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To what extent does the existing Welsh devolution settlement enable youth offending teams to develop bespoke and innovative approaches to youth justice in Wales?

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Abstract:

The focus of youth justice-related discussions most commonly studies singular elements and the voices of those who are consistently looked at by policymakers and Governments both locally and nationally. As a result, often, the voices of those who live youth justice at the coal face of research are overlooked. This research intended to understand the role and influence of youth-offending team managers in Wales, which has been measured in the context of a complex devolution settlement in Wales pertaining to youth justice.

The research was qualitative in nature, aiming to illuminate new understandings of justice in pre-devolution Wales, exploring the experiences and voices of policymakers, policy managers, practitioners, and young people. The research has a 3-tier effect, which effectively means that three different components come together to complete the data set. Those who implement policy, those who manage and study policy implementation, and those who deal with the policy at the coal face. Through the research, it was found that YOTs in Wales may enjoy a unique but also complex relationship both constitutionally and through partner agencies. It was found that YOT managers in Wales have significant levels of autonomy and influence in the decision-making process.

Reflecting on the findings found through this research, the following key messages were distilled. The structure of YOTs suggests that there is localised discretion in Wales, as shown within the data, it is visible if the youth justice board gives them localised power, youth offending team managers are the principal authority; there is a persuasive authority that may not be visible but is powerful. Moreover, a youth justice space has been created by the constitutional setting. Youth offending teams and YOT managers have a significant impact, and their roles and influences in terms of service delivery are vast.

As indicated above, this research was intimately concerned with YOTs post-devolution and the relationships between key stakeholders and how they understand justice for children, research is still evolving, and there is the prospect of further constitutional devolution for Wales it is hoped that this original research will add a unique contribution to the body of knowledge that exists and inform policy and practice across Wales.

Declarations 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: Joseph David Janes (candidate)

Date: 19th December 2022

STATEMENT 1

This thesis is the result of my own investigations, except where otherwise stated. Where correction services have been used, the extent and nature of the correction is clearly marked in a footnote(s).

Other sources are acknowledged by giving explicit references. A bibliography is appended.

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STATEMENT 2

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List of abbreviations:

Abbreviation	Full Term
YOT	Youth Offending Team
YOS	Youth Offending Service
YJB	Youth Justice Board
MOJ	Ministry of Justice
WG	Welsh Government
WAG	Welsh Assembly Government
WDA	Welsh Devolved Administration
YP	Young Person: Throughout this thesis the term young person will be used to discuss any person under the age of 18. However, in some cases this will include people up to the age of 25 (this will be explicitly explained).
CADA 1998.	Crime and Disorder Act, 1998
AWYOS	All Wales Youth Offending Strategy
CRC	Children's Rights Convention
UNCRC	United Nations Convention on the Rights of a Child
EE	Extending Entitlement
GOWA	Government of Wales Act, 2006
YCC	Youth Conditional Cautions
RO	Referral Orders
YRO	Youth Rehabilitation Orders
ISSP	Intensive Supervision and Surveillance
DTO	Detention and Training Orders
JRF	Joseph Rowntree Foundation
NACRO	National Association for The Care and Resettlement of Offenders

1 Introduction

"Most of the direction comes from UK government policy and what it wants, but what you then have is local autonomy, to find a way of doing it (youth justice) that suits your local environment."

(Welsh Policy Expert 1).

This thesis critically explores the complex pragmatic and perceived relationships between youth offending teams (YOTs), central and devolved government and key stakeholders to understand whether there is a distinct type of Welsh youth justice. It addresses the paucity of literature concerning the operation of post-devolution youth justice in Wales.

As suggested in Welsh policy expert one's quotation above, there is an inherent tension in 'youth justice' as it operates within Wales, namely that whilst primary legislative power rests with the UK Parliament, there simultaneously exists a Welsh policy dimension. The Welsh dimension of youth justice is arguably essential, not least because of the different policy frameworks that Wales, and Westminster have promulgated; frameworks that have a degree of variance in terms of local decision-making, children's rights, and the imperative to provide welfare support for children and families. This thesis seeks to understand these various dimensions and comprehend their significance and impact from the view of those most affected by them.

Traditionally, the voices of children, young people and practitioners have been overlooked, particularly when seeking an understanding of formal and public systems' design, including operation and impact (Spencer et al., 2020; Creaney, 2018; Drake et al., 2014). Instead, reliance has been placed on the perspectives of policymakers, legislators, and senior managers. In fact, within youth justice, it could be argued that there has been a type of metrification of this area of crucial public policy, with the emphasis being placed upon the attainment of performance measures (or KPIs) at the expense of the experience and understanding of those affected by the activities of formal systems.

This metrification obfuscates attempts to understand the realities of youth justice as experienced by those who come into contact with the system and instead privileges the views of powerful or elite actors. As research suggests, the dominance of influential voices about justice narratives may result in valuable knowledge being lost or hidden, despite this knowledge potentially being transformative (Cook-Sather, 2006; Wilkinson et al, 2018; Ralls,

2020). To understand youth justice in Wales more fully, this thesis seeks to move beyond a systems analysis approach, recognising the dynamics between different stakeholders, and actively engage with a broad range of stakeholders who have contact with, plan for, and operationalise youth justice.

Youth justice in Wales has been characterised as 'dragonised' (Jones, 2006). Much like the efforts made by academics in Scotland to use 'tartanisation' to measure its own divergence from the policies and practices adopted in England and Wales (Evans et al., 2022). 'Dragonisation' was conceived as an attempt to capture the emergence of a distinct approach to community safety and youth justice in Wales in comparison to England (Edwards and Hughes, 2009; Haines, 2009).

Yet this now-dated hypothesis fails in many ways to capture the complex reality of the work of Welsh YOTs and their almost symbiotic relationships with key agencies, both reserved and devolved. For instance, although Westminster may strictly control policy levers for criminal justice, that control is an artefact of the Crime and Disorder Act (1998) and the composition of YOTs ordained by that statute that local government has a directive role in local youth justice. Similarly, as recognised by Charlie Taylor, the former Chair of the youth justice board (Taylor, 2016), it might be considered impossible for youth justice to operate if it is not linked to the core service provision which impacts children's lives – for example, schools/education, social services, housing, health services and welfare, all of which in Wales are devolved to the Welsh Administration.

Although the relationship between young people and practitioners is the centrepiece of youth justice provision, little research-based knowledge has accumulated on its minutiae (Drake et al., 2014). Instead, what is seen are debates on the perceived criminological issues surrounding young people, their supervision, and the future of youth justice deliberated on their behalf. By consulting stakeholders at various levels, including those who significantly impact the workings of the youth justice system, this thesis generates new understandings of youth justice in Wales. However, young people have been denied a voice in these debates relating to policy and process, and this thesis seeks to redress this gap.

The impact of the existing settlement in Wales is contested in the literature (Rawlings, 2003; Rawlings, 2018; Jones, 2020). In order to understand the system and its operation, one must comprehend the settlement and its implementation in Wales. There has been a significant transfer of power from Westminster to Wales, although this has been very much an incremental approach in terms of the nature of these transfers, which underlines the point made by Ron

Davies, former Secretary of State for Wales, that devolution was a process, not an event (Davies, 1999).

Since 1999 the Welsh Government has been balancing six tiers of government within different territorial scales, embracing the UN, European Union, Westminster, Cardiff, Unitary Authority and Community Authority which have all played a part in the governance of Wales. It has been argued that multi-level governance of this type can be likened to a 'layer cake' where each government operates in its distinct jurisdiction (Entwistle et al., 2015). Whereas in some cases, compared to a 'marble cake' in which governments have overlapping and interwoven responsibilities (Entwistle et al., 2015).

In terms of 'scales of governance,' places like "Wales have been seen as less alienating than in the larger scale (and more distant) London or Brussels" (Cole & Stafford, 2014:6). Moreover, in the complex world of policy integration, citizens' issues of the most immediate concern should be dealt with locally (Cole & Stafford, 2014). On the other hand, most public services are delivered as part of a complex pattern of 'multi-level governance', hence the Welsh system's intricacies. That is why it is essential to understand why the youth justice system in particular is so complicated and to understand how these intricacies are experienced at an operational level. Reflecting upon the service dimensions of youth justice and the accompanying tensions that arise post-Welsh devolution, Mark Drakeford, the current first minister of Wales, noted in 2010 that:

> *'Youth justice is not devolved. A key number of services directly related to youth justice practice are housing, health, education, and social services. These service areas are not the responsibility of Westminster but the Welsh Assembly Government'.*

> (Drakeford, 2010).

Drakeford's analysis is pertinent since it demonstrates nuance regarding the policy and other arrangements that operate regarding youth justice services in Wales. Notably, those services listed above that directly relate to youth justice are funded by the Welsh Devolved Administration (WDA), have accountability to Welsh ministers and must function by the policy framework of Wales. Arguably, this is an important matter because of the complexity of the current settlement which could create challenges for the practice of youth justice.

In his review of devolved powers, Lord Thomas identified that "the way that responsibilities are split between Westminster and Cardiff has created pointless complexity, confusion and incoherence, injustice and policing in Wales*"* (Thomas, 2019). Lord Thomas's comments articulate the differences between the legal realities of youth justice and how, in practice, this critical area of public policy and service provision is manifested.

The former first minister for Wales, Rhodri Morgan, supports Lord Thomas's findings on the complexity of the Welsh system, in particular governmental language and the rhetoric behind such sentiments as 'clear red water' and 'made in Wales' (Morgan, 2002; Moon, 2013). Morgan once labelled the United Kingdom's devolved bodies as 'laboratories' for the formulation of new ideas to be subsequently shared and learnt from across the Union (Morgan, 2002). Whether youth offending teams become a further branch of this laboratory in terms of their potential for autonomy exploration of this is new and makes an original contribution.

There are 'overlapping, interwoven' forms of governance in Wales, and the UK and Welsh governments' responsibilities which often overlap within the same policy space (Jones & Wyn Jones, 2019). This space has been categorised as a 'jagged edge' of intersecting competencies and responsibilities (Jones & Wyn Jones, 2019). To understand the settlement, these layers of governance will be explored throughout the thesis.

1.1 Research Aims and Objectives

The overarching aim of this thesis is to understand the role and influence of youth offending teams in the context of pre-devolution youth justice in Wales. It will pursue the following objectives:

1. Understanding whether the current Welsh devolution settlement has led to a distinct youth justice system in Wales.
2. Identifying the interplay and effects between youth justice-related devolved and reserved actors.
3. Exploring how the interaction of devolved and reserved policy impacts youth justice in Wales, particularly regarding the role and influence of Youth Offending Teams.

This thesis generates new and original knowledge by engaging with the key actors most associated with planning, decision-making, practising and engaging with youth justice in

Wales. It will explore the impact that YOTs and, in particular, YOT managers are having in Wales by recording the perspectives and experiences of key stakeholders in the youth justice system; this is new and makes an original contribution. It will examine questions around legislation and policy and reflect on, for instance, relationships and practice. Moreover, it will seek to understand whether YOT managers have autonomy in the decision-making process, how influential they are in constructing policy and managing young people within the local authority area, and how far their reach as managers goes.

Throughout the thesis, there will be a reflection on critical thematic arguments such as dragonisation. The research will have due regard to key policy initiatives in Wales, such as promoting children's rights. The research tells a story, and participants' voices from all levels of the system in Wales are explored to shape the findings, discussion and ultimately, the concluding comments of the research.

This research is timely because three major reports have been completed within the area (Morgan, 2009; Silk, 2014; and Justice Commission, 2019). What is apparent throughout the three reports is arguably a shortage of engagement with the experiences of young people and practitioners, research from the 'coal face' of the system. For the purpose of this thesis, the coal face is defined as a personal view of the research scene (Swales, 1988) similar to a grassroots analogy, those who have lived experience of the justice system.

Whilst there has been some research around devolution and youth justice in Wales, this has not always been constructed following engagement with those who most know about the system or have had contact with it. Historically, there has been something of a gulf between those at the coal face of youth justice practice and those seeking to understand and complete research in the field (Case & Hampson, 2019). Although young people need to be empowered and the experiences of practitioners heard, existing research rarely offers a voice for either (Kelly & Kamp, 2014; Kellet, 2011).

Within the last decade, there has been a development of devolution through the Wales Act, 2016 and simultaneously an increased willingness for reserved (Westminster) and devolved (Cardiff) actors to engage with each other to achieve common objectives. An example is the youth justice blueprint, a joint strategy between the Ministry of Justice and the Welsh Government (MOJ, 2019). Understanding the journey, that youth justice has been on is critical because, for the first time, those powers are blended, albeit not constitutionally, but in policy and practice terms. The 2019 blueprint is still evolving and not fully implemented.

However, there have been previous joint strategies for youth justice in Wales, for example, Children and Young People First (2014) and the All-Wales Youth Offending Strategy (2004), which illustrates an increase in partnership working between the nations and suggests an acknowledgement of a more distinctively Welsh approach. Innovations such as the blueprint are considered within the thesis because they are flagship partnership endeavours, which are in many ways akin to the original localised intention of the Crime and Disorder Act, 1998 section 39.6, which is still integral yet relatively unrecognised.

1.2 <u>Definition of key terms:</u>

The aim of this thesis is to understand the role and influence of youth offending teams in the context of pre-devolution youth justice in Wales. The following section will explain the key definitions used throughout and introduce devolution to support understandings within the thesis.

The research that underpins this thesis was designed to shine a light on the unique constitutional settlement between Wales and Westminster. It is argued that Wales has a distinct identity. Despite 800 years of close connection with England and the rest of the UK, Wales retains its distinct identity and unique culture (Jones, 2013). Consequently, because of the demographic, cultural uniqueness, language, geography, and social issues, Wales has different needs than parts of Southern England in terms of employment, the economy, an ageing population, poverty, and managing the post-industrial slump (Smith, Stirling & Williams, 2000). Alongside a different political allegiance, the Labour Party dominated Wales for over a century in the popular vote (Bush, 2019). When these factors around culture, identity, and politics are considered, localism and local autonomy emerge.

Take policing as an example of another non-devolved policy area within the wider umbrella of justice. Recent research has highlighted how devolution has transformed police governance, policy, and practice in the UK, such as organizational structures, accountability mechanisms, occupational cultures, and broad policy directions (Jones, Harrison & Jones, 2022). There has been an emergence of Welsh-only policies, funding streams, initiatives, regulations, and even criminal offences means that policing in post-devolution Wales is diverging in several important ways from that in England (Jones, Harrison & Jones, 2022). This thesis will examine whether a similar trend is evident within the youth justice system.

The current youth justice settlement requires a specific set of assumptions about responsibilities, responsibilities that could arise through multi-agency working, broad statutory principles and local discretion. There are two key areas to understand: devolution to youth offending teams (YOTs) and the youth justice board (YJB) and Community Safety Partnerships/Local Authorities, and devolution to Wales. Understanding devolution is, therefore pivotal to this research. For the purposes of this thesis, devolution is defined as 'The transfer or delegation of power to a lower level, especially by the central government to local or regional administration' (Stevenson, 2010:481). In the Welsh context, devolution equates to the transfer of powers from the UK parliament to the Welsh devolved administration, including existing and historical devolution to local government, county councils, and parish councils who have significant powers within the settlement. For clarity, the scope of devolution this thesis will discuss are activities post-1998 Government of Wales Act, and the principal focus is on devolution from London to assemblies in Cardiff and Belfast and the Scottish Parliament in Edinburgh (Birrell & Gray, 2017).

The complexity in Wales is significantly increased because of the tensions around competence. Nowhere is this constitutional complexity more apparent than in the field of youth justice services (Drakeford, 2010). In a *de jure* sense, there are no shared powers. Youth justice remains a non-devolved policy domain, the responsibility of the Ministry of Justice and the youth justice board (YJB) with its highly prescriptive control over the work of YOTs (Drakeford, 2010). However, by a clear majority, the core services (housing, health, education, social services) comprising YOTs derive from wholly devolved policy areas. So, although there is no co-equal competence, there are areas of policy where the waters are more 'murky than clear' (Davies, 2015). The tensions between these key policy levers will be discussed throughout this thesis.

Within this system of governance, there are complexities in the negotiations and relationships that exist between the different actors in youth justice. There is added significance to the power of individual decision-makers within youth justice and related services, such as YOT managers whose decisions can guide the direction of travel for the system. This has ramifications for service delivery, and consequently, the role and influence of individual decision-makers must be understood. This thesis approaches this task by assessing the concept of autonomy in the decision-making process in the context of YOT managership/key stakeholder leadership. As defined by Christman and Anderson;

'To be autonomous is to govern oneself, to be directed by considerations, desires, conditions, and characteristics that are not simply imposed externally upon one, but are part of what can somehow be considered one's authentic self'

(Christman & Anderson, 2005).

This definition is essential because it outlines central autonomy and individualism in the YOT managership/key stakeholder leadership decision-making process. Seeking to understand morality and policy as autonomy has traditionally been thought to connote independence and reflect assumptions of individualism in both moral thinking and political designations of political status (Zalta et al., 2003). A significant consideration throughout this thesis is one of autonomy and individualism. Within this discussion, there is a comprehensive comparison with the principles of C. Wright Mills, (Mills, 1959) critical criminology, and in particular, the debate between structure and agency, one which this thesis will explain.

Mills offered an alternative to Marxian critical social science and thus offers today an as-yet-unrealised promise for critical criminology (Frauley, 2015). It is in this light; of being able to challenge intellectually and practically the agendas of the powerful that this thesis finds itself, placing emphasis on critical, exploratory enquiry and analysis without neglecting agency and social action.

The question of the structure and organisation is particularly important to this thesis, because, as Mills argues, society is concerned with the impersonal and remote aspects of social reality, that, in turn, shape individual and collective experience, understanding and action (Mills, 1959). To do that, this thesis consequently argues that albeit the structures that exist in youth justice in Wales, the autonomy and role, the influence of YOT managers must be considered.

After all, do those social structures determine an individual's behaviour, in this case, the YOT manager's decision-making, or does human agency have more influence on the decisions made by individuals? This question is fundamental to discussions in this area because, individuals are often the victims of such societal circumstances without being able to grasp the structural problems in which they are trapped (Staubmann, 2021).

The complexity of the debate can be applied here to the structures that youth justice exists within; as Mills notes, social scientists have followed quite different imaginations and taken different paths; the same could be said for structures of governance; the starting point for this debate is the assertion that society is in a terrible state, haunted by unruly forces, by

anarchy, and by alienation (Staubmann, 2021). In the eyes of Mills, some simply pursue the development of a 'set of bureaucratic techniques' (Mills 1959: 20).

When considering the levels of bureaucracy within the criminal justice system (Berry, 2010; Bowman, 2018) this is a noteworthy point, the comprehension is that each youth offending team is scored and assessed at all levels; this has led to the creation of a system which pushes pressure onto individuals and resources, risk, and progressive policy / innovative policy, which misses the point, when exposed, it could be argued that justice may, in fact, be more about population control, class control or conflict (Foucault, 1979; Cohen, 1985).

1.3 Challenging messages from the literature:

As highlighted above, exploring devolution is a central issue to this thesis and its core aim. However, there are challenging issues for devolution in the 21st century. For example, there is much debate around whether 'the honeymoon period of devolution in Wales is now over' (Price, 2019) and what the current and future devolution settlement means for Wales and, by extension, for youth justice. Questions are raised concerning scrutiny and local policy implementation (Hudson, Hunter & Peckham, 2018), with a particular focus on accountability in the youth justice system and related policy, especially surrounding the implementation of policy and process – for example, whether 'due regard' is being fulfilled or whether it is yet another insincere political sentiment (Hafal, 2020).

Building from the above is the wider question of whether there is a distinct approach to justice in Wales? What are the different approaches, pressures and needs? What are the challenges that youth offending teams face in terms of conflict of powers and settlement jurisdiction overlaps (Drakeford, 2019)?I This is a challenging question from the literature and sets the scene for the data collection of this research that looks at distinctions in approach across Wales and between Wales and the rest of the UK in both policy and practice terms.

This is important to understand because YOTs are so different across Wales, both in terms of practice and geography. YOTs across Wales differ in need and size, hence the importance of looking at their approaches. Many plaudits have been given to Welsh YOTs over the years, and youth justice in Wales has been a success, as evidenced by rates of first-time entrants being down by 85% since 2007, and a similar reduction in the number of children in custody (NAFW, 2019). This has been seen as a direct result of the holistic approach, commitment, investment, and joined-up work of agencies across Wales with policy and

delivery partners operating in children's best interests (NAFW, 2019), hence why it would be intriguing to find out why and how this 'best practice' has been achieved and whether it is truly distinctive.

A further element of this thesis explores the 'changes' in political rhetoric during this period, from the approach of the Labour Party and its focus on out-of-control young people and anti-social behaviour in the years leading up to the 1998 CADA and understanding what influenced these changes and why they may have been needed (particularly for the revitalisation of the Labour Party).

In 1997, the Labour Party needed to 'win back' Wales and the rest of the UK after four election defeats in a row. Both Tony Blair and Gordon Brown knew they needed to beat the Conservative Party on their own ground, making Labour appear an obvious, safe, reliable party of government (BBC, 2010). A further comprehension within this theme is the aftermath of New Labour and the political swing of Welfare Vs Justice through David Cameron's Conservative Party and their austerity measures (Pautz, 2017); something which will be explored throughout this thesis is the consequences of government policy conducted in the name of austerity (Cooper & Whyte, 2017).

These points are important to this thesis because it must be acknowledged that although there was a clear focus on prevention, intervention, and an influence on youth justice and related fields in David Cameron's post-2010 Government, and the 21st-century "revolution" in the provision of welfare services he called for (Mulholland, 2006). It must be noted that a change in rhetoric on welfare should not be mistaken for a change of ideas (McEnhill, 2012).

1.3.1 Understanding youth offending teams:

YOTs can create social change or support young people and are, therefore, a powerful lever in the decision-making process for young people. They work with young people to reduce the risk of harm and serious harm and reduce the risk of reoffending (HMIP, 2017).

YOTs are defined in statute in the Crime and Disorder Act, 1998, in section 38, in relation to the local provision of youth justice services. The 1998 Act introduced a requirement that local authorities must establish a Youth Offending Team (YOT) comprised of members of the police, social services, probation, health, and education (Home Office, 2020). It is the statutory duty of the local authority to set up a YOT, including the members mentioned above (Crime and Disorder Act, section 38, 1998).

As set out in section 37 of the 1998 Act, the principal aim of the youth justice system is to prevent offending by children and young persons. Although, as this thesis explores, section 39.6 offers a noteworthy legislative point; that a youth offending team may also include such other persons as the local authority thinks appropriate after consulting the persons and bodies mentioned above (Crime and Disorder Act, 39.6, 1998). Meaning although there is a direct statutory duty, there is some flexibility in the formulation of a YOT.

YOT work is governed and shaped by a range of legislation and guidance specific to the youth justice sector (such as the national standards for youth justice) or applicable across the criminal justice sector (for example, Multi-Agency Public Protection Arrangements guidance). Although they are bound to adhere to these national standards, YOTs are statutory partnerships. They are multi-disciplinary in nature and deal with the needs of the whole child (hence why understanding the cross-pollination of policy between devolved and reserved powers in Wales is integral to this study.
They must have staff from local authority social care and education, the police, the national probation service and local health services (HMIP, 2017).

As highlighted above, some of the fundamental levers sit within policy areas devolved to Wales. YOTs are the cornerstone of a youth justice system (YJB, 2015). The local, multi-agency and multi-disciplinary nature of YOTs, and the expertise and passion of their staff, make them uniquely qualified to deliver youth justice services (YJB, 2015), which is why understanding their role in the Welsh context is so important, and why the nature of the devolution settlement and its impact upon YOTs is the focus of this thesis.

This research area is dynamic, and the paucity of research on Welsh youth justice is noteworthy given the emphasis that is placed on young people who offend not only by the government but in the mass media (Evans, 2005). This research is also timely given the debates around the future of Wales and justice devolution, and the announcement of a Constitutional Commission into the legal future of Wales (WG, 2021). Other issues examined include the 'postcode lottery' of service provision, whereby the availability of services can depend on where people live, not the needs that children and families may have (National Children's Bureau, 2018).

This was exemplified by the emphasis on localism in the Crime and Disorder Act, of 1998. The state, in an attempt to control different social groups or communities, is constantly changing and adapting in many ways. There is always a liberal class looking for innovative ways to manage people based on calculated risk and algorithms (Cohen, 1985), and if history has highlighted anything, it is that practitioner discretion is integral to a successful youth

offending team (Raynor, 2004). Relationship building is more important than just maintaining a good standard of key performance indicator statistics (McNeill, 2006).

Some scholars maintain that the transition to the risk-based penal system has led to 'deskilling', 'scientification', and 'erosion of professional discretion', or even to the elimination of criminal justice practitioners' use of professional discretion (Hannah-Moffat, Maurutto, & Turnbull, 2009).

It may be questioned as to how success in YOTs is measured, what is an effective YOT, is the reduction of recidivism seen as the only success or perhaps this is part of a broader discussion because how could a fresh approach following devolution change this, when the system itself is embedded in this rhetoric. Devolution is lauded as the answer to all problems for the youth justice system (Antoniw, 2021).

While much of the literature talks about ideas or potential for reform, some of the key stakeholders in youth justice see devolution as a red herring (Police Crime Commissioner, research participant). This thesis will explore debates around whether devolution would change the system and raise questions about how a radical reimagination of the youth justice system in a new-look Wales might look; this is a new perspective and makes an original contribution. The next section of this introduction will offer chapter summaries.

1.4 <u>Chapter Summaries.</u>

1.4.1 <u>Literature Review:</u>

This chapter will critically discuss and review the existing literature within the field, focusing on the following key areas.

- Devolution (tensions in policy and process)
- Whether a distinctive 'Welsh' approach has been developed
- Political rhetoric
- Austerity and resources
- The operation of youth offending teams

This thesis will explore the opportunities and challenges that devolution presents, including debates around multi-level governance and localism, especially autonomy in the local, regional, and national decision-making process.

The literature review will also examine the fundamental changes in political rhetoric throughout the last few decades, including a specific focus on the 'what works' agenda and New Labour, including creating disorder. This will explain how the YOT was created and under what policy constraints to further understand Wales's settlement. Several pertinent issues will be examined throughout this chapter, comprising an understanding of the politics of crime control and the purpose of the criminal justice system.

This thesis also scrutinises government policy around austerity and its impacts, particularly on the post-industrial towns included in the research. This research is about YOTs and their operation. Therefore, it will reference poverty, urban decay, and post-industrialism, but the focus is on understanding YOTs.

1.4.2 Methodology:

This chapter will reflect upon and explain how critical messages from the literature informed the development of a robust research methodology. Ethical considerations and analysis feature within this chapter, together with reflections upon limitations and challenges. The technical design of this research is steeped in real-world research. The aim is to collect and understand the layers of the youth justice system through the first-hand experiences of stakeholders from all levels of the youth justice system.

The methodology is a triple-phased approach. The first phase involves semi-structured interviews with youth justice experts, which will help understand the current structure of youth justice in Wales. Phase 1 is intended to enable the researcher to explore youth justice and how it has developed since 1998 and the start of devolution in Wales. Interviews with these different levels of the justice system will further clarify the formal and informal structures and processes within youth justice and surrounding/relevant areas.

Engaging with youth justice experts, i.e., those who 'do' youth justice, will generate a detailed understanding of policy, process, roles, and practices. Such knowledge will provide a better understanding of the ethos and operational realities of YOTs. Phase 2 takes the form of semi-structured interviews with 'elites' within youth justice - policy experts (either involved in developing or implementing policy) from all policy-related areas concerning youth justice.

This section also includes YOT managers and academics from the field. Phase 3 consists of semi-structured interviews and focus groups with youth justice practitioners and young people involved in the youth justice system.

This is an exploratory research study and will therefore investigate the phenomena within the subject area, in this case, youth justice and the stakeholders within the related services within Wales. An innovative sampling method was developed, developing a purposive sampling model. This sampling method was selected because it suits all stages of the study. Due to the nature of this research, the more targeted approach of purposive sampling was more aligned to the methodology than, for example, random sampling as the participants required for the stakeholder approach in this study would not have been met; making explicit the approach used for participant sampling provides improved methodological rigour (Campbell et al., 2020).

A pragmatic analysis package was developed using the analysis framework proposed by Braun and Clarke (2006:16-23) as a starting point. It takes six steps which are as follows: Patterns and meanings: familiarisation with the data set, creating the framework, searching for themes, reviewing themes, defining, naming themes, and reporting the findings.

Because of the exploratory nature of this thesis, a tailored analysis framework was required. A comprehensive research approach was designed to capture the multiple experiences, voices and opinions and sought to construct research that allowed for comparison and blending. This research has a 3-tier effect, which effectively means that three different components come together to complete the data set. Each tier is tailored for a specific participant group – those who implement policy, those who manage and study policy implementation and those who deal with the policy at ground level each day.

The data generated in this research is qualitative, all transcribed from interviews and focus group sessions undertaken by the researcher. Where possible, all locations have been changed to neutral; in many cases 'Wales' or 'North', 'South' or 'Mid' Wales.

1.4.3   Findings:

This chapter will present the findings of this research, and the themes that emerged from the data. This chapter will discuss the participants' voices and viewpoints, the sample collected, and the subsequent findings from the process, as well as reflect on the methods used and the process of analysis identified.

Taking the three stages of semi-structured interviews and focus groups and highlighting the key findings from the research, each section will follow a similar structure to present key findings, with similar and dissenting views being featured. Starting with the thematic title and then moving on to an explanation of the theme, including an understanding of what the theme talks about, the process of the data analysis and what each group said before offering similarities and dissenting views and offering a summary. This chapter takes the data that the participants shared in this study and highlights the findings generated in the study after applying the analysis framework.

1.4.4 Discussion:

This chapter will critically explore the findings of the research process and distil new understandings of post-devolution YOT activity in Wales in relation to the main research question. Throughout the discussion chapter, the voices and experiences of those who make policy for, lead, manage, practice within, and contact the youth justice system are prominent.

The discussion is critical and engages broader areas of consideration. New insights in the field were generated and considered, insights that have significant policy and practice implications. The data presented in this thesis is principal to understandings of youth justice in Wales. The voices and experiences of the stakeholders interviewed will help to illuminate the views of the people involved in the strategic and practical implementation of justice, as well as the voices of those who live youth justice day-to-day, including young people involved in the criminal justice system and practitioners, alongside related public services with a vested interest in young people in Wales.

Each finding from the data will be critically examined, with constant reference to the literature. Through this process, the story of youth offending team's influence in Wales within the existing devolution settlement will be told. This is not about policy analysis or comparative legislative work.

Rather, this research is about the reality of youth justice and about what YOT managers say. As will be discussed throughout the chapter, arguably, the story of youth justice in Wales is inverse to what many scholars and politicians have outlined because a study of this nature has not been undertaken in youth justice. The stories which emerge through this research highlight what is happening at the coal face, underneath the perceived concepts of legislation and legal structures of devolution. While there will be a focus on critical voices within this

chapter, minority voices will also be heard. This research goes below the surface and represents these perspectives.

1.4.5   Conclusion

This chapter goes back to the beginning of this thesis. It addresses the paucity of literature concerning the operation of post-devolution youth justice in Wales, summarising and critically exploring the complex pragmatic and perceived relationships between YOTs, central and devolved government and key stakeholders to understand whether there is a distinct type of Welsh youth justice. It will offer an answer to the thesis's overarching aim, which is to understand the role and influence of youth offending teams in the context of pre-devolution youth justice in Wales, including reflection on the current Welsh devolution settlement, identifying the processional interplay and effects between youth justice-related devolved and reserved actors, and finally summarising the exploration into how the interaction of devolved and reserved policy impacts youth justice in Wales, particularly regarding the role and influence of youth offending teams.

The chapter reflects on what the existing literature, including the development and operationalisation of the methodology. The conclusion highlights the key messages from the data and what has emerged from the analytical approach offering critical reflections on the research in consideration of the central question of this thesis. The chapter will explain how new and original knowledge has been generated through engagement with those most associated with planning, making decisions, practising and coming into contact with youth justice in Wales.

This thesis will now begin to critically explore the literature in the field. As demonstrated by this young person, there is a gap between the understanding of what it is like actually to be on the poverty line:

> *"I think if an MP got moved into the estate, I live on in 'XXXX' and nobody knew their face they wouldn't even last a week, so it is all good for them to say they care about us and they put us first, but they couldn't live as we do and they never have they will never know what it's like to be me."*
>
> *(Young person 1, Mid Wales)*

This quote illustrates the gap between those in positions of power in Wales and young people. This thesis fills this gap in the understanding; those voices from the coal face are reflected in the data gathered in the thesis. There are certainly questions about the authenticity of those at the top of the system regarding their understanding of living on the poverty line – exemplified by the aftermath of Covid-19 and the impact on families and young people in Wales (Matejic, 2020).

Furthermore, the number of emergency food parcels given by the Trussell Trust has multiplied: from 346,992 in 2012/13 to 1.9 million in 2019/20 (Trussell Trust, 2020). This is supported by observations by specialists that the UK's commitment to children's rights does not go far enough (Joint Committee on Human Rights, 2014; Francis, 2015); these statistics are vital as these are the young people this thesis speaks to; these are the young people at the coal face which YOTs work with. The message from the young person above raises further questions about understanding the needs of young people and whether policy such as due regard has gone far enough; this is new and makes an original contribution that will be comprehended in the thesis.

2. Literature Review.

This literature review will analyse and critique literature surrounding youth justice in Wales, with a direct focus on the role and influence of Welsh youth offending teams in the context of pre-devolution youth justice. The key areas identified in this review will inform the basis of the research focus and methodological considerations; understanding the literature is important as it sets the context for the research.

Starting with the key scholars who have influenced this thesis, this chapter will outline the emergence of devolution and its historical underpinnings, which is essential as it will allow for the context of the current system to be explained and understood. For clarity, this thesis will discuss the post-Government of Wales Act (1998) devolution settlement. The principal focus is on devolution from London to Wales with reference to other settlements (Birrell & Gray, 2017). In this section, devolution will be defined and explained in the Welsh context and policy areas relating to youth justice. This chapter contains a chronology of devolution, youth justice and children's rights which discusses the powers devolved to Wales, allowing for a summative view of the central government legislation that has assisted policy growth in Wales.

This chapter will also explore the practicality of devolution in Wales and often under-researched areas, looking at whether the idyll period of devolution (in terms of expenditure) in Wales, if there was one, is now over and the implications for Wales (Drakeford, 2012). Considering the lack of power in critical areas but a significant bill for services, the first decade of devolution may, in retrospect, appear to be a period of 'milk and honey in public expenditure' (Drakeford, 2012:454).

This thesis will question the implications of Morgan's policy pronouncements in terms of a post-Devolution settlement (former first minister for Wales Rhodri Morgan's), including the language and rhetoric behind a 'clear red water' and 'made in Wales' (Morgan, 2002; Moon, 2013) has been proven. Despite not having youth justice powers, Wales has been innovative in its use of social welfare powers, arguably a cause for positivity in Welsh policy development.

Former first minister Morgan once labelled the United Kingdom's devolved bodies as 'laboratories' to formulate new ideas to be subsequently shared and learnt from across the Union (Morgan, 2002). Questions must be raised considering whether youth offending teams, for example, become a further branch of this laboratory regarding their decision-making and influence. This is a crucial element that this thesis will analyse before considering how these complexities in policy and divergence in practice can be questioned in the data collection process.

Building on this discussion, the next section will look at the impacts of Welsh devolution, explore the opportunities and challenges within the Welsh Devolution Settlement looking at several key areas, including multi-level governance, the space for Welsh YOTs to operate, and the application of multi-source provisions. For the purpose of understanding, youth offending teams are multi-agency partnerships that deliver youth justice services locally (Home Office, 2022) they work with young people that get into trouble with the law and look into the background of a young person and try to help them stay away from crime. They work with a variety of agencies, including the police, probation, health, housing and children's services, schools, and education authorities as well as charities and the local community (YJB, 2015).

Further to a discussion around transformative impacts is the question of distinction, studying different approaches to youth justice in the UK, different pressures and needs, and looking at the challenges that youth offending teams face in terms of conflict of powers and settlement jurisdiction overlaps. This section also considers the differences in approach,

pressures, and needs alongside understanding YOT identity to tell the story of YOTs in Wales, including the devolution settlement overlaps.

Further evidence comes in the form of the House of Lords Constitution Committee's inquiry; the United Kingdom Constitution Monitoring Group (UKCMG, 2021) argues that *"the absence of a culture of intergovernmental cooperation within the UK presents a serious challenge for effective multi-level governance"* and draws attention to 'the [continued] absence of any authoritative statement on the nature of the United Kingdom, whether in the form of a constitutional document or a policy declaration by the UK Government' (UKCMG, 2021:4). This relates to youth justice in Wales because of the layers of multi-level governance which are wrapped around youth justice and related policy areas.

Furthermore, this critical literature review considers the changes in political rhetoric that have come throughout recent years, taking the argument further than welfare vs justice by looking at the more profound changes in rhetoric from WDA to Westminster; another key message that this review focuses on is the broader impact of austerity on public services, YOTs and Welsh communities.

Reflection on the crime and disorder Act, 1998 throughout looking at what came before and what is happening now in specific relation to ideals of localism and the potential for devolution to local councils and YOTs to realise the true purpose of the CADA 1998. Reflecting on managerialism and the risk model that was embedded into youth justice including the broader connotations of risk and the impacts on rights with the final section studying Welsh ethos, rights, and joint working. These points are important to this thesis because it is an exercise of social policy/welfare powers and their impact on creating a new type of 'youth justice' in Wales'.

To set the context and provide an overview of the youth justice system in Wales, including pertinent policy, a process map was developed, which looks at the original devolution plans in 1997 through to the youth justice blueprint of 2019 and acts as a reference point for the chapter. The next section will discuss the historical underpinnings of devolution, moving back to the origins until the present day before a journey of youth justice policy is explained.

2.1 The development of Policy & Law: Devolution, Youth Justice, and Children's Rights.

This section will succinctly discuss policy and law development in Wales in relation to devolution, youth justice, and children's rights. Starting in 1997 with the devolution plans white paper entitled, a voice for Wales in 1997. This was closely followed by a devolution

referendum, a pivotal moment in the devolution story; these plans were endorsed in a yes vote. Furthermore, in 1998 as a next step, the Government of Wales Act was established, closely followed by the 1998 crime and disorder act, which established YOTs and abolished Doli Incapax.

The next step in the process was extending entitlements, which was recognised in Wales in 2000, extending support for eleven to twenty-five-year-olds in Wales, offering a distinct policy stance for young people. Such an approach was seen to prioritise a 'children first' ethos and be entitlements-and rights-based, promoting positive behaviours and outcomes for young people (see Haines 2010; Haines and Case 2009; Case et al. 2005).

In 2004, the All-Wales Youth Offending Strategy was sanctioned, which was the result of the Welsh Assembly Government, the Youth Justice Board and local agencies working together to develop a strategy that provides a national framework for preventing offending and re-offending among children and young people in Wales (YJB/Wales, 2004), a fundamental policy and affirmation towards further partnership working in Wales.

A significant legislative move took place in 2004 within A UK Parliament Act, which for the first time, required local authorities to promote cooperation between local partners to improve the well-being of children in their area, including the police, probation services and youth offending teams (Children Act, 2004). This move, in parallel with the establishment of YOTs, started the linkup between children's youth services and the youth justice system, the move towards a multi-partnership working arrangement which has been followed since.

A substantial move for law-making in Wales took place in 2006 in the Government of Wales Act, 2006 (GoWA 2006) changed the role of the (then) National Assembly of Wales, so that it became a fully-fledged legislature. The executive functions of the National Assembly were then transferred to the Welsh Ministers, who are the Welsh Government politically and hold most of its functions. It was at this point that powers relating to improving the economic, social, and environmental well-being of Wales, and power to support culture, including the Welsh language, were devolved (Law Wales, 2021).

In the following year, in Professor Rod Morgan's (a former YJB chair) review of the youth justice system, it was recommended that a root and branch review of the youth justice system was needed to reverse the soaring increase in the criminalisation of children and young people (Morgan, 2007).

In 2011, the first of two Silk Commissions into the devolution of justice was initiated: Part 1 of the silk report recommended that financial Powers were needed in order to Strengthen Wales. In the same year, the rights of children and young persons (Wales)

Measure, 2011 was passed, which made provision for and in connection with giving further effect in Wales to the rights and obligations set out in the United Nations Convention on the Rights of the Child; and for connected purposes (Rights of children and young persons (Wales) Measure, 2011).

The following year saw the Legal Aid, Sentencing and Punishment of Offenders Act, 2012. Which introduced a wide range of reforms to the Criminal Justice System. The main changes to the Act for young people entering the Criminal Justice System were pre–Court Disposals, under the Act, you can no longer be given a reprimand, final warning, or penalty notice. This was replaced by youth cautions and youth conditional cautions Legal Aid, Sentencing and Punishment of Offenders Act, 2012). The Act also established that any young person on remand will be treated as "looked after" by their designated local authority. This means they will be allocated a Social Worker who will assess their needs (Legal Aid, Sentencing and Punishment of Offenders Act, 2012).

In 2014 the second Silk Commission was published; Part 2. Recommended Legislative Powers to Strengthen Wales that the people of Wales will be best served by a clear, well-founded devolution settlement: and by political institutions that operate effectively and efficiently and work together in the interests of the people, they serve (Silk, 2014).

Devolution of power to Wales should benefit the whole of Wales and the United Kingdom (Silk, 2014). In the same year, the Wales Act 2014 was enacted, and the primary legislation imposing taxes was devolved to Wales. The Children & Young People First Act of 2014 followed this, which was a joint strategy between the Welsh Government and the Youth Justice Board to improve services for young offenders or those at risk of offending.

The social services and wellbeing (Wales) Act, 2014 was sanctioned to reform social services law; to make provisions about improving the well-being outcomes for people who need care and support and carers who need support, including partnership working. The Well-being of Future Generations Act, of 2015 came in the succeeding year which gave Wales the ambition, permission, and legal obligation to improve our social, cultural, environmental, and economic well-being. Requiring public bodies in Wales to think about the long-term impact of their decisions (The Future Commissioner of Wales, 2022).

In 2016 the systematic review of the youth justice system in England and Wales was published by Charlie Taylor a key finding of this review which is pertinent to this thesis centres around YOT accountability, as the biggest investor in YOTs, it is to local authorities that YOTs feel principally accountable (Taylor, 2016), but it is the YJB which prescribes the national

standards which YOTs must meet, requires them to submit an annual plan and monitors their performance (Taylor, 2016).

Inevitably there is some duplication in the oversight of YOTs between local authorities and the YJB, although this is England and Wales it does raise some serious questions about discretion and accountability, especially with the additional governance layer of the Welsh devolved administration, this is something which has not been explored. In 2017 the Wales Act introduced a reserved powers model, enabling the Assembly to legislate on any subject except those specifically reserved to the UK Parliament (Home Office, 2017).

In 2019 the commission on justice in Wales unanimously concluded; that the people of Wales are being let down by the system in its current state and that major reform is needed to the justice system and to the current scheme of devolution (Commission on Justice in Wales, 2019). The most recent development in the area is the implementation of the 2020; Youth Justice Blueprint for Wales, which sets out a joint youth justice board, and the Welsh Government's vision for youth justice in Wales (Welsh Government, 2020). Taking a 'children first' approach to youth justice, ensure that it is child-centred rather than service-focused, and ensure that it meets the individual needs of children and responds to their best interests (Welsh Government, 2020).

As can be identified in the law and policy chronology (please see appendix 13), there has been a plethora of policies formulated in Wales surrounding the needs of young people; despite youth justice not being a formal part of the devolution settlement, there are still examples of collaboration. Moreover, the push for children-focused, welfarist policies is a policy rhetoric established by the WDA underpinned by those requirements in the Social Services and Well-being (Wales) Act 2014, section five and the Well-being of Future Generations (Wales) Act 2015, section three which requires all local services are provided to prevent children from offending and to promote their future welfare (WG, 2020) however this thesis will explore whether that translates.

Consequently, a continuous challenge that devolution has posed is how Westminster has been accused of adopting a variant opinion on devolution (IFG, 2019), which creates an uneasy tension in policy and process between Westminster government and local government in Wales, unsurprising given the nature of the Welsh settlement. As has been noted by Drakeford, any division of responsibility between different tiers of government is likely to have some 'ragged edges' (Drakeford, 2010). To develop a deeper-rooted legislative understanding of what the future could hold for governance in Wales, the next section will discuss comparative governance and explore legal settlements that resonate with the Welsh settlement.

2.2 Theoretical Foundations: Crime Control and the Purpose of the CJS:

This section will reflect upon the theoretical perspectives of what the 'status quo' is in Wales. Including a theoretical exploration of arguably important successes in youth justice practice in Wales, such as the pro-welfare and pro-diversion lean of Welsh initiatives. Including a review of the critical theorists that have influenced this thesis. A fundamental part of this is exploring the purpose of the CJS, a subject which has been debated since the establishment of justice mechanisms and feature appeals to utilitarian efficiency and instrumental logic, protecting the innocent and punishing the guilty (Garside, 2008).

These perspectives paint a picture of criminal justice as being in the business of crime control, and the challenge, therefore, is one of measuring its effectiveness (Garside, 2008). Social control must be placed at the forefront of the perennial understanding of 'justice' to understand the purpose accurately. As Cohen outlines, there have been some startling changes within the tactics, alliances, and battlefields. However, the fundamental conflicts in the politics of crime control are still expressed in traditional terminology: liberal vs conservative, treatment vs punishment and doing 'good' versus doing 'justice' (Cohen, 1985:245).

Within his research on the purpose of justice, Cohen, 1985 asks what spaces may exist for doing good and doing justice and what can be offered in emerging social control systems. In contrast, this thesis reverts the lens to comprehend what a reimagined youth justice system could look like in Wales, although challenging considering the unclear picture, this thesis does consider the systems of social control and whether it is dependent on the individuality of decision-makers within that system that dictates good vs justice. An example that can be seen in the evolution of crime control is the significant increase in people who are brought into contact with the law, which alongside a toxic mix of deviance amplification and the moral panics created by the state and the mass media around juvenile violence/behaviour and the rate at those who are in contact is increased (Cohen, 2002).

Net-widening has been a significant consequence of this policy rhetoric due to attempts to reduce the scope of the formal criminal justice system through such procedures as decriminalisation, diversion, and deinstitutionalisation (Cohen, 1985; Polk, 1987). A central premise of that analysis is that net-widening is an unintended consequence of a broadly based and theoretically homogeneous "destructuring" movement (Polk, 1987). Moreover, this is not a new conceptual framework but one which needs to be comprehended to assess the questions this thesis seeks to understand, foremost what would or could a reimagined, restyled 'Welsh'

YJS look like if, by extension, the system itself is fundamentally flawed by a risk-based, managerial system (Case & Haines, 2016; Day, A.-M, 2022) then devolution may not be the answer to end all issues, eloquently summarised by Austin & Krisberg, 1981:

> 'Widening the net' describes the nightmare of the benevolent state gone haywire. This horror has already been vividly portrayed in Orwell's 1984, Solzhenitsyn's Cancer Ward, Kesey's One Flew Over the Cuckoo's Nest, and Burgess's Clockwork Orange. Social scientists and criminologists have just caught up with the humanists'.

(Austin & Krisberg 1981: 188-9)

These nets have increased to become more comprehensive, denser, and different (Cohen, 1985), arguably because of the *number of deviants getting into the system, an increase in the overall intensity of interventions and because of new agencies and services supplementing rather than replacing the original control mechanisms* (Cohen, 1985:44).

More people are being subjected to penal processing; for example, the average annual prison population quadrupled between 1900 and 2022, going from just over 17,400 to around 78,500 (Sturge, 2022). Whilst at the same time, with the development of community corrections, people are being subjected to more intensive and pervasive forms of penal processing. This is deemed as both qualitative and quantitative methods of control (McMahon, 1990:124). There is a gap between the rhetoric of the destructuring movement, which refers to society's move towards more community-based models of criminal justice, a process which has been described as 'destructuring' (White & Perrone, 1997:177). This model can be seen in current youth justice practice in the form of the four 'd' words; diversion, decarceration, decriminalisation and de-institutionalisation (Polk, 1987; Sarre, 1999) and the contrasting reality of the emerging deviancy control system (Cohen, 1985).

This is where this negotiation of policy and process lies; how would a new reimagined youth justice system in Wales look? It would more than likely retain many, if not all, the structures of the current system. This research questions the 'dragonisation' narrative, conceived as an attempt to capture the emergence of a different approach to community safety and youth justice in Wales (Edwards and Hughes, 2009; Haines, 2009). Questions about how young people should be managed and whether the system is sufficient are not new, as outlined below.

> *"The current system for dealing with youth crime is inefficient and expensive . . . The present arrangements are failing young people."*

The above quotation still has some relatability today, and although progress has been made, there is more to be done to improve and evolve youth justice. The youth justice system (YJS) in England and Wales it is argued by progressive academics that youth justice continues to be inefficient, expensive, and strikingly ineffective in parts (Case & Haines, 2020). There are some parts of the system which do really good work; for example, there has been a steep decline in child arrests in recent years (Farrell, 2019) and the commitment to children's rights in Wales pushing for the full realisation of children's rights in Wales (Children's Legal Centre Wales, 2022). In the case of 'Welsh' YJ, the most significant push in the 21st century is for further devolution powers.

Changes in social control have occurred throughout history, from public execution before the 18th century, where punishment was directed at the human body (Foucault, 1979; Simpson, 2002; Innes, 2003). Executions were a public spectacle aimed at teaching a lesson and deterring others from committing similar crimes. In the 18th century, French reformists questioned the penal system and called for less spectacular and violent punishments. However, it was not the welfare of criminals that concerned them, but social control. The spectacle of torture would often provoke unintended consequences: witnessing extreme violence, citizens would sometimes side with the tortured convict, which led to riots (Foucault, 1979).

This is important to this thesis because as time has changed, so have the principles and motives behind the punishment, often stylised in different ways and adapted to suit a political narrative (see New Labour or Diversion 1980s). This style of social control in the western world, not just of criminal justice but a whole system that contributes to power and control, is what Cohen describes as 'everyone being busy doing the same thing': teachers, prison wardens, psychiatrists; this, in essence, is a social control (Cohen, 1985:2).

The introduction of a new economy and politics of the body during the 18th century took the art of punishment to a new level (Foucault, 1979). Reformists of the penal system believed that the primary goal should not be to take revenge on the criminal but to prevent future crime. Although it is terminology from the 18th century, the same terms are used for the current criminal justice rhetoric. (Davis, 2011; Montford & Taylor, 2021)

The repackaging of policies and ideas is not something just reserved for the 21st century, as Cohen argues, building on the theory of net widening and looking at the system itself:

'The original structures have become stronger; the reach and intensity of state control have been increased; centralisation and bureaucracy remain; professions and experts are proliferating dramatically, and society is more dependent on them; informalism has not made the legal system less formal or more just; treatment has changed its forms but certainly has not died'.

<div align="right">(Cohen, 1985: 37)</div>

Within these repackaged layers of policy, it is essential to understand Foucault's (1991) genealogy of 'governmentality', in which he traces a paradigmatic shift from a Machiavellian style to what is seen in the modern form of justice systems today (Gilling, 1997). These questions are perennial in the youth justice debate, especially considering the managerialist approaches of the 21st century. As outlined by Smith & Gray, 2018, in an era when audit culture remains firmly in play despite attempts to 'roll back the state, 'managerialism themes continue to influence youth justice plans' (Smith & Gray, 2018).

Akin to the above points, whether they are predominantly guided by 'welfare', 'justice', 'developmental' or 'participatory' themes, plans are infused by the language of targets, performance indicators, strategies, monitoring and inspection (Smith & Gray, 2018).

Within this style, the principal object of government is the sovereign's self-preservation, to a more recognisable modern style, one seen today, where the principal thing becomes, similar to the utilitarian maxim, the well-being of the entire population (Gilling, 1997) (Bentham, 1789). This stance of 'the greatest good for the greatest number' lends itself to these theories of power and control, as decisions are taken based upon the perceived 'wants' of society, which are often dictated by the powerful and not of the people.

For criminal justice and particularly youth justice, understanding this is imperative because what is best for young people is decided not by young people but by those in power, who are more often than not too far removed to understand or even comprehend what happens on the ground, outlined in recent electoral polling: "Two-thirds of the public feel powerless over decision-making and feel that they have little or no opportunities to influence decisions made at Westminster" (Mortimer, 2021).

Moreover, a significant consideration throughout this thesis is one of autonomy and individualism. Within this discussion, there is a comprehensive comparison with the principles of C. Wright Mills (Mills, 1959) critical criminology, and in particular, the debate between structure and agency, one which this thesis seeks to comprehend.

Mills offered an alternative to Marxian critical social science and thus offers today an as-yet-unrealised promise for critical criminology (Frauley, 2015). It is in this light; of being able to challenge intellectually and practically the agendas of the powerful that this thesis finds itself, placing emphasis on critical, exploratory enquiry and analysis without neglecting agency and social action.

The question of the structure and organisation is particularly important to this thesis because, as Mills argues, society is concerned with the impersonal and remote aspects of social reality that, in turn, shape individual and collective experience, understanding and action (Mills, 1959). To do that, this thesis seeks to understand the structures that exist in Welsh youth justice and whether they permit or prohibit agency (Mills, 1959). Understanding the agency of those who make fundamental decisions for youth justice in Wales is a significant gap in the current literature, and this thesis will provide an original contribution to the area.

After all, do the social structures that determine an individual's behaviour, in this case, the YOT manager's decision-making, or does human agency have more influence on the decisions made by individuals? This question is fundamental to discussions in this area because, individuals are often the victims of such societal circumstances without being able to grasp the structural problems in which they are trapped (Staubmann, 2021). This thesis offers a resolution to this.

This poses questions about the power of individual decision-makers and where those decisions are formed. This thesis looks at the extent to which the existing Welsh devolution settlement enables youth offending teams to develop bespoke and innovative approaches to youth justice in Wales.

Therefore, questions around decision-making raise a thought-provoking discussion point because of the focus this research has on assessing the level of autonomy that individuals possess in the CJS, which is interconnected to, for example, moral and legal responsibility (Ripstein 1999). That responsibility is considered a criterion of political status, in that autonomous agency is seen as necessary and sufficient for the condition of 'equal political standing', in this case, the management of services. Furthermore, *being autonomous stands as a barrier to unchecked paternalism*, both in the personal and informal spheres and in legal arenas (Feinberg 1986). The consequence of which in this area, is the recipe for a postcode lottery of service provision.

Understanding the role of the YOT manager is pivotal to this thesis because they stand in the centre of something that touches education, probation, health, and community safety,

and although the coordination and influencing of services in a multi-agency context is not in the job description, it does give them the power to influence other agencies (Smith, 2013).

This is again not what is written in the legislation; that is another measure of a Welsh approach or result of the devolution settlement, and this is what will be explored in this research. This is integral to this thesis, understanding the true nature of the role, what power it possesses and how significant the influence of YOT managers is across policy and practice in Wales.

The Crime and Disorder Act, 1998 only goes so far in terms of the instructions for YOT managers (Souhami, 2012). Although the YJB offers detailed guidance, and agencies themselves and bodies such as local authorities, there is a relative presumption for the rest of the role, with an implied emphasis on their discretion (Haines & Case, 2015).

Reflecting on the autonomy of YOTs, specifically YOT Managers, raises questions about individuals' decision-making systematically (service managers) and politically (policymakers). Public choice research takes the same principles that economists use to analyse people's actions in the marketplace and apply them to collective decision-making (Shaw, 2002).

Using public choice permits a focus on the government as an institution, studying the structure of incentives and constraints that affect the decisions of voters, politicians, and bureaucrats (Niskanen, 1998). Public choice is often described as 'politics without romance' (Buchanan, 2003). Public choice is relevant because of the focus on people's decision-making processes within the policy-/process-making territory. Much focus is paid to YOT managers and autonomy in the managerial process, and public choice theory allows for those discussions to be analysed and understood. Looking at choice and decision-making by applying the tools of economics to both the market and political strategies (Gwartney, 2013:186), there is a significant danger that comes with this level of individual autonomy at all levels if (and this does assume the worst in people) the question this poses is whether agents of the state can be trusted to act in the best interests of the people:

> *"Careful analysis of the motives and opportunities of the agents of the state reveals that they cannot be expected to act in the public interest."*

> (Sitter & Eliassen, 2008:6)

Even if this is not accurate, there must be a collective analysis of accountability in the decision-making process, for government and policy creation are decisions based on

empirically tested evidence, and whether those decisions are beneficial for the many or the few, an example of where this does not work is the scaled approach (Haines & Case, 2012).

This focus on decision-making, because of those links to Bentham's utilitarian maxim (1798) and the cycle of policy that ensures youth justice must respond to political approaches, has created a volatile political context for youth justice policy (Case et al., 2015). However, it must be noted that there has never been so much stability in the youth justice system, albeit in a politically volatile context, so, despite the ostensible dynamism of the youth justice policy field (Case & Hampson, 2019) this is anchored to stability and manifested through tinkering and bolt-ons, themselves often the product of socio-political-economic anxieties, investment, entrenchment, and austerity in the system (Case & Hampson, 2019).

As noted by Case, the overriding sense is that the current government, operating in a context of economic austerity and increasing socio-political insecurity, which has been exacerbated by Brexit, lacks the political will, stability, focus and resources to follow through on the recommended changes to the youth justice system and related policy areas (Tetlow & Pope, 2020; Case & Haines, 2021).

The history of youth justice is one of 'conflict, contradictions, ambiguity, and compromise… acting on an amalgam of rationales' (Muncie & Hughes, 2002:1). It has been an area steeped in public and political controversy and has generated intense media interest. Fluctuating between the 'caring ethos of social services and the neo-liberalistic ethos of responsibility and punishment' (Muncie & Hughes, 2002:1), youth justice policy is often largely dependent on political imperatives about which approach is favoured resulting, primarily, in policies shaped by the political rhetoric of punitiveness (Downes & Morgan, 2012; Case et al., 2015). This chapter explores the role and influence of YOTs in Wales, alongside an analysis of the devolution settlement; the next section of this chapter looks at the emergence of devolution.

2.3 A Contemporary History of Crime and Punishment in the UK

This section explores the history of crime and punishment in the UK from the 1997 election until the present day; this era of policy is chosen because it commences in the prominent legislation which created youth offending teams, the Crime and Disorder Act, 1998. Such as approaches by political parties on youth justice matters that affect Wales and young people, including anti-social behaviour, in the years leading up to the 1998 Crime and Disorder Act. Discussed here is what came slightly before, in terms of political rhetoric, what influenced

these changes and why these changes may have been needed (particularly for the revitalisation of the Labour Party), which will be discussed in more detail.

The commonly used New Labour phrase "Tough on crime, tough on the causes of crime" was a crucial soundbite in the 1997 election and, for many, was part of the way the Labour Party planned to 'win back' Wales and, frankly, the rest of the UK (Wickham-Jones, 2005).

It differed from home secretary Michael Howard's "Tough on crime" in appearing to offer a more fundamental solution to the problem of law-breaking while still being hard-line rather than soft as the party was seen publicly for the previous 20 years plus (Clarke et al, 1998). It was clear that Labour had to drop some of its old orthodoxies to convince the public that it was ready for power (Howell, 1997). As has already been discussed, one of those orthodoxies was to dispel the myth that the Conservative Party was the only leadership that knew how to manage criminality (Newburn, 2007).

There was significant public pressure placed on politicians to develop a more punitive system (UNICEF, 2002), and although this pre-dates New Labour, it certainly has an influence. The aftermath of the James Bulger case created a robust media discourse about the 'dangerous child', with the media reporting from a preferred image of children as 'little innocents' to that of 'immoral monsters' (Franklin, 2002) there was a significant public pressure for the government to deal with the perceived youth crime problem. The remedy from the Labour Party considering this pressure was the white paper 'Misspent Youth'. The Labour Party were willing to make radical reform to the CJS.

As outlined as precedent for this white paper, '*Youth Crime is one of the most severe problems facing England and* Wales' (Select Committee: Home Affairs, 1996). *A significant* milestone would be the aftermath of the audit commission's misspent youth; Jack Straw (then home secretary) wrote a paper titled '*The criminal justice crisis',* which clearly outlined Labour's strategy for fighting crime; some snippets from this document need to be read to fully appreciate what was to come next: 'Tackling crime will be one of the top priorities for the Labour government… It is time to consider a new strategic framework to help parents ensure better parenting… No area is sicklier than the youth justice system'. (Straw, 1996).

As outlined above, the move was to radically change the YJS and pressure parents to make their children better. They claimed the YJS was sick; in terms of the failing structures, the cumbersome nature of justice and the high recidivism rates (Straw, 1996). It has been argued by scholars that the rhetoric was too short-sighted (Brownlee, 1998; McLaughlin & Muncie, 2001). Moreover, it must be understood that not all the propositions are poor. A

handful was significant and created an 'opportunity for a fantastic system', which we see today (in some areas) as space for innovative working and diversion from the formal CJS (Fisher & Lab, 2010) however, the application and implementation of these reports were poor. (Moss & Stephens, 2006).

The Audit Commission found lengthy delays, an overuse of caution without appropriate interventions, and a lack of support for parents (Misspent Youth, 1996). Featuring as both the cause and solution to youth offending, parents were also a prominent feature of the white paper that preceded the anti-social behaviour bill, respect, and responsibility (Home Office, 2003). However, rather than the solution being, to work with parents, the rhetoric was far more punitive towards the families of juvenile offenders (Arthur, 2005). Furthermore, instead of supporting families, the Anti-Social Behaviour Act served to underline the government's intention to punish and penalise the parents of persistent young offenders (Arthur, 2005), which does not address the lack of support for parents but, in turn, points the finger at parents as the root cause of juvenile delinquency.

This was seen as another proverbial accusation at perceived poor parenting, alongside comments from then education secretary Ruth Kelly about zero tolerance for disruptive behaviour in school, who placed the blame again on parents (Braun, 2005), which were followed by increasing intervention into family life, designed to improve 'poor' parenting, most notably the use of parenting education programmes (Peters, 2013). ASBOs have since been abandoned because they were not feasible and do not deal with the causes of crime (Robins, 2012).

Scholars argued that the parenting form, was a classist finger-pointing mechanism which needed removal, considering evidence also suggested it was not effective (Holdaway et al., 2001; Ghate and Ramella, 2002; Holt, 2008), and because of the likely adverse psychosocial effects on parents, including issues of stigmatisation and blame (Bowers, 2002).

In particular, the report and the government's focus at the time was 'youth crime', alluding to a 'misspent youth', and youth justice was the critical area for reform. Throughout the timeline of youth justice, there have been some vast jumps and, arguably, steps backwards (Case, 2017).
One of those steps forwards can be seen in the Children Act, of 2004, which extended safeguarding duties to criminal justice agencies and demanded greater cooperation between services (Bateman, 2014). Whereas a backwards step could be seen in the introduction of managerialism risk functions, rather than practitioner discretion (Case, 2016), risk became

synonymous with danger, threat, and irresponsibility. Risk and youth needed to be managed through prediction and prescription (Case 2016).

However, one of the most significant pieces of legislation was the abolishment of *doli incapax* for children under 14. Part Section, 34 of the Crime and Disorder Act, 1998 act was to abolish 'Doli *incapax*', which meant that a person was no longer allowed to be 'deemed incapable of forming the intent to commit a crime or wrongdoing' mainly because of age (Arthur, 2010). It must be noted that this was a rebuttable common law presumption; the discussions on this in 1998 often overlooked the fact that the presumption was rebuttable (Crofts, 1998).

Although there have been changes in the 24 years since this research was undertaken, there are still major challenges; for example, whilst there has been a welcome reduction in the number of children entering the youth justice system and subject to its interventions, the reductions have not benefitted all children equally (Little, 2020). Moreover, the over-representation of ethnic minorities; increases as children move deeper into the system and more than half of those currently deprived of their liberty descend from a minority background (Little, 2020). It must also be noted that children in care are also more likely than their peers in the general population to be criminalised (Bateman, 2020).

With reference to inconsistency amongst areas dealing with young people in 1996, that would refer to the social service areas as opposed to the (15) YOTs in Wales that exist today. Yet still, there was a reference to diversion away from the justice system (Misspent Youth, 1996), something which has taken hold in the youth justice of today. The Audit Commission confirmed the 'concerns' New Labour had about YJ:

'The youth justice system is characterised by delay and inconsistency. Too little is done to change behaviour when young people start to offend. The youth court procedure is cumbersome. Demanding and intensive community supervision programmes are spread unevenly across the country'.

(Misspent Youth, 1996).

Although there have been changes to the 'slow and cumbersome' (Straw, 1996) youth court procedure. Arguably a more youth-focused system has made it far easier to process and organise diversion and prevention (Lord McNally, 2015). However, there are still major problems with the system; for example, hundreds of children a year end up in intimidating and

unsuitable adult courts because of unacceptable delays caused by police and the judicial system (Pidd, 2019). This has been personified by Covid-19 (Raab, 2021).

There is a further question that builds on these issues, the question of whether the devolution settlement has created a postcode lottery of service delivery across Wales, as in many cases, YOTs have some degree of space to create and shape delivery (Smith & Gray, 2019), although the YJB retains oversight power as also do Youth Justice Management Boards in Local Authority areas.

A running theme for both Misspent Youth and the Crime and Disorder Act was that of 'partnerships', the idea of all services working together to share information and analyse data to identify outcomes; this is the beginning of the creation of multi-agency teams (such as YOTs). Whether this change in practice and process was a financial incentive rather than a child-centred approach to help young people in a more holistic fashion was and is very much still up for debate.

There had been calls by the home office to move towards a more partnership-focused approach which, as outlined in the Morgan report into crime prevention strategies, 1991, that the *key to successful crime prevention lies in partnership'* (Morgan, 1991). This highlights how the narrative had been moving towards partnership working long before the crime and disorder act was developed, with a similar stance to other areas for example, partnership working is embedded in ideas of community safety, which follows the same model (Berry et al., 2011).

The strategy required local authorities, the police, local people, businesses, and the voluntary sector to 'share information, analyse the crimes that cause most problems in an area, and work out a package of measures to deal with them' (Straw, 1996). This should hopefully outline the transition that began injustice to move towards a more structured, managerial (almost business-like) approach to criminal justice services, which historically was a move many would not have expected from a traditional Labour Party (Pike & Hindmoor, 2019).

As Straw outlined in 1996 about the youth justice crisis for local communities, 'sometimes, a local community is so undermined by crime that something more radical is called for*'.* (Straw, 1996). This relates to calls for a more punitive system to target those committing crimes in certain areas, a punitive system that would use community safety orders, which was the birth of the ASBO. All of this was to soothe the 'chronic' criminal anti-social behaviour problem in the UK (Straw, 1996) that had become an epidemic (self-declared by the Labour Party) among the young people of the UK who were 'out of control' (Cook & Laub, 1998). This community safety order would be: '…a special form of an injunction to restrain the behaviour of named individuals. Application for an order would be made jointly by the police

and the local authority when other methods of solving the problem like mediation had failed… Breach of the community safety order could lead to imprisonment'. (Straw, 1996).

The idea of anti-social behaviour was nothing more than an imaginative academic term coined in lecture halls across the UK before Tony Blair brought it to the mainstream in the 1990s (Easton, 2009), having consulted with residents of problem estates near his home in Hackney. Blair began to realise that millions of potential Labour voters were turned off the party because they thought it didn't understand the realities of crime and disorder, this was cynical ploy (Easton, 2009).

Many have discussed that law and order were famously seen as a Conservative issue (Rhodes, 2020), but as Jack Straw outlines, there was a clear move by Blair to change the vision of the electorate: 'I remember Tony coming to the shadow cabinet and saying: We are going to change. And then he tried to get going which has now become a famous phrase about 'tough on crime and tough on the causes of crime'. (Straw interview in Easton, 2009).

The change in emphasis of the Labour Party in 1997 was paramount to the election success. Which in turn allowed for the creation of the Crime and Disorder Act 1998, which defined anti-social behaviour for the first time in law as: 'Behaving in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons, not of the same household as himself'. (CADA, 1998).

Misspent youth had two main aims. Firstly, to assess the effectiveness of the reformed system in preventing offending and re-offending by young people, and secondly, to identify the best way to structure and manage the agencies (Misspent Youth, 1996). Therefore, the audit commissions report was so pivotal to how the CADA developed, especially in terms of structure, management and 'prevention of offending'. The report 'Misspent Youth: Young People and Crime' was very influential in creating YOTs; the emphasis of the paper by the audit commission was the identification of several problems the current system had dealing with young offenders and how they could be rectified. One of the most telling sections of the Misspent Youth Report regarding the youth justice of today was the claim that: "Local agencies need to pilot such interventions in the areas where they are most needed and evaluate them to learn what works." (Misspent Youth: Executive Briefing, 1996:4)

As the political rhetoric changed in 1997, it did again in 2010, again with a significant focus on law and order and, young people in conflict with the law, with a continued get-tough politics approach (Smith, 2014; Case, 2015). In the aftermath of the collapse of New Labour, David Cameron placed a great deal of attention upon youth offending in his speech at the Annual Convention of the Youth Justice Board, declaring:

'I want to do things differently. Their approach (Labour) is national. Our approach is local. Theirs is about economics. Ours is about relationships. Theirs is structural. Ours is human. In a word - they trust the state. We trust society'.

(David Cameron, 2006).

An evident change in narrative is apparent here; with the admittance of mistakes and an acceptance of youth crime being in a poor state, there seemed to be only one way forward during the next leadership contest and with austerity on the horizon, sentiments from David Cameron such as 'hug a hoodie' were born, calling for more 'love' of adolescents (Hinsliff, 2006), which was certainly a step away from the ASBO treatment and demonisation of young people in the UK. As has been outlined, there had to be a change because, 'Bang for buck, the criminal justice system is one of the least effective means of reducing and controlling crime' (Garside, 2014:51).

This was a thought-provoking time of policy and governance. Following the riots in England in August 2011, there was a shift in political attention back to crime and particularly youth justice (Hollingsworth, 2012). In the initial aftermath, the spotlight was once more on young people, with David Cameron suggesting that problem families (particularly those headed by single mothers) and gangs were to blame for the disturbances (Cameron, 2011).

There are questions this thesis seeks to comprehend around the lived experiences and the impact of austerity, this new agenda of innovative justice practice. The problem with the Government's 2011 reforms was that despite the emphasis on rehabilitation and early intervention, 'the combined effect of austerity measures, deregulation and lack of accountability is to exclude and stigmatise children and young people' (Hollingsworth, 2012: 21) rather than enhance their inclusion, belonging, and participation, in line with the UNCRC, 1989.

It must also be stated that COVID-19 impacted the end of the data collection stage of this thesis and is acknowledged in the literature in a reflective manner because of the wider impacts that have been seen in the criminal justice system across the UK. The impact of COVID-19 on children has been described as 'devastating', as not only have pre-existing vulnerabilities been

exacerbated, but many more children and families are now exposed to new challenges (Harris & Goodfellow, 2021).

Although a challenging period for all policy areas, there were joint approaches in Wales. A localised approach to the YOT response to COVID-19 was deemed effective by the HM Inspectorate of Probation, allowing local services the flexibility to prioritise the most vulnerable and 'at-risk' children. YOTs in Wales took a coordinated approach and worked together on their plans (Harris & Goodfellow, 2021).

Although the rhetoric under Boris Johnson's government has been in line with prevention being better than cure and the new turnaround scheme with a focus on diversion, through a local focus on funding for local authorities to manage as outlined by then justice secretary Dominic Raab: "When we have ground-breaking team efforts - with the police, NHS, probation and local councils working together with great leadership - it can help draw young people away from a life of crime.' (Raab, 2022)

However, it must be noted that although there have been drives towards diversion and a youth-focused, localised team effort for service delivery peddled by the government, the reality is much starker: *The majority of children in penal establishments have been subjected to awful conditions for months on end, deprived of education, visits and contact, and amounting to solitary confinement.*" (Harris & Goodfellow, 2021) Which is a complete breach of any UNCRC guidance (Scottish Alliance for Children's Rights, 2020). The next section looks at the legislative evolution in Wales.

2.4 <u>Legislative Evolution UK and Wales.</u>

This section discusses devolution: how devolution in Wales commenced and what led to the current system, providing context, and explaining the Welsh devolution journey. The discussion around the historical underpinnings of devolution is essential because it allows for the formulations and motivations of youth justice policy to be understood regarding what led up to the current settlement and what it means for youth justice in Wales.

For the purpose of this thesis, devolution is defined as 'The transfer or delegation of power to a lower level, especially by the central government to local or regional administration' (Stevenson, 2010:481). Devolution is about how parliaments and governments make decisions, and in Wales, there are distinct cultural matters associated with devolution, such as language and social welfare; this is important in consideration of community matters (Morgan, 2002).

In the UK, there are separate legislatures and executives in Scotland, Wales, and Northern Ireland, including the major mayoralties such as London and Greater Manchester (Civil Service, 2017). They have many powers to make laws and deliver public services. These are referred to as devolved powers. The UK Parliament and UK Government retain some powers across the whole of the UK. These are often called reserved powers (Civil Service, 2017).

Devolution is not new. There have been different forms of devolution in the UK for decades, and it is common in other parts of the world (Civil Service, 2017). Devolution brings decision-making closer to the citizen and is more democratic (see localism, page 46). Devolution has opened the doorway for policy in Wales to be more distinctive to the Welsh people (Lord Thomas, 2022). For example, the Welsh Office was a form of devolution, which was considered less desirable because it lacked power in essential areas of governance (Senedd, 2021). Although, it must be noted that post-COVID there are differing views of the extent of decision making which should be devolved (House of Commons, 2021).

The principal focus of UK devolution is transferring certain authority from London to the assemblies in Cardiff and Belfast, and the Scottish parliament in Edinburgh (Birrell & Gray, 2017). In the Welsh context, devolution equates to transferring powers from the UK parliament to the Welsh Devolved Administration,[1] including existing and historical devolution to Local Government. Unitary Councils and Community and Town Councils have had (and still have) quite significant powers.] Such as the constitution of principal councils in Wales (Home Office, 1972) and powers for councils to promote the economic, social, and environmental well-being of their area. This also follows the duty to develop Community Strategies (NAfW, 2000) These are both reflected in the Local Government Acts of, 1972 and 2000, respectively.

A considerable part of this evolution was the development of legislative competency in Wales, during which time the Welsh Assembly increasingly received greater competence in the public financial policy area. (Evans, 2022). This ties in closely to the original message from the secretary of state for Wales in 1999 that "Devolution is a process, not an event" (Ron Davies, 1999:1). Following the second referendum for devolution powers in Wales, the UK parliament passed the Government of Wales Act 1998.

The Act established the National Assembly as a corporate body, with the executive (the government) and the legislature (the Assembly itself) operating as one (Government of Wales

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[1] Welsh Devolved Administration refers to the various titles the Welsh government has held since its culmination; the catchall term WDA will be used for clarity throughout this thesis.

Act, 1998. The first referendum for devolution powers in Wales, in 1979, talked only about the establishment of an executive; it was never about law-making powers, with only 20.3% of the Welsh population voting in favour. There was no joined up approach in the first referendum for devolution powers to Wales with several fractions within the labour party and a refusal to engage with nationalist parties, which was a stark contrast to the 1997 referendum (Duclos, 2006). The second referendum, in 1997, placed far more emphasis on establishing powers to legislate in Wales, which is arguably why there was a significant change in stance between the first and second referendums in Wales (Gay, 1997).

Although this seemed an exciting opportunity for Wales to establish some legislative competence (Wyn Jones & Scully, 2006), this was arguably in response to the desire to examine the processes by which Wales was governed and the subsequent problems it experienced (Schofield, 2014). This initial period following the second referendum for devolution powers to Wales showed the tensions within the system, which were personified because the minority Labour administration experienced difficulties in securing agreement from other parties (Welsh Parliament, 2022)

These difficulties highlighted the need for constitutional change and stability in Welsh politics. It led to an agreed resolution in 2002, which separated the roles as much as possible within the existing framework (Welsh Parliament, 2022). There are some important constitutional matters to comprehend, for example, the separation of powers; under the doctrine of separation of powers, the governance of a state is traditionally divided into three branches, each with separate and independent powers and responsibilities: an executive, a legislature, and a judiciary (Welsh Government, 2021) to create a greater degree of separation between the executive and legislative powers associated with Welsh devolution, therefore helping to clarify roles and avoid confusion within the settlement. Which mattered because in 2002 Wales did not have legislative competence on these matters.

An imperative element of this is the Government of Wales Act 2006 (GoWA 2006) significant steps were taken in 2006 to create a greater degree of separation between the judiciary, executive and legislature and avoid confusion within the settlement. The creation of a separate Welsh Government and National Assembly for Wales (now known as Senedd Cymru) by way of the Government of Wales Act 2006 (GoWA 2006) meant a more conventional and familiar system was formally put in place.

So, it must be noted, it was not until the Government of Wales Act 2006 that the Welsh Assembly Government became distinct from the National Assembly for Wales (Children in

Wales, 2014). This matters because, at this stage, Wales started to gain more competencies to make decisions on what matters in Wales.

2.5 - 21st Century Devolution:

This chapter will look at the actuality of devolution in Wales and reflect on the question of whether the honeymoon period of devolution in Wales is now over (Drakeford, 2012). What does the system mean for Wales, this thesis will consider where the influence lies in critical areas and the ramifications of austerity in Wales. Since the 2008 financial crisis began, those already in poverty have seen their impoverishment worsen, and millions more have become more vulnerable (Oxfam, 2013).

While the first decade of devolution may, in retrospect, appear to be a period of 'milk and honey' in public expenditure, the rate of growth in that spending declined in each Assembly term (Drakeford, 2012). In the second Assembly term, these figures had fallen to 6.5% and 4%. Between 2007 and 2011, budgets grew each year by an average of some 4% cash, and under 2% in real terms (figures derived from NARS, 2011). This is because of the lack of support through the Westminster block grant for funding. There has been criticism of the original formula which dictates the share of additional funding to devolved administrations, called the Barnett Formula, developed in 1978, it aims to provide each administration with the same pounds-per-person change in funding as the equivalent UK Government spending (HM Treasury, 2021).

The Barnett formula has been criticised because it risks long-term underfunding in Wales (Institute for Government, 2020). The independent Holtham Commission, 2010 on funding arrangements in Wales, proposed a new needs-based approach to replace the Barnett Formula, which would have considered factors such as each nation's level of income poverty. Alternatively, the share of children and pensioners in the population (Institute for Government, 2020) would bring a more suitable level of equality to finances between the devolved nations, although this is about more than just fiscal policy.

There have been some financial increases and decreases in the devolution aftermath, with many scholars arguing that spending, particularly in Wales, has been hampered, by an out-of-date formula (Williams, 1998; McLean, 2005; Birrell, 2012). A House of Lords report in 2009 agreed there was a compelling case for a needs-based system for funding the four nations and criticised the "failure of the Formula to take account of population changes over time" as "arbitrary and unfair" (HM Treasury, 2009).

This consistent decline in spending is being mitigated by other services that the WAG has power over, and youth justice is a perfect example of that. Mark Drakeford, now the first minister of Wales, outlined the complexity of the current devolution setting in his 2010 article:

'Youth justice remains a non-devolved policy domain… however, by a clear majority, the core services comprising YOTs derive from wholly devolved areas of policy. Any housing worker, health, educationalist, or employee of local social services are not the responsibility of Westminster but the Welsh Assembly Government'.

(Drakeford, 2010:139).

The WAG indirectly funds youth justice, through those services that directly relate to youth justice and, in turn, help to aid youth justice service delivery. Such as funding summer programmes and other initiatives which directly affect young people in Wales (Miles & Roberts, 2022). This is an essential factor to consider because of the implications it has on finance and decision-making, which has become very apparent in Welsh policy and practice. An area in which this thesis seeks to discover in more detail.

2.5.1 Tensions in Policy and Process Welsh Devolution: Visions for the future.

This next section will look at the policy and process tensions created by the emergence of devolution, why devolution matters to Wales, the opportunities, and challenges that devolution has created in Wales, understanding of multi-level governance, and finally, the role that Westminster and Whitehall have in creating policy. Throughout this section, there will be an acknowledgement of the tensions that arise from conflicts in power. This section looks to the future, debating the constitutional situation in the UK and a reformed set of practices that has potential, especially considering the most recent discussions of radical constitutional reform surrounding the creation of a federal system in the UK (Griffin, 2020).

Within these tensions, there is a complexity in the current settlement. Criminal justice is reserved to the UK Government and UK Parliament, and this is arguably a positive challenge. However, there are settlement overlaps in policy between merging areas such as social services, education and health and youth justice. Therefore, the devolution settlement is complex in practice. Youth Justice remains a non-devolved policy domain and is the responsibility of the Ministry of Justice and the youth justice board. As alluded to earlier, when one understands

where the expenditure comes from, that is where the competence or authority lies (see Bretton, 1980., Arrighi, 1994., Ellul, 2009).

> *'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 their direct functioning on to carry out their general responsibilities are under the control of the Assembly. The negotiation of that boundary and the creation of that space to work (including the sometimes-uneasy constitutional embrace in which both parties are bound together) is the backdrop to the policy process'.*
>
> (Drakeford, 2010:140).

So, the settlement overlap is not only vast, but also intense because, simply put, YOTs could not operate the way they do without the WAG. The YJB control the smallest segment of a youth offending team, but ultimately that control is the most powerful because justice is not devolved, so the idea of intertwined expenditure and control may not ring true in the case of youth justice, the issue is complicated by the settlement overlaps.

A recent update in offending statistics has shown the more 'holistic' side of justice in England and Wales, with an apparent drop in child arrests by 68% since 2010, as police are working to ensure that vulnerable children being exploited are treated as 'victims' and not criminals (Howard League, 2020). This statistic alludes to the children first, offender second philosophy that has been adopted by the WAG as well as the number of young people entering the youth justice system declining due to a process of 'attrition' whereby offences committed by children are progressively filtered and diverted away from custody (Bateman, 2017). What happens to those young people when they have been 'pushed out of the system? This is a pivotal area of policy about which more needs to be known.

The current model of devolution that has evolved within Wales remains comparatively faint in terms of both self-rule, "the authority that a subnational government exercises in its territory", and shared-rule "the authority that a subnational government co-exercises in the country as a whole" (Stafford, 2016). This could be a somewhat expected consequence of the lack of political power to do more for young people in Wales and the cause of significant tensions because of that lack of political influence, even with some powers and a more flexible constitution in the UK.

However, even with an unwritten constitution, this tension still does exist, mainly because not all powers have been devolved (Drakeford, 2010). This will constantly pressure legislators

because each country has their ideas and political agendas. This is what would be expected within a federal model, where there is an expectation of a wider range of powers and cooperation arrangements.

There are some considerable constitutional challenges and opportunities which devolution poses, as this chapter discusses scrutiny and local policy implementation, focusing on accountability in the youth justice system and related policies. Which will help to understand the question this thesis poses to what extent does the current devolution settlement enable youth offending teams to develop bespoke and innovative approaches to youth justice in Wales. The next section will look directly at children's rights impact in Wales.

2.5.2 Children's rights and their impact on youth justice policy in Wales.

Although the commitment to rights in Wales is stated through the adoption of the United Nations Convention on the Rights of the Child (UNCRC) into Welsh policy in 2004 (Children's Commissioner, 2021), elements of children's rights are already directly affected by Welsh law under the Rights of Children and Young Persons (Wales) Measure 2011, underlining Wales's commitment to children's rights and the UNCRC, 1989. The law places a distinct due regard duty on Welsh Ministers in all their duties and enables the filtering down of information and policy from the Government. Ministers must give the appropriate weight to the requirements of the UNCRC, balancing them against all the other factors that are relevant to the decision in question (Welsh Government, 2022).

However, it is subject to the extent of the Assembly's devolved competence. For example, it cannot bind the UK parliament or ministers. Since 1999 the UK government has followed the Sewel convention, that the UK parliament "will not normally legislate with regard to devolved matters without the consent" of the devolved legislatures (Institute for Government, 2022). The due regard duty was born from various factors, including political impetus for the effective use of enhanced legislative competence (Nason, 2019). It must be noted that although it cannot bind, it does not stop influence, as noted in the Welsh Blueprint, 2019. There should also be a note to the recent Supreme Court case regarding Scotland and the CRC that in this case, following the Supreme Court decision, the Scottish Government must find a way to bring the UNCRC Bill within their powers so it can become law in Scotland (Supreme Court, 2021).

Aside from due regard, other available options were a light touch requirement to consider the UNCRC, later enacted in Scotland, or the more vital individual right to public

body compliance, which was seen as too radical considering the combined legal jurisdiction (Nason, 2019). This is because the Secretary of State could still intervene to prevent the Bill from going for Royal Assent if he had reasonable grounds to believe that the divergence would have an adverse effect on the operation of the law as it applies in England (GoWA, 2006).

As it was enacted, due regard functions as an upstream preventative provision designed to generate systematic changes; it does not confer new legal rights on individuals (Williams, 2017). However, in terms of absolute legislative clarity, Sweden is the only country that makes commitments to children in policy (Lagerberg, 2020). Within the EU charter (Official Journal EU, 2007), fundamental rights talk about all citizens, which is understood to include children.

In Sweden, there has been a sustained effort to recognise children's rights. This is clear when looking at the laws, government programmes and children's organisations supporting children in Sweden (Lagerberg, 2020). The rhetoric behind this point is that children in the UK are consistently an afterthought in policy and process that are more regulated by policy statute than constitutional law; their voices are not listened to in the formative processes (Butler et al., 2006; Morrow, 1996:14). Until these rights are enacted in legislation by Westminster and secured in YOTs, they are, as highlighted by the criticisms of CRIA, seen by many as an afterthought (Hoffman; Neagal, 2019).

It must be noted that although the UK does have a legal obligation to ensure that domestic legislation is compatible with international agreements, the UK has done little to collectively make children's rights a priority through legislation (McCall-Smith, 2019). Consequently, the devolved UK nations, including Scotland and Wales, have had to individually formulate political and legal commitments to further entrench children's rights in line with the UNCRC in their own ways (McCall-Smith, 2019).

Further evidence of this would be during the Covid-19 pandemic, how there was a disparity between young people across the country and their access to learning resources which has increased educational disparities (Institute for Fiscal Studies, 2020), consequently demonstrating how easily children are left with no voice, even as governments struggle to deliver the policy to benefit them (Adamson, 2020). As pointed out, the current government policy does not in any way adhere to the UNCRC or article 12 (UNCRC, 1989) and participation. According to Adamson, "Policy has been created that excludes the voices of those who are most affected" (Adamson, 2020), which is backed up rather poignantly from a young person explaining the severity of the situation. "Life-changing decisions being made during coronavirus have felt like playing a game… every time it should be our turn, someone

skips over us, and we end up left behind and forgotten." (Abigail, Young Person in Adamson, 2020)

Arguably in Wales, there is a more explicit focus on children's rights, especially when considering the wealth of outputs in Wales regarding rights for children and young people (Children's Commissioner for Wales, 2017). However, in many cases, children are still an afterthought, especially those in care and involved in the justice system, possibly because of the lack of justice devolution.

The Rights of the Child and Young Persons (Wales) Measure 2011 places a duty on Welsh ministers to have due regard to the rights within the UNCRC when making decisions, policies, and laws. However, these duties do not give all children the right to seek direct help in the courts if their rights are violated by those delivering services to them. There are two distinct arguments within this enforceability: and the embedding of legislation (Senedd Research, 2017).

So, although steps have been taken, there is still much more work to be done to ensure the systems that involve young people within the UK adhere to the principles of the UNCRC and champion the rights of young people. This was noted by the Welsh Parliament Children, Young People and Education Committee that children's rights are not driving the Welsh Government's decision-making as the legislation intended (Welsh Parliament, 2020) the committee argued that the law in Wales was not being properly met. These changes are driven by the influence of the Children's Commissioner in Wales, who protect and promote children's rights (Children's Commissioner for Wales, 2022).

There are mechanisms of accountability, especially concerning children's rights within the UK through child rights impact assessments (CRIA), which provide the systematic consideration of the direct or indirect impact of legislative, policy or administrative decisions on either an individual child, specific groups of children, or children generally. These impacts can be short-, medium- or long-term (UNICEF, 2014). A particular tension that rises from CRIA is the adoption by UK Nations to submit. For example, from 2012 to 2017, around 260 CRIAs from across the Welsh Government were undertaken, whilst during the same period in England, only 5 CRIAs were submitted (UNICEF, 2014).

Arguably mechanisms have been initiated, such as the CRIA, and although the process is seen as positive, there are concerns that policy may not be followed as best as it can. An example of where CRIA has not been used is the Welsh Government's budget, where one would anticipate that there would be a CRIA, but no CRIA was carried out (Hoffman, 2019).

For many, it is considered an afterthought because some CRIAs are being carried out after a policy has been introduced; there are retrospective CRIAs taking place (Neagal, 2019).

So, although there is potential to evaluate the impact policy and the process has on rights, if the tools are not used appropriately then changes do not happen. There is so much more that can be done, especially to bind these processes constitutionally. A bill of rights could be a way of enshrining these accountability checks in law (Joint Committee on Human Rights, 2008). Another solution would be to adopt the Scottish stance by introducing The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. Scotland became the first country in the UK to directly incorporate the UNCRC into domestic law (Scottish Government, 2020). However, it is yet to be resolved – see HM Gov Vs Scottish parliament (the bill has been sent back for further revision) (Attorney General, 2021).

There are more profound challenges for Wales under the current constitutional arrangement, with Westminster taking a different stance on these issues; a further example of this would be the incorporation of the UNCRC into domestic law. Westminster currently has no interest in incorporating UNCRC, and calls from the Children's Commissioners for England, Scotland, Wales, and Northern Ireland for "the full, direct and urgent incorporation of the UN Convention on the Rights of the Child (UNCRC) into domestic law" in each of the home countries have fallen on deaf ears (UK Children's Commissioners', 2019). The Commissioners say that it should also be a requirement for all impact analyses of new legislation in the UK to include a section on the effect on children's rights (UK Children's Commissioners, 2019).

This directly relates to YJ because these are impacts on young people, and the young people affected are predominantly those in the most vulnerable situations who may encounter these support services, so the stance by Westminster on this issue is telling of the philosophy of rights and the future of rights policy in the UK. An example of this comes from Gavin Williamson, the education secretary. He was recently found to have acted unlawfully after removing safeguards for children in care at the start of the Covid-19 pandemic without consulting children's rights organisations (Justice Lieven, 2020), showing the lack of clarity surrounding rights for the most vulnerable young people in the UK.

The changes made were to legal protections for children in care, seen as an emergency response to the coronavirus pandemic, which has been condemned as 'deregulation on steroids' by children's rights campaigners (Weale, 2020). However, to take a further example of this lack of clarity surrounding rights and due regard, the UK has not incorporated most of the

UNCRC's provisions into domestic law, which means that individuals cannot generally rely on it directly in the courts within the UK (Senedd Research, 2017).

It must be noted that there have been concerns raised in General Comment 24; the Committee argue that although public safety is a legitimate aim of the justice system, including youth justice, the view would be best served with full respect and implementation of the Convention on the Rights of the Child (CRC) (UN, 2019). There are also the problems of domestic recognition of the CRC, with heavy criticism of the UK via the Periodic Review (UN,2016); although Article 40 of the CRC is included within The Rights of the Children and Young Persons (Wales) Measure 2011, due to competence issues, it may be said to be something of a weaker provision.

2.5.3 Localism

The term localism, for the purpose of this thesis, is defined as the transfer of power, authority, and resources from the central government to local government and other local public agencies, who in turn devolve to and empower communities (Jameson, 2013). This is important to the thesis because it will help to understand whether there is a distinct form of localised policy and legislation in Wales and how that differs across the nation.

Who makes the critical decisions and why do they make those decisions, and how the process of choosing what is 'right' for Welsh YOTs is decided? Localism and community-based planning evolve differently in the devolved UK nations (Pemberton, 2017). The Local Government Act 2000 placed a duty on local authorities to produce community strategies as part of the modernisation of the public services agenda. With slight changes in the Welsh model in response to the Well-being and Future Generations Act (2015), creating public service boards (PSB) with responsibility for well-being plans, they are reflecting ambitions to move to a more statutory footing and link-local activities of PSBs to the seven goals set out in the 2015 Act (Pemberton, 2017).

What must be understood is the delegation of responsibility, authority, and resources from Central Government to Local Government and how other local public agencies devolve those powers to local communities (Jameson, 2013). However, there is a tendency for central and local governments to use the terminology as a political sound bite rather than attempting to achieve actual fully-fledged localism. Because of the political climate and austerity measures facing local communities, services and agencies have to find ways to survive and be innovative to keep their funding streams running whilst delivering the best service they can (Jameson,

2013). This may be an answer to the Welsh Youth Offending Teams' increase in autonomy; at the end of the day, if satisfying results are being produced on a budget, then would the central government want to get involved?

The Local Government Act 1972 and more recently the Local Government Act 2000 created the opportunity for local authorities across the UK to use their unique local make-up to configure services around local people. This, too, is described as a localism, a tailor-made approach born out of uncertain, unstable times of government funding. Still, it uniquely allows local services and, in this case, YOTs to diversify and offer their community what they need, not what central government 'thinks' they need. Whilst there may be a significant degree of political consensus across the parties and layers of government that localism is, in fact, a good thing, there remains an argument over 'postcode lotteries' the media term used to describe different services in different areas (Graley, 2011).

As mentioned above, this 'critique' can be a good thing and, in some ways, becomes a 'postcode choice' where the local public vote for the services they need when it comes to local council elections and the general election. Although the local bodies and partnerships deal with some functions of the system (CADA, 1998), YOTs were created by the Act. They were not made in isolation, local problem-solving, and local decision-making; this is what was underpinning the Crime and Disorder Act, a focus on localism. It must be noted that all local government power is created by Parliament; the question this conveys is how youth justice and local government powers interact to meet local needs.

People are beginning to think locally more often than nationally (Jameson, 2013). Further to this point, under former secretary of state for local government David Miliband, the expression 'double devolution' became very popular in describing the shift of power from central government down to local government, and in turn, down to local communities (Jameson, 2013).

Before this, the local government had used the term to argue for decentralisation of power from the government, but with less emphasis on passing powers on to localities and communities, making for a less focus on local needs (Jameson, 2013). This avails localism lives and will indeed have an even more significant say for years to come. It has been said that post-2010, a new way of community-led local needs swept across the United Kingdom, following the coalition government's statement, "The coalition government will revolutionise the planning process by taking power away from officials and putting into the hands of those who know most about their neighbourhood – local people themselves." (DCLG, 2010)

This highlights that the localism agenda since 1998 is still the narrative, because one of a range of rights and powers introduced by the localism agenda of 2011, neighbourhood groups were able to draw up statutory land use plans, creating a new tier in the planning framework. There are significant links between this rhetoric and youth justice, in particular, Section 39.6 of CDOA and the responsibility placed on local authorities to create a youth offending team. It is important to note that councils were given the responsibility for YOTs and not, for instance, the police because of their ability to work holistically with services, from a multiagency point of view (AYM, 2022), and the emphasis on well-being, because councils responsible for the safety and wellbeing of all young people in their areas (Local Government Association, 2018).

This sentiment of localism is significant because it show cases of the government's willingness to use existing local government areas which were co-terminus with other services. (Brownill & Bradley, 2017). A significant part of localism is finding local solutions to local needs, effectively what a YOT does day in and day out, working with the community to find solutions to the problems young people are facing and diverting them away from such problematic areas and situations.

In order to link this argument back to the overall question the thesis poses, there must be a link made between the concept of localism, the what works agenda and some of the work of the Audit Commission; in terms of local influence, it must be noted that the Audit Commission was set up in 1983 to audit local authorities, to improve the quality of local audit and to promote and develop value for money studies (Department for Communities and Local Government, 2010). It must be understood that the latter here, value for money in the local area and tying in concepts of the what works agenda around the central idea from the wider 'what works' debate is about using evidence to make better decisions to improve public services (Pampaka et al., 2016). Locally, better value services to suit local people, is where the influence of local service managers could lie, and this will be comprehended in this thesis.

It has been suggested that there is a constant tension between government and forms of localism operated and practised by practitioners on the ground who respond to the needs of that local community and adopt a scientific view by researching with universities to understand what is best for that YOT and the local area, many practitioners engage in reflective or research-aligned practice (Allen, 2011).

One of the regularly cited areas of misconception or where 'localism' has gone wrong lies where its positives also lay in the interpretation. The most resounding areas this occurred in were the ASBO as outlined in the Crime and Disorder Act, 1998. The postcode lottery created by such policy interpretation is dangerous, with areas of Wales demonstrating a

different policy approach in terms of ASBO rates and variation of sentencing outcomes from area to area: "Variations in sentencing practice may be the result of 'local justice' or the 'human factor', defined as the need to establish and maintain the consistent policy in individual courts, which may have taken priority over maintaining consistency at local levels." (Mason et al., 2007:3)

It must be noted that in reference to Wales and ASBOs, the report of the Welsh Select Committee agreed with what practitioners and local policymakers were doing, rather than the more punitive approach that had been adopted in England (Welsh Select Committee, 2005). With Nacro Cymru arguing that local areas should seek to tackle anti-social behaviour as part of a balanced strategy, which includes prevention, education, enforcement, and rehabilitation (NACRO Cymru, 2005). This shows a level of distinction in practice and policy observation.

However, it must be highlighted that local authorities have significant power to make changes to their areas, especially relating to well-being. A power introduced by section 2(1) of the Local Government Act (2000) permitted local authorities to do anything they consider likely to promote or improve their area's economic, social, and environmental well-being, so there is a range of discretion for councils emanating from a range of statutes that together, could enable them to create significant change.

Such provisions on well-being within the Local Government Act 2000 and the Well-being and Future Generations Act, 2015 highlights the ambition of the Welsh Assembly Government to improve social, cultural, environmental, and economic well-being (Future Generations Commissioner, 2015), which is significant for Welsh policy in realising local solutions to local needs. The following section builds on the concepts behind localism and ponders whether a distinctive Welsh approach has been developed in Wales.

2.6 Has a distinctive and 'Welsh' approach to youth justice been developed in Wales?

This section looks at youth offending teams in Wales, studying their different approaches, pressures, and needs, and looking at the challenges that youth offending teams face in terms of conflict of powers and settlement jurisdiction overlaps. A significant question raised by the current devolution settlement is how many masters YOTs in Wales must satisfy simultaneously. Westminster, the Welsh Assembly Government, and Community Safety Partnerships all play their part in decision-making, finance, and service delivery. This could

very well be an issue, as there are so many different public bodies making decisions to suit their agenda.

One of the interesting topics considered is the role YOT managers play in this process of decision-making. This could be what helps to create a distinct approach to justice in Wales. In terms of the distinction of a Welsh approach, CFOS offers an interesting perspective on a distinguishing style.

CFOS (an umbrella term which encapsulates a range of child-focused practice examples) is a notional construct in youth justice of research forming into policy. CFOS is a positive approach to youth justice that is built on a set of policy and practice principles, the key to which is to treat children in child-friendly and child-appropriate ways (Haines and Case 2015). This formalisation in Welsh youth justice policy (Welsh Government and YJB 2015) shows a change in direction for youth justice in Wales (Case & Haines, 2020).

CFOS is conceptually/theoretically underpinned by social control, and strain theories that understand offending (by children) is the product of disengagement, disadvantage, and blocked opportunities/access routes at the socio-structural level (Haines and Case, 2018). This does offer a precedent for consideration of a distinctive Welsh approach, and although research has been undertaken within the area, it is arguable that this has not gone far enough. This research is based on data from 2000-2004 and from South Wales, in particular from Swansea (Case & Haines, 2004). The truth is that elements of this data and consequent research are now 20 years old, rendering them outdated and in many ways out of touch with the authenticity of today. Adding to this, the study claimed, 'children's feedback was utilised' (Case & Haines, 2015:234), so although children were included this was more of an add-on rather than a centralised part of the methodology. Thus, there is a significant gap in the field to study the views of children and young people in youth justice across Wales today as a whole country and not limited to just one area in South Wales.

Research has been undertaken about several YJ policy and operational activities, (Silk, 2011; Thomas, 2015; Thomas, 2019; MOJ, 2019; YJB, 2022). Although, this has not gone far enough in the context of Welsh devolution, hence the need for further understanding in the area. As outlined by Evans et al, 2022, a second wave of research studies is needed (following on from the original focus of 'Dragonisation') on Wales' role within the England and Wales jurisdiction can ensure that wider criminological research agendas reflect the fact that Welsh devolution has already radically modified an 'England and Wales' system once regarded as monolithic (Evans et al, 2022).

Something that is not known is whether this distinction in approach and best practice is the result of Welsh policy legislation, academics who claim to have created a new emphasis or is it because of the space created by devolution and the will of YOT managers to make positive changes rather than follow a Positive Youth Justice model. There is a clear gap in the literature to question the current YJ narrative. There is also the question of how Welsh YOTs operate in the Systems, Processes, Policy, Legislative interpretation, and Partnerships. This discussion will help formulate an understanding of how Welsh YOTs work to compare YOTs, and the mechanics of those teams is essential to the understanding. This will help identify the impacts, opportunities, and challenges that devolution poses to how YOTs work.

2.6.1   Universal and targeted services, entitlements, and welfare-based approaches.

This section will discuss universal and targeted services welfare-based approaches and investigate the nature of entitlements and their pertinence to youth justice discourse. This section will also explore some of the strategies and policies that align with a distinctively 'Welsh' approach to children and young people. The National Assembly for Wales strategy Extending Entitlement was issued in 2000, followed up by secondary legislation in 2002 (EE, 2002) is significant because it aimed to unify and strengthen policy and practice for young people in Wales and increase the support for 11- to 25-year-olds in Wales. Extending Entitlement was a Welsh Assembly Government flagship policy for targeted youth support services in Wales. The difference here was that EE, 2002 expected adults to provide the entitlements for children, rather than children having to claim or request them (EE, 2002).

It set out to make a significant difference to young people's lives, with a focus on those between 11 and 25, recognising all the services and support which might contribute to their development and all the experiences and opportunities that have the potential to enrich their lives and their learning, with an added emphasis on 'ALL' young people, not just those within formal education, specifically those on the periphery (EE, 2002). The Welsh strategy sets out a Universal Entitlement for young people in Wales which includes a defined and concrete set of 10 basic entitlements which are centred on the needs of young people (Case et al, 2005).

The policy takes complete account of the Assembly's commitment to the UN Convention on the Rights of the Child, which has a universal focus on rights. Young people themselves should, for instance, design services, identify opportunities, and evaluate their

impact in line with their rights. Which is reflected in articles such as 12, 13 and 42 of the CRC (UNCRC, 1989)

Realising these entitlements for young people encompasses the Youth Work Curriculum for Wales pillars, which is another sign of a distinctive form of a universal approach in Wales, and ensures that the curriculum is educative, expressive, participative, and empowering (Youth Work Wales, 2005). Another significant milestone was the Learning and Skills Act of 2000 (LSA, 2000). Under section 123 of the Act, the National Assembly may 'direct local authorities to provide, secure the provision of or participate in the provision of youth support services.' It was the LSA, of 2000 that enabled the secondary law implementing EE to be usable.

It is argued by scholars that policy relating to young people in Wales needs to be strengthened in several ways, which include: a more positive focus on achievement and what young people have to contribute; building the young person's capacity to become independent; make choices and participate in the democratic process; improvements in the quality and responsiveness of the services available to young people; involving young people and more effective co-ordination and partnership at the local level (Welsh Assembly Government 2000: 22). It could be argued that even in 2000 there was a clear policy stance that strove for rights and entitlements of young people in Wales.

For clarity, there are significant differences between rights and entitlements, rights can be acted on by individuals without the assistance of the government and without forcibly interfering with other individuals (Yates, 1994). Whereas entitlements, cannot be fulfilled except through specific government actions which require forcible interference with others (Yates, 1994).

This is noteworthy because it comes with an expectation that children will have their entitlements met; often, this is not the case, as noted in the Committee on the Rights of the Child (UN, 2016); despite good intentions, children's rights are still not at the heart of policymaking in the UK (Chakrabarti, 2008).

The information here was clear: to help young people and treat them with dignity and respect – along with more effective cooperation and communications at all levels – will help children and young people in Wales (Welsh Assembly Government, 2000). As has been discussed, youth justice is not devolved, but those services within a YOT, which are funded and managed by the WAG, certainly influence YOTs in Wales. If the WAG emphasises rights for young people, this will be echoed through the policy that is created. This is pivotal and

matters to YJ because it is the first time WG, and Westminster have worked together on a joint strategy.

Another report co-written by the YJB, and the Welsh government was the 'All Wales Youth Offending Strategy' (AWYOS), which is underpinned by the UN Convention on the Rights of the Child and its requirement for consideration of the universal rights of young people in Wales. Until that time, the focus was still very much on 'prevention better than cure', providing a clear strategy to prevent offending and re-offending, emphasising individual responsibilities and obligations to civic society (Jamieson, 2005).

The 2004 AWYOS strategy changed the policy and rhetoric, and in 2004 the AWYOS emerged with an emphasis on children's rights which the CADA did not have. The YJB and WDA at that point were of the opinion that prison should be the last resort, sentencing guidelines emphasised custody as a last resort, but the AWYOS went further through stating this explicitly and also requiring greater work 'lower down' in the YJ system (AWYOS, 2004).

The language in 2004 was that support services are critical, and more about understanding the lives of children and influences upon them rather than punishment as outlined in the principles of the strategy: "The most effective way to prevent youth offending and to secure the welfare of children and young people in Wales is to stop them entering the youth justice system." (AWYOS, 2004:3). The children first offender second rhetoric is arguably paramount to this (Case & Haines, 2016).

In many ways, this helped to restore the original intention of section 37, CADA, 1998, which was more about prevention; this is the original intention of (section 37): *It shall be the principal aim of the youth justice system to prevent offending by children and young persons (CADA, 1998 S.7).* Moreover, studying the Hansard Debates in 1998 around the 1998 Act, including section 37 embrace debate and reflections on participation and local solutions for local needs, this is important as this was the undertone of the Crime and Disorder Act, 1998 (Hansard, 1998). Although not explicitly stated, it is implied, that the duty of local authorities to form a YOT is part of that, giving further clarity to the influence of the local authority and, consequently, the YOT manager.

The government lost track of that focus on local needs, with a greater focus on punitive sanctions that did the opposite of prevention. They amplified net-widening, and younger people were brought into the formal system (Cracknell, 2000; Brown, 2004). The 'ASBO politics' of New Labour, with their focal point being the enforcement of discipline, intended to remake and reimagine social work (Garret, 2007).

The framework underpinning AWYOS was that prevention is better than cure, focusing on CFOS, using custody as a last resort, and focusing on service intervention *(AWYOS, 2004).* The AWYOS is steeped in early intervention and children's rights with more link up with education and diversion from the formal system, with direction for devolved and non-devolved services to work together, emphasising the safety of children and appropriate provision and advice (AWYOS, 2014.)

It set out a holistic approach to end-to-end youth justice services in Wales and was premised on a shared belief that 'prevention is better than cure.' Another significant policy stance in Wales in terms of a different approach is the focus on welfare in terms of policy and principles for youth offending teams with a 'distinctive emphasis on the primacy of welfare and children's rights' (Field, 2015:172). The remarkable result of this policy focus was that Welsh policy began to influence the central government. They did not have to listen, but they did; this is because so much positive work was coming out of Wales it must be noted for context, that the AWYOS, 2004 and the youth justice blueprint, 2020 echo that sentiment. Developments in youth justice policy and practice during the period which this thesis focuses on, post-1997, have been characterised by a fluctuation between punitive and welfarist interventions rooted in a range of disordered philosophies, ideologies, and approaches (Case & Haines, 2015).

Welfare-based justice must be understood because of the alternative ethos between the 'caring ethos of social services and the neo-liberalistic ethos of responsibility and punishment' (Muncie & Hughes, 2002:1), youth justice policy is often largely dependent on political imperatives with regard to which approach is favoured resulting, largely, in policies shaped by the political rhetoric of punitiveness (Downes & Morgan, 2012).

When establishing an understanding of what is meant by welfare injustice, a reflection must be made on three critical eras of justice-based welfare. As outlined by Smith, 2011 in terms of policy rhetoric there is certainly a cycle of policy focus (Smith, 2011) moreover, there is further evidence of the cycle reverting to ideas of welfarism, from 1968 to 1997 and back to 2004, there is a pendulum of focus swinging between welfare and justice:

> *"The aims of protecting society from juvenile delinquency and helping children in trouble to grow up into mature and law-abiding persons are complementary and not contradictory."*
>
> (Home Office, 1968).

"The Government does not accept that there is any conflict between protecting the welfare of a young offender and preventing that individual from offending again."

(Home Office, 1997).

"There is no contradiction between protecting the welfare of young people in trouble and the prevention of offending and re-offending."

(YJB/ WAG, 2004).

It must be noted that children first was a major policy innovation (Case & Haines, 2016), alongside Children and Young People First and the CRC respecting provisions of the Blueprint in Wales, this again shows a narrative of distinctive child-focused youth justice strategy in Wales.

2.6.2 Diversion

This section discusses diversion-based policy and process in Wales and reflects on the impact of policy on the criminal justice system. The rhetoric behind this move to divert young people away from the formal justice system is echoed throughout youth justice literature. Diversion schemes are a way of addressing low-level criminal behaviour without putting young people through traditional criminal justice processing (Justice Innovation, 2016).

The evidence base for diversion is substantial (Kelly & Armitage, 2014; Bateman, 2019; Case, 2021). For most young people involved in crime, criminal justice processing makes them more likely to commit crime again (Bateman, 2017). A solid evidence base, nationally and internationally, clearly shows that youth diversion is a better way of addressing low-level criminal behaviour; youth diversion can reduce crime, cut costs, and create better outcomes for young people (Justice Innovation, 2016; Case, 2021).

The WAG and YJB were clear with their intentions in 2004, All Wales Youth Offending Strategy and in Children and Young People First in, 2014 ensuring that young people should be treated as children first and offenders second, striving to ensure the universal entitlement is extended to all children and young people (AWYOS, 2011). This is very clear – not just pockets of cities in Wales should have access to universal entitlement, but all children

across the nation without exception (including those in the youth justice system – after all, they are still children). This also widens the range of young people to include those aged 11-25 to avoid young adults slipping into the system. It must be noted that although the policy extended statutory support provided to under-18s by a range of agencies to people up to the age of 25, there still needs to be a consideration of legislative change to recognise the developmental status of young adults (House of Commons Justice Committee, 2017).

To be processed through an 18-25 diversion scheme, a young person must accept responsibility for his or her actions, which results in a tailored programme of intervention, and the young person avoids receiving a criminal record (Centre for Justice Innovation, 2018). That age group of 18-25 has been focused on even more so in Wales, which the PCC has backed up for South Wales outlying that there is a need to identify solutions for 18-25-year-olds that will:

> *'Improve the life opportunities of young people and empower them to take control of their lives and make positive contributions to their communities. Improving the transition pathway between youth and adult services is also a key factor in preventing relapse and keeping young people engaged in services'.*
>
> (*PCC South Wales, 2015a.)*

This further shows the drive within Wales (even within a non-devolved body) from the police to use holistic approaches to divert young people away from the CJS and into preventative, supporting services. The findings in the most recent review of this project have been overwhelmingly positive: they have made a 'considerable impact' on the young people who have taken the opportunity to have a community resolution, rather than being processed by the formal CJS where they could have received a criminal record (PCC South Wales, 2015b).

In Wales, therefore, there is a drive for holistic approaches which aim to divert young people and engage and develop them, which considers the delivery of the universal entitlement for all children, not just those who come into contact with the youth justice system, to ensure all children have the same opportunity to develop and grow (WAG, 2004). Another critical factor for consideration is the will to improve cooperation between all relevant agencies, initiatives, and partnerships at the local and national levels.

Another factor explored by the AWYOS is to guarantee that all levels and agencies are communicating and cooperating to ensure the smooth running of initiatives and partnerships locally and nationwide, also reducing the risk of young people or policy/processes slipping through the gaps (WAG, 2004).

Even if these points were just hopeful wishes of the WAG and YJB, it is obvious to see the intention that the WAG must promote a children-friendly policy, although whether this filters down into day-to-day practice is something that has not been tested. Without that helpful link and the development of joint strategies by other relevant partnerships, the needs of young people and those at risk of offending are not adequately considered, for example, the seven core aims, children's maternity service frameworks and families' measures. (Welsh Assembly Government, 2004; National Assembly for Wales, 2010; Turley et al, 2011).

Further consideration must be given to the divergence between legislation existing, such as a minimum age of criminal responsibility (MACR of ten years old in England and Wales., and the way in which YJ legislation, policy and practice have evolved. There are arguably Welsh influences involved in this, for instance, via the Swansea Bureau (Haines, Case & Charles, 2013) and the work of South Wales partner agencies, because all partner agencies within the YOS ensure strong adherence to the principles, of the United Nations (UN) Convention on the Rights of the Child, Extending Entitlement and the Seven Core Aims defined by the Welsh Government (Swansea YOS, 2012).

Furthermore, Children and Young People First (CFOS), as previously mentioned in the introduction, is a critical vision in youth justice, echoed in the AWYO strategy and shows the different emphasis by the Welsh government in how they work with young people. The strategy is another joint enterprise between the Welsh government and the Youth Justice Board and their commitment to improving services for children and young people from Wales who are at risk of becoming or are already involved with the youth justice system. The vision of CFOS is:

'[A] a country in which we all work to prevent children and young people from entering the youth justice system…Wales will be a country where young people can contribute more positively to their communities, crime is reduced, and there are fewer victims of crime'.

(YJB/Welsh Government, 2014:4).

It must be noted that CFOS claims to be something. Yet, arguably, YOS staff have always been CFOS as an artefact of their social work or youth work training, especially if their employment pre-dates the creation of YOTs. The most resonating point here is the added emphasis on 'prevention', whether that be early intervention and diversion or prevention and care. Once a child is involved with the youth justice system, the Welsh government, with the support of the YJB, sees prevention as integral, as is reflected in the second part of the vision:

'Reducing offending and safeguarding children and young people in Wales is best achieved by devolved and non-devolved services working together. We need all services and the communities they serve to be supportive places where children and young people feel safe and have access to appropriate provisions and advice'.

(YJB/Welsh Government, 2014:4)

Whether devolved or non-devolved powers is the perceived philosophy of youth justice in Wales, working together supporting young people and ensuring they have access to appropriate services and counsel is a gap in the literature that has not been empirically tested. These strategies, reports, and policies allude to the fact that Wales does have a distinct approach compared to the rest of the UK.

While there are overlaps, the question remains whether there is a Welsh way defined as a focus on prevention rather than detention and a focus on a rights-based approach to working with young people in conflict with the law (The Howard League, 2016). In terms of policy formulation and focus on children's rights, even if this can only affect policy controlled by the WAG. As highlighted by Drakeford (2010), the majority of services within a YOT are governed by the WAG, so in one way or another, there is a level of control.

One of the critical questions that flow from this is how influential YOT managers are in this process and what is the proper role and influence of YOTs in Wales. Since devolution commenced in the late 1990s, there has been a suggestion of a difference in social and youth justice policy between England and Wales because Wales does not have justice powers devolved.

After all, justice is reserved to the Westminster government, and nor can the WAG operate legislatively on justice matters. The difference can only be located in devolved powers that are blended and have an interface with those reserved matters. The area this is most pertinent to is youth justice (Drakeford, 2010) which is why the question that remains is more about the interpretation of policy than the creation. Many academics have argued that England has followed a targeted, risk-based opportunities and responsibilities model in the past. (Case, 2006; Case & Haines, 2015; Goddard & Myers, 2016).

In contrast, Wales operates on a framework of universal rights and entitlements focused on maximising positive outcomes (Haines & Case, 2013). However, it is far too simplistic to think of youth justice policy in this way; the complexity of the inter-agency relationships needs

to be explored in further detail. Some Welsh policy has indeed been lauded for good policy outcomes; however, those 'good outcomes' are still open to interpretation. To understand Welsh approaches, the geopolitical conditions of Welsh devolution in the non-devolved context of youth justice must be recognised.

They have led to an opportunity for the children first, offender second approach and similar approaches like to be standardised, although it may be that these approaches follow the Welsh policy principles of universalism, entitlements, engagement, and participation (Haines & Case, 2013).

There is a relationship between prevention and diversion, even diversion being a type of prevention, arguably (Gaffney et al., 2021) Minimising contact with the criminal justice system is a key element of diversion; the YJB has rooted its vision for the youth justice system in a child-first approach, which they define as treating children as children, and minimising contact with the youth justice system where possible, (Centre for Justice Innovation, 2021) this is a step forward. Several models of diversionary schemes or triage currently exist across England and Wales, such as the Swansea Bureau, the Youth Justice Liaison and Diversion Scheme in Liverpool and the Durham Model devised by the County Durham Youth Offending Service (Tyrell et al., 2017).

There is a significant body of evidence which argues that diversion programmes prevent children and young people from offending or re-offending, and by diverting them from coming into the criminal justice system and assessing and delivering targeted interventions at an early stage, they will be less likely to offend or re-offend (Scottish Government, 2015; Tyrell et al., 2017; Brown, 2018; Gaffney et al., 2021). This next section will look at the different pressures facing youth offending teams in Wales.

2.6.3   The Ability of YOTs to Chart Their Course

With a complex legislative package comes different pressures, because, effectively, a youth offending team is controlled by different levers of power and decision-making, Westminster, The youth justice board is a QUANGO created by statute to advise ministers and undertake a distinct range of duties laid down (primarily) in the CDOA, 1998 and another being the Welsh Assembly Government through those linked policy areas controlled by the WAG.

There are also pressures to follow the procedures outlined by the youth justice board, such as that of Asset Plus, which has been drawn on previously. Does the youth justice board

develop a risk assessment and planning interventions framework to replace the original 'Asset' and associated tools? Asset Plus was designed to provide a holistic end-to-end assessment and intervention plan, allowing one record to follow a child or young person throughout their time in the youth justice system (YJB, 2014). Consequently, there is pressure on YOTs' ability carefully consider their priorities, although their flexibility and autonomy to manage requires further research. There is an argument that YOTs have found ways to mitigate policy and process; for instance, nobody has proposed an alternative to this framework with asset and risk-based protocols, and therefore, the YOT works with what is in front of them.

This factoring of risk has become a mainstay of youth justice policy in the last decade, especially within offender management (Case, 2006; Case & Haines, 2015; Goddard & Myers, 2016). Part of the managerialist target-focused ethos, it does provide a rigid assessment framework. However, how effective that is at diverting children away from the system is still very much up for debate. This is one of the most significant pressures for youth justice, especially when looking at distinctive child-focused rights incorporating youth justice that is required to follow a rigid, almost non-human structure; the question that must be asked is 'Do youth justice practitioners with decades of knowledge and experience make better judgements on how to deal with young people at risk than a systematic tool?'

On the contrary, the pressure to follow the aims that the Welsh Devolved Administration is pushing towards must be considered, for example, following the children first, offender second approach and ensuring that prevention and early intervention are at the heart of each youth offending team (Field, 2007; Youth Justice Blueprint, 2019). When taking this into account in the age of austerity, with low staff numbers, and high levels of young people requiring services (not necessarily justice services) (Burnton, 2015), questions must be explored about how the YOT deals with those on the periphery of the system, and whether children's rights are acknowledged and comprehended in practice by practitioners (UNICEF, 2018).

This section explores and reveals some of the nuances around YOT identity, including how the system operates at different levels and where systems overlap, to understand the ethos and identity of YOTs. Whether that is, for example, the running of local crime prevention programmes, helping young people at the police station once they have been arrested, assisting young people and their families in court, supervising young people serving community sentences or staying in touch with the young person if they are sentenced to custody. All the above have their systems and organisation. This section will analyse how those systems work and see where they start and effectively finish, including how different systems take over. As

previously mentioned, youth offending teams were created by the 1998 Crime and Disorder Act to prevent offending by children and young people. Arguably they are the key to successful intervention in the lives of children and young people who commit criminal offences and their families (AYM, 2017).

Many stakeholders in youth justice, including academics, government organisations and policymakers, have tried to explain what the purpose of a YOT is (Ryrie, 2006; Drake et al, 2014; Smith & Gray, 2019). Even though there is an explanation and guidance in the Crime and Disorder Act, of 1998. Much of the assembly of the youth offending team is down to interpretation of the local authority (CADA, S.39, 1998), so because of these different, localised forms of a YOT, it is essential to highlight how complex that policy interpretation is.

It is also essential to look at how YOTs view themselves. For example, various YOTs in Wales describe their practice as follows; Preventative programmes and structured activities to divert young people from offending and anti-social behaviour; the YOT aims to help young people to stop offending by enabling them to take responsibility for crimes they have committed and offering alternatives'. These interventions might include work specific to the offence the young person committed, support with education, training, and employment, help with substance misuse and or with any health issues. (Pembrokeshire Youth Offending Team, 2003; Powys Council, 2022; Ceredigion Youth Offending Team, 2022). It is important to note that the organisational culture of a YOT can have a significant impact on the treatment that young people receive (Morris, 2015) as well as interpretations of how national policy should be delivered on a local and individual level, yet it has been a largely under-researched area in comparison to other key criminal justice agencies, hence the need for further research in this area (Morris, 2015).

Although there is a procedure to follow for YOT creation, section 39.6 of the CADA (1998) states *youth offending team may also include such persons as the local authority thinks appropriate after consulting the persons and bodies mentioned.* Hence, the interpretation of inclusion and YOT identity is crucial to this research. It could very well be suggested that sections of the CADA outline the individuality of YOT identity as identified by the YJB themselves when reflecting on the impact of evolution following the establishment of YOTs in 1998: 'Local innovation regarding models of service configuration and delivery, driven by the desire to improve service delivery while achieving maximum efficiency and value for money.' (YJB, 2013:5)

YOT identity is not just about how many officers are employed, it is about the framework and what agenda is being followed (Morris, 2015); there is, as the legislation

suggests, an intended divergence between YOTs (Crime and Disorder Act, 1998; Section 39). This is an area this research will explore. It is about understanding ideology but also who is in charge and the importance of the YOT manager's role; there must be a space for discussion around the risk of system instability.

It is also about aspirations, what that YOT want to do, and what pathway the YOT want to follow. If it still complies with the statutory guidance and law, however, question marks surround whether that goes as far as it could. That is the danger of localism; it can depend on one leader. This can be influenced by an increase or decrease in priorities, and the budget for YOTs is an example of this (Drakeford, 2010).

Moreover, when reflecting on service configuration and delivery, one must question national expenditure and jurisdictional decisions when considering YOT identity. The questions pertain as to where the money for services comes from. Overall, in 2019/2020, the YJB spent five million pounds of its net expenditure (£84.4 million) on central staff, administration, and other non-staff and a further 80.2 million pounds on YOT programmes, including staff, IT and local authority grants (£72 Million) (YJB, 2020) showing the significant expenditure in recent years.

However, when reflecting on previous points by Drakeford (page 41) studying the financial aspects of youth offending, *"quite clearly over half and quite possibly over 70% of the total budgets of YOTs in Wales are provided through services that are entirely outside the direct control of the Home Office and the Youth Justice Board"* (Drakeford, 2010:139), So although this expenditure may seem high, it is propped up in the majority by the WG and other services such as the PCC's annual budget. Further evidence came in terms of spending in 2007-08. The total cost of youth justice in Wales was £17,741,352. Of this full figure, £2.9m was given to the YJB, £1.6m to the police, £1.4m to the probation service, £8.9m to social services, £0.7m on education, £0.8m on health and £1.4m on local authority chief executives (Welsh government 2009).

Further to these considerations around expenditure and budgets, a motive for research in this area echoes that above point. However, different YOTs/related agencies start with the same principles. They do so with such open-mindedness and so many other agencies involved from the beginning that there will be some differences in approach and practice, whether that be innovative or recycled. It is essential to understand if there is a distinct Welsh approach to youth justice coming out of Wales, and how does this happen and why? Another critical factor this literature review has uncovered surrounding identity is the language used by YOTs: some refer to young people as young offenders or to a youth offending service; what is the most

appropriate and what is used by YOTs across Wales will be explored in the data collection stage of this research and whether they think the language used affects a young person considering what we know about labelling theory (Becker, 1963; Lemert, 1967).

There are a various diversion, prevention and intervention programmes that work to keep young people away from crime. They involve working with the community in local areas and include parents, carers and families (Home Office, 2017). The more important question is not what the programme is but moreover what sort of plans different YOTs are using and why they feel that the plan in question is more critical than others offered by different YOTs across the country; this line of thought alludes to questions around the postcode lottery of service delivery born out of varying YOT identities. The following section builds on this discussion within this chapter by offering a reflective summary of the key findings within the literature review.

Concluding Comments:

The operation of YOTs in Wales post-devolution is becoming more complex because of the unique constitutional and governance settlement that exists in Wales. The following section outlines the key themes which most relate to the operation of YOTs in Wales.

Considering the literature, in the context of the research questions, it became apparent that critical themes existed; therefore, it is appropriate to summarise and reflect to consider these. This section will discuss the key findings from the literature review and provide a brief recap to ease chapter reading. The section will explain how they are relevant to the study and why they matter to the overall concept of the thesis and form the basis of the consequent chapters; there are gaps within the literature which have been identified, and they will be coherently explained below.

A key finding from the literature refers to changes in social control that have occurred throughout history, from public execution before the 18th century, where punishment was directed at the human body (Foucault, 1979). This is important to this thesis because as time has changed, so have the principles and motives behind the punishment, often stylised in different ways and adapted to suit a political narrative (see New Labour or Diversion 1980s) exploring the new changes to policy and process in Wales is important to this thesis.
Another gap that has become apparent is how the UK has done little to collectively make children's rights a priority through legislation (McCall-Smith, 2019).

Consequently, the devolved UK nations, including Scotland and Wales, have had to individually formulate political and legal commitments to further entrench children's rights in line with the UNCRC in their own ways (McCall-Smith, 2019) exploring this notion of a distinctive form of rights and consequently justice in Wales will be sought out.

It must be further understood that elements of the data and consequent research, reflected on within 'Welsh' youth justice is now 20 years old, rendering them outdated and in many ways out of touch with the authenticity of today. Adding to this, the study claimed, that 'children's feedback was utilised' (Case & Haines, 2015:234), so although children were included this was more of an add-on rather than a centralised part of the methodology.

Thus, there is a significant gap in the field to study the views of children and young people in youth justice across Wales today as a whole country and not limited to just one area in South Wales. A further point this the literature review has considered is how although research has been undertaken about several YJ policy and operational activities, (Silk, 2011; Thomas, 2015; Thomas, 2019; MOJ, 2019; YJB, 2022).

This has not gone far enough in the context of Welsh devolution, hence the need for further understanding in the area. As outlined by Evans et al., 2022, the second wave of research studies is needed (following on from the original focus of 'Dragonisation') on Wales's role within the England and Wales jurisdiction can ensure that wider criminological research agendas reflect the fact that Welsh devolution has already radically modified an 'England and Wales's system once regarded as monolithic (Evans et al., 2022).

Whilst there may be a significant degree of political consensus across the parties and layers of government that localism is, in fact, a good thing, there remains an argument over 'postcode lotteries', the media term used to describe different services in different areas (Graley, 2011).

Exploration of whether this 'critique' can be a good thing and, in some ways, becomes a 'postcode choice' where the local public vote for the services they need when it comes to local council elections and the general election. Although the local bodies and partnerships deal with things (CADA, 1998), YOTs were created by the Act. They were not made in isolation; local problem-solving, and local decision-making, this is what was underpinning the Crime and Disorder Act; a focus on localism and the idea of a post-code lottery of service provision will be explored throughout this thesis.

The final gap in the literature which requires exploration is the role of the YOT manager; this is pivotal to this thesis because they stand in the centre of something that touches on education, probation, health, and community safety, and although balancing the best

interests of so many agencies is not in the job description, it does give them the power to influence other agencies, (Smith, 2013) which is again not what is written in the legislation; this thesis will question whether that is another measure of a Welsh approach or result of the devolution settlement.

Integral to this thesis, understanding the true nature of the role, what power it possesses and how significant the influence of YOT managers is across policy and practice in Wales. The Crime and Disorder Act, of 1998 only goes so far in terms of the instructions for YOT managers (Souhami, 2012). There is a relative presumption for the rest of the role, with an implied emphasis on their discretion (Haines & Case, 2015).

The literature review is a strong tool to identify gaps in knowledge, and bearing in mind those gaps, methods were developed, which will be looked at in the next chapter. This thesis sources an enhanced understanding of specific areas within youth justice research, assessing the role and influence of youth offending teams in Wales to adapt and implement policy and practice. There are significant gaps in the literature as outlined above, and this PhD thesis takes the policy and rhetoric of criminological research in youth justice a step further, considering the gaps in the literature and research surrounding youth justice and devolution. There is no research study that consults all stakeholder levels of the youth justice system, including those who have a significant impact on the youth justice system yet lack a voice in the policy and process debate.

These identified gaps will be discussed in more detail about the research in the methodology chapter; this exploratory research project will contribute to knowledge and not just provide a brief insight into factors that have been studied before. The literature review is a strong tool to identify gaps in knowledge, and bearing in mind those gaps, methods were developed, which will be looked at in the next chapter.

This chapter has discussed the research-related gaps that need addressing in the research, assessing the role and influence of youth offending teams in Wales to adapt and implement policy and practice. There are significant gaps in the literature, as outlined above, and this thesis takes the policy and rhetoric of criminological research in youth justice a step further, considering the gaps in the literature and research surrounding youth justice and devolution.

There is no research study that consults all stakeholder levels of the youth justice system, including those who have a significant impact on the youth justice system yet lack a voice in the policy and process debate. These identified gaps will be discussed in more detail

about the research in the methodology chapter; this exploratory research project will contribute to knowledge and not just provide a brief insight into factors that have been studied before. The next chapter will look at the methodology of this thesis to address the research questions.

3. Methodology:

The methodology will detail and justify the methods that you selected in order to operationalise the research. The research, which will address key gaps in the literature. At its heart, this chapter is about developing an appropriate methodology to address those questions posed at the end of the literature review and the overarching question this thesis seeks to understand, which is shown below:

> *To what extent does the existing Welsh devolution settlement enable youth offending teams to develop bespoke and innovative approaches to youth justice in Wales?*

Reflecting upon key issues identified through an analysis of the literature, there is arguably an imperative that the research should seek to engage those stakeholders who possess knowledge and understanding to inform the main research question.

This methodology has been developed in the context of the main question and the key findings from the literature. This chapter will offer a structured framework that sets out how the research was constructed and how a meaningful methodological approach was created. 'There is nothing more necessary to the man of science than its history, and the logic of discovery… the way error is detected, the use of hypothesis, of imagination, the mode of testing.' (Lord Acton, 1895).

The aim is to understand the layers of the youth justice system through the first-hand experiences of stakeholders from all levels of the youth justice system – from young people who conflict with the law, to youth offending team staff and managers, to the police and crime commissioners for each regional area in Wales. In the context of the CRC debate and Welsh policy, which does emphasise participation, this methodology seeks to promote a dialogical and participatory methodology.

Another critical factor that will be explored are the ethical and research process issues raised by the research. The thesis will explain the ethical approval process undertaken, how the sample was selected, and why it was chosen. It will explain the importance of researching and

understanding the views of key youth justice stakeholders from all levels of the youth justice system. This study has adopted a qualitative approach to capture and understand the views and lived experiences of those who come into contact with or are formally a part of the youth justice system. This chapter sets out and justifies the data collection methods used in this thesis to ensure the research is as valid as possible.

Interviews with practitioners are important to this research because discussions of programme successes and failures can lead to fine-grained hypotheses; the researcher must think about what works for whom and in what circumstances and respects (Pawson & Tilley, 1997:11). As Pawson and Tilley suggest, this stage is seen as the launching pad for realist evaluation and is, in many ways, its most distinctive phase, although this is an exploratory methodology, the process discussed above is key. What is involved in bringing the imagination to bear in 'thinking through' how a programme works (Pawson & Tilley, 1997:11) is what the research does. It explores and discusses how What could be said to be the 'Welsh youth justice system' works and operates.

This is an exploratory research study, which seeks to determine the ways that people construct understandings or notions of justice and the operation of the system. Understanding what meanings, they give to actions and what issues concern them (Bachman & Schutt, 2006). Exploratory research, as defined by Vogt, 1999 is a broad-ranging, purposive, systematic, prearranged undertaking designed to maximize the discovery of generalisations leading to the description and understanding of an area of social or psychological life (Vogt, 1999).

This research study will investigate the phenomena within the subject area, in this case, youth justice and the stakeholders within the related services within Wales. As with all exploratory research, the goal is to investigate social phenomena without expectations (Bachman & Schutt, 2006). This research is exploratory because there are no prior expectations of stakeholders' views or opinions. Participants' voices lead the research in the study without any deeper agenda.

The specific focus of this research has not been comprehensively addressed within research, and thus, the enquiry is timely. Therefore, it is essential to note that this thesis has no set agenda, and the researcher will let the themes and consequent findings emerge from the data set, providing something new. Without the ambition to say something new, research becomes a standstill; non-exploratory research can, by definition, only result in the repetition of what is already known (Swedberg, 2018). Therefore, this thesis follows an exploratory

research approach. This thesis will provide a contemporary viewpoint of youth justice rather than a review of the existing research in the field.

This research should therefore be conducted in a transparent, honest, and strongly self-reflexive way – and follow a set of guidelines to ensure its reliability. Exploratory research can achieve great validity and provide new and innovative ways to analyse reality (Reiter, 2017). This research lends itself to this rhetoric because it broadcasts the voice of participants and elucidates an understanding of the youth justice system; therefore, exploratory research is the most suitable style because, as Reiter suggests, history unfolds dialectically. Exploratory research uses dialects as an analytical tool and a way to look at reality; this is what the research does – it takes reality and seeks to understand and explore that (Reiter, 2013).

The participants guide the research. Their opinions and views will guide the study and consequent discussion, conclusions, and recommendations. Many methodological ideas and concepts have been studied in the build-up to completion of data collection and subsequent analysis. This chapter will explain how the research was done, which tools were used to complete the study and why all steps were decided. This chapter strives to provide a manual for conducting qualitative research with elite stakeholders and young people whilst providing the ethical understanding required in modern social science research. The following section reflects on the research questions and their meaning to the thesis.

The methodology informs the research agenda and questions. To operationalise these five gaps as indicated at the end of the literature review:

- A need to Understand the changes in policy and process
- Are there Distinctive forms of justice in Wales
- A radical refresh of young people's voices is needed
- Has a postcode lottery of service provision been created
- How much influence do YOT managers and, consequently, YOTs have in Wales

The research aims and objectives are offered below to unravel these four gaps and satisfy the overall question of this thesis; they have been created to explore this question and the subject area in greater detail. The aims and objectives for the research are stated on page (4) above.

Research Design:

In terms of the technical design of this research, it is steeped in real-world research; which is, as Robson & McCartan outline, real-world research examines personal experiences, social life,

and social systems, including policies and initiatives, all of which this research does from the outset as real-world research can shape the world and explain why the world is in the shape that it is (Robson & McCartan, 2016). However, this is most certainly mixed with a combination of theoretical understandings of the subject area through criminological theory and through the practical experiences of the subject area, both of which are equally important and equally rewarding in terms of outcomes (Baddeley, 2013:443).

A three-phase research methodology was developed. Those phases will discuss the target audience being researched, their role in the study, and their importance to the idea. The research instrument used in all the phases will be discussed along with the sampling strategy for each phase and will be covered in greater detail in the sampling and data collection sections.

3.1 Epistemology: A Strategic Overview.

Due to the focus of this research, an epistemological research project is needed to understand to what extent the existing Welsh devolution settlement enables youth offending teams to develop bespoke and innovative approaches to youth justice in Wales. To understand effectively the nature, operation and experiences of key stakeholders concerning youth justice in Wales and how their various roles interact and influence youth offending teams and youth justice more broadly. Exploring the realities of youth justice in Wales, post Devolution.

The data collected in this study will therefore be interpreted to understand the critical issues discussed surrounding notions of autonomy, control, and influence within the field of youth justice and youth offending teams. This element of the design section will discuss the theory of knowledge that underpins the thesis. Epistemology is defined as:

> *'Epistemology (from the Greek episteme = knowledge, science; and logos = study) the science of knowledge studied from the philosophical point of view, or the science of knowledge in its ultimate causes and first principles, studied using the light of natural reason.'*

> (Horrigan, 2007).

To fully comprehend the methodology this thesis operationalises it is important to identify the theoretical foundations the research is grounded within; this allows for the formulation of the methodology to progress from theory to the data collection instruments that

are chosen and the overall stance the research will take. In this case, the ontological perspective is defined as 'the study of being' (Crotty, 2003:10). It is concerned with 'what kind of world we are investigating, with the nature of existence, with the structure of reality as such' (Crotty, 2003:10).

The perspective allows for the identification of the epistemology that provides a strategic assessment of the methodology and the methods most suited to the research programme (Howell, 2013). In this case, that is a doctoral thesis. The theoretical perspective is defined as 'the theoretical stance informing the methodology and thus providing a context for the process and grounding its logic and criteria' (Crotty, 2003:7).

This thesis is interpretivist, meaning that it follows the idea that society is socially constructed and is the product of interactions and interpretations of meaning. Therefore, people interpret situations and actions and react accordingly to said action (Eklundh & Turnbull, 2016). A subjectivist ontology underpins this, because the goal of subjective research is to develop understanding, increase sensitization to ethical and moral issues, and personal and political emancipation (Denzin & Lincoln, 2005). To understand how and why things happen, the researcher must delve into the meaning of those reasons and interpret the data set. This is fundamental to an interpretivist research study and is typical of an analytical approach.

This approach or stance has some practical advantages as it facilitates questions such as 'how' and 'why'. This is particularly beneficial to the semi-structured interview format used throughout the thesis. A further advantage of such a stance is that it enables the researcher to be ready for changes as they occur (due to the flexibility of the semi-structured interview) (Williamson & Johanson, 2017).

An interpretivist approach, however, has some disadvantages, such as the time-consuming reality of data collection, especially when researching elites and the challenges of engaging children in research. This will be minimised by a robust research timeframe. The research comprises three work packages, and each stage informs the next, which is supported by the timeframe. Therefore, the initial interview stage needs to allow for the identification of tensions, concepts, and a further understanding of the phenomenology, which is defined as:

> *'Phenomenology is the study of structures of consciousness as experienced from the first-person point of view. The central structure of an experience is its intentionality; it's being directed toward something, as it is an experience of or about some object'*

(Smith, 2013).

This research is immersed in the theory of pragmatism; as a research paradigm, pragmatism is based on the proposition that researchers should use the philosophical and/or methodological approach that works best for the research problem that is being investigated (Tashakkori & Teddlie, 1998) because research this research combines the triangulation of stakeholders from all levels of the youth justice system and different methods to gather information, it lends itself to pragmatism, which *asks the key question:*

> *'What difference would it make to act in one way rather than another? And the only way you can answer that question is by tracing out the likely consequences of different lines of action and ultimately deciding on a way of acting that is likely to resolve the original uncertainty in the situation.'*

(Morgan, 2014:28)

This philosophy is taken into the research to understand the opinions and perspectives of those at the heart of youth justice in Wales, understanding what they think will make a difference in the lives of young people and hopefully change their lives for the better.

A mixture of data collection methods were developed throughout this study because it was the hybrid data collection approach (Cresswell & Plano Clark, 2018; Verd, 2022) in order to satisfy different levels and circumstances; this allowed for the testing of a common meeting place of views and opinions, which will be discussed further in this thesis. It is seen as a major strength in data collection to use a multi-method approach, to provide a richer picture of the events or issues that would be found by a single method (Sawyer, 2001; Yin, 1994).

Because the participants are so different in terms of experience and demographics, other data collection forms will help draw out information from participants in settings that suit them. Hence the use of focus groups/group interviews and semi-structured interviews; in turn, the thesis will make practical considerations and offer practical solutions to real problems that emerge from the data. There are many ways of interpreting the world and undertaking research, but no single point of view can ever give the entire picture and there may be multiple realities; therefore, using a mixed methodology is essential (Saunders et al., 2012). Punch further explains this:

'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, 2014:304).

Writers on empirical research, such as Denzin, argue that the researcher should be aware of the history of social research to ensure that voices of marginalised communities are brought into the research world to keep their experiences in the current discussions (Denzin, 1996). Although one could argue that YOT workers are not marginalised per se, they are a significant group within the youth justice system whose voices are overlooked consistently within policy creation, hence the importance of inclusion in the study. The same goes with even more emphasis on young people whose voices are consistently overlooked in policy creation and development. Often invisible voices of young people, but also, of those officers who work with hidden and vulnerable communities (Lowe, 2006), who are sometimes themselves advocates for change. This is also true of some of the elites, for example, PCCs.

It must be recognised that the research proposed is original. It is essential to focus on effective practice; as mentioned above, to understand what works, it is necessary to look back to previous research within the social sciences to understand how effective mixed methods can be. In terms of eliminating bias and ensuring actual validity, many have championed using mixed methods or triangulation (Bergman, 2008). Others have taken the advocacy to the next level, explaining the real purpose of triangulation:

'The purpose of triangulation (as this multimethod approach is often called) is to ease validation which… involves comparing various readings of the same or nearly identical social situations. From these comparisons, we infer the level of measurement validity that the measures have obtained.'

(Brewer & Hunter, 2006).

The idea of a mixed methodology to support this phased methodology is important when developing an understanding of power narratives supported in the research because understanding aspects of the voices of different stakeholders in the diversity of their 'standing' could be interesting and illuminating.

3.2 Data Collection Instruments:

This section will describe and detail the data collection instruments used to research this thesis. This section will explain the data collection instrument used at each stage of the research and why it was selected. This thesis defines an instrument as a 'mechanism for measuring phenomena' used to gather and record information and make decisions that hopefully form an understanding of the phenomena in question (Colton & Covert, 2007). Although the information is subjective and personal interpretation plays a large part in the data analysis because of the mixed methodology and triangulation of methods, this 'interviewer bias' towards selecting material for analysis should not be a problem.

Flexibility in terms of how and in what sequence participants can answer questions, whether areas of interest can be followed up with further questions or topic changes, and whether certain areas can be dropped due to lack of relevance allows the researcher to shape the course of the interview, allowing themes to emerge and the discussion to stay on track (Lewis-Beck, Bryman & Futing Liao, 2004). The semi-structured interview, qualitative in nature, offers flexibility to the interviewer. When a robust plan of themes and topics is at the interviewer's disposal, the semi-structured interview becomes a powerful tool that allows one to capture the voices and the ways people describe their previous experiences (R Taylor & O'Driscoll, 1995; Rabionet, 2011; Guang Tian, 2016). The next section will explain thee methodologies used at each stage.

3.2.1 Stage One. Strategic Vision: Those who create policy and influence decision-making.

Stage one of the research involved interviewing elite research participants; this part of the study used semi-structured interviews because there are influential individuals with determinative power being interviewed (Cook-Sather, 2006; Wilkinson et al., 2018; Ralls, 2020). There are other tools for collecting data; however, semi-structured interviews are the most effective way to engage with these participants. Their participation needs to be managed in a form that works for both the participant and the study. The research participants in stage one of this study are categorised as 'elite'.

These are those people who have the executive authority to make decisions. This works in two ways because, elites can be powerful and dominate research agendas and yet, at the same time, due to accessibility or political issues, may be invisible on occasion. There is a lot of evidence

from YOT managers, (Justice Committee, 2011; Day, A.-M, 2022). Yet there is a lack of evidence from those who create policy and those who work at the coal face, including young people who have system experience.

This is where this research differs, looking at all system levels. Semi-structured face-to-face interviews with 'elite' youth justice stakeholders will take place at all layers of this study. Elite interviewing has been used to study the views and activities of generals, businessmen, politicians, and church leaders and has been of concern to social thinkers since the earliest days of Western thought' (Moyser, 2011) For the purpose of this thesis, it is defined as;

> *'Elite research focuses mainly on political and economic notables in practice…those at the 'top' of any stratification system, be it in sports, academia, social status, religion, or beauty. The study of elites touches on some of the major and perennial issues of social analysis'*

(Moyser, 2011).

Although the method may be called 'elite interviews', it is simply the semi-structured interview process with the addition of interviewing elite members of society. Therefore, this section will consider the benefits of using semi-structured interviews and interviewing the elite.

Because of the nature of qualitative research, one must be prepared to ask open-ended questions that build on previous queries and information to get the richest data. Many academics have argued that semi-structured interviews allow for the exploration of lived experiences and can facilitate the telling of a story whilst allowing the interviewer to keep the discussion completely on track (Galletta, 2013). This open-ended question approach enables the interviewer to ask relatively direct questions that require one or two-word answers or to understand the context or factual basis, but it also allows for more open questions which will enable the interviewee to elaborate; this is a strong advantage of using semi-structured interviews as opposed to completely structured (Given, 2012).

In the 21st century, there has been a significant increase in the drive to interview elite members of society, whether that be business professionals, politicians, or government workers. They have a clear role to play in research because of the wealth of knowledge they have acquired during their time in their respective roles. However, because of the structure that is incorporated into the interview process the challenging factors of this group are somewhat mitigated (Harvey, 2011).

It must be noted that there is a broad understanding of elite interviewing across social sciences; scholars have adopted several different approaches (Harvey, 2011). For example, Zuckerman, 1972 uses the following terminology: 'Ultra-Elites, individuals who hold significant amounts of power within a group that is already considered elite… U.S. senators constitute part of the country's political elite, but among them, there is a subset of particularly powerful or prestigious influential defined as Ultra Elites.' (Zuckerman, 1972:160). Many of the participants in this research are in significant positions of power which pertains to the usefulness of the quote above.

This definition is constructive when interviewing 'elite' members of the Welsh Government, or heads of services in Wales. These Elites are the highest members of their sector and are significantly more prestigious in authority and political clout, it must be noted that these participants are elite in the context of the research. This stage will also help to support the other stages of the research using snowballing to be connected to further participants.

'It is not necessarily the figureheads or leaders of organisations and institutions who have the greatest claim to elite status, but those who hold important social networks, social capital and strategic positions within social structures because they are better able to exert influence.'

(Harvey, 2011:4).

Hence why this will, in turn, allow the researcher to snowball through the contacts and networks of the said participants to allow access to groups and individuals who would be very difficult to access otherwise.

3.2.2 Stage 2 - Operational Vision: Those who implement policy

Although stage 2 involves elite interviewing the focus slightly changes from policy creation to policy implementation, therefore in this capacity, the appropriate terminology would be 'Professional elites', because they are highly skilled and professionally competent (McDowell, 1998:2135) however, they will be referred to as policy experts and YOT managers throughout this study.

This would be a suitable explanation for 'elites' such as youth offending team managers, who will be interviewed at stage 2 because they are professionally elite in their high skill set and have an advanced level of professional competency. However, all participants, especially in qualitative research, are valuable and important. An example of this would be civil servants or Welsh ministers, or politicians. They may have influenced policy through discussion and debate (see Hansard, 2000) but may not be directly referenced in a policy paper or government report. Therefore 'Job titles can entirely misrepresent the role of workers and therefore are by no means an indicator of elite status.' (Harvey, 2010:195).

Semi-structured interviews will be used at stage two because of the knowledge of those participants who have an operational vision, they implement policy. They have experience with change in youth justice and related policy areas. Within this context, qualitative, semi-structured interviews are one of the most widely used data collection methods within the social sciences (Bradford & Cullen, 2012). They are valuable because they allow researchers to explore subjective viewpoints (Flick, 2009) and gather in-depth accounts of people's experiences (Evans, 2017). Because of the nature of this study, there is a push for genuine conversation, and as has been outlined by (Rubin & Rubin, 2005; Choak, 2012), interviews should resemble a flowing conversation.

Within the semi-structured interview methodology, this conversational technique will allow further explanation of questions and the interview to deviate off-script and clarify specific points (Lavrakas, 2008). It also allows the interviewer to unravel some critical issues relating to the topic area but not included within the original script. This conversational style can undoubtedly help to build rapport and helps with improving rapport and trust between the interviewer and interviewee and the time spent within an interview setting, with an 80% increase in some instances (Lavrakas, 2008).

3.2.3 Stage 3- Stakeholder & Practice Vision: Those in contact with the youth justice system.

Stage three is split into two parts; the first part of this section will discuss the data collection instruments used for practitioners and the second part will discuss the instruments used for young people. The data collection instrument selected for the young people in stage three has two elements semi-structured interviews and focus groups, the reasons for their selection will be explained below.

There are many child participants at stage three, and all questions within the discussions will be meaningful to the project, and they also have to be appropriate for the children. For example, either focus groups or semi-structured interviews will be offered to young people, depending, on the time, setting and day, and importantly which method young people wish to engage in. It may not always be possible to conduct a one-on-one interview with a young person, for example, because of time constraints in their schedule; however, all young people will be offered the choice of participating in either, the concept of interviewing children will be discussed in detail further into this chapter (see page 89, research with children).

It must be noted that although interviews will take place with different demographics, they will all be conducted in the same format. The interview questions will differ depending on the participants. The interview style will also vary depending on whether the research is with adults or children.

Focus group/group interviews will be offered for stage three with the young people. This session will consist of a focus group structure following the same question format as the one-on-one interviews and will be used for timescale purposes when collecting data in youth offending teams. It will use a technique called circle time, which has been commended as a valuable tool in both data collection and as an intervention strategy because it can help to develop pupils' social skills, improves self-esteem, and can address the needs of pupils with behavioural difficulties (Canney and Byrne, 2006; Lown, 2002). To mitigate potential data-sharing differences associated with each method, the circle time technique is better at enabling children to share data (Mosely & Tew, 2013).

Specifically, it has been argued that circle time can help pupils cooperate and improve pupils speaking and listening skills (Housego and Burns, 1994). Researchers have also found a link between the use of circle time and more effective group work in the classroom (Lown, 2002). Because the young people involved are within this age category (10-17) and are engaging in the educational curriculum for England and Wales, in various capacities, this style is helpful for the data collection process. Within this concept of circle time, young people give their opinion when holding a prop (in this case, a football). If they would like to speak or offer comments, they ask for the ball and then provide comments – one person at a time. 'A focus

group is a discussion involving a small number of participants led by a moderator, which seeks to gain an insight into the participants' experiences, attitudes and perceptions.' (Hennessy & Heary, 2005:236)

3.3 Sampling:

This section will discuss the sample used in the study, the sampling strategy and why this sample was chosen for the research. This study uses a layered and incremental data collection approach, with each research phase informing the next; in summary, figure 2 shows how the process works and is further outlined in figure 3, which demonstrates the importance of the participant's voice from all stakeholder levels within the youth justice system. The first part of this sampling section will outline the sampling framework and methods used for this study before looking at the participant groups in more detail. Multiple sampling techniques were adopted; these will be explained and comprehended in this section. Purposive sampling will be used to identify participants for the research study. The definition of 'purposive sampling' that will be used throughout this project is as follows:

> *'Selecting a sample based on your own judgement about which units are more representative or useful.'*

> (Rubin & Babbie, 2010:148).

This sampling method was selected because it suits all stages of the study. This section will explain how it resonates with each stage and why it was the best decision for the study, comparing purposive sampling with a variety of other samples that were considered to showcase why purposive sampling was the most appropriate method. Purposive sampling is widely used in qualitative research to identify and select information-rich cases related to the phenomenon of interest (Palinkas et al., 2016).

Due to the nature of this research, the more targeted approach of purposive sampling was more appropriate, given the aim and objectives of the research than, for example, random sampling, as the participants required for the stakeholder approach in this study would not have been met, making explicit the approach used for participant sampling provides improved methodological rigour (Dube & Rossi, 2019; Campbell et al., 2020).

The style is very flexible in nature. It incorporates a greater level of elasticity than other techniques such as 'systematic sampling', where the sample is fixed from the start of the project. Purposive sampling allows changes at various stages of the fieldwork to ensure the

project includes the most appropriate sample (Emmel, 2013). This systematic decision-making system lies in the researcher's hands with a certain degree of flexibility essential for elite interviews (Harvey, 2010).

This sampling strategy does include some elements of snowballing. Snowballing is a sampling technique that is very common in the social sciences, beginning with an individual gatekeeper or network with the guise of collecting further contacts or details of potential research participants, effectively relying on the expertise of others to identify others for the sample (Dantzker et al., 2016).

As those included in the sampling plan have their networks and contacts, the idea from the outset was to develop a research network during the study and expand the sample to suit the stages, hence the difference between the plan and the final sample table. Many different public bodies, agencies and teams were included in the sample framework.

Referring to the data collection methodology, this purposive sampling approach was intended to increase the number of participants, whether that be through word of mouth or by the participants acting as gatekeepers to further contributors, this sampling strategy is inductive and interpretive because it relies on the researcher's experience to decide the project's path (Emmel, 2013). Many of the participants involved in stages one and two can create change and influence policy at the top of the stratification system, youth justice and related policy areas. The participants have been selected because of their knowledge, interest, and influence at the top of their stratification system.

It has been suggested that researchers conducting elite interviews should employ purposive sampling to generate a 'pool' of interview subjects that are relevant to the subject area and that reflect sufficient variation on theoretically relevant variables (Mosley & Lynch, 2013), hence the scope of the participants selected for this study. There is a wealth of experience across the youth justice system, which is of tangible importance. Reflecting on the research question and the aims of this study, it was imperative to identify those who would give the best-lived experiences of youth justice in Wales and those who directly affect the day-to-day running and future of justice policy and process.

'If the study entails interviewing a pre-defined and visible set of actors, the researcher may be in a position to identify the particular respondents of interest and sample those deemed most appropriate for the research needs.'

(Tansey, 2007).

As can be seen in the sampling table, which details the participants in each stage of the study and the 'original participant sample plan', the vision of this thesis has always been a large one, with particular attention paid to those who control and influence and those who have lived experience of the youth justice system. The original participant sampling plan was created to develop a study that was as relevant and reliable as possible because with 'accurate judgement, and an appropriate research strategy', purposive sampling can be used to ensure the data collected is as 'relevant and reliable as possible' (Kidder et al., 1991). The sampling plan is below:

Original Participant Sampling Plan. Figure 1.		
Stage:	**Participant:**	**Number of Participants: 52**
Stage 1:	YJB Cymru	2
	YJB	2
	Welsh Ministers	4
	Justice Commissioners	2
Stage 2:	PCCs	4
	YOT Managers	4
	Policy Makers	4
Stage 3:	YOT Practitioners	15
	Young People in conflict with the law	15
	Youth Parliament	10 (2x focus groups)

As this table shows, there are some omissions between the 'original participant sampling plan' and the final sampling table, which is detailed below. The original plan contained 62 participants, and all participants were approached via email, telephone, and face-to-face contact. Attrition was expected at an elite level because of duties and the Covid-19 pandemic due to lack of time and space. Moreover, when considering interviews with young people who often lead chaotic lives, there was attrition with missed appointments and timings, which was expected and accounted for.

As outlined above and for a variety of reasons such as time constraints, safeguarding and ethical considerations, this original sample number was not possible. This will be explained in the final section of this chapter titled 'challenges of the research'. There are also some different participant groups in the new table. These groups were identified because of the sampling style incorporated in this study. It must be understood that this research plan was a forecasted sample plan, and not every participant approached agreed to participate; considering the length of research and various factors that will be discussed throughout this thesis, it will be made clear why some potential participants did not take part in the process.

3.3.1 Widening the Sample:

Due to the nature of elite interviewing, each participant in this research design can arguably become a gatekeeper, as mentioned above. The upper echelon of policy creation and implementation can be a rather hard-to-access group. Without those 'elite' gatekeepers, access would not be possible. The flexibility of this research will help ensure the most appropriate participants will be interviewed. Purposive sampling, as a tool, was identified because the researcher can use their prior knowledge and expertise to choose respondents that will help understand the research aims and questions to maximum output (Bailey, 1994).

Participants need to fit the research criteria and reflecting on the above point about the researcher's prior knowledge, it is those networks developed by the researcher in the process that allows for additional participants and access to those who may not have been accessible at the start of the process. An example of that would be the inclusion of trade unions and the Welsh Local Government Association. Other approaches, as mentioned above, include random sampling. Although they have some positives in gaining participants for studies, those are

outweighed by the strength of purposive sampling and snowball, which offers a more direct in approach (Miles & Hubermann, 1994; Palinkas et al, 2016).

3.3.2 Gatekeepers

In terms of the sampling, process gatekeepers were integral to this study because of their working relationships with participants. This was true for all layers of the youth justice system and broader services. Within the research process, gatekeepers have a crucial role in ensuring access to potential participants and locations for research (McFadyen & Rankin, 2016). Positive influences of the gatekeepers can be invaluable to the research process by facilitating the smooth running of research activity to completion (McFadyen & Rankin, 2016). At times, gatekeeping within this study was problematic. The researcher had limited or no access to specific departments or areas, and in some cases, when the gatekeeper changed, so did the access.

The access to young people within the study was mainly reliant on gatekeepers because of the lack of extra layers of ethical considerations managed by those who hold access to vulnerable groups. Although this required much more rigorous detailing and planning to involve young people, the central objective of this PhD is to gain the views of all stakeholders within the YJS and fundamental to that is the voice of young people. Since the UN Convention on the Rights of the Child in 1989, there has been a growing recognition both in Europe and internationally that children have a right to be heard in matters that affect their lives and have a valuable contribution to make (Coyne, 2010). This research wanted to listen to those views. So, although obtaining ethical approval and access to children can often take months which can cause problems with funders and deadlines (Stalker et al. 2004), it was decided early in the research journey that this was a risk worth taking for all voices to be heard.

There are certainly risks with adopting this recruitment strategy and having so much power lie in the hands of the gatekeeper, such as how the screening process is dependent on personal idiosyncrasies and how certain children may be excluded without sound rationale or adequate justification for such exclusion (Coyne, 2010). In many cases, this is because of gatekeepers' personally held views/belief system of children and varying positions on protection and participation (Coyne, 2010). Fortunately, the YOTs that were approached were

very helpful with organisation and open access to all young people, after signing a 'Research Gatekeeper Checklist', which helped with the negation of expectations with young people included from differing levels of system involvement and case severity, as opposed to just the perceived 'best' young people to make the YOT look favourable.

When interviewing 'elites', the relationship with the gatekeeper is also essential. Arguably each participant in this research design can become a potential gatekeeper, as mentioned above. The upper echelon of policy creation and implementation can be a rather hard to access group, and without those 'elite' contacts developed through the study, access simply would not be possible; this flexibility will help to ensure the highest calibre of participants will be interviewed. This is the most appropriate sampling measure for this research project because this project requires the viewpoints of key stakeholders and experts from the youth justice system to gauge the whole picture and ensure all areas are represented equally. The sample is as helpful as possible; the sample has been chosen to fit the questions and topic hence the importance of this method (Babbie, 2015).

3.3.3 Sample Table:

The following table comprises the participants involved in this research thesis – three stages containing ten different groups with varying numbers in each.

Final Sample Table. Figure 2.		
Stage:	**Participant:**	**Number of Participants:** 36
Stage 1:	WLGA	1 -
	YJB Cymru	2
	Welsh Government Officials	1
	Trade Unions	1
	Welsh Ministers	2

Stage 2:	PCCs	4
	YOT Managers	2
	Policy Makers	2
Stage 3:	YOT Practitioners	12
	Young People in conflict with the law	9

As has already been discussed above, there are some differences between the tables. The 'new participant groups' for stages one and two have already been discussed, but this section will reflect on the loss of one group and change in numbers at stage 3. In the final table, there is an absence of 'youth parliament members'; this was due to constraints in time and ethical considerations. The youth parliament was approached, and the gatekeeper agreed to allow access, but unfortunately due to time constraints for this thesis a reasonable time for focus groups to take place could not be agreed. This will be looked at in more detail in this final section of this chapter.

There are also differences of 3 (YOT Practitioners) and 6 (Young People in conflict with the law), respectively, between the plan and the final sample table. In total, 6 YOTs were approached. Unfortunately, only three could or were willing to take part. Within those YOTs, it was very much a case of who was available on the day. Ethics were agreed upon by the Ethics Committee at Swansea University. Prior to the commencement of data collection, young people's consent was sought by gatekeepers. More than 20 young people agreed to participate before the researcher's arrival at said YOTs, but for various reasons such as missing appointments, fear of the researcher's role and unwillingness to engage, they were not able to take part on the agreed days.

It was felt to be unethical and against the core values of the study to ask the young people to complete interviews via Skype or telephone as the researcher wanted to be present for all final stage interviews. This is because of the sensitivity and gravity of the discussions, which deserved a face-to-face presence; a further factor was that the ethics committee had not agreed to digital engagement, so this would have been unethical in terms of prior agreement. It must be noted that this research and the voices of young people were captured pre-covid 19, whereby digital engagement was not as prevalent as it is now.

It is essential to acknowledge the pitfalls of a strategy to counteract those pitfalls as best as possible. This study encompasses a wide range of participants in the youth justice settlement in Wales. These are the people required for purposive sampling; professionals who understand the nature and context of the system and can offer valuable insights to inform the research objectives. Because of challenges around politics and resources, a process was conducted where the researcher would discuss the research and highlight the nature of the study and avoid discussions around politics and consequently the bias that may come with it.

Therefore, due to its empirical nature, the 'inherent bias' contributes to the research efficiency. Purposive sampling stays robust when tested against random probability sampling (Tongco, 2007). The purposive sample can be enormously beneficial if the researcher is competent and understands the topic's wide-ranging nature.

With 'elite interviewing', purposive sampling is a very positive tool because it allows the researcher to look at new research areas. The analytical nature of this research lends itself to that (Etikan, 2016). *'Purposive sampling is a non-probability sampling procedure in which elements are selected from the target population based on their fit with the purposes of the study and specific inclusion and exclusion criteria.' (Dannie, 2012).*

It must also be noted that YOT officers might not want to say things contrary to that specified by the YJB. This is reflected on in detail in the reflection on operationalisation section (see page 106).

3.3.4 Inclusion and exclusion criteria:

The inclusion criteria are youth justice stakeholders. All participants are pre-selected, so there is no exclusion criterion because each participant has been chosen specifically for each research project stage. It is essential to establish inclusion and exclusion criteria for study participants when designing high-quality research protocols, it is a standard, required practice (Connelly, 2020).

As highlighted above, the inclusion and exclusion criteria for this research stage are clear. Therefore, this piece of research lends itself to having a purposive sampling strategy, the target population is known, and those included are for the benefit of the research project. As has already been alluded to, there is a commitment to interviewing those at the ground level. If one is going to understand and gain clarity about youth justice in Wales, then those working

face-to-face with children and young people need to be included, as do those young people who have lived experience of the youth justice system.

Although difficult to access, these young people have lived experiences of youth justice and are an asset to any study. Qualitative researchers have great interest in hard-to-reach populations such as homeless people, transient youth, IV drug users, sex workers, and incarcerated, institutionalised and cognitively impaired individuals, among others which – although difficult to arrange access – is not a reason to exclude the views of in this case young people (Abrams, 2010). The more complicated part of the process is building connections with gatekeepers who provide access to the given population of interest (Abrams, 2010).

In summary, this section has discussed the sampling method and framework for this study, including information on the participant groups at each phase of the research.

3.3.5 Research Environment:

This research study will engage with key stakeholders in their environments. This is because this workplace or YOT setting is far more 'natural' as opposed to a constructed atmosphere in a neutral location. It also lends itself to a far more reliable/valid data collection setting; in many cases, it is that natural habitat that offers the most 'normal' environment for participants (Denscombe, 2010). Qualitative researchers undertake their work in the natural setting, attempting to understand or interpret phenomena based on the meanings that people bring to them (Halcomb, 2016). Unlike an unnatural environment such as a laboratory, from a social science perspective, the research is about their thoughts and opinions. Therefore, the more comfortable the setting is hoped for, the more valid the data will be. For children, given their experiences of formal environments, this could be an important element of research practice.

Although there are many ways to gather qualitative data and understand opinions and experiences of phenomena (Halcomb, 2016), there are other approaches that could have been used for this study, such as using online surveys; however, non-face-to-face methods of data collection were deemed less appropriate for this methodology than using semi-structured interviews because of the lack of human-to-human interaction. Although this method puts more pressure on the researcher in the room (Given, 2008), this face-to-face interaction helps to build relationships with participants (Oltmann, 2016), the quality of data and openness of participants will be discussed in the data collection section.

It has been mooted that all qualitative and semi-structured interviews have core features in common, an interactional exchange of dialogues, a thematic or topic-centred approach but with the addition of a flexible structure, and finally a researcher who understands how to deliver the appropriate context and focus so that further knowledge can be produced which is an effective form of co-production (Mason, 2002). The process itself (especially for this piece of research) allows the participant to reflect on their work and the work of others and reflect both critically and positively on what has gone before. This essentially creates a learning process, where participants can discover and uncover ideas and information they may have not necessarily thought of during the initial conception (Holland & Ramazanoglu, 1994).

Therefore, the most suitable data collection instrument for this research project is the semi-structured interview because of the flexibility it offers (Kallio et al., 2016); it allows the researcher to be creative and avoids a rigid data collection instrument, which risks the chance that some data will not be collected because conversational topics may pass the interview by.

This creativity cannot be underestimated when researching phenomena; new issues, ideas, and information can emerge at any point, and building rapport is key to this (Bell et al., 2016). The researcher must be creative enough to ensure the study clarifies understanding; otherwise, the research risks are less valid, and the chances of replication will be low. This is important because, as stated above, gaining the views of the most intimately involved in youth justice processes in Wales is key to this understanding and to expressing the voices of those people.

3.3.6 Establishing Trustworthiness in Qualitative Research:

With the cooperation of key stakeholders, the aim of this study is to put the knowledge created through research into practice. Therefore, it is essential that the research is recognised as familiar and understood as legitimate by researchers, practitioners, policymakers, and the public. Trustworthiness is one-way; researchers can persuade themselves and readers that their research findings are worthy of attention (Lincoln & Guba, 1985). Lincoln and Guba (1985) refined the concept of trustworthiness by introducing the criteria of credibility, transferability, dependability, and confirmability to parallel the conventional quantitative assessment criteria of validity and reliability. Furthermore, qualitative researchers must demonstrate that data analysis has been conducted precisely, consistently, and exhaustively (Nowell et al., 2017).

Although there is a danger of asking leading questions within a semi-structured interview, to mitigate this, leading questions must be avoided entirely. An example of this from Given would be asking a question such as: 'How would you evaluate your mother's stay in the respite unit?' rather than 'What was the main benefit of your mother's stay in the respite unit?' (Given, 2012:2).

This presumption, better known as a leading question, can disrupt the validity of the data. When the research topic in question, devolution, is applied to this theory, it would be unacceptable to ask a loaded question such as 'What are the advantages of further devolution to Wales?' A more appropriate question would look as follows: 'What is your opinion on further devolution to Wales?' By simply adopting this approach, validity is instantly improved and diminishes one of the drawbacks of using unstructured interviews. A further benefit of using the semi-structured interview is providing context and responding to key messages from the literature.

Throughout the literature and during the preparation of the methodology chapter, it has become clear that semi-structured interviews are best suited to this section because they will allow the researcher room for manoeuvre in terms of questions and responses. However, the interviewee will receive the themes of the interview. There is an anticipation of many themes and policy conflicts to arise, and therefore the slight flexibility of a semi-structured interview will allow the researcher to explore thematically. This stage will include 'elite' interviews with key stakeholders within youth justice, and the next section of this chapter will highlight why each elite sector is essential and why they need to be included in the research.

The desired data collection instrument for this thesis is the face-to-face interview because it is very beneficial when researching elite members of society. However, if time becomes an issue, Skype or telephone interviews will be used to conduct the interview (this will also include those who live at an unreasonable distance to travel). This section will continue to look at the benefits of using semi-structured interviews. It will reflect on other data collection methods and why they would not offer the same quality or, in this case, flexibility.

'The semi-structured interview, valued for its accommodation to a range of research goals, typically reflects variation in its use of questions, prompts, and accompanying tools and resources to draw the participant more fully into the topic under study.'

(Galletta, 2013:45).

For this piece of research, flexibility is critical. The semi-structured format offers flexibility in abundance as opposed to a more rigid structured interview. However, in dealing with elite stakeholders and experts in the field, some structure is needed hence the need for a semi-structured nature for this part of the data collection.

3.4 Research with Children.

Historically, children have not been involved meaningfully in the research process (Kellet, 201; Garcia-Quiroga & Agoglia, 2020; Hunleth et al., 2022) and were avoided mainly on the premise that they did not have anything to offer and that children did not have the 'social competence' to recall credible accounts of their experiences (Chawla, 2007). Another reason why the views of children have been avoided is because of the complexity both logistically, ethically and in terms of having a skill set to engage with children and young people in a research setting (O'Reilly & Dogra, 2017). However, without the views of children, this research would be far less valid, and with appropriate training and ethical safeguards, it is possible to engage with children in research and ensure they are protected. Moreover, how can the research seek to understand youth justice without understanding how the system treats those it is allegedly designed for.

In terms of the child-related research processes, there is a difference between genuine participation and non-meaningful participation. Roger Hart talks about the ladder of participation and tokenisation within research with children, such as manipulation of research to effectively increase the numbers of participation within a study (Hart, 1992), which is not meaningful engagement, to what this research engages with: the top end of the ladder, engaging with young people who have a shared responsibility, hence why the push in this study is on the child's voice – if they want to talk about something or change anything they can and they will. It must be noted that Hart's ladder is itself limited and, for example, does not recognise children's independent decision-making or capacity to act (Parker, 2011), something that is important for this research.

Hart's model (1992) has eight rungs and two main zones called 'Non-Participation' and 'Degrees of Participation'. In the 'Participation' zone, the top five rungs represent different but valid forms of participation, while the three lowest rungs are all designated as 'non-participation'. This research involves participation, not just because of compliance with Article 12. This is not anecdotal participation but that all parties shall assure that the child (who can

form his or her own view) has 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 (UNCRC, 1989).

Still, it was essential for the analysis and engaging meaningfully with children not just to satisfy Article 12 but to be accurate and to present the authentic voice of young people in Wales who are engaging with the system.

To help echo this point, children's rights must be considered because this research follows the guidance of the UNCRC, 1989. There is no way this research could take place without the views of young people in Wales; after all, as article 12 outlines, participation of children and young people is one of the General Principles of the Convention on the Rights of the Child as it plays a fundamental role in realising all the rights in the Convention for all children (UNCRC, 1989).

Children should have a say on matters affecting them, which affects them directly, hence the need for their views on the subject matter. Contemporary research does have a more significant emphasis on engaging with children in the research process, and it has become far more commonplace for children to be interviewed. Arguably this is down to changing attitudes regarding children and childhood with greater emphasis on child-centred philosophies and children's rights, ensuring children's voices are heard on decisions that impact them and the environment in which they live (O'Reilly & Dogra, 2017). After all, children are experts in their own lives.

This research looks at matters that involve children's lives to an extensive level in the youth justice system. The future of that system should consider and perhaps even base its grounding on the views of children who have lived experience of justice in Wales and young people in mainstream schools. This section has already talked about children's rights, but this must be central to the thesis if Wales implements article 12 across the board.

This ideology is not only gaining momentum but is already an established view in social research both inside and outside of Wales and the United Kingdom (Mason & Danby, 2011). It must be illustrated that since the CRC is a whole convention treaty, it is a useful frame in supporting the involvement of children since they have rights to many services which are provided by YOT partner agencies. As previously mentioned, circle time will be incorporated into the focus group; this is by no means a new method, and although it is a children's play method used across the world, it has been adapted to suit this research methodology and already

has its plaudits for engaging with children in a research capacity. For the record, circle time is defined as:

> *'A child-friendly approach encourages the practice of socio-emotional skills in an inclusive, caring and democratic climate. A variable number of individuals can participate in a circle, which helps everyone be of equal status and encourages all to participate.'*
>
> (Mosley, 2009:120).

The reasons behind this choice are simple – it is a method children understand in the school setting. It has a proven track record of engaging with children and young people mainly for the reasons mentioned above. It is 'inclusive, caring and democratic'. The only difference between the traditional circle time method and the method included in this study is the use of a prop, which will be passed around the circle (only the participant who holds the prop, in this case a football, will be able to speak; this will help to ensure no participant talks over each other and will ease the flow of the focus group). Within this, there is also a reference to restorative practice in the context of circle time; this emphasises the safety of the circles and that they can be places for sharing opinions which are divergent in a kind environment (Thorsborne & Vinegrad, 2017).

Focus groups come with some risks that must be considered, namely risk of participant disclosure and breaches of confidentiality by other participants. This is combatted in two different ways. Firstly, no personally identifiable information will be collected. Secondly, participants will be asked to keep the discussions confidential at the start of the focus group and then reminded again at the end of the importance of confidentiality (Davis, 2017).

It has been suggested that focus groups are instrumental when working with children, because they enable the collection of in-depth data providing more details of the phenomenon under study (Barbour, 1999; Adler et al, 2019)

This data collection method has been seen to reduce the power imbalance between facilitator and participant (Heary & Hennessy, 2002; Carey & Asbury, 2016). Others have argued that the focus group enables a more dynamic collaboration between researcher and participant than other research methods, for example, the one-on-one interview (Morgan & Kreuger 1993; Gibbs, 1999; Belzile & Öberg, 2012).

This is particularly important when working with children and vulnerable groups. In terms of empowerment, focus groups have successfully empowered participants, especially young

people (Horner, 2000). This 'empowerment' is particularly successful when participants can resonate with each other; in the case of this section of the study this is a likely outcome – all the participants will be of similar age, and the subject matter will discuss issues that are close to their hearts, hence the likelihood of powerful lines of thought.

3.5 Ethical considerations:

This section will discuss and consider the ethical considerations identified during the research conducted in this thesis. This section will reflect on the ethical approval form signed off before this research process begins. All participants at stages 1 and 2 will be over 18 and a mix of male and female participants. The inclusion criteria are youth justice stakeholders aged 18 and above. All participants are pre-selected, so there is no exclusion criterion because each participant has been chosen specifically for each research project stage.

However, for stage 3, there are participants under the age of 18. This has been addressed methodologically. There is a triple-locked confidentiality check, and all reviews are in line with GDPR, so they are opt-in rather than opt-out. Consent from parents/guardians will be sought in loco parentis, and permission from the under 18s who are taking part in the project. All Youth Offending Team practitioners at stage 3 will be over 18, receiving the same consent forms as stages 1 and 2.

3.5.1 Informed Consent / Assent.

This research embedded an informed consent/assent approach for all participants in the study. Informed consent is an ethical and legal requirement for research involving human participants (Nijhawan et al., 2013). This process is where a participant is informed about all aspects of the research, which are imperative for the participant to decide. After receiving appropriate information about the research, the participant can voluntarily confirm their willingness to proceed (Nijhawan et al., 2013).

Because the sample group at stage 3 (young people involved in the youth justice system) are under 18, their consent will be secured through a triple-lock process; in line with GDPR, all consent will be opt-in rather than opt-out and will be sought from parents or guardians at the point of informed consent, from the service/individual in charge of their safety at the second point, in loco parentis, (the school, youth parliament guardian/manager, youth

offending team manager or practitioner in charge) and point three their consent will be sought individually both in the form of a verbal agreement on record (interview recording) and through informed assent.

Children's informed assent is important because they have the right to be heard and to give their opinion (Cotrim et al., 2021), which should be taken into consideration, in line with article 12 of the UNCRC, 1989. Parents, guardians, or carers must give their consent for their child to participate in the research and ensure that they can pull out at any time and have the final say.

Although, informed consent is sought from those who are parents/guardians. The young people can decide their participation or engagement levels, and it will be emphasised throughout that they can leave or stop the interview at any point.

There will be an informed consent form to complete before participating in the study, explaining what is expected from their participation and what they can expect from the researcher. Throughout the whole process, all interviewees will be reminded of their absolute right to walk away at any point and withdraw from the research without penalty. The clarity of these rules or instructions is essential when interviewing elites (see Lenihan Tape[2]) because the researcher and participant must both be clear on what the purpose of the interview is and what the data will be used for to be considered ethically appropriate (Bruter & Lodge, 2013).

3.5.2 Scheduling, Flexibility and Clarity in the interview process.

The preferred method of data collection for this thesis, as mentioned previously, is the face-to-face interview. However, if time or scheduling becomes an issue as the thesis progresses, Skype or telephone interviews will be used, in stages one and two, to conduct interviews instead. This will also include those who live at an unreasonable distance to travel; for example, a professor – one of the youth justice experts involved in stage 2 of the thesis – is based in Trinidad and Tobago, and it would be both logistically and financially impractical to travel when the interview can take place over Skype or the telephone. Due to the anticipated data collected from the participants involved in the study, it is imperative to be clear from the outset. All

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[2] Establishing clarity of rules is essential. For example, in an Irish presidential election, Brian Lenihan failed to get elected in late 1990 after a tape from an interview conducted with a master's student for the latter's research dissertation was utilised in press articles by the student. Lenihan insisted he had given the interview 'off the record' while the then student Jimmy Duffy suggested the interview was 'on the record' (Bruter & Lodge, 2013:192).

participants will not have their titles and names disclosed in the study – pseudonyms will be used along with professional titles to ensure integrity.

3.5.3 Risks

There are risks involved in the interview process, such as the disclosure of information. This risk will be dealt with by ensuring it is evident at the start of the process that the information they give will be published in a PhD thesis and, consequently, in research papers that follow. This will be made clear in the confidentiality and anonymity section. The question sets were designed to focus on the system and engagement with it. Interview subjects will be reminded of their right to withdraw, and the researcher will check that they are comfortable several times throughout the process.

No personal data will be collected and stored. All data collected will be protected by the safeguards that have been put in place; please see the appendix gatekeeper checklist for example.

3.5.4 Confidentiality and Anonymity

Stages 1 and 2:

These stages will have a triple-lock confidentiality and anonymity check. Firstly, before the research begins, they will receive the questions and outline of themes discussed; Because the interviews are semi-structured, there will be room for manoeuvre in terms of discussion, but the topics will not be strayed from. Also, at this first check, they will receive a complete, clear consent form, stating exactly what they are being asked to do and asking for full consent to use their name and quotes in the research.

At check two during the interview, they will again have everything explained regarding consent and the usage of names and quotes. At this point, permission will be rechecked – this will be seen in the attached interview question sheet. The third check will take place after the interviews have been transcribed; all interviewees will be sent a copy of their exact quotes to be used to finally check whether they are happy with all the comments that will enter into the

PhD thesis. Throughout the whole process, all interviewees will be reminded of their absolute right to walk away at any point and withdraw from the research without penalty.

For stage 3, all information collected will be completely anonymous. The locations or names of any offending youth teams or children involved will not be released. Participants will only be known to the researcher, the only identifying factor will be that they are from a Welsh youth offending team. There will be no unique identifier that would reveal who is who. For the youth parliament, the only identifier will be that they are in the youth parliament. There are 60 members, so although the group is relatively small, no personal information will be collected, so there will be no links to the sample. None of the information collected will be personal; it is all entirely opinion-based with no other agenda than to inform future policy and ensure that children and young people get the best opportunities in their lives.

3.4.5 Data Storage

All interview recordings and consequent data, including consent forms, will be kept in a locked drawer only accessible by the researcher in a room requiring card access. All computer-based files will be held on a password-encrypted laptop, stored in a locked drawer only accessible by the researcher in a room requiring card access.

Interviews will be recorded using a digital voice recorder and then transferred to the laptop before being deleted from the recorder before travelling between locations. All collected consent for every stage will be kept in a password-secured laptop, in a password-locked file only accessible by the researcher (digital). For example, all interview recordings contain second-stage consent. All paper-based consent forms will be kept in a locked drawer only accessible by the researcher in a room requiring card access. Data will be deleted on completion of this study. All data will be held in the university mainframe, which is encrypted, and password protected.

Data integrity will be guaranteed by maintaining records and ensuring that all questions asked are accurate and reliable so they will not confuse or lead to participants misunderstanding the questions asked. This research project has been through a rigorous ethical approval process,

and this thesis will fall in line with all data protection act measures. This research will adhere to all these principles.

3.4.6 Gaining Access to Participants.

This is another significant consideration for the research project and a critical issue in criminology and the broader social sciences. Successfully negotiating access to specific public bodies or individuals requires careful consideration and a detailed planning process to ensure that the requirements are simplistic for the potential participants and accurately represent the aims of the study. More importantly, continuing access after it is first given; simply because one has gained access, is not enough and does not guarantee access to the rest of the institution or others within that organisation (Bryman, 2016).

Understanding this concept is essential to this piece of research because the aim is to interview elites within the field, many of whom are from the same or very similar departments. Although it will help with snowball access, it is not guaranteed and cannot be presumed.

There are further ethical considerations explicitly relating to data validity, and access, such as suspicions about the interviewee's intentions could crop up (this specifically relates to the stage 3 YOT practitioners) as it is widespread for members of organisations to believe that the researcher has been placed to check on them or judge their work (Bryman, 2016). This will be managed by ensuring that when the YOT manager introduces the researcher, the research purposes and goals will be explained explicitly. All staff are made aware that research participation is not compulsory.

Further to these issues, another factor must be considered, especially regarding all participants. Because of their diaries, training, other engagements or for example a national pandemic, children may also have sports practice or other activities which prevent engagement in the research. The researcher must be aware of the possibility of cancelled interviews, and stumbling blocks in the process are combatted in two systematic ways. Firstly, the target sample is extensive and encompasses several participants from each group; this will ease the 'lack' of data if some interviewees cannot fulfil their interview. The researcher has sought to generate a strong sampling frame which hopefully could withstand any potential attrition.

Secondly, the time frame of the interviews will be open and flexible because of the nature of the participants. They will need plenty of time and flexibility with their interview schedules. This access is slightly eased because the researcher has easy access to Cardiff and Swansea for interviews to be arranged (where most participants reside and the home of the WAG).

3.4.7 Reliability, Integrity, and Validity

These three pillars are essential to the thesis; for one to complete a meaningful piece of research that adds to the research field, the study must be reliable, have strong integrity and be as valid as feasibly possible. This thesis will ensure that all pillars are succinct. As articulated by Greg Guest et al.: 'The terms validity and reliability are part of the research vernacular across multiple disciplines, and the connotations associated with these terms are as varied as the fields that use them.' (Guest et al., 2012). There are many definitions and meanings behind validity and reliability; this section explains the terms and their importance in this research thesis.

To start with, validity can be enriched throughout all stages of the research process, from the design to the sample. The most common way to improve the validity of a thesis is to ensure there are elements of triangulation *(Guest et al., 2012),* whether in the data collection method or through the sources used and the sample. However, this thesis only uses two methods of data collection. The sample and sources used vary across the board, ensuring a fair view across the youth justice spectrum and more comprehensive services. Reliability is another essential aspect of the research thesis. One of the logical ways to increase reliability in the research is to ensure the samples used in the study are proportionate to the population.

This is a challenging task when the researcher is faced with a niche topic. To increase reliability, many stakeholders have been included from the Welsh governance and decision-making systems. This research aims to cover the principal sections of the youth justice system in Wales. However, there is a trade-off between reliability and time/cost (Pierce, 2008).

Due to timelines and access for this research, only a certain number of participants can be included. All things considered; this research aims to be as reliable as possible by showcasing a fair view of the voices of stakeholders within youth justice in Wales. Everyone responsible for using personal data must follow strict rules called 'data protection principles; these include being fair, lawful, and transparent with collected information, ensuring that data is only used for the purposes that are outlined in any agreement with participants, providing

that information is accurate and kept up to date and handled in a way that safeguards appropriate security of data (Home Office, 2018). The following section looks at the challenges the researcher and research faced; these challenges are written in a reflective style, reflecting on the research process and how each element affected the research process.

3.6 Analytical Framework.

This section will discuss the analytical framework of this thesis to analyse the data, including a post-data collection stage and analysis. The analytical method that has been chosen for this thesis is thematic analysis; Braun and Clarke's, 2008 strategy was used to sharpen this framework which was the proper process for the research.

This framework will be discussed and rigorously contested during this section with references to other forms of analysis and why they perhaps did not match the aims of this thesis or why a thematic method was more appropriate. For understanding and coherency, the definition of Thematic Analysis being utilised by this thesis is as follows: 'A search for themes that emerge as being important to the description of the phenomenon.'(Daly, Kellehear, & Gliksman, 1997).The thematic process does require the researcher to carefully read and re-read the data to identify themes and patterns within the data, which are then analysed in further detail (Rice & Ezzy, 1999).

Thematic analysis has various meanings, whether that be 'analysing concepts underpinning the production of scientific knowledge (Holton, 1973) to simply 'organising sections of the data into recurrent themes' (Kitzinger & Wilmott, 2002:330). Thematic analysis in this thesis will do both. The aim from the outset is to discover the topic and let those themes emerge from the data, and thematic analysis allows that to happen straightforwardly.

Themes will be identified in the data, and once they are established, they will be studied in detail to help answer the overall question. This process began by critically examining the literature and then in terms of developing a method of analysis. Processes from the social science research field were drawn on, for example (Braun & Clarke, 2008; Malterud, 2001; Thorne, 2000); those processes worked well in their context, so they were modified for this approach.

The thematic analysis offers a theoretically flexible, accessible approach to analysing qualitative data, which allows the researcher to draw out relevant themes from the data set (Braun & Clarke, 2008). Another vital aspect to understand about thematic analysis is 'learning

by doing'. Just as in most qualitative approaches, the researcher must understand the context and the data, hence why (as discussed previously) it is essential that the researcher transcribes the data themselves. Only once a proper understanding of the data is completed can a comprehensive thematic analysis take place (Braun, Clarke & Terry, 2015).

The researcher must familiarise themselves with the data, which begins at the data collection stage. It provides a good entry or starting point for the researcher to begin the analysis, especially if the researcher is faced with an overwhelming amount of data, in this thesis (Terry et al., 2017). There is potential for upwards of 50 research participants and their data and considering all will be one-on-one interviews or focus groups lasting approximately 30-45 mins each, the amount of collected data will be considerable. This familiarisation also allows the researcher to notice patterns in the data that one who absorbs the information would miss (Terry et al., 2017).

The theme development stage will begin once the researcher has familiarised themselves with the data set and transcribed all the interviews/focus groups; at this stage, an initial list of ideas and what is beginning to emerge from the data will be created. Then the production of initial data themes will begin. 'Codes identify a feature of the data (semantic content or latent) that appears interesting to the analyst, and refer to 'the most basic segment, or element, of the raw data or information that can be assessed in a meaningful way regarding the phenomenon'.' (Boyatzis, 1998: 63).

At this stage of the research process, the researcher essentially organises the data into meaningful groups (Tuckett, 2005). However, this data will differ from the 'units of analysis' (themes), which are often broader than the initial codes (Braun & Clarke, 2006).

The themes, which begin to develop in the next phase of thematic analysis, are where the interpretative analysis of the data occurs and in which arguments about the phenomenon being examined are made (Boyatzis, 1998). This is where the actual analytical process begins. Those themes will be developed and explored within the data set; this interpretation stage will decide what direction the research takes and what happens following that in terms of suggestions on policy reform and recommendations of changes in the youth justice process.

3.6.1 Analysis Structure:

1. Patterns and Meanings: Familiarisation with the Data Set
2. Creating the Framework

3. Searching for Themes
4. Reviewing Themes
5. Defining and Naming Themes
6. Reporting the findings

Using the analysis framework proposed by Braun and Clarke (2006:16-23) as a starting point, this pragmatic analysis package has been developed. It takes six steps which are listed below. Because of the nature of this thesis, a tailored analysis framework was needed. The reasons for this approach will become clear at each stage of analysis. After all, developing themes, as with developing codes, there is no set format or golden rule for the process: 'Coding is a process for which there are no rules, merely guidelines.' (Henn et al., 2002:202)

This outlines that all analysis packages have something to offer to the following analysis package. In this case, the most appropriate was Braun and Clarke because of the emphasis placed on familiarisation and the drive for the researcher to immerse themselves in the data and read through the entire data set. This emphasis was a definitive reason that Braun and Clark, 2006 were used as a starting point for this analysis framework. This research is placed firmly in the convention of Ervin Goffman: 'Better, perhaps, different coats to clothe the children well than a single splendid tent in which they all shiver.' (Goffman, 1967:11). Reflecting on different perspectives is paramount to this research and is in line with Goffman.

As can be seen above, this reflects a clear call to analyse social reality based on different perspectives rather than applying a one-size-fits-all model. This idea of analysing different perspectives ensures a tailored approach to the analysis. There is a constant reviewing process between each stage of the analysis which allows the researcher to think about the already-collated data and how even better-quality data can be extracted: 'Analysis during data collection lets the fieldworker cycle back and forth between thinking about the existing data and generating strategies for collecting new-often better quality-data.' (Miles & Huberman, 1994:50). This refers to the adaption applied to semi-structured interviews due to the data collected and subsequent analysis during each stage.

Questions can be adapted and aligned to ask the most pertinent questions for the research. As qualitative research becomes increasingly recognised and valued, it must be conducted rigorously and methodically to produce meaningful and valuable results. For a study such as this, the notion of having meaningful or useful results is imperative (Nowell et al. l,

2017). To achieve this, the research must showcase its 'trustworthiness' to be seen as credible, the analytical structure. This thesis does that and provides a framework for credible research. The first step outlined below will explain the patterns and meanings, and familiarisation with the data set.

Step 1: Patterns and Meanings, familiarisation with the data set

The process starts when the analyst notices and looks for patterns or meanings and issues of potential interest in the data; this takes place in some part during data collection.

Familiarisation is a process standard across qualitative analysis approaches and is arguably the bedrock of doing 'good' analysis (Willig & Rogers, 2017). It is the first opportunity for the researcher to immerse themselves into the dataset post-data collection; familiarisation is about intimately knowing the dataset. This enables a deeper engagement with the data and elucidates how important the opportunity to immerse is. Without that intimate knowledge of the data, the researcher cannot embark on a developmental thematic journey.

The themes developed in this thesis come from the initial familiarisation and drawing on the priori issues and the emergent themes arising from the data collection. As the research progresses through the stages of analysis, these themes will be developed with constant reference to the interview transcripts from each stage. The data will be familiarised by using a 4-point approach (Braun & Clarke, 2006) to the next level.

Familiarisation Process. Figure 3:	
Point One	Transcription of recorded interviews 1 by 1 in full
Point Two	Listening through each interview 1 by 1 in full – with notes
Point Three	Final listen of each interview to complete familiarisation process
Point Four	Strategic data collapse to refine themes

This process allows the researcher to immerse themselves in the data and, in turn, informs the next stage where the initial thoughts will be generated post-familiarisation.

There are two layers to this stage of the research process. The first layer involves the analysis framework (6 stages, outlined above). However, a second layer looks at 'negotiating themes'. This layer can only be completed when all interviews are transcribed, and the

familiarisation process has begun. This dual-layered analysis and theme-building approach was used to elongate the process and help understand the overall findings of this thesis. A strategic data collapse of discussion points from stages 1-3 was run following the initial analysis process because so much data was generated. Reflecting on the wealth of data collected, it was clear there was a linkage between smaller layers that became intertwined. This 'data collapse' allowed for those smaller layers to be merged.

The researcher immersed themself in the data to understand and familiarise themself with the depth and breadth of the data. Becoming immersed in the data involves actively reading the data; this process allows for a thorough search for meanings and patterns. At the same time, there must be engagement with the analysis through objective reflection on the accounts presented in the data, whilst being honest and vigilant about their perspectives, any pre-existing thoughts and beliefs and developing theories (Starks & Trinidad, 2007). This process does exactly that.

Step 2: Creating the framework

This phase begins when the researcher has read and familiarised themself with the data; this stage immerses the frequently occurring concepts into tables highlighting their section. An example of one of these concepts from the arising data would be devolution, which commonly arose during the interviews at all stages. However, because this is a large subject area, it is too broad to be a concise theme per se. Hence, the following steps will streamline those areas of interest into set themes.

This process involves creating a table to input data corresponding to the subject area. For example, if enhanced case management (ECM) was discussed 'X' times in stage 1, the corresponding transcripts of the interview are placed into the relevant field 'ECM'.

At the end of this process, all data from stage 1 is merged into discussion areas, for example:

Devolution, Distinctiveness, Children First (CFOS), ECM, Localism, Prevention, Early Intervention, Diversion, Children's Rights, Autonomy, YJ Pre 1998, Local Authority, Trauma-Informed Practice, YOT info (which includes: size, makeup, organisational structure, strategy, pros & cons), Finance, YOT Managers, Inter-Agency Communication, Wales; geography and demographic.

As can be seen above, this would be far too large a set of themes to engage in analysis (and is only for the first stage). It would be far too generalist and does not allow for critical thematic analysis. The crucial point at this stage is finding the stimuli; there is a risk of bombardment in terms of the level of data, but that is refined during the next stage (Miles & Huberman, 1994).

Step 3: Searching for themes

This phase begins when all data have been initially collated, and a long list of the different concepts identified across the data set exists. This step, which re-focuses the analysis at the broader level of themes, rather than ideas or discussion points, involves sorting the different concepts into potential themes and collating all relevant data within the identified themes.

It is important to note that from the outset, the researcher is searching for links between the interviews and identifying potential themes:

'Already during the initial fieldwork, the researcher is looking for threads that tie bits of data together.'

Miles & Huberman, 1994:68

At this phase, those discussion areas are studied for further links and similarities to search for those themes. So, for example, the 15 discussion points from stage 1 have been reduced.

There are several ways to identify those themes from the data set. This step will explain what is being searched for in the data. Reflecting on Ryan and Bernard, 2003 there are eight observational techniques which help to look for themes. Five of these ideas have been incorporated into this phase such as Repetitions, Metaphors and Analogies, Similarities and Differences, Missing Data, and Theory-Related Material (Ryan & Bernard, 2003:56-63). These will all be looked at to interpret the streamlined themes before entering the final review stage.

By definition, rich narratives within the data contain information on themes that illustrate participants' experiences. However, understanding how qualitative data illuminates questions of theoretical importance is needed, hence the drive to search for theoretical concepts (Ryan & Bernard, 2003).

Step 4: Reviewing themes

The phase begins when the researcher has devised a set of candidate themes, involving the refinement of those themes. During this phase, it will become evident that some candidate themes are not themes (e.g., if there are not enough data to support them, or the data are too diverse). In contrast, others might collapse into each other (e.g., two different themes might form one theme). The validity of individual themes will be considered to determine whether the themes accurately reflect the meanings evident in the data set as a whole (Braun & Clarke, 2006).

In this phase, inadequacies in the initial coding and themes will be revealed, requiring various refinement (King, 2004). At this stage, if the researcher identifies a relevant issue in the text not covered by an existing code, a new code may be inserted (Nowell et al., 2017). At the end of this phase, researchers have a good idea of the different themes, how they fit together, and the overall story about the data (Braun & Clarke, 2006). The researcher should clearly show how each theme was derived from the data (Nowell et al., 2017).

Step 5: Defining and naming themes

The phase begins when the researcher has systematically development a thematic map of the data. The researcher can then define and further refine the themes presented for analysis and analyse the data within those themes. During this fifth phase, the researcher determines what aspect of the data each theme captures and identifies their interest and why (Braun & Clarke, 2006). Researchers need to conduct and write a detailed analysis for each theme, placing the story that each theme tells (Braun & Clarke, 2006). Braun and Clarke suggested that theme names need to be punchy and immediately give the reader a sense of the theme. Data sections may include multiple themes and/or overlapping themes (Pope, Ziebland, & Mays, 2000).

However, there must be a point at which the process of defining and modifying themes ceases. King (2004) advised that it is possible to alter and refine definitions of themes forever, and one of the most challenging decisions to make is where to stop the process of development (Nowell et al., 2017). It has also been suggested by King (2004) that the themes should not be

considered final until all of the data have been read through and the coding scrutinised at least twice. Investing sufficient time to develop the themes will increase the probability of developing credible findings (Lincoln & Guba, 1985). It is essential that, by the end of this phase, researchers can clearly define what the themes are and what they are not (Braun & Clarke, 2006).

Step 6: Reporting the findings

This phase begins when one has a set of fully worked-out themes and involves the final analysis and write-up of the report. The task of the write-up of a thematic analysis, whether it is for publication or a research assignment or dissertation, is to tell the complicated story of the data in a way that convinces the reader of the merit and validity of the analysis. The final phase begins once the researcher has fully established the themes and is ready to start the final analysis and write-up of the report (Braun & Clarke, 2006).

The write-up of a thematic analysis should provide a concise, coherent, logical, non-repetitive, and exciting (in terms of future discourse concerning YOTs in Wales) account of the data within and across themes (Braun & Clarke, 2006). Thorne (2000) encourages researchers to communicate the logical processes by which findings were developed in a way that is accessible to a critical reader, so that the claims made about the data set are rendered credible and believable (Nowell et al., 2017). Halpren (1983) recommended that researchers keep methodological notes, trustworthiness notes, and audit trail notes to ease the reporting process.

This section will break down the analysis framework into three distinctive sections, stage 1, stage 2 and stage 3, before linking all three sections together in the conclusive part of the analysis chapter. Having conducted interviews in stage 1 (all recorded using a Dictaphone), the voice-recorded 'data' will then be transcribed; this allows the researcher to immerse themself into the interviews all over again and familiarise themself with the data set. The process was about listening back to the conversations to fully grasp the meanings of the data, this was a cycle of engagement with the data.

3.6.1 Comprehensive research approach

A comprehensive research approach was designed to capture the multiple experiences, voices and opinions and sought to construct research that allowed for comparison and blending.

This research has a 3-tier effect, which effectively means that three different components come together to complete the data set. Each tier is tailored for a specific participant group: those who implement policy, those who manage and study policy implementation, and those who deal with the policy at ground level each day. The three tiers will now be explained.

Strategic Vision: Those who create policy and influence decision-making.

Those who develop a plan and implement youth justice in Wales. Those with a strategic vision of the system and related policy areas who currently control, and influence policy and strategy include Welsh government officials, Trade Unions, WLGA, YJB Cymru, and Welsh ministers.

Operational Vision: Those who implement policy.

Those involved in the operational reality of youth justice have experienced a change in youth justice and related policy areas. The sample includes a mixture of different levels of governance and practice in Wales, including Police Crime Commissioners, YOT Managers, and Policy Makers.

Stakeholder & Practice Vision: Those who live youth justice day-to-day.

This stage is integral to the research, is perhaps the most critical section. The views of the young people involved in the criminal justice system and youth justice practitioners who do the job day in day out to discuss matters associated with justice, policy, and children's rights.

This stage will allow the researcher to understand what is happening within youth justice, considering all of the data collected at stages 1 and 2, stage 3 enables the researcher to understand the reality of youth justice in Wales.

3.7 Reflection on Operationalisation:

This section will discuss the challenges the researcher has faced and reflects on the operationalisation of the methodology.

The reflective research approach allowed the researcher to identify points at which the process could have been improved, and areas looked at in more detail. It also allowed the researcher to apply meaning and more profound understanding to practical research factors: 'In order to be not mere technicians but competent practitioners of research, should be able to reflect deeply. That means they should reflect not only on the practical acts of research but also on the mental experience which constructs the meaning about practice.'(Mortari, 2015)

One of the significant methodological challenges that need to be addressed is the difficulty of scheduling interviews with 'elite individuals'. This will typically require many lines of communication, including emails and telephone calls with themselves, assistants, and gatekeepers (Gubrium & Holstein, 2001). Hence, a flexible interview schedule has been drawn up with plenty of room for manoeuvre. This will be integral to the research process.

3.7.1 Covid-19. A universal challenge.

The period in which this research took place saw a global pandemic, which did severely impact the data collection and made it very difficult to access participants, especially for any checks and clarification of questions. Access to certain participants, especially those in stage one who had delayed initial interviews was also delayed significantly. Therefore, the Covid-19 pandemic is a prime example of a universal, or international, challenge (Leach et al, 2020). Undertaking research during such a turbulent period, often in very challenging contexts (Taylor & Knipe, 2022), has led to innovation and fresh approaches within this thesis.

3.7.2 Limits of Sampling:

The limits of sampling in this thesis are an artefact of covid-19 and early formulation of the sample. As noted above, it was difficult to access certain participants in the research. The original framework for sampling had to change in terms of the framework design for pre- and post-operationalisation, there were differences, but this research did manage to access the intended participant groups from the initial sampling framework. The research was swiftly adapted to meet the demands of the pandemic.

The initial proposal had to accommodate the research process, flexibility was required to dip between phases of the research and time allowed to follow up and move data collection around. Due to the specific timeline of the PhD, certain groups and participants became untenable. In particular, politicians and those working within government. As the deadline

came closer and closer, it became apparent that some targeted participants would be almost impossible to reach, because they were involved in helping to manage a national crisis.

Many participants in stages 1 and 2 were not accessible even for telephone interviews (Due to busy schedules and multiple office locations, this was simply unpreventable given the time frame. Even though most research 'targets' for interviews were obtained if this project was to be improved, some participants would have been able to offer some exciting opinions. However, the timescales do not allow for this. Therefore, it must be acknowledged there was a natural attrition rate within this study; attrition occurs when cases are lost from a sample over time or over a series of sequential processes (Sumner, 2006). It must be noted that participants did help to form the analysis and outcome of this study.

3.7.3 Ensuring flow within the Narrative:

Another essential factor to consider is that when interviewing 'elites', is the ensuring flow within the narrative, often, there are curveballs and topics of interest that participants may want to discuss in detail (Liu, 2018). It was important to manage the room when interviewing politicians and ministers. As noted by Marshall, 1984 when the research setting is a fast-action, games-playing, power-loving arena, special considerations, and time are needed to manage the research setting (Marshall, 1984).

Even though the consent forms explained explicitly that names would not be used, only the participants' job titles, many participants would suggest they would like to be referenced, especially on current campaign issues. Two participants even asked me whether they could have copies of their interviews and use the recordings, a positive response to the interview, (which was agreed upon after completing the PhD thesis). *'You can quote me on this'; 'I have said this before. Please quote me on this.' 'Could you please send me this recording? I am currently writing my memoirs, and this would be rather helpful,'* hence why much of this interview in question was about self-glorification.

The scenario of referencing non-related subjects to swing the interview back to their agenda was encountered several times. A participant would not answer a question but instead offer a solution to a different problem that was only minimally relatable. An example here would be a debate on whether women should be imprisoned. The analysis framework helped to safeguard the research and stick to the narrative.

3.7.4 Young People:

The most important stakeholder group in this research thesis, because this is about their lives and lived experiences which will influence future generations of young people. The difficulty of gaining participants through gatekeepers was significant, due to the ethical concerns about the project, and consent was needed through a triple lock. The only acceptable way to interview young people was face-to-face which required travelling all around the Welsh regions. Face-to-face interviews are synchronized in time and space, which makes this method superior in this respect (Saarijärvi & Bratt, 2021). As opposed to video, telephone, which is synchronous communication in time, but asynchronous communication in place (Saarijärvi & Bratt, 2021).

Parents and the YOT granted consent several times; however, on the day of the interviews, the young person was not in the YOT for several reasons:

1. Didn't show up to the appointment
2. I didn't get up in time for an appointment
3. Did not want to talk
4. Double booked
5. Schooling
6. End of order

The young people in the study had busy lives, and additionally, some might have chaotic lifestyles, in which participation in research was not a priority (at least at that stage in their lives). In several cases, because the interview was 'booked' up to one month in advance, that young person was unavailable because of changes in their circumstances. Even though nine interviews were completed with young people, there were over twenty booked. Schooling came into play. In some cases, young people were back in education when the interview day came around, being double-booked with another service on the day, or simply not getting up in time and other factors getting in the way.

The conversational style applied to interviews with young people was very interactive, talking about life and their experiences; this worked well during discussions in the final YOT where the young people were engaging in a workshop during the group interview or in the second YOT where the young people were completing a woodwork task and chatting with me

at the same time; this allowed them to feel under far less pressure. The rapport built in those second interviews was far more significant, and this can be seen through the power of the data.

It was noticeable that some of the young people initially demonstrated bravado during interviews, but, as they settled into the process, a different side to them emerged. This is common in research with young people, as some participants may, through bravado, exaggerate their drug use and criminal behaviour (Hough, 1996). After this is broken down and a comfortable level of respect is reached, the authentic voices and truths start to come out; this backs up my previous point about engaging in activities during an interview, as an unnatural setting can prohibit the young person from showcasing their true self and opinions. This is explained by the Hawthorne effect, which is the tendency, particularly in social experiments, for people to modify their behaviour because they know they are being studied, and so to distort (usually unwittingly) the research findings (Payne & Payne, 2004).

There are several ways to mitigate this effect, and building rapport and trust with participants is one of them; another is to inform the participants of the purpose of the study so that they do not feel like they are under the microscope. In this instance, honesty is the best policy and can help build that relationship (Harrell et al., 2013).

Another relevant point to understandings of managing the Hawthorne effect comes from (Oswald et al., 2014), where a situation is described early in the research process: '*You must be clever to be at University... aged 12.'* David Oswald goes onto say that this 'light-hearted and cheeky comment' made about his youthful looks by one of the construction workers was delightful because it meant even though he was a researcher investigating behavioural safety, he in this circumstance appeared not to be perceived as a threat, not to be influencing their behaviour and that the workers seemed relaxed around him, making headway in becoming what Kellehear (1993) calls an unobtrusive researcher.

Similar comments were made during the research process. There is a crucial moment halfway through an interview with two practitioners where they flip a question back to the researcher, and ask their opinion… following an answer, they look at each other and laugh giving their 'real' views in the process. Before this moment, it was felt as though they were trying to be very partisan with their answers, but their realisation that there was a type of social justice camaraderie taking place allowed them to discuss their views. That change of tone can be heard in the interview.

This experience of feeling like an outsider is not uncommon amongst social researchers (Pink et al., 2013). Agar (1996) even titled his book 'Professional Stranger: An Informal Introduction to Ethnography'. Researchers must build relationships with surrounding

participants (Jorgensen, 1989) to extract more accurate and detailed data. This is the crucial point: if one can make that rapport with participants early in the process, the Hawthorne effect is mitigated significantly.

3.7.5 Practitioners:

It took several minutes or, in some cases, most of the interview, for practitioners to understand or believe that the researcher was not from the YJB or government and was not there to test them on their job or find faults in their practice; one participant even asked the researcher if they were a spy! This shows a lot in terms of reflection, on the dress code.

The researcher dressed down for all the interviews with young people, using their previous experience of working with young people and reading the situation, it is as Bernard, 2013 describes the little things that count, proper dress depends on the participant and the venue (Bernard, 2013:194). Still, with many practitioner interviews, the researcher wore more formal clothing (a majority of YOT staff are casual) so straight away with persona and jargon (presumed but not understood), the power dynamic was altered. Because power dynamics are inevitable in research (van der Riet & Boettiger, 2009). Although there has been an exploration into how one fits into the gap between researcher and youth worker, in this capacity, the researcher occupied a position of 'betweenness' (Barker & Smith, 2001), falling somewhere between youth worker, friendly face and researcher. This may be due to the negative experiences of authority figures by young people (Howard League, 2016).

Participation in research, particularly involving young people, should be approached in a way that opens possibilities for creativity, resistance, and rebellion, with space for fun and humour along the way (Davidson, 2017). This research environment needs flexibility and responsivity from the researcher and demands both ethical rigour and consideration of exclusionary practices between participants since, rather than reducing or minimising power, it embraces it as a fundamental aspect of research, and of wider society (Davidson, 2017:237).

'The police officer', 'The senior manager', 'The spy'

In several interviews, after the barriers were broken down and they started to feel comfortable with the researcher, they admitted that they thought the researcher was a spy or senior manager looking to dismiss them from their role (YOT Staff). With young people, many thought that the researcher was a casually dressed police officer. Again, this was remedied by changing the

dress code to suit the research setting. From the outset, the researcher told all participants about their job, and research aims to showcase the intentions and the purpose of the study to explore the field scientifically.

This chapter outlined the project's methodological framework, specifically looking at 'To what extent does the existing Welsh devolution settlement enable youth offending teams to develop bespoke and innovative approaches to youth justice in Wales?'

It recapped the literature highlighted in the literature review, outlined the methodology framework and philosophy, and the research design stressing the importance of each data collection instrument and why they are suitable for the research design. It also showcased the different methodological stages and why the sample was chosen, explicitly demonstrating why each stakeholder was selected to participate. It also considered the ethical issues raised in the ethical approval form and emphasised the importance of confidentiality and anonymity where appropriate. Each data collection method has been debated, and each stage of the research project has been explained in layman's terms. Each stage has been broken down into analysis, data collection instrument, sample, and participants to understand the sample framework, why that group has been included in the research, what they offer to the project, and how they will be accessed. In terms of data collection instrument, what instrument is the most appropriate at each stage and how the data collected will be analysed and using what analytical method.

The epistemology of the project has also been discussed to show where the research comes from, the reasons for this project, and whether it has any set or obvious agenda. The epistemology is reflected in the methodology through the stance the research takes and the methods that have been incorporated.

Reflecting on the research, it is essential to understand that many of the challenges would have been prevented by a longer time scale, in particular reflecting on the proposed sample table in comparison to the final sample table. There are participants who may have added to this study, but due to the limited time scale and the scope of participants, this project hoped to reach this was not possible. However, the data gathered is more than significant and there is much potential for further research looking at several of the issues that have been covered in this thesis. The next chapter will look at the findings of this research.

4. Findings.

This chapter will present the findings in a confidential manner; these are the real-lived experiences which express the voices and experiences of participants in the research.

The quotes presented in this chapter are not amended; this is the data. This chapter will display similar and differing views within the research.

Chapter Structure:

When the methodology was operationalised, a significant corpus of data was collected from a variety of participants; this chapter will discuss those participants' voices and viewpoints, the sample that was collected and the subsequent findings that emerged from the process. Reflecting on the methods used and the process of analysis identified, this first section will explain in detail an overview of this chapter and then present key findings of the research. Taking the three stages of semi-structured interviews and focus groups and highlighting the key findings from the research. For the purpose of clarity, this chapter will reflect on data only, and the following chapter will reflect with regard to broader literature.

Each theme will be discussed in the following format:

1. Thematic title
2. Explanation of theme what was this about process of the data analysis
3. Each group and what they said
4. Then similarities and differing views
5. Summary

Data Context:

The data generated in this research is qualitative, all transcribed from interviews and focus group sessions that the researcher undertook; where possible, all locations have been changed to neutral in many cases, 'Wales' or 'North', 'South' or 'Mid' Wales.

A study of this size, including this variety of participants, has not been done before in the field. As can be seen, by the participant table and consequent explanations, there was a wealth of

data collected; all of the data generated is qualitative from extensive face-to-face and, in some cases, telephone interviews lasting from 30 minutes to 2 hours per interview.

The findings of this study are both thought-provoking and integral to the future of understanding of youth justice, devolution and policy frameworks as well as the space in which services can operate under the current devolution settlement. The participants who took part in the research and the initial sampling framework can be seen in Figure 1 (see page 80).

Development of themes:

During the data familiarisation process, the original discussion points from interviews at each research stage, using the 6-step analysis, are reflected in this section. Regarding developmental themes, some of the critical areas for discussion are outlined below.

Stage One:

Devolution, diversion, autonomy, distinctiveness, YOT managers, Wales (including demographic and geography), CFOS, ECM, localism, prevention, early intervention, finance, trauma-informed practice, YOT information (including size, organisational structure, operations, strategy), inter-agency communication and YJ pre-1998.

Stage Two:

Missing Voice**,** Devolution, ECM, Children's Rights, Local Authority, General Finance, Pre 1998 YJ**,** Distinction of System Autonomy Trauma-Informed Practice Policy Structure Youth Offending Teams Politics, Media Influence.

Stage Three (Practitioners):

YOT Manager Autonomy, Challenges for the YJS, Funding Mental Health Agencies, Services that are important to your job, Children's Rights, Biggest Changes since starting, what changes are needed, something different in Wales / Devolution, Sense of Pride, does your work impact government policy.

Stage Three (Young People):

Reflections on the past, Missing Voice (rights of the general population), not those who are disadvantaged / in the justice system, YOT influence, Preparation for adult life / the future, Original Feelings when engaged with YOT, if you were in charge what would you do? What can be done by LA/council for YP in Wales, Access to Support and Services and whether they have helped / Could more be done.

4.1 Emerging Themes, an Overview:

This section explains the application of thematic analysis; adopting the thematic approach allowed themes to emerge. These themes are highlighted below and relate to what participants said in the interviews and focus groups. As themes emerged, there was a process of revising themes; this was done during the first analysis stage, listening to the voice of participants because they are essential to the research; themes were revised and merged where they were linked and overlapped, for example, some people used different terminology for the same thing.

This section will explain how each discussion point was refined into the final (5) refined findings, how some of the more minor discussion points were merged and how some were found to be too unconnected to the overall question to be utilised within this thesis, however, can be used in the future for other questions relating to the broader debate within youth justice.

This overview will be supplemented by a detailed thematic findings section which follows this section. The revision of the themes led to them coalescing into overarching themes. To understand the breadth of those thematic areas, each will be considered below, where there is a brief explanation of each of the thematic areas.

As seen from the above, in the development of themes, there is a wealth of thematic areas; the next step following the 6-step analysis framework is to refine those themes into more direct thematic areas. The following themes were identified as key to this study.

1. Has the current Welsh devolution settlement led to a distinct youth justice system in Wales.
2. The impact, role and influence of Youth Offending Teams and their managers in Wales.
3. The Practicality of Youth Justice in Wales.

1. Has the current Welsh devolution settlement led to a distinct youth justice system in Wales:

The notion of devolution was a constant discussion throughout the data collection process, whether it was from questions asked relating to the devolution question or whether it found its way into the debate. This discussion point was a significant theme throughout the interviews and focus groups.

The concept of a distinctive system is something that shone through the data collection process, whether that be Wales having a distinctively 'Welsh' approach to justice and, frankly what a 'Welsh' style is, how different the politics between Westminster and Wales is with constant reference to the unique nature of Welsh culture and how that interplays with the systems which look after young people.

2. The impacts, role and influence of Youth Offending Teams and their managers in Wales:

This theme explores the impact YOTs, particularly YOT managers, are having in Wales by recording the perspectives and experiences of key stakeholders in the youth justice system. It will examine questions around legislation and policy and reflection on, for instance, relationships and practice.

Moreover, it will seek to understand whether YOT managers have autonomy in the decision-making process, how influential they are in constructing policy and managing young people within the local authority area, and how far their reach as managers goes.

3. **The Practicality of Youth Justice in Wales:**

This theme looks at the resources within Welsh youth justice; there are several layers to this theme, including austerity measures and their direct impact on service provision, how finance in Welsh youth justice is structured, including the power of devolved and non-devolved areas in providing funding and security for YOTs this finding emerged from the collapse of several linked discussion areas, with a consistent mention of resources throughout the data collection phase.

Another consistent discussion point throughout the data collection process was children's rights; this is discussed in detail throughout all stages of the research, with particular emphasis on access to rights for young people outside of the formal education system.

Refined Thematic Findings Section:

This section discusses in detail each of the findings listed above in the overview section. Merged into each of these findings are the sub-findings that were discussed previously. The refined themes are outlined in the table below for structural purposes before each finding is explored.

<u>Refined Themes. Figure 4:</u>	
Has the current Welsh devolution settlement led to a distinct youth justice system in Wales	1
The impact, role and influence of Youth Offending Teams and their managers in Wales:	2
The Practicality of Youth Justice in Wales:	3

To clarify the order and structure of the way the findings are presented, the structure below will explain the breakdown of themes in this chapter.

<u>The structure for this section is as follows:</u>

1. **Thematic title (Finding).**
2. **Explanation of theme**
3. **Each group and what they said:**
- *Stages 1 & 2 are followed by stage 3 in 2 parts (practitioners and young people).*
4. **Similarities in views**
5. **Differing views, which are views beyond the consensus, people who ventured beyond the standard remit.**
6. **Summary**

4.2 Has the current Welsh devolution settlement led to a distinct youth justice system in Wales?

The overarching topic of youth justice in post-devolution Wales focused upon four critical issues that relate to the current settlement, service delivery, the reality of devolution of justice powers and whether Wales has a distinctive justice system.

This section looks at devolution in Wales, particularly the potential for devolution of youth justice and the challenges and barriers that would come with it. This, considering its relevance to the question this thesis poses, was a substantial finding in the research there is particular attention in this stage is paid to the areas listed below:

Matters Considered in theme 1:

Current settlement problems including confusion around devolved and reserved power as well as policy conflicts. Aspects surrounding service delivery including who pays for what and how are children's services delivered in Wales. Further findings are around the reality of the devolution of justice powers and whether Wales has a distinctive justice system.

Stage one; Those who create Policy and Influence decision-making - strategic (devolution).

This section showcases views on devolution from strategic participants who were interviewed in the research process; this first quote talks about differences in culture and significant funding differences, in this case, how the Welsh Government match the funding from the youth justice board:

> *'We are talking about different animals here, and I think devolution would be a much more natural step for us in Wales, and I think my personal view… I am not being political, but it would make a great deal of sense, and when we have quite strong links with Welsh Government, they have actually funded quite a lot of our work and arguably, they have funded as much as the youth justice board in recent years we also get support from the PCC. It would make sense to my mind that we moved in that direction (devolution)'.*

A YOT manager reflects firstly on devolving the whole of the justice system as opposed to just youth justice, and how it would allow Wales to look at points around the age of criminal responsibility and then looks to what could be done without devolution of justice but with some legislative changes around control, this point reflects a clear trend amongst participants around the expected future step of justice devolution to Wales. This participant reflects on the ideas of localism, which is a constant theme throughout the findings; surely, local areas understand the local issues better than Westminster:

> *'Localism…We surely understand people's issues better, and well yeah, exactly the same, I suppose, for the Northeast of England'.*

(YOT Manager 2)

A 'messy' situation has been created by the complex devolution settlement and how Wales has a different form of youth justice in Wales so devolution of those powers would be a sensible and logical decision:

> *'I think at the moment it is a 'little bit messy' you know you have some devolved services, and some services are not devolved in Wales. We have something (youth justice) that looks different to England. We are a lot smaller. For example, YOT managers Cymru is made up of 15 YOTs whereas the English version has over 130 odd!'.*

(Policy Expert 3)

The concept of a distinctive system is something that shone through the data collection process, whether that be Wales having a distinctively 'Welsh' approach to justice and, frankly, what a 'Welsh' style is, how different the politics between Westminster and Wales is with constant reference to the unique nature of Welsh culture and how that interplays with the systems which look after young people, this was a common trend amongst participants.

A policy expert reflects on the cultural uniqueness of Wales and how there is a distinctive youth justice system in Wales which, in many cases, Westminster does not understand; this has an impact on how Wales is treated, suggesting devolution would help Wales get a better deal for the young peoples and communities:

'They just don't get it. They don't get the cultural uniqueness, the language, the size. They think that cause were small, we are not important, but there is creative and innovative stuff (youth justice) going on in Wales, and I think we know our audience well. I would say that, yes, Wales would gain a lot from devolution'.

(Policy Expert 2)

Building on the view that the complex devolution settlement in Wales has created major issues, there are clear examples of a lack of understanding and lack of communication between Wales and the YJB, including YOT managers, as outlined by a policy expert:

'There are definitely complexities between the devolved bodies when you're working in a mixed economy of devolution. I don't think example…. I was on the phone with someone from the youth justice board last week because they want to send out some information on BAME (which is one of their priorities at the moment) to the English YOT managers. I just started talking to him about Wales and the different considerations. He clearly did not have an idea about education and health being devolved currently, so I think there is this misunderstanding (between Wales and the YJB)'.

(Policy Expert 2)

The difficulties of working in an England / Wales oversight are showcased by a policy expert, particularly when, in some cases, Wales is overlooked because of a lack of understanding of the intricacies of Welsh communities and culture, arguing that Wales is distinctive and would benefit from more control:

'I think we know what we are dealing with in Wales, but I think that when we are under this England / Wales oversight, I think it gets overlooked from the England standpoint because they don't necessarily understand the intricacies of it, so I think that is a disadvantage for us. We know what we are dealing with, and we know what we are working on within Wales, but I think that its England that are sort of pumping out many strategies, lots of policies making the decisions, and we fall foul of that sometimes when actually we are in a much better position to know what we need'.

(Policy Expert 2)

This suggestion of a distinctive system is a clear trend among participants in the research. There is evidence to suggest that the Welsh Government does not always agree with the direction of travel of the UK government; examples are shown in for example a policy expert explained their opinions relating to secure schools and privatisation of the probation service:

'The Welsh government does not always agree with the direction of the UK government. They have opposed secure schools, which are being developed now in Medway; I think they are generally not pro custody and won't be with Mark Drakeford in place. 3 or 4 years ago, part of the probation service was privatised, and they opposed that. Anti-Social Behaviour… There can be tensions between what the UK Government wants and where it fits with Welsh government policy direction'.

(Policy Expert 2)

The style of practice that is delivered in YOTs especially considering access to rights again, is very dependent on where the YOT is situated and their relationship with children's services; A YOT manager quote alludes to a postcode lottery in terms of children's rights and service provision, which was a clear trend amongst participants in the study:

'Because you get YOTs created in loads of different departments, for example in 'xxx' were looking to the children's and education department, but I am under education, but I have worked hard to make sure we have a good relationship with the head of children's youth services. Because I think that bearing in mind the need to make sure that young people are treated as children first, you really have got to make sure that children's services are on board with that'.

(YOT Manager 3)

A Welsh Government official discusses the emphasis of the Welsh Government on children's rights is significant and is having a significant impact on the delivery of services by YOTs:

'Youth offending services have done a pretty good job in trying to shift from seeing an offender first to seeing a child or young person first. Not saying it doesn't happen in England, but in Wales, we have a more central driver for this. It does seem to be filtering through and having an impact (CFOS)'.

(Welsh Government Official)

A youth justice expert talks about a clear disconnect between the language used by policymakers and the language used by practitioners; there is a gap in the understanding of what the reality of 'good children's rights work' is:

> *'Policy makers talk about children first; I am not sure the practitioners always talk that same language… you know nobody has ever said to me I have done a really good piece of children's first work today, you know.'*

<div align="right">(Youth Justice Expert 2)</div>

On the face of it, an emphasis on rights, this civil servant reflected on this by saying that schools are playing a great part in securing rights for young people; however, this is an already devolved area in which Wales has made a commitment to following the UNCRC, as a Welsh Government offical outlines:

> *'There's a lot of rights focus schools now as well across Wales that play a big part in that, I suppose. If you are joining up services and provisions between education, health, the schools play a massive part….'*

<div align="right">(Welsh Government Official)</div>

This stage outlined the views of those at a strategic level of the youth justice system; the next stage will look at the findings from those at an operational level of youth justice.

Stage 2: Those who implement policy - operational (devolution):

This section looks at the findings from stage 2 regarding devolution with a particular focus on youth justice. Some parts of governance in Wales are already acting in a 'devolved' capacity but without the statutory legislative competence to take things further:

> *'I think in Wales we have acted in a devolved way, but what we haven't got then, as a result, is we haven't got the statutory footing in order to take it to that next level, so if we want to make further steps towards that (devolution) things like the Charlie Taylor review they don't specifically acknowledge the Welsh context so when we talk about youth justice or wider criminal justice data and statistics it is difficult to make a detailed analysis of what we have at play here because it is wrapped up into the England and Wales set up and very often the developments which are perhaps lagging a little bit*

behind again without any substance behind it (that is my perception) lagging behind in England, we then see them pushing towards some activity which might not suit us in Wales and would allow to do something slightly different.

<div align="right">*(Policy Expert 3)*</div>

There are significant issues in the current devolution settlement which is stunting Wales' growth in terms of outputs and the potential to achieve a truly children-first offender-second working philosophy:

> *So I think I think there's a restriction to the current settlement… it is not devolved, if it was devolved we could take it a step further than, you know the Welsh strategy from Welsh government in relationship to the children first offender second is and then out of that Sally Holland the children's commissioner who only recently sent me a letter around a discussion we will be having tomorrow and in that she talks about'.*

<div align="right">(YOT Manager 2)</div>

The majority of participants in this area said that youth justice is legally developed enough in Wales for devolution to work, but it just is not happening. The following participant, a policy expert, reflects on the nature of non-devolved governance in Wales:

> *'So, I suppose, taking one step back is obviously working for a policing service, and the PCCs is that policing and remit for PCC is currently non-devolved. So, I think there's a reality that criminal justice and youth justice are not, and that is the point I made earlier, legally devolved in terms of devolution settlement'.*

<div align="right">*(Policy Expert 3)*</div>

The policy expert below, indicates how the PCCs have all committed to backing criminal justice devolution, and the fact that they work together and are all funding YOTs and prioritising youth justice is significant in the devolution debate, coming from a non-devolved public body:

> *'The PCCs have all made the principal position that they believe policing and criminal justice should be devolved. So, the chief constables have remained neutral on the question as operational leads for the delivery of the policing service... but I think what*

we've agreed as an all-Wales policing group and the 4 PCCs is that we should be working together.'

(Policy Expert 3)

A police and crime commissioner, asks whether it is just a matter of time for Wales. Arguably, devolution of policing is inevitable and just a question of when it happens, not if, especially considering the other Celtic nations have these powers already devolved to their respective governments:

'I think youth justice is the easiest element in the criminal justice system to say yes to, but I think there needs to be attention between the wider responsibilities of Welsh government and the justice issues so that unless you devolve the whole of criminal justice or significant elements of criminal justice, devolving youth justice on its own or just devolving youth justice delivery – youth offending teams, I think would miss the point, so in my view, it is inevitable that policing will be devolved one day the present government is absolutely set against it but in my view that will happen and not least if you look at the fact that Northern Ireland and Scotland both have responsibilities…'.

(PCC 2)

All participants in this area echoed these points, this was a clear trend. It is not just about devolving for the sake of it, this is clearly needed, and there is a plan, as this PCC outlines. If justice is devolved, Wales must take it on and improve the standard of service:

'Yeah, I would. I have already made a submission to Lord Thomas and the Thomas commission; we have done oral and written evidence to Lord Thomas; I think I have probably approached this more than one occasion with the commission, and I am on the record stating I want youth justice devolved even before my election…It was a manifesto promise; I am absolutely convinced, and to be honest, I don't want to think, and even though I am Plaid Cymru, I don't want things devolved just for the sake of devolving something. I want things devolved because it actually provides additionality rather than just an ideological thing that we should just devolve everything just because Wales should do it; it has got to improve the service if we are going to devolve things, to be honest'.

(PCC 1)

A PCC reflects on the already devolved areas of power and how youth justice is simply the final piece of the puzzle in relation to Wales having control of all parts of children's services:

> *'One of the reasons I want to devolve youth justice is because youth justice is the only part of children's services that is not devolved to Wales... everything else is devolved, so it's nonsense not to have youth justice devolved'.*

<div align="right">(PCC 2)</div>

The idea of a distinctive system was also a common finding from participants in stage 2, as this first quote outlines that the Welsh Government wanted to take a different approach, and the UK government gave them space to do so; this came in the form of the development of the youth justice blueprint for Wales the created space is very unique:

> *'The Welsh Government needed to take a very different approach and get much more hands-on but also that the UK Government gave them the space and permission to do so and hence the work towards the development of the distinct justice blueprint – that space that has been created in Wales by devolution is really unique'.*

<div align="right">(Policy Expert 3)</div>

The idea that youth justice in Wales is very fragmented was a clear trend amongst all participants. This is a clear distinction between the rest of the UK, and in some cases, that fragmentation makes it difficult for things to get done most effectively, as a PCC highlights:

> *'To be honest, I find it quite frustrating that youth justice in Wales is pretty fragmented… when I came into office, one of my manifesto intentions was to try to influence the devolution of youth justice because I worked in youth justice as a councillor in my previous role and was responsible for youth justice… and I can see how fragmented it was!'.*

<div align="right">PCC</div>

There is a layered approach in Wales with a big push for multi-agency communication and a serious commitment to dealing with young people as young people and not as offenders, as this PCC shows:

> *'This is a tough one for me to answer because I am obviously sitting within a Welsh setting with a limited understanding of what is happening in England…. I can articulate how fantastic I think the youth justice system is in Wales and genuinely, I do think it is fantastic for the very reason I described earlier really… that layered approach with*

multi agencies at play across the whole of that layered approach and what I mean by a layered approach is those hurdles of incremental seriousness of the way in which young people are dealt with'.

PCC

The distinction in approach comes from a focus on prevention and early intervention by the Welsh Government, and as a policy expert demonstrates, Wales has made it a significant mission in their approach to dealing with young people:

'Identifying and signposting people who are deemed to be at risk of offending and dealing with them prior to that offending taking place which I think is a massive feather in the cap and what we should be considerably proud of in terms of youth justice in Wales is our prevention work'.

Policy Expert

Dropping the offender's second tag and focusing on a child-centred approach, which is what Wales has done, creates a further distinction. As a YOT manager shows, the geographical differences in Wales are noteworthy. Comparing London and Greater Manchester to the majority of Wales just does not work; there are different dynamics in Wales:

'I think there is. Yes, we've had this strategy of child first offender second for a long time. We have now dropped the offender second stuff, and it is just child first, which makes it a very child-centred approach. We have probably a different make-up for many areas of Wales that are only similar in England to say maybe Cumbria or North Yorkshire, maybe Somerset or maybe Devon, Cornwall, sort of areas out in the fens, Norfolk places… we have our large port / industrial towns in the south and we have port and market towns in the North, and it is not that we are without crime, you know, crime is there, but we maybe don't have the same dynamics as maybe elsewhere.'

YOT Manager, North Wales

There are fascinating discrepancies between practitioners' and policy experts/strategic participants' ideas about the relationships between Westminster and Wales, and Westminster and (formerly) industrial heartlands of England, and how this links potentially to devolution, as well as opening discussions about class, inequality, and power, this will be reflected on in the discussion chapter (Page 166).

Even though justice is not devolved, there are distinctly Welsh styles and philosophies coming in from the top of the system. As this policy expert summarises, there is a clear consensus amongst participants in this area that there is a distinction in the system.

The collaborative approach between the YJB and the Welsh Government in many areas is important to note and is evidence of this, especially when you consider that the YJB and WG jointly appoint the head of YJB Cymru. There is a Welsh emphasis and voice as the following participant, a policy expert, explains:

> *'The strength of the approach in Wales has been that although justice and youth justice aren't devolved… youth justice has been pursued in partnership with the youth justice board and the Welsh Government that, means that in keeping with the Welsh Governments philosophy about children and about the rights of the child they have taken what has been described as a children first approach I think that has helped the approach to offending and those who offend for the first time for a time the head of the YJB Cymru was paid for and believe appointed by the YJB and Welsh Government and there has always been a YJB board member who comes from Wales'*

<div align="right">Policy Expert</div>

There are some clear areas of conflict between governments with the complex devolution settlement; the notion of complexity was a common theme among participants. One of those critical areas, as outlined by this YOT manager, the difference in approach to rights and entitlements and looking at more than just criminal responsibility:

> *'There is clear conflict because of the complex set-up of devolution, the rights and entitlements-based approach, and the fact that our current criminal justice system doesn't recognise human development and behavioural science. It is an arbitrary figure in terms of criminal responsibility etc.'*

<div align="right">YOT Manager North Wales</div>

There is a significant difference between policy rhetoric and practice reality, as outlined by a YOT manager; a minister having 'due regard' may sound prodigious, but many would argue it has not been carried out in practice. This YOT manager highlights the problems between what policy promises and what is delivered:

> *'I would question to what extent it has been reflected in Welsh practice (children's rights) … on a couple of levels… 1. The practice of ministers in the Welsh Government*

so having ministers have due regard for the rights of the child. I think many people would say it is an aspirational thing that has not been carried through in terms of what happens in policy terms. There are those that have said children's rights impact assessments that under the new legislation aren't done to a great degree, and again having these commitments as a part of your cultural makeup is important and shouldn't be underestimated… kind of scrutinised effectively to the extent that it is really happening.'

<div align="right">YOT Manager North Wales</div>

This stage outlined the views of those at an operational level of process in the youth justice system; the next stage will look at those who 'live' youth justice day to day, the practitioners working on the front line.

<u>Stage 3: Practitioners (devolution):</u>

This section looks at the findings from practitioners at stage 3, there were no findings from young people directly involving devolution, so they are not included at this stage. This first quote highlights the rhetoric surrounding policymakers and managers using language that may not be understood at a practice level:

'Right, I have no idea what that means. What do you mean devolution? No (head in hands shakes head and laughs) you sound like 'xxx' using these big words (another practitioner)'.

<div align="right">Practitioner Mid Wales</div>

Despite 20 years of devolution, there are still problems around this and practitioner understanding, despite the positive rhetoric, some practitioners still do not understand, this lack of conceptual understanding was a trend amongst practitioners in the research. Following an explanation of devolution, the question was asked; 'Do you think that Wales should have justice powers?' A practitioner reflects on what it would mean for Wales to have the same powers as Northern Ireland, for example:

'Well yeah, I don't see why not; Ireland seems to be doing pretty well; I have been to Ireland and seen theirs (I wouldn't want to be in trouble there) that was years ago… but I don't see. Why not! Someone here surely knows better what to do about things here than someone who doesn't live here or know the area'.

<div align="right">Practitioner Mid Wales</div>

A practitioner looks at the ideologies of local governance at the step after devolving power. Moreover, how the different areas and regions of Wales would suit having control of what happens in their local areas because the needs are different in those different areas for the best interests of young people in Wales. The idea of localism was a clear trend amongst participants with all participants reflecting on some level of localism throughout the data collection process:

> *'I think yes, there is merit in the idea; at the moment, you have a system that is sort of split in the sense that the Welsh Government controls certain aspects of our work, so health, education but other aspects are coming from Whitehall, and we have touched on some of them already where you get disconnects, and you get this idea that and I would argue that even within Wales the needs of places like Newport, Cardiff, Swansea and the South Wales valleys will probably be different from the needs of Carmarthenshire and actually there is a role in Carmarthenshire shaping what we do with our young people, no issue with overarching guidance and principles, but I think there is a role for the Welsh Assembly to have that oversight role in setting what we want for Welsh young people'.*

> *Practitioner Mid Wales*

As the following participant, a practitioner, indicates, Wales is its own political entity, and because of that, unique cultural differences in Wales. Devolution should follow as local areas should be dealing with what they know is appropriate for the young people they work with and the communities they are supporting; the concept of local solutions to local needs was a common theme amongst participants in this stage:

> *'If Wales is a distinct political entity, if Wales has a distinct political region with its own culture and we think it is important enough to have an assembly that looks after education and stuff, and then why would we lock children up in England there is no reason why you wouldn't necessarily have a similar criminal justice system cause the law the history and all that kind of thing but why would we not want to shape it according to what we think is appropriate (and I say we as an Englishman that lives in Wales) if it is a political entity as a region I don't see why you wouldn't want it and I understand devolution is a 'process and not an event but why would you not want to have that control over criminal justice'.*

A practitioner below ponders the question of whether there is a more significant issue with local areas not having power because their cultures and communities are so different to what happens in London; in this respect, those local communities know best and should have the powers to exercise control and decision making on that local need, again this was a commonality between participants in this stage:

> *'This is not just an issue for Wales. You look at the North East and all of the old docking communities their needs and the needs of the young people are completely different to those in London for example'.*
>
> Practitioner North Wales

This practitioner reflects on local solutions to local needs and how the local areas know how to deal with what happens in their area better than those in Westminster, who may have never been to those local areas, all participants reflected on this idea:

> *'Umm, well, I think it is important... passing the power down the chain so they can sort it themselves, so yes, I think that it should happen as long as it is done in the correct way. I think the more power the WG get from Westminster, the better we need to be able to solve our own local problems. We know better than those in Westminster what the issues facing us are'.*
>
> Practitioner South Wales

A practitioner argues that all powers should be devolved, including the police and the courts:
> *'I think we should pass all powers down to the WG rather than Westminster, so that includes the police, the courts, the whole system.'*
>
> Practitioner North Wales

A practitioner debates the idea of powers in the Senedd rather than in Westminster and how those in London simply do not know what it is like to be a young person in North Wales. For example, to have people who are not knowledgeable about local issues deciding how these areas are operated is illogical, as demonstrated in the views of this practitioner, all participants found localism a key topic of interest:

'I think I am in favour of it; I think having it based in Cardiff in the Senedd and having policies and people represent from all parts of Wales so local people being able to represent what is going on in Wales on the ground would be beneficial for the young people of Wales like I said earlier London don't really know what it is like to live on Anglesey and vice versa I wouldn't be able to tell you what Joe Bloggs 18 in London thinks about living in housing estates in London and be able to create a policy to try and fix that lads problem he has been socialised in a completely different way that I don't understand and maybe London don't understand what being socialised in Anglesey is like or Gwynedd or rural ways in comparison to urban ways'

Practitioner Mid Wales

A practitioner champions more control for Wales because then services can be tailored to local needs and is representative of participants in this stage:

'If devolution means more control for Wales, then yes, it is a very good idea... I don't know how far away devolution could be, but yes, we need devolution as Wales has different needs to England; therefore, you need to tailor the services to the local area'.

Practitioner North Wales

There was also a significant debate surrounding the distinctive nature of the youth justice system in Wales, as these quotes from stage 3 participants will showcase. This first quote looks at how the type of offending is different in Wales and a different culture.

When youth justice has a blanket approach to an issue such as knife crime, this can have a negative effect on young people in different areas, this is echoed by all participants in the area; localism and local discretion was a common theme at stage two:

'We are so different in Wales, and especially in youth justice the way housing is run, the social services, and everything we work with has been devolved except for youth justice, and I think one of the boys explained earlier things like knife crime, knife crime is pretty bad in England at the moment, but it is not down here whereas they probably have higher penalties and sentences for knife crime in England that will affect us down here and someone (young person) may have forgotten they went fishing on the weekend and still have a knife in their bag.'.

Practitioner North Wales

There is a severe difference in geography between Wales and the majority of England. Some YOTs, like the one, talked about by a practitioner that the North of Wales, have entirely different issues as opposed to city locations. This practitioner is arguing for more powers for local government to do best with their knowledge of the local people and local community:

'I think because we are so rural here, they don't understand what it is like down here. We are so different even in comparison to somewhere like Cardiff, so I think we do need more control, the central government may not understand the issues, but I think our government in Wales will understand better what is going on and have more of an impact. With us now, we do have issues with drugs which we are concentrating more of our work on now, whereas different areas have completely different problems; we need to share best practices and do what is best for our communities and the young people within them'.

Practitioner North Wales

There are clear distinctions in the local areas and differences in the issues faced at local levels. This YOT, in particular, has a mix of rural farming communities and a deindustrialised valley town which has a particular need as opposed to city locations or rural locations. A practitioner looks at how divergence from the UK governments approaches is needed at the local level, as demonstrated below this was a common theme in the research at this stage:

'We have issues in 'xxxxxxxx' that are more like Swansea and Cardiff, but we also have issues around rurality and a population that is spread out, including a farming community that looks very different than places like Blaen Y Gwent, which is a deindustrialised valley, so we have deindustrialised 'xxxxxx' we have the 'xxxxxxx' valley, but it is about the scope to shape it at a regional, county and national level and that can diverge from England it doesn't have to be taking its guidance from England.'

Practitioner Mid Wales

There are problems with the current devolution settlement, and Wales needs more of a voice in the debate to decide how best to deal with local communities. Issues and complexity within the settlement were a clear trend amongst participants which is demonstrated by a practitioner. The risks of the current system are that Wales could increasingly lose its voice and that voice could become less influential, this practitioner looks at more controls for Wales in terms of justice to ensure those distinctions in the system can be adequality addressed:

> *'England will be dominant because it is the largest part. Its priorities will always outweigh or trump what direction Wales wants to go in; it will always be outvoted – and if you get things like Scotland going alone and if those places fraction away, Wales becomes even smaller and even less influential with a smaller voice, so there is definitely scope for that control'.*
>
> *Practitioner South Wales*

A practitioner identifies how devolving justice would allow Wales to be even more flexible and with even more discretion over the needs of young people and Welsh communities:

> *'We do have some flexibility and discretion, and I would hope that if justice were to be devolved, we would get much more!!'.*
>
> *Practitioner Mid Wales*

There are clear differences in the language because Wales is a bilingual country. There are some significant distinctions, especially when you look at North Wales, which is the first language of Welsh in most cases; a significant number of participants referred to this as an issue. This practitioner states that:

> *'Yeah, I suppose you could say that we are a bilingual country, so I suppose yes, it is distinct purely on that fact. It is like if the court proceedings are in Welsh, it will obviously be distinct from other areas because of culture, especially in North Wales.*
>
> Practitioner North Wales

There is a distinction in the way that YOTs in Wales think about the child's voice and listen to young people, but that is very much location-centric, with more opportunities in South Wales for young people to engage in decision-making as a practitioner shows more needs to be done in North Wales, this again was a common theme within the data:

> *'What I have heard, I would say the distinction is around the child's voice and listening to the voices in young people – unfortunately, though it is very South Wales centric in terms of support, we need more in the North'.*
>
> Practitioner North Wales

There are distinct geographical differences between Wales and England again the difference between approaches of city locations as opposed to rural are obvious to see for example in North Wales transport is a significant issue which affects access to services:

'There are geographical differences between Wales and England for example, when you have these big rural places in Wales in comparison to the big cities like London, Manchester etc. there is almost a rural criminology with differing types of crime here – in Wales, it may be not as dangerous, but we still have the ACES here, and it is still difficult to manage work because of the area and for example the difficulties of transporting young people around here.

<div align="right">Practitioner North Wales</div>

Similar Views (devolution): Consensus:

Wales has a different culture and needs, similar to pockets of the Northeast of England and the old docking communities around working-class England, and their local areas better serve their needs. Wales would be better off having control of justice powers in the Senedd than in Westminster was a common theme amongst participants in the study.

Devolving youth justice has constitutional ease that many other areas do not possess because of the joined-up approaches and services within a YOT that are already devolved. Local solutions to local needs and devolution need to happen for local communities and local authorities to decide what is best for their areas and the young people they serve. Devolution would allow for tailored services for young people in Wales and for the Welsh Government to continue with the children's first offender second ethos and the focus on children's rights.

A common theme among participants was how devolution has created a unique space in Wales for youth justice to operate; even though there is no legislative control, the UK government have given Wales a space to do what they think is best. Since the creation of the YJB, there has always been a Welsh voice in the YJB and since the establishment of YJB Cymru, which helps to give Wales a sense of empowerment.

The WG has a distinct focus on prevention and early intervention, which take place in areas that are devolved but directly affect youth justice. Significant cultural and geographical differences in Wales as opposed to England; therefore, blanket approaches by the YJB are detrimental to practice in Wales. A greater emphasis is placed on the child's voice in Wales, which is distinctive. This aligns closely with the creation of the youth parliament exclusive to Wales. There is a lack of universality in provided services and approaches between

YOTs in Wales, with differences between opportunities in North and South Wales. There is a historical, cultural, and political difference between Wales and England, hence why

the styles and approaches differ. Examples of such a difference come from opinions on privatisation and secure schools, which were echoed by most participants at this stage.

<u>Differing Views:</u>

However, it must be noted that within the findings, there were some differing views around devolution. These views are an essential finding within the research because they are different from the mainstream view of 'devolved everything now', and the viewpoints of those who believe devolution is not actually needed are showcased below. This section showcases views from all three stages of the research. A participant from YJB Cymru ascertains that a lot can be achieved without actually pushing for devolution; if the system and services work together for the good of young people in Wales, there can be great successes:

> *'I don't think you definitely need devolution to do that; I think it just needs all of the services in Wales to work together around the young people'.*
>
> YJB Cymru

Does it always have to be 'devolution now' should Wales deal with what is in front of it first before getting too focused on having devolution:

> *'I think I suppose for me it is not always getting hung up on 'it has to be devolution' actually are we doing enough with what we've got I think that is a key question here….'*
>
> Policy Expert

Is devolution the red herring for Westminster and Wales to detract from the more extensive conversations around getting services in Wales to take more responsibility for the young people they are meant to serve instead of passing on responsibility; this does represent a trend amongst participants which was different to the devolution narrative:

> *'I think can be a little bit of a red herring (devolution), or it can detract from the main conversation, I think, and the main conversations are how can we get devolved services in Wales to take better responsibility for young people who happen to be in the youth justice system'.*
>
> Welsh Policy Expert

The service can be successful in preventing offending and helping young people without devolution. A Welsh Policy expert, claims that at all the things that can be done without devolution:

> *'I don't think you need devolution for that; I think if you can provide suitable accommodation, secure and non-secure for young people who are in the justice system who have welfare needs, mental health needs who have substance misuse needs, they are often the same young people whether they are in the justice system or they are the welfare young people it's justice what route they have come in from.'*

> Welsh Policy Expert

There are clear fractions between governance styles in Wales and England, with the clear socialist lean in Wales; however, in terms of 'prioritising improving justice', devolution is not top of the list; there is more to be done in Wales, and that is achievable without devolution:

> *'So I suppose that's the overarching concern, and where you have got a more traditional socialist labour government in Wales and at the moment a conservative government in the UK, you always run that risk of them conflicting, but at the moment, I think if I were to prioritise how we are going to improve youth justice, devolution wouldn't be at the top of the list… there are things we could do to improve youth justice in Wales without devolving it.'*

> Welsh Policy Expert

A suggestion that more needs to be done before devolution happens was a common theme amongst participants, so although not the central narrative a clear trend was identified in terms of scepticism at this stage. Young people are more critical, and some practitioners do not care what happens in terms of devolution; they will still get up and do their job the same way as they do now, with passion and drive, and let other people worry about these things (devolution):

> *'I don't really have a strong view. It is not something I think about or understand. I just do my job and crack on with that. I just want to do the job the best I can and let other people worry about things like that. I have reached a stage in my life and my career where I don't really dwell on that… regardless of what happens, I will still do my job'.*

There is a degree of scepticism about the outcomes of devolution; not everything is to be seen through rose-tinted glasses; yes, devolution comes with flexibility and could free services up to do what they think is best. This was a common theme amongst participants. However, if you have less money than you had before devolution, the situation is not as flexible or as desirable as this YOT manager explains:

> 'If it is the same as central control when the probation service had it, then yeah, I think we maybe should as there was too much central control and everything being standardised, and you had to do this or that because London was doing so, that isn't good for our young people there is no local flexibility at times, you might think national/local control might free things up for Wales however if you suddenly divorce from that system you find you haven't got the money you had previously in that other systems you are a bit stuck.'

<div align="right">YOT Manager</div>

Summary (Devolution):

This section summarises the findings from 3rd theme, devolution. There are some very interesting findings at this stage, with split opinions on what is best for Wales and for young people in Wales.

All 4 PCC's not only offer funding for a large proportion of the YJ budget, which they are not constitutionally forced to do in Wales, but they are all publicly backing the devolution of justice powers. In some cases, establishing PCCs in Wales has been seen as a small form of devolution because they serve the four regions in a structure similar to what many have proposed. Some parts of governance in Wales, namely youth justice, are already acting in a devolved capacity; this links to the findings from the first theme, 'autonomy'. Managers of YOTs are, in many cases operating in a devolved capacity with an outstanding level of autonomy in the decision-making process.

Of all the areas that are debated regarding devolution, youth justice is primed and ready for the process, which would, in the opinion of many, help out the already devolved areas that associate with YJ, for instance, children's services, education, and social care. However, there

is significant scepticism about whether devolution will ever happen under the current Westminster Government. Also, could more be done in Wales without devolution to continue to improve services for young people there are many examples of services that young people rely on not providing adequate services; CAHMS would be an example of this.

As many sceptics of devolution noted in interviews, devolution would give flexibility and allow for a real children's first stance, or achieving being a 'zero custody' nation; however, would the money be there? The actuality of the devolution of justice powers is far different to the aspiration. Devolution has created a unique space in Wales for youth justice to operate; even though there is no legislative control, the UK government have given Wales a space to do what they think is best. This is a very interesting finding about the question this thesis poses.

The Police Crime Commissioners have managed to build upon the non-devolved areas being distinctive in their joined-up approach to criminal justice policy decisions and funding; this has brought the police into closer alignment with children's services in terms of philosophy of how to deal with young people. Linked to the above point and supported by much of the non-devolved areas in Wales, the Welsh Government has a distinct focus on prevention and early intervention, which take place in areas that are devolved but directly affect youth justice.

This backs up the finding that there is a specific, distinct way of working in Wales because of the nature of the devolution settlement. The geographical size of Wales helps for collaborative working and multi-agency communication and creates a distinctive style. However, it is far too simplistic to state that Wales is better than England; frankly, this is not what this thesis is about. This outlook is both uninformed and naïve in the grand scheme of policy and practice analysis, so a wealth of data has to be taken with caution; although in some cases valid, it is too easy to say, 'Wales is better, because it is'.

There is a significant difference between policy rhetoric and practice reality. There are too many examples of children's rights not being adhered to or not supported across the board in Wales at the practice level. It is dependent on the practitioner and the YOT and not universal.

Although significant steps have been taken to improve the rights of young people in Wales, much more can be done to improve access. Taking Due Regard as an example, policy needs to be entrenched in law for it to be taken seriously and acted on appropriately because, at the moment, there is only lip service paid to rights in most cases.

There is a lack of understanding of what a children's rights-based service would look like or what it means. Consequently, young people do not feel comfortable talking about their rights, even to those in society who should be supporting them. Clear restrictions in the system make it challenging to be a rights-friendly practitioner, for example, being reduced to a number

with an inherent focus on risk and not need. Even though the philosophy of children's rights is an excellent step in Wales, the implementation and training for practitioners need improvement.

Young people often do not understand what the services and processes they endure actually mean or what they truly aim to do; there is not enough emphasis on ensuring young people understand the system and what it is doing to them. There is still a postcode lottery in terms of provisions of rights and services that support rights for young people across Wales. The following section looks at the second theme, which is YOT Manager Autonomy.

4.3 The impact, role and influence of Youth Offending Teams and their managers in Wales:

The first commonly arising thematic area is that of YOT autonomy. This theme explores the impact YOTs and YOT managers are having in Wales by recording the perspectives and experiences of key stakeholders in the youth justice system. It will examine questions around legislation and policy and reflection on, for instance, relationships and practice. Moreover, it will seek to understand whether YOT managers have autonomy in the decision-making process, how influential they are in constructing policy and managing young people within the local authority area, and how far their reach as managers goes.

Matters Considered in Theme 2:

Where the YOT manager has come from (previous experience and networks) includes whether they have worked in health, education, or social care, for example. The strength of the YOT manager as a leader and decision maker, as well as whether there is a willingness to change and break the status quo. Each participant stage in the research commented on this theme in great detail, as will be demonstrated below:

Stage one; Those who create Policy and Influence decision-making - strategic

Participants in this section discuss various points relating to YOT manager autonomy. A policy expert, talks about the significant impact that YOTs have in the youth justice process, including bringing services together, which was a common trend amongst participants.

'I feel that the YOT drives a lot of the developments you've got the youth justice board which is producing strategy and guidance. I think that the youth justice team works hard to bring other agencies on board. I think that depending across England and Wales, especially in Wales where the YOT is created, is quite critical.

<div align="right">Policy Expert 1</div>

The following quote talks about how important it is to understand which department the YOT sits within, in particular children's services and because of that, the links with that service area are much more substantial:

'Because you get YOTs created in loads of different departments. For example, in 'xxxxxx', we're looking to the children's and education department, but I am under education, but I have worked hard to make sure we have a good relationship with the head of children's youth services. Because I think that bearing in mind the need to make sure that young people are treated as children first, you really have got to make sure that children's services are on board with that'.

<div align="right">Policy Expert 1</div>

Much of the discussion surrounding YOT manager autonomy in phase one was concerned with the development of local practice and local autonomy, and how those local stakeholders, in particular YOT managers, are having influence. This idea of YOT manager influence was a clear trend amongst participants in this stage;

'Yeah, I think most of the direction comes from UK government policy and what it wants, but what you then have is local autonomy to find a way of doing it that suits your local environment so you can get practice developments and innovative practice it tends to come along that way but then there is always the difference of well if it works well in 'South Wales' will it work equally well in 'North Wales.''

<div align="right">YJB Cymru – Policy Expert 2</div>

A policy expert offers further evidence of worries surrounding consistency between YOTs and the lack of universality, in particular, the lack of 'upscaling positive innovative work'; this was a common trend amongst practitioners this idea of consistency and the drive for always having something 'new' as opposed to developing what already exists:

'I think that it is true, but again I worry about consistency and sustainability, and I do think we do have a bit in Wales of what I have begun to describe as 'initiative itus' that

we have in lots of lots of public policy people doing innovative stuff, but then we find it works and why do we not upscale it so that everybody is doing it... and my take is that applies to youth justice as much as it does to a whole load of other public policy areas....'

<div align="right">Policy Expert 3</div>

In terms of influence and driving partnership, working YOT managers have a large part to play in the process, this was a common trend amongst participants in this stage;

> *'Driving partnership working, I would say that would be the YOT Manager, and again it will depend to some extent on their background, but you know YOTs are located in local authorities'*

<div align="right">Policy Expert 3</div>

As the following participant, a policy expert explains, there appears to be inconsistency between YOTs and the way they operate. Questioning who is taking the lead on driving partnership working and dealing with the issues that face the youth justice system in Wales. This idea of inconsistency and a suggestion of a postcode lottery in Wales was a common trend amongst participants:

> *'My experience and I am not saying I am speaking for everybody, is that was inconsistent in itself, and that again might depend on the individuals on who was prioritising what where... when I was working in south Glamorgan, it was very much a kind of equal partnership between the probation service and youth justice services and social services, my perception was that in other places it wasn't and in some places actually some of the places I worked in the valleys it was actually the police taking a very key lead in that because they would see that actually the only way they were going to deal with these little so and so's was if somebody intervened in their lives and sorted things out for them so I mean that would be my perception, but I wouldn't claim that I have got anything other than an anecdotal view'.*

<div align="right">Policy Expert 3</div>

The policy expert below discusses how certain YOT managers assert their influence by deciding what they do and do not take on in terms of service provision; in this case, the participant is referring to enhanced case management.

'Enhanced case management. Some YOTs have absolutely embraced it and really buy into it; believe it, that starts with the YOT manager saying this will be a really good thing to do, let's try and embed it. You will get others that are completely ambivalent to it. One of them called it shit, actually!! So, you know you do not get things implemented with the same degree of fidelity, so I think the YOT manager kind of determining the direction and culture of the team is really significant'.

<div align="right">

Policy Expert 2

</div>

A policy expert below is discussing the impact of YOT manager personality and drive in terms of encouraging innovation and willingness to try new ways of working, this idea of a YOT managers personality and drive having a significant impact was a common trend amongst the participants at this stage;

*'I can think of a YOT to the west where the YOT manager is a real enabler who encourages innovation and is always like**; give it a go, and I will always defend you and your decision making (emphasis added)** if I go to the east I can think of one YOT which is completely command and control – you will do it my way, and that is the only way it is done, so you get a lot of local differences, but the YOT manager is key in that in terms of direction; how their team operates and the culture of their team'.*

<div align="right">

Policy Expert 2

</div>

Similarly, to the above quote, this next point looks at YOT managers 'being innovators' or 'champions of change' as opposed to just sticking to the safety of the status quo, this was a common trend amongst participants at this stage*:*

'Some YOT managers have been a champion of change; he was an innovator; I have seen some quite lazy YOT managers who are completely happy to just sort of tick along; they are not looking to do anything new to try and make things better they are just happy with the status quo…'.

<div align="right">

Policy Expert 2

</div>

A policy expert, refers to the fear of YOT managers to be too closely aligned to different services to effectively save their autonomy and their worth as a youth offending team:

'There has been a reluctance in Wales to be close to social services and children's services. I think a lot of YOT managers in the past have tried to strategically link themselves to other departments because they have been concerned they will be subsumed into children's services, especially with the small statutory caseloads and

the fact that sometimes the YOT, especially in prevention, does tend to work with cases that are maybe are more welfare-based than criminogenic because the YOT can almost be seen as a specialist in dealing with naughty children rather than a specialist in dealing with offending behaviour'.

<div align="right">Policy Expert 5</div>

This first section highlighted the findings from those at a strategic level concerning YOT autonomy; the next stage will look at the views of those who implement policy.

Stage 2: Those who implement policy-operational

Participants at this stage, were very vocal in their feelings about autonomy within YOTs, as highlighted below by a participant, a PCC. There is a significant point about how important the relationship between YOT managers and their chief executives is; in this case, a very positive relationship has led to a positive partnership working, and this was a common trend amongst participants:

'Very little, that is purely a personality question really, where I have seen YOT managers have very significant influence it is because they have very effective relationships with their respective chief executives, and I will give you an example 'xxx' in 'XXXX' obviously had the ear and trust of his chief executive 'xxx' and was very influential very knowledgeable and lots of experience'.

<div align="right">*PCC 1*</div>

This PCC talks about chief executive and YOT manager relationships on the contrary. How in this case, the breakdown of a relationship has led to a YOT having a negative outcome for YOT autonomy as they are not seen as a big priority. This discussion of the importance of relationships was a common trend amongst participants at this stage:

I have seen YOT managers whom their chief executives basically despise, and it is like, hmmm, I am not really interested in what you have got to say, or this is not a big priority for me, so it is more about personality and relationship.

<div align="right">PCC 1</div>

A Welsh Government official indicates that the YOT managers role is dependent upon the individual's background and how that dictates the outcome of the type of service they deliver, again alluding to a non-consistent role across youth offending teams in Wales:

'The role and influence is very dependent on the individual and their background (housing – then housing strong; social services; health etc.) I will give you a really good example of how that has worked out in 'XXXX' – I used to sit on 'XXXX' YOT management board. We were receiving anecdotal evidence, so this was back in 2008 / 2009 that we were having a growing gang problem… and that some of those issues were related to the carrying of weapons, particularly knives and sharps (all of that sort of stuff), and this was anecdotally coming through the YOT workers to the YOT management board we flagged it up within the local authority. The community safety partnerships and pretty much the response was 'oh no, you are talking rubbish, this is absolute nonsense.'

(Welsh Government Official)

About the point above, a Welsh Government official discusses when an individual YOT had more autonomy, then they would have been able to make significant changes to battle the problems they were facing:

'Now, had the youth offending team had more of a say and prominence in partnership working at the time, we might have done a lot more work with what's causing this, where is it going, and where is it coming from, you might may well have avoided some of the issues we are now dealing with on the streets of 'XXXX' because that has grown and mutated and as the county lines phenomena of gangs coming in effectively recruiting those street gangs we may well have been much more prepared than we are today in dealing with in and that was oh it's because the youth offending team were getting excited really'.

(Welsh Government Official)

A PCC describes how significant the level of autonomy YOT managers really have as being one of the 'most devolved' (small d devolution areas) in policy and process; YOTs make their own decisions about who sits around the table within teams and services, this sentiment was echoed by a majority of participants at this stage:

'A tremendous amount of autonomy it is one of the most devolved and I mean small d devolution now not national devolution… it is one of the most devolved areas of practice really the act when you look at the act, it is not necessarily a big collection of instructions for what a youth offending team needs to look like got to have a certain amount of partners, but you can have more if you want….'

As this Welsh Government official suggests, YOT managers have significant authority as long as they adhere to the basic principles. In this case, the youth justice plan; as long as the manager adheres to the national standards, the service they deliver is up to them. This concept of flexibility was a common trend amongst participants:

'You have got to adhere to a youth justice plan, but the youth justice board for a good few years now have said do one for three years and update it every year, you have got to abide by national standards, but national standards have been shrinking and shrinking over the years you have got to use a single assessment system, and we did do, but that has been derogated for a certain number of years now but apart from that similar to what I was saying earlier really the stuff that you actually put in the basket is pretty much up to you.'

(Welsh Government Official)

The following quote refers to the different levels of risk associated with managing youth justice in comparison to other areas of policy and how that affects the decision-making process and restrictions around what can and cannot be done:

'I mean it is different in terms of the risk is different I guess for sectors like probation and youth work I guess to a certain extent, or social services or education the risk is usually on the client whereas criminal justice/youth justice you have also got to throw in the fact that some of these children do some very harmful and terminal things to other people, so there are a bunch of restrictions and procedures around that I think can make it seem highly regulated from the outside'.

(Welsh Government Official)

A Welsh Government official comprehends risk in service provision and service integrity and how the services may not meet clients' needs. The following section looks at the views of practitioners and young people who 'live' you justice daily.

Stage 3: Those who 'live' youth justice daily – practitioners and young people.

There was no mention of autonomy in the stage three interviews with young people so this section will contain only practitioners' views. Practitioners talked about the importance of

strong management and how much of a role that plays in terms of autonomy in the broader decision-making process. This practitioner reflects on the strength of the individual YOT manager. How they are happy that the manager takes their concerns to the highest level, giving them a voice and giving them the space to work 'innovatively':

> *'I know our manager is very good. If I have any questions or concerns, she will always help and address them. I know she has our back here, and the team trust her so much. She always takes forward our concerns up the food chain, and I know she believes in the work we do, giving us as much space as she can for us to be innovative'.*
>
> (Practitioner Mid Wales 1)

This practitioner reflects on previous work within youth justice and how some YOT managers exude influence and power to change in the areas they believe in. Whereas some have not exerted influence and are happy to just 'tick boxes'; this culture was a common trend amongst participants at this stage of the research:

> *'Our YOT manager is very influential because of their experience and the power they have. When they believe in something, they will make it happen and make it work. I have worked with a lot of YOT managers over the past 20 years, and some are just tick box they don't want to change things. They just go about day to day without really trying to grow as a service'.*
>
> *(Practitioner Mid Wales 2)*

A practitioner reflects on how much influence the YOT has on the broader policy development and implementation discussion. This practitioner highlights how YOTs can have a significant degree of autonomy. A further reflection by this practitioner highlights the risk of post-code lottery creation when there is a lack of universality in service delivery. Echoed again here is the concept of lack of consistency and a postcode lottery of service provision, which was a clear trend amongst participants at this stage:

> *'I think there is a degree of autonomy in the sense that we have been able to and we have volunteered to pilot ECM initially, you know, right at the start of it, we have been involved in shaping bureau we have a cannabis diversion at the moment, we can be*

quite innovative if we want to be so the whole thing about 'xxxxx' we have the scope to do that.'

(Practitioner Mid Wales 3)

A practitioner highlights the multi-agency set-up of a youth offending team and how there is a will to provide effective services within the local area. However, reflecting that there must be a drive to give equitable treatment to young people across the board to avoid the postcode lottery of service provision in Wales. This was a common trend amongst participants:

'appreciate that we sit within a construct which is multi-agency, and some of it is because you want effective services, but you don't want a postcode lottery, you do want children that are being dealt with getting equitable treatment, but you don't want a postcode lottery, so I do think we are sometimes hamstrung by things like funding formulae's you know the funding you get is the funding you get and if halfway through your budget government changes like it did one year decides it needs to claw money back there is nothing you can do they will take that money back... there is nothing you can do about those things!'

(Practitioner South Wales 1)

This practitioner refers to the importance of having a strong YOT manager with strong leadership skills. How that influence can have a significant impact on the service, the YOT provides to young people and the working process. The concept of strong leadership and influence was a common trend among participants;

'A strong YOT manager is vital. If you don't have that influence leading, then the things I have just mentioned are personified as there isn't a kickback or any sort of fight against it!! I won't name names, but I have worked for the YJB looking at ECM, and I worked in a number of YOTs, so it was interesting to see from a practical point of view how other things are done, and you also pick up different vibes on what it is like to work there how it is, both positive and negative – one of them, in particular, was really struggling and other ones had a positive change staff coming in had a positive impact, and that was clear examples of good leadership that drove on and improve what we were, and they were trying to do!!'

(Practitioner North Wales 2)

Participants' views on how their manager's autonomy and how their managers have made them feel, including how they elucidate information / support them in the job they do. A practitioner explains how important it is to have a YOT manager who is a 'champion of change' and promotes the work that practitioners do. All participants in this area believed this:

'Yes, I do, but it isn't that straightforward. You have to have champions for change who promote the work you do; I feel as though our YOT manager does that'.

(Practitioner North Wales 1)

A practitioner specifies the importance of a good YOT structure which comes directly from the work of the YOT manager. The practitioner also highlights the promotion of partnership working, and how these foundations or relationships have led to a better understanding of partnerships:

'Our manager runs a pretty good ship. We are very well structured, and a lot of us are spilling out and engaging with the youth services and strengthening those links. Like I said, working with the youth clubs, I am getting to know more about the related service. I don't think we need to be doing a lot more different than what we are now other than my voice for the victims needs to be heard a bit more and just to shout out the restorative justice a bit more and maybe not so child friendly (in certain instances)'.

(Practitioner Mid Wales 3)

A practitioner raises the point of their YOT manager having a lot of autonomy in the broader decision-making process. How their work ethic has led to a staffing team that is motivated and knows they have someone who has their best interests at heart:

'Our manager has a lot of autonomy. She is a sharp button. She keeps her ship tight, and she is fair. That is all we can ask for! That time when we had 'big time price loss' she wasn't in the post then someone else was, and they didn't sort it out, and then my team manager and line manager were all meant to do it, and nothing… soon as our manager now got into the post within three months she has sorted it all out. I can send her an email now, and you will guarantee I will still get a response back today, and it

is nearly 3 pm. That is a manager, someone who has that door open whenever and you know she has your back'.

<div align="right">(Practitioner Mid Wales 2)</div>

A practitioner explains the importance of having a strong YOT manager who will support and champion practitioners. Reflecting on their experience of working with other YOTs and how the system is not the same, and they have 'fallen apart':

'If you don't have a strong YOT manager who will champion you and support you in the work you do, then the service will fall apart, luckily here we have a very positive, forward, thinking manager, but I know other places not too far away who don't and look what happens there'.

<div align="right">(Practitioner South Wales 2)</div>

The similarity of views between stages:

This section looks at the vast quantity of similarities between the three stages when reflecting on 'YOT autonomy', namely:

- The individuality of YOT management styles and YOT manager personalities determines the service the YOT provides.
- Good working relationships with the chief executive and the experience of YOT managers dictate how much autonomy they have in the decision-making process and directly affect how much freedom a YOT has to do what they think is best for their service.
- There is a significant risk of post-code lottery creation across the board because of the divergence in working styles and the lack of consistency between how YOTs operate.

An interesting side to this finding was the similarity in views between all participants. Whether they thought their YOT manager had autonomy or not, they all felt that it certainly mattered who was in charge of the YOT because that determined how the whole service was run. (Although that may seem obvious, the style or standard of the service being determinant on the YOT manager and their influence is a staggering finding when you consider they answer to the YJB).

Differing views between stages:

This section looks at the similar views held between participants and then discusses the differing opinions between participants. There was a distinct lack of differing views among participants at this stage; all participants from all levels felt that practice differs depending on who is in charge of the YOT. Also, what their working relationships with the chief executive of the local authority were like. As well as how willing they were to break from the status quo and be innovative. This lack of disparity between stages is a significant finding and relates directly to this thesis's question, in terms of space to create bespoke an innovative practice.

Summary:

To summarise, the finding in question discussed the levels of autonomy that youth offending teams in Wales have in the greater decision-making process. As can be seen above, a great wealth of data was collected on this theme. It offers some interesting points when considering the research question that this thesis poses.

Within this theme, the following key themes were visible and critical among the findings were the importance of leadership roles, space within the decision-making process and the individuality of YOTs. This is akin to the local services for local needs explored in the literature review, section 37 of the CADA, which is an important finding. This autonomous nature of the role YOT managers have is born out of the original legislation and intention of the CADA, 1998 and a developmental culture of individuality and localism. This is what the data points to; this is the light and dark. The central point is that YOT managers hold an autonomous role that allows them, under the guise of the local authority, YJB and the WDA, to make decisions for their local communities.

Even if it is not in the direct interests of the YJB, local authority and the WDA. They have the space to make decisions and formulate internal processes with independence and flexibility. Flowing from this point is that of Dragonisation, which arguably is not visible here.

There is, however, a growing theme of the individuality of YOT managers, which is very much a part of the autonomous nature of the role, using this data as a precedent that will be explored in the next chapter.

There was a significant level of consideration surrounding how important the individuality of YOT management styles is, and how that affects the service delivered by youth offending teams and associated services. How the breakdown of relationships between the chief executive of the local authority can have a detrimental effect on the autonomy of a YOT manager.

Including, the freedom that managers have to 'do what is best for their local community and the young people in the area they serve. These points, in turn, can create a post-code lottery of service delivery across Wales as, in many cases, YOTs are left to their own devices to shape and create service delivery. The discussion chapter will consider whether this is good for policy and process.

The next theme looks at issues relating to resources in Wales, particularly around funding/finance allocation and the impact that austerity has had on service delivery and provisions for young people in Wales.

4.4 The Practicality of Youth Justice in Wales:

This section looks at the practicality of youth justice in Wales, with particular focus on finance/funding allocations. As well as the impact that austerity has had on effective service provision in Wales. It will also consider how the future looks in reference to those factors. Particular attention in this stage is paid to practitioners and young people.

Matters Considered in theme 3:

In the final theme, the following findings are deliberated in detail; a key feature was YOT funding and questions around service delivery and the impact of austerity. Much debate was found around the future of finance (where will the funding come from, for example), including discussions on post-devolution finance. A further matter which was frequented was the cost of secure schools and other services that may not be needed/wanted; these include questions around bureaucracy, and essential matters relating to children's rights are considered in this theme.

Stage one; Those who create Policy and Influence decision-making - strategic

The first section looks at the findings relating to finance and austerity measures from strategic participants at stage one. With reference to the 'honeymoon' period which followed the CADA 1998 (with reference to Drakeford, 2012 - honeymoon), A YOT manager reflects on changes and growth:

'I mean, the main worry is always, regardless of the situation is, where the money is going to come from to support the delivery of services. When they were first formed by the crime and disorder act, YOTs were very, very small, and then I remember when I joined the YOT in 2002 as a seconded probation officer originally, and there was a massive growth around that time'.

<div align="right">(YOT Manager 2)</div>

This YOT manager refers to the and the 'massive' levels of growth that were seen then, following the enactment of CADA. Also reflecting on the start of austerity measures which came in around 2008/2009, and the impact that had on staffing levels. Noting the change in funding being significant, this was a common trend amongst participants at this stage:

'There was a lot of money coming in and massive growth (certainly in xxxxxxx) in terms of staffing, and then you know around 2008/9 there was a shrink back again and over the years since then the YOTs when staff have left they just haven't been replaced etc. We are running on fumes… I wouldn't want to see any further shrinkage. I think what has been happening sort of year to year concern over what money we are going to be getting'.

<div align="right">*(YOT Manager 1)*</div>

A YOT manager reflects on funding from the Welsh Government matching what is given by the YJB. Including the worries that come with having to fight for funding each year, including the lack of financial security for the YOT, including the services they provide:

'We get the promoting positive engagement grant which comes from Welsh Government that from April this year is going into the children and communities grant, and that amount of money matches really what the YJB happen to give us, so there is a lot of worry around funding at the moment and what will come out of that grant going directly into the local government and what the local government will decide to do with that funding there are a lot of risks, what we would be looking for is a lot more security around a commitment to funding services as opposed to just limping from year to year'.

<div align="right">(YOT Manager 1)</div>

This policymaker refers to austerity measures that have been in place over the last ten years. These have affected not only service delivery but staffing levels which is having a detrimental

impact on how the YOT operates. Referring to how the service seems to just limp from year to year, there was strong representation on this point from participants in the study. The following quote reflects on the more expensive services that are being delivered when there are significantly cheaper alternatives.

> *'I understand they are keen on ensuring links across other education providers and what have you…. Surely you can sort these things out before offending (early intervention). The cost of a secure school is significantly more in comparison to a mainstream school'.*

<div align="right">(YOT Manager 2)</div>

A policymaker highlights how much of a critical issue funding is, how the cutting of budgets for services across the sector has a detrimental impact on young people. Including the services they access, no matter whether there are a handful of young people in the local area or 300 plus :

> *'Well, funding is always an issue; I have got to say funding, and I mean one of the main… not just reductions from the YJB (because we tend to come under attack a fair bit on this) what happens is we receive an amount of money from the ministry of justice we then determine how that money is divided/spent amongst YOTs, and it funds the YJB as well, it is not just about reductions from the YJB it is health cutting back, the local authority cutting back probation particularly has scaled back (those services are so important) it does not matter whether you have got 3 or 4 kids offending in your area or 334 you still need to provide that service you still need the resource to do that, I think funding is an issue.'*

<div align="right">(Policy Maker 2)</div>

The following quote above demonstrates the unforeseen or unintended consequences that may flow from austerity beyond resource allocation. For example, an impact on morale or the willingness to be thorough in the service they provide; this was a common trend amongst participants in this stage:

> *'I think what austerity does is it puts people in a position where they do the minimum because that's what they have to do… so I think there has been the innovative and interesting practice, but I think that has been despite austerity and not because of it….*

I mean, you could argue it has pushed people into cooperating more. Still, actually, those cooperation's often consist of people sitting around a table arguing about who is going to pay for something… so that is probation, education and social services sitting in a room agreeing that Johnny needs someone to get him out of the house and bring him to school … it takes them all of two seconds to agree that then they spend 3 hours arguing well who is going to do that is it going to be the education welfare officer, is it going to be the social worker, is there going to be some poor unfortunate soul from the third sector or is someone going to shout at his mum until she does it? That is not a good situation.'

(Policy Maker 3)

These unforeseen circumstances are demonstrated further by a policymaker. Referring to people doing the bare minimum to cover their backs legally. The policy maker argues that this in turn, is not an environment that sparks innovation but an environment which stifles it:

I know from all of my experience of managing in public sector settings is that when money is tight, you do what you know you will be in trouble if you don't do, so you do the absolute bare minimum. You make sure that your back is legally covered, and that is not an environment that leads to innovation'.

(Policy Maker 3)

Stage 2: Those who implement policy-operational

A YOT manager explains how the lack of voice in some areas affects how things are done, reflecting on the lack of support and guidance from the MOJ and the YJB. How they have had to produce their budgets early and still have no security six weeks into the new financial year:

'We don't have a strong voice in the political sphere. I will give you an example in the November / December last year, my local management board, which is made up of Chief officers from across the partnership…They say to me; that they want the budget by January; we want to know what your budget is for next year so we can make funding decisions... 'okay, great'…So I go into a mode of contacting everybody; what's your commitment? This is what I need… this is the budget; this is what will be expected from you, blah, blah, blah. And they all get back to me; yes, no, you can have this, or I can

do this, whatever… the last two funders to youth justice in Wales were the Welsh Government and the Ministry of Justice were the last two to come back… in fact, the Ministry of Justice has not given me my budget, or confirmed my budget from them yet today, (14th of May) I am 6 weeks into the new year, the financial year. They haven't confirmed how much money I'm getting for this year. What sort of financial planning is that'.

<div align="right">(YOT Manager 1)</div>

This YOT manager expands on the comments by explaining their disbelief at how the YJB and MOJ have managed to get away with such a poor timescale:

'It is absolute madness; our finance officer is going '; how on earth do they get away with that' how does the Ministry of Justice and the YJB get away with that…. That is ridiculous; auditors have been on us to say, auditors from central government and Welsh government have been on the council's back for months saying we need your planning for your funding for next year we need your planning for it'.

<div align="right">(YOT Manager 1)</div>

A Welsh Government official reflects on the potential for a postcode lottery in Wales. Because of the complex funding set-up that exists within some regions of Wales, potentially benefiting from greater access to services for the young people in that local authority. This was a common trend among participants:

'Also, when you look at the funding model for youth justice systems, it is managed by local government. The ministry of justice owns it, and it is funded through a variety of sources, including the Welsh Government, PCCs, probation service, and a bit of health money…, so depending on local authorities, if they wish to cut back or reduce something, we are likely to have a postcode lottery amongst the youth justice boards in Wales!!'.

<div align="right">(Welsh Government Official)</div>

The participant below discusses the counterproductive situation that austerity creates. How success following budget cuts does not lead to more funding to secure service provision. This participant argues that this leads to a tighter squeeze financially in the next budget. This stifling of innovation through budget cutting was a common trend among participants:

'Especially since 2009 / 2010, because we have cut funding and support to youth justice since then, you know, more than we have cut anywhere else, we've been victims of our own success because we've taken kids out of prison we have taken them away from court... you know, they'' say, 'oh well, the jobs done now we can cut the money. That's the thing with austerity; you know it is a lose, lose the more successful you are with the little you have, the more likely they'll cut that next year.'

(YOT Manager 1)

A YOT manager reflects on the 'never-ending' cycle of austerity. If a service continues to perform on a budget, those cuts will continue to happen, which gives further rise to austerity stifling innovation in youth justice:

'The cycle goes on and on and on. You don't need this. You don't need a probation worker five days a week anymore because you only need them two days now your caseload has gone down, your FTEs have gone down... realistically, that doesn't solve the problem!'

(YOT Manager 2)

There is a strong critique about where that 'saved money is reinvested. In particular, the critique of the financial arrangement is that 'saved money' from diversion in Wales. This participant argues that this does not come back in its entirety to Wales but via the Barnett formulae. Which is a significant reduction in the saved amount of funding. Many of the participants echoed these ideas in the study:

'There is also, in terms of structures, a real issue which is that... probably the quickest example would be that the amount of effort and investment that has gone into prevention/diversion the ultimate cost-benefit of that falls back on the criminal justice system which is non-devolved back to the UK Government coughers (money pot) as opposed to our coughers in Wales and logically you would say if we are saving money cause not so many kids are being locked up which is a costly process that money should be reinvested in doing more of the same or reinvested in working with the harder core of young people – cause what we have seen is although we have reduced the number of first-time entrants we have seen the levels of reoffending with those who are harder to

reach go up – that group hasn't changed! Then when you add the Barnett formulae into all of this, it doesn't add up; you get peanuts back for what you save….'

(YOT Manager 1)

A YOT manager discusses the resourcing challenges and how much more expensive custody is in comparison to other outcomes. Including the risk of what happens if justice is devolved at this current time. Reflecting on those 20 or so young people in custody at the moment, what happens if there is a change in the figures? Can Wales cope with a budget that small:

'It is a resource challenge and a resource challenge that goes two ways… so, custody is very, very expensive, and community interventions to keep children out of custody are not as expensive but are still very expensive, so that is the risk we always talked about when I had to do all those bloody papers for every subject!! Projecting what would happen when custody rose (at the moment, there are approx... 20 odd kids in custody from Wales), at the moment, let us say that costs worst-case scenario, they are all in secure children's homes £160k per year each kid… and that is what gets devolved so here you go Welsh government here is your 4 million to deal with that and then we have the 'Welsh riots', and then it doubles, where is that money coming from?'

(YOT Manager 2)

Stage 3: Those who 'live' youth justice daily – practitioners and young people.

There was also a significant amount of discussion about the impacts of austerity and finance considerations by participants at stage 3. As highlighted below, there is a big focus on the lack of funding from practitioners and young people. Further to this looking at how this has significantly impacted service delivery and the availability of things like youth clubs.

A practitioner reflects on the uncertainty over jobs for YOT workers and the problem of short-term or 0 hours contracts. This practitioner highlights how this is counterproductive to relationship-building with young people. This was a common trend among participants:

'Over the past years, it has to be the uncertainty around jobs, funding finance wise for all YOT workers it has been all short-term contracts, and a lot of the team started on a 0 hours contract… it becomes tough to build that relationship with young people when

you only think you have a short time left of your contract you do not want to just up and leave after building that rapport it isn't fair on the young person and is completely impractical!'.

<div align="right">(Practitioner North Wales 2)</div>

Austerity and budget cuts have affected access to services for young people; in this case, mental health has taken a big hit over the last few years. A practitioner demonstrates that point:

'That is an interesting question… should and could be two different things, so look at the resource and what is available. The obvious crisis at the moment is around mental well-being. In an ideal world, we would have loads of CAMS workers who would treat loads of young people, but in reality, that is a massive resource that we don't have the money or luxury to finance'.

<div align="right">(Practitioner Mid Wales 2)</div>

A practitioner reflects on class issues and the wealth gap that affects access to services and support for the more vulnerable young people in Wales:

'It is a huge class issue if you have the money then you can afford to live in a nice area with better schools and or pay money for private school or extra tuition, sorry but most of the young people in these areas we work with don't have that luxury and it is a travesty that they get left behind'.

<div align="right">*(*Practitioner North Wales 1)</div>

A practitioner talks about the importance of using resources adequately to support young people in the local area. The participant argues that there is currently a lack of funding in critical areas. This sentiment was reiterated by all participants in the stage:

'I would get more funding in as I have said previously, we need more finance to support the projects we have and initiate other projects to help divert and support young people in the criminal justice system. I would also like to see more emphasis on the young person's voice in the process'.

<div align="right">(Practitioner South Wales 1)</div>

These participants are elucidating their thoughts on cuts to funding which have, in turn, affected service delivery. This first quote talks about better funding for prevention and mentoring, again reflecting on the importance of building rapport with a young person:

> *'We need better funding for more intensive prevention/mentoring work. Also, more emphasis is needed on 'acceptable and adequate' housing for homeless YP'.*

> (Practitioner South Wales 4)

Here, a practitioner emphasises the need for funding to provide adequate services that actually help young people to be diverted away from the YJS:

> *'Funding, we need more funding, and I know that may sound obvious, but it is so true!! If we are going to provide a service that will divert and prevent young people from entering the formal justice system, we need more funding to do so'.*

> (Practitioner North Wales 4)

The following quote raises the point of spending on skill-building services to ensure young people leave the system with skills. Also, so that they do not come back in or have a better chance of transitioning into the community:

> *'Increase funding to training, literacy/numeracy, life skills, counselling (victim and perpetrator), participative justice at Ward level before sentencing'.*

> (Practitioner Mid Wales 4)

The difficulty of funding formulae is discussed by a practitioner, including the struggle of the Government changing the budget when trying to save money. How this has an impact on the service provided. Often, as this practitioner argues, the YOT is left to pick up the pieces and provide that service. This was a common trend among participants in this stage of the research:

> *'I do think things like funding formulae sometimes hamstring us, you know the funding you get is the funding you get, and if halfway through your budget government changes*

like it did one year and decides it needs to claw money back, there is nothing you can do. They will take that money back… there is nothing you can do about those things!'

A further critique of temporary contracts and the pitfalls of not having permanent staff to build rapport with young people are showcased below:

'I think we are also hamstrung in the way that sometimes the funding means that posts are funded temporarily, 12 months contracts you want a young person to build a relationship, but sometimes there isn't job security to ensure that happens….'

There is a clear need for services to be financed in their entirety, rather than the government funding something to look productive and then taking that funding away when it starts to show good results. This practitioner critiques short-sighted Government initiatives, again this echoes suggestions from participants in stage two and highlights a common trend in the data:

'There is such a need for youth clubs and youth workers loads of money will be chucked into things from the government, and then when things start to look better, they take it away again (the funding), and you start to see anti-social behaviour more and more petty crimes that maybe just wouldn't happen if young people had the right level of support. It is a vicious cycle. Young people shouldn't be punished for these things just because they were born in an area with crap services. It just is not fair.'.

Another example of this short-sighted funding is highlighted by a practitioner below:

'You know the funding you get is the funding you get, and if halfway through your budget, the government changes like it did one year and decides it needs to claw money back, there is nothing you can do. They will take that money back… there is nothing you can do about those things!'.

Young People's views: Practicality

This final section looks at the views of young people on practicality, especially austerity measures. Reflecting on finance and what the local authority / YJB should be spending money on. As a young person comprehend, the need for money to be spent on support and how critical that is:

> *'Yeah, they need much more money… I know it may be hypocritical for me to say, but I have seen some people who are getting money and support from social services whilst they have money in the account, whereas I have nothing, and I am getting almost no extra support'.*

(Young Person 2 Mid Wales)

In terms of practical resources, this young person argues the case for practical funding because of the lack of financial support for the most vulnerable in society. This represents a common trend amongst participants at this stage:

> *'I would fund and help kids get their driver's license because not every parent in the UK can afford to fund a driver's license, mine certainly can't, and it isn't fair! Sometimes on TV, you will see 18-year-old kids not even on the provisional driving their dad about, do you know what I mean because their mum has got pissed or whatever and hasn't got any money'*

(Young Person 1 Mid Wales)

Again, further reflections on practical expenditure and how that would help develop the future of young people are showcased by this research participant. A young person, on the idea of practical funding, which was a common trend amongst participants:

> *'I would love a forklift or driver's license as it will open up so many avenues for me. I could work driving takeaways or something. I would be able to go to the college on the other side of the valley as it wouldn't be as hard with a car – so many things I would be able to do! It would give me so much independence… but apparently, there is no money for that, but there is plenty for new Xbox and computers in social rooms and*

pool tables but not money for the real practical things that will help me – we need
actual funding for those things!'.

(Young Person North Wales 1)

Although trivial, this young person is reflecting on what they would need and how difficult buying a house in the UK is for young people. This young person advocates for practical support and resource allocation to help with finances to develop the young person, which leads to independence:

'What would I spend money on? Umm, things that I need … like if I am still living with
my mum then loads of new clothes and that and if I were living on my own then I would
have to pay for rent, bills and all of that I would like to be independent though one day!
I told my mum I will still live with her till I'm 30 so I can buy my own place.'.

(Young Person South Wales 2)

These young people are reflecting on what they need in terms of things that can be funded for more practical reasons. Including the significant lack of access to modern-day essentials that most young people have, in this case, computers and WIFI:

'Open up more places to go like, when I was about 12; they had this club with
computers and that which is helpful when your parents don't have decent computers or
good wifi and all that…'.

(Young Person South Wales 2)

A young person looks at the diabolical reality of the UK with some young people not having access to food and clean water and a rise in the use of food banks. The Trussell Trust, which supports the largest network of food banks in the UK, had around 35 food bank centres in 2010/11, 650 in 2013/14 and nearly 1300 in 2019/20 (Sosenko et al., 2022), a significant increase. This reflection was a common trend in the data:

'All kids should get food and clean water like so many people I know have had to use
food banks, and that just isn't right.'.

(Young Person South Wales 2)

This is an important reflection by a young person on poverty and austerity. Which will be expanded on in the discussion chapter (see page 166). This young person is reflecting on the levels that cases have to go to to be seen as a priority. In this case, they feel as though they would not get help with gas, electricity and bills unless they were in the hospital. The fact that for some young people that this is even considered is a travesty. This statement is a strong representation of what all young people in this stage thought:

> *'Our country is messed up – cause in the world yeah you have to pay for gas, electric and all that extra stuff and some people just don't have enough money to stay warm... they would soon start taking notice if all of died of pneumonia because we didn't have enough money for heating and we weren't rich enough to get all the extra blankets and keep warm!'.*

<div align="right">(Young Person South Wales 3)</div>

The similarity of views:

This section looks at the similar views held between participants and then discusses the differing views between participants, which will be outlined below.

Austerity has directly affected the quality-of-service delivery and access to support for young people, especially those seen as the most vulnerable. This is showcased in comments from the young talking about the lack of youth clubs and help with personal growth. These affected areas have a fundamental level of resources. A significant amount of funding is needed to provide adequate support for young people to be adequately diverted and transitioned out of offending. Currently, funding is either inadequate or is pulled before any real success can be equated and measured. This is also backed up by the young people's comments on having services that are 'practical'.

The austerity and budget cuts 'cycle' has created a system of Zero-sum gains – no reward for innovation, and savings mean more cuts in the future in the majority of cases. There is a significant weakness in the Barnett formulae, especially when considering recovering 'savings' by services. Money being misused spending on non-essential areas, such as further commissions and reports or, in some cases, resources not being used effectively after their directive would be in the case of seconded officers who are consequently forgotten about. The

Welsh Government fund a significant percentage of youth justice and related service in Wales, even though they have no legislative control over the system.

Funding needs to be more practical; this can help with personal development and growth. Examples include driving licenses, help with bills, practical training/education rather than the rushed, not empirically backed, and quick-fix solutions. A lack of access to essential services and clubs, for example, youth work and youth clubs, is evident across Wales. A rise in young people having to use food banks or even consider using them is apparent across Wales; the young person's voice is distinctly lacking in all areas.

Differing data

There is a lack of differing data in this section. The viewpoints of all stakeholders were very similar about the lack of resources. The only slight difference is that young people placed a greater level of concern about having 'practical' funding for support services; no other stakeholders mentioned securing a driving licence, for example. This was a key concern for young people wanted to leave the system with skills to not come back into it.

Summary:

This section summarises the finding of resources in Wales, as mentioned above, with a particular focus on finance/funding allocations and the impact that austerity has had on adequate service provision in Wales. Participants discussed several vital points that this section highlights. It is clear to see in the data that the youth justice system in Wales is being propped up by non-devolved resources such as the PCCs and the Welsh Government, who fund a substantial percentage of YOT funding with little to no direct control of the service.

The system that has been created has left YOTs having to fight for their funding from several areas; this creates a yearly battle for security and financial safety for jobs and services that the YOT provides. This, in turn, affects the likelihood of a young person building a consistent relationship with a practitioner, which is detrimental to their chances of transition. There needs to be more clarity over who pays for what because of the complex devolution settlement and the structure of the Barnett formulae, which in many cases, leaves Wales far worse off financially than other regions.

There are unforeseen or unintended consequences that flow from austerity beyond resource allocation, for example, an impact on morale or the willingness to be thorough in the service they provide. Stifling innovation and increasing fear of job cuts equates to practitioners being pushed to do the bare minimum and cover their backs.

4.5 Chapter Summary:

Within the chapter, vibrant views and data have been presented, which help to explain the overall question this thesis poses; To what extent does the existing Welsh devolution settlement enable youth offending teams to develop bespoke and innovative approaches to youth justice in Wales? Reflecting on the key findings uncovered in this chapter, there are three major areas for discussion, as outlined below and with points to supplement for further exploration:

1. **Has the current Welsh devolution settlement led to a distinct youth justice system in Wales.**

   Within these findings, it is evident that participants felt that devolving youth justice has a constitutional ease that many other areas do not possess because of the joined-up approaches and services within a YOT that are already devolved. Furthermore, there was a clear trend amongst participants that further localism was needed; local solutions to local needs and devolution need to happen for local communities and authorities to decide what is best for their areas and the young people they serve.

2. **The impact, role and influence of Youth Offending Teams and their managers in Wales.**

   YOT managers have a significant level of autonomy and influence. The autonomous nature of the YOT manager role was a common trend amongst participants and was born out of the original legislation and intention of the CADA, 1998 and a developmental culture of individuality and localism. This is what the data points to; this is the light and dark the central point is that YOT managers hold an autonomous role that allows them, under the guise of the local authority, YJB and the WDA to make decisions for their local

communities. Even if it is not in the direct interests of the YJB, local authority and the WDA.

They have the space to make decisions and formulate internal processes with independence and flexibility. Within this finding, there was clarity amongst participants that there is a significant risk of post-code lottery creation across the board because of the divergence in working styles and the lack of consistency in how YOTs operate.

3. The Practicality of Youth Justice in Wales.

There are unforeseen or unintended consequences that flow from austerity. It is clear to see in the data that the youth justice system in Wales is being propped up by non-devolved resources such as the PCCs and the Welsh Government, who fund a substantial percentage of YOT funding, with little to no direct control of the service. The financial constraints often mean it is hard for a young person to build a consistent relationship with a practitioner, which is detrimental to their chances of transitioning into support and desistance from criminality. There are some significant points to develop and comprehend, which will be discussed in detail in the next chapter, which will discuss the key findings of this PhD and critically analyse them with the use of literature and reflection on the data collected in the research.

5 <u>Discussion:</u>

This chapter will discuss the key messages from the findings chapter. Those key messages are driven by the voices of participants from all stages of the youth justice system, this is important because this thesis is exploratory, it is underpinned by those real voices from key stakeholders, they are the voices that are fundamental to this research and that is what this research does, it flows from those voices and the experiences of the stakeholders interviewed in the research. This style helps to illuminate the views of the real people involved in the strategic and practical implementation of justice as well as the voices of those who live youth justice day to day including young people involved in the criminal justice system and practitioners, alongside related public services with a vested interest in young people in Wales.

After adopting the 6-point analytical process, key findings were expressed in data commonality in this chapter and an in-depth discussion of what these findings mean to the

research question. The previous chapter outlined the findings of the thesis; this chapter will critically discuss those findings in detail. Using literature to solidify points and tie the thesis together, this chapter looks at three key messages which have been developed by this thesis and are outlined below:

1. **Has the current Welsh devolution settlement led to a distinct youth justice system in Wales.**
2. **The impact, role and influence of youth offending teams and their managers in Wales.**
3. **The practicality of youth justice in Wales.**

Each of these areas will be critically examined. With constant reference to the literature, the story of youth offending team influence in Wales within the existing devolution settlement will be told. Reflecting on emerging theoretical underpinnings of this thesis, such as issues of class in Welsh society and the criminal justice system, urban decay, the post-industrial slump, and the significant lack of expenditure on public services, including how that has affected resources and resource allocation in Wales, with particular emphasis on young people. This is not about policy analysis or comparative legislative work. This is about the applied reality, such as commissions all about legislation; this research is about what YOT managers say; this is about the reality of youth justice, reflecting the authentic voices of participants.

The voices of all levels of the youth justice system will be reflected in this discussion; particular importance within this study is the voices of young people, especially when reflecting on article 12 of the UNCRC (UNCRC, 1989), the quote below from a young person who took part in this study summarises the tenacious tone of this research.

> *'We need the NHS; we need free healthcare (we don't want to be like America), more things for kids, so they don't get in trouble as much then you would not have as many kids just hanging around on the streets at night! If we had youth clubs, we could offer all the drug and alcohol stuff (information and treatment) and show people about doing better, like all the stuff we do now'.*
>
> (Young Person, South Wales 1)

This young person is reflecting on the austerity cuts that have led to the closure of youth clubs and opportunities for young people to seek sanctuary where they would receive vital pastoral information. This quote epitomises the experiences of young people in Wales. It is reflected in

all interviews with young people and offers a thought-provoking narrative within this chapter that gives key insights and new understandings of youth justice in Wales.

Arguably as will be discussed throughout the chapter, the story of YJ in Wales is inverse to what many scholars and politicians have outlined in Wales; because a study of this nature has not been undertaken in youth justice, these stories showcase the true story and the below the perceived reality of legislation and legal structures of devolution. Within this chapter, whilst there will be a focus on key voices, minority voices will also be heard; for example, whilst a majority of YOT staff said that children's rights were at the epicentre of their roles, there was one practitioner that proclaimed, *'Call a spade a spade'* (Practitioner, North Wales) when reflecting upon whether young people should be referred to as just that rather than as 'offenders' within the system. This research goes below the surface and demonstrates that reality would never be read about in a YJB policy report. The first section will discuss youth justice in post-devolution Wales.

5.1 Has the current Welsh devolution settlement led to a distinct youth justice system in Wales.

This first section critically discusses the key messages from the first theme, which looks at youth justice in post-devolution Wales. There are some very interesting findings at this stage with a splitting opinion on what is best for Wales and young people in Wales. All four PCCs not only fund a large proportion of the YJ budget, which they are not constitutionally forced to do in Wales, but they are all publicly backing the devolution of justice powers. In some cases, establishing PCCs in Wales has been seen as a small form of devolution because they serve the four regions in a structure like many have proposed.

This section examines the different fragments of governance in Wales, namely youth justice, which is already acting in a devolved capacity; this links to the findings from the first theme, 'autonomy' managers of YOTs are, in many cases operating in devolved power with a great level of autonomy in the decision-making process. Youth justice is primed and ready for the process of all the areas that are debated regarding devolution, which would, in the opinion of many YJ stakeholders, assist the already devolved areas that associate with YJ, for instance, children's services, education, and social care.

However, there is significant scepticism about the extent of devolution that will ever happen under the current Westminster Government. Could more be done in Wales without

devolution, to continue to improve services for young people there are many examples of services that young people rely on not providing adequate services. CAHMS would be an example of this. Although health is devolved to the WDA and local authorities have duties regarding mental health, they did not have any further specific public health powers prior to the coronavirus crisis (IFG, 2021). Therefore, the Mental Health Act is very much a Westminster issue, as this is where the legal responsibility pertains.

Further to the critic's points around mental health provision for young people and their policies as discussed in this thesis, it has been argued that children and young people are missing from the MHA provisions; apart from one small specific section, there is very little information provided on how proposed changes will work in practice for under-18s (CYPMHC, 2021).

As many sceptics of devolution noted in interviews, devolution would give flexibility and allow for a real children's first stance or in achieving the aim of becoming a 'zero custody' nation; however, the question remains, would the money be there to do so. Furthermore, is the extent of devolution of justice powers different to the perception, the actuality of the settlement will be critically discussed.

Although devolution in Wales has evolved over the past few decades; on many occasions, the two prevailing factors in devolution decision-making have been compromised, and that which has gone before is a lack of a break from the status quo. As a result, there has been little emphasis put on designing a system of government that is the most effective and produces the best outcomes for the people of Wales (Welsh Gov, 2018).

This section will also discuss one of the critical messages linked very closely to devolution, that of distinctiveness. Starting with youth justice, this section will look at the cultural differences that the key stakeholders see in Welsh youth justice and related policy areas. Other ideas discussed in this section are consistency and sustainability in youth justice and whether there is 'something different in the Water' in Welsh Policy and practice. The final part will look at whether Wales does, in fact, have a distinctively 'Welsh' youth justice system, reflecting on policy and process and claims of Dragonisation from youth justice scholars.

Devolution has created a unique space in Wales for youth justice to operate; even though there is no legislative control, the UK government have given Wales a space to do what they think is best, this sentiment was a common theme among most participants at all stages of the research. This is a very interesting finding about the question this thesis poses. The Police Crime Commissioners have built upon the non-devolved areas being distinctive in their joined-

up approach to criminal justice policy decisions and funding; this has brought the police closer to children's services in terms of philosophy of how to deal with young people.

Linked to the above point and supported by much of the non-devolved areas in Wales, the Welsh Government has a distinct focus on prevention and early intervention, which take place in areas that are devolved but directly affect youth justice. This backs up the finding that there is a specific, distinct way of working in Wales because of the nature of the devolution settlement.

The geographical size of Wales helps for collaborative working and multi-agency communication and creates a distinctive style. However, it is far too simplistic to state that Wales is better than England. This outlook is uninformed and naïve in the grand scheme of policy and practice analysis, so a wealth of data must be taken with caution; although in some cases valid, it is too easy to say, '*Wales is better because it is*'.

The concept of a distinctive system is something that shone through the data collection process, whether that be Wales having a distinctively 'Welsh' approach to justice and, frankly what a 'Welsh' style is, how different the politics between Westminster and Wales is with constant reference to the unique nature of Welsh culture and how that interplays with the systems which look after young people, this was a common theme amongst participants in the research.

5.1.1 The Unique Space created by Devolution:

There has been a unique space created by devolution, and opportunities for partnership working developed, especially in areas of devolved powers such as social welfare policy. The interface between these powers, for example, health and social care, may be something of a catalyst for greater devolution in policy areas that work together; two levels of government can and do work together. As outlined in the previous chapter, participants agreed in their entirety that devolution had created a unique space in Wales for youth justice to operate, even though there is no legislative control (Evans, 2021; Lord Thomas, 2022).

The UK government have given Wales a space to do what they think is best this has culminated in several joint YJB, Welsh Government initiatives and policies such as 'extending entitlement', the 'All Wales Youth Offending Strategy' and more recently, the 'Youth Justice Blueprint' for Wales. These joint policies and initiatives highlight both a distinctiveness of a Welsh approach to working with young people and to youth justice (Jones & Jones, 2022).

These findings also point to a direct 'power' influencing how youth justice operates in Wales. Even in the non-devolved settlement, this was a common trend among participants. As outlined by policy expert:

> *'The Welsh Government needed to take a very different approach and get much more hands-on but also that the UK Government gave them the space and permission to do so and hence the work towards the development of the distinct justice blueprint – that space that has been created in Wales by devolution is really unique'.*

(Policy Expert 2)

This idea of a unique space being created in Wales is supported by the expectation of 'devolution opportunities' when in 1999, the Governments of Wales, Northern Ireland and Scotland took office, there was an expectation for the smaller Governments to develop policy in a different way:

> *'There was an expectation that devolution would create space for each part of the UK to innovate in the policy process, to test out new ways to address old problems and to develop policy solutions better suited to the local context. Given the possibility for divergent policy, devolution created an opportunity for policy learning between governments and for the UK to become a 'living laboratory' for policy'.*

(Coutts, 2019:122).

Echoed in these comments from participants in the research is the cultural uniqueness that has arisen in Wales; in the eyes of this YOT manager, the Westminster Government do not get it:

> *'They just don't get it. They don't get the cultural uniqueness, the language, the size. They think that cause were small, we are not important, but there is creative and innovative stuff (youth justice) going on in Wales, and I think we know are sort of audience well. I would say that yes, Wales would gain a lot from devolution'.*

(YOT Manager 2)

There are differences in Wales, and devolution could mitigate some of those differences (Wales Governance Centre, 2016), mainly when reflecting on this idea of 'cultural uniqueness', which was a common theme within the findings of this thesis (NAFW. 2019). Most participants in the study referenced this cultural uniqueness, in particular, the size of Wales and how much it contrasts to England in terms of culture, with a specific difference between the bilingual nature of Wales. Alongside the different style of system, Wales is small arguably; arguably, this makes multi-agency communication more accessible with a suggestion that 'things do not slip through the gaps as much', (NAFW. 2019) managing 15 YOTs as opposed to managing 140 is a significant difference as this Welsh Policy Expert outlines:

'I think there are some distinct features… I want to just qualify that first of all; there are 15 youth offending teams in Wales. Wales is small… if I go to meetings with the Welsh Government over a range of issues over a week, I think a few weeks ago, I did three meetings 3 slightly different topics by the end of the week, I had seen everybody twice there is a sort of cycling around. We are all well known to each other it is easy to access people; you can get a reasonably good handle on what is going on… I think, as I have said before, scale in Wales is important. You can be pretty sure about what is going on, whereas 140 YOTs in England, you are not all collectively meeting in the same place all of the time. It is just not possible'.

(Welsh Policy Expert 1)

This idea of size and culture is fundamental to the '*distinction*' between Wales and England. Not to say that one is better than the other but as this policy expert explains, there are distinctions (Farrell & Law, 1998). One of those is how easy it is to see 'everyone' the stakeholders involved in youth justice in Wales. If that can be done, surely the sharing of information and collaboration will be more accessible as the links are there, as this policy expert acknowledges, making it easier to work together with those YOTs:

'The scale in Wales does make a difference here… we can capture 15 YOTs and say 'oh yeah, look at that', whereas, with a 140, it is much, much more difficult… Although enhanced case management is an approach that started here, I am just involved now in trying to start ECM in an area of England. I think our structure here in Wales has lent itself to its establishment, whereas working with the NHS in England, different

structures, different organisations, different ways of doing things, you know you have
to take a fresh approach to it....'

This participant is talking about how because of the system and the structure in Wales, it is easier to capture the imaginations of these YOTs and help them understand and implement policy changes (Taylor, 2016). When considering the autonomy that YOT managers have, this is very important as getting managers to understand and implement a philosophy is as there are, drawing on the suggestion from a policy expert, 'different ways of doing things, you know you have to take a fresh approach to it' that is taking a fresh, new approach to youth justice in Wales and being willing to do so, that makes it distinctive.

Another distinction would be seen in the eyes of Enhanced Case Management (ECM) as outlined by YOT Managers Cymru; this would be the case for the implementation of enhanced case management, which started off as a pilot in Wales and as highlighted by YMC:

'There are a number of approaches to the delivery of youth justice services that work
particularly well in Wales. These include Bureau and triage (partnership diversion);
Prevention work undertaken prior to diversion; resettlement panels; Enhanced Case
Management (ECM); the fact that there is a defined strategy (Children First); good
working partnerships; a knowledgeable, experienced workforce; the relationship with
YJB Cymru; the relationship with Welsh government.'

(YOT Managers Cymru, 2019)

It is by many participants' own admission and through the literature review, too simplistic to say Wales is better than England, but there are distinct approaches such as ECM:

'Well, we know about enhanced case management which is a distinct approach. I am
not sure that... well, the Bureau a lot of the diversionary stuff that started here but with
the bureau, I just don't know enough about what has gone on in England to say 'well,
it is just the bureau, you know because when you look at the downward trajectory of
first-time entrants into the youth justice system, England and Wales follow a similar
path....'

(Welsh Policy Expert 2)

Clearly, on a majority of processes, England and Wales follow the same path, which should not really be a surprise when considering they follow the same KPIs and work in the same system, so ideas and practices such as pre-court diversion or early intervention/prevention are not just Wales centric. However, the application may be different:

> *'So, someone is doing something right over the border, and they all, they will be delivering pre-court diversion. It may not look like our bureau, but they will be doing something… (It is too simplistic to say Wales is better than England, in terms of partnership working, why can't we work with other YOTs in England for best practice…).'*

> (Welsh Policy Expert 3)

This participant argues further the matter that although the application of the approach may be different, the performance of YOTs is still monitored by the same public body, the HMIP. So, it would be rather shocking if there was a stark difference in the processes between YOTs in England and Wales, again there is not enough known about the application differences to make the bold statement that it is completely different:

> *'…but again, there is ECM as one model, her majesties inspectorate of YOT public protection work advocated that all YOTs should develop trauma-informed practice well I would be amazed if there is nobody in England who is sort of doing so… we just again don't know, it might not be ECM…there are different models approaches out there we just don't know enough about them'.*

> (Welsh Policy Expert 2)

As noted above, different models of justice are being administered all across Wales, so it is too simplistic to state that Wales is the best. However, what must be discussed is how a distinctive, autonomous youth justice in Wales has been developed, and clearly, the role and influence of YOTs in the Welsh settlement is strong, this was a common finding among participants in the study. The current space has created a great position for YOTs to be in, which links to another finding looking around the positive points of autonomy. YOTs have been working in a 'devolved manner' for a significant period, which was a common finding among most of the participants in the study, as explained by this participant:

'What has happened over the last few decades is that we have in effect, and I quite like this… we have worked around it in a devolved manner, and it has been allowed to be flexible in that way because it is delivered at that local level that granary level that local authority level that gives freedom in effect for people within the local authority setting.'

(PCC 4)

There is flexibility to work in a devolved manner; this has been created in Wales, which is contrary to what is being said by the UK Government. There is no legislation to say *'Wales can do as it likes with youth justice',* however, because of the policies and partial devolution that exists, this has been able to happen. Under the noses of central Government, there have been some unique developments in Wales in terms of working with local need and the community in mind:

'Within youth justice in Wales, there has been a unique development, which is commensurate to the local need, developed in terms of the local community that we have.'

(PCC 2)

This informal local power in the decision-making process has an impact on the direction and philosophy of local practice with an emphasis on the community at local needs, which is achieved without devolution. However, although working in this quasi-partially devolved setting has its advantages, it is difficult to make further changes that may impact some of the fundamental issues and make a legislative change to the system:

'So I think that is positive (local power to influence local need); however, the sad thing about it is that it doesn't allow you to then take it to the next step and what I mean by that is it doesn't allow for you to make any further legislative changes and I don't want to change any of the legislation dramatically… you might ask me a question about, well, what would you want to change? If I am honest, I don't particularly know which areas I would want to change straight away!'

(PCC 1)

This quasi-set up of YOTs leads to a distinctive form of justice, as the evidence suggests*: 'The Welsh Government needed to take a very different approach and get much more hands-on but also that the UK Government gave them the space and permission to do so and hence the work towards the development of the distinct justice blueprint – that space that has been created in Wales by devolution is really unique'* (Policy Expert 1). There has been a significant number of joint strategies between the Welsh Government and YJB Cymru, with the flexibility being granted to explore new ways of dealing with young people in conflict with the law, as highlighted below by Jonny Matthew:

> *'YJB Cymru (the Welsh division of the YJB) has partnered up with the Welsh Government and FACTS (the forensic adolescent consultation and treatment service) to test a new way of working with prolific offending young people. Instead of addressing the offending, there's a focus on development'.*

<div align="right">(Jonny Matthew, 2017)</div>

So clearly, the Welsh Government is having its own impact on youth justice in Wales, with other examples of joint working coming in the form of (AWYOS, extending entitlement, and YJ Blueprint). This 'innovative' new way of working with young people in conflict with the law has been seen as ground-breaking; in many ways, the current climate of growing recognition around the impacts of adversity and trauma provides an opportune moment for innovation and collaboration in approaches to criminal justice (Papamichael, 2019). Please note: the following section looks at the impact, role and influence of YOT managers; because of the connections with the central question this thesis poses, this finding and the explanations consumed within it are larger than the other findings in terms of the depth of discovery.

5.2   The impact, role and influence of Youth Offending Teams and their managers in Wales.

- **Autonomy; understanding and application.**
- **Local Negotiation, Local Power**
- **The individuality of YOT management styles**
- **Post Code Lottery: Lack of Consistency in Practice**

This second section will discuss the key messages from the findings when looking at YOT Manager Autonomy, which was the first of four critical messages demonstrated in the findings

chapter. This finding is central to the question this PhD poses, especially when considering whether the devolution settlement has enabled Welsh youth offending teams to develop bespoke approaches and whether there is a form of a Welsh national approach to youth justice.

This thesis considers the possibilities of whether Welsh YOTs have used the devolution settlement to develop individualist approaches or if there is a type of Welsh YJ approach. There are two levels of data that will be discussed throughout this thesis, the views of individual YOTs and a Welsh national level which demonstrates the opinions of strategic stakeholders who have the power to influence and change policy at the highest levels of governance.

This finding is one of the developing areas uncovered during the literature review, allowing this thesis to look in more detail at how YOT managers are hardly mentioned in the CADA, 1998, which created YOTs and the YJB. Yet they play a pivotal role in youth justice's systemic and organisational structures. Although there is a notable mention of partnership and multiagency work in sections 6 and 7 of the crime and disorder Act, 1998, to provide local frameworks and strategies for identifying crime and disorder problems (Arthur, 2010).

There is a lack of focus on YOT managers; this finding surrounding autonomy makes something visible that is invisible, that is, the power and role or influence of a YOT in the decision-making process, something which is very much hidden in public policy and national understanding of public service structure. The complexities have helped this in the devolution settlement, which constantly blurs the lines of responsibility between Wales, Westminster, Local Government and YOT Managers. These notions will be explored and discussed throughout this first key message. A crucial point which must be understood is that this discussion is driven by the views of participants who took part in all stages of this study; throughout this theme, there will be a reference to strategic, operational youth justice stakeholders and those who 'live' youth justice day to day.

It has become apparent whilst reflecting on the data that the management structure of YOTs adds another layer to local decision-making. However, it must be considered that with another decision-making layer comes challenges; one such challenge which will be explored throughout this chapter is the lack of accountability and what the ramifications for that are.

There is confusion around what the role of a YOT is and particularly how much influence the role has across the UK; there will always be inconsistencies in practice and service delivery between YOTs if they are treated in an individualistic manner. This area of criminology needs to be considered and critiqued as it directly affects the communities and young people who live in Wales.

There are significant question marks about the role of and influence of YOT managers who, as this thesis has identified, have a substantial amount of autonomy, so the focus is not just on statutory and multi-agency roles in Wales but the role of YOT managers. Many examples will be provided throughout this section to explain and evidence this. Following the management change in the Welsh YOT, they were put under special measures after failing their inspection (HMIP, 2019). However, if you go back five years, this YOT was a pioneering UK YOT providing some excellent examples of best practices. As councillor Jennifer Raynor said, the previous youth offending service was 'one of the highest rated' in the UK, 'It is very depressing to see what has happened' (Raynor, 2019).

Conversely, now they are seen by HMIP as a 'failure of risk', which means they are failing children; the only change in the YOT was the management, showing that the person at the helm of this service makes an immense difference (HMIP, 2019). The only change was the YOT Manager the person at the helm makes a big difference. The previous YOT Manager ran the service for a substantial period. The service, albeit merged into a more extensive local authority area, fell apart and, in 5 years, was gone, dissolved back into one local authority area (Youle, 2019). This was echoed by the majority of participants in the study.

Whilst arguably not featuring prominently in legislation or policy, this thesis found that YOT managers strongly asserted a pivotal role. This arguably transcends devolved and reserved areas of activity and suggests that the complex interactions by YOT managers with other agencies are critical to how youth justice is conceived and operationalised this was a common trend amongst participants in the study.

There is an interrelationship between the governments of Wales and Westminster, which is not as straightforward as it may seem from the outside looking in; unfortunately, in Wales, there is a constitutional arrangement which is often complex, confusing, and incoherent (Welsh Gov, 2019). Devolution has created a unique space and a system where YOT managers have a significant amount of autonomy in making critical decisions and deciding how youth justice operates in Wales.

5.2.1 <u>Autonomy; understanding and application.</u>

This first sub-theme will discuss and define autonomy to assist in understanding and set the context for how this discussion is applied to the thesis, using the data and literature to support ideas and critical debate. When discussing the notion of autonomy, it is essential to this thesis

to understand and define the term from a philosophical lens to comprehend what the theoretical impacts on criminology and policymaking are; this thesis uses the definition of autonomy below as a starting point:

'Autonomy has traditionally been thought to connote independence and hence to reflect assumptions of individualism in both moral thinking and political designations of political status'.

(Zalta et al., 2003)

This definition is important because it outlines how central autonomy is when reflecting on independence, individualism and both moral and political thinking in the policy process, also because one of the most prominent findings within this theme was the importance of leadership roles, something which this thesis looks at in detail. Much of the rhetoric behind philosophical questions about autonomy stem from Kantian traditions of moral philosophy; however, it is also given fundamental status in John Stuart Mill's version of utilitarian liberalism (Kant 1785/1983, Mill 1859/1975). Although the office of the YOT manager does not exist, YOTs have significant power, and the YOT managers exercise that, so their role is powerful. Still, the power is not visible in law or policy.

This section focuses on the role and influence of YOT managers, reflecting on the views of participants and the ways that these explain how autonomy functions in Welsh YOTs. This section discusses what they were saying. This research is based on experiences of interviewing participants with lived experiences of the mechanisms and applications of youth justice in Wales; as highlighted previously, the data collection for this research was vast, so the data had to be searched through to make sense of what it is saying and what it means to the YJS and the research question. Although the YJB set a precedent for what a basic YJS looks like, there is still a significant amount of local autonomy for the YOT manager to decide what is best for the local environment, this was a common trend among participants who overwhelmingly agreed with the statement, as outlined by a policy expert:

'Yeah, I think most of the direction comes from UK government policy and what it wants, but you then have local autonomy to find a way of doing it that suits your local environment'.

(Policy Expert 3)

Although this localised discretion has been acknowledged previously, looking at section 37 of the CADA (see page 11), this whole concept of autonomy is significant because what was found in this research is that at the strategic level, YOT managers were recognised as having power which is not echoed in policy or within the legislation at all. In Wales, there is undoubtedly something different happening with youth justice management structures, YOT managers being the party which decides the direction of travel and culture of the team rather than the YJB, which is evidence of the significance of YOT manager autonomy and further indication that their role in enabling youth offending teams to develop bespoke and innovative approaches to youth justice in Wales is very strong.

There is a suggestion that YOT managers help to create something different in Wales, and in many cases, it is the YOT manager determining the direction of travel for the YOT was a common trend in the data within this study, with most participants reflecting on this. An example of this from a strategic voice is highlighted below:

'You do not get things implemented with the same degree of fidelity, so I think the YOT manager kind of determining the direction and culture of the team is really significant'.

(Policy Expert 2)

The statement above is a poignant finding because behind the scenes in Wales, there is some moving around that is not seen. There are operational and strategic decisions made by YOT managers that influence the way youth justice operates, although that is not reflected in the legislation. It has an impact on the structural foundations of youth justice; having that much individual autonomy in the decision-making process is significant in a non-devolved area because, legislatively and from a policy perspective, this is not happening. However, when you begin to look beneath the surface. There is a distinct power that YOT managers have, a power which, because of the lack of understanding and legislative oversight, comes with a low level of accountability, this was a common trend among participants in the study.

This is a thought-provoking discussion point because autonomy is interconnected to, for example, moral and legal responsibility; on some views, as discussed above (Ripstein 1999). It is considered a criterion of political status, in that autonomous agency is seen as necessary and sufficient for the condition of 'equal political standing'.

In this case, the management of services; furthermore, *being autonomous stands as a barrier to unchecked paternalism*, both in the personal, and informal spheres and in legal arenas

(Feinberg 1986). The YOT manager stands in the centre of something that touches on education, probation, health, and community safety. Although that is not in the job description, balancing the best interests of so many agencies, it does give them the power to influence other agencies which again is not what is written in the legislation, that is another measure of a Welsh approach or result of the devolution settlement, which was reflected by most of the participants in the study.

Akin to previous understandings of 'paternalism', this definition refers to individuals assuming control for the greater good rather than connotations behind being paternal as a father per se. Paternalistic interventions can be both interpersonal (governed by social and moral norms) and a matter of policy (mediated by formal or legal rules). Such interventions are identified not by the kind of acts they involve but by their justification. Hence, paternalism involves interference with a person's actions or knowledge against that person's will for the purpose of advancing that person's good (Zalta et al., 2003).

Regarding YOT manager autonomy, this paternalism refers to managers making decisions for that local area and the local people they serve as they 'know best'; some have referred to this form of governance as government by a benign parent (Blackburn, 2008). However, what must be considered is what happens when that 'benign parent' does not know best and does not act in the best interests of the local area they serve.

Paternalism is commonly used broadly to refer to any intervention in private decision-making and elitism by governments or other authorities (Thomas & Buckmaster, 2010). For example, according to one critic of the former British Labour Government, one of that Government's least attractive features was 'its paternalistic contempt for ordinary people (Furedi, 2010). To put into perspective what this paternalism means for youth justice, that is the idea that managers can set up their YOTs as directed by the CADA 1998, local authority chief executive and decide what is best for the local authority without (in many cases) significant accountability for the decisions they make.

This raises a further question, what is the impact on policymaking and practice provision when one person has sole autonomy, this idea will be looked at in detail throughout this thesis. YOT managers are value-driven, there are YOT managers that are perhaps more visionary or expansive, who promote innovation and push the boundaries of management requirements, and there are managers who must adhere to the statutory minimum, this was a common trend among participants in the research.

Compared to those who go above and beyond, there are YOT managers who stick to the status quo and do not take those risks, which is fine as the job does not require them to go

above and beyond. However, this point shows the significance of who is in charge of the YOT, this sole autonomy can be advantageous. At the same time, it can become detrimental because of the lack of clarity and accountability, this was highlighted by the majority of participants in the study, and only the young people did not reflect on this point. This brings the chapter to the second sub-theme, which discusses how vital the individuality of YOT management styles is, which is one of the most remarkable findings in this PhD thesis.

5.2.2 The individuality of YOT management styles:

This second sub-theme discusses how the individuality of YOT management styles and YOT manager personalities is pivotal to delivering the service. This intersects with autonomy because it is evident that a YOT manager's personality dictates how significant the impact of a YOT manager is, again bearing the question, what if that personality does not work, what if that YOT manager has no influence, is that how youth justice should be operating. No influence on the broader youth justice sphere does not necessarily mean no influence in local practice; it just means the communication lines between the different levels are not as strong. Consequently, the positive practice may not get in or out of the YOT, and the implementation or implementation of policy won't be as successful as there will be a lack of understanding (Gabriel, 2003:232). An example of participants' views on this from a strategic level is shown below;

> *'I can think of a YOT to the west where the YOT manager is a real enabler who encourages innovation and is always give it a go, and I will always defend you and your decision making if I go to the east I can think of one YOT which is complete; command and control – you will do it my way, and that is the only way it is done, so you get a lot of local differences, but the YOT manager is key in that in terms of direction; how their team operates and the culture of their team'.*

(Policy Expert 3)

Reflecting on the above quote, it is obvious to see the power and influence that YOT managers must decide how their YOT looks and what the direction of travel for that team is, this was a common trend among participants in the study. Consequently, because of the differences in implementation across Wales, there is a lack of consistency in provided services and approaches between YOTs across Wales, with differences between opportunities in North and South Wales. This is highlighted in particular by how important the individuality of YOT

management styles is and how that affects the service delivered by youth offending teams and associated services; this quote exposes the flaws in the current system looking at YOT managers as 'being innovators' or 'champions of change' as opposed to some who are just sticking to the safety of the status quo*:*

'Some YOT managers have been a champion of change; he was an innovator; I have seen some quite lazy YOT managers who are completely happy to just sort of tick along; they are not looking to do anything new to try and make things better they are just happy with the status quo…'.

(Policy Expert 2)

This approach is fundamentally detrimental to the services YOTs provide, with some YOT managers exerting their autonomy to provide a tailor-made approach to serve the needs of young people in their local area. This was highlighted by the majority of participants in the study. Still, for some YOT managers, this equals a system that is not consistent with better opportunities for young people in areas with leaders who are 'champions of change'. It must be noted that the determinant factor in policy delivery is not just a YOT manager.
 Personality matters, clearly, and this thesis demonstrates. However, this is not the only thing that matters in service delivery. There are a complex set of factors within which consistency must be considered. Structure matters and austerity has clearly caused havoc in youth justice, as will be explained on page 204. This is not about bad outcomes being down to bad managers.

This lack of consistency in practice between YOTs in Wales is dangerous. Because it makes certain areas likely to fall below the national standards as there is a lack of oversight. Wales has seen the fallout of a high-performing YOT fall apart after the amalgamation of youth justice services from different local authority areas was poorly implemented. The organisation created in 2014 failed adequately to protect the children and young people and the wider public, as the Her Majesty's Inspectorate of Probation found (HMIP, 2019). All stemming from changes in the management structure.

The young people did not miraculously change, but the structure did and consequently failed. To quantify the importance of this, a strong example would be a Welsh YOT which was once described as a '*highly progressive local youth justice team'* working in a context of '*highly progressive national social policy*, guided by '*highly progressive youth justice professionals'* (Case, 2016). What followed these 'innovative' years was driven by an innovative and brave YOT manager (Case, 2016). It was a complete reshuffle of services and an amalgamation of

youth justice services from different local authority areas in 2014 (HMIP, 2019). These statements were emphasised by the majority of participants in the study, especially those from a strategic and operational level.

Interestingly for the points this thesis argues and considering the point around YOT leadership and personality, under new management and a different local authority setting, the newly formed YOT significantly underperformed and was deemed to be ineffective:

> *'The governance and leadership of the service are ineffective. There is no shared vision, understanding of the purpose or suitable strategy to provide a high-quality personalised, responsive service to children and young people'.*

> (HMIP, 2019: 4)

Leadership and governance were seen as ineffective, highlighting the importance of individual leadership; when an 'innovative brave leader' walks away from a high-performing YOT, the outcome can be catastrophic. This quote refers to the importance of having a strong YOT manager with strong leadership skills and how that influence can have a significant impact on the service the YOT provides to young people and the working process;

> *'A strong YOT manager is vital. If you don't have that influences leading, then the things I have just mentioned are personified (lack of funding, job security, belief).'*

> (Practitioner Mid Wales 2)

As seen in a Welsh YOT, this outcome and the loss of a strong manager run the risk of new management not being able to cope and, in this case, falling apart within a few years. Which was a common trend among participants in the study. It does highlight the weaknesses of the current system. Further evidence of this weakness is in the lack of accountability shown by a Welsh YOT, linking to the previous points about the lack of accountability in Welsh Youth Justice.

> *'There is no challenge or accountability. The recently appointed Chair has a developing understanding of the deficiencies of the Board'.*

> (HMIP, 2019: 4)

To be hypercritical of policy formulation and especially when not empirically grounded as with many cases in YOT practice (see evidence you have already written), the conventional worry is that when rulers are 'politically unaccountable' to the governed, they will rule in their interests, rather than the interests of the governed.

They will restrict the liberties of their subjects in ways that benefit themselves rather than the ruled (Brink, 2017:375). This is a very dangerous form of governance, especially when dealing with young people because one must question the purpose of policy and process.

Are those cuts about reducing the deficit or is there a more significant concern is it to destroy the welfare state, especially in times of austerity and abject poverty in certain parts of the UK and as Barry Kushner, Labour councilman and cabinet member for children services outlined *'the government has created destitution… Austerity has had nothing to do with economics. It was about getting out from under welfare. It's about politics abandoning vulnerable people* (Kushner, 2018). This is an important consideration when reflecting on the actual purpose of policy and process creation, mainly the reasons why changes have been introduced. This point will be expanded in the resources section, which follows this one, resources. This next section looks at local negotiation and creation of YOTs and how that assumption impacts the autonomy of youth offending teams in terms of local negotiation and local power.

Local Negotiation, Local Power.

The third sub-theme, when discussing the central theme, autonomy, is local negotiation and local power that transpires in Welsh youth justice. Undoubtedly, YOTs play a pivotal role of YOTs in influencing budgetary and resource allocations as outlined in the joint strategy from the MOJ and Welsh Government, the youth justice blueprint for Wales. The WG is making a clear commitment to supporting resources in an area with no direct control;

> *'Support the youth justice sector with resources, training and qualifications to improve practitioner skills in recognising and responding to trauma'.*

(Welsh Government, 2019)

There is a local negotiation of youth justice policy and practice in Wales between stakeholders, including YOT managers, YJB Cymru, the Local Authority, PCCs, the Welsh Government and the YJB. However, many of the critical elements of the administration of youth justice are currently a matter of local authorities (Morgan, 2009: 19). This is further demonstrated by the recent policy in Wales, looking at the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015 they set out requirements to ensure local services are provided to prevent children from offending and to promote their future welfare.

Another key message here looks at the due regard legislation and where this emphasis on rights in Wales is coming from; much of the evidence points towards the WG because this is a Wales-only policy, and is very much dependent on the individual for how much children's rights play a part in service delivery, within a YOT that is the manager, they will determine the emphasis on rights. However, one must question the policy rhetoric, especially with 'due regard', whether it is adhered to or whether it is political lip service. Do ministers have due regard for the rights of young people, and does what happens at the top of the system match what happens on the ground, at the coal face, this was a common trend among the participants in the study. This participant from WG reflects below on whether this emphasis on 'due regard' is actually happening on the ground:

> *'Well, there should be. Whether it's happening on the ground, I can't say for sure, but I sat on the committee that introduced the children's rights measure. I remember the discussion at the time about was about delivery and whether or not ministers would properly take into account the convention, in all decisions that they were making'.*

> (Welsh Government Official)

There is clearly scepticism as to whether these children's rights philosophies are incorporated into practice and policy-making or, again, whether they are just political lip service and whether ministers take the convention into account.

> *'And I don't think they are, to be honest with you (complying with the convention). I think that different decisions would be made, like, for example, the decision about the m4 relief road. How do they think about children and future generations in that decision?'*

It is a significant consideration which must be taken into account. Are ministers thinking about young people when they make these decisions that do affect their lives (article 12, UNCRC)? One must ask what is happening on the ground. Do young people know who their minister is? In many cases, as this thesis explored, no, they do not, and importantly, trust or understanding in those who represent them is low, as demonstrated by this young person:

> *'I think if an MP got moved into the estate, I live on in 'xxx' and nobody knew their face, they wouldn't even last a week, so it is all good for them to say they care about us and they put us first, but they couldn't live like we do and they never have they will never know what it's like to be me'.*

(Young Person 3, Mid Wales)

This is a compelling quote as it demonstrates the gap between those in positions of power in Wales and young people; the reality is that many do not know and will never know what it is like to live on the poverty line; this needs to change and needs to be acknowledged for any positive steps forward, this was a common trend in the data, all young people reflected on this. Another important message is shown through this young person in North Wales who talks about only being considered an adult when people want them to be:

> *'Yeah, we are only adults when they want us to be!!'*

(Young Person, 1 North Wales)

There are significant impacts on how that makes young people feel in particular when you consider the differences between legal ages in the UK, driving, drinking alcohol, smoking, sexual consent and age of criminal responsibility, reinforced by this young person:

> *'We can't vote until we are 18, and I got charged first when I was 12; how does that work so I can decide to commit a crime, but I can't decide what happens in the country I live in!!'*

(Young Person, 2 South Wales)

Reflecting on something like the difference between voting age and the age of criminal responsibility, this is a resilient quote because it shows how young people feel when they find out they can decide to commit a crime at ten, but they have to wait until 18 to vote, another positive step would be how Wales has changed its stance moving to 16 in Wales for Senedd elections (Senedd, 2021) but that is still very much out of touch with the UNCRC recommendations (Charles & Brown, 2019).

Turning the lens back to autonomy and the postcode lottery regarding children's rights is very important. It depends on who is in charge of the local authority or that area as to whether you receive a particular level of service, in this case, rights; this non-universality amongst service providers in Wales is not fair to young people and is not rights-friendly.

> '*Only certain pockets of levels of really adopted these things in terms of due regard. It seems to me that local leaders are critical, so if you have got somebody in your local authority or in your local youth justice team or whatever that was really on the case with this and keen to promote it, more seems to happen. Still, if you don't have a local leader, it tends to maybe not happen*'.
>
> (Welsh Policy Expert 3)

Again, this emphasis on local leaders being necessary to the access for young people speaks volumes of this autonomy concept for local managers; for example, strong manager with a focus on children's rights means, in many cases, better rights-friendly services and practitioners who understand rights. There is further scepticism about how far children's rights have gone in Wales. It has not gone far enough; how can we claim to be children's rights focused and yet consistently cut funding to youth provisions? This was a common theme amongst all participants in stages two and three. There need to be more provisions for young people:

> '*If as a nation we want to improve our lot and our communities, then we have to seriously invest in not just early years but that whole spectrum of early years development, including the provision of appropriate youth services, a meeting that I have just come from one of the issues they are talking about is the current contracts around what is left of youth provision and the fact that youth workers take summer holidays probably at the point they are most needed, or they don't work nights and weekends. Youth provision has been smashed over the past ten years plus*'.

Clearly, as this YOT Manager highlights, there need to be more provisions for young people. With that, appropriate services and again, the importance of relationships between services and how certain powerful individuals are within youth justice come into the discussion. Without that help and support of other services, young people would miss out even more. It was a thought-provoking finding that participants talked about the complex relationships that YOT managers have to negotiate, such as the chief executive of local authority or chief probation officers; it must be considered that there are no authentic protocols governing this, and relationships can be positive or fraught. Those who go above their statutory duties, those who innovate on top of their statutory responsibilities make a difference in youth justice in a specific way as they put their stamp on the process of creating this distinctive form of justice seen in Wales, this was a common trend among the views of participants in the study.

'We've done rights in an essence, but we've done it without any statutory footing and legislation to the framework. It's been done because we've acknowledged in Wales, because we're a smaller community, we are well connected, we have good, strong networks , and we're working together in a more collegiate way. We are able to do it because we know it is the right thing to do'.

(PCC 4)

In the case of PCCs funding YOTs, this is significant as there is no statutory requirement for PCCs to fund youth justice in Wales. Yet, they do, and they fund a considerable amount which shows the local power and influence exerted in Wales by individual PCCs:

'They (YOTs) are reliant on the goodwill of the PCC to give them 45k to retain that service; my election is next may, I could be out of office, then the new commission that comes into town not interested in youth offending potentially takes that money away and what happens thereafter?'

(PCC 2)

This is a vital point because it does highlight how much that individual power can influence the power of YOTs to provide services, which is a risky settlement. After all, as highlighted above, if the next PCC is not as in touch with youth justice as the previous, then the YOT would

lose that funding, which is detrimental to the young people using that service. Many local stakeholders are involved in key youth justice decisions in Wales, as will be discussed in more detail throughout this section. The local authority chief executive does bare the overall responsibility and accountability of the decision-making process, even if YOT managers have a significant level of autonomy which is confo rato to what the legislation states.

However, there was an important finding in this thesis which explored the individuality of YOT management styles; it was clear that the individuality of YOT management styles directly affects the service delivered by youth offending teams and associated services. It also looked at how the breakdown of relationships between the chief executive of the local authority can have a detrimental effect on the autonomy of a YOT manager. It does also affect where that 'local power lies'. There is much negotiation on the ground in Wales regarding youth justice. Depending on the chief executive and their relationship with service managers, how much freedom managers have to 'do what is best for their local community and the young people in the area they serve, consequently backing up the previous point about YOT manager autonomy.

This quote talks about the chief executive and YOT manager relationships and how, in this case, the breakdown of a relationship has led to a YOT having a negative outcome for YOT autonomy as they are not seen as a big priority; this is evidence of local power complexities:

I have seen YOT managers who are basically despised by their chief executives, and it is like, hmmm, I am not really interested in what you have got to say, or this is not a big priority for me, so it is more about personality and relationship.'

(PCC 1)

This concept of relationships between youth justice levels dictating how practice is delivered is a common theme as highlighted by this PCC and by the majority of participants in the study, when reflecting on the relationship between YOT managers and their chief executives; in this case, a very positive relationship has led to a positive partnership working:

'Very little, that is purely a personality question really, where I have seen YOT managers have very significant influence it is because they have very effective relationships with their respective chief executives and I will give you an example 'xxxxxx' in 'xxxxxx' obviously had the ear and trust of his chief executive 'xxxxxxxx' and was very influential very knowledgeable and lots of experience'.

(PCC 3)

Although this quote looks at the positives of a strong relationship between levels of youth justice practice, it is clear to see from the start of the quote that this PCC feels as though it is a question of personality dictating how significant the impact of a YOT manager is, again bearing the question, what if that personality does not work, what if that YOT manager has no influence, is that how youth justice should be operating, this was a common trend among participants in the study.

No influence on the broader youth justice sphere does not necessarily mean no influence in local practice; it just means the communication lines between the different levels are not as strong. Consequently, positive practice may not get in or out of the YOT, and the implementation or implementation of policy won't be as successful as there will be a lack of understanding (Gabriel, 2003:232).

These local power struggles have formed different formulas and structures of YOTs across Wales. This has led to a post-code lottery of service provision in Wales. There are a few parts of legislation and policy which show where the actual decision-making for youth justice practice positions itself (CADA, 1998), as neither YJB Cymru nor the YJB in London, have the power to issue tailor-made directions to YOTs and how they should perform their functions (Field, 2015). In the CADA 1998, section 41.

The statutory functions of the boards are outlined as follows: monitoring practice, advising ministers about, for example, national standards and the promotion of good practice and, among other things using grant-making powers (CADA, 1998).

However, what can be taken from this, and the findings of this thesis is that there are really no direct levers enabling the YJB to direct YOTs as to how to perform and deliver practice and their functions (Field, 2015). Highlighting again the power of the YOT manager in forming and delivering justice in Wales. YOT managers have significant autonomy, as long as they adhere to the basic principles. In this case, the youth justice plan; as long as the manager adheres to the national standards, the service they deliver is up to them:

> *'You have got to adhere to a youth justice plan, but the youth justice board for a good few years now have said do one for three years and update it every year, you have got to abide by national standards, but national standards have been shrinking and shrinking over the years you have got to use a single assessment system, and we did do, but that has been derogated for a certain number of years now but apart from that*

similar to what I was saying earlier really the stuff that you actually put in the basket is pretty much up to you.'

(Welsh Government Official)

This gives YOT managers a high degree of legal autonomy and solidifies why their approaches and decisions impact youth justice significantly, setting YOT managers apart from the other levers of justice as influential autonomous multi-service managing individuals. Under sections (38-39) of the crime and disorder act, local authorities have the duty to provide youth justice services and establish a YOT (CADA, 1998). The YOT manager plays a significant role in this YOT identity as this practitioner outlines:

'Our YOT manager is very influential because of her experience and the power she has. When she believes in something, she will make it happen and make it work. I have worked with a lot of YOT managers over the past 20 years, and some are just tick boxes they don't want to change things. They just go about day to day without really trying to grow as a service'.

(YOT Practitioner 3, Mid Wales)

As noted above, clearly different YOT managers bring different levels of experience and philosophies of how YJ should work, with some just following the status quo and others being more ambitious to try to change the service, this was a common trend among participants in the study. As explained above, the YOTs decide who sits around that table once the YOT manager is put in place, hence the diversity in practice and approach between YOTs around Wales. Another sign of this level of power comes in the form and influence of YOT Managers Cymru, which is a conglomerate of YOT Managers in Wales and a place where managers can reflect and discuss practice as outlined by the Association of YOT managers:

'The AYM offers members a number of opportunities to support staff development and share and improve best practices'

(AYM, 2019)

What must be considered is the size of Wales in terms of information sharing; Wales has 15 YOTs England has (approx. 140) so information sharing is far easier and getting influential

stakeholders from all regions in Wales around the table is more straightforward, all participants in the study reflected on this. As outlined by this quote from a research participant:

> *'In Wales, we have something (youth justice) that looks different to England. We are a lot smaller. For example, YOT managers Cymru is made up of 15 YOTs whereas the English version has over 130 odd!'.*

(Welsh Government Official)

This idea of scale is a significant one because it means multi-agency communication becomes a far easier challenge increasing access to critical people and ensuring the right people are sitting around the correct table, this quote talks about how a WG official managed to see all of the critical youth justice stakeholders in the decision-making process twice in one week through a range of meetings and events:

> *'There are 15 youth offending teams in Wales. Wales is small… if I go to meetings with the Welsh Government over a range of issues over a week, I think a few weeks ago I did three meetings 3 slightly different topics by the end of the week, I had seen everybody twice there is a sort of cycling around!!'*

(Welsh Government Official).

This notion of scale means that the key partners are well known to each other consequently increasing access and communication, this makes sharing information easier and means there is less risk of information being lost in translation, this idea was a common theme between participants in the study:

> *'We are all well known to each other it is easy to access people, you can get a reasonably good handle on what is going on… I think as I have said before, scale in Wales is important you can be pretty sure about what is going on whereas 140 YOTs in England you are not all collectively meeting in the same place all of the time it is just not possible'*

(Welsh Government Official)

This concept of YOT manager autonomy was a significant finding from the literature review and was put to the test in this thesis, considering Rod Morgan's comments about the subject back in 2009:

> *'Welsh YOT managers are to some extent able to resist both sides on the grounds that they must do the bidding of the other'*

(Morgan, 2009:33)

It is of great interest to this thesis to see whether this concept was not only grounded in empirical evidence but what the extent of that autonomy is and whether that autonomy is a good thing for youth justice in Wales. As outlined by this Welsh Government official YOT managers have a 'tremendous' amount of autonomy:

> *'A tremendous amount of autonomy it is one of the most devolved and I mean small d devolution now not national devolution... it is one of the most devolved areas of practice really the act when you look at the act, it is not necessarily a big collection of instructions for what a youth offending team needs to look like got to have a certain amount of partners but you can have more if you want'*

(Welsh Government Official)

This ties into findings from the youth justice stocktake in 2015 which acknowledged that YOTs have significant autonomy when trying new interventions in order to meet the needs of young people (Deloitte, 2015). Although this stocktake did not produce a detailed analysis of YOT manager autonomy, it does point to an acknowledgement of autonomy for YOTs in the system Which is further solidified by this next quote from a WG official highlighting that as long as managers adhere to the national standards which seem to shrink year on year then managers can be very autonomous and effectively decide how their YOT looks and operates:

> *'You have got to adhere to a youth justice plan but the youth justice board for a good few years now have said do one for three years and update it every year, you have got to abide by national standards but national standards have been shrinking and shrinking over the years you have got to use a single assessment system and we did do but that has been derogated for a certain number of years now but apart from that similar to what I was saying earlier really the stuff that you actually put in the basket is pretty much up to you'*

(Welsh Government Official)

This gives rise to a further debate within the wider youth justice sphere surrounding whether YOT managers would even want to have 'more' power and whether devolution could see them lose that autonomy? As outlined by Case and Haines some YOT managers are resistant to devolution because of the fear of drawing them closer to partnerships with children's services which in turn threatens their relative local autonomy in the decision-making process (Case and Haines, 2015). This is backed up by findings in this thesis from policy experts who believe YOT managers are actively fearful of becoming too closely aligned to different services, this was a common trend in the data and makes for an interesting reflection of the overall findings of this PhD thesis:

> *'There has been a reluctance in Wales to be close to social services and children's services I think a lot of YOT managers in the past have tried to strategically link themselves to other departments because they have been concerned they will subsumed into children's services especially with the small statutory caseloads the fact that sometimes the YOT especially in prevention does tend to work with cases that are maybe are more welfare based than criminogenic because the YOT can almost be seen as specialist in dealing with naughty children rather than specialist in dealing with offending behaviour'.*

<div align="right">(Policy Expert 5)</div>

This strategic linking away from children's services really does paint a picture of YOT managers being fearful of their autonomy being taken away, or at least an acknowledgement of their autonomy being reduced by further devolution. This gives rise to the argument that the situation YOT managers find themselves in at the moment optimises their power and influence in a way full devolution would not, a key reflection within this thesis and an ode to the complex but beneficial position YOT managers find themselves in.

YOT managers have dual masters, the Welsh Government and the YJB which puts YOT managers in a very unique position even though there is not full devolution of powers. It is an interesting and unique settlement because no other officers work in the way YOT Managers do. Although not described in the Crime and Disorder Act 1998, YOT managers hold responsibility for the delivery of the duties of a YOT (YJB, 2004).

Post CADA, 1998 the critical functions of a YOT manager have been established as co-ordinating local youth justice services and managing of the operation of the YOT according to the youth justice plan CADA, 1998 Disorder Act 1998 Section 39 (7)(a) and (b). This

includes managing staff and resources; allocating work, having a say in which staff serve in the YOT; liaising closely with courts; driving up performance and developing and maintaining partner relationships (YJB, 2013). However, the most significant in relation to the above point about no other public service officer having the space to work in this manner, whilst there is no specific requirement concerning the grade of the YOT manager, it is a strategic role and the YOT manager should be sufficiently senior to act effectively (YJB, 2013).

> *'[...] youth offending team managers should not be 'buried' within the management structure of any of the partner agencies; it is essential that they are able to engage, as appropriate, at a senior and strategic level with all the relevant local agencies, including by reporting directly to meetings of the chief officers' steering group'.*
>
> (Home Office, Inter-departmental Circular, paragraph 44)

This stance to ensure YOT managers are not 'buried' with extra responsibility within any management structure leaves them with significant space and time to deliver a tailor-made youth justice team and provide a custom service for their local area in a way that other service managers do not have the luxury to do, again suggesting that this dual mastery leaves Welsh YOT managers in a unique and privileged position to be autonomous, this was a common theme among participants in the study. The final section will look at a lack of consistency in practice amongst Welsh YOTs.

5.2.3 Post Code Lottery: Lack of Consistency in Practice

The final subtheme of this section looks at the lack of consistency in practice. Considering YOT autonomy is the direct repercussion of that individual autonomy between YOTs. Pondering the extent to which the devolution settlement has enabled YOTs to develop bespoke and innovative approaches to YJ in Wales. A significant finding in this thesis is that a postcode lottery has been created in Welsh policy and practice provision for young people.

When all factors are considered, there is a contrary side to the 'positives' of YOT manager autonomy which was a central finding in this thesis. The points discussed above also have the potential and, in many cases, have already created a postcode lottery of service delivery across Wales. As in a lot of cases, YOTs are left to their own devices to shape and

create service delivery with a complete lack of consistency3 and accountability. As outlined in the CADA, 1998; the youth offending team may also include such other persons as the local authority thinks appropriate after consulting the persons and bodies mentioned in subsection 3 (CADA, 1998).

So, there is no surprise that a lack of consistency arises if anything it was promoted. Take for example this quote from a policy expert interviewed in this study when looking at concerns around consistency and sustainability in YJ:

> *'I think that it is true but again I worry about consistency and sustainability and I do think we do have a bit in Wales of what I have begun to describe as 'initiative itus' that we have in lots of lots of public policy people doing innovative stuff but then we find it works and why do we not upscale it so that everybody is doing it…'*

(Policy Expert 4)

Clearly this '*initiative itus'* is leading to fractured practice between Welsh YOTs. Even though this may have been promoted via section 37 of CADA there are still clearly major issues with the way the system operates and how different public policy areas fight for funding pots by trying to be the most innovative in the area; this was a common trend among participants in the study.

To align this theoretically and criminologically with the wider debate about accountability is important to the rigour of this thesis in terms of accountability, authority and democracy there are some substantial considerations and a good starting point would be Jeremy Bentham's theory of accountability; '*The more strictly we are watched, the better we behave*' (Bentham, 1786) building on this as Nietzsche documented '*we give an account only when it is requested, and only when that request has been backed up by power*' (Butler, 2005:11).

Considering both of those factors, accountability and authority are closely aligned in this case in the face of power at a fundamental level one must consider who bears responsibility and to whose authority, with regards to YOTs that becomes difficult because in many cases the decision making process is passed between the YJB, YJB Cymru, Local Authority, the chief executive the YOT manager, the MOJ and ultimately Westminster Government with some

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3 'This consistency is different than other areas like probation for example, you cannot have full consistency between YOTs because they have a baseline for practice but not complete consistency. They were always meant to be different as outlined in CADA section 39 point 6, so it is no surprise that they are not consistent, however that still does not make lack of consistency a good thing, as will be debated throughout' (CADA, 1998).

links to the Welsh Government on non-reserved matters. The danger with a system built like this is the lack of central accountability as J.S.Mill argues:

> *'Responsibility is null and void when nobody knows who is responsible… there must be one person who receives the whole praise of what is done well, the whole blame of what is ill'*

<div align="right">(Mill,   1861/1964:   332)</div>

Many participants in the study talked about this 'passing the buck culture' which not only comes around when there is a financial decision on who pays for what but also when the question of who is accountable is asked because of the quasi-service delivery across the two governments to pinpoint blame or accountability is very complex as this practitioner who has lived experience of youth justice states:

> *'I feel like there is sometimes a pass-the-buck culture going on, like instead of just looking at an issue and trying to solve it within your service which you could do as there are loads of good people you kind of refer to this and refer to that and the person is almost left… there needs to be a switch in culture to be like right okay I will try and get this done and sort it for the young person rather than this pass-the-buck culture'.*

<div align="right">(Practitioner, 3 South Wales)</div>

The focus should always be on the young person when adhering to the children first philosophy this personifies the importance of not 'passing the buck' and taking responsibility for young people, this was a common trend among participants in the study.

There is a lack of clarity over who pays for what, and it allows for substantial gaps to open between services across Wales, so again depending on where you commit an offence will depend on the service you receive. That is not the youth justice system many from all stages of justice want, this was a common finding among participants in the study. As the quote signifies, there is a lack of clarity over who pays for what, which leads to a whole host of problems, particularly a lack of communication between services and a lack of accountability in the process which is particularly a problem for YOTs who in this case this YOT manager has not received their budget 6 weeks into the financial year:

'The Ministry of Justice have not given me my budget, or confirmed my budget from them yet…I am 6 weeks into the new year, the financial year and they haven't confirmed how much money I'm getting for this year what sort of finance planning is that… it is absolutely madness our finance officer is going 'how on earth do they get away with that' how does the Ministry of Justice and the YJB get away with that….'

(YOT Manager 1)

Clearly, there are issues with accountability in the decision-making process at the highest level, which is putting pressure on the YOT management team because they need to work out their budget for the financial year when a service is so pressured to hit their KPIs and then do not get the same response from those it does highlight a lack of consistency:

'Where on earth is the accountability the other way… it is completely two faced. So that is just one example. I am sure probation are not in this situation because probation have already confirmed their funding for me next year so they must have their budget'.

(YOT Manager 2)

This is not an ideal situation for public services to run and further highlights the lack of consistency, government agencies should not be this disorganised. This was a common trend among YOT managers in the study.

A further point for consideration which ties into this argument around a lack of accountability was summarised in Estyn's 2018 report, which highlighted that:

'YOT management boards do not hold partners to account well enough for the quality of their work or for planning strategies to improve the opportunities available to prevent young people from offending or reoffending. They focus too narrowly on reporting against national performance indicators'.

(Estyn, 2018)

This highlights the risk of a lack of accountability in the process; in this case, YOT management boards do not hold partner agencies to account.

It is not just who finances YJ, it is about who understands what children's rights mean. Training youth workers, including YOT practitioners, to understand the trauma-informed practice model and get those in Wales working with young people to start thinking in this right's friendly manner;

'In regard to training (practitioners), 120 to date and 180 by the end of March youth workers through the trauma recovery model but the enhanced case management is very much a child-centred approach and maps the key points in a young person's life where the trauma occurred and gives a much better understanding to the practitioner on how to assist and help that young person'.

(Policy Expert 3)

If someone does not see it as their role, why are they going to know what or how to be 'rights friendly' this lack of understanding is problematic. Although the CADA, 1998 requires the local authority to assemble a YOT containing; an officer of a local probation board, a social worker of the local authority, a police officer, a person nominated by a clinical commissioning group and by the chief education officer (CADA, 1998). The local authority is assembling a team in this way because parliament requires it, so in this case, it is Wales that is pushing an agenda in its own right (Welsh Parliament, 2021).

The policy expert below reflects on that point, discussing how certain YOT managers assert their influence by deciding what they do and do not take on in terms of service provision. This assertion of influence was a common trend among participants in the study, in this case, the participant is referring to enhanced case management.

'Enhanced case management some YOTs have absolutely embraced it really buy into it, believe it that starts with the YOT manager saying this will be a really good thing to do let's try and embed it you will get other that are completely ambivalent to it one of them called it shit actually!! So, you know you do not get things implemented with the same degree of fidelity, so I think the YOT manager kind of determining the direction and culture of the team is really significant'.

(Policy Expert 2)

Reflecting on the above quote, it is obvious to see the power and influence that YOT managers have to decide how their YOT looks and what the direction of travel for that team is.

Consequently, because of the differences in implementation across Wales, there is a lack of consistency in provided services and approaches between YOTs across Wales, with differences between opportunities in North and South Wales (Upton, 2011).

This is highlighted in particular by how important the individuality of the YOT management style is and how that affects the service delivered by youth offending teams and associated services. This policy expert exposes the flaws in the current system looking at YOT

managers as 'being innovators' or 'champions of change' as opposed to some who are just sticking to the safety of the status quo; another trend within the data collected from participants in the study*:*

> *'Some YOT managers have been a champion of change, he was an innovator, I have seen some quite lazy YOT manager who are completely happy to just sort of tick along, they are not looking to do anything new to try and make things better they are just happy with the status quo…'.*

<div align="right">(Policy Expert 2)</div>

This approach is fundamentally detrimental to the services that YOTs provide, with some YOT managers exerting their autonomy to provide a tailor-made approach to serve the needs of young people in their local area. Whereas some YOT managers, this equals a system that is not consistent with better opportunities for young people in areas with leaders who are 'champions of change'.

This lack of consistency in practice between YOTs in Wales is dangerous. Because it makes certain areas likely to fall below the national standards as there is a lack of oversight, this signifies a common trend among participants in the research.

Wales has seen the fall out of a high-performing YOT, which fell apart after the amalgamation of youth justice services from three local authority areas was poorly implemented, and the organisation failed adequately to protect the children and young people and the wider public. As was found by Her Majesty's Inspectorate of Probation (HMIP, 2019). All stemming from changes in the management structure. The young people did not miraculously change, but the structure did, and consequently, it failed.

This lack of consistency can also make it difficult to know whether a service is actually performing and makes it difficult for locally run programmes and initiatives to be evaluated (CAYT, 2010). It is also difficult to see whether they do have an impact on reducing things like offending and anti-social behaviour because there is a lack of good quality baseline data to test against.

Linking back to Bentham's ideas of governance and accountability, he wanted an *open and accountable government*, in which the people watched, and commented upon, the actions of officials. A somewhat reverse panopticon (UCL, 2010).

A further example of this lack of consistent practice came out in the 2019 Annual inspection of youth offending services, which found in relation to knife crime responses and interventions, there were some significant differences in approach and practice:

'A few YOTs employed specialists, such as clinical psychologists, to work with those involved with knife crime… Two London YOTs had developed a trauma-informed approach to the issue involving specialist training for their staff in recognising trauma symptoms and resisting re- traumatisation'

(HMIP, 2019: 45).

As highlighted above clearly, YOTs take a different approach to the ways they carry out their practice. Although there is a need for autonomy in the decision-making process, there is a level of risk that comes with this lack of clarity.

Also, there are increasing chances of YOTs trying the same interventions and not realising because of this lack of evaluation and independent intervention planning, which is very rarely evidence tested. However, the most exasperating finding from the report was that less than a third of YOTs (29 per cent) had conducted formal evaluations of their interventions (HMIP, 2019: 45). This highlights the lack of rigorous testing on interventions arguably this shows some YOTs do and will continue to run interventions that are not formalised on evidence-based practice as the HMIP outline. *'Agencies must take care that their work is based upon sound evidence'* (HMIP, 2019: 45).

Linking back to the narrative surrounding YOTs developing innovative and bespoke approaches to YJ, the above quote is important because this lack of testing leads to an even further fractured youth justice system, which does not have a consistent approach to working with young people. Nor does it possess the ability to roll out best practices to other YOTs who face similar issues.

This links into data collected at stage two of this thesis, youth justice in Wales is very fragmented this is a clear distinction between the rest of the UK and, in some cases, that fragmentation makes it difficult for things to get done in the most effective way as this PCC demonstrates:

'To be honest I find it quite frustrating youth justice in Wales is pretty fragmented… when I came into office one of my manifesto intentions was to try to influence the devolution of youth justice because I worked in youth justice as a councillor in my previous role and was responsible for youth justice… and I can see how fragmented it was!'.

(PCC 2)

As this quote from a police crime commissioner outlines, there is a very much fragmented system in Wales which makes it difficult to ensure there is a level of consistency in the process.

Again, leading to the suggestion of a postcode lottery creation for service delivery which is a very intriguing finding, coming from a participant who works in a role which has a direct effect on youth justice.

However, there is a second point of concern when looking at YOT autonomy and that is the lack of information exchange about positive or best practices. The austerity agenda has created a 'rat race' amongst YOTs who are constantly trying to prove their self-worth and sustainability with innovative ideas and interventions to generate funding. There are fundamental flaws with how the system operates in terms of funding, this was a common trend among participants in the research:

> *'Austerity has played a part but I think there is a more fundamental issue going on here which is that funders tend to like funding new stuff... very rarely do you see the situation where somebody implements something new and then says right it works so let's just keep going and keep funding it'*

(Welsh Policy Expert 2)

This form of governance and funding cares more about public relations and marketisation than it does about actually making a difference. Michael Gove recently proclaimed about the privilege of public services; '*that privilege comes from knowing that those of us in Government have the chance every day to make a difference*' (Gove, 2020) may be a stretch too far.

As highlighted above, even if something works, it is rarely continuously funded, as something newer and 'more exciting comes along'. Which may not even have any evidence to suggest it could prevent young people from conflicting with the law.

Linking back to the question, in Wales and with Welsh YOTs trying to create bespoke and innovative approaches to youth justice, many would expect YOT managers to continue doing their own thing, passing between the youth justice board and Welsh Government doing what is best for the local community. Certainly, a bonus of balancing this dual mastery for YOT managers. The next section of this chapter will discuss the practicality of youth justice in Wales.

5.3   The Practicality of Youth Justice in Wales.

This section will discuss the finding, which looks at resources in the YJ system. With particular attention paid to austerity and financial cuts, including their unintended or unforeseen consequences. This is a key area when referring to the question this thesis poses, especially because it directly links to how the role and influence of YOTs can differ depending on

resource allocation. In the complex devolution settlement, this has some significant ramifications, which will be critically discussed throughout.

One of the key messages from the findings in this thesis is that austerity has directly affected the quality-of-service delivery and access to support for young people especially those who are seen as the most vulnerable in society. This is exemplified in comments from the young people talking about the lack of youth clubs and help with personal growth these areas with poor socio-economic conditions have the most basic levels of resources available to young people.

This thesis provides a new analysis of austerity and the state, regarding public policy. This research highlights findings from the broader literature that austerity is a political project. The outcome of austerity policies in Britain and elsewhere has become painfully clear, this includes increased child poverty, decaying public schools and public health and other public services (Mattei & Salour, 2019).

This data lends itself to the argument that austerity was actually a political choice (Tily, 2018). Consequently, austerity is claimed to be a political project, moving away from the narrative that austerity was an economic necessity (Mattei & Salour, 2019). An ideological project which has clearly failed (Eaton, 2018). This is even more dangerous considering the renewed discussion of further austerity and the management of public services announced in Chancellor Jeremy Hunt's new budget for the Conservative Government (Horowitz, 2022).

The youth justice system has picked up the slack from those youth service cuts, as David Lammy outlines;

'The youth justice system is picking up issues that are way downstream, young people have been excluded from school, failed in the care system, not getting the support in the health system and finding themselves in the justice system'

(Lammy, 2020).

This quote from Lammy really summarises the situation the youth justice system has found itself in, it is important to note that even though the youth justice system is also significantly underfunded. It is picking up the pieces from all avenues of public services, stretching the budget even further, whilst trying to be innovative.

A further example of this complex funding situation can be seen in other services, there is evidence to suggest that NHS, the police and the criminal justice system has continuously

been left to 'pick up the pieces' due to austerity, with damaging cuts to mental health services, drug and alcohol services, youth services, housing, and social services (UNISON, 2019).

This section will look at issues such as finance, because a significant amount of funding is needed to provide adequate support for young people to be properly diverted and transitioned out of offending because at the present time funding is either not adequate or is pulled before any real success can be equated and measured (YMC, 2019). This is also backed up by the young people's comments on having services that are 'practical'; '*no money for the actual practical things that will help me – we need actual funding for those things!'* as outlined by a (Young Person, Mid Wales).

The austerity and budget cuts 'cycle' has created a system of a Zero-sum game (Barron, 2008). *'no reward for innovation'*, savings mean more cuts in the future in the majority of cases. There is a significant weakness in the Barnett formulae, especially when considering recovering 'savings' by services (Independent Commission on Funding & Finance for Wales, 2010).

Arguably, money is being misused spending on non-essential areas, such as further commissions and reports as well as bureaucracy, with hundreds of millions of pounds 'wasted' on 'bureaucratic processes' (ASCLC, 2019). In some cases, resources not being used effectively after their directive this would be in the case of seconded officers who are consequently forgotten about:

> *'Looking at the contribution of police officers in a youth offending team we discovered that there was some significant problems, one was that once they were seconded to the youth offending team they realised that they were basically forgotten about so there were people who had been left for 12 or 13 years'.*

(PCC 4)

This is a shocking finding and really demonstrates the issues in the complex devolution settlement there is money being lost across the board, whether that is through missing practitioners as noted above or outdated bureaucratic processes, this was a common trend among participants in the study.

The Welsh Government fund a significant percentage of youth justice and related service in Wales, even though they have no legislative control over the system (MOJ, 2019). These messages will be critically discussed throughout this section. Building on those messages coming from the thesis is the impact of resources and resource allocation.

The system that has been created in Wales has left YOTs having to fight for their funding from several areas, this creates a yearly battle for security and financial safety for jobs and services that the YOT provides, with budgets being halved since 2010 (Brady, 2019). This in turn affects the likelihood of a young person building a consistent relationship with a practitioner which is detrimental to their chances of transition. The first part of this section will look at the central theme of austerity, which has become a significant struggle for public services in the 21st century.

5.3.1 Austerity: Managing public services in the 21st Century.

This section will discuss the impact of austerity on managing public services, considering the cuts to the sector over the last 20 years, reflecting on the impact those cuts have had on young people, service provision and policy under the umbrella of resource and resource allocation:

> '*Public services are a lifeline for the most disadvantaged communities, and it is these communities that austerity has hit the hardest'*.

> (Unison, 2019).

The statement above really echoes a key finding in this research surrounding those areas and communities of relative deprivation who have been majorly impacted. This downfall was started in 2010 by the conservative government on their protracted campaign of budget cutting (Goodman, 2018). This delivered a monumental shift in British policy and politics which has directly affected the youth justice system. As the quote below from a PCC discusses, austerity has created a counterproductive system for the YJS in which, success following a budget cut does not lead to more funding to secure service provision but actually a tighter squeeze financially in the next budget:

> '*Especially since 2009 / 2010, because we have cut funding and support to youth justice since then, you know, more than we have cut anywhere else we've been victims of our own success because we've taken kids out of prison we have taken them away from court… you know, they'' say 'oh well the jobs done now we can cut the money' that's the thing with austerity you know it is a lose, lose the more successful you are with the little you have the more likely they'll cut that next year!!'*

> (YOT Manager 1)

The contradictory nature of austerity which came in during the 2009/2010 period has taken away any sense of benefit from saving money or being innovative with practice in the CJS; which was a common trend among participants in the research; and instead has changed the way the UK deal with public policy.

There is sufficient evidence to suggest that people have begun to struggle to pay for the necessities as highlighted by the Joseph Rowntree Foundation; more than one in three families in the UK today (which is over two million families) have an inadequate income (JRF, 2016).

This 'economic stagnation', including the rising cost of living, cuts to social security and public services, falling incomes, and rising unemployment have combined to create a deeply damaging situation in which '*millions are struggling to make ends meet*' (Haddad, 2012). Just one example among many is the unprecedented rise in the need for emergency food aid and support, with at least half a million people using food banks each year (Cooper & Dumpleton, 2013). These statistics have since risen significantly, with 823,145 emergency food parcels given to people in crisis by the Trussell trust network between just April and September 2019 (The Trussell trust, 2019).

As comprehended in the findings chapter, a young person looks at the diabolical reality of the UK with some young people not having access to food and clean water and a rise in the use of food banks. The Trussell Trust, which supports the largest network of food banks in the UK, had around 35 food bank centres in 2010/11, 650 in 2013/14 and nearly 1300 in 2019/20 (Sosenko et al., 2022), a significant increase. This reflection was a common trend in the data:

> '*All kids should get food and clean water like so many people I know have had to use food banks, and that just isn't right.*'.

> (Young Person 1, South Wales)

This is an important reflection by a young person on poverty and austerity because this change in policy rhetoric over the last ten years, has directly affected the quality of life for the people of Great Britain:

> '*A wave of austerity has yielded a country that has grown accustomed to living with less, even as many measures of social well-being — crime rates, opioid addiction, infant*

mortality, childhood poverty and homelessness — point to a deteriorating quality of life.'

<div align="right">(Goodman, 2018)</div>

This is a poignant quote as these austerity measures came in after the 'golden years' following devolution in the early 2000s. This expenditure in public services was high for the first ten years, and public spending increased in all four nations (Drakeford, 2010). However, since the squeeze on public spending that began in 2010, the devolved administrations have been forced to make difficult decisions under budget pressure from Westminster (Institute for Government, 2020) clearly now, the honeymoon period of devolution in Wales is over and there needs to be a move away from the status quo as outlined by Adam Price last year:

> *'The time for reckless delusions about the land of milk and honey is over. I urge you now to be honest with the people of Wales'*

<div align="right">*(Adam Price, 2019).*</div>

Despite the suddenness of the 2008 economic crash, the age of austerity did not come out of the blue in Wales. While the first decade of devolution may, in retrospect, appeared to be a period of 'milk and honey' in public expenditure, the rate of growth in that spending declined in each Assembly term (Drakeford, 2012) this alongside the outdated Barnett formulae in Wales has created a devolution with a lack of power in key areas to decide where and how resources are allocated, but at the same time a significant bill for services, with the WG picking up the pieces, time and time again. As outlined by a participant in the study; 'In many cases, the Welsh Government match what has been given by the YJB' (Research Participant).

This intensifies the financial worries for YOTs, they must fight for funding each year. Consequently, there is a lack of financial security for the YOT, including the security of the services they provide, this was a common trend among participants in the research:

> *'We get the promoting positive engagement grant which comes from Welsh Government that from April this year is going into the children and communities grant, and that amount of money matches really what the YJB happen to give us, so there is much worry around funding at the moment.'*

<div align="right">*(YOT Manager 2)*</div>

One must be critical of government policy from Westminster because of the clear repercussions they have had in Wales, take for example, the cuts to legal aid in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), which withdrew aid from areas of law including family, welfare, housing, and debt. Legal aid was removed from many civil law cases to save £350 million a year (The Guardian, 2019). These cuts have led to serious problems for

the justice system. Baroness Hale, retired president of the Supreme Court, outlined that the cuts to legal aid in England and Wales have caused serious difficulty for the justice system (Hale, 2019).

Agencies of the criminal justice system do disproportionately target the types of deviance associated with poor, working-class, marginalised communities. Consequently, these individuals from those communities will be increasingly identified as 'offenders' (Spalek, 2008:19).

This is important when reflecting on Becker, 1963, and his crucial statement about labelling, deviancy is not a quality of the act a person commits, but rather a consequence of the application by others of rules and sanctions to an 'offender' (Becker, 1963). Evidently, deviant behaviour is behaviour that people label (Becker, 1963; Lemert, 1967).

This thesis looks at young people within those marginalised communities, who are labelled; this is why reflection on Becker, 1963 is fundamental. When these young people are given the label 'offender', it may and in many cases does lead to them internalising this label so that it becomes part of their identity and understanding of themselves, completing the self-fulfilling prophecy and, according to labelling theory, this means they are more likely to engage in deviant behaviour in the future (White & Haines, 2001).

It must be noted, in reflection on diversion, labelling theory is a central rationale for youth diversion and suggests that contact with the criminal justice system may lead to further offending ((Bramley et al., 2018). Consequently, by triggering changes in self-concept, processes of social exclusion and participation in deviant groups (Bramley et al., 2018).

What must be critically discussed is how those cuts and the austerity agenda have decimated post-industrial areas, as the next section will discuss.

As mentioned above, the cuts to legal aid and the rise in food banks give rise to arguments and further evidence of significant levels of urban decay in Wales, something that shone through the literature.

Often in Britain, there is a reference to urban growth; we drove our cities outwards to address poor conditions and growing populations. We built high-rise blocks in the mass housing era to reduce overcrowding, create more open space, and cope with green belt restrictions and objections to council housing in more conservative suburbs (Dunleavy, 1981).

By concentrating poverty within council estates, the U.K. combined high rise and high need (Power, 1987). This, coupled with a lack of adequate caretaking, guarding and funding by councils and government, led to a rapid decay of urban areas (Power & Mumford, 1999). This urban decay has been referred to in terms of death and disease by public service managers

in one report with terraced streets 'abandoned' and 'rejected' within inner-city neighbourhoods:

> ''they're finished, 'there's nothing more we can do, 'we can't save it, 'it's a cancer, 'it has to go, 'it's damaging nearby areas', 'the voids have bred'.'

(Power & Mumford, 1999:1).

This is an important point because there is widespread urban decay in Wales. With urban decay comes the aftermath of the broken windows thesis (Kelling & Coles, 1997). Lack of funding and opportunities in areas leave those areas 'looking broken' shops shut down, litter begins to gather, youth clubs close, and crime rises. It is a recipe for disaster and modern-day Britain:

> 'The plight of places such as Barnsley, Middlesbrough, Grimsby, Stoke-on-Trent and Mansfield might not feature in the dinner-table discussions of the Westminster Village. But former ports, market towns, coastal resorts and county towns are all wrestling with enormous economic and infrastructural challenges.'

(Donald & Werran, 2018)

It must be noted that the broken window thesis (Wilson, 1982) can be seen as problematic. Broken windows calls for mass expansions of police interventions in low-income communities. There is no evidence that policing disorder lowers crime or that the broken windows theory is faultless (Harcourt, 2001). However, for the purpose of this study, the theory is reflected in the context of urban decay. It does not address the social issues; it quite literally polices them (St. Martin, 2019), which arguably is the last thing the young people interviewed in this study would want or need.

This is not just a Wales-only issue. The South England-centric approach of Westminster in regard to funding distribution of wealth is shocking and gives further rise to the increased levels of urban decay. further examples are poor transport connectivity, low skill and education levels in the community and boarded-up high streets (Donald & Werran, 2018). These all may seem trivial. However, they are all consequences of funding cuts, austerity measures, and reinforcement of the broken window thesis, this type of urban decay has occurred in every city for centuries (Wilson & Kelling, 1982).

There is an apparent lack of funding going into youth clubs and extracurricular provisions for young people to get involved with; young people from those marginalised post-

industrial areas, there have been cuts, and these young people are actively asking for that help as shown below:

> *'More youth clubs and that to get people off the streets more stuff with music. I would like to get involved with something like that because it'll give me something to do and I would love to learn how to play an instrument… maybe learn some dancing'.*

<div align="right">(Young person 2, South Wales)</div>

This quote highlights a narrative between all the young people within the study. The young people saw those cuts; they feel those cuts to services and the aftermath of austerity; as this young person reflects, the government are constantly '*cutting'* services, talking about what Boris Johnson needs to do:

> *'He needs a haircut first and then needs to stop cutting things! They cut the youth clubs; they are cutting the NHS.'*

<div align="right">(Young Person 1 , South Wales)</div>

Just like the small Welsh towns that this thesis has referred to, there is a growing belief that to resurrect some of the northern powerhouses, there must be a rebalancing of the economy and a move to close the productivity gap between Northern cities and London, to do there needs to be a radical reform of Britain's political economy, reducing London's dominance (Martin & Gardiner, 2017) consequently there must be an investment in people as well as infrastructure (Blond, 2018).

There has been a significant gentrification process in these urban inner cities, and urban decay in many areas has led to a displacement crisis with income equality at its heart (Chapple, 2016). What is widely viewed as a housing crisis in many areas is an income crisis, where people are consistently priced out of buying or even renting in the places they live, pushing people back into areas that lack opportunity and do not have the appropriate services.

Unfortunately, in Wales, that has led to a situation where many areas have been left with a lack of services and opportunities; in many cases, the most opportunity is in Cardiff. There are worries for people outside the thriving urban areas because there are large pockets of deeply rural areas that do not have access to services and training (Edwards, 2009:174). The areas that are left get forgotten and, in some cases, are left to rot.

For example, areas of post-industrial South Wales, like Merthyr, where houses in an estate were closed to be demolished over a decade ago, have been 'rotting like a scene from 'post-apocalyptic film' (Norris, 2019). When there is such a high level of homeless in Wales and so much boarded-up accommodation, it does bear the question of why, in areas which were once seen as a 'tight-knit community', they are still boarded up, despite 1,290 people in the area desperately needing social housing (Norris, 2019).

As many criminologists long assumed, '*socio-economic conditions and social inequality* play an important role in why particular individuals become involved in criminal activity and in determining crime levels within societies (Newburn, 2016:322). This social inequality and poor socio-economic conditions bring stigma to areas which are labelled as 'bad' areas, lowering the self-worth of communities and reinforcing the stigma of (example, lazy, unskilled, no potential) for young working-class people; this self-fulfilling prophecy has led to employment stagnation in areas and (young people have less chance of success) this has been reinforced by recent statistics published by the House of Commons show the number of unemployed young people aged 16-24 increased by 21,000 in the last year (this is a pre-corona virus) (Foley, 2020).

Comparisons can be drawn between the UK's increasing income and social inequality and what has happened in many parts of America over the same period, there is significant evidence that the greater the gap between rich and poor, equals undermining of social cohesion, consequently '*inequality is bad for your health* (Share the Wealth, 1997:84) Scholars have referred to this inequality, which leads to greater criminality and lower educational attainment, a '*social cancer.*' (McKenzie, 2011). It could be argued that this is a class issue highlighting the substantial inequalities in the system, which is disastrous in Wales. This quote reflects on class issues and the wealth gap that affects access to services and support for the more vulnerable young people in Wales:

> '*It is a huge class issue if you have the money then you can afford to live in a nice area with better schools and or pay money for private school or extra tuition, sorry but most of the young people in these areas we work with don't have that luxury and it is a travesty that they get left behind'.*
>
> *(*Practitioner 2 North Wales)

This is poignant because some areas of Wales are seen as '*too far gone*', which was a common theme among the majority of participants at stage three; much like those in the USA where the

government has seen reparations in these areas as simply not worth it. That is why places like Flint, Michigan should instil fear in those looking at future governance in Wales; parts of Wales are not far off from what has happened in Flint as reflected in this quote; *'Male and living on the Gurnos? You'd be better off in Haiti'* (Wales Online, 2011). Inequalities in wealth have been highlighted previously after data revealed that developing nations like Haiti and Iraq have a higher life expectancy than men living in the Gurnos, Merthyr at 58.8, which is one of Wales' most deprived housing estates (Wales Online, 2011). With the figure only rising to 61.1 7 years later (Cwm Taf UHB, 2017:11). This widespread inequality and poor life quality draw several comparisons to areas like Flint, Michigan, in the state of Detroit.

> *'Detroit has failed, and its infrastructure is crumbling. But Detroit is not an isolated case. It is a paradigmatic example of increasing urban decay across the United States'*
>
> (White, Sepe & Masconale, 2014:1).

As the quote above shows, there is a sizable evidence base that suggests the central government has, in many cases, abandoned the social contract and is too far removed to comprehend the job that needs to be done to resurrect these communities. This next section will look at that exact issue.

5.3.2 Abandoning the social contract, is Westminster too far removed?

This section will discuss whether Westminster has abandoned the social contract because there is evidence to suggest that in the modern era, we should still question politicians' moral and ethical considerations (Weale, 2020). Westminster is, for many, too far removed to comprehend the damage done to those communities (Finch, 2020). Interestingly, when reflecting on social contract theory, this lack of resources within the youth justice system shines a light on the theory of urban decay and the unforeseen circumstances of austerity measures; this article shows that the strength of the rule of law in a given country can be predicted by that government's ability (or inability) to provide public services, particularly, in a liveable urban environment.

> *'When urban decay sets in, individuals are led to believe that the government, and thus citizens as a collective, have abandoned their commitments to following the basic rules governing the social contract'.*

There are significant grounds to suggest that when the government abandoned their social contract as they have done in many areas of post-industrial Britain and with many people at the lower margins of society with some, for example, blaming this breakdown of the social contract on the Tottenham Riots 'government's radical alteration of the social contract with its citizens, has left people at the lower margins of society feeling abandoned and powerless to the point where they lash out in fear (McKenzie, 2011). This is simply the aftermath of urban decay; when it sets in, it weakens the rule of law:

> *'This, in turn, (urban decay) reduces the incentives of individuals to engage in lawful behaviour. As a result, the rule of law is, like the city itself, left in shambles… urban decay weakens the rule of law'.*

(White, Sepe & Masconale, 2014:1)

Negative labels of young people in the UK as 'hoodies' and 'pramface girls' destined for a life of exclusion reliant on benefits are rife in Britain (Russell, 2016). One example of this is the moral panic surrounding the 'hoodie'. A focus that David Cameron took after he took up his role as prime minister, the hoodie became a symbol of threatening behaviour by young people during the 2011 riots:

> *'Feared, derided, misunderstood and still resolutely un-hugged, the utilitarian, hugely popular sportswear garment, the hoodie, has staged a comeback against a backdrop of pyromania and rioting. Worn by millions every day: a generation's default wardrobe choice was transformed into an instant criminal cloak for London's looting youth. It may be more newsworthy now, but the hoodie and the folk devil it represents have been with us for a long time'.*

(Braddock, 2011)

Leaders have long used these negative labels, such as the hoodie in the UK to create moral panic amongst the population that young people are the 'problem' many critics would argue this allows the Government to have the eyes of the public taken off their decisions and onto an easy target: young people, who do cannot vote and in many cases come from lower economic backgrounds in which politics is not only 'not in the conversation' it is unheard of. This is

because, in many instances *perceived lower rank in the social class hierarchy reflects an individual's relative lack of perceived social and economic worth in society* (Krauss, 2015:1). Comments post-2011 riots from then justice secretary Ken Clarke only fuel this fire. The justice secretary defended his view that the riots this summer were carried out by a 'feral underclass':

> 'Clarke said the civil unrest had laid bare an urgent need for penal reform to stop reoffending among 'a feral underclass, cut off from the mainstream in everything but its materialism'.

<div align="right">(Clarke, 2011).</div>

However, these comments were made having not even met any of the rioters. Yet, he still backed up his 'feral underclass' remarks in a home affair select committee hearing, despite admitting he hadn't met any of the rioters (Tyler, 2013).

Further evidence of this disconnection from the Government on matters relating to young people was highlighted by the House of Commons Home Affairs Committee, which found that the government's response to the riots has shown they are out of touch (HAC, 2011). Comments from Justice Secretary Ken Clarke, that the rioters were a feral underclass demonstrate the general view that rioters were subhuman (HAC, 2011). Additional evidence of this detachment from reality was shown by Iain Duncan Smith recently when he discussed the need to tackle gang violence:

> *'Ian Duncan Smith failed to acknowledge the role his government's cuts had in drastically removing alternatives—youth centres etc—for young people'.*

<div align="center">(House of Commons Home Affairs Committee, 2011:48)</div>

Reflecting on the literature review and the aims of this thesis, especially the willingness to engage with young people who have 'lived experience' one must ask the question; why young people are not consulted on matters affecting them:

> *'What caused the riots? Over the past few weeks, politicians, radio presenters and journalists have all expressed their views, but what about young people? Clearly you would think that the very group blamed for the uprising would be consulted to avoid repeated rioting in the future'.*

<div align="center">(House of Commons Home Affairs Committee, 2011:49)</div>

The points made above by the HAC show yet again why young people must be consulted, furthermore in all cases those with 'lived experience; should be consulted, as they are experts. However, what must be considered when looking at this class divide and disconnect between governance and people, is those communities, it is important to look at situational reality as this YOT managers explains frustratedly:

> *'Local elected members are saying oooh there is gangs in 'x' place and I will say there are groups of kids having round in 'x' it is not a gang, if you say gang everybody thinks you have got an organised criminal gang walking around terrorising everybody, they are not a gang they are kids… hanging about being a nuisance if you came across a real gang they would shit themselves, the thing is this all gets get blown out of proportion, right? It is in the media all the time, folk devils, and moral panics…'*

> (YOT Manager 1)

This is the danger, locally elected members who in this case do not understand what is going on at the ground level, no consultation with local areas, this was a common trend among participants in the research. From a practical point of view, how can young people and communities get the resources they require when the people who hold the purse strings do not know the reality of youth justice.

The YOT manager goes onto explain the danger of creating those moral panics, labelling young people, because in many cases those young people will fulfil the label. With knife crime as an example *for their own protection*:

> *'Suddenly we are speaking to a kid from the local area who is carrying a knife, why you carrying a knife for? Well, everybody carriers a knife, have you not heard it on the television… no not everybody is carrying a knife; yeah they are, knife crime is rife – yeah in London it is rife in Birmingham it is rife it is not rife here'.*

> (YOT Manager 1).

This is the danger in the aftermath of comments and strategies that are based on archaic ideologies and media pressures, just like Ken Clarke and Ian Duncan Smith's comments, *out*

of date and misguided. It is vital to look at people in those post-industrial areas and what the future holds for the young people that have been labelled who live in them.

Austerity has directly affected the quality-of-service delivery and access to support for young people, especially those who are seen as the most vulnerable in society (Eaton, 2018). This is showcased in comments from the young people and from practitioners talking about a lack of youth clubs and help with personal growth these affected areas have a very basic level of resources, this was a common trend among participants in the research.

> *'There is such a need for youth clubs and youth workers loads of money will be chucked into things from the government and then when things start to look better, they take it away again (the funding)'*

> (Practitioner 2, South Wales)

A significant amount of funding is needed to replace those lost services and to provide adequate support for young people to be properly diverted and transitioned out of offending because at the present time funding is either not adequate or is pulled before any real success can be equated and measured. This is also backed up by the young people's comments on having services that are 'practical' with all young people in the study reflecting on that point.

> *'Money for the actual practical things that will help me – we need actual funding for those things'*

> (Young Person, 1 Mid Wales)

Therefore, consultation with young people is so important, echoing article 12 participation (UNCRC, 1989). In the youth justice system, in particular, YJB Cymru has accepted the reality that there is a shrinking cohort with increasingly complex needs, those that have been left in the system are those who are categorised as the most vulnerable in society (YJB Cymru, 2017). Their participation in the decision-making process is needed as a client of the YOT, the interface between the young person and the YOT should inform decision-making, after all, it is an area they are experts within, as highlighted above, those with the most complex needs have not left the system:

> *'Since 2007 there has been a 68% reduction in the number of young people entering the youth justice system in Wales. While there are now fewer young people in the youth justice system, those left are the most vulnerable with the most complex needs'.*

the bottom line is young people deserve to have that knowledge of rights and it is down to ministers and leaders in Wales to make sure that happens because at the moment it clearly does not to the standard it is argued. These young people have done wrong, they have offended, and they may offend again in the future but looking at what they want from their future it is clear they are not monsters, these quotes could be seen in an end-of-high school yearbook, whereas these are from young people in a YOT:

'I want to be an engineer and do things like architecture'.
'I want to be a mechanic as I like cars and working on things like that'.
'I like all the makeup and stuff so maybe doing beauty for people (flicks hair back and everyone laughs!!)'
'I can't wait to get started now!! Get my driving license and get ready to crack on!'
'Yeah, I think this time I am in a better place to get on with college and change things'.
Surely this is not the feckless underclass that Clarke talked about?

So now, even more so than ever services should be targeted at those young people in hard-to-reach areas with those complex needs who are still left in the system those are the young people who really need services because even though more young people are being diverted there is still a significant amount of young people left behind;

> *'As we see with the stats as things go through we are knocking children out of the system through diversion but the children are left in the system normally are the ones with the most complex needs, which we need to, you know improve the service provision for those young people, because they're the ones we need to take in and wrap services around'.*
>
> (Welsh Government Official)

This can be achieved but it starts with working together, there is great work all around the UK with young people who have these more complex needs, that need to be shared and explored. More needs to be done to work with those young people and that is not just a matter of funding there are clear differences in organisational boundaries and structures across public services in Wales, which means that not enough information about best practice is shared between services

handling data and young people transitioning between services and locations is common and multi-agency communication in Wales is strong

> *'I think they (multi agency communication) are a lot stronger in Wales than they are elsewhere…we are little bit more linked up here… let's be honest we are only a small country, 3 million people here… so if we can't be linked up here with a population the size of Birmingham something is drastically wrong…but there is still lots of room for improvement'*

(Welsh Policy Expert 2)

There are clearly some positives in terms of localised communication in Wales as echoed above, which was a common trend among participants in the study; however, the handing over of information and best practices is far less common (Fenger & Bekkers, 2012).

There has also been a considerable amount of money spent on reports such as the most recent devolution report, the commission on Justice in Wales Report and as Davies (2013:17) outlined 'mo*st people seem to be all commissioned out, to be honest with you.* Arguably these decisions do not directly benefit the young people they are meant to serve, they do not consult with children and young people and are not based on rigorous empirical evidence.

There were no practitioners on the commission and no young people the commission contains 9 people including; 4 QCs (Now KCs at the time of writing the Queen has passed away), 2 professors and a solicitor as well as various ex-directors of services such as probation and NOMS (Welsh Gov, 2019) If there is not a change in the way Wales reports and commission research into key areas without that consultation of people with 'lived experiences' they will continue to serve those people who frankly are neither young nor vulnerable but in fact rather wealthy and powerful. That is why it was so important this research included the stories and views of those with lived experience. '*There is far too much bureaucracy in Wales'* (PCC).

As the Children's Commissioner recently outlined, further backing this argument that some of Wales' most vulnerable children are being 'lost in a maze of bureaucracy' (Children's Commissioner for Wales, 2020). As this research has identified especially with mental health services, CAHMS *'Children are waiting too long to access services… they're being passed*

from pillar to post and often find themselves lost in a maze of bureaucracy' (Children's Commissioner for Wales, 2020).

This is a critique of modern politics not just in Wales because in the 21st century elected politicians who seek financial support for re-election campaigns to compete for interest groups' favour, and bureaucrats, seeking to expand their budgets, supply the regulation or intervention that these groups' demand (Tullock 1976). Therefore, how can one be completely impartial in the decision-making process when they are always looking to secure future funding, career politics is toxic, especially to break from the status quo, they make a living on the system as it is, retaining power over time;

> *'Middlemen have a characteristic that is essential in politics: They stick around. Because careerists and hacks make their living off the system, they have a stake in assembling durable coalitions, in retaining power over time, and in keeping the government in functioning order'*

(Rauch, 2016)

As Tullock put in 1976 '*Bureaucrats are like other men'* (Tullock, 1976:26) and if we are to assume that they are ordinary men then they in the most part will make the most of their decisions in terms of what benefits them not society.

5.4   Concluding Discussion Points.

Reflecting on the findings, in response to the main question this thesis has posed, the following three unique and critical points are elucidated below:

1. The current Welsh devolution settlement has led to a distinct youth justice system in Wales. There is Localised discretion in Wales, as shown within the data, it is visible if the YJB gives them localised power, YOT managers are the principal authority; there is a persuasive authority that may not be visible but is powerful.

2. Youth offending teams and YOT managers have a significant impact, and their roles and influences in terms of service delivery are vast. Consequently, a postcode lottery of service provision has been created in Wales.

3. In terms of the practicality of youth justice in Wales; austerity and financial cuts have had unintended or unforeseen consequences; in the complex devolution settlement, this has some significant ramifications for service delivery. austerity has directly affected the quality-of-service delivery and access to support for young people especially those who are seen as the most vulnerable in society.

Some of the findings within this thesis may almost be unwelcome in the Welsh setting; because YOT managers currently are in a unique constitutional position which may be threatened by devolution, hence why shining a light on this position may be undesirable.

This gives rise to a further debate within the wider youth justice sphere surrounding whether YOT managers would even want to have 'more' power and whether devolution could see them lose that autonomy. As outlined by Case and Haines some YOT managers are resistant to devolution because of the fear of drawing them closer to partnerships with children's services which in turn threatens their relative local autonomy in the decision-making process (Case and Haines, 2015). This is backed up by findings in this thesis from policy experts who believe YOT managers are actively fearful of becoming too closely aligned to different services, this was a common trend in the data and makes for an interesting reflection of the overall findings of this PhD thesis. The next chapter will conclude the thesis.

6. Conclusion:

The research which underpins this thesis has sought to explore how youth justice in Wales, post-devolution has evolved, is developing, and is understood by those who are part of or come into contact with the justice system. Engaging with a broad range of participants, interesting and challenging findings have been discerned which arguably make an important to knowledge, and to the academy.

This thesis has uncovered the significant level of autonomy that YOT managers possess in the decision-making process. Revealing the complexity of the current devolution settlement

and illuminating how YOTs are able to develop bespoke and innovative approaches to youth justice in Wales, albeit a complex constitutional settlement.

This thesis enacted a unique methodology, one that is a triple-phased approach, which included all levels of youth justice stakeholders in Wales, including elite-level policymakers and policy influencers, front-line youth justice workers and young people in conflict with the law. The thesis has provided a comprehensive analysis of YOTs in Wales; this PhD told a story that has great implications for the future of public policy in Wales. Within the context of the PhD, this is the question this thesis posed:

> *"To understand the role and influence of youth offending teams in the context of pre-devolution youth justice in Wales."*

To answer the question, as outlined in the introduction, this thesis pursued the following objectives:

1. Understanding whether the current Welsh devolution settlement has led to a distinct youth justice system in Wales.
2. Identifying the interplay and effects between youth justice-related devolved and reserved actors.
3. Exploring how the interaction of devolved and reserved policy impacts youth justice in Wales, particularly regarding the role and influence of Youth Offending Teams

The role of YOTs is significant, and one of the major findings of this research is the role of localised discretion. The youth justice board gives YOTs localised power, within which YOT managers are the principal authority. This means that a persuasive authority exists in YOTs, which may not be visible but remains powerful. In Wales, there is undoubtedly something different happening with youth justice management structures. YOT managers are the party deciding the direction of travel and the culture of the team rather than the youth justice board which itself represents a soft form of devolution. Evidence of the significance of YOT manager autonomy, and further indication that their role enables youth offending teams to develop bespoke and innovative approaches to youth justice in Wales, is very strong. As described by one policy expert interviewed for this research:

"You do not get things implemented with the same degree of fidelity, so I think the YOT manager kind of determining the direction and culture of the team is really significant".

(Policy Expert 3)

This statement suggests that in Wales there are key influential factors that are not always seen. Operational and strategic decisions are being made by YOT managers that influence the way youth justice operates. Although this authority is not reflected in the legislation, it is happening.

This research finds that the Welsh youth justice system is unique and distinct, which is exemplified by the complexity within the system between devolved and reserved actors. YOT managers fall directly in between the lines, which in turn puts them and YOTs in a unique constitutional position where the dual mastery by which they are bound creates an exclusive gap which presents opportunities for discretion and autonomy in the decision-making process.

6.1   Contribution to Knowledge made by this study:

This thesis makes an original contribution to knowledge through its engagement with the key actors most associated with planning, decision-making, practising and engaging with youth justice in Wales. The thesis provides an exhaustive analysis of YOTs in Wales, supported by a methodology that is unique in nature.

Although there is a plethora of research in the field of youth justice, there has not been a comprehensive study which encompasses all levels of the youth justice system, particularly highlighting the lived experiences and voices of practitioners and young people at the coal face; there has been a limited focus on this area within the existing youth justice-related literature.

This research offers a different perspective, which has not been done before, understanding the role and influence of YOT managers in pre-devolution youth justice. This thesis has uncovered the significant level of autonomy that YOT managers possess in the decision-making process. Revealing the complexity of the current devolution settlement, one which is mired by a postcode lottery of service provision and conflicting political systems.

From a theoretical point of view, this thesis provides a new contribution to knowledge in relation to the structure versus agency debate (Mills, 1959). The question of structure and organisation is particularly important to this thesis because, as Mills argues, society is concerned with the impersonal and remote aspects of social reality. That, in turn, shapes individual and collective experience, understanding and action (Mills, 1959). To do that, this

thesis consequently argues that albeit the structures that exist in youth justice in Wales, the autonomy of the role and the influence of YOT managers must be considered to be significant, suggesting that in the case of 'Welsh' youth justice agency may be more important than the confined structures as discussed by Mills, 1959.

After all, do those social structures determine an individual's behaviour, in this case, the YOT manager's decision-making, or does the human agency have more influence on the decisions made by individuals? This question is fundamental to discussions in this area because individuals are often the victims of such societal circumstances without being able to grasp the structural problems in which they are trapped (Staubmann, 2021).

This study has shown the importance of engaging with participants whose voices are traditionally overlooked, particularly when seeking an understanding of formal and public systems' design, including operation and impact (Spencer et al., 2020; Creaney, 2018; Drake et al., 2014). Instead, reliance has been placed on the perspectives of policymakers, legislators, and senior managers, this research has embraced those voices. This is, therefore a new contribution to knowledge.

This is important because, within youth justice, it could be argued that there has been a type of metrification of this area of crucial public policy, with the emphasis being placed on the attainment of performance measures (or KPIs) at the expense of the experience and understanding of those affected by the activities of formal systems. Although the relationship between young people and practitioners is the centrepiece of youth justice provision, little research-based knowledge has accumulated on its minutiae (Drake et al., 2014). Hence the importance of this thesis in providing an updated knowledge base.

This metrification obfuscates attempts to understand the realities of youth justice as experienced by those who come into contact with the system and instead privileges the views of the powerful or elite; this thesis has enriched that process and places the appropriate emphasis on the voices and lived experiences of people, whose voices matter. The research has explored the impact that YOTs and YOT managers are having in Wales through the perspectives and experiences of key stakeholders in the youth justice system, something which has not been done before. Therefore, this thesis provides a unique contribution.

6.2   Key Messages from the literature review:

The literature review for this thesis identified several clear gaps within the existing research. These have informed the approach of the thesis and highlight the new and unique contribution it makes to the body of literature on youth justice in Wales.

The existing data is outdated. Therefore, this thesis makes a unique contribution by examining these issues in a modern context, this is the first gap identified. Adding to this, the study into 'children first, offender' second claimed that 'children's feedback was utilised' (Case & Haines, 2015:234). This is significant because although children were included, this was more of an add-on rather than a centralised part of the methodology. Thus, there is a significant gap in the field to study the views of children and young people in youth justice across Wales today as a whole country and not limited to just one area in South Wales.

It must also be recognised that because much of the literature is outdated; it fails to take into account the recent developments with devolution this is the second gap. This is therefore another unique element of this thesis.

The literature review considered how, although research has been undertaken about several youth justice policies and operational activities (Silk, 2011; Thomas, 2015; Thomas, 2019; MOJ, 2019; YJB, 2022). This has not gone far enough in the context of Welsh devolution, hence the need for further understanding in the area. As outlined by Evans et al., 2022, a second wave of research studies is needed (following on from the original focus of 'dragonisation' on Wales' role within the England and Wales jurisdiction can ensure that wider criminological research agendas reflect the fact that Welsh devolution has already radically modified an 'England and Wales' system once regarded as monolithic (Evans et al, 2022).

The third gap reflects another issue that is not addressed in the current literature and, therefore, another unique aspect of the thesis. Whilst there may be a significant degree of political consensus across the parties and layers of government that localism is, in fact, a good thing, there remains an argument over 'postcode lotteries', the media term used to describe different services in different areas (Graley, 2011). Exploration of whether this 'critique' can be a good thing and, in some ways, becomes a 'postcode choice' where the local public vote for the services they need has been illuminated in this thesis.

Although the local bodies and partnerships deal with the functions of setting up a YOT (CADA, 1998), YOTs were created by the Act. They were not made in isolation; local problem-solving and local decision-making this is what underpinned the Crime and Disorder Act. Although there is a discussion within the wider literature about this (Hansard, 2003). It is not stated but presumed. Therefore, this is a new contribution to the existing literature.

The final gap in the literature is the lack of exploration of the role of the YOT manager in the Welsh youth justice system. This is a pivotal question because the managers stand at the centre of a system that touches on education, probation, health, and community safety. As a result, has the power to influence the work of other agencies that otherwise sit outside of their given legislative authority (Smith, 2013)., Exploring the position of the YOT manager, unique to the devolved nature of the Welsh government, forms the main focus of this thesis. The examination of the true nature of this role, what power it possesses and how significant the influence of YOT managers is across policy and practice in Wales is the key focus of this thesis and makes a unique addition to the existing literature on youth justice.

Considering that the young people who encounter the youth justice system are predominately from lower socio-economic backgrounds (Taylor, 2016). With many of them living in post-industrial towns, there is clear evidence of a poverty/crime cycle (McAra & Mcvie, 2016). Reflecting on the concepts of stigma and labelling, this has put the social systems in Wales in a very unfortunate position.

As this thesis has explained, young people in these areas of relative deprivation are not given a fair opportunity in their lives this is down to many factors, one of which could be linked to the Barnett formulae and lack of funding in significant areas. Positive, progressive opportunities and role models are so important to shaping the lives of young people (Uviebinene, 2019) a lack of these opportunities and role models has negative effects on these areas.

Many have argued that there is second-class citizen rhetoric in Wales in terms of decisions made or vetoed by the central government on decisions around, health, education, language and transport (*Price, 2019; Burns, 2019; Hart, 2016; Jones, 2015*) it has been constantly reinforced and will not change unless there are real political amendments; with a report from the electoral reform society finding that there are missing voices in Wales (Electoral Reform Society, 2017). This thesis has illuminated some of these voices from the people who are on the coal face of justice, this is a new contribution to the literature. What must be considered is how there are many parts of Mid Wales and the Valleys which, like certain areas of England, do not have affluent areas to pay for a worthwhile service;

> *"..there is only going to be one set of winners in relation to that and that will be the affluent areas that can afford to pay it…. The Welsh valleys some areas in mid Wales, sadly as part of Europe we are one of the poorest regions in Western Europe and we*

haven't necessarily got the tax base that is needed so that provides us with difficulties…"

<div align="right">(Welsh Government Official)</div>

This message reinforces the knock-on effect of this policy rhetoric and austerity measures, which have led to the loss of meaningful and secure employment opportunities for young people and the seemingly disproportionate impact this had upon those living in poverty (Butterby, 2018; Mattei & Salour, 2019). This also points to findings in the data, which illuminate how austerity has directly affected the quality-of-service delivery and access to support for young people. Especially those who are seen as the most vulnerable in society.

This is exemplified in comments from the young people talking about the lack of youth clubs and help with personal growth these areas with poor socio-economic conditions have the most basic levels of resources available to young people. This is a new contribution to the literature. Which is thought-provoking, considering austerity was actually a political choice (Tily, 2018). Moreover, this has impacts on the wider literature, the degradation and humiliation of young people in the context of the violence of austerity (White & Cooper, 2017).

What is this really about? Disassembling the social protection statement, getting rid of the left hand of the state and the expense of making the more powerful hand stronger? (White & Cooper, 2017) The local authority had more cuts, and the social care function of the state has seen the biggest cuts (JRF, 2015); youth justice in Wales is quasi-care quasi-policing. Austerity is a political issue under the caveat of budget cuts. This is a new contribution to the literature as this has not been explored within the context of Wales and the constitutional setting.

In reflection of the question this thesis posed, a significant amount of discussion within the research has been dedicated to YOT manager autonomy. This area was visibly critical amongst the findings, where it is clear how important leadership roles are, as well as space within the decision-making process (a knock-on effect of the current settlement) and the individuality of YOTs. There is a lack of literature in this area, especially considering the triple-phased methodology this research enacted. This is, therefore, a new contribution to the literature.

This is akin to the local services for local needs explored in the literature review, section 37 of the CADA, 1998 this is a substantial finding. This autonomous nature of the role YOT managers have is born out of the original legislation and intention of the CADA, 1998. A developmental culture of individuality and localism is what the data points to; this is the light

and dark the central point is that YOT managers hold an autonomous role. One allows them, under the guise of the local authority, YJB and the WDA, to make decisions for their local communities, even if it is not in the direct interests of the YJB, local authority and the WDA. This is a new and unique contribution to the literature.

YOT managers have the space to make decisions and formulate internal processes with independence and flexibility. Flowing from this point is that of Dragonisation, which arguably is not visible here; there is, however, a growing theme of the individuality of YOT managers, which is very much a part of the autonomous nature of the role; this is a unique and new contribution to the literature. The next reflection within the conclusion is the methodology this study implemented.

6.3   Methodological Reflections:

This section will reflect upon and explain the development of a robust research methodology. Ethical considerations and analysis, together with reflections upon limitations and challenges. The technical design of this research is steeped in real-world research. As Robson & McCartan outline, real-world research examines personal experiences, social life, and social systems, including policies and initiatives (Robson & McCartan, 2016). The aim is to understand the layers of the youth justice system through the first-hand experiences of stakeholders from all levels of the youth justice system

The unique aspect of this methodology is the triple-phased approach, which included all levels of youth justice stakeholders in Wales, including elite-level policymakers and policy influencers, front-line youth justice workers and young people in conflict with the law. This was an exploratory research study and therefore investigated the phenomena within the subject area, in this case, youth justice and the stakeholders within the related services within Wales. This methodology offers a new contribution to the literature, as a package like this has not been offered in the context of multi-level devolution.

An innovative sampling method was developed. A pragmatic analysis package was established using the analysis framework proposed by Braun and Clarke (2006:16-23) as a starting point. It takes six steps which are as follows: Patterns and meanings: familiarisation with the data set, creating the framework, searching for themes, reviewing themes, defining, and naming themes, and reporting the findings.

Because of the exploratory nature of this thesis, a tailored analysis framework was required. A comprehensive research approach was designed to capture the multiple experiences, voices and opinions and sought to construct research that allowed for comparison and blending. The 3-tier effect that this research utilised means that three different components came together to complete the data set. Each tier is tailored for a specific participant group – those who implement policy, those who manage and study policy implementation and those who deal with the policy at ground level each day.

The data generated in this research is qualitative, all transcribed from interviews and focus group sessions undertaken by the researcher. Where possible, all locations have been changed to neutral; in many cases 'Wales' or 'North', 'South' or 'Mid' Wales.

Reflecting on the methodology enacted by this thesis, this was a suitable methodology for the participants in the study, it is essential to understand that many of the challenges would have been prevented by a longer time scale, in particular reflecting on the proposed sample table in comparison to the final sample table. There are participants who may have added to this study, but due to the limited time scale and the scope of participants, this project hoped to reach this was not possible. However, the data gathered is more than significant and offers a unique, interesting insight into youth justice and the role and influence of YOTs in Wales. The conclusion will now outline the key findings in the following areas:

- The role and influence of YOT managers in Wales
- Autonomy in the decision-making process
- The future of devolution in Wales

This section will be supported by a review of the objectives the research has satisfied and questions this thesis has posed. This thesis pursued the following objectives:
The first objective was to understand whether the current Welsh devolution settlement has led to a distinct youth justice system in Wales. The data in this thesis has highlighted that there is a distinct youth justice system in Wales; a persuasive authority exists in YOTs that may not be visible but is powerful.

The second objective was to identify the interplay and effects between youth justice-related devolved and reserved actors. The data in this thesis has uncovered the complexities between devolved and reserved actors, and in terms of satisfying the third objective, the thesis has explored how the interactions between devolved and reserved policy impact the delivery of youth justice in Wales, particularly regarding the significant role

and influence in the decision making process of youth offending teams and their managers. The next part of this section takes those objectives further and reveals the key findings of this thesis as well as policy recommendations.

6.4 <u>Key Findings:</u>

<u>The Role and Influence of YOT managers in Wales</u>

We are now twenty-four years post-devolution referendum; arguably, the role of YOTs has changed in that time. As the data within this thesis suggests, they now have a significant level of power in the decision-making process.

The Crime and Disorder Act, of 1998 opened the door for localised policy to be developed, not just in Wales but across all local authority areas. The data in this thesis suggests that Wales has taken advantage of that and formulated, over the last twenty-four years, a youth justice system that, although not bound by formal legislation, has adapted through localised policy and devolution. Wales has been able to negotiate informal power structures and formulise a strategy which is child-focused. Not without its pitfalls, there are still tremendous gaps in the system which best practice needs to mitigate; the evidence of a post-code lottery of service provision has been outlined by the data in this thesis and shows that still, in the modern day where a child is born can determine the service, they have available to them.

<u>Autonomy in the decision-making process</u>

The data in this thesis has highlighted the need for greater clarity in youth justice policy, and with that must come further accountability. YOT managers, in particular, hold a great level of autonomy in the decision-making process, and as evidenced by a Welsh YOT, this can be disastrous when a capable manager leaves; this has to change. It must be noted that if a good manager leaves and is replaced by a less capable one, it is always going to have a negative impact on an organisation. However, this is personified by the multi-level role of the YOT manager and the functions of a YOT.

As this thesis has exposed, the informal nature of this power structure means that the best practice is often not shared and the chances of local authorities developing a silo's nature is a knock-on effect of the competition for funding and job security from the government,

which as revealed within the data in this thesis has created a niche market of initiative'itus in youth justice which

<u>The future of Devolution in Wales</u>

In terms of what the future holds for youth justice in Wales, the data within this thesis suggest that devolution seems a likely next step and only a matter of when not if. Although if history has highlighted anything, it is that practitioner discretion and relationship building are more important, some scholars maintain that the transition to a risk-based penal system has led to "deskilling," "scientification," and "erosion of professional discretion," or even to the elimination of criminal justice practitioners' use of professional discretion (Hannah-Moffat, Maurutto, & Turnbull, 2009).

Because questions must be raised around what an effective YOT truly looks like, in this system, with these constraints, it is one that cuts recidivism, one that, statistically speaking, is seen as a success. How could a fresh approach following devolution change that when the system itself is embedded in this rhetoric?

Devolution is lauded as the answer to all problems for the youth justice system; much of the literature talks about ideas of reform or potential to reform when the reality is that '*devolution is, in fact, a red herring'* as reflected by a police crime commissioner in the research.

The data within this thesis ponders whether devolution would really change the system, a radical reimagination of youth justice system in a new Wales does sound curious, but the likelihood is that the system would be the same but different.

In fact, in many ways, as the data in this thesis emphasises, Welsh youth justice may be in a more beneficial place in its current form because of the discretion YOT managers do have within a dual system. This chapter will explain how this thesis has satisfied the objectives and the questions posed, including outlining implications for policy and practice.

6.5   Recommendations for Policy Change:

The data within this thesis shows that although the discretion of YOT managers can be seen as good practice in certain areas, this level of autonomy comes with risks, that being a postcode lottery of service provision. Therefore, this thesis argues that greater accountability is needed

at the local level; this could be managed by YJB Cymru, but arguably this could not happen effectively until the devolution of justice happens. Youth justice in Wales needs a practical direction, which should come from the YJB Cymru, which should have oversight of youth justice in Wales. They are a body with influence and one that possesses the ability to manage and support YOTs in Wales.

Embedding the youth justice blueprint into Wales is key; what this thesis has discovered is that more practitioner-based discretion and emphasis on practitioners' understanding and embedding of children's rights are needed. This is because, too often, there are gaps between the top of the system and the coal face. Too often, what is discussed at the senior management level of youth justice by ministers and policymakers is piecemeal, taking due regard as an example, an excellent vision but not executed efficiently.

Concluding Comments:

What the structures have allowed to unfold is a system that is based on the autonomy of individuals, and managers who are fighting tooth and nail to lower recidivism. Drawing on factors that allow each YOT to be scored and assessed at all levels, this has led to the creation of a system which pushes pressure onto individuals and resources, risk, and progressive policy / innovative policy, which misses the point.

What is important are those voices that this thesis illustrates. Touching on some of the significant findings from this thesis around young people's views, an important point to note is the stark difference between perceptions of young people in conflict with the law and reality. These young people have done wrong, they have offended, and they may offend again in the future, but looking at what they want from their future, it is clear they are not monsters; these quotes, as discussed in the previous chapter, could be seen at the end of the high school yearbook, whereas these are from young people in a YOT:

> *"I want to be an engineer and do things like architecture".*
> *"I want to be a mechanic as I like cars and working on things like that".*
> *"I like all the makeup and stuff so maybe doing beauty for people (flicks hair back and everyone laughs!!)"*
> *"I can't wait to get started now!! Get my driving license and get ready to crack on!"*
> *"Yeah, I think this time I am in a better place to get on with college and change things".*

Building upon the arguments made in this thesis, surely these are not the same young people who are mired by the mass media and politicians in the UK. The reality is that they are young people who, albeit the oppression and stigma of the state, have managed beyond all the obstacles in front of them to have hopes and dreams.

As this thesis has discovered, YOTs in Wales have played an influential part in quarrelling these measures, and YOT managers, in particular, have been pivotal in these attempts to do what is best locally for children and young people. Attempting to find local solutions to poverty and disorder in the wake of a decade of 'austerity', which has been stated as 'the deepest and most precipitate cuts ever made in social provision' in the history of the British state (Taylor-Gooby, 2013).

The autonomy of YOT managers as discussed throughout this thesis, is central to this as no other policy area has had the space and autonomy to manage in the way YOT managers have their nature and role are not only significant within the policy discourse, but it is revolutionary within such a complex quasi devolution policy setting.

With their individuality surrounding the role, there are several examples of best practice emerging. However, there is another side of this autonomous role which needs exploration, as with the wrong individual at the helm of a YOT, this autonomy could translate into a lack of objectivity, and lack of oversight, the risks of the postcode lottery of service provision could prevail without the supervision of the local authority and the YJB or in many cases YJB Cymru.

So now, even more so than ever, services should be targeted at those young people in hard-to-reach areas with the most complex needs who are still left in the system. Those are the young people who really need services because even though more young people are being diverted there is still a significant amount of young people left behind.

"The children who are left in the system normally are the ones with the most complex needs, which we need to, you know improve the service provision for those young people, because they're the ones we need to take in and wrap services around".

(Welsh Government Official)

With the right support and encouragement, even young people with the most complex needs can thrive. As this young person remarks, they want to give back to the system that helped them and now see where they went wrong and how they could help others to avoid the mistakes they have made, clearly empowered by the workers within this YOT:

> *"To be fair they really have (supported me) I am in a much better place! I would really like to be part of youth justice one day I would like to be a support worker, helping young children and people like me who have offended, they have given me so much support and I would like to do the same for other people, show them where I have gone wrong, I have a lot of experience of that!!"*
>
> (Young Person, 3 North Wales)

There is still light within these young people, even at the darkest of times, and this must not be forgotten.

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8. Appendices

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Appendix 1: Research Gatekeeper Consent Checklist (YOT):

In order to assist the HRC School of Law and Criminology's Ethics Committee at Swansea University to approve the ethical approval application submitted by Joe Janes.

Would you please consider and indicate whether you are happy with the following information regarding the proposed research project, contact points within your agency, and a breakdown of research gatekeeper roles and responsibilities.

Information regarding the research:

Title of Research:

To what extent does the existing Welsh devolution settlement enable youth offending teams to develop bespoke and innovative approaches to youth justice in Wales?

Researcher from Swansea University:

Mr. Joe Janes

Academic Supervisor Swansea University:

Dr. Anthony Charles

Gatekeeper / Contact points for research:

- **Key Contact**:   – **Operational Contact:**

Researcher Responsibilities:

- It has been agreed that whilst the researcher will speak with several staff and the manager of (YOT), the identity of the organisation will be kept anonymous. This is in order to protect the reputation of the organisation, this is exploratory research, so although the aim of this research is not to compare or contrast the work or performance of the organisation, this is a politically sensitive issue, so all comments will be anonymous and kept confidential the organisation will only be referred to in the research as Welsh YOT 1 for example, 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 stemming from the research have their contexts clarified.

- No personally identifiable data will be collected during the interviews, and pseudonyms will be used to protect the confidentiality of all participants.

Research gatekeeper roles and responsibilities:

Access to staff and young people:

Working with your officers, a sample will be generated regarding, and contact will be arranged with:
  o Members of staff (to interview regarding the role and influence of youth offending teams in the pre-devolution context).
Staff will include:

- Project workers; social workers; youth justice officers; referral orders officers; and Bureau officers (or similar capacity roles).
  - Young People (to explore their views on youth justice and the youth offending service, generally including discussion surrounding rights and devolution in a one-on-one semi-structured interview format).
  - Key Partner Agency Staff working within the organisation to explore their views on the role and influence of youth offending teams in the pre-devolution context.

In terms of accessing and engaging with the potential participants listed above, the researcher will be able to visit your offices across the Cardiff area.

Information Sharing:

Due to this research being exploratory in nature, no specific statistical information will be required from the organisation. Only the opinions and viewpoints of staff and young people engaged in the research will be required. Although, the researcher will require key points of information regarding the young people being interviewed. For example, what offence they may have committed. This information will be securely stored and anonymised immediately post-interview.

Consent:

Whilst (the YOT) will gate-keep access to research participants, this will be conditional upon – in addition to in loco parentis consent via the service –informed consent from young people, parents/carers and partner agency staff. Informed consent will be requested from each participant and securely stored and recorded.

Safeguarding:

If any safeguarding concerns are disclosed, (The YOT) will provide the name of an officer to whom these should be reported. Any concerns will be reported to the researcher supervisor so that the 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 being interviewed, if information suggesting that they may pose a risk is located within ASSET, Childview or any screening tools the organisation uses, the researcher will be made aware of this.

If you are happy with the above, the HRC School 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 or concerns that you may have. The researcher will also let their supervisor know, and they will too do their best to assist with any queries or concerns you may have.

Thank you.

Information and consent form – Stage 3 (YOT Practitioners).

Dear (……………….).

My name is Joe Janes, and I am a researcher from Swansea University. I would like to invite you to take part in a PhD research study. The overarching theme of this study looks at Youth Justice in Wales. Specifically, the Role and Influence of Welsh Youth Offending Teams in the Context of Pre-devolution Youth Justice

This research aims to:

1. Understand whether the current Welsh Devolution settlement has led to a distinct youth justice system in Wales

2. Identify the processional interplay and effects between youth justice-related devolved and reserved actors

3. Explore how the interaction of devolved and reserved policy is impacting on youth justice in Wales, particularly regarding the role of youth offending teams.

This study will be completed in stages, this is stage 3. It will consist of a face-to-face semi-structured interview.

You are under absolutely no obligation to stay or complete this interview and you will not be subject to any consequences for opting out or not participating.

Your name will not be used in the study and no personally identifiable data will be collected. Pseudonyms will be given to participants as well as a working title to ensure integrity.

Participant agreement:

I have read, and fully understood the information provided to me. I understand that my participation is voluntary, and that I can withdraw at any time without any penalty. I am happy for the interview to be recorded. I understand that my data will be held securely.

Name:

Signed: Date:

Appendix 3: Information and consent form – (Parents and Carers).

Dear (……………..).

My name is Joe Janes and I am a researcher from Swansea University. I am studying for a PhD in criminology and feel that the child in your care is in an ideal place to be a part of this study. The overarching theme of this study looks at Youth Justice in Wales. Specifically, the Role and Influence of Welsh Youth Offending Teams in the Context of Pre-devolution Youth Justice**.**

This research aims to:

1. Understand whether current Welsh Devolution settlement has led to a distinct youth justice system in Wales
2. Identify the processional interplay and effects between youth justice related devolved and reserved actors
3. Explore how the interaction of devolved and reserved policy is impacting on youth justice in Wales particularly regarding the role of youth offending teams.

Please understand that this is just the first of 3 levels of consent required for your child do participate in the study, they will also be asked personally and the school will be asked to give permission, only once we have all three layers of consent can the study take place.
It will be made explicitly clear to the young person that they do not need to participate and there will be no adverse consequences for them if they refuse to do so'
It will also be made clear to the young person that refusal to participate will not adversely affect any sentence or action plan they are working towards.

I believe it is important to speak with children about the issues that they face your child is in an ideal position to offer their thoughts on this topic, which directly relates to children and young people in Wales, where you and they live.

This study will be completed in stages, this is stage 3. It will consist of a focus group where they will sit with several other children and offer views on a range of questions relating to youth justice or they will take part in a semi-structured face to face interview which is one on one. There will be a teacher/practitioner or parent/carer present at all times during the interview/focus group.
Your child does not have to take part in this study. If they would like to opt out at any point that is fine, they can withdraw at any time without any penalty (They will be reminded of their right to leave the interview throughout). Their name will not be used in the study and no information which could match them to their answers will be collected. Pseudonyms will be given to participants rather that their real name to help protect their identity (for example Billy aged 13).

Parent / Carer informed consent agreement:
I have read, and fully understood the information provided to me. I understand that my child's participation is voluntary, and they can withdraw at any time without any penalty. I am happy for the interview to be recorded. I understand that data will be held securely. I consent for my child (………) to take part in this study.
Your Name:
Signed: Date:

If you would like any more information before your child takes part or at any time during the study please contact myself or my supervisor Dr.Charles:
   Joe Janes:█████████████████   -   Dr Anthony Charles: a.d.charles@swansea.ac.uk
All the best, PhD. Researcher, Joe Janes

███████

Appendix 4: Information and consent form – (Young People).

Dear (………………).

My name is Joe Janes and I am a researcher from Swansea University. I would like to invite you to take part in a PhD research study. This study looks at Youth Justice in Wales.

Your (Parent, Carer) has given permission for you to take part in this study but we would also like to give you the opportunity to decide whether you would like to take part.

I believe it is important to speak with children about the issues that you face and therefore you are in an ideal position to offer your thoughts on this topic, which directly relates to children and young people in Wales, where you live.

This study will be completed in stages, this is stage 3. It will consist of a focus group where you will sit with several other children and offer your views on a range of questions relating to youth justice or a semi-structured face to face interview which is one on one. There will be a teacher/practitioner or parent/carer present at all times during your interview/focus group.

It must be made clear, you do not need to participate and there will be no adverse consequences for you if you refuse to participate, also refusal will not adversely affect any sentence/action plan that you are working towards. You will not be asked any questions about previous convictions or why you are working with the YOT now.

You do not have to take part in this study. If you would like to opt out at any point that is fine you can withdraw at any time without any penalty. Your name will not be used in the study and no information which could match you to your answers. Pseudonyms will be given to participants rather that your real name to help protect your identity (for example Billy aged 13).

Participant agreement:

I have read, and fully understood the information provided to me. I understand that my participation is voluntary, and that I can withdraw at any time without any penalty. I am happy for the interview to be recorded. I understand that my data will be held securely.

Name:

Signed: Date:

If you would like any more information before you take part or at any time during the study please contact myself or my supervisor Dr.Charles:

Joe Janes: ████████████████   -   Dr Anthony Charles: a.d.charles@swansea.ac.uk

All the best, PhD. Researcher

████████████

Appendix 5: Letter to public body – Stage 3 – YOT

Dear (……………..),

My name is Joe Janes and I am a researcher from Swansea University. I am studying for a PhD in criminology and feel that the child you are responsible for is in an ideal place to be a part of this study.

The overarching theme of this study looks at Youth Justice in Wales. Specifically, the Role and Influence of Welsh Youth Offending Teams in the Context of Pre-devolution Youth Justice

This research aims to:

1. Understand whether current Welsh Devolution settlement has led to a distinct youth justice system in Wales
2. Identify the processional interplay and effects between youth justice related devolved and reserved actors
3. Explore how the interaction of devolved and reserved policy is impacting on youth justice in Wales particularly regarding the role of youth offending teams.

I believe it is important to speak with children about the issues that they face your child is in an ideal position to offer their thoughts on this topic, which directly relates to children and young people in Wales, where you and they live.

This study will be completed in stages, this is stage 3. It will consist of a focus group where they will sit with several other children and offer views on a range of questions relating to youth justice or they will take part in a semi-structured face to face interview which is one on one. There will be a teacher/practitioner or parent/carer present at all times during the interview/focus group.

They do not have to take part in this study. If they would like to opt out at any point that is fine they can withdraw at any time without any penalty (They will be reminded of their right to opt out throughout). Their name will not be used in the study and no information which could match them to their answers will be collected. Pseudonyms will be given to participants rather that their real name to help protect their identity (for example Billy aged 13).

As per the gatekeeper checklist you must ensure to make it explicitly clear to the young person that they do not need to participate and there will be no adverse consequences for them if they refuse to do so. It will also be made clear to the young person that refusal to participate will not adversely affect any sentence or action plan they are working towards.

YOT worker or other adult responsible for children consent agreement:

I have read, and fully understood the information provided to me. I understand that the child in my cares participation is voluntary, and they can withdraw at any time without any penalty. I am happy for the interview to be recorded. I understand that data will be held securely. I consent for……………
to take part in this study.

Your Name: Childs Name:

Signed: Date:

If you would like any more information before your child takes part or at any time during the study please contact myself or my supervisor Dr.Charles:

  Joe Janes: ▮▮▮▮▮▮▮▮▮▮▮▮▮▮   -   Dr Anthony Charles: a.d.charles@swansea.ac.uk

All the best, PhD. Researcher, Joe Janes

▮▮▮▮▮▮

Appendix 6: Information sheet for adult participants – Frequently asked questions.

Who is the researcher?

My name is Joe Janes and I am a PhD researcher from Swansea University, based in South Wales.

What is this research about?

This research is about Youth Justice in Wales. Specifically, the Role and Influence of Welsh Youth Offending Teams in the Context of Pre-devolution Youth Justice

What am I required to do?

You are being asked to take part in a semi-structured interview that will last approximately 30-45 minutes about your opinions and experiences within youth justice.

What if I don't want to participate?

No problem! This study is completely voluntary, but if you do have something to say, we will be happy to talk to you.

Are there any benefits of taking part?

It is hoped that this research will lead to changes in government policy relating to youth justice and devolution. So your thoughts and ideas could very well be reflected in future government policy.

Are there any risks with taking part?

I do not believe that there are any risks with taking part in this study.

Is this anonymous?

Yes, no personally identifiable information will be collected and as mentioned previously you can withdraw at any point and if needed with no penalty.

What if I have any questions or concerns?

Then please contact me on █████████████████

Thank you for reading and I hope that you enjoy the research process.

Joe Janes

███████████████

Hillary Rodham Clinton College of Law and Criminology, Swansea University, Richard Price Building, Singleton Park, Swansea, SA2 8PP

Appendix 7: Information sheet for child participants – Frequently asked questions.

Who is the researcher?

My name is Joe Janes and I am a PhD researcher from Swansea University, based in South Wales.

What is this research about?

This research is about Youth Justice in Wales.

What am I required to do?

You are being asked to take part in a focus group or one on one semi-structured interview that will last approximately 30-45 minutes about your opinions on the youth justice system and services relating to young people.

What if I don't want to participate?

No problem! This study is completely voluntary, but if you do have something to say, we will be happy to talk to you.

Are there any benefits of taking part?

It is hoped that this research will lead to changes in government policy relating to youth justice and devolution. So your thoughts and ideas could very well be reflected in future government policy and will hopefully help children like you in the future.

Are there any risks with taking part?

I do not believe that there are any risks with taking part in this study.

Is this anonymous?

Yes, no personally identifiable information will be collected and as mentioned previously you can withdraw at any point and if needed with no penalty.

What if I have any questions or concerns?

Then please contact me directly on ███████████████ I will be more than happy to explain anything to you, your parent/carer/guardian.

Thank you for reading and I hope that you enjoy the research process.

Joe Janes

███████████████

Hillary Rodham Clinton College of Law and Criminology, Swansea University, Richard Price Building, Singleton Park, Swansea, SA2 8PP

Thank you for participating in this research project. Your input is greatly appreciated. I sincerely hope that your views and experiences will help inform the future direction of policy in regard to youth justice and in particular devolution. If you would like any further information or would like to ask any questions about the research project or process, please don't hesitate to get in touch with myself or my research supervisor Dr Anthony Charles.

Joe Janes: ███████████████████

Dr Anthony Charles: a.d.charles@swansea.ac.uk

What next?

- If you would like to request a summary of the key findings when available, please send me an email and I will happily send you the information.
- Once the research is completed the findings will be written up as part of a PhD thesis, which will later be published.
- Following the completion of my PhD I will invite all participants to dissemination events where I will explain the key findings of the research.

All the best,

PhD. Researcher, Joe Janes
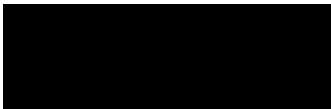
████████████████████

Hillary Rodham Clinton College of Law and Criminology, Swansea University, Richard Price Building, Singleton Park, Swansea, SA2 8PP

Appendix 9: Letter to public body / school

Dear (whomever it may concern),

I am writing to you today in regard to the children and young people you represent.

My name is Joe Janes and I am a researcher from Swansea University. I am studying for a PhD in criminology and feel that the children and young people you represent are in an ideal place to be a part of this study. The objective of this study is to contextualise youth justice in Wales from the view point of the key stakeholders in youth justice taking into account the evolving devolution settlement.

This will be done by addressing the following factors identified in the literature:

1. Understanding whether a distinct form of 'Justice' has been developed in Wales

2. Identifying which policies have had the greatest impact on devolution so far, as well as the conflicts that have or are arising; including structures of governance.

3. Exploring the potential outcomes for devolution, what impacts the key decisions will have on the future of justice, what youth justice in Wales could look like in the future. The potential impacts that youth offending teams are having in Wales, whether policy is flowing through them or whether it is the Welsh Government that is having the biggest impact.

This study will be completed in stages, this is stage 3. It will consist of a short semi-structured interview.

Because of recent GDPR changes this research is opt in. Therefore, in order for the children to participate I will require a signed letter of consent. You will find a blank consent form for each child in this information pack.

Joe Janes:
Dr Anthony Charles: a.d.charles@swansea.ac.uk

All the best,
PhD. Researcher, Joe Janes

Appendix 10: Interview Questions Stage 1

Hi, I am Joe Janes, a PhD researcher from Swansea University and today I will be conducting an interview with you.

As you have been informed in the consent form your name and job role and consequent quotes / comments will be disclosed in my PhD thesis. I will send you a copy of the transcription once complete so that you can remove anything that you wish to. You can walk away from this study at any point. Can I confirm on record that you understand the requirements and fully consent to taking part in the research?

Could you please state your name and job role?

The interview will now proceed.

1. **Can I ask you to reflect on youth justice pre 1998? (Before the creation of the YJB, Youth Offending Teams and the start of devolution in Wales).**

2. **Following on from question one, do you think that youth justice in Wales has changed post 1998 to present and if so, what are the most significant changes? (In terms of approach, management and structures for example).**

3. **What would you change (if anything) about the current youth justice system in Wales?**

   Either way, Why?

4. **Considering that youth justice is a non-devolved area of policy do you think that there is a distinct form of justice in Wales?**

   (If Yes, why is it distinctive?).
   (If No, why not?).

5. **Do you think there is scope for the devolution of youth justice to Wales in the future?**

   If Yes, why & how would this look?
   Also if yes, what are the road blocks to this, what would need to change or be addressed.
   I No, why not?

6. **Which policies or legislative changes in your opinion have had the greatest impact on devolution in Wales so far?**

   (Depending on answer… expand on legislation/policy impacts, questions on why a particular policy has had a great impact).

7. **Can you identify any conflicts in the legislation or in the policy making process between Wales and Westminster at a local or national level?**

   (Depending on answer… expand on points of conflict whether it is locally or nationally).

8. **In your opinion, how much impact does the work of youth offending teams in Wales have on youth justice policy?**
   If none, or very little – then where does policy come from?
   If yes, then can you give any examples of where or how this has impacted

Appendix 11: Interview questions Stage 2:

1. How long have you worked in your current role? (please circle)

Less than one year
1-2 years
3-4 years
5-6 years
More than 6 years
Don't know/Not sure

2. Has youth justice in Wales changed since you started your current job? (If 'yes' then please state the changes).

3. What part of your job gives you the biggest sense of pride? (and why)

4. Do you think that the work you do informs government policy? (circle an answer)

Yes
No
Don't Know
(Please can you expand on your answer below?)

5. What would you change (if anything) about the current youth justice system in Wales? (and why)

6. Do you think that there is a distinct form of justice in Wales in comparison to England? (Circle an answer)

Yes
No
Don't Know
(Please can you expand on your answer below?)

7. Do you think there is scope for the devolution of youth justice to Wales in the future? (Circle an answer)

Yes
No
Don't Know
(Please can you expand on your answer below?)

Appendix 12: Interview Questions Stage 3.

Hi,

I am Joe Janes, a PhD researcher from Swansea University and today I will be conducting an interview with you.
As you have been informed in the consent form you will only be referred to in the research as YOT manager 1,2,3 or 4.
There will be no unique identifier for you other than the reference to you as a YOT manager, the location of your YOT will not be named in the study it will only be referred to as YOT 1,2,3 or 4. However because some of the details you may discuss may only be relevant to your geographic area there is a slim chance you could be linked to this research project. I will send you a copy of the transcription once complete so that you can remove anything that you wish to. You can walk away from this study at any point. Can I confirm on record that you understand the requirements and fully consent to taking part in the research?

1. **Could I ask you to reflect on youth justice pre 1998? (Before the creation of the YJB, Youth Offending Teams and the start of devolution in Wales).**

2. **Following on from question one, do you think that youth justice in Wales has changed post 1998 to present and if so, what are the most significant changes? (In terms of approach, management and structures for example).**

3. **What would you change (if anything) about the current youth justice system in Wales?**
   Either way, Why?

4. **Considering that youth justice is a non-devolved area of policy do you think that there is a distinct form of justice in Wales?**
   (If Yes, why is it distinctive?).
   (If No, why not?).

5. **Do you think there is scope for the devolution of youth justice to Wales in the future?**
   If Yes, why & how would this look?
   Also if yes, what are the road blocks to this, what would need to change or be addressed.
   I No, why not?

6. **Can you identify any conflicts in the legislation or in the policy making process between Wales and Westminster at a local or national level?**
   (Depending on answer… expand on points of conflict whether it is locally or nationally).

7. **In your opinion, how much impact does the work of youth offending teams in Wales have on youth justice policy?**
   If none, or very little – then where does policy come from?
   If yes, then can you give any examples of where or how this has impacted?

8. **In your opinion do you believe that YOTs have autonomy?**
   If yes, examples?

   The second part of the interview will contain a reflective stage dependant on the outcomes of stage 1 and 2

9. **The following themes have been identified through the course of this research project… could you please give your reflections on:**

Topic 1
Topic 2
Topic 3

10. **Of the above which is the most prominent issue/conflict/change? Or do you feel that there is an issue more prominent than those listed?**

Appendix 13: Chronology of Devolution, Youth Justice, and Children's Rights.

1997: Devolution plans White Paper - A Voice for Wales. **1997:** Devolution Referendum - Plans Endorsed in Yes Vote

1998: The Government of Wales Act & 1998: CADA. Esablishes YOTs and abolishes Doli Incapax

2000: EXTENDING ENTITLEMENT. Support for 11 to 25 year olds in Wales

2004: All Wales Youth Offending Strategy & 2004: Children Act.

2011: Silk Commission; Part 1. Reccomended Financial Powers to Strengthen Wales

2011: Rights of children and young persons (Wales) Measure.

2007: Rod Morgan, Review of the Youth Justice System.

2006: Government of Wales Act.

2012: Legal Aid, Sentencing and Punishment of Offenders Act

2014: Silk Commison; Part 2. Reccomended Legislative Powers to Strengthen Wales

Wales Act 2014: primary legislation imposing taxes was to be devolved to Wales. Children & Young People First 2014.

The Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015

2020: The Youth Justice Blueprint for Wales.

2019: The Commisson on Justice in Wales

2017: The Wales Act, introduced a reserved powers model.

2016 - Review of the Youth Justice System in England and Wales - Charlie Taylor