in juvenile justice issues.

Potential Risks to the Researcher

In addition to thinking about whether fieldwork has the potential to harm its respondents, there is a corresponding need to identify whether it also possesses any risks to the researcher. The Social Research Association (SRA) in its 'Code of Practice for the Safety of Social Researchers' classifies a number of potential risks to a researcher. These include: the "risk of physical threat or abuse", the "risk of psychological trauma as a result of actual or threatened violence" and the "risk of being in a compromising situation in which there might be accusations of improper behaviour" (Social Research Association, 2001,

p.1), Acknowledging the seriousness of ensuring appropriate researcher safeguards, Jamieson (2002) in reflecting upon her experiences researching children and young people and crime in Scotland, forcefully concluded that: "Current research guidelines tend to give priority to participants and are wholly inadequate in respect of protecting the researcher" (Jamieson, 2002, p.69). In this fieldwork, as previously highlighted, any child or young person eligible for Welsh Town's Youth Crime Diversion Models (in each of the three areas) will have committed a crime, meaning that children and young people being interviewed may have recently committed a serious or violent offence. Therefore, it was necessary to ensure that precautions were in place to request assistance from Welsh Town staff or police officers in each area if a problematic situation ever arose. Here staff in Area One, Area Two and Area Three provided training and information to myself (the researcher) regarding safety procedures when meeting with children and young people and/or parents and carers, as well as practical advice such as how to call for assistance in the interview rooms.

Confidentiality and the Safeguarding of Participant's Data

The ethical principle of 'confidentiality' within social research relates to a participant's right to privacy on the basis that any information or data they have disclosed to a researcher is done so under the assurance or promise that it will remain anonymous from any third parties (Punch, 2014). Therefore, as Denzin (1989) has written: "The lives and stories that we hear and study are given to us under a promise, that promise being that we protect those who have shared them with us" (Denzin, 1989, p.83). The necessity to cater for confidentiality was an integral aspect of the study and allowed participants to feel that they could express their opinions openly and honestly without fearing any untoward repercussions. In a corresponding fashion, Oliver (2003) has pointed out that the principle of 'confidentiality' is also important to the researcher, as it enables them to feel more confident and qualified to explore difficult and challenging areas within the research. Pragmatically speaking, electronic data-sets containing Welsh Town Youth Crime Diversion Model statistics (required for secondary-data analysis) were kept on an encrypted drive and were only

accessible from my personal university computer located in the secure Post Graduate Researcher (PGR) room, situated in the Department of Criminology, College of Law and Criminology, Swansea University. Any additional study data used on my personal laptop, such as electronic transcriptions of interviews, were password protected and encrypted. The Dictaphone used to record the interviews, along with hard paper copies (such as returned informed consent sheets and transcriptions of interviews) were also kept in a locked draw next to my computer in the PGR room.

In the writing up the research, a process of 'anonymisation' was pursued, which involved redacting names, personal details, job titles, dates, times, as well as identifiable geographical locations in exchange for more generic classifications and codes (Punch, 2014). It was of course important in doing this to not alter the connotation of the participant's words in any way, as this would have worked to corrupt the legitimacy of the data (Bryman, 2012). Nonetheless, the necessity to ensure the 'non-traceability' of participant's data in the finalised thesis was deemed extremely important due to the localised youth justice setting present in each Youth Crime Diversion Model area and therefore the heightened potential for individual contributions to be easily distinguishable.

Given that this research involved conducting a large number of interviews within a youth justice context it was necessary to clarify to all participants, at both the informed consent stage, but also prior to interviews taking place, the limits under which confidentiality could be offered (Mahon et al. 1996). Although there would be a conscious effort to uphold privacy wherever possible within the study, there could be certain exceptional (legal) circumstances - such as the disclosure of additional offending behaviour or the revelation of on-going abuse by a child or young person (or parent or carer in relation to their child) - in which confidentiality would have to be breached. The appropriate authorities would then need to be notified in light of the information (Wright et al. 2004). The ESRC Ethical Guidance (2015) states that:

> "Researchers should, when eliciting consent, make clear the limits to confidentiality, particularly when working with potentially vulnerable individuals or groups - for example when undertaking research with children, families and vulnerable populations, or individuals involved in illegal activities."

(Economic Social Research Council, 2015, p.24)

Wiles (2012) has similarly written that:

> "In general, researchers have a common law duty of confidentiality to research participants but there are certain circumstances which may override this duty, for example if there is an overriding duty to the public such as might occur in relation to a serious criminal offence."

(Wiles, 2012, p.43)

Through possessing a clear protocol on 'confidentiality' and 'deliberate disclosure practices' and explaining these in detail to all participants at the informed consent and information stage, and again prior to interview, it meant that they were better able to understand and appreciate the framework under which confidentiality operated. In respect of a child or young person, in the eventuality of needing to contravene confidentiality, every effort was made to inform them of the steps being taken (Hill, 2005) prior to information being passed on to the relevant Welsh Town staff/authorities in each area.

Access to and Observation of the Panel and Engagement with Children and Young People and Parents and Carers

In social science research, there is sometimes a tendency to adopt a dispassionate approach to the discussion of ethics. That is to say, as long as the relevant procedures around informed consent, confidentiality and minimising harm to participants are properly accounted for and discussed then that should suffice. However, adopting this type of approach frequently

overlooks the more 'complex' and 'challenging' aspects of conducting research (particularly of a qualitative nature) in real world situations, where all too often ethical challenges only become apparent once data-collection is underway. As Block et al. (2012) have emphasised:

> "…existing ethical guidelines cannot cover all the concerns which arise when researching complex social problems and identifying and responding to emerging ethical challenges in the processes of research requires continuing vigilance on the part of the researchers."

(Block et al. 2012, p.70)

With this in mind, when discussing both how the Panels were accessed and observed, and the children and young people and parents and carers engaged in the research process, it is necessary to pay particular attention to what Guillemin and Gillam (2004) have termed 'ethics in practice'. Put simply, 'ethics in practice' concerns circumstances or situations which transpire unexpectedly once a researcher is engaged in their fieldwork, and which may not have been foreseen or anticipated in the planning stages. During the course of my research there were a number of these circumstances or situations which arose quite organically, and which are worth recounting and describing in more detail.

One such example concerned the issue of 'self-presentation' early on in my data-collection. Here, prior to the fieldwork (non-participant observations of the Panels and interviewing of children and young people and parents and carers) taking place, I held a number of meetings with YOS senior management to which I wore a shirt, chinos and smart brown shoes. This outfit was essentially what I would normally wear to lecture at the university, attend a training session, or present at an academic conference. It was, in-effect, my go to 'professional' outfit. Soon afterwards, with my fieldwork having been arranged, I went along to a Welsh Town Youth Crime Diversion Model Panel at a police station to observe how it functioned. Perhaps naively in hindsight, I didn't pay too much attention to my choice of clothes and attended wearing the same outfit of a shirt, chinos and smart brown shoes that I had to the meetings with YOS senior management. In my mind, I just assumed that the police officers would be wearing their white shirts and black ties, and that the YOS representative and

volunteer would also be wearing shirts. Immediately upon entering into the room where the Panel was being held, I realised my mistake. The police officers were dressed in their casual uniform of black polyester tops and cargo trousers, whilst the YOS representative and volunteer were dressed in jeans and a t-shirt (the aim being to provide a more relaxed atmosphere for the child or young person). My growing awareness that I may have overdressed for the occasion was compounded when the child entered the room wearing tracksuit bottoms, a t-shirt and a coat and it became all the more apparent that I was the odd one out. Although the child did not refer to my clothing specifically, and it was explained at the outset of proceedings that I was a researcher from the university and I could leave the room if they wished[42], I could feel that there was a level of awkwardness as to my presence. As Williamson, in reflecting on his own research experiences, has highlighted in relation to self-presentation:

> "In any face-to-face meeting, initial impressions exert a strong influence on subsequent interaction, particularly in relation to one's credibility and the willingness of the sponsor/gatekeeper/respondent to co-operate with the research task."
>
> (Williamson, 1997 p.223)

Perhaps unsurprisingly, I quickly learned from this experience and made sure that for the next Panel I attended I was dressed more casually in a t-shirt, jeans and trainers. Although arguably only a minor example, it does illustrate that despite careful planning and the diligence of ethics committees, on occasions, certain ethical considerations only really became apparent once the fieldwork has begun. They then require that the researcher reflects on their approach and adapts whenever possible.

Building on this example, there were other instances in the course of undertaking the fieldwork, where I become aware of the ethical impact that a seemingly subtle change could possess. For example, 'room dynamics' are extremely important during the Panel, and again, this was something which perhaps I underestimated initially. On attending my first Panel, I immediately sat

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[42] They were also informed of my presence at the Panel beforehand via a letter sent by the YOS.

down next to the police sergeant who was chairing the discussion of the prepared report on the child with the YOS representative and volunteer. I thought nothing of my seating choice, and following the discussion, the child and their parent entered into the room for their Panel. Although I had shifted my seat down slightly (away from the police sergeant), it became clear to me, that the child (even in light of the information that they had been given concerning my presence) could easily get confused as to whether I was a member of the Panel who was (or had been) involved in the decision-making process concerning their eventual disposal outcome. Afterwards, I discussed this with the police sergeant, and in future Panels It was decided that I would sit to the side of the room rather than facing the child and their parents or carers, where it would be clearer that I was not a Panel member.

During the course of the fieldwork there were also certain unforeseen circumstances which I actually felt assisted me in carrying out the non-participant observations and interviews. One such example related to the 'downtime' that occurred between the end of the discussion of the prepared report by the Panel members and the arrival of the first child or young person and their parents or carers at the police station for their Panel. Here, this could last up to half an hour or more and was important for two key reasons. Firstly, it allowed me to bond and build relationships, often over a cup of tea and a biscuit, with the police sergeant (and any other police officers in attendance), the YOS representative and volunteer. This was important in making me (as something of an outsider in the process) feel at ease, and in fact, over the following weeks I really looked forward to these catch-ups. Secondly, it also allowed the police sergeant to brief me in more detail about any sensitive issues I should be aware of when interviewing specific children and young people and parents and carers. Consequently, this meant that I always felt prepared when undertaking the interviews with the children and young people and their parents and carers. This 'downtime' was not necessarily something I was initially aware would happen, but it proved to be advantageous in carrying out my fieldwork.

Relatedly, the specific way in which the Panel was structured also proved to be beneficial to my carrying out the fieldwork. But again, this wasn't necessarily

something I anticipated when developing my research methodology. Here, the fact that prior to interviewing the children and young people and parents and carers, I had an opportunity to observe their Panel, proved to be extremely valuable. This was because observing their Panel gave me a unique insight into the context and dynamics of the discussion that took place with the Panel members. If I had not had an opportunity to observe each Panel prior to interviewing, I would have been going into an interview setting having only read a written report about the child or young person. This could potentially have proved to be a challenging task and could have impacted upon the data collected. Practically, observing each Panel before interviewing was also useful as the children and young people and their parents and carers had a chance to familiarise themselves with my presence, rather than my suddenly meeting them for the purpose of interviewing, with no prior interaction.

Ultimately, although time was spent carefully planning the methodological and ethical aspects of data-collection prior to engaging in the fieldwork, as these examples illustrate, there were occasions where unforeseen ethical dilemmas required me to reflect upon my approach and make changes. Equally however, there were also instances where certain unanticipated circumstances actually aided me in carrying out my fieldwork successfully. What these examples do highlight is that research in real world situations, often in spite of best intentions, is fluid and non-linear, requiring the researcher to be flexible in their approach and continually reflect upon and monitor their experiences.

Data Analysis Procedures

The first phase of fieldwork utilised qualitative semi-structured interviewing (of agency-officers), supplemented by non-participant observations of Youth Crime Diversion Model Panels, in order to system-map the workings of Welsh Town's Youth Crime Diversion Models.

Why Undertake System-Mapping?

The existing academic literature into the workings of Welsh Bureaux has largely been restricted to analysis of the pre-LASPOA (2012) Swansea Bureau Model.

Consequently, there is little understanding of the wider processes and practices underpinning Welsh Bureaux (particularly outside of one location and in a post-LASPOA context). In order to address this limitation in the existing academic literature, three Youth Crime Diversion Models (comprising Welsh Town) were system-mapped to understand their underlying processes and practices (including how agency-officers viewed their respective workings). Seidman (2013) has stated that:

> "The primary way a researcher can investigate an...organisation, institution or process is through the experience of the individual people, the "others" who make up the organization or carry out the processes."

(Seidman, 2013, p.10)

To gain agency-officer views and experiences, the primary data-collection tool utilised during system-mapping was semi-structured interviewing, supplemented by non-participant observations of Youth Crime Diversion Panels. In a criminal justice context, the use of semi-structured interviewing (Haines et al. 2013, Gray, 2014) and observations (Newbury, 2011, Simak, In Press) have routinely been employed to understand the structure and dynamics of previously undocumented or little understood processes, models or mechanisms.

The Practical Steps Undertaken

Semi-structured interviews were audio-recorded on a Dictaphone and were subsequently transcribed verbatim (by me, the researcher, rather than using a transcription service). Additionally, written notes from each of the non-participant observations of Youth Crime Diversion Model Panels were collated in a notebook. In analysing and presenting the resultant qualitative data, it was necessary to do so in a way that allowed for a clear exhibiting of the overall processes and practices that made up the Youth Crime Diversion Models (in each of the three areas comprising Welsh Town). As such, it was important to present the data in a structured fashion that outlined the key aspects or steps of the process that were common to all three models, but which also accounted for

their differences. Following analysis of interview and non-participant observation data, a thematic framework was subsequently developed comprising of the following key headings:

- What is their rationale?
- What are their entry requirements?
- How are they structured? (including 'institutional' and 'individual' contributions/and a 'process-map')
- What are their outputs?
- Have there been any recent innovations?
- Are there any points of difference in their practice (including localised context)?
- What are their strengths and limitations?

These headings provided a clear and coherent structure around which themes pertaining to each could be further developed. Ultimately, the overarching aim of the initial system-mapping exercise and the adoption of the aforementioned thematic framework was to create what Fiore and Schooler (2004, p.140) have termed an "as is" map.[43] That is to say, utilise the qualitative data gathered to formulate a detailed description (or map) of how the Youth Crime Diversion Model process functions in each area.

The second phase of fieldwork engaged secondary-data analysis in order to ascertain the statistical impact of Welsh Town's Youth Crime Diversion Models in Area One, Area Two, Area Three and the Welsh Town region.

Why Undertake Secondary-Data Analysis?

The published academic literature examined in in respect of Welsh Bureaux has demonstrated that in statistical terms they hold much potential. Yet, the academic research into the statistical impact of Welsh Bureaux has largely been restricted to analysis of a single Welsh Bureau Model and largely relates to its

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[43] Utilising mapping to 'diagnose' or 'describe' existing processes, is an important stage within Business Process Improvement (BPI) methodologies.

pre-LASPOA (2012) performance. As such, it was necessary to move understandings forward, through statistically examining how Welsh Bureaux across multiple locations (e.g. Welsh Town) have performed over an extended duration. Here, a 'tripartite' statistical approach was adopted to provide sufficient contextualisation of where Welsh Town performance resides in relation to broader statistical trends occurring in both England and Wales and Wales respectively.

The Practical Steps Undertaken

Practically the 'tripartite' analysis comprised of three facets of secondary-data analysis:

- The first layer of analysis examined statistical trends in the youth justice system in England and Wales as a whole, with relevant data being sourced from MoJ and YJB supplementary statistical tables.

- The second layer of analysis involved examining statistical trends in the youth justice system in Wales, with relevant data being sourced from MoJ and YJB supplementary statistical tables, along with research conducted by the Howard League for Penal Reform.

- The third layer of analysis examined statistical trends at a regional level (e.g. Welsh Town), with relevant data being sourced from MoJ and YJB supplementary statistical tables and also spreadsheets produced by Welsh Town.

The secondary-data analysis undertaken was 'descriptive' rather than 'inferential' and used tables, graphs and qualitative segments to convey data-trends in an accessible format. Graphs were created in Microsoft Excel using raw data sourced from MoJ and YJB supplementary statistical tables and spreadsheets provided by Welsh Town.

The third phase of fieldwork engaged qualitative semi-structured interviewing to collect the views of children and young people and parents and carers engaged with Welsh Town's Youth Crime Diversion Models.

Why Interview Children and Young People and Parents and Carers?

In spite of promising rights-based intentions being woven into the genesis of the original Bureau Model, the published academic research literature has not yet documented how children and young people (in their own words) perceive the workings of Welsh Bureaux. Correspondingly, the literature also fails to acknowledge how parents and carers (in their own words) view the workings of Welsh Bureaux. It was important therefore, that the fieldwork component addressed these shortcomings in its methodological design.

The Practical Steps Undertaken

Semi-structured interviews were audio-recorded on a Dictaphone and were subsequently transcribed verbatim (by me, the researcher, rather than using a transcription service). The sample was sufficient to allow for 'data-saturation' (Mason, 2010, Fusch and Ness, 2015) to take place and for 'rich and thick' (Dibley, 2011) data to emerge, which could then be analysed via (inductive) thematic analysis (Boyatzis, 1998). Here, the six-step thematic analysis model conceptualised by Braun and Clarke (2006) was adopted as a useful, but flexible framework for identifying, coding and examining the qualitative interview data. Specifically, the six-step thematic analysis framework adopted consists of the following key actions: familiarising yourself with your data, generating initial codes, searching for themes, reviewing themes, defining and naming themes, and producing reports.

Chapter Summary

The chapter began by recapping the existing limitations within the literature on Welsh Bureaux. These 'gaps in knowledge' subsequently provided the basis for

the formulation of a principal research title (and sub-themes) to be examined. Three separate Welsh Bureaux (Area One, Area Two and Area Three Youth Crime Diversion Models) comprising one YOS region (Welsh Town) were identified as the settings for the fieldwork component. Subsequently, the specific mixed-methods (qualitative/quantitative) research design to be adopted was outlined and justified on the basis of achieving 'pragmatism'.

Specifically, it was highlighted that a qualitative approach (semi-structured interviewing and non-participant observations) would be utilised for the purposes of system-mapping, and in order to collect the views of agency-officers, children and young people and parents and carers engaged in Area One, Area Two and Area Three Youth Crime Diversion Models. Whereas, a quantitative approach (secondary-data analysis) would be deployed to ascertain the statistical effectiveness of Area One, Area Two and Area Three Youth Crime Diversion Model's and Welsh Town region. Specifically, these elements would be deployed in a qualitative > quantitative > qualitative sequence. The advantages of utilising 'triangulation' (participant, geographical and inter-method) were then highlighted and the sampling frameworks explained.

Lastly, ethical issues were considered, with a specific focus on not just traditional principles, such as informed consent, confidentiality and minimising harm to participants and the researcher, but also on the rights-based necessity of hearing from children and young people engaged in the youth justice system. Additionally, some of the specific ethical challenges that emerged during the fieldwork were also discussed. Chapter Five will present findings to emerge from the system-mapping exercise undertaken in respect of Welsh Town's Area One, Area Two and Area Three Youth Crime Diversion Models. The system-mapping exercise draws upon semi-structured interviews conducted with key agency-officers in each of the three areas, as well as non-participant observations of Youth Crime Diversion Panels operating in each area.

Chapter Five
System-Mapping 'Welsh Town's' Youth Crime Diversion Models

Introduction

Three Areas, Comprising One Region

Welsh Town is the product of a 2014 merger which brought together three individual Youth Offending Services (Area One, Area Two, Area Three) to create a single overarching regional Youth Offending Service. The three areas that Welsh Town incorporates differ in size, in their demographics and significantly are administered by different Local Authorities, with sometimes differing political objectives. It is important to appreciate that Youth Crime Diversion Models began functioning in Area One, Area Two and Area Three prior to the introduction of both the Legal Aid Sentencing and Punishment of Offenders Act (LASPOA, 2012) and the Welsh Town merger (2014) and therefore retain distinctive aetiologies and unique elements of practice. This means that in their current Welsh Town format they cannot be considered completely analogous.

However, it is also true to say that following on from the implementation of LASPOA (2012) and subsequent merger, the current Welsh Town functioning of the Youth Crime Diversion Models in Area One, Area Two and Area Three can be seen to share many common and replicable features. Centralised LASPOA (2012) legislation has dictated many of these 'standardised' and 'replicable' procedural elements, whilst the Welsh Town merger (2014) has sought to promote uniformity across all three Youth Crime Diversion Models (which has included for example, the introduction of a distinctive pre-court screening tool utilised by agency-officers across all three areas).

In order to better understand these nuances, system-mapping interviews were conducted across Area One, Area Two and Area Three (which as explained now comprise Welsh Town). The agency-officer interview sample (n=15) consisted of: YOS practitioners, YOS police officers, victim workers, volunteers (who are members of the public) and a reparation worker. Non-participant observations of Youth Crime Diversion Model Panels[44] were also undertaken in Area One, Area Two and Area Three. Utilising the combined data, the chapter begins by identifying and depicting how Area One, Area Two and Area Three models currently function. That is to say, in their current Welsh Town format, or put another way, their rationale, structure, processes and practices following on from the implementation of both LASPOA (2012) and the Welsh Town merger (2014).

Subsequently, this analysis will highlight that although there are many similarities within their present practice, each of the three area Youth Crime Diversion Models, in spite of the effects of LASPOA (2012) and the Welsh Town merger, have retained subtle, yet important, differences within their workings. It is suggested that this necessitates greater exploration within the chapter of the aetiologies of each of the Area One, Area Two and Area Three Youth Crime Diversion Models to better understand the genesis of these differences and how they have materialised over time, resulting in them becoming embodied within current Welsh Town formulations. Some of the tensions that LASPOA (2012), the Welsh Town merger, and localised contexts pose for the current functioning of the Youth Crime Diversion Models operating in Area One, Area Two and Area Three are then considered. The chapter concludes by suggesting that despite such tensions, the overall contribution made by Welsh Town's Youth Crime Diversion Models operating in all three areas is clearly one that is both positive and progressive for children and young people in conflict with the law.

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[44] The Youth Crime Diversion Model Panel in Area One, Area Two and Area Three comprises of 'two-halves'; both of which take place on the same day in a local police station. The 'first-half' involves Panel members reading a prepared 'report' on the child or young person and their offence, before arriving at a 'suggested' disposal/outcome (as well as any suggested intervention, restorative or reparative actions). The 'second-half' involves the Panel members asking questions of the child or young person (along with their parents or carers) before the police sergeant delivers the disposal/outcome (along with any agreed intervention, restorative or reparative actions).

The Rationale Underpinning 'Welsh Town's' Youth Crime Diversion Models

The rationale underpinning the Welsh Town functioning of Youth Crime Diversion Models in Area One, Area Two and Area Three was clearly articulated during the system-mapping interviews. Although, as highlighted, each of the three area Youth Crime Diversion Models possess distinctive aetiologies and differ in certain aspects of their historic and current practice, they have nonetheless, over the course of their development coalesced around a series of collective aims.

Providing Dual-Diversion: Encompassing 'Away From' and 'Into' Facets

The primary objective of Welsh Town's Youth Crime Diversion Models functioning in Area One, Area Two and Area Three (comprising Welsh Town) is to divert children and young people 'away from' the formal processes of the youth justice system and 'into' (where deemed necessary) 'appropriate' interventions designed to promote pro-social behaviour and bring about reductions in recidivism. There are then, two 'dual-facets' encapsulated within the process. The importance of these two strands was noted by one senior YOS practitioner, who stated that:

> "There's getting the young people who make that one-off mistake, who are never going to do it again, and they won't have to pay for it for the rest of their lives. And it's catching those ones who actually are on a path to a criminal career, because of no support or whatever else is going on, and chucking that support at them then. Rather than waiting for them to do something else. They are my two prongs for the [Youth Crime Diversion Model]."
>
> (Area One, Senior YOS Practitioner)

It is precisely this 'duality' which is a key strength of Welsh Town's Youth Crime Diversion Models and which allows for holistic engagement with children and young people. Put simply, the Youth Crime Diversion Model moves beyond simply working to limit the unnecessary criminalisation of children and young

people, to also include, forms of support and assistance which can intimately make a difference in children and young people's lives. When these elements are combined, Welsh Town's Youth Crime Diversion Models arguably possess transformative power.

Keeping Future Pathways Open: Reducing Labelling and Stigma

Minimising the damaging impact of labelling and stigma (Tannenbaum, 1938, Lemert, 1951, Becker, 1963) for children and young people in conflict with the law has routinely been used as a key justification for diversionary policy (c.f. Mahoney, 1974). A Standing Committee for Youth Justice (2017; see also Weaver, 2018) report which calls for the reform of the childhood criminal records system has emphasised that: "It is a sad irony that a criminal record only becomes an issue when a child decides to try to turn their life around" (Standing Committee for Youth Justice, 2017, p.5). Similarly, Article 40 of the UNCRC (1989) makes clear that:

> "States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age *and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.*"[45]

Here, the important role that Welsh Town's Youth Crime Diversion Models play in helping reduce the criminalising impact of a criminal record (and associated labelling and stigma) for children and young people who have committed offences was made clear during the system-mapping interviews. For example, it was noted by a range of agency-officers that:

> "There are so many kids, not just kids, adults, who will do something completely out of character. It's of no benefit to them, or society, or to anybody else, to criminalise them."

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[45] My own italics added for additional emphasis.

"…the end result is, the more we can keep them out of the criminal justice system, the better their chance for the future is going to be."

(Area One, Police Officer)

"I think they felt before the [Youth Crime Diversion Model] existed, they were just getting Police Reprimands if they did anything wrong…being on their way…and then just waiting for the next time when they turned up to Final Warning Clinic. They had no idea really around what diversion was! The thing is, I had set up prevention prior to this anyway, so I could speak quite a lot about the prevention work we could do and they could still have access to everyone in the YOS, but without that criminal record that would stick with them."

(Area One, Senior YOS Practitioner)

"Why should a child of 14 have a criminal record which is going to affect them for the rest of their life? When steps can be taken, and things can be done to prevent and put them on the right track, if they've gone off on the wrong track."

(Area Three, Volunteer)

In a corresponding manner, each of Welsh Town's three Youth Crime Diversion Models also strongly align with maturation hypothesis (Glueck and Glueck, 1937 and 1940) and 'growing out of crime' (Rutherford, 1986) approaches to dealing with children and young people in conflict with the law. The Welsh Town Youth Crime Diversion Model, across all three areas, is fundamentally predicated on a belief that it is counterproductive to criminalise a child or young person displaying low-level offending behaviour, which in turn, risks them being drawn deeper into the formal youth justice system and potentially unnecessary criminalisation. Instead, they work to allow a child or young person to naturally evolve from low-level teenage offending into likely law-abiding behaviour as a young adult, without negatively impeding their pathways to future education and employment opportunities. As an Area One police officer explained: "You have to judge people on what they become, not what they are at the moment" (Area One, Police Officer).

Building upon a Dragonised DNA: Promoting Rights and Participation

In Wales, following on from its devolutionary settlement, there has been a conscious effort to advance policy that promotes the rights and entitlements of 'all' children and young people. In respect of youth justice policy and practice (c.f. Drakeford, 2010, Muncie, 2011) there has been a determination to treat children and young people in conflict with the law as 'children first, offenders second' (c.f. Welsh Assembly Government and Youth Justice Board, 2004 and Welsh Government and Youth Justice Board 2014). Building on this foundation, the forerunner Area Three Youth Crime Diversion Model in its construction was strongly rooted in a rights-respecting framework and benefited from the space created by a national commitment to advancing children and young people's rights, participation and entitlements:

> "Our previous boss XXXX, the emphasis was 'children first, offenders second'. And that's what's been carried on through the [Youth Crime Diversion Model] and the [Welsh Town region]."
>
> (Area Three, YOS Practitioner)

> "It is about involving the children! It is about finding out what they want! It is finding out about what they think! And sometimes you get some very surprising answers when you ask questions!"
>
> (Area Three, Volunteer)

In the subsequent workings of the Area One and Area Two Youth Crime Diversion Models, treating children and young people as 'children first, offenders second' and ensuring that they can engage and participate in proceedings has similarly become a cornerstone of their development:

> "As much as you do make decisions on paper, when you see a young person come through the door, their remorse might not show in the 'report', but when you see their face you don't just look at the offence, you look at the child. It's about separating that behaviour from the person."

"I think because you're working with young people, rather than telling them to do something, engagement is better."

(Area One, Senior YOS Practitioner)

"…the way it's laid out in the actual framework is: child gets arrested; child gets cautioned; police tell the YOS child has been cautioned; who may or may not go around and do an assessment. That's how it seems to be to me to be presented in the guidance. But I think the way it's worked out in the [Youth Crime Diversion Model] is more consultative."

"I think the main strengths of [Area Two] are that it is welfare and rights orientated."

(Area Two, Senior YOS Practitioner)

Ultimately, these 'three foundational principles', it is suggested, permeate the day-to-day workings of Welsh Town's Youth Crime Diversion Models in all three areas. Consequently, they provide a robust and consistent blueprint for the organisational and individual practice that takes place in each area.

Entry to 'Welsh Town's' Youth Crime Diversion Models: Eligibility and Disqualification Criteria

Following on from the introduction of LASPOA (2012), Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three are currently accessible to boys and girls aged between 10-17 years old. Consequently, even if the child or young person commits the offence aged 17, if they subsequently turn 18 prior to their attendance at the Youth Crime Diversion Model Panel[46], they cannot then obtain a Youth Crime Diversion Model disposal or outcome.[47]

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[46] Area One holds its Youth Crime Diversion Model Panel on a weekly basis, Area Two on a fortnightly basis and Area Three on a weekly basis. All Panels are conducted within a local police station.

[47] In line with LASPOA (2012), Youth Crime Diversion Model disposals and outcomes include: No Further Action (NFA); Youth Restorative Disposal (YRD); Youth Caution (YC); Youth Conditional Caution (YCC); and Send to Court.

The child or young person must also admit guilt to the offence at the earliest opportunity and show remorse for their actions. On occasions there have been instances where a child or young person has initially admitted the offence, but has then denied it on the day of the Youth Crime Diversion Model Panel, with the result that they have then had to be 'sent to court' in line with existing legislation:

> "We have even changed our mind. They might have admitted it all in the 'report', then they see them face to face and they've denied it. And the police officer has said: 'I'm not judge and jury, we can't decide, you have to go to court.'"
>
> (Area One, Senior YOS Practitioner)

> "If the young person or child comes in and says I didn't do it, then that's not an admission of guilt, therefore, they have to go to court. They can't get a caution, if you haven't confessed. You can't get an 'out of court' disposal of any sort."
>
> (Area Two, Senior YOS Practitioner)

> "For instance, there was a previous incident of a Public Order Offence whereby we'd agreed this person was going to have a YRD. They'd come in and the attitude was totally different. Well I haven't done this…I did this because this person did this…and suddenly the whole context of what has occurred is different. Well, if it's not a full admission of guilt and there is no remorse, then they're in the wrong arena. You shouldn't be at the [Youth Crime Diversion Model]."
>
> (Area Three, Police Officer)

Entrants to Welsh Town's Youth Crime Diversion Model's in Area One, Area Two and Area Three will normally also have committed a crime considered Offence Gravity Score (OGS) three or below.[48] The types of offences that are most commonly sent to Welsh Town's Youth Crime Diversion Models include (but have not been restricted to):

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[48] Offence Gravity Score (OGS) 4 or above is usually not eligible for 'Welsh Town's' Youth Crime Diversion Models and will be sent to court.

- Assaults
- Criminal damage
- Drug possession (Class B)
- Shoplifting
- Theft
- Burglary (non-dwelling)
- Domestic incidents

In the case of domestic violence incidents (for example, children and young people assaulting parents or carers), if the child or young person is over 16 years of age and it is a second offence, they will be 'sent to court' in line with existing legislation.

Driving offences (aside from 'allowing to be carried') cannot be put before Welsh Town's Youth Crime Diversion Model, as it carries points and therefore necessitates a court appearance.

Following on from the introduction of LASPOA (2012) a child or young person does not now need to be an FTE to access Welsh Town's three Youth Crime Diversion Models, as was previously the case. Therefore, the scope of the entrance criteria has been substantially broadened, meaning that children and young people can now come back from court and under specific circumstances can receive multiple Youth Restorative Disposals (YRDs):

> "We've done 2 YRDs and some people have even had 3 YRDs if they've had very different offences or if there have been periods of desistance. But usually, I would say three times somebody coming to the [Youth Crime Diversion Model] is probably the maximum – but again it depends."

> (Area One, Senior YOS Practitioner)

"Someone's just had a fourth YRD…"

(Area Two, Senior YOS Practitioner)

"Somebody might have a previous YRD for pinching a 50p Mars Bar from Tesco and then getting involved in a fight in school. So, there's a possibility where it would be appropriate for them to have a couple of YRDs."

(Area Three, Police Officer)

The Structure of 'Welsh Town's' Youth Crime Diversion Models: Institutions and Individuals

Focusing on the Institutions

At an institutional level, the three Welsh Town Youth Crime Diversion Models are the localised product of a dedicated working relationship and joint vision between two key youth justice stakeholders:

- Youth Offending Service
- Police

In addition, each of the three Youth Crime Diversion Models have received strong multi-agency buy-in and operational support from other local partner agencies, including:

- Schools;
- Social Services;
- Early Help and Safeguarding;
- Child and Adolescent Mental Health Services (CAMHS).

In certain cases, multi-agency collaboration has been made easier due to the early prevention work which has already been up and running in an area and which has allowed robust working partnerships between the YOS area and surrounding partner agencies to develop over a sustained period. For example, this was the case in Area One:

> "I think because prevention was quite well established anyway, we didn't have to work as hard. We already had the links, the ties there..."

> (Area One, Senior YOS Practitioner)

In assessing the role of multi-agency partnerships, the contribution of the police to the workings of Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three is worthy of particular attention. Police officers (both YOS police officers and police sergeants) are influential to the workings of Welsh Town's Youth Crime Diversion Model for three key reasons.

Firstly, in providing practical and operational support to each of the three Youth Crime Diversion Models, both in relation to the model's day-to-day workings, as well as specifically at the Panel:

> "I'm sharing the information. I find when the kids have been arrested or been involved in something and I pass it over to the YOT and they do the 'reports' and they end up in the [Youth Crime Diversion Model]. And I sit on the Panel to discuss before the children come in, and if there is any other information that needs to be discussed, anything that comes up, previous history that hasn't been mentioned, I can access our records and fill in the gaps."

> (Area One, Police Officer)

Secondly, in cementing the overarching institutionalised YOS-police partnership at a personalised level. Here, YOS police officers in particular (but also to an extent police sergeants) occupy a unique position; in effect 'bridging-the-gap'

between the objectives and demands of both organisations [police and YOS] through their day-to-day work with the Youth Crime Diversion Model:

> "We've been very lucky with the YOT police officers we have had. Every single one of them! We've had a few since I've been here. We've been through about five [via secondment] and they've all been fantastic and really bought into the process."
>
> (Area One, Senior YOS Practitioner)

> "I think I said to you last week, about how much admiration I have for the police. You could see it for yourself. I totally underestimated the quality of the interpersonal skills of the police. I had no idea that the police were as pro-active in the system as they are…"
>
> (Area One, Volunteer)

> "We can't do anything in isolation anymore…and the [Youth Crime Diversion Model] is a good example of that."
>
> (Area Two, Police Officer)

> "…I think the strengths are that we have a good working relationship with the police. I think the police have been driven to working closer with us because of their need to find ways of not arresting…processing so many people through the Criminal Justice System. They're now totally signed up to more diversionary and restorative processes, because it's a big resource thing."
>
> (Area Two, Senior YOS Practitioner)

Thirdly, in legal and practical terms, only a police officer (YOS police officer when 'acting up' or police sergeant) has the power to administer a Welsh Town Youth Crime Diversion Model disposal or outcome to a child or young person at the conclusion of the Panel. Consequently, from undertaking the system-mapping interviews, it became evident that the co-operation and professional working partnership that has evolved between principally the police and the YOS region (Welsh Town and its sub-localities Area One, Two and Three) has been integral to the initial development and continued functioning of Welsh Town's Youth Crime Diversion Models. Corresponding with this finding, the broader significance of this relationship as a solid foundation for delivering out of court diversion work has recently been highlighted in a 'Criminal Justice Joint Inspection' report, which concluded that: "Relationships between the police and

YOTs are critical to out-of-court work. We found these were consistently strong" (HM Inspectorate of Probation and HM Inspectorate of Constabulary and Fire & Rescue Services, 2018, p.20). As described, at a macro level, multi-agency and institutional partnerships and working practices are a cornerstone feature of Welsh Town's Youth Crime Diversion Models in all three areas. It is the case though, that individual contributions are equally important (and necessary) to their effective functioning.

Focusing on the Individuals

At an individual level, a variety of persons, including professionals and service users, feed into the Welsh Town Youth Crime Diversion Model process at differing points in proceedings. Across each of Welsh Town's three areas proceedings follow the same overarching steps outlined below in Figure 12*:*

Voluntary Arrest (VA) or Arrest

Assessment of the Child/Young Person
(Using Screening Tool or ASSETPlus)

Victim Liaison Work

The Panel - 'Two-Halves'
(1) Discussion by Panel members of the prepared 'report' on the child/young person and their offence. Agreement on 'suggested' disposal outcome and any interventions, restorative or reparative actions.

(2) Child/young person (and parents and carers) dialogue with Panel members. Delivering of the disposal outcome. Discussion and drawing up agreement for interventions/reparation/restorative actions (if appropriate).

Intervention/ Reparation / Restorative Action

Figure 12: The 'Five Stages' of the Youth Crime Diversion Model (in Area One, Two and Three).

The Professionals

As highlighted, professionals and service users feed into these above stages (as outlined in Figure 12) at specific times and for specific purposes. Professionals who engage with Welsh Town's Youth Crime Diversion Models functioning in Area One, Area Two and Area Three routinely include:

- YOS Practitioners
- YOS Police Officer
- Police Sergeant
- Volunteer
- Victim Worker
- Reparation Officer

Professionals

YOS practitioners are key facilitators of the Youth Crime Diversion Model. They conduct the initial 'assessment' of the child or young person in the presence of their parents or carers and gather supplementary information from partner agencies including social services, schools and CAMHS[49]. Subsequently, this information informs the screening tool or ASSET Plus and eventually the written 'report'[50] that is put before the 'first-half' of the Youth Crime Diversion Model Panel for consideration. In each of the three Welsh Town areas, a YOS representative (practitioner) is present at the 'first-half' of the Panel during which the 'report' is discussed and a 'suggested' disposal or outcome (along with any appropriate interventions, reparation or restorative actions) are agreed upon. In Area One and Area Three a YOS representative is also present later the same day for the 'second-half' of the Panel[51], where Panel members ask questions of the child or young person (and their parents or carers) prior to the disposal or outcome (and any interventions, reparation or restorative steps) being administered to the child or young person.

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[49] YOS practitioners will also utilise ChildView and PARIS computer systems.
[50] The 'report' is usually based upon the completed screening-tool/Asset Plus.
[51] In Area Two, a YOS representative may stay on into the 'second-half' of the Panel in-order-to support a child or young person, however this does not always happen.

YOS police officers play an important role in supporting the Youth Crime Diversion Model process, both in its day-to-day functioning, as well as at the Panel. In administrative terms, YOS police officers complete daily checks for 'voluntary attendance' or 'arrests' and compile the necessary documentation – for example, F11, MG5, MG11, ASB records - required for the Youth Crime Diversion Model. At the Panel, YOS police officers do not routinely occupy the role of the 'chair', which is instead taken up by a police sergeant, but across all three areas are present during the 'first-half' of the Panel to provide operational support. For example, if further clarity is required concerning the background offences of a child or young person. In Area One, the YOS police officer usually leaves after the first-half' of the Panel. In Area Two and Area Three, YOS police officers remain and contribute to the 'second-half' of the Panel.

Police sergeants chair the 'first-half' of the Panel, in which the 'report' relating to the child or young person and their offence is read and discussed by Panel members. All Panel members are then asked by the police sergeant for their opinions and a 'suggested' disposal or outcome is agreed upon. In the 'second-half' of the Panel, supported by the other members of the Panel, the police sergeant takes the lead in asking questions of the child or young person (and their parents or carers). This dialogue is often future focused and can include discussion around restorative thoughts, feelings, reparative action and any interventions that may assist the child or young person. At the end of the discussion, the police sergeant delivers the disposal or outcome to the child or young person (it is important to highlight that on occasions this can change from the initial disposal 'suggested' in the 'first-half' of the Panel), as well as any interventions, reparative or restorative packages that have been agreed.

Volunteers represent the general public at the Youth Crime Diversion Model Panel. Before sitting on the Youth Crime Diversion Model Panel, they receive a period of formal training provided by the YOS. In the 'first-half' of the Panel they read the prepared 'report', offer their opinions on it, and help decide on a 'suggested' disposal or outcome for the child or young person (as well as suitable interventions, restorative or reparative actions). In Area One, the volunteer is present not only during the 'first-half' of the Panel but is also

present for the 'second-half'. Consequently, in Area One, they take an active role in asking questions of the child or young person (and their parents or carers). Conversely, in Area Two and Area Three the volunteer will usually leave following the 'first-half' discussion of the 'report'. The importance of including a volunteer in the diversion process was highlighted on a number of occasions during the system-mapping interviews by other agency-officers (professionals):

> "I think they add a dimension that makes the young people think! They see the police and they just see that's the police. I don't care what they think, or whatever their attitude is towards the police. Or they're an organisation as well [in reference to the YOT representative]. Sometimes they'll [the volunteer] make a comment that is quite a leveller to the rest of us, because we are looking at it from a professional capacity and they'll come in on a different level."

> (Area One, Police Officer)

> "Because the YOS will quite often see it from the side of the young person…we will quite often see it from the side of the victim. Perhaps the volunteer would have more of a balanced view…I mean don't get me wrong…I'm sure we would come to the same decision if it was just us and social workers. However, I think it's important to have an independent, balanced perspective on things."

> (Area Three, Police Officer)

It was made clear by the volunteers at interview that they felt they had an important role to play in the process and specifically at the Panel, particularly as they were not employed by an institution and so were essentially independent. There was also a general feeling amongst the volunteers interviewed that weight was attached to their opinions and their views were taken seriously:

> "I am there of my own free will…I have my own say…and in all fairness, I am always asked for my views. That's why I am there! But I really do feel that it's a good idea to have a volunteer or someone like myself on the [Youth Crime Diversion Model]."

> (Area Two, Volunteer)

"Oh yes absolutely...I'm not employed by anybody…I can say what I like and do what I like, and nobody can sack me! I feel like I can say what I like, because I have no reason not to and I've never ever felt that my opinion is not valued or that my discussions aren't taken seriously."

(Area Three, Volunteer)

Victim workers also play an important role in the effective functioning of the Youth Crime Diversion Model. The victim worker will contact the victim(s) when referrals come through and speak to them about their experiences and offer them restorative options. For example, meeting with the child or young person face-to-face (a restorative meeting) or having an apology letter written. At this point, reparation may also be discussed with the victim(s). The information gathered from meeting with the victim(s) is then compiled and included in the 'report' that is put before the 'first-half' of the Panel for discussion.[52]

At the conclusion of the Panel, the victim worker will be informed of whether the child or young person has attended, what disposal or outcome they have received, and what (if any), restorative or reparative actions the child or young person has agreed to fulfil. The victim worker will then contact the victim(s) and inform them that the child or young person attended their Panel and what took place. The victim worker will then offer the victim(s) the opportunity of a home visit to discuss what that means in practice (especially if the victim(s) are unhappy with the outcome). However, if the child or young person has agreed to do what the victim(s) asked, then the victim worker will work towards getting everything sorted for that to happen; whether that be some form of reparation (working in conjunction with the reparation officer), a letter of apology to the victim(s) or a restorative meeting.

The **reparation officer** facilitates the child or young person in helping to repair the damage that their offence has caused. In the context of the Youth Crime Diversion Model, the victim worker will normally visit the victim(s) following on from the offence and ask them if the child or young person can do anything to

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[52] In very specific cases the victim worker may attend the Panel, if they feel there is a need for the victim's voice to be heard above and beyond what is written down in the 'report'.

help repair the damage caused. If the both victim(s) and the child or young person are happy to proceed with reparation, then the reparation officer will help enable it to take place. Consequently, reparation undertaken as part of the Youth Crime Diversion Model (especially in the case of a Youth Restorative Disposal or Youth Caution) is customarily 'victim-led'[53], rather than what is considered 'community-reparation'.[54] That is to say, reparation will only be undertaken if specifically asked for by the victim(s)[55] (and agreed to by the child or young person). In relation to a Youth Conditional Caution (YCC), if Panel members think it is beneficial for some reparation to take place, it will normally be set at about three hours, so that it sits underneath what the child or young person would get on a Referral Order. Ordinarily reparation for corporate offences such as shoplifting may involve the child or young person assisting shop staff in security-tagging high value store items:

> "I've taken young people in to security tag their items. They get a bit of understanding of how much work goes in to loss prevention in supermarkets. And that's quite good as well, because we start off the session by meeting up with manager or the security manager. The young person gets a chance to apologise…it's like a mini-restorative conference…The owner gets the chance to explain to the young person what a pain shoplifting is and the effect that it has…could be potential job losses…things that the young person never thought about before."

> (Welsh Town Reparation Officer)

More broadly, as part of reparation flowing out of the Youth Crime Diversion Model, children and young people have also undertaken gardening and lawn-mowing, painting, renovation projects, repairs, and under specific circumstances, have engaged with Welsh Town's 'Building Skills Project', which delivers small-scale construction builds within the local community:

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[53] Specifically, there are two forms of reparation that are victim-led: 'indirect' and 'direct'. 'Direct' can only be the result of a face to face meeting between the child or young person and the victim. Conversely, if reparation comes out of the victim worker's meeting with the victim, then it is classified as 'indirect'.

[54] Community reparation is not 'victim-led' and forms a mandatory element of a Referral Order.

[55] Although it is worth highlighting that the Youth Crime Diversion Model is voluntary and therefore a victim(s) cannot insist that a child or young person undertake reparation work. However, within the Welsh Town region the overwhelming majority of children and young people, when requested by the victim(s) to undertake reparation do choose to engage.

"It happens quite a bit where a parent is the victim and they've said: 'he is in bed all day, he's doing nothing. I want you to take him to do something'. And we've dug down a bit deeper and yeah he'd like to do construction…but he doesn't get out of bed and stuff… so we've got them involved in the 'Building Skills Project' then."

(Welsh Town Reparation Officer)

The Service Users

Along with professionals who feed into the workings of Welsh Town's Youth Crime Diversion Models, there are also service users. These include:

- The Child or Young Person
- The Parents or Carers
- The Victim(s)

Service Users

The **child or young person** is the principal service user within Welsh Town's Youth Crime Diversion Models. Once referred to the Youth Crime Diversion Model they initially encounter the process (accompanied by a parent or carer) at 'the assessment' stage. During the 'assessment' - and in accordance with Article 12 of the UNCRC (1989) - the child or young person is encouraged to speak freely and openly. For example, they are given an opportunity to contemplate their actions in relation to the offence, discuss any challenges they may be experiencing at home or at school (or in other settings), consider whether there any steps they might wish to undertake to repair the harm caused to the victim(s) (for example, a letter of apology, restorative meeting or some type of reparation), and identify interventions or support packages which may benefit them moving forward. The information from the 'assessment' (as well as data gleaned from partner agencies) is subsumed into the screening tool or ASSET Plus and successively the 'report' to be considered in the 'first-half' of the Panel.

Every child or young person involved with Welsh Town's Youth Crime Diversion Models, if they wish, can read the completed version of their 'report' before it is put before the 'first-half' of the Panel (and Panel members) for consideration. Subsequently, if they don't agree with a specific point, a YOS practitioner can tell them why it has been included in the 'report' and why from a practitioner perspective it is deemed to be important. If the child or young person remains unhappy, a decision can then be made to remove it. This process actively reinforces Article 13 of the UNCRC (1989), which states that:

"The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice."

(Article 13, UNCRC, 1989)

Following on from the 'assessment', the child or young person will go home before appearing at the Panel (the 'second-half') at a later date - accompanied by their parents or carers. Significantly, the fact that the Youth Crime Diversion Model adopts an elongated, as opposed to a truncated format, is a key strength:

"What works with [Youth Crime Diversion Model] is that you have that period of cooling-off, where a young person has a few weeks to think about what they have done."

(Area One, Senior YOS Practitioner)

At the Youth Crime Diversion Model Panel ('second-half') the child or young person, accompanied by their parents and carers, is given space and time to explain to members of the Panel the circumstances around the offence committed, any underlying issues (for example, at home or at school or in peer-groups) that may have contributed to it taking place, interventions or

support packages they may benefit from moving forward, and any restorative or reparative steps they would be willing to undertake to repair the harm caused. This discussion is extremely important because it builds on the initial 'assessment' and allows the child or young person to explain in their own terms to the members of the Panel what help they require, what types of activities or interventions they are passionate about (for example, it may be music, sport, drama, art), and what they hope to achieve moving forward (for example, going to college, to university, joining the armed forces, undertaking an apprenticeship). As such, the discussion is not simply intended to retrospectively reflect on the events of the offence, but instead, is largely aimed at constructively considering how the child or young person can be assisted in moving forward positively with their life:

> "These kids have been interviewed in custody, they've been interviewed for the purpose of the 'report'. Quite often we'll go there and the police officer will say: 'I know what happened (via the 'report'), I'm not going to ask you over and over again!' They will talk more about their thoughts and feelings about it since, rather than the actual facts."

> (Area One, Senior YOS Practitioner)

> "I think sometimes it's the first time a young person has actually had to speak about it or justify what they've done. They get a row from their parents…oh stupid boy, what did you do that for? End of story…it's dealt with…its past…they've done something bad! They didn't have to think about 'why' they did it. They've just done something and had a row. The police will get them in and ask them 'what they did? So, they verify 'what' they did. But they're still not thinking 'why' did I do that? So, the Panel, and especially if their parents are there, works really well when you say 'why did you do that?'…and make them actually think for themselves about the impact. And that's where they learn."

> (Area One, Police Officer)

At the conclusion of the Panel, the child or young person will receive their disposal or outcome,[56] along with any agreed interventions, reparative or

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[56] Chapter Six which examines Youth Crime Diversion Model 'outcomes', demonstrates that statistically this is overwhelmingly the YRD. At this point however, it is important to understand

restorative work. The intentionally child-centric structure of the Youth Crime Diversion Model is therefore one that aims to 'include' rather than 'exclude' children and young people's contributions within its proceedings. The existing youth justice literature reinforces the fact that all too often children and young people in conflict with the law have had their opinions marginalised and their rights demoted; in spite of the fact that they are the very individuals most intimately impacted by youth justice processes and therefore should have primacy attached to their views (see Hart and Thompson, 2009, Creaney, 2014 and more broadly James and Prout, 1990 and the 'new sociology of childhood'). Refreshingly, more than being a convenient model of diversion, the Youth Crime Diversion Model (in all three areas) intentionally embodies Article 12 of the UNCRC (1989) into its practice. It reinforces through meaningful participation opportunities for children and young people to talk not only about why crimes were committed, but also, how they are finding school and family life and what interventions or support (if any) may assist them moving forward.

Parents and carers, like children and young people, are not excluded from the Welsh Town Youth Crime Diversion Model process; something which has at times been the case within youth justice proceedings (Gelsthorpe, 1999, Drakeford and McCarthy, 2000, Goldson and Jamieson, 2002). Parents or carers will initially accompany their child to their 'assessment'.[57] This preliminary meeting, which may be viewed with some trepidation by the parents or carers, can be an important moment in setting the tone for the rest of the process:

> "…a lot of them are so relieved when we go to do the 'assessment' that we haven't got horns, because they are so worried."

> (Area Three, YOS Practitioner)

Parents or carers subsequently accompany their child to the 'second-half' of the Panel and are included in the dialogue that the members have with the child or

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that the delivering of the disposal is only one aspect of the 'second-half' of the Panel. Crucially, the 'second-half' of the Panel also allows the child or young person to highlight in their own terms what interventions (if any) will best help them to move forward positively with their lives.

[57] Where parents or carers cannot fulfil this function, an 'appropriate-adult' will fulfil this role.

young person surrounding the context of his/her offence, potential interventions to be undertaken and possible restorative or reparative actions to be pursued.

Although the child or young person is the principal focus of the dialogue, it can also have a profound effect upon the parents and carers in attendance:

> "I remember one…I really remember…it was a father and a son. The father came in and he was this really big, butch guy. He had been in trouble with the police himself, and he was coming ready for a fight I think with the police officer. We had a bit of a conversation, just asking questions, and in the end the three of us sat back and all that happened was the dad and the son spoke. It was almost like family therapy for them – in the end the dad was in tears. We had the dad ring us afterwards saying how happy he was. It used to be the children that cried, but now it's the mothers and fathers that are crying. It's quite impactive!"

> (Area One, Senior YOS Practitioner)

Importantly then, the Youth Crime Diversion Model process does not attempt to commandeer parents and carers of their responsibility or their role as the authentic guardians of their children. Instead they are understood as important constituents in the effective workings of the process. Article 5 of the UNCRC (1989) states that:

> "States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention."

> (Article 5, UNCRC, 1989)

In a corresponding manner to the child or young person, the elongated rather than truncated format of the Youth Crime Diversion Model process works to the

advantage of parents and carers. Rather than parents and carers being pushed to the margins as their child is accelerated through the system, the structure allows parents and carers the time and space to re-establish dialogue with their child and re-claim authority.

As highlighted, in the structural workings of the Youth Crime Diversion Model, parents and carers are given the option to be intimately involved in the 'assessment' and Panel stages of the process. In both instances, they can speak openly about their relationship with their child, any difficulties they are experiencing, and what support (if any) would be beneficial. Here, if parents or carers are willing to engage with the process this can really assist in helping find a solution to the child's offending behaviour:

> "I'm a firm believer that behaviour is learnt. And sometimes it's an important aspect if the parents are prepared to engage as well. Then you've got them on board, it makes life a lot easier for everyone. Then you're addressing the point from the YOS and parent aspect as well. I think it's important to have the parent engage!"
>
> (Area Three, Police Officer)

It is the case though, that although the majority of parents and carers do actively engage with the process, this does not happen in every instance:

> "The parents that don't care, are not going to care whether they are in the [Youth Crime Diversion Model] or Court."
>
> (Area Two, Senior YOS Practitioner)

> "Some young people turn up and their parents haven't come…and that's quite sad to see."
>
> (Area One, Senior YOS Practitioner)

There can often be generational or pre-conceived perceptions about institutions such as the police and YOS. As an Area Two YOS police officer acknowledged: "If you've got an anti-police family, it's really difficult to turn people around". It is also the case that parents and carers may be experiencing profound and deep-rooted welfare, emotional or mental health issues in their own lives, which render their full engagement in the process challenging. In such cases, an 'appropriate-adult' will assume the role of the parents or carers during the process.

The **victim(s)** and their views also strongly feature within the workings of Welsh Town's Youth Crime Diversion Models. As highlighted, each area is assigned a victim worker who will go to the home of the victim(s) and gather their views relating to the offence, highlight restorative options available (for example, a face-to-face meeting or letter of apology), as well as discuss any 'reparative' steps that the child or young person might potentially undertake. The victim's voice is therefore an important part of the process, but crucially, they cannot demand that a child or young person engage in restorative or reparative actions or insist they receive a specific disposal or outcome at the conclusion of the Panel.

Outputs of 'Welsh Town's' Youth Crime Diversion Models: Disposals, Interventions and Restorative Actions

The Types of Disposals and Outcomes

In an equivalent manner to the 'eligibility and disqualification' criteria, Welsh Town's Youth Crime Diversion Models disposals and outcomes are currently standardised across Area One, Area Two and Area Three. Prior to the introduction of LASPOA (2012) a child or young person could receive the following disposals or outcomes:

- No Further Action
- Non-Criminal Disposal – (the predecessor to the YRD)
- Reprimand
- Final Warning
- Prosecution

Post the enactment of LASPOA (2012), available disposals or outcomes currently consist of:

- No Further Action
- Youth Restorative Disposal
- Youth Caution
- Youth Conditional Caution
- Send to Court

No Further Action (NFA) is a decision utilised when it is believed that the offence committed by the child or young person does not warrant or justify the awarding of a YRD (or a more severe out of court disposal) and consequently involvement in Welsh Town's Youth Crime Diversion Models:

> "We occasionally NFA things…the police do. Occasionally, things will come down to a [Police] Community Resolution. It involves the [YOS] police officer and the YOS ringing up the officer in the case and saying don't be ridiculous you can't charge that. The case in point was a boy who had a row with his mother, slammed the door in the house, and broke a light-switch. She called the police and the officer charged him with criminal damage. After a phone-call that became a non-offence."

> (Area Two, Senior YOS Practitioner)

The **Youth Restorative Disposal (YRD)** is a 'non-statutory' out of court disposal and does not constitute a criminal conviction. It is the preferred diversionary disposal deployed by Welsh Town's Youth Crime Diversion Models. Children and young people who go through Welsh Town's Youth Crime

Diversion Model are not restricted to a single YRD. A YRD can be supplemented by a variety of voluntary interventions aimed at addressing the specific needs of a child or young person and assisting in the development of longer-term pro-social outcomes. A YRD will be logged on local systems as police information and can be divulged as police information if pertinent to an enhanced criminal records check. Although a YRD (commonly referred to as a Community Resolution elsewhere) does not result in a formal criminal record and is arguably the most progressive out of court disposal available, there is little doubt that it could be further reformed, so as to leave no future trace on a child or young person's record (thereby offering genuine diversion). However, for this to occur there would need to be national level legislative reform of the criminal records system.

The **Youth Caution (YC)** is an out of court disposal and does not constitute a criminal conviction. It can be awarded for any crime, when the child or young person confesses the offence and there is satisfactory proof for a realistic potential of conviction, but it is not in the public interest to charge. A YC, in an equivalent manner to the YRD, can be accompanied by voluntary interventions which are designed to support and address the needs of the child or young person. However, failure to adhere with the intervention or conditions can be referred to in any forthcoming criminal proceedings. A YC becomes 'spent' at the time it is delivered and is logged on the Police National Computer (PNC) and may also form part of upcoming Disclosure & Barring Service checks.

The **Youth Conditional Caution (YCC)** is a 'statutory' out of court disposal. A YCC has the consequence of suspending criminal proceedings while the child or young person is afforded a chance to assent to agreed conditions. A YCC must have a minimum of one compulsory conditions/interventions attached to it and if the child or young person breaches these conditions then the YCC can be rescinded and criminal measures instigated for the original offence. Within the Welsh Town region, before any decision is made to send the child or young person to court for breaching their conditions, an 'encouragement-meeting' will normally be organised to explore more fully why they have failed to conform to the agreed conditions. A YCC is logged on the PNC and may form part of

impending Disclosure & Barring Service checks. A YCC is 'spent' three months after first being delivered.

Send to Court results in the case being forwarded for prosecution, as it is deemed to be in the public interest to prosecute the child or young person.

The Significance of Interventions

It is important to reiterate that Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three do not simply divert children and young people 'away from' the formal processes of the youth justice system (for example, through administering them an out of court disposal). They also divert them – where deemed necessary – 'into' interventions[58] designed to provide support and promote pro-social behaviour. As Table 8 illustrates, interventions can be attached to all Youth Crime Diversion Model disposals.

Table 8: The Nature of Youth Crime Diversion Model Interventions.

Disposal	Nature of Intervention
Youth Restorative Disposal (YRD)	Voluntary
Youth Caution (YC)	Voluntary
Youth Conditional Caution (YCC)	Compulsory

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[58] As highlighted, reparative actions can also flow out of Welsh Town's Youth Crime Diversion Models.

Significantly, interventions resulting from Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three are purposefully designed to be positive and pro-social, rather than punitive and prohibitive. Interventions can include (but are not restricted to): the Duke of Edinburgh's Award Scheme, NVQs and education skills, emotional-wellbeing support, drug and substance misuse counselling, as well as engagement with tailored local provision (such as youth or boxing clubs) in each area. The central importance of interventions for specific categories of children and young people appearing before the Youth Crime Diversion Model in each of the three areas was made clear in the system-mapping interviews:

> "…a young person coming through the [Youth Crime Diversion Model] has access to same support as a young person on a 'statutory intervention'. There's no difference! Why should there be? Why wait for somebody to get into trouble?"
>
> (Area One, Senior YOS Practitioner)

> "…the most important bit of all this process is not whether they get this, that, or the other. It's is there an identified need and want for support to change this kind of harmful behaviour?"
>
> (Area Two, Senior YOS Practitioner)

It was noted however, that use of interventions needed to be 'appropriate' in format and were most effective when they were 'focused' and 'tailored' to the individual requirements, needs and welfare issues of the specific child or young person. In furtherance of this point, it was emphasised that including interventions at the end of the process was not always a foregone conclusion, or even necessary in every instance:

> "We have young people turning up with a letter of apology they have already written. Crying their eyes out! They've been grounded for three weeks…they're never going to do it again! And you think, do you know what they don't need anything."
>
> (Area One, Senior YOS Practitioner)

> "Lots of them come out with no programme…lots of them are just straightforward…you don't really want to be doing programmes with them."

(Area Two, Senior YOS Practitioner)

This is clearly important, as there is a danger that exposing children and young people to sporadic and inconsistent use of interventions (especially following on from diversionary programmes) can *inter alia*: unnecessarily increase system contact (McAra and McVie, 2007, White, 2017) with formal agencies, facilitate unintended 'net-widening' practices (Palmer et al. 1978), and create avoidable dependency (Thorpe, 1980, 1982):

> "What you don't want to do is create that dependency."

(Area One, Senior YOS Practitioner)

Due to the age demographic that appears before Welsh Town's Youth Crime Diversion Models, parents and carers can often play a significant role in supporting their child to successfully engage with their interventions. Consequently, when parents and carers are positive about helping their child, the process can be made much easier:

> "A classic example was…I won't give you a timescale, but say last week…the parents were so supportive…they'd arranged for the [child] to get involved in certain summer camps…education training…employment…and they'd spoken to certain members of staff whereby they would assist him in this…and you'd look and you'd think well they're obviously making a conscious effort to ensure their [child] doesn't get involved in criminal behaviour."

> "If someone is obstructive it is very difficult, because the YOS is only going to have a certain amount of time with the person, and if the parents are obstructive then really it's an uphill task."

(Area Three, Police Officer)

The Value of Restorative Actions

Restorative justice (Christie, 1977, Braithwaite, 1989, Walgrave, 1998) likewise occupies a central role within the effective functioning of the Welsh Town's Youth Crime Diversion Models. As an Area Two victim worker explained:

> "I passionately feel that it is a really good thing for the victim and the young person to get together and talk."
>
> (Area Two, Victim Worker)

Restorative meetings have been particularly beneficial when children and young people have come before the Welsh Town's Youth Crime Diversion Models as a result of getting involved in disputes or assaults at school. The child or young person and victim(s) will often have to co-exist in the same school environment following on from the outcome administered at the Youth Crime Diversion Model Panel and a face-to-face meeting (in certain circumstances) can help to repair relationships and build bridges moving forward:

> "…there were three lads…an assault in school. We held the meeting on the XXXX and the Mother of the victim wasn't willing to meet with the guy who threw the first punch, because things were too raw. But she was willing to meet with the other two lads who joined in the fight and their parents as well. That meeting went ahead, and the victim turned up with his Mum and his Uncle, and the other two lads turned up with both their Mums. It went really really well! There were handshakes at the end, everybody spoke their mind. And it went really really well! So I was quite pleased with that! I'd informed the Mum, the one that she wasn't willing to meet initially, but there is a possibility about a month down the line. Now the victim's Mum came onto me after the meeting and she said is that offer still on the table to meet up with her and her son in a month? I said yeah absolutely…"
>
> (Area Three, Victim Worker)

It was evident from the system-mapping interviews conducted in the three Welsh Town areas, that whenever suitable and appropriate for all parties, a conscious effort is made by victim workers to put forward restorative solutions to be undertaken at the end of the process, whether that be a letter of apology or a face-to-face meeting between the child or young person and the victim(s).

However, there are certain circumstances where restorative meetings can be more difficult to convene successfully. For example, in the case of 'sexting', where the context around the offence can prove to be particularly sensitive for the parties concerned. Moreover, because of the nature of the Welsh Town Youth Crime Diversion Model, victim(s) can often be children and young people themselves and so parents and carers are often involved in discussions around whether to proceed with a restorative meeting. Subsequently, there can at times be a divergence of opinion between a parent or carer and their child as to the value of proceeding with a restorative option. It is important to note however, that where there is a divergence in opinion between parent and child, victim workers do try to reiterate to the parents or carers that they are there to support their child and get the best outcome for them.

The Continual Evolution of 'Welsh Town's' Youth Crime Diversion Models

At this point, it is also worth explicitly highlighting two very recent developments that have impacted upon the current post-LASPOA (2012) and post Welsh Town merger (2014) functioning of Youth Crime Diversion Models in Area One, Area Two and Area Three.

The Piloting of 'Welsh Town's' Pre-Diversion Screening Tool

An innovation that has recently impacted upon the workings of Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three (see Figure 12 for where it fits into the overall structure) has been the piloting[59] of a pre-diversion screening tool. The screening tool, which is distinct to Welsh Town[60], has been designed with the intention of condensing and simplifying the workings of the existing ASSET Plus assessment tool; thereby, providing practitioners with a less intrusive, light-touch method of assessing certain

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[59] The screening tool used by Welsh Town's Youth Crime Diversion Models has not yet been 'signed-off'' by the Youth Justice Board.
[60] Within Wales, Aberystwyth University have also been engaged in evaluating a screening tool which has been piloted by Welsh YOTs.

categories of children and young people. Expressly, the desire has been to produce a screening tool that is more suitable for a pre-court demographic of children and young people in conflict with the law who may have only committed a 'solitary' or 'one-off' offence and who therefore lack extensive offending histories:

> "When ASSET Plus came in there was a bit of a discussion around whether it was too much of an assessment – over assessing young people – if they'd gone and pinched crisps or something. ASSET Plus was supposed to have a 'Prevention' ASSET Plus and an 'Out of Court' ASSET Plus. But they're all exactly the same! They ask exactly the same questions! A lot of it is completely irrelevant, because you can't talk about history and patterns of offending, because these young people have never done anything before…so it's completely irrelevant! So it kind of wasn't making sense."

> (Area One, Senior YOS Practitioner)

In its technical usage, the screening tool is not applied in respect of every entrant to a Welsh Town Youth Crime Diversion Model. Instead, it is the role of each individual YOS practitioner in each area, using their professional expertise and discretion, to determine whether a screening or alternatively an ASSET Plus assessment offers the best course of action for a given child or young person.

Routinely, if the child or young person is a second-time or repeat offender – unless there has been a year of desistance or other mitigating factors – they will be given an ASSET Plus assessment rather than a screening. Similarly, if the Offence Gravity Score (OGS) is in the 3 range, or there are concerns around safety and well-being, a full ASSET Plus will normally be the preferred option over a screening.
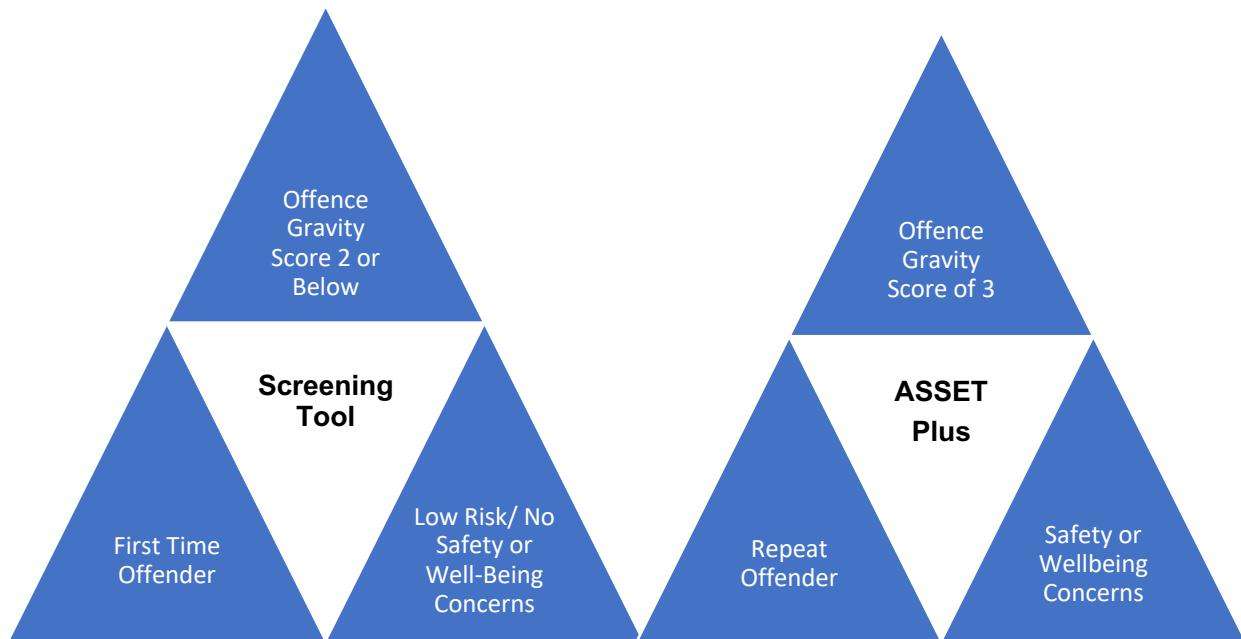
Figure 13: Youth Crime Diversion Model 'Screening Tool' Criteria.

A number of 'practical' and 'procedural' benefits associated with the introduction of the new Welsh Town screening tool were highlighted by agency-officers (professionals) during the system-mapping interviews. Specifically, it was suggested that the option of undertaking a screening in specific cases, rather than a full ASSET Plus assessment, had led to a reduction in workload for some Welsh Town practitioners:

> "…for us it reduces the workload, it will take you about half an hour, because it's a screening, not an assessment."

> "Feedback from the case officers who are using it is: 'thank goodness we've got it', because it does free up a bit of their time."

> (Area One, Senior YOS Practitioner)

During the system-mapping interviews attention was also drawn to the fact that under existing Welsh Town policy only 'qualified' social workers are permitted to

undertake ASSET Plus assessments. Meaning that other 'unqualified' staff are excluded from delivering ASSET Plus. Crucially this is at a time when staff and resources are stretched due to youth justice budget cuts, as well as the impact of Welsh Town's recent merger which has impacted staffing levels. The introduction of the screening tool has therefore enabled a wider range of YOS staff to undertake pre-court assessments, in turn, easing the pressure on 'qualified' social workers who frequently possess heavy statutory caseloads:

> "The [Welsh Town] Safeguarding Children's Board some years ago made a decree that 'unqualified' staff shall not do assessments. And I think that was following a Serious Case Review, as they were called at the time. And I think that related in the main to Children's Services, but it also became applied to the social work 'qualified' and 'unqualified' staff in Youth Offending Teams, who are part of Children's Services. So only social workers can do ASSET Plus because they are the only people who can do assessments. So, if you've got a screening that's great, because you don't need 'qualified' staff to do screenings…"

> (Area Two, Senior YOS Practitioner)

Accounting for 'practical' and 'organisational' benefits arising from the introduction of the Welsh Town screening tool, further and more profound implications for children and young people engaged in the youth justice system are discernible. In light of the literature reviewed in this thesis (c.f. Webster et al. 2006, Case, 2007, Kemshall, 2008, Case and Haines, 2009, Almond, 2012) limiting and minimising more intrusive forms of risk-assessment, wherever possible, is to be encouraged. In his critique of the Risk Factor Prevention Paradigm (RFPP) Case (2007) has lamented the fact that:

> "…despite the former Chairman of the Youth Justice Board protesting that 'practitioners need a lot of discretion to design local horses for local courses'. Instead, youth justice practitioners are obliged to routinely implement the structured, prescribed ASSET instrument…"

> (Case, 2007, p.99)

The recent advancement of Welsh Town's innovative pre-diversion screening tool rebuffs this trend. As Kemshall (2008) has contended:

> "It is important to recognize that policies are often mediated by the practitioners tasked with implementing them and agencies may seek to reconstitute much of their work based on risk."

> (Kemshall, 2008, p.29)

The Welsh Town screening tool therefore constitutes a significant and progressive step, in that it begins to seek to move away from the inflexibility and rigidity of the overarching centralised ASSET Plus framework, to offer instead and where applicable, a locally developed, appropriate and light-touch form of assessment, one which is designed to meet the explicit needs of localised pre-court children and young people. As an Area Three practitioner identified: "…it is a big plus…because the less documentation on the young person the better" (Area Three, YOS Practitioner).

The Police Community Resolution

The Ministry of Justice and Youth Justice Board's 'Use of Out-of-Court Disposal: Section 1 Case Management Guidance' (2014) states that the Community Resolution (CR):

> "…enables the police to make decisions about how to deal more proportionately with low-level crime and is primarily aimed at first-time offenders where there has been an admission of guilt, and where the victim's views have been taken into account."

> (Ministry of Justice and Youth Justice Board, 2014, Section 2.5)

The use of the Police Community Resolution (PCR)[61] constitutes a very recent development within the Welsh Town region. Police officers deliver PCRs at street level to quickly and effectively resolve low-level offences. Consequently,

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[61] This is the name given to the on-street CR in the Welsh Town area.

PCRs in a diversionary sense act to filter out minor misdemeanours by children and young people a stage or level before Welsh Town's Youth Crime Diversion Models come into effect. Concomitantly, the introduction and utilisation of PCRs also offers an early and important opportunity for each of the three Welsh Town areas to be informed and made aware of children and young people who may be displaying welfare and emotional issues, which in certain cases, may be intensifying the likelihood of further offending. Accordingly - if seen as being necessary and appropriate – those children and young people can then be provided with the tailored welfare and preventative support they require:

> "We've got Community Resolutions – I see the CRs, and I'll look at the history and think right ok, that person could possibly do with prevention. So we will get them in earlier. So there is an earlier involvement."

> (Area One, Police Officer)

> "What we're looking to do is refer them through as prevention cases anyway. So, it's been dealt with as a CR and then it's coming through to the youth offending service as a prevention case, as opposed to a [Youth Crime Diversion Model] case."

> (Area Three, Police Officer)

It was emphasised on a number of occasions however during the system-mapping interviews that the three Welsh Town areas either had to conduct their own searches to find out which children and young people had received a PCR in their area, or simply did not get to see PCRs at all:

> "What they should be doing on the second CR, they should be letting us know. I can then pick them up through prevention. That's not always happening yet…our police officer will look for it. We should get told, but we have to look for it. But it's very very new."

> (Area One, Senior YOS Practitioner)

"They seem to be recorded differently across the three areas. In [Area Two] we don't get to see any of these CRs. We think there is prevention work, as well as the [Youth Crime Diversion Model] work…so we could start getting involved with the CRs…and maybe at a second CR…"

(Area Two, Senior YOS Practitioner)

"They [the police] haven't been sending records. I have been requesting that they do. However, we do check."

(Area Three, Police Officer)

Within the 'Use of Out-of-Court Disposal Guidance' (2014) it is noted in respect of YOTs, that:

"…it is not mandatory for the police to inform you that a Community Resolution has been given as an outcome. However, you may wish to set up a local protocol to be informed of all such outcomes, in order to offer voluntary preventative intervention."

(Ministry of Justice and Youth Justice Board, 2014, Section 2.5)

Moving forward, it would appear beneficial for there to be greater synchronisation between the police and Welsh Town's three areas in respect of the use of the PCR; particularly for the purposes of early prevention. This is an issue that has also recently been identified in a 'Criminal Justice Joint Inspection' report into 'out-of-court disposal work in Youth Offending Teams'. The report recommended that:

"The police and local partners should have systems to inform the YOT of all community resolutions, so it can consider offering services where they could be beneficial."

(HM Inspectorate of Probation and HM Inspectorate of Constabulary and Fire & Rescue Services, 2018, p.27)

It is important to stress however, that although a Welsh Town area (under specific circumstances) may use a PCR to inform early prevention (especially if a child or young person has received 2 or more of them) there will be many occasions where a child or young person will not need or warrant any form of early prevention support (which would be voluntary in nature). Ultimately, the use of the PCR is a very new development within the Welsh Town region and it is perhaps to be expected that some 'process issues' relating to their recording and subsequent dissemination from street level (by the police) to partner agencies (such as the YOS) is still being refined and fine-tuned (see for example the Home Office, 2012 evaluation into the workings of Triage, which also identified certain process issues around the use of the PCR in conjunction with youth diversion practice).

Figure 14: Youth Crime Diversion Model:
Process Flowchart.

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┌─────────────────────────────────────┐
│     Voluntary Attendance (VA)        │
│                Or                    │
│              Arrest                  │
└─────────────────────────────────────┘
                  ⬇
┌─────────────────────────────────────┐
│           Process starts            │
│                                     │
│  YOS police officer completes daily │
│  checks on VA's and arrests. Prints │
│  off relevant documents – F11, MG5, │
│  ASB record - and passes to YOS     │
│  administrative staff and           │
│  management.                        │
└─────────────────────────────────────┘
                  ⬇
┌─────────────────────────────────────┐
│  Case allocated and documents       │
│  passed to YOS case manager who     │
│  arranges appointment with          │
│  child/young person and parents or  │
│  carers. Victim worker arranges to  │
│  visit the victim(s) of the offence.│
└─────────────────────────────────────┘
                  ⬇
┌─────────────────────────────────────┐
│  Case manager meets child/young     │
│  person and parents/carers and      │
│  gathers information from other     │
│  relevant sources – school, social  │
│  services, etc.                     │
│                                     │
│  Pre-court screening tool or ASSET  │
│  Plus completed, and 'report'       │
│  prepared for Panel.                │
└─────────────────────────────────────┘
                  ⬇
┌─────────────────────────────────────┐
│             The Panel               │
│                                     │
│  'First-Half': Panel members read   │
│  the report and discuss the         │
│  appropriate disposal and (and if   │
│  required interventions, reparative,│
│  restorative actions).              │
│                                     │
│  'Second-Half': The child/young     │
│  person attends Panel with parents  │
│  or carers. Panel members ask       │
│  questions of the child/young       │
│  person and discuss thoughts,       │
│  feelings and any interventions,    │
│  restorative or reparative actions. │
│  Police sergeant delivers the       │
│  disposal to the child/young        │
│  person. YOS representative         │
│  explains any agreed interventions, │
│  restorative, reparative actions to │
│  the child/young person.            │
└─────────────────────────────────────┘
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28 DAYS MAXIMUM

No Further Action	Youth Restorative Disposal [YRD]	Youth Caution [YC]	Youth Conditional Caution [YCC]	Send to Court

Acknowledging the Differences: Understanding the Aetiologies of 'Welsh Town's' Area Models

As the above analysis has identified, many procedural aspects of the post-LASPOA (2012) and Welsh Town merger (2014) Youth Crime Diversion Models are analogous and standardised across all three areas. For example, in relation to eligibility criteria, disposals and outcomes, the usage of a screening tool and even the individual steps that make up their overarching structure.

However, the system-mapping analysis undertaken has also identified that there are certain (although arguably minimal) differences and divergences between the current workings of the three models.[62] These are disparities that have preceded both the implementation of LASPOA (2012) and the subsequent Welsh Town merger (2014), but which have remained embedded in the respective workings of each through to the present time.

It is therefore necessary to consider the development of Area One, Area Two and Area Three Youth Crime Diversion Models in more detail and contemplate how, in spite of their many analogous elements, they have also managed to retain certain distinctive features to their functioning.

'Area One' Youth Crime Diversion Model

The Area One Youth Crime Diversion Model was first developed in 2011 and facilitates a medium-sized town. It holds its Panel meetings at a local police station on a weekly basis.

The Initial Development of the 'Area One' Youth Crime Diversion Model

The Area One Youth Crime Diversion Model materialised against a growing backdrop of central government directives aimed at validating the use of out of

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[62] Specifically, in relation to the composition of members at the Panel.

court mechanisms (c.f. Haines et al. 2013, Smith, 2014) to resolve minor disputes and first-time offences committed by children and young people. As emphasised, its construction pre-dated both LASPOA (2012) and the Welsh Town merger (2014).

Significantly, Area One was preceded by the Area Three Youth Crime Diversion Model, which began operating before it. Consequently, in its construction, the Area One Youth Crime Diversion Model was informed and influenced by the version already operational in Area Three:

> "[Area Three] had piloted the [Youth Crime Diversion Model] - so we were like, right let's have a look and see what [Area Three] do and let's see if we can, if not replicate the model, look at best practice and see if we can transfer it over to here."
>
> (Area One, Senior YOS Practitioner)

In practice, this involved a fact-finding exercise in which a senior YOS practitioner and YOS police officer from Area One spent time visiting and talking to Area Three YOS practitioners and its YOS police officer about the processes that underpinned their Youth Crime Diversion Model.

Prioritising Child-Centred Input

Area One practitioners then gathered their findings and met with their own children and young people for a consultation. The children and young people were explained the rationale and general workings of the Youth Crime Diversion Model. Significantly, the children and young people were then asked their views on the Youth Crime Diversion Model and what form they would like it to take in Area One:

> "We spoke both to some of the younger ones – some of the prevention kids who hadn't even been in court, who didn't really know what that was going to look like. But we also spoke to some of our more prolific offenders who had been through the system. We had the conversation, if this had existed what would you have wanted it to look like and would it have stopped you getting any further."

> (Area One, Senior YOS Practitioner)

This 'consultative process' reflected from an early stage a willingness to include the views of children and young people in the development of the Area One Youth Crime Diversion Model. It therefore aligned strongly with Article 12 of the UNCRC (1989) which states that:

> "When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account."

> (Article 12, UNCRC, 1989)

It also resonates nationally with the 'dragonised' (Edwards and Hughes, 2009, Haines, 2009) ethos of past and present Welsh policy strategies, including: 'Extending Entitlement' (Policy Unit, 2000, Welsh Assembly Government, 2002), the 'All Wales Youth Offending Strategy' (Welsh Assembly Government and Youth Justice Board, 2004) and 'Children and Young People First' (Welsh Government and Youth Justice Board, 2014). For example, in Section 4 of 'Children and Young People First' it states that one of several key principles underpinning the strategy will be that the:

> "The voice of the young person is actively sought and listened to…"

> (Welsh Government and Youth Justice Board, 2014, p.5)

Including a child-centred consultation process was made even more important because traditionally within youth justice policy and practice the views of

children and young people in conflict with the law have not always been afforded sufficient recognition. Hart and Thompson (2009) have stated that:

> "Young offenders have low expectations about their ability to influence the plans that are made for them but would welcome the opportunity to have more say."

(Hart and Thompson, 2009, p.4)

Significantly, the existing youth justice literature examined in this study (Hazel et al. 2002, Charles and Haines, 2014, Cleghorn et al. 2011, Creaney, 2014, Creaney and Case, 2014) has repeatedly highlighted that there are clear benefits to including the views of children and young people within youth justice processes, as well as within other child-centred contexts (c.f. James and Prout, 1998 and the work of the 'new sociology of childhood').

Following on from the 'consultation process', the children and young people in Area One fed-back that they wanted their version of the Youth Crime Diversion Model to be formal in its approach and be comprised of three individuals at the Panel stage, in effect, essentially replicating a magistrates court. Fundamentally, the children and young people in Area One described wanting the 'impact' but 'without' the criminal record at the end of the process.

The 'Area One' Panel

Many aspects of the workings of Welsh Town's Youth Crime Diversion Models are currently analogous across Area One, Area Two and Area Three. What is currently different however, is the exact composition of members that make up the Panel. This differs markedly according to each area[63]. In the case of Area One, this divergence, particularly in relation to the function and role of the volunteer, dates back to the initial development of the model in 2011. It was at that point that the format of the Panel – in consultation with children and young

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[63] Although it is important to highlight that a recent internal report has suggested that moving forward, efforts should be made to uniform practice between the three areas. Specifically, in relation to Panel membership composition, it suggests that volunteers should be present for both-halves of the Panel (as is currently the case in Area One).

people, YOS practitioners, police, volunteers - was agreed upon. This approach has remained consistent from inception through to the present, resulting in the Area One Panel membership currently functioning as outlined below (see Table 9):

Table 9: Area One Panel Composition.

Panel	Persons in Attendance
First-Half of the Panel **(Purpose: Discussion of the Report by Panel members)**	YOS Representative Police Sergeant Volunteer ↕ (Supported by YOS Police Officer)
Second-Half of the Panel **(Purpose: Panel members ask questions of the child or young person (accompanied by parents and carers)/ The disposal is delivered, along with any interventions, restorative or reparative actions)**	YOS Representative Police Sergeant Volunteer Child/Young Person accompanied by Parents/Carers

As Table 9 highlights, in Area One the volunteer takes a proactive and fully engaged role in both halves of the Panel. That is to say, not only in the 'first-

half' where the prepared 'report' on the child or young person is discussed, but also in 'second-half' proceedings where dialogue occurs with the child or young person (and their parents or carers) in person. As will be illustrated more fully, this differs markedly from Area Two and Area Three, where in each case, the volunteer will usually leave after the 'first-half' discussion of the 'report' and take no part in the 'second-half' of the Panel. It is also worth noting as depicted in Table 9, that in Area One the YOS police officer will normally not take an active role in 'second-half' proceedings and so will not meet the child or young person or their parents or carers in person.

'Area Two' Youth Crime Diversion Model

The Area Two Youth Crime Diversion Model was first established in 2011 and facilitates two medium-sized towns. It holds its Panel at a local police station on a fortnightly basis.

In an equivalent manner to Area One, it was preceded in the Welsh Town region by the Area Three Youth Crime Diversion Model and so could borrow aspects of its design and workings. The intention, as in the other two areas, was to offer a holistic crime prevention mechanism that avoided the unnecessary criminalisation of children and young people and where necessary could provide tailored interventions designed to bring about pro-social behaviour. The general structure of Area Two adopts the same 'five steps' as the other two areas. Regrettably, in relation to the exact timeline of events that led to the emergence of the Area Two Youth Crime Diversion Model there is a paucity of information currently available.[64]

The 'Area Two' Panel

A key difference between the Area Two (and Area Three) Youth Crime Diversion Model and the version operating in Area One relates to Panel

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[64] During the system-mapping interviews, Area Two YOS practitioners were asked about the origins of the Area Two Youth Crime Diversion Model. However, due to the turnover of staff since 2011, they could not comment with any certainty as to its initial construction.

membership. Again, largely due to the fact that Area Two decided to structure their Panel differently when initially devising their model. As a result (see Table 10), currently in Area Two, the volunteer usually leaves after the 'first-half' of the Panel, whereas they will usually stay in Area One. Equally, the YOS police officer will stay for the 'second-half' proceedings, whereas they will routinely leave after the 'first-half' in Area One. Moreover, in Area Two a YOS representative will sometimes stay for the 'second-half' of the Panel, but this is not routinely the case.

Table 10: Area Two Panel Composition.

Panel	Persons in Attendance
First-Half of the Panel **(Purpose: Discussion of the Report by Panel members)**	YOS Representative Police Sergeant Volunteer ↕ (supported by YOS Police Officer)

Second-Half of the Panel (**Purpose: Panel members ask questions of the child or young person (accompanied by parents and carers)/ The disposal is delivered, along with any interventions, restorative or reparative actions)**	Police Sergeant YOS Police Officer YOS Representative (sometimes) Child/Young Person accompanied by Parents/Carers

Immediately following on from the Panel meeting, in Area Two there will often be a 'one-off session' with a YOS substance misuse worker.[65] Again this feature has been present from the earliest days of the model's functioning. Where further intervention is required, Area Two (in addition to other forms of Welsh Town intervention) has developed strong links with a national organisation that runs a local boxing gym. The boxing gym is aimed primarily at school age children and young people and develops programmes aimed at boosting educational, literacy and numeracy skills in a way that corresponds with wider curricula aims.[66]

Localised Challenges and Needs in 'Area Two'

In speaking to practitioners who facilitate the Area Two Youth Crime Diversion Model, the strong multi-agency ethos and positive impacts of the process in working with – not in opposition to – children and young people was highlighted.

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[65] This is in addition to any interventions/reparation/restorative actions agreed at the Panel.
[66] This is important as children and young people may often need the co-operation of their school to attend an intervention session.

However, there were also some issues identified that they believed could further improve the current functioning of their Youth Crime Diversion Model.

For example, it was suggested that there could be more provision made specifically for girls who engage with the Youth Crime Diversion Model. Academics such as Sharpe and Gelsthorpe (2009) and Chesney-Lind and Shelden (2004) have long highlighted the unique challenges girls face who come into conflict with the youth justice system:

> "There is currently a distinct lack of targeted, gender-sensitive and female-only provision for girls and young women (of any ethnic background) who offend."

> (Sharpe and Gelsthorpe, 2009, p.201)

This theme was accentuated by Area Two practitioners:

> "I'd like us to have a greater variety of sources for people. I think what I'm quite surprised by, and again, I might not be seeing this very accurately, is the high number of girls coming through the [Youth Crime Diversion Model]. And I'm interested in what resources we've got for working with girls and whether they need to be and are different to those we would do working with boys. A high number of the girls who come through the [Youth Crime Diversion Model] I've also known through child sexual exploitation strategy meetings, harmful behaviour strategy meetings."

> (Area Two, Senior YOS Practitioner)

'Area Three' Youth Crime Diversion Model

The Area Three Youth Crime Diversion Model is the originator model within the Welsh Town region. It has been in operation for almost a decade and is located within a city. It holds its Panel meetings at a local police station on a weekly basis. It has already been subjected to analysis within the existing youth justice

academic literature. This has established that certain key features were significant in creating the conditions for its initial development.

A National and Local Commitment to Children and Young People's Rights

Wales' post devolution emphasis on upholding the rights and entitlements of 'all' children and young people (both outside and inside the youth justice system) has set a solid and progressive policy foundation for rights-fuelled practice to filter down and impregnate local practice – via a process of 'dragonisation'. Here, the Local Authority in which Area Three operates was quick to harness and deploy practical measures to effectively reinforce a national commitment to children and young people's rights at a localised level.

The conjoined interplay between national and local commitments to upholding rights therefore played an important role in creating the necessary space for the creation of the Area Three Youth Crime Diversion Model. As has been illustrated, the overall structural design of the Youth Crime Diversion Model purposefully 'includes' rather than 'excludes' meaningful opportunities for children and young people's contributions.

An Accurate Portrayal of the Crime and Disorder Act 1998

Moreover, there was an effort to accurately embody the original intentions of the Crime and Disorder Act (CDA, 1998). The core function of the CDA (1998) is to 'prevent the offending behaviour of children and young people'.

The Youth Crime Diversion Model in Area Three was created with a progressive and positive intention of delivering localised remedies to localised challenges, deploying and solidifying multi-agency partnerships, and ultimately working towards resolving the symptoms and causes of crime. Here, all of these objectives overlap with the stated intentions of the CDA (1998) as outlined in the legislation.

Incorporating Best Practice

The development of the Area Three model borrowed heavily from a broad spectrum of diversionary practice both historical and current. Specifically, aspects of diversionary practice exhibited during the 1980s new-orthodoxy were explored and subsumed into its set-up. Likewise, holistic models (for example, used in Scotland and Europe) that place an emphasis on public and parental and carer contributions also fed into its development.

The Area Three Youth Crime Diversion Model through incorporating these key themes, at its conception, sought to *inter alia*:

- Promote diversion and reduce the unnecessary criminalisation of children and young people;
- Provide space for the child or young person and their parent/carer to actively participate in proceedings;
- Put in place 'appropriate' interventions specifically designed to bring about positive behaviour in children and young people and concurrently reduce the likelihood of their re-offending.

The 'Area Three' Panel

As has already been identified, currently the major structural divergence between the Area Three'[67] Youth Crime Diversion Model and specifically the version operating in Area One concerns the composition of the Panel members. Again, these differences are not recent, but instead, can be traced back to the initial development of the Area Three model. As such, the Area Three Panel assumes the structure depicted in Table 11.

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[67] And the Area Two Model.

Table 11: Area Three Panel Composition.

Panel	Persons in Attendance
First-Half of the Panel **Purpose: Discussion of the Report by Panel members)**	YOS Representative Police Sergeant Volunteer ↕ (supported by YOS Police Officer)
Second-Half of the Panel **(Purpose: Panel members ask questions of the child or young person (accompanied by parents and carers)/ The disposal is delivered, along with any interventions, restorative or reparative actions)**	YOS Representative Police Sergeant YOS Police Officer Child/Young Person accompanied by Parents/Carers

In Area Three, the volunteer usually leaves after the 'first-half' of the Panel and therefore does not contribute to the 'second-half'. Consequently, the volunteer does not interact directly with the child or young person and their parents or carers during the process.

Localised Challenges and Needs in 'Area Three'

Over the course of its evolution there have been some specific challenges faced by the Youth Crime Diversion Model in Area Three, in part, owing to its operating within a city context. For example, it was highlighted during the system-mapping interviews that in recent times some of the larger retail outlets operating in the city centre (despite being aware of the role and objectives of the Area Three Youth Crime Diversion Model) were using 'civil recovery' to seek costs from children and young people who had been involved in shoplifting offences. This meant that parents and carers were routinely faced with a large bill following on from their child attending their Panel and receiving their pre-court disposal:

> "…the shops in [Area Three], despite being signed up with us in terms of Safer [Area Three] Partnership and looking at not criminalising but having apology letters, they had got into the realms of Civil Recovery. So, after they [the child] had been through the [Youth Crime Diversion Model] and had made their apology to the store, they would get a letter saying you owe us £142.00 because you took our security guard off their job."
>
> (Area Three, YOS Practitioner)

In spite of such localised challenges, the Area Three Youth Crime Diversion Model has received positive reviews nationally and internationally for its role in diverting children and young people away from the formal youth justice system. Specifically, its pioneering and innovative efforts in producing a holistic crime prevention mechanism, that 'includes' rather than 'excludes' a number of different parties (for example, the child or young person, parents and carers, victims, volunteers) has been widely commended.

Some Existing Tensions within 'Welsh Town's' Youth Crime Diversion Models

Regarding present tensions within the functioning of Welsh Town's Youth Crime Diversion Models, some clear themes emerged from the system-mapping

interviews and non-participant observations conducted across Area One, Area Two and Area Three.

LASPOA (2012) and the Impact of Repeat Offenders: A Soft Touch?

A key tension arising from the system-mapping interviews concerned the introduction of LASPOA (2012) and specifically how this piece of legislation had impacted upon the day-to-day workings of Welsh Town's Youth Crime Diversion Models across the three areas. Key to the CDA (1998) was the introduction of a rigid and escalatory tariff. As Hart (2012) has explained:

> "The formulaic approach introduced by the Crime and Disorder Act 1998 (CDA) was epitomised by the inflexible tariff applied to early offending. Reprimands and final warnings were applied automatically and there was little scope for practitioner discretion. Children progressed through these stages regardless of their circumstances and could rapidly find themselves facing formal prosecution following one or two minor offences. There was no going back once a child had stepped on the escalator."
>
> (Hart, 2012, p.2)

However, following on from the introduction of LASPOA (2012) the entry criterion for children and young people entering into Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three has been substantially widened to now move beyond simply FTEs. Rather than simply progressing in a linear fashion up the escalator of disposals (as was previously the case), a child or young person can now go 'up' or 'down' or 'backwards from court' to the Youth Crime Diversion Model. A child or young person can now also receive multiple YRDs under specific circumstances. Accordingly, it was noted within the system-mapping interviews that Welsh Town's Youth Crime Diversion Models could potentially be seen by some children and young people as being a 'soft option':

> "The other challenge would be maybe young people who are repeat offenders. When the [Youth Crime Diversion Model] was first set up it

was really for a one-off. You'd go from your YRD up to your Caution (used to be your Reprimand/Final Warning). But now they can come back quite a few times. They can be in court, and then have a year or two of not doing anything, then come back. So, it's like, is the [Youth Crime Diversion Model] seen as a soft option?"

(Area One, Senior YOS Practitioner)

Nonetheless, it was also acknowledged that this perceived weakness could concomitantly be a strength. This is because it allows children and young people the possibility of avoiding criminalisation, labelling and stigmatisation if they have committed very different offences or have registered a prolonged period of desistance:

"…if they have had a couple of offences and have gone to court for theft…and then suddenly they've come back with no previous offence for violence, and they've ended up in a bit of squabble, and a bit of a punch up in school…then perhaps it would be more appropriate to deal with it by way of a YRD. It's a different kind of offence – the person isn't perhaps known to be violent – and perhaps it's a more appropriate disposal. So, I do have a tendency to agree with the fact that the LASPOA legislation has an up and down spectrum."

(Area Three, Police Officer)

"The [Youth Crime Diversion Model] has changed…it's opened the floodgates…I think that when somebody comes out of custody or comes off a YRO and they do something that is relatively minor…at least they're getting a chance to work things out…but maybe with a bit of support that wasn't in place previously."

(Area Three, YOS Practitioner)

Ultimately, in reflecting on the above, it is the case that the legislative changes enacted by LASPOA (2012) are centrally instigated. Consequently, facilitators of Welsh Town's Youth Crime Diversion Models have been legally required to adapt to these changes in respect of the functioning of the Youth Crime Diversion Model. The above contributions do however serve to highlight the fact that pieces of legislation like LASPOA (2012), although broadly progressive and

positive in ambition, nonetheless, can still pose operational challenges for agency-officers (professionals) tasked with day-to-day administration.

The Role of Volunteers in the Youth Crime Diversion Model Process: Conflicting Views?

A further tension that became apparent from the system-mapping interviews related to the precise role of the volunteer within the current Welsh Town Youth Crime Diversion Model process – and specifically in regard to the workings and composition of the Panel. As has been highlighted, the three Youth Crime Diversion Models possess their own distinctive origins which have resulted in differences in who feeds into the Panel in each area. For example, from inception to present, within Area One, the volunteer contributes not only to the 'first-half' of the Panel in which the 'report' is discussed, they also stay for the 'second-half' and play a prominent role in asking questions and engaging in dialogue with the child or young person and their parents and carers. It was evident from the system-mapping interviews conducted that Area One volunteers felt very strongly that they needed to be present in 'both-halves' of the Panel:

> "I think I heard somebody say that in other areas the volunteer attends the [Panel] but doesn't attend the [second half]. I feel strongly about that…I really feel strongly about that…I wouldn't even agree to do it! I would justify that because reading a report you get a fixed idea, but 70 percent of the time, and that's off the top of my head, I've got a completely different view of this person now, because I've talked to them. Usually I've got a much harsher view, if you like, from reading the report, than when I've talked to the young person and I've listened to their story – and I don't feel so harsh."

> (Area One, Volunteer)

> "We spoke with our volunteers about it as well…if I said to them now, you've got to leave now before the young person comes in [to the Panel in the 'second-half'], they've said to me they won't volunteer to do panels again, because they want to see that young person all the way through."

> (Area One, Senior YOS Practitioner)

Conversely, in Area Two and Area Three, the volunteer usually leaves after the 'first-half' discussion of the 'report' concerning the child or young person. Therefore, they do not directly interact with the child or young person or their parents or carers at the Panel. During the system-mapping interviews there were a number of reasons put forward by Area Two and Area Three practitioners and volunteers as to why volunteers (even when they have been given the option) have not traditionally stayed on for the 'second-half' of the Panel.

It was highlighted that the volunteer is a member of the general public who is giving up their own free time to contribute towards the effective functioning of the Youth Crime Diversion Model. Therefore, staying for 'both-halves' of the Panel on a regular basis constitutes a significant time commitment. For example, in an Area Three (where it is not unusual to have five or more children and young people at Panel during a single session) this practically means the volunteer reading and discussing five reports, before staying on to engage with five sets of children or young people and their parents or carers. Consequently, the whole process, which normally begins mid-afternoon, can take a number of hours to complete. Here, this length of time may subsequently prove challenging for certain members of the public, especially if they have children or other working or voluntary commitments to attend:

> "…if you've got 7 [children or young people], you're talking about keeping them [the volunteer] at least six hours. And these people often sit on Referral Order Panels as well. For me, by all means ask them to stay if they want to, but if they don't want to that should be the end of it!"

> (Area Two, Police Officer)

Furthermore, it was noted that in Area Two and Area Three, if the volunteer stays for the 'second-half' of the Panel it may result in too many individuals being in the room, to the detriment of the child or young person who may feel overwhelmed. Interestingly, in Area One, the YOS police officer will normally drop out after the 'first-half' of proceedings resulting in only three members

being present during the 'second-half' of the Panel. However, it was noted by certain YOS police officers operating in Area Two and Three that they wished to be included throughout the Panel and therefore would not be comfortable with having to leave after the initial discussion of the 'report' concerning the child or young person.

At this point it is necessary to highlight that efforts have recently been taken by Welsh Town senior management to align Panel member composition across all three areas. However, it was the case that Panel uniformity was not evident at the time non-participant observations were undertaken as part of the fieldwork. Ultimately the continued dissimilarities in Panel membership appear to reflect the strongly held views in each area as to 'what works best' for their individual locality.

Balancing 'Statutory' and 'Non-Statutory' Provision: The Challenge of Competing Caseloads

In recent years there has been a renewed effort from policymakers to reduce the number of children and young people entering the formal youth justice system for low-level offences (Haines, et al. 2013, Smith, 2014). This has arguably been as much a pragmatic and cost-saving exercise as a principled effort relating to the rights and needs of the child or young person. Nonetheless, as previous chapters have sought to demonstrate, whatever its true origin, it has stimulated and promoted ways of working with children and young people in an out of court setting.

Despite the renewed importance of out of court work, the system-mapping interviews did uncover something of a tension between 'non-statutory' and 'statutory' workloads. For example, as one senior practitioner noted that:

> "Sometimes people are so stretched. As a case manager…especially if you've got statutory cases as well, who have to be seen three times a week…if you've got somebody on the [Youth Crime Diversion Model]

who has never been here before; he may be or she may be slightly less of a priority."

"We have case managers here trying to manage statutory cases; [Youth Crime Diversion Model] cases and early intervention cases. Now they should all be the same priority, but they're not! Because figures, funding and stats say we need to focus on the ones that are in court. Whereas me, being prevention manager and pre-court, I'm screaming from the rooftops going just because he's 8 doesn't mean he is any less important than the 16 year olds. Just because he hasn't been caught yet, he's got the same issues, he's extremely complex!"

(Area One, Senior YOS Practitioner)

Managerialism and centralised targets have long been a feature of youth justice practice and it appears that practitioners (in spite of individual and managements' best efforts) are under increasing pressure due to wider austerity, cuts to youth justice budgets and staff-shortages to manage the demands in respect of both 'non-statutory' and 'statutory' workloads. A recent Ministry of Justice and Youth Justice Board (2017) report into prevention activities undertaken by YOTs similarly identified tensions created by statutory caseloads as a barrier to delivering effective prevention. The report highlighted that:

"Respondents were asked what the barriers were, if any, to delivering an effective prevention intervention in their area…overall, a lack of resources/investment was the most commonly indicated barrier (77%), followed by lack of a central prevention strategy (42%) and the focus of the YOT on delivering statutory orders (35%)."

(Ministry of Justice and Youth Justice Board, 2017, p.13)

This is an unenviable task within the present youth justice climate. However, as 'system-management' practices of the 1980s have demonstrated, the youth justice process should ideally be viewed as a continuum, one in which correct funding and support of pre-court work can in turn directly impact on the number of children and young people having to be engaged with further down the line

on a 'statutory' basis. There will always be a section of children and young people who possess deep-rooted challenges that will require intensive 'statutory' work, but this should not detract from the importance of pre-court and prevention activities.

Facilitating the Youth Crime Diversion Model: Ensuring a Pipeline of Volunteer Participants

During the course of the system-mapping interviews it was made apparent that volunteers play an important role at the Youth Crime Diversion Panel. However, it was also noted that recruiting a wide selection of volunteers (of differing ages and backgrounds) was not always a straightforward task, in large part, due to the fact that Panels take place on weekdays, when many individuals are in work or have family or other commitments:

> "This [the Panel] takes place in the afternoon, so that sort of knocks out people who are working…So, you're either going to end up with students doing it as part of a course, or doing it because they want to do it because they want to go into criminology…because they move onto other things and other places. Or you get people like myself, who are retired."

> (Area Three, Volunteer)

> "I think when you start looking at the Panel side of things…a lot of volunteers from my experience in this area [in Area Two]…they come in and use it for a little while and they disappear…it's something that they can put on their CV. But that's life isn't it you know…"

> (Area Two, Volunteer)

In many respects, this is simply a practical reality of running a youth crime prevention model that incorporates public contributions during weekday afternoons. Save changing the time of the Panel to early evening, there may not be a straightforward or singular solution to consistent future volunteer recruitment. Logically however, the more members of the general public are made aware (perhaps via PACT meetings, community events or social media

streams) of the aims and purpose of the Youth Crime Diversion Model and the need for contributions, the better the chances of securing a wider selection of participants.

The Police Community Resolution and the Need for Communication

A final tension identified within the process concerned the functioning of the Police Community Resolution (PCR). It was suggested that it may be beneficial for the police to more formally inform the YOS when they deliver an on-street PCR, which could then allow for a child or young person to receive targeted prevention. However, such prevention activities would need to be appropriate and carefully monitored and should not automatically follow on from a single PCR (because of the potential for 'net-widening' to occur). In terms of the procedural role occupied by the police in the functioning of the Panel, there may be benefits in offering a short training programme for new police sergeants tasked with chairing the Youth Crime Diversion Model Panel. Here, organisational priorities mean that police sergeants can often be quickly moved into a role with the Youth Crime Diversion Model at short notice, without always having had detailed training in the procedures (and perhaps more importantly) the ethos and ambitions of the Youth Crime Diversion Model. Practically police sergeants who have previously chaired the Panel may be best placed to provide such training.

The Key Findings: Advancing a Progressive Form of Diversion in 'Welsh Town'

In reviewing some of the key themes explored, it is clear that Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three exhibit some clear cause for optimism.

The Strengths

It was identified that each of the three models have coalesced around the following progressive, positive and participatory core aims:

- **Seeking to provide 'dual-diversion',** encompassing both 'away from' and 'into' dimensions.
- **Seeking to keep future pathways open** through limiting the deleterious impact of stigma and labelling.
- **Seeking to embed rights and participation** into the heart of the pre-court youth diversionary process.

Furthermore, attention was also drawn to the important role played by multi-agency partnerships within the Welsh Town region. Specifically, the strong partnership that has developed between the YOS and the police in Area One, Area Two and Area Three has proved especially significant in providing a solid foundation for each of the three Youth Crime Diversion Models to work towards delivering positive diversionary outcomes for children and young people in conflict with the law. From the system-mapping interviews and non-participant observations undertaken, it became evident that a high level multi-institutional (YOS and police, supported by partner agencies) commitment to youth diversion has also been replicated at an individual level by agency-officers (professionals) who are passionate and committed to wherever possible keeping children and young people out of the formal youth justice system.

Concerning the underlying processes encapsulated within Welsh Town's three Youth Crime Diversion Models, there are clearly signs that each of the models seek to 'include' rather than 'exclude' key actors who have at times been disenfranchised from youth justice system processes. For example, there is a clear emphasis placed on hearing children and young people's contributions, rather than shutting-down pathways for them to express their views. At various stages in the workings of Area One, Area Two and Area Three Youth Crime Diversion Models they are provided space to speak freely and openly about the offence they have committed. This space also allows the child or young person to talk about whether there are any underlying issues or challenges they are facing in the classroom, within the family, or in other settings. Importantly, children and young people do not simply reflect on their past misdemeanours and current circumstances, but importantly, are encouraged to focus on future actions and aspirations. At both the 'assessment' and 'Panel' stages they are

given an opportunity to highlight in their own words any specific interventions or support packages which may benefit them moving forward (as well as any reparative or restorative actions they may wish to undertake to remedy the harm caused to the victim(s)). In a corresponding manner to children and young people, parents and carers have at times found themselves excluded from the workings of the youth justice system. Breaking this mould, it was apparent that Welsh Town's Youth Crime Diversion Models functioning in Area One, Area Two and Area Three actively seek to reverse this damaging trend through promoting parents and carers contributions. They are present at both the 'assessment' and 'Panel' stages and are given an opportunity to speak openly and honestly in both sessions. The purposefully elongated structure of each of the three Youth Crime Diversion Models also allows parents and carers the necessary time and space to re-establish dialogue with their child and re-claim their parental (and carer) authority.

It was also evident that there is a clear acknowledgement of the place of the victim(s) within Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three. Each area is assigned a victim worker who will go to the home of the victim(s) and actively seek their views relating to the offence committed, highlight possible restorative options that are available (for example, a face-to-face restorative meeting or letter of apology), and also discuss any reparative steps that the child or young person might potentially wish to undertake. The voice of the victim(s) is therefore not neglected or overlooked, but rather, forms an important component within the overall Youth Crime Diversion Model process. Finally, the system-mapping exercise undertaken also identified that following on from the Welsh Town merger (2014) innovation has taken place in respect of the functioning of Welsh Town's Youth Crime Diversion Models. A positive and progressive example has been the development of a pre-court screening tool. The screening tool has sought to reduce workloads and more importantly (wherever possible) limit intrusive assessment of children and young people entering into each of Welsh Town's Youth Crime Diversion Models. As with any youth justice mechanism, there are however, some tensions relating to the workings of Welsh Town's Youth Crime

Diversion Models in Area One, Area Two and Area Three, which are also worth highlighting in more detail.

The Tensions

It was noted in relation to the Police Community Resolution (PCR) that it would appear beneficial for there to be greater synchronisation and communication between the police and Welsh Town's three areas, particularly for the purposes of early prevention. It is worth reiterating however, that the PCR is relatively new to the Welsh Town region and so the fact that there are some initial process issues relating to its functioning is unsurprising. Additionally, the introduction of LASPOA (2012) and the newfound ability for children and young people to now move up and down and backwards from court has led some Welsh Town professionals to query whether the three Youth Crime Diversion Models are viewed as too much of a 'soft option'. Although as explained, this is not by any means a consensus view of agency-officers interviewed and the flexibility inherent in the LASPOA (2012) framework has frequently been viewed positively by many working within and observing youth justice practice (Hart, 2012). Operationally, the role of the volunteer is perhaps to date the most contentious issue within the procedural workings of Welsh Town's Youth Crime Diversion Models. It was discovered that Area One volunteers feel very strongly that they should contribute to 'both-halves' of the Panel. Conversely, in Area Two and Area Three, volunteers have not traditionally stayed for the 'second-half' of the Panel.

Balancing 'statutory' and 'non-statutory' caseloads was also understood as an increasingly challenging task, a challenge evidenced by a recent Ministry of Justice and Youth Justice Board (2017) research study. Broadly across youth justice practice there has been an increased emphasis on prevention/pre-court/out-of-court work within YOS since the turn of the decade. However, amidst shrinking budgets, reduced workforces and explicit centralised targets for 'statutory' cases, this broadening of front-end YOS work has clearly presented new challenges in terms of prioritisation of caseloads. Finally, challenges over ensuring a diverse pipeline of future volunteers to attend Youth

Crime Diversion Model Panels was noted and it was suggested that greater public awareness of the role and aims of the Youth Crime Diversion Model may aid this effort. For example, through raising its profile at PACT meetings, community events attended or organised by the police or via social media streams. Nonetheless, in spite of the above tensions outlined, it is suggested that taken in their entirety (and particularly because of the strengths outlined) Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three possess a framework for youth diversionary practice that 'holds much potential' for children and young people in conflict with the law.

However, the system-mapping exercise that underpins these findings is exclusively reliant on agency-officer (that is to say professional) contributions and therefore only provides their viewpoint and opinions. Although helpful, for any fully comprehensive understanding of the effectiveness of Welsh Town's Youth Crime Diversion Models to be gained, a number of further steps need to be pursued. Initially, there is a need to understand quantitatively whether the 'promising claims' made within this chapter are borne out statistically by Welsh Town's Youth Crime Diversion Models. Moreover, there is also a need to collect the views of children and young people and parents and carers who actively engage in Welsh Town's Youth Crime Diversion Models. Through accomplishing these steps, a more holistic and complete overview can be achieved.

Chapter Summary

The chapter presented findings to emerge from a system-mapping exercise undertaken in respect of Area One, Area Two and Area Three Youth Crime Diversion Models operating within the Welsh Town region. The system-mapping exercise drew upon semi-structured interviews conducted with key agency-officers in each of the three areas, as well as non-participant observations of Youth Crime Diversion Model Panels. Findings were initially used to explore the rationale underpinning the Welsh Town functioning of Youth Crime Diversion Model's in Area One, Area Two and Area Three. Technical aspects common to all three Youth Crime Diversion Models were then outlined, including 'entry and

disqualification' criteria and aspects of their general working structure. Here, time was spent detailing the roles of 'institutions' (YOS, police, schools, social services) and 'individuals' (professionals and service-users) who customarily interact with the Welsh Town Youth Crime Diversion Model process. Generalizable outputs such as disposals, interventions and restorative actions emanating from the Youth Crime Diversion Models operating in Welsh Town were then explained, before new developments to have impacted upon the process, such as the PCR and the development of an innovative screening tool, were highlighted. Finally, through looking at the three Youth Crime Diversion Model's aetiologies, points of difference were identified between each (particularly in respect of the Panel). The chapter concluded by looking at some of the tensions within the workings of the Area One, Area Two and Area Three models. Chapter Six will seek to better understand in quantitative terms the impact of Welsh Town's Youth Crime Diversion Models.

Chapter Six

The Quantitative Impact of 'Welsh Town's' Youth Crime Diversion Models: A Tripartite Analysis

Introduction

The central purpose of this chapter is to ascertain the quantitative impact of each of Welsh Town's three Youth Crime Diversion Models. In order to effectively fulfil this aim, it employs a 'stratified' framework, incorporating three layers of secondary-statistical analysis. A 'tripartite' analytical approach is appropriate so as to provide sufficient statistical contextualisation of where Welsh Town performance resides in relation to broader statistical trends occurring in both Wales and England and Wales respectively.

In line with this framework, the first layer of analysis involves examining statistical trends in the youth justice system in England and Wales as a whole. Consideration is given to a number of youth justice performance measures gathered over the last decade and it is highlighted that a prominent trend to emerge has been the substantial fall in numbers of FTEs entering into the youth justice system in England and Wales. In light of this fact, possible reasons for the falls in numbers of FTEs entering into the youth justice system in England and Wales are considered and it is suggested that a number of dynamics may have factored into these reductions. For example, the adoption of diversionary mechanisms, the role of policy and its effect on policing practices, and the impact of a prolonged austerity agenda.

The second layer of analysis examines youth justice performance in Wales, as a distinct entity from England and Wales. This was considered necessary in order to determine the extent to which the downward trends experienced in England and Wales were also evident in Wales – the country in which the Area One, Area Two and Area Three Youth Crime Diversion Models are situated.

Here, attention is paid to a number of key performance measures including rates of FTEs, numbers of FTEs, number of arrests (including by Welsh police forces, along with a four-year comparison between 'England' and 'Wales'). Analysis of these performance measures suggests that trends displayed in England and Wales are also being broadly replicated at a Welsh level.

The third layer of analysis looks at youth justice performance measures at a regional level (Welsh Town) and examines numbers of FTEs (both aggregated Area One, Area Two and Area Three data, as well as each area broken down individually) in order to provide a comparison with Wales and England and Wales trends and also as a means of assessing impact between each of the three Youth Crime Diversion Models. To comprehend more fully 'decision-making' in respect of each of the three areas, FTE analysis is then supplemented by examination of disposal outcomes administered by each of the models over a two-year period (in line with the comparable data that is available), before finally, re-offending data is analysed.

Examining Youth Justice Trends in England and Wales

In England and Wales, the most prominent statistical trend discernible over recent years has been the prolonged reduction in the number of FTEs entering into the youth justice system (Bateman, 2014, National Association for Youth Justice, 2017, Ministry of Justice, 2017, Ministry of Justice and Youth Justice Board, 2018). The latest 'Youth Justice Statistics 2016/17 England and Wales' annual report underlines the contraction that has taken place in the youth justice system over the last decade, stating that: "The number of FTEs has been falling since the year ending March 2007…" (Ministry of Justice and Youth Justice Board, 2018, p.9).

As Figure 15 illustrates, the highpoint for numbers of FTEs[68] in the youth justice system in England and Wales can be traced to the year ending March 2007 and

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[68] In the Ministry of Justice and Youth Justice Board (2018, Table 2.7) data-set: 'The first occasion on which children and young people received a caution or conviction for offences committed in England and Wales recorded on the Police National Computer by an English or Welsh police force. Where there were multiple offences on the same occasion, the primary

subsequently there have been year-on-year reductions up until the present point in time. From a high of 110,817 in the year ending March 2007 to a low of 16,541 in the year ending March 2017. Over the ten-year period, 2007 to 2017, this represents a percentage decrease of 85 per cent in numbers of FTEs entering into the youth justice system in England and Wales.

Number of FTEs in England and Wales
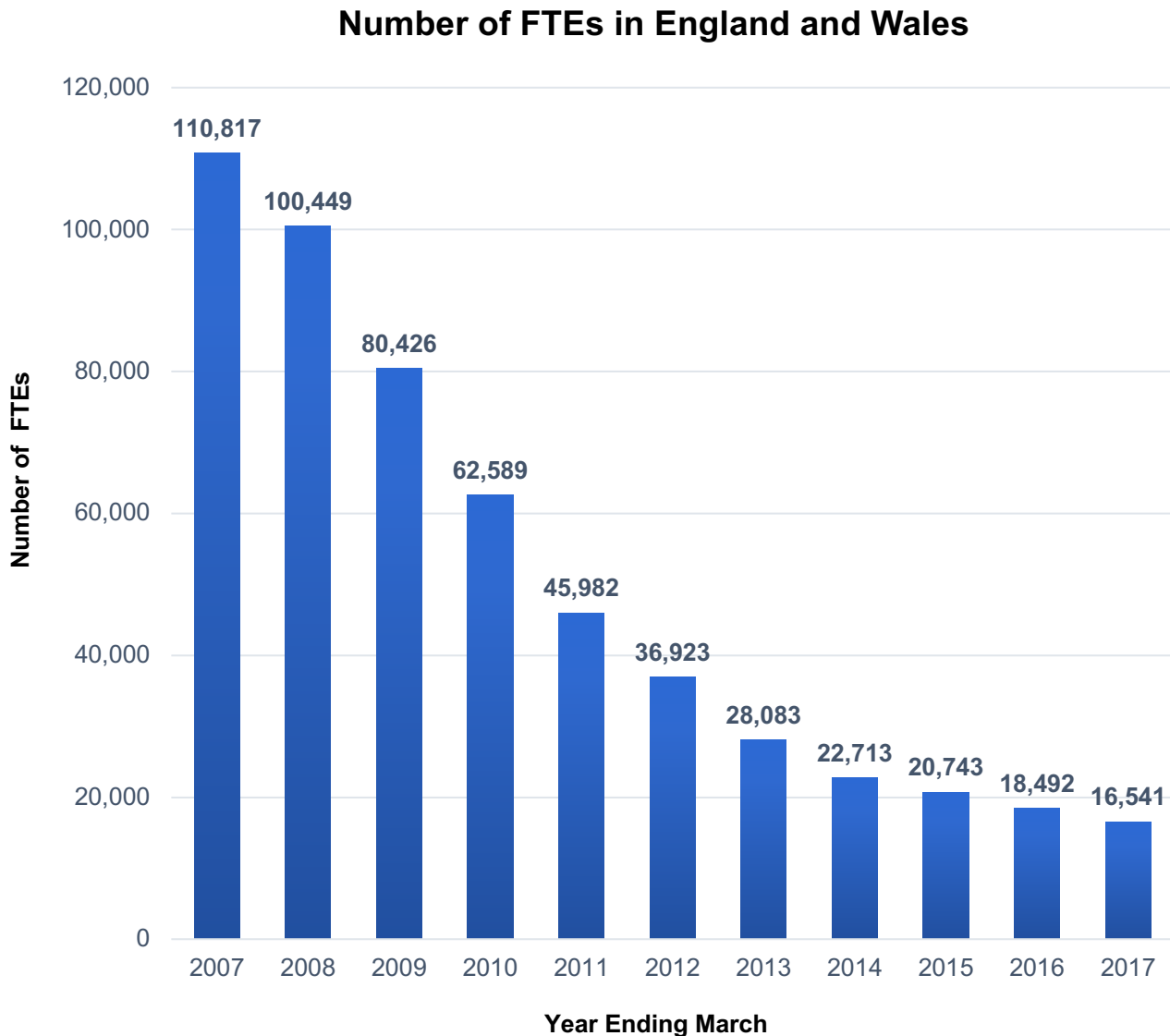
Figure 15: Numbers of First Time Entrants in the Youth Justice System in England and Wales. Year Ending March 2007 to March 2017.[1]

offence as recorded on the Police National Computer would be counted. Children and young people residing only in England and Wales at the time of their caution or conviction are counted. Offences resulting in Penalty Notices for Disorder are not counted as first offences.

Furthermore, for the year ending March 2017, youth justice data (c.f. Ministry of Justice and Youth Justice Board, 2018, Supplementary Tables, Table 1.2) indicates that children and young people aged between 10 to 17 made up 10 per cent (74,784) of the total number of arrests (779,660) carried out in England and Wales. Of the 74,784 children and young people 10 to 17 years old arrested, 62,597 (84 per cent of the total) were male and 12,187 (16 per cent of the total) were female. Since the year ending March 2007 there have been year-on-year reductions in numbers of children and young people arrested. From a high of 351,644 in the year ending March 2007, to a low of 74,784 in the year ending March 2017, equating to a 79 per cent reduction over the period year ending March 2007 to 2017.

The number of 'proven offences' (c.f. Ministry of Justice and Youth Justice Board, 2018, pp.17-19) committed by children and young people aged 10 to 17 years old in England and Wales has similarly experienced year-on-year reductions over the course of the last ten years. As of the year ending March 2007, the number of 'proven offences' totalled 295,129, falling to 72,985 in the year ending March 2017, constituting a 75 per cent reduction over the 2007 to 2017 period. Specifically, for the year ending March 2017, the four most frequent crimes perpetrated by children and young people were: violence against the person (20,163 – 21 per cent of the total); other (8,843 – 12 per cent of the total); criminal damage (8,381 – 11 per cent of the total); and theft and handling of stolen goods (8,313 – 11 per cent of the total). Additionally, data suggests that 28,352 children and young people in England and Wales received a 'youth caution or court conviction' for the year ending March 2017 (c.f. Ministry of Justice and Youth Justice Board, 2018, pp.14-16). Over the course of the last ten years children and young people who have received a 'youth caution or court conviction' has fallen year-on-year, from 147,791 in the year ending March 2007 to a low of 28,352 for the year ending March 2017, equating to a decrease of 81 per cent. Moreover, in recent years there have also been sharp reductions in numbers of children and young people entering into youth custody (c.f. Ministry of Justice and Youth Justice Board, 2018, p.20). As Figure 16 depicts, numbers of children and young people sentenced to 'immediate custody' over a ten-year period has fallen by a total of 74 per cent, from a high

of 6,037 in the year ending March 2007 to a low of 1,583 in the year ending March 2017.

Children and Young People Sentenced to Immediate Custody
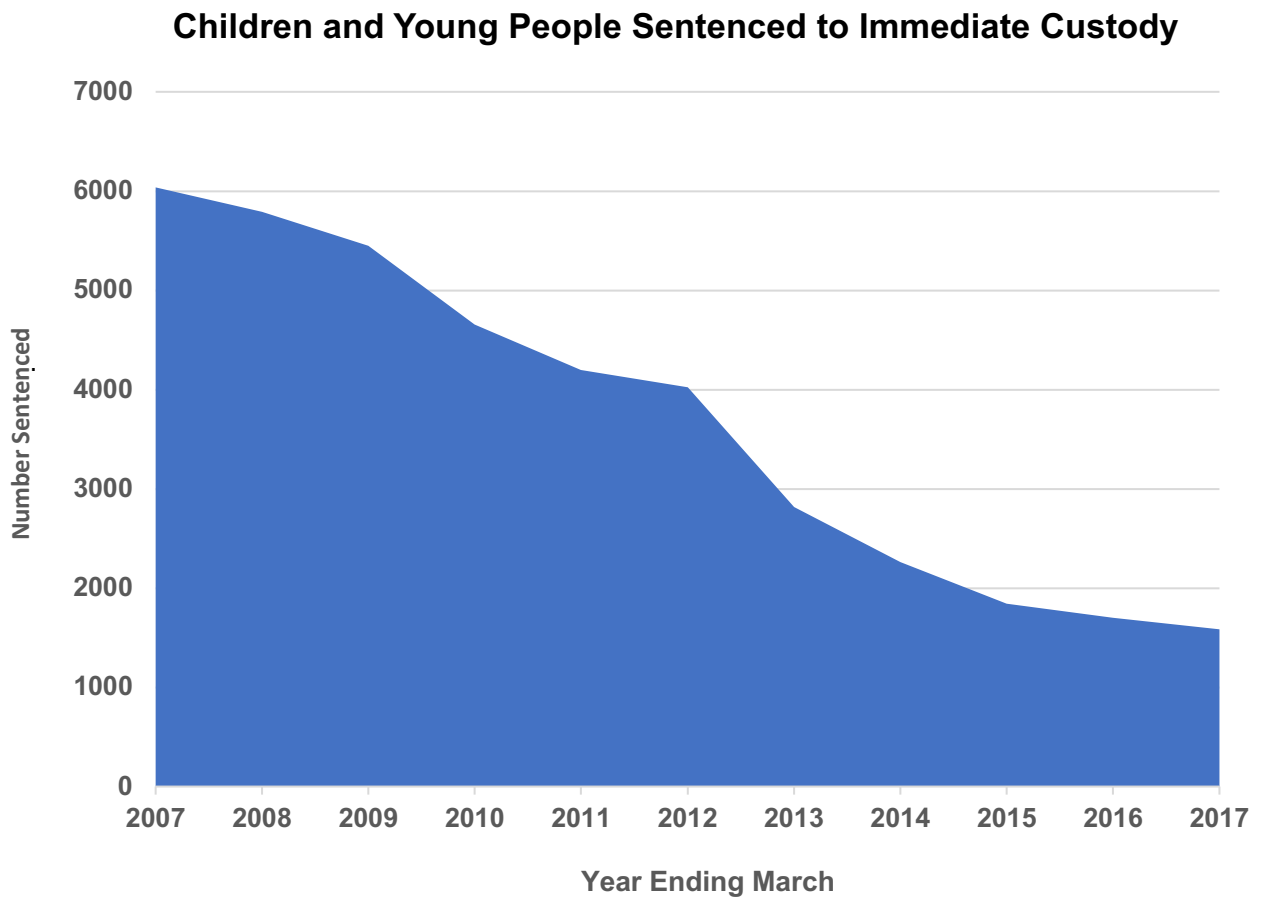
Figure 16: Number of Children and Young People Sentenced to Immediate Custody. Year Ending March 2007 to March 2017.[69]

As the above analysis has illustrated, across a series of key youth justice performance measures a defined downward trajectory has been discernible in respect of children and young people's interaction with the youth justice system

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[69] Data obtained from Ministry of Justice and Youth Justice Board (2018). *Youth Justice Statistics 2016/17 England and Wales: Supplementary Table. Chapter. 5. Children and Young People Sentenced.* Table. 5.3

in England and Wales.[70] These downward patterns or trends are clearly encouraging and at times substantial.[71] Yet, the precise *raison d'etre* for such stark reductions (especially in relation to numbers of FTEs entering into the youth justice system) is open to interpretation and are perhaps best seen as being the product of a nuanced interplay of factors, rather than any singular cause or phenomenon to have taken place over the last decade.

Possible Reasons for Downward Trends: Why the Movement in FTEs?

In attempting to understand the sustained reductions in numbers of FTEs entering into the youth justice system, it is likely that a plurality of factors has contributed to the successive falls experienced over the last decade (Bateman, 2008, 2014, National Association for Youth Justice, 2017, Ministry of Justice, 2017). A number of these possible reasons are worth considering more fully.

The Adoption of Diversion Strategies

In recent years there has been a rapid expansion of centrally and locally instigated diversionary mechanisms designed to keep children and young people out of the formal youth justice system (c.f. Rix et al. 2011, Haines et al. 2012, Home Office, 2012, Haines et al. 2013, Smith, 2014, Soppitt and Irving, 2014, Haines and Case, 2015, Smith, 2017); in certain respects, echoing the rapid diversionary augmentation that characterised much of 1980s youth justice policy and practice and which led to significant reductions in the numbers of children and young people entering into custody (Allen, 1991, Home Office, 1991). Many of these diversionary schemes have been designed to target the pre-court (but post-offence) arena and are frequently accompanied by an array of interventions designed to address offending behaviour and facilitate pro-social outcomes. Some of the most prominent diversionary schemes developed

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[70] Interestingly, prolonged reductions in youth crime have not been exclusive to the UK but have also been evident in many other countries.
[71] However, as will be explained later in the chapter, statistics also reveal significant and worrying shortcomings in relation to certain aspects of the youth justice system.

in England and Wales over the past decade have included Triage, the Bureau Model of Youth Justice, the Youth Justice Liaison and Diversion Pilot Scheme and the Youth Restorative Disposal (to name only a few examples). Recently, a report undertaken by the Ministry of Justice and Youth Justice Board (2017) conducted analysis into prevention activities in England and Wales and received survey responses from 104 YOTs (a 68 per cent response rate). A key finding from the report was that:

> "YOTs were heavily involved in diversion, with the majority of respondents indicating that their YOT was involved in pre-out of court disposal delivery. The majority also indicated that intervention plans were put in place for all or some young people diverted from the youth justice system."

(Ministry of Justice and Youth Justice Board, 2017, p.2)

Although the exact overall statistical impact of diversion is currently not clearly collated or understood (c.f. Ministry of Justice and Youth Justice Board, 2018, p.5), it does seem logical to assume that the growth of these types of diversionary schemes that seek to offer, wherever possible, diversionary disposals (as well as 'appropriate' interventions in certain circumstances) for low-level offences may have positively contributed to the sustained reductions in numbers of FTEs entering into the youth justice system. Significantly, adding weight to this conclusion, a recent Ministry of Justice (2017) report commissioned into the low-levels of numbers of FTEs ascertained that:

> "Compared to 2003/04, on average, FTEs in 2012/13 were older, less likely to be female or white, and more likely to have committed a more serious offence. These demographic changes might be expected to result from an expansion of police discretion to issue informal sanctions and divert young people who had committed low-level offences, including FTEs, away from the formal youth justice system."

(Ministry of Justice, 2017, p.35)

The Influence of Policy

Policies towards children and young people in conflict with the law have gone through a number of philosophical transitions over the last four decades. The welfare approach prioritised their 'needs' through the use of programmes of treatment (such as Intermediate Treatment) that encapsulated the offending and non-offending child and young person and all too often smoothed their passage via 'up-tariffing' into more formal measures. The new-orthodoxy and justice infused approaches that gathered pace during the 1980s (out of a critique of welfare) saw an emphasis placed on 'ensuring legal safeguards' for children and young people and saw value in advancing non-interventionist approaches centred around the three pillars of "diversion, decriminalization and decarceration" (Goldson, 1997, p.78). This ethos was successively supplanted under the New Labour administration, with what has been termed a more politicised approach to youth justice policy. More recently, (from the latter days of Labour, through the Coalition, to the present) policies towards children and young people in conflict with the law have again shifted towards reducing their unnecessary criminalisation. Significantly, these differing ideological attitudes towards children and young people in conflict with the law can be discerned when examining data trends and patterns within youth justice statistics. Bateman (2011) has identified that:

> "…the long-term pattern is one of decline from at least the early 1990s… the period 2003 to 2007 saw a marked departure from this longer-term tendency in the form of a rapid, though short-lived, rise in youth offending of more than 20%...from 2008 onwards youth crime has again reduced, but at a rate that is significantly more pronounced than at any time in the past 20 years – a fall of almost 55% in that period."

> (Bateman, 2014, p.418)

The 2003 to 2007 spike in youth offending corresponds closely with the introduction in 2002 of the 'Offences Brought to Justice (OBTJ) sanction detection target' under the New Labour administration. The 'OBTJ sanction detection target' was designed to reduce the disparity between the quantity of

police recorded offences and the quantity of offences for which there was a criminal justice outcome (Ministry of Justice, 2017). Although directed at both adults and children and young people, it had the 'net-widening' effect of disproportionately criminalising large numbers of children and young people for what were predominantly trivial offences; ones which would have traditionally been dealt with informally. Consequently, between 2003-2007 there was a 22 per cent surge in the number of children and young people below the age of 18 years old flowing into the criminal justice system. The sharp decrease in youth crime in the years since broadly coincides with the amendment in April 2008 (and eventual abolishment) of the 'OBTJ sanction detection target'[72] and the subsequent introduction of a new target in the 'Youth Action Crime Plan' which sought to bring about significant reductions (by 20 per cent) in numbers of FTEs by 2020. A target which was achieved well ahead of time (Bateman, 2014, National Association for Youth Justice, 2017, Ministry of Justice, 2017). There has then been something of a tempering (whatever the true motivation) of youth justice policy and practice over recent years. As the 'The State of Youth Justice 2017' briefing emphasises, it is:

> "…hard to ignore the fact that the fall in arrests coincided with the ending of the sanction detection target and the establishment of the FTE indicator, suggesting that modifications to practice, to accommodate that policy change, had a significant impact on the treatment of children who came to police attention."

> (National Association for Youth Justice, 2017, p.33)

At this point - in spite of the noted positive statistical trends - it is important not to overstate the liberal and progressive character of the current youth justice policy agenda. There remain significant and serious policy and practice challenges in respect of youth justice. For example, the current minimum age of criminal responsibility within England and Wales (10 years old) overseen by the UK government (Cunneen et al. 2017), the on-going crisis within youth prisons (HMCIP, 2017) evidenced by data (c.f. Ministry of Justice and Youth Justice Board, 2018, pp.37-47) that suggests that in the year ending March 2017

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[72] Although it is worth noting that numbers of FTEs first began to fall in the latter part of 2007 and so slightly pre-dated the amendment of the OBTJ sanction detection target. Nonetheless, it may well have been that police forces anticipated/or were made aware of this change and began to alter their practices in preparation – see Ministry of Justice (2017, pp.11-12).

incidents of self-harm and assaults have experienced significant increases, and the continued overrepresentation of BAME in youth justice proceedings[73] - to name only a few examples. As a briefing by the National Association for Youth Justice states:

> "More generally, the decline in first time entrants, court throughput and imprisonment has not benefited all children to the same extent. As the youth justice system has contracted, the overrepresentation of minority ethnic children, in particular black and mixed heritage children, has become more pronounced."

(National Association for Youth Justice, 2017, p.60)

Nonetheless, in spite of these clear and serious shortcomings, it does appear that the reversal of some of the more punitive policies and approaches of the mid-2000s in favour of something akin to a softening of the youth justice system has led to substantial statistical reductions in the unnecessary criminalisation of many (although clearly not all) children and young people (National Police Chiefs Council, 2016), which in turn may have factored into the downward trends experienced in numbers of FTEs entering the youth justice system in England and Wales.

The Impact of an Austerity Agenda

The 2008 financial crash beckoned in a sustained period of austerity which dominated the political agenda of the then Coalition government (and successor administrations). The prevailing austerity climate that ensued has had a number of specific impacts on the trajectory of youth justice praxis. Firstly, the prevailing austerity climate has provided the impetus for the promotion of less-intrusive approaches to dealing with youth crime. Yates (2012), although primarily

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[73] See the Lammy Review (2017). *An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System.* London: Stationery Office. And in respect of the youth justice system, see Howard League (2017b) analysis into BAME child arrests, available at: http://howardleague.org/news/howard-league-publishes-ethnicity-analysis-of-child-arrests-following-the-lammy-review/

concerned with the damaging impacts austerity possesses for children and young people, has also observed that:

> "…in terms of social policy in the field of criminal justice, in some respects, the austerity measures offer an opportunity to re-examine costly and counterproductive institutional practices and to reverse the broader criminalisation of social policy which has taken place over recent years."

(Yates, 2012, p.432)

Historically there has been a close correlation between periods of austerity and the increased use of diversion and out of court/pre-court solutions to address offending behaviour by children and young people. Youth custody is expensive and consequently it makes sense for policymakers during periods of fiscal prioritisation to introduce measures (for example, pre-court diversion) aimed at keeping children and young people from entering into youth custody provision. A similar phenomenon was evident during the 1980s where a policy of 'bifurcation' (Bottoms, 1977) was pursued by the then Conservative government, in turn, lessening the financial burden on the youth justice system. As such, certain commentators (Bateman, 2014, Smith, 2014, Haines and Case, 2015, Cunneen et al. 2017, National Association for Youth Justice, 2017) have seen the re-emergence of diversion in the midst of the most recent financial depression as arguably a 'pragmatic' rather than 'principled' undertaking. That is to say, it has been concerns around 'cost' rather than concerns around the 'child' that have been the central catalyst for change. As Pitts (2015) has emphasised "…Law and Order crusades cost a great deal of money, and the Coalition doesn't have any" (Pitts, 2015, p.38). Ultimately, whether Labour, Coalition and subsequent Conservative administrations have ultimately been pushed into the promotion of diversion for pragmatic reasons, it is nevertheless clear that diversion now occupies a central role within youth justice policymaking. Secondly, prolonged cost-cutting measures have impacted upon public services throughout the country. Particularly hard-hit have been police forces operating within England and Wales. In 2010, the then Coalition government, pronounced a 20 per cent reduction in the Home Office police

budget over a four-year period (Mille and Bullock, 2012). The 'Police Workforce, England and Wales Statistical Bulletin 10/17' underlines that:

> "…police officer numbers have decreased in the last year to 123,142 officers as at 31 March 2017. This is the lowest number of police officers at the end of a financial year since comparable records began in 1996."

(Home Office, 2017, p.5)

In relation to neighbourhood and localised policing efforts, Police Community Support Officers (PCSOs) who have primarily been tasked with undertaking these roles have seen their numbers significantly decrease over a number of years. Since 2010, PSCOs numbers have decreased by 35 per cent, from 15, 807 to 10,213. (Home Office, 2017, p.12). Against the backdrop of these sustained reductions it may be the case that policing has been forced to broadly shift from a 'proactive' to a more 'reactive' approach in line with operational constraints, meaning that potentially children and young people may increasingly come across the police-radar for offences where the police have been specifically called to an incident, rather than actively going out searching for criminal behaviour by children and young people (for example, in line with centralised targets such as the 'OBTJ sanction detection target'). Subsequently, children and young people may be appearing less frequently in youth crime statistics as compared to the mid-2000s when a 'zero-tolerance' (Punch, 2007) and 'target-driven' (Bateman, 2008) policy approach to anti-social behaviour intersected with higher and more visible police numbers and resources (Allen, 1999). As a Welsh Town YOS police officer explained when interviewed as part of the system-mapping exercise:

> "There's less police officers now on the street – bottom line – they're busy and they simply cannot be so many places. When I joined the police force there were enough of us on a shift, we'd be out every night! One or two would be dealing with the calls, but there were enough of us left that we'd be out looking to see what was happening – so we'd be checking old garages; is there anybody hanging around building places…"

(YOS Police Officer, Area One)

Significantly, building on this theme, the recent 'Peel: Policing Effectiveness 2016' report undertaken by Her Majesty Inspectorate of Constabulary (HMIC, 2017) has highlighted that:

> "We found that the position on crime prevention and local policing continues to deteriorate. In our assessment, local policing is the area of operational policing that shows the greatest decline in performance."

(HMIC, 2017, p.10)

In drawing together the above strands, the direct contribution that each of these possible factors has ultimately made to the downward trend in numbers of FTEs entering into the youth justice system in England and Wales is difficult to quantify in precise statistical terms, but it is clear that youth justice does not (and never has or will) function in a vacuum and its trajectory is continually buffeted by social, political and financial influences. Consolidating some of the themes explored in the above analysis, a recent Ministry of Justice (2017) report commissioned into the reductions in numbers of FTEs entering into the youth justice system determined that:

> "The start of reductions in the number of FTEs appears to be partly attributable to a revision to the OBTJ police target (to focus on more serious offences, which tend to be committed by adults), along with the national policy and practice changes introduced to increase the diversion of young people who have committed a low-level crime out of the youth justice system."

(Ministry of Justice, 2017, p.4)

In certain respects, some of the themes examined possess parallels with the last 'liberal period' experienced within juvenile justice during the 1980s (Bateman, 2008b). Then, as is seemingly the case now, a series of combinational factors including: changes in policy and policing practices (for example, the employment of 'bifurcation' and endorsement of police

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cautioning), the impact of austerity, and a renewed emphasis on diversionary mechanisms (via Intermediate Treatment Initiatives and Juvenile Liaison Bureaux) helped paved the way for stark reductions in youth custody figures (see McCarthy, 2014 for a similar argument). Paradoxically, the positive downward trajectory of many youth justice measures may create specific challenges moving forward. As has been illustrated, children and young people committing minor and low-level offences are now being removed from the formal youth justice system at progressively earlier stages (via a focus on early prevention and diversion) meaning that the remaining cohort is becoming smaller, but at the same time, also more complex and challenging. Against this backdrop re-offending rates for children and young people have remained high. Latest available figures (year ending March 2016) suggest that the re-offending rate currently sits at 42.2 per cent (Ministry of Justice and Youth Justice Board, 2018, p.2).

Examining Youth Justice Trends in Wales

Having summarised some of the key youth justice statistical headlines emerging from England and Wales over the last decade and having also considered some of the possible reasons for the headline reductions in numbers of FTEs entering into the youth justice system, it is necessary to consider the extent to which these trends have been mirrored in Wales (as a distinct jurisdiction from England and Wales). Particularly as Wales is the geographical setting for the Welsh Town region and consequently the three Youth Crime Diversion Models being empirically examined. To recap some background context, youth justice in Wales does not currently constitute a devolved policy area and overall responsibility continues to reside with the UK government (although there is currently a Justice Commission set up by the First Minister looking into future arrangements). However, many of the services (for example, education, social services, housing and health) that interact with Welsh children and young people on a routine basis are devolved to Cardiff Bay (Haines, 1999, Drakeford, 2010, Muncie, 2011). Operationally, Wales possesses four police force areas (South Wales, North Wales, Dyfed Powys and Gwent), each of which has its own PCC, but, like youth justice, policing does not currently constitute a

devolved policy area. Additionally, there are 15 YOS operating in Wales, four of which accommodate two Local Authorities. As such, children and young people who come into conflict with the law in Wales interact with a complex patchwork of non-devolved and devolved policies and practices.

Rates of Youth First Time Entrants in Wales

In Wales, rates of FTEs to the Criminal Justice System per 100,000 of the 10 to 17 years old population by Local Authority of Residence (inclusive of years ending March 2007 to March 2017) peaked in the year ending March 2007 at 1,906. However, since that highpoint, rates of FTEs have subsequently experienced year-on-year decreases, culminating in a low of 267 for the year ending March 2017 (see Table 12/Figure 17*)*. This equates to a decrease of 86 per cent over the period the year ending March 2007 to March 2017.

Table 12: Rates of Youth First Time Entrants to the Youth Justice System per 100,000 of the 10 to 17 Years Old Population by Local Authority of Residence. Year Ending March 2007 to March 2017.[74]

Year Ending March	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	%
Rates of FTEs	1906	1836	1708	1364	948	686	611	459	322	305	267	**-86**

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[74] Data obtained from Ministry of Justice and Youth Justice Board (2018). *Youth Justice Statistics 2016/17 England and Wales: Supplementary Tables, Chapter 2. First Time Entrants to the Youth Justice System.* Table 2.8.

Rates of FTEs in Wales
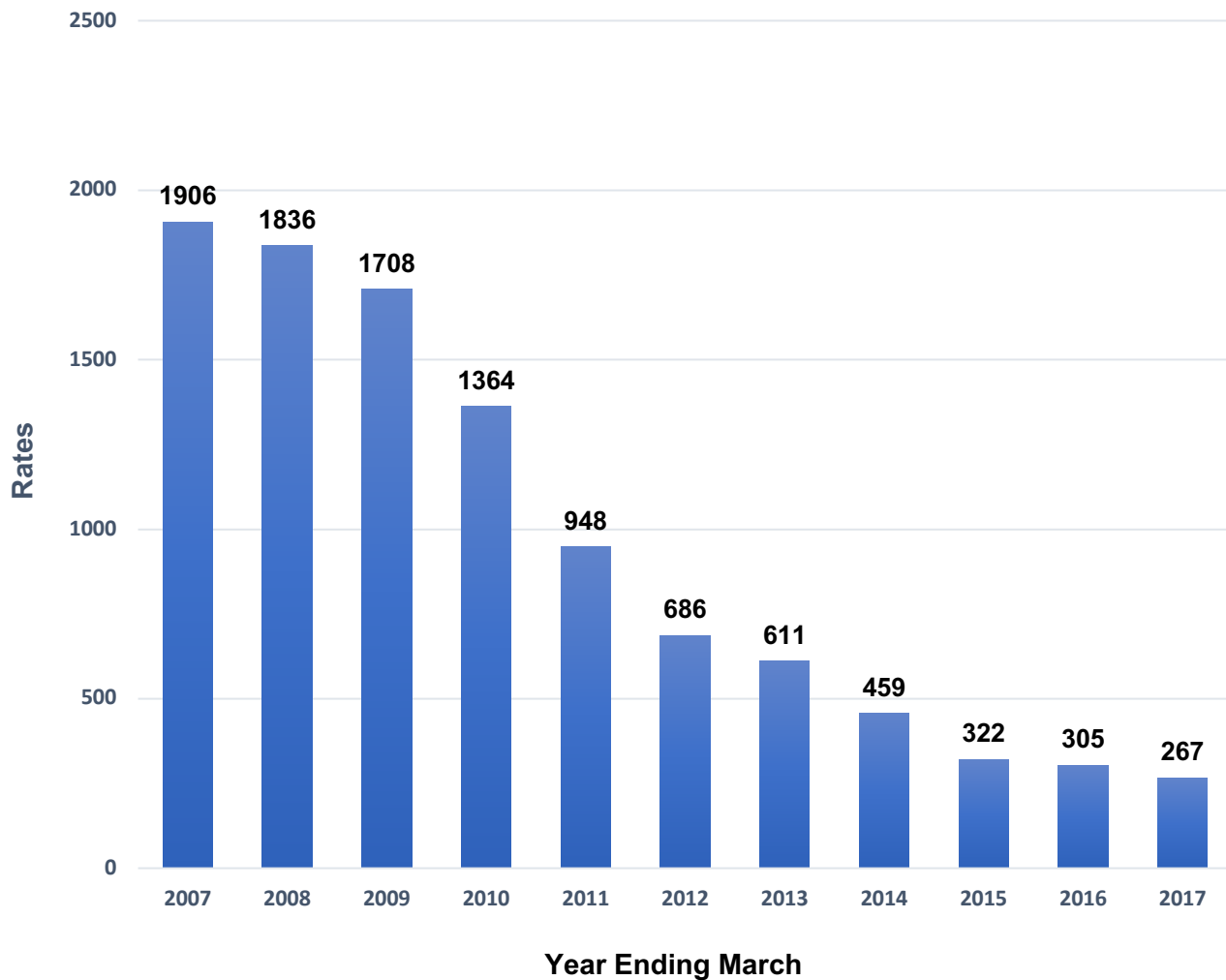
Figure 17: Rates of Youth First Time Entrants to the Youth Justice System per 100,000 of the 10 to 17 Years Old Population by Local Authority of Residence. Year Ending March 2007 to March 2017.

Numbers of Youth First Time Entrants in Wales

Welsh youth justice data for numbers of FTEs entering into the Criminal Justice System by Local Authority of Residence (inclusive of years ending March 2007 to March 2017) reveals that numbers in the year ending March 2007 were 5, 890 (of an England and Wales total of 110,817). Since that highpoint, numbers of FTEs have fallen year-on-year to a present low of 725 (of an England and Wales total of 16,541) for the year ending March 2017 (see Table 13/ Figure 18), equating to a decrease of 88 per cent over the ten-year period.

Table 13: Number of Youth First Time Entrants to the Criminal Justice System by Local Authority of Residence. Year Ending March 2007 to March 2017.[75]

Year Ending March	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	%
Number of FTEs	5,890	5,656	5,220	4,105	2,799	1,990	1,732	1,279	888	830	725	**-88**

Numbers of FTEs in Wales
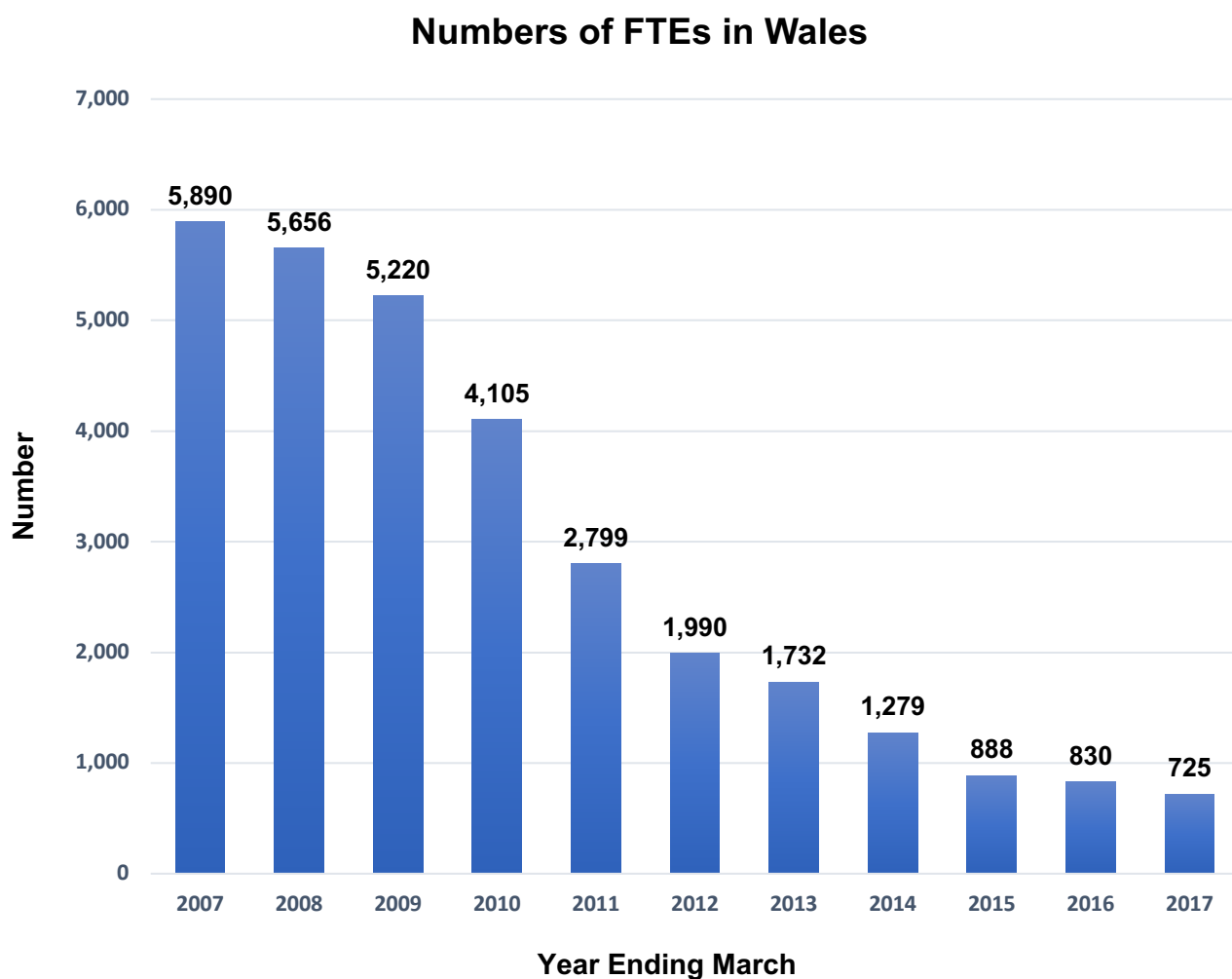
Figure 18: Numbers of Youth First Time Entrants to the Criminal Justice System by Local Authority Residence. Year Ending March 2007 to March 2017.

[75] Data obtained from Ministry of Justice and Youth Justice Board (2018) *Youth Justice Statistics 2016/17 England and Wales: Supplementary Tables. Chapter 2. First Time Entrants to the Youth Justice System.* Table 2.7.

Child Arrests by Welsh Police Forces

Research undertaken by the Howard League for Penal Reform (2017) has provided detailed breakdown figures of the number of children and young people arrested by each Welsh police force encompassing the years 2010 to 2016 (see Table 14).

Table 14: Number of Child Arrests by Welsh Police Service Area – 2010 to 2016.[76]

Year	2010	2011	2012	2013	2014	2015	2016
Dyfed-Powys Police	2,307	1, 643	1,584	1,165	687	625	501
Gwent Police	2, 503	2,163	1,698	1, 569	980	1, 172	930
North Wales Police	3, 420	2, 596	2, 022	1,780	1, 554	1, 557	1, 532
South Wales Police	5, 659	2,551	3, 166	3, 245	2,978	2, 854	2,499

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[76] Data obtained from Howard League for Penal Reform (2017). *Child Arrests in England and Wales 2016 – Research Briefing.* Retrieved from: *howardleague.org/publications/child-arrests-in-england-and-wales-2016.*

Table 14 illustrates that there have been positive steps taken by all Welsh police forces in reducing the number of arrests of children and young people in their localities. Although there have been minor fluctuations in figures (for example, in Gwent and North Wales Police for the year 2015), the broad trend is downwards, with all Welsh police forces recording their lowest number of arrests over the six-year period in 2016. Notably, this Welsh picture reflects broader trends within England and Wales where there have been significant reductions in child arrests by all police forces:

> "Every force in England and Wales has reduced the number of child arrests between 2010 and 2016, with 12 forces achieving reductions of more than 75 per cent."

> (Howard League for Penal Reform, 2017, p.1)

Four-Year Comparison Between 'England' and 'Wales': Child Arrests

Utilising different data-sets (Ministry of Justice and Youth Justice Board, 2016, 2017b, 2018) Table 15 presents a four-year comparison between 'England' and 'Wales' ('aggregated' local police force data) in respect of the total number of children and young people arrested aged 10 to 17 years old for recorded crime (notifiable offences) for years ending March 2014 to March 2017.

Table 15[77] illustrates that over the period the year ending March 2014 to year ending March 2017 the total number of arrests of children and young people in England reduced from 102,795 to 70,699, representing a reduction of 31 per cent. For Wales, the total numbers of arrests over the equivalent four-year period reduced from 6,678 to 4,085, equating to a decrease of 39 per cent. In total (combined England and Wales), numbers of arrests over the four-year period fell from 109,473 to 74,784, equating to an overall decrease of 32 per cent.

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[77] Data obtained from Ministry of Justice and Youth Justice Board (2016, 2017b, 2018) *Youth Justice Statistics 2014/15 England and Wales: Supplementary Tables. Chapter 1. Gateway to the Youth Justice System.*

Table 15: Total Number of Children and Young People Arrested Aged 10 to 17 Years Old for Recorded Crime (Notifiable Offences). Year Ending March 2014 and March 2017.

Year Ending March

Total Number of Arrests	2014	2017	%
England	102, 795	70, 699	-31
Wales	6, 678	4, 085	-39
Total	109, 473	74, 784	-32

Welsh Youth Justice Performance: A Case of Déjà Vu?

Having spent time considering a series of available Welsh youth justice performance measures, it appears that a series of downward trends are broadly discernible over the year ending March 2007 to 2017 period, therefore, largely mirroring data-trends in England and Wales. Firstly, taking numbers of FTEs in Wales (Table 13/Figure 18), in line with England and Wales data (Figure 15), the highpoint can be traced to the year ending March 2007 and congruently there have successively been year-on-year reductions up until the year ending March 2017. As such, it is the case that in respect of numbers of FTEs there are clear statistical parallels between England and Wales and Wales only data. In part, these statistical similarities may be explained by the fact that key

centralised policies initiatives such as the introduction and removal of the 'OBTJ sanction detention target' and subsequent establishment of the 'FTE reduction target' had an equivalent impact on both countries (unlike, for example, Scotland and Northern Ireland, which employ a distinct youth justice system, and so do not come under the influence of centralised UK government policy). It is also the case that the use of diversion and diversionary mechanisms has been prevalent in both countries over the last decade. For instance, all 15 YOTs in Wales run a form of pre-court diversion, encompassing a mix of the Bureau Model, Neighbourhood Resolution Panels and Triage (for more analysis on Welsh YOT prevention activities see Ministry of Justice and Youth Justice Board, 2017). As explained, although England does not possess the Bureau Model per se, it has also piloted and operated a series of diversionary mechanisms since 2008 (for example the YRD, YJLD and Triage, as well as localised initiatives like the Durham Pre-Remand Disposal, DIVERT and the Hants Youth Community Court). Finally, it is also worth noting that the overarching austerity agenda has undoubtedly impacted upon both countries.

Secondly, in turning to 'number of arrests' of children and young people for 'England' and 'Wales', comparable downward trends are similarly evident. Table 15 (a four-year comparison) highlights that in both 'England' and 'Wales' arrests have decreased substantially over the period the year ending March 2014 to 2017, by 31 per cent and 39 per cent respectively. Additionally, as emphasised, Howard League for Penal Reform (2017) research has determined that 'all' police forces have seen reductions in numbers of child arrests conducted over the last ten years. In understanding why this may be the case, in an equivalent manner to reductions in numbers of FTEs, police forces in England and Wales[78] are covered by the same overarching directive framework, and so broad similarities in practices and approaches between police forces (accounting for certain regional and demographic differences) are perhaps unsurprising and even to be expected. For example, the National Police Chiefs' Council (2016) 'National Strategy for the Policing of Children and Young People' directive, which covers both England and Wales, has made clear that:

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[78] Policing is not currently a policy area devolved to Wales.

> "Policing supports YJB's evidence-based practices by keeping C&YP out of the criminal justice process unless necessary."

> "It is important that young people are not criminalised for behaviour which can be dealt with more appropriately by other means."

<div align="right">(National Police Chiefs' Council, 2016, pp.8-11)</div>

Similarly, centralised targets such as the 'FTE reduction goal' outlined within the Youth Crime Action Plan (2008) will have possessed repercussions for both 'English' and 'Welsh' police forces and arguably catalysed over time a more liberal approach to interacting with children and young people in conflict with the law on both sides of the border (for example, in relation to child arrests).

Examining Youth Justice Trends in 'Welsh Town': Analysing First Time Entrants

Having explored youth crime data in relation to both England and Wales and Wales, it is necessary to focus on how Welsh Town and specifically Area One, Area Two and Area Three Youth Crime Diversion Models have performed statistically. For this purpose, secondary data was gathered from a number of statistical sources (including the MoJ and YJB, YJB Cymru and Welsh Town localised data) in order to better understand the localised and longer-term impact of each of Welsh Town's Youth Crime Diversion Models.

'Aggregated' Area One, Area Two and Area Three Numbers of Youth First Time Entrants

Examination of 'aggregated' Area One, Area Two and Area Three numbers of FTEs to the Criminal Justice System by Local Authority of Residence (for the year ending March 2007 to March 2017) offers a potential insight into diversionary performance (see Table 16/Figure 19). Numbers of FTEs stood at 782 in the year ending March 2007, before peaking in the year ending March

2008 at 810 (a 4 per cent increase). This was followed by a steep reduction in the year ending March 2009 to 713, and consecutively, there were further year-on-year reductions up until the year ending March 2012, where numbers of FTEs settled at 153. Over the year ending March 2008 to March 2012 this equated to a percentage fall of 81 per cent. Since the year ending March 2012, fluctuations have been less pronounced (for example, a slight bounce, followed by further less aggressive falls) with numbers of FTEs rising slightly in the year ending March 2013 to 160 and then falling year-on-year to a low of 72 in the year ending March 2017. In contextualising these 'aggregated' Area One, Area Two and Area Three numbers of FTEs, it is important to appreciate the chronology of a number of significant events to have occurred over the ten-year period. Figure 19 explicates the precise point at which each Area Youth Crime Diversion Model was introduced, LASPOA (2012) was enacted, and the Welsh Town region was formed via a merger.

Table 16: 'Aggregated' Area One, Area Two and Area Three Numbers of Youth First Time Entrants to the Criminal Justice System by Local Authority of Residence. Year Ending March 2007 to March 2017.[79]

Year Ending March	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	%
Aggregated Area One, Two, Three Number of FTEs	782	810	713	542	392	153	160	140	104	100	72	**-91**

[79] Data obtained from Ministry of Justice and Youth Justice Board (2018). *Youth Justice Statistics 2016/17 England and Wales: Supplementary Tables. Chapter 2. First Time Entrants to the Youth Justice System.* Table 2.7.

'Aggregated' Number of FTEs
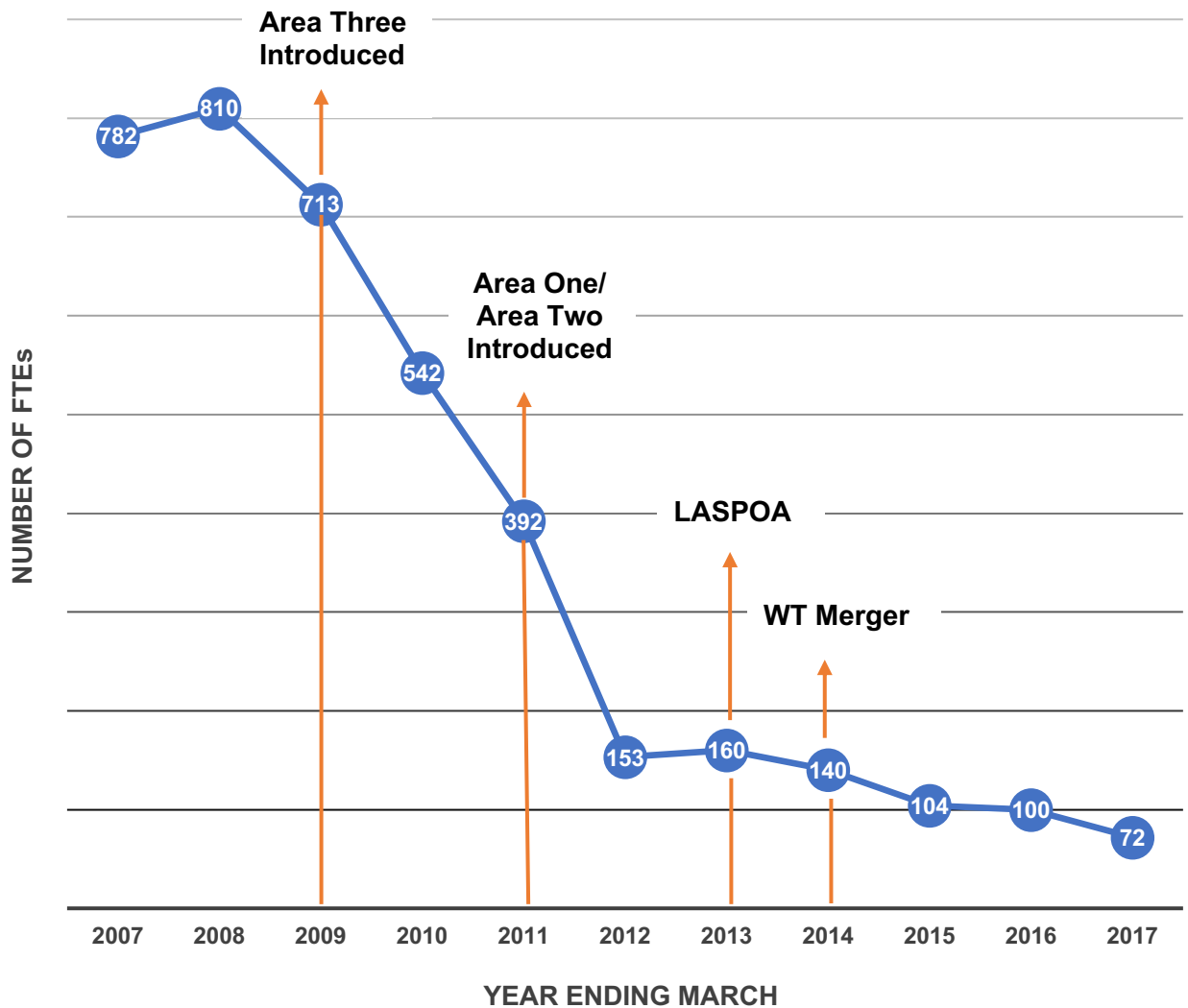
Figure 19: 'Aggregated' Area One, Area Two and Area Three Numbers of Youth First Time Entrants to the Criminal Justice System by Local Authority of Residence. Year Ending March 2007 to March 2017.

What Does the 'Aggregated' FTE Data Tell Us About Performance?

In examining Area One, Area Two and Area Three 'aggregated' numbers of FTEs over the period the year ending March 2007 to March 2017, a pattern emerges of initial fluctuations, followed by substantial decreases, followed by a slight upward bounce, and then less pronounced reductions. Here, although not exactly mirroring England and Wales and Wales trends, where in both cases,

the highpoint for numbers of FTEs can be traced to the year ending March 2007 (see Figure 15/Figure 18), there are, nonetheless, certain similarities in respect of the substantial reductions in numbers of FTEs that have transpired following on from the year ending March 2008. As Figure 19 illustrates, the most pronounced reductions in 'aggregated' Area One, Area Two and Area Three numbers of FTEs took place between the year ending March 2008 to the year ending March 2012. Numbers of FTEs fell from 810 to 153, equating to a reduction of 657 FTEs and a decrease of 81 per cent. By way of comparison, in 'England and Wales' over the equivalent four-year period, numbers of FTEs also saw sharp reductions, this time from 100,449 in the year ending March 2008 to 36,923 in the year ending March 2012, a reduction of 63,526 FTEs and a decrease of 63 per cent. In 'Wales' over the same timeframe, numbers of FTEs fell from 5,656 in the year ending March 2008 to 1,990 in the year ending March 2012, equating to a reduction of 3,666 FTEs and a decrease of 65 per cent. As such, over an equivalent time period, although Area One, Two and Three 'aggregated' reductions have been the greatest in percentage terms, in all three instances a broadly corresponding and accelerated downward pattern has been discernible.

In further examining the sharp decrease in 'aggregated' numbers of FTEs post the year ending March 2008 (see Figure 19), it is also important to pinpoint more specifically the impact made by the emergence of Area One, Area Two and Area Three Youth Crime Diversion Models. Initially, it is evident from Figure 19 that 'aggregated' numbers of FTEs first began to fall over the period the year ending March 2008 to 2009, therefore, slightly pre-dating the emergence of the Area Three (pioneer) Youth Crime Diversion Model. In light of the academic literature reviewed, it is suggested that this phenomenon may possibly be explained by the amendment of the 'OBTJ sanction detection target' to more serious offences and the corresponding introduction of a new FTE target (seeking substantial reductions) within the 'Youth Crime Action Plan'. Consequently, it 'may be'[80] that 'aggregated' numbers of FTEs first began to dip in the year ending March 2008 to 2009 in tandem with emerging shifts in policy

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[80] it is important to state that this is offered as a 'potential' explanation based on the examined academic literature.

and policing practices, but then later accelerated as each of the three Youth Crime Diversion Models became operational. It may be the case therefore, that changes in policy, policing practices and the development of Welsh Town's Youth Crime Diversion Models all intersected locally post the year ending March 2009, resulting in significant decreases in 'aggregated' numbers of FTEs.

As illustrated in Figure 19, the Area Three Youth Crime Diversion Model was the first to begin operating (in May 2009) and its emergence coincided with sharp decreases in 'aggregated' numbers of FTEs between the year ending March 2009 and the year ending March 2011 (the point at which Area One and Area Two Youth Crime Diversion Models also became operational). Over this two-year period, 'aggregated' numbers of FTEs fell from 713 to 392, a reduction of 321 FTEs and a decrease of 45 per cent. Significantly, however, examination of individual locality data relating to number of FTEs (see below for further analysis) reveals that over this two-year period - when Area Three had a Youth Crime Diversion Model operating and Area One and Area Two did not - Area Three out-performed Area One and Area Two statistically. Over the year ending March 2009 to 2011, Area Three FTE decreases totalled 52 per cent, compared to 32 per cent for Area One and 46 per cent for Area Two (see Figures 20, 21 and 22 below). Consequently, this does seem to indicate that the Area Three Youth Crime Diversion Model did have a positive impact in reducing numbers of FTEs over the two-year period.

In 2011, Area One and Area Two Youth Crime Diversion Models became operational (meaning that all three areas were operational). Following on from their introduction, 'aggregated' numbers of FTEs experienced a further drop from 392 in the year ending March 2011 to 153 in the year ending March 2012, a fall of 239 FTEs and decrease of 61 per cent. From the year ending March 2012 to 2017 - which included the introduction of LASPOA (2012) and the Welsh Town merger – this pattern of reductions has stabilised. A slight upward bounce in the year ending March 2013 has been followed by less pronounced year-on-year decreases in number of FTEs up until the present (year ending March 2017). Consequently, over this period, the sizeable fluctuations (evident

from the year ending March 2008-2012) have been far less explicit, and it may be the case that 'aggregated' numbers of FTEs have reached such low numbers that further sharp and pronounced decreases are unrealistic (and rather slight upturns or downturns are to be expected moving forward).[81]

'Individualised' Area One, Area Two and Area Three Numbers of Youth First Time Entrants

However, for a more detailed understanding of performance and impact, it is necessary to provide a statistical breakdown of how Area One, Area Two and Area Three have performed individually in respect of numbers of FTEs over an equivalent period (year ending March 2007 to 2017). The below tables for Area One, Area Two and Area Three depict numbers of youth FTEs to the Criminal Justice System by Local Authority of Residence for year ending March 2007 to March 2017.[82]

Area One

Table 17: Area One Numbers of Youth First Time Entrants to the Criminal Justice System by Local Authority of Residence. Year Ending March 2007 to March 2017.[83]

Year Ending March	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	%
Number of FTEs	226	229	184	156	125	47	43	28	31	34	26	**-88**

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[81] If, however, in future years post-2017, there are sharp and pronounced upturns in 'aggregated' numbers of FTEs, this would clearly be a cause for concern and warrant further examination.

[82] Data obtained from Ministry of Justice and Youth Justice Board (2018). *Youth Justice Statistics 2016/17 England and Wales: Supplementary Tables. Chapter 2. First Time Entrants to the Youth Justice System*. Table 2.7

[83] Data obtained from Ministry of Justice and Youth Justice Board (2018). *Youth Justice Statistics 2016/17 England and Wales: Supplementary Tables, Chapter 2. First Time Entrants to the Youth Justice System.* Table 2.7

Area One FTEs
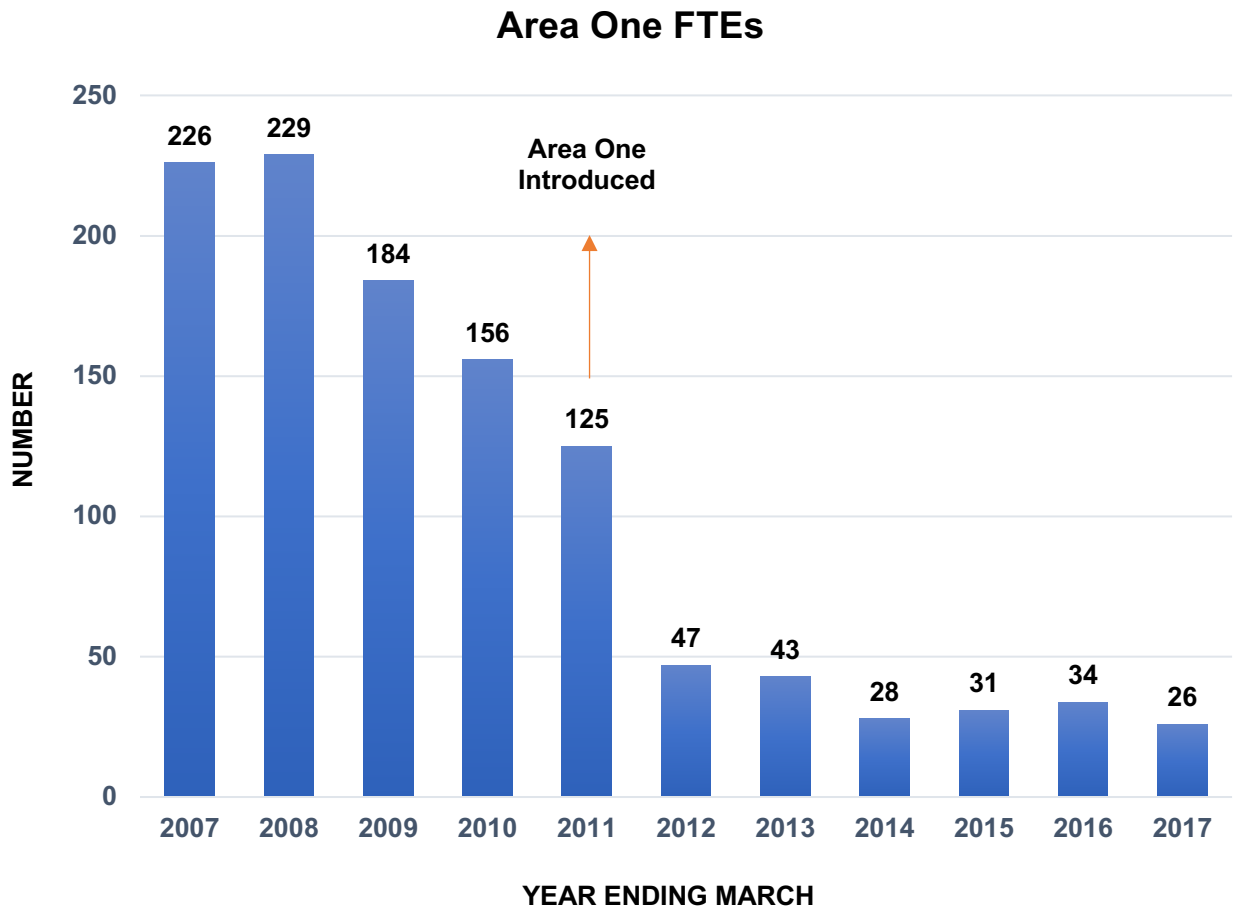
Figure 20: Area One Numbers of Youth First Time Entrants to the Criminal Justice System by Local Authority of Residence. Year Ending March 2007 to March 2017.

Area Two

Table 18: Area Two Numbers of Youth First Time Entrants to the Criminal Justice System by Local Authority of Residence. Year Ending March 2007 to March 2017.[84]

Year Ending March	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	%
Number of FTEs	219	208	222	203	120	21	41	44	29	25	21	**-90**

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[84] Data obtained from Ministry of Justice and Youth Justice Board (2018). *Youth Justice Statistics 2016/17 England and Wales: Supplementary Tables. Chapter 2. First Time Entrants to the Youth Justice System.* Table 2.7

Area Two FTEs
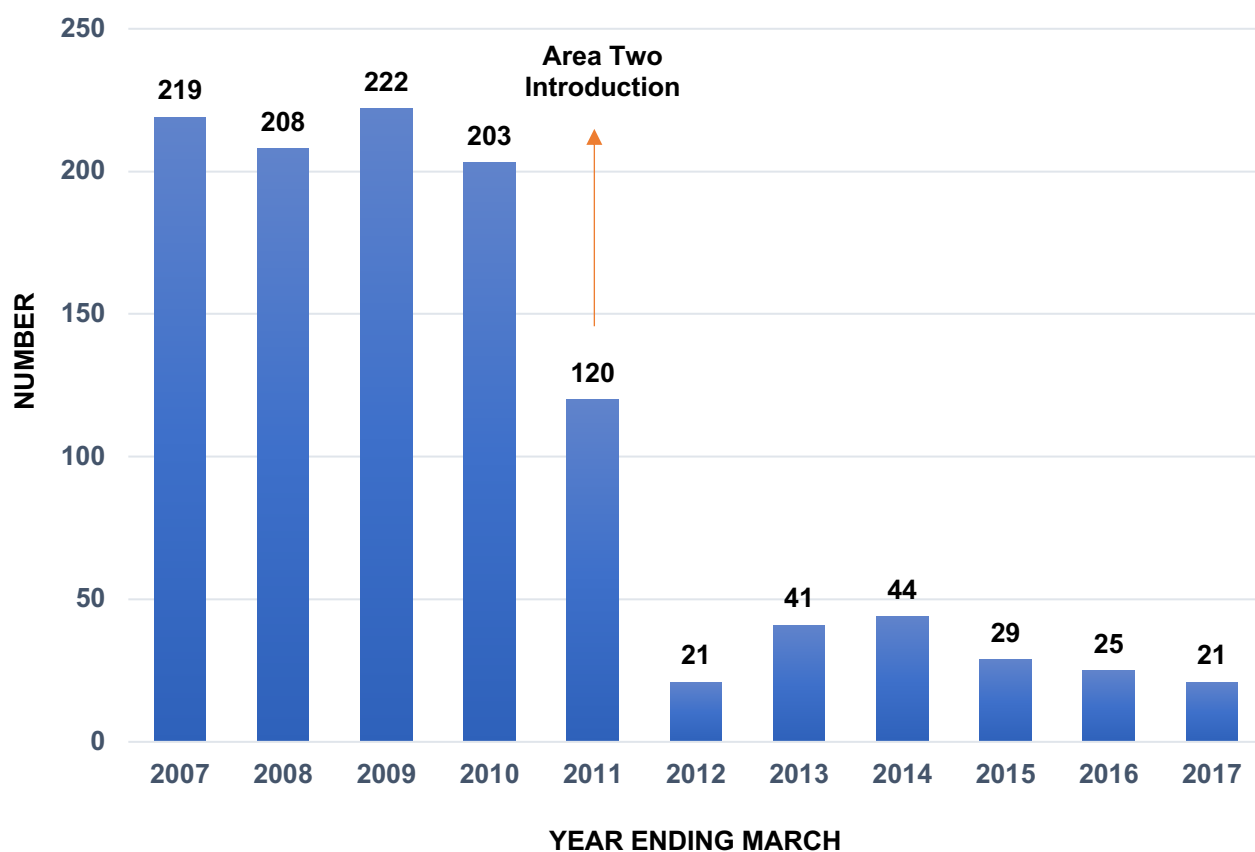
Figure 21: Area Two Numbers of Youth First Time Entrants to the Criminal Justice System by Local Authority of Residence. Year Ending March 2007 to March 2017.

Area Three

Table 19: Area Three Numbers of Youth First Time Entrants to the Criminal Justice System by Local Authority of Residence. Year Ending March 2007 to March 2017.[85]

Year Ending March	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	%
Number of FTEs	337	373	307	183	147	85	76	68	44	41	25	**-93**

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[85] Data obtained from Ministry of Justice and Youth Justice Board (2018). *Youth Justice Statistics 2016/17 England and Wales: Supplementary Tables. Chapter 2. First Time Entrants to the Youth Justice System.* Table 2.7
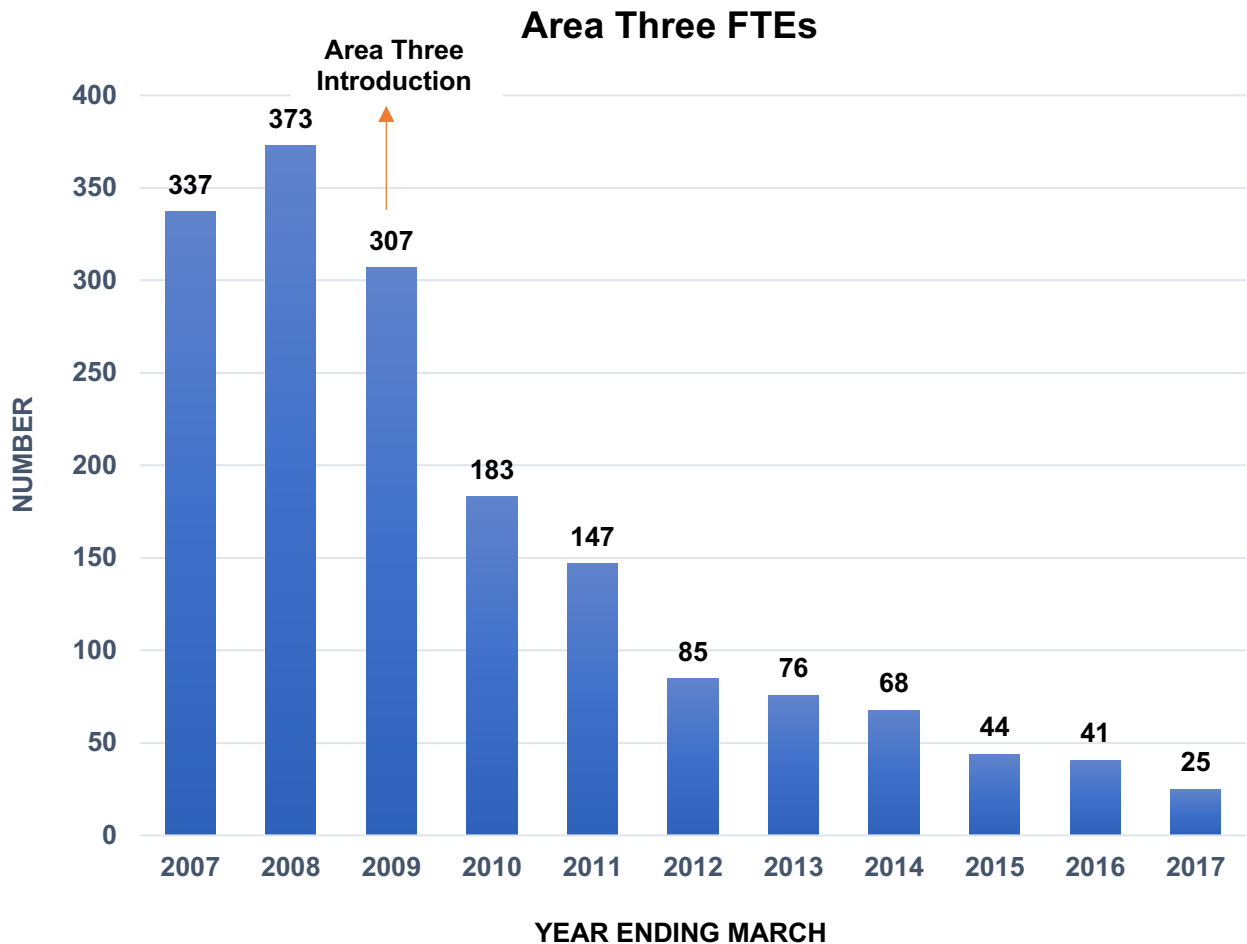
Area Three FTEs

Figure 22: Area Three Numbers of Youth First Time Entrants to the Criminal Justice System by Local Authority of Residence. Year Ending March 2007 to March 2017.

What Does the 'Individualised' Data Tell Us About Performance?

The above tables provide an insight into the 'individualised' impact of each of the Youth Crime Diversion Models. Figure 20 illustrates that immediately following on from the introduction of the Area One Youth Crime Diversion Model in 2011, numbers of FTEs fell from 125 to 47 over the course of a single year, a decrease of 78 FTEs and a reduction of 62 per cent. Likewise, Figure 21 illustrates that immediately following on from the introduction of the Area Two Youth Crime Diversion Model in 2011, numbers of FTEs fell from 120 in the year ending March 2011 to 21 over the course of a single year, a fall of 99 FTEs and a reduction of 83 per cent. Lastly, Figure 22 demonstrates that immediately

following on from the introduction of the Area Three Youth Crime Diversion Model in 2009, numbers of FTEs fell from 307 in the year ending March 2009 to 183 over the course of a single year, a fall of 124 FTEs and a decrease of 40 per cent.

Significantly, in all three areas, the percentage drop observed the year following the introduction of their Youth Crime Diversion Model exceeded previous yearly reductions (for example, reductions experienced during the period the year ending March 2008 to 2011 in Area One, 2007 to 2011 in Area Two and 2008 to 2009 in Area Three). In Area One and Area Two, following on from the year ending March 2012, there have been slight fluctuations (both upwards and downwards) in numbers of FTEs. In Area Three, post the year ending March 2012, numbers of FTEs have continued to decrease, but again, at a less pronounced level as was previously the case. In all three cases, it may be that this reduction in volatility is attributable to the number of FTEs that have been taken out of the system and the low levels that remain.

Interestingly, as was similarly the trend in respect of 'aggregated' numbers of FTEs (see Figure 19), individualised numbers of FTEs in each of the three areas began to decrease before the introduction of their respective Youth Crime Diversion Models. As previously explained, in light of the literature reviewed, this pattern may possibly be explained by the adjustment of the 'OBTJ sanction detection target' to capture higher-level offences and the corresponding introduction of a new 'FTE target' aimed at achieving substantial reductions within the 'Youth Crime Action Plan'. Consequently, it is possible that numbers of FTEs in each of the three areas initially began to descend in tandem with developing shifts in policy and policing practices but gained further momentum as the three Youth Crime Diversion Models became operational (in 2009 and 2011 respectively).

Assessing the Impact of 'Welsh Town's' Youth Crime Diversion Models

Although 'aggregated' and 'individual area' FTE figures (over a ten-year period) for the Welsh Town region are helpful indicators of localised diversionary

performance, it is also necessary, to more closely examine data-fields that directly relate to the functioning of each of three Youth Crime Diversion Models, so as to more accurately discern their impact and effectiveness.

Youth Crime Diversion Model Data: The Year 2015/16

Number of Children and Young People Who Have Entered and Received an Outcome from 'Welsh Town's' Youth Crime Diversion Models

Table 20 specifies the 'number' of children and young people who have entered and received an outcome from Welsh Town Area One, Area Two and Area Thee Youth Crime Diversion Models inclusive of the period 2015/16. It illustrates that in 2015/16, Area Three (which operates within a city) experienced the highest number of children and young people enter and receive an outcome from its Youth Crime Diversion Model (44 per cent). This was followed by Area One (30 per cent) and then Area Two (26 per cent) - both of which operate within medium-sized towns. In total, 376 children and young people entered into and received an outcome from Welsh Town's three Youth Crime Diversion Models in 2015/16.

Table 20: Number of Children and Young People Who Have Entered and Received an Outcome from Welsh Town's Youth Crime Diversion Models in 2015/16. Broken Down by Individual Area.

Welsh Town	2015/16
Area One	111
Area Two	98
Area Three	167
'Aggregated' Total	**376**

Types of Offences Appearing Before 'Welsh Town's' Youth Crime Diversion Models

Table 21 provides a breakdown of the types of offences that have appeared before Welsh Town's Youth Crime Diversion Models (e.g. aggregated Area One, Area Two, Area Three data) for the year 2015/16. It reveals the four most common offences that received a Youth Restorative Disposal (YRD) were: violence against the person; theft and handling; drugs; and public order. This differed for Youth Cautions (YC) and Youth Conditional Cautions (YCC) where the four most common offences were: theft and handling; violence against the person; public order; and criminal damage.

Table 21: Breakdown of the 'Types of Offences' Appearing Before Welsh Town's Youth Crime Diversion Models for 2015/16.

2015/16					
Young People	**312**	**Offences**			**Outcomes**
		Violence Against the Person		101	YRD **312**
		Criminal Damage		44	
		Theft and Handling		98	
		Public Order		49	
		Drugs		52	
		Non-Domestic Burglary		4	
		Motoring		1	
		Racially Aggravated		1	
		Other		10	
		Sexual		0	
		Vehicle Theft		1	
Total	**312**			**361**	**312**
2015/16					
Young People	**64**	**Offences**			**Outcomes**
		Violence Against the Person		21	Youth Caution **50**
		Criminal Damage		11	Youth Conditional Caution **14**
		Theft and Handling		24	
		Public Order		15	
		Drugs		10	
		Non-Domestic Burglary		4	
		Motoring		2	
		Racially Aggravated		0	
		Other		0	
		Sexual		2	
		Vehicle Theft		1	
Total	**64**			**90**	**64**

Table 21 additionally highlights that in the year 2015/16, Welsh Town's Youth Crime Diversion Models delivered an 'aggregated total' of 376 disposal outcomes. Examination of the 'aggregated total' indicates that of the 376 outcomes delivered 312 were YRD, 50 were YC and 14 YCC.
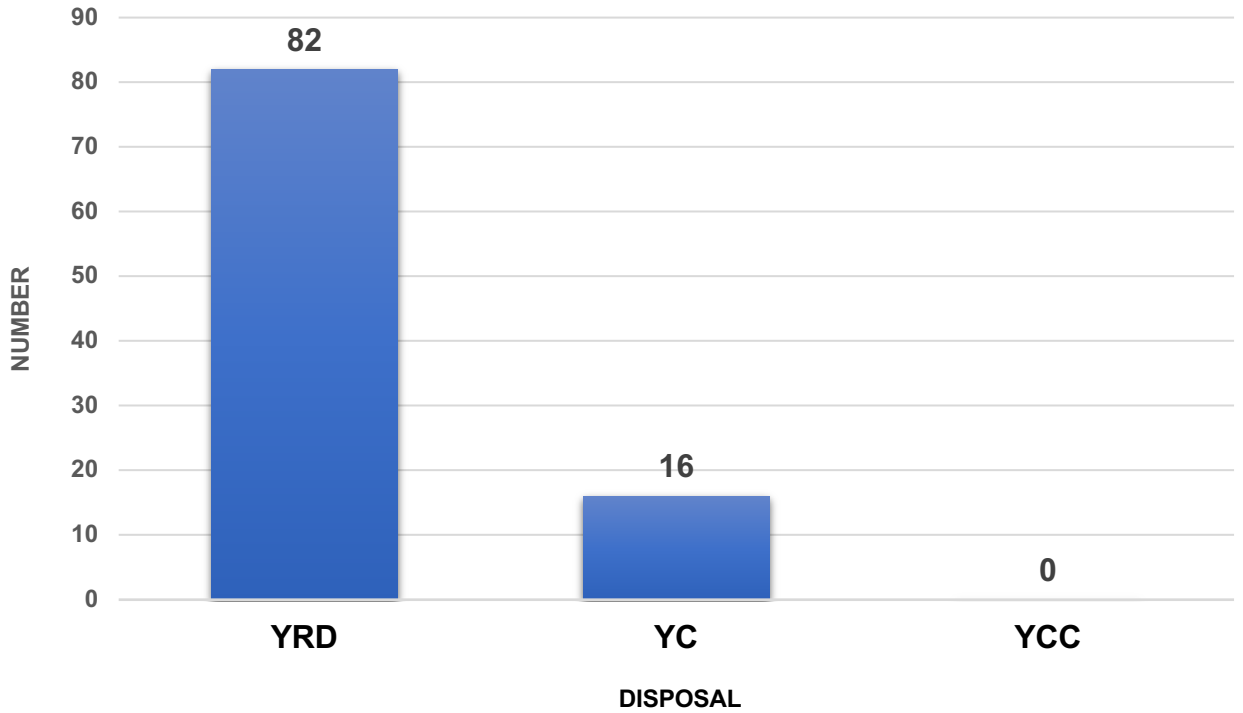
Youth Crime Diversion Model Disposal Outcomes: Broken Down by Individual Area

Although 'aggregated data' offers an important insight into diversion at a Welsh Town level - that is to say when data from the three Youth Crime Diversion Models is conjoined - it reveals little about the specific diversionary intent of each of the three individual areas. As a result, it is also necessary to examine disposal outcomes delivered individually by Area One, Area Two and Area Three. Figures 23, 24 and 25 provide the number of YRDs, YCs and YCCs delivered by Area One, Area Two and Area Three Youth Crime Diversion Models respectively in 2015/16.
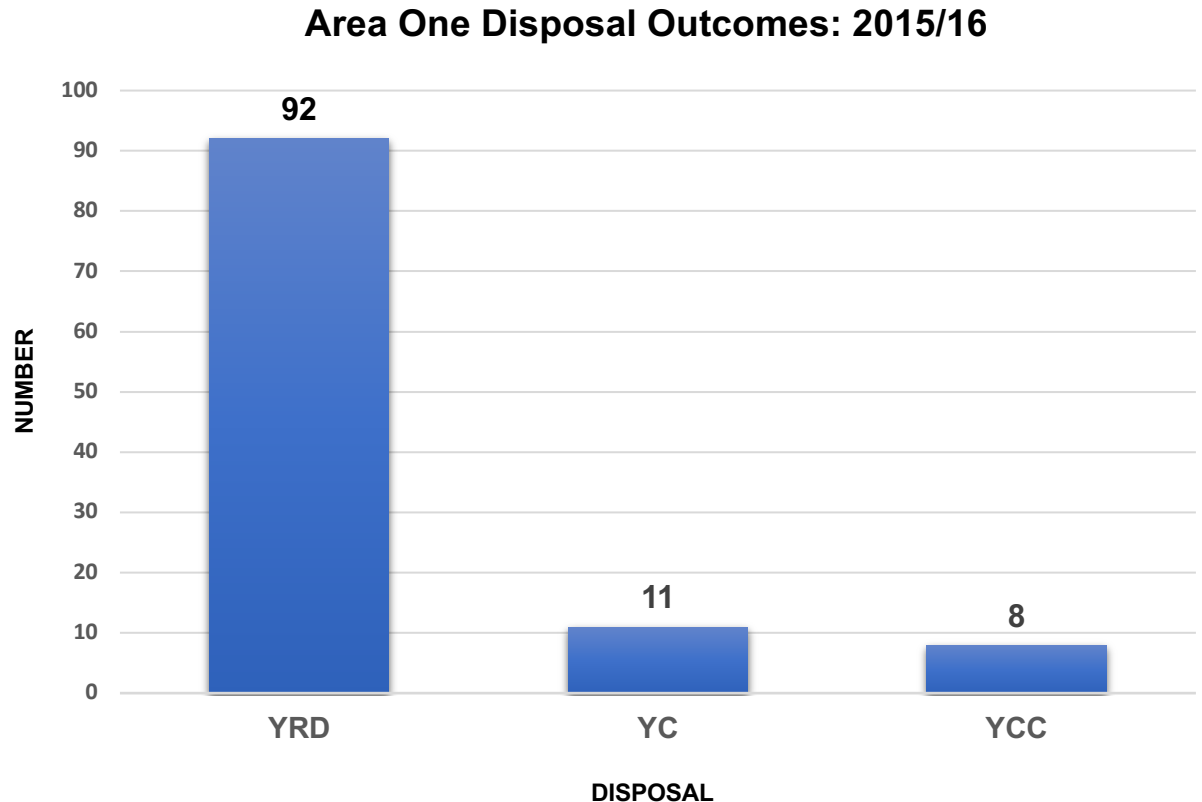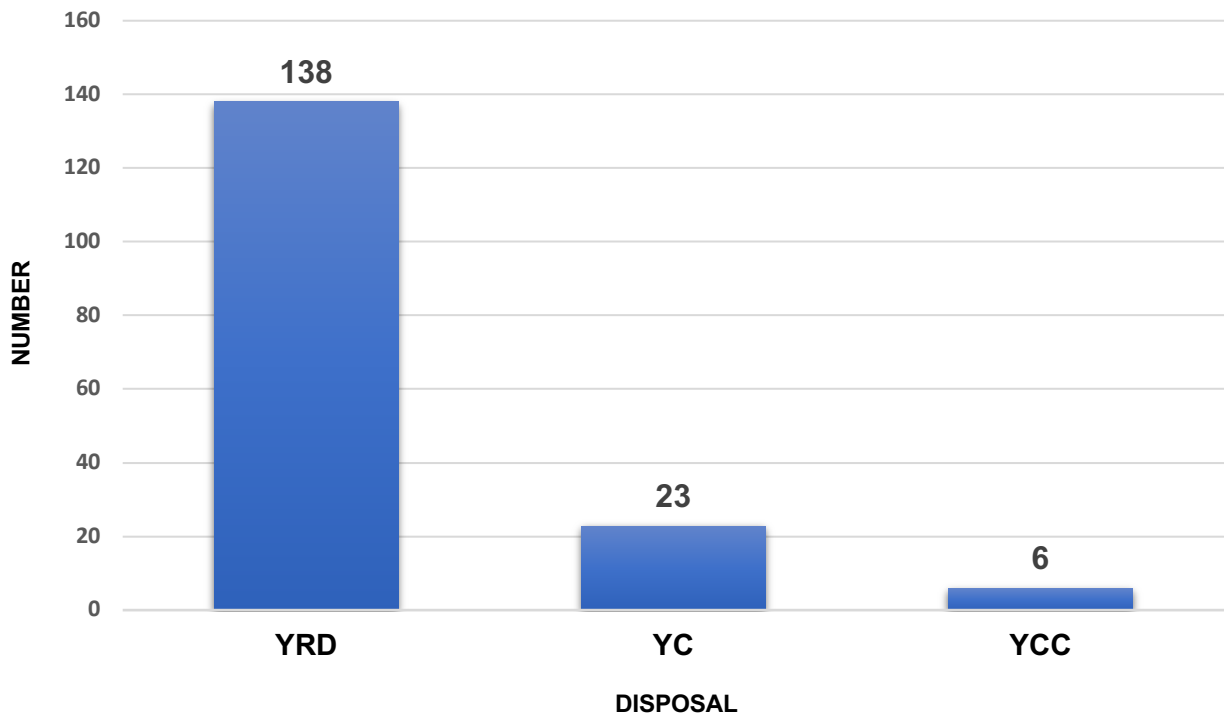

Figure 23: Area One Youth Crime Diversion Model Disposal Outcomes for 2015/16.

Area Two Disposal Outcomes: 2015/16

Figure 24: Area Two Youth Crime Diversion Model Disposal Outcomes for 2015/16.

Area Three Disposals Outcomes: 2015/16

Figure 25: Area Three Youth Crime Diversion Model Disposal Outcomes for 2015/16.

Assessing Youth Crime Diversion Model disposal outcomes in Area One, Area Two and Area Three for the period 2015/16, it is clear that in all three areas the YRD has been administered more frequently than either the YC or YCC. Here, both the YC and YCC are situated higher up the out of court disposal tariff.

In Area One in 2015/16 (see Figure 23), 92 YRD were administered, compared to 11 YC and 8 YCC. Accordingly, the YRD made up 83 per cent of the total disposals administered, the YC 10 per cent and the YCC 7 per cent.

In Area Two in 2015/16 (see Figure 24), 82 YRD were administered, compared to 16 YC and 0 YCC. Accordingly, the YRD made up 84 per cent of the total disposals administered and the YC 16 per cent.

In Area Three in 2015/16 (see Figure 25), 138 YRD were administered, compared to 23 YC and 6 YCC. Accordingly, the YRD made up 83 per cent of the total disposals administered, the YC 14 per cent and the YCC 3 per cent.

Youth Crime Diversion Model Data: The Year 2016/17

Number of Children and Young People Who Have Entered and Received an Outcome from 'Welsh Town's' Youth Crime Diversion Models

Table 22 specifies the number of children and young people who have entered and received an outcome from Welsh Town's Area One, Area Two and Area Thee Youth Crime Diversion Models inclusive of the period 2016/17.

It illustrates that in 2016/17 trends were broadly comparable with 2015/16. Area Three experienced the highest number of children and young people who entered and received an outcome from its Youth Crime Diversion Model (47 per cent). This was followed by Area One (31 per cent) and then Area Two (22 per cent). In total, 292 children and young people entered into and received an

outcome from Welsh Town's three Youth Crime Diversion Models in 2016/17. Representing an overall percentage decrease of 22 per cent when compared to 2015/16.

Table 22: Number of Children and Young People Who Have Entered and Received an Outcome from Welsh Town's Youth Crime Diversion Models in 2016/17. Broken Down by Individual Area.

Welsh Town	2016/17
Area One	91
Area Two	65
Area Three	136
'Aggregated' Total	292

Types of Offences Appearing Before 'Welsh Town's' Youth Crime Diversion Models

Table 23 provides a breakdown of the types of offences that appeared before Welsh Town's Youth Crime Diversion Models (e.g. aggregated Area One, Area Two, Area Three data) for the year 2016/17. It reveals that that four most common offences that received a YRD were: violence against the person; theft and handling; criminal damage; and public order. For the YC and YCC, violence

against the person was followed by criminal damage, theft and handling, and public order.

Table 23: Breakdown of the 'Types of Offences' Appearing Before Welsh Town's Youth Crime Diversion Models for 2016/17.

2016/17					
Young People	**259**	**Offences**		**Outcomes**	
		Violence Against the Person	94	YRD	**259**
		Criminal Damage	59		
		Theft and Handling	64		
		Public Order	42		
		Drugs	41		
		Non-Domestic Burglary	7		
		Motoring	0		
		Racially Aggravated	0		
		Other	7		
		Sexual	2		
		Vehicle Theft	2		
Total	**259**	**Total**	**318**		**259**
2016/17					
Young People	**33**	**Offences**		**Outcomes**	
		Violence Against the Person	17	Youth Caution	**26**
		Criminal Damage	11	Youth Conditional Caution	**7**
		Theft and Handling	6		
		Public Order	4		
		Drugs	2		
		Non-Domestic Burglary	0		
		Motoring	0		
		Racially Aggravated	3		
		Other	0		
		Sexual	1		
		Vehicle Theft	0		
			1		
Total	**33**		**45**		**33**

Youth Crime Diversion Model Disposal Outcomes: Broken Down by Individual Area

Although 'aggregated data' offers an important insight into diversion at a Welsh Town level (that is to say when data from the three Youth Crime Diversion Models is conjoined), as previously explained, it reveals little about the specific diversionary intent of each of the three individual areas. As a result, it is also necessary to examine disposal outcomes delivered by individual Youth Crime Diversion Models operating in Area One, Area Two and Area Three. Figures 26, 27 and 28 provide the number of YRDs, YCs and YCCs delivered by Area One, Area Two and Area Three Youth Crime Diversion Models respectively in 2016/17.
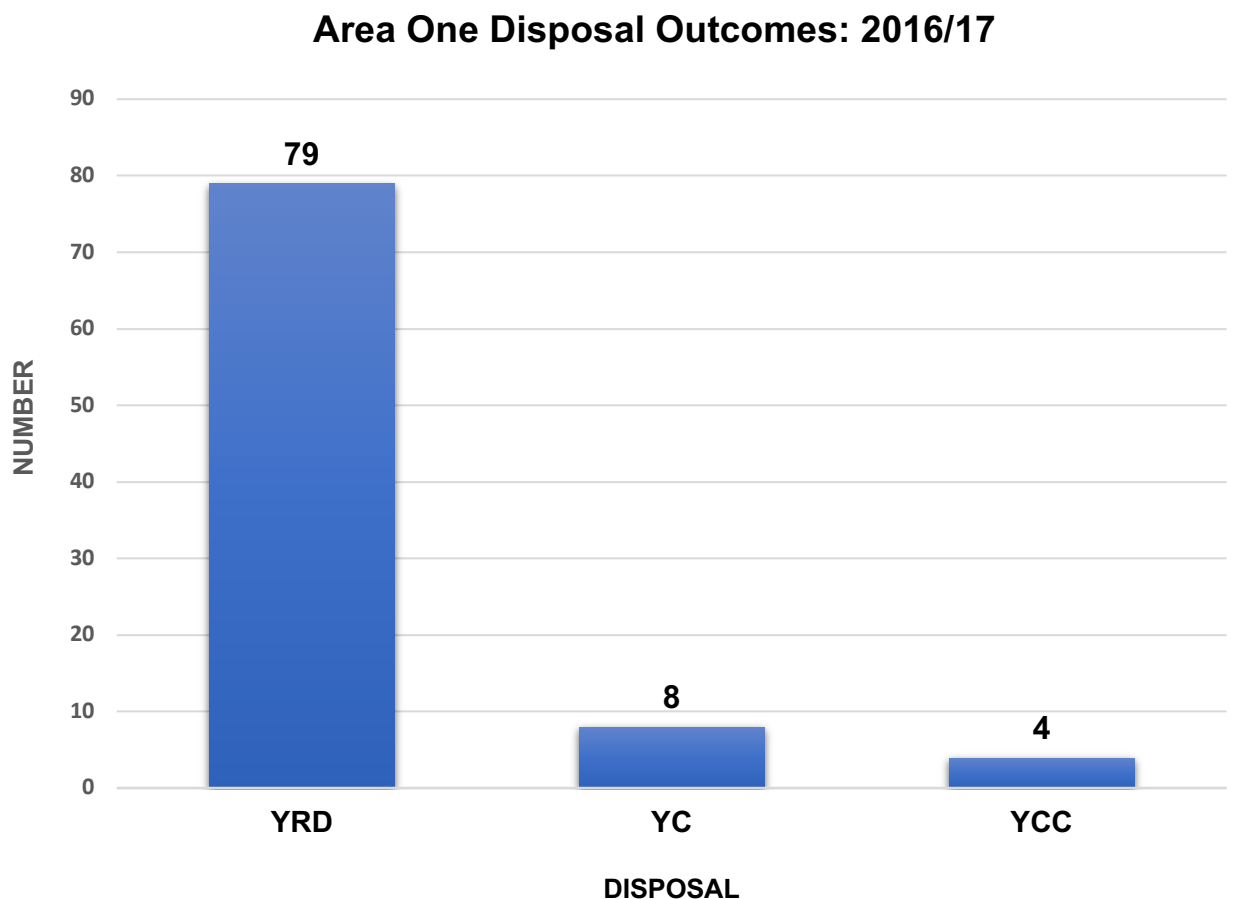
Figure 26: Area One Youth Crime Diversion Model Outcomes for 2016/17.

Area Two Disposal Outcomes: 2016/17
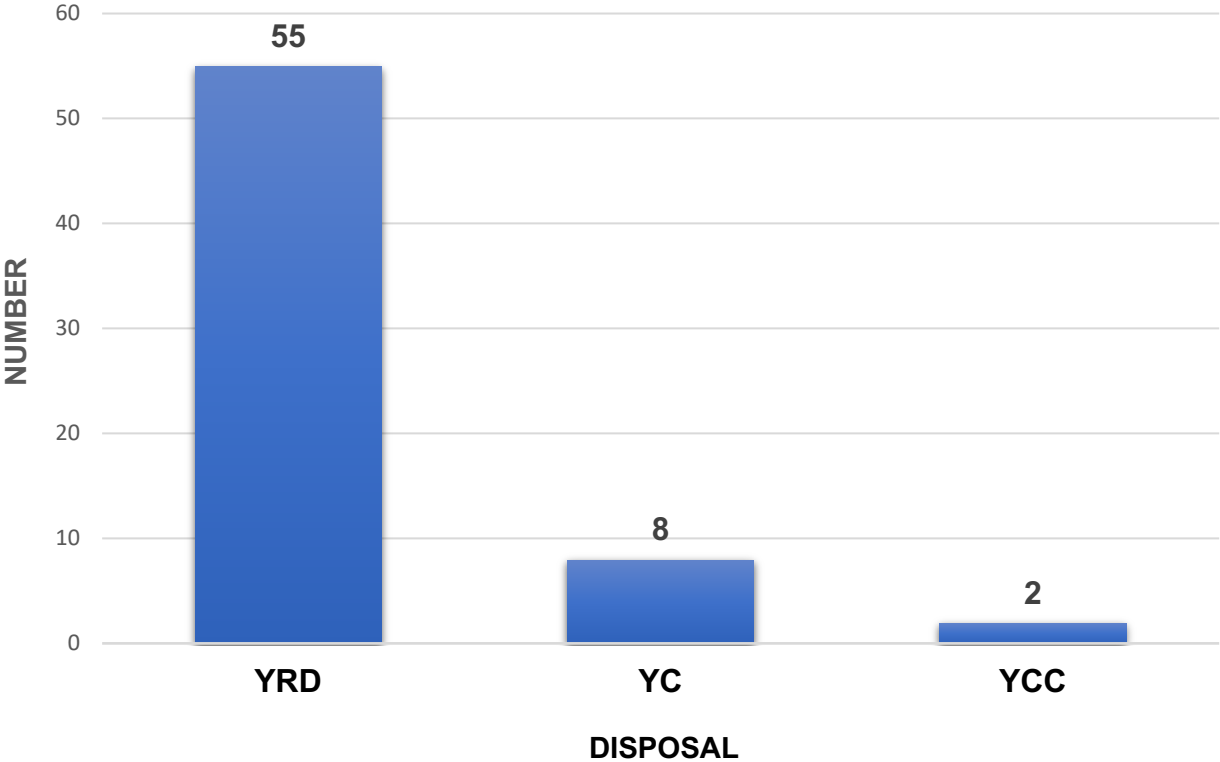
Figure 27: Area Two Youth Crime Diversion Model Outcomes for 2016/17.

Area Three Disposal Outcomes: 2016/17
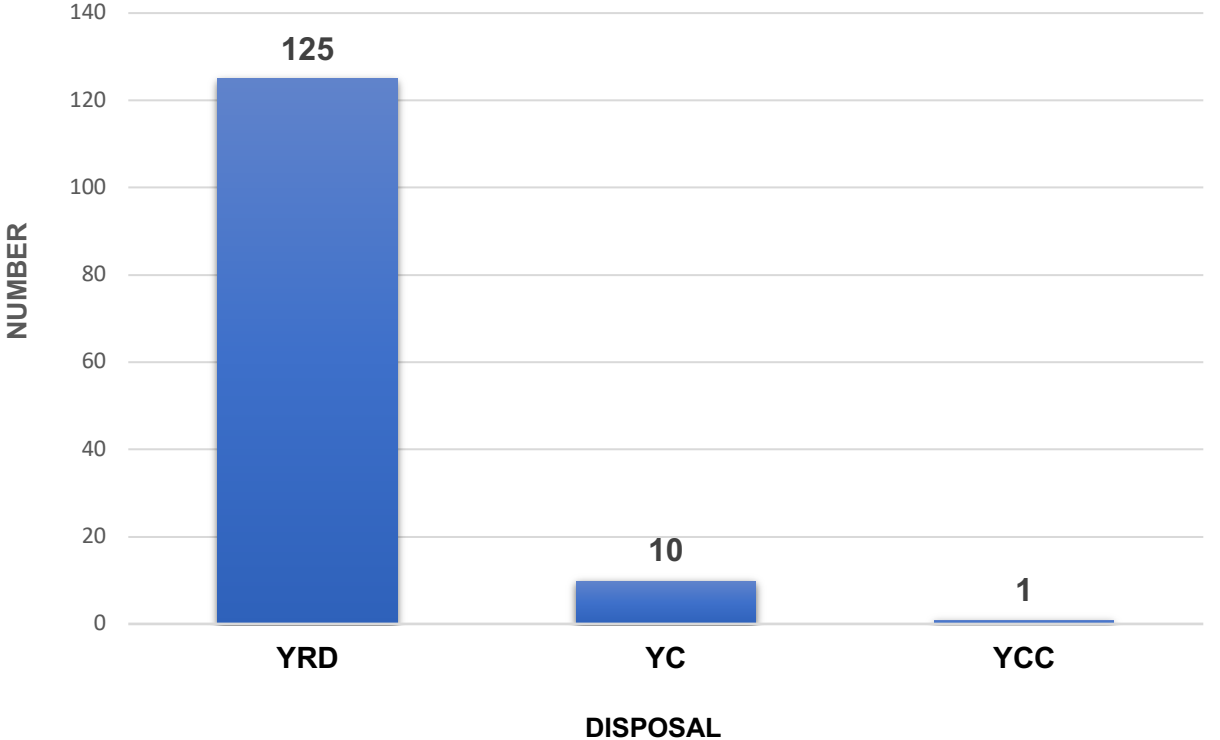
Figure 28: Area Three Youth Crime Diversion Model Outcomes for 301 2016/17.

In assessing Youth Crime Diversion Model disposal outcomes in Area One, Area Two and Area Three for the period 2016/17, a similar pattern emerges to that identified in 2015/16. In all three areas the YRD has been administered more frequently than either the YC or YCC, which are situated higher up the out of court disposal tariff.

In 2016/17 (see Figure 26), the number of YRD administered in Area One fell to 79 – a decrease of 14 per cent on the previous year – but still made up 87 per cent of total disposals administered. Additionally, the number of YC administered fell to 8 (9 per cent), whilst the number of YCC administered fell to 4 (4 per cent).

In 2016/17 (see Figure 27), the number of YRD administered in Area Two fell to 55 – a decrease of 33 per cent on the previous year – but still made up 85 per cent of total disposals administered. Additionally, the number of YC administered fell to 8 (12 per cent), whilst the number of YCC administered increased to 2 (3 per cent).

In 2016/17 (see Figure 28), the number of YRD administered in Area Three fell to 125 – a decrease of 9 per cent on the previous year – but still made up 92 per cent of total disposals administered. Additionally, the number of YC administered fell to 10 (7 per cent), whilst the number of YCC administered fell to 1 (1 per cent).

Youth Crime Diversion Model Data: The Year 2017/18

Number of Children and Young People Who Have Entered and Received an Outcome from 'Welsh Town's' Youth Crime Diversion Models

Table 24 specifies the number of children and young people who have entered and received an outcome from Welsh Town Area One, Area Two and Area Thee Youth Crime Diversion Models inclusive of the period 2017/18.

It illustrates that in 2017/18, Area Three again experienced the highest number of children and young people who entered and received an outcome from its Youth Crime Diversion Model (49 per cent). This was followed by Area One (32 per cent) and then Area Two (19 per cent). In total, 238 children and young people entered into and received an outcome from Welsh Town's three Youth Crime Diversion Models in 2017/18.

Table 24: Number of Children and Young People Who Have Entered and Received an Outcome from Welsh Town's Youth Crime Diversion Models in 2017/18. Broken Down by Individual Area.

Welsh Town	2017/18
Area One	77
Area Two	45
Area Three	116
Aggregated Total	**238**

Types of Offences Appearing Before 'Welsh Town's' Youth Crime Diversion Models

Tables 25, 26 and 27 provide a breakdown of the types of offences that have appeared before Welsh Town's Youth Crime Diversion Models for the year 2017/18. Due to different recording practices, a more detailed individualised breakdown for each area is available.

Table 25: Breakdown of the 'Types of Offences' Appearing Before Area One Youth Crime Diversion Model for 2017/18.

Area One YRD				
2017/18				
Young People	**60**	**Offences**		**YRD**
		Violence Against the Person	27	
		Criminal Damage	14	
		Theft and Handling	3	
		Public Order	11	
		Drugs	14	
		Non-Domestic Burglary	0	
		Motoring	0	
		Racially Aggravated	0	
		Other	0	
		Sexual	1	
		Vehicle Theft	0	
Total	**60**	**Total**	**70**	**60**
Area One YC /YCC				
2017/18				
Young People	**17**	**Offences**		**Outcomes**
		Violence Against the Person	10	Youth Caution	11
		Criminal Damage	6	Youth Conditional Caution	6
		Theft and Handling	6		
		Public Order	3		
		Drugs	3		
		Non-Domestic Burglary	0		
		Motoring	0		
		Racially Aggravated	0		
		Other	0		
		Sexual	0		
		Vehicle Theft	2		
		Domestic Burglary	3		
Total	**17**			**33**	**17**

Table 26: Breakdown of the 'Types of Offences' Appearing Before Area Two Youth Crime Diversion Model for 2017/18.

Area Two YRD				
2017/18				
Young People	**41**	**Offences**		**YRD**
		Violence Against the Person	37	
		Criminal Damage	11	
		Theft and Handling	4	
		Public Order	13	
		Drugs	4	
		Non-Domestic Burglary	0	
		Motoring	0	
		Racially Aggravated	0	
		Other	0	
		Sexual	0	
		Vehicle Theft	0	
Total	**41**	**Total**	**69**	**41**
Area Two YC YCC				
2017/18				
Young People	**4**	**Offences**		**Outcomes**
		Violence Against the Person	2	Youth Caution	4
		Criminal Damage	2	Youth Conditional Caution	**0**
		Theft and Handling	0		
		Public Order	0		
		Drugs	0		
		Non-Domestic Burglary	1		
		Motoring	0		
		Racially Aggravated	0		
		Other	0		
		Sexual	0		
		Vehicle Theft	0		
Total	**4**		**5**		**4**

Table 27: Breakdown of the 'Types of Offences' Appearing Before Area Three Youth Crime Diversion Model for 2017/18.

Area Three YRD				
2017/18				
Young People	**108**	**Offences**		**YRD**
		Violence Against the Person	36	
		Criminal Damage	22	
		Theft and Handling	24	
		Public Order	27	
		Drugs	24	
		Non-Domestic Burglary	2	
		Motoring	0	
		Racially Aggravated	0	
		Other	1	
		Sexual	0	
		Vehicle Theft	1	
Total	**108**	**Total**	**137**	**108**
Area Three YC YCC				
2017/18				
Young People	**8**	**Offences**		**Outcomes**
		Violence Against the Person	3	Youth Caution	**5**
		Criminal Damage	0	Youth Conditional Caution	**3**
		Theft and Handling	0		
		Public Order	2		
		Drugs	1		
		Non-Domestic Burglary	0		
		Motoring	0		
		Racially Aggravated	0		
		Other	1		
		Sexual	1		
		Vehicle Theft	1		
Total	**8**		**9**	**8**

They reveal that for Area One, the four most common offences that received a YRD were: violence against the person; criminal damage; drugs; and public order. This differed slightly for the YC and YCC, where the most common offences were violence against the person, criminal damage, and theft and handling.

In Area Two, the four most common offences that received a YRD were: violence against the person; public order; criminal damage; and drugs/theft and handling. For the YC and the YCC, the most common offences were violence against the person, criminal damage, and non-domestic burglary.

In Area Three, the four most common offences that received a YRD were: violence against the person; public order; drugs; and theft and handling. For the YC and the YCC, the most common offences were violence against the person and public order.

Youth Crime Diversion Model Disposal Outcomes: Broken Down by Individual Area

Figures 29, 30 and 31 provide the number of YRDs, YCs and YCCs delivered by Area One, Area Two and Area Three Youth Crime Diversion Models respectively in 2017/18.

Assessing Youth Crime Diversion Model disposal outcomes in Area One, Area Two and Area Three, for the period 2017/18, it is again evident that in all three areas, the YRD has been administered more frequently than either the YC or the YCC.

Area One Disposal Outcomes: 2017/18
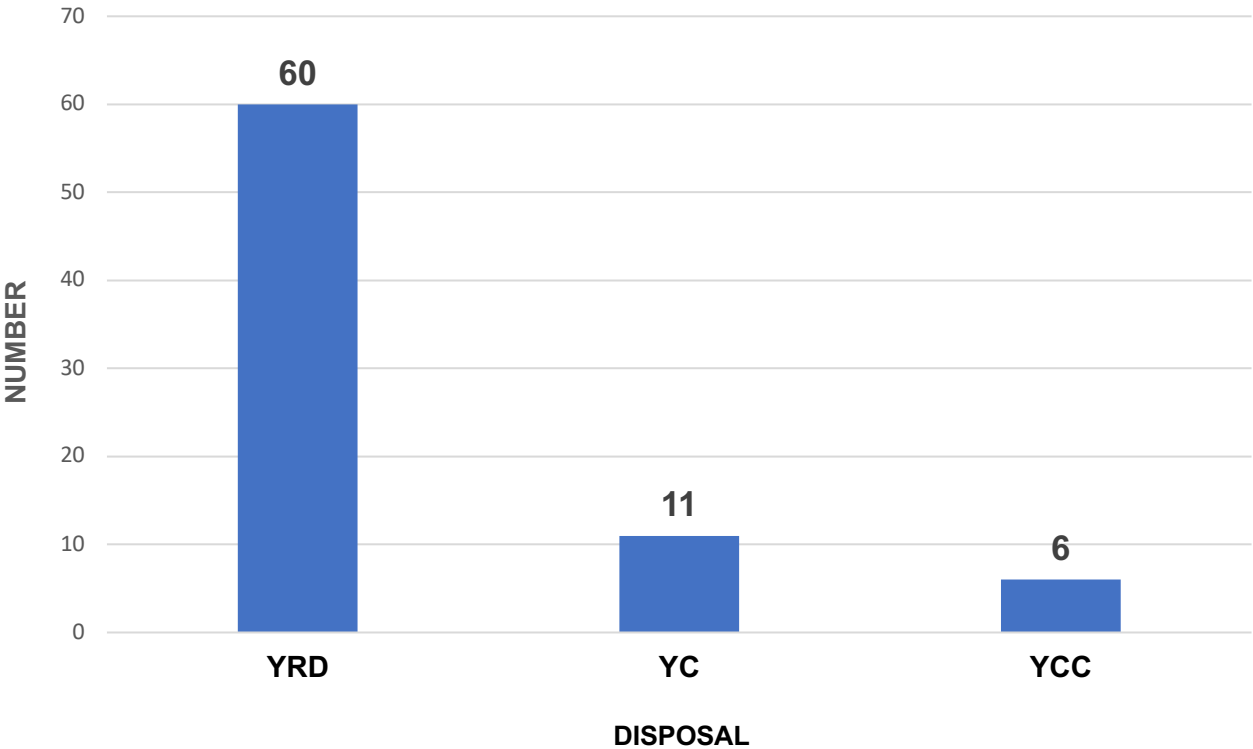
Figure 29: Area One Youth Crime Diversion Model Outcomes for 2017/18.

Area Two Disposal Outcomes: 2017/18
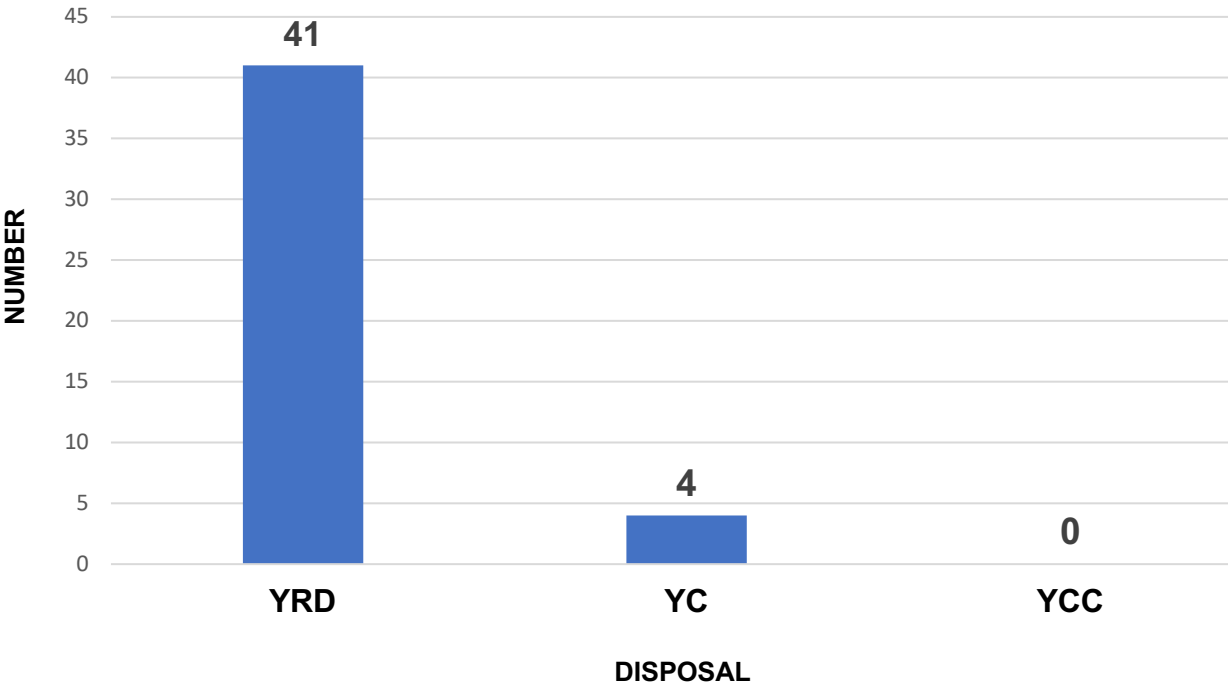
Figure 30: Area Two Youth Crime Diversion Model Outcomes for 2017/18.

Area Three Disposal Outcomes: 2017/18
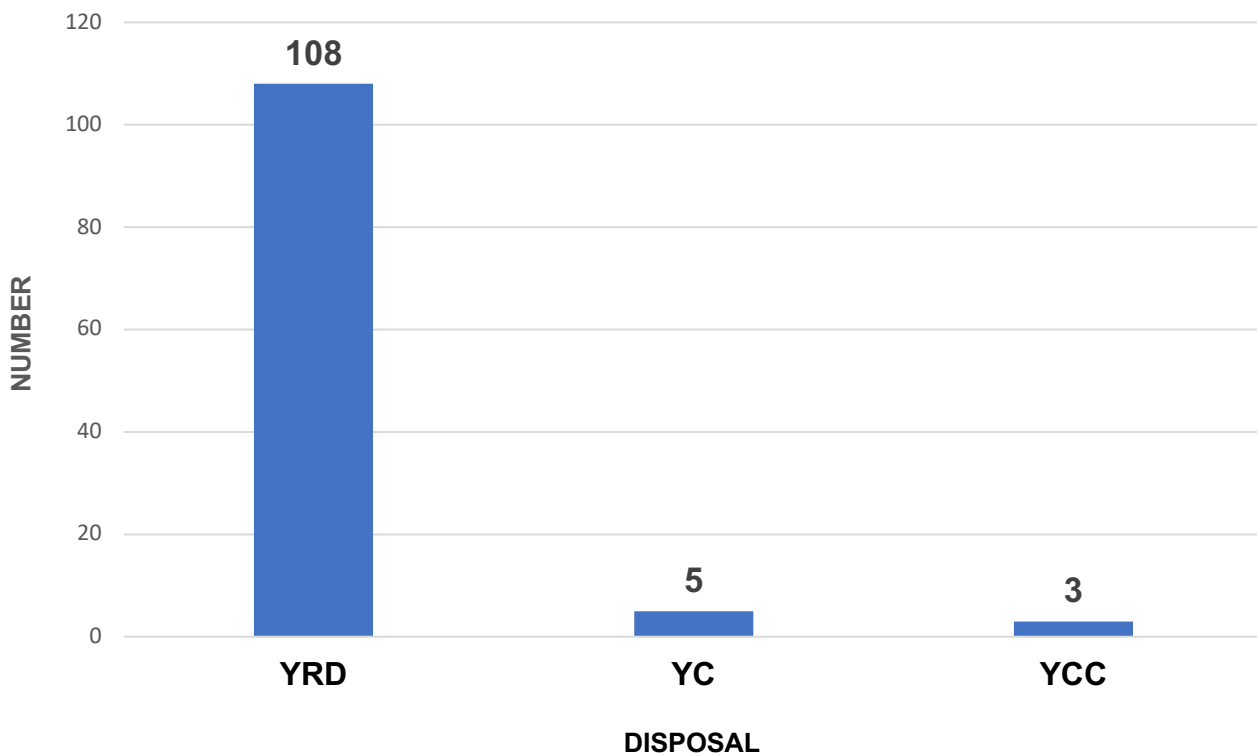
Figure 31: Area Three Youth Crime Diversion Model Outcomes for 2017/18.

In Area One, in 2017/18 (see Figure 29), 60 YRD were administered, compared to 11 YC and 6 YCC. Accordingly, even though the use of YRDs fell by 24 per cent in comparison to the previous year, they still made up 78 per cent of the total disposals administered, followed by the YC (14 per cent) and YCC (8 per cent).

In Area Two, in 2017/18 (see Figure 30), 41 YRD were administered, compared to 4 YC and 0 YCC. Accordingly, even though the use of YRDs fell by 25 per cent when compared to the previous year, they still made up 91 per cent of the total disposals administered, followed by the YC (9 per cent) and the YCC (0 per cent).

In Area Three, in 2017/18 (see Figure 31), 108 YRD were administered, compared to 5 YC and 3 YCC. Accordingly, even though the use of YRDs fell by 14 per cent when compared to the previous year, they still made up 93 per

cent of the total disposals administered, followed by the YC (4 per cent) and YCC (3 per cent).

Youth Crime Diversion Model Re-Offending Data

When considering the impact of criminal and youth justice mechanisms, re-offending data is frequently an important indicator of effectiveness. Table 28 provides Youth Crime Diversion Model re-offending figures for 2015/16. This is clearly a limited sample (for the reasons previously identified, as well as the need for a full year to pass before re-offending figures can be determined). It is therefore difficult to draw firm conclusions as to the long-term impact made by Welsh Town's Youth Crime Diversion Models. Nonetheless, Table 28 does indicate that when data from Welsh Town's Youth Crime Diversion Models are 'aggregated', in percentage terms, the YRD possesses the lowest re-offending rate, followed by the YCC and then the YC.

Table 28: 'Aggregated' Welsh Town Youth Crime Diversion Model Re-Offending Figures for 2015/16

2015/16	YRD	YC	YCC
Welsh Town 'Aggregated' Disposal Outcomes	312	50	14
No. Re-Offending	58	24	3
Re-Offending Rate (%)	**19 %**	**48 %**	**21 %**

At this point, it is necessary to warn against basing assumptions of the validity and effectiveness of Welsh Town's Youth Crime Diversion Models on re-offending figures alone. This is because philosophically when examining pre-court diversion, there is clearly a question mark over what constitutes re-offending. That is to say, if a child or young person is given a YRD following their appearance at the Youth Crime Diversion Model then they have been successfully 'diverted', meaning that to count offending that follows on from the administering of a YRD as a second (or re-offence) serves to undermine the ethos underpinning pre-court diversion and technically lacks accuracy.

The Limitations in the Data

It is important to highlight that the aforementioned data relating to the performance of Welsh Town's Youth Crime Diversion Models is limited for a number of reasons. At a national level, YOS are currently not obligated to send pre-court diversion figures to the YJB and MoJ to feature in centralised statements and reports. This has meant that localised recording practices concerning out of court initiatives are often unsystematic and arbitrary. This weakness has been highlighted recently in a 'Criminal Justice Joint Inspection' report (2018), which determined that:

> "Work to divert children from entering the criminal justice system is commonly recognised to be a success story. Our inspection supports that view. It is difficult to prove the success empirically however, since there is little systematic monitoring, beyond knowing that the number of new entrants has fallen considerably and consistently over many years."
>
> (HM Inspectorate of Probation and HM Inspectorate of Constabulary and Fire & Rescue Services, 2018, Foreword)

Significantly, this wider issue has been compounded at a Welsh Town level, due to the fact that each individual area adopted different recording practices relating to their own Youth Crime Diversion Model prior to the merger that took place in 2014. As such, the dissimilarities in recording practices between the three areas has made gaining access to long-term comparable data-sets

relating to each individual Youth Crime Diversion Model challenging. For these reasons the aforementioned analysis is limited in scope, but nonetheless, it does provide certain insights into recent performance.

Furthermore, in interpreting the Welsh Town data-sets, it is also necessary to make clear that it would be incorrect to presume that certain offences attract or produce certain diversionary disposals. That is to say, that there is a linear or causal relationship between these two constituents. Here, it is important to appreciate that it is the child or young person (and the type of offences they have committed) who is subjected to particular disposal outcomes (YRD, YC, YCC) available to the Panel. Accordingly, to ignore the individualised nature or context of the child or young person's offence or offending history would be erroneous. As has already been highlighted (in the previous chapter), the Panel members reach a disposal decision, having carefully examined the prepared 'report' and having spent time engaging in dialogue with the child or young person (pertaining not just to the context of the offence itself, but also concerning the possibility of their undertaking future interventions, reparative or restorative actions). There are then dynamics at the Panel which this data-set does not fully account for, and which are important in deciding what disposal outcome a child or young person receives at the end of the Panel.

The Key Findings: A 'Promising' Model for Achieving Beneficial Outcomes

Following on from the 'tripartite' analysis undertaken, a number of key findings emerged, which are worth summarising more fully.

England and Wales

Analysis of youth justice data at an England and Wales level established that over the period the year ending March 2007 to 2017 there has been a headline 85 per cent reduction in numbers of FTEs entering into the youth justice system (as well as significant reductions across a series of other key youth justice performance measures). It was suggested that this percentage drop in FTEs

may possibly have resulted from: the adoption of diversionary strategies, the role of policy and its effect on policing practices, and the impact of a prolonged austerity agenda.

Wales

Analysis of exclusively Welsh youth justice data revealed that downward trends displayed in England and Wales were also being broadly replicated within Wales. For example, it was established that over the period the year ending March 2007 to 2017, numbers of FTEs in Wales fell by a total of 88 per cent, therefore, closely corresponding with an 85 per cent reduction in England and Wales. Attention was also drawn to recent (year ending March 2014 to 2017) reductions in child arrests in Wales, a downward trend that has likewise broadly been experienced in England and Wales.

Welsh Town

Exploration of youth justice performance at a regional (Welsh Town) level revealed that:

- 'Aggregated' Welsh Town numbers of FTEs over a ten-year period (the year ending March 2007 to 2017) reduced by a total of 91 per cent, compared to an England and Wales total of 85 per cent and a Wales total of 88 per cent.
- When numbers of FTEs were broken down by 'individual locality', all three Youth Crime Diversion Model areas saw substantial reductions in numbers of FTEs over a ten-year period (the year ending March 2007 to 2017). In Area One reductions totalled 88 per cent, in Area Two 90 per cent, and in Area Three 93 per cent.
- Analysis of 'individual locality' data also revealed that in all three areas the percentage drop observed the year following the introduction of their Youth Crime Diversion Model exceeded previous yearly reductions (for example, reductions experienced during the period the year ending March 2008 to

2011 in Area One, 2007 to 2011 in Area Two and 2008 to 2009 in Area Three).

- Additionally, analysis of 'locality data' also revealed that over the period the year ending March 2009 to year ending March 2011 - when Area Three had a Youth Crime Diversion Model operating and Area One and Area Two did not - Area Three out-performed Area One and Area Two statistically. Over the year ending March 2009 to 2011, Area Three decreases totalled 52 per cent, compared to 32 per cent for Area One and 46 per cent for Area Two.

- Specific Area One, Area Two and Area Three disposal outcome data revealed that over a three-year period (2015/16 to 2017/18) all three areas administered the YRD more frequently than either the YC or YCC.

- Finally, re-offending data, reflective of the period 2015/16, revealed that when Welsh Town Youth Crime Diversion Model data is 'aggregated', in percentage terms, the YRD possesses the lowest re-offending rate, followed by the YCC and then the YC.

Ultimately, the above statistical findings provide some 'promising indications' that when set against a wider backdrop of reductions in key youth justice performance measures, Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three are also making a 'positive diversionary difference' at a localised level.

Chapter Summary

The central objective of the chapter was to ascertain the quantitative impact of Welsh Town's three Youth Crime Diversion Models. In order to fulfil this aim effectively it engaged a 'stratified' framework incorporating three layers of secondary-statistical analysis. Initially, broader youth justice statistical trends at an England and Wales level were examined. This was followed by analysis of exclusively Welsh youth justice statistical performance, before the final layer of analysis investigated statistical patterns at a Welsh Town level. Ultimately, quantitative analysis provided a helpful lens through which to comprehend diversionary impact and provided evidence that Welsh Town's Youth Crime Diversion Models hold much 'potential'. Nonetheless, it remains the case that

the quantitative approach can only ever shed light on statistical outputs. As such, there is also an imperative to gain the insight and perspective of individuals who have intimately experienced its workings. The following chapter will therefore seek to explore the experiences of children and young people and parents and carers who have engaged with the three Youth Crime Diversion Models.

Chapter Seven

The Experiences of Children and Young People and Parents and Carers Engaged with 'Welsh Town's' Youth Crime Diversion Models

Introduction

The chapter discusses findings from semi-structured interviews undertaken with children and young people and parents and carers engaged with Welsh Town's Youth Crime Diversion Models. The chapter begins by emphasising the ethical and rights-based need for the 'voices of underrepresented' persons (the children and young people and parents and carers) to be heard within the thesis. It is suggested that hearing from children and young people and parents and carers is necessary so as to prevent their further marginalisation in youth justice proceedings. In arranging the thematic findings from the interviews, the chapter initially examines those themes that both children and young people and parents and carers broadly perceived as being strengths of the Welsh Town Youth Crime Diversion Model process. Here, specific attention is afforded to how children and young people and parents and carers viewed and understood the workings of the Youth Crime Diversion Model Panel. Sequentially, thematic attention turns to how children and young people and parents and carers viewed and understood 'away from' and 'into' diversionary impacts of the process. A number of tensions within the Welsh Town Youth Crime Diversion Model process are then discussed, before the chapter concludes by drawing together the key findings.

Significantly, in line with the broadly constructivist and interpretivist aetiology of the thesis, the findings are not intended to account for the views of children and young people and parents and carers engaged with the three Welsh Town Youth Crime Diversion Models in a statistically 'representative' or 'generalisable' manner. Rather, the findings illustrate how a 'purposive sample' of children and young people and parents and carers viewed, experienced and understood key aspects of the Welsh Town Youth Crime Diversion Model process (from their

unique standpoint and in their own words). Precisely why the views, experiences and perceptions of children and young people and parents and carers who have engaged with Welsh Town's Youth Crime Diversion Models necessitates this type of examination is worth underlining more explicitly.

Giving a Voice to the Underrepresented

The voices of children and young people in conflict with the law have arguably not yet been afforded sufficient attention and their ability to participate and feed into youth justice processes has often been minimised (Hart and Thompson, 2009, Muncie, 2009, Creaney, 2014, Creaney and Case, 2014). Little (2015) has stated that: "…children in conflict with the law are some of the most disenfranchised, least empowered people in England and Wales" (Little, 2015, p.5). Consequently, children and young people's unique and legitimate views and insights have largely remained hidden and obfuscated within a youth justice system that has all too often failed to recognise their fundamental 'right to be heard' (see Article, 12, UNCRC, 1989).

This broader trend has also arguably been replicated in respect of the functioning of specifically Welsh Bureaux, where children and young people's views have been underrepresented within the existing academic literature. In an equivalent manner, parents and carers of children and young people in conflict with the law have similarly at times been pushed to the margins of the youth justice system and their contributions underappreciated (Drakeford and McCarthy, 2000, Goldson and Jamieson, 2002, Arthur, 2005, Evans, 2012). Again, in parallel with children and young people, the existing academic research literature into Welsh Bureaux has arguably reinforced this trend and not afforded enough explicit attention to their unique views and experiences.

Recognising the seriousness of these limitations, the opinions and the perspective of children and young people are fundamental to this thesis. Here, collecting and illuminating the views of children and young people who have engaged with Welsh Town's Youth Crime Diversion Models (in Area One, Area Two and Area Three) resonates strongly with the work of the "new sociology of childhood" (James and Prout, 1998) which argues that children and young

people are the 'true experts' of their lived experiences. Significantly, it also corresponds with a key ambition outlined within the most recent YJB annual end of year report, which states that: "Capturing the views and opinions of children is vital if we are to have a truly distinct and child centred youth justice system" (Youth Justice Board, 2018, p.22).

Equally, acknowledging the explicit views of parents and carers who have children engaged in the youth justice system is deemed necessary in order to prevent their marginalisation (Goldson and Jamieson, 2002, Arthur, 2005) and to more fully understand how the system can work with them positively and constructively as partners to help prevent their child(ren's) offending behaviour. The contributions (in their own words) of these two groups are considered the most important component of the thesis and their views can be seen to offer a dynamic and powerful insight into the impact and effectiveness of Welsh Town's Youth Crime Diversion Models. Following on from qualitative thematic analysis of interview data with the two groups, a number of key themes emerged as worthy of particular examination. In arranging the thematic findings, the chapter begins by examining those themes that both children and young people and parents and carers broadly perceived as being strengths or positives of the Welsh Town Youth Crime Diversion Model process.

The Significance of the Panel: Children and Young People and Parents and Carers Views at the Heart of Proceedings

The Panel[86] constitutes arguably the key procedural stage in the Welsh Town Youth Crime Diversion Model diversionary process (in Area One, Area Two and Area Three). It was intentionally devised to provide an opportunity for children and young people (and their parents and carers) to discuss the circumstances around the offence committed, any underlying issues or challenges (for example, at home or at school or in peer-groups) that may have contributed to it taking place, interventions or support packages they may benefit from moving forward, and any restorative or reparative steps they would be willing to

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[86] Specifically, the 'second-half' of the Panel in the context of children and young people and their parents and carers.

undertake to repair the harm caused. The meeting culminates with the administering of the disposal or outcome to the child or young person (along with any agreed interventions, restorative or reparative actions).

Cleghorn et al. (2011), utilising findings from their research conducted with children and young people engaged in the youth justice system, have previously highlighted the value of including 'this type of meeting' within youth diversionary processes. Their research concluded that: "Minor offences should be dealt with in an informal 'meeting' type situation, that is clearly explained to young people, rather than in court" (Cleghorn et al. 2011, p.6). Nonetheless, the fact remains that in respect of the functioning of Welsh Town's Youth Crime Diversion Models very little is actually known about how children and young people view the role and dynamics of the Panel and specifically the discussion that takes place with Panel members (normally police officer(s), a YOS representative and sometimes a volunteer). As such, it was considered necessary to ascertain whether children and young people truly felt they had a voice in proceedings and could express their views and feelings honestly, or alternatively, whether in reality (even if well intentioned) it took the form of an adult-centric discussion.

A Fair, Engaging and Constructive Panel Process

Although one child interviewed stated that "it depends", there was a general consensus from the children and young people that they were able to contribute fully to the discussion that took place and communicate their views and opinions effectively to the Panel members in attendance. For example, the children and young people stated that:

> "I think it was quite good what they did, I had enough time to talk about what I wanted to talk about, and everything became clear inside. And that was the best thing actually!"

> (Area Three, Young Person A)

"Yeah, I think they gave me enough time to like say my point, without being assertive and being really blunt about everything! I think they were open minded about it, because they literally could have stung me bad with that [the offence], but obviously, they knew it was a one-time thing!"

(Area Three, Young Person G)

"Yeah, I did! They don't just put everything on you! They want to know what your side of the story is! So that's good! They were really understanding as well like!"

(Area Two, Young Person C)

"Yeah, I felt like I could get what I wanted to say through! So yeah, they let me speak…and obviously, they had what they wanted to say…so I thought it was all fine for me…"

(Area Three, Young Person B)

"I talked a lot more than they did! I had a chance to tell my version of events…properly what happened…To go to court and say what I said…and the Judge casts something off to me then…and then me turn around and say that didn't happen, let me tell the truth…and their like, it's too late!"

(Area One, Young Person N)

"Yeah, I told them what I thought!"

(Area One, Young Person Q)

That many of the children and young people interviewed felt that they had the opportunity to fully contribute to the discussion at the Panel arguably provides some tangible evidence that the Welsh Town Youth Crime Diversion Model process (and specifically the workings of the Panel) caters for a 'children first' approach. In this respect, the findings reinforce previous (stakeholder-focused) research into Welsh Bureaux (and specifically the functioning of the pre-LASPOA, 2012 original formulation) which determined that: "a positive, child rights and young person focused methodology has been enshrined within the

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Bureau process" (Haines and Charles, 2010, p.16) and also that the: "the Bureau evinces a commitment to hearing the voices of local young people" (Haines et al. 2013, p.15). Significantly, the findings also strongly harmonise with a key theme to emerge from the system-mapping exercise undertaken in this thesis, which identified 'rights and participation' as a foundational principle of Area One, Area Two and Area Three Youth Crime Diversion Models. More broadly, in policy terms, the findings can also be seen to resonate with a central tenet of Wales' most recent youth justice strategy 'Children and Young People First', which makes clear that: "The voice of the young person is actively sought and listened to" (Welsh Government and Youth Justice Board, 2014, p.4). Likewise, they also dovetail with Wales' cornerstone commitment to Article 12 of the UNCRC (1989; and also, with the provisions of General Comment No.10 (UNCRC, 2007), which states that:

> "When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account."

> (Article 12, UNCRC, 1989)

In attempting to understand why children and young people largely felt this way, further analysis of interview data yielded a number of 'possible factors' which may have proved significant (or assisted) in their believing that they could "say what they wanted" and "get what they wanted to say through" during the discussion with Panel members. A number of these 'possible factors' are worth considering more explicitly.

Views on the Size of Panel Membership

When asked how they felt about the number of people (e.g. Panel members) in the Panel facing them and asking them questions at the meeting, children and young people were generally satisfied, stating that:

"…before I came here, I imagined more people being there…"

(Area Three, Young Person A)

"I don't think there were too many, I think there were enough…"

(Area Three, Young Person M)

"Whoever really needs to be there you gotta be there at the end of the day like – they're just doing their job. I think if there was like loads of [police] officers in the room just watching me and seeing what I had to say, that would be pressure! But the people who needed to be there were and I don't see anything wrong with that like!"

(Area Two, Young Person C)

"It doesn't bother me how many people are in the room."

(Area One, Young Person Q)

Arguably, the fact that many of the children and young people interviewed were generally satisfied with the size of the Panel membership may have served as an important factor in making them feel at ease and subsequently able to share their views and feelings openly during the discussion. Although, emanating from the interview data there was no consensus on what constituted the 'ideal number' of members to sit on the Youth Crime Diversion Model Panel, one child did state that "less would be better than more" and another that they didn't like police officers being "too close" to their personal space.[87]

The Significance of Interpersonal Skills and the Value of a Future Focus at the Panel

Another possible factor that may have aided in creating a relaxed rather than pressurised environment for children and young people to express their views

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[87] In the Panels observed there were usually no more than three Panel members asking questions of the young person (and their parent and carer).

and opinions relates to the communication and interpersonal skills of the individual Panel members asking questions of the child or young person. A number of children and young people commented favourably on the positive and constructive approach adopted (and environment created) by Panel members during the discussion:

> "I think it was fine, everything was fine! It was quick and there wasn't as much hostility as expected!"
>
> (Area Three, Young Person A)

> "…they were very warming and helped me settle down. The questions they asked me weren't too challenging. I knew what they were asking me, and I knew how to answer them."
>
> (Area Three, Young Person B)

> "I didn't get put under too much pressure like…"
>
> (Area Two, Young Person D)

> "I like the way they come across! They were on a level like and they told me how it is!"
>
> (Area Two, Young Person C)

> "I felt comfortable there…people spoke to me how I wanted people to speak to me."
>
> (Area One, Young Person T)

As the above quotations illustrate, many of the children and young people interviewed clearly felt that they were entering into a welcoming, rather than hostile environment. This is significant, as appearing at a police station to receive a Youth Crime Diversion Model disposal or outcome could potentially be seen by some children and young people as a daunting or intimidating process

(especially if the child or young person has committed a 'first-time offence' and so has not been exposed to the process previously). Bearing this point out, one child explained:

> "Obviously, it's going to be nervous for me first time coming into here, not knowing what is going to happen."

(Area Three, Young Person B)

Clearly the individual interpersonal and communication skills of the Panel members (and particularly the police sergeant chairing the discussion) are important in creating an environment where a child or young person doesn't feel intimidated, but instead, feels comfortable enough to engage in dialogue. This is a finding underlined in studies by Cleghorn et al. (2011) and Botley et al. (2010) who in their research with children and young people in the youth justice system discovered that they wanted to feel 'respected' by practitioners and professionals engaging with them in youth justice settings. For example, Cleghorn et al. (2011) established that:

> "Young people have a higher level of trust and respect for the police when they feel the police speak to them like 'normal' people or with a level of respect; listen to them; are polite; and explain what is happening…"

(Cleghorn et al. 2011, p.4)

Likewise, Botley et al. (2010) in their research into the dynamics of Referral Order Panels with children and young people, found that:

> "Panel members were viewed as polite and respectful, and this in turn increased the young people's desire to work with them."

(Botley et al. 2010 p.10)

Moreover, it also became apparent from the interviews (and also Panel observations) undertaken that some of the children and young people appreciated the way in which the discussion did not spend excessive time

dwelling on the circumstances surrounding the original offence (e.g. what happened? who was involved? do you understand it was the wrong thing to do?), but alternatively, spent time focusing on future goals and aspirations (e.g. are you thinking of going to college? what do you want to do for a job?) and exploring interests and pastimes (e.g. what are you passionate about? what motivates you?). Echoing these points, certain children and young people (and also parents and carers) explained that:

"They were trying to get me to think about the positives, not the negatives!"

(Area Three, Young Person M)

"…the questions they are asking is not about legality things, it's about like he said: 'what do you want your life to be like?'"

(Area One, Parent and Carer N)

"I think they didn't really ask a lot of questions, I was expecting them to ask about details, that's a good thing of course, because I was worried that I would have to talk a lot about the incident, and I didn't want to do that, so I really liked how they made it short and understanding."

(Area Three, Young Person A)

These quotations arguably offer some support for the assertion that the workings of the Welsh Town Youth Crime Diversion Model (and specifically the Panel) rejects what has been termed a 'deficit-focused model of negative youth justice' (Case, 2016). That is to say, rather than focus on children and young people's weaknesses, limitations and faults (essentially shaming them for their actions) the Panel discussion instead intentionally shifts the focus to their strengths, future potential and capacity for change. Consequently, it is not about reinforcing the 'label of an offender', but rather, is about reinforcing the 'opportunities and openings' (e.g. primarily through the interventions agreed) for

future change. As one Area Two police officer explained: "It's not about a row, I never raise my voice…I want them to do the talking and think…"

The Attendance of Parents and Carers at the Panel

A final 'possible factor' relates to the specific role of parents and carers, who under the workings of Welsh Town's Youth Crime Diversion Models, can accompany their child to the Panel and contribute to the discussion that takes place with Panel members. When asked how they felt about their parents or carers being present (and involved) at the Panel, although one child stated they would rather "attend on my own", the majority of the children and young people interviewed saw it as a positive feature and a specific strength of the process. For example, children and young people explained that:

> "…it was important for me that both of my parents are there to support me and just to be there to give me more confidence and to tell me they are with me whatever happened/happens."

> (Area Three, Young Person A)

> "…It's a good thing! I much prefer my mother to be with me! Not because I can't do it on my own, or whatever, but because she comforts me and it's good to know I've got my mother behind me."

> (Area Two, Young Person C)

> "I didn't mind them coming. Cos, say they was asking me questions [the Panel members] I didn't really know, then they [my parents] could understand them and translate them…"

> (Area Two, Young Person F)

"I felt a lot more comfortable…nice to have Mum there with me!"

(Area Three, Young Person I)

It may be the case then that certain children and young people felt 'reassured' and 'comforted' by the presence of their parents or carers at the Panel (in what can be viewed by some as a daunting process). This may then have proved significant in helping to create a relaxed environment, where they felt they could express their views and opinions to Panel members. Reflecting on the above themes, it appears that the majority of children and young people interviewed felt that they were not simply 'seen' by Panel members, but crucially, that their voice was also 'heard' during the discussion that took place. In accounting for why this may be the case, analysis of interview data offers some evidence that a combination of 'possible factors' including: panel size, the interpersonal skills of Panel members and the 'future focus' of the dialogue, and the presence of parents and carers may have been key in creating the necessary conditions whereby many children and young people felt sufficiently relaxed to be able to communicate their views and opinions effectively.

As already hinted at, within the workings of Welsh Town's Youth Crime Diversion Models, parents and carers are actively encouraged to attend the Panel (in order to support their child and contribute to the discussion with Panel members). They therefore also play an important role in its effective functioning. To date however, and in an equivalent manner to the children and young people, very little is actually known about how they perceive its workings and specifically their role within it.

Parental Involvement at the Panel: A Welcome Option!

In seeking to address this limitation, parents and carers were initially asked how they felt about both being able to accompany their child to the Panel and engage in the discussion with Panel members. Significantly, the majority of the parents and carers interviewed welcomed the fact that they could be present in

person with their child at the Panel and partake in the dialogue with Panel members. For example, parents and carers stated that:

"I wouldn't have wanted him to come on his own…so I was pleased that that option was there."

(Area Three, Parent and Carer B)

"Yes, for me it is better to join in!"

(Area Three, Parent and Carer A)

"it's nice as a parent!"

(Area Two, Parent and Carer E)

The above quotations help illustrate that parents and carers valued being able to attend the Panel and contribute to the discussion that took place (rather than being excluded from proceedings or pushed to the margins of the Welsh Town Youth Crime Diversion Model process). In examining why parents and carers valued being able to attend the Panel with their child, analysis of interview data again identified a number of 'possible factors', which are worth exploring in more detail.

A Way of 'Keeping in the Loop'

A number of parents and carers specifically highlighted that attending the Panel enabled them to be 'kept in the loop' in relation to the next steps in the process for their child (for example, in relation to interventions, reparative or restorative actions to be later undertaken by the child or young person). This is noteworthy, as it stands to reason that parents and carers can more readily assist their child to engage in interventions, restorative or reparative actions moving forward, if

they feel they are fully aware (at an early stage) of the specific steps or actions their child has agreed to carry out. For example, parents and carers explained that:

> "Yeah it was helpful, cos I could find out then what was happening…"
>
> (Area Two, Parent and Carer R)

> "I was fine with it…I'd rather know what's going on with her than not!"
>
> (Area Three, Parent and Carer P)

> "I would have said so yeah…I can see what is happening then..."
>
> (Area Three, Parent and Carer O)

As identified in the system-mapping exercise, Youth Crime Diversion Model agency-officers interviewed felt strongly that getting parents and carers onside and supportive of interventions was a key step in getting children and young people to engage with and adhere to them. Therefore, it 'may possibly be' that the attendance of parents and carers at the Panel - whereby they can take part in the discussion leading up to their child receiving their intervention(s) and witness first-hand the specific details of the packages agreed – is an important aspect in gaining future compliance from children and young people.

An Opportunity to Provide Support

Additionally, a number of parents and carers explicitly emphasised that they saw the Panel as a demonstrable opportunity to 'help' and 'support' their child during the Youth Crime Diversion Model process. As a number of parents and carers explained:

"…it has happened and I will support him all the way and stand by him… just to try and be here to make him realise that this is the wrong road and try and work with everyone in the [Youth Crime Diversion Model] now to make XXXX realise that we need to go the other way now. Back onto the right road!"

(Area Two, Parent and Carer C)

"Well, as parents, I feel that it is important to that we are here to support him. We are always there for him anyway…he knows that…we are always there for him. So, it's important for us to support him, definitely!"

(Area Two, Parent and Carer G)

"…so whatever he has done…if I gotta go with him…I will help!"

(Area Three, Parent and Carer H)

"…obviously it's nice for him to have support!"

(Area Two, Parent and Carer I)

The youth justice literature (Drakeford and McCarthy, 2000, Goldson and Jamieson, 2002) has identified that parents and carers have on occasions been viewed by policymakers as being 'part of the problem', rather than 'part of the solution' to their child's offending behaviour. Consequently, parents and carers have at times been portrayed as being 'largely implicit' in their children's offending behaviour. As Goldson and Jamieson (2002) have noted:

"…the emphasis has shifted from notions of the 'failing' and 'inadequate' parent, to constructions of the 'wilful', collusive and even deliberately recalcitrant."

(Goldson and Jamieson, 2002 p.87)

Conversely however, the above quotations seemingly reject this polemical and simplistic narrative of parents and carers as 'malevolent resisters', and instead, provide contrary evidence that they are often eager to 'support' and 'help' their child; even where an offence has been committed and they may be understandably frustrated, upset or distressed at their child's actions. Significantly, this finding also corresponds closely with previous research conducted into stakeholder views of Welsh Bureaux, which determined that:

> "Key stakeholders felt that the Bureau promoted parental engagement, believing that parents are best placed to support, encourage and guide their children."

(Haines et al. 2013, p.18)

Allowing for Information to be Simplified (particularly for children and young people with complex needs)

Finally, a number of parents and carers of children and young people with complex needs (such as learning, developmental and emotional challenges) expressed relief that they could be present at the Panel, so that they could interpret and breakdown potentially difficult questions on behalf of their child (as well as safeguard against the possibility of their child being overwhelmed or confused during the discussion). Here, parents and carers stated that:

> "I think for somebody like XXXX, because he does have the ADHD and he does have autism, but his autism is communication and that's where he struggles, Ithink for them to allow me to come through [into the room], and as I say it wasn't to intervene or say things on his behalf, he can say what he likes, but it was for me to break things down for him. Because like his understanding of certain words is very minimum. As a parent, I was more worried that they would put a load of jargon and that in and he wouldn't know what it was…and he would just go alright I've done it all, I've done it all…I think for some kids it is comforting as well, to have a parent with them especially if they have certain disabilities or whatever you know. He's there, he's taking the flack on his own, but he knows he has that support there if he doesn't understand."

(Area Two, Parent and Carer E)

> "…if there is anything that they don't understand, then you are there to help them understand and communicate it in a way that is most effective for them!"

<div align="right">(Area Two, Parent and Carer I)</div>

Building on this point, and by way of context, it is important to emphasise that the introduction of LASPOA (2012) has recently expanded the scope of Welsh Town's Youth Crime Diversion Models entrants beyond simply 'first-time offenders. There is clearly then the prospect of more and more children and young people with complex behavioural, emotional and developmental difficulties entering into Welsh Town's Youth Crime Diversion Models. Therefore, the fact that parents and carers can accompany their child to the Panel may potentially be of increasing importance.

In summarising the above themes, the majority of parents and carers interviewed spoke positively about being able to attend the Panel with their child and contribute to the discussion that took place. Specifically, parents and carers explained that their attendance enabled them to keep in the loop, offer support, and interpret challenging questions (particularly where children possessed complex needs) on their child's behalf. It is necessary to highlight that two parents interviewed did express frustration at having to attend the Panel in person. In one case the parent worked full-time and therefore found attending the Youth Crime Diversion Model process and Panel (which in that particular area took place in the afternoon) problematic. As they explained:

> "…people coming around the house…which was a bit of pain, because I work full time…you gotta be there…then I gotta take him here…"

<div align="right">(Area Two, Parent and Carer M)</div>

Consequently, for some parents and carers logistical difficulties incumbent in the Panel (and wider Welsh Town Youth Crime Diversion Model process) can clearly be a challenging factor. In the other case mentioned, the child in question had repeatedly appeared before the Youth Crime Diversion Model.

Here, it was apparent from the interview that the parent was finding it difficult to cope with the child's continued offending behaviour and was drained by having repeatedly to attend meetings to do with his behaviour. Even so, this does not fundamentally detract from the fact that parents and carers broadly saw value in attending the Panel, but it does serve to highlight the complex and everyday challenges certain parents and carers face. In furtherance of this point, from the non-participant observations of Panels undertaken across the three areas, it became apparent that certain parents and carers were dealing with their own complex challenges (for example, mental health issues, addiction, needing to look after other siblings or deal with other siblings' offending behaviour) which made their engagement in the Youth Crime Diversion Model process challenging. Therefore, although certain parent and carers did express frustration at having to attend the Panel (for example, as in the two instances described), it is worth remembering that there can also often be exigent circumstances and situations that give rise to such feelings, rather than simply a lack of care or indifference as to what happens to their child.

Aside from specifically discussing how they felt about being able to attend the Panel (with their child), certain parents and carers interviewed also commented more broadly on other features of the Panel. A number of these themes are also worth exploring in more detail.

The Approach of Panel Members and the Atmosphere of the Discussion

A number of the parents and carers (echoing the views of the children and young people) spoke positively about the approach adopted by Panel members and the general atmosphere of the discussion that took place. For example, parents and carers commented that:

> **"**Obviously I sat and listened to what the police officers had to say and XXXX was given ample time to explain himself, explain why it happened, and how it happened and everything…It was nice and relaxed and not pressurised! Do you know what I mean?...And I think it was good for him

to have that opportunity to say to them I know I was wrong, and I am sorry!"

(Area Two, Parent and Carer C)

"It was much easier than I expected. I thought they were going to grill her with questions! I thought they were going to tell her off and be mean or something!"

(Area Three, Parent and Carer A)

"…they were really fair in there! I was happy in there!"

(Area Three, Parent and Carer K)

"I think for me the positives are that there is consequences from XXXX actions and I think that needed to be recognised. But it was said in a way that XXXX could understand, and he wasn't being talked at!"

(Area One, Parent and Carer N)

"I think they weren't really nasty and intimidating."

(Area Two, Parent and Carer C)

Significantly, in a corresponding fashion to the children and young people, for many parents and carers accompanying their child to the police station to attend a Youth Crime Diversion Model Panel meeting can be a daunting prospect. Parents and carers may feel that they are stepping into the unknown and are often understandably worried on behalf of their child and concerned at the possibility of them receiving a criminal record which could adversely affect their future prospects. They may also feel that they are going to be judged as parents and carers and that their parenting skills are going to be subjected to scrutiny. As was explained by one parent:

> "For me, it was just nerves really! I suppose not knowing really what to expect and what we would be walking into…the last place you want your child to end up is somewhere like this!"

(Area Three, Parent and Carer P)

In light of such anxieties, and the potentially unnerving situation they are entering into, it is therefore significant and positive that many of the parents and carers (as illustrated by the above set of quotations) believed that the atmosphere of the Panel was 'relaxed' and Panel members were 'approachable' and did not seek to 'intimidate' their child. This finding also harmonises strongly with the views of many of the children and young people interviewed, who also described the atmosphere of the Panel and approach of Panel members as 'welcoming' and 'warm'.

The Size of Panel Membership

Parents and carers interviewed (and who expressed views on the topic) were also generally satisfied with the size of the Panel membership in respect of their child. Specifically, it was mentioned by one parent that the greater the number of individuals asking questions of the child or young person, potentially the more confusing the process could become to them. Consequently, they were happy that their child only had to interact with a small number of Panel members (two in their case). As they explained:

> "I think that was just enough, because you had the two of them [police sergeant /YOS representative]. I think if you had too many, you would have too many opinions."

(Area Three, Parent and Carer H)

This is of course an important point, especially considering (as has already been highlighted) that a proportion of children and young people who engage with Welsh Town's Youth Crime Diversion Models will possess developmental, learning and communication difficulties and could therefore find multiple

contributions from individuals (representing a variety of different agencies or viewpoints) confusing. Interestingly, a number of parents and carers actually expressed surprise that there were not more Panel members asking questions of their child:

"I thought there would be more I did…I thought there would be more than there was…I generally thought there would be five or six people in there…"

(Area Two, Parent and Carer F)

"…we thought there would be four or five people!"

(Area Three, Parent and Carer A)

"Panels with like the social services…on the register and off the registers…they would be bigger than these! He's probably used to a lot more!"

(Area Two, Parent and Carer S)

Ultimately, although parents and carers did not specify the precise number of individuals that that should make-up a Panel, there was a general feeling that less would be better than more. For example, parents and carers emphasised:

"I think it would have been intimidating for her if it was five or six people. She would have been more scared or embarrassed!"

(Area Three, Parent and Carer A)

"I think if there were more, perhaps it would be off-putting for other people's kids…"

(Area Two, Parent and Carer S)

In drawing-together the above themes, it appears that not only did the majority of parents and carers interviewed value being able to attend the Panel with their child (and contribute to the dialogue that took place), but they also appeared broadly satisfied with the number of individuals comprising the Panel, the approach adopted by Panel members and the atmosphere that was created during the discussion.

The Value of Another Chance: The 'Away From' Aspect

As established in the system-mapping component of this thesis, a principal ambition of each of Welsh Town's Youth Crime Diversion Models (in Area One, Area Two and Area Three) is to divert children and young people 'away from' the formal youth justice system, an aim, which as the system-mapping exercise identified, is fully supported by the range of agency-officers who facilitate the process in each of the three areas. In statistical terms, the analysis already undertaken in the thesis has illustrated that Welsh Town's Youth Crime Diversion Models have been successful in bringing about significant reductions in the number of FTEs over a prolonged period. Although these findings (e.g. system-mapping and quantitative data) are noteworthy and suggestive of the impact of Welsh Town Youth Crime Diversion Models, little is actually known about how children and young people view its diversionary ethos and intent.

From non-participant observations of Youth Crime Diversion Model Panels (and specifically the discussions that took place between Panel members and the children and young people) it became apparent that many of the children and young people had genuine ambitions and goals for the future (despite the fact that they had committed an offence). Naturally, these ambitions differed between the children and young people, and included: attending university, enrolling in college, gaining employment in construction or a trade apprenticeship, joining the armed forces (to name but a few examples). Here, although the children and young people themselves may not have mentioned labelling theory in a strictly criminological sense, many were clearly aware of the detrimental impact a criminal record would possess for their future ambitions. As one child explained:

"I was just a bit scared of what was going to happen first of all! Obviously to do with my future…I wasn't too sure what to expect…I thought it was just going to get worse if anything…but I'm actually quite glad with today, with how close I actually was, and how lucky I am! I thought that was going to be it!"

(Area Two, Young Person C)

In line with a labelling theory perspective, children and young people possessed awareness that their future pathways could be blocked and were scared that their prospects would be damaged and that things were going to get worse. A number of children and young people therefore attached value to the way in which the Youth Crime Diversion Model provided them with an opportunity to deal with their offence in an out of court setting. That is to say, a setting where they could potentially receive a 'another chance' (via for example a YRD), as opposed to simply being fast-tracked immediately into the formal youth justice system. In talking about the strengths of the process, this point was made clearly by one child, who stated that:

"The strengths are good, because they don't particularly want to send you to court."

(Area One, Young Person N)

This is not to imply however, that every child or young person engaging with the Welsh Town's Youth Crime Diversion Model process who does not receive a criminal record (and essentially receives another chance) then goes on to refrain from future offending behaviour and takes the opportunity that has been offered to them. Re-offending is clearly a complex issue and may occur for a variety of complex reasons, including: a lack of support networks, deep-rooted welfare challenges, or the presence of complex behavioural, emotional and developmental needs (to mention only a few examples). Nonetheless, the above quotations do seem to suggest that certain children and young people interviewed were acutely mindful of how their offending would impact upon their future prospects and therefore valued the fact that there was potential for them

to change their offending behaviour and move forward with their lives free from the stigma of a criminal record.

Relatedly, it is also important to appreciate that the injurious impact of a criminal record affects not just the child and young person who receives it but can also possess adverse repercussions for their parents and carers. Following on from the non-participant observations of Panels and the interviews undertaken, it became clear that many parents and carers were acutely aware that resultant upon the outcome of the Youth Crime Diversion Model process their child may struggle to fulfil their future potential (due to the consequences of receiving a criminal record). Given that the Youth Crime Diversion Model caters for children and young people as young as ten years old, crucial developmental decisions (e.g. going to college, to university, gaining employment, travelling abroad) can be adversely impacted and made complicated by a criminal record, something which can understandably be a depressing and worrying realisation for many parents and carers. This fear and anxiety was encapsulated in the words of one parent, who explained:

> "I was really worried, because he's got to that stage of life where he is going to be leaving school soon and doing his exams and stuff…and I was basically just thinking: 'oh no a criminal record, this is just the start of it…everything is going to start looking bad'…and was just really worried to be honest."
>
> (Area Two, Parent and Carer C)

Building on this theme, a number of parents and carers interviewed were clearly relieved that the option existed for their child to engage with Welsh Town's Youth Crime Diversion Models, thus allowing for the possibility of a 'another chance' and the opportunity for their child to 'redeem' themselves. For example, parents and carers commented:

> "I feel as well, it gives people like XXXX a second chance. Instead of straight to Court and having a criminal record…it gives them a chance…right you've had a wrap on the knuckles…now learn from it!"

"A lot of kids they do something silly! I know its criminal damage what he did, but it's something silly that normal kids wouldn't normally do. So, with this it tends to smooth out…learn from your mistakes now…and you've gotta second chance now…so use it you know!"

(Area Two, Parent and Carer G)

"I think it's a good thing that they give children and young people the opportunity to redeem themselves."

(Area Two, Parent and Carer I)

"I think he was lucky to have that chance, being so close to a criminal record, I think XXXX is really lucky that they have given him that chance as a 16 year old boy."

(Area Two, Parent and Carer C)

Reflecting on the above themes, as has been explored in detail within this thesis, diverting children and young people 'away from' the formal youth justice system has frequently possessed a distinctly political and economic component; that is to say, it has primarily been perceived as a cost-effective and at times politically expedient policy to pursue by those in power (Goldson, 2015). However, as the above quotations illustrate, for many children and young people and parents and carers there are real-life and everyday impacts, anxieties, worries and longer-term fears that accompany the prospect of a criminal record. All too often, these emotions and viewpoints are considered by policymakers to be of secondary importance in their decision-making and a reductionist focus on financial and political imperatives are largely the central catalyst for deploying pre-court diversion. Significantly however, the above findings suggest that the Welsh Town's Youth Crime Diversion Models move beyond simply being a practical and pragmatic mechanism for keeping FTEs low or saving money, to potentially offer more profound, long-lasting (and arguably life-changing) impacts for certain children and young people and parents and carers. Primarily through the way in which it seeks to limit labelling and keeps future pathways open for children and young people to realise their future goals and ambitions.

The Appropriate Use of Interventions: The 'Into' Aspect

Pre-court youth diversion as encompassed by Welsh Town's Youth Crime Diversion Models (in Area One, Area Two and Area Three) is a 'dual faceted' process (Brown, 2018). As already highlighted, the first aspect involves diverting children and young people 'away from' the formal youth justice system. The second (and often neglected) aspect involves, where deemed necessary, diverting the same children and young people 'into' appropriate and positive based interventions designed to offer support and promote pro-social behaviour.

The majority of the children and young people interviewed attached value and importance to being able to access interventions and additional support mechanisms (if they felt it would benefit them) as part of Welsh Town's Youth Crime Diversion Model process. The children and young people explained that:

"I am lucky I am getting the support now. At the moment I am struggling literally, I am under the weather, I am not eating properly and all that because of the stress. I am just glad that I am getting the help that I need now!"

(Area One, Young Person T)

"…the fact is they are passing support down for me to make me stop smoking [weed]…They are looking after me, just as much as I am trying to look after myself!"

(Area Two, Young Person C)

"It gives, me the extra support and the extra person telling you what could happen and what the worst outcome is of it."

(Area Two, Young Person D)

"I reckon it will help me moving forward! Meaning that I get the support that I need…"

(Area One, Young Person N)

It is the case that historically the relationship between 'youth justice practice' and 'the use of interventions' has at times proved contentious. For example, welfare and needs driven treatment programmes such as IT were subjected to substantial criticism (Thorpe et al. 1980, 1982, 1983) during the 1970s for being highly interventionist, indistinct in those persons that they engaged and implicit in unnecessarily 'widening the net' for children and young people to be drawn into formal juvenile justice procedures and successively detention.

Equally, youth justice policies adopted under the New Labour were subjected to condemnation for at times propagating an authoritarian (Scraton 2004) form of intervention, that 'responsibilised' (Muncie, 2006) both the adjudged child and young person, as well as those only perceived to be 'at risk' (Goldson, 2010) of displaying offending behaviour. Moreover, the adverse repercussions that system contact with the formal youth justice system holds for children and young people has continually highlighted the danger of formal state agencies and its workers overreaching and exposing juveniles to unnecessary and inappropriate forms of intervention. The early work of prominent labelling theorists (Tannenbaum, 1938, Becker, 1963, Matza, 1969) has been particularly influential, but more recently, the emergence of a number of new research studies (c.f. Huizinga et al. 2003, McAra and McVie, 2007, Petrosino et al. 2010) has again emphasised and reinforced the stigmatising properties that can result from excessive system contact. Given these examples, that intervention in respect of children and young people in conflict with the law has become infused with negative inferences is perhaps unsurprising. It has even been suggested (Schur, 1973) that interventionist practice in respect of youths should be avoided at all costs. Yet in spite of these historical tensions, as the above quotations illustrate, many children and young people engaged with Welsh Town's Youth Crime Diversion Models clearly do see value and positive

benefits in being able to access additional support and intervention packages as part of the Youth Crime Diversion Model process.

From the interviews undertaken, there may be some 'possible reasons' for why a number of the children and young people saw value in the inclusion of Welsh Town's Youth Crime Diversion Model interventions. For example, the fact that the underlying ethos and motivation of interventions is avowedly constructive, positive and pro-social, rather than punitive and punishment orientated, may serve as an important factor. Validating this theme, one child interviewed, who committed a criminal damage offence, made clear that he was happy that he was being offered an intervention that would allow him to learn trade skills, which could then help him secure employment upon leaving school. As he explained:

> "I think it is a good thing as well, because if you did do criminal damage…you can learn something as well by fixing it as well…you're actually learning something as well…instead of just ending it here…you are learning something as well!"
>
> (Area Two, Young Person F)

interventions therefore, are intentionally designed not just to focus on rectifying problematic behaviour (e.g. in the here and now) but will often seek to proactively assist and equip the child or young person with moving forward productively with their lives (e.g. future focused), through for example, helping them develop or gain additional educational or work-based skills and qualifications. When these positive interventions are coupled with the 'away from' diversionary and non-criminalising intent of the Youth Crime Diversion Model (e.g. through a YRD) this can enable a child or young person to fulfil their future potential and objectives. Significantly, this finding possesses parallels with research conducted by Haines and Charles (2010) into the workings of Welsh Bureaux, which determined that interventions:

> "…are intentionally not perceived as sanctions or punishments – either in their delivery or receipt - rather they are instruments of reintegration,

regeneration and restoration: designed to be constructive, positive and promoting pro-social engagement and behaviour."

(Haines and Charles, 2010, p.9)

Additionally, it also became clear that the Youth Crime Diversion Model process provides an important setting for a child or young person to 'identify' and then 'access' support and interventions that they may have previously struggled to locate successfully (and which may have aided them in refraining from offending behaviour). As children and young people stated:

"If you don't get offered the help, then how are you supposed to get the help innit? At least if you don't want the help, then you say no! But at least they are offering it!"

(Area Three, Young Person B)

"They want to get you the help you need! But for someone who hasn't had that much help in the past…and people have been asking for help…and you get a little bit of help for a short period of time and then you don't. But then to actually tell you they are going to get the help sorted for you is actually a big positive, because you know you will have continuous help for a certain amount of time…"

(Area One, Young Person N)

This is especially important considering that certain children and young people who appear before the Youth Crime Diversion Model may lack robust and consistent support structures in their everyday lives. This may be because of challenging circumstances at home, a prolonged absence from school, or lack of interaction with community groups (such as youth and sports clubs). In such circumstances, a child or young person can quickly become isolated from the help they require and subsequently lack the necessary agency to identify and access relevant support mechanisms.

Nevertheless, it would be remiss to not also make clear that there are certain children and young people who access Welsh Town's Youth Crime Diversion Models, who may for example have committed a first-time offence or may already have numerous intervention packages in place (from social services or as part of other youth justice orders), for whom interventions may possibly be counterproductive. Evidencing this fact, one child explained that:

> "I've already got like six different counsellors working with me now…then a drug counsellor…now I'm doing more work with the YOT…so this is going to be too many people involved."

(Area One, Young Person Q)

There is then an obvious danger in duplicating provision and unnecessarily intensifying 'contact with the system' (McAra and McVie, 2007). Gray (2015) makes this point well, when she states that there is a need to:

> "…ensure that diversionary programmes find the right balance between offering meaningful support to address welfare needs while avoiding the unnecessary criminalisation and stigmatisation of young people who offend."

(Gray, 2015, p.1)

This 'balance' is not always easy to achieve, and the quotation by Young Person Q does highlight that there is a need constantly to evaluate and assess the use of interventions in the context of pre-court diversion. Yet, in attempting to 'strike the correct balance', Welsh Town's Youth Diversion Models arguably possess a promising framework (although still requiring monitoring) for delivering interventions in an 'appropriate' format. This is because fundamentally it rejects a strict radical non-interventionist (Schur, 1973) stance, in favour of the use of interventions, recognising that certain categories of children and young people will benefit from their inclusion. However, although this support is available, interventions are not automatically administered in respect of every child or young person. Furthermore, even when interventions

are attached to a YRD (which is the disposal overwhelmingly administered in all three areas) they are always 'voluntary'[88] and therefore are not binding on the child or young person. Consequently, Welsh Town's Youth Crime Diversion Models can be seen to reject a 'blanket' or 'one-size-fits all' approach to the use of interventions, in favour of a more flexible and tailored approach that is dependent on the individualised requirements of the child or young person.

In respect of the inclusion of interventions in the Welsh Town's Youth Crime Diversion process, although their delivery needs to be monitored carefully, the children and young people interviewed generally saw them as a positive and constructive feature of the process. As illustrated, children and young people not only liked the fact that interventions offered support (in the traditional sense), but that they could also assist in developing qualifications and skills that could help them move forward positively with their lives. The findings also potentially indicate that interventions available via the Youth Crime Diversion Model process are particularly important for children and young people who do not possess established or consistent support networks (for example, at home, at school or via community groups).

In general, the parents and carers interviewed similarly viewed the availability of interventions for their children as a positive and constructive feature of the Youth Crime Diversion Model process:

"…It's good that they do stuff for youngsters to help them more…"

(Area Two, Parent and Carer S)

"Yeah, I think the option should be there definitely!"

(Area Three, Parent and Carer B)

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[88]Interventions are also voluntary when attached to a Youth Caution (YC). Interventions attached to a Youth Conditional Caution (YCC) are mandatory; statistically however, YCCs represent a very small percentage of disposal outcomes administered.

"I do think they are offering youngsters like XXXX an opportunity to do these courses. Some kids haven't got the support of their parents, some kids haven't got anybody to back them up, I do think they are sort of offering them a chance…"

(Area Two, Parent and Carer E)

In discussing the importance of interventions, it also became clear that certain parents and carers felt that they were a vital component in supporting children and young people who may have underlying needs (such as emotional, developmental or learning difficulties). As one parent of a child with autism explained:

"I think it's a good thing that they give children and young people the opportunity to redeem themselves. Because I think there is a massive loophole where children are slipping through the net and not being diagnosed with certain underlying issues, which is why they are re-offending. So, I think support is a good thing! I think maybe years ago you wouldn't get this, so I think it's very beneficial, because obviously they are giving XXXX a chance to redeem himself. They are putting support measures in place to help educate him on those consequences, which is valuable!"

(Area Two, Parent and Carer I)

An 'Annual Report of the Chief Medical Officer' (Department of Health, 2013) which focused exclusively on children and young people, supports this assertion, acknowledging that:

"…there is evidence of growing levels of multiple, complex and damaging health and social needs among those who come into contact with the youth justice system…Youth Offending Teams offer an opportunity to turn around the lives of children with multiple and complex needs."

(Department of Health, 2013, p.3)

In considering the place of interventions within the Youth Crime Diversion Model process from the perspective of parents and carers, the findings suggest that

generally they valued the fact that their child could access them (if necessary). Moreover, the findings suggested that interventions were considered particularly important in the case of children and young people without established support-structures and who possessed complex needs, for whom diversion without support would be problematic and possibly even counterproductive.

Some Possible Tensions in the Workings of the Youth Crime Diversion Model

Much of the preceding analysis has been positive in respect of how children and young people and parents and carers perceive the workings of the Welsh Town Youth Crime Diversion Model (in Area One, Area Two and Area Three). However, analysis of interview data did also identify some areas where there was less consensus from the children and young people and parents and carers interviewed as to aspects of the process (and building on these findings it is suggested that certain improvements could potentially be made to the workings of the model across all three areas).

Views on the Role of the Volunteer within the Process

Volunteers represent the general public at the Youth Crime Diversion Model Panel and are integral to its functioning in each of the three areas. In all three areas, they attend the 'first-half' of the Panel and read the prepared 'report' on the child or young person and their offence, before helping (with other Panel members) to decide on a provisional disposal or outcome (and any interventions, reparative or restorative actions). In one area (Area One), the volunteer then attends the 'second-half' of the Panel and asks questions of the child or young person (and their parent and carer) along with other Panel members. In the other two areas (Area Two and Three), the volunteer does not attend the 'second-half' of the Panel and therefore does not engage with the child or young person (or their parents or carers) face-to-face.

Here, as is the case with many aspects of the Youth Crime Diversion Model, there is a lack of understanding concerning how children and young people and parents and carers view the specific role of the volunteer within the overall process. At interview, a number of children and young people and parents and carers were willing (and felt able) to offer views on the role of the volunteer and there were a number of different views expressed. Certain children and young people and parents and carers when explaining how they felt about the role of the volunteer commented that it depended upon the type of person, their background, and whether they were a good judge of character:

> "I think it depends on the person really, cos like if you got someone who has never done wrong in their life and then they see that [the offence] then they are going to be really judgemental and they are going to think it's totally wrong. But then, if you've got someone who lives more along the lines of how we live, then they could be more understanding about it, and they can see both sides of the story."

> (Area Two, Young Person C)

> "It all depends if they are a good judge of character…You'd have to be quite open, wouldn't you?"

> (Area Three, Parent and Carer J)

In providing some additional context to the above quotations, all volunteers go through a period of training before carrying out their functions at the Youth Crime Diversion Model Panel. It is also necessary to highlight that volunteers (in the 'first-half' of the Panel) are not the sole decision-makers regarding the disposal or outcome provisionally agreed for the child or young person. Rather, they offer their views in conjunction with other Panel members (normally the police and a YOS representative) before a 'mutual decision' is decided upon. Therefore, to an extent, certain safeguards are built into the workings of the process.

As explained however, in two out of the three areas (specifically Area Two and Three), the volunteer does not engage with the child or young person and their parent and carer in person (that is to say, face-to-face). In light of the above

quotations, it may be the case that having the volunteer attend the 'second-half' of the Panel in all three areas may offer some reassurance to the children and young people and parents and carers in attendance. This would mean that the volunteer would then get an opportunity to explain to the child or young person face-to-face why they felt the way they did about the offence committed and the reasons for why they suggested (during the 'first-half' of the Panel) that a particular disposal or outcome would be the most suitable course of action. This would also offer greater transparency to the overall process, meaning that children and young people and their parents and carers would be more cognisant of who had been involved in making the decision. Here it was apparent during the interviews conducted (in those areas where the volunteer did not attend the 'second-half' of the Panel) that many children and young people and parents and carers were not aware that a member of the public played a key (or in fact any) role in the Youth Crime Diversion Model process.

In furtherance of this point, one child interviewed felt strongly that it was important for a volunteer to not simply read the prepared 'report' on the offence (in the 'first-half' of the Panel) and then leave, but to also come and meet them in person and listen to their explanation (in the 'second-half' of the Panel). As they made clear in the following excerpt taken from their (Area Two) interview:

> **Child/Young Person:** "They don't know me and like they wasn't here when I was actually explaining myself [at the Panel]…so they might take it for something else…and as I've said, they've read what has been put down in black and white**….**and taken it the wrong way…"
>
> **Aaron Brown: So, would you rather they were here for when you turned up?**
>
> **Child/Young Person:** "Yeah in the room, so then they can hear how I thought and what was going through my head!"

Notwithstanding the above points, certain children and young people and parents and carers did feel that the inclusion of a member of the public (the

volunteer) in the process was positive, as they were deemed to be independent and not attached to a specific institution:

> "I think it's a good thing that it's not a member of the police or the Youth Offending Service…"
>
> (Area Three, Young Person I)

> **"**I think for me it's positive as well, because I think for supporting people like XXXX you have got somebody who is not involved in the arena. So, they can be a happy medium. So, you know the questions they are asking is not about legality things, it's about like he said: what do you want your life to be like? But he asked that in a general term. How do you feel about fitting in your community? And people having friends..."
>
> (Area One, Parent and Carer N)

Here, it is significant that it was not only the lack of ties with established criminal justice stakeholders (the police and the YOS) that was perceived as a positive, but also, the fact that volunteers offer a unique and distinctive viewpoint and ask questions and offer insights that reflect the fact that they are not day-to-day 'professionals' involved in the youth justice system. Building on this point, allowing for volunteers' 'unique viewpoints' may constitute a further reason for why all three Welsh Town Youth Crime Diversion Model Panels including them in the discussion that takes place with the child or young person and parents and carers (in the 'second-half' of the Panel) may be advantageous.

Ultimately, as revealed in the system-mapping exercise, the role of the volunteer within the Welsh Town Youth Crime Diversion Model process does differ between area and there are justifiable and logical reasons and arguments for why this is the case – as explained in Chapter Five. Nonetheless, the above findings from children and young people and parents and carers may potentially suggest that there is some value in volunteers attending 'both-halves' of the Panel across all three areas. This, however, would need to be discussed with volunteers and weighed against the existing challenges and viewpoints already outlined.

Knowledge of the Youth Crime Diversion Model Process

At the outset of each interview with the children and young people and parents and carers, they were asked whether they felt the Youth Crime Diversion Model process was properly explained to them. Here, children and young people and parents and carers had mixed views. For example, it was apparent that a number of children and young people (who encompassed all three areas) felt that they didn't know "what was in store" for them or "knew what was going to happen":

> "I didn't have any idea what was in store when I turned up…"
>
> (Area Three, Young Person B)

> "I knew what it was about this time, because it's happened before, but last time I didn't have a clue."
>
> (Area Three, Young Person I)

> **"**No…It wasn't explained to me! I didn't have a clue what it is! The night I got arrested for the offence they gave me this big booklet to go home with! I just read the start and it said my [Youth Crime Diversion Model] date…"
>
> (Area One, Young Person Q)

Building on this theme, one parent explicitly highlighted that the period immediately following on from their child's arrest up until the visit of the YOS social worker (to undertake an assessment) was the most confusing period. As they explained:

> "I think from the minute…especially a young person…once they are arrested, it should be broken down from there the procedures. They told us it would be young offenders [YOS] dealing with him, but we didn't really know what was going to happen, and there was quite a gap as well in between it! A typical criminal then who is in and out, they know the

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system better than the police do. They know what is coming and the procedures…"

There was also a feeling that letters sent out [by the YOS] could have explained the logistics and features of specifically the Panel in more detail (for example, its format, who is present, what their role is and what outcomes and disposals are available). Parents and carers stated:

"We had two letters. One was from XXXX in the YOS, who comes out to do a pre-report. The second letter then was to stand outside [the police station] and wait for somebody to come and answer the door."

If it didn't come on letter-headed paper, I don't know what I would have made of it, to be honest with you. It was all a bit secret squirrel – knock three times! There was no information as to who would be here…how it would be conducted…It would be good to have some sort of leaflet that explains what to expect, who would be here, what the options are! There was nothing really like that…"

[Area Three, Parent and Carer P)

"Well I knew about it, because when he was arrested in XXXX, the police up in XXXX made the appointment. So, they explained what would be happening. But I didn't realise until today that there would be a Panel. They gave paperwork, but I never read it! It would have been helpful if they had said it would be a Panel of people. I was expecting one or two people, but not a Panel."

(Area Two, Parent and Carer R)

"I did have a letter, but that didn't really explain much neither!"

(Area Three, Parent and Carer K)

From the interviews conducted, it appeared that the greatest clarity as to the Youth Crime Diversion Model process came when children and young people and parents and carers were visited at home by a YOS social worker (or

alternatively were seen at the YOS) who could explain the process to them in detail:

> "XXXX came from the YOT to explain what it meant and what the process was before attending…and did a report…so we knew what to expect…so that was helpful…"

(Area Two, Parent and Carer I)

> "…they come to the house and a couple of days after I had a letter saying I could have the possibility of doing this in the [Youth Crime Diversion Model]. They [a YOS social worker] came to the house and explained it."

(Area Two, Young Person D)

> **"XXXX was explained to [about the Youth Crime Diversion Model]."**

(Area One, Parent and Carer N)

In reflecting on the above findings, it is clear that there were mixed responses from children and young people and parents and carers interviewed about how much they felt they really knew about the workings of the Youth Crime Diversion Model (and specifically the role of the Panel) at the onset of the process. It appears that the greatest clarity came from visits from (or meetings with) a YOS social worker (rather than the letters sent out by the YOS) who could take the time to explain the process in detail to the child or young person and their parents and carers. However, observations of Panels in each area did highlight that on very rare occasions assessments cannot always be undertaken or facilitated (resulting in a 'nil report'). Consequently, if a child or young person (and their parents or carers) then attends their Panel, their awareness of what it entails is extremely limited. Equally, as highlighted, there can also be a gap between the initial arrest of the child or young person and the subsequent visit from a YOS social worker to undertake the assessment, which as identified, can leave children and young people and parents and carers feeling confused.

Here, the above findings possess certain parallels with those of Botley et al. (2010) whose research (albeit into Referral Order Panels) found that children and young people lacked understanding of what it entailed. A conclusion of their research was that a child-friendly leaflet explaining the purpose of the Panel produced by children and young people who had been through the process may be helpful. In light of the findings in this chapter, it is suggested that there may be benefit in such a leaflet or video being produced which summarises the function of the Youth Crime Diversion Model and specifically the workings of the Panel (e.g. its format, who will be present, what their role is, what outcomes and disposals are available). This leaflet or video can be given or shown to the child or young person (and if necessary, explained) by police officers at the point of arrest (or in the police station). This then could be used to supplement the later visit by the YOS social worker and any further YOS letters that are sent out.

The Key Findings: A Positive and Participatory Form of Youth Diversion

The chapter discussed findings gathered from semi-structured interviews undertaken with children and young people and parents and carers engaged with Welsh Town's Youth Crime Diversion Models (in Area One, Area Two and Area Three). Analysis of the data revealed a number of key findings. Here, the chapter initially discussed those positive features (or strengths) of the Youth Crime Diversion Model's workings which were identified by both children and young people and parents and carers.

The Strengths

The findings initially highlighted that there was a consensus from the children and young people interviewed that they 'had a voice' in proceedings and 'were able to fully participate' in the discussion that took place at the Panel (with Panel members). Specifically, further examination of interview data revealed a number of 'possible factors' which may have played a role in children and young people feeling that they could fully express their views:

- **Panel size** – Children and young people interviewed were generally satisfied with the number of individuals who made up Panel membership.

- **The significance of interpersonal skills and the value of a future focus at the Panel** - Many of the children and young people interviewed commented positively on the approach adopted by Panel members. Consequently, they felt that they were entering into a 'welcoming' rather than a 'hostile' environment. A number of children and young people also appreciated the 'future focus' of the discussion that took place with Panel members, as opposed to excessive scrutiny of the offence itself and their wrongdoing.

- **The attendance of parents and carers at the Panel** – Certain children and young people stated that they felt 'reassured' and 'comforted' by the presence of their parents or carers at the Panel (in what could potentially be viewed as a daunting process).

In respect of parents and carers, the findings suggest that they broadly welcomed the fact they had the opportunity to attend the Panel with their child and contribute to the discussion that took place. Further examination of interview data revealed a number of possible factors which may have explained why they valued being able to attend the Panel with their child:

- **Keeping in the loop** – A number of parents and carers explained that attending the Panel enabled them to keep abreast of the next steps in the process for their child (for example, in relation to interventions, reparative or restorative actions to be later undertaken by their child).

- **Offering support -** A number of parents and carers explicitly emphasised that they saw the Panel as an opportunity to 'help' and 'support' their child during the Youth Crime Diversion Model process.

- **Allowing for information to be simplified (particularly for children with complex needs) -** A number of parents and carers of children and young people with complex needs were relieved that they could attend the Panel,

so that they could interpret and break down potentially difficult questions on behalf of their child, as well as safeguard against the possibility of them becoming overwhelmed or confused during the discussion with Panel members.

Additionally, in a corresponding manner to the children and young people, the findings suggested that parents and carers likewise felt positively about the approach adopted by Panel members and the general atmosphere of the discussion that took place. Furthermore, (and again corresponding with the children and young people's views) parents and carers were also generally satisfied with the size of the Panel membership asking their child questions.

In respect of the diversionary intentions and underpinnings of the process (the 'away from' aspect), the findings suggested that both children and young people and parents and carers ascribed value to the way in which Welsh Town's Youth Crime Diversion Models attempted to mitigate the impact of labelling, through diverting children 'away from' the formal youth justice system and allowing for their future pathways to be kept open.

Specifically, certain children and young people (interviewed and observed at Panel) broadly understood the detrimental impact a criminal record would possess for their future ambitions and were therefore grateful that they had an opportunity to deal with their offence in an out of court setting. One where they could potentially receive a 'another chance' (via for example a YRD), as opposed to simply being fast-tracked immediately into the formal youth justice system. Equally, parents and carers interviewed were relieved that the option existed for their child to engage with Welsh Town's Youth Crime Diversion Models, thus allowing for the possibility of a 'second chance' and the opportunity for their child to 'redeem' themselves.

In relation to the inclusion of interventions in the Youth Crime Diversion Model process (e.g. the 'into' aspect), although it was emphasised that their delivery needs to be monitored carefully, the children and young people interviewed

generally saw them as a positive and constructive feature of the process. Specifically, children and young people liked the fact that interventions:

- **Offered support**;
- **And could assist in developing qualifications and skills** that could help them move forward positively with their lives – that is to say, were 'constructive' rather than 'punitive' in intention.

Children and young people also highlighted that the Youth Crime Diversion Model provided an important setting for them to identify and then access support and interventions that they may have previously struggled to locate successfully (potentially due to a lack of existing support-structures). In general, the parents and carers interviewed similarly viewed the availability of interventions for their children as a positive and constructive feature of the Youth Crime Diversion Model process. It was emphasised by certain parents and carers that interventions were particularly important for those children who experienced complex needs and for whom simple diversion 'away from' the youth justice system may not be appropriate.

The Tensions

As the above analysis illustrates, both children and young people and parents and carers believed that there were a number of positive and constructive features of the process. Nonetheless, the analysis did also highlight some possible tensions within its workings.

The findings did reveal that there were some mixed views on the role of the volunteer. Although value was attached to the 'independence' of the volunteer within the process, it was suggested that it may be beneficial for the volunteer to attend the 'second-half' of the Panel in all three areas (which at the time of the fieldwork was not the case). This would potentially enable:

- **Greater transparency** – The children and young people (and parents and carers) would get to meet the volunteer and would therefore have greater awareness of their role in the decision-making process. Here, it was apparent that children and young people in Area Two and Area Three were largely unaware that a member of the public played a role in the process.

- **Greater accountability** – Rather than a decision being made simply on paper, the volunteer would be able to meet the child or young person and understand their thought-process and perspective (as well as that of parents and carers), and likewise, the child or young person could better understand the thought-process of the volunteer.

- **Unique Insights -** The Panel discussion would benefit from the unique (and non-institutionalised) perspective of the volunteer.

The findings also revealed mixed responses from children and young people and parent and carers about how much they felt they really knew about the Youth Crime Diversion Model process (specifically at its onset). Consequently, it was suggested that there may be benefit in a short, child-friendly leaflet or video being produced which outlined the key functions of the Welsh Town Youth Crime Diversion Model (in Area One, Area Two and Area Three) and specifically the workings of the Panel. The leaflet could be given to the child or young person (and if necessary, explained) by police officers at the point of arrest or in the police station. Ultimately however, despite these tensions (which are largely technical and procedural) it is suggested that the distinct strengths identified by both children and young people and parents and carers offer some demonstrable evidence that the workings of Welsh Town's Youth Crime Diversion Model 'holds much potential' as a positive, participatory and rights-focused framework for delivering pre-court youth diversion.

Chapter Summary

The chapter discussed findings from semi-structured interviews undertaken with children and young people and parents and carers engaged with Welsh Town's

Youth Crime Diversion Models in Area One, Area Two and Area Three. The chapter commenced by reinforcing the ethical and rights-based requirement for the 'voices of underrepresented' persons (the children and young people and parents and carers) to be heard within the thesis. It was put forward that hearing from children and young people and parents and carers is necessary so as to prevent their marginalisation in youth justice proceedings. The chapter then turned to exploration of the thematic findings from the interviews undertaken. It began by examining those themes that both children and young people and parents and carers broadly perceived as being strengths or positives of the Welsh Town Youth Crime Diversion Model process. Initial attention was given to the way in which children and young people and parents and carers viewed and comprehended the workings of the Youth Crime Diversion Model Panel. Subsequently, the perceptions of children and young people and parents and carers of the diversionary impact of the process, and also the support and interventions available, were discussed. A number of tensions within the Welsh Town Youth Crime Diversion Model process were then emphasised, before the chapter concluded by drawing together the themes explored and synopsising the key messages to emerge from the findings.

Chapter Eight
Conclusions

<u>Introduction</u>

The chapter draws together key conclusions to emerge from the thesis. In doing so, it primarily draws upon data collected from three separate Welsh Bureau Models (Area One, Area Two and Area Three Youth Crime Diversion Models) operating within a single YOS region (Welsh Town). At the outset of the chapter, deficiencies in the existing Welsh Bureaux published academic literature are recapped. It is then explained how these 'gaps in knowledge' relating to the workings of Welsh Bureaux provide a clear and coherent rationale for their further investigation. The manner in which these 'gaps in knowledge' translate into the specific research themes assumed in the thesis are then outlined. Attention is then paid to the way in which the research themes influenced the research design of the fieldwork and specifically resulted in a qualitative>quantitative>qualitative framework being adopted comprising of three separate empirical phases or work packages. These three fieldwork elements are then described, before the chapter concludes by summarising the key conclusions to emerge from the empirical research conducted.

<u>Summarising the Reasons for Examining Welsh Bureaux</u>

Diversion in the youth justice system has been an enduring feature of youth justice policy and practice in England and Wales. Over its existence it has experienced a number of evolutions and has manifested itself within different philosophical approaches. Here, it could be argued that its most progressive and liberal usage was to be found in its new-orthodoxy application, where it formed a cornerstone of 'systems-management' approaches to dealing with children and young people in conflict with the law.

More recently however, youth diversion has arguably once more been employed in a positive and progressive format. Specifically, Wales'

devolutionary settlement at the turn of the century and subsequent policy focus on the promotion of children and young people's rights and entitlements has created space for the emergence of an innovative pre-court diversion scheme – the Welsh Bureau Model of Youth Justice.

In the decade since the emergence of the original Bureau Model, versions of Welsh Bureaux have begun to operate throughout the country. Nonetheless In respect of existing published academic literature into the functioning of Welsh Bureaux, to date, it is the original Bureau Model of Youth Justice which has received the bulk of the academic enquiry. Findings from these studies have painted a positive picture of the Bureau Model and have indicated that it holds much promise as a mechanism for keeping children and young people away from the formal youth justice system, whilst also offering them support packages if necessary. However, although clearly beneficial and encouraging, research into the functioning of the original Bureau Model is arguably now outdated and encompasses a series of deficiencies. For instance, it:

- Has been limited to a single geographical location and is now largely compromised due to the introduction of new legislation. For example, the Legal Aid Sentencing and Punishment of Offenders Act (LASPOA, 2012) which has substantially amended the workings of Welsh Bureaux;

- Has only offered a limited snapshot of Welsh Bureaux quantitative output and performance;

- Has been stakeholder focused and therefore does not contain the views and opinions of key Welsh Bureaux service users, including:

  - Children and young people
  - Parents and carers.

Revisiting the Research Design: Three Phases of Empirical Fieldwork

In light of these shortcomings in Welsh Bureaux knowledge, an attempt was made in the thesis to address each of these 'gaps in knowledge' through engaging mixed-methods fieldwork in three locations (referred to as Area One, Area Two and Area Three Youth Crime Diversion Models, comprising one region referred to as Welsh Town). In doing so, a number of key themes detected as lacking in the academic literature published on Welsh Bureaux were identified as areas for further exploration, including:

- What is the current (post-LASPOA, 2012) structure and operation of Welsh Town's Youth Crime Diversion Models (in Area One, Area Two and Area Three) and how do agency-officers (professionals) view their respective impact in regard to youth crime prevention?

- To what extent do officially recorded statistical outcomes (relating to Area One, Area Two, Area Three and the Welsh Town region) suggest that 'Welsh Town's' Youth Crime Diversion Model is effective in reducing youth crime?

- To what extent do children and young people who have engaged with Welsh Town's Youth Crime Diversion Model (in Area, One, Area Two and Area Three) believe it has met their needs?

- To what extent do parents and carers believe that Welsh Town's Youth Crime Diversion Model (in Area One, Area Two and Area Three) has enabled family interaction in the youth justice system and assisted them in addressing their children's offending behaviour?

In order to successfully answer the above, as part of the mixed-methods research design, three distinct strands of empirical fieldwork were employed. The first phase of fieldwork involved a qualitative system-mapping exercise, so as to better understand the rationale, practices and processes underpinning the

three Welsh Town Youth Crime Diversion Models and also determine how agency-officers (professionals) viewed their respective functioning. The second phase attempted to understand how the three Youth Crime Diversion Models and the Welsh Town region had performed statistically. The third phase sought to qualitatively collect the views of children and young people and parents and carers engaged with each of the three Welsh Town Youth Crime Diversion Models. Emanating from these three phases of empirical fieldwork, a number of important findings emerged, which are worth re-capping in more detail.

Underlining the Key Empirical Findings

System-Mapping Conclusions

The system-mapping fieldwork undertaken initially revealed a series of important findings in relation to the rationale, processes and practices underpinning Welsh Town's Youth Crime Diversion Models. Analysis of the data revealed a number of clear strengths of the Welsh Town Youth Crime Diversion Model process. Initially the system-mapping exercise established that each of the three Welsh Town Youth Crime Diversion Models have coalesced around the following progressive, positive and participatory aims:

- Seeking to deliver 'dual-diversion', encompassing both 'away from' and 'into' dimensions;
- Seeking to keep future pathways open, through limiting the deleterious impact of stigma and labelling;
- Seeking to embed rights and participation into the heart of the pre-court diversionary process.

The system-mapping exercise also revealed the important role played by multi-agency partnerships (particularly the YOS-police partnership) in providing a solid foundation for each of the three Youth Crime Diversion Models to work towards effectively delivering positive diversionary outcomes for children and young people in conflict with the law. It was also evident that this broader

'institutional' commitment to diversion has similarly been embodied at an 'individual' level by agency-officers (professionals) who are passionate and committed to wherever possible keeping children and young people out of the formal youth justice system.

Additionally, the data made clear that each of the Welsh Town Youth Crime Diversion Models seek to 'include' rather than 'exclude' key actors who have traditionally been disenfranchised from youth justice processes. For example, children and young people and parents and carers whose contributions have frequently been underappreciated and neglected within the workings of the youth justice system, are instead, provided the space and the necessary means to actively participate in the Youth Crime Diversion Model process - and furthermore their views and opinions are seen as being valuable.

The findings also uncovered a clear acknowledgement of the place of the victim(s) within Welsh Town's Youth Crime Diversion Models in Area One, Area Two and Area Three. The system-mapping data revealed that each area is assigned a victim worker who will go to the home of the victim(s) and actively seek their views relating to the offence committed, highlight possible restorative options that are available (for example, a face-to-face restorative meeting or letter of apology), and also discuss any reparative steps that the child or young person might potentially wish to undertake. The voice of the victim(s) is therefore not neglected or overlooked, but rather, forms an important component within the overall Youth Crime Diversion Model process.

It was also identified that following on from the Welsh Town merger (2014), progressive and positive innovation has taken place in respect of the functioning of the three Welsh Town Youth Crime Diversion Models. A notable example has been the development of a pre-court screening tool. The screening tool has worked to reduce workloads, but more importantly (wherever possible), has also limited intrusive assessment of children and young people entering into each of Welsh Town's Youth Crime Diversion Models.

Aside from the strengths, a number of tensions were also discerned. For example, regarding the Police Community Resolution (PCR), it was noted that there could be greater synchronisation and communication between the police and Welsh Town's three areas, particularly for the purposes of 'early prevention'. It was acknowledged however, that this may well be a consequence of the PCR only recently being adopted and utilised within the Welsh Town region.

It was also discovered that there were mixed-views as to the role of volunteers in each area. It was apparent that Area One volunteers felt very strongly that they should contribute to 'both-halves' of the Panel. Conversely, in Area Two and Area Three, volunteers have not traditionally stayed for the 'second-half' of the Panel. From the interviews and observations conducted, it was felt that each area considered that the status-quo worked well and did not need to become uniformed across the Welsh Town region.

Relatedly, the system-mapping exercise also revealed difficulties around ensuring a diverse pipeline of future volunteers to sit on Youth Crime Diversion Model Panels. It was suggested that greater public awareness of the role and aims of the Youth Crime Diversion Model may aid this effort. For example, through raising its profile at PACT meetings, community events attended or organised by the police, or via social media streams.

Statistical Tripartite Analysis Conclusions

The 'tripartite' analysis undertaken revealed a number of key findings, which can be summarised as follows.

At an England and Wales level, it was established that over the period the year ending March 2007 to 2017 there had been an 85 per cent reduction in numbers of FTEs entering into the youth justice system (as well as significant reductions across a series of other key youth justice performance measures). It was suggested that this percentage drop in FTEs may have resulted from the

adoption of diversionary strategies, the role of policy and its effect on policing practices, and the impact of a prolonged austerity agenda.

At a Welsh level, it was determined that downward trends displayed in England and Wales were also being broadly replicated within Wales. For example, it was established that over the period the year ending March 2007 to 2017 numbers of FTEs in Wales fell by 88 per cent – therefore closely corresponding with an 85 per cent reduction in England and Wales. Attention was also drawn to recent (year ending March 2014 to 2017) reductions in child arrests in Wales. This downward trend has also been broadly replicated in percentage terms in England and Wales.

Exploration of youth justice performance at a regional (Welsh Town) level revealed a number of important findings:

- 'Aggregated' Welsh Town numbers of FTEs over a ten-year period (the year ending March 2007 to 2017) reduced by a total of 91 per cent, compared to an England and Wales total of 85 per cent and Wales total of 88 per cent.
- When numbers of FTEs were broken down by 'individual locality', all three Youth Crime Diversion Model areas saw substantial reductions in numbers of FTEs over a ten-year period (the year ending March 2007 to 2017). In Area One reductions totalled 88 per cent, in Area Two 90 per cent, and in Area Three 93 per cent.
- Analysis of 'individual locality' data also revealed that in all three areas the percentage drop observed the year following the introduction of their Youth Crime Diversion Model exceeded previous yearly reductions (for example, reductions experienced during the period the year ending March 2008 to 2011 in Area One, 2007 to 2011 in Area Two and 2008 to 2009 in Area Three).
- Additionally, analysis of 'locality data' also revealed that over the period the year ending March 2009 to year ending March 2011 - when Area Three had a Youth Crime Diversion Model operating, and Area One and Area Two did not, Area Three out-performed Area One and Area Two statistically.

Examination of 'locality data' revealed that over the year ending March 2009 to 2011, Area Three decreases totalled 52 per cent, compared to 32 per cent for Area One and 46 per cent for Area Two.

- Specific Area One, Area Two and Area Three disposal outcome data revealed that over a three-year period (2015/16 to 2017/18) all three areas administered the YRD as an outcome more frequently than either the YC or YCC.

- Finally, re-offending data reflective of the period 2015/16, revealed that when Welsh Town Youth Crime Diversion Model data is 'aggregated', in percentage terms, the YRD possesses the lowest re-offending rate, followed by the YCC and then the YC.

Children and Young People and Parents and Carers Qualitative Conclusions

The qualitative semi-structured interviews with children and young people and parents and carers revealed a number of key findings. The data revealed that children and young people and parents and carers perceived a number of strengths in the workings of the Welsh Town Youth Crime Diversion Model process in Area One, Area Two and Area Three.

Notably, it was established that there was a consensus from the children and young people interviewed that they felt they 'had a voice' and were able to 'fully participate' in the discussion that took place at the Panel (with Panel members). Specifically, further examination of interview data revealed a number of 'possible factors' which may have played a role in children and young people feeling that they could freely express their views, including satisfaction with panel size, the impact of interpersonal skills of Panel members and the future focus of the discussion that took place; and also, the presence of their parents and carers.

In respect of parents and carers, the findings suggested that they broadly welcomed the fact they had the opportunity to attend the Panel with their child and contribute to the discussion that took place. Further examination of interview data revealed a number of 'possible factors' which may have

explained why they valued being able to attend the Panel with their child. This included, that it allowed them to 'keep in the loop', offered them an opportunity to 'help' and 'support' their child, and also afforded them the chance to interpret complex information on their child's behalf (if needed). Additionally, in a corresponding manner to the children and young people, the findings suggested that parents and carers likewise felt positively about the approach adopted by Panel members and the general atmosphere of the discussion that took place. Furthermore (and again corresponding with the children and young people's views) parents and carers were also generally satisfied with the size of the Panel membership.

In respect of the diversionary intentions and underpinnings of the process (the 'away from' aspect) the findings suggested that both children and young people and parents and carers ascribed value to the way in which Welsh Town's Youth Crime Diversion Model attempted to mitigate the impact of labelling and stigma, through diverting children 'away from' the formal youth justice system and allowing for their future pathways to be kept open. Specifically, a number of the children and young people (interviewed and observed at Panel) broadly understood the detrimental impact a criminal record would possess for their future ambitions. They were therefore grateful that they had an opportunity to deal with their offence in an out of court setting, where they could potentially receive a 'another chance' (via for example a YRD), as opposed to simply being fast-tracked immediately into the formal youth justice system. Equally, parents and carers interviewed were relieved that the option existed for their child to engage with Welsh Town's Youth Crime Diversion Models, thus allowing for the possibility for their child to move forward with their lives.

In relation to the inclusion of interventions in the Youth Crime Diversion process (the 'into' aspect), although it was emphasised that their delivery always needs to be monitored carefully, the children and young people interviewed generally saw them as a positive and constructive feature of the process. Specifically, children and young people liked the fact that interventions offered 'support' (in the traditional sense), but could also assist them in developing qualifications and skills that could help them move forward positively with their lives. Children

and young people also highlighted that the Youth Crime Diversion Model process provided an important setting for them to identify and then access support and interventions that they may have previously struggled to locate successfully (potentially due to a lack of existing support structures). In general, the parents and carers interviewed similarly viewed the availability of interventions for their children as a positive and constructive feature of the Youth Crime Diversion Model process. It was emphasised by certain parents and carers that interventions were particularly important for children and young people who experienced complex needs and for whom simple diversion 'away from' the youth justice system may not be appropriate or sufficient.

Aside from the strengths, a number of tensions within the process were also uncovered. The findings did reveal that there were some mixed views on the role of the volunteer at the Panel. Although value was attached to the 'independence' of the volunteer within the process, it was suggested that there may be merit in the volunteer attending the 'second-half' of the Panel in all three areas (which at the time of the fieldwork was not the case). Reflecting upon the data gathered, it was suggested that this would enable greater transparency, greater accountability, and the chance for volunteers to contribute their unique insights.

Finally, the findings also revealed mixed responses from children and young people and parents and carers about how much they felt they really knew about the process (specifically at its onset). Consequently, it was suggested that there may be benefit in a short 'child-friendly' leaflet or video being produced, which summarises the function of the Welsh Town Youth Crime Diversion Model and specifically the workings of the Panel. The leaflet or video could be given to the child or young person (and if necessary, explained) by police officers at the point of arrest or in the police station.

Revealing the Theoretical Implications: A Dynamic Model of Diversion

Empirical examination of Welsh Town's Youth Crime Diversion Models (as outlined above) has provided robust evidence that Welsh Bureaux continue to

hold much potential as productive, progressive and positive mechanisms for delivering localised youth diversion. The specific success of Welsh Town's Youth Crime Diversion Models arguably resides in the 'dynamic way' in which they facilitate diversion in localised settings. It is suggested that this dynamic delivery of diversion rests upon a combination of key foundational or theoretical principles (substantiated in the empirical findings) which are worth underlining more explicitly.

Implementing Dual-Diversion: A Progressive Balance

Welsh Town's Youth Crime Diversion Models are not simply concerned with diverting the child or young person 'away from' the formal youth justice system and the associated effects of labelling and stigma that come with a criminal record. As importantly, where deemed appropriate, they also provide those same children and young people positive, constructive and often skill-enhancing interventions, designed to offer support, facilitate pro-social behaviour and bring about reductions in recidivism. Consequently, Welsh Town's Youth Crime Diversion Models do not go to the extreme of arguing for 'radical non-intervention' (especially if it risks overlooking needs), but equally, they also do not go to the opposite extreme of endorsing excessive intervention (especially where this is constructed around retributively or punitively orientated ideals or enhances unnecessary system contact). Welsh Town's Youth Crime Diversion Models in their practice instead adopt a 'progressive balance' in which diversion and intervention (in the 'appropriate' format) are seen as being mutually compatible. It is this holistic integration of diversion 'away from' and 'into' facets which has often been overlooked in youth justice practice, which constitutes a core strength of Welsh Town's Youth Crime Diversion Model and enables it to deliver a dynamic form of diversion.

Building Partnerships: A Multi-Agency Approach

The promotion of multi-agency partnership working in youth justice settings was a key component of the CDA (1998). Welsh Town's Youth Crime Diversion Models provide an important example of how 'partnership work' can be

achieved successfully for the benefit of children and young people in conflict with the law. Welsh Town's Youth Crime Diversion Models are the localised product of a dedicated working-relationship and joint-vision between two key youth justice stakeholders: the YOS and the police. Supplementing this cornerstone partnership and contributing to the overall process are a series of other key local agencies, including schools, social services and CAMHS. These powerful working partnerships have provided a robust and coherent foundation for localised diversionary practice. Significantly, this institutional partnership approach has also been reflected at an individualised level, that is to say, a high level partnership commitment to the aims of youth diversion has been mirrored by individuals working at the heart of the day-to-day process. Consequently, the dynamic form of diversion provided by Welsh Town's Youth Crime Diversion Models is in part a product and outworking of its key emphasis on effective partnership working.

An Inclusive, Not an Exclusive Model: Accommodating Multiple Contributions

Youth justice practice has arguably at times lacked inclusivity in its workings. Rejecting this norm, Welsh Town's Youth Crime Diversion Models seek to include, rather than exclude, contributions from a wide range of individuals. For example, the contributions of children and young people, parents and carers and victims are all accounted for within the diversionary process. What is more, their inclusion is not tokenistic, but is seen as meaningful and valuable, and ultimately a key strength of the overall process. To take simply one example, parents and carers have frequently been characterised as 'resisters' or 'implicit' in their child's offending behaviour. Welsh Town's Youth Crime Diversion Models adopt the reverse position and instead view them as valued constituents in rectifying their child's behaviour. This means that they are not pushed to the fringes of the process or relieved of their responsibility or role as the authentic guardians of their children. It is clear therefore that the dynamic form of diversion delivered by Welsh Town's Youth Crime Diversion Models is in part attributable to its inclusive outlook and the manner in which it actively caters for multiple contributions.

A Process Grounded in Rights: Positive, Participatory and Progressive

Children and young people have at times had their viewpoints restricted in the youth justice system. Conversely, building on Wales' post devolution commitment to the promotion of rights and entitlements, Welsh Town's Youth Crime Diversion Models make a purposeful effort to treat children and young people as 'children first' and provide the necessary space and opportunities for their meaningful engagement and participation. This intentionally rights-focused philosophy is reflected throughout the workings of the process: from the initial assessment of the child or young person (where an innovative screening tool can be employed that reduces reliance on risk-heavy assessment), through the future and progressive orientated dialogue that takes place at the Panel, and concluding with the use of 'appropriate' interventions designed to support rather than punish or penalise. Ultimately, it is suggested that Welsh Town's Youth Crime Diversion Models offer a dynamic form of diversion precisely because they reject existing negative and deficit focused practices and processes in favour of those centred on positive, participatory and progressive ideals.

<u>The Relevance for the Future of Youth Diversion: Foundational Keystones for Producing a Dynamic Form of Diversion</u>

The research undertaken in this thesis has sought to advance understandings of the workings of Welsh Bureaux to provide a more comprehensive and contemporary picture of their functioning. It is suggested that the empirical research undertaken into Welsh Town's Youth Crime Diversion Models has provided not only sufficient cause for optimism, but has also yielded important insights into 'best practice' and illuminated a series of 'foundational keystones' to which diversionary practice can be anchored. Specifically, it is suggested that the innovative manner in which Welsh Town's Youth Crime Diversion Models encompass both 'away from' and 'into' facets of the diversionary process, promote multi-agency partnership working, include multiple contributions, and consciously work to promote children and young people's rights can be distilled into a straightforward yet dynamic framework for future youth diversionary

practice. It is a framework which need not be restricted simply to England and Wales but can also have an international impact.

The Focus of Future Research: What Comes Next?

In conclusion, it is of course necessary to highlight that as Welsh Bureaux continue to evolve throughout the country (and possibly further afield in the future), further research will be required into their practice. For example, it was not possible due to time and resource constraints for this thesis to fully account for the views of victims engaged in Welsh Town's Youth Crime Diversion Models. Nor was it possible to gain children and young people's views relating to their experiences of participating in Youth Crime Diversion Model interventions. Analysis of these two facets could consequently form an important focus of future research. As explained, this thesis also does not comprehensively examine the specific demographical attributes of children and young people (or parents and carers) engaged in Welsh Town's Youth Crime Diversion Models. Again, pursuing research that looks in greater detail at these factors and how they relate to the workings of Welsh Bureaux may produce important insights. Ultimately then, although it is believed that this thesis has added to understandings and knowledge of how Welsh Bureaux function and perform, it is acknowledged that there is still much work to be done to fully comprehend their overall impact and effectiveness.

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APPENDICES

Appendix A

MR AARON BROWN

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**Prifysgol Abertawe
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E·S·R·C
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AGENCY-OFFICER INFORMATION SHEET

You are being invited to participate in a research study. Before you decide whether or not to take part, it is essential for you to know why the study is being carried out and what it will involve. The following information is designed to help you understand more about the research, so that you can make an informed decision as to whether you would like to participate. Please take time to read the following information carefully:

The [Youth Crime Diversion] Model

The [Youth Crime Diversion Model] functions as a crime prevention model. Its aim is to divert children and young people away from contact with the formal processes of the Youth Justice System, thereby avoiding the stigmatising and labelling effects that often accompany such contact and which can act to negatively damage a child or young person's future. In doing so its goal is to bring about a reduction in re-offending by children and young people.

What is the purpose of this study?

Initial studies into the [Youth Crime Diversion Model] (which is exclusive to Wales) have shown that it has exhibited some positive signs regarding its ability to divert children and young people away from the formal Youth Justice System, as well as away from future offending behaviour (recidivism). However, much of this existing research data is now out-of-date and so this study aims to establish an up-to-date picture of how [Youth Crime Diversion Models] in [Area One, Area Two and Area Three] currently operate, how effective they currently are in statistical terms, whilst also affording children and young people, parent and carers and agency officials an opportunity to document their experiences and views relating to the model in each of the three locations.

Why as an Agency-Officer have I been invited to participate in the study?

Your views are seen as an important element in understanding the impact and effectiveness of the [Youth Crime Diversion Model] as a crime prevention strategy. An important element of this study involves understanding how you, as overseers and facilitators of [Youth Crime Diversion Models] in [Area One, Area Two and Area Three] view and understand its role in allowing children and young people to engage in pro-social behaviour, achieve positive outcomes and ultimately desist from committing further criminal acts.

Do I have to take part?

Participation in the study is entirely voluntary. It is your decision whether or not you wish to take part. If you do make the decision to participate, you will be given this 'information sheet' to retain and will be asked to confirm your participation via the attached 'informed consent' form. Even when informed consent has been provided, you are still entitled to opt-out at any time during the course of the study and any data gathered from you will not be utilised.

What will happen to me if I take part?

If you make the decision to participate in the study, you will be invited to take part in an interview with myself. The interview will be audio-recorded and is expected to take around 45 minutes of your time; therefore, please be aware that this will involve setting aside sufficient time from your daily work schedule/commitments.

If I chose to participate in the study, will what I say be kept confidential?

All information collected from you during the course of the study will be kept strictly confidential. Steps will be taken to ensure that confidentiality, privacy and anonymity are maintained throughout the collection, storage and publication of research data. In order to maintain confidentiality, laptops and other devices employed during the study will be encrypted and research materials will be stored securely. Whilst the research will explore [Youth Crime Diversion Models] across the [Welsh Town] region, please be assured that the YOS' identity will be anonymised, i.e. it will be given a pseudonym when the research is written up. Meaning that the name of the YOS and its localities will not be revealed.

What are the possible benefits of taking part in the study?

The data collected from agency-officers within the study will help deepen understandings of how [Youth Crime Diversion Models] operating in [Welsh Town] function and will enhance knowledge concerning their effectiveness as a crime prevention strategy. This will then assist in identifying areas of positive practice (that can potentially be replicated elsewhere in order to reduce youth offending), as well as areas of concern that may require improvement.

What will happen to the results of the research study?

The results from the study will form the basis of my PhD (Doctoral) thesis. Results from the study may also be included in future journal publications, book chapters and books. If you would like to see the completed version of my PhD you may request a copy.

Who has reviewed the study?

The study has gained ethical approval from Swansea University's Research Ethics Committee.

Contacts for Further Information

If you require any further information regarding this study do not hesitate to contact either myself the lead researcher or alternatively my PhD supervisor Dr Anthony Charles.

Mr Aaron Brown: **Aaron.Brown@swansea.ac.uk** | Dr Anthony Charles: **a.d.charles@swansea.ac.uk**

Appendix B

MR AARON BROWN

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**Prifysgol Abertawe
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<u>AGENCY-OFFICER INFORMED CONSENT SHEET</u>

I, the undersigned, confirm that (please ☑ as appropriate):

I have read and understood the information sheet provided for

this study and have been given an opportunity to ask questions…………………………

I agree for this interview to be audio-recorded in full……………………………………..

I voluntarily agree to take part in this study …………………………………………………...

I understand I can withdraw my participation at any time during the study,

 without giving reasons and that I will not be penalised for withdrawing, nor

will I be questioned………………………………………………………………………………

I have been explained the procedures relating to confidentiality…………………………

I agree to my words being used as quotes in pieces of writing, as long these

quotes do not identify me to others…………………………………………………………..

_____   _____   _____

Name of Participant   Date   Signature

_____   _____   _____

Name of Researcher   Date   Signature

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Appendix C

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Prifysgol Abertawe
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STUDY INFORMATION

[YOUTH CRIME DIVERSION MODEL] EVALUATION

WHAT IS THIS STUDY ABOUT?

This study is trying to understand **how well the [Youth Crime Diversion Model] helps you, as a child or young person, to stop offending**. The [Youth Crime Diversion Model] **is designed with you in mind** and so I want to try and find out from you things like:

- What parts of the [Youth Crime Diversion Model] you like or dislike;

- Whether you feel the [Youth Crime Diversion Model] has given you a chance to talk openly about what is going on in your life and why you may have committed an offence;

- Whether you have found your parent or carer being involved in the [Youth Crime Diversion Model] helpful?

- How useful you have found the [Youth Crime Diversion Model] interventions;

- If the [Youth Crime Diversion Model] has helped you to stop offending and move forward positively in life?

WHY ARE YOU ASKING ME TO TAKE PART IN THIS STUDY?

Your views on the [Youth Crime Diversion Model] are really really important!

The [Youth Crime Diversion Model] is designed to help and support you from stopping offending in the future. So, I want to make sure you are given an opportunity in my study to talk about your experiences. For example, **what you like and dislike** about the [Youth Crime Diversion Model]; what you found **helpful and what you would change**; what impact it has had on you moving forward, etc.

Creating space for you to voice your opinion is an important part of Wales commitment to you!

HOW DO I KNOW YOU WON'T SHARE WHAT I TELL YOU?

Anything you say to me in the study **will be kept private between you and myself** and will not be revealed to anybody else.

If you say something really interesting, I may put it into my work, **but I will make sure that you are not identified to anybody else.** I will do this through using a **special code** that will only allow me to know who you are and what you have said (so for example, I may call you **Young Person, A**).

The only time I may have to share with a Youth Offending Team member what you have said to me, **is if you talk to me about any additional criminal offences you have committed, or disclose to me any child protection issues.** In such cases I will talk with you and explain the next steps, before speaking to your caseworker.

[YOUTH CRIME DIVERSION MODEL] EVALUATION

AARON BROWN

Department of Criminology

Swansea University

SA2 8PP

Aaron.Brown@swansea.ac.uk

Prifysgol Abertawe
Swansea University

STUDY INFORMATION

DO I HAVE TO TAKE PART IN THE STUDY?

No, taking part in this study is totally your choice. Nobody will force you to take part and will it make no difference to how you are viewed by [Welsh Town Youth Offending Service or any other youth justice agency].

If you do decide that you would like to take part in the study and an interview with myself, you will be given this information sheet to keep and will be asked to read and sign the attached consent form.

Even when you have signed the consent form and agreed to participate, you can still chose to withdraw from the study at any time. If you decide not to continue, you will not be asked why, and anything you have said to me will not be used in the study.

WHAT DOES TAKING PART IN THIS STUDY INVOLVE?

If you decide to take part in the study, it will involve me asking you a number of questions in an interview about your experiences of the [Youth Crime Diversion Model].

The interview will last around 20 minutes and I will need to record it, so that I can make sure I have got a correct record of what you have told me.

WHAT ARE THE BENEFITS OF TAKING PART?

The United Nations Convention on the Rights of the Child (UNCRC) is a really important document that talks about how important it is for you to be allowed to speak about your experiences.

This study will allow you the chance to speak openly, without worrying, about how you view the [Youth Crime Diversion Model]. This could then help improve the [Youth Crime Diversion Model] for others!

WHAT WILL HAPPEN TO WHAT I SAY?

Your views and thoughts on the [Youth Crime Diversion Model] will be used, by me, in a piece of work I am doing called a PhD (basically a really long essay).

I may also use your views in articles or books in the future, so that other people can see and understand what you think of the [Youth Crime Diversion Model].

Appendix D

Mr Aaron Brown

**Department of Criminology,
College of Law and Criminology,
Swansea University, SA2 8PP.**

**Prifysgol Abertawe
Swansea University**

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CHILDREN AND YOUNG PERSON INFORMED CONSENT SHEET

I confirm that (please ☑ as appropriate):

I have read and understood the information sheet that describes
the study and have had a chance to ask questions……………………………………………

I am happy for my interview to be taped in full………………………………………

I am happy to take part in this study……………………………………………………

I understand I can remove my input at any time during the study, without saying
why, and also understand that I will not be penalised for doing this or asked the
reason why I have withdrawn………………………………………………………………

I have had explained to me the ways in which my confidentiality will be protected
during the study………………………………………………………………………………

I am happy for my words to be used as quotes in pieces of writing, as long as these
quotes do not identify me to others……………………………………………………...

I understand that if I talk in the interview about any instances of risk to myself or another
child, or speak about any additional criminal offences I have committed, this information
may need to be shared with my Youth Offending Service casework/ or relevant youth
justice agency………………………………………………………………………………

_____   _____   _____

Name of the Young Person   Date   Young Person's Signature

_____   _____   _____

Name of Researcher   Date   Signature

Appendix E

MR AARON BROWN

**Department of Criminology,
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**Prifysgol Abertawe
Swansea University**

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<u>PARENT AND CARER: CHILD PARTICIPATION SHEET</u>

Dear Parent/Carer

           I am a researcher from the Department of Criminology at Swansea University, who is undertaking a study into the [Youth Crime Diversion Model]. As a consequence ……………… has been invited to participate in the study, as registering children and young people's views and opinions is seen as being a crucial element in establishing the overall impact and effectiveness of the [Youth Crime Diversion Model] as a crime prevention strategy.

The study is being carried out by myself Aaron Brown, to be used in my PhD thesis, and is being supervised by Dr Anthony Charles, a lecturer within the Department of Criminology, College of Law and Criminology, Swansea University. The level of ………………………. participation in the study will involve taking part in an audio recorded interview with myself, in which they will be asked to talk about their experiences relating to their engagement with the [Youth Crime Diversion Model]. All material disclosed by your child in the interview will remain strictly anonymous and confidential and will not be shared with [any agency]. This guarantee is subject to the duties that are placed on us by law and practice relating to safeguarding. What this means is that if your child discloses to us that they are at risk of harm, we will need to pass such information to relevant agencies. We will though seek at all times, should this happen, to ensure that you are kept informed because we recognise the important role that you play in your child's life.

The study has gained approval from Swansea University Ethical Committee in order to ensure that it meets strict ethical guidelines. Significantly, in addition to your consent, ……………………… will also be provided with an opportunity to consider whether or not they wish to participate; here, their participation is entirely their choice, and even when given, they can still choose to opt-out at any stage during the study.

If you **ARE HAPPY** for …………………………… to take part in the study, please could you sign and date the below slip. Also, if you require any further information or have any questions please do not hesitate to contact me by email at: **Aaron.Brown@swansea.ac.uk**

……… ✁ ………………………………………………………………………………………………………

I ………………the parent/carer of ………… **GIVE** my consent for them to take part in the study.

Signature: _____   Date_____

Appendix F

Mr Aaron Brown

**Department of Criminology,
College of Law and Criminology,
Swansea University, SA2 8PP.**

PARENT AND CARER INFORMATION SHEET

You are being invited to take part in a research study. Before you decide whether or not to take part, it is important for you to know why the study is being carried out and what it will involve. The following information is designed to help you understand more about the research, so that you can make an informed decision as to whether you would like to participate. Please take time to read the following information carefully:

The [Youth Crime Diversion] Model

The [Youth Crime Diversion Model] operates as a crime prevention model. Its purpose is to divert children and young people away from contact with the formal Youth Justice System. In doing so, it seeks to avoid the negativity that can often accompany such contact and which can act to damage a child or young person's future. The overall aim of the model is to bring about a reduction in re-offending by children and young people.

What is the purpose of this study?

Early studies into the [Youth Crime Diversion Model] (which operates only in Wales) have shown that it has displayed some positive signs regarding its ability to divert children and young people away from the formal Youth Justice System, as well as away from future offending behaviour.

However, much of this existing research is now out-of-date and so this study aims to create an up-to-date picture of how [Youth Crime Diversion Models] in [Area One, Area Two and Area Three] currently operate, how effective they currently are in statistical terms, whilst also giving children and young people, parents and carers and agency officials an opportunity to register their experiences and views relating to the model in each of the three locations.

Why as a Parent or Carer have I been invited to take part in the study?

Your views are seen as important in understanding the impact and effectiveness of the [Youth Crime Diversion Model] as a crime prevention strategy. As parents and carers whose children have engaged with [Youth Crime Diversion Model] in either [Area One, Area Two and Area Three], this study wants to collect your views and opinions concerning the model and its workings. So for example, the extent to which you believe the [Youth Crime Diversion Model] has helped your child to engage in positive behaviour; avoid committing further criminal acts; and move forward productively with their life.

Do I have to take part?

Participation in the study is totally your choice. It is your decision whether or not you wish to take part. If you do make the decision to participate, you will be given this 'information sheet' to keep and will be asked to confirm your participation through the attached 'informed consent form'. Even when informed consent has been provided, you are still entitled to withdraw your consent at any time during the course of the study and any data gathered from you will not be used.

What will happen to me if I take part?

If you make the decision to participate in the study, you will be invited to take part in an interview with myself. The interview will be audio-recorded and is expected to take around 20 minutes of your time.

If I chose to take part in the study, will what I say be kept confidential?

All information collected from you during the course of the study will be kept strictly confidential. Steps will be taken to ensure that confidentiality, privacy and anonymity are maintained throughout the collection, storage and publication of research data. In order to maintain confidentiality, laptops and other devices employed during the study will be encrypted and research materials will be stored securely. Our approach to confidentiality is subject to the duties that are placed on us by law and practice relating to safeguarding. What this means is that if you disclose any information suggesting that your child is at risk of harm, we will need to pass such information to relevant agencies. We will though seek at all times, should this happen, to ensure that you are kept informed because we recognise the important role that you play in your child's life.

What are the possible benefits of taking part in the study?

The information collected from parent and carers within the study will help deepen understandings of how [Youth Crime Diversion Models] operating in [Welsh Town] function and will increase knowledge regarding their effectiveness as a crime prevention strategy.

What will happen to the results of the research study?

The results from the study will form the basis of my PhD (Doctoral) thesis. Results from the study may also be included in future written publications, book chapters and books. If you would like to see the completed version of my PhD you may request a copy.

Who has reviewed the study?

The study has gained ethical approval from Swansea University's Research Ethics Committee.

Contacts for Further Information

If you require any further information regarding this study, do not hesitate to contact either myself the lead researcher or alternatively my PhD supervisor Dr Anthony Charles.

Mr Aaron Brown: **Aaron.Brown@swansea.ac.uk** | Dr Anthony Charles: **a.d.charles@swansea.ac.uk**

Appendix G

MR AARON BROWN

**Department of Criminology,
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PARENT AND CARER INFORMED CONSENT SHEET

I, the undersigned, confirm that (please ☑ as appropriate):

I have read and understood the information sheet provided for this study
and have been given an opportunity to ask questions…………………………………….....

I agree for this interview to be audio-recorded in full………………………………………......

I voluntarily agree to take part in this study…………………………………………………......

I understand I can withdraw my participation at any time during the study
without giving reasons and that I will not be penalised for withdrawing, nor
will I be questioned on why I have withdrawn………………………………………………….

I have been explained the procedures relating to confidentiality………………………………...

I agree to my words being used as quotes in pieces of writing, as
long as these quotes do not identify me to others……………………………………………….

I understand that if I talk in the interview about any instances of risk to my child,
or speak about any additional criminal offences they have committed, this information
may need to be shared with their Youth Offending Service caseworker/ or relevant youth
agency……………………………………………………………………………………………

_____   _____   _____
Name of Participant   Date   Signature

_____   _____   _____
Name of Researcher   Date   Signature

Appendix H

Research Gatekeeper Consent Checklist

To assist the College of Law and Criminology's Ethics Committee (Swansea University) to approve the ethical approval application submitted by Aaron Brown, would you please consider and indicate whether you are happy with the following: information regarding the research proposed; contact points within your agency; and breakdown of research gatekeeper roles and responsibilities.

Information regarding the research

Title of research: An Evaluation of the ██████████████████████

Swansea University researcher: Aaron Brown

Swansea University academic supervisor: Dr. Anthony Charles

Contact points within the research gatekeeper

██
██████████████

██
████████████

Research Assistance to the Youth Offending Service

- It has been agreed that whilst the research will explore ████████████ across the ████████████████ at the request of the Youth Offending Team, the identity of that agency will be anonymised (along with its subsidiaries ████████████████████████). This is to protect the reputation of the Youth Offending Team, since ████████ performance is a sensitive political issue and, also to secure authentic engagement with staff.

- It has been agreed that a 'challenge and clarification process' will also be incorporated into the research. This will consist of regular engagement with the ████████████████████████████████████ Senior Management Team. This is to ensure that findings and outcomes emanating from the research are properly contextualised.

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Research gatekeeper roles and responsibilities

Access to staff, young people and families:

- Working with your officers, a sample will be generated regarding, and contact will be arranged with:
    - Members of staff (to interview regarding the ███████ process and its development in ████████████████████████████ - as part of an initial system-mapping exercise).
    - Young people clients and their families (to interview, gain and explore their views of engaging with the ██████ in ████████████████████ ██████████).
    - Key partner agency staff working with your service (to interview to understand their engagement with the ██████ in ████████████████ ██████████████████ and explore their views about the process).
- In terms of access and engaging with the potential participants above, the researcher will be able to visit your offices across the ██████████ region ████████████████████████████████.

Information sharing:

- ███ will share with the researcher key statistical data relating to the ████████ (for instance, numbers and characteristics of FTE's) in de-personalised forms so that these can be compared, over time, to allow for a statistical contextualisation of the ██████ across the three locales (████████████████████████████████ and the ████████ region.
- Staff will, where appropriate, share information and statistics flowing from the ████████ screening tool that you have created so that the researcher can understand and analyse it.
- The researcher will be given key points of information about young people who agree to participate in interviews – for instance, what offence they may have committed. These will be securely stored and anonymised immediately post-interview.

Consent:

- Whilst the ██ will gatekeep access to research participants, this will be conditional upon - in addition to in loco parentis consent via the Service - to informed consent from young people (where this can be granted, Gillick principles will be applied and

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staff shall be consulted prior to informed consent being sought), parents/carers and partner agency staff. Informed consent will be requested of each participant and securely stored and recorded.

Safeguarding:

- If any safeguarding concerns are disclosed, the ███████████████████ ████████████████████ will provide the name of an officer to which these should be reported. Any concerns will be reported to the research supervisor so that relevant legislative and policy requirements concerning safeguarding can be adequately met.

Personal safety:

- When the research is being undertaken at your offices, staff will let the researcher know what to do to ensure that he is safe, for example, what action he should take if when undertaking an interview a young person becomes upset or distressed.
- Prior to any young person or parents/carers being interviewed, if information suggesting that they may pose a risk is located within ASSET, Childview or the ███████ screening tool, the researcher will be made aware of this.

If you are happy with the above, the College of Law and Criminology should be grateful if you could please enter your name below, and date this please.

Name: ████████████████████████████ .....

Date: .... ████████████████████████ ....

Should you not be happy with any aspect of what is written above, please, in the first instance, let the researcher know. They will respond to any queries that you may have. The researcher will also let their supervisor know, and they too will do their best to assist with any queries.

Thank you.

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Appendix I

Youth Crime Diversion Model Case Study

"This is the one incident that to me underlines what the [Youth Crime Diversion Model] is about. It was a couple of years ago, and I don't remember the name of the [police] officer at all. It was a [a young person] and she had been stealing in a [retail store] and she had a pile of cosmetics. She was totally naive and had been stopped on the way out by the store security. She ended up in the [Youth Crime Diversion Model] and she was as cowed as you could imagine a young girl to be. Now on the face of it that was simple shoplifting.

But, because the [Youth Crime Diversion Model] is a safe-place – I know it's off-putting when they first come in – but because the police are so skilled, because of the way it is set up, she obviously felt the confidence that she was able to answer our questions. The police said we take shoplifting very very seriously and she knew it was wrong…

But then because she was able to tell us her story. Her background was awful…she was desperate to get out of the home…neither parent wanted her…she felt unwanted. But she had come across an older woman who lived in a [nearby town] who said she could go and live with her. But that she needed make-up to look older, but she would need to go and steal it. But that if she stole the make-up, she could go and live with her in [a nearby town] and become a prostitute.

I mean you could just imagine the life in-front of her…but because of the skill of the police officer dealing with that…he arranged for better accommodation, that things were put in place, that social-services would be informed…

And her little face…that we just weren't going to throw the book at her…I think she thought she was going into custody…that all these people were interested enough to say you must be safe…we really need you to be safe! And the look on her face was, at last somebody is looking after me. "

[This excerpt is taken from an interview conducted with a Youth Crime Diversion Model volunteer]