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Professional Perspectives of Youth Justice Policy Implementation: Contextual and Coalface Challenges

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Abstract: This article offers a multilayered analysis of the subjective perspectives and experiences of key youth justice stakeholders; exploring the inherent dynamism, contradiction, non-linearity, and contentiousness of youth justice policy implementation. We interrogate how professionals make sense and meaning of policy in the real world and how professional perspectives drive and shape their contributions to policy implementation nationally and locally. Contemporaneously, these analyses enable us to critically examine the caricatures, stereotypes, and assumptions that can (mis)inform common constructions, representations, and understandings of youth justice policy trajectories, including those relating to contextual stability, conceptual clarity, robust evidence bases, and purported foundations in stakeholder consensus.

Keywords: coalface; context; implementation; policy; policymaking, professionals; youth justice

Despite their significance, there has been only limited critical engagement with policymaking and implementation in the youth justice field, particularly with the ‘lived realities’ of the key stakeholders involved in policy processes.¹ Social policymaking in the youth justice context is ‘a complex arena of social practice, incorporating a diverse range of actors, practices, relationships and networks’ (Souhami 2015, p.164). Despite its acknowledged complexity, youth justice policymaking, understood as the processes of establishing strategic direction, making decisions, and defining and identifying workable solutions to youth crime (Huckel Schneider and Blyth

2017), has been subjected to a degree of empirical scrutiny (cf. Goldson and Hughes 2010; Souhami 2011, 2015). However, much less is known about *policy implementation* – the animation of policymaking, strategy, and guidance in practice contexts (often local) by key stakeholders working with children and families in contact with the youth justice system (YJS). Consequently, we have limited understanding of the *drivers, debates, and challenges* of youth justice policy implementation. The aim of this article is to make sense of the poorly-understood context of policy implementation in youth justice in England and Wales by examining the interactions between key stakeholders involved in implementation processes: the policymakers working in the Youth Justice Board for England and Wales (advising government and the Ministry of Justice on policy development issues), and the practitioners working in local multi-agency youth offending teams (YOTs). Our object of analysis, therefore, is policymaker-practitioner interactions, with the overarching aim of understanding how policy² becomes youth justice practice in an environment where change is seldom linear, predictable, or necessarily logical. For example, the trajectory of youth justice has been characterised by shifting contexts of frequent, politically-driven and non-linear policy debates regarding *who* should be the recipients of youth justice (for example, the sporadic reconstruction of the minimum age of criminal responsibility, extending the remit of youth justice prevention/early intervention to younger age groups), *how* to deliver/implement youth justice (for example, through a dominant focus on punishment, welfare, justice, diversion, hybrid models) and *what* organisations and practices should lead and contribute to this delivery/implementation (for example, police, probation, social work, education, youth work, the church, the third sector). Taking policy-practice interactions as the central object of analysis to explore the drivers, debates, and challenges of youth justice policy implementation, therefore, necessitates moving beyond analysing policy ‘products’ and into an exploration of the processes and interactions through which policy is constructed and implemented in the real world.

Methodology

In order to capture the sometimes contradictory and competing views of different stakeholders, qualitative interviews were conducted with key high-level policymakers/shapers who have worked in policy development environments within and outwith the YJS of England and Wales, to elicit their unique situated perspectives and experiences. This study pioneered an innovative co-produced methodology by involving the research participants with the process of producing the written output, through an iterative discussion on the construction and interpretation of arising themes. Two interviews were conducted with each participant (between mid-2018 and early 2019), which explored how differing perspectives are shaped by the roles, responsibilities, occupational cultures and experiences of key stakeholders, nationally and contextually. The output from these was initially constructed by two youth justice-focused critical realist academics, and reflected back to the participants, allowing them to input directly into

the construction of the narrative, thus becoming co-authors with the academics. This facilitated a multi-view narrative to emerge, sometimes contradictory, sometimes complementary, illustrating further the issues facing a diverse policymaking (or influencing) group.

Involving participants in this intensive manner limits naturally the number of stakeholders who could take part in order to truly involve them in a reflective process of interpretation and writing, without this becoming tokenistic. Therefore, the decision was taken to interview a limited, but select group of participants, all of whom had worked at a very high organisational level in the YJS in England and Wales as either chairs or chief executives of policymaking and practitioner organisations. Positionality is therefore pivotal, determining (as it can) whether the professional perspective of policymaking is situated on the inside looking out or the outside looking in. This reflective collaboration was provided by a senior representative from each of the following:

- Youth Justice Board for England and Wales (YJB) – the non-departmental public body charged with monitoring the operation of the YJS, advising government on policy formation/strategic planning, and identifying and promoting good practice to staff within the multi-agency YOTs.
- YJB Cymru (YJBC) – a YJB division focusing on the partially-devolved Welsh context³ and working with the Welsh Government.
- Association of YOT Managers (AYM) – the professional organisation for heads of service, representing the views of YOTs and exploring processes of implementing youth justice policy in practice contexts.

Professional background for interview quotes is indicated using organisational affiliation: YJB, YJBC, AYM. However, the views expressed are *not* representative of these organisations; they reflect the professional perspectives and experiences of the reflective collaborators when developing and particularly implementing policy within these organisations.

Making Sense of Policy from the Inside Out

Policymaking is *the* most influential process in shaping formal responses to offending by children aged 10–17 years in the arena known as ‘youth justice’. Strategies and models of youth justice are manifested in policy (Yates 2012). Indeed, policy shapes the very nature of youth justice and the outcomes expected from youth justice (cf. Bateman 2017). However, contemporary youth justice policymaking has been characterised as confused/contradictory (see Goldson 2019; Hopkins-Burke 2016; Muncie 2008), excessively politicised (Smith 2011; Smith and Gray 2019) and even bereft of consolidating principles (Goldson and Muncie 2006) – arguments that coalesce to form the ‘youth governance’ critique of youth justice (Phoenix 2016). Although these criticisms can tend towards over-generalisation and caricature of youth justice policy trajectories in order to emphasise academic argument, the assertion that neither policymaking

nor policy implementation necessarily develop along linear and predictable ‘pathways’ (Case and Hampson 2019) is unequivocal. Allied to this, policymaking processes are rarely transparent, consensual or clearly understood in detail. Consequently, the necessity for primary research with key stakeholders who have been immersed within pivotal policymaking and implementation processes, debates, and changes is clear. Addressing the full complexities and challenges of constructing and implementing policy promotes ecologically-valid understandings of the everyday complexities of contemporary youth justice and greater appreciation of its possible future trajectory (Lawrence 2019). Herein lies a central paradox for youth justice – the political, policy, and practice imperative to create an evidenced certainty, security, and stability in a context that is fluid, unpredictable, unstable, and evidentially-limited.

Analyses of youth justice policymaking and implementation is facilitated by examining the processes and interactions that occur within, and between, multiple actors at different ecological levels/units of analysis, from the *macro* (for example, socio-structural, political, conceptual, strategic) to the *meso* (for example, relational, organisational) to the *micro* (for example, occupational, individual). Stakeholder professional experiences and perspectives within, and between, each level of analysis are explored, contrasted, and evaluated as the vehicle for unpacking the complexities of youth justice policymaking and implementation processes in England and Wales. Initially, it is instructive to explore the *contextual* factors that interact with, and influence, the operational realities of policy delivery/transfer (that is, implementation) at the *coalface* of practice. These contextual influences can be situated within broadly-framed socio-historical, economic, cultural, political, academic/empirical, evidential, policy, and practice environments.

Macro-level Socio-historical and Socio-economic Influences

Following the Crime and Disorder Act 1998, a new ‘effective, efficient and economical’ YJS of England and Wales was constructed, to be monitored, guided and managed by the newly-formed YJB. The recipient group for youth justice (the ‘who’) was reconstructed through the abolition of the rebuttable presumption of *doli incapax*, which increased the likelihood of 10- to 13-year-olds being prosecuted, compounded other potentially net-widening antisocial behaviour and early interventionist agendas (see Burney 2005). The preferred model for delivering youth justice (the ‘how’) moved from stereotypical welfare-justice concerns towards risk-based neo-correctionalist and responsabilising goals for the YJS (Bateman 2017). The nature of youth justice delivery structures (the ‘what’) was reconstituted by multi-agency partnerships working in YOTs consisting of representatives from statutory agencies (police, health, probation, local authority education, and social services departments) and other relevant organisations (for example, youth services, housing, third sector, careers organisations).

While specific policy agendas were expanded (for example, early interventionism, antisocial behaviour management, community interventions,

intensive supervision), the general trajectory of youth justice policy appeared to be stable, certain and secure – consistent with the need for predictability and control espoused by the central components of the ‘new youth justice’ (Goldson 2000) of the Crime and Disorder Act 1998. However, from 2003 onwards, there was considerable debate within the government about the degree to which the initial responses to youth crime and antisocial behaviour risked demonising children.⁴ Once the punitive focus of the police-led ‘Street Crime Initiative’ and ‘Offences brought to justice’ programmes ‘ran out of steam from 2007 onwards’ (YJB), the focus on diversion away from the YJS and into more appropriate support services gained momentum and a sharp reduction in first-time entrants, and then children in custody, began. This change, not in step with the initial punitive turn of New Labour, indicates that policy debate can exist *within* government, yet other key stakeholders involved in the shaping and delivery of policy (for example, YJB, YOTs) may mediate centralised policy prescriptions locally (that is, on the ground) in order to lead policy development (through its implementation) away from its original direction (Smith and Gray 2019).

The merits of systemic diversion gained widespread popularity and additional support among national and local policymakers as the cold wind of austerity began to blow through all tiers of government from 2009 (Kelly and Armitage 2015; Gray and Smith 2019; Smith 2020). For example, the Legal Aid Sentencing and Punishment of Offenders (LASPO) Act 2012 engineered a wholesale revision of the out-of-court sentencing process for children in England and Wales, accelerating the use of diversionary practice and dramatically decreasing the (already falling) numbers of first-time entrants into the YJS (Ministry of Justice/Youth Justice Board 2019). The post-2009 macro-level socio-economic crisis of austerity in the UK, exacerbated by the socio-political crisis of Brexit, compounded the contextual conflict and ambivalence in youth justice (Bateman 2014; Byrne and Brooks 2015; Levitas 2012; Yates 2012). Since that point, successive new governments and a constant stream of justice ministers have felt pressure to affect policy change nationally, including ‘to be seen to make or revise youth justice policy’ (YJB). The desire for change, however, has been limited in policy terms by severely restricted economic means and an abiding political insecurity – coalescing into contextual instability and a degree of political inertia (McAra 2017; Smith 2020). The political and media compulsion for policy dynamism in youth justice nationally, therefore, has diminished demonstrably in the current context because ‘other political issues such as Brexit are taking precedence and masking all other political priorities in electoral terms’ (YJBC). However, reducing funding has also forced practice change – different ways of working at the coalface because of fewer staff (and often loss of external agency engagement/secondments), but also falling numbers of ‘statutory’ (court-directed) cases.

Despite the demonstrable, sustained successes of (elements of) youth justice policy and practice (for example, diversion) prior to and since the onset of austerity measures (Yates 2012), macro-level economic and

political insecurities have translated into youth justice through (meso) organisational and (micro) professional/occupational insecurities regarding role, longevity and sustainability (see 'In Focus' below). Key stakeholders such as the YJB and YOTs have faced constant rounds of economic cuts without equivalent reductions in their performance measures and expectations, accompanied by frequent threats regarding future abolition.

In Focus: The Political Context of Government-YJB Relations

The YJB has operated with a perennial role ambiguity since its inception – constantly running the risk of being 'cut adrift' from a policy-influencing role and forfeiting its legitimacy in the eyes of practitioners if it is overly-critical of, or distanced from, government (Souhami 2011), while attempting to retain independence from government and credibility with those same practitioners.

The YJB's role ambiguity has been compounded by long-term insecurities concerning its position. Notably, governmental resistance to YJB autonomy and independence has been a significant, sustained barrier to the constructive politics-policy relationship in youth justice:

... the civil service hates non-departmental public bodies like the YJB because they have the freedom to say and do things that civil servants don't, possibly off message, so resentment comes to the surface. They [government] would prefer the YJB to be closer to ministers and to be more accountable. (YJBC)

Successive UK government reviews have indicated that the role of the YJB should be incrementally diminished through recommendations in the *Breaking the Cycle* Green Paper (Ministry of Justice 2010) for its abolition as a cost-cutting measure. Subsequently the YJB was included in a long list of non-governmental public bodies to be abolished in the Public Bodies Bill published in 2010. Spirited opposition to this proposal in the House of Lords, based on the successes of the whole YJS in 'net narrowing' forced the government to withdraw the proposed abolition in November 2011 before the bill was enacted (UK Government 2011). More recently, the triennial 'Functions Review' of all non-departmental public bodies, conducted by the Ministry of Justice (Ministry of Justice 2012b), recommended a reduction of YJB independence to increase accountability to ministers. In February 2017, the government used the publication of the report of the Youth Custody Improvement Board to strip the YJB of much of its role and influence over children in custody, leading to a significant reduction in size and reach of the YJB.

Indeed, to some, the UK government increasingly operates 'as if it is trying to correct the mistake of setting up the YJB quango first place' (YJBC); exerting continual pressure on the YJB to 'prove' the value of its policy advice in evidential and statistical terms, although this constant pressure 'is seldom understood by practice' (YJBC). Constant pressure can be a significant barrier to policy progress, often due to the short-termism/impatience of government for demonstrable, evidenced policy impact or the short-termism/dynamism of government policy agendas

and the tenures of staff charged with implementing policy change (for example, the constant turnover of justice ministers):

There has been a constant short-term political pressure on the YJB to demonstrate what works, without the necessary time to develop understandings. You'll never be at the cutting edge because you have to wait for evidence and reflect. (YJBC)

Souhami (2011) nuanced these types of allegations by identifying the positive effects of the 'inherently ambiguous' nature of the YJB's role. Role ambiguity, purportedly, has facilitated the extension of YJB influence and intervention, the extent of which will only be determined (it is argued) once the YJB has ceased operation. Souhami's study suggested that the YJB has thrived in its role of dual influence, offering 'independent' policy critique and guidance to government while drawing on this independence and distance to gain credibility with practitioners when providing advice and support. It was clear that the YJB was able to exploit (in a positive sense) its role ambiguity to 'slip between positions' and to exert 'influence with different audiences both within and outside the youth justice system' (cf. Case 2014; Souhami 2011, p.7).

Detailed analyses of the interactions and relationships between, and within, different macro-level contexts (for example, socio-historic, economic, national-local) indicate that they are complex, contested, and dynamic, as are the interactions and relationships within, and between, different stakeholder organisations and occupational groups (for example, government-YJB, police-YOTs, YOT managers-YOT practitioners) that (co)operate to deliver youth justice in these contexts. Therefore, our formative conclusion following initial contextual analysis is that in youth justice, 'policy-making is a complex, not always rational process, led by many people at many different levels' (YJB). However, notwithstanding their undoubted complexity, contextual influences on policymaking must be realised and animated in practice through policy implementation nationally and locally. The actualisation and structure of policy appears most often at the *coalface* of youth justice practice.

Coalface Influences: Analysing Meso-relations and Micro-practice

It is at the 'coalface' of everyday practice that youth justice stakeholders, typically staff working in the YJB, YOTs (for example, managers, practitioners) and the secure estate (custodial institutions), attempt to make sense of youth justice policy through its implementation. As stated, such 'sense-making' activity is inherently complex as it is underpinned by a paradoxical quest for certainty in an uncertain arena. However, it is at the practice coalface that youth justice practitioners work with children, parents, and other key stakeholders to actualise policy in their local context (that is, policy implementation), often through mediation and moderation processes that are themselves supported (even facilitated) by the YJB in the spirit of empowerment and encouraging local ownership of youth justice.

The YJB remit to develop consistent standards for the practice implementation of policy has been animated (given life) by the performance management of YOTs, largely through the collection of statistical data on workload and the attainment of 'Key Performance Indicators' (the main three currently being reductions in first-time entrants to the YJS, reoffending, and custody) – all framed by the provision of detailed practice guidance relating to National Standards, case management and evidence-based 'Key Elements of Effective Practice' (Stephenson and Allen 2018; Youth Justice Board 2008). It is in this climate of performance management that the YJB was accused by critics (academic and practitioner) of being excessively prescriptive and restrictive at times in its policy and practice guidance, promoting technical and mechanical processes that neglected practitioner expertise and discretion (cf. Case and Hester 2010; Pitts 2003). Localised discretion and autonomy built into the statutory requirements of the 1998 Act were rendered less visible or feasible at YOT-level, it was alleged, due to the degree of centralised practice guidance-cum-prescription (see Pitts 2003, for example), while YJB discretion and autonomy (mandated by government) was able to flourish, largely in the pre-austerity era (Hopkins-Burke 2016). However, in the subsequent decade, YOTs have been afforded increasing local discretion/autonomy (in terms of decision making rather than financial control), due, in part, to the retrenchment of YJB resource and influence, along with the drive for localisation (see also Yates 2012):

From late 2008, there was a conscious repositioning of the role of the YJB in respect of YOTs. This gained a lot of momentum under the Coalition Government, not least because it saved money, but principally because it conformed with the 'Big Society, small government' mantra of David Cameron, the Prime Minister at that time. (YJB)

The concurrent movement of retrenchment and localisation is reflective of macro-level economic and political contextual changes impacting at the meso-level of coalface relations and micro-level of coalface practice. Staff discretion and autonomy at the coalface have been enhanced by contemporary policy changes such as the reintroduction of a diversion focus (Ministry of Justice 2012a) and the reinvigoration of the assessment-intervention framework (Youth Justice Board 2014). It has been asserted that: 'At the level of central government practice there are now far fewer targets' and local youth justice agencies are now 'more able to fashion a locally relevant response' (Phoenix 2016, p.124).

Meso-level Policy-Practice Relations

Contextual influences acting on coalface practice illuminates a new *relational* sphere of influence upon youth justice policymaking, most notably at the meso-level of actualising and implementing policy (the policy-practice relationship). The task of translating and reconciling government requirements into user-friendly guidance at any given point poses challenges to effective policy transfer in the real world of practice. These challenges have been realised in at least two areas:

- the policy-practice relationship/divide between the YJB and YOTs (evidenced through their ongoing interactions) and the ongoing issue of local discretion in mediating policy guidance through practice implementation;
- examination of YJB-YOT relations and interactions highlights an important challenge to policy implementation at the coalface – the potential for a rhetoric-reality divide.

Political and policy rhetoric may overstate the appropriateness and effectiveness of certain youth justice approaches and prioritise particular concepts in the pursuit of success; but where their underpinning evidence bases are poorly-understood and under-developed, policy cannot be adequately realised in practice (cf. Case 2018; Haines and Case 2018; Smith 2016). It could also be the case that policy directions may be ill-informed or under-developed when they emerge from government, leaving the YJB (and YOTs) with the job of making sense of policy prescriptions, moderating, mediating them and even overriding them in local (micro-level) practice contexts (Case 2018; Muncie 2014) – indicative of a divide between policy rhetoric and practice realities (see ‘In Focus’ below).

In Focus: The Policy-Practice Divide as Rhetoric or Reality?

The potential for a policy-practice divide is exacerbated where relations between the YJB (policy advisor) and YOTs (policy implementer) are strained or hampered, notably when coalface practitioners perceive that their views are being neglected in policy development mechanisms:

The YJB upper echelons of old, pre-austerity, never talked to practitioners because they didn't want to get their hands dirty. I was once told by the Chair of the YJB at that time that I was 'a dangerous man to know'. But dangerous to who? Where you have this approach, it leads to developing policy in isolation from reality. (AYM)

The accusation is clear – neglect and underemphasis of the voices of stakeholders in policy development and implementation (for example, not inviting AYM representatives to YJB meetings) risks 'creating policy through the lens of government rather than reflecting the experiences of the sector' (AYM). Where practice managers are considered 'dangerous', therefore, it is because (in their view) they interact with government and YJB in contexts 'where the lens has been taken off and practice views are unfiltered' (AYM), thus they reflect the perceived realities and professional agendas/biases of all staff at the coalface working with children. Indeed, neglect of views from practice can engender a real sense of detachment and disaffection among practitioners; a feeling that 'policy-makers do not have to wrestle with the everyday obstacles to implement in policy in practice. They are not at the sharp end and do not have to deal with policy fallout' (AYM).

Professional perspectives of the YJB as somehow detached from practice realities can be refuted from the YJB standpoint, as they:

fail to acknowledge the lengths we [YJB] went to in the past to ensure that we were led by and staffed by a very large number of people with recent YOT or Secure Estate experience, and to only develop new material in co-production with YOT and custody staff. (YJB)

The former YJB managers and senior leaders interviewed acknowledged that YOT staff felt (at times) that YJB products were alien or over-prescriptive; they re-emphasise that the organisation 'went to huge lengths to involve YOT people ... matters improved greatly once the AYM Chair galvanised the Association of YOT Managers into a representative body' (YJB). Consultation with practitioners and managers was essential from a policy perspective. In Wales, 'we [YJBC] never did anything without involving practitioners. I used to go to every YOT Managers Cymru meeting, we always had YOTs and academics on our Youth Justice Advisory Panel' (YJBC), while in England 'We [YJB] were constantly talking to practitioners and their managers. It was a key personal objective' (YJB).

Further arguments for constructive, supportive YJB-YOT relations (in the Welsh context) come from the Welsh perspective:

We just tried to set up the best conditions, the practitioners did the work. There was though a lot of behind the scenes work to try and protect the grant/the prevention funding in negotiation/battle with the MoJ and Home Office. YOTs never saw all the hidden engagement with other government departments to persuade them to include regard for children who offend in their policies. (YJBC)

The views expressed by interviewees, when analysed at the meso-level, indicate a degree of both rhetoric and reality regarding the policy-practice divide, influenced by occupational/professional perspective, experience and insight into the inner workings of their respective daily practices. There are clear rhetorical differences in the extent to which stakeholders feel that policymakers have supported practice in the development and implementation of policy at the coalface level, the extent to which stakeholders have experienced this support at the coalface and the extent to which different stakeholders feel justified in claiming credit for successful youth justice outcomes. The general picture is one suggesting a degree of cognitive dissonance in the rhetorical self-identities and professional reflections of different stakeholder groups, contributing to a meso-level relational divide between policymakers and practitioners in their perceptions of reality. The associated challenges to policymaking and implementation are, of course, shaped by occupational cultures, but also by the respective professional agendas and pressures experienced by different groups. It is apparent that macro-level socio-political pressures experienced by the YJB and meso-level localised pressures experienced by YOTs, interact and (can) clash when mediated and moderated through meso-level relationships between the two parties and their external stakeholders (for example, government, local authorities, children in the YJS).

Practice Perceptions of the YJB at the Micro-level

The potential for disparate professional perspectives regarding the realities of policy implementation can be exacerbated by negative YOT perceptions of the YJB function and utility. Previous criticisms of New Labour policy as overly-prescriptive have been compounded by perceptions of a lack of meaningful consultation (with practitioners) in policy development of a rapidly diminishing relevance and influence for the YJB at the national level. There has been a sense of the YJB soliciting professional perspectives on how best to understand and implement largely preformed policies, rather than consulting (as standard) in detail with a broader range of practitioners at the policy development stage. From the perspective of YOT managers: 'it is difficult to construct and test policy ideas before they become policy if you are not consulted properly during the development, something that the AYM has regularly complained about' (AYM).

Any perceived marginalisation of practice perspectives runs the risk of creating a relational divide between the YJB and YOTs, with meso-level managers and micro-level practitioners increasingly feeling that they are on the outside (of policymaking processes) looking in, essentially 'left out in the wilderness to make sense of policy locally on our own' (AYM). This, in turn, risks further weakening the degree to which practice views the YJB as relevant, as practitioners work less frequently and collaboratively with YJB policymakers, while simultaneously exercising increased local discretion, such that their perceived credibility and influence of the YJB (cf. Souhami 2011) diminishes at the local level. According to the AYM practitioner-manager interviewee:

the YJB has blunt teeth, especially nowadays when youth justice is so insignificant as a political issue and youth justice policy has increasingly become part of piecemeal, integrated approaches locally, so the traditional YOT model is being lost. The lack of policy from the centre and a lack of local awareness within the YJB has created a huge gap at the coalface in how policy is realised. More than ever before, the sector is led by practice.

Marginalising practitioner views, where this is perceived to happen (because perception clearly shapes attitudes and behaviours on the ground), can fuel practitioner (micro-level) and manager (meso-level) feelings that the YJB's relevance and influence on policy and practice is diminishing. YOT managers assert that: 'the YJB may think that they still have strong links to practice, but they are not at the coalface of youth justice in 2019' (AYM). The consequent obstacle to policy development that can result from this is that YJB policymaking can be distanced from practice realities because: 'they [YJB] don't know what they don't know . . . the people who do this job on a daily basis [YOT staff] are more important than the people [YJB] who think they do it' (AYM). That being said, there has been a tangible shift in policymaking processes since the onset of economic austerity measures and political insecurities (for example, around Brexit), characterised by a movement towards increased localisation and local/practitioner discretion (Drake, Fergusson and Briggs 2014) – an explicit policy choice

in the political context of the Ministry of Justice (2010) *Breaking the Cycle Green Paper*.

Increased Localisation (Meso-level) and Practitioner Discretion (Micro-level)

In the current socio-political context, creating new youth justice policy has been deprioritised as a political issue, perhaps to its lowest point ever (cf. Case and Haines 2020; Smith 2020), while YJB policy mechanisms (for example, providing effective practice guidance through policy products and face-to-face input) have become increasingly localised. Whether this shift constitutes a pragmatic response to austerity or the extension of early progressive partnership approaches on the part of the YJB remains moot; likely to be an uneasy mixture of both policy drivers:

Policy-makers know that practitioners need to interpret and apply their policies and that they have the flexibility to wriggle and to reinterpret. We need to make sense of national policy at local level. This can be used as a get out clause for policy makers when policy does not work in practice. Since austerity, practitioners have had to organise ourselves. (AYM)

One clear policy rebuttal of accusation to this perceived abrogation of responsibility is that practitioners also appear to ‘want it both ways’, an accusation acknowledged by all interviewees, including the AYM professional:

some practitioners will whinge when they sense prescription, but also whinge when they need help, so the YJB can’t win.

This view was echoed by policy developers, one of whom reflected that:

Actually, some practitioners still love centralisation, whilst others are emboldened by the discretionary elements of guidance. (YJBC)

Notwithstanding the espoused centralisation-discretion debate in youth justice, the last decade in particular has witnessed an emerging reciprocity and levelling-out of YJB-YOT relations. Over this period, the YJB and YJBC has expressed a growing desire to incorporate practitioner views into policy development processes – an explicit shift from the oft-mooted ‘culture of dependency created [by YJB] through prescribing that so much for so long’ (AYM). In 2018, there was a wholesale change in the membership of the YJB, with the incorporation of a cadre of fresh members with extensive practice experience and credentials in child-first youth justice, including former YOT managers and police officers, a former children’s commissioner and a practice-facing academic researcher. The YJB could argue, of course, that these reforms were extensions of its longer-term commitment to identifying, disseminating, and promoting good practice by working in partnership with practitioners and local YOTs. It is entirely possible, therefore, that the YJB and government view the post-1998 legacy of local mediation along a continuum ranging from a negative inevitability distorting policy to a positive beneficial process of reconstruction to suit

local contexts. Where YOTs may view policy documentation as prescriptive and restrictive (at least in pre-austerity times), perhaps necessitating ‘positive subversion’ (AYM), the YJB could argue that it offers a notional, foundational framework for good practice, open to adaptation locally by expert practitioners – a flexible, discretionary ‘certainty’ – more flexible guidance than prescriptive instruction. For example:

We [YJB] recommend discretion in practice, but led by our standards framework and principles – that way YOTs feel comfortable using their judgement. They [YOTs] have discretion and can adapt as long as it’s evidenced. Now we have a climate of professionals questioning whether they are doing the best things in the best way. (YJBC)

YOT perspectives can actually support this assertion of the utility of increasing practitioner discretion and flexibility in the mediation and implementation of policy, with practitioners arguing that:

you don’t just apply the framework you’re given, you use it to help you to understand exactly what is going on for a child and to identify the information you need . . . [therefore] the good thing about youth justice on the ground is that it has railed against rigidity in responses to offending. (AYM)

Herein lies just one example of how a process of policy implementation (employing practitioner discretion) can be equally valued by stakeholder groups, yet viewed differently based on professional perspective. It is possible to argue that both ‘sides’ (policy and practice) are essentially making the same argument – that there is utility in enhancing practitioner discretion as a tool to realise centralised policy guidance, while integrating local specificity, which is a win-win for a progressive, child-focused youth justice (cf. Case and Hampson 2019).

Resistance and Reticence to Change at the Micro-level of Practice

Professionally, local practice resistance to policy change and innovation can function as a relational obstacle to successful policy implementation. From the policy perspective, for example, there can be a degree of unnecessary resistance from YOT practitioners, as if ‘a gut reaction to change is to find a reason to not be comfortable with it’ (YJBC). For example, the YJB circa 2009–13 experienced resistance to changes in National Standards, such as the removal of quantified assessment scoring. At that time, there was a professional sense that:

often, even when you [YJB] are trying for progressive change (often against the wishes of certain politicians), sections of practice would rather not take on the risk that discretion brings. Practitioners aren’t a homogeneous lump – they are [micro-level] individuals with different experiences and views. (YJBC)

However, what is perceived and experienced as practitioner resistance by the YJB could be, at the coalface reality, more a case of practitioners becoming invested and competent in a particular way of working (for example, risk assessment), then losing confidence when required to think and work differently. For example, practitioners guided to incorporate

positive factors into assessments (to assess and foster desistance from offending using a strengths-based model) have tended to revert back to overemphasising risk factors instead. Therefore, ‘resistance’ can be constructed as reticence and uncertainty in the face of limited information and guidance, which encourages ‘defensive decisions rather than defensible decisions’ (AYM). Reticence/uncertainty is exacerbated when training for practice changes (for example, to the assessment-intervention framework) is cascaded down to practitioners from poorly-informed and/or underfunded managers, resulting in a paucity of appropriate training and poor understanding of the underlying model- and evidence-bases (Hampson 2018).

Perceptions of Innovation: Meso- and Micro-level differences

Relational gaps between policy and practice, combined with resistance and reticence to change from some practice quarters, can also engender contrasting professional perspectives regarding ‘innovation’ in the youth justice policy field. YOT managers and practitioners alike can view purported ‘innovation’ as something of a misnomer or policy spin on the part of government, leading to the criticism that ‘a lot of so-called new practice is actually a rebranding of old, proven practice . . . new and innovative practice isn’t always necessary. If practice works, that should be enough’ (AYM). Conversely, policy stakeholders may perceive policy and practice change as ‘new’, innovative, and necessary in the current context of youth justice, rather than needing to be original and groundbreaking in the history of youth justice. However, an unfortunate consequence can be that any lack of practitioner support for proposed changes can be experienced by policymakers as resistance:

the problem comes when practitioners react to recommendations for policy and practice changes by saying ‘well we used to do that’, as if that is a reason not to do it now. This often leads to the unconstructive opinion that because something is not entirely new then it is not innovation and shouldn’t be done. (YJBC)

Moreover, policy can seek to challenge and address this resistance through the provision of guidance (and related training) to practice – central to the remit of the YJB and a priority that they fully embraced post-Crime and Disorder Act 1998 with a stream of performance management and practice guidance documentation, intended to be supportive rather than prescriptive:

It was never a question of practitioners trying to re-learn lessons from the past. Most of the leadership of the YJB had been practitioners in the 1980s and were acutely aware of the past successes. Conversely, many of the millennial and near-millennial practitioners didn’t retain this knowledge. (YJB)

However, it is difficult to see how post-1998 practitioners could be in a position to ‘retain’ knowledge from an earlier era (for example, akin to evolutionary psychological development of collective knowledge) when their experience has been largely ‘hard-schooling’ in risk approaches, emphasised

by supportive, risk-informed practitioner-focused qualifications like the Professional Certificate in Effective Practice (cf. Hampson 2018). When related guidance is viewed by practitioners as highly prescriptive and ‘for their own benefit’, relational and perceptual disparities are compounded. The YJB can appear patronising, overly-paternal and out of touch with practice realities, illustrated by the accusation that previous incarnations of the YJB:

treated YOT managers like children involved with the YJS. We were talked at, not worked with. Doing this, the YJB couldn’t possibly hope to develop a realistic view of everyday practice. (AYM)

There appears to be an unnecessary polarisation of professional perspectives here, when in reality, both sides are pursuing effective practice development to benefit children who offend. This unhelpful distancing is clearly illustrated in contrasting professional views on the practitioner discretion-policy prescription debate. On the one hand, local practice mediation of policy guidelines could be perceived as a resistant, militant ‘positive subversion of the more stupid elements of YJB prescription . . . essentially sabotage’⁵ (AYM) and/or sustained and evidence-based confidence in existing practices. However, from the YJB perspective, any perception of subversion appears unhelpful and unnecessary, particularly in a collaborative context where policymakers seek to enable and facilitate local discretion. Consequently, it could be questioned: ‘what is there to subvert? We [YJB] have always encouraged practitioners to push boundaries and have wanted them to do the best they can’ (YJBC). Professional perspectives can differ, yet the goals and outcomes can remain the same for both groups and for the ultimate recipients of these challenges – children.⁶

Conclusion: Challenges to Youth Justice Policy

So what, and who, are the influences, drivers, and challenges that shape the processes of youth justice policymaking and policy implementation? It is abundantly clear from the foregoing analyses that the domain of youth justice is not a coherent singularity (Garland and Young 1983), but comprises multiple institutions, organisations, practices, relations, and professional agendas through which policymaking and implementation are pursued (cf. Phoenix 2016). A number of complex challenges to (the drivers and influences of) youth justice policymaking and implementation have been identified from the critical reflections of key stakeholders; challenges that are interpreted, experienced, and responded to differently dependent on professional perspective or ‘lens’, culture, agenda, and context. Indeed, certain challenges are more prevalent and relevant to certain stakeholder organisations than others, for example, the YJB necessity to develop constructive meso-level relations with government and YOT requirements to make sense of (macro-level) national policy within (meso-level) relations with children. Processes of addressing and resolving these shared and occupation-specific challenges manifest at the macro-, meso-, and micro-levels of policy and practice, often dynamic, contested, and contingent

on professional perspective and context. Processes of policy and practice change over time have been characterised by conflict and ambivalence within and between stakeholder groups as to their nature, meaning, and appropriate responses to them.

Following analyses of stakeholder perspectives and experiences, the identified key challenges and processes of change in youth justice present as, *inter alia*: contextual instabilities resulting from radical legislative changes, socio-economic upheaval (for example, sweeping austerity), and socio-political insecurities, combined with coalface relational challenges within, and between, stakeholder groups pursuing policy transfer within different contexts. Resultant insecurities, uncertainties, and fluidities conspire (at critical moments) to impact upon organisational and occupational identities, their perceived roles and responsibilities of professional groups and their perceived capacity to exercise discretion and the willingness to collaborate with other agencies – all components that can influence the successful translation and transfer of policy requirements into the realities of the practice world.

It is appropriate to conclude, we feel, by drawing attention to the developing policy-practice collaboration between the YJB and YOTs, indicative of a constructive trajectory of travel for the recent past, present, and future of youth justice policy and practice. This article has deliberately drawn out areas of consensus and disagreement between YJB and YOT (manager and practitioner) conceptions of co-influence, with each side able to cite examples of when non/collaboration has shaped policy – showing that both perceptions carry weight. It is arguable that these tensions are an almost inevitable product of different professional backgrounds and perceptions, but do not indicate, in themselves, potentially damaging areas of dispute. Often, differences and contradictions can be perceived as shared ‘challenges’, with different stakeholder groups committed to collaborating in their resolution. The extent of success for youth justice in resolving these challenges is supported statistically by a decade of downward (annual) trajectories in the economic cost of youth justice and both the numbers of children offending and those entering the YJS for the first time (Ministry of Justice/Youth Justice Board 2019). It is instructive here to note the reflective, conciliatory and respectful tone of the conclusion from the coalface practitioner-manager interviewee:

the YJB contributed to the conditions of this success, although practitioners made this policy work by mediating and then implementing it in partnership with children and local agencies . . . However, youth justice is better off for having the YJB [and] despite the complex challenges posed by different organisations within the system, the overall story of youth justice is positive. (AYM)

This spirit of constructive collaboration between stakeholders in pursuing youth justice success is neatly encapsulated by the YJB interviewee, who reflected that:

I certainly don't think that the YJB claims exclusive responsibility for positive developments. I am absolutely confident that we always attributed the heavy lifting to YOTs. The point is that both parties played their parts but at different levels.

There appears to be a reflective, open-minded and evidence-based maturing across the youth justice context on the part of both the YJB (for example, increasing practitioner and academic involvement in policy development mechanisms) and YOTs (for example, practitioners seeking and developing more understanding of, and input to, policy processes). The most optimistic (hopefully realistic) conclusion to be drawn from analyses of the previous two decades of youth justice policy development in England and Wales is of a progressive context with stakeholders working within, and across, differing levels of influence and increasingly collaborating to address the dynamic contextual and coalface challenges to policymaking and implementation for the continued benefit of their priority service users – children.

Notes

- 1 Notable exceptions are the ethnographic research studies that examined policymaking processes of officials working for, and with, the YJB in England and Wales (Souhami 2011, 2015) and the YJB in Wales/YJBC (Case (2014), a study guided by Souhami's work). Both researchers examined how the dynamic, ambiguous and quasi-independent position/role of the organisation provided it with the flexibility to shape policy formation and the youth justice architecture through which policy is implemented (Case 2014; see also Souhami 2015).
- 2 For the purposes of developing a coherent and comprehensive critical framework for analysing policy implementation throughout this article, youth justice *policy* is understood as official government legislation, including its underpinning Green/White Papers, policy briefings, and ministerial speeches at national level (that is, 'policy products'), along with strategic and practice guidance and opinion disseminated to youth justice staff by government agencies, inspectorates and non-departmental/governmental public and third sector bodies. Locally, policy is animated by organisational strategies such as the annual statutory Youth Justice Plans and Crime and Disorder Reduction Plans (called Community Safety Plans in Wales) in every local authority area. Relatedly, *policymakers* nationally include key stakeholder individuals working across governmental sectors, from non-governmental public bodies, and in academia, while local policymakers include managers and practitioners working in, and with, YOTs and the police service.
- 3 Youth and criminal justice issues are not policy areas devolved to the Welsh Government, although related areas such as education, social care, and health are devolved.
- 4 This led to the development of a more nuanced position, shaped under the auspices of 'Every Child Matters' (in England) and 'Children First, Offender Second' (in Wales), which encouraged the development of more early intervention schemes but also diversion, originally rejected by the 'No More Excuses' mantra of the 1997 White Paper (Home Office 1997).
- 5 The local practice example given here was that of parenting orders, perceived as 'stupid, badly-crafted and ill-conceived' (AYM), to the extent that he convinced local magistrates to not even consider them – something only made possible through professional experience 'of the nuances and subtleties of local practice' (AYM).
- 6 The much-neglected role of children in youth justice policy development and evaluation will be examined in detail in a forthcoming article. There is simply insufficient space in the current article to do justice to this complex issue.

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