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SIX OF ONE AND HALF A DOZEN OF THE OTHER: CHILD VICTIMS AND RESTORATIVE JUSTICE

A thesis submitted to Middlesex University in partial fulfilment of the requirements for the degree of Doctor of Philosophy

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ABSTRACT

This thesis examines how three youth offending teams in the south of England accommodate young victims of crime in their delivery of restorative justice. By exploring, through interviews, observations and examination of case files, how youth offending team and youth offender panel practitioners deliver restorative justice, the thesis concludes that young victims are often alienated from restorative processes which tend to prioritise the welfare needs of young offenders. Young victims are regarded as difficult to include due to their presumed culpability and work with them is perceived to be a conflict of interests in services where the dominant ideology is for practitioners to prioritise the welfare needs of young offenders.

Adopting a blend of methods, the study moves from grounded theory to case study methodology in its approach to data analysis. Commencing with grounded theory for analysis of interviews of practitioners in the first youth offending team, the methodological approach is repositioned within a case study methodology to enable the inclusion of the first setting as a case. Using theory emerging inductively from the first setting, data examination continues in the other two youth offending teams, independently testing the first developed theory in the other two settings, resulting in minor variations of the original theory. Cross-case analysis then produces a final theory which forms the basis for a discussion of pertinent findings in the context of wider academic debate, research and contemporary public policy.

The thesis concludes that restorative justice processes in these settings are insensible to child victims of crime. Whilst acknowledging the limitations in terms of generalisability to the wider population, the thesis makes recommendations on how restorative justice can be restored, and how the involvement of young victims can be re-established, reinforced and realised. Recommendations include guidance on where responsibility may lie for implementing recommendations at strategic, managerial and practitioner levels.

ACKNOWLEDGEMENTS

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LIST OF ABBREVIATIONS

ABH	Actual Bodily Harm
ACPO	Association of Chief Police Officers
ALG	Association of London Government
CCETSW	Central Council for Education and Training for Social Work
CPS	Crown Prosecution Service
DfES	Department for Education and Skills
DOH	Department of Health
DVW	Dedicated Victim Worker
FGC	Family Group Conference
GSCC	General Social Care Council
LOA	Letter Of Apology
NACRO	National Association for the Care and Resettlement of Offenders
NAYJ	National Association for Youth Justice
PM	Panel Member
RJ	Restorative Justice
RJC	Restorative Justice Conference
RJW	Restorative Justice Worker
V	Victim
VORP	Victim and Offender Reconciliation Programs
VW	Victim Worker
YJB	Youth Justice Board
YO	Young Offender
YOT / YOTs	Youth Offending Team(s)
YP	Young Person
YW	Youth offending team Worker

'Crime like death is not confined to the old and withered alone:

The youngest and fairest are too often its chosen victims.'

Charles Dickens 1812-1870

Oliver Twist

INTRODUCTION TO THE THESIS

This thesis examines how three youth offending teams in the south of England have responded to young victims of crime in their delivery of restorative justice. The thesis charts the journey from designing the research to making recommendations for public policy and practice.

Many readers will have a reasonable understanding of youth justice and youth offending teams (YOTs). Fewer will know about restorative justice, and fewer still will be aware of what is involved when a youth court issues a Referral Order or know how youth offender panels operate. Consequently, readers may benefit from a brief description of the terrain.

The structure of the current youth justice service in England and Wales is determined by section 39 of the Crime and Disorder Act 1998, which placed a duty on local authorities, in cooperation with police, health and probation to establish a youth offending team in their area. Under these arrangements YOTs became responsible for co-ordinating the provision of youth justice services through an annual youth justice plan. The guiding principle remains to prevent offending by children and young people. Although local authority chief executives were ultimately responsible for bringing into being YOTs, the Act ensured that police, health and probation, were involved financially, strategically and operationally. Through national guidance issued in 1998, the Government encouraged local authorities to develop steering groups with membership at head of service level to share strategic and operational responsibility for YOTs, including funding and resources. This multi-agency responsibility provided an element of independence, with YOT managers being answerable to the steering group.

Independent oversight of these arrangements was provided by the Youth Justice Board, a non-departmental public body introduced by virtue of section 41 of the Act. The Board both monitored the operation of youth justice services, and provided leadership and guidance on the expected level of and quality of service. The Youth Justice Board introduced a set of national standards in 2000 which, unlike previous standards, were specific to children and young people. The standards made reference to a number of areas

of practice including preventative work, assessment, restorative justice, appropriate adults, parenting and pre-court measures. The standards were subsequently revised in 2004.

The new youth justice system saw the introduction of a plethora of new disposals for deliver by a multi-agency team. Section 39 of the Act ensured that YOTs include a probation officer, a social worker, a police officer, a health worker, and an education worker. Youth justice disposals included the introduction of reprimands and final warnings, which replaced the police cautioning system. A number of orders were introduced, some of which had a restorative element, including reparation orders, supervision orders and referral orders.

Under the principle aim of preventing offending by young people, service provision within YOTs included supervision of children and young people who offend; placement of children and young people on remand from court; appropriate adult services; assessment and intervention at the final warning; information on bail; through care and post release supervision, provision of pre-sentence reports and other relevant reports and the provision of persons to act as responsible officers.

This thesis is primarily concerned with YOT's delivery of restorative justice through Referral Orders. When young people (people under 18) are first prosecuted for a crime, they plead either guilty or not guilty. In the case of the former, youth courts are obliged to consider whether they should issue a Referral Order to enable a YOT to work with the young offender to complete a Referral Order contract, overseen by a youth offender panel. The main incentive for young offenders to successfully complete contracts is that their conviction will be classed as 'spent'. A spent conviction, under normal circumstances, and with the exception of certain professions, need not be disclosed to prospective employers or for other official purposes. The issuing court decides the length of a Referral Order which can last from three to 12 months; the initial youth offender panel must be convened no later than 20 days thereafter. Youth offender panels are chaired by volunteers from the community to provide both independent oversight and community perspective. YOT workers formally assess young offenders and prepare a report for the initial panel outlining their assessment and recommendation. During this period, the YOT is obliged to contact victims of crime to ascertain how they have been affected and to provide an opportunity for offenders to make reparation to them. The whole process operates under the restorative

justice principles of responsibility, reparation and reintegration (Crime and Disorder Act 1998). The overall objective is to prevent re-offending by ensuring young offenders accept responsibility for their offending behaviour, make reparation to the victim and or wider community, and help reintegrate them back into society without the stigma of a citable conviction.

My motivation for undertaking this research arose from my professional experiences. As a panel member, I was able to experience first hand how YOTs dealt with young offenders issued with Referral Orders by youth courts. As an experienced practitioner working with victims of crime, I was aware how the impact of crime affects different people in different ways, particularly children. As a youth justice trainer, teaching practitioners about the impact of crime, I formed an impression of how receptive participants were to acknowledging the legitimacy of victim participation. As a lecturer in criminology and social work, I experienced the uncomfortable conflation of welfare and justice from both perspectives; territory occupied by restorative justice which, ideologically, has sought to meld welfare and justice. All this excited my interest in exploring how YOTs involve child victims of crime in restorative justice processes and was the genesis of my study of three YOTs in the South of England. The title of this thesis, *six of one and half a dozen of the other; child victims and restorative justice*, hints at one of the main findings of the research; that child victims are perceived as culpable or contributory, one of a range of factors that render the youth justice system insensible to them.

The process of research is necessarily explorative and is capable of delivering unexpected results. This research has proved to be no exception. The original title of this thesis was *Child victims of crime: the role of youth offending teams in delivering reparation to young victims of crime.* My intention was to gain an understanding of how YOTs respond to child victims, and explore how the principles of restorative justice were delivered to child victims of crime. To achieve this, my plan was to undertake comparative case studies of three YOTs using an interpretive methodology, following which I expected to be able to make recommendations about YOTs' work with child victims of crime. The fieldwork was designed to generate relevant data from processes emanating from Referral Orders through interviews, observations, and documentary analysis. However, during the fieldwork, it became clear that child victims were largely absent from restorative processes co-ordinated by the YOTs, a situation which made my substantive aims unachievable.

Consequently, I needed to refocus the research to explore how youth offending team practitioners understand restorative justice; how they respond to child victims within the context of restorative justice; and how they understand, account for and manage their perceptions of child victims in restorative justice.

This thesis commences by reviewing relevant academic discourse, research and public policy literature. It then describes the methodology, study design and implementation before describing and analysing the findings. There follows a discussion on the analysis of findings in the broader perspective of what is known and knowable, setting the context in which conclusions are formulated and recommendations made. The thesis enables readers to orient themselves at each chapter, a structure that necessarily involves some repetition. To this end, each chapter provides a brief synopsis of the previous chapter before outlining its content and concludes with both a summary and a signpost to what follows. Figures are chapter specific and referenced by chapter number and figure number. For example Figure 4. 1 means Figure 1 in Chapter Four. The same format is applied to the Appendices.

Chapter One reviews the literature in relation to how the criminal justice system deals with youth offending. Tracing the journey from the discovery of childhood to the realisation of young offenders as vulnerable children, the chapter provides a brief historical overview of youth justice and considers some of the arguments around the perceived rise in youth crime. It then examines the Government's response to youth crime, particularly the New Labour philosophical approach to youth justice and victimology (the Labour Party presented as New Labour for the 1997 general election). Finally, it provides a critical assessment of the way the criminal justice system treats child victims of crime.

Chapter Two, the second of the three literature review chapters, examines the Government's management of youth crime and the development of multi-agency YOTs, their structure, functions and ethos. It reviews how YOTs work with victims of crime and examines how success is measured, monitored and evaluated.

Chapter Three reviews the literature on restorative justice, looking at its history and theoretical framework before considering the Government's perspective on restorative justice and its application to youth justice in England and Wales. This is the last of a triad forming a comprehensive review of the available literature at an early stage of the study.

An update of the literature is provided separately within each of these chapters to provide a high level of integrity by separating the 'then known' from the 'now known'.

Chapter Four is set out in three parts. After a short biography, the first part describes the framework or methodological approach. The second part describes the research journey, my concerns about me as data collector and researcher, and the likely impact of this on the validity and trustworthiness of the study. Finally, it gives an account of the research process including preliminary meetings with each research setting, identifying and describing the sampling strategy, and the process of analysing data.

Chapter Five describes the findings from data as neutrally as possible and is structured in four sections. The first two sections detail findings from YOT 1; Section One detailing findings from interviews and Section Two detailing findings from observations and case files. This split enables findings to be read in the context of the different methods used; firstly grounded theory and then case study. The chapter then describes how the emergent theory from YOT 1 was applied to the other two settings, YOT 2 and YOT 3, the findings from which are detailed in sections Three and Four. These sections show how the application of theory-driven case study methodology facilitated the recovery of findings from data and enabled revised, YOT specific theories to emerge from YOTs 2 and 3 independently.

Chapter Six details the analysis of findings across the three settings using six theoretical propositions derived from the six themes used to recover findings from data in the previous chapter. It describes how, through cross-case analysis, the three independently emergent YOT specific theories enabled the construction of a final theory, and discusses the applicability of this new theory for YOTs in other areas.

Chapter Seven discusses the research in the context of wider academic discourse, research and public policy. By structuring the discussion of pertinent issues under various forms of 'insensibility', it makes a clear link with the final theory and, in the process, both tests the theory against existing academic discourse and uses the theory as a vehicle for discussing the efficacy of public policy.

Chapter Eight concludes the thesis and makes recommendations for practice and public policy. The study concludes that the youth justice system's restorative justice arrangements are largely insensible to young victims of crime, significantly compromising restorative justice outcomes. Borrowing from No More Excuses, recommendations are linked to the underlying principles of restorative justice, 'restoration, reintegration and responsibility' (Home Office, 1997a: 32). Recommendations advise how the system could be restored, how the involvement of young victims could be re-established, reinforced and realised, and where responsibility should lie for implementing reform at practitioner, managerial and strategic levels.

This short introduction has provided readers with a brief synopsis of YOTs and how they have responded to young offenders issued with Referral Orders. It also reviewed the reasons for refocusing the research following fieldwork, described my rationale for conducting the study, and summarised each chapter. The following chapter is the first of three chapters that review the literature relevant to the study, commencing with children and the criminal justice system.

CHAPTER ONE – CHILDREN AND THE CRIMINAL JUSTICE SYSTEM

This chapter falls into two distinct parts. The first part discusses the literature review conducted during 2006 and 2007, whereas the second part provides an update of literature as at September 2007. This strategy was adopted to make a clear distinction between the 'then known' and the 'subsequently known', follows the chronology of the research, and seeks to avoid inadvertently misleading readers who may otherwise have difficulty in discerning the author's knowledge base at key stages, particularly during the analysis of findings detailed in Chapter Six, but also during the discussion in Chapter Seven. As the research was essentially inductive, using grounded theory to generate knowledge from the data, it was important to conduct the fieldwork before reviewing the literature. As discussed in Chapter Four, the earlier literature review was conducted during 2006 and 2007, following the fieldwork but before the categorisation of data reported in Chapter Five. The updated literature review took place before the discussion in Chapter Seven.

The chapter focuses on children and the criminal justice system, tracing the journey from the discovery of childhood to the recognition of young offenders as vulnerable children. It includes an overview of the historical perspective and discusses arguments around the perceived rise in youth crime. Following this, the chapter examines the Government's response to youth crime, particularly the New Labour philosophical approach to youth justice and victimology. Finally, it reviews the way the criminal justice system treats child victims of crime.

Original literature review

Children and crime

Conceptions of childhood

Children have become conceptualised as a discrete category of person. This was not always the case and recognition that childhood, as a distinct and vulnerable stage of human development, has its origins in 20th Century western society (Ariès, 1962). Although the tradition of children being considered the property of their parents and families dates back to time immemorial, their reification as depictions of innocence, chastity, sensitivity and vulnerability has been relatively recent.

The minimum age of criminal responsibility in the England and Wales is currently 10, reflecting the innocence and vulnerability of childhood and recognising young children's inability to understand (for the purposes of the criminal law) the inexorable relationship between cause and effect. Children younger than 10 cannot be expected to properly predict the consequences of their actions and therefore cannot assume legal responsibility for their criminal conduct. This principle inevitably reduces as children get older and, before the Crime and Disorder Act 1998, had been supported by *doli incapax,* a presumption in law that children under 14 are not criminally responsible unless there is evidence to the contrary. A catalyst for the abolition of *doli incapax* was the murder of James Bulger by two 10 year old boys in 1993. As Franklin and Petley (1996) point out, the media's demonisation of the two boys was promptly generalised to encapsulate childhood, with 21st Century children being perceived as more dangerous than innocent. In their analysis, Franklin and Petley refer to the irony of some newspapers finding evidence to support this reportedly recent phenomenon in William Golding's classic novel *Lord of the Flies,* which referred to children as 'pre-pubescent savages' (Golding, 1954: 8).

Goldson suggested that the media fuelled the impetus which challenged childhood innocence by generating a moral panic that was responsible for 'stoking the coals of adult anxiety and 'amplifying' the construction of the child as a threat' (Goldson 2001a: 37). The new portrayal of young children as 'demons' rather than as 'innocents' was a recurring theme in the media (Muncie, 1999a: 3) and, as Goldson points out, the atypicality of the incident was not sufficient to stop the setting of 'child demonization in symbolic concrete' (Goldson, 2001a: 38).

Perversely, this 'demonization' was amplified by the 'innocence' of the victim. On the one hand there was 'baby' James Bulger, the epitome of the innocent child, whilst on the other were the 'evil' young offenders, Jon Venables and Robert Thompson (Muncie, 1999a). Although a rare event, it was not unprecedented. In 1968, 11 year old Mary Bell murdered two young children. Whilst the murders had 'electrified the country' (Gerrad et al, 1998), the public response was less unsympathetic to her than the Bulger killers. Gerrad et al noted that whilst appalled, the public appeared fairly restrained, preferring to construct Mary as mad rather than bad; she eventually received a custodial sentence for manslaughter on the grounds of diminished responsibility. In general, the public response

culminated in 'a sense of social responsibility and acknowledgement of social failure' (ibid).

The Bell case generated a significantly different approach and attitude towards both the perpetrator and the crimes themselves, than would have been expected today. The media was contributory in that journalism had become increasingly slanted towards the manufacture of outrage and shock. In the case of the James Bulger murder, media attention was phenomenal and extensive media coverage no doubt played a significant role in shaping public response. Advances in technology played a part too, providing the media with new opportunities to sensationalise. Indeed the video footage that showed the two young offenders leading James Bulger by the hand out of the shopping centre to his eventual death, 'made the case famous' (Muncie, 1999a: 4).

Children as offenders

Children's propensity to offend is not new. References to child offending can be found as early as 1776, when the phrase 'juvenile delinquent' was first coined (Shore, 2002). However, as Shore pointed out there is uncertainty as to what 'juvenile delinquent' actually means and discussion in parliament about age boundaries in relation to delinquency has continued sporadically, particularly in relation to the doctrine of *doli incapax*.

Pearson was not alone in pointing out that youth crime has a lengthy heritage. The term 'hooligan' first entered the English language as early as the 1890's when the public were witnessing increasing assaults on police, vandalism and battles between neighbourhood gangs (Pearson, 1983: 48). The notion that the 1990s experienced an unprecedented surge in youth crime demonstrated an 'extraordinary historical amnesia' when youth crime had always been present in western society where 'youthful crime and misconduct' were 'firmly embedded aspects of the social landscape' (Pearson, 1983: 70). Certainly, criminological literature has an abundance of references to youth crime or 'misconduct' (Cohen, 1980; Downes and Rock, 1982; Morris and Giller, 1987; Muncie, Hughes and McLaughlin, 2002; Rutter and Giller, 1983).

The post war years saw the emergence of a number of criminal youth subcultures, such as mods and rockers, teddy boys and, in the late 1960s and early 1970s, skinheads. Concerns about the behaviour of these young people, focused not just on criminal activity, but also

on sexual behaviour and generalised forms of delinquency (Newburn, 1997). The ensuing 'moral panic' (Cohen, 1980) was based on negative societal views of gangs of young people found in towns and cities up and down the country. These young people were seen as a threat to the ideals and values of post war Britain. Demonising reporting by the media exacerbated the development of criminal youth subcultures. Cohen recognised that the media played a significant role in raising public concern about youth delinquency which helped fuel a new phenomenon, the fear of crime. The ensuing moral panic became distilled into the relatively new conception of dangerous youth.

The peak age for young males offending in 1971 was 15. In 1996, 10-17 year olds accounted for 25 per cent of offenders 'convicted or cautioned for an indictable offence' (Home Office, 1996). Home Office statistics have shown that whilst the peak age of offending for reported crime was 14-17 (Home Office, 2005g), self-reported statistics in the same period showed that a quarter of the 12,000 respondents aged 12-13 had also committed a 'core' offence. A core offence includes burglary, theft, selling drugs, criminal damage and violent offences such as robbery and assault (Home Office, 2005a). Youth crime rose during the war, when speculation on causality included the closure of schools, youth clubs and general family disruption (Newburn, 1997).

A number of social and environmental factors have been linked to young offending such as increased unemployment and misuse of drugs and alcohol. It remains unclear how significant such factors have been in relation to age of offending (Newburn, 1997). Research has shown however that increasingly younger children were misusing drugs (NACRO, 2004). Newburn noted that in the last 50 years or so young people had become more autonomous, freer, and more affluent. These factors helped establish an imperative for young people to maintain street credibility through overt displays of wealth, often through illegally acquiring material artefacts such as mobile phones. Home Office research showed that most perpetrators of mobile phone theft were young offenders, the victims were their peers, and the offences were committed on routes to and from school (Home Office, 2001).

Theories of relative deprivation have been posited as reasons for street crime involving young people (Home Office, 2001). Researchers found that the pressure on young people to conform to youth values, where street credibility was determined by the make of the

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mobile phone or brand of trainer, was huge. Such influences have impacted on children as young as 11 (Home Office, 2001).

In more recent years the legislative changes in relation to youth offending may have contributed to the incidence of younger offending. With the 'veritable blizzard' of new legislation, including the abolition of *doli incapax*, even younger people were likely to find themselves embroiled in the criminal justice system (Pitts and Bateman, 2005). Pitts and Bateman suggested that actions considered merely a nuisance in bygone years had become perceived as crimes, such as groups of youths exhibiting anti-social behaviour by congregating rowdily in the street.

Government response to youth crime

The response to youth crime in post war England and Wales prompted a variety of strategies to deal with the perceived rise in crime committed by children and young people. The 1933 Children and Young Persons Act set the agenda for a new welfarist approach to dealing with young offenders. The Act required courts to 'have regard to the welfare of the child or young person and … in a proper case take steps for securing that provision is made for his education and training' (s.44:1). Pitts believed that the focus upon 'needs' rather than 'deeds' of young people created a rift between Conservative politicians and senior members of the criminal justice system, who were 'keen to retain an element of retribution' (2005: 3).

Despite opposition, the penal policies were diluted by a strong welfare focus, confirmed and reinforced by the Labour Government during the mid 1960s. The 1965 White Paper, *The Child, the Family and the Young Offender* (Home Office, 1965) made a number of recommendations for the treatment of young offenders, which were subsequently legislated for in the Children and Young Persons Act 1969. The effect of this new focus was to provide alternatives to penal servitude such as the Governments' Intermediate Treatment Initiative (Department of Health and Social Security, 1983), which allowed local social services departments to make specific provision for young offenders as an alternative to custody for some quite serious offending. Projects were set up in communities, often in partnership with the police and the juvenile courts, resulting in considerable reductions in juvenile custody (Pitts, 2005). The Act also required magistrates to be qualified to sit on a 'juvenile panel' to deal with children between the ages of 14-16 with a mandate to

prioritise their welfare needs (Burnett and Appleton, 2004: 7). All children under the age of 14 were, at that time, below the age of criminal responsibility.

The Conservative government of 1970 implemented many dormant provisions in the Children and Young Persons Act 1969 such as the introduction of non-judicial disposals (Pitts, 2005: 4). This gave impetus to the creation of police 'juvenile bureaux' to divert less serious offending from criminal courts. Rather than seeing this as positive, welfare-oriented reform, Pitts argued that the significant increase in the number of children dealt with by police brought more young people into the criminal justice system, at increased cost, even though most were not taken before a court.

In 1979 the Conservatives were re-elected and quickly sought to reverse the trend towards welfarism, adopting a zero tolerance approach to crime, particularly youth crime. The 1982 Criminal Justice Act contained provisions to deal robustly with errant youth by encouraging more punitive sentencing with 'short, sharp shock' sentences being meted out to be served in army-style detention centres (Burnett and Appleton, 2004: 7). However spiralling costs, problems with private providers and lacklustre public support forced the Government to reconsider this approach and 'boot camps' soon disappeared, allowing the welfarist approach to resurface.

However, a significant rise in youth crime during the 1980s and early 1990s received extensive media coverage which revived public consternation. Increases in property crime (particularly car crime) and outbreaks of civil unrest, (where children and young people were the main perpetrators), created a 'burgeoning sense of adult anxiety in relation to childhood' (Goldson, 2001a: 37). Increased public anxiety, reinforced and intensified by the murder of James Bulger in 1993, sounded the death knell for further welfarist reforms, particularly those contained in the recently enacted 1991 Criminal Justice Act, which were largely abandoned.

This reversal of welfarism gained significant sway in the aftermath of the Bulger murder and was symbolised in stark clarity by the abolition of *doli incapax* in 1998. In 1994, the principle of *doli incapax* was already under review several years before New Labour abolished it through the Crime and Disorder Act 1998. Although this principle had been enshrined in law since the 14th Century (Muncie, 1999a: 256), Labour was determined to

remove it on the basis that 10-13 year olds were capable of differentiating between right and wrong. Those who argued against abolition claimed that the principle of *doli incapax* did not mean that 10 to 13 year old children were not able to differentiate between right and wrong, but simply that they might not be sufficiently competent to understand the seriousness of their actions (Goldson, 2001a; Haines and Drakeford, 1998; Pitts, 2005). Such arguments held no sway with the new political regime and *doli incapax* disappeared.

Reinforcing the new 'justice' approach to youth offending, the 1993 Home Secretary, Kenneth Clarke, made a commitment to secure 200 places for 12 to 14 year old persistent offenders in secure units (Pitts, 2005). A year later saw Michael Howard take over as Home Secretary, bringing with him a victim focus as the 'object of penal policy' (Pitts, 2005: 7). Clearly a very different message was coming from government and, as Pitts noted, it was no surprise that the number of young offenders in penal establishments rose by over 90 per cent between 1992 ad 2002.

Sensing the need to retain a robust approach towards youth crime, the Labour Government's pre-election manifesto in 1997 included a strong commitment to tackle youth criminality (Home Office, 1997; Home Office, 1997a; Audit Commission, 1996). New Labour pledged to 'be tough on crime and tough on the causes of crime' (Home Office, 1997a: 3). This now infamous sound-bite communicated a clear message about the management of youth crime under New Labour. A strong commitment from New Labour to tackle youth offending was unsurprising when the 1996 Audit Commission report, *Misspent Youth,* is taken into consideration. This report highlighted the spiralling costs of the youth justice system, estimated to be at least £1billion per year, and concluded that the system for dealing with young offenders was too expensive, especially when concerns remained about its effectiveness.

Once in power, New Labour published the White Paper *No More Excuses: A New Approach to Tackling Youth Crime in England and Wales* (Home Office,1997a), with a clear emphasis on confronting young offenders with their behaviour rather than simply processing them through the criminal justice system. Drawing on the work of Graham and Bowling (1995), the Government was determined to hold both young offenders and (to some extent) their parents responsible for their offending behaviour. The White Paper proposed a change from safeguarding the welfare of children by dealing with them outside

the criminal justice system to tackling their offending behaviour as a priority from within. The overriding aim was to 'prevent offending by young people' (Home Office, 1997a: 7), and the message for those working within the youth justice system was to 'have regard to that aim' (Home Office, 1997a: 7).

This reinforced the dichotomous approach to children; on the one hand the Children Act 1989 prioritised the welfare of children within the care and child protection systems whilst, on the other hand, child offenders needed to be dealt with robustly by the youth justice system to hold them accountable for their actions. The new youth justice agenda attempted to conjoin welfare and justice by introducing the concept of restorative justice, requiring young offenders to make reparation to the victim and the community. This was clearly articulated in the White Paper which introduced the Crime and Disorder Bill which led inexorably to the 1998 Crime and Disorder Act.

Traditionally, work with child offenders was the exclusive remit of local authority social services departments. However, the Crime and Disorder Act 1998 moved the management of the youth offending service to the Chief Executives' Department as a strand of the wider community safety strategy (Goldson, 2000). One of the first tasks for chief executives was to establish multi-agency YOTs, with the primary aim of 'preventing offending by children and young people under the age of 18' (Home Office, 1997c). YOTs initially suffered mixed reviews, an area discussed in more detail in Chapter Two. However, since their introduction, the Government consulted on, and subsequently issued, significant policy and legislative changes.

One important document was the Green Paper *Every Child Matters* (DfES, 2003). Here the Government set out its vision for children's services, with a focus on five main outcomes for children; keeping healthy, staying safe, enjoying and achieving, making a positive contribution (including deciding not to offend), and achieving economic well being. Published alongside this Green Paper was *Youth Justice – The Next Steps: Companion Document to Every Child Matters* (Home Office, 2003), which set out a number of proposals for reforming the youth justice system. These included establishing a simpler sentencing structure and a commitment to better engage families; including powers to strengthen the 'whole family' approach to offending (ibid).

Every Child Matters (DfES, 2003) spawned the 2004 Children Act resulting in a radical reshaping of children's services. One of the accompanying strategy documents *Every Child Matters: Change for Children in the Criminal Justice System* set out the wider responsibilities of those working in the youth justice system as a consequence of the Children Act 2004 to ensure children are safeguarded and their welfare promoted (Home Office, 2004). A key component of the new agenda was prevention and early intervention, as well as 'co-operative working between agencies dealing with children and young people' (Home Office, 2004: 4).

A Review of New Labour youth justice policies

Within the literature, welfare verses justice was the dominant academic debate and the concept of a 'children first' (Haines and Drakeford, 1998) philosophy was present in much of the discourse (Cross, Evans and Minkes al, 2003). Independent academic support for the Government's stance was scant, a situation that had not gone unnoticed from within that community (Jones, 2002). The new youth justice system was seen by some as overly punitive where the concept of punishment was the 'predominant mode of government response to youth crime' (Brown, 1998: 81). Concerns about the recent increase in punitive measures in youth justice practice were well documented (Goldson, 2000; Haines and Drakeford, 1998; Pitts, 2005). However, the Government refuted these criticisms, arguing that punishment was 'necessary to signal societal disapproval and to act as a deterrent' (Home Office, 1997a: 15).

The abolition of *doli incapax* by the Crime and Disorder Act 1998 was regarded by some as a means of drawing more children into the criminal justice system (Ashford, 1998; Goldson, 2002). However, the Bulger murder in 1993 sparked a moral panic that paved the way to rethink youth crime and reframe the discourse in terms of individual responsibility. This seminal event served to quash any doubts the public and media had about criminalizing children and young people. Whilst, statistically, such events are rare, this one so resonated with public disquiet that 'it became symbolic of a juvenile crime wave' (Davis and Bourhill, 1997: 45). The outrage that followed was almost unprecedented and some saw it as a 'structural, creeping malaise, infecting the roots of British society' (ibid: 46). Nevertheless, the public reaction allowed the Government to pursue its agenda with alacrity as revealed by the cacophony of Orders contained within the 1998 Crime and Disorder Act.

Concerns about the erosion of a welfare philosophy within youth justice remained. To some, the concept of 'child' had been rendered all but invisible within the new youth offending system. Critics argued that 'welfare of the child' must be paramount in all formal proceedings involving children (Goldson, 2000; Haines and Drakeford, 1998; Pitts, 2000) and that this imperative, enshrined by the Children Act 1989 and reinforced by the Children Act 2004, had been ignored in reconstructing the youth justice system.

The very fact that the term youth 'justice' had been replaced by youth 'offending' was, for some, symbolic of the philosophical shift from welfare towards justice (Goldson, 2000: 256). The youth justice focus moved from the offender to the offence. The Government believed this was a necessary prerequisite to enable offenders to understand the consequences of their behaviour but Goldson argued that this shift caused children to be treated as offenders first and children 'in need' second (ibid).

Victims of crime

Whilst the historical discourse on victims did not relate specifically to child victims, it is important to understand the role of the victim in the criminal justice system and how this developed over time.

Until the mid 19th Century, victims of criminal offences 'owned' their cases and were solely responsible for taking cases to court. This changed incrementally as the state began to appropriate responsibility for prosecuting offenders. This change was designed to protect victims from retribution and introduce objectivity into decision-making regarding prosecutions, but it effectively removed victims' stake in their cases and reduced their role to providers of testimony on behalf of the state. Christie referred to the victim's 'conflict' being stolen by the state, whereupon the victim had no contact with the offender, no opportunity to say how the crime had affected them and was reduced to witness rather than victim (Christie, 1977).

Victims, having become virtually invisible as stakeholders in the criminal justice system, only began to re-establish a legitimate interest in criminal justice processes in the mid 1970s. Until then, the Government's only tangible concession to recognising victims as legitimate (injured) parties was the introduction of criminal injuries compensation in 1964

(Miers, 1997). However, even the Criminal Injuries Compensation Scheme has been criticised. Rock saw this scheme as a state platitude to offset victims' feelings of loss of status and control (Rock, 1984). The 1970s saw feminist groups such as *Women's Aid* and *Rape Crisis* campaigning for, and actively supporting, women who were victims of crimes of sexual and domestic violence. This was also the period where rehabilitative (welfarist) methods of intervention with offenders were at a peak, which corresponded with an increase in public concern about the perceived rise in crime and the inappropriateness of welfarist criminal justice outputs, portrayed by the media as unduly lenient and excusatory. The Government therefore came under increasing pressure to deal with the escalating fiscal, economic and political costs of crime. Nevertheless, some commentators remained sceptical at the Government's surge of attention to victims; accusing it of using victims to deflect attention away from its failure to tackle offending (Newburn, 1995; Williams 1999).

Government response to crime victims

In the last two decades the 'victim of crime' has travelled from the periphery of the criminal justice system to (virtual) centre stage due to the persistent attack on the criminal justice system's treatment of victims who had merely been seen as cattle fodder for the prosecution. The introduction of the Victims Charter in 1990 (Home Office, 1990) was perhaps the first tangible evidence of government commitment to victims. The Charter, although ostensibly seeking to improve services for victims, was accused of falsely raising victim's hopes by 'dressing service standards as rights' (Fenwick, 1995: 849). The introduction of a revised Charter in 1996 made explicit that the Charter was about pursuing standards rather than establishing rights. As noted by Goodey, the revised Charter provided very little recourse for victims who felt that the Charter standards had not been met;

> *'the Victims Charter not only fails to establish the victim as a consumer with incumbent rights, but it also fails to establish the victim as a citizen with substantive rights'* (Goodey, 2005: 131).

Victim Support, the national organisation offering support to victims of crime, argued that victims should not be seen merely as 'ancillary to the criminal justice system' but should have equivalent rights to those accorded offenders (Victim Support, 1995: 8). To this end it published a policy paper outlining five specific rights for victims of crime; to be free of

the burden of decisions relating to the offender; to receive information and an explanation about the progress of their case and have the opportunity to provide their own information about the case for use in the criminal justice process; to be protected in any way necessary; to receive compensation; and to receive respect, recognition and support (Victim Support, 1995). New legislation, such as the Protection from Harassment Act 1997, went some way to meeting the rights advocated by Victim Support. This Act introduced provisions to protect vulnerable victims from unwarranted intrusion from either the offender or defence witnesses. On the theme of protection, the Criminal Justice and Court Services Act 2000 also helped protect and inform victims. This introduced an obligation for the Probation Service (now the National Offender Management Service) to inform victims of violent and sexual crime about the offender's release date (provided the offender received a twelve month or longer custodial sentence).

A second example of the Government's commitment to provide increased 'rights' to victims, was the introduction of 'Victim Personal Statements' by the Home Office in 1999, to provide an opportunity for victims to say what support they might need, and describe how the crime had affected them (Home Office, 1999). Certainly, there had been a real surge towards meeting the needs of both victims and witnesses since the turn of the century. According to Miers, recent reforms helped the criminal justice system become better at recognising victims as 'suppliers' of information, 'beneficiaries' of state compensation, 'partners' in crime prevention and 'consumers' of the criminal justice service (Miers, 2004: 23). The changing status of victims and witnesses resulted in the introduction of a raft of legislation and policies to take account of their needs as well as increased funding to Victim Support, the largest organisation providing victim assistance in England and Wales.

Further indications of the Government's enlightened attitude to victims were seen in the White Paper *Speaking up for Justice* (Home Office, 1998), which made a number of recommendations in relation to vulnerable and intimidated witnesses, some of which were subsequently enshrined in the Youth Justice and Criminal Evidence Act 1999. Additionally, a number of measures highlighted in an earlier government White Paper, *Justice for All* (Home Office, 2002a), were placed on a statutory footing by the Domestic Violence and Victims Act 2004. Included in these measures was the requirement to appoint a commissioner for victims to chair a Victims' Advisory Panel. Although the

document proposed a Code of Practice for victims to replace the existing Victims Charter, this was not implemented in tandem with the Act.

The Code of Practice for crime victims was finally published in October 2005 (Home Office, 2005c). The delay in publication was apparently due to a lengthy drafting process. The first draft was published in 2001 and revised in May 2005. This second draft contained substantial changes, which the Home Office justified on the basis of 'other developments affecting victims and witnesses' (Home Office 2005c: 4). These developments included the 'No Witness No Justice' initiative and the introduction of Witness Care Units, staffed by the Crown Prosecution Service and the police (Home Office, 2004c). The final version changed yet again, this time removing Victim Support from the list of organisations 'required to provide services under the Code' (Home Office 2005d: 2). The omission of Victim Support from the document was not explained although, interestingly, it was the only non-government agency previously listed. One can only speculate as to the rationale, although it seems likely that issues of accountability and funding played no small part in shaping this decision.

The Code of Practice for Victims of Crime (Home Office, 2005d) effectively governs the services of a number of criminal justice partners to victims and witnesses of crime. It was published to ensure a minimal level of service in England and Wales, although breaches of the Code may only be pursued through an ombudsman service as legal redress is not provided. However, breaches may be admissible in evidence in both civil and criminal proceedings. The Code requires 11 agencies to provide services to victims, including YOTs. Some categories of witness are entitled to certain provisions, including 'vulnerable' victims. Vulnerable victims were first defined under the Youth Justice and Criminal Evidence Act 1999 and include all victims under the age of 17 years. Interestingly, the Code states that YOTs are 'required to take account of victims' needs' (Home Office 2005c: 23):

> *'If it decides to make contact with victims, the YOT must explain its role fully and clearly and allow victims to make informed choices about whether they want any involvement and if so, the nature of that involvement. The involvement of victims must always be voluntary; victims must not be asked to do anything which is primarily for the benefit of the offender' (Section 11.4 Home Office 2005c).*

The only change in the final draft relating to YOTs was section 9.2. In the draft of May 2005, the Code simply required YOTs to 'decide' whether it was appropriate for a victim to become involved in any restorative intervention. The final version requires YOTs to 'record the reasons for this decision'.

The 1998 Crime and Disorder Act, and the 1999 Youth Justice and Criminal Evidence Act introduced, for the first time in English Law, the concept of restorative justice, a process designed to allow victims to engage more fully in 'their' crime. This could occur in a number of different ways, including participation in restorative conferences.

Whilst these reforms marked a positive move towards increased victim recognition, the rationale behind Home Office initiatives that recognised (and had the appearance of acceding to) victim demands is not explicit, but probably based on two drivers that coalesced to increase the state's commitment to victims. Firstly, 'placating victims was a political manoeuvre designed to divert attention away from successive governments' failure to reduce the incidence of crime' (Williams, 1999: 38). Secondly, the Government realised the importance of engaging victims and witnesses with the criminal justice process and their crucial role in bringing offenders to justice; 'during 2001 over 30,000 cases were abandoned because victims and witnesses either failed to attend court or refused to give evidence' (Home Office, 2002: 36).

Conversely, concerns have been raised by some commentators about the advisability of victims becoming more involved, particularly in relation to restorative justice initiatives, a factor that may impact negatively on work with offenders (Ashworth, 2000). Allowing victim needs to become rights could be perceived as threatening where such 'rights' start influencing outcomes. Whilst Goodey accepted that the criminal justice system constructed victims as 'consumers' of services with very little redress, she believed a satisfactory balance must be achieved between due process in law and victim centred justice. She cited an example of a victim being given information about the release of an offender as acceptable, but asking victims to comment on whether an offender should receive bail has 'potentially negative consequences for some offenders' (Goodey, 2005: 153).

Child victims of crime

In this context, literature focused almost exclusively on children who were victims of abuse, usually by an adult parent or carer. A number of high profile child abuse cases in the last few decades gave rise to significant reform, not least The Children Act 1989 and enhanced inter-professional guidance (HM Government, 2006). The most recent public inquiry was a consequence of the murder of Victoria Climbié, which provided additional impetus to the Government's programme to reform children's services as realised by the 2004 Children Act and the accompanying strategic guidance *Every Child Matters: Change for Children* (DfES, 2004). In this strategy, children as victims were not only recognised but also endowed with the right to expect help to achieve five critical outcomes; keep healthy, stay safe, enjoy and achieve, make a positive contribution, and achieve economic well-being. Whilst children's needs as victims of crime were considered, responsibility for delivering services to meet such needs was less clear.

Children as indirect victims of crime

Many Government reforms on domestic violence, such as the Domestic Violence and Victims Act 2004, have taken into account the needs of children who may not have been direct victims of domestic crime, but were often witnesses. For example, new measures included powers to restrain perpetrators; in certain circumstances, even where an accused has been acquitted (section 12). The Act was, in part, a response to research into the impact on children witnessing domestic violence (English, Marshall and Stewart, 2003; Kitzmann et al, 2003; McGee, 2000). McGee found that such children often presented with behavioural problems and felt fearful, both in the short term and longer term. In extreme cases, children as young as seven were found to be contemplating suicide (McGee, 2000). The Act aimed to safeguard victims and witnesses, including children. In addition to legislative support, the Government recommended training and guidance for Police and Crown Prosecutors to promote a better understanding of the needs of children as victims and witnesses of domestic violence (Mullender, 2005). Children as victims and witnesses had become more visible and their status as both victims and witnesses was increasingly recognised. Agencies such as *Women's Aid* were at the forefront in highlighting the needs of children and their experiences of domestic violence. Consequently, a number of refuges throughout England and Wales now provide support directly to children.

Children as victims of 'other' crimes

Other than an interest in the veracity and reliability of children's testimony, academic and state interest in children as victims of other types of crime was almost non-existent. Prior to Morgan and Zedner's work in the early 1990s there had been no specific research on children's experiences of crime. Morgan and Zedner looked at the experiences of children who had been victims of crime and the response of the criminal justice system to their plight. They concluded that 'the focus on children who are abused has obscured the needs of children who have been victims of 'ordinary' crimes' (Morgan and Zedner, 1992: 180).

Morgan and Zedner found no 'systematic' data available on children who had been victims of crimes other than abuse. Alongside the absence of quantitative data, there was no information on children's experiences of the criminal justice system (ibid: v). In their research, they found the names of child victims were not recorded on police crime sheets in the 33 cases where children had been direct victims of crime. Effectively, these children were not recognised as victims, even though they were the injured parties. They found that once crimes were reported, children were 'dependent upon others taking their victimisation seriously' (ibid: 112).

From the early 1990s there was a greater focus on looking at children's experiences of victimisation as a result of crime. Much of the recent research examined self-reported experiences of crime rather than statistical evidence from official Home Office crime figures (Hartless et al, 1995; Smith, 2003). Although there were indications of a significant rise in crimes against children (Home Office, 2005; Smith, 2003; Victim Support, 2003), the figures were unclear. At the time of writing, the British Crime Survey still did not record crimes against children below the age of 16 and as Anderson et al have noted 'this is a serious omission, as it neglects perhaps the most vulnerable group in society – namely children and young people' (1994: 5). However, the 1992 sweep did question a small sample of young people about their experiences of crime and found that 12-15 year olds were more likely to be victims of personal crime (theft and assault) than adults (Maung, 1995). Similar results were found in the United States of America (Hashima and Finkelhor, 1999). The Youth Justice Board subsequently commissioned an annual youth survey of young people's experience of crime and victimisation (Youth Justice Board, 2004). Whilst the findings revealed less incidence than more recent Home

Office research (Home Office, 2005b), 13 per cent compared with 35 per cent, the differing research designs has made comparison difficult. However, these surveys revealed that a significant number of children experienced victimisation, often by their peers.

Home Office research found that 71 per cent of assaults committed by 10-15 year olds were against people known to them, of which 49 per cent were peers. The same research revealed the prevalence of personal crimes; approximately a third of 10-15 year olds had experienced one or more personal crimes in the previous year (Home Office, 2005b). A number of research projects revealed considerable evidence that young people experienced crime on a regular basis, although the focus of the research was primarily on situational crime and crime prevention (Harrington and Mayhew, 2001; Mawby, 1979 and Smith, 2003).

Situational crime and crime prevention was something that successive governments have increasingly promoted in the last two decades in an effort tackle the increasing fear of crime (irrespective of the actual incidence). To deal with the increasingly pressing problem of the fear of crime, police services, in partnership with local authorities, developed crime prevention strategies to reassure vulnerable communities, such as the elderly, women and children. The use of personal alarms, car alarms and house alarms were typical of the type of situational crime prevention strategies that are now commonplace in most neighbourhoods.

Although situational crime was important, an extended focus was needed to gain a better understanding of children's experiences of victimisation. Certainly Fitzgerald, Stockdale and Hale's research (commissioned by the Youth Justice Board) raised this. The focus of the research was to look at the motivation for young people to engage in street crime and the implications for agencies. They concluded that there was a need for the Government to focus on strategies to reduce offending by young people, and 'pay as much attention to young people as victims of crime as it does to them as offenders' (2003: 71).

The Government's focus on preventive measures for children had come into vogue. In early 2005, it announced 'Safe Week', a campaign urging children to protect themselves

from potential victimisation, advocating that they 'wise up to the risks, hide their valuables and stop making life easy for opportunistic criminals' (Home Office, 2005).

Children as victims of crime outside of the criminal justice system

As mentioned earlier, statistical data to gauge the actual level of recorded crime against children were few, and existing research had been based on self-reporting. However, two very important pieces of research in the area of child victimisation took place in Edinburgh. Anderson et al (1994) and Smith (2004) both identified high rates of offending against children, but these incidents were not reported, or not always recorded by the police.

Considerable evidence has been amassed, both in England and Wales and North America, of low crime reporting rates suggesting that only half of all crime is reported to the police (Hashima and Finkelhor, 1999; Home Office, 2005a,). Reasons for this have been well documented (Dignan, 2005; Finkelhor, Wolak and Berliner, 2001; Goodey, 2005.) although, in the case of child victims, fewer crimes committed against them were reported to criminal justice agencies than for adults (Feyerherm and Hindelang, 1974). Violent crimes committed against young people by other young people were particularly under-reported, with only two per cent of such crimes reported as compared to 41 per cent of adult crime (Finkelhor, Wolak and Berliner, 2001).

Whilst little statistical evidence can be found to elucidate why young people fail to report crime, or why it might not be recorded as such, a number of commentators have speculated on the reasons, including the tendency for police to take crimes committed against young people less seriously. Factors included low incidence of weapons; injuries less serious; peer relationship between victim and offender; the relative young age of the offender; and police perceptions of young people as offenders rather than victims (Anderson et al, 1994; Mawby, 1979; Morgan and Zedner, 1992). Other factors may also have had an impact, such as the desire to protect the child from the criminal justice system or fear that peers would react negatively (Finkelhor, Wolak and Berliner, 2001).

Garofalo, Siegel and Laub (1987) examined crime committed in American schools and found that crime committed within senior schools was considered 'normal' and 'less crime like than it would be against adults'. They found that many children, whilst not reporting

their victimisation to the police, reported the matter to other 'social control figures', such as teaching staff (1987: 335). However, these crimes were often minimised, or dealt with in a 'quasi-judicial' way. Anderson et al (1994) found that children frequently concealed their victimisation from adults because of the expectation of adult's sceptical response.

Morgan and Zedner's research revealed that children's views were often lost in adult 'wrangling about whether the police should be involved' and children needed to 'earn their status as victims, in order to be recognised' (Morgan and Zedner, 1992: 22).

Bullying

Whilst bullying has received considerable media attention, there appeared to be a disparity between behaviour that could be categorised as criminal and behaviour seen as testing the boundaries and associated with growing up. The term bullying encompasses a range of behaviour that effectively minimises the seriousness of crime perpetrated against young people. Frances Cook, director of the Howard League for Penal Reform, said in an interview with BBC Radio 4, 'children are the same as they have always been – low-level anti-social behaviour towards each other is part of the process of growing up' (BBC News, 2005).

Defining bullying also appeared problematic for government. The Department for Education and Skills (DfES), whilst not giving a clear definition, suggested bullying included name calling, extortion, physical violence and serious threats (DfES, 2005). Many incidents of bullying were situated around schools. For the NSPCC, the term was 'intrinsic to the school setting, rather than a description of behaviours in themselves' (NSPCC, 2005: 3).

Certainly there has been substantial research into bullying, particularly bullying which is situated in schools (Balding, 1993; Hartless et al, 1995; Scottish Crime Survey, 2000). More recent research commissioned by the Home Office found that just over a third of the 10-15 year olds they interviewed had been victims of 'personal' crimes, such as robbery, assault, theft from person and other theft. Descriptions of these crimes tended to minimise, with assaults being interpreted as 'being punched, slapped or hit' (Home Office, 2005e: 109) and robbery as 'grabbing, pushing or pulling or punching, slapping or hitting' (ibid: 108).

Adding to this confusion was the recent Home Office publication *Every Child Matters: Change for children in the criminal justice system* (2004). The document set out the future for children's services in the light of the Children Act 2004 and *Every Child Matters: Change for Children* (DfES, 2004). Under the 'staying safe' outcome the document stated that the Government's intention was to ensure 'children and young people are safe from crime, exploitation, bullying, discrimination and violence' (Home Office, 2004: 1).

In spite of official vacillation regarding the seriousness and criminality of bullying, the Government clearly saw such behaviour, particularly within the school setting, as problematic. Consequently, it channelled considerable new resources through the DfES, YJB and the wider criminal justice system.

The Safer Schools Partnership, a joint initiative between the DfES, the YJB and the Association of Chief Police Officers (ACPO), is one example of the Government's determination to tackle bullying. The partnership involved posting police officers to schools to focus on reducing victimisation, criminality and anti-social behaviour within the school and the community. This included identifying and working with children and young people at risk of becoming victims or offenders.

One of the other ways of delivering the Government's anti-bullying agenda in schools was through restorative justice initiatives. Restorative justice is a process by which victims, offenders and the community come together to restore the damage done by crime, and is discussed more fully in Chapter Three. In 2001, the YJB funded nine pilot projects to work in schools with the focus on reducing crime. Preliminary findings from the evaluation of the pilots found a 21 per cent reduction in bullying (Youth Justice Board, 2004c).

The increasing diversity of urban Britain has inexorably led to increased racially motivated crime, a phenomenon that transcends both age and gender. Race crime, along with homophobic crime and other crime against minority groups, now come under the banner of 'hate crime', a term first used in the United States of America in 1985 (McLaughlin, 2002). Following the Macpherson Inquiry into the death of black teenager Stephen Lawrence (Macpherson, 1999), many police services up and down the country created units to

specifically focus on hate crime. Crimes such as homophobic crime and domestic violence as well as racially motivated crimes came under the remit of such units. In the Metropolitan Police Service, Community Safety Units were set up in all London boroughs to deal with increasing levels of hate crime.

An Association of London Government report commissioned by the then Mayor of London, Ken Livingstone, found that within a sample of 520 black and Asian 8-14 year olds, 80 per cent had suffered racial abuse or had been threatened (ALG, 2003). Sadly this was not a new phenomenon, as seen by work undertaken on a London housing estate by Pitts who found that Bengali and Somalian children were subjected to 'violent victimisation, racial and otherwise' (Pitts, 2001a: 188). Porteous identified an increase in serious fights, particularly inter-racial fights. His study, conducted in a London school between September 1996 and April 1997, found that 41 per cent of year eleven students had been assaulted (Porteous, 1998).

Government sponsorship of anti-bullying initiatives outside the criminal justice system may have added to a tendency to avoid recognising bullying as crime. One government-funded think tank, the *Anti-bullying Alliance*, received over a million pounds to promote mediation between bullies and their victims, with an underlying ethos of 'no blame'. This ethos was criticised by *Bullying Online*, a charitable organisation that described this approach as conciliatory and absurd (Rogers, 2005). In the same newspaper article, Liz Carnell, the director of *Bullying Online*, suggested that mediation not only did little to help, but 'in practice gives the perpetrator more information about the weaknesses of their victims' (Rogers, 2005).

The tendency to minimise the criminality of bullying was summed up in a BBC Radio 4 interview with Frances Cook, Director of the Howard League for Penal Reform, who said it is 'difficult to determine how many young people are in fact victims'. Juxtaposing bullying with more serious crime, she described it as 'low-level stuff [where] the kids are generally not upset about it.' (BBC News, 2005).

Impact of crime and the needs of child victims

The impact of crime upon children has been found to be not dissimilar to that of adults (Victim Support, 1998). Feelings of anger, fear, vulnerability and shock were considered

normal reactions to abnormal situations and mirrored the feelings of many adult victims (Victim Support, 1998; Victim Support, 2003). Goodey's research, based on a sample of 663 girls and boys revealed that 72 per cent of the boys, aged 11 and over were 'worried' when they were outside the family home. Also, 'older boys' presented 'boys of all ages with a tangible threat that far exceeded girls concerns' (2005: 87). Vulnerability clearly appeared to be a concern for young people and the level of vulnerability was to some extent shaped by exposure to crime, experiences of crime as a victim and, most significantly, gender.

Morgan and Zedner's work revealed similar findings. In 54 cases of children suffering direct victimisation, feelings experienced included loss of self esteem, fear, and a desire for retribution (Morgan and Zedner, 1992). Ditton found that the 'main component of people's reaction to crime' was anger (Ditton et al, 1999). Similar findings were obtained in research undertaken by Victim Support, where 61 per cent of 400 children interviewed, felt angry as a result of their victimisation (Victim Support, 2003).

The nature and degree of vulnerability was linked to victim blaming, as described by Goodey who identified 'deserving' and 'undeserving' victims. The 'deserving' victim was seen as an innocent party to their victimisation, their past conduct was blemish free and they were often older and female. 'Undeserving' victims had dubious antecedents and their actions were seen to have contributed to their victimisation. Goodey was able to show that the response of the criminal justice system to victims involved prioritising those considered most vulnerable, a judgement often based solely on age, gender and crime type. She suggested that 'child victims, and in particular child victims of sexual and physical abuse' should be accorded top priority in terms of vulnerability (Goodey, 2003).

In terms of supporting victims, children's needs were also similar to adults'. The opportunity to talk with someone about experiences of victimisation was considered to be an intrinsic part of the recovery process, a need clearly identified in research undertaken by Victim Support (2003). However, support for child victims of crime has been conspicuous by its absence and Victim Support had only recently begun to address the needs of this particular group. Whilst the work of agencies such as *Childline* have provided valuable telephone counselling, direct face to face contact with child victims remained rare. Similar

findings were found in the United States of America (Finkelhor, Wolak and Berliner, 2001).

The *National Service Framework for Children, Young People and Maternity Services* (DOH, 2004) effectively set standards for meeting the health and development needs of children. The Framework identified three main objectives in terms of meeting the needs of children and families; putting children and their families at the centre of care; developing effective partnership working; and delivering needs-led services.

Whilst there were many references to children at risk of abuse, children in domestic violence refuges, and young offenders, there were no references to children and young people's experiences of criminal victimisation and the potential impact this could have on their health and development. Such an omission was surprising given the substantial evidence to suggest children and young people often suffered psychological harm as the result of victimisation (Anderson et al 1994; Fitzgerald, Stockdale and Hale, 2003; Hartless et al, 1995; Morgan and Zedner, 1992).

Constructing victims

The academic study of victims has been defined by the World Society of Victimology as:

> *The scientific study of the extent, nature and causes of criminal victimization, its consequences for the persons involved and the reactions thereto by society, in particular the police and the criminal justice system as well as voluntary workers and professional helpers' (van Dijk, 2005).*

Whilst victimology has sought to explain the emergence of the victim in relation to crime, how society constructs victims and the relationship between victim and offender, particularly young victims and young offenders, has hitherto received minimal attention.

'Being' a victim

A number of questions have been debated. How does someone know if they are a victim of crime? What are the constituent factors that are implicit in gaining victim status? How are victims socially constructed?

According to Rock, a victim is an 'identity', a social artefact, dependent at the outset on an alleged transgression or transgressor' (Rock, 2002: 14). Research has shown that even beyond the confines of the criminal justice system the transgressor and the transgressed are accorded the status of offender and victim respectively and the presence of a victim 'helps to identify and confirm losses' (Miers, 2000: 78). However it is within the criminal justice system that the roles of victim and offender are best recognised and understood, and where processes are contained by which victims are most clearly constructed (Rock 2002). Goodey has suggested that whilst the law might deem an act criminal, it remains with witnesses and victims to interpret these acts as 'instances of victimisation (Goodey, 2005: 43). This social construction of victims provides the necessary environment from within which they can assume this identity.

As mentioned earlier, several commentators suggested that the victim could be seen as a 'citizen' (Mawby and Walklate, 1994: 72) or 'consumer' of victim services (Goodey, 2005; Miers, 2004), roles which, when recognised, prompt the state to take a somewhat protective role. This is analogous to Beveridge's introduction of the welfare state and the concept of the 'deserving and undeserving poor' (Mawby and Walklate, 1994: 70). The formation of the Criminal Injuries Compensation Board in 1964, 'articulated this protective role of the state and the implied notion of contract' (Mawby and Walklate, 1994: 72).

In order for victimisation to be acknowledged, accepted and acted upon, society needs to ascribe the label of victim, and it is society, particularly the criminal justice institution, that has the power to ascribe the label (Miers, 2000). Members of the criminal justice system, as well as all members of society have certain interpretations and expectations of victims shaped by 'everyday moralities of troubles' and decide whether conflicts between people are 'deemed to be consequential or inconsequential, criminal or non-criminal' (Rock, 2002: 20). Whilst victims, in the technical sense, may have a number of expectations, such as a sympathetic response to their plight, these will only be acknowledged if the '...listeners notion of 'victim' accords with those claiming victimisation' (Miers, 2000: 81).

Research has shown that victims of some crimes have difficulty is achieving victim status (Stanko and Hobdell 1993). Domestic violence and sexually motivated crimes have traditionally struggled to achieve victim status although there has been a significant shift in

how such crimes are perceived (Kennedy, 1992; Lees, 1996). However, this has not been the case with all crimes. At one end of a spectrum, an act of violence might be seen as nothing more than 'fun or rumbustiousness' (Rock, 2002: 20) but, at the other, be considered 'an intolerably disturbing assault on the body and spirit that demands a response from the state' (Rock, ibid).

Young victim – young offender; changing labels

The difficulty in ascribing victim status was particularly evident in the area of youth crime, where children and young people are both victims and offenders.

According to Dignan, the juxtaposition of victim and offender is at the heart of the criminal justice system in England and Wales, where victims are seen as 'utterly blameless and offenders as entirely culpable' (Dignan, 2005: 173). The need to distinguish between victim and offender is not exclusive to the criminal justice system and can be found in academic texts and observed in practice (Rock, 2002). Goodey highlighted the example of the reluctance of victim advocates to refer to young males as potential victims as well as potential offenders 'because it undermines their need to distinguish offenders (them) from victims, (us)' (Goodey, 2005: 98).

Other than an acknowledgement of its existence, the phenomenon of children and young people offending against one another, and the consequent relationship between victimisation and offending had, until relatively recently, attracted little academic interest. Smith, like Dignan, suggested that the reason so little attention has been given to the young victim, young offender relationship was because the criminal justice system depended 'on a sharp contrast between a guilty offender and an innocent suffering victim' (Smith, 2003a: 5). However, research by Anderson et al (1994) and Smith, (Smith, 2004), came to different conclusions. Anderson and colleagues' Edinburgh study during the early 1990s explored the experiences of young people and the criminal justice system, including young people's experiences as victims, offenders and as witnesses (Anderson et al, 1994). The researchers found a 'symbiotic' relationship between the police and both young offenders and young victims, concluding that victims and offenders were 'inextricably linked and interconnected' (Anderson et al, 1994: 12).

According to Miers, young people who experience victimisation at the hands of other young people, do not necessarily see their experiences as victimisation, but accept them as the 'vicissitudes' of life on the street (Miers, 2000: 81). Claiming the status of victim involves a 'cognitive process of self-labelling' (ibid: 81), one which young people may choose not to apply, through peer pressure or to retain their status amongst peers. However, those invested with the power to designate young people as victims may be reluctant to do so because young people, and the events surrounding the victimisation, have characteristics which struggle to resonate with their values and beliefs. Rock referred to this as 'context-dependent' recognition (Rock, 2002: 20).

Research has shown that, conceptually, victims and offenders overlap (Dignan, 2005; Goodey, 2005; Rock, 2002), a situation that is amplified in relation to young victims and offenders. From the outset, and throughout the duration of the criminal justice process, judgements are made about victims' conduct at the time of the alleged offence.

Victim precipitation, or victim blaming as it has sometimes been referred to, can be traced back to the emergence of victimology in the 1940's, where Von Hentig (1948), identified different typologies of victims, primarily focussing on victims' responsibility for their victimisation. Subsequent studies of victim precipitation were conducted by Mendelsohn (1956), Wolfgang (1959) and Amir (1971). However, feminist criminology explored the impact of crime against women, such as domestic abuse and sexual violence, concluding that victim precipitation was a myth (Adler, 1987; Kelly, 1988 and Mooney 1993). In parallel to this, with the emergence of both national and localised crime surveys in the 1980s, the focus shifted from victim precipitation to the nature and extent of victimisation. Thereafter, local crime surveys constrained themselves to looking almost exclusively at the impact of crime (Jones, Maclean and Young, 1986).

Goodey, however, identified the re-emergence of an element of victim precipitation in relation to situational crime prevention and repeat victimisation (Goodey 2005), suggesting that what individuals do, who with, and where, might explain victim 'proneness' but did not 'assign' blame (Goodey, 2005: 71). The important issue here is the definition of victim proneness and victim precipitation. Whilst early victimologists understood victim precipitation in terms of certain victims contributing to their own victimisation (Dignan, 2005), victim proneness was about 'the intersection of a series of circumstances' (Goodey,

2005: 71), whereby 'prone' victims, based on variables such as age, gender and socio-economic background were more likely to come into contact with offenders and offending situations. Proneness therefore became conceptualised differently to precipitation, whereby only the latter could endow victims with an element of culpability. These variables meant that victimisation was not 'a succession of random events' (Goodey, 2005: 50), where anyone was at risk of being a victim, but where certain groups were more likely to be victims than others. Sanders, was at pains to point out that victims and 'non-professional offenders are extremely heterogeneous' (Sanders, 2002: 198) and have much in common with one another. Research undertaken by Smith and colleagues in Edinburgh supported this analysis. Their longitudinal study of 4,300 young people explored the relationship between victimisation and offending by young people. The study revealed a strong link between victimisation and subsequent offending behaviour; 'the more often victimization is repeated, the more strongly it predicts delinquency' (Smith, 2004: 3). Similar findings, albeit on a smaller scale, were found in research commissioned by the Home Office (Budd et al, 2005).

The academic focus on young people and victimisation has generally been on adult perpetrated crime, particularly within the context of child protection and the response by professionals (Brown,1998; Haines and Drakeford, 1998; Hartless et al 1995). Whilst these issues were indeed important, the concentration of effort in this area meant that the victimisation of young people by other young people received relatively little attention, particularly in the area of practice (Rock, 2002). Consequently, further exploration of young people's experiences of victimisation may be needed to better understand 'how patterns, moralities and narratives of offending and victimisation intertwine and co-exist' (ibid: 21), how young people experience victimisation by other young people, and critically assess the criminal justice system's ability to respond.

There now follows an updated review of the literature describing research and discourse relevant to the revised research question alluded to in the Introduction to the thesis and discussed in more detail in Chapter Four.

Updated literature review

The Criminal Justice and Immigration Act 2008 received Royal Assent in May 2008 and will be subject to phased implementation. The Act makes a number of new provisions in

relation to youth offending including clarifying the purpose of sentencing, extending Referral Order provisions and opportunities, and increasing opportunities for diversion from court. In terms of sentencing, the Act makes two important provisions; it clarifies the purposes of sentencing and introduces a new 'Scaled Approach' to interventions.

> *The Scaled Approach aims to ensure that interventions are tailored to the individual and based on an assessment of their risks and needs. The intended outcomes are to reduce the likelihood of reoffending for each young person by tailoring the intensity of intervention to the assessment, [and] more effectively managing risk of serious harm to others. (YJB, 2009).*

The new purposes of sentencing under Section 9 of the Criminal Justice and Immigration Act 2008, include a requirement for courts to take into account three distinct areas; the principal aim of the youth justice system (to prevent offending and re-offending), the welfare of the offender, and the purposes of sentencing (punishment, reform and rehabilitation, protection of the public, and reparation to persons affected by offences). When viewed together, these requirements reaffirm the welfare principle contained in Section 44 Children and Young Persons Act 1933, which states that 'every court... shall have regard to the welfare of the child or young person...', whilst ensuring that equal weight is given to the three purposes of sentencing, including welfare. This is undoubtedly in response to criticisms of the 1998 Crime and Disorder Act which failed to establish a new welfare principle for children under Section 37, where the principle aim of the youth justice system was to reduce offending.

In relation to offenders and victims, findings from research (Victim Support, 2007) highlighted the continuing trait for young offenders' and young victims' roles to appear 'interchangeable' (2007: 5). This trait had been previously identified by Anderson et al (1994); Dignan, (2005); Goodey, (2005); Rock, (2002); and Smith, (2004). Victim Support also found a correlation between violent victimisation and violent offending, whereby such victimisation could trigger a number of responses including retaliatory violence, befriending the offender or displaced retaliation (violence towards another person). To militate against the risks of victims resorting to crime, Victim Support recommended that both young offenders and young victims 'have equal access to effective support services' (2007: 5).

Retaliation was mentioned in the Government's Youth Crime Action Plan where the stated ambition was to ensure that young victims 'do not turn to crime in response to being a victim' (Home Office, Ministry of Justice, 2008: 42), but was short on how this might be achieved other than a commitment to 'commission four local projects in areas where agencies are already providing some services and build on these to test how the statutory and third sector can provide a more complete service to victims of crime' (ibid: 43). Seven years ago Rock (2002) highlighted the need for the criminal justice system to critically assess its ability to respond to the 'young victim' – 'young offender' dynamic. In light of the increase in youth on youth crime, the time for ambition to become reality cannot come soon enough.

The Government continued to encourage more victims to engage in the criminal justice system, particularly in relation to restorative justice. In terms of the youth justice system, the 2008 Youth Crime Action Plan stated that in the period 2006-2007, '17,728 victims participated in restorative processes and 97% of the participating victims reported satisfaction' (Home Office, Ministry of Justice, 2008: 10). This statistic is difficult to understand when the measure of 'satisfaction' lacked definition, and even more difficult to understand when one looks at Referral Orders: Priorities for Action (Youth Justice Board, 2007b), a consultation draft which suggested the following new performance indicator:

> 'To ensure that victims participate in restorative processes in 25% of relevant
> disposals referred to the YOT, and 85% of victims participating are satisfied.

The 2008 Youth Crime Action Plan did not recommend or suggest a performance indicator for restorative justice.

In relation to child victims, the Government recognised that crime against young people, perpetrated by other young people, was a significant problem. Whereas child victims have historically only really been visible in child abuse cases (Morgan and Zedner, 1992), child victims of other types of crime had become the subject of discourse by a number of commentators including the Howard League of Penal Reform, who found that 95 per cent of the 3000 school children they interviewed had been victims of crime, mostly assaults and theft (Howard League of Penal Reform, 2007). Whilst the document referred to such crime as 'low level', taking place in schools and playgrounds, it acknowledged that 'to children … in a child-sized world, these crimes are serious enough – they matter' (Howard League, 2007: 2). In spite of this, and perhaps unsurprisingly, it recommended dealing

with such crime (restoratively) outside the criminal justice system by 'developing conflict resolution and mediation-based techniques into educational programmes for schools' (ibid: 3).

Although the needs of young victims were not significantly different from those of adults, the response of adults was often sceptical or uncertain (Anderson et al, 1994, Finkelhor, 2001 and Morgan and Zedner, 1992), and contributed to the reality of harm as experienced by them being left unacknowledged, or to them being excluded from restorative interventions. This problem continued as revealed in the research undertaken by the Howard League of Penal Reform (2007). They found that adults struggled to understand how to respond to victimisation of young people and subsequently took little action (2007: 3). Their research lent support to the contention, implicitly confirmed by the Government (Home Office, Ministry of Justice, 2008), that crime committed against young people was primarily committed by other young people, a situation that adds to the complexity of supporting victims as the likelihood is that victims will almost certainly meet their perpetrator again.

The Youth Crime Action Plan set out a strategy to identify crimes committed against young people and support young victims. Apart from the four projects mentioned above, the Government was committed to extending the British Crime Survey to include people under 16. Once data became available it intended to 'introduce a new national goal substantially to reduce the number of young victims by 2020' (Home Office, Ministry of Justice, 2008: 14), by substantially reducing youth offending. New ways of supporting young victims included the advent of a Youth Restorative Disposal; to be piloted as one of a range of measures already legislated for under the Criminal Justice and Immigration Act 2008. This Youth Restorative Disposal was designed to empower police, in suitable situations, to divert cases from the youth justice system by bringing victim and offender together and agree upon actions the young offender must take to repair harm to the victim, including apologising.

Although the Government refers to local authorities' obligation to ensure young offenders achieve 'the five Every Child Matters outcomes to give them the best chance to turn their lives around' (ibid: 9), including keeping them safe from harm, it is less clear about how local authorities should meet their identical obligation for young victims. However, it does

recommend a united response between criminal justice agencies, local authorities and the third sector by agreeing to a 'local understanding of how they can work together better to meet the needs of young victims' (2007: 42). An example of a local project set up to work restoratively in both youth offending and safeguarding children contexts, was the subject of an empirical study conducted by Zernova (2007). This project ran family group conferences for both child protection and youth offending cases and was funded by a partnership between social services, the YJB, police, youth offending and probation services. However Zernova, whose research focussed solely on the youth offending part of the project, found that although victims, including young victims, were encouraged to participate with some success, she found 'evidence that may indicate an apparent lack of harmony' (2007: 120) between the needs of victims and offenders which was not attributable, in some cases, to errors of implementation or practitioner errors. Pointing out the tensions created by expectations that restorative justice would both provide for the welfare needs of young offenders, and hold them accountable for their offending behaviour, Zernova found professionals reluctant to hold offenders accountable. This left some victims feeling 'uncomfortable during conferences because of what they saw as the conference facilitators' adoption of a non-blaming approach towards offenders' (ibid: 119). She quoted one young victim who commented that the conference, 'made me feel as though [the offender] hadn't done anything wrong, though. It did feel like [conference organizers] were sticking up for her' (ibid: 69).

This chapter provided a review of literature in relation to children and the criminal justice system covering the relatively recent construction of childhood and perceptions of children's innate vulnerability; children as young offenders and the advent of the youth justice system to deal with the problem of youth crime; the changing face of the youth justice system in its political context; children as victims of crime; children as victims of youth crime; and the different ways child victims have been constructed, perceived and treated by the criminal justice system. It also provided an update on literature as at September 2008. The following chapter reviews the literature in relation to youth offending teams.

CHAPTER TWO –YOUTH OFFENDING TEAMS

Introduction

The previous chapter reviewed the literature in relation to children and the criminal justice system and included topics such as the relatively recent construction of childhood and perceptions of children's innate vulnerability; children as young offenders and the advent of the youth justice system; the changing face of the youth justice system and its political context; children as victims of crime; children as victims of youth crime; and the different ways child victims have been constructed, perceived and treated by the criminal justice system.

Building on the previous chapter, this chapter focuses on the Government's management of youth crime through the youth justice system and youth offending teams. It examines the structure and function of YOTs, their roles and responsibilities including how they work with victims of crime. Finally, it discusses the processes for monitoring and evaluating youth justice practice. Following the structure of the previous chapter, it also provides an update of literature as at September 2008 in a separate section. The rationale for this is discussed in Chapter One, but seeks to make a clear distinction between the 'then known' (informing data analyses) and the 'subsequently known' (informing the discussion in Chapter Seven). Of particular import in this chapter is a review of the literature on the culture of YOTs.

Summary of research on youth offending teams and victims

This summary includes research discussed in both parts of this chapter, that is, research mentioned in the earlier literature review and research mentioned in the updated literature review.

Of the limited research that has been undertaken on the performance of YOTs, most has been commissioned by the Home Office, YJB and, more latterly, the Ministry of Justice. Although some research projects have explored the level of victim participation, victim satisfaction and the logistics of victim engagement, few have examined whether, or to what extent, the practitioner-young offender-victim dynamic affects the level or quality of victim participation, particularly in relation to restorative justice processes instigated by Referral Orders. Interestingly, none have explored this dynamic in relation to young

victims even though evidence clearly indicates that most young offending is perpetrated within the youth community (see for example, Home Office, Ministry of Justice, 2008). A summary of the research on YOTs that included the victim component is illuminating.

Holdaway et al (2001) undertook a national evaluation of the nine pilot YOTs across England and Wales. This involved a three-stage process looking at the establishment of YOTs in 1998, how they were functioning a year later and subsequent assessment of their progress. They found a wide variation in working practices amongst the pilot sites, with some YOTs contracting victim work out to external agencies. The researchers found that victim involvement was ideologically challenging for practitioners. In 2000, a member of the research team involved in the evaluation completed an interim report on reparative work within the pilot YOTs (Dignan, 2000). The report was intended to provide a 'snapshot' of progress made, particularly in the first six months (2000:1). Dignan raised a number of issues in relation to work with victims including delay in passing victim details to those responsible for contacting them. He commented that staff needed to be conversant with restorative justice and be able to incorporate it into their work with young offenders. Dignan recognised that YOTs were well placed to identify the unmet needs of young victims of crime and offer support.

In 2001 Newburn et al completed their national evaluation of the 11 pilot schemes for Referral Orders (2002). They examined 1803 Referral Orders and interviewed staff, panel members, offenders and victims. They also looked at panel members' application forms, analysed YOT records, observed panel training and observed youth offender panels. With regards to restorative justice, the researchers found that although practitioners endorsed the restorative justice approach, victim attendance at panels was very low at just 13 per cent. Of the panel members interviewed, 85 per cent felt more should be done to encourage victim attendance. Nearly 80 per cent of the victims that attended a panel thought that the opportunity to talk about the impact of crime was important. The researchers concluded that there was a need to foster a culture that supported the victim component, particularly participation within Referral Order processes, although they anticipated that low levels victim participation were more a problem of implementation than ideology.

Several pieces of research have been undertaken at a more local level. An example of this is Crawford and Burden's evaluation of the restorative justice team in Leeds youth

offending service (2005), which included victim involvement in Referral Order processes. Using both qualitative and quantitative methods, the research focused on a six month cohort of referral orders. Although they found that the dedicated restorative justice team helped integrate victims into the restorative justice process, the level of direct participation was less than nine per cent. The findings also revealed that victim contact was labour-intensive and required significant resources.

Burnett and Appleton (2004) conducted an ethnographic study of Oxfordshire YOT which operated a system of restorative conferencing. The study involved observing restorative conferences, analysing victim questionnaires and interviewing victims. They found that the majority of victims were reluctant to attend meetings with the young offender. Although they were unable to reach a firm conclusion on the lack of victim engagement, they raised concerns about the 'adequacy of provision for victims' throughout the conference process (2004: 48). Stahlkopf (2008) revisited Oxfordshire YOT to conduct a follow-up ethnographic study. She found that the early enthusiasm reported by Burnett and Appleton (2004) had largely dissipated and a 'tick-box practice had emerged, in relation to Referral Orders, where the priority was getting cases through the system (2008: 470). Although Stahlkoph made no direct reference to work with victims, she found that practitioners were largely disillusioned and cutting corners with their work with young offenders.

A number of YOT-specific research studies have been conducted (Ellis and Boden, 2004; Souhami, 2007; Stahlkoph, 2008), none of which looked at work with victims. However, Field (2007), who conducted research into the practice and culture of YOTs in Wales, found work with victims to be a controversial, with police officers feeling that victims' accounts were ignored or minimised by social workers who wanted to present young offenders in the best possible light.

The Youth Justice Board commissioned an evaluation of 46 YJB funded restorative justice projects, all of which involved YOTs either directly or indirectly (Wilcox and Hoyle, 2004). In relation to contact with victims, evaluators found ambiguity in applying the legislation relating to victim contact resulting in uncertainty over which staff were responsible. They found that difficulties such as poor knowledge and communication adversely affected the quality of assessment and work with victims, and concluded that victim contact was less problematic when conducted by trained restorative justice staff.

Finally, Shapland et al conducted a three stage evaluation of three independent restorative justice schemes (2004, 2006, and 2007), two of which included young offenders referred by YOTs. The third stage of the evaluation included interviews with victims and offenders using identical interview schedules. They found high levels of satisfaction on the restorative justice process for both victims and offenders. Victim participation differed across the three schemes and included direct and indirect participation. Where there was dissatisfaction, factors included instances where there were 'unresolved and significant' disputes between victims and offenders (2007: 47). YOT practitioners were not involved in delivering restorative justice in this evaluation, neither were youth offender panels.

As Shapland et al point out;

> '... few [restorative justice] schemes have been comprehensively evaluated. Most evaluations of restorative justice have concentrated primarily upon obtaining measures of victim 'satisfaction', which normally includes questions about the adequacy of information given, the perceived fairness of the process and a global question on satisfaction.' (2007: 7)

This summary demonstrates the lack of research into the practitioner-victim-offender dynamic in that most of the problems of YOTs engaging victims with restorative justice processes are explained systemically. Whilst systems and processes are often contributory factors in obtaining positive victim engagement, the willingness or otherwise of practitioners to proactively operationalise these systems has not been comprehensively investigated. Systems and processes are people dependent and procedural hurdles usually present few obstacles where practitioners are adequately motivated. With this in mind, the current research should provide a positive contribution to knowledge in this important area.

Original literature review

Government response to youth crime

As mentioned in the previous chapter, youth crime was identified as one of the major electoral tenets of New Labour. Once in power, the Government wasted no time introducing significant changes to the youth justice system. The ensuing raft of legislation was unprecedented. Much of the reform and thinking behind this came from the findings and subsequent recommendations of the report by the Audit Commission, *Misspent Youth:*

Young People and Crime (1996). The report revealed that the then youth justice system was inefficient, ineffective and expensive, with delays in processing young offenders costing in the region of a million pounds. Reliance on this report as the basis for reform exposed the Government to criticism (Muncie, 1999), with some sceptics suggesting the primary focus of the research was value for money, and 'such findings were at times arrogant and patronising' (Jones, 2001: 363).

Reforms to youth justice were dressed in the language of New Labour and the 'Third Way' (Blair, 1998). Anthony Giddens, the founding father of the Third Way, believed the two political ideologies of socialism and neo-liberalism were not suited to 21st Century western society. He suggested that socialism was an 'exhausted' project and had failed to keep pace and respond to major social issues such as globalisation. Giddens suggested that neo-liberalism held a negative view of the state, particularly the welfare state, and created an exclusive society, rejecting those whom the market had cast aside. Giddens believed it possible to establish a 'Third Way' which would produce an 'inclusive society' which sought 'to include all its members as equal citizens' (1998: 104). He suggested that an inclusive society would be underpinned by ideals of equality and characterised by positive welfare; an active civil society; a social investment state; and a civil society based on the democratic family (ibid: 104). He also claimed that this 'Third Way' would engender values such as 'no rights without responsibilities, protection of the vulnerable and no authority without democracy' (1998: 66).

Talk of rights and responsibilities were central to the Government's youth justice agenda. These changes involved a move from a minimum intervention, systems management approach to juvenile offending in the 1980s, to an interventionist approach, focussing on responsibility and rights (Cavadino and Dignan, 2002). Systems management was a term used to describe a process of analysing processes within the juvenile justice system and modifying them to meet desired outcomes. An example of this was the use of diversion from court and custody.

New Labour and governance

One of the themes of New Labour's governance was decentralisation, which was to include economic, political, societal and managerial aspects of governance. The Government's White Paper *Modernising Government* (Cabinet Office, 1999) reflected its views on youth

justice, in that crime could not be seen in isolation, or as a simple relationship between the state and the offender, but must be seen in the wider context of the community. *Modernising Government* referred to 'citizenship', 'community' and 'partnership', effectively marking a move from centralised control, with the state as service provider, to a decentralised system based on local partnerships (Newman, 2001).

Newman suggested that the new YOTs were a good example of devolved power. The Crime and Disorder Act 1998 promoted the notion of shared responsibility (Crawford, 1998) in that it required local authorities to establish multi-agency community safety committees. Each committee was required to establish a YOT and publish a Youth Justice Plan, specifying how YOTs would be organised, how the local authority would discharge its function, and how it would work with voluntary bodies to reduce crime and improve community safety (Wilcox and Hoyle, 2004).

'Joined –up' services
The concept of 'joined-up' working was ubiquitous in New Labour discourse. The multi-agency nature of YOTs, with the five public services of Police, Probation, Health, Education and Social Services, were seen as the way forward in combating youth crime, with the additional benefit of enhanced inter-agency accountability (Bailey and Williams, 2000).

The Government's argument for such a structure placed great emphasis on general acceptance that young people's offending behaviour was inextricably linked with a host of social problems traditionally dealt with by statutory authorities, but in isolation. It was expected that joined-up working would lead to less duplication of effort and fewer inconsistencies in service delivery (Home Office, 1997a).

New Labour managerialism
Two main criticisms have arisen regarding the structure and purpose of managing youth crime under New Labour. Firstly, whilst New Labour appeared to be devolving power and control to local authorities, the level and exercise of central control led many commentators to the belief that the Government was being both managerialist and corporatist. It was John Pratt who first attached the term corporatist to youth justice. He defined it as the 'centralization of policy, increased government intervention and the

cooperation of various professionals and interested groups into a collective whole with homogenous aims and objectives' (1989: 245). Burnett and Appleton saw the relevance of this definition for the reformed youth justice structure (2004), although others preferred the managerialist interpretation of this strategy, which involved centralised power with devolved responsibility (McLaughlin, Muncie and Hughes, 2001; Pitts, 2000). An example of this was the creation of the Youth Justice Board (YJB), an 'executive non-departmental public body responsible for advising the Home Secretary on the youth justice service and crime reduction issues' (Home Office, 1997c). Some saw the YJB as the medium through which the Government continued to wield power whilst appearing to devolve it to local authorities (Crawford, 1998). Crawford likens this to a 'steering and rowing relationship in which the local authority rowed and central government, via the YJB steered' (ibid: 58).

The multi-agency partnership approach was viewed by some as a manifestation of managerialism, in that it diluted the professionalism of criminal justice staff, and pushed a welfare-based culture onto a managerial system concerned with cost effectiveness and performance (Burnett and Appleton, 2004). Some saw the advent of YOTs as an inter-agency 'shot-gun wedding' (Bailey and Williams, 2000), where each agency, with their differing levels of power and resources, had rapidly formed an uneasy alliance incompatible with the establishment and management of sound structures to deliver youth justice (Goldson 2000a and Pitts, 2001). Newman argued that the tension between de-centralised governance and centralised expectations and requirements resulted in confusion about who was in charge (Newman, 2001).

At one level the Government appeared committed to de-centralise where possible and allow local government to develop within a general legislative framework; however, on closer inspection this was a chimera, as controls could be found in the multitude of performance indicators, service standards, targets, and funding regimes. Newman referred to this as the replacement of traditional models of command and control by 'governing at a distance' (Newman 2001: 24).

'What works' and 'evidence-based practice'

The second criticism about the management of youth crime under New Labour concerned the Government's focus on targets and evidence. Part of the culture of managerialism

within New Labour was the insatiable demand for evidence. References to 'what works' and 'effective practice' are seen in most YJB policy documents. The YJB defined 'what works' as 'a programme that has been subjected to at least two robust evaluations which show statistically significant reductions in offending for participants relative to a comparable group of non-participants' (Youth Justice Board, 2003). The 'what works' definition had a distinct positivist dimension, as did the definition of evidence-based practice in the context of social care, which was 'the conscientious, explicit and judicious use of current best evidence in making decisions regarding the welfare of service-users and carers' (Sheldon, and Macdonald, 1999: 4). Youth justice legislation therefore required early intervention using evidence-based programmes. The independent evaluators of the pilot YOTs (Holdaway et al, 2001) were clearly looking for evidence and rigorous evaluation. 'Evidence-based practice' was mentioned at least 16 times in the report, which pointed out that systematic collection of data was essential 'to determine what works to prevent youth offending' (Holdaway et al, 2001: 11).

Whilst the Government was clearly supportive of evidence-based practice in the expectation that this would engender a culture where social care staff became 'hungry for information based on good evidence of how to do their jobs' (Sheldon and Rupatharshini, 2000: 81), others were less convinced. Commenting on the delivery of multi-agency services for children, Anning criticised the Government's peremptory commitment to, and reliance on, evidence-based practice, where the delivery of 'joined-up' services in statutory and voluntary sectors had 'scarcely been theorised or researched' (Anning, 2005: 4). Pitts argued that whilst the YJB may have produced 'cutting edge' processes to monitor and evaluate practice, the 'nature of what is to be administered, monitored or evaluated, remains elusive' (Pitts, 2005: 5).

The relentless pace of reform set the agenda for government commissioned evaluation. Wilcox and Hoyle (2004) considered the funding time-frame for the evaluation of restorative justice projects within youth justice, from the application for funding to the period of evaluation, was rushed and ill-considered. Similar concerns were raised about the pilot YOTs which were 'rolled out' nationally before the findings from evaluations became available (Williams, 2001).

Meeting targets

Reliance on targets, linked to evidence-based practice, was highlighted and condemned by several commentators (Muncie, 1999; Muncie and Hughes, 2002; Pitts, 2005). Muncie and Hughes were concerned that the increased emphasis on achieving results and meeting targets had created a situation 'whereby the problem of crime [needed] to be managed, rather than necessarily resolved' (Muncie and Hughes, 2002: 15).

There was also concern about the tight rein the Government had on funding for YOTs and how this linked with performance indicators. Central government funding came with clear demands for quick results to enable it to meet electoral pledges. The acceleration of youth justice under New Labour created what Newburn referred to as 'a tension between what one might characterise as effective interventions (What Works) and efficient justice (what it costs and how long it takes)'. (Newburn, 2001: 5). The publication of YOT performance tables on the YJB website increased the pressure further. Despite these criticisms, the Government remained determined to forge ahead with its programme of youth justice reforms. The YJB quarterly newspaper reported an interview with Hilary Benn, Labour MP, who said;

> *The youth justice reforms are the flagship for criminal justice reform. Real progress has been made in a very short time and this success should be celebrated'* (YJB News, 2002a).

An Audit Commission review of the youth justice system supported the Government's youth justice agenda and recommended that YOTs develop and implement a performance framework for an overall assessment of individual YOTs performance, using both national and local performance indicators (Audit Commission 2004: 68).

The structure of youth offending teams

The statutory bringing together of five agencies to prevent youth offending, was a unique event in criminal justice history, drawing a definite line under the previous youth justice regime. Whilst some agencies had worked together for some years, particularly within the area of child protection, the YOT model was vastly different from the multi-agency working practices co-ordinated by children and families social services departments. Unlike the child protection arena, YOT workers were co-located under a single management structure led by a YOT manager, usually from a social work background.

The implementation timeframe for setting up YOTs was phenomenal. Bailey and William's research concluded that the speed of the formation of YOTs took its toll upon the teams. They found newly established staff, including managers, were often unclear about the differing roles within the teams. They also found that senior managers saw YOTs as offering a holistic approach to work with young offenders, potentially diverting cases away from the criminal justice system, although academics interpreted the legislation in terms of 'net-widening' and an increased exercise of authoritarian social control (Bailey and Williams, 2000: 19). These differential interpretations demonstrated 'a nuanced understanding of the subtle (and perhaps contradictory) nature of the legislation' (ibid: 19).

Implementation demanded a case-management approach, which required a very different method of working with young people. Under the new regime, practitioners were effectively managing cases, where work with young people would involve the co-ordination of services delivered by a range of practitioners rather than direct key-working (practitioner undertaking all tasks with the young person). Burnett and Appleton found that staff felt they no longer had as much 'grip' on a case, as in the previous youth justice regime. Whilst practitioners were initially reluctant to follow this model, it 'became a coping strategy when [YOT workers] were too busy to achieve, via one to one meetings, the number of contacts required by National Standards' (2004: 33). However, the Youth Justice Board remained determined to build 'a professional and dedicated youth justice staff' (Youth Justice Board, 2002b: 5). To this end they announced the development of nationally accredited training programmes.

Multi-agency and multi-disciplinary youth offending teams

The concept of multi-agency working was not new to social care. One hundred years ago, social workers, or almoners as they were then known, could be found working in many London hospitals (Barr, 2002). Additionally, mental health services had been delivering a multi-agency service, involving a collection of professionals, including social workers and health professionals, for decades (Petch, 2002). However a distinction should be made between multi-agency and multi-disciplinary to describe the way particular groups of professionals work together. Multi-agency has been described as 'the coming together of various agencies to address a problem' (Burnett and Appleton, 2004a: 36), whereas Petch defined multi-disciplinary as 'providing within a single team, the range of professional

skills' (Petch, 2002: 222). Inter-agency working was defined by Burnett and Appleton as 'some degree of fusion and melding of relations between agencies' (Burnett and Appleton, 2004a: 36). Additionally, the term 'Inter-professional' has been used to describe 'how two or more people from different professions [organised within the context of multi-disciplinary teams] communicate and cooperate to achieve a common goal' (Ovretveit et al, 1997: 1). The YJB used the term 'multi-agency working' to describe the working relations within YOTs which it saw as the 'cornerstone' of the new system (YJB, 2004: 17).

The multi-agency style of working was not received uncritically. Evaluative research of the pilot YOTs identified the importance of having solid foundations in inter-agency working for them to develop successfully (Holdaway et al, 2001). Essential to successful team formation was the need for 'first class leadership at the developmental stages of the establishment of the YOTs' (Burnett and Appleton, 2004: 134). Bailey and Williams discovered a number of logistical and cultural inhibitors. They found practice guidance on forming inter-agency partnerships relatively unhelpful, leaving the formation of YOTs at a local level dependent on chief executives' experience of inter-agency working (Bailey and Williams, 2000: 11). According to Williams, the legislation and accompanying guidance was insufficient to adequately prepare the ground for effective inter-agency working (Williams, 2001: 191).

Working with volunteers

Volunteers' willingness to work with young offenders was confirmed by a poll commissioned by the YJB which suggested that there were some 3.4 million people interested in working with young offenders (YJB, 2005). New Labour's drive to involve communities in dealing with youth crime was a central tenet of the 1999 Youth Justice and Criminal Evidence Act, particularly in relation to the introduction of Referral Orders. Under the Act, Referral Orders became available as a new judicial disposal for young people, provided they had not received any previous convictions other than an absolute discharge, and had pleaded guilty to the offence. Referral Orders sentenced young offenders to appear before a youth offender panel, which would comprise two community volunteers and a YOT worker (YJB, 2001a). Guidance issued by the YJB clearly stated that the aim was to 'engage local communities directly with preventing offending by young people' (YJB, 2000: 5).

However, the use of volunteers has not been without its problems. Concerns were soon raised by practitioners in YOTs. The two main areas of concern were the use of unqualified people with decision-making powers (Earle, 2002: 28), and unprofessional practice (Burnett and Appleton, 2004). This contrasted with Goodey's research, which found that staff and volunteer panel members worked well together benefiting from 'mutual respect and understanding' (Goodey, 2005: 204). However, she questioned whether volunteers could adequately represent the local community, where panel members were found to be 91 per cent white, 69 per cent female and 68 per cent employed. Goodey believed volunteers were unrepresentative of the communities most affected by youth offending and felt that panel members would therefore be unable to 'appreciate the lifestyles and circumstances of the young offenders with whom they come into contact (2005: 204).

Whilst Goodey raised concerns about the use of volunteers and the criminal justice system's reliance on them as 'cheap labour' (2005: 204), Crawford and Newburn saw the use of volunteers as a way of enhancing public awareness to the plight of young offenders. They also thought that 'greater public involvement' in youth justice would act 'as a cultural and political restraint against more punitive policies and the growing resort to penal exclusion' (Crawford and Newburn, 2003: 220).

Roles and responsibilities of team members

Whilst researchers found working relationships within teams satisfactory (Burnett and Appleton, 2004; Holdaway et al, 2001), the pilot YOTs were used to test two team structures; generic, where all staff undertook all roles; or specialist, where specific tasks were undertaken by agency-specific practitioners. Holdaway et al made strong recommendations for the latter model on the basis that 'it cannot be assumed that the wholesale transfer of youth justice teams, or any other staff, is sufficient to provide the correct mix of staff, skills and knowledge' (2001: 6). However, Bailey and Williams argued for the building of a 'distinctive YOT culture with a recognised ethos and practice' (Bailey and Williams, 2000: 37). They advised that staff seconded to YOTs should be inducted into youth-justice culture, this being a key process to the success of YOTs and one that should not be overlooked or neglected (2001: 37). They found that the seconded staff arrangements, staff who had come into YOTs and worked alongside experienced

youth justice practitioners, worked reasonably well. They discovered willingness amongst team members to 'try and make the Act work' (2001: 60). Nevertheless they concluded that this probably occurred more by accident than design.

The model that emerged from these trials was one where individual practitioners retained a 'professional-centric' view of the world (Ovretveit, Mathias and Thompson, 1997: 1). To some extent this was based on practitioners' experience and knowledge of a particular area. For example, the police had vast experience of pre-trial work with young offenders, whereas probation officers and social workers had experience of post sentence work, although probation officers traditionally worked with adults and had little experience of working with young people. (Bailey and Williams, 2000). For some, this model generated what Bailey and Williams described as 'turf war' (ibid: 70), a view not shared by Burnett and Appleton who found that teams generally worked positively together, identifying a number of positive benefits such as 'reciprocal exchange of knowledge and swift access to other services and expertise' (2004: 28). In this more recent study, they also discerned a softening of stark professional identities, where 'YOT Practitioners' seemed to have acquired more generic values and beliefs. (2004: 29). A consequence of this was that practitioners assumed roles for which they were not best qualified, and they concluded that that a totally generic model would be self-defeating (ibid).

Information Sharing

Perceived restrictions on information sharing were identified by Bailey and Williams as one of the catalysts for the so called YOT 'turf-war', both in the 'what' and the 'how'. They found concern amongst practitioners that channels and processes of communication had not been properly established, creating a situation where:

> '... sharing information about their agencies or about individuals or families within the YOT will depend upon the quality of the team functioning – that is, the extent to which people feel valued or threatened within the team and the extent to which their roles are well-defined' (2004: 35).

Information sharing within YOTs had become a contentious issue, particularly sensitive information treated as confidential by certain agencies. Bailey and Williams found that all agencies were reluctant to share information, but particularly the police. In the field of crime prevention, where multi-agency working had been in place for some time (albeit

structured differently to YOTs), confidentiality had been a contentious issue. Sampson and colleagues found that conflict between agencies was often rooted in power relations, with confidentiality being one way in which power was exercised with the 'independent actions by some agencies, more likely to determine the agenda of others' (Sampson et al, 1988: 483).

Competing cultures

Concerns about information sharing were linked to the various agency cultures to be found in YOTs. Research into the impact of organisational change in youth justice found a blurring of roles and boundaries in relation to specific professions based on 'different occupational cultures and professional discourses interacting with one another' (Cross, Evans and Minkes, 2003: 154). This created situations where confidentiality and professionalism could be either compromised or engender feelings of mistrust. For example, the researchers found instances of police officers writing pre-sentence reports on the one hand, and on the other, pondered whether health workers would 'share information about a young person's drug habit with a police officer sitting at the next desk' (ibid: 154).

In the early stages of the formation of YOTs, Holdaway et al found that operational managers were not fully conversant with, and had not adopted, the new cultural framework of the Crime and Disorder Act 1998 (Holdaway et al, 2001: 16). The researchers felt that it was essential for YOTs to establish a working culture based on the principles of the Crime and Disorder Act 1998. The inability of some YOT practitioners to engage with the new working culture was linked to 'how' they work with young people. The introduction of evidence-based practice and case-management was new to many practitioners, although probation officers had worked with a similar model for some time.

The newly established YOT workforce was social work dominant, with many qualified and unqualified social workers having transferred from the old youth justice workforce. This workforce brought with it a culture that continued to dominate YOTs. Bailey and Williams found that social workers saw their role as 'enablers' rather than 'enforcers' (Bailey and Williams, 2000: 50). Likewise, Holdaway and colleagues found that existing youth justice staff had most difficulty in transferring 'philosophically and practically' (Holdaway, et al, 2001: 6). Whilst they did not find open conflict between YOT practitioners, the underlying differences in these professional traditions and values were

stark. Some researchers found YOT managers battling with team members; some managers described this scenario as 'coming up against dead wood syndrome' (Burnett and Appleton, 2004: 35), in that there was a nucleus of staff who found the legislative changes contrary to their cultural beliefs and struggled to make the necessary philosophical shift.

There was an irony in social work becoming the dominant YOT culture as this was the virtual antithesis of the Government's vision for redirecting and redefining the youth justice system. This was exactly the approach the Government sought to change by creating a new YOT culture, rejecting the approach taken by youth justice workers since the late 1970s (Bailey and Williams, 2000: 70), and replacing it with one that prioritised public protection.

A consequence of social work dominance was that staff with no particular allegiance to a philosophical viewpoint could be absorbed into that culture (Burnett and Appleton, 2004: 29). However, a year after YOTs were formed, Burnett and Appleton found 'a sense of cross-disciplinary influence and shared identity' (Burnett and Appleton, 2004: 29), although it was unclear as to the nature of this 'shared identity' and equally unclear whether 'shared identity' was synonymous with a shared culture. According to Pitts, it would have been wrong to attempt to impose a 'homogenous culture' on YOTs. Pitts considered that they worked best where different professionals represented the 'interests of different protagonists' (Pitts, 2001: 7).

Welfare debate

Inextricably linked with culture and ideology was the discussion of the 'child first' philosophy (Cross, Evans and Minkes, 2003). Academics and youth justice practitioners argued strongly for this element to remain firmly established in the new youth justice system (Goldson, 2000; Haines and Drakeford, 1998; Pitts, 2005). Research into practitioner perceptions of 'philosophical differences' found that 'all practitioners subscribed to some version of children first, whatever their professional background and underlying philosophies' (Cross, Evans and Minkes, 2003: 157). They noted that a philosophy based on 'children first' was at odds with the Government's agenda on youth justice and that practitioners could find themselves under pressure if they wished to uphold such a perspective. One concern was the administrative nature of the new youth justice system. One of New Labour's key electoral pledges was to 'speed up' the criminal justice

process for young offenders and reduce by half the time from arrest to sentencing (Home Officer, 1997a). Several commentators suggested that the new youth justice system was at odds with the nature of work with children and young people (Haines and Drakeford, 1998; Pitts, 2005), who interpreted the legislation as providing a framework for managing crime and its aftermath, rather than addressing young offenders' 'social or psychological needs' (Pitts 2005: 4). Burnett and Appleton (2004) believed the shift was more a move from welfare to managerialism, which brought a new perspective to managing youth crime. They added that the harshest critics observed only the 'narrow aspects of the implementation' (2004a: 36) and were not informed by recent practice experience.

Team working

The philosophical beliefs of individual practitioners could determine a YOTs approach to practice and the dominant philosophical perspective impacted on how practitioners worked together as a team, as well as how they worked with individual young offenders. Much has been written on the definition, function and life of teams within the health and social care setting (Easen, Atkins and Dyson, 2000; Haynes, Atkinson and Kinder, 1999; Webb and Vulliamy, 2001).

Ovretveit et al identified a number of components which helped define a team including integration, membership and management (Ovretveit, Mathias & Thompson, 1997: 11). They described a closely integrated team where practice was governed by multi-disciplinary team policy. They found that decisions were made at team meetings and practitioners considered themselves 'collectively accountable for the service provision' (1997: 12). Although they concluded that team accountability was the best way to deliver services to meet the needs of a particular client group, they thought all practitioners should remain 'professionally accountable for their own case work and omissions' (1997: 14). Ovretveit et al also identified two important points relevant to YOTs. Firstly, they believed a fully integrated team was unachievable where team members were employed by different agencies, a point also raised by Pitts (2001). Secondly, being 'a collective responsible team' (Ovretveit, 1997: 14), meant that 'day-to-day decisions [would be] influenced by the team' (1997: 15). The dominant culture within YOTs would influence such decisions, which was based on social work culture and driven by 'caring liberal social workers, as opposed to authoritarian law enforcers such as the police and probation' (Cross, Evans and Minkes, 2003: 157).

Despite the Central Council for Education and Training for Social Work's (CCETSW predates the General Social Care Council (GSCC)) assertion that multi-disciplinary teams were 'settings in which assumptions are constantly challenged and where team members can share skills and knowledge' (1989: 3), research in this area suggested the opposite; for example, Anning found that attempts to share knowledge across multi-disciplinary teams 'may create anxiety and conflict' (2005: 4). She found that individual team members were 'subjugated to dominant team beliefs, in the interest of achieving common team goals' (ibid: 2). Anning looked at a number of multi-disciplinary teams including a 'Youth Crime Team' and, through documentary analysis, found that dominant beliefs and values of the team prevailed in practice. However, when team members were interviewed individually, practitioners revealed their agency-specific professional beliefs and how they struggled to reconcile these with the team dynamic. Respondents expressed concern about the difficulty of 'holding on' to their beliefs, brought from their previous work experience, and anxiety about whether to relinquish these for the 'greater good' of creating a practice with shared beliefs and values (ibid: 10).

Working with victims of crime

Research has revealed that one of the greatest challenges to the philosophy and cultural ideology of youth justice is work with victims of crime (Bailey and Williams, 2000; Crawford and Newburn, 2003; Dignan, 2005; Holdaway et al, 2001; Mediation UK, Restorative Justice Consortium and Victim Support, 2001). According to Holdaway et al, 'the unequivocal adoption of a victim-focused approach represents one of the most important and far reaching cultural changes required by the Crime and Disorder Act 1998' (2001: 36). They reported resistance by YOT practitioners to engage in victim consultation with some openly refusing to contact victims. Certainly the National Association for Youth Justice made their viewpoint on victims clear in their 'Philosophical Base' where 'enhancing children's awareness of the effects of their offending on others may be beneficial', yet concluded that 'victims of crimes should have their needs met separately' (NAYJ, 2005: 2).

As mentioned in the previous chapter, details about YOT practitioners' work with victims were sketchy and there appeared to be no evidence to indicate how YOTs specifically worked with child victims of crime, if at all. Many practitioners saw their central role as

working with young people who offend, and considered working with victims to be a conflict of interest. Some saw the value of victim-offender contact only in terms of benefiting the offender. These findings conflicted with the first YJB report which asserted that 'the needs and wishes of victims are fully respected and not subordinated to the needs of young offenders' (1999: 5). Bailey and Williams suggested that if youth justice practitioners' views prevailed, then a 'child first philosophy could well be adopted' (2000: 47). Smith, on the other hand, saw the reluctance of YOTs to engage with victims as a problem of implementation 'rather than a problem of principle' (Smith, 2003a: 129).

Implementation

Concern about the preparedness of YOTs to work with victims of crime was raised by a number of commentators (Bailey and Williams, 2000; Dignan, 2005; Holdaway et al, 2001; Hoyle and Young, 2002; Wilcox and Hoyle, 2004). In the majority of YOTs, initial contact with victims had fallen to the police, 'in line with the most restrictive interpretation of the legislation' (Wilcox and Hoyle, 2004: 27). YOTs had been cautious in the application of the Data Protection Act 1997 and cited this as a reason not to contact victims of crime. Many police authorities applied the Act in the strictest sense, which effectively meant that only a police officer could have access to victim data and thus victim contact, certainly in the first instance.

A recent review of Havering YOT (2004) found that 'the Metropolitan Police's approach to victim contact limited the YOTs ability to engage with victims in a meaningful way' (Audit Commission et al, 2004: 7). Although the YJB had issued both practice guidelines (YJB, 2001) and national standards (YJB, 2004b) in relation to YOTs work with victims, the situation remained confused. Whilst consultation regarding victim contact had been conducted at a national level, clarification was found to be wanting at the local level (Bailey and Williams 2000), resulting in YOT practitioners being unsure and confused about their responsibilities to victims (Burnett and Appleton, 2004). As Bailey and Williams pointed out, much of the guidance was issued after YOTs had become established. The lack of standardised training for YOT workers to work effectively with victims was raised in a number of quarters, with interested organisations lobbying the YJB for a core training programme (Mediation UK, RJ Consortium and Victim Support, 2001).

Much of the confusion lay around who should actually make first contact with victims and who should work with victims. This confusion led to piecemeal services to victims across many areas in England and Wales. Guidance for YOTs in relation to Referral Orders remained confusing, although an attempt to clarify matters was made in 2002 when guidance was published stating that 'early contact should be made by a police officer in accordance with the Youth Justice Board's data sharing protocol' (Home Office and YJB, 2002: 23). Additionally, the YJB good practice guidelines for restorative work with victims and young offenders stated that 'the first contact should be made by the police officer, who may be the officer employed by the YOT' (2001: 5). However, an explanation as to why the Data Protection Act (1997) had been interpreted in this restrictive way in a multi-agency team setting was not forthcoming.

Assumptions appeared to have been made that police officers were best placed to work with victims on the basis they had most experience of contact with victims (Bailey and Williams, 2000). In recent years however, the probation service developed their victim contact work, although probation officers seconded to YOTs were not necessarily experienced in this field. Consequently, the victim contact workload for police officers in YOTs became enormous, as often there was only one police officer dealing with many victims. However, as Wilcox and Hoyle found, police officers did not necessarily have knowledge or experience of working with victims, particularly in relation to restorative justice (Wilcox and Hoyle, 2004). .

Victim participation

Time constraints on case throughput became a major obstacle to meaningful engagement with victims of crime (Dignan, 2005; Holdaway et al, 2001; Wilcox and Hoyle, 2004; Victim Support, 2000). The type of order issued by the court determined the time frame. Referral Orders, for example, require a youth offender panel to be convened within 20 days of the order. Within that time frame, the YOT practitioner would be required to meet with the young offender, meet with the victim (or receive information about the victim), and complete a report for the panel.

Wilcox and Hoyle felt that victims would be 'more inclined to participate if initial contact was made by a YOT worker with more time' (2004: 27). They stressed the importance of getting victim contact right in order to 'serve the interests of the victim, the offender and of

the wider community' (2004: 31). Research conducted three years earlier by Holdaway et al, flagged up very similar concerns. They concluded that tensions between avoiding delays and meeting victims' needs presented 'a major challenge for both courts and Youth Offending Teams' (2001: 27). Whilst publicity from the YJB suggested that managed contact between victims and offenders was commonplace, researchers found that such situations 'occurred fairly infrequently' (Burnett and Appleton, 2004: 119).

Monitoring, managerialism and money

For New Labour, governance and research were inextricably linked as shown by the White Paper, *Modernising Government* (1999), which signified 'a reconfiguration of relationships between economy and State, public and private, government and people' (Newman, 2001: 40). This White Paper was underpinned by a number of principles, including the principle of using evidence, research, and '… pilot schemes to test whether they work' (Cabinet Office, 1999: 17).

In many ways, the emerging youth justice system under New Labour was like any other New Labour initiative in terms of monitoring and evaluation. As Burnett and Appleton noted, evaluation was an 'essential element of the transferred youth justice system' (2004:10). Funding and performance have been linked since the formation of local YOTs, including the requirement for local authorities to introduce monitoring systems and establish the routine collection of data. 'Key performance indicators' were introduced and meeting these 'became a pre-requisite for further funding' (Burnett and Appleton, 2004:10).

Concerns have been raised about methods of evaluating and monitoring the effectiveness of the youth justice service (Goldson, 2001; Muncie, 1999a; Newburn, 2001). Much of this, as previously mentioned, was around the methodology, which was primarily quantitative. Whilst quantitative data was needed to measure compliance with new policy and time frames for case throughput, questions were raised about the lack of performance measures to gauge the quality of the work practitioners had undertaken (Bailey and Williams, 2000). It would appear that success was 'to be measured in financial and numerical terms' (2000: 65).

In terms of validity, the speed of evaluation was seen as problematic. Pitts argued that a minimum period of three years to evaluate interventions with young people was necessary, and noted that the real agenda was political as the Government and YJB were under pressure to produce positive results (Pitts, 2005). Wilcox questioned whether policy could 'be led by evidence when political and funding cycles are usually much shorter than required to conduct conclusive research' (2003: 21).

However the Board was determined to pursue its research policy and strategy:

> *'The Board is committed to developing and expanding research into what works in preventing and reducing youth crime. Its research strategy, reviewed annually, is aimed at strengthening the effective practice evidence base'* (YJB, 2005a).

Politically meaningful evaluation required the introduction of national standards, which were set by the Home Secretary on advice from the YJB, and became 'the required standards of practice which practitioners who provide youth justice services are expected to achieve' (YJB, 2004b: 2). Like the introduction of evidence-based practice and the 'what works' philosophy, these national standards received mixed reviews. Some commentators saw their introduction as 'managerialist attempts to control the activities of local agency managers and the practices of front line service providers' (Haines and Drakeford, 1998: 211). Others saw the standards as potentially detrimental to practice by restricting practitioners' ability to deliver the service due to the prescriptions of the YJB (Cross, Evans and Minkes, 2003; Eadie and Canton, 2002).

Not surprisingly, the YJB had a different viewpoint, suggesting standards should be seen as a 'basis for promoting high quality effective work with children, young people, their families and victims' (YJB, 2001: 1). With the no doubt unsolicited support of the YJB, the Government appeared unperturbed by such criticisms and continued to promote the development of a performance culture and, in April 2003, the YJB set out 13 performance targets for YOTs. From May of the same year the results of individual YOT performance were placed in the public domain (YJB, 2003).

The methodology for measuring performance took account of the different stages of development of particular YOTs, but retained a clear focus in two core areas; management and partnership arrangements, including the role and functioning of the local youth justice

board, and work with children and young people who offend (Audit Commission et al, 2004).

The Government and YJB appeared satisfied with progress. A report by the Audit Commission in 2004 on the youth justice system presented a very different picture from the damning report of 1996. Its remit was to 'examine the economy, effectiveness and efficiency of the reformed youth justice system and to look at how the primary aims [were] being met' (Audit Commission, 2004). Overall the report was favourable and described the new system as 'a considerable improvement on the old one' (2004: 2). Although many continued to have reservations, performance indicators became an integral part of contemporary youth justice in England and Wales.

Updated literature review

There have been significant changes to the youth justice system affecting YOTs which, at the time of writing, were in their ninth year. The 2006 Violent Crime Reduction Act effectively gave police and local communities new powers to respond to alcohol related offences and anti-social behaviour, as well as tackling gun and knife crime. However the biggest reform since the 1998 Crime and Disorder Act was the 2008 Criminal Justice and Immigration Act which, amongst other important measures, made provision by virtue of a Youth Rehabilitation Order for a simpler, more generic community sentence, replacing nine existing sentences. Additionally the Act created a Youth Conditional Caution. To be piloted before inception, it has been designed to target 16-17 year olds and includes a requirement for young offenders to make amends to their victims. Finally the Act legislated for the aforementioned Youth Restorative Disposal aimed at tackling 'low level first time offences' (Home Office, Ministry of Justice, 2007: 21). This Disposal will also be the subject of a pilot phase before a decision on inception is taken.

Souhami's ethnographic study of a 'Midlands' youth offending team (2007) revealed many of the transitional issues raised by Bailey and Williams, (2000); Burnett and Appleton, (2004); and Holdaway et al (2001), including the transition from a youth justice to a youth offending service. Souhami's findings revealed that the newly formed, social work dominant teams initially 'felt comfortable with each other' (2007: 32) although they had to adapt to accommodate the justice-oriented welfare ethos, and learn how to deal with the somewhat macho-sexist, camaraderie-laden team dynamic. However, Field's study of

Welsh YOTs found that the experience of multi-agency working led to a 'greater understanding of others' perspectives, and reduced the significance of certain strongly held, stereotypical, inter professional prejudices' (Field, 2007: 313).

Contemporary literature confirmed that social work remained the dominant profession within YOTs. Although Burnett and Appleton's study of Oxfordshire YOT (2004) found that social workers were culturally and numerically dominant, they also found some evidence of 'cross-disciplinary influence and shared identity' (2004: 29), whilst concluding that those practitioners in the minority disciplines had the potential to be subsumed into the dominant social work culture. Evidence of this confusion also emerged in Field's study where the police did not present as the punitive force portrayed by popular stereotypes, but were influenced by the prevailing welfarist culture (2007). Field found various degrees of welfarist practice, from procedurally compliant practice where welfare had to be reinterpreted to accommodate justice imperatives whilst still addressing the 'acute social problems' facing young people (2007: 317), to blatantly non-conformist practice whereby some social work managers largely ignored justice imperatives by taking a 'creative view of the National Standards' (ibid: 317).

Although Souhami's study also revealed a strong social work culture, it had not been internalised by non-social work professionals who would challenge specific areas of practice. For example, police officers would challenge colleagues' perceptions of young offenders as victimised whilst ignoring or minimising the seriousness of the offence and the impact on victims. Souhami felt this type of interaction was indicative of 'a move away from the occupational traditions of youth justice social work' (2007: 113).

Stahlkopf (2008), in her follow up study of Oxfordshire YOT, the research site of Appleton and Burrnett's study in 2004, found significant changes to the early enthusiasm that permeated this 'gold standard' (2008: 470) YOT in 2004 . She found that the 'cultural attitudes of YOT practitioners [appeared] to have dramatically shifted' (ibid: 464), in that she found practitioners both pessimistic and cynical about the work. Practitioners felt they were letting young people down as, in order to survive the enormous workloads, they were forced to cut corners.

Neither Souhami nor Stahlkoph made reference to work with victims, however Field reported that police officers in the team felt victims' voices were ignored or minimised, particularly in relation to pre-sentence reports. Whilst social workers could, and usually did, access information on the impact of crime upon the victim, through perusing victim impact statements, crown prosecution files and taking part in restorative conferences, they used information in ways that enabled them to present young offenders in the best light. In his study, some respondents reported being frustrated that requests for information were made late. These respondents suspected that this was a deliberate ploy to prevent their YOT colleagues receiving information that might interfere with their aspirations 'to get the desired outcome for the offender' (2007: 321).

Culture and ideology

Analysis of findings exposed a cultural dimension to practitioners' insensibility to child victims of crime. Consequently, it was important to review literature pertinent to this issue to inform the discussion in Chapter Seven. The framework that enables practitioners to make sense of their world can be defined as a culture or ideology. Schein defined culture as 'a set of attitudes, values and beliefs that exist in any given organisation and that serves as "guides for action" for employees' (Schein, 1985: 190). Jackson and Carter define 'ideology' as 'a system of ideas and their underpinning logic, which informs actions, decisions, preferences – everything' (2007: 150).

Little has been written about the occupational culture of social work (Ellis and Boden, 2004) and even less about the occupational culture of youth offending teams, although one exception to this was Souhami (2007). It is pertinent to say at this point that the evaluation of pilot youth offending teams revealed that managers were not fully conversant with the new cultural framework demanded by the Crime and Disorder Act 1998 (Holdaway et al, 2001), and the introduction of victim-focused work represented 'one of the most important and far reaching cultural changes' in the new youth justice legislation (2001: 36).

The starting point in understanding ideology is that whilst individuals have their own set of values and beliefs, they do not operate in isolation, and are shared by others under a collective ideological umbrella (Jackson and Carter, 2007). Jackson and Carter see ideologies as complex phenomena that inform all thinking and action, are pervasive and permeate groups, often subconsciously. Values and beliefs are primarily based on

information or knowledge, refined and informed through experience. Wenger's theoretical concept of 'communities of practice' provides a useful framework for understanding the concept of culture and ideology, suggesting that knowledge is stored in explicit ways, one of which is knowledge that is practice specific. Wenger defined 'practice' as 'meaning as an experience of everyday life' (1998: 52); a way of talking about shared perspectives that are an integral part of life. The informality and pervasiveness of these communities 'rarely come into explicit focus' (ibid: 7).

Wenger suggested that knowing involves 'active participation in social communities' (ibid: 10), believing that everyone belongs to 'communities of practice', whether work-based or linked to a world outside, and that learning is social participation within these communities. Wenger described social practice as something that can be explicit or tacit; what is said or what is left unsaid; what is represented and what is assumed (ibid: 47). It can include language, defined roles and documents, but can also include conventions, subtle cues or untold rules of thumb. Whilst these may never be articulated, Wenger said they are 'unmistakable signs of membership in communities of practice and are crucial to the success of their enterprises' (ibid: 47).

Within 'communities of practice' there are two processes; participation and reification. Participation is both personal and social and a source of identity. It is a process that is complex and 'combines doing, talking, thinking, feeling and belonging' (ibid: 55); it is about sharing experiences within communities that are working towards a common goal (Frost and Robinson, 2004:27). Reification is the process of shaping and giving form to these experiences (Wenger, 1998: 58).

Culture and ideology are driven by a collection of individuals, such as those within YOTs. Integral to maintaining cultural identity are interactions that reinforce beliefs and values, often in the form of rituals (Dick and Ellis, 2006). Ritualistic interactions are sometimes visible through methods of communication, but are more often cloaked within tacit agreement. Schein refers to this as 'daily enactment' and 'basic assumption' (1985: 190), meaning the way in which things are done. These actions and assumptions are so entrenched in the culture of the group or agency that they are taken for granted by its members and 'over time will cease to be questioned or challenged' (Schein, 1985:190).

The influence of culture cannot be underestimated and the assimilation of one culture by another, whereby a group adopts or is 'forced to adopt' the values, customs and lifestyle of a more dominant culture, is often painful (Ward, Bochner and Furnham, 2001: 28). Group membership, being part of a team, is fundamental to individuals' survival in that setting. A process of acculturation needs to take place for members to have a sense of belongingness (Ward, Bochner and Furnham, 2001). There is implied agreement of the values and norms of a team even if an individual's dominant beliefs are not entirely congruent. Beliefs and values then are situational although people's primary values and beliefs will be shared with members of their primary community.

In her work with a number of multi-agency teams, including a youth offending team, Anning found that in the 'private space of interviews', individuals would discuss their own beliefs and how these aligned with those of the dominant beliefs of the team. She found that individual belief was sometimes 'subjugated to dominant team beliefs in the interest of achieving common team goals' (Anning, 2005: 2).

The culture of youth offending teams

Youth offending teams were introduced in the knowledge that the prevailing youth justice system had a distinctly liberal culture which was at odds with the Government's reform programme, promoted as not only 'tough on crime' but 'tough on the causes of crime'. Bailey and Williams (2000) referred to the then Home Secretary Jack Straw stating that 'the Government's youth justice reform programme draws a line under the past' (2000: 75). Additionally, in the national evaluation of the pilot YOTs, researchers recognised that the newly formed youth offending teams would not be 're-badged youth justice teams' (Holdaway, et al, 2001: 36) even though there were 'cultural hang-overs' from previous youth justice practice, and that managers needed to be aware of the potential of allowing historic practice to pervade any new work.

The ideological beliefs of individual practitioners working in youth offending teams have coalesced to an uneasy alliance which is predominantly social work oriented (Anning, 2005; Easen, Atkins and Dyson, 2000 and Webb and Vulliamy, 2001). In the present research, social workers were numerically dominant in the three YOTs and, as Burnett and Appleton found, the occupational culture was therefore dominated by social work (Burnett and Appleton, 2004), resulting in its values and beliefs being translated into practice. In

their case study of Oxfordshire youth offending team, Burnett and Appleton found that the multi-agency team was 'heavily spiced with the values and working procedures of youth justice workers or social services' (2004: 41). Despite the multi-agency nature of the YOT, Burnett and Appleton found a 'unifying social work ethic' (2004: 42). This tendency was clearly articulated by the education worker in their study who commented, 'you are very vulnerable to being sucked into the dominant culture' (Burnett and Appleton, 2004a: 41). Similarly, Field found that although there had been 'a degree of movement from established professional positions ... key managerial positions ... continued to be held by social work trained professionals' (2006: 313), and that 'social workers still expressed their priorities in terms of dealing with welfare needs ...' (idib: 314).

However, Frost and Robinson (2004), when examining the culture of multi-agency teams, including a youth offending team, found two diverse models; one client focused and the other a 'victim-centred application of a public safety model' (Frost and Robinson, 2004: 23). Also, the ethnographic study of a Midlands youth offending team by Souhami (2007) revealed a culture that was self-reportedly, 'starkly different to the dominant culture of social work' (2007: 34); a team inveigled with sexist, working-class values that some team members found uncomfortable. Whether, or to what extent, the inter-agency dynamics of this early study affected practice is not clear as much confusion existed about what was expected in terms of service delivery with practitioners being given 'little indication about the principles that should govern the way they worked. Instead, [the lack of ideological coherence in government policy] allowed for the absorption of diverse and conflicting approaches in the delivery of youth justice services' (ibid: 193).

This chapter discussed the literature in relation to the Government's management of youth crime through the youth justice system and YOTs. It also examined the structure and function of youth offending teams, their roles and responsibilities including their work with victims of crime. Finally, it discussed the processes for monitoring and evaluating youth justice practice. The chapter then updated the literature relevant to these areas before discussing the culture of YOTs. The next chapter discusses the literature in relation to restorative justice.

CHAPTER THREE – RESTORATIVE JUSTICE

Introduction

The previous chapter discussed the literature in relation to the Government's management of youth crime through the youth justice system and youth offending teams. It also examined the structure and function of YOTs, their roles and responsibilities including their work with victims of crime. Finally, it discussed the processes for monitoring and evaluating youth justice practice before providing an update of the literature and introducing literature in relation to the culture of YOTs.

This third and last chapter of the literature review focuses on restorative justice. The chapter examines the history of restorative justice, the theoretical framework underpinning restorative justice practices and their efficacy through evaluation. It then considers the Government's perspective on restorative justice and its application to youth justice in England and Wales, particularly in relation to how young offenders might make reparation to young victims and successfully reintegrate themselves within their communities. Following the structure of the preceding chapters, it also provides an update of literature as at September 2008 in a separate section. The rationale for this is discussed in Chapter One, but seeks to make a clear distinction between the 'then known' (informing data analyses) and the 'subsequently known' (informing the discussion in Chapter Seven).

Original literature review

Defining restorative justice

Defining restorative justice has been problematic for a host of reasons. The most commonly accepted definition is that developed by Tony Marshall:

> *'Restorative Justice is a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future'* (Marshall, 1999:5).

However, even this internationally applied definition has received considerable criticism. Braithwaite (2002) raised concerns about the limitations of Marshall's definition, 'because it does not tell us what is to be restored' (2002: 11), a concern shared by Dignan, who added that the definition 'characterises restorative justice as a process, but makes no

reference to outcomes' (2005: 2). Concerns have also been raised about the lack of specificity of the term 'parties', and how, whomever they might be, they could 'come to a collective resolution' (Morris and Maxwell, 2001: 5).

Proponents and opponents of restorative justice have debated whether it was 'an approach' to crime (Marshall, 1999: 5), 'a process' (Morris and Maxwell, 2000: 207) which returned the offence to those most affected, or a set of 'principles' (Marshall, 1999). Some commentators suggested that restorative justice was an alternative paradigm, or a 'paradigm shift' from the conventional approach to criminal justice (Sherman and Strang, 2007: 40). The term 'alternative' has been central to the restorative justice debate, where restorative justice has often been classed as alternative without clearly articulating what it replaced. In the case of youth justice, restorative justice was often perceived as an alternative to the polar vacillation between retributive to rehabilitative models used during the past century (Braithwaite, 2002), without clearly stating which aspects of either model it incorporated. The notion of alternative seemed to suggest that anything would be better than what we had and those advocating restorative justice suggested that 'all elements associated with restorative justice [were] good and all those associated with retributive [justice were] bad' (Daly, 2002: 57). According to Daly, this 'misleading simplification' was used to 'sell the superiority of restorative justice and its set of justice products' (2002: 57).

Miers believed that restorative justice could be defined as a stand alone conceptual framework, which captured 'elements' of retribution and rehabilitation and added 'its particular restorative stamp' (2001: 86). He claimed that one of the most fundamental differences between conventional criminal justice and restorative justice was that victims were 'central in the latter and peripheral in the former' (2001: 86). Howard Zehr, the founding father of the contemporary restorative justice movement, said that restorative justice was based on a 'common-sense understanding of wrongdoing' (2002: 13), where crime was understood as a violation of people which created an obligation to 'put right the wrongs' (2002: 13).

Definitional confusion on restorative justice was not just conceptual, the terminology itself added to the confusion (Dignan and Cavadino, 1996). The list of terms used to describe restorative justice included 'making amends', 'peacemaking', and 'relational justice', to

name but a few. For example, restorative justice purists would refer to 'harm caused' rather than offence committed. For them, even the traditional labels of victim and offender were replaced by the term 'stakeholders'. Much of the confusion centred on whether, or where, restorative justice was positioned within criminal justice. Whilst it might be seen as an 'alternative' to a particular model of justice, there has been considerable debate as to whether it could be perceived and used as punishment (McCold, 1999), as an alternative to punishment (Daly, 2002), or as a community sentence involving an element of punishment (Angus, 2001).

Haines, a restorative justice opponent, argued that the aims of restorative justice lacked clarity and many proponents of restorative justice differed over their understanding of what the aims actually were. He said the literature on restorative justice contains huge assumptions which:

> '...rarely offer theoretically sophisticated or practically sound operationalisations of the concepts they seek to promote; tending rather to operationalise their concepts by referring to existing projects – where the 'content' has been determined by funders, the project managers or locally influential individuals or groups – notably not by academics, professionals or publicly accountable policy makers' (1998: 94).

What became clear was that the 'parties' include the victim, the offender and the community, but the extent of involvement of each party was determined by the underlying ethos or aims of restorative justice projects, and 'how' restorative justice was delivered. It is important to stress here that a fundamental precursor to delivering restorative justice in any forum is that protagonists accept responsibility for the harm caused. Unless or until that is achieved, the process cannot move forward.

Theoretical underpinning of restorative justice

Whilst a number of criminological theories have underpinned restorative justice, the most influential text is that of Nils Christie (1977). This seminal text stated that the conflict between victim and offender had been 'stolen' by the state and as a result the victim had no opportunity to take part in 'his crime', as individual victimisation had effectively become appropriated by the criminal justice system.

The concept of shaming was integral to many of the theories underpinning restorative justice and was defined by Braithwaite as 'social processes of expressing disapproval which have the intention or effect of invoking remorse in the person being shamed and/or condemnation of others who become aware of the shaming' (1989: 100). Braithwaite saw shaming as potentially negative and destructive, capable of sending the offender to the margins of society. To guard against this latent mendaciousness, Braithwaite advocated re-integrative shaming, a process designed to shame the action rather than the individual, who was provided help and guidance towards community re-integration. According to Braithwaite, re-integrative shaming works best when delivered by someone important to the young person such as parent, teacher or favourite aunt. Braithwaite expected this would be more meaningful than shaming by a criminal justice official, and more effective in preventing re-offending (Braithwaite, 1989).

Not all were convinced by this hypothesis, with some commentators suggesting that management of the emotion of shame was neglected in Braithwaite's model. Retzinger and Scheff (1996) saw shaming as a sequential process whereby offenders, having expressed genuine shame and remorse for their actions, precipitated victim forgiveness. This process has been referred to as symbolic reparation, the 'vital element that differentiates [restorative] conferences from all other forms of crime control' (1996: 317).

Procedural justice theory underpins much of the restorative conference process. Braithwaite suggested that whilst restorative conferences did not have the procedural safeguards of a court process, they were 'structurally' fairer because it was the participants that controlled the discourse. Whereas courts 'invite those who can inflict maximum damage', conferences 'invite those who can offer maximum support' (Braithwaite, 2002: 78).

For Haines however, successful restorative justice must be rooted in a more fully developed and adequate theoretical framework, 'which provides grounded principles for understanding causality in relation to offending'. Restorative justice, for him, needed to 'disconnect victim issues and victim services from the criminal justice system' (1998: 108). This view was not shared by the majority of restorative justice commentators, who argued that it was essential to include *all* parties affected by the crime, not least the victim.

For them, restorative justice offered the chance for the offender and the victim to meet and for dialogue between the two parties to be established.

Research has shown that offenders often try to neutralise the effect of their offending by creating emotional distance between themselves and the experiences of victims (Matza, 1964; Sykes and Matza, 1957). Messmer (1990) described this neutralisation process in relation to young offenders as a developmental process whereby young offenders developed 'a systematic spectrum of justifications which [were] meant to neutralize both the unlawfulness of their offense and the consequences for the victim'. Messmer added that the justification consisted of 'asserting circumstances that [helped] to obtain legitimacy for their actions' (1990: 61).

Restorative justice literature is replete with conceptual descriptions of restorative justice. However Bazemore suggested that the principles of restorative justice, empowerment, reintegration and repairing harm, were consistent with several criminological theories. These include ecological theories of the community and crime, the 'inability of informal controls to limit deviant behaviour', and the social control perspective which emphasises the importance of the bond between individuals and conventional groups (Bazemore, 1998: 785).

The history of restorative justice

Restorative justice can be traced back to pre-biblical times with the Code of Hammurabi (2380 BC), which 'espoused the practice of individual compensation' (Johnstone, 2003: 111). More contemporary roots can be traced back to certain cultural and religious groups, such as the Maori communities of New Zealand, which practiced community-based conflict resolution. Whilst modern societies champion the virtues of traditional community-based justice, pre-modern societies practiced retributive and restorative traditions 'that in many ways were more brutal than modern retributivism' (Braithwaite, 2002: 5), a view supported by Daly, who suggested that proponents of restorative justice had 'romanticised' the past, despite evidence of harsh treatment (Daly, 2002). However, contemporary restorative justice was first articulated as a conceptual justice framework by Howard Zehr in the late 1970s.

The enormous interest in restorative justice has been difficult to explain, although much of this interest emerged in a period of 'convergence between diverse justice philosophies and political, social and cultural movements' (Bazemore, 1998: 774). According to Bazemore, the recent and rapid expansion of the victims' rights movement influenced the restorative justice movement.

The Family Group Conference (FGC) model spread during the 1990s from New Zealand to Australia, South Africa, Singapore, Canada and the United States of America. However, in North America the victim-offender model was already firmly established and had probably become the most 'widely disseminated and documented practice throughout the world' (Umbreit, Bradshaw and Coates, 2003: 123).

Whilst not exclusively so, most restorative justice models focused on young offenders. One of the reasons for this was that for much of the last century the juvenile justice system vacillated between welfare and justice credentials, yet failed to fit 'exclusively into either one of the categories' (Alder and Wundersitz 1994: 3). This conceptual homelessness was partially resolved by the advent of a practice framework which purported to span both camps.

The rise in restorative justice

So why has there been so much interest in, and demand for, restorative justice? Attempts to explain this phenomenon seem to be perspective dependant with answers varying according to interpretations of the needs of victims and offenders and the wider political debate about youth crime, its causes and impact.

Umbriet defined restorative justice as a 'victim-centred response to crime' saying that all those affected by crime, including offenders, should have the opportunity to be 'involved in responding to the harm caused by the crime' (2001: XXVII). This view was supported by Weitekamp who said that 'the centrality of the victim [was] the key to restorative justice philosophy' (2001: 146). Wright suggested that offenders might respond to the needs of victims in the aftermath of crime by contributing 'towards making things right as much as they are able' (Wright, 1998: 75). This could include paying compensation, meeting the victim, and undertaking charitable work.

Haines and Drakeford however, saw dangers in victim involvement. They envisaged such sanctions leading to offender abuse; 'beating children with a stick may give the victim or some other adults a sense of justice, and responding with fierce punishment to minor infractions may lead to a reduction in re-offending, but are such responses justified?' (Haines and Drakeford, 1998: 229).

Restorative justice appealed to both liberal and conservative philosophies; liberals saw restorative justice as a less punitive approach to dealing with offenders, particularly young offenders, and the strong emphasis on victims appealed to the conservative sense of the ownership of justice (Braithwaite, 2002).

Restorative justice and the criminal justice system

Restorative justice delivery has been as varied and multifaceted as the definition itself. The starting point for this discussion was to unravel where restorative justice had become located in the criminal justice system; outside, within or alongside the structures of the traditional criminal justice system.

Some proponents of restorative justice argued that in order for restorative justice to be meaningful it needed to be voluntary on all sides (McCold, 1999), whilst others claimed that restorative justice delivered within a criminal or youth justice system was necessarily involuntary to some degree due to elements of coercion intrinsic to the system (Haines, 1998). Walgrave argued that restorative justice needed to be more flexible than the purist position allowed, pointing out that if it was only offered as a model of voluntary settlement between the three parties based on free agreements, then it would be 'condemned to stay some kind of ornament at the margin of the hard-core criminal justice, reserved for 'soft' problems' (1998: 13).

Models of restorative justice intervention were often inextricably linked with, but tangential to the wider criminal justice framework. For example, victim-offender mediation operated at the point of diversion from the criminal justice system or following conviction. The model itself involved invoking and managing dialogue between two of the three traditional parties, the victim and offender, and could be a lengthy, and therefore costly, process. Whilst Trenczek agreed that victim-offender mediation could be used as an alternative to criminal law, he believed it would remain marginal due to cost and the

criminal justice perception that mediation was counterproductive through the withdrawal of offenders 'from their just punishment' (2003: 278).

The FGC model of restorative justice has its roots in New Zealand where it became enshrined in law and formalised into their youth justice system in 1989 through the Children, Young Person's and Their Families Act. Typically, FGCs involve young offenders and members of their family, victims and their family, as well as professionals such as teachers, social workers and wider community representatives. FGCs are facilitated by an independent person, and their purpose is to agree a contract, considering the needs of both offenders and victims. Within the criminal justice system, the FGC model has been restricted to the youth justice system where it has been delivered flexibly; at the pre-court stage, as part of diversion, pre-sentence, and as part of pre-release from prison programmes (Morris and Maxwell, 2000).

The Restorative Justice Conference (RJC) is based on a model developed in Australia, and like the FGC, involves the offender, victim and their families, but is facilitated by a police officer. The model has been used at the diversion stage and post conviction. As Johnstone noted, the model has 'proliferated internationally with astonishing speed' (2002: 4), including England and Wales, where it has been adopted by many police forces, most notably by Thames Valley.

Restorative justice models have also been developed in wider community settings, both locally and internationally. Restorative justice has increasingly been used in schools to deal with anti-social behaviour (Hopkins, 2006), in the workplace, and in the wider international arena of truth and reconciliation courts in the aftermath of major conflicts such as those in Rwanda and Northern Ireland.

Restorative justice in England and Wales

Early restorative justice initiatives in England and Wales were often delivered on a 'take-it-or-leave-it philosophy' (Sherman and Strang, 2007: 23). A small number of pilot mediation projects delivered by the probation service in the early 1980s were examined as part of an international study of mediation undertaken by Umbreit (2001: 184). He found that participant satisfaction rates were considerably lower in the United Kingdom and posited that this was symptomatic of probation service delivery, and was likely to have

contributed to displacing victims from their 'central role' in the restorative process (2001: 296). However, such international comparisons are problematic and this was no exception as the research sample in the United Kingdom was small relative to the United States of America; 19 victims and 15 offenders as opposed to 204 victims and 181 offenders (ibid).

Bonta, Wallace-Capretta and Rooney (1998), as well as Marshall (1999), advised caution in interpreting Umbreit's data due to concerns that the success of American and Canadian projects may have been influenced by the financial basis of the service contracts. The research also exposed a significant differential in terms of time allocated for mediation; on average, the contact and preparation time with offenders was 2.7 hours, and 1.5 hours for victims. Additionally, the majority of contact with the victim was via the telephone, whereas contact with the offender was almost exclusively face-to-face (Marshall and Merry, 1990).

Few restorative projects were in operation prior to New Labour coming into power in 1997. Existing projects included a London-based victim-offender conference service, a youth justice family group conference pilot in Hampshire, a project based in Sheffield, and a support and supervision project in Kent.

The London project experienced similar problems to the subsequent probation-run pilots in the 1980s, in that the projects were very offender focused, albeit young offenders in the instant case. The project received a total of 160 referrals, none of which resulted in a conference. The majority of work was undertaken with just one party, the offender. Dignan and Marsh noted that inter-agency tensions were compounded by 'entrenched working practices and differences in professional ethos' (2001: 88). The Hampshire and Sheffield projects suffered similar problems to those experienced in London, although in Sheffield, victims attended approximately half of the conferences (18 in total), and felt reasonably satisfied. The Kent project, whilst able to evidence a reduction in re-offending, struggled to engage victims, many of which were reportedly reluctant to participate.

Very little restorative work was undertaken during the early 1990s and, as Johnstone notes, it was not until Thames Valley police began to experiment with restorative cautioning in 1995, did restorative justice really take off in the United Kingdom (Johnstone, 2002: 5). Restorative cautioning was developed to divert young offenders assessed to be on the brink

of an offending career. The Thames Valley model (based on the restorative justice conference model) involved the young offender meeting the victim and other people who were in a 'caring' or 'supporting' relationship with the young offender. This created 'communities of care' which were used to 'highlight the multiple form of indirect and second order harm caused' (Young, 2000: 227).

Dignan and Marsh believed that restorative justice was most likely to be successful when incorporated into the criminal justice system. They identified three pre-requisites; enforcement of an appropriate legislative framework; a receptive professional culture; and the 'existence or establishment of a supportive institutional setting within which it [could] flourish' (2001: 85).

Since the turn of the century, there has been a virtual proliferation of restorative initiatives (Miers et al, 2001). Responding to the need to establish a systematic approach to crime reduction initiatives, the Home Office funded three differently structured restorative justice schemes together with action evaluation conducted by Shapland et al (2004; 2006). All three schemes operated within the criminal justice system and were evaluated as they developed with Shapland et al reporting firstly on their first year of development (2004) and then their normal operation (2006). At the time of the early literature review, their final report had yet to be published.

Youth justice and restorative justice

For the first time in English Law, restoration, responsibility and reintegration, the three driving principles of restorative justice, found their way onto statue. The legislative framework for restorative justice came in the shape of the Crime and Disorder Act 1998 and the Youth Justice and Criminal Evidence Act 1999, bringing restorative justice principles into the youth justice arena.

These reforms positioned restorative justice formally within a legislative framework, providing an alternative to 'more traditional punitive measures' (Home Office, 1997: 34). Working to the restorative justice principles, the YJB promoted the development of services that provided opportunities 'for those directly affected by an offence – victim, offender and members of the community – to communicate and agree how to deal with the offence and its consequences' (YJB, 2006).

The Crime and Disorder Act 1998 introduced a number of Orders, such as the Reparation Order (Section 67), Action Plan Order (Section 69) and Supervision Order (Section 71), all of which require young offenders to make reparation either to the victim or the community.

Section 2 (1) of the Youth Justice and Criminal Evidence Act 1999 set out the conditions for the disposal of cases through Referral Orders, issued by youth courts. Referral Orders were primarily aimed at young people under the age of 18 who had pleaded guilty to a first offence. A new commitment to reparation appeared in the legislation and in policy published by the YJB where, in relation to practitioners, it stated:

> '...unlike other interventions within youth justice, the prevention of offending is not the central aim of restorative justice. The repair of harm, including harm to relationships, is what matters most' YJB, 2003: 7).

National Standards in youth justice set out general principles and standards for restorative work including standards in relation to victims who 'should be given sufficient information to enable them to make informed choices about whether, and at what level they wish to be involved in restorative justice processes' (YJB, 2004b: 3). This was in line with the Government's wider criminal justice reparation agenda. In the Green Paper *Rebuilding Lives: Supporting Victims of Crime*, one of the key objectives was 'giving victims a voice' (Home Office, 2005f: 6). The document explained that this meant enabling victims and their families '... to express the effect of the crime on them' so that victims' voices are '... heard in the criminal justice system and in Government' (ibid).

However, whilst the language of restorative justice was invoked both in the legislation and underpinning policy documents, the overall impact remained oriented towards offenders, leaving the other two sides of the restorative justice triangle, in policy implementation terms, relatively deprived (Goodey, 2005). The evaluation of the pilot YOTs (Holdaway et al, 2001) and Referral Orders (Newburn et al, 2001), lent support to this analysis. Holdaway et al pointed out that YOT members seemed relatively oblivious to 'the significant change of philosophy contained in the Crime and Disorder Act' (2001: 14). The pilot YOTs also appeared to struggle with establishing effective victim consultation procedures and in developing 'credible and effective reparative interventions' (2001: 36).

Whilst there were logistical problems in YOTs efforts to make effective contact with, and make reparation to victims, researchers criticised the approach of many of the YOTs. Holdaway et al found that whilst the pilot YOTs (nine in total) claimed to facilitate some form of direct reparation to victims, this often amounted to little more than writing letters of apology which, given the absence of 'effective victim consultation procedures', were unlikely to reach victims in any meaningful way (2001: 38).

For Holdaway et al, an 'essential prerequisite' for effective restorative justice delivery was that practitioners become 'fully conversant with the restorative justice ethos that underlies the Act' (2001: 36). Of all the orders issued by youth courts, Referral Orders were most closely aligned with 'fully restorative' processes (McCold, 2002), involving three key actors; offender, victim and community. Referral Orders were specifically designed to provide an opportunity for victims to attend youth offender panels and say how the crime had affected them. Young offenders issued Referral Orders were required to attend a youth offender panel, consisting of two volunteers from the community and a practitioner from the YOT. In 2003, the YJB estimated that youth courts issued approximately 27,000 Referral Orders, accounting for 29 per cent of all court disposals for young people (YJB, 2003).

Newburn et al collected data on 274 panels and found that only in 27 panels did the victim or a victim representative attend (2001: vii). Several panel members raised concerns about the absence of victims and the opportunity this provided for young offenders to downplay the seriousness of their offending. There were also concerns raised about the role of the YOT practitioner in relation to balancing the interests of the young offender and the victim. One panel member commented thus:

> *'One thing that has concerned me is the way in which the YOT officer always seems to look after the interests of the offender and there is no balance sometimes for the victim... sometimes I have come away from a panel and thought 'what was there in that for the victim or the community'.* (2001: 48).

This lack of synchronicity between government policy and restorative justice delivery deserves closer scrutiny. Guidance issued to the courts, YOTs and youth offender panels set out four main tasks for YOT staff in relation to youth offender panels; assessing young

offenders and producing reports for the youth offender panel, engaging with victims, participating in the panel, and monitoring the compliance of the young offender with the contract drawn up by the panel (Home Office, 2002).

Guidance stated very clearly that youth offender panels should 'operate on restorative justice principles' (Home Office, 2002: 23), and pointed out that victims should always be given the opportunity to participate in the resolution of the offence and its consequences, ask questions, and receive an explanation and an apology. For victims under 16, the guidance stated that 'their parents or carers consent must be obtained' (ibid).

The YJB commitment to restorative justice was further evidenced in a report published in 2001, which set a target for 'restorative procedures' to be used in the youth justice system. This target stated that, by 2004, 80 per cent of YOT 'interventions' should involve victims (YJB, 2001: 4). Involvement was defined as direct or indirect contact with a victim or, where no victim has been identified, delivery of victim awareness services. The report introduced a new 'restorative justice assessment tool' for use with young offenders and victims. This tool, piloted in twelve YOTs, was designed to 'assist with a decision on the appropriateness of a restorative approach' (2001: 6). Although the tool was not mandatory, it was advocated in the belief that it would 'prove useful to any agency considering a restorative procedure with a young person and his/her victim' (2001: 6). In 2001 The YJB clearly recognised the tendency for YOT staff to overly focus on offenders by decreeing that 'facilitators of restorative meetings should be seen to be impartial and fair. i.e. not on the side of the young person' (2001b: 10).

In spite of the newly constructed legislative framework, policy missives and targets, restorative justice delivery involving victim participation remained prone to circumnavigation. This was due, in part, to the inclusion of considerable procedural latitude. Section 7(4)(a) of the Youth Justice and Criminal Evidence Act 1999 stated that the panel 'may allow any person [to attend] who appears to the panel to be a victim of, or affected by, the offence...' The victim therefore may be allowed to attend, at the discretion of the YOT practitioner, but had no right to do so.

Guidance issued to YOTs on Referral Orders in April 2000 recognised that there may be occasions where, in spite of victims' desire to participate, 'the YOT is forced to exclude

them' (Home Office and YJB, 2000: 23). The guidance allowed this in circumstances where victims 'may pose a threat to the offender, or it may be considered that he or she is likely to be obstructive to the panel process' (2000: 23). Similar advice was given in later guidance issued to courts, YOTs and youth offender panels:

> *'In exceptional circumstances, where there is an assessed risk to the safety of the victim, young offender or other participant, the decision may be made not to offer the victim the opportunity of attending the panel. In these circumstances, an explanation should be given to the victim and other options for participation in the panel process should still be made available' (Home Office, 2002: 24).*

Similar latitude was found in the *Code of Practice for Victims of Crime* (2005). Section 9.2 stated that:

> *'on receipt of a victim's details from the police, the YOT must decide if it would be appropriate to invite the victim to become involved in a restorative intervention relating to relevant criminal conduct and record the reasons for this decision' (Home Office, 2005d).*

Whilst the Government was keen to promote restorative justice interventions, and keen for restorative justice principles to drive service delivery, the effect of its guidance was counterproductive. Assessing victim suitability would remain problematic whilst the tools to achieve this objectively and consistently had no official mandate. In personal communication, Roger Cullen, YJB policy advisor for restorative justice, confirmed that an assessment tool was being piloted in five YOTs 'through the YJB development support agent Crime Concern', with the intention that it be made available to YOTs on a 'non-compulsory' basis in late 2004 or early 2005 (Cullen, 2004). However, in further correspondence in February 2005, Cullen commented thus:

> *'The RJ Assessment Tool materials in fact produced a mixed response when piloted with four youth offending teams and there are no current plans for publication'.*
> *(Cullen, 2005).*

Participating in restorative justice.

There has been much debate about the effectiveness of restorative justice for participants in the process. The starting point for restorative justice proponents was that the conventional criminal justice system has been ineffective at getting offenders to take account of the

impact on victims and take responsibility for their actions. Morris and Young believed that restorative justice engendered beneficial attitudinal and behaviour change in both victims and offenders (2000), and juxtaposed the process positively against the inhospitable and hostile courtroom (Pavlich, 2002: 8).

However, others believed that restorative justice programmes tended to be either offender or victim oriented, creating a situation where one party was effectively disadvantaged in favour of the other (Lemonne, 2003).

Offenders and restorative justice

Whilst recidivism became the conventional measure of the efficacy of restorative justice (Morris and Maxwell, 2000), it remained important to consider offenders' experiences of participation in restorative initiatives.

The object of restorative justice, from an offender perspective, was to look forward towards reparation and reintegration, rather than the retributive model, which looked back at harm caused in order to blame and punish. Even within restorative projects there could be some variation. In the second phase of their evaluation of three restorative justice schemes, Shapland et al (2006) found that 'mediation tended to be more backwards-looking (focussing on the offence), whilst conferencing had a major future-oriented element' (2006: 4). For Walgrave, much of the success claimed by restorative interventions with young offenders was attributable to early intervention aimed at the 'margin for experimentation' (1998: 15). According to the literature most criminality dealt with restoratively had been low level anti-social behaviour, an area providing the least resistance for restorative interventions, and therefore most likely to succeed.

The juvenile justice arena provided fertile ground for introducing new and creative ways of working and experimenting with new criminal justice programmes (Wright, 1998: 81). Restorative justice initiatives provided the opportunity for young offenders to speak more freely than in court and also provided an opportunity to make things right proactively (Wright, 1998: 81). Research on young offenders' experience of restorative interventions suggested that they felt fairly treated, respected and listened too (Wilcox and Hoyle, 2004: 40).

Another influence on the debate around young offenders and restorative justice was the possibility of child exploitation. Johnstone suggested that whilst judicial punishment was not ideal, it did at least offer some level of protection for young offenders, even suggesting it offered some protection from potentially vengeful victims (Johnstone, 2002). Haines (1998) was more concerned about the potential for young offenders to be coerced into agreements, contrasting this with victims' putative choice on whether to participate. Linked to this were concerns about procedural rights. Quoting Article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), that everyone should have the right to a fair hearing by an independent and impartial tribunal, Ashworth argued that a restorative conference may fail to meet these standards 'insofar as the victim or victim's family plays a part in determining the outcome' (Ashworth, 2003: 426).

Morris disagreed, suggesting that restorative justice placed 'a different priority on the protection of offenders' rights, by not adopting a procedure whereby offenders' lawyers are the main protagonists... [whose] primary purpose [was] to minimize the offenders responsibilities or to get the most lenient sanctions possible' (Morris, 2003; 462). In the latter analysis, rather than eroding rights, a restorative conference provided young offenders with a sense of control and choice over proceedings that involved them, and was a process consistent with the UN Convention on the Rights of the Child (Morris and Maxwell, 2000). However, Gretton remained unconvinced, pointing out that, if the aim was to repair the harm, a coerced, unwilling offender was as much use as a victim who had been 'leaned on' to cooperate for the benefit of the offender (Gretton, 1998: 83). For Allen (1998), restorative justice was not appropriate for young people where there were concerns about their ability and competence to know what was right and wrong and their capacity to take responsibility for their actions.

Recidivism

One of the key issues in establishing the effectiveness of restorative justice was the use of re-offending patterns as a measure of success. Most restorative justice projects targeted young people whose offending behaviour was relatively minor. The combination of youth and lack of seriousness may have contributed to low rates of recidivism irrespective of the style of intervention and, without proper controls, were likely to 'confuse and distract policy makers' (Strang, 2001: 38). In one study, the view of many practitioners in the field

of youth justice was that minor offending behaviour was something that young offenders grew out of (Angus, 2001), and the trajectory for non-serious recidivism would therefore diminish with age.

The evaluation of family group conferences in New Zealand found that reconviction rates were often reduced when the 'restorative aspects' of conferences were achieved. For example, Morris and Maxwell (2000) found that offenders who apologised to their victims were three times less likely to be reconvicted than those who had not apologised. They also found that offenders who participated in conferences where victims had attended, were four times less likely to be reconvicted. Johnstone (2003) cited an example of a victim-offender mediation project for young offenders where recidivism rates were lower (from 27 per cent down to 18 per cent) for young offenders who participated in mediation with the victim (2003: 225).

However, such claims are less impressive when a longer view is taken of the efficaciousness of such interventions. A survey of Victim and Offender Reconciliation Programs (VORP) in North America found that whilst young people who attended the VORP programme were less likely to re-offend in the short term, longer term evaluation found an increase in offending behaviour (McCold, 2003).

Communities and restorative justice

The second party in the restorative justice model is the community, the area least discussed in the literature. As mentioned earlier, the Government appeared very committed to community involvement due to its potential to counter the fear of crime.

The term 'community' became increasingly popular, and was often used to debate social issues, both in relation to crime and other social phenomena. Politically, promoting a sense of 'community' helped redress the deconstruction of social networks through increased individualisation, which tended to fuel the fear of crime and perceptions of societal dangerousness. New Labour embraced the concept of community and developed policies to sustain and strengthen Britain's communities, and to engender a greater sense of communal ownership and investment (Home Office, 2005f).

American media used the concept of 'community' to harness public interest in the death of a seven year old child, Megan, who was murdered by a sex offender living in New Jersey. Subsequent international interest helped galvanise the local community into positive action demanding changes in the law to ensure local communities were warned when a known sex offender moved into a neighbourhood. This demand was so forceful it assumed the appellation 'Megan's Law'.

In spite of the inexorable increase in individualisation, the concept of 'community' inveigled daily life. Terms such as 'community tension', 'community policing', 'community sentence', and 'community cohesion', helped create a sense that communities were tangible and important aspects of contemporary western society. The concept of community took on a new importance and became re-established as the backbone of society. Communities were therefore expected to take responsibility for local issues and problems, and restorative justice fitted neatly into this conceptual framework.

The community is but one of three restorative justice 'parties'. When a crime is committed both the victim and community are affected. Accordingly, the offender 'has an obligation to restore [the harm] and is accountable to the community' (Corrado, Cohen and Odgers, 2003: 3). For restorative justice to work restoratively, communities must adopt a position of responsibility towards the offender, and it was Braithwaite who first coined the phrase 're-integrative shaming' to describe the process whereby communities show displeasure and, through inducing shame, encourage young offenders to take responsibility for their actions. Where this is achieved, communities would respond by helping reintegrate them through forgiveness, acceptance and assistance (Braithwaite, 1989).

However, the concept of community in relation to restorative justice requires further exploration. Proponents of restorative justice have argued that for restorative interventions to succeed, the community must be part of that process. For them, the community was not only affected by the crime but had an interest and responsibility to become involved from both victim and offender perspectives. This presupposed that communities were discernable and well established social organisms, and assumed that communities were contained and culturally cohesive entities such as Maori villages.

McCold counselled against using the concept of community with imprecision, which did little to further the case for restorative justice (McCold, 1999). Other commentators were concerned about the legitimacy of developing interventions which relied on a strong sense of community to relatively individualistic western society (Crawford, 1996; Haines, 1998; Johnstone, 2002). However, Braithwaite saw this as less problematic in that community was not necessarily about 'place' but 'a dense network of individual interdependencies with strong cultural commitments to mutuality of obligation' (1989: 85). Similarly, Zehr referred to 'communities of care' asserting that communities did not need to be geographically defined (Zehr, 2002: 27). Johnstone however recognised that in developed societies communities had 'become increasingly fragile and in some places eradicated altogether' (2002: 14).

> *'What we tend to have in modern society it is argued, is not community but associations of diverse strangers between whom moral ties and mutual concern are minimal' (2002: 21).*

Victims and restorative justice

As mentioned in Chapter One, the role of the victim moved from the periphery of the criminal justice system to virtual centre stage, due in part to legislative and policy initiatives (Hoyle, 2002). However, restorative justice has the potential to contribute to victim inclusion in the state's response to crime. Proponents of restorative justice saw it as a 'victim-centred response to crime' (Umbriet, 2001: xxvii). Restorative justice literature emphasised that victims who chose to engage in restorative justice initiatives were generally satisfied with both the process and the outcome. Umbreit referred to victim-offender mediation projects in America, Canada and England, where victims were asked whether they felt they were treated fairly in the victim-offender process; 83 per cent of victims in the American projects felt they were treated fairly, with similar findings in Canada and, to a lesser extent, England (ibid: 183). However, not all victims chose to participate in restorative justice. In the same research between 40 and 60 per cent of those asked declined the opportunity. Many of those who declined believed the crime was too trivial to bother with, which raises questions about validity and representativeness.

Strang conducted random controlled trials, where traditional court processes were compared with restorative conferences, and found that victims engaging in conferences felt reassured having spoken with the offender and felt 'emotionally restored' (Strang, 2002:

129). Interestingly, the most significant difference between victims' experiences of court processes and conferences concerned feelings of unresolved anger for victims attending traditional court hearings; 20 per cent of those attending court said they would harm the offender given the opportunity, compared with seven per cent who had gone through the conference process. Dignan suggested that these findings were consistent with social psychologists who found that victims' active participation in decision making forums, 'positively correlated' with perceptions of fairness resulting in feelings of victim satisfaction (Dignan, 2005: 163).

As already established, effective evaluation of restorative justice interventions can be problematic. Similar difficulties have been found in evaluating victim experiences of restorative processes. Of particular concern was the definition of key variables, which gave rise to questions like *What is 'benefit'?* and *How can it be objectively measure?'* Whilst there has been considerable research on victims' experiences of the process (Braithwaite, 2002; Young, 2002), very little attention has been given to establishing and measuring outcomes for victims.

Johnstone was concerned that evidence produced to support claims that restorative justice benefited victims did not bear scrutiny in that 'the complexity of the issue' meant it was nowhere near as conclusive as claimed. He thought there were simply too many variables to legitimately determine satisfaction (2002: 23). An example of this was the evaluation of the restorative justice projects funded by the Youth Justice Board (Wilcox and Hoyle, 2004). Although the evaluation included restorative interventions involving over six thousand young people, less than 14 per cent of the interventions involved direct meetings with the victim. Additionally, local evaluators were only able to interview victims or young offenders in 23 of the 46 projects. So, even if we accept the legitimacy of the claim that victims (in the research population) felt the process was respectful and supportive, a wider claim that this was representative of the substantive population was at best questionable as the research cohort was actually very small.

Wilcox and Hoyle raised concerns about evaluation techniques and processes, finding some evaluations flawed for not having a 'clear definition of what victim participation means' or 'what was said to victims, by whom, and how consistently the approach was used' (2004: 31).

The aforementioned research into family group conferences in New Zealand, revealed that whilst some victims engaging in conferences felt it was positive, a quarter of them felt worse as a result of the experience. Victims reported concerns around lack of support offered to them, feeling not listened to and feeling people were disinterested or unsympathetic (Morris and Maxwell, 2000: 211).

Many evaluations of victims' engagement in restorative justice focused on how their role in the restorative process was managed by the agency and, more specifically, staff within the agencies. For example, Umbreit identified a trend in victim-offender mediation for staff to bypass individual meetings with the two parties (Umbreit, 2001). Masters, commenting on research in New Zealand undertaken by Maxwell and Morris (1993), noted that whilst 51 per cent of victims attended family group conferences, only six per cent chose not to attend because they did not wish to meet the offender. The remaining non-attending victims cited three main reasons for not attending; not being invited, invited but at short notice, or given a time that was not convenient to them (Masters, 2002: 53).

According to Dignan, victim engagement in restorative justice is affected by a number of factors including agencies' primary client groups, their funding arrangements, and the 'degree of cultural resistance on the part of some of the agencies involved' (2005: 166). Bazemore and O'Brien noted that many restorative justice projects had a strong offender bias, where projects leant 'toward pursuit of offender-orientated objectives' simply because funding was 'largely based on the promise of reduced recidivism' (2002: 31). This offender focus tended to result in victims being used solely for offender-oriented purposes, an experience inconsistent with meeting the needs of both parties. 'It's like being hit by a car and having to get up and help the driver when all you were doing was minding your own business' (Coates and Gehm, 1989: 254). Concerns about victims being used in the pursuit of work with offenders were not new and had been raised by victim groups and academics (Ashworth, 2000a; Braithwaite, 2002; Dignan, 2005; George and Masters, 2001). Crawford was concerned that victims' interests could 'become subverted by organisational requirements or needs of the system as a whole' where victims became 'consumed by' rather than 'consumers of' criminal justice (Crawford, 2000: 294).

'Offender-driven' organisations have the potential to lose sight of the victim within the restorative process. Umbreit cited the example of an American probation programme where it became the norm for police officers to represent the views of victims in restorative processes, thereby reducing direct victim participation. Stressing the importance of offenders hearing about the impact of crime from victims directly, Umbreit pointed out that 'hearing about the harm their crimes have caused from the mouth of a police officer rather than actual victims [would] do little to reinforce true accountability and victim empathy' (Umbreit, 2001: 296). Similarly, Barton questioned the legitimacy of restorative interventions where 'one or more of the primary stakeholders is silenced, marginalised and disempowered in processes that are intended to be restorative' (Barton, 2003: 29). In McCold's analysis, all stakeholders would have maximum involvement through what he called the 'Restorative Practices Typology' (McCold, 2002: 116), which 'rests upon the ordinal relationships predicted' (ibid: 119), in that the more substantial and direct the involvement of the three restorative justice stakeholders, the more restorative the outcome.

Factors that predicated against agencies 'doing' restorative justice, were linked to both organisational allegiances and agencies' (staff), failure to understand what restorative justice meant in practice. There has been a tendency to view restorative justice as either an adjunct to existing rehabilitative packages of support for offenders or view it as something offered to victims. According to Johnstone, such perceptions conspired against bringing offenders and victims together in a positively restorative way (Johnstone, 2002: 5). Wilcox and Hoyle (2004), found that applicants for restorative justice project tenders did not have to 'adhere to any particular theory or model of restorative justice' to support their bid (2004: 15), an omission likely to result in uninformed restorative justice delivery.

Child victims and restorative justice

Establishing the extent to which child victims engaged in restorative justice has been particularly problematic. As Young noted, 'victims [appeared] as ageless, colourless, genderless, classless individuals', which were presented as an 'undifferentiated homogenised mass' (2002: 146). This is of some concern given that research in England and Wales showed that the majority of crimes to the person committed by young offenders (such as robbery and assault), were against their peers (Home Office, 2005a).

One small study, commissioned by Trafford Youth Offending Team and the local Victim Support Scheme, sought feedback from children and young people who had been victims of crimes perpetrated by other young people. Although over five hundred questionnaires were sent out, the response rate was very low, with just 69 responses. However, the data revealed that over a third of the victims knew their offender, and most were victims of assault or robbery. Although most of the victims were not offered the opportunity to meet with the offender, many reported feeling reticent about meeting the offender and content to communicate their feelings through the YOT practitioner (Wilkinson, 2002).

Wilkinson's (2002) research suggested that when victims and offenders are a similar age, there is a one in three chance that they will be known to one another. Existing victim-offender relationships have added complexity to the assignation of labels to both 'victim' and 'offender'. Dignan viewed the designation of young people who engaged in offending behaviour with each other as either 'victims' or 'offenders' as problematic, particularly as research has shown that many young offenders have also been victims of crime (Home Office, 2005e). This dynamic has created situations where it was 'often a matter of chance who [was] charged as the 'assailant' and whose testimony [would] be sought as the 'victim' (Dignan, 2005: 163).

Wilcox and Hoyle's research examined the methods used by restorative projects to contact young victims, such as writing to both the young person and their parent or carer. Interestingly, they found that those victims requesting a letter of apology were most often children, young people and the elderly (2004: 29).

A study on family group conferences found that crime victims tended to be 'relatively young'. Data from two pilot projects revealed that whilst referral rates to the projects were relatively low, in a third of cases, young victims chose to attend the conference. Where victims attended, conference participants felt their presence assisted the restorative process; 'the presence of the victim in person was reported by nearly all of the participants to have a significant and positive effect on the meeting as a whole' (Crow and Marsh, 1999). When asked, the victims who attended 'were happy with the process', although a quarter of the professionals were 'anxious about the meeting beforehand and over half were surprised at the ability of the family and/or the victim to make a positive contribution' (1999: 4).

Whilst child victims of crime appeared largely invisible to the traditional youth justice system, this was not the case in the restorative justice projects piloted in schools. In 2002, the YJB provided funding for YOTs to develop restorative justice across 32 secondary schools in nine pilot areas across England and Wales. Initial pupil surveys revealed high rates of victimisation; bullying and feeling unsafe at school were common issues raised by pupils. Consequently, various restorative initiatives were implemented, including restorative conferences and mediation.

Subsequent evaluation revealed significant improvements for both victims and offenders. The vast majority of restorative conferences resulted in successful agreements and, more importantly from the victim perspective, restorative approaches 'helped increase the confidence of the victims' who 'were better able to speak about their victimisation, seek help, and stop any unnecessary behaviour that was increasing their victimisation' (YJB, 2004c: 68). However, the evaluation accepted that 'the term 'restorative justice' in the school context [was] controversial' and stressed the importance of separating rule-breaking from criminality in school-based restorative processes where;

> ...acts of misbehaviour (not crimes) are detected by teachers, not police officers. Students (not the accused) can be sent to the head teacher (not the judge). A student whose property has been taken is not defined by the school as a victim in the same way as the criminal justice system deals with victims of crime. (ibid: 10).

Whether, or to what extent, victims in these projects felt their victimisation had been accepted as such and not redefined as something less serious or unimportant, was omitted from the evaluation, neither was there any indication of how victim agreement to participate was obtained.

Practitioners and restorative justice

Research evidence has suggested that restorative justice practitioners are not good at engaging young victims of crime in restorative processes, an issue linked to a number of factors including assumptions made about the legitimacy of the 'victim' status of victims, and cultural resistance due to their 'offender' focus. The latter may have led them to see direct victim participation as potentially threatening to their work with the offender. These factors, where they existed, were likely to have contributed to victims' willingness to fully

engage in restorative justice. Research by Wilcox and Hoyle, the national evaluation of the Youth Justice Board's restorative projects, seemed to confirm this; they found that who contacted the victim, and how they were contacted, 'had a significant influence on the extent of victim participation' (2004: 5). Dignan suggested this may have had something to do with 'cultural resistance' on the part of some agencies (Dignan, 2005: 163).

It could have been argued that it was unrealistic to expect offender-oriented organisations to work with victims and communities in a restorative way, when the primary aim of the organisation was to prevent re-offending. Haines and Drakeford asked whether it was 'justifiable for youth justice workers to take the victims' perspective and to base one's intervention with the offender on what [would] be the best for the victim?' (1998: 231). Forthright in their views, they added that it would be 'morally unacceptable to promote victims' interests at the expense of the child's. Children have rights too' (ibid). Their position was clearly problematic as it was based on the assumption that the offender was a child and the victim was an adult.

Decisions to prioritise the needs of offenders over victims or communities in restorative justice programmes seemed more justifiable when the offender was a child or a young person. This was linked very much with the welfare and justice debate discussed in Chapter One; practitioners often saw the offender as a victim of circumstance, and assisted them to adopt a responsibly 'neutral' position (Matza, 1964).

Apart from retaliation (offending as a response to perceived victimisation), young people's belief in their socio-economic victimisation, or relative deprivation (Taylor, Walton and Young, 1973), may have contributed to their decision to offend. Whilst research has shown that many young offenders have been the victim of violence or abuse by an adult (Pitts and Bateman, 2005), this was often exacerbated by additional factors such as housing, education and mental health issues.

Zehr however, believed that young peoples' perceptions of themselves as victims did 'not absolve responsibility for offending behavior' and needed to be challenged (2002: 30). On the other hand, others saw nothing wrong in practitioners shielding offenders from 'social condemnation of their behaviour' (Johnstone, 2002: 94). Johnstone argued that such professionals were not there to 'morally evaluate' offenders criminal behaviour, but to help

them come to an 'understanding of the harm they have caused and of their liability to repair it' (2002: 94).

Watzke, cited in Trenczek (2003) saw this protectionism as collusion:

> *'In one way or other, they [the mediators] are all accomplices of the offenders because they try to find hundreds of excuses to absolve the offender from responsibility. Therefore it is the fault of traumatic events in the early childhood, the parents, if there are any, the absence of the parents, if they are no longer living, the absence or existence of all possible social relationships, schools, homes, homelessness, unemployment, the society and so on. All of these excuses that are impossible to prove are helpful to show the offender, as a victim himself and to withdraw him from the just punishment'.*

This offender-as-victim dichotomy was illustrated by Weitekamp, who explained that Germany was the only country in the world that did not use the term victim-offender mediation, preferring offender-victim mediation. Weitekamp argued that victims were central to any restorative justice philosophy and that the term offender-victim indicated a lack of understanding of the 'basic philosophical roots of restorative justice'. He suggested the roots of this phraseology were founded in the offender-victim movement established by the probation service whose primary aim was to rehabilitate the offender. Weitekamp suggested dispensing with the terms 'offender-victim' and 'victim-offender', substituting them with 'rehabilitation programmes', equally accessible to victims and offenders. He added that in order for such programmes to succeed the agency delivering such programmes must have 'clearly defined missions and objectives based on the principles of restorative justice, which do not have differing or contradictory aims and goals' (2001: 146). He concluded that it was impossible to deliver effective mediation between victims and offenders when the mediator was from the probation or youth service and was forced to wear different hats, 'which basically contradict each other' (2001: 152).

Training

What was apparent from policies issued by the Government was the importance of practitioners having a sound knowledge and understanding of restorative justice. The Government and the YJB agreed that staff involved in contact with victims 'must be trained and skilled in victim awareness, anti-discriminatory practice and restorative

approaches' (Home Office, Lord Chancellors Department, and Youth Justice Board, 2002: 23).

A Home Office commissioned evaluation of restorative justice schemes found that they were 'diverse in their understandings of the notion of 'restorative justice', their degree of focus on victims and offenders, and their implementation of the interventions which they undertook', and recommended that training be provided (Miers et al, 2001: ix). Holdaway et al (2001) identified the need for bespoke training in the pilot YOTs, suggesting that practitioners need training in order to understand the concept of restorative justice. For Newburn et al, this more 'focussed training [was] a vital feature of cultural change contributing relevant knowledge, skills and attitudes...' (2001: 8). Practice guidance issued by the YJB in 2001 stated that facilitators of restorative justice interventions should be trained so they would be 'perceived by all parties to be impartial and fair' (YJB, 2001: 3).

Training in restorative justice and victim awareness for YOT practitioners was delivered nationwide during 2000-2001 by Victim Support and Mediation UK who, along with Thames Valley Police, delivered 20 two-day courses. Of the 155 YOTs nationwide, 141 sent at least one delegate for training. 73 per cent of participants felt the training enabled them to feel more confident about incorporating the victim perspective and understand restorative justice. In three quarters of the courses, the trainers delivering the training experienced reasonable levels of participant acceptance although some trainers reported experiencing a 'large degree of resistance, hostility and frustration' (Victim Support and Mediation UK, 2001: 6). Whilst resources and conflict of roles were raised as barriers in working with victims, the trainers felt there was a 'reluctance on the part of individuals to embrace the fundamental attitudinal shift involved in incorporating the needs and perspectives of victims in work with young offenders' (2001: 7).

In 2004, an Audit Commission review of the reformed youth justice system was commissioned by the YJB. Whilst the Audit Commission reported significant improvements, it raised concerns about the lack of engagement with victims and recommended that 'more should be done to encourage victims to attend youth offender panel meetings' (Audit Commission, (2004: 52).

Whilst there was the occasional positive example of victim participation working well (Commission for Social Care Inspection, 2004), most YOTs had difficulty in delivering restorative justice with an appropriate focus on young victims. Sherman and Strang believed that victim participation would not improve whilst there was a proliferation of performance indicators for YOTs which militated against the establishment of resource intensive, designated restorative justice units. They recommended prioritising restorative justice performance as a discrete YOT target (Sherman and Strang, 2007: 38).

Despite these logistical difficulties, and some cultural resistance, the Government was determined to further develop restorative justice within the youth justice arena. In February 2006 it announced an 'action plan', stressing the importance of restorative justice in 'giving victims a voice and reducing the fear of crime and anti-social behaviour' (YJB, 2006: 4). In terms of Referral Orders, the plan sought to increase 'face-to-face engagement of victims', without pressurising them to take part. The longer term strategy was to refocus the criminal justice system so that victims became 'centre-stage, their voices... heard, and their rights and needs... respected' (2006: 6), whilst acknowledging the challenge of 'achieving cultural change' to integrate restorative justice principles within the youth justice system (2006: 1).

Dignan and Marsh believed that, in spite of stringent efforts to embed restorative justice in the youth justice system, it could only become intrinsic where there was 'a receptive professional culture'. For them, a culture attuned to restorative justice is a necessary and fundamental prerequisite in recognising the importance of work with victims. Unless and until this cultural shift is internalised, 'motivation will be low and the fulcrum of restorative justice... absent' (2001: 93).

Evaluating restorative justice

A number of concerns have been raised by academics in relation to the process of evaluating restorative justice programmes (Haines, 1998; Johnstone, 2002). Evaluative research has varied from 'general descriptions to carefully conducted studies with comparison groups' (Bonta, Wallace-Capretta and Rooney, 1998).

Miers (2001) considered that many evaluations had to contend with methodological difficulties, such as evaluating insufficiently established projects, and the 'unsystematic

implementation' of many restorative projects, which compromised systematic evaluation. Dignan raised a related point in that benchmarks for determining success were often set by agencies with an interest in the outcome, which resulted in misleading evaluations (2005: 132). Goodey (2005) highlighted methodological difficulties in comparing findings from restorative justice projects and conventional criminal justice interventions, pointing out that for evaluations to have any value 'one would have to eliminate virtually all the significant variables'.

Wilcox and Hoyle (2004) set out in some detail the commissioning constraints they faced in their evaluation of restorative justice projects in the United Kingdom. They raised a number of concerns about the tight timeframe imposed by the YJB, citing examples where insufficient time meant that outcomes from projects were difficult to measure effectively. Shapland et al (2004) commenced their three stage evaluation of three Government funded restorative justice schemes on behalf of the Home Office in 2002. The first stage concentrated on their early implementation, where they concluded that it took so long for non-statutory, short-term funded schemes to become established as trusted services to the criminal justice system, that initiatives might 'be judged as ineffective or otherwise fail to be implemented' (2004: 56). Consequently, they recommended that commissioners of evaluated schemes ensure schemes 'be around for 24-30 months' to allow 'at least a year' for evaluation of their normal state of operation (ibid: 55).

Updated literature Review

Evaluating restorative justice remains methodologically challenging not only because schemes vary widely but because it is difficult to obtain a consistent and reliable measure of either victim or offender satisfaction due to victims and young offenders having 'entered the restorative justice process with a variety of expectations and needs which means there can be no one measure of perceived 'success' as far as participants are concerned' (Shapland et al, 2007: 4). Additionally, few evaluations have used the same measuring instruments for victims and offenders although the evaluation by Shapland et al (2007) is one such exception.

Whilst acknowledging that evaluations of restorative justice processes generally reported high levels of victim satisfaction, such as those made by Sherman and Strang that 'evidence consistently suggests that victims benefit, on average, from face to face

restorative conferences' (2007: 8), Green noted that studies have begun to look more closely as to whether the concept of satisfaction was a good measure of successful restorative interventions (Green, 2007: 179). Shapland et al (2007) looked at both victim and offender satisfaction within restorative justice processes and found that overall both parties were satisfied with the experience of engaging in restorative justice initiatives. Having examined three different methods of delivering restorative justice, the researchers concluded that restorative justice achieved its full potential to the satisfaction of both parties (using Marshall's (1999) definition of restorative justice as a benchmark), where the restorative justice conference model was used (2007:49).

Zernova (2007) conducted an empirical study of restorative justice within a family group conferencing project in England. Her research focussed entirely on referrals from YOTs and involved qualitative interviews with 47 conference participants and six professionals. Of the participants, 17 were victims. Young Offenders who had been given Referral Orders were not included within the project. She also observed one conference and conducted documentary analysis. The aim of the research was to gain 'insights and perspectives of people who had experienced restorative justice first hand' (2007: 59). She contended that restorative justice proponents aspired to develop 'a way of doing criminal justice which would place crime victims and their needs at its centre and which would be characterized by individual empowerment of crime stakeholders, de-professionalization, community-orientation and, some argue, voluntariness' (2007: 2). She concluded that most of these aspirations were 'hardly realized' by this project (ibid: 102). Unlike other studies, Zernova carefully avoided the term 'victim satisfaction', and examined victim involvement in terms of their empowerment. She found that whilst victims felt involved in the process their potential re-empowerment was limited.

The Government remained keen to continue with interventions using the principles of restorative justice and keen to engage more victims. Through the Youth Justice Board, its ambition has been to increase victim participation in youth offender panels and subsequent restorative processes (YJB, 2007b: 5). To this end the YJB established a new YOT performance indicator; to ensure that victims participate in 25 per cent of relevant disposals referred to the YOT and that victim satisfaction is met in 85 per cent of cases (ibid). Additionally the YBJ stated its ambition was to ensure compliance with the Code of

Practice for Victims of Crime (Home Office, 2005d), although it is unclear how this might be monitored (YJB, 2007b).

As mentioned above, most studies found that victims generally experienced positive outcomes from their engagement in restorative processes. Shapland et al (2007) found that communication was 'the most valued element of the restorative process for both victim and offender' (2007: 3). Problematic areas included those where there was an unresolved dispute about the events and the offence. One such issue was that of offenders failing to take responsibility for the offence, which would be 'potentially fatal for restorative justice' (ibid: 47).

Concerns about the offender-dominated nature of some restorative justice initiatives remain. The literature revealed concerns shared by a number of commentators about the offender bias of many restorative projects (Ashworth, 2000; Bazemore and O'Brien, 2002; Braithwaite, 2002; Dignan, 2005; and Zernova, 2007). Whilst victim engagement in restorative justice is generally experienced positively, the vast majority fail to participate, a situation reflected in the pitifully low performance measure suggested by the YJB of 25 per cent (2007). Larson Sawin and Zehr (2007) highlight a number of contributing factors; the offender-centred nature of the youth justice system, the offender-advocacy backgrounds of many restorative justice practitioners, and the 'unwillingness of practitioners to take seriously the worries and concerns of victims and victim advocates' (ibid, 49). Consequently, Green questioned the achievability of restorative processes as 'communication between victim and offender is the primary process by which conflict resolution is reached' (2007:176). This issue was also raised by Jones, director of REMEDI (a mediation service) at a recent Referral Order Conference (2008: 5). In the same vein Green, reflecting comments from victim agencies, stated that 'for all the talk of being victim-centred, restorative justice, while involving the victims, does so primarily to benefit the offender' (2007: 176). One of the problems for restorative justice, said Green, is the fact that restorative justice 'buys into' the established 'ideologically and policy-driven construction of the victim' (2007: 184), a situation that ignores the complexity of the victim-offender relationship. Zernova's (2007) study supported Green's contention that restorative justice prioritises the offender, and concluded that restorative interventions will continue to be compromised whist 'restorative justice obeys the dictates of criminal

law, depends on the criminal justice system in a variety of ways and functions as a servant to the system' (ibid: 138) .

Irrespective of the issues for restorative justice as a process or the difficulties in evaluating efficacy, the Government has not been deterred from 'improving and extending the practice of restorative justice throughout the youth justice system' (YJB, 2007b: 2), and remains committed to improving the working of Referral Orders, which now account for over a quarter of all sentences issued by the youth courts (ibid). In spite of some significant room for improvement, the Government has celebrated restorative justice for 'delivering victim satisfaction, repairing the harm caused by offending and re-offending' (ibid: 5). Proposed improvements include publishing revised training materials for both youth justice workers and panel members.

This renewed impetus is to be welcomed and may ward off some bleak prophecies such as Stahlkopf's, in her ethnographic study of Oxfordshire YOT. Extrapolating from Oxfordshire YOT, and relying on evidence from disillusioned respondents who took the opportunity to express their frustration at the Government's lack of concern for staff and unrealistic expectations, she concluded that the Government was unrealistic and naive to think that overworked YOTs could continue to meet the demands as workloads increased (2008). According to Stahlkopf, restorative justice was failing because it was just too time consuming for the available resources, leading her to conclude that 'despite the appearance of achieving performance indicators, the envisaged practice was not necessarily taking place. Politically, performance targets were stressed as more important than the quality of the work' (2008: 465). Similarly, Liebmann saw restorative justice as the poor relation to other youth offending work, with it being perceived 'as an extra activity to be done as far as resources allow' (2007: 30). Such findings leave one pondering whether restorative justice should remain seated within the youth justice system, with its encumbrance of legislative constraints and 'judicial coercion' (Zernova and Wright, 2007: 96), or should it be 'limited to voluntary informal encounters' (ibid: 97). In the case of young victims, some see a stronger role for schools in delivering restorative interventions to rectify 'mistakes' made by 'young people' using a 'problem solving' approach to mediate between the parties and resolve conflict (Howard League for Penal Reform, 2007: 2), although it is clear from the Youth Crime Action Plan that the Government is committed to a 'triple track' approach of tough enforcement, non-negotiable support and challenge and

prevention to tackle problems before they escalate' (Home Office, Ministry of Justice, 2008).

This chapter concluded the literature review. It discussed the literature in relation to restorative justice and examined the history of restorative justice, the theoretical framework underpinning restorative justice and how practice has been evaluated. It then considered the Government's perspective on restorative justice and its application to youth justice in England and Wales, particularly in relation to policy that seeks to promote and implement the principles of restorative justice; responsibility, reparation and reintegration. Consistent with Chapter One and Chapter Two, this chapter provided an updated literature review in a separate section. The next chapter details the methodological approach for the study including the selection of research settings, establishing and implementing a sampling strategy, data collection, analysis, before confronting and dealing with methodological issues.

CHAPTER FOUR – METHODOLOGY, METHODS AND PROCESS

Introduction and framing the study

In the previous chapters I reviewed the available literature on restorative justice and victim participation. The literature indicated that there have been problems integrating restorative justice within the youth justice system and YOTs. However, in accordance with the grounded theory approach to this research, the earlier literature review was conducted after designing the research tools and completing the fieldwork. Accordingly, I was able to minimise researcher bias due to knowledge gained from the literature, both for the design stage and the fieldwork. In spite of this precaution, as noted in the section on 'combining methods' below, it was only possible for me to minimise potential researcher bias, not exclude it, due to my professional knowledge and experience. A research design is:

> *'An action plan for getting from here to there, where here may be defined as the initial set of questions to be answered and there is some set of conclusions about these questions.'* (Yin, 1994: 19).

This chapter describes the underpinning methodology applied to the research process and explores some of the issues I faced when undertaking the field work. In addition it addresses the methodological strengths and weaknesses of the research strategy.

The chapter is divided into three parts. After a short biography, the first part describes the framework or methodological approach that has been used in this study. The second part is a description of my journey through the research process, my concerns about me as the researcher, and the likely impact of this on the validity and trustworthiness of the study. Finally, the chapter gives an account of the research process, from preliminary meetings with practice managers, to identifying and describing the sampling strategy, through to the process of analysing data.

Before discussing the methodology, it is necessary to set out the framework of the study, which encompassed three youth offending teams as research sites. My aim was to investigate how reparation is operationalised in YOTs' response to child victims of crime. To this end I decided to study three differently constructed YOTs and how they organised

and delivered reparation through Referral Orders and youth offending panels. The three teams were located in southern England and the fieldwork provided 94 opportunities for data collection within:

37 interviews with YOT practitioners;

18 observations of youth offender panels;

39 reviews of case-files culminating in youth offender panels.

Each of the YOTs were defined as individual cases. The term case here means 'a contemporary phenomenon within its real life context' (Robson, 1993: 146).

The research process is described in detail in the Research Process section below. For the moment, an overview of the process will help orient readers for the subsequent methodological discussion. The following description should be read in conjunction with the Process Chart below (Figure 4.1)

The research process followed a particular structure taking into account both grounded theory and case study methods and commenced with interviews of YOT workers and panel members from all three YOTs. After transcribing the interviews, I examined case files and conducted observations of youth offender panels before conducting my literature review. Following this I analysed the interviews of YOT workers and panel members from YOT 1, identifying 170 categories. I used these categories to identify nine key themes which I used as the basis for interrogating data from the case files and observations from YOT 1. This process allowed me to develop a working theoretical framework which I used to predict outcomes from the remaining two YOTs. Working through data from the second and third YOTs, I found some evidence in support of the working theory and some evidence that tended to refute it. As the working theory was not fully replicated, I looked for patterns in the data from the second and third YOTs which I used to develop YOT specific theories. I then sought connections and identified disconnections between the three theories, a process that enabled me to establish key themes across the three settings. Finally, using the key themes, I consolidated the three theories into one new theory.

Figure 4. 1 – Process Chart

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┌─────────────────────┐        ┌─────────────────────┐        ┌─────────────────────┐
│  Interviewed YW and │        │ Interrogated YOT 3  │        │     Established     │
│    PM in all three  │        │  data to provide    │        │ connections (themes)│
│       settings      │        │ evidence supporting │  ⇒     │  and disconnections │
│   Data collected    │        │  or refuting YOT 1  │        │   between the three │
│  from case files in │        │  theory and         │        │      theories       │
│   all three settings│        │ established new     │        │                     │
│                     │        │     theory          │        │                     │
└─────────────────────┘        └─────────────────────┘        └─────────────────────┘
          ⇓                              ⇑                              ⇓
┌─────────────────────┐        ┌─────────────────────┐        ┌─────────────────────┐
│  Transcribed tapes  │        │ Interrogated YOT 2  │        │ Identified key themes│
│  from all interviews│        │ data to provide     │        │  between the three  │
│                     │        │ evidence supporting │        │      settings       │
│                     │        │ or refuting YOT 1   │        │                     │
│                     │        │ theory and          │        │                     │
│                     │        │ established new     │        │                     │
│                     │        │     theory          │        │                     │
└─────────────────────┘        └─────────────────────┘        └─────────────────────┘
          ⇓                              ⇑                              ⇓
┌─────────────────────┐        ┌─────────────────────┐        ┌─────────────────────┐
│     Completed       │        │ Used replication    │        │ Analysed key themes │
│ observations of     │        │ logic to apply      │        │ and consolidated the│
│ panels in all three │        │ theory, through key │        │ three theories into │
│     settings        │        │ themes, to YOT 2    │        │    one new theory   │
│                     │        │    and YOT 3        │        │                     │
└─────────────────────┘        └─────────────────────┘        └─────────────────────┘
          ⇓                              ⇑
┌─────────────────────┐        ┌─────────────────────┐
│ Reviewed literature │        │    Established      │
│                     │        │    theoretical      │
│                     │        │     framework       │
│                     │        │                     │
└─────────────────────┘        └─────────────────────┘
          ⇓                              ⇑
┌─────────────────────┐        ┌─────────────────────┐
│  Applied grounded   │   ⇒    │ Identified and      │
│ theory methodology  │        │ applied emerging    │
│ to YOT 1 interview  │        │ themes to YOT 1     │
│       data          │        │ case files and      │
│                     │        │   observations      │
└─────────────────────┘        └─────────────────────┘
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Biography

Before proceeding further with this chapter, and in the spirit of my methodological approach, it is important that readers have some understanding of my background. The implications of my biography in terms of validity, reliability and ethics will be discussed further in due course, but, to avoid repetition, it is perhaps prudent to provide this information, neutrally, here (Alvesson and Sköldberg, 2000; Doucet and Mauthner 2002).

I have been involved in working with victims of crime with Victim Support, a national charity since 1984. During this period, I have worked with a wide range of victims who have suffered property crime and crime against the person. Latterly, this increasingly involved working with young victims of crime. This led to me becoming academically interested and practically involved in youth crime and restorative justice.

Following the inception of YOTs in 1998, I was a member of a team of national trainers delivering restorative justice and victim awareness training to YOT workers during 2000 and 2001. More recently, this included delivering training to newly recruited panel members under the Panel Matters training programme, organised nationally by the Youth Justice Board. I was also involved in youth offender panels as a volunteer panel member between 2003 and 2007.

My academic interest started with a Masters degree in criminology in 2001. My research thesis involved a study of YOT workers' understanding of restorative justice. As a senior lecturer in higher education, I lectured on both victimology and restorative justice.

Framing the methodology

> *'Assumptions of linearity in the positivist paradigm ignore the complexities inherent in professional practice – engaging with real people who live in a turbulent world, often behaving in ways that are unpredictable'.* (Bisman and Hardcastle, 1999:11).

At the 'ideas' stage of my PhD proposal, I knew very clearly both what I wanted to research and to some extent the method of finding out about child victims in the restorative process from the perspective of the practitioners in the field. My intention was to gain an understanding of how YOTs respond to child victims, and explore how the principles of

restorative justice were delivered to child victims of crime. To achieve this, my plan was to undertake comparative case studies of three YOTs using an interpretive methodology, following which I expected to be able to make recommendations about YOTs' work with child victims of crime. Whilst realising that the principle aim of a research strategy is to 'achieve the best procedure' (Blaikie, 2000:122), I was very keen to utilise a strategy that allowed me to obtain an in depth understanding of the complexity of the topic. Quantitative designs did not offer me this flexibility due to their breadth and scope (Lietz, Langer and Furman, 2006).

> 'A qualitative study is defined as an inquiry process of understanding a social or human problem, based on building a complex, holistic picture, formed with words, reporting detailed views of informants, and conducted in a natural setting' (Cresswell, 1994:1).

Cresswell's definition of a qualitative study accords with the framework adopted for the present study. The ontological and epistemological aspects are 'handled better' within a qualitative framework which allows for ambiguity, creates interpretive possibilities, and 'lets the construction of what is explored become more visible' (Alvesson and Skoldberg, 2000:4). As both Cresswell (1994) and Shaw and Gould (2001) note, qualitative research is very much concerned with processes rather than outcomes, seeking to discover how people make sense of their world.

My reasons for adopting a qualitative framework were twofold. Firstly, from previous academic enterprise, I was aware that this area of practice – restorative justice delivered to child victims within a youth justice team – had not been the subject of rigorous academic research, certainly within England and Wales. I wanted to explore what happens in practice; how the concept of child victimisation and restorative justice is understood and experienced from the social world of YOTs (Mason, 1996: 4). Whilst quantitative data on victim participation in the restorative justice process was available to me (Braithwaite, 2002; Sherman and Strang, 1997), they were of limited value for my purpose as they did not elucidate the 'social actions and events from the viewpoint(s) of the people being studied' (Blaikie, 2000:251). A qualitative methodology would enable me to immerse myself, relatively unfettered, in the practitioners' world and begin to 'address the complexity of human nature' essential to my task (Travers, 2001:42).

The second reason for my choice of methodology was founded on the need to answer a number of questions about the research topic. On the basis that I was looking at both practice within a youth justice arena and the beliefs and thoughts of practitioners, the questions were about *how* practitioners saw child victims and restorative justice; *what* restorative justice meant for them in the context of their practice; *how* these factors influenced their professional relationship with child victims; and *why* practitioners operated in a particular way in this area.

Generating evidence on the social dimensions of YOTs required an interactive data collection method. By this I mean a method that involved interviews of practitioners and observations of their practice, supplemented by examination of the written discourse located within formal case files. I therefore considered using an ethnographic methodology. Cresswell describes this as a process where 'the researcher studies an intact cultural group in a natural setting during a prolonged period of time by collecting, primarily observational data' (1994:11). Whilst aspects of ethnography made sense in terms of observing the YOTs as a group, I was also mindful that it would not be possible to include panel members in this process as they were volunteers, not employed by YOTs, and not based within a team office. Nevertheless, I felt ethnography, or certainly the primary data collection tool of the ethnographer-observer, was important to use in my study.

Restorative justice is delivered through processes which can be observed, and lends itself to the ethnographic 'charting' of sections of society or groups where 'culture or conceptual phenomena such as ideas, ways of thinking, symbols or meanings are frequently emphasized' (Alvesson and Skoldberg, 2000: 46). At the early stages of the study it was not clear how YOTs construed child victims or whether their social construction of child victims was individualised or collectivised. Accordingly, it was important for me to provide opportunities to collect data at both individual and team levels.

Ethnography necessarily assumes some positionality in the context of groups and this can be problematic. Although I was not, and never had been, a member of any of the teams, my involvement in voluntary work meant I was reasonably well known to at least one of the three teams in the study. Crang suggested that being an 'insider' is perceived as good but impossible, whereas being an 'outsider' is perceived as bad but inevitable (Crang, 2003).

Whilst I drew on the ethnographic tradition, using the tools of ethnography, I make no claim to having acted as ethnographer in its purest sense. Positioning the researcher is discussed in more detail in the *Confronting and dealing with methodological issues* section later in the chapter.

Grounded Theory

'An inductive, theory discovery methodology that allows the researcher to develop a theoretical account of the general features of a topic while simultaneously grounding the account in empirical observation or data' (Glaser and Strauss, 1967: 8).

The debate about the credibility of qualitative research is one of the reasons that attracted me to the use of grounded theory. Whilst the qualitative paradigm is more suited to my ontological and epistemological perspective, I am also aware of the discourse around methodological rigour in the data collection and analysis processes of qualitative research. Grounded theory, although clearly situated within the qualitative school, offered me the opportunity to design an exposition of the human behaviour of YOT practitioners, the meanings they 'attribute to events and with the symbols they use to convey those meanings' (Carbines, 2003: 28).

Somewhat controversially, Glaser and Strauss – who invented grounded theory – claim that it is 'scientific'. They argue that the study of human beings should be scientific to produce theoretical propositions that are 'testable and verifiable, produced by a clear set of replicable procedures' (Glaser and Strauss, 1967: 42). I would hesitate to claim that my methodology is scientific as, like many researchers, I did not seek to rigidly adhere to the 'critical components of the method' (Coyne and Cowley, 2006: 502), but made use of grounded theory to maximise reliability through its essential objectivity. A fuller discussion of how I applied aspects of grounded theory is detailed in the Research Process section below. The limitation of using a less rigorous version of grounded theory is that the resulting study may struggle to achieve 'conceptual depth' (ibid).

Before proceeding any further in the discussion of applying grounded theory, it is important to provide a brief resume of the methodology and consider its benefits and limitations in relation to the study. Research based on grounded theory is different from

other qualitative research in that it is 'explicitly emergent' (Dick, 2007), a method that 'transcends the qualitative/quantitative divide' (Dey, 1999: 19).

Grounded theory has its roots in both symbolic interactionism and 'statistically orientated positivism' (Alvesson and Skoldberg, 2000: 12). Symbolic interactionism (Blumer, 1969) is a philosophy of human behaviour; it is about how people (in this case, YOT workers and panel members) attribute meaning to events and the symbols they use to convey meanings.

Grounded theory enables research to generate and utilise empirical data, but starting inductively from the symbolic interactions of the researched. Grounded theory's 'constant comparative method' (Glaser and Strauss, 1967) works 'outward from the data' (Bottoms, 2000: 43) using qualitative data collection methods, and a variety of sources. Charmaz succinctly sums up the process:

> *The researcher constructs theory from the data. By starting with the data from the lived experience of the research participants, the researcher can, from the beginning, attend to how they construct their worlds. That lived experience shapes the researchers' approach to data collection and analysis. (2000: 68)*

The 'discovery' of an emerging theory is a result of a process of identifying 'categories' which 'illuminate' data (Denzin and Lincoln, 1998:238). Once categories have been identified, hypotheses are developed about the connections between categories and comparisons made. These hypotheses are developed using a process of writing memos which creates the space for researchers to 'attempt to link data together' (Robson, 1993: 386), and generate ideas about how categories may coalesce, conceptually and theoretically. Accordingly, theoretical hypotheses emerge from data 'that has been fractured and then woven back together to tell the story of the participants' (Carbines, 2003: 30).

All the above appears straightforward and relatively uncontroversial, but grounded theory has been criticised both for the process and the subsequent claims made by grounded theorists in terms of validity. Using grounded theory as a flexible approach to 'doing' qualitative research, rather than applying grounded theory as a strict methodological approach, is one of the most contentious issues for grounded theory.

Purists, such as Glaser and Strauss, have argued that it is all or nothing in the sense of allowing theory to emerge without having any preconceived ideas, that the use of extant theory has the potential to corrupt analysis, and that theory should be 'discovered' from data (Glaser and Strauss, 1967), through the process of constant comparison. However, Strauss, who later departed company with Glaser (Strauss and Corbin, 1998), shifted slightly away from Glaser's uncompromising stance arguing that grounded theory methods actually construct rather than discover theory inductively, thus allowing the researcher to 'open up a space for existing theory as part of one's analysis' (Seaman, 2008: 3). This amounts to an acceptance of the impossibility of purely applied grounded theory and mitigates the otherwise irrefutable criticism aimed at this school. Without such a concession or reinterpretation, it would be difficult to refute critiques such as Schratz and Walker's who contend that grounded theory merely provides;

> *'slabs of lightly-edited transcript which are organized into ad hoc categories...*
> *[with] little questioning, or demonstrated understanding of the problem of making*
> *it mean something... all ground and no theory.'* (Schratz and Walker 1995: 168
> cited in Knight, 2002: 42).

Bottoms goes further in suggesting that theory neutral facts are impossible to discover and therefore a key part of the grounded theory approach is 'from the outset, theoretically flawed' (Bottoms, 2000: 43) Related to the extant theory issue, grounded theory has also been criticised for demanding absolute researcher neutrality. Charmaz and Mitchell challenge the notion of an 'inquiry independent reality', pointing out that there is no such thing as researcher neutrality; 'even grounded theorists select the scenes they observe and direct their gaze within them' (2002: 510).

Even if I had wanted to, it was impossible for me to apply grounded theory in its purest sense. As Seaman and others note, the rigid application of grounded theory necessitates the highest levels of researcher neutrality (Bottoms, 2000; Seaman, 2008); as a practitioner in the field, this was unachievable. The fact that, as researcher, I came to this study with preconceived ideas was something that I acknowledged and monitored, and will return to in the *Positioning the researcher* section below.

However, in spite of the difficulties and criticisms, grounded theory techniques enabled me to generate a clearly defined research process and provided an opportunity to maximise my

ability to identify the 'interpretive theories that operate' within the context of YOTs (Denzin and Lincoln, 1998: 330).

The case study method

Case study is defined by Yin as:

> *An empirical inquiry that investigates a contemporary phenomenon within its real-life context.* (1994: 13)

Robson refers to case studies as a 'strategy for doing research', using multiple sources of evidence (Robson, 1993: 32). This method, or strategy, provides specific approaches to data collection and analysis, using multiple sources of evidence, converging in 'triangulation fashion' (Yin, 1994: 13). This model offered me the opportunity to construct meaning about what happens in the complex world of YOTs and their professional relationship with child victims.

As Yin notes, case studies make appropriate use of 'how' and 'why' questions, where 'boundaries between phenomenon and context are not clearly evident' (Yin, 1994: 20). In terms of the YOTs, this was a crucial point, as it was unclear to me how practitioners saw child victims and restorative justice and how they involved child victims in restorative processes. This was especially pertinent as existing research provides clear evidence that young people frequently commit crime against other young people (Graham and Bowling, 1995; Home Office, 2001; Home Office, 2005b).

Various factors delineate the case study method from other qualitative research. For example, case studies attempt to explain the dynamics of a certain 'social unit' (Verschuren, 2003: 124), in this case, individual YOTs. Often the case study is referred to as a holistic research strategy (Yin, 1994) and assumes that the researcher is looking at everything in relation to a case. In my research this was not the case. I looked at 'events', which were youth offender panels, and 'processes' undertaken by 'actors' within YOTs. The 'processes' were YOT practitioners' interpretation of restorative justice and victimisation and how they manifest themselves within case files and research interviews (Miles and Huberman, 1994). There were many aspects of the individual YOTs which were not pertinent to my enquiry, such as work with orders other than Referral Orders, and therefore the cases could not qualify as being holistic.

Other key components of the design that separates case study from other qualitative work are having a clear research question at the beginning of the research process, clearly defined units of analysis, and the construction of preliminary theory. My research question was clearly defined from the outset and the units of analysis were established and defined at an early stage, the latter being actors, documents, events and processes. Grounded theory techniques in YOT 1 provided me with a preliminary theory to then apply to YOT 2 and 3.

The term 'case' refers to each individual YOT and a single case is 'analogous to a single experiment' (Yin, 1994: 38). However, my research used a multiple case design incorporating three separate YOTs, and I considered these cases as 'one would consider multiple experiments – that is, to apply 'replication' logic' (1994: 45). This involved me undertaking a 'whole' study of the first case (YOT 1), seeking convergent evidence from a number of sources and using a number of data collection methods. The initial findings allowed theory to emerge, providing an information benchmark to be replicated, theoretically or literally, 'by other individual cases' (Yin, 1994: 49).

There has been some criticism of case studies in terms of replication on the basis that they aim to 'capture cases in their uniqueness' (Gomm and Hammersley, 2000: 3), and attempt 'to keep together, as a unit, those characteristics which are relevant to the scientific problem investigated' (Goode and Hatt cited in Blaikie, 2000: 213), rather than to use them to further develop a theory or for wider generalisation. To what extent case studies can have external validity has been a matter of considerable academic debate; some contend that, through their very nature, case studies cannot be replicated as researchers necessarily inject something of themselves into the case studies and such cases are therefore unique (Blaikie, 2000). One positivist critique is that case studies cannot provide scientific data from which generalisations can legitimately be made. The argument is based on the premise that evidence from research using a case study strategy, particularly when using only one case, has little external validity because it is limited numerically and lacks sampling validity. Campbell and Stanley, when commenting on the use of the single case study in an education setting, said:

'Such studies have such a total absence of control as to be of almost no scientific value. Any appearance of absolute knowledge, or intrinsic knowledge about singular isolated objects, is found to be illusionary upon analysis… It seems well-nigh unethical at the present time to allow, as theses or dissertations in education, case studies of this nature.' (Campbell and Stanley, 1966: 6-7 cited in Flyvbjerg, 2006: 220).

Yin's response to such criticisms was that 'cases' are not simply sampling units, and generalisations made from cases are analytical. He suggested that multiple cases should be seen as multiple experiments, whereby generalisations are not statistical but analytical 'in which a previously developed theory is used as a template with which to compare the empirical results of the case study.' (Yin, 1994: 31). In the case of my research, this is the route that I took; having discovered an emerging theory from YOT 1, this was subsequently applied and tested in YOT 2 and 3.

Researcher independence, a positivist prerequisite, is a chimera in qualitative research as, in most cases, the researcher plays an 'interactive role' (Verschuren, 2003). This often involves a data collection process whereby the researcher is a participant observer, making use of unstructured interviews. Thus the findings are likely to be subjective, based on the researcher's own interpretations, and lack rigor in terms of validity and reliability.

Quantitative data on victims in restorative justice and on YOT's perspectives on restorative justice is voluminous, but such large scale research is reductionist in that it tends to assume 'people are more simple than they are' (Knight, 2002: 157), and produces a 'photofix picture' which 'disguises the complexities that have been blended together to make it' (Geert, 1994, cited in Knight, 2002: 156). Although quantitative research could not produce the richness of data needed to answer my research questions, the positivist critique encouraged me to adopt an approach that included multiple cases to inform and shape the development of theory. It is from theory, not statistics, that predictions can be made and tested against new cases, using replication logic; and from tried and tested theory that trusted policy emanates.

Accordingly, I decided to use the case study method as the primary data collection tool, informed by a grounded theory approach to YOT 1 interviews. The process involved the

collection of data from three separate research sites based in southern England. The three sites (YOTs) were geographically and demographically diverse. The table below sets out some of these differences, although I have deliberately not provided census statistics to protect the anonymity of the individual teams.

Figure 4. 2 – Research site demography

YOT	Location	Number of staff	Specific Victim Focus
YOT 1	New town	More than 30	None
YOT 2	Semi rural location with a large population	More than 30	Victim unit, managed by specialist staff
YOT 3	Inner city YOT	More than 40	Dedicated restorative justice worker

What was missing from this specific research area, which I hoped could be found through the case study strategy, was context dependent knowledge (Flyvbjerg, 2006); which in essence meant looking beyond statistical data about how many child victims engaged in restorative justice processes, or the restorative justice methods used by practitioners, but to view the behaviour and the meanings practitioners attached to their actions with regard to child victims and restorative justice.

In order to obtain context dependent knowledge, I needed to spread my methodological net beyond interviews as each data collection method reveals different aspects of social reality. So whilst interviews were important, particularly in helping elucidate how practitioners understand the concept of restorative justice, it was important for me to observe practitioners 'doing' restorative justice. As Verschuren (2003) notes, interviews might reveal motives, but not behaviour, whereas the opposite applies to observations, which reveal behaviour, but not the motives for that behaviour. For me, an important third component was the examination of case files, which provided a valuable source of historical data which I could not possibly have influenced. Along with my reflexive diary (see the *Confronting and dealing with methodological issues* section below), this provided a good benchmark to objectively review the interactively generated data.

Combining methods

The blending of grounded theory and case study was not straightforward and presented me with many problems to resolve. For example, Glaser urged the researcher to enter the research arena with 'as few predetermined ideas as possible' (Glaser, 1978: 3). Glaser and Strauss believed that literature may contaminate researchers' efforts to generate concepts from data (Glaser and Strauss, 1967). Dey took this to mean that the researcher should start collecting data and 'allow the evidence they accumulate to dictate the emerging theoretical agenda' (Dey, 1999: 4). This is in direct contrast to case studies where it is argued that if the researcher is starting without a prior theory or hypothesis, then it is impossible to control what exactly should be studied (Lincoln and Guba, 1985). Bottoms argued that there are 'no theory-neutral facts' and that the empirical research process is concerned with 'theoretical issues from the outset of the inquiry' (Bottoms, 2000: 43).

To enter into a specific research area without any sense of the literature – to avoid forming preconceptions – would be incredibly difficult where the researcher has no knowledge or experience in the area of study. I would contend that it is unlikely that a researcher could realistically undertake such a task. According to Dey, grounded theory begins not with a theory, but with a problem or topic for study (1999: 3). Even Glaser and Strauss (1967) admit that knowledge acquired from the data will be informed by pre-existing concepts and hypotheses. In this instance, my teaching role in higher education, and my role as a trainer in the area of youth justice and restorative justice, meant I already had a body of knowledge which I could not simply dismiss; indeed, it was necessary for me to utilise my knowledge and experience to develop my research questions. Whilst I could not abandon the knowledge I had, I did limit the risk of adding to any preconceptions by completing the empirical work before conducting my literature review (Seale, 1999). Additionally, my reflective diary enabled me to review, retrospectively and objectively, my interactions with participants and helped guard against interpretations skewed by preconceptions.

Another related issue to resolve was where grounded theory finished and case study began. Case studies are theory-driven, and grounded theory is theory-producing, yet both are compatible with comparative research. In this context case studies are better described, in Dey's analysis, as '"case of" studies' and not '"encased" studies' (1999: 226). 'In a "case of" study the case is selected and studied as an example of some wider population or

phenomenon' whilst the latter 'is selected without reference to any wide population or phenomenon, but studied in its own terms' (ibid). Grounded theory is both intrinsically and necessarily comparative as it relies on comparing empirically generated similarities and differences between related topics or instances.

Although I make no claim to using classic grounded theory, I used an inductive approach during the fieldwork stage in all three settings and used grounded theory to develop my original 170 categories from the interviews of YOT 1 participants. However, this was achieved following my literature review which, strictly speaking, would amount to a departure from classic grounded theory. The reason for this was that I was aware that, following the fieldwork, my original research questions were too heavily weighted towards a study of reparation and needed reorienting to focus more exclusively on YOTs' perceptions of child victims and the application of restorative justice with child victims of crime. I discuss this issue in more detail in the *Formulating the research question* section below. An advantage of conducting the literature review at this stage was that I could refresh my already considerable knowledge of the literature to ensure that I was fully apprised of contemporary concepts and hypotheses influencing discourse. Accordingly, I was better equipped to identify appropriate themes in analysing observations and case files from YOT 1, than I would have been with outdated knowledge.

My case study methodology began in earnest once my working theory from YOT 1 had emerged. From this point on, my design was theory-driven, although grounded theory continued to influence my approach in the application of a comparative model, and my determination to follow, with eyes wide open, the positives of positivism. By this I mean that I adopted 'the "case of" study' (Dey, 1999) approach to enable meaningful comparisons to be made across and between settings. Whether, or to what extent, the study of YOT 1 can be considered a case in my multiple case study design is a matter of debate. Having taken steps to ensure that the resultant theory emerged as inductively as possible, I was clear that grounded theory underpinned my approach to this YOT, and used YOT 1 primarily to develop theory, not test extant theory. Yet I was not attempting to apply grounded theory in its classic form and allowed myself the flexibility to analyse observational and documentary data from this YOT following the same procedure as the other two cases. Accordingly, I viewed this YOT as hybrid in that I treated it as both a site

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for developing and testing theory. In this way I was able to construct theory whilst maximising the comparisons I could legitimately make across settings.

Whilst combining methods can be problematic, there can also be advantages. My central tenet was about identifying a theory that accounted for a pattern of behaviour (Dey, 1999: 109), which was rich in description and which illuminated the culture of restorative justice and the cultural construction of child victimisation within a YOT. Having inductively constructed a theory in case 1 using grounded theory techniques, I was then able to treat this as a case, and use replication logic to test this theory against YOT 2 and YOT 3 to look for supporting or disconfirming evidence. This blend of methods allowed me to maximise the 'trustworthiness' (Robson, 1993) of my findings and provide 'compelling support' (Yin, 1994) for my conclusions. Replication logic is discussed in more detail in the *Replication* section below.

The research process

> *'Our understandings of their understandings of our understandings are not only bound together, but unstably threaded through a range of different performances, in different contexts by all parties'.* (Crang, 2003: 497).

The research process followed a number of discrete stages as outlined in the introduction to this chapter and illustrated by figure 4.1 above. The research process was complex in that it forced an uneasy alliance between two methods, grounded theory and case study. This section details each stage of the process and how the study evolved in the application of the research design.

Formulating the research question

Before I could begin the empirical process of 'doing' research, I needed to identify the main research question or, in grounded theoretical terms, the problem or topic for enquiry (Dey, 1999). My original intention was to explore how YOTs respond to child victims of crime and how reparation is made to them. Such reparation is normally organised and delivered through Referral Orders, the responsibility for which lies with youth offending panels. I particularly wanted to explore practitioners' understanding of restorative justice; training in relation to restorative justice; knowledge of victimisation and the impact of crime; reparation to child victims of crime; and practitioners' experience of youth offender

panels where the victim is a child. Consequently, my research questions were around *how* practitioners see child victims and restorative justice; *what* restorative justice means for them in the context of their practice; *how* these factors influence their professional relationship with child victims; and *why* practitioners operate in a particular way in this area. I condensed these questions to a single broad question:

> *How is reparation operationalised in youth offending teams' response to child victims of crime?*

This question was essentially explorative and therefore likely to be refined during the research process. As Robson notes, research questions for exploratory case studies tend to be general and should be reviewed 'when or if the questions do not seem to be capturing important aspects of what is going on' (1993: 154). My decisions on which research methods would be the most appropriate to adopt were driven, to a large extent, by the exploratory nature of my research question (see the *Framing the methodology* section above).

During the fieldwork, it became clear that there was very little contact with child victims. Only one child victim attended a panel that I observed and the case files contained few references to child victims, the impact of crime on them, or details of any reparation made to them directly. Reparation, where it existed, was almost universally community based, analogous to community sentencing. Consequently, I decided to reformulate my research question, for the purposes of analysis, to explore why child victims were so infrequently involved in restorative justice processes initiated in response to crimes against them. This decision was informed by my literature review which was conducted after the fieldwork and after formulating my original research question. As described above, the timing of the literature review was deliberate to accommodate the validity requirements of grounded theory.

Refreshing my knowledge of the literature at this stage confirmed my initial observation of the fieldwork. For example, Newburn et al (2001) found that victims were largely absent from restorative processes. In their study, YOT practitioners cited 'conflict of interest' as justification for not engaging victims in the process. Reformulating the research question resulted in me developing three main areas of enquiry:

> *How do youth offending team practitioners understand restorative justice?*

How do practitioners respond to child victims within the context of restorative justice?

How do practitioners understand, account for and manage their perceptions of child victims in restorative justice and how is this managed in their day-to-day practice?

Ethical Issues

I gained formal ethical approval from the Middlesex University School of Health and Social Science Ethics Sub-committee before undertaking the fieldwork. This approval process involved submitting information on how I intended to resolve relevant ethical issues throughout the research process, and included my plans for resolving issues of confidentiality and anonymity. As a result, I ensured that I obtained informed consent from all participants, which was confirmed by signature. In this context, participants were YOT workers and panel members who agreed to be interviewed. In relation to my contact with 'social work clients' (Application for Research Ethics Approval, Middlesex University, 2003), by which I mean young offenders, young victims and their respective families or carers, I obtained advance informed consent via the relevant YOT worker. This was achieved by my writing to them (clients) explaining the purpose of my presence at the panel and assuring anonymity. They would then sign the letter, agreeing that they had no objection to my being present, which the YOT worker would deliver to me before the panel commenced. In relation to data collection from case files, I obtained advance written consent from each of the three YOT managers.

During my presentations to each YOT, I made clear that I would provide a high level of confidentiality and absolute anonymity. I also provided a recent copy of my Enhanced Criminal Records Bureau disclosure. In relation to case files, I maintained clients' anonymity by not collecting any personal data such as names, dates of birth, or addresses, and referred to all cases by number only. In relation to interviews, I transcribed the interview tapes myself to guarantee that the data would remain private to me, and referred to interviewees by number only. In relation to observations, I restricted the subjects of the observations to professional participants only; I collected no data on young people or their families, or their contributions to the panels. I also obtained consent from the professional participants before the date of the panel and referred to them by number only.

Ethical issues are further discussed in each specific sub-section within the *Data collection* section below.

Designing the research tools

In terms of the actual tool and the multi-method nature of this qualitative research, I saw myself as the 'human data gathering instrument' (Lincoln and Guba, 1985), in the style of a *bricoleur*, undertaking exploratory research. In Denzin and Lincoln's analysis, a *bricoleur* is a creative researcher who produces a *bricolage*, a 'complex, dense, reflexive, collage-like creation that represents the researcher's images, understandings, and interpretations of the world or phenomenon under analysis' (Denzin and Lincoln, 1998: 3). They suggest that a *bricoleur* skilfully deploys the necessary strategies, methods or empirical tools, making decisions based on the context of the research area and the questions to be answered.

So, whilst researchers must recognise themselves as a research tool, and ensure they apply themselves appropriately in terms of skill, knowledge and method, they must also adopt appropriate tools for the job. Analogous to sculptors and their chisels, researchers need an array of instruments to apply skilfully across the contours of the object in mind. A combination of my familiarity with the phenomenon, investigative skill and research experience enabled me to design and operate tools that helped me understand, explain and present an accurate account of the 'phenomenon [and its] patterns of relationships ... at a particular time' (Blaikie, 2000: 74).

The rest of this section describes how tools were designed and used to generate access to research sites and establish suitable samples. The subsequent section, *Data collection*, describes how tools were designed and used to gather data for analysis.

Identifying research sites and negotiating access

Buchanan, Boddy and McCalman note that when planning fieldwork in organisations, researchers should adopt an 'opportunistic' approach to fieldwork (1988). They highlight the many issues facing researchers in their attempts to gain entry into research sites, such as blocks to collecting data and time constraints. My work in the youth justice field meant that I already had a number of contacts in several YOTs across England and Wales. This made negotiating access to three YOTs reasonably straightforward.

The three YOTs were chosen for their demographic diversity within southern England, not because I perceived them in any way representative of the entire YOT population. Following informal approaches to the three YOTs, I gained approval from the University ethics board before obtaining formal permission from each YOT. Formal requests were sent to the managers of the YOTs setting out my proposed area of research and seeking face-to-face meetings to discuss the research in more detail and respond to any concerns that they might have. Gaining trust is pertinent to any participant agency and the fact that I was 'known' in youth justice circles was certainly beneficial at this stage of the process. However, as Burgess points out, the relationship the researcher might have with the agency may well 'influence the collection of data and the subsequent perspective that can be portrayed' (Burgess, 1984: 45). To ensure that all three sites were clear about my research intentions, I asked managers for permission to make presentations at their team meetings, take questions, and respond to any concerns raised.

My presentation to the three YOTs covered a number of specific areas including:
- Aims of the research; to gain an understanding of how YOTs respond to child victims; explore how the principles of restorative justice are delivered to child victims of crime; undertake comparative case studies of three YOTs using an interpretive methodology; to make recommendations about YOTs' work with child victims of crime.
- Methods of data collection.
- Processes to ensure anonymity and confidentiality.
- Time frame of field work.
- Use of taped interviews.
- Dissemination of the final report.
- Ethics process and Criminal Records Bureau disclosure.

All three teams were helpful in arranging rooms for interviews, access to computers and planning observation opportunities.

Ethics and access have several links, not least in building trust and confidence between the researcher and those being researched. The beginning of the process was the completion of

the University ethics form, which provided structure and guidance and was used to highlight and explore the ethical dimensions of my research (Punch, 2000: 59).

Although qualitative research tends to engender a high degree of trust (Finch, cited in Mason, 1996: 159), I was aware of the need to be absolutely clear about the boundaries of confidentiality and anonymity. Wengraf (2001) counsels distinguishing between confidentiality and anonymity, pointing out that confidentiality is difficult to maintain and could be self-defeating in that a request for absolute confidentiality would render the entire contents of interview tapes unusable (Wengraf, 2001). Bearing this in mind, and in accordance with government policy and guidance (Cabinet Office, 2003; DOH, 2001), I made it absolutely clear to participants that I could not offer absolute confidentiality and would breach confidentiality where I believed a child may be at risk of harm, including instances where this may be due to professional malpractice.

Setting an anonymity frame was easier to achieve and the degree of anonymity was something that was discussed at the negotiation stage. By omitting certain identifying information I could provide a high degree of anonymity with no adverse effect on data collection. I therefore agreed not to identify individuals, teams or locations in order to preserve a high degree of anonymity. Consequently, in this thesis I refer to the teams being located in 'southern England' and withhold statistical data that could be used to identify individual teams from publicly available data.

Reflecting on the process of negotiating entry and the subsequent scrutiny of practice and data, I am reassured that all participants were open to the research process. Looking back in my reflexive diary, I note three entries I made during the fieldwork which neatly encapsulates my experience:

> *'Nice to be back here – so helpful'* (11th December, 2002).
>
> *'Received a call from P at xxxxx . He has been so helpful and identified cases that might be helpful' (20th April 2003).*
>
> *'Met with D today; always positive and very keen to help'* (19th February 2003).

Sampling strategy

Whilst I had contact with a number of YOTs across the country, I had to be realistic about accessing settings on a frequent basis during the data collection period whilst working full

time. Additionally, with the chosen research design there was no imperative to select a sample that was representative of the entire YOT population. That said, I recognised the need to select data sources that would best answer my research question (Cresswell, 1994), in order to 'make key comparisons and to develop theoretical propositions' (Mason, 1996: 93).

Miles and Humberman (1984) suggest that qualitative researchers should consider four sampling parameters; actors, events, settings, and processes undertaken by the actors within the setting. For this study the 'settings' were the three YOT teams and the 'actors' were YOT workers and panel members. The three individual YOTs were different in terms of size, geography and victim focus. YOT 1 had no specific victim focus, in that practitioners were not specifically assigned to work with victims of crime, whereas YOT 2 had specific arrangements in place for contacting victims through a dedicated member of staff. This person was also responsible for managing arrangements for supporting victims of crime, including child victims, in any restorative justice processes, including attendance at a youth offender panel. YOT 3 also had a member of staff who was responsible for linking with victims who had expressed an interest in engaging in restorative justice, be it a panel or a conference. This worker also co-ordinated youth offender panels and was responsible for supporting victims in the panel process.

The selection of the three quite different YOTs enabled me to make 'meaningful comparisons' in relation to my research question and develop and test the emerging theory from YOT 1 (Mason, 1994: 96). The basis for making comparisons was analytical through pattern-matching against the emerging theory to develop explanations 'through detailed scrutiny of how processes work in particular contexts' (Mason, 1994: 97), and not through juxtaposing statistically meaningful data.

I used a non-probability method of sampling, meaning I purposively identified a sample of practitioners that would be able to provide a range of perspectives on events and processes within each setting. The 'events' as described by Miles and Huberman (1994) were youth offender panels and the 'processes' were participants' interpretations of restorative justice and victimisation and how they presented in the case files and research interviews. In short, I chose my sample to investigate how practitioners operationalised restorative justice within their work with child victims of crime.

Of course the sampling strategy must fit the circumstances and methodology of the research. For example, for case studies, 'prior development of a theoretical proposition' is required to 'guide data collection and analysis' (Yin, 1994: 13), a requirement in direct conflict with the grounded theory methodology. Glaser and Strauss state that sampling cannot be determined in advance of the data collection process. They argue that the sampling strategy, for the purpose of comparison, is theoretically informed once the researcher has identified a general subject area, identified a suitable site in which to study the problem or issue, and analysed data from that initial site. However, Carbines, (2003) in her grounded theory study of first time fathers, undertook purposive sampling, based on what she already knew about the 'target population'. She said that knowledge was used to 'select participants who are considered typical of the population of interest to the study and who can clarify the phenomenon being studied' (2003: 30).

In the current research, I used both grounded theory and case study methods which could have proved problematic for sampling purposes due to their inherent incompatibility; I neither selected my sample in order to test extant theory, nor selected my sample having constructed a theory from my initial analysis on the interviews of YOT 1 practitioners. It is this very incompatibility, and my determination to use a blend of the two approaches, that drove my sampling strategy. I therefore decided to select my three sites through purposive, or theoretical sampling to maximise the possibility of my results being theoretically meaningful in other YOT settings. It was therefore important that I design a sampling strategy to 'encapsulate a relevant range of units [YOTs] in relation to the wider universe, but not to represent it directly' (Mason, 1996: 92). By relevant, I mean that I chose YOTs that were both demographically diverse and differed in their approach to victims. In this way, I expected that theory emerging from YOT 1, tested through 'theoretical replication' (Yin, 1994) within and between the other settings would, if consistent, be compelling and relevant to the wider population. This issue is further explored in the *Transferability* subsection under *Confronting and dealing with methodological issues* below.

For the purposes of analysis, my choice of YOT 1 for the application of grounded theory methodology was made purely on the basis that it provided 19 practitioners for interview,

more than half of all interviews. This setting therefore provided the broadest range of data for analysis using grounded theory techniques.

Sampling for case files

According to Mason, researchers need to be cautious when considering the sampling strategy and not simply use sampling 'units' such as people, documents, visual images, settings for observations or 'whatever you may be interested in' which might support an argument but 'disregard those inconvenient ones' (Mason, 1996: 87). Mindful of Mason's caveat, I used a specific time frame for gathering data for the purposes of case file analysis. The same time frame (1st April 2002 – 31st March 2003, corresponding to the Youth Justice Board year) was applied to all three YOTs. I selected only those files that contained data in relation to a Referral Order which involved a child victim of a crime against the person. To keep the numbers manageable and my selection objective, I selected no more than the first four in any one month from each setting. The number of case files that fitted my selection criteria varied by month and by YOT which gave me a spread of cases across the settings.

Sampling for Interviews

I had to be realistic in relation to samples of interviewees and, like Carbines, used my knowledge to select participants from each of the agencies that populate these multi-agency teams (a brief description of YOTs and their multi-agency structure is provided in the Introduction to this thesis). Sampling for the interviews was based on the need to interview practitioners involved in Referral Orders, those orders being processed through youth offender panels and included social workers, police officers, education workers and probation officers. This included professions from all the agencies that comprise YOTs except for health workers. The only health worker employed across the three YOTs at the time of the fieldwork did not volunteer to be interviewed, and it would have been unethical to pursue this person. I also interviewed panel members, who are volunteers from the community and represent the community on youth offender panels. They are trained and supervised by YOT personnel. Whilst unpaid, panel members work directly with young offenders (and victims if they attend the Panel) and were therefore included within the sample. The time frame for interviews was the same as for case files.

Sampling for Observations

In terms of observations of practice, I was unable to apply a strict sampling process to my observations of youth offender panels. As I could not possibly determine how many panels might be held at any given time, I used a time-scale sampling technique (Robson, 1993), selecting the first ten panels held within each of the YOTs, commencing June 2003, involving a young crime victim. This enabled me to be as free as possible from other fieldwork commitments and therefore better able to respond to panels as they occurred. The selection criteria were that the crime committed by the young offender had to be a crime committed against a young victim, in order to meet the objectives of the research. As I had no control over which panel members would be allocated to particular panels, it was impossible to ensure that each observation was of panels chaired by different panel members without departing from my primary criterion of observing the first ten panels involving a young crime victim. However, it so happened that the panel members were different for each panel observed.

Sampling issues

Whilst it would have been convenient to synthesise the three data collection methods, unfortunately this was not possible. Ideally, to maximise validity through triangulation, I would have chosen to interview the same panel members and YOT workers that I observed during panels, and would have chosen those same cases for case file examination. However, the case files for the panels observed would have been incomplete as Referral Orders only become active at the first panel. Also, as I had no control over which panels I could observe, it was impossible to link the panels with interviews as the interviewees had to consent to be interviewed and had to be arranged in advance to ensure I achieved a meaningful sample. The method for obtaining my sample of interviewees is described in the *Interviews* section below.

As the sample of interviewees was a cohort of practitioners who consented to be interviewed, it was impossible to control for potential volunteer bias (Social Research Association, 2003). Consequently, it was feasible that only people with similar but unrepresentative values volunteered to be interviewed, although I attempted to minimise this risk by ensuring that all relevant agencies were included in the sample for each YOT and stressed the importance of obtaining broad representation during my pre-research presentations to the three YOTs. For the same reason, I was not able to control for socio-

economic influences for interviews. Neither was it possible to apply socio-economic criteria for selecting samples of youth offender panels (for my observations of YOT workers and panel members), or samples of case-files for examination, due to the sampling inclusion criteria, which automatically determined which practitioners became research subjects.

Sampling for interviews was challenging due to the blend of methods used. Whilst for grounded theory it would have been preferable to select interviewees from each of the settings for analysis, thereby reducing the possibility of introducing YOT-specific bias, this would have undermined my case study methodology as it would then have been impossible to test an emerging theory from one setting in the other two settings. It is therefore conceivable that YOT 1 practitioners, YOT workers and panel members, provided data that was unrepresentative of the general practitioner population. Although, for YOT workers, I was prepared to implement a strategy to ensure that each agency was represented in my sample for interviews in each setting, it was not possible to prepare a strategy to ensure broad representation in relation to panel members. This was due to their status as volunteer members of the community and YOT policies on confidentiality. It was therefore not possible to apply purposive sampling against their personal or experiential credentials as this information was not available to me. However I was able to review my samples of both YOT workers and panel members using factual details obtained from interviewees during the interviews. As mentioned in the *External factors* section of Chapter Six, this revealed that the practitioner samples were reasonably balanced in terms of gender, age and experience. Whilst the majority of participants were white, in relation to panel members exclusively white, three YOT worker interviewees were from black ethnic minority communities. For the purposes of replication, it would therefore be useful to purposively include non-white panel members in a sampling strategy for interviews.

Data collection

Having decided *not* to undertake a detailed literature review in advance, the knowledge base I used to identify the key areas to explore in relation to child victims and restorative justice was based on my practice and teaching experiences in the subject area. The key areas included:

- Practitioners' understanding of restorative justice;
- Training in relation to restorative justice;

- Knowledge of victimisation and the impact of crime;
- Reparation to child victims of crime;
- Experience of youth offender panels where the victim is a child.

I used these areas to design bespoke interview schedules for practitioners and panel members. Because of the quite different roles that practitioners and panel members had, it was necessary to reflect this in interview schedules. For example, I asked only YOT workers where they accessed information in order to complete the report for the youth offender panel as this is not a task that panel members would undertake. Similarly, I asked only YOT workers about the type of victim awareness work they undertook with the young offender receiving a Referral Order.

However, to maximise the potential for comparison within as well as between settings, it was important that the majority of the questions were the same, such as whether a child victim attending a panel was perceived as helpful, or whether interviewees had received training on the impact of crime. With the benefit of hindsight it would have been more straightforward, for the purposes of mapping the findings during analysis, to ensure that the questions on understanding of restorative justice and links between victimisation and offending were identical for YOT workers and panel members. Similarly it would have been beneficial to have asked YOT workers about victims' views at panels directly. However, this issue was resolved in two ways. For YOT 1 interviews, the 170 emerging categories captured the emerging issues at an individual level, and for the other two YOTs, data was mapped onto the analysis schedules under the resultant six themes. The main issue for me during analysis was that it took longer to locate the data where the information gleaned was not in response to a specific question in the interview schedules. In terms of process, the journey from interview to analysis schedule would therefore be harder to discern although this could be established through the interview recordings and transcripts.

I also ensured I covered all relevant key areas when collecting data from case files pertaining to Referral Orders, in addition to collecting numerical data such as the offence, date of the offence, date of the panel, and the date any letters were sent to the victim. The case files consisted both of computer and paper records. Whilst computer files were based on a national template issued by the Youth Justice Board, and therefore universal in their

structure and design, the paper files were slightly different for each YOT. For example YOT 1 and 2 had separate case files for victims, whereas YOT 3 did not. Contents of the YOT workers' 'case diary', panel reports, impact on victim reports, letters to victims, victim awareness work sheets and their record of youth offender panel contracts were all recorded verbatim. Whilst a very long and laborious process, I was mindful to include all data and 'seek out disconfirming evidence' (Seale, 1999: 73) as well as confirming evidence.

Each relevant key area was also incorporated in my observation schedules, which included headings such as *restorative justice, concept of victimisation* and *the panel process*. I used these headings to record key words and actions illuminating specific themes. For example, each time a panel member or YOT worker mentioned words such as 'repairing the harm' or 'paying back' I would record it under *restorative justice*. I used a second recording sheet, based on what Robson refers to as 'dimensions of descriptive observation' (1993: 2000), as a checklist to record descriptive data such as the length of the meeting, who was present, time spent reading the report, questions asked by panel members of the practitioner about the victim, and any references to a victim impact statement.

Mirroring the youth offender panel process, the observation recording process was divided into three distinct stages using the two observation proformas. Firstly, the panel members met with the YOT worker prior to the actual panel to read the YOT worker's report, discuss the case, and ask any questions. This was followed by the actual panel where young offenders and their parents or carers would be present. Finally, there was normally a post-panel debrief where the YOT workers and panel members would discuss the panel and any specific issues arising from the meeting.

As discussed in *Formulating the research question* above, I reformulated my original research question to accommodate the subtly different problem that began to emerge from the fieldwork. Although the data collection tools were designed with my original research question in mind, they were flexible enough to allow a problem I had not anticipated to surface inductively. I believe this is consistent with grounded theory in that I had an idea of the problem to be investigated but it was not until I immersed myself in the research that the actual problem started to emerge.

It is perhaps worth reiterating here that all the fieldwork was conducted before analysis commenced. In line with my grounded theory approach to data collection, it was important that data from all three data sources, interviews, observations and case files, in all three settings were collected before starting the process of open coding. To do otherwise would have introduced a source of researcher bias in that it would have significantly influenced both the design of the data collection tools and the data collection interactions. In other words, had I analysed data from interviews before conducting observations or examining case files, I would have compromised my mission to remain as neutral as possible and compromised my objective to enable issues to emerge inductively from the data.

For the purpose of analysis, I decided to look at data from interviews first and, as mentioned in the *Interviews* sub-section below, I chose YOT 1 interviews because this setting provided more data than the other two settings combined. Whilst it would have been feasible to analyse data from observations or case files before interviews, there was no advantage in doing this as all data had already been collected and I decided that data from interviews would be my primary data source for the process of analysis using grounded theory. This decision was taken in the knowledge that I had recorded the interviews and open-coding techniques could be applied more thoroughly. According to Glaser, open-coding involves analysing data 'line by line' (1978: 56), and for my purposes this was most easily achieved using the transcripts of interviews. As mentioned in the section on *Stage 4* below, I decided not to continue using open-coding techniques for the analysis of other YOT 1 data sources.

Had I used case-study methods exclusively, I would have considered the advantages and disadvantages of the order in which I collected data from each source in each setting. Data collection for case studies would have to consider the most appropriate method for maximising the probability of developing 'converging lines of enquiry' (Yin, 1994: 92) across data sources.

Interviews

> *'No matter how diligently we work, the fact is that interviewers are a part of the interviewing picture'.* (Seidman, 1998: 21).

The 37 interviews were disproportionately weighted towards YOT 1, where I completed 19 interviews; 10 YOT workers and nine panel members. This was not deliberate, but the result of a better response to my request from this YOT. As it happened, of the three teams I was best known to practitioners from this setting. Following the presentation to the individual YOTs, I asked those who expressed an interest in participating in interviews to contact me by telephone or email. Once I had secured sufficient numbers, ensuring that all professions making up the YOT were represented, I then wrote to individuals, setting out the details of the interview, including the time frame, the use of a tape recorder and anonymity. I was able to interview everyone who consented and volunteered. Had this not been the case, I was prepared to apply a random reduction strategy. Although I interviewed more practitioners from YOT 1, this was not problematic as it was only from this data pool that I planned to apply grounded theory, and the 19 interviews provided me with a significant quantity of data to analyse.

Whilst the use of interviews in qualitative research is common practice (Burgess, 1984), I was also mindful of how I would use interview data (Mason, 1996). The nature of my research was inductive and exploratory and interviews provided the opportunity to explore the key areas through discussion. Mason highlights the epistemological mandate for interviews in the sense that knowledge and evidence are 'interactional' (Mason, 1996: 40) and the process of asking questions and listening to responses during the course of an interview allows for that interaction to take place. With this in mind, I designed a semi-structured interview format which ensured that all key areas were covered whilst enabling me to probe answers and encourage interviewees to expand on relevant issues as they arose.

As mentioned above, I designed bespoke interview schedules for panel members and YOT workers, which worked well in practice. For example, I asked YOT worker 1 from YOT 1 'what is your understanding of restorative justice?' The response was as follows; 'it's not just punishment, not just putting everything on the offender, it's allowing the offender to give back.' I then probed this response, selecting from prepared key word prompts; *balance, victim-offender, change of philosophy, adapted.* The YOT worker then added, 'restoring what they've done, to involve the victim, get them together'. Another example is found in the interview of panel member 1 from YOT 3. I asked, 'what are the methods of reparation used in panels where the victim is a young person?' The panel member

responded, 'I think the reparation is not consistent at all'. The panel member then digressed so I used a prepared prompt, *letter of apology for example?* which encouraged the interviewee to then say, 'yes we have recommended that'. I then used another prompt, *sent?* and the panel member said, 'I would say yes, that needs to be sent'.

Apart from the logistical process of interviewing, which proved quite time consuming, my role as interviewer and the type of interview revealed some interesting and complex issues. The first hurdle, and I use that word advisedly, was to gain the trust of the interviewees. The interview structure was informal (Burgess, 1984 and May, 1993), allowed for rapport building and a degree of empathy on my part, and encouraged and enabled respondents to talk about the subject matter in 'their own frame of reference' (May, 1993: 94). However, my existing relationship with some YOT workers and fellow panel members initially resulted in a slightly stilted interaction, which I overcame by reassuring respondents that I was 'wearing my Middlesex hat' and not that of panel member. In doing so, I assured interviewees that their anonymity would be protected and that I was adhering to the guiding principals in *Quality in Qualitative Evaluation: A framework for assessing research evidence* (Cabinet Officer, 2003). White uses the term 'marginal native' in her reference to ethnographic studies in social work practice (White, 2001: 103), a position that aptly describes my relationship with these practitioners in the sense that there was a degree of 'familiarity' both in terms of the setting and my relationship with those I interviewed.

The second, related, issue facing me in the interview process was that as I was known to the majority of those I interviewed to be victim-oriented, I expected respondents to be wary about disclosing their attitudes towards victim involvement in youth justice, and reticent to divulge their thoughts and feelings on restorative justice and child victims. I was also aware that by asking what respondents knew and felt about the subject, I may elicit responses that subtly differed from the attitudes and beliefs they demonstrate in practice (Scourfield, 2001). Surprisingly, in some cases respondents were openly negative towards child victims, appearing quite relaxed and open with me, but as Seale notes, the privacy of interviews provides an opportunity for people to say things they would not reveal in the natural setting of everyday interaction where significant others would not approve' (Seale, 1999: 55). I therefore needed to further explore this to try and establish whether practitioners were equally negative about victims in other data collection settings.

I hoped this would reveal whether such attitudes were openly displayed or were more privately held. That respondents knew of my involvement with victims of crime, yet felt able to speak openly and sometimes critically about them, reassured me that I was not an overly stifling presence.

Observations

Fieldwork observation required significant preparation, both in terms of gaining consent, and developing the observation method. Planning observations involved discussions with practitioners and subsequent discussions with all parties. I prepared a written statement for each observation which set out the parameters of my observation and whom I was observing, confirmed the level of confidentiality, and explained that any recording of information was specifically relating to professionals' references to reparation and restorative justice. Seeking permission from the young offender and family was undertaken by the practitioner prior to the Panel, giving them sufficient time to consider my request. I observed a total of 18 panels; ten from YOT 1, five from YOT 2 and three from YOT 3.

Observation was crucial to the research method, as restorative justice is essentially and intrinsically a process (Braithwaite, 1989; Marshall, 1999). As Bowling notes, observations of activities, behaviours and interactions, enables the researcher to 'understand more about what people say about (complex) situations' (Bowling, 2002: 27). Whilst 'on a questionnaire we only have to move our pencil a few inches to shift our scores from being a bigot to being a humanitarian'... [and] don't have to move our heavyweight behaviour at all' (Agnew and Pyke, 1982 cited in Robson, 1993: 191), in observations it is much harder to obfuscate and secrete our true values and beliefs.

Observations, along with documentary analysis, were used to establish the veracity of what respondents disclosed during interview. Youth offender panels would normally be the arena where one would expect to see restorative justice in action. Through the course of my observations I was able to evaluate the extent to which panel members and YOT workers applied restorative justice principles (Marshall, 1999). This included actions such as looking at reports and asking questions in reference to child victims; using restorative language, such as 'repairing the harm'; and acknowledging child victims' experiences of victimisation and its impact.

I was keen to remain as unobtrusive as possible during observations to minimise the impact of my presence on the process, and to respect the privacy of young offenders and their families. I did this by positioning myself out of direct eye contact with the young offender and family, yet still be able to clearly observe practitioners. The concept of a 'neutral' observer and not having any influence of the setting is almost impossible to achieve and I was careful to reflect, using memos and my reflexive diary, how I might explicitly or implicitly bias the findings. Such reflections provided a broad spectrum of indicators including:

> *'Both panel members very good at focusing on the victim...'.* (diary entry, 25th May 2004).

> *'I was unbelievably angry watching this...'* (diary entry, 19th October 2004).

I realised that observer bias could have the potential to affect what I 'attend to' in the observation process (Robson, 1993: 202). In fact I was mindful of this following the first observation (26th April 2004), where I came away from the panel aware that I was seeing the panel through the lens of a panel member, and not necessarily as a relatively detached observer. The diary entry states:

> *'did my first observation – which was a learning curve. I realised that because I was familiar with the process, I was taking note with a wider perspective'* *(26th April 2004).*

My observation schedules certainly assisted me in detaching myself from the panel member mindset. The schedules enabled me to concentrate my field of observation on the research task and ensured that I focused on the 'subtle things of significance' (Knight, 2002: 117). The observation proformas gave due consideration to description of 'people, tasks, events, behaviours and conversations' (Bowling, 2002: 32), situated within the panel process. Immediately after each observation, I supplemented the proformas with narrative in three main areas; concrete description, impressions and feelings, interpretative ideas. This narrative enabled me to review each panel in terms of the behaviours and actions of practitioners as well as substantive things that were not said. For example, in observation 3 of YOT 1, a panel member commented 'This report is ridiculous, he just reacted' and later, to the young offender, 'you had this incident, how are you going to avoid an incident [like this] in the future?' In my narrative, under *interpretive ideas* I wrote 'assumptions

made based on Referral Order report ... reluctance to use the word crime, used 'incident' instead'.

In addition to managing my subjectivity, I was also mindful of how practitioners' behaviour may be influenced by my presence. The use of a third data collection strategy, documentary analysis, provided a further opportunity to scrutinise YOT workers' and, to some extent, panel members' understanding of restorative justice and their attitudes towards child victims of crime.

Case files

The terms documentary analysis and content analysis appear interchangeable in much of the social research literature (Punch, 2000), but generally refer to written documents that are public or private, formal or informal. In the current research the 'documents' that were analysed were contained within paper and electronic case files. Whilst there was some repetition in the paper and electronic case files, such as the structured assessment of the young offender (YJB, 2000), the paper case files in all three YOT settings contained, where available, Crown Prosecution Service reports and witness statements. I reviewed a total of 39 case files from across the three YOT settings; 11 from YOT 1, 17 from YOT 2 and 11 from YOT 3.

Both Robson (1993) and Mason (1996) highlighted the importance of understanding, from the outset, the purpose of documentary analysis. I was clear that I wanted to investigate YOT workers' understanding and interpretation of restorative justice in situations involving a young victim of crime as well as a young offender. Mason referred to the process of 'reading' (1996: 75), not in the literal sense (although this would also apply in terms of gathering factual data), but in the sense of gaining an understanding of cultural discourse. For me, this meant understanding the cultural niceties of language in relation to child victims and restorative justice. In the case of my research I used the case file data collection schedule to record specific words or phrases that illuminated one or more of the key themes.

Denzin and Lincoln note that once words are 'transformed into a written text, the gap between the "author" and the "reader" widens and the possibility of multiple reinterpretations increases' (1998: 112). In most cases, the files had been compiled in line

with team policies and procedures and this made it somewhat difficult to identify any possible biases or distortions (Robson, 1994), as the rigidity of the structure discouraged the type of free narrative where such issues tend to emerge. That said, the case files revealed some interesting findings, based not only on what the files contained, but also what was omitted (May, 1993). In case file 2 from YOT 3 I recorded 'victim box not completed' and, in relation to case files generally, in many instances I noted 'panel report missing'. As May and others have noted (May, 1993; Mason, 1996; Robson, 1994), when reviewing case files, it is important to bear in mind the cultural and social context in which they were written. To assume that these official documents were simply recordings of factual information would have been naïve. As Knight rightly pointed out, such documents are 'shot through with subjectivity' (2002: 105). For example, in case file 5 from YOT 2, the YOT worker wrote with no supporting evidence, 'I am unable to reflect the effect this offence has had on the victim. However, it would appear that the victim's family have attempted to exact their own revenge'.

Case file analysis enabled me to reflect on the other data sources in terms of my likely influence on interviewees and practitioners being observed. As the reports were historic, I could not have influenced their content and, through benchmarking the other data sources against the case file data, was reassured in that the same themes arose in all three data sources.

This concludes the discussion on the data gathering strategies other than to say, in terms of strengthening validity, it would have been preferable to have synthesised the data collection process. By this I mean interviewing the same practitioners that I observed and subsequently analysing the case files that pertained to that observation. However, as mentioned in the *Sampling issues* section above, logistically this was not possible.

Data analysis

> *'To come up with trustworthy answers, the analysis has to treat the evidence fairly and without bias, and the conclusions must be compelling, not least in ruling out alternative interpretations'* (Robson, 1994: 372).

The data analysis process was arduous; at times I felt quite overwhelmed with data. I had decided that whilst I was not rigidly applying the classic grounded theory methodology, I

would attempt at the very least to refrain from looking at data from YOTs 2 and 3 until I had applied the grounded theory methodology to the interviews from YOT 1. Nevertheless, I did transcribe all interviews, putting aside data gathered from YOT 2 and 3 until after completing the analysis of YOT 1. The nature of the data analysis tool mirrored that of the data gathering process, in that I was keen to apply as much objectivity as I could to the process, which meant the analysis was protracted. The process of analysis is illustrated by the diagram in figure 4.3 below.

Figure 4. 3 – Multi-stage data analysis

Stage 1 – YOT 1 interviews

24 categories from interview 1

Plus 146 categories from remaining 18 interviews = 170 categories

Stage 2 – YOT 1 interviews

Reduced from 170 to 148 categories

Stage 3 – YOT 1 interviews

Reduced from 148 categories to 30 re-conceived categories

Grounded Theory ended and case study began
30 reworded categories reconceived as 9 specific categories

Stage 4 – YOT 1 case-files & observations

Stage 5 YOTs 2 & 3

Analysed using 6 themes YOT 2 and YOT 3 theories emerged

Observations and case files analysed – YOT 1 theory emerged comprising 6 themes

Final Theory

Grey background = Grounded theory   Green background = Case study

Stage	Activity	Location / data source
1	Developed 170 categories and looked for connections to reduce to 148	YOT 1 interviews
2	Looked for connections within remaining 148 categories and reduced to 30 re-conceptualised categories	YOT 1 interviews
3	Looked for connections within remaining 30 re-conceptualised categories and reduced to 9 specific categories	YOT 1 interviews
Grounded theory ended and case study began using 9 theoretical propositions		
4	Applied 9 specific categories to remaining data sources and reformulated to 6 themes YOT 1 theory emerged	YOT 1 observations and case files
Theory driven case study began		
5	Applied 6 themes to other two settings	YOT 2 and 3 – all data sources

Grey background = Grounded theory   Green background = Case study

Stage 1

The beginning of the analysis process was first of all to analyse data from the interviews in YOT 1, applying grounded theory methods to generate a theory (Glaser and Strauss, 1967), which is 'discovered' from the data (ibid). The process starts with the identification of **'categories'** which they define as 'sensitizing' concepts; providing a meaningful picture that 'helps the reader to see and hear vividly the people in the area under study' (Glaser and Strauss, 1967: 37). They are conceptual, and express relations of similarity and difference (Dey, 1999). A category can be a word or a phrase that describes something meaningful (Carbines, 2003). Categories are assigned names, called vivo codes, from the language of the data. The process of identifying categories is referred to as 'open coding' (Glaser and Strauss, 1967), whereby the researcher immerses themselves in the data to answer the question 'What is going on?' (Carbines, 2003: 32).

Below are excerpts from an interview of a practitioner in YOT 1:

'Most of my young people are victims too. It's mostly child protection issues'.

'It's usually child protection issues – wanting to lash out'.

'The victim could be over emotional and that would impact on the young person'.

'The young person has already been dealt with in court and received their
sentence. We now need to be focusing on a successful conclusion'. (YW1)

Having read through this transcript a number of times the concept of vulnerability emerged resulting in the category 'Language of Vulnerability'.

Categories are made up of a number of 'properties' and properties are 'aspects or elements of a category' (Dey, 1999: 49), and 'represent the branches and ramifications of the categories' and when 'woven together' form a theory (Alvesson and Skoldberg, 2000: 28).

'Most of my young people *are victims too. It's mostly* child protection issues
'It's usually child protection issues *– wanting them to lash out'*
'The victim could be over emotional and that would impact *on the young person'*
'The young person *has already been dealt with in court and*
received their sentence *We now need to be focusing on a successful conclusion'.*

Having identified the category I was then able to consider the properties of that particularly category, through a process of identifying specific words (see above), as shown in the following table.

Figure 4. 4 – Establishing a category

Category	Properties contained within the category
Language of vulnerability	• Young person • Safeguarding • Protective language

The above process was repeated a number of times per interview transcript. For interview 1 this resulted in the identification of 24 categories as shown in figure 4.4 below. The next stage was the process of integrating the categories, which 'reflect the patterns of integration in the data itself' (Dey, 1999: 7). This process is known as Axial Coding or Theoretical Coding (Glaser and Strauss, 1967) where the researcher looks for relationships between categories and their properties.

Figure 4. 5 – Axial coding for YOT worker 1 interview in YOT 1

YOT Worker – Analysis 1

Categories:

1. Apportioning the effects of crime
2. Blanket victim training
3. Language of vulnerability
4. Hierarchy of victimisation
5. Reluctant offender label
6. Diverting responsibility
7. Extreme case formulation
8. Complexity of task
9. Connecting victim and offender
10. Refusal of victim impact to be heard
11. Justifying actions
12. Ascribing victim traits
13. Non-specific victim experiences
14. Granting child status
15. Inconsequential victim status
16. Façade for ambiguous tasks
17. Selecting victim's experiences
18. Personal justification for victim contact
19. Veiled reluctance
20. Diminishing victim contact
21. Controlling victim participation
22. Shielding offender
23. Supervising victim's emotions
24. Unsubstantiated victim stereotype

Part of this process involved the continual writing of memos during the course of connecting categories. These memos were theoretical ideas and hypotheses emerging from the analysis of the relationship between categories 'put back together in new ways' (Dey, 1999: 63). An example of my memos for the analysis of the interview of YOT worker 1 is shown in the figure 4.6 below. The numbers in brackets are references to the 24 categories that emerged from this interview.

Figure 4. 6 – Using memos for connecting categories

Connections:

- Real sense of protecting the offender here; in their definition of RJ the respondent failed to mention the victim at all (1, 3,4,5 and 15)
- Not only protecting the offender, but a real sense of diverting any responsibility for the offender's actions on to something or someone else (6, 8, 11 and 22)
- The respondent is constructing the offender as vulnerable in a number of ways (3,4, 11, and 14)
- With regard to the victim, the respondent appears keen to keep the victim and more importantly their emotions away from the offender (10, 13, 17, 21, 23 and 24). One concrete way of doing this is constructing the victim in a different and more familiar way (9)
- The respondent sees the task of working with victims as difficult, including the restorative process of a panel (2, 13, and 19). The respondent also appears to be suggesting that victim contact has become less important, or certainly less focus. The respondent refers to victim work in the past tense (20 and 18)

In figure 4.7 below, we see how the relationship between categories and their properties developed within a single interview using 'language of vulnerability' as an example. I was able to make 'logical connections' (Dey, 1999: 75) between these four categories and their respective properties due to the 'conditions, strategies and consequences' (ibid: 2) from which they derive, as interpreted through my memos. In other words, I identified a potential hypothesis that young offenders were conceptualised by practitioners as particularly vulnerable due to their age, situation and circumstances, triggering a protective professional response.

Figure 4. 7 – Properties of categories

Categories	Properties contained within the category	Memos
Language of vulnerability	• Young person • Safeguarding • Protective language	Demonising children, rather than protecting them. The concept of 'young' is seen throughout the transcript. Young means a child, means they are helpless?
Hierarchy of victimisation	• Regular occurrence • Labelling other crimes vaguely • Application of 'serious' label	Regularity of child protection issues. Nebulous label given to crimes committed by young offender against child victim. Often refer to the crime as 'it'. Does labelling it make the crime more real?
Justifying Actions	• Young person's victimising experience • Prioritising offender's victim status • Motivating behaviour	Constructing vulnerability gives permission for actions? The crime committed against the child victim appears insignificant compared with the young offender's experiences of a crime. Victimisation caused by child abuse manifests itself in offending behaviour
Granting child status	• Parental role • Desire to protect	Protecting role is connected with being a parent and parents protect.

Stage 2

Having completed the process of axial coding between categories in the first transcript, I then began the process of looking at connections between categories and their properties across all 19 interviews in YOT 1. An example of this process is illustrated by figure 4.8 below. As already shown in the previous Figure, the category *language of vulnerability* was linked with the other three categories as shown in the third column in the example below. The fourth column then shows how *language of vulnerability* was linked across interviews with *hesitant categorising, positioning offender* and *offender oriented definition of RJ.*

Figure 4. 8 – Establishing connections between categories

Category	Properties	Linking with other categories from interview 1	Linking with categories from other interviews (sample from the 19 interviews below)	Properties
Language of vulnerability	• Young offender • Protective language • Safeguarding	Hierarchy of victimisation. Justifying actions Granting child status	Hesitant categorising (interview 3) Positioning offender (4) Offender orientated definition of RJ (10)	• Avoidance of labels • Vague use of criminal language • Focusing • Prioritising • Role of offender • Specific task • Elevating offender status in RJ process

Continuing with the above example, I then regrouped the categories as a result of analysing all 19 interviews from YOT 1. This enabled me to review the previously established logical connections (shown in column three) and re-establish connections in light of additional data. Consequently, in this example, I did not carry forward the categories *justifying actions* or *granting child status* as they did not feature significantly across interviews and were adequately covered by other categories and their properties. As shown later in this section, the remaining five categories were reformulated within a group of 14 categories that, following further analysis, became the specific category *Offender focus,* one of nine specific categories that I subsequently used to analyse the other data sources from YOT 1. These nine specific category areas comprise 148 of my original 170 categories. The process of comparing and contrasting categories was necessary to delimit data so that the remaining categories connected meaningfully to each other and isolated categories were discontinued (Dey, 1999).

Stage 3

The next stage of the analysis involved developing hypotheses from the category groupings that would provide the foundations of my conceptual framework for establishing a core set

of propositions or theory. Consequently, I deconstructed the original categories and reconstructed them at a more conceptual level. The resultant 30 categories were used to analyse data from YOT 1 interviews, and the results of this process are detailed in Chapter Five. It was at this point that I needed to pause before embarking on Stage 4, which involved moving from grounded theory to case study methodology. Suffice to say here, I grouped these 30 conceptual categories into nine specific category areas which, taken together would, I anticipated, form a set of propositions from which meaningful theory would emerge.

The process of comparing and contrasting categories involved looking at how categories coalesced. As Coyne and Cowley note, this process enables the identification of core categories that 'form the scaffolding in the final substantive theory' (Coyne and Cowley, 2006: 507). In the current research the reformulated conceptual categories coalesced into nine specific category areas to test the set of propositions constructed from the analysis of YOT 1 interviews:

- Policy issues
- Understanding of restorative justice
- Awareness of victim training or policy
- Reluctance to engage with victims
- Offender focus
- Stereotyping – victim assumptions
- History (between offender and victim)
- Indirect victim
- Non-criminal language

Specific category areas presented as a set of propositions:

- Policy may present hurdles for meaningful victim participation
- Practitioners' superficial understanding of restorative justice limits their ability to work in a truly restorative manner
- Practitioners are ill-equipped to work in this field due to lack of training or knowledge of the YJB National Standards for working with young victims
- Practitioners are reluctant to engage with victims due to their anxiety towards involving young victims and perceive it as a potential conflict of interests

- Practitioners are primarily offender focused and this, together with their welfarist approach to young offenders, perpetuates a culture where they are insensible to young victims

- Stereotyping of young victims by practitioners, due to assumptions, values and beliefs, tend to alienate victims from restorative processes

- The historic or pre-existing relationship between offenders and victims tends to be negative and viewed as problematic

- Practitioners usually perceive young offenders to be victims in their own right either directly or indirectly

- Young offenders and their criminality is reframed in non-criminal language thereby reducing seriousness

Stage 4

It is at this point that I departed from the grounded theory methodology as defined by Glaser and Strauss (1967). Having identified a number of specific category areas, a 'true' grounded theorist would then begin the process of identifying the core category, which, in effect, is the emerging theory. The core category is one that is related to all other categories; it has a number of distinguishing features, including centrality, frequency and makes meaningful connections with all other categories (Glaser, 1992).

Whilst the interviews revealed a number of categories which were clearly connected, and given that YOT 1 is in terms of Yin's definition, a 'case', I felt it necessary to apply the nine specific categories emerging from the interviews to both the observational and documentary data. A classic grounded theorist would have continued to apply the methodology to the observational and documentary data but, as discussed in the *Combining methods* section above, this may have been problematic for my case study methodology meaning that I lost YOT 1 as a case. Additionally, I knew that the depth and thoroughness of the analysis of interviews, using grounded theory methodology, had provided me with a comprehensive set of categories, and knew that enabling further categories to emerge inductively from observations and case files would introduce significant delay and complexity. I therefore decided that the costs outweighed the benefits. See the *Data collection* section above for a discussion of my decision to use interviews as my primary data source for the purpose of analysis.

Analysis of case files and observations therefore involved identifying words, phrases or behaviour that provided evidence of one or more specific category, and mapping them on spreadsheets for comparison and pattern-matching across the nine specific category areas. Appendices 4.1 and 4.2 illustrate this process; where there was no evidence, the column was left blank.

Conceptualising the data through memos

As mentioned in the *Grounded theory* section above, writing memos created space for the grounded theory researcher to develop ideas, concepts and theoretical hypotheses from data encapsulated by categories. For example, one of my memos from an observation detailed my thoughts and ideas about the tendency for young victims' victimisation to be less visible than young offenders' victimisation. I therefore hypothesised that young offenders were perceived by practitioners as more victimised than young victims. These ideas emanated from observations one to five under the heading *indirect victim* as shown in Appendix 4.1.

Another example of this process was found in my memos from case file analysis which detailed my ideas about how YOT workers' apparent reluctance to engage with young victims may be due to their welfarist approach being limited to young offenders (see Chapter Two), and them viewing the direct involvement of young victims in restorative processes as counter-productive. I therefore hypothesised that YOT workers deliberately distanced themselves from working directly with young victims to maintain a comfortable welfarist relationship with young offenders. The heading *reluctance to engage with victims* in Appendix 4.2 shows the origins of these musings lie in cases one, three, five, eight and ten.

Moving from specific categories to themes

Once analyses of the observations and case files from YOT 1 were completed, I was able to show that there was little or no evidence to support or refute the specific categories 'policy issues' and 'awareness of victim training'. However, categories such as 'understanding of restorative justice', 'hierarchy of vulnerability', and an emerging concept of 'ambiguous insight into child victims' experiences of crime' were confirmed as being central to the emerging theory. This latter category established itself as a significant theme distinct from the category of 'stereotyping victims/assumptions' in that it reflected respondents' inability or unwillingness to acknowledge victimisation within the offence.

In relation to the category of stereotyping there was a dominant theme of a perceived hostile environment. By this I meant that it was perceived that the meeting of the victim and offender at a panel could be potentially hostile. Therefore, this additional category of 'perceived hostile environment' was added to the category of stereotyping, as it was merely a perception, possibly based on stereotyping, although this required further investigation. Through this process I was able to refine and reduce the specific categories to a nucleus of six themes for the purposes of testing them, through an emerging theory using replication logic, with the other two cases. The properties of the emergent theory were the refined themes:

- Understanding of RJ/ambiguous insight into child victims' experiences of crime;
- Stereotyping victims – perceived hostile environment;
- Absence of reference to victim;
- Offender focus within RJ processes;
- Hierarchy of vulnerability;
- Victim Culpability.

The convergence of these six themes, conceptualised as theoretical propositions (see Chapter Five), produced the emerging theory from YOT 1.

Emergent theory from YOT 1

> *The operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, is such that child victims of crimes perpetrated by child offenders are often invisible in the restorative justice process. Victim visibility is rare and often associated with culpability.*

Having established this emergent theory, my next task was to test it against data from the other two settings, YOT 2 and YOT 3. My intention was to test the theory against the findings from these cases to discover the extent to which they provide supporting evidence. If sufficiently replicated, the theory would be strengthened and have more relevance to similar settings.

As discussed in the section *Confronting and dealing with methodological issues* below, concerns remain about the trustworthiness of qualitative research, particularly in relation to

researchers ignoring conflicting hypotheses and cherry picking data to support a theory. Seale suggested that seeking out and accounting for negative instances that contradict the prevailing theory was a 'core approach in a fallibilistic analytic strategy devoted to improving the quality of research' (Seale, 1999: 73).

In an effort to identify contradicting evidence, I drew up a template to help me look objectively for evidence that would support or refute a category or theme, making me ask myself 'what other relevant evidence might there be?' and 'how else might [I] make sense of this data?' (Robson, 1993: 375). These templates appear in Apendices 4.3 to 4.8, which show how I used replication logic (Yin, 1994) to further analyse data.

Testing the theory

Stage 5

Stage 5 of the analysis was in three distinct parts. Part one was where each data source in YOT 2 and YOT 3 were tested independently through a process of logical replication (Yin, 1994) using the emergent theory from YOT 1; part two involved the discrete synthesis of data within each of these two settings, resulting in minor theoretical modifications; and part three involved comparing and contrasting the resultant YOT specific theories, through cross-case analysis, leading to the emergence of a new final theory. It is only in part three, cross-case analysis, that data were analysed beyond the confines of specific YOTs. This process is illustrated by figure 4.9 below.

Figure 4. 9 – Detailed illustration of stage 5 analysis

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                    ┌─────────────────────────────────┐
                    │  Stage 5 analysis – YOTs 2 and 3 │
                    └─────────────────────────────────┘

        YOT 2 – Rep. logic      │      YOT 3 – Rep. logic
        All data sources        │      All data sources
                │               │               │
                ▼               │               ▼
            YOT 2               │           YOT 3
            Synthesis           │           Synthesis

                    Cross-case
                    analysis – all                ┌─────────────────────┐
                    YOTs                          │  Emergent theory     │
                    sims. & diffs.                │  from YOT 2 and 3    │
                                                  └─────────────────────┘

                    Final Theory
```
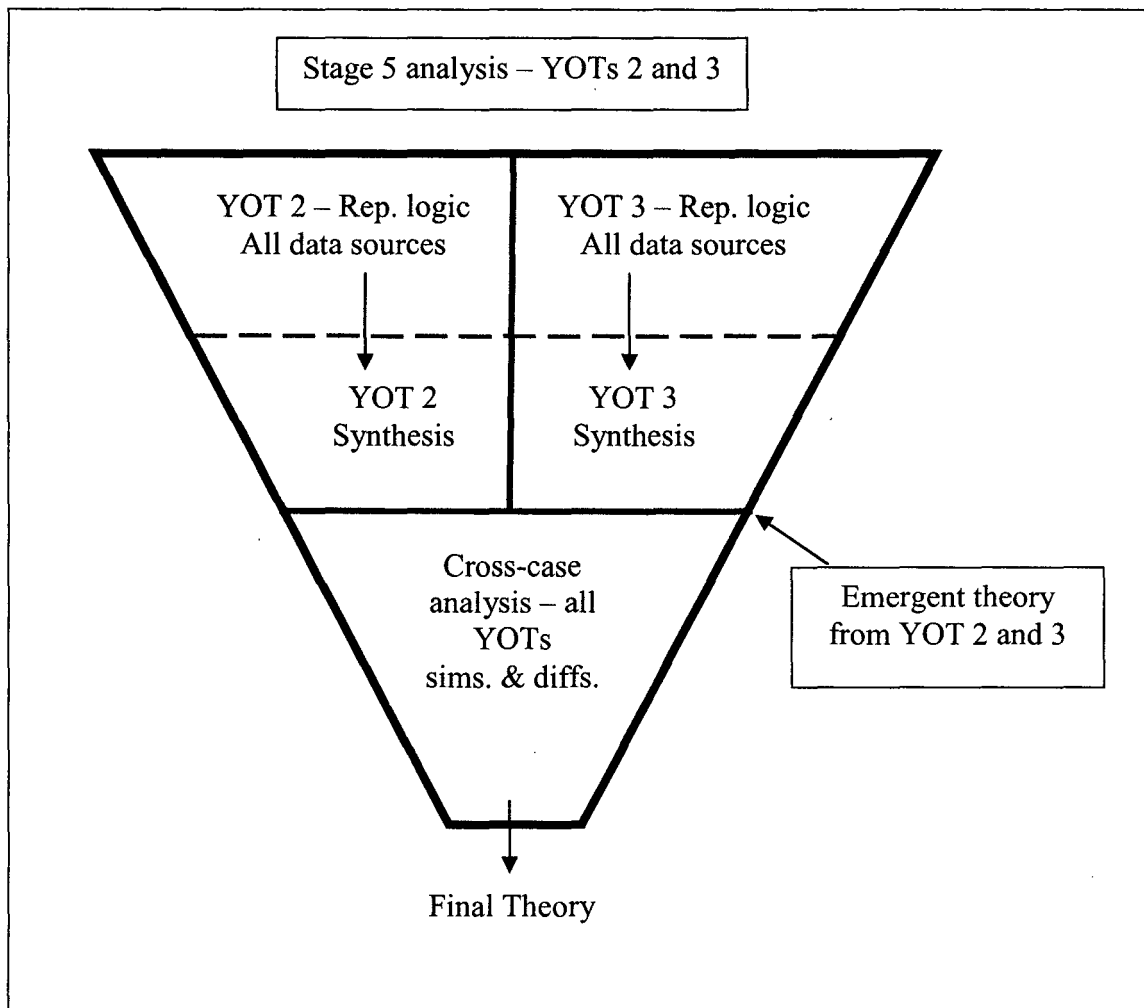
Replication

Replication logic is based on the process of first identifying a preliminary theory, which then guides the researcher in choosing other cases to test the theory by looking for evidence that supports it, or which would produce contrasting results but for predictable reasons. Due to my blend of grounded theory and case study methods, my sample of YOTs was chosen on the basis that emergent theory, as opposed to extant theory, could be tested through 'theoretical replication' (Yin, 1994). As mentioned earlier, all three YOTs were demographically diverse and had different approaches to work with victims, and I therefore anticipated that the three cases would, taken together, enable a broader exploration of the research question than would have been possible with similar cases through 'literal replication' (ibid). To achieve this, I applied the six themes underpinning the emerging theory from YOT 1 to the interviews, observations and case file documents of the remaining two YOTs independently and consecutively. Yin refers to this as

'theoretical replication' potentially 'producing contrasting results but for predictable reasons' (Yin, 1994: 46).

The results of this process are illustrated by Appendices 4.3 to 4.8 which detail a selection of interviews, observation and case files from YOTs 2 and 3. Each row records both 'evidence' in support of the theme and 'alternative' hypotheses. Where there was no supporting evidence or alternative hypothesis, I left the space blank.

Synthesis

Following the process of applying replication logic to each data source in both YOT 2 and YOT 3, I then synthesised interview, observation, and case file data from YOT 2 and YOT 3 independently (see Figures 5.4 and 5.5 in Chapter Five). I did this by reviewing the findings against the same six themes, to establish what is relevant and what is at issue, bearing in mind how data were obtained (Bromley, 1986). This enabled me to reassess the emergent theory from YOT 1 in relation to YOT 2 and YOT 3, which resulted in two further subtly different emergent theories.

The theory emerging from the synthesis of data in YOT 2 was:

> *The operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, supports and perpetuates a cultural construction of child victims and offenders that has the potential to render victims invisible and frustrate restorative justice processes.*

Synthesising YOT 3 data revealed a slightly different theory:

> *The separation of restorative justice practice in relation to working with victims and young offenders, through Referral orders delivered by YOTs and youth offender panels, excludes child victims and limits restorative justice processes.*

Finally, I conducted cross-case analysis, identifying both similarities and differences between the three settings. I used this process to pattern-match findings under the six themes and check their validity across cases by examining any differences. I charted my findings on separate spreadsheets as shown in Appendices 4.9 and 4.10. Comparing and contrasting the YOT specific theories in this way highlighted the existence of significant commonality and enabled me to construct a new final theory with relevance and resonance

across the three settings and, potentially, the broader YOT community. This final theory was the product of synthesising the three YOT specific theories, achieved by identifying key phrases within each specific theory, which gave rise to three key elements:

- Restorative justice processes are inhibited by the lack of a victim element;
- Practitioners apply processes according to culturally derived perceptions of young offenders and young victims;
- Perceptions of young victims as culpable or contributory permeate restorative justice processes.

The process of analysis leading to the following final theory is discussed more fully in Chapter Six:

> *The operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, is such that processes are insensible to child victims of crime*

Confronting and dealing with methodological issues

> *'Research is not a straightforward activity because the assumptions that we make about what exists and how we might know about it affect the sort of claims we are likely to make and can make, as well as the way we are likely to try and represent what we have learned from the research'.* (Knight, 2002: 27).

Managing the dual process of maintaining rigour in the research process and attributing meaning to events, processes and behaviours is a difficult path to navigate. Some have argued that it is impossible to impose rigour in qualitative research as it contradicts the ethos where multiple realities are acknowledged and social realities constructed (Lietz, Langer and Furman, 2006). However, Glaser and Strauss (1967), for example, argued that qualitative research can be rigorous, structured and achieve a high level of objectivity when grounded theory techniques are applied. Similarly, Yin argued that a multiple case study methodology enables both 'theoretical' and 'literal replication' as if the qualitative researcher was conducting multiple experiments (1999: 46). Additionally, Flyvbjerg (2006) argued that scientific research is overvalued, and the force of qualitative research underestimated. Navigating this somewhat precarious path required me to consider a number of strategies to maintain objectivity and locate the findings beyond the boundaries of just one case.

In this second part of the chapter I explain my position as a researcher in the field in relation to the methodological issues of reflexivity, ethics, validity, reliability, transferability and trustworthiness, all of which are inextricably linked and had to be confronted either singly or in unison during my research journey.

Positioning the researcher: reflexivity

> *'...I finished the call, wondering how I was ever going to curb my subjectivity with this research'.* (Diary entry, 4/8/03)

The extent to which qualitative researchers can legitimately claim to be objective is constantly debated in the methodological literature (Alvesson and Skoldberg, 2000; Blaikie, 2000; Denzin and Lincoln, 1998; Glaser and Strauss, 1967; Mason, 1996; and Robson, 1993). Seale goes as far to say that 'the separation of scientific and personal biography is in fact never possible' (1999: 25). Nutt (2002), a social worker undertaking research in her own field, endeavoured to separate the researcher from the practitioner but found it impossible as there were 'too many crossovers', and concluded that 'she could not avoid being the same person who wore two hats' (2002: 75). Due to my existing and enduring relationship with the field of study, I too could not expect to separate myself as researcher from my professional self and was acutely aware of the possibility that I might hide behind 'a false sense of objectivity' (Lietz, Langer and Furman, 2006: 447), and ignore the fact that my actions and research decisions would inevitably influence the context of the research.

The spectrum of debate includes the concept of reflexivity. At one end of the spectrum, reflexivity is perceived to be irrelevant as objectivity is unachievable, whilst at the opposite end it is seen as a panacea for achieving a high degree of objectivity. A more pragmatic position, and one adopted by me, is to expect that reflexivity, applied appropriately, would minimise subjective influences. Alvesson and Skoldberg believe it is:

> *'A question of recognizing fully the notoriously ambivalent relation of a researcher's text to the realities studied. Reflection means interpreting one's own interpretations, looking at one's own perspectives from other perspectives, and*

turning a self-critical eye onto one's own authority as interpreter and author'.
(2000: 1).

Whilst accepting that I would influence the research process to some degree, from sampling through to analysis, I employed strategies to ensure the trainer-teacher-practitioner part of me was kept in check. Two strategies assisted me in the process of self scrutiny. The first was writing reflective memos, which is a process integral to grounded theory. Glaser defines this as 'the theorizing write-up of ideas about codes and their relationship as they strike the analyst with the code'. (1978: 81). Memos attempt to 'link data' to specific codes and require the researcher to interrupt the data gathering or coding to write down ideas as they occur (Robson, 1993: 386). The second strategy was the use of a personal reflexive diary, to provide 'clear tracks indicating attempts have been made' to provide an account of myself in the research process (Denzin and Lincoln, 1998: 301).

I completed memos during and following the interviews in YOT 1. I found this process useful as it required me to consider the relationship between codes conceptually, rather that at the level of individual participants. After each interview, I wrote up my personal diary, commenting on my experiences of the event (in this case the interviews of YOT 1 participants), including airing my own feelings about respondents and their responses to my questions. For example, I recorded a response from an interviewee when asked about the protocols for contacting victims in the memo as just one word 'disconnection' whereas in my diary I wrote, 'A tiresome process contacting victims! Quite vague here about processes; I get a sense of ad hoc practice, no protocol' (2/3/04).

These reflexive strategies helped me understand, and control for, the relationship between me as researcher and the researched, although I was acutely aware that adopting such strategies were no panacea to objectively and would not suddenly and wondrously render my results 'more robust and less fallible' (White, 2001: 101).

Finally, I used a self-evaluation tool adapted from the 'framework of assessing research evidence' developed by Spener et al (2003) to benchmark my thesis according to their four 'guiding principles' for qualitative research. I applied this framework 'flexibly and not rigidly or prescriptively' in order to address the 'context-specific' nature of the research

(ibid: 110). Consequently, I reviewed the study to ascertain the extent to which it would be:

> • *contributory* in advancing wider knowledge or understanding about policy, practice, theory or a particular substantive field;
>
> • *defensible in design* by providing a research strategy that can address the evaluative questions posed;
>
> • *rigorous in conduct* through the systematic and transparent collection, analysis and interpretation of qualitative data;
>
> • *credible in claim* through offering well-founded and plausible arguments about the significance of the evidence generated (Spencer et al, 2003: 6).

The results of this evaluation are shown in Appendix 4.11. It should be noted that evaluations necessarily involve value judgements which sit uncomfortably with the concept of self-evaluation; as Spencer et al note; 'judgement will remain at the heart of assessments of quality' (ibid: 110). However, for the purpose of reflexivity, it has been useful to review this study against criteria developed specifically to objectively evaluate qualitative research, and my self-evaluation should be understood in this context.

Trustworthiness, Validity and Reliability

Lietz, Langer and Furman (2006) suggested that research is trustworthy when 'findings as closely as possible reflect the meanings as described by the participants' (2006: 443). Linked with trustworthiness is reliability. As Robson noted, 'unless a measure is reliable, it cannot be valid' (Robson, 1993: 66). However, validity, like trustworthiness, is a value judgement in that a positivist researcher would no doubt find my research strategy unscientific, and question the degree to which 'occurrences of error' could be minimised (Carbines, 2003: 38).

What I have attempted to do is to supplement and compare the voices of practitioners though interviews with observed activities and written reports. There is a perception that the use of triangulation in qualitative research will make findings more accurate and reliable (Knight, 2002: 127). Whether or not this is indeed true is still a matter of debate (see Knight, 2000; Lincoln and Denzin, 1998 and Seale, 1999). Although this issue remains unresolved in the literature, I intuitively decided that using three data collection sources and methods would enable me to construct more 'meaningful propositions' about the social world of the youth justice panel and youth offender team (Blaikie, 2000: 267).

However, I would hesitate to claim this combination of methods and sources amounts to triangulation, as data collected were unable to be synthesised; accordingly, as discussed in the section on 'Sampling Issues' above, I could not compare data from an interview with either an observation or a case file as there was no possibility that an interviewee would feature in both a corresponding observation and case file.

Transferability

> *'The truth with generalizations is that they don't apply to particulars'.* (Lincoln and Guba, 2000: 27).

Terms such as validity and generalisability sit uncomfortably with qualitative research. It is erroneous for qualitative researchers to attempt to make analogies between 'samples and universes' (Yin, 1994: 34), but it is possible to establish 'domains' to which this study's findings can be transferred (Yin, 1994). Some would even argue that formal generalisation as a source of scientific development is overvalued, whereas 'the force of example is underestimated.' (Flyvbjerg, 2006: 228).

My intention when embarking on this research was to gain an understanding of youth justice practice with child victims which might be relevant to other similar settings; not to produce a standardised set of results, but to produce a 'coherent and illuminating description of a situation [that is] consistent with detailed study of that situation' (Schofield, 1993: 202). With this in mind, I purposefully selected a sample of three differently structured YOTs that, taken together, would help answer my research question on the basis that it is the similarity and consistency of emerging issues across diverse settings that is most compelling, and maximise the transferability of emerging theory to other settings in the wider population.

Whilst I have responsibility to account for my role as a researcher, I am not best placed to make a judgement about the transferability of the findings; the 'receiver' of the findings must make that judgement. I believe the study provides a sufficiently detailed and rich description of the setting studied; accordingly, readers should have sufficient information to judge the 'applicability' (Lincoln and Guba, 1985) of the findings to other YOTs. As Knight notes, it is the reader that creates the meaning and significance of data, but it is the responsibility of the researcher to give an account of their practice and to 'allow the reader

to get a fair picture of exactly what is being reported' rather than provide piecemeal data from which they are expected to extrapolate (2002: 45).

Conclusion

This chapter provides a detailed account of my methodological journey through the research process. It describes how the research questions were formulated and, following data collection, refined. The decision to use a qualitative research design is discussed, drawing on both grounded theory and case study methods. Sampling decisions and the design and application of research tools are examined before embarking on a detailed review of data analysis. Finally, I consider the various methodological issues that arose during this journey.

Collecting and analysing data in this way has resulted in the manifestation of a single final theory, derived from convergence of three YOT specific theories. The three emergent theories and final theory will be discussed in Chapter Six but, to set this in context, I firstly detail findings from the fieldwork in the following chapter.

CHAPTER FIVE – FINDINGS

Introduction

The previous chapter described the methodology for this research. It described my research journey from selecting samples for the fieldwork, through designing and applying research tools to collect data, to analysing the data and arriving at a final theory. In summary, I purposively chose three YOTs that differed both demographically (see Figure 4.2 in Chapter Four) and in terms of their approach to working with victims, and designed data collection tools to enable me to interview practitioners who would be able to provide a broad range of perspectives in relation to my interview questions. I observed youth offender panels using a time-scale sampling method to select the first ten panels from each setting from a specific date, where the crime was against a young victim. I then examined case-files which were selected on a similar basis to the observations. To maximise validity and reliability, I decided to use a blend of qualitative methods, initially using grounded theory methodology to analyse data from YOT 1 interviews, and then using case study methodology to analyse the other two data sources in this setting. I then used 'replication logic' (Yin, 1994) to compare the resultant emerging theory with data from the other two YOTs, a process which generated subtly different theories before applying cross-case analysis to arrive at a final theory.

This chapter describes the findings from analysis of fieldwork according to the research process by looking first at how the analysis of interviews of YOT 1 practitioners gave rise to 170 categories which, through a process of constant comparison and pattern-matching, were reduced to 148 before being transformed into 30 re-conceptualised categories and finally reduced to nine specific categories. Applying these nine specific categories to each data source in the observations and case files in YOT 1 enabled me to refine and reduce them to six themes and an emergent theory, which I then used to analyse data from each data source in the other two YOTs, independently and consecutively. The research process can best be understood as five distinct stages, illustrated by Figure 5.1 below.

Figure 5. 1 – Multi-stage data analysis

Stage	Activity	Location / data source
1	Develop 170 categories and look for connections to reduce to 148	YOT 1 interviews
2	Look for connections within remaining 148 categories and reduce to 30 re-conceptualised categories	YOT 1 interviews
3	Look for connections within remaining 30 re-conceptualised categories and reduce to 9 specific categories	YOT 1 interviews
Grounded theory ends and case study begins		
4	Apply 9 specific categories to remaining data sources and reformulate to 6 themes	YOT 1 observations and case files
5	Apply 6 themes to other two settings	YOT 2 and 3 – all data sources

I present the findings in this chapter as neutrally as possible, leaving my interpretation of the findings until the following chapter. This separation seeks to avoid confusion over the findings in terms of the methods adopted and analysis of their significance in the broader context of the thesis (Witcher, 1990). As shown in Figure 5.2, this chapter divides broadly into four sections presenting findings from YOT 1 interviews, the remaining YOT 1 data, YOT 2 data and YOT 3 data, concluding at the point I embark on cross-case analysis.

Figure 5. 2 – Structure for the chapter

Section One	Findings from YOT 1 interviews (using grounded theory methods)
Section Two	Findings from YOT 1 observations Findings from YOT 1 case files (emergent theory discussed in the following chapter)
Section Three	Applying emerging theory from YOT 1 to: Findings from YOT 2 interviews Findings from YOT 2 observations Findings from YOT 2 case files (emergent theory discussed in the following chapter)
Section Four	Applying emerging theory from YOT 1 to: Findings from YOT 3 interviews Findings from YOT 3 observations Findings from YOT 3 case files (emergent theory discussed in the following chapter)

Note on terminology – 'parent'

For the sake of expediency, during this chapter I refer to adults who accompanied young offenders to youth offending panels as 'parent' or 'parents' which, more accurately could have been parent(s), carer(s), representative(s) or accompanying adult(s).

Section One: Findings from YOT 1 interviews

YOT 1 is situated in a New Town in England, and has over 30 staff. The YOT had no specific victim worker and initial contact with the victim is via the police officers based at the two sites, two officers for each site involved in the research.

Application of grounded theory to interviews

As described in the methodology chapter, I developed semi-structured interview schedules to collect data pertinent to my original research question and conducted a total of 19 interviews with YOT 1 practitioners, 10 with YOT workers (YW) and nine with panel members (PM). Following the interviews, and having completed the fieldwork in all three settings, I applied grounded theory methodology to the YOT 1 interview data, from which 170 categories emerged.

Having established preliminary categories, I then began the conceptual process of linking them, both within individual interviews and subsequently across all 19 interviews, resulting in 30 conceptual categories extrapolated from 95 of the original 170 categories.

The series of tables below record examples of findings grouped under the 30 conceptual categories and shows their derivative categories (and properties). Evidence is presented as quotations representative of the conceptual categories and is the result of comparison and pattern-matching, a process which enabled me to organise the data so that key messages could emerge. This organisation was a necessary prerequisite to making sense of the interview transcripts for subsequent comparison with the observational and case file data from the same YOT.

This first section of the chapter, presenting the findings from YOT 1 interviews, seeks to demonstrate how the findings gave rise to not only the original categories, but also the conceptual categories.

Tables showing findings and categories

The following tables provide examples of evidence from interviews collected under the original categories. The first columns are headed by the re-conceptualised categories, but also show their derivate categories. For example, in the first table, *policy-led constraints* was derived from *professional obstruction* and *vague awareness of professional constraints*. The second column shows the properties of the original categories not the re-conceptualised categories and the third column, *in-vivo*, provides examples of practitioners' responses that gave rise to the original category. This format applies to all 30 tables describing the findings under the re-conceptualised categories.

Category 1 – *policy led constraints*. Work with victims was reportedly constrained by policy. Respondents commented that policy deadlines are one such constraint. Some respondents were unaware whether policy existed in this area and others were unaware of victims' rights.

Category 1	Properties	In-vivo
Policy led constraints – *linked with original categories:*		*'yes victims are emphasised, but I think the morality of effecting that practice is having problems, in the sense no one is conscious. The idea is there, always there, but because of constraints it is not always possible' YW5.*
Professional obstruction	• Professional boundaries • Identifying difficulties	*I don't know whether statutory provision exists or not, but in terms of expectations of the YOT, it is very much emphasised. It's clear that whenever we can, we must take cognisance of the victim. I'm not sure whether there is a victim policy or not; if there is, then resources should be put in place' YW8.*
Vague awareness of professional constraints	• Barriers to working with victims • Identification of practical barriers • Uncertainty of agency practice	*There isn't any specialist provision or anything that says the child has rights. There is huge gap in the way policy has been drawn up; no particular consideration for child victims' YW5.*

Category 2 – *unfamiliar hazardous work*: Similarly, the following table provides examples of responses that gave rise to this re-conceptualised category, within which are grouped the three original categories *ordered practice, familiar practice* and *arduous practice*. There are connections here with the previous category in respect of the reference to National

Standards. Constraints appeared in the form of the Standards, and working in an unfamiliar terrain.

Category 2	Properties	In-vivo
Unfamiliar hazardous work *– linked with:* *Ordered practice* *Familiar practice* *Arduous practice*	• Demanding of resources • Enduring process • Negotiated agreement • Directive from others • Conferring of role	*'Well it was difficult at first. It's possibly done in too much of a hurry, because there are National Standards to meet'YW3.* *'The whole change has been enormous. Because you didn't worry about that [RJ and victims] as a social worker writing reports. You did, but it was quite low key, compared to what it is now. Your focus and your bias was and still is to a certain extent with the offender. I think everyone was really anxious. YW4*

Category 3 – *maverick practice*: The arrangements for victim contact in this YOT was that the police officer undertook this role in the first instance, a situation that may have presented a barrier for other YOT workers who were not actively encouraged to make their own assessment of victimisation. Nevertheless, this YOT worker (not the police officer) felt the need to meet the victim in order to work effectively with the young offender, interpreting this practice as 'individualist' yet necessary to better understand the concept of victimisation.

Category 3	Properties	In-vivo
Maverick practice *– linked with:* *Non-conforming victim contact*	• Personal judgement • Maverick practice	*'We have victim files; we have contacted them; we have tried to involve them in the process. I make my own appointment with assurance that it's ok. I make my own assessment in order to understand the true feelings' YW8.*

Category 4 – *reassessment of victim work*: In the absence of the victim at the panel, this YOT made use of a dedicated victim worker, who was attached to another YOT but very occasionally undertook victim work within YOT 1 to attend the panel and present the views of the victim. In this case, the panel member felt that the worker was unable to capture the emotions that the victim might be expressing. It is unclear whether the concerns raised were about the inability of the worker to articulate the feelings, or simply that the process was one of dilution, whereby the panel members got little sense of victims' experiences.

Category 4	Properties	In-vivo
Reassessment of victim work – *linked with:* *Expressionless victim anguish*	• Second-hand emotion • Inarticulate perspective • Capturing the victim experience	*'I found that really unsatisfactory. I didn't regard the [victim worker] articulate in talking about victims' views and feelings' PM6.*

Category 5 – *acquainted with RJ language*: These responses revealed a certain familiarity with the language of restorative justice and a perception of an ideal process.

Category 5	Properties	In-vivo
Acquainted with RJ language – *linked with:* *Facilitating emotion* *Sanctioning restorative vision* *Curative vocabulary* *Constructing recompense*	• Enabling process • Favoured practice • Influencing properties • Compassionate environment • Emotive language • Ideal world • Conceding harm • Unethical deed	*'It's bringing together victims and offenders to try and resolve any conflict. To look at victims' and offenders' views and also to repair the damage done' YW2.* *'About making good what you've done wrong. Paying back for what you've done wrong' YW3.*

Category 6 – *perceived constructive process*: Although these comments demonstrated some concern in being able to manage restorative process effectively, there was a real sense that restorative justice is an affirmative process. Here, the constraints were about time, and the ability to meet the needs of both victim and offender.

Category 6	Properties	In-vivo
Perceived constructive process *– linked with:* *Unexpected positive outcome* *Perceived victim emotion* *Contemplative insight* *Comprehending significance of victim work* *Conduit for victim preparation*	• Surprised at outcome • Upbeat vocabulary • Knowledge of language • Insightful • Responsibility for actions • Academic understanding • Commitment to the work • Preparation of all parties	*'I think it is an enormously healing process. It needs to be carefully managed and people need to be supported'YW5.* *'I think of reparation, I think of reconciliation, I think of mediation for wrong doing done to the victim. In a social cultural sense, it's a concept I've known before. I notice an imbalance here, where the CJS talks of punishment as well as RJ'. YW8* *'If you open the Pandora box on the victim you must do something about that. Seriously, not to say to the victim close the shop my business is with the offender'. YW8.*

Category 7 – *fractured process*: These comments revealed some frustration in the process not engaging all parties. An expectation from panel members was that the restorative process is one that is initiated by the YOT worker, but there was passive acceptance that the ideal is rarely realised due to time constraints. Reparation involving victims was largely absent and normally delivered through work exclusively with offenders. As the YOT worker highlighted, such practice could have no impact upon child victims.

Category 7	Properties	In-vivo
Fractured process – *linked with:* *Absent victim voice* *Connection deficiency*	• Examination of wrong doing • Exploring impact • Lack of victim viewpoint • Complicating understanding • Assuming emotions • Certainty of model • Lack of tenure • Incomplete membership • Lack of impact • Distancing reparation and victim	*'It's pretty obvious when a proper session has occurred with the victim, to get their perception of it. I don't think that happens very often'. PM4.* *'In the reports you're lucky if you get two lines. At [another YOT] they do a paragraph. Because it's only skated over in the report, I think a lot of PM's pick up on that and also skate around it. You can only think what the victim feels'. PM8.* *'I have to say there just isn't the level of contact and support for victims. It is just not there. There is a hole in the process and the hole is not that nobody bothers about victims, but hard pressed groups of people like the police on the one hand, or the YOT worker on the other, have very little time to spend with victims' PM1.* *'For some reason I have reparation in my head of the two [reparation workers] taking kids [offenders] off doing things with them, which won't have any impact on a child victim whatsoever. It's absolutely pointless as far as I'm concerned'. YW9.*

Category 8 – *paucity of opportunity*: Due to processes outside their control, opportunities to deliver restorative justice may have been unavailable to panel members, frustrating expectations of the role. Despite this, the panel member seemed clear about the purpose and the process. The YOT worker understood the importance of RJ, but implied that lack of training was detrimental to effective delivery.

Category 8	Properties	In-vivo
Paucity of opportunity – *linked with:* *Denied opportunities* *Contradictory precedence*	• Initial expectations • Restriction on task • Lost opportunity • Conclude process • Conflicting messages • Assumed importance	*'It would be wonderful to bring young person and his mum and the young victim and his mum together and do what we think we were originally recruited for, which is to conduct that meeting. To allow on the one hand, the young person to be brought up sharp against the consequences of his behaviour, but equally for the victim and his family to be give opportunity to get dirty water off their chest – to get sense of closure'. PM1* *'It [restorative justice] is probably the most important thing we do. I think there should be more on-going training'. YW3*

Category 9 – *task oriented*: One respondent described RJ as a formal information transfer from system to consumer, with active participation at the panel being seen as a possible ultimate option. Another respondent saw RJ as an offender orientated concept, focusing on the management of offending behaviour.

Category 9	Properties	In-vivo
Task Orientated – *linked with:* *Professional uncertainty*	• Formal process • Professional tasks • Seeking additional knowledge • Trying out strategies	*'It is a matter of letting the victim know that when the legal process takes place, they're not forgotten. They are informed of the procedures and we let them know they can have an input into what happens with the suspect. Their views are important to how the case is dealt with. If the case goes to panel, obviously their views will be passed onto them, or if they wish, they can even attend the panel'. YW7.* *'Preventing offending behaviour to work with young person on their offending behaviour throughout. RJ for me is really . strategies in working with the young person. It could be peer pressure, could be environment they're in. That's my perception of RJ'. YW6.*

Category 10 – *fallow victim training*: These statements demonstrate variable understanding of victim policy and limitations of training. Recollection of training content was vague, as was knowledge of victim policy. However, panel members would not necessarily be familiar with policy, and YOT workers and panel members received different levels of training.

Category 10	Properties	In-vivo
Fallow victim training – *linked with:* *Blanket victim training* *Ambiguous encounter* *Minimal recollection of training event* *Victim policy amnesia*	• Vague recollection • Undetermined structure • Historical experience • Closing down • Concluding statement • Generalised terms • Relocating victim • Disinterested language • Vague recollection	*'Had a lot of training at the beginning; all encompassing training from my line manager. I believe there is a victim policy'. YW1* *'We've had a victim awareness by VS. That's it. I don't know if there is a victim policy'. YW2.* *'Role play about the effects of crime. Victims of all kinds. Yes I've applied it. Sometimes we talk about the effect on mum' PM3.* *'Don't think I've received any official training. There was a 'how to mediate' training a couple of years ago. There must be a victim policy, but I've never read it. There's a charter or something' YW9.*

Category 11 – *receding victim perspective*: The overriding theme here was about dormant skills and knowledge. Training provided was considered inadequate or tangential. One panel member suggested additional training even though the training received has not been used, inferring that training could only be applied where victims were present.

Category 11	Properties	In-vivo
Receding victim perspective – *linked with:* *Fallow victim contact skills* *Disappearing victim perspective* *Irrelevant victim guidance* *Factual victim data*	• training and practice • Generalised concepts • No linking to practice • Insignificant victim Alien practice • Offender focus • Vague recollections • Severing link between perspective	*'We had a morning on victims of crime. A volunteer from VS talked about their work. I think it more focused on adults rather than adolescents; which seems a bit strange given that I understand it's mainly adolescents who are most likely to be victims of crime'. I've not used the skills or knowledge about victims at all. The skills I've drawn on are from my working career'. PM7.* *'We see so few victims; the training disappears out of your head. There has been over the last two years a realisation that actually we're not going to get victims to these panels in any great numbers'. PM6* *'I think we could have done with some more [training]. We had one lady from VS for a 2hr session. It was fairly general. It has been very difficult to use what you've learnt about victims, because in the two and half years I've done fifty panels and had three victims'. PM5.*

Category 12 – *perceived hostile environment*: Comments demonstrated a sense of concern and anxiety about managing situations which some envisaged being difficult. This unease appeared to be around controlling the panel process when there was potential for non-professionals to dominate proceedings. This is in the context where, even without a victim present, dealing with emotions within a panel environment would be familiar to panel members and YOT workers.

Category 12	Properties	In-vivo
Perceived hostile environment – *linked with:* *Apprehensive environment* *Managing parental emotions* *Assumed hostile environment* *Hostile environment*	• Uneasy practice • Communicating tension • Guarded practice • Allowing everyone to have a voice • Discouraging inflammatory language • Assumed barrier to victim/offender participation • Difficult practice • Identification of negative emotions • Potentially volatile	*'There is heightened tension around the victim being present; so all who are there are more tense about the situation. The young person is nervous, I'm nervous, the PM generally nervous. These problems are always different from panels where there isn't a victim. My feelings on the usefulness; I think it's quite limited. If there was a victim there it would jar'. PM6.* *'The mother of the young person was so aggressive and believed her son shouldn't be there. She felt the young victim should be able to stick up for himself. The parent of the young victim is very supportive, but tended to dominate'. PM2.* *'It might be difficult if they know one another, if there is bad feeling between them. Sometimes I might say we'll come back to this, they might not be ready for it' YW6.* *'I think I would rather bring victim and offender together once they've got more confidence and belief in themselves and understanding of what happened. Then if it looked as if it could be a safe way of bring victim together. It needs to be carefully managed and people need to be supported' YW5.*

Category 13 – *deficit in child victim focus*: Financial constraints prevented at least one YW continuing their victim liaison role. However, these comments revealed a prioritisation of need where young offenders must be heard over and above child victims. One YOT worker saw the panel as an inappropriate forum for hearing the impact of crime upon the victim, due to concern that the victim may be overly emotional, whilst one panel member felt that meeting the needs of young offenders took too much precedence over victims'. Another panel member appeared satisfied with the data they received about victims, feeling this met their needs for panels.

Category 13	Properties	In-vivo
Deficit in child victim focus – *linked with:* *Deficiency in victim compassion* *Absent victim voice* *Justifying actions* *Diminishing victim contact* *Controlling victim participation* *Refusal of victim impact to be heard*	• Unsympathetic victim stanch • Deficit in professional practice • Minimal reference • Examination of wrong doing • Exploring impact • Young offender's victimising experience • Prioritising offender's victim status • Motivating behaviour • Constraints • Reluctant confession • Minimal review • Maximum preview • Nameless victims	'*I felt there was a lack of sympathy for victims. In the reports you're lucky if you get two lines. So I say hang on a minute. How would you feel if it was you? I thought the initial training was the 'poor Johnny' syndrome'.PM8* '*Whether we have an input in trying to get a victim there or not – I'm not sure. A fairly full investigation is done into the impact on the victim and who's been affected by that'. PM4* '*It's mostly child protection issues; assaults where the young person originally had been provoked by the victim and had retaliated. We make them look at what was going on in their heads and there's usually a reason for it. Usually child protection issues – wanting to lash out'. YW1* '*When I started here the victim liaison was very important, so I was told that was part of my role. It's tailed off a bit – budgeting'. YW1.* '*We have to be clear the young person has been dealt with in court. Has stood up and received their sentence. I've had victims who wanted to bring all that out; it's about putting that behind them.' YW1.* '*The victim can be over emotional and that can impact on the young person'. YW1.*

Category 14 – *veiled resistance*: YOT workers' resistance to working with victims was

linked to perceptions that the work is too difficult. The barriers were not solely about

constraints, there was also some evidence of professional disinclination, with one YOT

worker suggesting resistance was not restricted to individuals but culturally specific, a

tendency noted but not shared by another YOT worker. The panel member discerned that

YOTs vary in their commitment to working with victims.

Category 14	Properties	In-vivo
Veiled resistance *– linked with:* *Concealing the victim voice* *Practitioner disregard for victim role* *Distancing the victim component* *Reluctant victim focus* *Unenthusiastic adjustment* *Cultural resistance* *Veiled reluctance*	• Assumed perspective • Numerical inconsistency • Onerous task • Assumed difficulties • Marginalising language • Chore like activity • Predisposition to bias • Modifying practice • Unwilling to adapt • Non-identification • Conflict of interest	*'I do think the YOT should make more effort to get the victim in attendance. If we are being trained and doing victim support work in that training, then why are some of the YOTs totally disregarding the victims?' PM5* *'Allocate a worker that works with victims alone; I think it is too much to work with both'. YW10.* *'It's not only the victim, but looking at what's happened, who it has affected. Not only the victim'. YW9.* *'A massive change. The whole change has been enormous. You have to get some kinda training about your perception and understanding. On top of that you've the victim and RJ to worry about'. YW6.* *'I guess there was quite a bit of resistance which is still around to some extent. The fear of the change in youth justice. .Saw people coming over from probation kinda represented that was what they were already doing and how unhelpful and awful that was. There remains some sort of cultural resistance'. YW5.* *'I have heard that some people find it difficult to talk to the victim as well as the offender. I think it is so important; you need the whole picture, rather than just a fragment of it'. YW1.*

Category 15 – *safeguarding the victim's voice*: The panel member described struggling with a perceived disproportionate offender focus. Implicitly, the absence of victims was synonymous with the absence of victim focus with the 'other side' not getting heard.

Category 15	Properties	In-vivo
Safeguarding the victims voice – *linked with:* *Preserving the victims voice*	• Alternative strategies • Battling with the offender focus	*'I think it would be fantastic [victim attending panel]. I think it would put the offender much more into a punishment situation. I know we're not meant to use that word – to eliminate that word. They need to hear the other side'PM8.*

Category 16 – *diminishing victim profile*: Comments revealed a perception that whilst victims could be useful to facilitate the restorative process, their presence might be a cause for concern for young offenders.

Category 16	Properties	In-vivo
Diminishing victim profile – *linked with:* *Limited victim participation* *Absence of victim pertinent data* *Apportioning the effects of crime*	• Attempt to involve victim • Collective issue • Relevant information • Offender focused data • Apportioning participation • Disallowing victim priority • Ownership of experience	*'Whenever we could, we would endeavour to get the victim along. If the victim was there it was really a great tool, helping both sides really. Made the young person much more responsive although it was worrying for the young person to have the victim there'PM2.* *'It has the relevant circumstances surround the young person's life. So family, school performance, work performance, and a lot of attitude statements. It reports the interview with the young person and his family. Any previous final warnings and it looks at likelihood of re-offending' PM1.* *'All parties have been affected, parents, carers, youth justice workers, young person, the victim and any other interested agencies'YW1.*

Category 17 – *hierarchy of vulnerability*: Young offenders were perceived as vulnerable and victimised. One YOT worker saw young offenders in terms of their victimisation from abuse or disadvantage, and for another, young offenders were perceived as victims of chance; playground fighting with only one party entering the criminal justice system. Respondents reframed crime against young victims in non criminal language.

Category 17	Properties	In-vivo
Hierarchy of vulnerability – *linked with:* *Hierarchy of victimisation* *Conflict language reduction* *Hierarchical consequences* *Language of vulnerability*	• Regular occurrence • Labelling other crimes vaguely • Application of 'serious' label • Undeveloped reduction • Sequence of statements • Immense implications • Young person • Safeguarding and protective language	*'It's most child protection issues. There's usually a reason for it. CP issues – wanting to lash out'.YW1* *'Two girls; an ABH; basically a playground fight. The victim ended up with a fractured wrist. That was to do with a lot of bullying; the bitchy girl stuff. One moment they're friends and the next they're not. The consequences are that someone gets a fractured wrist and some one is a schedule one offender. Really big implications for both' YW2.* *'It's about giving them a helping hand on the way' YW1.*

Category 18 – *offender precedence in RJ*: A panel member seemed convinced that victims did not want to be involved. A YOT worker saw her role in terms of enabling and facilitating the reintegration of young offenders into their communities. Reparation was reportedly tailored to the needs of offenders generally, and delivered by means of group sessions. Notions of tailoring reparation to individual incidents of crime and their effects on victim and community were limited.

Category 18	Properties	In-vivo
Offender precedence in RJ – *linked with:* *Pre-constructed panel* *Offender orientated RJ* *Reluctant offender label*	• Control by professionals • Governed by resources • Role of offender • Specific task • Elevating offender status • Setting historical context • Connecting victim and offender • Justifying reciprocation	*'The victim won't attend; doesn't want to know, doesn't even want a letter of apology; just wants to keep out of the way. Now that can't be true in everything I've been told in the last two and a half years, but I think predominantly that is true of young victims' PM5.* *'It's about enabling young people that offend to get some understanding of their offence and be able to in some senses, put back into society what they've taken out. Not ostracising them, but making them part of the community, but make them aware of the effects' YW10.*

Category 19 – *shielding the weak and powerless*: There was a strong sense here of systemic or societal victimisation of young offenders and a professional desire or mandate to protect them. Explicit reference to the welfare needs of young people and an acute awareness of their victimisation, could determine YOT workers' interventions.

Category 19	Properties	In-vivo
Shielding the weak and powerless – *linked with:* *Intuitive welfare priority* *Parental notion of victimisation* *Protective behaviour* *Shielding offender* *Unquestionably re-enforcing*	• Automatic model of practice • Offender first • Normalising experience • Historical experiences • Challenging decision making process • Assumed punitive practice of others • Received punishment • Moving forward • Precision data • Positively responding	*'I think in some senses I try to wear the hat of looking after the welfare needs. I think once they're addressed; risk of any further offending is reduced. I suppose I automatically look at that instead of the offence' YW10.* *'So you could have a whole family that appear as victims and things happen to them, that's how they perceive themselves' YW9.* *'I think PM's overload the young person with things he had to do. I felt he was being asked too much. At one point I said "I think you're expecting too much", because it was like four requirements. I think it was because of the seriousness of the crime and the victim' YW6.* *'The young person has been dealt with in court. Has stood up in court and received their sentence. This is now nine months on ok, we've talked all about that in the initial panel. The young person has done X, Y and Z. We need to be concentrating on a successful conclusion. It's about putting it behind them, not continually dragging it forward' YW1.* *'Definitely a lot of young people we work with, at some point, have been victims of crime in one way or another. Either of crime or some sort of abuse. About seventy per cent of cases I work with. It is often violence or peer fights or peer conflicts' YW3.*

Category 20 – *repositioning the offender*: Respondents saw young offenders' experience of victimisation as a determining factor in their offending behaviour. Victimisation and the impact of that on young offenders was a prevailing concept in YOT workers' work with young offenders; for one YOT worker, this extended to searching for a life experience that could be interpreted as victimisation.

Category 20	Properties	In-vivo
Repositioning the offender – *linked with:* *Transition from offender to victim* *Implications for offenders as victims* *Positioning offender* *Repositioning the offender*	• Retribution for the offender • Substitution of roles • Insignificant status • Rules of engagement • Promoting offender involvement • Prioritising • focusing	*'The view of the YW and PMs' was the young person responded aggressively as a consequence of his experiences as a young victim. It is my opinion that very often victims become bullies and here is a victim. A definite transition from one to the other'PM7.* *'I think a high proportion of young people I've worked with have been victims and subsequently through their own needs not being met, have gone on to offend' YW10.* *'It's not just punishment, not just putting everything on the offender. It's allowing the young person to give back, restore what they've done and involve the victim' YW4.* *'It's trying to put a focus on the young person. How they feel, how they've felt in the past. To pick out a time when they felt like a victim'YW4.*

Category 21 – *conjecture about experience of victimisation*: Comments revealed that practitioners pay minimal attention to involving young victims, both in terms of presence at a panel and also within panel reports. Reference to the preferences of child victims was based on conjecture in terms of participation, anonymity and output.

Category 21	Properties	In-vivo
Conjecture about experience of victimisation – *linked with:* *Assumed victim experience* *Filtered assumption about victim need* *Victim culpability* *Perceived victim impact* *Perceived victim experience* *Unsubstantiated victim stereotype* *Perceived arbitrary victim experience* *Vague elucidation*	• language of certainty • post panel experience • generalised term • offender account • absence of victim • assumed culpability • assumed impact • minimal practice experience • preference for monitory reparation • assumption about victim participation • shutting down discussion	*'The victim as a child stays a victim. The child victim feels cowed by the situation and by the offender, who may be aggressive with them'* PM6. *'It's such a rare event; often victims don't want to know at all. YOT workers rarely say anything about the victim. Rare to see anything in the report'* PM3. *'There was complicity on the part of the other person. Today we're dealing with the case of Mike hitting Spike. Last week Spike was hitting Mike and nobody did anything'* PM1. *'Obviously they've been a victim and it's affected their lives. I do find it quite difficult involving the victim and that's purely because they don't always want to. I've had one victim at all the panels I've done'* YW6. *'Most young people that are victims, if it's an assault, I feel they would rather remain anonymous. I don't know if that process would mean they would be disempowered within that process'* YW7. *'Young victims identify strongly with money. If they had £20 or something, that would work for them, more than saying sorry. I think a young victim would prefer hard cash in their hand. It's more meaningful'* YW1. *'I don't think I've ever spoken to a young victim'* YW3.

Category 22 – *victim reluctance to participate in RJ*: Panel members perceived young victims as disinterested in attending panels or any form of restorative justice.

Category 22	Properties	In-vivo
Victim reluctance to participate in RJ – *linked with:* *Re-enforced assumptions about victim reluctance* *Notion of victim reluctance*	• assumed disinterest • practitioner assessment • filtered data	'*I don't think young victims really want to be part of this process. If they've been assaulted where it's involved other young people, then they've probably don't want to get involved.* *What I'm saying is if somebody's been beaten up by a young person, then it's gonna be difficult to get that victim to turn up and be a victim'PM5.* '*There seems to be a view that the young victims don't wish to get involved because they live with, go to school with them, known to them, hang out with them and then they meet up with the person who caused the crime'PM1.*

Category 23 – *maintaining victim distance*: Comments revealed that YOT workers exercise judgement on whether, or to what extent, victims may participate in restorative justice, applying criteria which includes prioritising the interests of young offenders. One panel member seemed happy to accept that victims can be heard at a distance whilst another questioned the efficacy of letters of apology that were rarely sent to victims.

Category 23	Properties	In-vivo
Maintaining victim distance – *linked with:* *Judging victim profile* *Shifting victim contribution* *Considered victim conduct*	• estimating numbers • fundamental role • different levels of involvement • assumptions about rights • constrained emotions • controlled conduct • unrealistic assessment	'*The majority of victims seem to be young and letters of apology rarely go out. Well if the victim doesn't get the letter – not much benefit. Maybe the victim might get to find out that the letter of apology has been written'PM4.* '*There are assaults where the young person originally has been provoked by the victim and retaliated. A history between them, but not always' YW1* '*It is not all or nothing; you haven't got to have the victim there. You can have victim representatives; You can have victim statements; you can tell young people the victim is entitled to be involved'PM1* '*Obviously there needs to be some kind of assessment done. Understandably the victim is going to be upset and angry. But it was whether he was able to harness that anger in some sense, in the right manner, that is was effective for the young person to listen to' YW10.*

Category 24 – *ambiguous insight into child victims*: Both YOT workers and panel members appeared concerned about the safety of young victims, both in panels and any subsequent meetings with young offenders. YOT workers expressed concern about the ability of young victims to understand the process and make judgements about which victims to approach based on subjective criteria.

Category 24	Properties	In-vivo
Ambiguous insight into child victims' involvement in Panels – *linked with:* *Injudicious awareness of victim participation* *Arbiter of worthiness* *Perceived complex victim experience* *Pessimistic representation* *Presumed ramifications of accepting reparation*	• assumptions about legal processes • fragmented victim participation • behest of practitioner • decision making • selection process • complicated process • lack of insight • negative language • frightening implications • connectedness • shared environment	*'on some occasions they have actually made it their business to find out how the victim feels and responds. Clearly when the young person comes to court, often there is some representation at that point. Not necessarily the young victim themselves, but maybe a parent comes to represent them, or they have a solicitor. Views are expressed at that point' PM7.* *'The people we have been contacting are those going to panels; and those who the offence stands out at you. That you think it would be worthwhile. Sometimes the police will refer a victim. We couldn't possibly contact every victim. I don't know whether there are any guidelines on it' YW7.* *'I think it's probably difficult when the victim is young; they also find it difficult to understand. So if you ask them to come up with something, they may find that very difficult' YW2.* *'I don't think the young victims feel safe enough probably, to attend a meeting. They're unaware of what's going on, going to happen in that meeting, not matter how much you try and explain. It's an unknown. They're faced with the offender and strange adults as well' YW3.* *'If the kids go back into the same situation, i.e. school or street, I don't think it will go away. There are repercussions and that is the scary bit' PM9.*

Category 25 – *erroneous victim data*: The panel members' reference to the panel report suggested an absence of data. Another panel member thought it contrary to victims' interests for them to *have* to come to panels.

Category 25	Properties	In-vivo
Erroneous victim data – *linked with:* *Absent victim data*	• dearth of data • factual information • fantasy supposition • assumed emotional impact • arbitrary contact	*'No facts, no victims' views. As you read it you come to your own conclusions and maybe that's wrong. We would talk about the victim before we went in and possibly the YOT worker has only seen them at court anyway. So unless they contact them, not very much data, if they're not interested' PM9.* *'It seems unreasonable that a victim should have to live that experience twice. To understand you're not to blame, but to have to come and be sitting in a room opposite your assailant; I think is very difficult for most people'. PM4.*

Category 26 – *assumed victim precipitation*: The two respondents below were clear that relationships between victim and offender can be mutually hostile, a situation which, for the panel member, may limit the impact of crime on victims or, for the YOT worker, make it more difficult to engage young offenders in victim awareness work.

Category 26	Properties	In-vivo
Assumed victim precipitation – *linked with:* *Absolute differentiation*	• role reversal • separating the vulnerable victims • clarity of language • self assurance	*'If it's a crime against another chap who is just as likely to commit the crime in reverse, I don't think it would have an impact. He would not bother about it particularly. If it was a sensitive young person, then they might think more of it' PM5.* *'There's definitely differences [in victim awareness work] if it is say an on-going feud or something between the young person and another young person and that results in the offence and those feelings are still there, unresolved' YW3.*

Category 27 – *exclusivity of victim/offender history*: Respondents perceived the 'history' between victim and offender to be problematic. YOT workers considered the likelihood of the young victim and young offender having future contact, but appeared unsure as to where professional responsibility for managing future contact sits.

Category 27	Properties	In-vivo
Exclusivity of victim/offender history – *linked with:* *Defining history* *Parallel experiences* *Exclusivity of victim/offender relationship* *Consequences of connecting victims and offenders*	• undefined term • negative connotations • understanding history • beliefs and attitudes • challenging victims • connections between victim and offender • past and future • resolution seeking • former relationships • implications for practice • private knowledge	*'They need to come to some agreement so the victim isn't worried about when he next sees him, because there's been a written agreement. It's got to be genuine as far as I'm concerned' YW9.* *'It is underplayed if victim and offender are known to one another. Therefore it makes the whole thing not work. It is not made worse, it is underplayed. It has to be worked on, but there is no time. It needs more work on both sides 'YW8.* *'There is not a lot of difference between a young victim and a young offender. So a victim you have to challenge. I can't do that myself with victims; you still have to challenge their beliefs and attitudes and the way they think about themselves' YW9* *'They know each other to a greater extent than we are able to unravel. We look at the victim in terms of the offence, but the offender has more information on the victim, which makes reconciliation challenging'YW8.*

Category 28 – *imperceptible victim voice*: The absence of the victim voice led to a panel member modifying the restorative process by introducing young offenders' mothers as pseudo-victims to try and help young offenders comprehend the harm caused.

Category 28	Properties	In-vivo
Imperceptible victim voice – *linked with:* *Substituting absent victim* *Deferring young victim's voice to parent* *Alternative victim focus*	• surrogate victim • constructing victims • constraints • different views • imprecise data • conflicting accounts	*'I think you find yourself almost making the victim mum [using the offender's mother as a pseudo victim] if she's sitting there. To try and make the young person feel he is hurting someone else – but we've almost got used to not seeing the victim' PM5.* *'I've spoken with the parents and they've kinda given their own view as opposed to the victim and this has probably come forward in the victim statement, as opposed to seeking it out. It's all about time constraints. Seeking out the victim's understanding or their views about the effects of the offence; it could be different. It's not a complete accurate picture' YW10.*

Category 29 – *involuntary colloquialism*: The reference to the playground landscape and the use of non-criminal language effectively reduced the seriousness of assaults. The term 'bullying' subliminally positioned assaults outside of the criminal justice vernacular.

Category 29	Properties	In-vivo
Involuntary colloquialism – *linked with:* *Changing vocabulary*	• playground language • school environment • generic terms • move from legal terminology	*'Where it can be like in a playground, where they've assaulted. But they end up assaulting peer on peer – is quite common' YW6.* *'It's bullying. There're all supposed to have bullying policies' YW2.*

Category 30 – *repositioning unlawful activity*: Locating crime within a school environment, along with non-legal terms featured amongst respondent's comments here. Such crimes were juxtaposed against other crimes that were deemed more serious.

Category 30	Properties	In-vivo
Repositioning unlawful activity – *linked with:* *Re-enforcing positive attributes of young offender* *Contrasting with bygone era* *Relocating criminal activity*	• minimising criminal activity • connecting with own childhood • change of focus • change of attitudes • trivialising actions • situating crime • removing legal label	*'They've done something foolish, but these are just not bad people. It's very hard to see, well what young people do to one another. They hit each other; they pinch his moped and ride it around. You can hear echoes of your own life and you know it turns around the next day' PM1.* *'We're not talking about crime of the century here; not injustice on a big scale, which perhaps in a different age, in a different world would never have come before the courts' PM1.* *'Most of the young people I've worked with have been victims in their own family. It may be victims of bullying at school, being beaten up, assault, robbery, bullying when money or goods are taken' YW9.*

As will have been noted, some of these 30 conceptual categories are clearly linked. The next section describes how, through comparison and further analysis, I reduced these to nine specific categories. However, it is perhaps worth reiterating here that the starting point for the process of reduction were the 170 categories that arose through separate scrutiny of the 19 interviews from YOT 1. Inevitably, there will have been duplication as I interviewed YOT workers and panel members using the same role specific semi-structured interview schedules and, as analyst, applied the same grounded theory technique to all 19 interview transcripts. Interestingly, although there is much similarity across the range of original categories, only two categories were repeated verbatim, and those only once.

Section Two: Findings from YOT 1 case files and observations

Having used grounded theory to analyse all 19 YOT 1 interviews, I embarked on the next stage of my planned methodology; to compare and contrast the fruit of this labour with the findings from the other data sources in this setting. I did this by using a classic qualitative methodology, case-study. As described in the preceding chapter, I designed and utilised schedules to capture relevant data for comparison against nine specific categories which I constructed by pattern-matching the re-conceptualised categories. The outcome of this process is illustrated by Figure 5.3 below.

Figure 5. 3 – Re-conceptualised categories and specific categories

Re-conceptualised Categories	Specific Category
1. Policy led constraints 2. Unfamiliar/hazardous work 3. Maverick practice 4. Re-assessment of victim work	Policy Issues
5. Acquainted with RJ language 6. Perceived constructive process 7. Fractured process 8. Paucity of opportunity 9. Task oriented	Understanding of RJ
10. Fallow victim training 11. Receding victim perspective	Awareness or not of victim training
12. Perceived hostile environment 13. Deficit in child victim focus 14. Veiled resistance 15. Safeguarding the victim's voice 16. Diminishing victim profile	Reluctance to engage with victims
17. Hierarchy of vulnerability 18. Offender precedence in RJ 19. Shielding the weak/powerless 20. Repositioning the offender to victim status	Offender focus
21. Conjecture about experience of victimisation 22. Victim reluctance to participate in RJ 23. Maintaining victim distance 24. Ambiguous insight into child victims' involvement in youth offender panels 25. Erroneous victim data	Stereotyping of victims/assumptions
26. Assumed victim precipitation 27. Exclusivity of victim/offender history	History
28. Imperceptible victim voice	Indirect victim
29. Involuntary colloquialism 30. Repositioning unlawful activity	Non-criminal language

Findings from case files

A total of 11 case files were included in my sample from this YOT. I examined both the paper files and computer generated files. The files included copies of the report for the youth offender panel, and also recorded the details of the contract drawn up at the panel. In conjunction with the case file, I also examined victim files pertinent to each case. I used schedules to record pertinent evidence from case files which I subsequently mapped on a spreadsheet against the nine specific categories. Appendix 4.2 illustrates this process. Using the schedules, I noted relevant details from the files including verbatim notes of the YOT worker's 'case diary', panel reports, victim impact reports, letters to victims, victim awareness work sheets, and their records of youth offender panel contracts.

Policy issues

Although one of the 11 cases met the 21 day deadline for convening a panel, the majority of the panels were delayed by at least a week; the main delay was the period between the offences occurring and the court date. This was always several weeks, and often two or three months. This problem is not YOT specific, although late running panels are, a situation cited as unavoidable due to lack of resources and volume of work.

Victims were contacted by telephone or letter at least two weeks in advance of the youth offender panel by the YOT police officer. Normally, this was by way of a YOT specific standard letter and leaflet explaining what a youth offender panel was and how the victim might want to contribute. However, in three cases, letters were sent out late, giving less than a week's notice to victims, and in two other cases, there was no reference to the victim having been contacted. Without exception, panel dates were confirmed before speaking with victims.

All case files contained a section for recording *victims' views*, which was left blank in eight of the 11 cases. However elsewhere in the files there were references to telephone contacts with victims' parents where, in some cases, the parents stated they did not wish their child to be involved but would like to attend themselves.

Understanding of restorative justice

The case files revealed a reasonable understanding of restorative justice and this was evidenced in the worksheets YOT workers had undertaken with the young offenders, as well as details of telephone contact with the parents of victims.

The worksheets were designed to allow young offenders to think about how they might feel if they had been a victim of crime. In terms of restorative justice methods, the letter of apology (LOA) appeared to be the method most frequently used. In five of the 11 cases it was written into the contract that a LOA would be completed, although it was unclear as to whether they would be sent to the victims. In all five cases there were no copies of the LOA on file although, in two of these, the date for completion had not passed at the time of examination.

Attempts to engage victims and their families in the restorative process were marked on the files, which briefly recorded conversations with victims via the telephone. In two cases, the victim and the father of a victim wished to attend the panel, however the YOT worker made a decision not to allow them to attend as they were still angry. The case files were noted respectively as follows:

> 'Victim contacted and still upset and <u>could not</u> be involved as he is still angry'
> (case file 5; emphasis by author of report)

> 'Dad wanted to come to the panel. I said no, as I am concerned about anger,
> arguments etc'. (case file 6).

Awareness or not of victim training and policy

The case files revealed compliance with YOT policy on victim contact in terms of initial contact as the police officer in the YOT contacted the victim in the first instance. Otherwise, case files contained no evidence relevant to this specific category.

Reluctance to engage with victims

The case files revealed that engagement with victims varied from a single contact by standard letter, to multiple contacts including telephone conversations and face-to-face meetings. Engagement with victims within the context of the files refers to YOT workers both contacting victims and undertaking victim-focused work with young offenders. Some files provided information about the impact of crime on victims:

> 'I know that the victim feels targeted and personally violated' (case file 1).

> 'For a while after the assault he was afraid to go out' (case file 2).

There were also two instances of YOT workers attempting to engage young offenders on victim impact issues. In case file 5 for example the YOT worker had expressed concerns that the young offender showed little remorse:

> 'He displays little victim empathy and I raised this with him. I asked if he had
> something done to him that he didn't like, how would he feel?' (case file 5).

Several files had limited victim information, often stating that attempts had been made to contact the victim but without success. These same files also mentioned 'victim awareness' sessions, but with no further details.

Offender focus

Case files showed a significant focus on the prevention of further offending, through tackling substance misuse and issues around education. Several of the files referred to the young offender's own victimisation, whether at the hands of the victim, peers or adults:

> *'Offender has been depressed, is socially isolated, no school attendance, poor self control. He is worried about his behaviour. Living with Nan due to family breakdown' (case file 6).*

> *'Young person was the victim of a violent offence where he was put in hospital, by a group of lads from [name of area] (case file 8).*

Stereotyping

There was no evidence within the case files to suggest that YOT workers had made assumptions about victims.

History

Similar to the findings from the observations, 'history' was almost always reported negatively. Of the 11 case files analysed, the victim and offender were known to one another in nine; on the computerised file, the section 'specific target victim' was ticked in those nine cases.

Contact between offender and victim prior to the crime had been problematic in the majority of the cases, with many young offenders saying they had previously been assaulted or taunted by the victim. Whether YOT workers made attempts to verify these claims was unclear, but of the nine cases where victim and offender were known to one another, four case file entries refer to the YOT worker 'having sight of the CPS files'.

Indirect victim

A number of the case files provided data about 'victim awareness' sessions, and in case file 3 there was a completed worksheet which indicated that the YOT worker had spent time with the young offender looking at victimisation, focusing on people known to the young offender and how he might feel if they were victims of a crime similar to the one he had committed.

Non-criminal language

As one might expect, the case files contained youth justice jargon and legal terms. In the majority of the files the offender was referred to as the 'young person' rather than 'young offender'.

Findings from observations

A total of 11 observations of youth offender panels were undertaken at YOT 1. These panels were chaired by volunteer panel members representing the wider community and attended by a YOT worker (usually the person who prepared the written report), young offender(s) and their parents. In accordance with my sampling criteria, all panels were for crimes against the person involving at least one child victim. Referral Orders issued during this period were for such crimes as robbery, actual bodily harm and common assault. The offender and victim were known to one another in all of the cases bar one. I used two schedules to record observations relevant to my original research question, covering the three stages of youth offending panels; pre-panel meeting, the panel itself, and the post-panel debrief. My research tools are described in more detail in the *Data collection* section of the previous chapter.

The pre-panel meeting, where YOT workers and the two panel members discussed the case before the arrival of the young offender and parent, was brief, often lasting just a few minutes, although this varied depending on the schedule of the YOT worker, who was invariably pushed for time. Rarely did panel members have the report in advance and were therefore unfamiliar with the case until briefed by the YOT worker on arrival. The meeting took place in the room where the actual panel would take place. Panel members arriving early would often assist in preparing the room for the panel. During this process, pleasantries between panel members would be exchanged, often comparing experiences of previous panels or reminiscing on panels they had worked together on before. Occasionally they would talk of logistical problems of being a panel member, often referring to lack of work, too much work, particular YOT workers or matters such as claiming expenses.

Upon arrival, the YOT worker would hand out the report to panel members and then give them a brief resume of their meeting with, and subsequent impression of, the young offender. Often a sense of camaraderie was displayed between panel members and YOT

workers, infused with humour and informal language. For example, conversation in observation 3 included; *'how's it going mate?. I see you've got the new car, very nice'.*

During this brief meeting, panel members asked questions of the YOT worker about the young offender. The questions arose through the reading of the report, usually no more than one or two pages in length. Questions invariably focused on family circumstances, schooling, substance misuse and the crime itself. The YOT worker would often suggest areas that the panel members might need to address in the panel in terms of the prevention of re-offending. Rarely did panel members ask questions about the victim. Finally, before young offenders and their families arrived, there would be a discussion between the panel members about who would chair the panel.

The setting was invariably informal in that the location of panels could vary from church halls to community centres, or occasionally the YOT office. Further attempts were made to create an informal atmosphere by placing chairs in a circle and removing the desk. The YOT worker would sit at a discreet distance. Although the created environment was relatively informal, on two occasions, when panel members asked the young offender to explain the circumstances of the offence, they asked a number of inquisitorial questions such as, *what were you doing?; who were you with?; did you hit him first?*

Once the introductions were over, the chair of the panel would explain the process of the panel to parent and young offender, some panel members explaining in more detail than others. They would ask the young person and the parent a number of questions about the crime and how they felt about it subsequently. Discussions relating to the actual crime were fairly short, with the main focus being on drawing up the contract. This involved identifying a number of strategies to address the young person's reasons for offending, often involving issues such as managing anger, peer pressure and substance misuse.

The YOT worker's contributions to the process appeared to relate to the level of experience of the panel members. YOT workers appeared skilful at steering the panel process from a distance, being careful not to undermine less experienced panel members. Panels varied in length depending on how participants, particularly the young offender, performed during the course of the panel. It was unusual for a panel to go beyond forty five minutes, and more often lasting approximately thirty minutes.

The post panel process was not formal in the sense of a meeting, but merely an exchange of thoughts and observations about the panel. This discussion took place during the gathering of papers, packing of bags and briefcases and generally returning the room furniture to its earlier position. During the course of this informal post panel discussion, panel members and YOT worker would review the panel, spending most time talking about the young offender's and parent's participation. The time frame for this was really dependent on how the panel had progressed and whether there had been any incidents or irregularities in relation to either the offender or parent. It was rare for there to be any formal discussion or debrief about the panel process itself.

Following these general remarks, the remainder of this section will draw on evidence observed under each of the nine specific category headings. Appendix 4.1 illustrates how I mapped relevant matters from my observation schedule onto a spreadsheet.

Policy Issues

Policy issues rarely surfaced in any of the 11 observations, with the exception of observation 5 (25/4/04), where the YOT worker referred to an internal directive. This manifested itself through unprompted comments from the YOT worker who asked the panel members to half the usual reparation hours due to financial constraints facing the youth justice service. When discussing reparation hours for this particular case, the YOT worker said:

> *'We are trying very hard not to give maximum hours; we are on a tight budget'*
> YW.

Understanding of restorative justice

Understanding of restorative justice was revealed to a greater or lesser extent in every observation. Dialogue between YOT workers and panel members was imbued with restorative justice language during the panel process. Examples included comments such as *'...facing up to the consequences of his behaviour'* and *'Every action has consequences'* (observation 1). In addition, during discussions with the young offender and parent, the panel members would make reference to restorative processes. For instance, in observation 5, the panel member said to the young person, *'You have to pay back the community'*. Similarly in observation 6, the panel member told the young offender *'You've got to put something back'.*

Whilst in all the observations panel members explained to young offenders the purpose of the panel and the need to draw up a contract, only one panel member attempted to explain the concept of restorative justice. In observation 1, the panel member asked the young offender if he understood what reparation meant. She re-framed the question, using the analogy of 'paying back', which the young person understood. Panel members reassured the young person that the panel was not a re-run of the court process, but an opportunity to look at strategies to prevent further offending. They frequently reassured young offenders and their parents that the panel was informal, an arena for discussion rather than administering punishment.

Panels concentrated almost exclusively on outputs. For example, during pre-panel meetings, panel members and YOT workers would discuss 'letters of apology' (LOA) that young offenders might write to victims. In fact, this was the case for all the panels, with the exception of one. In three of the panels, the young offender was offered the opportunity to write a letter of apology, with the assurance that it would not be sent to the victim, but merely used as a tool to help the young offender think about the impact of the crime upon the victim. No discussions about restorative justice processes took place other than a single reference to a 'victim awareness' session with the YOT worker and, at a pre-panel meeting (observation 6), the panel member suggested that the young offender might make a poster about managing anger and asked the YOT worker to contact the victim regarding a possible meeting with the offender.

There were no victims present at any of the panels observed. In only two panels did panel members make reference to victims and their feelings in the aftermath of crime.

Awareness or not of victim training and policy

Evidence in this area was difficult to garner through observation. No direct or indirect references were made during observations in relation to victim training. In terms of victim policy, the only (indirect) reference to policy during the course of the panels was a reference to the police officers being unable to make contact with a particular victim (observation 5). Panel members were aware that only police officers are allowed to contact victims in the first instance to comply with Data Protection Act (1997) imperatives.

Reluctance to engage with victims

For observations, this specific category refers to indirect consideration of victims as there were no victims present at any of the panels.

Victims' non-attendance at panels was not questioned by panel members at any panel. During observations 1 and 3, the YOT workers informed the panel that the victims did not wish to attend. Neither of the YOT workers elaborated on their comments and none of the panel members asked why. During observations 8 and 11, the YOT workers stated that they had made contact with the victims who declined invitations to attend the panels. In the case of the remaining seven panels, there was no reference to victims' non-attendance.

Panels rarely mentioned victims with two exceptions, observations 5 and 9. In observation 5 the panel member asked the YOT worker the victim's name and whether they were attending. The YOT worker did not know the name of the victim. During the course of the panel, the panel members did ask the young offender to consider how the victim might feel. This dialogue about the victim lasted just under two minutes. In the case of observation 9, the YOT worker asked the young offender what she thought about the victim and asked her to draw upon her own experiences of being victimised. The YOT worker asked the young offender what she understood by the term empathy. This dialogue took less than three minutes.

Offender focus

The focus of panels was primarily on young offenders. At pre-panel meetings, YOT workers briefed panel members on the young offender and the circumstances that gave rise to the Referral Order through the written report for the panel, which had already been shared with young offenders and their parents. After reading the report, panel members and YOT workers informally discussed the offending behaviour and its precipitation. At this stage in the proceedings, panel members asked YOT workers about young offenders' backgrounds and discussed the appropriate hours and type of reparation.

At the pre-panel stage information not available in the report was occasionally disclosed verbally by the YOT worker. In three of the observations the information was of a confidential nature and referred to the young offender's own victimisation. This was of a

serious nature and related to child abuse by family members. In two other observations, YOT workers informed panel members that the young offenders had disabilities.

During the course of panels, panel members displayed empathy for young offenders and worked in a supportive way. Panel members used informal language such as:

'Tell me your side of it' (observation 3)

'We're trying to find something that suits you' (observation 11).

In one instance the panel member said to the young offender and his family:

'Off the record we have empathy with your situation. It's a case of the offender being the victim and the victim the offender.' (observation 3).

It was at this stage of the panel process where communication between panel member and YOT worker was most common. YOT workers would occasionally offer suggestions about reparation or more commonly feed back to the panel relevant details from discussions they had had with relevant professionals such as teachers, health workers and others.

Following the panel, YOT workers and panel members would comment on young offenders and their families, often in a sympathetic and companionable way:

'You're almost sorry for the offender' (observation 3)

'He was the fall guy' (observation 1).

'When I first met him he was a lovely kid' (observation 11).

Stereotyping

Stereotypical comments were usually observed at pre or post panel meetings:

'Is the so-called victim back at school causing mayhem? 'She is a known troublemaker at school and taunted L for months' (observation 3)

'More like she is the offender' (observation 7).

'The other lad sounds a right nightmare' (observation 3).

However, as detailed in 'Offender Focus' above (observation 3), stereotyping also occurred during panels.

History

Pre-existing relationships between victims and offenders were often referred to in the panel process; such information usually being provided by YOT workers either through the report or during discussions at pre-panel meetings. It was often subsequently discussed at panels with young offenders and directly influenced the panel outcome. The historical relationship between offender and victim was nearly always presented as problematic and involved portrayal of victims as more or less culpable. Through the panel process, panel members and YOT workers demonstrated a common belief in the relevance of historical relationships. The following comments were made between panel members and YOT workers during the pre and post panel meeting:

> *'It's typical – winding one another up'* (observation 3)

> *'You can see what she's saying – 50-50'* (observation 11)

> *'It does sound like six of one and half a dozen of the other'* (observation 10).

In four of the observations, the views of the panel members were also shared with young offenders and their parents. For example, in observation 2 the panel member said:

> *'She's seen as the victim, but she stirred it up. I understand what you are saying, we can only deal with information in front of us'* (observation 2).

And in observation 10 the panel member commented:

> *'We are only going to give you three hours reparation because we see where you're coming from'* (observation 10).

However, most panels took the opportunity to give advice and guidance to offenders on how to manage on-going relationships with victims. This was particularly apparent when offenders and victims were attending the same school.

Indirect victim

With the absence of victims in person, panel members often asked young offenders to consider the impact of crime upon someone known to them. Frequently, panel members posited their mothers as victims and asked young offenders 'how might you feel if the victim had been your mum?' This tactic was used to encourage young offenders to think about the impact of the crime upon someone they knew and cared for where young offenders demonstrated little or no remorse and where there was no victim perspective available to panel members.

Non-criminal language

This area has two interlinked dimensions; making language more accessible to young people by reframing technical or legal terms, and making language more palatable through reframing it in non-criminal terms.

Comments between panel members and YOT workers included:

> *'We know when lads haven't got much to do they get into a bit of bother'*
> *(observation 1)*

> *'When I was at school we had ways of dealing with this; put the two of them together...' (observation 11).*

However, comments were not restricted to discussions between panel members and YOT workers, some were shared with young offenders and their parents:

> *'It is unfortunate that these two friends had a fight' (observation 2)*

> *'After you bashed him...' (observation 6)*

> *'You had this incident?' (observation 3)*

Mapping the findings

Findings that emerged from participant interviewees in the form of categories were compared and refined during the process of analysing YOT 1 interview data, resulting in nine specific categories as shown in Figure 5.3 above. Following analysis of case files and

observations from YOT 1 using these nine specific categories, the YOT 1 data in its entirety was refined and condensed to form six themes:

- Understanding of RJ/ambiguous insight into child victims' experiences of crime;
- Stereotyping victims – perceived hostile environment;
- Absence of reference to victim;
- Offender focus within RJ processes;
- Hierarchy of vulnerability;
- Victim culpability.

Using one of the six themes as an example (*absence of reference to victims*), Appendix 5.1 maps the journey from original category through re-conceptualised category and specific category to support a theme which, with the other five themes, gives rise to the emergent theory from this YOT. Appendix 5.2 maps how the same original categories (shown by the number in the left hand column), were used as part of the evidence to construct a common theme; in this case, *absence of reference to victims*. The letters Q and C refer to findings from interviews which gave rise to an original category. In the case of C, a respondent's comments gave rise to a 'category'. In the case of Q, a respondent's comments which gave rise to a 'category' were 'quoted' in Section One of this chapter under the sub-heading *Tables showing findings and categories*.

I was not able to map findings from YOT 1 observations and case files in this way due to the change in methodology from grounded theory to case study and the fact that the data sources were not synonymous. However, *Section Two* above shows how the interviews and other data sources were connected using the nine specific categories.

To enable theory to emerge, I needed to compare and contrast the findings across the three YOT 1 data sources which I did through a process of theoretical linking; in effect the nine specific categories were propositions emerging from the interviews which I reviewed in light of the other data sources. As shown by the table below, all but two of the specific categories were well supported by the findings from case files and observations, although the resultant themes were broader and more conceptual than their derivatives. Only two specific categories were relatively poorly supported within the other data sources; *policy issues* and *awareness or not of victim training and policy*. It is perhaps to be expected that

these two specific categories were not discernable to any large degree in either observations or case files as, due to their nature, neither were likely to provide evidence in these areas.

Specific Category	Theme	Comment
Policy Issues		Not sufficiently supported across data sources – discontinued
Understanding of RJ	Understanding of RJ – ambiguous insight into child victims' experiences of crime	Well supported – broadened to encompass practitioner ambiguity towards victim participation
Awareness or not of victim training and policy		Not sufficiently supported across data sources – discontinued
Reluctance to engage with victims	Absence of reference to victim	Well supported – two specific categories combined as much cross over
Indirect victim		
Offender focus	Offender focus within RJ processes	Well supported
Stereotyping of victims/assumptions	Stereotyping victims – perceived hostile environment	Well supported – broadened to include practitioner perceptions that victim participation would create hostility
History	Victim Culpability	Well supported –renamed as history and victim culpability co-exist
Non-criminal language	Hierarchy of vulnerability	Well supported – renamed to reflect a broader perspective

Conclusion – YOT 1

Findings from all data sources fell into six distinct areas (the six themes shown above). In summary, the findings revealed that practitioners had a relatively superficial understanding of restorative justice and had difficulty in linking their understanding with any recognised definition. It was clear that practitioners had little contact with young victims, had little information about them and made few references to them during observations and interviews, or in the case-files. Whilst recognising young offenders' vulnerability and prioritising their welfare needs, practitioners placed little emphasis on assessing victims'

nor did they appear to acknowledge their vulnerability; the professional focus was primarily, and largely exclusively, on young offenders. Practitioners made assumptions about young victims based on accounts and information provided by young offenders which were generally negative. Perceptions about victims' potential to disrupt meetings or otherwise interfere with the work with young offenders meant that practitioners viewed victims as difficult to involve. Additionally, pre-existing relations between young victims and young offenders contributed to practitioner perceptions that victims were to some extent blameworthy, culpable or contributed to the circumstances that led to the crime. Practitioners tended to view their work in welfarist terms where their primary responsibility was to assess and meet the needs of young offenders whose social and familial circumstances were generally problematic. This welfarist stance was perceived as sitting uncomfortably with victim-oriented work, with practitioners preferring a separation of these roles to avoid potential conflicts of interests.

Following analysis of YOT 1 data sources, I was able to refine my theoretical propositions, reducing them to a set of six core findings presented, for the purpose of analysis of data from the other two settings, as theoretical propositions to facilitate the emergence of a theory. Accordingly, I hypothesised that practitioners' superficial understanding of restorative justice and ambiguity towards victims effectively limit their ability to work in a truly restorative manner; lack of information on, reference to, and contact with victims, render practitioners insensible to young victims; the dominance of the professional focus on young offenders, creates and maintains practitioner perceptions that young offenders are more vulnerable than their young victims; stereotyping of young victims by practitioners, due to assumptions, values and beliefs, tend to alienate victims from restorative processes; relationships between young offenders and young victims support the notion of victim culpability; and practitioners' welfarist approach to young offenders creates and maintains a cultural separation, which discourages direct work with victims.

Taken together, these theoretical propositions support the theory that the operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, is such that child victims of crimes perpetrated by child offenders are often invisible in the restorative justice process. Victim visibility is rare and often associated with culpability.

The patterns or categories that define the emerging theory (the six themes) were used to analyse data in relation to both YOT 2 and YOT 3.

Section Three: Findings from YOT 2

In this third section I apply 'replication logic' (Yin, 1994) to the interviews, observations and case files of YOT 2. In this process I needed to consider evidence both to support the emergent theory from YOT 1, and evidence which might refute the theory, but for predictable reasons (see the *Replication* sub-section in Chapter Four). As discussed in the preceding chapter, I refined the nine specific categories that I used to compare and contrast data from YOT 1 interviews with the other two data sources, reducing them to six themes for the purposes of analysing data from the other YOTs using a theory-driven case-study methodology. In essence, these six themes described in the previous section, provided the basis from which the theory from YOT 1 emerged.

YOT 2 is based in England and serves a large population spread across both rural and urban areas. I collected data from teams at two different sites. At the time of the fieldwork, the YOT had more than 40 full and part time staff, including a dedicated victim worker, who managed and co-ordinated all victim contact. Prior to this person coming into post in 2002, victim contact work was sub-contracted out to a local agency.

Interviews

I undertook 12 interviews in YOT 2, seven YOT workers and five panel members, all of whom responded positively to my request for research participants. My sample of YOT workers from this YOT included representatives of all agencies other than health. The references to participants below are unique to interviewees from this YOT and should not be confused with similar references elsewhere in this chapter. All fieldwork was completed before data analysis and data from this YOT was put aside until I had analysed data from YOT 1. As detailed in the preceding chapter, I conducted interviews in the same way for all three YOTs, using semi-structured interview schedules based on my original research question. I subsequently analysed data from YOT 2 using spreadsheets designed to elicit both confirming and disconfirming evidence. A section of the spreadsheet is reproduced at Appendix 4.3.

Understanding of restorative justice

Some YOT workers and panel members were uncertain as to what restorative justice meant and how they understood it in relation to panels and child victims of crime:

> *'I'm not very good at RJ. It's looking at prevention isn't it?' (YW1)*

> *'I don't know. I can't honestly say' (PM1)*

However, the majority appeared to have a better understanding of the concept:

> *'Repair, to put something back in the community; to put something back to a victim, whoever that might be' (YW2)*

> *'Efforts to be made to ensure the victim is recognised and their view put forward to the offender. The offender's views are also put forward and some form of understanding of each other's needs has been reached' (YW3).*

Some respondents' understanding of restorative justice appeared not to include the victim, or the victim, as stakeholder, was subsumed within the wider community:

> *'It's based around the community and the young person in taking some responsibility for their actions' (YW4).*

> *'The community taking a very active role in deciding how anybody who has committed an offence might make restitution to the community in which they live' (YW5).*

Restorative justice was perceived as 'doing' something, rather than a process which might involve dialogue only. Requiring a young offender to write a letter of apology (LOA) was a common theme in terms of understanding restorative justice. Many of those interviewed had received only brief training on restorative justice and this had been at the early stages of their career.

Generally, YOT workers' experiences of working with victims was minimal and in some cases non-existent. The exception to this was the dedicated victim worker who had a good deal of experience in this area, albeit primarily with adult victims. Of the 12 interviews, no

one had worked with a child victim and their insight into how a child victim might experience crime and the restorative justice process varied. Most respondents felt that child victims would be reluctant to meet their offenders and the process would not be helpful:

> 'I don't think I would encourage bringing them together' (PM2).

> 'I have the feeling victims don't want to be confronted with the person that caused the problem' (PM2).

> 'If I put myself in the position of the victim – would I want to confront them?' (PM1)).

Others felt there would be benefits in bringing victim and offender together:

> 'It would be good for both sides; know what it felt like' (PM3).

> 'Give them a chance to air their views' (YW3).

Stereotyping victims – perceived hostile environment

Evidence was gained on how YOT workers and panel members saw child victims at panels. Several respondents felt that victims would not want to participate in any form of restorative justice; the idea of the child victim and child offender participating in a panel was seen as potentially volatile and one that respondents felt victims would wish to avoid. The introduction of the victim to the panel was considered to be a catalyst for confrontation:

> 'It can be dangerous coming into contact with the assailant' (PM1).

> 'A lot of them are frightened of coming face to face' (YW4).

> 'I think they can be re-victimised' (YW2).

> 'I have a feeling they don't want to be confronted with the person who caused the problem' (PM2).

One example shared by a panel member was in relation to the parent of a child attending. The panel member said:

> *'They (parents of the victim) used it as an opportunity to verbally abuse the young*
> *person' (PM4).*

Why YOT workers and panel members assume the victim and offender meeting as problematic is unclear as they have, in most cases, no direct experience of victims attending panels.

Absence of reference to victim

The structure of the YOT meant that YOT workers had little contact with victims, as this was the responsibility of the dedicated victim worker. However, YOT workers reported feeling confident to work with victims directly if that was required. They felt the introduction of a victim worker was very helpful. One respondent said:

> *'One direct improvement in victim work is allowing [agency working with victims*
> *on behalf of the YOT] to join us in this building. Previous victim contact was too*
> *isolated' (YW3).*

The dedicated victim worker felt there had been a significant improvement in victim awareness:

> *'The more it's practiced, the more it happens. The more people see it working, then*
> *it gets to be more acceptable.' (VW).*

Panel members, however, felt much removed from the victim component of the panel.

> *'I've never seen a victim yet' (PM5).*

This comment was not unusual along with comments about the absence of victim data from the panel report:

> *'Quite often there isn't information on the victim. There hasn't been a great deal*
> *about the victim. Often it says "victim details not known or not applicable". (PM5)*

> *'Now the YOT has got someone, we get a bit of feedback, but not a great deal of*
> *emphasis really'. (PM2)*

'There seems to be, generally speaking, little contact with the victim. I've never seen a victim impact statement' (PM1)

Offender focus within restorative justice processes

The dedicated victim worker felt that the absence of the victim at a panel presented an unbalanced restorative process:

'The offender will say "it happened like this because..." and there's no one there to say "no it didn't". There is no way you can prove otherwise. It's their word against nobody's.' (VW)

Some YOT workers felt they had a specific role which did not involve victim work:

'We work with the offender. I would never contact a victim. Our roles are very different. I think if a victim was to see you working with an offender they may think "he's got too many feet in too many camps". Sometimes I think division is a good thing. As long as you can empathise with your objectives about resolving an issue, trying to prevent crime, then that's important'. (YW4)

'You're talking about experienced people, embedded into a way of working, perhaps linked to policy but unique to individuals. I still think there is a long way to go and I don't think it's always going to be effective'. (YW3)

'I'd like to think that victim work has to be from [victim agency]. I've had no training. I do not think it's our role' (YW1).

'I don't ask the YOT worker about the victim, because we're more focused on the young person in front of us'. (PM2)

One respondent felt that a victim focus within restorative justice helped them challenge the offender:

'I can take information from case papers and statements; it is always good to read someone's perspective, other than the offender'. (YW2)

Hierarchy of vulnerability

Without exception, YOT workers and panel members made comment and provided numerous examples of the young offender's vulnerability, exemplified by the following comments:

> *'All of them at some point have been victims' (YW1)*

> *'Very often the young person has been a victim themselves' (YW4)*

YOT workers who had access to detailed information of the young offender frequently described young offenders' experiences of vulnerability:

> *'Some young people are so damaged by their families, they kick out' (YW5)*

> *'Generally they are underprivileged kids and their families are known to the local authority. A lot of them don't get positive strokes in their lives' (YW4)*

YOT workers also made reference to young offenders' experiences of victimisation at the hands of other young people.

> *'They get into fights, they see that as very much par of the course' (YW1)*

> *'Bullying is one of those invisible offences, done by their peers' (YW5)*

Victim culpability

Two panel members and three YOT workers believed the victim in some way contributed to the crime. In addition, the previous relationship between the two parties and the difficulties within that relationship were instrumental in the crime occurring.

> *'Some young people see it as retribution for some previous fight. They might think they've been a victim from the victim' (YW4)*

> *'One young person I was working with fractured a kid's nose. He was sick of racist comments he'd received for months from this kid' (YW3)*

All YOT workers and panel members felt that the victim and offender knowing one another made the panel and any subsequent victim work difficult to undertake.

'When it is another young person they've offended against it is quite often somebody they know. When that is the case they show very little remorse. Because they know them, they've had problems with them in the past. They just feel they deserve what they get. It's more the victim has wound them up. It's that type of thing as opposed to actually committing an offence against the victim. Sometimes you're literally beating your head against a brick wall. We have to say we've done as much as we can'. (YW7)

Others saw this dilemma as a challenge, and an opportunity:

'I think the letter of apology is quite a poignant step for the young person, where the victim is of a similar age, because they do have to focus on the relationship angle' (YW4)

Case Files

A total of 17 case files were analysed using the six themes. Like YOT 1, YOT 2 had both paper and computer based files, both of which were analysed. Data pertaining to victims was kept by the dedicated victim worker. Only victim data required for statistical purposes was kept on the computerised file, although witness statements and Crown Prosecution Service information about the victim were available in the paper file.

Understanding of restorative justice – insight into child victims' experiences of crime

As in the previous YOT, restorative justice was delivered by letters of apology (LOA) in the majority of cases. Most of the letters were not completed until the latter stages of the orders, resulting in the victim receiving it (if sent out) some considerable time after the crime. Although not on the file, in case 1 the case file entry read:

'LOA not urgent. Completed in August' (case 1).

In another it stated:

'20/9/2002 – Write a LOA – urgent by 19th June 2003' (case 13)

In two cases the LOA was not completed during the course of the order, thus rendering it impossible to send to the victim.

Many of the case files make reference to abortive attempts at contacting the dedicated victim worker to gain information about the victim and whether they wished to attend the panel. All case files bar one were created after the dedicated victim worker came into post, in 2002. Analysis revealed that several of the invitations to attend were less than a week from the proposed panel date, which suggests victims and their parent(s) would have little time to prepare.

Three cases recorded that attempts had been made to ascertain the impact of crime on victims and in one case the YOT worker commented:

> *Have noted victim's request not to attend panel.* (case 6)

Stereotyping victims – perceived hostile environment

Findings from data gathered suggest that there is little evidence to support the category other than case file eight where the victim and her mother attended the panel. Despite some initial concerns, the YOT worker stated:

> '*The meeting was very productive, both parties having their say*' (case 8).

Absence of reference to victim

The case files revealed considerable focus upon the victim and this presented in a number of ways. Firstly the majority of the case files revealed evidence of attempts made to contact the victim via the dedicated victim worker. As mentioned above, this appears to have been unsuccessful in many cases, although the reasons as to why are unclear.

Whilst the victim policy at the YOT meant that YOT workers did not contact victims directly, many of the case files revealed considerable information about the victim which was contained in Crown Prosecution Service case papers, including witness statements.

Whilst in one case, the YOT worker had cross-referenced the offender's account with the witness statement (case 7), some of the available information was not included in the panel reports, which are seen by panel members. For example in case file three the author writes in the report for the panel:

> '*The victim is another young person. She has been contacted by [victim agency] and invited to the panel. I am unclear at this stage about the impact of the crime'.* (case file 3).

The witness statement in the same file states:

> *'They grabbed me by the hair and pulled clumps out and held onto my hair and continued to slap my head. This happened for a couple of minutes. I tried to get away but they kept slapping me'* (extract from witness statement – case file 3).

A second example is found in case file 8. The panel report states:

> *'[young offender] became involved in an attack when the young girl received minor injuries'*

The offence analysis section states:

> *'The victim suffered a serious assault which required hospital treatment. The victim has suffered further recurrent problems as a result of the assault'* (case file 8).

A further example of the victim component found in the case files was the reference to victim awareness sessions. There was no detail about the sessions, other than they were a requirement of the contract drawn up at the initial panel and were administered by the YOT worker.

Offender focus in restorative justice process

As already mentioned, the main method of delivering restorative justice was via letters of apology. The completion of the letter appeared to receive less priority than other components of the order. This may well have been for a number of reasons, not least the welfare needs of the young offender, such as education, health and child protection needs. So whilst meeting these needs was not the primary object of restorative justice, such rehabilitation appeared to have taken precedence over restoration.

One or two files revealed data about the YOT worker's dilemma in working with a case where there was an alleged history of previous attacks between victim and offender, and the subsequent difficulties in applying restorative justice principles to the sessions. For example, in case file six, the YOT worker states:

> *'[young offender] found it hard to think about how this offence may have impacted on the victim. As we spoke it became clear that there was more to it'.*

The entry goes on to detail the young offender's account of the events up to the assault. The YOT worker then adds:

> *'In part this made it clear in my mind why [young offender] may have hit him. However, it did not make it acceptable'* (case 6).

Hierarchy of vulnerability

The case files contained no references to young offenders' vulnerability with the exception of two cases. In case file four, the YOT worker states:

> *'She [the young offender] has recently been the victim of an assault herself. She had been physically beaten and verbally assaulted by two girls. She is still severely affected by this. She tells me she is too frightened to leave the house alone and feels like a prisoner'* (case file 4).

Case file five states:

> *'After committing the offence, [young offender] tells me that she was considerably distressed and attempted to commit suicide when she returned home. She is on a full care order'* (case file 5).

The case file shows the young victim was also a 'looked after' child although this was absent from the panel report.

Victim Culpability

I identified a correlation between culpability and history between offender and victim. Many case files revealed comments about on-going feuds between the parties where offences were considered to be justifiable retribution by young offenders. Excerpts from cases revealed the following:

> *'[young offender] told me she had been receiving abusive comments and threats from the victim'* (case file 3)

> *'She told me her cousin asked her to go and hit the victim because of an earlier disagreement. [Young offender] explained that because of her love for her cousin she hit the girl three or four times in the face'* (case file 5).

'Whilst out with a group of friends, saw another young boy walking towards him and his friends. [Young offender] tells me there had been a history of some disagreements with some of his friends and he wanted to sort it out' (case file 7).

Observations

I observed five youth offender panels in this setting, one of which was attended by a young victim. In this setting I was provided with copies of the panel reports. The panels were held in a number of different places including community centres and the meeting room in a large voluntary sector agency.

The actual panels (excluding pre and post-panel meetings) varied in length from twenty minutes to just over one hour. Two of the panels had no pre-meeting at all and panel members spent just a few minutes reading the panel report before commencing. There were no post-panel discussions at any of the five observations.

Observing youth offender panels in this setting was at times akin to sitting in a court room. After the panel members had initiated panels and asked young offenders to explain the circumstances of the offence, panel members then sent the young offenders and their parents out of the room whilst they discussed and drew up the Referral Order contract. Young offenders and their parents would then be brought back into the panel and appraised as to the contents of the contract. Although they were given an opportunity to comment, in none of the observations were contracts amended.

Understanding of restorative justice – insight into child victims' experiences of crime

During observations, I noted very few references relevant to this theme in three of the five panels. However, in observation 1 the father of the young offender said he was ashamed of his son's actions. The panel member replied:

> *'shame plays a big part'* (observation 1).

In observation 4, the panel member said to the young offender

> *'What we're going to do is think how you can repair the harm done to all those affected'* (observation 4).

In three of the five panels the panel members decided that the offender should write a letter of apology, although there was no discussion with either the YOT worker or the young offender about their intentions. In observations 1 and 4, panel members asked no questions of either the young offender or the YOT worker about the victim. In observation 2 panel members asked the young offender whether he knew the victim, which he did. There was no further discussion by the panel members about the victim. However, as the panel members made moves to adjourn to discuss the contents of the contract, the YOT worker intervened:

> 'Just a moment; have you been able to think about how the person who owns it would think?' How do you think you might feel if it was you?' (observation 2).

This provoked further questioning about the victim by panel members.

Observation 3 involved the victim and his mother attending the panel, along with a supporter organised by the dedicated victim worker. The panel member began chairing the meeting and asked both victim and offender for an explanation of the events. This involved both parties giving their version of events, which appeared to be unhelpful, in that it detracted from the primary business of working restoratively; looking at the harm caused rather than the detail of the incident which may still be in dispute. The YOT worker, an experienced restorative justice worker, intervened and continued to direct proceedings. The YOT worker enabled both parties to express how they felt following the crime and to consider ways of helping both parties in its aftermath.

Stereotyping victims – perceived hostile environment
There was no specific reference to the perception of a hostile environment in three of the five panels as the victim was not expected. In observation 2, one of the panel members made reference to the victim's ownership of a moped. She said:

> 'I know the victim; it probably wasn't his moped. If he gets a letter of apology, he'd probably tear it up. He probably nicked it [moped] anyway'. (observation 2).

Observation 3, where the victim was in attendance, provided no evidence of either stereotyping victims or perception of a hostile environment.

Absence of reference to victim

There was minimal reference to the victim in observations 1 and 2 at any of the three stages of the panel meetings. In observation 1 there was an assumption on the part of the panel members that the victim would not be attending. One panel member said:

> *'We're not expecting the victim are we?* (observation 1).

No other questions were asked about the victim at the pre-panel stage or during the panel itself, although the YOT worker offered information about the victim stating:

> *'The victim is in foster care. Couldn't get hold of him. We've cobbled together information from the victim statement'* (observation 1).

Observation 2 revealed similar findings; until prompted by the YOT worker, the panel members did not ask any questions about the victim during the earlier part of the panel and asked no questions at the pre-panel stage.

In the pre-meeting in observation 5 one panel member commented on the age of the victim:

> *'He's only eleven; it's frightening, it's my son's age'* (observation 5).

In observation 4, panel members did not ask the YOT worker any questions about the victim at the pre-meeting stage, although they asked the young offender two questions about the victim during the course of the panel.

Observation 3, where the victim was present, involved a good deal of dialogue between victim, parent, panel member and YOT worker. The panel process was explained to the victim and his family, with an opportunity to ask questions before the panel commenced. The panel provided an opportunity for the victim to say how he felt following the crime, including the experiences of dealing with the injuries he received.

Offender focus in restorative justice process

Observations 1, 2 and 4 revealed little evidence of restorative justice at work. There was little discussion with young offenders about the proposed content of contracts, which were largely decided in the absence of young offenders, who were then informed upon their return. In one observation, reparation was referred to as 'unpaid community work'.

Observation 3 revealed evidence of an offender focus at the panel where the victim was also present. The offender had time to explain the reasons for his actions and how he felt following the crime and his subsequent appearance at court.

Hierarchy of vulnerability

Observation 2 revealed findings that highlighted the young offender's vulnerability. The YOT worker informed the panel that the young offender had learning difficulties and they should keep the panel short; a maximum of thirty minutes. At the point in the panel meeting when the young offender and his aunt left the room, the panel member said in reference to the crime which was theft of a moped:

> *'I'm sure he didn't steal it'* (observation 2)

Before the young offender returned to the panel the YOT worker said to the panel members:

> *'I've just learnt something but don't want to sway you'* (observation 2).

Once the panel had finished, the YOT worker informed panel members that the young offender had pleaded guilty to a subsequent robbery. The YOT worker said:

> *'The courts may extend the order or it is likely he will go to prison'* (observation 2).

Both panel members appeared quite shocked by this statement and attempted to ask the YOT worker a number of questions about the recent crime, of which he knew very little.

Victim Culpability

Findings from the five observations revealed only one reference to victim culpability and that was in relation to the theft of a moped in observation 2. As mentioned above, the panel members appeared to insinuate that the victim was not the legal owner of the moped which was stolen from him.

Conclusion – YOT 2

Findings from the application of the emergent theory from YOT 1 to YOT 2 reveal some similarities but also differences and this will be discussed in more detail in the analysis chapter. The theory emerging from YOT 1 was:

The operationalisation of restorative justice, through Referral Orders delivered by
YOTs and youth offender panels, is such that child victims of crimes perpetrated by
child offenders are often invisible in the restorative justice process. Victim visibility
is rare and often associated with culpability.

Findings from YOT 2 were extracted from all three data sources as mapped against the six
themes which, for the purpose of analysis, were conceptualised as theoretical propositions.
This process was therefore theory-driven using a case-study methodology and not
inductive grounded theory. The process of synthesis is illustrated by Figure 5.4 below,
which records key findings against these six theoretical propositions. Figure 5.4 includes
findings that either support or refute these theoretical propositions from interviews,
observation and case files; where nothing significant was found, I left the space blank.

Synthesis of findings demonstrated that the original theory from YOT 1, although still
applicable, failed to adequately capture important new aspects of the phenomenon such as
practitioners' cultural construction of both child offenders and child victims. However a
continuing theme of victim invisibility was evident in findings from YOT 2. The emerging
theory from YOT 2 was that:

The operationalisation of restorative justice, through Referral Orders delivered by
YOTs and youth offender panels, supports and perpetuates a cultural construction
of child victims and offenders that has the potential to render victims invisible and
frustrate restorative justice processes.

Abbreviations in the table (Figure 5.4) include:

V = victim, YO = young offender, DVW = dedicated victim worker, PM = panel
member, YW = YOT worker, RJ = restorative justice, and LOA = letter of apology.

Figure 5. 4 – Synthesis of YOT 2 findings

Theoretical proposition		Interviews	Observations	case files
Practitioners' superficial understanding of restorative justice and ambiguity towards victims limit their ability to work in a truly restorative manner	Support	superficial and limited; LOA not sent; mostly neg views on bringing YO and V together; V subsumed in wider community	poor explanation of RJ by PMs: no refs to victim impact, 2/5 reports; LOA default position for PM without discussion	restoration ltd to LOA and V awareness 3/12, absent in others; date for LOA completion not set; V invitations sent too late or not sent: DVW creates separation between YO and V work
	Refute	better re YO; some YW had good U; dedicated staff	V present at panel 1/5; some PM acknowledge share and rep harm	1 YW experienced V at panel positively; V contacted by YW
Stereotyping of young victims by practitioners, due to assumptions, values and beliefs, tend to alienate victims from restorative processes	Support	V assumed to be too scared to attend panel or revictimised by process; V never seen by PM, rarely by YW; V presumed culpable: V will abuse or confront YO	V absent = neg comments	
	Refute		V present + comments	
Lack of information on, reference to, and contact with victims render practitioners insensible to young victims	Support	PM rarely see V and get little info	no verbal or written ref to V 2/5; seriousness of offence reduced; V absence accepted as normal	V not contactable via DVW: V accounts in YW reports excluded info on seriousness: no details of V awareness sessions
	Refute	DVW seen as helpful; DVW sees the more V are involved more accepted it gets	V presence induced dialogue	
Practitioners welfarist approach to young offenders creates and maintains a cultural separation, which discourages direct work with victims	Support	V excluded; DVW sees panels unbalanced; work with V seen o/s YW role	PM created time for YO to explain in presence of V	outcome of V awareness missing; YO needs take precedence over LOA ; YO explanations accepted and sympathised with
	Refute	no YO bias; one YW sees V focus helpful to challenge YO	YO excluded from creating contract	YO explanations understood but not absolved
The dominance of the professional focus on young offenders creates and maintains practitioners perceptions that young offenders are more vulnerable than their young victims	Support	focus on YO as V ubiquitous	PM thought disabled YO was innocent	YO referred to as V in 2/12 cases; YO status as 'looked after' not mediated by V status
	Refute		YW neutral	only 2/12 refer to YO as V
Relationships between young offenders and young victims supports the notion of victim culpability	Support	YO version accepted unchallenged; PM & YW see V as contributing to crime; YO excused as provoked by V; history prevents V awareness	PM assumed V guilty of another offence	YO version of justifiable retribution accepted in some cases
	Refute	LOA seen as helpful		

Section Four: Findings from YOT 3

As with YOT 2, I applied the emerging theory from YOT 1 to the interviews, case files and observations in YOT 3. The findings provided evidence to both support and refute the theory. The same six themes used in YOT 2 were applied to YOT 3.

YOT 3 is an inner city YOT serving a large population, of which about a fifth are aged 0-17 years. The area has a diverse population in terms of ethnicity. The team has over forty staff, both full time and part time who, at the time of the research, were located in one building. Like many inner city YOTs, YOT 3 experienced difficulties in recruitment, with a rapid turn over of staff. Two police officers were responsible for making the first contact with victims. When the fieldwork was undertaken, there was one member of staff, which I shall call a restorative justice worker (RJW), who was responsible for developing and managing restorative justice interventions with victims, although this did not prohibit other team members working directly with victims if they wished to do so.

Interviews

Six interviews were undertaken in YOT 3, four YOT workers and two panel members.

Understanding of restorative justice – insight into child victims' experiences of crime

Of the six interviews, four demonstrated some understanding of restorative justice:

> *'It's about directly involving the people who were involved or affected by the crime. A problem solving approach. (RJW)*

> *'...ways the offenders can make reparation for their crimes. To an individual victim or a collective victim if it is a company. It's a way by which victims can be empowered' (YW1).*

> *'It's about them [victims] getting their say. Getting them to open up and vocalise what the issues are' (PM1).*

The method used to deliver restorative justice was, without exception, letters of apology (LOA).

> *'LOA are often put into contracts regardless of who the victim is, as part of a package' (RJW).*

Stereotyping victims – perceived hostile environment

Most YOT workers raised concerns about the victim and offender meeting at a panel. Two perspectives were raised; firstly, the potential effect this might have upon the victim:

> *'I think it's very sensitive [involving young victims in RJ]. I think it is the unknown; also the idea of reliving the experience. Really the phrase wanting to move on is very much around' (YW1).*

> *'I think if the victim is there [at the panel], it adds an added strain to the proceedings. I think most panel members would not have been at a panel where the victim is present. There are circumstances where we wouldn't want it, especially if it was still an emotive area, where some degree of violence has been used. With child victims you have the added problem of the parent. Sometimes the parent can be the biggest stumbling block. Obviously if a young victim attended they would need the support of their parents. You've got to do as much, if not more work with the parent to prepare them, than with the victim, who quite often are upset, but are willing, because they are pliable, willing to try new things' (YW1).*

> *'I think practitioners or [victim agency], whoever takes on that role should meet victims beforehand so it's not so scary' (PM2).*

> *'I can't work out what a young victim would be looking for. If I was a young person, would I be willing to wait two to three months for this process to take place. Realistically, would I be able to sustain the interest?' (PM1).*

The second perspective was based on issues of safety, both at the panel and any subsequent meeting between the two parties.

> *'It depends on the nature of the offence and any repercussions. It would be a good idea if both the victim and perpetrator had been prepared for [the panel]. As you can appreciate time is a factor and I wouldn't always advise it anyway. If they live close to each other, there are possible repercussions, maybe victim feeling victimised again' (YW2).*

'I think one of the things that is an issue is we don't assess victims. At the end of the day we have to protect the child and the panel people. There's no assessment as to maybe how they might react in the panel. They could come in with a gun; it's not like we have a metal detector. Because we don't know how the crime would have affected them; even if it's an assault, even just a sexual assault, say indecent exposure. That could completely freak them out'. (PM2).

Absence of reference to victim

One YOT worker with responsibility for contacting victims was unsure whether a policy existed:

'You've caught me out there. I think there is one somewhere, written down. I've either mislaid it or whatever' (YW1).

None of those interviewed had experience of working with young victims, but felt there would be real benefits for all young people.

'We haven't had young victims yet. I don't know why they are not ready to engage' (YW1).

'As a society we don't seem to understand that young people are the main victims in their community. I think it's useful just to address outside of the court regime if you like, for someone to sit down and address directly the person who perpetrated against them'. (PM1).

Even without direct experience of working with victims, YOT workers felt knowledge that they had gained about victimisation and the impact of crime had assisted them in their work with young offenders.

'My victim awareness work entails enabling young people to gain a greater insight in terms of the thoughts and feelings victims will go through immediately after the offence, during the offence and thereafter' (YW2).

'I think because the [panel members] know we do victim awareness as part of our supervision of the young person, they think we deal with it. I think they should say more to the young person' (PM2 talking as a YW).

Offender focus within restorative justice

The following comments were typical of practitioners' experiences of working with young offenders.

> *'Lots of offenders are victims too' (PM2).*

One YOT worker, however, highlighted that the offender's experience of victimisation did not prevent them from taking some responsibility for their actions.

> *'My experience has been primarily welfare, nevertheless, due to my increasing awareness and experience in this line of work, I'm of the opinion that young people need to be accountable, irrespective of their personal issues' (YW2).*

A panel member described the importance of allowing the young offender to consider the impact of the crime upon the victim, rather than reading the victim statement:

> *'Instead of the [panel member] going "well it [victim impact statement] actually says here blah blah blah" and the young person getting very irritated, I called time on the panel. I went and spoke with the young person. This actual panel member was white, middleclass, retired type. I said we'll wipe the slate clean. The young person is gonna say in his own words what he feels about the victim, then we're gonna move on' (PM2).*

It would appear from the statement below that many YOT workers believe their primary role is to work with and support young offenders, and believe working with victims might compromise that:

> *'I think the concept of working with victims is really really difficult. Most people that work here do so because they want to help the offender (RJW).*

Hierarchy of vulnerability

Acknowledgement of young offenders' vulnerability was linked to the offender focus within the restorative process. Young offenders' victimisation is prioritised in the restorative justice process.

> *'They see the young person as a victim of circumstance and life, or whatever and getting them to acknowledge that there is a victim there and actually want to*

involve them for the benefit of the victim, rather than the benefit of the young

offender is very difficult a lot of the time' (RJW).

Several respondents said that young offenders almost always say they have been victims of crime, but see that as a part of everyday life and the fact they themselves have been convicted of robbery or theft feels unjust.

'A lot of the offenders have been victims. What I've come across, specially robbery and theft. They're saying it happened to me, "I've not done anything about it. I didn't think anything would be done about it this time". They think certain things are ok to do. [Area] is very deprived; some of these kids, you can't imagine how they live.' (YW3).

Victim culpability

Victim culpability is directly linked with history between victim and offender. YOT workers and panel members referred to cases they had been involved with where victim and offender knew one another and the resulting crime was just one of many incidents. Respondents often re-phrased the language from 'assault' to 'fight', thus suggesting possibly an act where both parties engaged in violence, rather than an act where one attacked another.

.'This young lady was arrested for assault because she ended up pulling a lump of hair out of the girls head. There was some punching and kicking and scrapes – whatever. The girl ended up coming before a panel and getting a three month order. I don't have children, but if I had two little girls and that fight had taken place outside school it would be about telling them off, not going through the criminal justice system for a physical fight' (PM1).

Case files

A total of 11 case files were analysed and, like the previous two YOTs, this included paper and computerised files. There were no separate files for victim data.

Understanding of restorative justice – insight in child victims' experiences of crime

In all case files analysed, the period between the crime being committed and the panel was considerable, often several weeks. In three cases, the delay was in excess of four months although it was not possible to ascertain the reasons for this.

Five case files held references to restorative justice. This appeared in a variety of formats; the most common was reference to out-sourcing victim awareness work to another agency. Contracts drawn up at the initial panel meetings included sections such as:

'2 x 2hr sessions with [victim agency]' (case file 1).

In some cases this was indicated by a tick in a tick-box against the words *'RJ'* or *'Victim Work'.*

In two cases the police officer in the YOT had met with the victims and their parents to discuss their involvement in restorative justice. Data from the two meetings was not included in the report for panel members.

In one instance (case file 2) the mother of the victim wished for her and her son to attend the panel. She had spoken with the YOT police officer 15 days before the panel requesting attendance and again on the actual day of the panel. However, the entry on the computer file stated:

'[young offender] and mum prefer that the victim and family are not present due to the alleged bullying that [young offender] has received from the victim' (case file2)

The YOT worker's report for the panel did mention that he had encouraged the young offender to consider the benefits of meeting with the victim, but without success. The report did not mention that the victim actually wished to attend.

Three of the case files made no reference to restorative justice and none of the 11 case files mentioned a letter of apology.

Mention of victims' experiences of crime appeared in just one case, where the victim had been subjected to a serious sexual assault and the case file briefly recorded how the victim felt in the aftermath of the crime;

'huge distress experienced by victim'.

In the same case, the YOT worker described challenging the young offender's account of the offence which appeared far less serious than the victim's. The young offender then admitted that the situation was more serious than presented.

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Stereotyping victims – perceived hostile environment

Other than case file 2 mentioned above, none of the case files contained information relevant to this theme.

Absence of reference to victim

All the case files made some reference to the victim, either in relation to attempting to contact victims, contacting victims, or in the context of restorative justice mentioned earlier. Findings revealed that many YOT workers appeared to have difficulty locating the Crown Prosecution Service papers and were therefore denied an important source of information on the impact of crime upon the victim.

The police officers in the YOT contacted victims in all 11 cases by telephone, letter or, in two cases, visits to the home. However in only two of the cases did the panel report make any reference to the impact of the crime upon the victims; case file 8 (serious sexual assault) mentioned above and a case of Actual Bodily Harm upon a young girl. In the latter instance the computer file stated:

> *'This was obviously a very traumatic incident that required the victim to attend hospital'* (case file 6)

Offender focus in restorative justice

Findings from the case files suggest that the offender focus within the restorative justice process was significant. In terms of the actual panel, the findings revealed that contracts made at the panels contained some reference to victim awareness as a general concept, but no reference to actual victims. Contracts also made reference to possible types of reparation, but the main focus was on the offender. For example, case file 6 states that the young offender:

> *'Will attend appointments with the YW; attend [agency assisting young people in seeking job opportunities;]; pursue positive recreational activity; attend first aid course; co-ordinate with [agency involved with education]; and attend college'.*

Case file 2 offered similar offender-focused activities:

> *'Two weekly appointment; first aid course; will produce a project concentrating on bullying with an insight from different viewpoints, that offer an improved way of dealing with the issue'.*

Hierarchy of vulnerability

All 11 case files held references to young offenders' victimisation. In the majority of cases this was linked with the history between the victim and offender, whereby the offender had previously been a victim at the hands of the stated victim. In case file 1 for example, under the heading 'Thinking and behaviour', the YOT worker wrote:

> '...only participated in the offence because he mistakenly thought the victim was responsible for robbing him on a previous occasion. Having been a victim himself was able to empathise with his victim, but I feel could benefit from some input from [agency]'.

In the report to the panel the YOT worker stated:

> '...mistook him for someone who had been present when he had been robbed in the past. I feel the young person's motivation was revenge for the robbery that the victim had been present at previously' (case file 1).

Two case files refer to the young offenders' experience of being the subject of orders issued by courts as victimisation. Case file six, for example, states:

> 'Her own victimisation – being on a supervision order' (case file 6).

Victim culpability

Reference to the victim's involvement in the crime was evident in all 11 cases. This was inevitably linked with the relationship between victim and offender. In all cases bar one, the victim and offender were known to one another in varying degrees. Case file 4, for example, is typical of the case files examined:

> 'The young person spotted the victim, another pupil with whom there had been a past history of animosity' (case file 4).

Observations

A total of three panels were observed and these took place in the local civic centre. No victims were present at the panels, however the police officer based in the YOT attended two of the panels, reading out statements from the victims.

Understanding of restorative justice – insight into child victims' experiences of crime

Findings from the three panels observed suggest that panel members struggled to explain reparation to young offenders at panels. In all three observations the YOT worker stepped in to give a more detailed explanation. In observation 1, for example, the panel member said to the young offender:

> *'We want you to do twenty hours reparation; that means unpaid work'* (observation 1).

The YOT worker then added:

> *'It's about repairing the harm done'.* (observation 1).

The decision about reparation was made at the pre-panel meeting, before hearing from the young offender, or considering any information (if available) about the victim. A panel member said:

> *'In terms of reparation, perhaps we can be a bit creative here. He's interested in photography, maybe we can link that with the crime'.* (observation 1).

References to victim awareness sessions in the panel contract were made in two of the observations although panel members asked no questions of the police officer or the YOT worker about the victim at all three pre-panel meetings.

Stereotyping victims – perceived hostile environment

Few references to stereotyping victims were evident other than in observation 1 where, during the course of the panel, the panel said to the young offender:

> *'Sometimes victims take things into their hands. You could have been cornered in a dark alley and beaten up'* (observation 3).

Absence of reference to victim

Findings under this theme varied from information being volunteered by YOT workers and panel members asking questions spontaneously, to no information being available and no questions being asked.

In observation 1, when the police officer read out a statement from the victim, the panel member asked the young offender three follow-up questions:

'What made you notice the victims? Could you see any reaction from the victim? How do you think they felt?'

In observation 2, although the panel members made no reference to the victim during the panel, the YOT worker then stepped in and asked the young person a number of questions regarding the impact on the victim.

During observation 3, at the pre-panel stage, the police officer explained the circumstances of the case to panel members. However, the panel members asked no questions about the victim. During the course of the panel the police officer read the statement from the victim. The panel members then asked the young offender:

> *'How do you feel? Have your thoughts changed? Did you realise how much impact?'* (observation 3).

Offender focus within restorative justice process

In all three observations the focus was primarily on the young offender. Although a statement from the victim was read out in the case of two observations, the panel's responses were brief. In observation 1, the panel member said:

> *What do you think about that, it does affect other people including your mum and dad.*

Similarly, in observation 3 the panel member asked the young offender:

> *Have you thought how the victims might feel? Did you realise how much impact this had?*

Much of the focus was on the contract to be issued by the panel and how this would be achieved. Victim awareness sessions were cited in two of the contracts and the panel members suggested the sessions could be counted towards meeting reparation hours.

Hierarchy of vulnerability

There was little reference to this other than, when asked, all three offenders said they had been victims of crime previously. Also, in observation 3, the panel members recommended a referral to a psychologist on the basis that the young offender's father had died six years previously.

Victim culpability

The three observations provided no evidence relevant to this theme although in all three cases the victim and offender were not known to one another.

Conclusion – YOT 3

Like YOT 2, findings from the application of the emergent theory from YOT 1 to YOT 3 also revealed some similarities and differences which are discussed in more detail in the analysis chapter. The theory emerging from YOT 1 was:

> *The operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, is such that child victims of crimes perpetrated by child offenders are often invisible in the restorative justice process. Victim visibility is rare and often associated with culpability.*

Following the same process as for YOT 2, finding were extracted from the data using a theory-driven, case-study methodology. Findings were mapped against the same six theoretical propositions that emerged from YOT 1. The process of synthesis for this setting is illustrated by Figure 5.5 which includes findings that either support or refute these theoretical propositions from interviews, observation and case files; where nothing significant was found, I left the space blank.

Synthesis of findings demonstrated that the original theory from YOT 1, although still applicable, failed to adequately capture important new aspects of the phenomenon such as a stronger focus on restorative justice which was driven by a combination of a YOT worker who read out victim impact statements at panels and the restorative justice worker who, when present at panels, improved that restorative component. However, victims were equally absent from the processes.

During the fieldwork, much of the victim awareness work was contracted out to another agency which led to restorative justice involving victims becoming somewhat detached from the everyday work of the YOT. However, the findings did reveal that YOT workers perceive victims to be culpable and their presence at panels problematic. Accordingly, a continuing theme of victim invisibility is evident in findings from YOT 3 where the emergent theory was that:

The separation of restorative justice practice in relation to working with victims and young offenders, through Referral orders delivered by YOTs and youth offender panels, excludes child victims and limits restorative justice processes.

Abbreviations in the table (Figure 5.5) include:

V = victim, YO = young offender, RJW = restorative justice worker, PM = panel member, YW = YOT worker, RJ = restorative justice, and LOA = letter of apology.

Figure 5. 5 – Synthesis of YOT 3 findings

Theoretical proposition		Interviews	Observations	case files
Practitioners' superficial understanding of restorative justice and ambiguity towards victims limit their ability to work in a truly restorative manner	Support	RJ delivered via LOA irrespective of circs.	PM likens reparation to unpaid work; PM ask no questions re V in all pre-panel meetings	V awareness sessions outsourced; details of YW meeting with V left out of panel report; V and V mum denied access to panel at YO request to YW; no LOA in contracts
	Refute	reasonable in 4/6	YW read V statements 2/3 cases; YW intervened in all panels to boost RJ perspective; RJW presence increased focus	YW met V and family; V impact mentioned in case of sex assault
Stereotyping of young victims by practitioners, due to assumptions, values and beliefs, tend to alienate victims from restorative processes	Support	YW think not in V interests to attend: concerns that panel would be disrupted; concerns that V might be further victimised; V poses a threat	PM in one case tells YO that V can be violent	V assumed to be bully, YO account accepted
	Refute	with preparation V could be involved		
Lack of information on, reference to, and contact with victims render practitioners insensible to young victims	Support	PM and YW have little or no experience of working with V; PM thinks RJ should happen outside YJS	PM prompted by YW before asking questions re V 2/3	Contact with V not reported in panel reports
	Refute		PM asks questions re V: YW asks questions of YO re V at panel	Attempts to contact V made in all cases; victim impact established in case of sexual assault
Practitioners welfarist approach to young offenders creates and maintains a cultural separation, which discourages direct work with victims	Support	RJW thinks most YW are reluctant to move away from YO focus; YW think not their job to work with V; YW think YO are V too; PM silences V through YO prioritisation	refs to V brief 3/3; focus on YO and contract 3/3	V component absent from panel contracts
	Refute	YW think that YO circs should be acknowledged but not excuse crime	V awareness in contract 2/3	
The dominance of the professional focus on young offenders creates and maintains practitioners perceptions that young offenders are more vulnerable than their young victims	Support	RJW says YW can't understand V involvement for RJ rather than for YO; YW says YO deprivation is a factor; YW normalises crime	all 3 YO asked whether been V, all said yes; PM recommended referral to psychologist for bereavement as YO dad died 6 years ago	YO presented as V to justify crime, assumption of revenge, panel report misleading to YO advantage; YO subject of family proceedings presented as victimisation
	Refute			
Relationships between young offenders and young victims supports the notion of victim culpability	Support	YW and PM use non-criminal language to show equality between protagonists; PM reframes assault as fight	no findings but no history between 3/3 V and YO	YO and V known to each other in all bar one cases. History linked to V culpability
	Refute			

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Conclusion

Although no specific questions were posed during interviews, it is perhaps noteworthy that no evidence was obtained of practitioner awareness of external factors such as gender or ethnicity. During interviews, participants were asked a number of questions about their contact with victims and young offenders and had ample opportunity to reveal external factors that they considered important. Similarly, during observations, particularly during the pre and post-panel meetings, practitioners had opportunity to discuss external factors that might contribute to young people's vulnerability or resilience yet didn't do so in terms of gender or ethnicity. However, there was evidence of other external factors being actively considered in relation to young offenders such as disability and social exclusion. No such discussions took place in relation to young victims, although case files contained information on both gender and ethnicity in relation to young offenders, and the gender of victims. This issue is reflected upon in Chapter Six.

The interviews provided the best opportunity to explore practitioner views and ascertain whether, or to what extent, YOT workers and panel members differed in their responses to the same or similar questions in the semi-structured interview schedules. Whilst the findings revealed few differences in YOT workers' and panel members' responses, some differences were revealed across the three YOTs in three areas; understanding of restorative justice, offender focus within restorative justice, and victim culpability. The implications of these similarities and differences re discussed in Chapter Six.

During this chapter I have attempted to describe findings from all three settings as neutrally as possible, taking into active consideration my plurality of roles in this research which include research designer, data collector, analyst, and reporter. Although the same approach to data collection was taken for all settings, I adopted a staged approach to data analyses and the structure of this chapter mirrors that approach.

I have described how, using grounded theory, I mapped emerging categories from the 19 YOT 1 interviews arriving at thirty re-conceptualised categories, to enable meaning to emerge from the data from which I could hypothesise and test. I have also described how I used this same mapping process to develop nine specific categories, or theoretical propositions, which I then applied, using case study methods, to the other data sources

from YOT 1. This process enabled me to refine the nine specific categories producing six common themes, or theoretical propositions, from the totality of data from YOT 1, allowing theory to emerge inductively which, using replication logic (Yin, 1994), I then used to analyse data from the other two settings. This produced variations of the original theory and rendered the findings suitable for cross-case analysis. The next chapter describes analysis of the findings across the three YOTs.

CHAPTER SIX – ANALYSIS OF FINDINGS

Introduction

In the previous chapter I described the findings from analysis of data from all three settings, looking firstly at each data source from each setting and then the synthesis of data within each setting. Using a variation of case study methodology, I applied the six themes that underpin the emergent theory from YOT 1 to each data source from the other two settings before synthesising the data within YOTs 2 and 3. Independent analysis of data from the other settings against these themes helped me keep an open mind as to whether, or to what extent, findings from YOT 1 would be replicated in the other settings, either 'theoretically' or 'logically' (Yin, 1994). The chapter concludes without describing the analysis of findings across each setting. This was a deliberate strategy to restrict the preceding chapter to a relatively neutral portrayal of findings as they emerged from data, and pave the way for cross-case analysis at a more conceptual level.

In this chapter I describe analysis of findings across the three YOTs, comparing the respective theories that emerged to arrive at a more holistic theory that I expect to have resonance with, and relevance for, other YOTs. During the process of analysis I used the same six themes, presented as the same six theoretical propositions, to illuminate and discuss similarities and differences across the three settings:

1. Practitioners' superficial understanding of restorative justice and ambiguity towards victims limit their ability to work in a truly restorative manner (Theme; understanding of restorative justice)

2. Stereotyping of young victims by practitioners, due to assumptions, values and beliefs, tend to alienate victims from restorative processes (Theme; Stereotyping victims)

3. Lack of information on, reference to, and contact with victims render practitioners insensible to young victims (Theme; absence of reference to victim)

4. Practitioners welfarist approach to young offenders creates and maintains a cultural separation, which discourages direct work with victims (Theme; offender focus)

5. The dominance of the professional focus on young offenders, creates and maintains practitioner perceptions that young offenders are more vulnerable than their young victims. (Theme; hierarchy of vulnerability)

6. Relationships between young offenders and young victims supports the notion of victim culpability (Theme; victim culpability)

It is these theoretical propositions and the respective theories that form the structure for this chapter, but firstly it is important to revisit the three theories as constructed from these derivative themes or theoretical propositions.

Theory from YOT 1:

The operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, is such that child victims of crimes perpetrated by child offenders are often invisible in the restorative justice process. Victim visibility is rare and often associated with culpability.

In this theory, the term *invisible in the restorative justice process* means that reference to victims is limited and victims are directly or indirectly absent.

Theory from YOT 2:

The operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, supports and perpetuates a cultural construction of child victims and offenders that has the potential to render victims invisible and frustrate restorative justice processes.

In the context of this theory, the term *cultural construction of child victims and offenders* means that practitioners apply collective norms and values in making sense of restorative justice situations.

Theory from YOT 3:

The separation of restorative justice practice in relation to working with victims and young offenders, through Referral orders delivered by YOTs and youth offender panels, excludes child victims and limits restorative justice processes.

In this theory, the term *separation of practice* means that practitioners actively or passively avoid work with victims due to their perceived primary role in working with offenders.

Cross-case analysis involved comparing and contrasting the three theories, through their constituent parts, to discover, illuminate and discuss key phenomena to arrive at a holistic theory. The first stage in this process was to compare and contrast each of the theoretical propositions according to the findings within each YOT.

The application of grounded theory (consisting of a number of specific patterns or categories) emerging from YOT 1 was applied to YOT 2 and YOT 3, using an adaptation of Yin's 'replication logic (ibid). Yin referred to the necessity to state any external conditions that might apply to the application of a theory to any subsequent cases, which might result in the prediction of contrasting results. The findings from the three YOTs produced many similarities, but also some differences. To inform this discussion, it was important to consider the external conditions that might have predicted contrasting results.

External Factors
As discussed in preceding chapters, geographically and demographically the three YOTs were diverse. In relation to socio-economic factors, gender, age range, ethnicity and professional or role were recorded for participant interviewees. From this, a participant profile was created and is reproduced at Appendix 6.1. Both panel member and YOT worker interviewees were almost exclusively white (34 of 37). This was consistent with the lack of ethnic diversity noted from observations; whilst there was an element of diversity in terms of ethnicity found within the service-user group in YOTs 1 and 2, the practitioners and panel members were almost exclusively white. YOT 3 had a greater range of diversity across service-users, practitioners and panel members.

Panel members were slightly older than YOT workers in YOTs 1 and 2, but slightly younger in YOT 3. The majority of YOT workers were female (12 of 19) and the majority of panel members were male (12 of 18), although the gender distribution overall was almost equal (19 men and 18 women). The majority of YOT workers described themselves as either social workers, or performing social work roles, with only six out of 19 in non-social work roles (four police officer and two education workers). The most frequently appearing occupation for panel members were retirees (eight), whilst the 10

panel members still working were in a variety of occupations with only three being in obviously managerial roles. Analysis of these data revealed little of significance other than the fact that practitioners were socio-economically unrepresentative of the general population in the three areas, particularly in relation to ethnicity. The likely experience of young people (young offenders and young victims) involved with restorative justice would therefore be one of officials presiding over 'their' processes who have little in common with them and would be unlikely to fully comprehend their life experiences. Additionally, panel members were not representative of 'their' communities a situation likely to reduce the effectiveness of the offender-victim-community dynamic. As mentioned in the preceding chapter, there was little evidence of external factors being taken into consideration by practitioners during interviews or observations. This is surprising when one considers that provider agencies have gone to great lengths to ensure that workers actively consider these factors and place great importance on diversity, ethnicity, gender and disability. Although case files contained information on young offenders' gender and ethnicity, there was little evidence of these factors being actively considered for the purposes of youth offender panels, and no evidence of them being considered in relation to young victims. One could therefore posit that multi-agency secondments, or professional distance from provider agencies, tend to dilute practitioner awareness in this area.

Experiential factors were also recorded for interviewees including length of service and experience of victims attending panels, although the latter was only recorded for panel members. The average length of service overall was 2 years 3 months although YOT workers had been in their role slightly longer than panel members (over 2 years 6 months and 1 year 11 months respectively). Exposure to young victims at panels for panel members was low; seven young victims over 34 years combined service. Of this, six instances were reported by the same interviewee, panel member two, whose claims in this area were so much higher than anyone else's that one must question their accuracy. If one takes panel member two out of the equation, exposure to young victims at panels was reported as one instance in over 31 years panel member service. It is clear from these data that panel members were rarely exposed to young victims, a contributory factor for many of the issues discussed in the remainder of this chapter.

In terms of their structure, one might have anticipated differences in relation to victim involvement. For example, YOTs 2 and 3 had designated victim workers, in contrast to

YOT 1 which did not have a dedicated worker for undertaking either victim contact work or restorative justice work. One might have predicted, therefore, that YOT 2 and YOT 3 might be more familiar with the concept of restorative justice and have a greater understanding of child victims. However, this was not the case.

Theoretical proposition 1 – Superficial understanding
Practitioners' superficial understanding of restorative justice and ambiguity towards victims limit their ability to work in a truly restorative manner.

Practitioners and panel members in both YOT 2 and YOT 3 appeared no more knowledgeable about restorative justice than those in YOT 1. It was apparent that the knowledge base in relation to restorative justice was located at an individual level and was not team determined. In all three settings, restorative justice was generally reduced from an ideological framework to a task-orientated output such as writing a letter of apology.

All panel members and the majority of the YOT workers in all three YOTs had received training on restorative justice, in line with government guidance which advocated the need for underpinning knowledge, including the need for 'essential knowledge relevant to working with victims and offenders' (Home Office, 2004a: 4). Several YOT workers and panel members, whilst displaying some familiarity with the language of restorative justice, using terms such as 'reparation' 'repairing harm' and 'resolving conflict', were not always clear about which parties should be involved. References to victims' participation in restorative justice were meagre across all three settings.

Of the three YOTs examined, one contracted out their restorative justice and victim work, and another restricted the work to specific workers, which meant that opportunities to understand and become familiar with the concept were restricted. Sub-contracting out victim work denied practitioners the chance to practice restorative justice in the sense of contact with victims. This meant that the core work practitioners undertook with young offenders was absent of any meaningful understanding of the impact of crime upon victims.

A good understanding of restorative justice is essential for effective delivery. This research revealed that although practitioners said they understood the concept of restorative justice,

they had difficulty in applying this to practice. A number of hurdles conspired to prevent practitioners working restoratively. Victims were contacted by police officers in YOTs 1 and 3, and by the dedicated victim worker in YOT 2. The number of police officers in the teams was very small, averaging two per YOT. In all three teams, police officers had responsibility for making initial contact with all victims. Many of the panels did not meet the 20 day time frame and, even when delayed, victim presence was rare. Legislative constraints aside, case files and observations revealed an apparent lack of understanding of restorative justice. Case files revealed that letters of apology written by young offenders to young victims were not seen as a priority in Referral Order contracts; often the letter was completed towards the end of the order, by which time many of the crimes were at least six months old.

Other examples of how a lack of understanding about restorative justice manifested itself in practice were found during the observations of panels. Some panel members used the panel as a pseudo court, where they revisited the crime and, in the case of YOT 2, asked subjects and their families to leave the room whilst the contents of the contract were developed.

Superficial understanding was primarily apparent during observations and interviews. YOT workers and panel members clearly viewed restorative justice in terms of tangible outcomes, such as a letter of apology, rather than as a process. The bringing together of parties to discuss the aftermath of crime and harm caused, appeared secondary to *doing* something such as community reparation. The rather formulaic letter of apology or cleaning of police cars (a popular recourse) appeared to be based on the lack of restorative and reparative opportunities available to YOTs. It was suggested that the opportunity for the victim and offender to meet to discuss the aftermath of the crime was impractical due to time constraints.

Undeveloped victim contact skills, lack of training around the needs of victims and the normality of victim absence from panels left panel members feeling somewhat apprehensive at the prospect of a victim attending a panel. There is an unfortunate circularity about this; less contact with victims limits opportunities for practitioners to overcome fears and develop skills, keeping confidence levels low; low confidence increases the propensity for victim avoidance and decreases the chances of opportunity

creation, making contact with victims less likely. We have then a situation where panel members with undeveloped victim skills and inadequate training on the impact of crime, may be dealing with aggrieved young offenders who show little or no remorse. Such a combination makes restorative justice difficult to deliver effectively.

In relation to interviews, YOT workers demonstrated a more sophisticated understanding of restorative justice than panel members even though they did not link their understanding to a particular definition. Panel members' understanding was relatively superficial and linked to a notion of victims having an opportunity to have their say. Panel members provided few indications that they fully understood their role as community representatives in relation to the restorative justice principles of responsibility, reparation and reintegration (Crime and Disorder Act 1998). There were few differences in the level of understanding of restorative justice or ambiguity towards victims across the three settings, and the prediction that designated victim workers would have a positive impact did not hold true.

Theoretical proposition 2 – Stereotyping victims
Stereotyping of young victims by practitioners, due to assumptions, values and beliefs, tend to alienate victims from restorative processes.

Evidence of stereotyping child victims was common in all three YOTs. Similar assumptions were made by both practitioners and panel members, including assumptions over victim culpability, where practitioners saw little benefit in victims attending a youth offender panel and adopted a default position whereby a victim's presence at a panel was considered potentially problematic. Another common theme was that the majority of practitioners and panel members had never experienced a panel involving a victim directly. Other than in one case in YOT 2 case files, where a victim attended a panel resulting in a practitioner's prior reservations being dispelled, and in one YOT 2 observation where a victim attended a panel, there was no evidence of victims' direct participation. This want of exposure did little to challenge stereotypical assumptions, in spite of significant information about victims being held within some case files.

Perceptions of vengeful victims and a potentially hostile panel (to the young offender) created a sense of fear amongst some panel members. This was seen as problematic by

YOT workers too. They raised concerns about dealing with uncertainty and managing conflict. This perspective was somewhat strange given that panels, even without the victim present, have the potential to be fraught. Dealing with conflict was not unusual for panels; nevertheless, the presence of a victim was thought likely to exacerbate anticipated difficulties.

One YOT worker voiced concerns about young victims attending panels due to their own vulnerability, and at least two other respondents found it difficult to understand why victims would want to put themselves in a face-to-face situation with their protagonists when they didn't have to. On the face of it this seemed anomalous with the tendency for the same practitioners to neutralise young offenders' involvement due to victim precipitation. In these situations, although victims were seen as both blameworthy and vulnerable, the evidence showed that these attributes were not mutually exclusive. YOT workers in particular clearly perceived young offenders as their 'clients' and the involvement of other parties were secondary considerations. The presence of victims at panels was considered problematic in that it would increase the likelihood of a panel being a source of upset for the young offender, irrespective of the YOT worker's perception of the victim's level of vulnerability. Where victims were also young people, it would be easy for YOT workers to assume that, as children, they would experience panels as potentially traumatic and wish to protect them. It may be a fortunate coincidence, from the YOT worker perspective, that distancing young victims from panels serves to protect both vulnerable young people from harm. Such assumptions, however, not only frustrate truly restorative processes but also reveal significant practitioner misunderstanding of young victims' need for resolution and reparation.

In summary, few differences were discernable across the settings other than two instances in YOT 2 where victims had attended a panel. In both these cases the panels were productive with both victim and offender having participated positively.

Theoretical proposition 3 – Absence of reference to victims
Lack of information on, reference to, and contact with victims render practitioners insensible to young victims.

Factual information about young victims, including the impact of crime, was limited or lacking across all three YOTs. Most case files revealed little information about victims and the impact of crime and, during observations, requests for information about young victims from panel members were rare. Almost without exception, the sole source of data on young victims provided at panels originated from young offenders. One of only two examples of practitioner pro-activity in this area occurred in a YOT 1 interview where a YOT worker (YW8) described making appointments with victims to better understand their true feelings. Whether, or to what extent this was a response to scepticism over information provided by young offenders is unclear, although this practice was clearly exceptional as it gave rise to the original category 'maverick practice'. The other instance of practitioner pro-activity occurred in a case of sexual assault, which was unusual for YOTs to deal with. In this case the YOT worker went to exceptional lengths to ascertain the victim's perspective in order to challenge the offender's version of events, even delaying the panel to do so (case file 8, YOT 3).

In YOTs 1 and 3 in particular, YOT workers were unsure whether a victim policy existed and in YOT 2 the whole process for contacting and involving victims was separated from the YOT worker role. This is significant when one considers that the main tenet of restorative justice is to create meaningful dialogue between the offender, victim and community with a view to repairing harm. When viewed with theoretical proposition four below, it is clear that there are a number of factors that, in combination, render practitioners insensible to involving victims directly.

The process of deconstructing victims was found to be taking place in all three YOTs, although in YOT 3 the evidence to support this was strongest. Deconstruction in this context means depersonalising and objectifying victims through use of language (calling the victim 'the victim') and lack of information (failing to ascertain, provide or take account of victim's accounts of the impact of the crime, either emotionally or physically). For example, names of victims rarely appeared in observations and case files; they were almost universally referred to in the third person as 'the victim'. Case files also made reference to 'the victim', despite information elsewhere in the files which confirmed not only names, but ages, gender and ethnicity. Although the term 'young person' was used universally to describe young offenders, the term 'young victim' was never used. Whilst

the use of first names was common in referring to young offenders within reports and at panels, young victims were hardly ever referred to by name.

When YOT 1 panel members discussed the impact of crime with young offenders, in the absence of the victim, they would often ask them to consider how their mother might feel if they had been the victim of the crime in question. Crime affects different people in different ways and cannot be anticipated or generalised. Delegating the delivery of work on the impact of crime to an external agency merely further distances the young offender from the *actual* victim. Even where relevant information was available, panel members were reluctant to pursue discussions about how the crime affected the victim, preferring to ask the young offender to think about how the crime may affect someone close to them. Case files revealed that some YOT workers also used this method when undertaking victim awareness sessions with young offenders. The introduction of a pseudo victim occurred most often in YOT 1 although, in the other settings, panel members made even fewer attempts to confront young offenders with the impact of their crime on victims.

During YOT 3 observations, panel members were sometimes prompted by YOT workers who engendered discussion by unilaterally asking young offenders about the impact of crime. In YOT 3 practice had developed where a YOT worker (police officer) read out victim impact statements during some panels (where they existed, which was in two of the three observations), although in two YOT 2 case files the YOT worker portrayed the offence as less serious than it was. Panel reports for YOT 2 observations contained little information on the circumstances or impact of victims and little discussion on these matters occurred during panels. During interviews of YOT 1 practitioners, some panel members and a YOT worker suggested that more information and involvement would be beneficial, although this was not overtly evident in the other settings. The interviews across all three settings revealed that panel members felt the absence of reference to the actual victim put them at a disadvantage whereas YOT workers preferred to refer to victims in general to help young offenders understand the impact of crime. YOT workers used references to victims more in terms of the reintegration of young offenders, than to encourage them to accept responsibility for their actions.

It is difficult to clearly discern whether, or to what extent, practitioners were actually insensible to young victims, or whether they accepted that information on victims, and

involvement in restorative justice by victims, was unobtainable or impracticable. However, a common theme of distancing victims from restorative justice processes emerged which, in effect, rendered such processes insensible.

Theoretical proposition 4 – Offender focus
The dominance of the professional focus on young offenders, creates and maintains practitioner perceptions that young offenders are more vulnerable than their young victims.

All three YOTs used the term 'young person' to describe young offenders. Additionally, crimes were often referred to as 'incidents' and, particularly in YOTs 1 and 2, there was a tendency to minimise the seriousness of crime, or even question the legitimacy of young offenders being subject to criminal justice processes.

The perceived vulnerabilities of young offenders elicited a pattern of behaviour that could be described as protectionist. Analysis of data showed that such behaviour manifested itself in a number of ways in all three YOTs. During the course of interviews, practitioners in all three YOTs highlighted the young offender's experience of criminal victimisation along with their relative social exclusion. Additionally, data from all YOTs revealed that many practitioners and panel members felt that offending behaviour was to some extent justified because of the actions of victims. This was evident in both interviews and observations.

Concern about child victims attending panels and the impact this might have on the young offender was more evident in YOTs 1 and 3 than YOT 2. The youth offender panel process, including the panel report, was offender focused in all three YOTs. Examples in YOTs 1 and 2 revealed that letters of apology to the victim were either not sent – on the basis this would cause difficulties for the young offender, as victim and offender were known to one another – or not prioritised for completion.

A significant departure from offender focus was found in YOT 2 panels where young offenders and their parents were excluded from the part of panels where contracts were drawn up. However, this pseudo-court behaviour did not result in a reciprocal increase in victim focus. Conversely, YOT 1 pre-panel meetings were dominated by discussions of

young offenders' social and environmental circumstances and needs, with virtually no mention of young victims. Additionally, there was evidence in one YOT 1 observation where practitioners colluded with each other at the pre-panel meeting, and then with the young offender during the panel, agreeing that the young offender was, relative to the young victim, essentially blameless.

The child-first philosophy was firmly established by virtue of young offenders' status as children. The interviews revealed some differences between YOT workers' and panel members' attitudes in this area. The main difference was that YOT workers felt that work with victims was not their role and that their primary responsibility was to reintegrate young offenders, whereas panel members passively accepted YOT workers interpretation of their role. Whereas victims were not bound to become involved in panels, young offenders were, and practitioners wished to minimise the trauma a panel may present to their 'young person' who had already been to court and 'been dealt with' (YW1, YOT 1). Additionally, panel members demonstrated little understanding of victims' rights and the probability of their exclusion from earlier proceedings. In one case, a YOT 1 panel member interviewee clearly thought that victims were represented at court and had a right to be heard there (PM7). The overriding cultural identify of the three YOTs examined was welfarist. The vulnerability and needs of young offenders were highlighted and reinforced during the course of interviews in all settings, with many YOT workers and panel members seeing the youth justice system as punitive.

Only two young victims attended a panel during the course of the research. During the interviews many practitioners felt that a panel with a young victim present would be difficult for young offenders and clearly wished to protect them from this. Within the Youth Justice and Criminal Evidence Act (1999), there is provision for YOT workers to apply discretion and exclude victims if they believe this to be detrimental to the process. Data from across case files showed that such discretion was exercised in at least some cases where victims actively wanted to participate; five out of 39 cases. To put this in context, of the 39 case files examined, 12 had no information on the victim or victim contact, and in 11 cases the victim declined to attend. Of this 11, eight asked to be informed of the outcome. In two other cases victims were represented by a third party. In all of the remaining nine cases, victim data was requested for panel but not received.

During the observations, panel members asked little or nothing about victims' absence, and where they did, the YOT workers' responses were generally vague and panel members didn't ask for clarification or further explanation. Taken together, data suggested that YOT workers preferred that victims did not participate and panel members passively accepted this situation. Whether, or to what extent systems and processes were used to engineer their absence was not clear, although the data clearly indicates that this was likely, and opportunities for restorative justice for young victims and young offenders would have been lost.

Theoretical proposition 5 – Hierarchy of vulnerability
Young offenders are viewed by practitioners as more vulnerable than their young victims.

The concept of offenders as victims was ubiquitous. Interviews, observations and case files in all settings provided evidence of offenders constructed as victims. Not only were there many examples of victimisation by peers but also, in the broader sense, victimisation by circumstance was abundant throughout all data sources.

Whilst there was a clear delineation between victimisation by peers and victimisation by circumstance, all but one YOT worker and all panel members reported feeling that both experiences contributed to the young person's offending behaviour. YOT workers had a good understanding of how the impact of crime by peers had impacted on young offenders. A number of case files provided details of such victimisation by peers, which included being assaulted and robbed. YOT workers and panel members talked about young offenders who, in the aftermath of their own victimisation, felt anxious about going out, guilty about why they didn't or couldn't protect themselves, and frightened the perpetrator would return. It is important to note here that YOT workers and panel members acknowledged and understood that young people were undoubtedly affected by crime, and experienced a variety of symptoms in the aftermath of crime which could engender a desire for revenge and become a contributing factor to subsequent offending behaviour.

At YOT 1 and YOT 2 pre-panel meetings the YOT workers provided information on young offenders' vulnerability that was not recorded in the panel reports. For example, panel members were given brief details of confidential information on young offenders'

care status and circumstances that had no direct bearing on the offence. Additionally, in one YOT 2 case file, the fact that a victim was 'looked after' (in care) was not included in the panel report whereas the young offender's 'looked after' status was. However, in a YOT 2 observation the YOT worker did inform the panel members at the pre-panel meting that the victim was in foster care, but in the context of not being able to contact the victim, rather than providing additional information on vulnerability. At least two YOT workers from YOT 1 interviews stressed that many young offenders were victims of child abuse and were therefore more deserving of sympathy and understanding. No mention was made of the likelihood of victims being similarly vulnerable in any of the YOTs. In YOT 3 observations, there was less emphasis on young offenders' social disadvantage but a strong emphasis on their victimisation by peers. However, this was in the context of understanding the impact of crime perpetrated by other young people, and not primarily to discover the extent of their vulnerability. Nevertheless, in one YOT 3 interview, a YOT worker made a causal link between social deprivation and young offenders' vulnerability.

Many similarities and few differences were discerned across the three settings in terms of practitioner perceptions of young offenders' vulnerability, which were often more robustly portrayed than young victims' vulnerability. In the case of the latter, information was either not sought or not provided for the purposes of panels, rendering the process insensible to victims' vulnerability. Clearly, practitioners perceived young offenders to be their primary concern and, as in theoretical proposition four (above), viewed their work as offender rather than offence oriented.

Theoretical proposition 6 – Victim culpability
Relationships between young offenders and young victims supports the notion of victim culpability.

There were two unique elements to the young offender – young victim relationship in the vast majority of cases; they were both under the age of 18 and were usually known to one another. In the context of the offence, their relationship was perceived negatively by practitioners, who understood and interpreted their relationship as mutually animus where the victim was, to a greater or lesser extent, blameworthy. This was true across all three settings although in three observations in YOT 3 the young offender and young victim were apparently not known to each other. The history between the parties was considered

problematic in that it prevented young offenders feeling blameworthy where offences were perceived to be in response to young victims' behaviour, making reparation and reintegration difficult. However, in spite of practitioners accepting young offenders' largely blameless accounts, in YOT 1 panel members did give advice to young offenders about how to manage future relations with young victims.

Practitioners had little information on victims' circumstances and involvement from either case information or from victims directly across all three settings, with the notable exception of two YOT 3 observations (where victim impact statements were obtained and read out by YOT workers) and two YOT 2 cases (one observation and one case file) where victims attended panels. Nevertheless, the dearth of reliable information on victims did not prevent practitioners, particularly in YOTs 1 and 2, from viewing young victims as culpable; views that reflected, or at least left unchallenged, young offenders' interpretation of events. This was particularly evident in YOT 1 and 2 pre-panel meetings where practitioners discussed young victims in terms of their presumed precipitation with the victim either being blamed outright or being considered equally blameworthy. The term 'six of one, half a dozen of the other' featured verbatim in at least one case (a YOT 1 case file) but in many cases the essence of this phrase was manifest in practitioners' comments.

There were few differences across the settings in relation to the use of non-criminal language to describe 'incidents' such as 'fights' rather than offences such as assaults. In all three YOTs practitioners used language that tended to reduce the seriousness of the offence and young offenders' responsibility as protagonist, deconstructing victims as victims and reconstructing them as protagonists or instigators.

Other than in two YOT 1 observations, where panel members counselled young offenders on future contact with young victims, practitioners spent little time considering the implications of the future relationship between young offenders and young victims. Whereas the past was seen as problematic and interpreted to explain or justify young offenders' actions, the future relationship was generally ignored and youth offender contracts contained no activities that attempted to reintegrate young offenders into situations that included their young victims. This is very different to restorative interventions that operate outside the youth justice system such as restorative justice in

schools and child care settings, where the ongoing relationship between parties is prioritised.

Although the evidence is slightly stronger for YOT 1 and YOT 2, when one takes into account that in three YOT 3 observations the parties were, unusually, not known to each other, the extent to which practitioners perceived victims to be culpable varied little across the settings.

Conclusion and final theory

Although one might have predicted, due to their different structure and demography, significant differences across the three YOTs, it is clear from cross-case analysis that this was not the case. Similarities and differences across the settings are illustrated by Figure 6.1 below, which shows, impressionistically, the weighting of each theoretical proposition by each YOT; the bigger the box the better the performance. For example, in theoretical proposition 2 (*Stereotyping of young victims by practitioners, due to assumptions, values and beliefs, tend to alienate victims from restorative processes*) stereotyping was less prevalent in YOT 2 than the other two YOTs, therefore YOT 2 performed slightly better, in terms of *stereotyping victims*, than the other two YOTs.

Figure 6. 1 – cross-case analysis by theoretical proposition

YOT 1	1	2	3	4	5	6
YOT 2	1	2	3	4	5	6
YOT 3	1	2	3	4	5	6

Analysis showed, therefore, that the six themes derived from the nine specific categories that emerged from YOT 1 data, were highly relevant across the three YOTs in spite of their structural and demographic differentiation. This is interesting in that the three settings were selected to provide a spectrum of approaches to contacting and involving victims of crime in restorative justice processes generated by Referral Orders and delivered by youth offender panels.

Construction of final theory

This chapter commenced with a review of the YOT specific theories, derived independently, which suggested both similarities and differences. Subsequent analysis

across the settings confirmed similarities whilst showing that differences were both relatively rare and relatively minor. The application of grounded theory and case study methods produced three independently emergent theories, which, when reconstructed following cross-case analysis, would produce a useful and informative final theory. This reconstruction involved reforming the three theories incorporating common elements revealed during cross-case analysis. These common elements were established by analysing key words and phrases in the three YOT specific theories:

*The operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, is such that child victims of crimes perpetrated by child offenders are often **invisible** in the restorative justice process. Victim visibility is rare and often associated with **culpability**.*

*The operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, supports and perpetuates a **cultural construction of child victims and offenders** that has the potential to render **victims invisible** and **frustrate restorative justice processes**. (YOT2)*

*The separation of restorative justice practice in relation to working with victims and young offenders, through Referral orders delivered by YOTs and youth offender panels, **excludes child victims** and **limits restorative justice processes**. (YOT3)*

Reconstructing theory relevant to all three settings therefore needed to include the following common elements:

- Restorative justice processes are inhibited by the lack of a victim element;
- Practitioners apply processes according to culturally derived perceptions of young offenders and young victims;
- Perceptions of young victims as culpable or contributory permeate restorative justice processes.

Figure 6.2 below illustrates how the YOT specific theories, following cross-case analyses, revealed three common elements, and how these common elements produced the final theory:

The operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, is such that processes are insensible to child victims of crime

Figure 6. 2 – Construction of final theory

COMPARISON OF THEORIES FROM ALL 3 YOTs

COMPARISON OF THEORIES FROM ALL 3 YOTs

COMMON ELEMENT
Resorative justice processes are inhibited by the lack of a victim element

FINAL THEORY

COMMON ELEMENT
Perceptions of young victims as culpable or contributory permeate restorative justice processes

COMMON ELEMENT
Practitioners apply processes according to culturally derived perceptions of young offenders and young victims

COMPARISON OF THEORIES FROM ALL 3 YOTs

Final theory: *The operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, is such that processes are insensible to child victims of crime*

Blue arrows represent cross-case analysis of YOT specific theories

Within the final theory, *the operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, is such that processes are insensible to child victims of crime,* two terms require definition; *processes* and *insensibility.*

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Processes

Processes are people dependent and, in this context, insensibility applies equally to processes and the practitioners that operationalise them.

Insensibility

Insensibility means, in this context, the inability or unwillingness to hear, see or otherwise receive unadulterated communications from child victims in restorative processes. Insensibility incorporates the six theoretical propositions which are themselves both attributes and symptoms of insensibility. Insensibility has a cultural dimension in that practitioners are culturally invested with a tendency to deliver restorative justice that is insensible to child victims of crime.

Conclusion

To conclude, this chapter charted the process of cross-case analysis using the same six headings, reviewed at a more conceptual level using the respective six theoretical propositions, to enable meaningful comparisons to be made using 'replication logic' (Yin, 1994). Despite their demographic and structural diversity, few significant differences were discerned between the three settings, lending support to the notion that the six theoretical propositions would be relevant to, and have resonance with, other youth offending teams and be 'logically replicable' (ibid) irrespective of their approach to involving young victims in restorative justice processes. Therefore, the final emergent theory, *the operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, is such that processes are insensible to child victims of crime,* should be theoretically meaningful for the purposes of further research.

This final theory is capable of both development and refutation. It is quite possible that either replication of this study, or other studies of a similar nature, could conclude that insensibility is absent or insignificant and that other factors coalesce to distance young victims from the restorative processes generated by Referral Orders. Such factors could be elicited from processes, practitioners or victims using similar research methods. It is perhaps noteworthy that young victims were not interviewed as part of this research and future researchers could develop the theory by including a victim element.

CHAPTER SEVEN – DISCUSSION

Introduction

Building on the methodology and findings chapters, Chapter Six reviewed the analysis of data across the three settings using the six themes in the form of six theoretical propositions. This analysis culminated in a comparison of the three YOT specific theories that enabled a final theory to emerge through the amalgamation of three key elements. Figure 7.1 below illustrates the process of cross-case analysis from which this final theory emerged:

> *The operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, is such that processes are insensible to child victims of crime.*

Figure 7. 1 – Final theory from cross-case analysis

6 theoretical propositions

3 YOT specific theories

3 key elements

Final Theory:
The operationalisation of restorative justice, through Referral Orders delivered by YOTs and Youth offender panels, is such that processes are insensible to child victims of crime
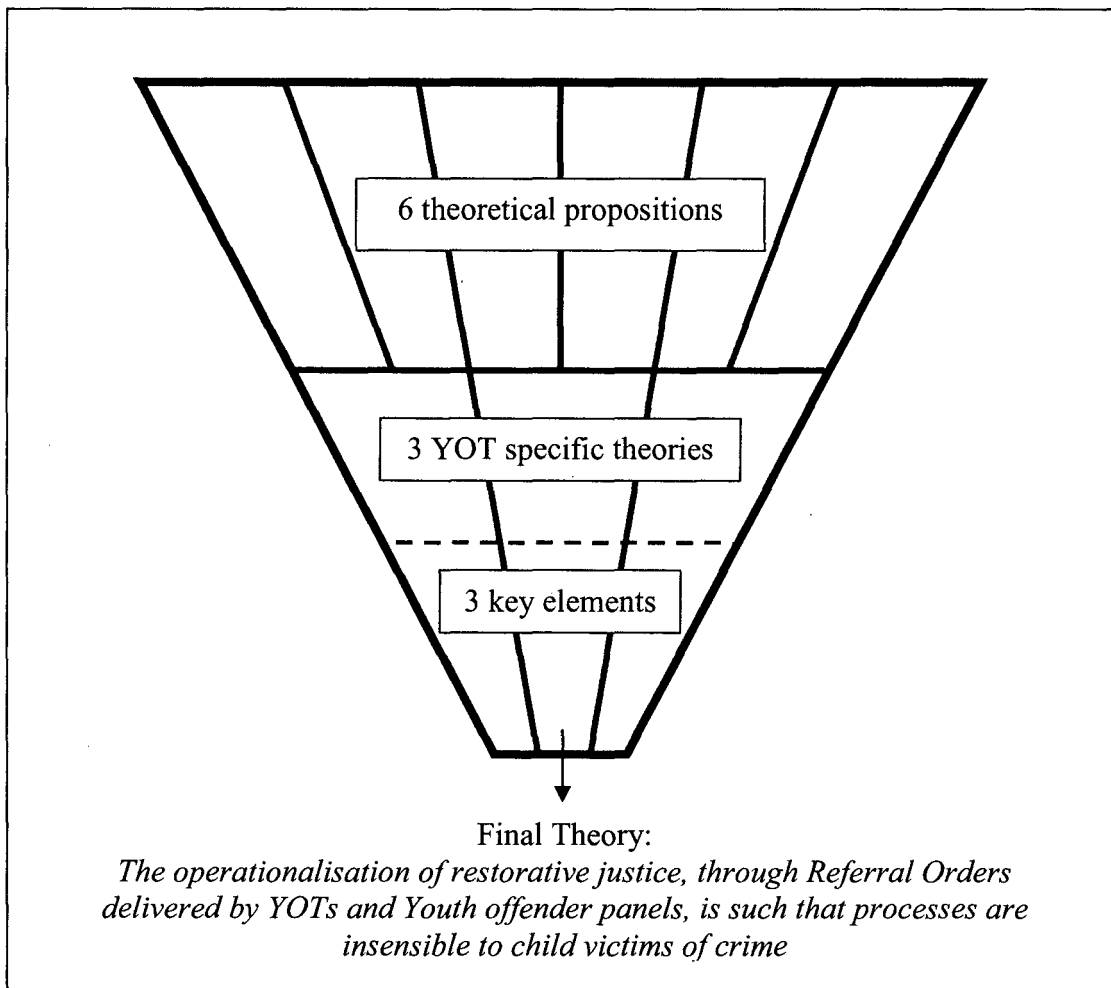
The purpose of this chapter is to discuss the current research in light of wider academic debate and discourse using the final emergent theory as a vehicle to navigate a path through a number of related issues. Whilst it would be convenient to group these issues under the six themes or three theories, the reality is more complex and there are important issues to discuss that simply refuse to sit neatly into the structure used to generate theory. This is to be expected as the final emergent theory should have relevance and resonance beyond the confines of its derivative categories and wider discussion must not be constrained by rigid application of a pre-existing schema. Linking the ensuing discussion with the final theory, this chapter discusses issues from the current research in the context of wider academic discourse, research and public policy under four types of insensibility; restorative, procedural-structural, cultural and professional-relational. Insensibility here means insensitive to, unconscious of, or indifferent to the involvement of child victims in youth justice practice.

Restorative insensibility

The current research has shown that both YOT workers' and panel members' conceptual understanding of restorative justice is limited. YOT workers and panel members gave few indications that they consciously applied restorative justice as defined by Marshall (1995). Although YOT workers had a more sophisticated understanding of restorative justice than panel members, articulated during interviews and observed during youth offender panels, their interpretation of restorative justice lacked key elements, particularly the need to 'collectively resolve how to deal with the aftermath of the offence and its implications for the future' (ibid: 5).

During interviews, many YOT workers and panel members saw little need for victims to be present in any meaningful way, with panel members generally perceiving their primary role as providing independence to the panel process rather than bringing the community perspective to bear. The majority of participants, both YOT workers and panel members, were concerned that the presence of victims would disrupt the smooth running of panels and interfere with the drawing up of Referral Order contracts which, as the observations demonstrated, were largely pre-ordained and prioritised the reintegration of young offenders. Interviews of YOT workers revealed an internalisation of restorative justice that accords with Haines's proposed reforms which would 'disconnect victim issues and victims services from the criminal justice system and the treatment of offenders' and 'root

restorative justice in a more fully developed and adequate theoretical framework which provides grounded principles for understanding causality in relation to offending...' (1998: 108).

Comparison of findings from interviews and observations revealed that whilst respondents could describe elements of restorative justice during interviews, practice observed at youth offender panels was very task-centred (Marsh, 2002) and prioritised meeting the welfare needs of young offenders. Referral Order contracts were developed in terms of the number of hours of reparation and contained various things for young offenders to do or achieve. Most tasks, such as writing letters of apology, were included almost as a matter of course, and were used by subsequent panels to monitor progress. Once the contracted hours had been met, and tasks achieved, young offenders were considered to be restoratively reintegrated even though the victim and community had had little or no influence either on the process or, in the case of victims, the opportunity to comment on reparation. None of the contracts contained provisions for direct reparation to the crime victims, and community reparation was task-oriented, such as washing police cars or working in a charity shop. Additionally, the contracts lacked provision for dealing with future implications, particularly in relation to unavoidable future contact with victims.

As Walgrave anticipated, restorative justice seems to have become, in youth justice practice, a set of 'simple techniques' (1995: 240), and bears little resemblance to the application of the restorative justice principles embodied in the Crime and Disorder Act 1998. It is perhaps unsurprising that task-oriented welfarism has become embedded in restorative justice practice when one considers that the culture of YOTs is social-work dominant, and that social workers generally write the panel reports.

'It is clear that [YOT workers] do not understand what restorative justice means in practice' (Clothier, 2006: 19). Understanding of the legitimate involvement of victims is fundamental to restorative justice and this lack of understanding, found in the present research almost a decade after the implementation of youth offending teams, is surprising.

In an effort to improve practitioners' knowledge and professionalism, the Home Office issued guidance advocating the need for underpinning knowledge, including the need for 'essential knowledge relevant to working with victims and offenders' (Home Office,

2004a: 4). The Government further recommended that there should be a training and accreditation process for restorative justice practitioners and, integral to this, an assessment process whereby they may 'qualify'. However the Youth Justice Board did not see fit to implement the recommendations made in the guidance, leaving it to the discretion of individuals as to whether they avail themselves of the Youth Justice Board in-house professional certificate in effective practice in restorative justice. As only three of the 21 YOT worker interviewees were aware of the existence of the certificate, it is clear that this laissez-faire approach does virtually nothing to reduce the knowledge gap.

Lack of opportunity to practice restorative justice, the weakness of the definition (Haines, 2000), and lack of training only compound assuage this deficit. Separation of work with victims and young offenders means that opportunities to understand and practice the concept are severely restricted. For example, in the current research, YOT 1 used a dedicated victim worker, who attended youth offending panels to provide a victim perspective. Sub-contracting victim work out denies practitioners the chance to practice restorative justice with the direct involvement of victims. This in turn means that the core work practitioners undertake with young offenders is absent of any meaningful understanding of the impact of crime upon the victim. This very issue was raised in the evaluation of the pilot youth offending teams, where the researchers advised that all YOT practitioners should be conversant with restorative justice (Holdaway, et al, 2000). Practitioners must also have the opportunity to apply that knowledge to practice, particularly the opportunity to work with victims. Four years on, in the national evaluation of the Youth Justice Board's restorative justice projects, the researchers said much the same thing, suggesting practitioners should have a 'working definition of restorative justice' to inform practice and avoid 'unrestorative practices' (Wilcox and Hoyle, 2004: 15). In the present research, one YOT worker (YOT 1, YW 8) found it necessary to contact victims independently of the YOT arrangements to 'understand the true feelings' of victims. Williams argues that YOTs should take responsibility for victim work as this is legally allocated to them (William, 2000: 181). The extent to which low levels of contact with victims contribute to low levels of practitioner confidence was touched on in the previous chapter, in that it is a virtual self-fulfilling prophecy; where practitioners have little contact with victims, they have little opportunity to become confident in dealing positively with victims, perceive such situations as difficult, and seek to limit potential difficulties through victim avoidance.

There was a strong emphasis on writing letters of apology in all three YOTs in the current research, and evidence that many were either not sent or sent a long time after the offence. The practice of sending significantly delayed letters of apology has been criticised by Victim Support, which believes that this is likely to impact negatively on victims' recovery process (Victim Support, 1995). However, many of the letters were never sent and one needs to consider how this could in any way be considered restorative for the victim, an issue raised by Shapland et al (2004) in their evaluation of restorative justice schemes. They decided to dismiss letters of apology not sent (in terms of evidence), defining them as not restorative. In the present research, letters of apology were often not sent through fear of how they might be exploited by young victims.

In the present research, the history between victim and offender was almost exclusively seen as negative, featuring mutual animosity as a precursor to crime and victim precipitation. In all three YOTs, examination of the case files revealed that the history between young victims and young offenders was almost always antagonistic. In restorative terms, revisiting the aftermath of the crime is crucial to the victim's sense of recovery and it is exactly that; it is not about revisiting the crime scene, but asking 'what is the nature of the harm done?' 'What needs to be done to repair the harm?' (Zehr, 2002: 4). This often seemed to get lost in the panel process where blame was frequently apportioned to absent victims without their knowledge and with no opportunity for them to respond.

These issues become even more critical in the expectation that Referral Orders will increase due to new provisions in the Criminal Justice and Immigration Act 2008 which, in certain circumstances, will enable courts to issue Referral Orders for a second offence or make a second Referral Order. This increase in spread will mean that more victims will expect reparation through the youth offending panel process. Whilst the 2008 Act clarifies the courts' responsibility to take appropriate account of young offenders' welfare, there is no similar provision for young victims, even in relation to Referral Orders; victims' needs are considered separately under the non-statutory *Youth Crime Action Plan* (Home Office, Ministry of Justice, 2008).

Constructing victims of crime

Constructing victims of crime, particularly within the context of restorative justice appears ambiguous. With the notable exception of Shapland et al (2007), who interviewed 209 victims during their evaluation of three Home Office funded restorative justice schemes, the literature on victims' involvement in restorative justice focuses on their engagement in the restorative process and measuring the level of satisfaction (or not) within that (Braithwaite, 1989; Morris and Maxwell, 2001; Sherman, Strang and Woods, 2003). Beyond the quantitative data, we know relatively little about victims as they tend to appear as an 'undifferentiated homogenised mass' (Young: 2002: 146) and ascertaining a meaningful profile of child victimisation is difficult.

The danger of homogenising victims solely by their status as victims is that it encourages generalisations and obscures other factors when seeking to understand the victim-offender dynamic. In the current research victims were always referred to as 'the victim' even where personal information existed and there was a known history between the young victims and young offender. In the interviews of YOT 2 practitioners, assumptions were made that child victims would not want to attend panels due to their perceived vulnerability and the likelihood of them being confronted by the young offender, even though the interviewees had little or no experience of victims attending panels. A search of the literature on restorative justice reveals a level of stereotyping, particularly by opponents of restorative justice, which ignores the possibility that victims of inter-personal youth crime are likely to be children too. For example Delgado, commenting on a victim-offender mediation project, says:

> 'In most cases, a vengeful victim and a middleclass mediator will gang up on a young, minority offender...' he goes onto say that 'mediation treats the victim respectfully, according him the status of an end-in-himself, while the offender is treated as a thing to be managed, shamed and conditioned'(2000: 764).

Similarly, Haines and Drakeford, commenting on restorative justice sanctions say:

> 'beating children with a stick may give the victim or some other adults a sense of justice..., (1998: 229).

What research does tell us is that young victims are likely to live in similar communities as young offenders (Dignan, 2005; Smith, 2004; Victim Support, 2007), suffering similar issues of deprivation, discrimination and lack of opportunity to change their lives. Despite the similarities with those children committing crimes against them, practitioners seem to view offenders as vulnerable whilst leaving victims' vulnerability unaddressed. This separation of offending and victimisation is highlighted by Smith (2004), who argues that offending and victimisation have not been 'brought together within a single explanatory framework' and that criminologists adopt different and separate ideas to explain victimisation and offending rather than connecting them. He says it is important to overcome this separation due to the correlation between victimisation and subsequent offending; 'as victimization is repeated so the likelihood of delinquency increases' (2004: 12). In the current research, two of the three YOTs had separated victim work from the mainstream service of working with young offenders, sub-contracting this to other agencies or specialist workers. It may be noteworthy that in recent inspections, these YOTs scored lower on 'victims and restorative justice' than the YOT that made no separate or specialist provision.

The Howard League for Penal Reform's (2007) recommendations for dealing with children as victims attempts to bridge this gap, albeit for political purposes. Its justification for recommending the removal of (most) youth offending from the youth justice system to school-delivered restorative processes, exposes three issues; the use of non-criminal language, minimising the seriousness of crime, and victim culpability. The document describes crimes as 'incidents' involving 'young people' requiring 'conflict resolution' to rectify 'mistakes' (2007: 2). The justification for recommending school-based restorative processes is based, in part, on an interpretation of such crime as 'low-level' even though they found that it was experienced as serious by victims and involved offences including robbery and assault (ibid: 9-12). The recommendation that restoration should include helping victims 'develop social skills, self-esteem, and assertiveness' (ibid: 4) implies a level of victim culpability. Taken together, the non-criminal language, minimisation of seriousness, and victim culpability, clearly demonstrate a desire to neutralise offender culpability.

In the context of the present research, active cognisance of victims' status appeared to be almost impossible to achieve. Little factual information was known about the young

victims, but in the main they were viewed as in some way culpable, a view that usually reflected young offenders' interpretation of events. Crimes were often redefined as fights where 'responsibility was shared' (Finkelhor, Wolak and Berliner, 2001: 26). This non-criminal language featured extensively in the current research, not only in referring to young offenders as 'young people' but also during general conversation. For example, in the interviews of practitioners, respondents described assaults as 'bullying' (YOT 1, YW2) and 'playground fights' (YOT 1, YW6), and in YOT 1, observation 10, a practitioner said 'it does sound like six of one and half a dozen of the other'.

According victim status to young people occurs within very narrow parameters (Brown, 1998; Morgan and Zedner, 1992), where victimisation by adults holds poll position. The notion of legitimate or deserving victims as opposed to false or undeserving victims is interesting as the present research reveals that victimising experiences of young offenders are readily acknowledged by both YOT workers and panel members and often used to excuse or explain their offending behaviour, whereas the extent of victims' experience of victimisation is rarely acknowledged. One can posit here that such acknowledgement would undermine or conflict with the young offender's stated interpretation of the offence and antagonise the offender-oriented, child-first welfare imperative.

In relation to the present research, factual information about young victims, including the impact of crime is limited. Case files reveal little data and, during observations, requests for information about young victims from panel members were rare. Almost without exception, the principal source of data on young victims was from young offenders.

Professional neutralisation

Justifying the perpetration of crime on young victims, links with the concept of victim precipitation, and is often used by young offenders to legitimise their actions (Messmer, 1990). Sykes and Matza, in their seminal text, ascribe five techniques to neutralising the crime, including denial of responsibility, denial of injury and denial of victim (1967). During observation two from YOT 2, a practitioner said, 'I know the victim, it probably wasn't his moped. If he gets a letter of apology, he'd probably tear it up. He probably nicked [the moped] anyway'. A truly restorative process, where victims are fully involved, would help negate neutralisation and reduce the tendency to distance the offender from the victim and the impact of crime.

Avoidance of victims and the impact of the crime and 'assigning responsibility for criminal acts' to victims (Symonds, 1975: 22), allow practitioners to both believe, and believe in young offenders. In accordance with the current research, neutralising strategies used by offenders were rarely challenged by practitioners who passively accepted 'precipitation and provocation as legitimate excuses for attenuating responsibility' (Reiff, 1979: 12). In the current research, one interviewee said, 'there are assaults where the young person originally has been provoked by the victim and has retaliated' (YOT 1, YW1). Neutralisation can also be explained using autopoietic theory (Luhmann, 1985). From this perspective YOTs are located within a welfarist, offender-oriented system where the priority is to treat offenders as children first, offender second. In order to empathise with young offenders, it is necessary to believe, or at least appear to believe, their interpretation of their situation and life experiences. Where, as is likely, information from a victim conflicts with this interpretation, the YOT worker's position becomes more difficult as it may be impossible to reconcile the accounts without challenging one, the other, or both. In autopoietic terms the relationship between YOT worker and young offender is conducted in a closed system where 'noise' from young victims, information that doesn't fit the system, is avoided, ignored, or discounted. This theoretical analysis fits with Shapland's discussion where the 'criminal justice agencies' operate within an 'almost self-contained' system where parties 'standing outside the mainstream flow of cases through the system…tend to be viewed as problems to be managed, rather than integral parts of justice' (Shapland, 2000: 148), and where victims are perceived as '… a rather annoying group which stand apart from justice, but whom [agencies] now need to consider…' (ibid: 148). Consequently, YOT workers may align themselves with young offenders in order to protect the system from avoidable interference. The current research revealed instances where practitioners omitted information from panel reports or subtly changed the information to lessen any negative impact on the young offender. For example, in case file 3, YOT 2, a YOT worker wrote, 'I am unclear at this stage about the impact of the crime' when the file contained a witness statement detailing the victim's injuries. Similarly in case file 8, YOT 2, the practitioner noted that the victim 'received minor injuries' when it was clear from other documents that the victim had been hospitalised and suffered 'recurring problems'.

Some academics, for example Pitts (2000) and Pitts and Bateman (2005), voice concern over the potential for the youth justice system to construct young offenders as what Goldson refers to as 'responsiblized' and 'adulterized' (2002: 690). Such concerns are based on the premise that their status as children first will be subjugated by criminal justice imperatives. No evidence to support this was found in the present research which, ironically, found a tendency to 'responsibilize' and 'adulterize' child victims to justify and explain young offenders' behaviour.

However, the present research also revealed concern about young victims attending panels due to their own vulnerability and, in the same vein, some found it difficult to understand why victims would want to put themselves in a face-to-face situation with their protagonists when they didn't have to. On the face of it this seems anomalous with the tendency for these same practitioners to neutralise young offenders' involvement due to victim precipitation. In this situation, although the victim is both blameworthy and vulnerable, these attributes are not mutually exclusive and shed light on practitioner attitudes towards both young offenders and victims, some of whom are young and therefore vulnerable. In the present research, YOT workers, in particular, clearly perceived young offenders as their 'clients' and the involvement of other parties were secondary considerations.

The child-first philosophy for young offenders revolves around two factors; they are vulnerable firstly by virtue of their status as children, and secondly by a belief that they are needy due to actual victimisation and or societal deprivation. Whereas victims are not bound to become involved in panels, young offenders are, and practitioners wish to minimise the trauma a panel may present to their 'young person'. As mentioned earlier, the presence of a victim may increase the likelihood of a panel being a source of upset for the young offender, irrespective of the YOT worker's perception of the victim's level of vulnerability. When the victim is also a young person, it is easy to assume that the victim would experience the panel as potentially traumatic and wish to protect them too. It is a fortunate coincidence then, from the YOT worker perspective, that distancing young victims from panels serves to protect both vulnerable young people from harm. Such assumptions, however, serve not only to frustrate truly restorative processes but also reveal significant practitioner misunderstanding of young victims' need for resolution and reparation.

Procedural-structural insensibility

Procedural-structural hurdles conspire to prevent practitioners working restoratively. One such hurdle is delivering restorative justice in an adversarial framework; not only because of procedural time constraints, but also restorative justice would seem to be secondary to the overriding aim of reducing offending behaviour (Dignan, 2005, Mercer, 2004).

There is much debate in restorative justice circles as to whether restorative justice practices should operate inside or outside the criminal justice system (Braithwaite, 2002; Johnstone, 2003; Shapland et al, 2006; Walgrave 1998; and Zernova, 2007). The debate centres on the concept of voluntariness. Restorative justice purists argue that any engagement in restorative justice must be voluntary. By definition, young offenders receiving a Referral Order are not entering the process voluntarily. The order has been issued by the courts; it is the young offender who receives the order and signs the contract at the beginning of the Order. Victims are not consulted on, agree to, or are bound by such Orders and therefore have significantly less formal investment in the process than young offenders. However, this does not mean that young offenders' interests should dominate to the exclusion of victims; on the contrary, involving victims and restoring their harm are integral to effective restorative interventions. Findings from the current research revealed that panel members rarely sought information on absent victims and there was rarely any information on victims in panel reports (observations of YOT 2 panels). One panel member said, 'I do think the YOT should make more effort to get the victim in attendance. If we are being trained and doing victim support work in that training, then why are some of the YOTs totally disregarding the victims?' (YOT 1, PM5). Although Field, in his analysis of YOT related interviews in Wales, discerned a 'qualified voluntarism' which most practitioners found advantageous in encouraging young offenders to engage (2007: 316), 'police officers [in his study] still felt that social workers often presented the most optimistic (in police interviewees' eyes, a too optimistic) account of the young offender's attitudes and motivations.' (ibid: 320). Interestingly, Zernova (2007) found that practitioners running a restorative family group conferencing project had little difficulty in persuading victims, including child victims, to attend restorative conferences, challenging perceptions that victims absent themselves due to either apathy or antipathy. However, she contended that victim attendance was encouraged rather than volunteered, primarily for the benefit of offenders who could also be persuaded to meet the expectation of restoration by apologising to victims during conferences. Her analysis brings into sharp relief the level of

professional persuasion, or manipulation, that can be brought to bear to satisfy procedural expectations and culturally-driven welfarist imperatives (ibid: 76).

A second hurdle, which was highlighted in the evaluation of the Referral Order pilot sites (Newburn et al, 2001), was the problem of access to victims. The Data Protection Act 1998 has been interpreted by many YOTs to mean that only the police can make the initial contact with the victim, although this has been challenged by Wilcox and Hoyle (2004) who point out that there is no legal barrier to the sharing of personal data where Referral Orders have been made. Section 68(1) Crime and Disorder Act 1998 says;

> *Before making a reparation order, a court shall obtain and consider a written*
> *report by a probation officer, a social worker of a local authority social services*
> *department or a member of a youth offending team, indicating—*
>> *(a) the type of work that is suitable for the offender; and*
>> *(b) the attitude of the victim or victims to the requirements proposed to be*
>> *included in the order.*

Professional concern that youth offender panels would be disrupted by victims was a common theme in the current research. The Home Office provides guidance on such situations and states clearly that where there is an assessed risk to any party then a decision may be made not to offer the victim the opportunity to attend a panel (Home Office, Lord Chancellors Dept, 2002). However, experience shows that the likelihood of a vengeful and punitive victim attending a panel is relatively low and such concerns are misplaced. Findings from a number of studies reveal that despite the perception, many victims are not punitive or vengeful, but fully engaged in the process of restorative justice (Braithwaite, 1989; Galaway and Hudson, 1996; Morris and Maxwell, 2001; Shapland, 1984; Sherman, Strang and Woods, 2003).

Although most panels were relatively informal in the current research, some panel members used the process to deliberate the facts of the case and question the extent to which the young offender was guilty. Additionally, YOT 2 had developed the rather unusual practice of deliberating the contents of the contract in private, effectively adjourning proceedings by sending young offenders and their parents out of the room whilst this occurred. Such practices were at odds with the concept of repairing harm and contrary to official guidance issued by the Home Office and the Youth Justice Board,

which state very clearly that panels should accept the facts and not use the forum as an 'opportunity for a retrial' (Home Office, Youth Justice Board, 2000: 3). Restorative justice is the polar opposite of retributive justice where questions are asked to ascertain guilt and decide punishment (Braithwaite, 2002; Zehr, 1999).

The focus on finding tangible things for young offenders to be given to do by way of youth offending contracts, and panels acting as pseudo courts, are symptomatic of how practitioners struggle to work restoratively within the panel process, reflecting uncertainty about restorative justice. Perhaps this is not surprising in the knowledge that both practitioners and academics are uncertain whether it is a process, a model of practice or a theory (Marshall, 1999). The bringing together and discussing the aftermath of the crime and the harm caused, appear secondary to *doing* something. Newburn et al, in their interim report on the introduction of Referral Orders raised concerns on just this point. They found that the victim component of the panel members training failed to provide them with sufficient knowledge and skills to assist them in dealing with alternative ways of addressing the impact of crime upon the victim (2001: v). In the present research, reparation was generally tailored to the needs of offenders, with the victim awareness component delivered by way of group sessions alongside the customary letter of apology. During observations of panels, the focus was almost exclusively on outputs, such as writing letters of apology, with little or no consideration being given how this might help restore victims, especially when they were either not sent, or sent after a significant time lapse. The emphasis was on the benefit to young offenders in writing letters of apology, as a tool to encourage consideration on the impact of crime, irrespective of how actual victims could be restored. The idea of tailoring reparation to enable young offenders to confront the effect of their behaviour on actual victims was largely absent. As Shapland et al point out;

> '...restorative justice by definition is created anew each time a set of participants come together to consider that offence and what should happen as a result. So, restorative justice is not a ready made package of roles, actions and outcomes that can be plucked off the shelf, but has to be, often quite painfully, made from its basic ingredients by the particular participants who have been brought together as a result of the offence' (2006: 507).

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Critical examination of the contention that opportunities for victims and offenders to come together and discuss the aftermath of crime are impractical due to time constraints, leads one to conclude that it is probably a contention of convenience. Whilst time constraints are undoubtedly problematic, when practitioners are faced with an unusual or more serious crime, procedural constraints and impediments seem to fade away, as was found in a case of a sexual assault in the current research (YOT 3). In that instance the YOT worker went to considerable lengths to locate the Crown Prosecution Service file to confront the young offender as to his account and arranged for the panel to be deferred with a view to involving the young victim. In this context, it is notable that the only two panels where the victim attended were for more serious crimes, both cases of serious assault.

Whether, or to what extent, the type and volume of crime influences processes is difficult to judge. Whereas unusual or more serious offences may attract greater practitioner (and, by extension, victim) involvement, as seen in the case of sexual assault mentioned in Chapter Six, it seems probable that crimes at the less serious end of the spectrum would be treated as more mundane. Accordingly, practitioner claims that procedural constraints limit their ability to spend time contacting victims reportedly difficult to reach, should be treated with some caution. Field found that work with victims was 'a source of mutual suspicion in YOTs in the way victim statement work was being channelled to police officers' a practice that contributed to delay in informing the YOT police officers who then found it impossible to obtain information within the time constraints (2007: 321). This was '... at best, an indication of the low priority given to the work and, at worst, an indication that colleagues thought it easier to get the desired outcome for the offender if the victim's voice was not heard'. (ibid). However, Stahlkopf (2008) found that one YOT's performance was determined to some extent by a lack of resources. Although this study did not include a victim component, Stahlkopf examined the relationship between political, structural and cultural influences, finding that YOT workers in Oxfordshire were often overwhelmed with work and unable to engage effectively with young offenders issued with Referral Orders. 'A tick-box practice had emerged in which the YOT prioritizes pushing cases through the system rather than carrying out meaningful and often time consuming work with young people' (2008: 470). She makes the point that if this 'gold standard' YOT was underperforming, then other YOTs would be underperforming to a greater extent (ibid). Interestingly, the current research revealed no participants who claimed to be

seriously overworked or overwhelmed and, as the settings were not 'gold standard' YOTs (ibid), it is doubtful whether Stahlkopf's findings are representative.

Haines believed that young offenders' preparedness or capacity to make amends was limited (Haines, 2000). This may be true of young offenders generally but inappropriate Referral Orders must exacerbate matters. Although the legislation aims Referral Orders at first offenders who plead guilty, there is discretion to enable such orders to be given to offenders who plead guilty to at least one offence. The present research revealed that although some young offenders had pleaded guilty to one offence, they pleaded not guilty to one or more associated offences and had been given discretionary Referral Orders, or had changed their plea to guilty on the advice of their legal representative. This is consistent with issues raised at the 2008 Referral Order Conference hosted by the Youth Justice Board (YJB, 2008). This creates situations where youth offender panels are expected to engage young offenders in restorative processes who feel no remorse and have little incentive or capacity to make reparation to their victims or the wider community.

Policy issues

Critics of restorative justice have raised concerns about the weakness of restorative justice definitions as well as methods of delivery (Daly, 2002; Haines, 2000). Such critiques are justified in relation to the treatment of victims by restorative justice interventions and the lack of specificity in relation to victims. As mentioned earlier, victims appear to be a mass of faceless, ageless, genderless, colourless and classless individuals (Young, 2002: 146). Quantitative data dominates the restorative justice literature, which only reinforces the perception of victims as an Weberian 'ideal type' (Giddens, 1971: 141), giving scant regard to who victims really are. As Green notes, 'there is no engagement with the types of social conditions or social groups that are most heavily victimized, or why this is the case' (2007: 183), and consequently restorative justice resorts to the 'established ideological and policy driven construction of the victim' (ibid: 184). Little wonder that practitioners, new to restorative justice, and wishing to understand and conceptualise victimisation, struggle to find anything in the restorative justice literature to guide their thinking.

Absent victim voice

Introducing a victim component into the youth justice system was never going to be easy (Bailey and Williams, 2000; Crawford and Newburn, 2003). The introduction of National

Standards by the Youth Justice Board for youth offending teams was the starting point of the process of legitimising the victims' role. The Standards state:

> *'Ensure that victims of crime are central to restorative processes and their needs are respected'.*(YJB, 2004b)

In addition the revised youth offending team performance indicators introduced in April 2007 state that teams must work:

> *'To ensure that victims participate in restorative processes in 25% of relevant disposals referred to the youth offending team, and 85% of victims participating are satisfied'.* (YJB, 2007b)

And looking to the future, the Youth Justice Board is keen to maintain the momentum by trying to ensure youth offending teams encourage victim participation. In the current draft of the 'Priorities for Action' the Board state that their aim is 'to increase the engagement of victims from all communities, either through participating in youth offender panels or restorative processes after the initial panel, without compromising their right to choose', and 'to improve the training materials on working with victims in the revised Panel Matters'. (YJB, 2007b: 6).

All this sounds very laudable but whilst the Government is keen to support the integration of victims in the criminal justice system through restorative justice, Clothier notes that they have cut the staff department responsible for restorative justice from six full time members of staff to one part-time post (2006: 19). In addition, the introduction of Best Practice Guidance (2004a), which was effectively a set of minimum standards for restorative justice practitioners, was not adopted by the Youth Justice Board, which opted out of implementing its recommendations. As Clothier succinctly puts it 'either they are doing restorative justice or they are not' (2006: 19).

During the 2008 Referral Order Conference hosted by the Youth Justice Board (2008), Steve Jones, Director of REMEDI (Restorative Justice and Mediation Initiatives) pointed out that youth offender panels could only be truly restorative if the victim was involved. Similarly, the final report on the introduction of Referral Orders into the youth justice system (Newburn, et al, 2002), highlighted the need for youth offending teams to foster a culture that 'embraces and supports the centrality of victim input and participation within

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the Referral Order process' (2002: 63). The envisaged culture was not evident in the three youth offending teams involved in the present research, which revealed a passive acceptance of victim absence from restorative processes. One symptom of this malaise was the substitution of victims by pseudo-victims during youth offender panels where, in the absence of actual victims, panel members encouraged young offenders to consider how their mothers would have felt if they had been the victim of a similar crime. Such substitutions do nothing to challenge processes which fail to engage victims, nor do they achieve their objective as perpetrators of crimes against peers could not realistically envisage their mothers being in such situations, particularly when antagonism between victim and offender is often a factor.

It is probable that the low level of victim engagement is a problem of implementation, rather than principle (Smith, 2003a: 129), as all three youth offending teams involved in the research were found to have serious failings in relation to victim work during recent inspections. All youth offending teams in England and Wales are inspected by a joint inspection team representing the Commission for Social Care Inspection, Estyn, Healthcare Commission, Healthcare Inspectorate Wales, HM Inspectorate of Constabulary, HM Inspectorate of Prisons, HM Inspectorate of Probation, Office for Standards in Education and Social Services Inspectorate for Wales. Inspections cover five core areas, one of which is victims and restorative justice. Each core area is scored 1-4, with 4 being considered excellent and 1 as inadequate. Due to reasons of confidentiality it is not possible to give a detailed account of the findings from the inspections of the three YOTs involved in the present research and the inspection reports do not appear in the bibliography for the same reason. However some general findings can be identified and include the following:

YOT 1 – received a score of 2 – only meeting the minimum requirements. Whilst the key personnel tasked to undertake victim contact were committed, victim involvement was poor and recording of data about the victim was inconsistent
YOT 2 – received a score of 1 – does not deliver minimum requirements, with many shortcomings. Whilst some areas of victim practice were commended and an issue of lack of resources was recognised, recording of the impact of the offence upon the victim was not always addressed within reports. Victims were rarely involved in panels.

YOT 3 – received a score of 1 – does not deliver minimum requirements, with many shortcomings. Some areas of victim work commended but invitations to victims to engage in restorative initiatives were significantly low.

However, the Government has recently published its inter-departmental Youth Crime Action Plan (2008) which acknowledges the need 'in many areas for a significant cultural shift' (ibid: 22) and details a number of measures for implementation to 'address the root cause of crime' (ibid: 1), through ensuring 'youth victimisation is tackled' (ibid: 8).

Cultural insensibility

The present research reveals that YOT workers and panel members hold similar values and beliefs. Evidence of this was ubiquitous, particularly in the analysis of interviews, but also noted frequently during analysis of observations. Observing how YOT workers and panel members interact at panels cannot necessarily tell the researcher anything about motivations (Jackson and Carter, 2007) but through studying use of language and priority of attention one can glean evidence of shared attitudes values and beliefs, although the extent to which context-specific demonstrations of shared culture are internalised is less clear.

In the present study, although the dominant group was social work, one might have expected the police officers in the three teams (as a sub culture) to have a more victim-centred / public safety perspective, but this was not evident and they appeared to have adopted, or at least passively accepted, the dominant social work culture. This is hardly surprising as social workers and those performing social work roles formed a significant majority in all three YOTs and, as mentioned in Chapter Six, this was reflected in the sample of 37 participant interviewees, of which only six were from non-social work agencies (four from police and two from education).

Prioritising the welfare agenda

As noted in the preceding chapter, the overriding cultural identity of the three YOTs in the present study was welfarist, with the focus upon need rather than deed (Pitts, 2005) being prominent in accordance with the findings from Souhami's (2007) and Frost and Robinson's (2004) interviews with those in 'social work related' professions (2004: 21). But unlike Frost and Robinson's study, the present research found no evidence of either a

victim-centred or law-enforcement model. This reason for this disparity is unclear, although values, beliefs and attitudes are dynamic and conflicts, contradictions and inconsistencies inevitably inveigle multi-agency settings, where team members are influenced by, or cajoled into adopting the dominant culture (Frost and Robinson, 2004; Ward, Bocher and Furnham, 2001).

The welfarist orientation is supported within the new youth justice system by policy makers and (some) academics (see, for example, Goldson, 2000; Haines and Drakeford, 1998; Pitts, 2001a). A child first ethos is adopted and promoted by the National Association of Youth Justice. According to Haines and Drakeford (1998), this philosophy motivates youth justice work towards welfarist objectives and principles. This philosophy, occupational identity, or ideology, shapes and determines the way YOT workers operate. It manifests itself in language, actions and behaviour and is internalised by these communities of practice. This was demonstrated in the present research by the use of culturally specific language; almost without exception, YOT workers and panel members referred to the young offender as a 'young person' and not 'young offender'. Souhami (2007) also identified culturally specific language. In her research, social work practitioners referred to the young person as a service user and the police referred to them as offenders, although in the present research, no differences were identified across agencies. 'Young person' therefore is a culturally specific term invested with clear meaning, reinforcing the message that *these are children and we will treat them as such*. It is a term shared by those in youth offending communities of practice and has probably become a prerequisite for working within YOTs.

Welfarist philosophy also manifests itself in protectionist practice; the desire to protect young offenders who are perceived as vulnerable and deserving of sympathy. Within the concept of restorative justice, and particularly the youth offender panel, protecting young offenders from victims is legitimatised. Much has been written about young offenders' experiences of victimisation (Anderson et al, 1994; Bateman and Pitts, 2005; Fitzgerald et al, 2003; Goldson, 2000a; Hartless, et al, 1995), and protectionism and welfarism are so inextricably linked that it is impossible to consider one without the other. Souhami notes that social workers consider themselves to be 'protecting the welfare of the young people they supervised' (2007: 48), and see young offenders as 'victims of their circumstances' (2007: 56). One practitioner in the current research commented; 'definitely a lot of young

people we work with, at some point, have been victims of crime in one way or another. Either of crime or some sort of abuse' (YOT 1 interview, YW3). Johnstone sees nothing wrong in practitioners shielding offenders from 'social condemnation of their behaviour' (2002: 94), a view shared by Haines and Drakeford who believe it is unreasonable to expect a practitioner to 'base one's interventions with the offender on what will be best for the victim' (1998: 31). Haines (2000) even questions the legitimacy of panels themselves in positing, irrespective of the presence of victims, their essential oppression due to young offenders' rights and interests being left unprotected through lack of independent representation. Haines feel this breaches their human rights and is contrary to the United Nations Convention on the Rights of the Child 1992, Article 3. Interestingly, he says nothing about the human rights of young victims.

Currently restorative justice is located within a criminal justice framework, replete with procedures, administrative barriers and values which can conspire to compromise meaningful victim involvement (Bazemore and Leip, 2000; Shapland et al, 2004). Whilst there is always the potential to review procedures and lessen the impact of administrative hurdles, cultural changes are much harder to achieve. Effective restorative justice requires significant cultural change to the youth justice system (Home Office, 2004b) to facilitate the deconstruction of the 'unwilling system' (Shapland, cited in Crawford and Newburn, 2003: 53) 'whereby each independent fiefdom jealousy guards its piece of criminal justice processing' (ibid: 53). This may mean that much needs to change before victims are adequately involved in the youth justice system.

Professional-relational insensibility

In the first interim report on the introduction of Referral Orders in the youth justice system, the researchers found that 77 per cent of panel members had not attended a panel where the victim had been present (Newburn et al, 2001: 47). This resonates with the present research, which revealed a similar pattern; in only three of the 94 research opportunities (37 interviews, 18 observations, and 39 case-files reviews) did practitioners have contact with child victims.

One could contend that part of the problem is that practitioners are uncertain and anxious about work with victims, feeling relatively unskilled and ill-equipped for this role. This issue was debated at the 2008 Referral Order Conference hosted by the Youth Justice

Board (2008). However, YOT workers and panel members do have experience of working with young people who offend *and* have experienced victimisation. Evidence discussed earlier revealed how YOT workers were able to identify and understand the concept of victimisation of young offenders, but YOT workers and panel members appeared anxious at the prospect of working with young victims and offenders, even though they could acknowledge that both had suffered victimisation.

In the early 1990s, Morgan and Zedner (1992) and, more recently, the Howard League have voiced concern over adults' inability to 'fully understand and respond to' victimisation and their acknowledgment of such victimisation only 'when it becomes a serious crime' (Howard League for Penal Reform (2007). Whilst panel members and YOT workers cannot draw upon experience of working with young victims of crime in that context, they should be able to utilise the assessment skills developed with work with offenders, many of whom have been victimised, particularly as this victimisation is often actively sought out and used to mitigate responsibility. Two possibilities arise here; either something prevents workers transferring these skills and applying them to practice, or they are reluctant to do so, probably due to concern that this may compromise or conflict with their work with young offenders. When one considers that acknowledgement of an actual victim's victimisation would have to be set against an offender's victimisation (actual or circumstantial), it is easy to see why this would be unattractive, even though, in restorative justice terms, it would be far more meaningful.

Volunteer workers are not new to the youth justice system which has traditionally used volunteers in various ways including mentoring, youth clubs and as appropriate adults. However the role of the panel member is unique in that for the first time volunteers in the youth justice system have decision making powers. Involving lay people in the youth justice process was greeted with some disquiet by youth justice professionals (Burnett and Appleton, 2004; Crawford and Newburn, 2003; Earle, 2002 and Goodey, 2005). In spite of these reservations, research has shown that the use of volunteers in this role has been reasonably successful (Goodey, 2005, YJB, 2007).

The success of panel member involvement in the youth justice system has to some extent concealed the lack of victim participation (Dignan, 2005). Panel members represent one of the three components of restorative justice, the community. Their presence is absolutely

necessary for a panel to proceed, but as Crawford and Newburn note, panel members can also 'dilute the central importance of the victim' by virtue of their 'community' status (2003: 241). It is worth remembering here that the absence of a victim was very rarely questioned at panels and indeed panel members occasionally referred to themselves as volunteers representing a victimised community. However, some have questioned the extent to which panel members can truly represent the communities to which young offenders belong. In Goodey's research (2005), panel members were largely white, female and employed and, in Goodey's view, were unrepresentative of the communities most affected by youth offending. Her findings were consistent with Biermann and Moulton's survey of youth offender panel volunteers (Home Office, 2003), who found that 61 per cent were employed, 86 per cent were white, and 65 per cent were female. However, Biermann and Moulton concluded that 'youth offender panel volunteers were fairly representative of the population in most respects' but conceded that 'further targeting of under-represented groups' was needed (ibid: 9).

In the context of the present research, the working relationship between panel members and YOT workers appeared very positive and cohesive. Little tension was apparent between panel members and YOT workers and there was little evidence of a power relationship where the YOT worker dominated (Crawford and Newburn, 2002). The potential for the power imbalance to result in panel members 'rubber stamping' (YJB, 2008: 15) YOT workers recommendations, was not overtly evident in this research although, more often than not, they were in complete agreement with suggestions and recommendations made by the YOT worker. The relationship, however cordial, is premised on a 'professional versus volunteer' status which, as some note, is a relationship where it would be very difficult for panel members to 'take YOT people to task' (Newburn et al 2001: 41).

Cultural influences

In the present research, the YOT culture permeated professional relationship and the panel process. There were clear indications that panel members had adopted, or seemed to have adopted, youth offending team values and beliefs. This finding is striking given the limited contact they have with individual teams and the variety of backgrounds; age, status and social class. In spite of the limited opportunities for cultural assimilation, the research showed very clearly that there were many similarities in terms of understanding restorative

justice, welfarist affiliation and views on victim involvement in restorative justice. It is perhaps worth revisiting the concept of culture and how a particular culture can accommodate and absorb others at both an individual and collective level. We know that the findings from the pilot youth offending teams revealed a strong social work identity, where social workers saw themselves as enablers rather than enforcers (Burnett and Appleton, 2004: 29). We also know that individuals with no particular philosophy or beliefs can be absorbed into a culture (Anning, 2005; Burnett and Appleton, 2004). Jackson and Carter (2007) note that micro power within organisations should not be underestimated and suggest that it is possible for just one person to 'exact conformity to their view of the world' (2007: 103). However, following training, the only contact panel members have with YOT workers is at the panel and whilst some YOT workers would have been involved in the panel member training, this would not be the case for all YOT workers by any means.

Another possible explanation is that of acculturation (Redfield, Linton and Herskoritis, cited in Ward, Bocher and Furnham, 2001), whereby sustained contact between individuals of different cultural origins can result in a change of attitude, values and cultural identity. Even if this affect is augmented by the power imbalance between professional and volunteer, the limited contact between panel member and YOT worker renders this unlikely.

The most likely explanation is that panel members become cultural chameleons and adopt culture, values and beliefs that enable them to become accepted and operate effectively in the youth justice community. Jackson and Carter, (2007) assert that it is common for 'people to believe ideologies which are, in practice, and even in theory' contrary to their own beliefs (2007: 156). One can liken panel members in this context to Ward, Bocher and Furnham's 'sojourners' (2001). They describe sojourners as people (in this context, panel members) who have temporary associations with a particular culture. During this time sojourners acquire 'culturally relevant knowledge' in order to 'survive and thrive in their new society' (Ward, Bocher and Furnham, 2001: 51). So, it could be the case that panel members frequently enter this new world of the youth offending team for the duration of panels in which they are involved, albeit temporarily. During their sojourn, they learn to adopt and display 'cultural and political restraint against more punitive policies' (Crawford and Newburn, 2003: 219), whether or not this accords with the values and beliefs of their

primary communities. Examination of the participant profile at Appendix 6.1 shows that there were no socio-economic data to suggest that the sample of panel member interviewees would be susceptible to adopting the YOT culture. The profile shows that they were from a variety of professional backgrounds and, although white, were mixed in terms of age and gender. Comparison of findings of panel member interviews and observations in the current research showed that whilst panel members passively accepted victim absence at panels, during interviews, some panel members questioned why YOTs were not doing more to secure victim attendance. For example, one panel member said in interview, 'I do think the YOT should make more effort to get the victim in attendance. If we are being trained and doing victim support work in that training, then why are some of the YOTs totally disregarding the victims?' (YOT 1, PM5).

The professional relationship at the Panel

In the final report on the introduction of Referral Orders to the youth justice system (Newburn, et al, 2002), three quarters of panel members agreed with the statement 'community panel members determine the direction of meetings' (2002: 32). These findings are not inconsistent with the panels observed in this research, where panel members and YOT workers appeared to work with a common purpose, prioritising the rehabilitation of young offenders. However, on the rare occasion the leadership was tested, the YOT worker would assume control. This was observed in situations where a panel member would choose to revisit the crime as if the panel was a court to determine guilt or innocence. Such situations would prompt the YOT worker to assume command and ask the panel member to desist.

Crawford and Newburn's (2003) concerns about panel members' partiality, or lack of independence due to their community affiliation, were not apparent in the present research; in fact quite the opposite. Panel members and YOT workers had a clear offender focus, frequently to the detriment of absent victims. Victim absence was rarely questioned by panel members, and information on the victim was rarely requested. In spite of training, policy, procedures, and assertions made in the research interviews, tacit acceptance that victims would not be attending panels, and asking little about victims, demonstrate a superficial understanding of the concept of restorative justice. Building on Sherman, Strang and Woods' (2003) analogy with a ship's captain; irrespective of the design or type of ship, it is how the captain sails the ship that determines its course and journey. An

experienced captain will manage the journey, whereas the novice will struggle. This is particularly true in relation to the panel; with both YOT worker and panel member misunderstanding the concept of restorative justice, inexperienced in working with victims, and with a 'need' rather than 'deed' focus on young offenders, they are unlikely to even leave the harbour.

Crawford and Newburn (2003) posit that where facilitators or mediators also represent a principal party or interest, other principal interests risk being 'sidelined or lost altogether' (2003: 50). Whilst Crawford and Newburn raised this in relation to panel members' relationship with the community, it is of equal concern if such actions emanate from YOT workers at panels. In Hoyle and Young's evaluation of Thames Valley's Restorative Cautioning Project, they found that of the 26 cases involving restorative conferencing, over half contained discrepancies between the victim's statement and the 'facilitator's version delivered to the session' (2002: 121). They found that the facilitator underplayed the seriousness of the impact of the crime upon the victim. In an offender driven arena where a particular interest dominates, it is easy to see how this can happen. These findings were consistent with analysis in the present research as discussed in the section on *Restorative Insensibility* above.

The victim-offender relationship

As mentioned in the preceding chapter in relation to victim culpability, the present research found that young offenders and young victims share certain attributes. In the context of Referral Orders, they are both young and usually have a pre-existing relationship. Whilst connections between parties exist in many other crimes of violence, such as sexual violence, child abuse and domestic violence, 'connectedness' and 'youth' often feature together in cases referred to youth offender panels (Frosh, 2001; Lees, 1996; Mooney, 1993). When researching personal robbery, Smith found that 21 per cent of victims and offenders were school children (Smith, 2003). Preliminary findings from the evaluation of the restorative justice projects in schools, where there were found to be 'high rates of victimisation' would seem to support Smith's findings (YJB, 2004c: 8).

A further connection between young victims and young offenders is that their assigned appellations may appear interchangeable (Victim Support, 2007). They are generally drawn from the same population and some contend that it is a 'matter of chance' which

party is subsequently dealt with by the youth justice system (Dignan, 2005: 163). The present research revealed that almost all of the young victims and young offenders were known to one another.

In his research on the application of restorative justice processes in residential child care settings, Littlechild refers to the process of 'relational conflict resolution' to deal with conflict arising between residents and between residents and staff in residential children homes (2007: 214). In this context all parties are known to one another and criminal justice intervention is generally viewed as unhelpful. If we transpose this model to the panel process, where young victim and young offender are usually known to one another, issues of relational conflict could be explored. However, in the absence of victims, panels are likely to ignore the probability of unresolved, conflict-laden future relations.

Whilst 'restorative justice between individuals is predicated upon the 'offender' having acknowledged that the offence has occurred and having taken at least some responsibility for having committed the offence' (Shapland et al, 2006: 507), this essential ingredient is sometimes hard to find in practice, and there is a difference in opinion amongst commentators in restorative justice about the propensity for young offenders to take responsibility and show remorse. Some would argue that the very fact people are closely bound together may enable them to genuinely apologise for their actions, but where offenders have little in common with victims they may struggle to 'share [victims'] view of the offence' (Johnstone, 1999: 214). Others, however, argue that for restorative justice to truly work, the offender must be genuinely remorseful, a condition that is hard to provoke where young offenders are effectively coerced into co-operating and, at best, view their victims as antagonistic. (Braithwaite, 1989; Haines, 1998).

Evaluation of the restorative justice projects in schools showed that, in the vast majority of restorative conferences, successful agreements were made between the parties, whereby apologies were made and relationships repaired (YJB, 2004c: 68). Whilst restorative conferences in schools cannot directly be compared with youth offender panels, there are some similarities, including the fact that the victim and offender are known to one another. There is a strong belief amongst restorative justice proponents of the need to strengthen bonds between communities, offenders and victims and that restorative processes 'break down the social distance between [offenders, victims and their families]' (Braswell,

McCarthy and McCarthy, 2002). We know that many young victims and young offenders are from the same community and that they may alternate between the roles of victim and offender at different times (Fattah, 1993, cited in Davis, Taylor and Titus, 1997). Additionally, as Smith points out, the connection between young victim and young offender has been neglected by criminologists because they are 'placed in separate compartments' (Smith, 2004: 12). Panels provide the opportunity to bring the two together, but for reasons already discussed, this rarely happens.

Conclusion

In 2000, Bailey and Williams predicted that if YOT workers' views prevailed then a 'child first philosophy could well be adopted' (2000: 47). Whilst not exactly child first, the 2008 Criminal Justice and Immigration Act has confirmed the need for courts to actively and fully consider the welfare needs of young offenders for the purposes of sentencing, and has provided the means through which Referral Orders could be issued to a broader cohort of young offenders. These provisions, whilst welcome, will do little to encourage the youth justice system to actively consider the welfare needs of young victims. Although the child first philosophy appeared well ensconced in all three YOTs, the findings provided little evidence that this philosophy extended beyond young offenders to young victims. It would be useful to establish to what extent the three YOTs in the present research are typical, but the author is aware of at least one instance where work with child victims has been judged to be exemplary. Following an inspection in 2004, Enfield youth offending team was given a glowing report; the inspection team considered;

> *the work undertaken with victims to be exemplary... Emphasis was placed upon the needs of young victims... Each team involved with potential young victims worked closely together to assess young victims and develop practice* (Commission for Social Care Inspection et al, 2004: 30).

Clearly there is the potential to develop this area of work, but this needs commitment and understanding. Unless and until work with victims is fully integrated in youth offending team practice, meaningful restorative justice interventions will be rarely attainable and young victims denied their right to be heard.

The UN Convention on the Rights of the Child – Article 12 states:

'State parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child' (1992).

Recognising and responding to the needs of child victims is also problematic in other areas of government policy. In 2003, Victim Support responded to the Department of Health publication *Getting the right start: national service framework for children – Emerging findings* (DOH, 2003), expressing concern that there was no acknowledgement of children and young peoples' experiences of criminal victimisation, or the impact on their health and future development in the three areas considered by the document, 'young people's life experiences'; 'the needs of children in special circumstances'; 'safeguarding children' (Victim Support, 2003a). Under the *Every Child Matters: Change for Children* agenda (DEfS, 2004), which supports the Children Act 2004, every child should have the support they need to 'stay safe' and 'make a positive contribution'.

> *Child victims are those who are spoken about in a language which is not theirs. Child victims are those who are the objects, those who are talked about, but cannot themselves talk.* Adapted from Lystard, (1988).

In spite of the rhetoric, children as victims are still apparently hard to hear. However, there are signs of impending improvement. In the recently published Youth Crime Action Plan (2008) the Government acknowledges the need to address victimisation of children and young people. The document states that there are plans to 'pilot innovative ways to support young victims' (2008: 41), and acknowledges that victimisation by other young people is problematic and needs to be addressed.

If the present research is indicative of normative youth justice practice, the system is clearly insensible to child victims. Insensibility here means insensitive to, unconscious of, or indifferent to the involvement of child victims in youth justice practice. In the context of the present research, insensibility is much more profound than a young victim's absence from a youth offender panel. It is about the fact that in restorative justice, the alternative justice paradigm that should enable victims to be heard, child victims are excluded. As many commentators have said, children are rarely, if at all, consulted about the impact of

crime on their lives (Finkelhor et al, 2001, Howard League, Morgan and Zedner, 1992 and Smith, 2004).

During the course of the research many YOT workers cited 'conflict of interests' as a reason for not engaging with child victims. They argued that it was impossible to work with both victim and offender. Haines and Delgardo's rationale for keeping victim and offender separate, was that the adult victim and young offender were so far removed from each others' lives that there were no benefits for either party. It is far easier, as a practitioner, to distance yourself from an adult victim, who is very 'different' from the young offender you are working with; in the case of child victims, the similarities are disturbingly numerous. As Smith noted 'restorative justice programmes often have to mediate between people who might change places in the victim and offender seats on another occasion' (Smith, 2004: 18), and as Muncie noted, albeit in a slightly different context, 'if victimology in general can be said to be in its infancy, then a specific youth victimology is virtually non-existent' (Muncie, (2000: 20).

Whether, or to what extent, this complexity is causative is unclear, but what is clear is that, in the present research, the three YOTs were actively or tacitly insensible to child victims and only time will tell whether the adverse inspection reports will provide sufficient incentive for change.

This chapter described the analysis of findings in relation to broader academic debate and public policy. By structuring the discussion of pertinent issues under various forms of 'insensibility' the chapter made a clear link with the final emerging theory and, in the process, tested the theory against existing academic discourse and used the theory as a vehicle to debate the efficacy of public policy. The conclusions that can be drawn from these deliberations, and recommendations that flow from them, are discussed in the following chapter.

CHAPTER EIGHT – CONCLUSIONS AND RECOMMENDATIONS

Introduction

The previous chapter discussed the research in the context of wider academic discourse, research and public policy. By structuring the discussion of pertinent issues under various forms of 'insensibility' it made a clear link with the final emerging theory, concluding that practitioners were actively or tacitly insensible to child victims, a situation that must compromise restorative justice outcomes.

This chapter draws conclusions from the current research and wider discussion and makes recommendations for practice and public policy before concluding the thesis. Borrowing from *No More Excuses,* recommendations are linked to the underlying principles of restorative justice, 'restoration, reintegration and responsibility' (Home Office, 1997: 32), providing some ideas on how the system could be restored, how the involvement of young victims could be re-established, reinforced and realised, and where responsibility should lie for effecting desired change at practitioner, managerial and strategic levels.

Conclusions

It is clear from the preceding discussion that the theory emerging from this research, *the operationalisation of restorative justice, through Referral Orders delivered by YOTs and youth offender panels, is such that processes are insensible to child victims of crime,* is consistent with much of the academic discourse, research, and proposals to strengthen youth justice public policy. Consequently, it is likely that this theory will resonate with and have relevance for YOTs in other areas, as well as having relevance for restorative justice policy makers and academics.

Analysis of findings has demonstrated that, in practice, restorative justice processes tend to be restoratively insensible. The lack of involvement of victims prevent processes from operating harmoniously with restorative justice principles, particularly in relation to reparation which is often indirect and does little to help young offenders realise the consequences of wrong-doing, nor does it pave the way towards reintegration through apology and forgiveness. Practitioners need to fully understand and accept the ethos of

restorative justice processes for service delivery to be effective. Avoidance of aspects of processes designed to promote and enable victim participation contribute to the neutralisation of offender responsibility.

Processes tend to be procedurally and structurally insensible due to the prioritisation of the welfare agenda in relation to young offenders which can antagonise and obstruct the satisfaction of restorative justice where acceptance of responsibility for offending behaviour is a necessary pre-requisite. Accordingly, young victims may not be considered, or be given secondary consideration only when this is not inconsistent with the child first status accorded to young offenders. The separation of work with victims and offenders exacerbates this affect, and perpetuates the false belief that work with young victims is a conflict of interests with work with young offenders. Additionally, the volume of low-level crime and inappropriate use of Referral Orders, does little to encourage practitioners to actively engage victims, and encourages perceptions of victim precipitation.

Processes tend to be culturally insensible in that the cultural construction of young offenders and young victims may result in the former being perceived as more vulnerable and victimised than the latter. Consequently, victims are often viewed as either culpable or to some extent contributory to the commission of the offence. The social-work domination of YOTs is likely to contribute to this effect as does the use of non-criminal, welfarist language for young offenders, and the use of impersonal language for young victims. The child-first philosophy seems to lack balance when applied to practice involving young victims and interferes with the achievement of the ideal meld of welfare and justice demanded by restorative justice. The dynamics of youth offender panels are such that volunteer chairs often regard YOT workers as expert and in control, a situation that manifests itself in passive acceptance of YOT values and beliefs.

Processes tend to be professionally-relationally insensible in that practitioners have little information on the profile of youth victimisation, and unfortunately they have little or no experience to draw on. Additionally, the YOT worker – panel member dynamic appears to inhibit independent and critical oversight and challenge, which are essential ingredients of a healthy offender-victim-community interaction. Finally, perceptions and assumptions made about the victim-offender relationship, and an over concentration on tangible outputs at youth offender panels, ignore the difficult reality that these often antagonistic

relationships continue beyond the confines of professional intervention. Although traditional criminal justice interventions are retributive and backward-looking, restorative justice interventions should be rehabilitative and restorative, which can only happen when future relationships are acknowledged and actively considered when developing Referral Order contracts. The present reality is that youth offender panels are neither backward nor forward facing in considering the victim-offender-community dynamic.

Recommendations

The Government has promised further reform of the youth justice system in an attempt to improve restorative justice and resolve some of the anomalies that seem so intractable, not least redressing the persistence of culture and practice that tends to absolve young offenders from responsibility and alienate victims (Home Office, Ministry of Justice, 2008).

Whether or not the criminal justice system should continue to have primary responsibility for delivering restorative justice is a matter of considerable and enduring debate. Whilst it may be easier to bring young offenders and young victims together in schools or care settings, and may be more conducive to 'help all involved to resolve conflicts peacefully' through 'conflict resolution and mediation-based techniques' (Howard League of Penal Reform, 2007), there remains a real risk that young victims be denied their right to access justice and pressured into participation with non-criminal processes. Were it possible to identify low-level, low-impact crime, and deal with this restoratively outside the criminal justice system, it would be difficult to object to such an initiative. However, there is no evidence to suggest that this is feasible, particularly in the knowledge that seriousness is subjectively and differentially experienced by victims. Whilst accepting that some restorative interventions are already being piloted in schools and care settings, the impact of crime is notoriously difficult to assess, and further research will be needed to ascertain the feasibility of formally identifying a cohort of offending for diversion to non-criminal restorative interventions. Consequently, I make no comment here other than to recommend that the Youth Crime Action Plan (Home Office, Ministry of Justice, 2008) be speedily implemented and its impact quickly assessed.

Restoring restorative justice

To address the often passive acceptance of victims' absence from restorative justice processes, I recommend that YOT policy and practice be strengthened to clarify that where victims are 'absent' processes will be flawed and not truly restorative. In this context absence means that victims are either physically absent from youth offender panels, or they are indirectly absent through not having a voice or representation at youth offender panels. Additionally, to comply with the *United Nations Convention on the Rights of the Child* (2002, Article 12), policy should be amended to stress victims' right to attend youth offender panels as they are proceedings that involve them. There should be a clear presumption that victims be enabled to attend and only prevented from attending in truly exceptional circumstances. Where victims decline an invitation to attend in person, systems must enable their wishes and feelings to be expressed in an appropriate format of their choice.

Youth offender panels are key to developing meaningful and effective Referral Order contracts, yet tend to operate in a manner which at times passively accepts the YOT perspective presented to them. Additionally, they seem to offer little community perspective or independent oversight. To address this I recommend that inspections include observations of panels and that training programmes for panel members focus more on understanding restorative justice, victimisation, and their role in ensuring the panel process is as restorative as possible. This would include recording reasons for victim absence and being robust in sending cases back to court where young offenders accept no responsibility for their offending behaviour.

Re-establishing, reinforcing and realising the involvement of young victims

YOT workers and panel members often identify with, and accept without challenge, young offenders' presentation of their situation. To remedy this I recommend that systems be adopted to ensure that YOT workers and panel members have a synopsis of the case as presented to the youth court when the Referral Order was issued. Additionally, policy, training and supervision should be strengthened to clarify that whilst young offenders are children, they have caused harm (often to another child) and should be encouraged to take responsibility for their actions before they can make amends and be successfully reintegrated into a society where the victim-offender relationship is likely to continue.

Youth offender panels should be used, wherever possible as a forum for initiating and promoting victim awareness for *actual* victims.

To address the tendency for YOT workers to perceive work with victims as someone else's responsibility, I recommend that policy be updated to clarify that victim work is everyone's business and that the Data Protection Act provides no impediment to YOT workers contacting victims directly. I suggest that YOTs be structured to integrate rather than separate victim work to provide maximum exposure to young victims, and supervision arrangements should scrutinise practice and challenge cultural practices that encourage separation. Additionally, systems should be reviewed to ensure young victims receive invitations to attend youth offender panels in good time.

Responsibility for action

These four recommendations may be reviewed at strategic, managerial and practitioner levels. Should these recommendations be accepted by policy makers there will be strategic implications in terms of policy, resources, training, evaluation and inspection. At managerial level, there will be implications for local processes, resources, training, welfare, and supervision. At practitioner level there will be implications for caseloads, support and supervision, training and development and partnership working.

Concluding the thesis

My aim throughout this study has been to explicate how practitioners understand, account for, and manage their perceptions of child victims in restorative justice and how such perceptions manifest themselves in day-to-day practice. I trust this has been achieved, and intend disseminating a summary of the findings to relevant organisations and individuals, including the three YOTs, the YJB, and Victim Support.

This study has been both demanding and absorbing. It has provided me with far greater insight into the complexity involved in delivering truly restorative justice. I have learned that it is just too simplistic and banal to evoke the mantra *six or one, half a dozen of the other* when young victims are all but excluded from processes and young offenders largely denied the opportunity to understand the reflective insight they could offer. However, I have learned to appreciate the difficulties in treating young offenders as both children and protagonists and I think we expect much from practitioners in asking them to walk a clear

line between welfare and justice when constrained by time and culture, and it is understandable, though not excusable, that victims have tended to fall below their radar. Looking forward, research has told us that today's young victims, without appropriate intervention and inclusion, are likely to become tomorrow's young offenders. The youth justice system is careful to acknowledge young people's victimisation once they have offended; it therefore makes sense to offer reparation to young victims at the earliest opportunity. I believe that these recommendations would, if adopted, lead to the provision of more robust and equitable restorative justice processes.

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Legislation

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Criminal Justice and Immigration Act 2008

Data Protection Act 1997

Domestic Violence and Victims Act 2004

Protection from Harassment Act 1997

Violent Crime Reduction Act 2006

Youth Justice and Criminal Evidence Act 1999

APPENDICES

Appendix 4.1 – Applying themes to YOT 1 observations

Observation Number	Policy Issues	Understanding of RJ	Awareness or not of vict training & vict policy	Reluctance to engage with victims	Offender focus	Stereotyping victim/assumptions	History	Indirect victim	Non-criminal language
1 12/5/04		Every action has consequences Facing up to the consequences of his behaviour Should write letter of apology Put back into the community How do you think the person would feel? We would like you to pay the money back		No questions asked about victim. Victim says he doesn't want to attend	He was the fall guy He needs to have a connexions worker			We should discuss this term because of his sexual abuse (o) What we have here is a dysfunctional family	We know when lads haven't got much to do they get into bother.

Key:
Blue = pre-panel meeting
Black = panel meeting
Red = post-panel meeting

Appendix 4.1 – Applying themes to YOT 1 observations

Observation Number	Policy Issues	Understanding of RJ	Awareness or not of vict training & vict policy	Reluctance to engage with victims	Offender focus	Stereotyping victim/assumptions	History	Indirect victim	Non-criminal language
2 19/5/04		LOA to vict How do you feel about it (ABH) now?			**Mum's still upset. It was only a fractured thumb.**		She was being bullied. She's seen as the victim, but she stirred it up. I understand what you are saying, we can only deal with info in front of us.	I think she got a bum deal **This yp has been bullied. Dad & granddad schedule 1 offenders**	I don't know why these things go to court. It is unfortunate that two friends had a fight.

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Appendix 4.1 – Applying themes to YOT 1 observations

Observation Number	Policy Issues	Understanding of RJ	Awareness or not of vict training & vict policy	Reluctance to engage with victims	Offender focus	Stereotyping victim/assumptions	History	Indirect victim	Non-criminal language
3 24/5/04		LOA might be an idea to write one, but don't send it		Spoke with the vict, sounds like he was panic stricken – didn't want to get involved. He got costs as well! No compensation to victim as it is inappropriate	Your almost sorry for the offender Tell me your side of it Off the record we have empathy with your situation.	She was scathing about the vict. Nice to have it endorsed o/s of the family. Is the so called vict back at school causing mayhem? Vict is known troublemaker at school and taunted L for months **The other lad sounds a right nightmare.**	We've decided in the circs will give you only 3hours **It's typical one – wind up**	It's just disgusting – he just reacted. He is the vict really – he was provoked. It's a case of the offender being the victim and the vict the offender.	You had this incident
4 27/4/04		Suggest LOA Write LOA even if you don't send it Do you think she's frightened? Can you imagine how it feels?						She's having a lot of problems with bullying	

Key:
Blue = pre-panel meeting
Black = panel meeting
Red = post-panel meeting

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Appendix 4.1 – Applying themes to YOT 1 observations

Observation Number	Policy Issues	Understanding of RJ	Awareness or not of vict training & vict policy	Reluctance to engage with victims	Offender focus	Stereotyping victim/assumptions	History	Indirect victim	Non-criminal language
5 25/4/04	Trying v. hard not to give max hours. We are on a tight budget.	Is the vict coming? Do you know the name of the vict? *you have to pay back the community* *How do you think she felt? We would like you to write a LOA*	Crime 19/5/03 – late Police unable to contact vict @ time of report				I think both girls are hot-headed. Recipe for disaster.	She is a child who has been neglected	

Key:
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Appendix 4.1 – Applying themes to YOT 1 observations

Observation Number	Policy Issues	Understanding of RJ	Awareness or not of vict training & vict policy	Reluctance to engage with victims	Offender focus	Stereotyping victim/assumptions	History	Indirect victim	Non-criminal language
6 **2/6/04**		LOA. Why not a poster as well as a LOA. Only 4hrs to do. 4hrs is nothing for what he's done. He should do LOA even if it goes no further. Your've got to put something back. It does worry me that you don't want to think about the victim Paying back to the community	No reason given or asked for why vict not attending I think you need to do some victim awareness The LOA is a set format. We might leave it on file. There's no rush it's a 5 month order.(incident 5/2)	As part of your contract write LOA. It may never go to him. **It would be nice to have the vict. I've never had a vict yet.**		Were they egging you on?			After you bashed him…

Key:
Blue = pre-panel meeting
Black = panel meeting
Red = post-panel meeting

Appendix 4.1 – Applying themes to YOT 1 observations

Observation Number	Policy Issues	Understanding of RJ	Awareness or not of vict training & vict policy	Reluctance to engage with victims	Offender focus	Stereotyping victim/assumptions	History	Indirect victim	Non-criminal language
6 cont.		We cut compensation down to £25 because we want him to pay, not his parents. We got him to write a LOA. I asked him if he'd mind meeting the vict. He didn't want to. They see one another and just nod. Do you want to speak about the vict?				She had problems at school. She's been a vict 3 times you know. She is a goth. She spat at him and pinned him down. No wonder she's been a vict. Sounds like she needs anger management	I think 6 of one and half a dozen of the other. He did not do LOA because he was afraid of what she would do with it.		

Key:
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Black = panel meeting
Red = post-panel meeting

Appendix 4.1 – Applying themes to YOT 1 observations

Observation Number	Policy Issues	Understanding of RJ	Awareness or not of vict training & vict policy	Reluctance to engage with victims	Offender focus	Stereotyping victim/assumptions	History	Indirect victim	Non-criminal language
7 6/6/04				The vict does not want to be present at the panel. Vict's mother requested that panel address the quest of why her daughter was attacked.	Susan is very happy with what you've done			One time in her life and she was drinking. She targeted this girl for no reason.	
8 11/7/04		Summarise your thoughts about the vict. I want you to draw upon your own experiences. Do you know what empathy means?					We've decided that we wouldn't ask for a LOA, you feel you were provoked.		

Key:
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Black = panel meeting
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Appendix 4.1 – Applying themes to YOT 1 observations

Observation Number	Policy Issues	Understanding of RJ	Awareness or not of vict training & vict policy	Reluctance to engage with victims	Offender focus	Stereotyping victim/assumptions	History	Indirect victim	Non-criminal language
9 19/10/04		LOA I don't even know if this will go to the vict, but it will go on file		At the time of the report a response had not been forthcoming.			It does sound like 6 of one and half a dozen of the other. There was a history of conflict between the two girls. We are only going to give you 3hrs because see where you coming from **You can see what she's saying 50/50**		Years ago this wouldn't have come to court. It's just kids fighting. What a waste of money Do you see how you could have avoided this hassle.

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Appendix 4.1 – Applying themes to YOT 1 observations

Observation Number	Policy Issues	Understanding of RJ	Awareness or not of vict training & vict policy	Reluctance to engage with victims	Offender focus	Stereotyping victim/assumptions	History	Indirect victim	Non-criminal language
10 28/6/04		Do LOA and it remains on file Do you understand what rep is? – it's comm. Service We've got a LOA. The letter stays on file, only if you want to send it.	Do some vict awareness stuff I'll do you a deal; do 5hr extra rep instead of LOA	Did home vs to vict and he's still receiving threats. B's version different	We're trying to find something which suits you. **when I first met him he was a lovely kid. He was just nervous**		When you've got conflict, nice to see how antecedence relates	**At 16 he can't read or write**	When I was at school we had ways of dealing with this – put the two of them together. We can agree you hit the other kid

Key:
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Black = panel meeting
Red = post-panel meeting

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Appendix 4.2 – Applying themes to YOT 1 case-files

Case No.	Policy issues	Understanding of RJ	Aware/not of vict training/policy	Reluctance to engage with victs	Offender focus	Stereotyping vict/assumps	History	Indirect vict	Non-criminal language
1. 3/4/02. panel date 30/4/02		Vict wants feedbk after the panel. LOA agreed at panel. RO report takes note of interview with vict	Letter to parent of vict inviting them to panel (9/4)	No LOA in file					
2. 6/12/02		LOA	Letter to vict invite to panel. Impact on vict found in case file	Mother of vict felt listened to.					
3. 9/7/02	Post it note on front of file. No vict file	LOA dated 9/10/02	Tel. call to victim – does not want to be involved	Yp to write LOA at home. Unsupervised work					
4. 19/11/02	Victs view section: blank	No reference in RO contract to victims		Police officer contact the vict – does not want to be involved.				They (the offender's family) begun to feel victimised	
5. 7/10/02	Vict's view section: blank	Offender displayed little vict empathy and I raised this with him (yot worker).	No reference to victim in RO contract	Vict contacted 5/9. still upset could not be involved as he is still angry. Underlined could not section					

Appendix 4.2 – Applying themes to YOT 1 case-files

Case No.	Policy issues	Understanding of RJ	Aware/not of vict training/policy	Reluctance to engage with victs	Offender focus	Stereotyping vict/assumps	History	Indirect vict	Non-criminal language
6. 8/7/02	Vict's section complete		Visit to vict. LOA given to victims mum.	Dad wanted to come to panel. I said no, as I am concerned about anger, arguments etc.	Offender has been depressed, socially isolated. YP has done very well.	No long-term physical damage to vict – parents says he is afraid to go out.		Offender LAC. Moved several times.	Language of young person.
7. 26/9/02	Victim section not complete		Contacted victim, who does not want to be involved.		Offence not premeditated		This attack driven by revenge		
8. 24/9/03	Access to cps advance disclosure. Not seen transcripts of YP's interview with police. Interview YP and his parents		Victim awareness session	Vict states he is still very angry			He had committed the offence as an act of retaliation	YP was the vict of a violent offence, when he was put in hospital.	Beaten up
9. 30/10/02			Spoken with the vict's father on the phone, who is interested in being involved in the panel				Vict tells me he had previous disagreement with the vict.		

Appendix 4.2 – Applying themes to YOT 1 case-files

Case No.	Policy issues	Understanding of RJ	Aware/not of vict training/policy	Reluctance to engage with victs	Offender focus	Stereotyping vict/assumps	History	Indirect vict	Non-criminal language
10. 3/3/03	Mum does not want vict to be involved			Letter of apology for both victs (not to be sent)					
11. 4/2/03	Spoken with vict's mum Nothing on case file re letting vict know o/c	LOA sent to vict	The yp understands this was not acceptable behav	The police summary states yp was standing behind vict and hit her on the head. Still suffering and does not want to be involved			She clearly identified why she had done it – through retaliation		

Appendix 4.3 – Examples of applying theory to YOT 2 Interviews

YOT 2 – Interviews	Understanding of RJ/ambiguous insight into child victims' experiences of crime.	Stereotyping victims – perceived hostile environment	Absence of reference to victim	Offender focus within RJ processes	Hierarchy of vulnerability	Victim Culpability
1	Evidence: I'm not very good at RJ. It's looking at prevention Alternatives: lack of training	Evidence: their acquainted this is the problem why so few victims want to attend Alternatives: lack of victim experience. Contact with parent only.	Evidence Alternatives: a YJB requirement to complete info on victim	Evidence: Alternatives:	Evidence: All of them (offenders) at some point have been victims Alternatives: welfarist perspective	Evidence: Alternatives:
2	Evidence: LOA – I don't think it always gets sent. I don't think I would encourage bringing them together. Alternatives: only experience of RJ interventions. Logistical and financial constraints does not allow for other interventions.	Evidence: It can be dangerous coming into contact with their assailant. Would I want to confront the offender? No. Alternatives	Evidence Alternatives: Often RO reports says victims details not known	Evidence: Alternatives:	Evidence: nine out of ten of them are victims. Alternatives:	Evidence: Alternatives:

Appendix 4.3 – Examples of applying theory to YOT 2 interviews

YOT 2 – Interviews	Understanding of RJ/ambiguous insight into child victims' experiences of crime.	Stereotyping victims – perceived hostile environment	Absence of reference to victim	Offender focus within RJ processes	Hierarchy of vulnerability	Victim Culpability
3	Evidence: Alternatives:	Evidence: Alternatives: huge benefits for the victims	Evidence: the section on the victim is not always there. Alternatives: I've never seen a victim yet.	Evidence: Alternatives:	Evidence: Alternatives:	Evidence: Alternatives:
4	Evidence: The victim doesn't benefit if they don't receive a LOA Alternatives:	Evidence: I've a feeling victims don't want to be confronted with the person Alternatives: lack of victim contact experience	Evidence Alternatives:	Evidence: Alternatives:	Evidence: Alternatives:	Evidence: Alternatives:

Appendix 4.3 – Examples of applying theory to YOT 2 interviews

YOT 2 – Interviews	Understanding of RJ/ambiguous insight into child victims' experiences of crime.	Stereotyping victims – perceived hostile environment	Absence of reference to victim	Offender focus within RJ processes	Hierarchy of vulnerability	Victim Culpability
5	Evidence: involves community and young person. I think the LOA is quite poignant for YP whose victim they know. They have to focus on the relationship angle.	Evidence: A lot of them are frightened of coming face to face.	Evidence: I'm sure there must be a victim policy.	Evidence: Involves yp and community. We work with the offender –they have a right to feel safe. Our roles a v. different. I think it's reasonable not to contact victims.	Evidence: Very often the young person has been a victim themselves	Evidence: this sort of thing happens. They see it as retribution
	Alternatives:	Alternatives: Where is this message coming from? No training on victims	Alternatives: It is policy we don't contact victims	Alternatives:	Alternatives:	Alternatives:
6	Evidence:	Evidence: When you are the victim you don't grass on anybody	Evidence	Evidence:	Evidence: if a young person has experienced violence, they interpret it as a way of solving problems. Often not surprising	Evidence:
	Alternatives: no training on RJ or victims	Alternatives	Alternatives:	Alternatives:	Alternatives:	Alternatives:

Appendix 4.4 – Examples of applying theory to YOT 2 observations

YOT 2 – Observations	Understanding of RJ/ambiguous insight into child victims' experiences of crime	Stereotyping victims – perceived hostile environment	Absence of reference to victim	Offender focus within RJ process	Hierarchy of vulnerability	Victim Culpability
1 Panel started at 5.18pm and finished at 5.43	Evidence: unpaid work in the community. LOA not discussed with young offender. No mention of victim. No introduction to RJ	Evidence: If he gets a LOA he'll probably tear it up	Evidence: We're not expecting the victim are we? No questions asked – assumed. YOT worker said ' victim in foster care, couldn't get hold of him. We have cobbled together info from the victim statement'. No discussion during panel at victim.	Evidence:	Evidence:	Evidence:
	Alternatives:	Alternatives	Alternatives:	Alternatives	Alternatives:	Alternatives;

Appendix 4.4 – Examples of applying theory to YOT 2 observations

YOT 2 – Observations	Understanding of RJ/ambiguous insight into child victims' experiences of crime	Stereotyping victims – perceived hostile environment	Absence of reference to victim	Offender focus within RJ process	Hierarchy of vulnerability	Victim Culpability
2. panel started at 5pm and finished at 5.35pm	Evidence: panel members did not ask about impact on victim.	Evidence: I know the victim – probably wasn't his moped, he probably nicked it.	Evidence: No reference to victim in panel report (completed by other YOT worker). No questions asked by PM's about victim	Evidence:	Evidence:	Evidence:
	Alternative: YOT worker very familiar with RJ (also manager). Asked the offender many questions.	Alternative:	Alternative: PM's just unfamiliar with victim perspective, feel uncertain. No experience	Alternative: Panel could run for only 30mins as offender has LD's.	Alternative:	Alternative:

Appendix 4.4 – Examples of applying theory to YOT 2 observations

YOT 2 – Observations	Understanding of RJ/ambiguous insight into child victims' experiences of crime	Stereotyping victims – perceived hostile environment	Absence of reference to victim	Offender focus within RJ process	Hierarchy of vulnerability	Victim Culpability
3. Panel started at 5.06pm Finished 6.18pm	Evidence: panel members did not mention RJ. Appeared uncertain how to conduct session. Alternative: panel attended by victim. YOT practitioner led the panel really. Very experienced RJ worker	Evidence: Alternative: The victim was there and the panel heard his story.	Evidence: Alternative:	Evidence: Alternative:	Evidence: Alternative:	Evidence: Alternative:

Appendix 4.5 – Examples of applying theory to YOT 2 case files

Case Files	Understanding of RJ/Ambiguous insight	Stereotyping	Absence of reference to victim	Offender focus in RJ process	Hierarchy of vulnerability	Victim culpability
7 Crime: 25/4 Panel: 22/7	Evidence: LOA – started on 18/9. chasing it, and finally got it 19/12 Alternative: Did a lot on consequences.	Evidence: Alternative:	Evidence: Alternative: cross referenced offenders account with the witness statement	Evidence: Alternative:	Evidence: Alternative:	Evidence: Alternative:
8 Crime: 18/12	Evidence: Alternative: The meeting was v. productive with both parties having their say	Evidence: Alternative:	Evidence: Alternative: Victim attended with Victim Support worker	Evidence: Alternative:	Evidence: Alternative:	Evidence: Alternative:
9 Crime: 17/6 Panel: 16/9	Evidence: YOT worker refers to mum and offender as victims Alternative:	Evidence: Alternative:	Evidence: Says cannot get victim data. Impact on victim too late for panel report Alternative: possibly unable to obtain via VCU	Evidence: Alternative:	Evidence: Alternative:	Evidence: Alternative:

Appendix 4.5 – Examples of applying theory to YOT 2 case files

Case Files	Understanding of RJ/Ambiguous insight	Stereotyping	Absence of reference to victim	Offender focus in RJ process	Hierarchy of vulnerability	Victim culpability
10 Crime: 5/1 Panel: 10/3	Evidence: Alternative: consider impact on victim	Evidence: Alternative:	Evidence: Alternative: fax sent to VCU re asking if victim attending.	Evidence: Alternative:	Evidence: - Alternative:	Evidence: Alternative:
11 Crime: 6/12 Panel: 17/4	Evidence: Alternative: some reference to RJ	Evidence: Alternative:	Evidence: no evidence on computer file about vict. Paper file contains witness statement Alternative:	Evidence: LOA completed 6/10 Alternative:	Evidence: Alternative:	Evidence: Alternative:
12 Crime: 6/12 Panel: 15/4	Evidence: Alternative:	Evidence: Alternative:	Evidence: 'vict received cuts and bruises. Not able to contact victim. Details of injuries both available and far more serious. This case and the one above, was same offender. Alternative:	Evidence: Having discussed with offender, I'm satisfied that he understands the victims perspective Alternative:	Evidence: Alternative:	Evidence: Alternative:

Appendix 4.6 – *Examples of applying theory to YOT 3 interviews*

YOT Interviews	Understanding of RJ/ambiguous insight into child victims' experiences of crime	Stereotyping victims-perceived hostile environment	Absence of reference to victim	Offender focus within RJ processes	Hierarchy of vulnerability	Victim Culpability
1.	Evidence: it is a theory rather than a process. Alternatives: time constraints make it very difficult to do RJ	Evidence: They are reluctant to be involved because of retaliation. Alternatives:	Evidence: Concept of working with victims is difficult. Alternatives: There is no victim policy	Evidence: People here want to help YP who offend. Do not want to involve YO for the benefit of the victim Alternatives:	Evidence: They see young people as victims of circumstance. Alternatives:	Evidence: Alternatives:
2.	Evidence: Alternatives: Ensure victs are involved in the process	Evidence: Often parents are angry and fear repercussions. Alternatives: Peer on peer crime very high here.	Evidence: I've never spoken with a victim Alternatives: Time factor	Evidence: Difficult to change my philosophy Alternatives:	Evidence: Alternatives:	Evidence: 40/50% there is history between them. Alternatives:

Appendix 4.6 – Examples of applying theory to YOT 3 interviews

YOT Interviews	Understanding of RJ/ambiguous insight into child victims' experiences of crime	Stereotyping victims- perceived hostile environment	Absence of reference to victim	Offender focus within RJ processes	Hierarchy of vulnerability	Victim Culpability
3	Evidence: if the victim is there it puts a strain on the proceedings. Reluctance in police to embrace RJ. Alternatives:	Evidence: Alternatives: getting victims to panels requires more time and preparation.	Evidence: not sure if there is a victim policy. Alternatives:	Evidence: Alternatives:	Evidence: Alternatives:	Evidence: Alternatives:
4	Evidence: Alternatives:	Evidence: We set ourselves up to be victims. Victims who come to panel have the benefit of the VLO. Alternatives:	Evidence: Alternatives: We discuss the impact on the victim with the young offender.	Evidence: AT the end of the day they are children. I think YP who are willing to go thro this (panel) and then to have to meet the victim is difficult for them. Alternatives:	Evidence: Alternatives:	Evidence: just fights outside of school. If I had children involved in this sort of thing I would tell them off, not report it to the police. Alternatives:

Appendix 4.6 – Examples of applying theory to YOT 3 interviews

YOT Interviews	Understanding of RJ/ambiguous insight into child victims' experiences of crime	Stereotyping victims-perceived hostile environment	Absence of reference to victim	Offender focus within RJ processes	Hierarchy of vulnerability	Victim Culpability
5.	Evidence: Alternatives: there are issues of time. Victim and offender can meet in a safe and controlled setting	Evidence: Alternatives:	Evidence: Alternatives:	Evidence: Alternatives:	Evidence: Alternatives:	Evidence: Alternatives:
6.	Evidence: Alternatives: it is important that YOT workers meet victims	Evidence: What if the victim is a paedophile or something. If they had a history of violence. Generally victims aren't willing to engage. Alternatives:	Evidence: Alternatives: No assessment of victims.	Evidence: We have to protect the young person from dodgy victims. Victims can get really upset. Alternatives:	Evidence: Often they commit robbery because they have no money. Alternatives:	Evidence: Alternatives:

Appendix 4.7 – *Examples of applying theory to YOT 3 observations*

YOT 3 Observations	Understanding RJ/ambiguous insight into child victims' experiences of crime	Stereotyping victims – perceived hostile environment	Absence of reference to victim	Offender focus within RJ processes	Hierarchy of vulnerability	Victim culpability
1 Crime: 11/2 Panel: 23/7 Started 6.08pm	Evidence: Alternatives: he's got to take responsibility for what he has done. PO brought in statements from victim. PM's explained RJ	Evidence: Alternatives:	Evidence: PM's did not ask any questions of about the victims Alternatives: PO representing victim	Evidence: Alternatives:	Evidence: noted the young offender's father had died 6 years previously. Linked offending to this. Alternatives:	Evidence: Alternatives:
2 Crime May 03 Panel: 4/8/04 Panel length 35mins	Evidence: purpose to draw up contract. . Police officer only spoke with victims day before. Alternatives:	Evidence: Alternatives:	Evidence: Alternatives: asked three questions about the victims.	Evidence: you are not here to be blamed. . When Mike (PO) does the victim feedback, that he (YO) doesn't take on the whole guilt. Alternatives:	Evidence: Alternatives:	Evidence: Alternatives:

Appendix 4.8 – Examples of applying theory to YOT 3 case files

YOT 3 Case Files	Understanding of RJ/ambiguous insight into child victims' experiences of crime	Stereotyping victims – perceived hostile environment	Absence of reference to victim	Offender focus within RJ processes	Hierarchy of vulnerability	Victim Culpability
1	Evidence: mentions the terms RJ and victim work, but no further info. Alternative: victims said they do not wish to participate. Tried to get YP to think about his victim.	Evidence: Alternative:	Evidence: no details on victim impact Alternative: victim contacted via letter. Contacted vict by phone	Evidence: author contacted YP, school and mother to compile report. No access to CPS files Alternative:	Evidence: Alternative:	Evidence: I feel the motivation was revenge for the robbery that the victim had been present at previously. Alternative:
2	Evidence: in preparing report for panel, had contact with all parties except victim who wanted to attend. Alternative: said to young offender, would benefit him if vict attended.	Evidence: decided not to let victim attend due to alleged bullying Alternative:	Evidence: no reference to victim awareness work in file. Alternative:	Evidence: says offender is concerned that the victim will be at the panel as he is scared of him. Alternative:	Evidence: has been bullied for years. Alternative:	Evidence: alleged bullying Alternative:

Appendix 4.8 – Examples of applying theory to YOT 3 case files

YOT 3 Case Files	Understanding of RJ/ambiguous insight into child victims' experiences of crime	Stereotyping victims – perceived hostile environment	Absence of reference to victim	Offender focus within RJ processes	Hierarchy of vulnerability	Victim Culpability
3	Evidence: Alternative: PO explained RJ options to victim. Offender given opportunity to do direct reparation.	Evidence: Alternative:	Evidence: no reference in file to whether they kept victim up to date with order as requested. Alternative: PO has met with victim	Evidence: Alternative:	Evidence: offender has been a victim of crime Alternative:.	Evidence: Alternative:
6.	Evidence: Alternative: Vict contacted asking her if she wished to engage in RJ.	Evidence: Alternative:	Evidence: access to CPS papers, and meeting with YO and her mother in order to compile RO report. Alternative:	Evidence: RO review report makes no reference to any victim focused work during the order. Alternative:	Evidence: YP experienced own victimisation Alternative:	Evidence: Alternative:

Appendix 4.9 – Cross-case analysis; similarities

Categories	YOT 1	YOT 2	YOT 3
Understanding of RJ/insight into child victims' experiences of crime	**casefiles** – no copies of LOA on file → **casefile** refers to LOA→ **casefiles** – reference to contacting victims → **observation** – mentions LOA at panel → **observations** – no PM's asked questions about victim at pre-panel stage, when reading report → **observation** – RJ seen as doing something e.g. reparation/LOA rather than discourse → **Observations** – very few questions if any asked about victim, by PM at panel → **Observation** – vague reference by PM to VA at panel with no explanation → **Observations** –pre –panel meeting very brief → **Interviews** – assumed victims wouldn't wish to attend panels → *Ref to the history between victim and offender, but no looking forward to the future.* *Using someone other than the victim (usually the mother of the YO) to talk about victimisation. Not possible to discuss real victim at panel.*	→ **Casefiles** –ref to LOA and sent late → → → → **Observation** – YW/RJW stepped in to ask questions about victim when PM failed to → → → →	→ → → → → → → → →

Appendix 4.9 – Cross case analysis; similarities

Categories	YOT 1	YOT 2	YOT 3
Understanding of RJ/insight into child victims' experiences of crime, cont.	*No experience of victim work to draw upon. Ownership of the impact of crime cannot be delegated to others. Impact cannot be anticipated on someone else.* *Difficulties with YO who is not remorseful and only pleaded guilty because he was advised.* *Child first philosophy not extended to victims only YO who have been victims.* *Victims need to earn their status.*		
Stereotyping victims – perceived hostile environment	**Interviews** – victims at panel can make it difficult for YW, PM and YO → **Interviews** – no one has done a panel with a child victim/or worked with a child victim → **Observations/casefiles** – no evidence of stereotyping →	→ → →	→ → →

Appendix 4.9 – Cross case analysis; similarities

Categories	YOT 1	YOT 2	YOT 3
Reference to victims	**Interviews** – unsure about victim policy → **Interviews** – some reluctance resistance to work with victims by YW → **Interviews** – PM's saying very little contact with victims and very little focus in the report or at the panel → **Observations** – victim non attendance never questioned by PM's. → **Casefiles** – ref to VA, vague →	→ → **Observation** – PM did not ask any questions about the vict during the panel, but YW stepped in and asked → → **Casefiles** – obtaining victim data is problematic - → **Casefiles** – panel reports did not always contain info on impact on vict, although available →	→ → → → → → →

Appendix 4.9 – Cross case analysis; similarities

Categories	YOT 1	YOT 2	YOT 3
Offender focus within RJ process	**Obs** –PM's and YW discussed in detail YO needs at pre-panel stage → **Files** – significant focus in terms of RJ such as timings of LOA, types of reparation →	→ →	→ →
Hierarchy of vulnerability	**Files** – referred to YO's victimisation and the impact → **Observation** – YW provided additional data on YO's victimisation verbally. Not on the report and done at pre-panel stage → **Interviews** – reference to YO's victimisation by peers → **Interviews** – dominant welfare perspective →	→ → → →	→ → →

Appendix 4.9 – Cross case analysis; similarities

Categories	YOT 1	YOT 2	YOT 3
Victim culpability	**Observations** – PM's re-visiting crime to query, to question culpability of victim and offender; almost like court - →	→	→
	Interviews – linked 'history' and culpability →	→	→
	Interviews – PM and YW say difficulties with history between the two →	→	→
	Interviews – minimising criminal act, use of non legal language -→	→	→
	Observations – victim blaming by PM based on what YO said →	→	
	Files – vict and offender known to one another in majority of cases →	→	→
	Obs – history discussed at pre-panel meeting between YW and PM.→→	→	

Appendix 4.10 – Cross case analysis; differences

Appendix 4.10 – Cross-case analysis; differences

Categories	YOT 1	YOT 2	YOT 3
Understanding of RJ/insight into child victims' experiences of crime	Casefiles- detailed accounts of RJ work and contact with vict via tel. **Obs** – post panel meetings Interviews – LOA often not sent out **observations** – use of RJ language in panel e.g. LOA, 'paying back' **interviews** – assumed YV's would find the panel a difficult process to understand.	VCU contacts victims and YW don't do any of this. **Interviews/casefiles** **Observation** – no post panel meeting	**Obs** – post panel meeting closed and appears to be linked with debriefing process and supervision **Casefiles** – no mention of LOA in any cases. **Obs** – no mention of reparation or LOA at panel.
Stereotyping victims – perceived hostile environment			
Reference to victims	**Observations** -Little reference to victim during panel	**Interviews** – little if any contact with victims as own VCU **Casefiles** – revealed difficulties in getting info from VCU.	**Interviews** – PM did not see absence of vict data as problematic. Also some reluctance to work with victims

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Appendix 4.10 – Cross case analysis; differences

Categories	YOT 1	YOT 2	YOT 3
Offender focus within RJ process	**Observation** – collusion with YW and PM at pre-panel stage and at panel between PM and family. **Obs** – considerable discussion between YW and PM at pre-panel stage re contract and YO needs.	**Obs** - YO and family asked to leave room whilst discussing content of contract. **Interview** – VCU worker felt the absence of the victim gave distorted take on crime. **Interview** – YW felt their role offender focused and distancing from vict.	**Files** – contracts very YO focused; no mention of victim awareness or LOA. VA sessions counted as reparation.
Hierarchy of vulnerability	**Interviews** – reference to YO victimisation re child protection		**Observation** – very little reference to YO's own victimisation **Interviews** – YW felt YO 's victimised by court process
Victim culpability			**Obs** –no reference to victim culpability **files** – V and O not known to one another.

Appendix 4.11 – Evaluation of the study

This self-evaluation has been adapted from *Quality in Quantitative Evaluation: A Framework for assessing research evidence* (Spencer et al, 2003) and is undertaken to ascertain the extent to which the study adhered to the four 'guiding principles' (2003: 6), as outlined in the *data collection* section in Chapter Four.

FINDINGS
How credible are the findings?

As detailed in Chapter Four, findings were drawn from 94 research opportunities (37 interviews,18 observations, and 39 case-files reviews) across three research settings. Chapter Five organised and portrayed findings according to the methodology, listing all 30 categories at stage one, showed their provenance, and provided numerous *in-vivo* accounts. The other three stages were dealt with in similar detail. To protect the integrity and objectivity of the findings, analysis of findings remained separate as detailed in Chapter Six. Findings were resonant with the updated literature review in Chapter Eight, much of which reported on new research which was too young to have influenced the earlier chapters.

How has knowledge / understanding been extended by the research?

Due to the virtual absence of young victims from restorative processes examined during the fieldwork phase of the study, the original research questions were reviewed and further informed by the three literature review chapters, which resulted in the reorientation of the study as detailed in Chapter Four. The new concept of young victim 'insensibility' emerged from use of a unique blend of theory-producing and theory-driven methods. Following analysis of findings in Chapter Six, a further review of new literature in Chapter Seven, and a detailed discussion of findings in Chapter Eight, Chapter Nine made recommendations for strengthening policy and practice at strategic, managerial and practitioner levels.

How well does the research address its original aims and purpose?

Reasons for redrafting the original research questions were clearly and fully articulated in Chapter Four. Findings were linked to the revised research questions and led to conclusions that the author envisaged having resonance with and relevance to other youth offending teams as well as restorative justice policy. The potential limitations of the sampling strategy in terms of triangulation were identified, discussed and explained in Chapter Four, which concluded that the limitations were not only unavoidable but strengthened the integrity of the findings by increasing the diversity of the data sources.

Scope for drawing wider inference – how well is this explained?

Chapter Four discussed the limitations of transferability and generalisability although the sampling strategy sought to maximise the potential for the generation of theoretical relevance to the wider youth offending team population by he selection of settings that were demographically diverse and varied in their approach to work with victims. The relevance of the final theory to other settings was not only justified and explained, but indirectly supported by the lack of any disconfirming evidence from recently published expositions in other areas. In short, the final theory resonated with wider contemporary discussion and remained, in Popperian terms, refutable but (indirectly) intact.

DESIGN
How defensible is the research design?

Chapter Four detailed the research design which uniquely used a blend of grounded theory and case study methods. The rationale for, and limitations of this approach were clearly articulated in the section on combining methods. Although both methods were necessarily weakened to accommodate each other, the benefits – increased objectivity and increased focus respectively – were justified and explained. There was no indication that either method was used inappropriately, neither was there evidence of methodological confusion. The use of three data sources in three settings, and the independent approach to recovery of findings from fieldwork derived data was appropriate for the purpose and aims of the study.

SAMPLING
How well defended is the sampling design?

Within the confines of the anonymity agreement with the settings, the description of the research settings was limited but appropriate in the core text. Interviewee profiles were detailed in Appendix 6.1 in a manner that protected the anonymity of individuals and teams. The sampling strategy section in Chapter Four details how sampling decisions were made to achieve a realistic balance between the selection of suitable settings and the logistics of conducting fieldwork whilst working full time. This purposive approach was also applied to the selection of interviewees to ensure that all relevant agencies were represented. Case files and observations were selected according to purposive and time-scale criteria, minimising the risk of researcher bias. The inclusion criteria were clearly stated. Although comparisons across data sources within each setting were unavoidably compromised through not being able to synthesise data from interview, through observation, to case file, this strategy increased opportunities for data recovery and maximised the diversity of data sources. Comparisons between settings were achieved by using the same data collection tools, time-scales and methods.

Sample composition/case inclusion – how well is the eventual coverage described?

A detailed profile of interviewees was provided in Appendix 6.1, and discussed, in relation to analysis, in Chapter Six. Sampling issues, including the impossibility of obtaining broad socio-economic representation, and the potential for volunteer bias for interviewees, were discussed in Chapter Four. Although there were no identified issues over language or access, as all participants were restorative justice practitioners, with the exception of health workers, broad agency representation was achieved, and there was no requirement to manage the number of practitioners who consented to be interviewed. The reasons for health workers absence were discussed in the section on sampling for interviews in Chapter Four. The method of approach to each setting was fully discussed and included providing pre-fieldwork presentations by the researcher for each setting to both managers and practitioners.

DATA COLLECTION
How well was data collection carried out?

Chapter Four detailed the methodological approach to data collection including the design and application of data collection tools in the sections on designing the research tools and data collection respectively. The implications of the writer as designer, researcher and data collector were discussed throughout, as were the implications of the researcher being known by research participants in her capacity as panel member and trainer. A factual biography was provided in advance of detailed description of the methodological in

Chapter Four. Later in the same chapter (under data collection), the researcher described her method for overcoming any inhibitions this may have engendered for interviewees. All interviews were audio-recorded and fully transcribed, and the authenticity of case files and documents was confirmed by virtue of the access arrangements. Data recording schedules for observations and case files were fully described in the same chapter, as was their application during fieldwork. The appendices in Chapter Four help illustrate the process of drawing findings from data collection through the combination of grounded theory and case study methods, and demonstrate the depth, detail and richness of the data.

ANALYSIS
How well has the approach to and formulation of the analysis been conveyed?
Chapter Five described how finding were drawn from the data using inductively emergent categories which were refined and reduced to increasingly conceptual categories or themes until theory emerged for testing in the second and third settings. Although complex, the structure and processes were clearly described, both within the text and diagrammatically, and were unambiguously linked to the methodology. The chapter followed the methodologically sequential process of divining meaning from the data (from 170 categories to six conceptual themes), and presented the findings neutrally by leaving analysis of findings across settings to the subsequent chapter.

Contexts of data sources – how well are they retained and portrayed?
Whilst preserving the anonymity of the data sources, the demographic characteristics of the three settings were described in Chapter Five. The historical and organisational contexts for YOTs in England and Wales were described in Chapter Two, and cultural issues pertaining to YOTs and panel members were discussed in Chapter Eight, both in the context of this research and more generally in terms of restorative justice processes. In Chapter Five, participant quotations were reported with contextual information such as their team and role, and the origins of documentary analysis were clearly identified.

How well has diversity of perspective and content been explored?
The sampling section in Chapter Four detailed the sampling strategy which was designed to elicit data across three differently structured, demographically diverse settings with the expectation that data would generate a spectrum of findings from which theory could be derived with resonance for, and relevance to, other YOT settings. The same chapter showed how theory generated from the first setting was independently and consecutively tested against the other two settings. The results were reported in tables containing both instances of findings that supported the theory, and findings that refuted it. The methodology in Chapter Four made links to appendices that demonstrated how cross-case analysis included both similarities and differences which were subsequently discussed in the analysis of findings chapter. Similarly, Chapter Eight discussed the findings in the context of broader academic debate.

How well has detail, depth and complexity of the data been conveyed?
Analysis of findings was structured according to the conceptual framework developed from the complex methodological approach. Accordingly, Chapter Six examined the findings across settings in relation to six theoretical propositions that were derived from the first setting, building on the detailed reporting of findings in Chapter Five. This enabled findings to be organised, compared and contrasted at a theoretical level, exposing cultural nuances and perceptions that gave rise to a new concept, insensibility to young victims of crime, leading to the emergence of a new final theory. Chapter Eight then

examined the new theory using a different structure; utilising the previous structure but reorganising it to better examine various forms of insensibility in the context of wider and contemporary academic discourse, research and public policy.

REPORTING
How clear are the links between data, interpretation and conclusions?
As detailed above, the study was organised to provide clear links between the methodology, findings, analysis of findings, discussion, conclusions and recommendations. This structure provided the thesis with an intuitive cogency that mirrored and developed the methodological infrastructure. The journey from description of data by category; divination of findings by reduction and consolidation; through analysis by conceptual hypothesis; to generation of final theory, was clearly signposted and articulated within and across chapters. Instances of contra-indications were acknowledged throughout and explanations took active cognisance of their existence resulting in justified and appropriate conclusions.

How clear and coherent is the reporting?
The aims of the study were reflected on in the final chapter, linking aims to the conclusions and recommendations. The structure of the thesis was internally coherent in that the beginning led to the end in a logical sequence, with each chapter having been provided with a consistent coherence through explanation at the beginning, and summary at the end. The chapters linked with each other through the use of brief reviews of the previous chapter at the beginning and the following chapter at the end. Although somewhat repetitive, this strategy enabled readers to quickly locate and assimilate information, be reminded of key points, and orient themselves for subsequent discourse. Full descriptions of the methods used were complemented diagrammatically at key points.

REFLEXIVITY & NEUTRALITY
How clear are the theoretical assumptions, theoretical perspectives, and values that shape the form and output of the evaluation?
Chapter Four provided a section on reflexivity that discusses the position of the researcher in terms of neutrality and potential bias. This section developed and consolidated this issue which was also mentioned in other relevant places. The chapter also dealt with other methodological issues including trustworthiness and reliability, and transferability. Throughout the thesis the author accepted the inevitability that her values, assumptions and perceptions would affect the research and took appropriate steps to limit and minimise this affect through the adoption of a reflexive strategy. Whilst the blend of methods was intended to maximise the likelihood of issues and themes emerging inductively, in its application it was acknowledged that this was an unrealisable ideal. However, knowledge and understanding of this lack of purity did not deter the author, with appropriate caveats, from applying grounded theory to maximise neutrality and enhance the study's internal integrity.

ETHICS
What evidence is there of attention to ethical issues?
There was evidence of reflection on, and consideration of, ethical issues throughout the thesis. Additionally, a specific section was provided in Chapter Four detailing the formal ethical approval process demanded by the university and, in the data collection section in the same chapter, detailing issues specific to each data collection method. Such issues

included how to approach the settings and obtain appropriately informed consents, manage expectations of confidentiality, and provide assurances regarding anonymity.

AUDITABILITY
How adequately has the research process been documented?
The research process was transparent and auditable, as evidenced by the inclusion of data in the appendices that support contentions in the main text. The reformulation of the research questions was fully explained and justified in Chapter Four, which also discussed the advantages and disadvantages of using a combination of grounded theory and case study methods. Documents created for undertaking the research were reproduced in the Appendices 4.12 to 4.15.

Appendix 4.12 – Letter of introduction and consent form

DATE

Dear...........................

I am currently undertaking research into how youth offending teams respond to children and young people who are victims of crime, as part of my PhD being undertaken at Middlesex University. Your manager is aware of my research and, subject to your consent, is willing for you to participate.

Having already observed a number of youth offender panels, I would now like to interview you in your capacity as youth offending team practitioner. I wish to conduct a semi-structured interview with you that will last approximately forty minutes and be recorded on audiotape. I will ensure that information you provide will be treated anonymously to protect your identify.

I would be most grateful if you would allow me to interview you. Please contact me on xxxxxxxxxxx (w), xxxxxxxxxxxxx (h) or my mobile xxxxxxxxxxx to arrange a convenient appointment.

I look forward to hearing from you

Yours sincerely

Sally Angus

Interviewee Consent Form

My name is Sally Angus. I am conducting research into the role of youth offending teams and their response to children and young people who have been victims of crime.

Thank you for agreeing to take part in this research. Before we start I would like to note the following:

1. Your participation in this research is entirely voluntary.

2. You are free to discontinue this interview at any point.

3. The information you provide will remain anonymous.

4. Data from this interview may be used in my thesis, but no individual will be identified.

Sally Angus............................. Date.............................

I have read the above and consent to be interviewed.

Signature................................. Date.......................................

Appendix 4.13 – Interview schedules – YOT worker and panel member

Title: The Response of Youth Offending Teams to Child Victims of Crime: An exploration of reparation in practice.

Research Question: How is reparation operationalised in Youth Offending Teams' response to child victims of crime?

Research Aims:
- **To gain an understanding into the role of YOTs and how they respond to child victims**
- **To explore how 3 YOTs respond to child victims of crime and consider how the restorative justice principles underpinning the Crime and Disorder Act 1998 and the Youth Justice and Criminal Evidence Act 1999 are delivered within reparative measures to child victims**
- **To undertake comparative case studies of 3 YOTs using an interpretive methodology**
- **To inform and make recommendations about YOTs work with child victims of crime**

Interview Schedule for Panel Members

Factual Information
1. Age
2. Gender
3. Ethnicity
4. Profession
5. Length of time as a PM
6. Number of panels attended where victim present
7. Number of panels attended where young victim present

Interview Questions
1. What training was provided by the Youth Offending Teams on victims of crime? *Prompt: Sufficient, adults/young people, used in addressing impact of crime with young offender*
2. What are your views about the victim being present at a youth offender panel? *Prompt: difference with adult/child victim*
3. In your experience how are victim's views expressed at Panels? *Prompt: Victim Impact Statement*
4. What does the Referral Order Report provide?
5. What are the methods of reparation used in Panels where the victim is a young person? *Prompt use of Letter of Apology*
6. Do you think there are any differences in Referral Orders generally, when the victim is a child or young person?
7. Is there anything else you would like to add in relation to how reparation is operationalised in YOTs, in response to child victims?

Interview Schedule for Youth Offending Team Practitioners

Factual Information

1. Age
2. Gender
3. Ethnicity
4. Profession
5. Role in YOT
6. Length of time at YOT
7. Qualifications
8. Previous Role

Interview Questions

1. What is your understanding of Restorative Justice? ***Prompt: Balance victs/Offenders; change of philosophy/adapted***
2. What training have you received about victims of crime? ***Prompt: Vict policy, forthcoming Vict COP***
3. Do you think there are any links between victimization and subsequent offending in young people? ***Prompt: Perceived by adults; types of crime; peer on peer; how that is managed; Yot work with victs – who?***
4. What Victim Awareness work if any, do you undertake with young offenders? ***Prompt: how it works, difficulties; tailoring depending on age***
5. What do you see as the benefits and problems of delivering reparation? ***Prompt: engaging young victs.***
6. What types of reparation are recommended at panels where the victim is a young person? ***Prompt: Letter of Apology; how useful, for whom?***
7. Under what circumstances, if at all, would you contact a victim?
8. When completing a Referral Order Report, where do you obtain the information about the victim and the offence? ***Prompt: Victim Impact Statement***
9. Is it beneficial or not, for the workings of a panel if the victim is present? ***Prompt: factors influencing decision on victim attendance; any different if young victim present or not.***
10. Is there anything else you would like to add in relation to how reparation is operationlised in YOTs, in response to child victims?

Appendix 4.14 – Observation schedules

Pre-Panel Meeting – Descriptive Observation Proforma

Observation Number: Date: Time

Length of meeting	
Time spent reading the panel report	
Questions asked by panel members regarding the victim	
Type of reparation suggested and by whom	
Reasons given for victim non-attendance if applicable	
Reference to or use of victim impact statement	
Suggested number of reparation hours and by whom	

Pre-Panel Meeting Observation Sheet – Concepts and Themes

Observation Number: Date: Time:

Concepts and Themes	Comments
How YOT workers and panel members worked within a restorative framework. **Key words/Actions**	
How panel members dealt with difference of opinion with YOT worker – if applicable. **Key words/Actions**	
Partnership/Leadership – how panel members and YOT workers worked together **Key words/Actions**	
Decision making **Key words**	

Appendix 4.14 – Observation Schedules

Observation recording sheet – youth offender panel

Observation number: Date: Team:

Running description: Concrete description of events. E.g. time, venue, how many people etc	
Interpretive ideas	
Personal Impression/feelings	
Additional notes/materials	

Concepts and Themes	
Impact of panel/and or crime upon members **Key words/actions**	
Partnership/Leadership - how panel worked together **Key words/actions**	
Victim issues **Key words/actions**	

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Appendix 4.14 – Observation Schedules

Post Panel Meeting – Descriptive Observation

Observation Number: Date: Time:

Length of meeting	
Time spent discussing victim issues	
Discussion regarding reparation	
Reference to RJ	
Reference to victim/victim attendance	

Post Panel Meeting Observation Proforma – Concepts and Themes

Concepts and Themes	
Impact of panel/and or crime upon members **Key words/actions**	
Partnership/Leadership - how panel worked together **Key words/actions**	
Victim issues **Key words/actions**	

Appendix 5.1 – Origin of 'Absence of Reference to Victim' theme

Cat. No.	Original Cat.	Re-conceptualised cat.	Sp. Cat	Themes
46	Absence of victim pertinent data	Diminishing victim profile	Reluctance to engage with victims	Absence of reference to victim
5	Absent victim voice	Deficit in child victim focus	Reluctance to engage with victims	Absence of reference to victim
107	Apportioning the effects of crime	Diminishing victim profile	Reluctance to engage with victims	Absence of reference to victim
17	Apprehensive environment	Perceived hostile environment	Reluctance to engage with victims	Absence of reference to victim
91	Assumed hostile environment	Perceived hostile environment	Reluctance to engage with victims	Absence of reference to victim
6	Concealing the victim voice	Veiled resistance	Reluctance to engage with victims	Absence of reference to victim
127	Controlling victim participation	Deficit in child victim focus	Reluctance to engage with victims	Absence of reference to victim
97	Cultural resistance	Veiled resistance	Reluctance to engage with victims	Absence of reference to victim
60	Deferring young victim's voice to parent	Imperceptible victim voice	Indirect victim	Absence of reference to victim
3	Deficiency in victim compassion	Deficit in child victim focus	Reluctance to engage with victims	Absence of reference to victim
126	Diminishing victim contact	Deficit in child victim focus	Reluctance to engage with victims	Absence of reference to victim
54	Distancing the victim component	Veiled resistance	Reluctance to engage with victims	Absence of reference to victim
101	Hostile environment	Perceived hostile environment	Reluctance to engage with victims	Absence of reference to victim
117	Justifying actions	Deficit in child victim focus	Reluctance to engage with victims	Absence of reference to victim
39	Limited victim participation	Diminishing victim profile	Reluctance to engage with victims	Absence of reference to victim
42	Managing parental emotions	Perceived hostile environment	Reluctance to engage with victims	Absence of reference to victim
23	Practitioner disregard for victim role	Veiled resistance	Reluctance to engage with victims	Absence of reference to victim
4	Preserving the victim voice	Safeguarding the victims voice	Reluctance to engage with victims	Absence of reference to victim
116	Refusal of victim impact to be heard	Deficit in child victim focus	Reluctance to engage with victims	Absence of reference to victim
61	Reluctant victim focus	Veiled resistance	Reluctance to engage with victims	Absence of reference to victim
24	Substituting absent victim	Imperceptible victim voice	Indirect victim	Absence of reference to victim
62	Unenthusiastic adjustment	Veiled resistance	Reluctance to engage with victims	Absence of reference to victim
125	Veiled reluctance	Veiled resistance	Reluctance to engage with victims	Absence of reference to victim

Appendix 5.2 – Findings mapped against theme

Cat..No.	Themes	YW1	YW2	YW3	YW4	YW5	YW6	YW7	YW8	YW9	YW10	PM1	PM2	PM3	PM4	PM5	PM6	PM7	PM8	PM9
46	Absence of reference to victim											Q								
5	Absence of reference to victim														Q				Q	
107	Absence of reference to victim	Q																		
17	Absence of reference to victim																Q			
91	Absence of reference to victim						Q													
6	Absence of reference to victim																			
127	Absence of reference to victim	Q																	C	
97	Absence of reference to victim					Q														
60	Absence of reference to victim										Q									
3	Absence of reference to victim																		Q	
126	Absence of reference to victim	Q																		
54	Absence of reference to victim										Q									
101	Absence of reference to victim					Q														
117	Absence of reference to victim	Q																		
39	Absence of reference to victim											Q								
42	Absence of reference to victim											Q								
23	Absence of reference to victim															Q				
4	Absence of reference to victim																		Q	
116	Absence of reference to victim	Q																		
61	Absence of reference to victim									Q										
24	Absence of reference to victim															Q				
62	Absence of reference to victim									C										
125	Absence of reference to victim	C																		

Q = findings giving rise to original category – quoted

C = findings giving rise to original category – not quoted

Appendix 6.1 – Profile of participant interviewees

	YOT 1 YW										YOT 1 PM									YOT 2 YW							YOT 2 PM					YOT 3 YW				Y3 PM	
	1	2	3	4	5	6	7	8	9	10	1	2	3	4	5	6	7	8	9	1	2	3	4	5	6	7	1	2	3	4	5	1	2	3	4	1	2
18-25																																					
26-35				1						1										1					1											1	
36-45	1		1		1									1														1				1		1	1		1
46-55		1				1	1		1				1			1						1	1	1		1							1				
over 55								1			1	1			1		1	1	1		1						1		1	1	1						
male							1	1		1	1	1	1	1	1	1					1	1	1	1		1	1		1	1			1		1		1
female	1	1	1	1	1	1			1								1	1	1	1					1			1			1	1		1		1	
white UK	1	1	1	1	1	1	1		1		1	1	1	1	1	1	1	1	1	2	1	1	1	1	1	1	1	1	1	1	1	1	1		1	1	1
Black African								1																													
African Car										1																								1			
retired											1	1			1		1	1									1			1	1						
Director														1																							
Designer																1																					
Engineer													1																								
Admin																												1									1
Prob Ass																													1								
YOT w																																				1	
Manager																			1																		
SW			1					1	1	1																									1		
Probation						1																															
Prof Ass	1			1	1																																
Police							1																							1		1	1				
EWO		1																		1																	
ROW																					1		1	1										1			
Vict W																						1															
Youth W																					1																
Yrs Service	2	5	3	2	5	3	0	2	10	1	2	3	3	1	3	3	3	2	2	2	1	5	1	6	3	1	3	2	2	2	3	2	2	3	2	2	0
Experience of victim presence											1	12	2	0	3	4	3	0	2								3	0	0	1	1					2	0
Experience of young victim presence											0	6	0	0	0	1	0	0	0								0	0	0	0	0					0	0