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'Game playing' and 'docility': youth justice in question

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MANUSCRIPT DETAILS

TITLE: â€˜Game playingâ€™ and â€˜docilityâ€™: youth justice in question

ABSTRACT:

This paper is based on findings from a study concerning the extent and nature of childrenâ€™s participation in decision making in youth justice. The paper uses Bourdieuâ€™s concept of habitus, as a heuristic/practical device, to investigate childrenâ€™s ability to express agency and shape or influence the content and format of interventions and approaches in youth justice.

The researcherâ€™s interest in understanding perceptions and experiences of youth justice supervision led to the adoption of the qualitative approach and specifically in-depth interviews and participant observations. The researcher interviewed front line professionals (n=14) operational managers (n=6) and children under youth justice supervision (n=20). This study involved 15 months of fieldwork undertaken between 2016-2017 at a Youth Offending Service in England.

Several young people were seeking to exert minimal energy in order to achieve a type of passive compliance with court order requirements, adopting a â€˜ready to conformâ€™ mindset. Professionals were concerned that they were also participating in this type of â€˜game playingâ€™.

CUST_RESEARCH_LIMITATIONS/IMPLICATIONS__(LIMIT_100_WORDS) :No data available.

A relationship-based practice that is conducive to meaningful participation can help to facilitate positive changes to lifestyles and circumstances. This paper exposes its pivotal role in bolstering childrenâ€™s involvement in supervision, reducing passive compliance and preventing inauthentic transactional arrangements from forming.

CUST_SOCIAL_IMPLICATIONS_(LIMIT_100_WORDS) :No data available.

Despite significant interest in the work of Pierre Bourdieu, his â€˜thinking toolsâ€™ have seldom been used to investigate the experiences, attitudes, and behaviours of youth justice professionals and those under their supervision at Youth Offending Services.

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'Game playing' and 'docility': youth justice in question

Abstract

Purpose

This paper draws on a study exploring the extent and nature of children's participation in decision making in youth justice. It uses Bourdieu's analytical tools, as heuristic/practical devices, to investigate children's ability to shape or influence the content and format of interventions and approaches.

Design

The researcher's interest in understanding perceptions and experiences of youth justice supervision led to the adoption of the qualitative approach and specifically in-depth interviews and participant observations. The researcher interviewed professionals and managers (n=20) from diverse backgrounds and children under youth justice supervision (n=20) with current or recent involvement in the Youth Justice System.

Findings

This paper has uncovered how several young people were seeking to exert minimal energy in order to achieve a type of passive compliance with court order requirements. It was almost taken for granted by some professionals that young people - as 'involuntary clients' - would inevitably attempt to 'play the game'. This involved complying with court order requirements with seemingly minimal effort, adopting a 'ready to conform' mindset in an effort to avoid hassle. Professionals were concerned that they were also participating in this type of 'game playing'.

Originality

Despite significant 21st century interest in the work of Pierre Bourdieu (Thatcher, et al., 2016) his thinking tools have been seldom used to investigate the experiences, attitudes, and behaviours of youth justice professionals and those under their supervision. This paper contributes to this limited scholarship and produces original insights into the topic of children's participation, illuminating patterns, and revealing the nature of, children's involvement in youth justice supervision.

Introduction

It has been argued that, young people have the right to influence the design and/or delivery of services (Case, 2018; Haines and Case, 2015). However, promoting the voices of young people who offend may conflict with the underlying discourse of punishment. Participatory agendas can be difficult to progress in a context of neo-conservativism or following the advent of the new correctionalism, where young people's perspectives may be seen as irrelevant or rendered invalid due to being considered a risk to society (Barry, 2010; Haines and Case, 2015; Muncie and Goldson, 2006). Children and young people are perhaps more likely to be viewed as 'threatening' or 'posing a risk' and thus the recipients of measures that 'restrict liberty' (Goldson and Muncie, 2006:205; Muncie and Goldson, 2006:36). An emphasis on promoting children's participation may be viewed by professionals as a distraction to a principal and primary focus on monitoring the dangers young people pose to society. Furthermore, there have been concerns children are being abstracted and alienated from the process on what works for them and their circumstances (Case, 2018; Haines and Case, 2015; Whyte, 2009).

First, this paper presents a critical perspective on the notion and practice of children's participation in the Youth Justice System. Second, it seeks to expose and illuminate the diverse and complex challenges involving children on matters related to their care and the particularities of supervision arrangements. Third, the paper proceeds to critically discuss the aims and methodology of the study, and following this, presents the findings and analysis. It ends by reflecting upon the central arguments in the paper.

To affirm or deny the voice of the child? Children's participation in the Youth Justice System

There are multiple and contested definitions of participation. It can relate to shared decision making and/or children's active involvement in the design, development and evaluation of activities (Beyond Youth Custody, 2014; Weaver, 2018; Weaver, et al., 2019; YJB, 2016). Participation can be thought of as: being listened to and/or consulted on the governance and delivery of services (Farthing, 2012; Fleming, 2013; Participation Works, 2008). Matthews (2003:270) refers to 'participation [as] an essential and moral ingredient of any democratic society'. Through active or

meaningful participation in processes or systems, we may observe improvements in children's 'self-esteem, confidence, negotiation skills' and 'a sense of autonomy' (Farthing, 2012:77).

Young people can feel frustrated and see the supervision process as tokenistic if 'their participation results in little or no change' (Tisdall, et al., 2008:346) to their situation or how the service operates. It may be counterproductive to involve children and young people in systems and processes if there is not a commitment to the equal distribution of power (Hadfield and Haw, 2001; Haines and Case, 2015).

Professionals may question the trustworthiness of young people's accounts, related to their perceived immaturity, underdeveloped cognitive skills and '[in]ability to make sense of the world' (Hadfield and Haw, 2001:487). Children may be in need of assistance from an adult to articulate their voice and contribute meaningfully to decision making (Hadfield and Haw, 2001; Haines and Case, 2015:78; Hine, 2010:171). In this context, practices may be more adult-led, seeking the child's cooperation, than a collaborative or a shared endeavour (McCulloch, 2016).

Providing for the child is also an important part of the practitioner's role, in that there are inevitably aspects of children's lives, that children are unable to change or affect due to their low age and legal status (Haines and Case, 2015; Phoenix, 2016). For instance, children are unable to: decide local community safety priorities, apply for universal credit to assist them through difficult social and economic periods in their life, to escape toxic living conditions and unloved or deprived environments, to overcome various forms of poverty, inequality and social disadvantage, and to address the social-economic context adversely affecting outcomes, constraining their access to social and leisure opportunities (Haines and Case, 2015; Phoenix, 2016).

In addition to these issues children have minimal control over, children can be perceived to be incapable and considered unable to vote for politicians or political parties that are opposed to austerity measures and in favour of investment in public services and the strengthening of the welfare state or vote against the dismantling of what they perceive as vital services, such as the decimation of youth and community services (Haines and Case, 2015; Phoenix, 2016). In the youth justice context especially, such 'children are in a weak political position to resist (risk) classification' (Haines and Case, 2015:145).

Although children can be capable social agents they may be thought of as individuals devoid of personal agency (Kemshall, 2009). In a study exploring young people's views and opinions on practice supervision Hazel et al., (2002:14) noted that,

> "while they started out feeling in control of their actions, accounts of [children] became striking in their lack of "agency". Giving in, submitting, becoming marginalised and losing power were central themes, quite contrary to the assumption of engagement and responsibility that the system hopes to achieve."

Children and young people can 'quickly become disinterested or disengage from interventions, if they do not feel valued or listened to' (YJB, 2008:8). It could be argued that young people who offend may not be receptive or attentive to interventions, programmes or activities if they feel 'done to' rather than 'with', and their 'basic needs are not being effectively addressed' (McNeill, 2009:88). On the other hand, if young people in conflict with the law and the Youth Justice System are 'active partners' and empowered to influence the shape of their care, 'negotiate' (Wood, 2009:152) supervision arrangements and the services they are receiving, they can provide insight into what does and does not work for them (Nacro, 2008:6). Crucially such a stance offers most promise in terms of young people perceiving their treatment as legitimate. If they perceive how they are cared for to be fair and just, they are more likely to join in with what has been proposed and avoid or refrain from adopting a disinterested disposition (Haines and Case, 2015).

Theoretical framework

Bourdieu's conceptual framework was utilised with a view to providing insight and offering critique into the factors or forces that shape (help, hinder, restrict or deny) the choices of social agents, notably their ability to exercise power and influence over decision making processes (Bourdieu, 1990). One focal intention in using Bourdieu's theory of practice and employing and reworking his key thinking tools to the field of youth justice practice, is to expose the extent to which agents feel 'free' or 'trapped', experience a sense of powerlessness or inevitability about situations and circumstances. The researcher set out to explore the habitus of respondents and the ease with which they advance or strengthen their position or challenges they face *vis-*

a-vis accruing status and navigating precarious positions and resisting 'dominant legitimizing forces' (Grenfell, 2014a:38).

Analytical tools

Although not entirely unconscious or kismet, habitus comprises a person's past existing in present form, influencing perception, thoughts and how one behaves or is inclined to respond (Bourdieu and Wacquant, 1992; Garrett, 2007a; Mills, 2008). As a result, it can be argued that, people do not always conform to 'external sets of formal rules' (Swartz, 2002:616), rather, they tend act strategically or deploy a 'practical rationality' (Bourdieu and Wacquant, 1992:19). Social agents can gain a more or less advantaged position in the field, depending on their ability to predict the 'future of the game' and initiate moves – through utilising capitals - that are beneficial to them and do not bring about sanctions (Bourdieu and Wacquant, 1992). Ostensibly, social agents 'actively pursue the prizes [the game] offers' (Bourdieu and Wacquant, 1992:19).

As Bourdieu observed, essentially habitus is simultaneously lived experiences of 'society written into the body' (Bourdieu, 1990:63) or 'history incarnate in the body' (Bourdieu, 1990:190). In other words, what influences their decision is not 'external constraints' or 'subjective whim' but rather a combination of factors that impact on one's body and mind, including the accumulated histories of deeply ingrained past experiences (Swartz, 2002:616).

If there are changes to field conditions, the habitus of youth justice practitioners might either be reinforced or modified (Aguilar and Sen, 2009:431). During times of crisis, when 'routine adjustment of subjective and objective structures is brutally disrupted' (Bourdieu, 1992:131), where professionals are subject to anxiety provoking restructures, increases in workload or resource pressures, they may experience a 'cleft habitus', one that is 'inhabited by tensions and contradictions' (Bourdieu, 2007:100). Furthermore, alongside perennial challenges related to care/control, assist/confront, and enable/enforce, front line professionals may feel 'out of step' with new agendas and differing ideologies. This is especially so if they contradict existing policies and practices, viewed as incompatible with their own 'feel' for the game (Bourdieu, 1990; Case and Hampson, 2019; Hampson, 2017).

Similarly, if young people are experiencing an adverse childhood or upheaval in their life, they may struggle navigating systems or processes when inducted into the system. The environment can also appear alien and hostile, giving rise to a new set of challenges alongside exacerbating existing anxieties, leading to further feelings of tension and conflict. Moreover, children and young people, who are experiencing capital deficit, may feel supervision is primarily disengaging and disempowering due to their situated and experiential knowledge being devalued, trumped by professional wisdom and expertise. As Moi (1991:1022) notes, 'the right to speak, legitimacy, is invested in those agents recognised by the field as powerful possessors of capital'.

Research aim

There is a dearth of empirical research dedicated to exploring children's perspectives on the 'effectiveness' of the service they are receiving (Beyond Youth Custody, 2014; Hart and Thompson, 2009; Weaver, et al., 2019). Thus, this study focused on uncovering the type or nature and extent of children's involvement in youth justice supervision, including – but not limited to – assessment, decision making, governance and casework matters (Robinson, et al., 2014:130). This study involved 15 months of fieldwork undertaken between 2016-2017.

Methods and methodological approach

The researcher attempted to carefully acknowledge the influence of objective structures, which according to Bourdieu, are 'independent of the consciousness and desires of agents' yet 'capable of guiding or constraining their practices' (Bourdieu, 1990: 123). This is important as youth justice practitioners do not practice in a political or economic vacuum. Crucially, however, participants were not to be seen as passive sufferers of structural inequalities but rather active agents who could negotiate the social world. Consequently, the researcher started from the premise that social actors are able to take control of their own lives, and in so doing construct their own identities and mediate structural barriers. Crucially, however, there was an important caveat: their choices are limited, as agents can often be constrained by wider societal structures seemingly outside of their control (Bourdieu, 1990).

The researcher's interest in understanding perceptions and experiences of youth justice supervision led to the adoption of the qualitative approach and specifically in-depth interviews and participant observations. This was in order to capture 'the first-hand accounts of people themselves' (Gergen, 1999:95) and understand how agents perceived and interpreted the social structural context within which decision making occurs.

Sample

The researcher used a purposive sampling method (Denscombe, 2014:41). This meant that the participants were selected based on their apparent relevance to the aims and objectives of the study and the potential insight they could provide into the topic being investigated (Buck, 2016; Denscombe, 2014). This meant the researcher could 'home in on people or events … believing they will be critical for the research' (Denscombe, 2014:41).

The researcher liaised with several professionals and managers at the Youth Offending Team to ensure the research sample was representative. The researcher interviewed children and young people (n=20) with current or recent involvement in the Youth Justice System subject to either a: referral order, youth rehabilitation order or intensive supervision and surveillance. The aim was to prioritise the voices of the most excluded or subordinated, those often depicted by authority figures (adults) as 'hard to reach' or so-called 'difficult to engage' or unresponsive (France, et al., 2013; Goldson and Yates, 2008; Hadfield and Haw, 2001:487). The researcher interviewed professionals and managers (n=20) from diverse backgrounds, including: social care, health, speech language and communication.

Data analysis

Whilst Bourdieu's analytical tools significantly aided the interpretation of data, thematic analysis was the strategy employed to analyse the findings. The researcher utilised Braun and Clark's (2006) framework, comprising several phases of thematic analysis: familiarisation of the data; formulating initial codes; detecting and revising themes; crafting a written report. The researcher followed the procedures not in a linear fashion but rather in a flexible way to allow for the emergence of themes that were not necessarily anticipated.

Knowing and 'getting round' the rules: how the system works as a 'game'

Several children and young people described having a 'feel' for how to navigate systems or processes, towards the end goal of completing their court order successfully. It seemed to be an outcome most desirable by those under supervision:

> "Cos if I don't join in, then… they'll just start, like, saying "why?" and it just pisses me off, so then I argue with them and then get sent home... I just do something for like 20 minutes, and then they can't say that I haven't done anything". (Baden, 15)

> "Stick to my meetings. Stick to my curfew. Do as I'm told up until my next court date". (Logan, 17)

> "not making a fuss… getting it over and done with". (Tim, 15)

> "I don't wanna spend time talking when I could just go…I just try and get the meetings out the way". (Justin, 15)

> "some kids want it over and done with, don't they?... cos it's obviously their time wasting… maybe they just want to get out, and see their friends and stuff". (Charlotte, 13)

Several young people wanted their meetings 'over and done with'. Young people were aware of the nature of the 'game' and 'its stakes' (the illusio) and, at times, explicit in declaring their specific interests, revealing their game strategy (Bourdieu, 1990; Bourdieu and Wacquant, 1992; Grenfell, 2014d:165). They were aware of the system of rewards and sanctions, namely that progressing with the requirements of their orders, 'dictated' to them by the court and youth justice professionals, was a chore worth pursuing.

One support worker, Mason, who was relatively new to the role, was typically provocative. He queried whether professionals should be discerningly digging more beneath surface appearances, especially with regard to those who appear pleasant and to be 'pretending' to comply. He queried whether workers and young people were playing an 'elaborate game' and in so doing, discouraging children from being 'angry' and 'distressed' in supervision meetings. In proposing that such 'strategising'

on the part of young people should be detected and 'knocked on the head early on' by professionals, he went on to propose a fascinating set of questions:

> "Do you see that strategising – is that what we count as good? Or actually, are the ones who chafe against this and actually flipping…throw the dummy out, and all of that sort of stuff – is that actually more meaningful? Their participation, more meaningful?". (Mason, YOT Support Officer)

Thus, Mason described some of the young people's attitudes and dispositions being symptomatic of passive compliance. He felt young people tended to give a 'false impression' they were content with the 'specified objectives', hiding or concealing their true perspective on proceedings (Leigh, et al., 2019:3).

Despite concerns regarding genuineness, the service appeared to value young people occupying a 'ready to conform' or a 'respect for conventions' mindset (Bourdieu, 1990). Those with a malleable personality, an almost diffident type child, who cooperated and was complicit to demands, either directed implicitly or explicitly at them by their workers, were placed in a slight 'position of advantage' (Bourdieu, 1990; Bourdieu and Wacquant, 1992; Basford, 2018:46).

Being docile and submissive

Several young people who had come into contact with the Youth Justice System described supervision as something that 'just happens' (France, 2015) and was 'done to', not 'with' them. Paul (16) for example, who was subject to Intensive Supervision and Surveillance and had been on an order of some type since the age of 12, thought being on an order was an inconvenience. He described it as taking up too much of his time and felt he wished he was not on it.

Several young people did not see any substantial benefit to sharing their opinions, experiences and reflections, and contributing extensively to discussions or influencing the shape or design of their supervision, as these typical quotations illustrate:

"It's pointless me doing it man. Cos they're trying to learn me about knife crime, mate. But it's not working. Cos they're coming in and just chatting shit". (Joseph, 15)

"Cos I don't get owt out of it. I don't see any... any point in it. It's just stupid". (Zain, 17)

"there's some stuff that shouldn't be there. There's some stuff that's a waste of their time and mine…[but] I don't get a say in what the YOT do, do I?". (Tommy, 16)

"it's just shit being involved with them, innit. I don't really want to be involved with them, like. But what can I do?". (Logan, 16)

"…when I first got my YOT order – I was told what I was doing. I wasn't involved in that process". (Levi, ex-offender)

"Yeah. Well, I don't know. I'm not... It's not really for me to say … Maybe there should be [greater opportunity for children to have a voice]. I don't know". (Sarah, 17)

Some young people were keen to provide insight into what does and does not work for them and their circumstances (Nacro, 2008:6). Nevertheless, although practitioners often referred to the importance of being creative and proactive with their cohort of young people, they described the difficulties they encountered when attempting to motivate some children.

"… we bend over backwards... to get them through their Orders…I have certain young people that I talk to that ... just wanna do their order and get it over and done with, and they're not really interested in anything else…". (Evelyn, YOT Officer)

"… trying to get them to engage, to focus on what you're trying to teach them [can be challenging]". (Sienna, YOT Support Officer)

"… I'll go and pick them up, or I'll ring them and say, "Right, you know you've got an appointment now. I'm on my way! Come on, get ready, be at that door!" You know, things like that. Whereas people'll just say, "He's had an appointment, he's had a text, which... he's had all that, and

that's enough." But I just, like, wanna: "Come on." You know, 'cause

you've got to get them motivated". (Lorna, Supervision Worker)

"I know if I was a young person out on the street, entrenched in the

criminal justice system, getting involved in dealing and stuff like that –

would I shite want to participate. I'd just be like, "What the fuck?" I'd

just get my order done, and that's that, innit". (Grace, YOT Manager)

According to one professional, young people tended to be reluctant to engage or

participate in processes that they essentially viewed, initially at least, as a

punishment that they wanted 'over and done with'.

"They see it as a punishment. They see us as part of the… well, and we

are, the officers of the court. And a voice of authority. Erm, and they

wanna get through it for six months, for nine months, for twelve months.

And they don't think of participation in a way that, you know… that a

practitioner might". (Jackson, YOT Manager)

Grayson, a Youth Offending Team manager acknowledged that young people

may 'go through the motions' in order to 'tick the box', and subsequently enter

into a sort of contractual arrangement with their supervising officer. However,

he also noted how it could be the case that the opinions young people express

or how they appear to be acting, are deliberate 'distancing tactics' deployed to

test if the worker is genuinely interested in forming a trusting partnership with

them.

Nevertheless, frontline professionals, at times, were purposefully employing

techniques such as rescheduling appointments within a short (or even no)

notice period to avoid instigating breach proceedings. They were also

repeatedly reminding children, through various formats, of scheduled meetings

and avoiding issuing warning letters for non-compliance, at seemingly all costs

(also see Phillips, 2016) to increase the chances of children partaking in the

'game' (Bourdieu and Wacquant, 1992).

Discussion

Inevitably there will be some children and young people who treat the experience as

an inconvenience that they want 'over and done with'. Young people may be intent

on playing the youth justice supervision 'game' (Bourdieu, 1990; Wilson and Rees, 2006) and this may result in passive engagement. A lack of meaningful engagement is perhaps understandable when considering that court orders are imposed on children – it is not voluntary; they have a statutory obligation to meet with the service. Some children felt there was some incentive or reward to being passive and compliant. They avoided challenging those in authority, were cynical about the prospect of change to their situation and avoided retaliating against unfair treatment. For some, this was due to the fear that they would be viewed as 'uncooperative', and potentially returned to court for non-compliance, ultimately risking a delay to their order coming to an end (Barry, 2010; Hine, 2010:173).

Several young people who were on court orders were apprehensive about being involved in youth justice processes. They disliked having to attend meetings with their workers, which they found an inconvenience. Yet, they participated in what was required of them in that they attended meetings, that were perceived by them as compulsory and non-negotiable and they responded to questions and inputted into the process – they were seemingly complicit with little resistance.

At times, they felt being complicit meant being responsive to professional demands, however unreasonable from their perspective, without negotiation and compromise, without challenging or questioning the rules or expectations, and without querying the nature of the court order requirements. Children felt this offered the greatest chance of success, in terms of completing the order successfully or at least to a satisfactory standard.

In truth, youth justice comprises professionals, who are mandated by the state to prevent young people engaging in further criminal activity and involuntary clients, who are required to conform and abide by court order requirements (Bourdieu, et al., 1999; Winter, 2015). Despite 'misleading appearances' (Bourdieu, et al., 1999:123) this can and indeed does, as was evident in the present study, result in the presence or construction of 'fake', inauthentic or impersonal social and relational transactions to doing whatever is necessary to 'get through' the order (Buck, 2016).

This can result in both children and their supervising officers, in collusion with managers, being process driven. They appear intent on securing passive compliance at times, seemingly at 'all costs'. It can be,

> "a sort of tacit transaction, tactility guided by the need to minimise costs and risks, to accept a minimal definition of the situation of communication" (Bourdieu, 1990:124).

Nevertheless, despite not fully understanding what was required on their part other than to comply, they tended to refrain from being resistant or attempting to rebel against the norms and expectations. They believed this could potentially result in tension or conflict, and would be a route best avoided, considered by several children as an option that would not be beneficial to them. This was considered especially the case in terms of their goal or stated intention of the order being finished, 'over and done with', ending the chore of attending constant appointments. Such appointments were, they felt, at times pointless, not focused on their individual needs and desires.

Some young people felt that they were inputting slightly into the process but more often sliding through with minimal effort, not meaningfully or actively participating. Nor were they committed to achieving substantial changes, transforming their lives, whether that be in terms of micro or macro level change. They did not perceive the system to be focused on the achievement of their active participation in the governance, design, delivery or evaluation of the service they were receiving.

Children were invested in the game (Bourdieu, 1998a:76) in that they recognised its stakes and were aware of the consequences of non-participation. There was a danger that they could be returned to court and potentially issued with a more intensive court order and perhaps more intrusive demands if they disengaged or refused to participate. They had no option, ostensibly, but to 'stay in the game and keep playing' (Harding, 2014:267).

However, as noted, they navigated the system by contributing minimally into the supervision process. In other words, they did what was required - or at least created the impression that they were attempting to do what was mandatory or non-negotiable - a perception that they were of an obliged, yet not fully-consciously rational, state of being (Bourdieu, 1993). They were attempting to satisfy their case manager that they were complying with court order requirements - the moment it seemed necessary, without, so to the speak, the need to 'ask explicitly what is to be done' (Bourdieu, 1998a:98). Professionals did not 'close their eyes to this reality' (Bourdieu, 1998a:96), yet seemed to be complicit in such process driven thinking

both mentally but also by internalising, to a degree, the 'objective structures of social space' (Bourdieu, 1998a:77).

In terms of the modus operandi or method of procedure, professionals would often 'bend over backwards' to get them through their court order requirements. From a young person's point of view, it involved being complicit, 'not making a fuss', avoiding adopting a stance that could irritate or frustrate their case managers or causing controversy by what could be perceived by them as questioning their authority or undermining their judgement (Bourdieu and Wacquant, 1992).

Inevitably, they seemed to conserve rather than alter or transform such a situation. They were perhaps constrained by the fear that it was seemingly impossible to transform the situation when young people were, so convincingly at times, giving the appearance of conformity perhaps with a view to gain a sense of reward for adhering to the professional-led 'universal' agenda (Bourdieu, 1998a:142). They were perhaps unsure how to respond.

Although they acknowledged 'every rule has its loophole' (Bourdieu, 1998a:141), professionals also felt children had the right (both legally and ethically or morally) to choose a level of participation that they felt most conformable with - whether that be through adopting an active or passive stance. They were hesitant that if they requested more active contributions on the part of young people, this could potentially disrupt the 'norm' and be counterproductive, creating more problems for them and those they were supervising, heightening a sense of anxiety in the process.

They felt if children reacted negatively, becoming hyper vigilant in the process, there could be tension and conflict - feelings that could have been avoided had they not insisted on altering how young people perceived or how they treated the interaction and supervision process. It was felt this could result in a situation that was counterproductive, with the child's feelings of disempowerment worsening. This is especially so, if perceived by young people as an authoritarian or 'heavy handed' stance - punitive/controlling as opposed to benevolently supportive or benignly protective - that has been adopted by professionals.

Children and young people grasped 'the future of the game' albeit to varying degrees, and in a practical way, mastered its logic (Bourdieu, 1998a:80). This was especially the case for children who had previous contact with the justice system and

'knew' what it felt like to be subjected to a court order and had acquired lived experiences through being supervised by the Youth Justice Service, and at times, being in contact with several professionals. They had acquired knowledge of the many different styles and personalities of front-line practitioners in terms of how they approached certain situations and events or responded to certain requests or exchanges. They had previous knowledge of the system or a sense of the history of the game (Bourdieu, 1998a:80), such as strategies they could deploy to avoid being detected for non-compliance, that is techniques to avoid being issued with warning letters. As Harding (2014:277) notes, 'longstanding players know how the game works'.

At times, professionals were disappointed at being encouraged or somewhat coerced, both implicitly and at times explicitly by their superiors, to record cases as 'successfully completed'. This was despite a lack of participation from the child or at least some inconsistency in terms of their levels of engagement. They were discouraged from using the 'partially completed', or demonstration of some improvement, option, arguably engineering a focus away from potentially unwanted scrutiny over their practices. Senior professionals were also guilty of such process driven thinking in that they discouraged front-line professionals from recording the outcome of the case accurately.

This decision was perhaps undergird by a fear it would be interpreted as a less than favourable result of passive engagement or a lack of substantial participation, potentially triggering external interest and unwanted scrutiny. Nevertheless, this approach of recording cases as successfully completed reflected the opus operatum. It was arguably an efficient approach in that a required outcome was achieved: according to the system, the child's involvement in the service had now ended.

Some were 'radically opposed' (Bourdieu, 1998a:78) to this decision on how to record the outcome of the case and detested the way some managers insisted front-line professionals avoid using the partially completed option when a court order had ended. Nevertheless, they were complicit in what was being demanded. Yet, it is important to caution against the view that their actions or decisions on how they were to proceed were overly deterministic, kismet or seldom transformed. Professionals

had (limited) opportunity to exercise agency and apply resistance to unfamiliar, distressing or unconformable situations or circumstances.

Conclusion

The paper has provided insight into why agents may not contest the status quo despite experiencing hardship. It has uncovered how young people were seeking to exert minimal energy in order to achieve a type of passive compliance with court order requirements. It was almost taken for granted by professionals that young people - as 'involuntary clients' (Trotter, 1999) - would inevitably attempt to 'play the game', comply with court order requirements but by 'paying lip service', with seemingly minimal effort. Yet, this was not a disinterested act in that although they complied with minimal effort, they had an end goal in sight.

More specifically, their involvement in the justice system - and its associated demanding and inconvenient processes - would cease, if they adopted a cooperative stance, a pleasant or receptive disposition. To some young people and indeed to those charged with supervising their court orders an alternative possibility seemed incomprehensible. It was a situation which resulted in some young people feeling they had mastered the game, despite the rules being somewhat arbitrary, the 'norms' implicit, and 'the classificatory systems never constituted as such' (Bourdieu, 1998a:82). Crucially, however, there were 'degrees in this feel for the game' (Bourdieu, 1990:109). Children participated, to a greater or lesser extent, to at least maintain a sense of power. Some young people appeared more skilled, than their peers, at 'playing the game' and knowing the written and unwritten rules in terms of what was required of them (Harding, 2014).

They were complicit in what they felt was required of them on their part, imposed by the system or their supervising officers, both implicitly and explicitly. This process was not considered arbitrary or a 'point of view', but the 'truth', in that, despite being, at least in part, mechanisms of exclusion, they attached legitimate value to it (Bourdieu, 1990:112). Professionals were concerned that they were also participating in this type of 'game playing', alongside devaluing the credibility/validity of children's experiential knowledge.

Although young people disliked being treated as 'mini adults' or silenced, some children also felt it inappropriate for them to set agendas. Being an 'offender', they felt they were not in a position to influence decision-making processes. Some young people preferred not to be the ones in control of the decision-making, feeling they would not engage if participation was strictly on their terms of reference. Several children perceived adults in positions of authority as 'the ones in the know' or the 'experts'. In turn, they felt unable and unwilling, at times, to adopt a decision maker role or even contemplate the idea of being in a position of power and control over matters that affected them.

It is important not to belittle young people's attempts at resistance or treat their acts of critical questioning as immature and a form of incompetence. As Bourdieu and Wacquant (1992:196 and 198) note, there may be 'quite sincere' and profound reasoning 'in their re-volts', a host of personal issues/concerns driving their choices to 'go against the established order', not least their acute sense of injustice, which provokes their 'awakening of consciousness'.

With that said, children may be hesitant voicing an opinion fearing their point of view is inferior to professional expertise, resulting in their concerns being dismissed or overshadowed. Children may lack the confidence in terms of ability to express how they 'truly' feel, in an articulated way, in a manner that garners respect from those occupying seemingly greater symbolic and material power and influence (Bourdieu and Wacquant, 1992). Thus, as some young people did, they may repress their authentic thoughts and feelings.

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Game playing and docility: youth justice in question

Abstract

Purpose

This paper is based on findings from a study concerning the extent and nature of children's participation in decision making in youth justice. The paper uses Bourdieu's concept of habitus, as a heuristic/practical device, to investigate the ability of children under youth justice supervision to express agency and shape or influence the content and format of interventions and approaches.

Design

The researcher's interest in understanding perceptions and experiences of youth justice supervision led to the adoption of the qualitative approach and specifically in-depth interviews and participant observations. The researcher interviewed front line professionals (n=14) operational managers (n=6) and children under youth justice supervision (n=20). The fieldwork lasted 15 months, undertaken between 2016-2017.

Findings

Several young people were seeking to exert minimal energy in order to achieve a type of passive compliance with court order requirements, adopting a 'ready to conform' mindset. Professionals were concerned that they were also participating in this type of 'game playing'.

Practical implications

Professionals could work towards maintaining or actively constructing a trusting relationship with those under supervision. This involves valuing children's input and not dismissing but acknowledging resistance dispositions or rebellious temperaments. A relationship-based practice that is conducive to meaningful participation can help to facilitate positive changes to lifestyles and circumstances. This paper exposes its pivotal role in bolstering children's involvement in supervision, reducing passive compliance and preventing the presence of 'fake' inauthentic transactional arrangements from forming.

Originality

Despite significant interest in the work of Pierre Bourdieu, his 'thinking tools' have been seldom used to investigate the experiences, attitudes, and behaviours of youth justice professionals and those under their supervision at Youth Offending Services.

Introduction

Children and young people have felt that their cognitive and emotional ability to provide input into decision making processes has been undervalued, thus experiencing, limited opportunities to pursue child-led agendas (Clinks, 2016; Haines and Case, 2015). These experiences concur with the findings of a report by Clinks (2016) submitted to the Taylor Review of the Youth Justice System. The majority of those under supervision often felt disaffected, seldom presented with an opportunity to negotiate the form and content of their supervision arrangements or contribute to the design, development and delivery of services (Clinks, 2016). Young people voiced little confidence that their views were being taken seriously when they expressed them and remained unconvinced that complaints handling processes were fair and transparent (Clinks, 2016).

The absence of the child's voice in processes has fuelled calls for practitioners to work more in partnership with children, embed a participatory culture within decision making and hold their melange of interests, their rights, viewpoints and needs as paramount in all interactions (Case and Yates, 2016:59; Case and Hampson, 2019, Clinks, 2016; Taylor, 2016; YJB, 2016 and 2019). Despite these laudable aspirations capturing the voice of the child or facilitating meaningful opportunities for them to input into processes, techniques, methods and strategies, continues to be the system's 'Achilles Heel' (Morgan and Hough, 2007: 46; Case and Hampson, 2019).

An emphasis on promoting children's participation may be viewed by professionals as a distraction to a principal and primary focus on monitoring the dangers young people, especially those who are judged not to be 'desistance ready' (McNeill and Weaver, 2010:8), pose to society. Young people's perspectives on matters may be vulnerable to being rendered invalid or systematically excluded, due to, inter alia, concern that centralising their voice risks 'sacrificing public safety' (Farrow, et al., 2007; Goldson and Muncie, 2006:220; Muncie, 2000). Professional knowledge and

expertise continues to take precedence over young people's experiential knowledge and interests (Barry, 2009; Beresford, 2016; Creaney, 2018).

There has been limited empirical research conducted on children's participation in decision-making in the Youth Justice System, including how or to what extent they are involved individually and strategically in processes that concern them or matters related to Youth Offending Services and how they function (Beyond Youth Custody, 2014; Case and Hampson, 2019; Hart and Thompson, 2009; Weaver, et al., 2019). This paper is based on findings from a study focused on the extent and nature of children's participation in decision making in youth justice. The paper uses Bourdieu's (1990) concept of habitus, as a heuristic/practical device, to investigate the ability of children under youth justice supervision to express agency and shape or influence the content and format of interventions and approaches.

The study involved 15 months of fieldwork undertaken between 2016-2017. Bourdieu's conceptual framework was utilised with a view to providing insight and offering critique into the factors or forces that shape (help, hinder, restrict or deny) the choices of social agents, notably their ability to exercise power and influence over decision making processes (Bourdieu, 1990). One focal intention in using Bourdieu's theory of practice and employing and reworking his key thinking tools to the field of youth justice practice, was to expose the extent to which agents feel 'free' or 'trapped', experience a sense of powerlessness or inevitability about situations and circumstances.

This paper presents a critical perspective on the notion and practice of children's participation in the Youth Justice System. It seeks to expose and illuminate the diverse and complex challenges involving children on matters related to their care and the particularities of supervision arrangements. The paper proceeds to critically discuss the aims and methodology of the study, and following this, presents the findings and analysis. It ends by reflecting upon the central arguments in the paper.

Children's participation in decision making in youth justice

All children and young people have the right to a voice and to be provided with opportunities to influence systems or processes that affect them (Creaney and Smith, 2020; United Nations, 1989). However, definitions of what constitutes participation,

vary - it is a contested concept. It can relate to shared decision making and/or children's active involvement in the design, development and evaluation of activities (Beyond Youth Custody, 2014; Weaver, 2018; Weaver, et al., 2019; YJB, 2016). Participation can be thought of as: being listened to and/or consulted on the governance and delivery of services (Farthing, 2012; Fleming, 2013; Participation Works, 2008). Matthews (2003:270) refers to 'participation [as] an essential and moral ingredient of any democratic society'. Through active or meaningful participation in processes or systems, we may observe improvements in children's 'self-esteem, confidence, negotiation skills' and 'sense of autonomy' (Farthing, 2012:77).

Participation is a potentially useful mechanism through which the needs of vulnerable children can be recognised. It can lead to approaches that are compatible with children's wishes, tailored to their social and emotional development (Haines and Case, 2015). Despite potential benefits such as improved compliance, self-esteem/confidence and reductions in further offending (Weaver, et al., 2019), there are significant obstacles to progressing children's participation in justice system. Young people can feel frustrated and see the supervision process as tokenistic if 'their participation results in little or no change' (Tisdall, et al., 2008:346) to their situation or how the service operates. It may be counterproductive to involve children and young people in systems and processes if there is not a commitment to the equal distribution of power (Hadfield and Haw, 2001; Haines and Case, 2015).

Participatory agendas can be difficult to progress in a context of neo-conservativism where young people's perspectives may be seen as irrelevant or rendered invalid due to being considered a risk to society (Barry, 2010; Haines and Case, 2015; Jamieson and Yates, 2009; Muncie and Goldson, 2006). Children and young people are perhaps more likely to be viewed as 'threatening' or 'posing a risk' and thus the recipients of measures that 'restrict liberty' (Goldson and Muncie, 2006:205; Muncie and Goldson, 2006:36), preventing opportunities for them to express how they wish to proceed or be responded to (Hart and Thompson, 2009).

Although professionals are required to enable children's participation, they can also enforce non-compliance, instigate breach proceedings where necessary or inflict further sanctions. It can be argued aspects of the care they receive are non-negotiable

(HM Government, 2008). Children may be reluctant to speak out if they feel they are being treated unfairly due to fearing the consequences of potentially being returned to court for non-compliance (Hine, 2010). They may be apprehensive about expressing their point of view not least due to, inter alia, feeling insecure or suspicious of authority. They may see the system as underpinned by adult agendas, adult assumptions/expectations and adult decision-making processes and thus be reticent or reluctant to speak out in that they perceive no personal benefit to them in doing so (Hine, 2010).

Nevertheless, it has been suggested that interventions with young people under supervision should be multi-model, a myriad of techniques deployed to sustain their motivation and interests, not informed by an inflexible standardised approach or driven by a one-size-fits-all mentality (Barry, 2010; Farrow, et al., 2007). Approaches that foster empathy, trust and children's participation can help to promote positive outcomes, including self-esteem and self-worth and lead to reductions in (re) offending (Creaney and Smith, 2020).

However, children's emotional abilities and matters related to cognitive development can present barriers to progressing children's participation, hindering effective engagement and their active involvement in the planning and execution of services.

Children may be unable to voice an opinion on matters due to being judged incompetent, 'lacking capacity to engage' (Wood, 2010:50). As Lundy (2007:929) observed, professionals may be sceptical, in some quarters, about children's willingness or their ability to engage in meaningful interaction. They may be of the view that children 'lack capacity… to have a meaningful input into decision-making' (Lundy, 2007:929). Professionals may endeavour to capture the child's thoughts, feelings and sentiments. However, professionals may underestimate children's abilities, and in the process, hinder rather than enhance decision making – not properly considering the nature and extent of children's agency (Smith, 2009). More specifically, they may treat children's knowledge as an unreliable source, not credible 'knowers' or capable of engaging in discussions on care and supervision (Winter, 2015:205).

Professionals may question the trustworthiness of young people's accounts, related to their perceived immaturity, underdeveloped cognitive skills and '[in]ability to make

sense of the world' (Hadfield and Haw, 2001:487). Nevertheless, children may be in need of assistance from an adult to articulate their voice and contribute meaningfully to decision making (Hadfield and Haw, 2001; Haines and Case, 2015:78; Hine, 2010:171). In this context, practices may be more adult-led, seeking the child's cooperation, than a collaborative or a shared endeavour (McCulloch, 2016).

Children may disengage if strategies are more restrictive than enabling, preoccupied with finding fault or attributing blame and result in those on the receiving end feeling devalued and silenced (YJB, 2008:8). It could be argued that young people who offend may not be attentive to interventions, programmes or activities if they feel 'done to' rather than 'with', and their 'basic needs are not being effectively addressed' (McNeill, 2009:88). Children may feel disempowered if they are perceived to be incapable of expressing choice concerning their care, viewed as being devoid of personal agency and incapable of contributing to the contents of their supervison plan (Kemshall, 2009).

Providing for the child is also an important part of the practitioner's role, in that there are inevitably aspects of children's lives, that children are unable to change or affect due to their low age and legal status (Haines and Case, 2015; Phoenix, 2016). For instance, children are unable to: decide local community safety priorities, apply for universal credit to assist them through difficult social and economic periods in their life, to escape toxic living conditions and unloved or deprived environments, to overcome various forms of poverty, inequality and social disadvantage, and to address the social-economic context adversely affecting outcomes, constraining their access to social and leisure opportunities (Haines and Case, 2015; Phoenix, 2016).

In addition to these issues children have minimal control over, children can be perceived to be incapable and considered unable to vote for politicians or political parties that are opposed to austerity measures and in favour of investment in public services and the strengthening of the welfare state or vote against the dismantling of what they perceive as vital services, such as the decimation of youth and community services (Haines and Case, 2015; Phoenix, 2016). In the youth justice context especially, such 'children are in a weak political position to resist (risk) classification' (Haines and Case, 2015:145).

Habitus

One's habitus is long-lasting/durable formed through processes of socialisation. Yet it can be affected by such new experiences, altering the way children or professionals perceive or act in the social world. The researcher set out to explore the habitus of respondents and the ease with which they advance or strengthen their position or challenges they face vis-a-vis accruing status and navigating precarious positions and resisting 'dominant legitimizing forces' (Grenfell, 2014a:38). Although not entirely unconscious nor kismet, habitus comprises a person's past existing in present form, influencing perception, thoughts and how one behaves or is inclined to respond (Bourdieu and Wacquant, 1992; Garrett, 2007a; Mills, 2008). As a result, it can be argued that, people do not always conform to 'external sets of formal rules' (Swartz, 2002:616), rather, they tend act strategically or deploy a 'practical rationality' (Bourdieu and Wacquant, 1992:19).

Children and their supervising officers can gain a more or less advantaged position in the field, depending on their ability to predict the 'future of the game' and initiate moves – through utilising capitals - that are beneficial to them and do not bring about sanctions (Bourdieu and Wacquant, 1992). Ostensibly, social agents 'actively pursue the prizes [the game] offers' (Bourdieu and Wacquant, 1992:19).

As Bourdieu observed, essentially habitus is simultaneously lived experiences of 'society written into the body' (Bourdieu, 1990:63) or 'history incarnate in the body' (Bourdieu, 1990:190). In other words, what influences their decision is not 'external constraints' or 'subjective whim' but rather a combination of factors that impact on one's body and mind, including the accumulated histories of deeply ingrained past experiences (Swartz, 2002:616).

If there are changes to field conditions, the habitus of youth justice practitioners might either be reinforced or modified (Aguilar and Sen, 2009:431). During times of crisis, when 'routine adjustment of subjective and objective structures is brutally disrupted' (Bourdieu, 1992:131), where professionals are subject to anxiety provoking restructures, increases in workload or resource pressures, they may experience a 'cleft habitus', inhibited by 'tensions and contradictions' (also see Bourdieu, 2000:64) or feel a sense of hysteresis. This can involve social agents feeling a disconnect between their habitus and the objective field (a new and

unfamiliar world) (Bourdieu, 1998a; Bourdieu, 2007). Furthermore, alongside perennial challenges related to care/control, assist/confront, and enable/enforce, front line professionals may feel 'out of step' with new agendas and differing ideologies. This is especially so if they contradict existing policies and practices, viewed as incompatible with their own 'feel' for the game (Bourdieu, 1990; Case and Hampson, 2019; Hampson, 2017).

Similarly, if young people are experiencing an adverse childhood or upheaval in their life, they may struggle navigating systems or processes when inducted into the system. The environment can also appear alien and hostile, giving rise to a new set of challenges alongside exacerbating existing anxieties, leading to further feelings of tension and conflict. Moreover, children and young people, who are experiencing capital deficit, may feel supervision is primarily disengaging and disempowering due to their situated and experiential knowledge being devalued, trumped by professional wisdom and expertise. As Moi (1991:1022) notes, 'the right to speak, legitimacy, is invested in those agents recognised by the field as powerful possessors of capital'.

Sample

The researcher wrote to a Youth Offending Team in England about the purpose and nature of the study to seek formal permission and negotiate access. The researcher was subsequently invited to present his research proposal to managers and senior professionals. The study's aims and likely demands on the organisation's time, were explained. Following the meeting, the researcher's request to conduct the research was approved. The researcher then attended a staff forum to discuss the study, build trust and credibility with 'front line' practitioners. The researcher provided practitioners with consent forms and information sheets about the study.

It was agreed that professionals would inform children and young people about the research study and issue them with information sheets, consent forms and the researcher's contact details. The researcher attended weekly music project sessions to observe and build relationships with children potentially interested in participating in the research study.

The researcher used a purposive sampling method (Denscombe, 2014:41). This meant that the participants were selected based on their apparent relevance to the aims and objectives of the study and the potential insight they could provide into the

topic being investigated (Buck, 2016; Denscombe, 2014). This meant the researcher could 'home in on people or events … believing they will be critical for the research' (Denscombe, 2014:41).

The researcher liaised with several professionals and managers at the Youth Offending Team to ensure the research sample was representative. The researcher interviewed professionals and managers (n=20) from diverse backgrounds, including social care, health, speech language and communication. The children and young people (N=17 male and N=3 female) interviewed for the study were aged between thirteen and eighteen years old. They had either completed a divert intervention, or subject to a referral order, Youth Rehabilitation Order (YRO), Intensive Supervision and Surveillance (ISS) or a Detention and Training Order (DTO). The names of research participants were replaced with pseudonyms to protect their identities.

Methods

The researcher's interest in understanding perceptions and experiences of youth justice supervision led to the adoption of the qualitative approach and specifically in-depth interviews and participant observations. This was in order to capture 'the first-hand accounts of people themselves' (Gergen, 1999:95) and understand how agents perceived and interpreted the social structural context within which decision making occurs. Crucially, there was an emphasis on researching the experiential knowledge or lived experiences of a 'hard to reach' group of young people alongside 'giving voice' to front-line professionals.

In-depth semi-structured interviews were conducted with children and professionals. Each interview lasted between 30-90 minutes. The flexible semi-structured approach to the interviews facilitated interaction, with participants sharing their experiences on issues which they considered important to them and their life (Wincup, 2017). Crucially, there was a concerted effort to allow participants opportunities to 'make themselves heard' especially 'thoughts long kept unsaid or repressed' (Bourdieu, et al., 1999:615).

A person's memory of an event may potentially be unreliable, and 'hindsight' perhaps influences an individual's 'construction of the past' (Wincup, 2017:103). However, young people and professionals were often forthcoming, discussing their personal lives and on occasion recounting distressing events. This method of data

collection enabled the exploration of 'experiences, practices, values and attitudes in depth' (Devine, 2002:207) and assisted in producing data that was authentic, credible and enlightening (Silverman, 2003).

Data analysis

The researcher utilised Braun and Clark's (2006) framework, comprising several phases of thematic analysis: familiarisation of the data; formulating initial codes; detecting and revising themes; crafting a written report. The researcher followed the procedures not in a linear fashion but rather in a flexible way to allow for the emergence of themes that were not necessarily anticipated. This involved reading through each of the transcripts thoroughly, becoming immersed in the data and familiar with 'the depth and breadth of the content' (Braun and Clarke, 2006:1). The researcher coded transcripts inductively. This was a reductive process going 'beyond the data, thinking creatively with the data, asking the data questions, and generating theories and frameworks' (Coffey and Atkinson, 1996:30).

The themes were checked and verified by (re) examining the sample and (re) analysing the findings. The rich and detailed data that was described and interpreted was then cross-referenced with Bourdieu's social theory, his 'thinking tools' (namely habitus, capital, field and symbolic violence) and other literature and evidence, where similarities and differences were observed.

Findings

'Gaming the system'

Several children described having a 'feel' for how to navigate systems or processes, towards the end goal of completing their court order successfully. It seemed to be an outcome most desired by those under supervision:

> "Cos if I don't join in, then… they'll just start, like, saying "why?" and it just pisses me off, so then I argue with them and then get sent home... I just do something for like 20 minutes, and then they can't say that I haven't done anything". (Baden, 15)

> "Stick to my meetings. Stick to my curfew. Do as I'm told up until my next court date". (Logan, 17)

"not making a fuss… getting it over and done with". (Tim, 15)

"I don't wanna spend time talking when I could just go…I just try and get the meetings out the way". (Justin, 15)

Several young people were aware of the nature of the 'game' and 'its stakes' (the illusio) and, at times, explicit in declaring their specific interests, revealing their game strategy (Bourdieu, 1990; Bourdieu and Wacquant, 1992; Grenfell, 2014d:165). They were aware of the system of rewards and sanctions, namely that progressing with the requirements of their orders, dictated to them by the court and youth justice professionals, was a chore worth pursuing.

One support worker, Mason, who was relatively new to the role, was typically provocative. He queried whether professionals should be discerningly digging more beneath surface appearances, especially with regard to those who appear pleasant and to be 'pretending' to comply. Mason queried whether workers and young people were playing an 'elaborate game' and in so doing, discouraging children from being 'angry' and 'distressed' in supervision meetings. In proposing that such 'strategising' on the part of young people should be detected and 'knocked on the head early on' by professionals, he went on to propose a fascinating set of questions:

"Do you see that strategising – is that what we count as good? Or actually, are the ones who chafe against this and actually flipping…throw the dummy out, and all of that sort of stuff – is that actually more meaningful? Their participation, more meaningful?". (Mason, YOT Support Officer)

Thus, Mason described some of the young people's attitudes and dispositions being symptomatic of passive compliance. He felt young people tended to give a 'false impression' they were content with the 'specified objectives', hiding or concealing their true perspective on proceedings (Leigh, et al., 2019:3).

Despite concerns regarding genuineness, some professionals felt the service valued young people occupying a 'ready to conform' or a 'respect for conventions' mindset (Bourdieu, 1990). Those with a malleable personality, an almost diffident type child, who cooperated and was complicit to demands, either directed implicitly or explicitly

at them by their workers, were placed in a slight 'position of advantage' (Bourdieu, 1990; Bourdieu and Wacquant, 1992; Basford, 2018:46).

Being docile and submissive

Several young people who had come into contact with the Youth Justice System described supervision as something that 'just happens' (France, 2015) and was 'done to', not 'with' them. Paul (16) for example, who was subject to Intensive Supervision and Surveillance and had been on an order of some type since the age of 12, thought being on an order was time consuming and an inconvenience.

Several young people did not see any substantial benefit to sharing their opinions, experiences and reflections, and contributing extensively to discussions or influencing the shape or design of their supervision, as these typical quotations illustrate:

> "It's pointless me doing it man. Cos they're trying to learn me about knife crime, mate. But it's not working. Cos they're coming in and just chatting shit". (Joseph, 15)

> "there's some stuff that shouldn't be there. There's some stuff that's a waste of their time and mine…[but] I don't get a say in what the YOT do, do I?". (Tommy, 16)

> "Yeah. Well, I don't know. I'm not... It's not really for me to say … Maybe there should be [greater opportunity for children to have a voice]. I don't know". (Sarah, 17)

Some young people were keen to provide insight into what does and does not work for them and their circumstances (Nacro, 2008:6). Nevertheless, although practitioners often referred to the importance of being creative and proactive with their cohort of young people, several described the difficulties they encountered when attempting to motivate some children.

> "… we bend over backwards... to get them through their Orders…I have certain young people that I talk to that ... just wanna do their order and get it over and done with, and they're not really interested in anything else…". (Evelyn, YOT Officer)

> "I know if I was a young person out on the street, entrenched in the criminal justice system, getting involved in dealing and stuff like that – would I shite want to participate. I'd just be like, "What the fuck?" I'd just get my order done, and that's that, innit". (Grace, YOT Manager)

According to one professional, young people tended to be reluctant to engage or participate in processes that they essentially viewed, initially at least, as a punishment that they wanted to complete without complications:

> "They see it as a punishment. They see us as part of the… well, and we are, the officers of the court. And a voice of authority. Erm, and they wanna get through it for six months, for nine months, for twelve months. And they don't think of participation in a way that, you know… that a practitioner might". (Jackson, YOT Manager)

Grayson, a Youth Offending Team manager alluded to the importance of acknowledging that young people may 'go through the motions' in order to 'tick the box', and subsequently enter into a sort of contractual arrangement with their supervising officer. However, he also noted how it could be the case that the opinions young people express or how they appear to be acting, are deliberate 'distancing tactics' deployed to test if the worker is genuinely interested in forming a trusting partnership with them.

Nevertheless, frontline professionals, at times, were purposefully employing techniques such as rescheduling appointments within a short (or even no) notice period to avoid instigating breach proceedings. They were also repeatedly reminding children, through various formats, of scheduled meetings and avoiding issuing warning letters for non-compliance, at seemingly all costs (also see Phillips, 2016) to increase the chances of children partaking in the 'game' (Bourdieu and Wacquant, 1992).

Building relationships with young people

Zain (17) had been with the Youth Offending Team for a few years on different court orders. He had a troubling childhood, having lost his close friend to suicide at a young age. He reflected upon his experience of attending a meeting where he felt he was judged negatively, viewed as having a 'difficult character'

(Bourdieu 2007:94). Consequently, he felt prevented from having his say and ventilated his frustrations.

Despite trying in vain for the Youth Offending Team to listen to his side of the story, he felt the service induced personal feelings of 'otherness' (silenced/excluded). This was due to the service not - or seldom - acknowledging his perspective about a problematic relationship he had with one worker:

> "… If I tell them, they'll just sit there. Like, I was telling [one worker] that I didn't like [the other worker]. She was like, "Don't speak…" "No, I need to tell someone." She was like, "Well don't be telling me. Tell [another worker]". (Zain, 17)

Zain felt a sense of injustice and described being subject to unfair treatment by his reparation worker. He averred that,

> "Imagine, right, your kid being on YOT. Like, one of your kids being on YOT. It's minus three, right? There's, like, snow just coming on to the ground. Your kid's got, like, a nice rig…he thinks he's gonna go and do summat else. …And they throw him in, saying, "Go and clean that stable" You'd be a bit fumed. And they didn't understand that answer. I said, "Why wouldn't you tell me, the day before or summat, what we're doing or what to wear?"…I said, "May as well turn back, cos I'm not doing it. Not in these clothes." She started flipping". (Zain, 17)

Zain was not acquiescent, accepting without contesting. Indeed, this quote illustrates Zain's resistance habitus and his somewhat rebellious temperament.

This seems the antithesis of a habitus the Youth Offending Team supposedly promote. Young people were discouraged, at times, from enacting any sort of 'legitimate rage' (Bourdieu, 1998b:viii) a 'taste for disputation' (Bourdieu 2007: 88) or attempt to 'enter into conflict' (Bourdieu, 1990:110) despite the circumstances.

Zain (17) described only trusting certain people, his Intensive Supervision Surveillance worker being one:

> "I'll only trust, like, certain people. With [my worker] I trust her with everything. Like, you: [the researcher] you're building my trust up". (Zain)

This was not too dissimilar from Taylor's (16) experience. Taylor, who was subject to a Youth Rehabilitation Order, reflected upon the constructive relationship he had formed with one of his workers:

> "Because she [YOT worker] knows me the best and I don't particularly… enjoy… getting to know so many people". (Taylor, 16)

Joseph shared positive experiences of supervision. He reflected upon a constructive relationship he had built with one particular worker, who he said had persisted in offering him support and encouragement:

> "I'd been in bed. I was watching telly. And I heard a knock on the door. I thought, "Fucking hell man, who the hell is this?" So I've gone downstairs, opened the door, and it's fucking [YOT Worker}. She said, "What?" I said, "I'm in bed man. Why are you knocking here at like… why are you knocking here?" She said, "You've got panel." I said, "… you'll have to rearrange it for another day cos I'm in bed and I'm not getting dressed to get out in the pissing-down rain." She said, "No. You'll get dressed, now. And you'll get in my car. And I'm taking you to panel." And obviously I weren't arguing with her, cos I couldn't really be arsed. So I just thought, "You know what, fuck it." Just got in the car, like, and went. But she's alright, [my YOT worker] She is sound". (Joseph, 15)

Joseph, like several others, felt his workers encouraged him to 'buy into' the decision-making process. He was thankful that they did not exclude him from the negotiation process. He was an active partner, empowered to influence the shape of his care, negotiating supervision arrangements. Crucially such a stance offers most promise in terms of young people perceiving their treatment as legitimate. If children perceive how they are cared for to be fair and just, they

are more likely to join in with what has been proposed and avoid or refrain from adopting a disinterested disposition (Haines and Case, 2015).

Discussion

Several young people were felt there was some incentive or reward to being compliant. This involved not retaliating against unfair treatment or questioning those in authority due to the fear this could risk a delay to their order coming to an end (Barry, 2010; Hine, 2010:173). They participated in what was required of them in that they attended meetings and responded to questions inputting minimally into the process – they were seemingly complicit with little resistance. At times, they felt being complicit meant being responsive to professional demands, however unreasonable, without challenging or questioning the rules or expectations.

Some young people felt that they were inputting slightly into the process but more often sliding through with minimal effort, not meaningfully or actively participating. Nor were they particularly committed to achieving substantial changes, transforming their lives, whether that be in terms of micro or macro level change. They did not perceive the system to be focused on the achievement of their active participation in the governance, design, delivery or evaluation of the service they were receiving.

Children were invested in the game (Bourdieu, 1998a:76) in that they recognised its stakes and were aware of the consequences of non-participation. There was a danger that they could be returned to court and potentially issued with a more intensive court order and perhaps more intrusive demands if they disengaged or refused to participate. They had no option, ostensibly, but to 'stay in the game and keep playing' (Harding, 2014:267).

Professionals felt children had the right both legally and morally to choose a level of participation that they felt most conformable with - whether that be through adopting an active or passive stance. Several were hesitant that if they requested more active contributions on the part of young people, this could potentially disrupt the 'norm' and be counterproductive, creating more problems for them and those they were supervising, heightening a sense of anxiety in the process. If children reacted negatively, becoming hyper vigilant in the process, there could be tension and conflict - feelings that could have been avoided had they not insisted on altering how young people perceived or how they treated the interaction and supervision process.

It was felt this could result in a situation that was counterproductive, with the child's feelings of disempowerment worsening.

At times, professionals were disappointed at being encouraged or somewhat coerced, both implicitly and at times explicitly by their superiors, to record cases as a successful completion. This was despite a lack of participation from the child or at least some inconsistency in terms of their levels of engagement. They were discouraged from using the partially completed/demonstration of some improvement option, arguably engineering a focus away from potentially unwanted scrutiny/external interest over their practices. Nevertheless, this approach of recording cases as successfully completed was arguably an efficient approach in that a required outcome was achieved; according to the system, the child's involvement in the service had now ended.

It is important to caution against the view that the actions of professionals were overly deterministic/kismet. Professionals had (limited) opportunity to exercise agency and apply resistance to unfamiliar, distressing or unconformable situations or circumstances. At times, professionals inflicted the right hand of the state - as was highlighted in Sociology is a Martial Art (2001, no pagination) 'the hand that punishes' - resulting in their case being referred to a non-compliance meeting. Furthermore, children could be required to attend court re-appearances for failing to engage and fulfil the requirements of the court order.

However, the 'left hand' of the state, was exercised regularly through practitioners committed to forming positive and constructive relationships, building trust and encouraging young people to work towards achieving their potential. Professionals remained resilient, especially when young people were on occasion verbally and sometimes physically aggressive towards them. They were mostly interested in not only providing emotional support and reopening, at times, 'raw wounds' (i.e. adverse childhood experiences) but also providing practical assistance in the form of education and training.

An approach that is relationship based and conducive to meaningful participation, can help to facilitate more substantial changes or transformations. Relationships that are empathic and consistent can play a pivotal role in bolstering children's participation, reducing passive compliance and preventing the presence of 'fake'

inauthentic transactional arrangements from forming. A relationship of this type is also potentially more receptive to critiquing the status quo.

However, regarding the latter, young people (and their supervising officers) may perceive 'resistance' or anti-participation as 'alienating' and unsavoury, a position most uncomforting, and forms of 'submission to be liberating' (Bourdieu and Wacquant 1992, 24).

What is more, professionals may prefer young people presenting with a 'ready to conform' mindset who are of a malleable personality type rather than incipient troublemakers intent on rebellion (Bourdieu and Wacquant, 1992). However, professional/young person partnerships can help to prevent children adopting passive or disengaged roles, increasing their willingness to comply with court order requirements (Her Majesty's Inspectorate of Probation, 2016). Young people may feel particularly comfortable and secure communicating with professionals, if their workers project empathy and warmth and commit to forming a safe and non-judgemental relationship (Mason and Prior, 2008). Crucially, professionals should not belittle children's attempts at resistance or treat their acts of critical questioning as immature and a form of incompetence. As Bourdieu and Wacquant (1992:196 and 198) note, there may be 'quite sincere' and profound reasoning 'in their re-volts', a host of personal issues/concerns driving their choices to 'go against the established order',

Conclusion

The paper has produced original insights into the nature of children's participation in youth justice supervision. It found that young people were seeking to exert minimal energy in order to achieve a type of passive compliance with court order requirements. Yet, this was not a disinterested act in that although they complied with minimal effort, they had an end goal in sight. More specifically, their involvement in the justice system - and its associated demanding and inconvenient processes - would cease, if they adopted a cooperative stance, a pleasant or receptive disposition.

To some young people and indeed to those charged with supervising their court orders an alternative possibility seemed incomprehensible. Crucially, however, there

were 'degrees in this feel for the game' (Bourdieu, 1990:109). Children participated, to a greater or lesser extent, to at least maintain a sense of power. Some young people appeared more skilled, than their peers, at 'playing the game' and knowing the written and unwritten rules in terms of what was required of them (Harding, 2014). Professionals were concerned that they were also participating in this type of 'game playing'.

Professionals could work towards maintaining or actively constructing a trusting relationship with those under supervision. This involves valuing children's input and not dismissing but acknowledging resistance dispositions or rebellious temperaments. Practitioners could proactively 'design in' opportunities for children to influence decision-making processes. If they are interested and committed to destroying unevenly distributed power differentials, regularly exercise the left hand of the state, and subscribe to a practice of 'active and methodical listening' (Bourdieu, et al., 1999:609), this can help to avoid the emergence of a 'fake' transactional arrangements (Brooker, 2015).

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'Game playing' and 'docility': youth justice in question

Abstract

Purpose

This paper is based on findings from a study concerning the extent and nature of children's participation in decision making in youth justice. The paper uses Bourdieu's concept of habitus, as a heuristic/practical device, to investigate children's ability to express agency and shape or influence the content and format of interventions and approaches in youth justice.

Design

The researcher's interest in understanding perceptions and experiences of youth justice supervision led to the adoption of the qualitative approach and specifically in-depth interviews and participant observations. The researcher interviewed front line professionals (n=14) operational managers (n=6) and children under youth justice supervision (n=20). This study involved 15 months of fieldwork undertaken between 2016-2017 at a Youth Offending Service in England.

Findings

Several young people were seeking to exert minimal energy in order to achieve a type of passive compliance with court order requirements, adopting a 'ready to conform' mindset. Professionals were concerned that they were also participating in this type of 'game playing'.

Practical implications

A relationship-based practice that is conducive to meaningful participation can help to facilitate positive changes to lifestyles and circumstances. This paper exposes its pivotal role in bolstering children's involvement in supervision, reducing passive compliance and preventing inauthentic transactional arrangements from forming.

Originality

Despite significant interest in the work of Pierre Bourdieu, his 'thinking tools' have seldom been used to investigate the experiences, attitudes, and behaviours of youth justice professionals and those under their supervision at Youth Offending Services.

Introduction

Children and young people have felt that their cognitive and emotional ability to provide input into decision making processes has been undervalued, thus experiencing limited opportunities to pursue child-led agendas (Clinks, 2016; Haines and Case, 2015). These experiences concur with the findings of a report by Clinks (2016) submitted to the Taylor Review of the Youth Justice System. The majority of those under supervision often felt disaffected, seldom presented with an opportunity to negotiate the form and content of their supervision arrangements or contribute to the design, development and delivery of services (Clinks, 2016). Young people voiced little confidence that their views were being taken seriously when they expressed them and remained unconvinced that complaints handling processes were fair and transparent (Clinks, 2016).

The absence of the child's voice in processes has fuelled calls for practitioners to work more in partnership with children, embed a participatory culture within decision making and hold their melange of interests, their rights, viewpoints and needs as paramount in all interactions (Case and Yates, 2016:59; Case and Hampson, 2019, Clinks, 2016; Taylor, 2016; Youth Justice Board, 2016 and 2019). Despite these laudable aspirations capturing the voice of the child or facilitating meaningful opportunities for them to input into processes, techniques, methods and strategies, continues to be the system's 'Achilles Heel' (Morgan and Hough, 2007: 46; Case and Hampson, 2019).

An emphasis on promoting children's participation may be viewed by professionals as a distraction to a principal and primary focus on monitoring the dangers young people, especially those who are judged not to be 'desistance ready' (McNeill and Weaver, 2010:8), pose to society. Young people's perspectives on matters may be vulnerable to being rendered invalid or systematically excluded, due to, *inter alia*, concern that centralising their voice risks 'sacrificing public safety' (Farrow, et al., 2007; Goldson and Muncie, 2006:220; Muncie, 2000). Professional knowledge and expertise continues to take precedence over young people's experiential knowledge and interests (Barry, 2009; Beresford, 2016; Creaney, 2018).

There has been limited empirical research conducted on children's participation in decision-making in the Youth Justice System, including how or to what extent they are

involved individually and strategically in processes that concern them or matters related to Youth Offending Services and how they function (Beyond Youth Custody, 2014; Case and Hampson, 2019; Hart and Thompson, 2009; Weaver, et al., 2019). This paper is based on findings from a study, undertaken between 2016-2017, focused on the extent and nature of children's participation in decision making in youth justice.

The paper uses Bourdieu's (1990) concept of habitus, as a heuristic/practical device, to investigate children's ability to express agency and shape or influence the content and format of interventions and approaches in youth justice. Bourdieu's conceptual framework was utilised with a view to providing insight and offering critique into the factors or forces that shape (help, hinder, restrict or deny) the choices of social agents, notably their ability to exercise power and influence over decision making processes (Bourdieu, 1990; Bourdieu, 1993). One focal intention in using Bourdieu's theory of practice and employing and reworking his key thinking tools to the field of youth justice practice, was to expose the extent to which agents feel 'free' or 'trapped', experience a sense of powerlessness or inevitability about situations and circumstances (Bourdieu and Wacquant, 1992).

First, this paper presents a critical perspective on the notion and practice of children's participation in the Youth Justice System. It seeks to expose and illuminate the diverse and complex challenges involving children on matters related to their care and the particularities of supervision arrangements. Second, an overview of Bourdieu's fundamental analytical tools is provided. Leading on from this, the paper proceeds to critically discuss the aims of the study and methods of data collection, and following this, presents the findings and analysis. It ends by reflecting upon the central arguments in the paper.

Children's participation in decision making in youth justice

All children and young people have the right to a voice and to be provided with opportunities to influence systems or processes that affect them (Creaney and Smith, 2020; United Nations, 1989). However, definitions of what constitutes participation, vary - it is a contested concept. It can relate to shared decision making and/or children's active involvement in the design, development and evaluation of activities (Beyond Youth Custody, 2014; Weaver, 2018; Weaver, et al., 2019; Youth Justice

Board, 2016). Participation can be thought of as: being listened to and/or consulted on the governance and delivery of services (Farthing, 2012; Fleming, 2013; Participation Works, 2008). Matthews (2003:270) refers to 'participation [as] an essential and moral ingredient of any democratic society'. Through active or meaningful participation in processes or systems, we may observe improvements in children's 'self-esteem, confidence, negotiation skills' and 'sense of autonomy' (Farthing, 2012:77).

Participation is a potentially useful mechanism through which the needs of vulnerable children can be recognised. It can lead to approaches that are compatible with their wishes, tailored to their social and emotional development (Haines and Case, 2015). Despite potential benefits such as improved compliance and increases in self-esteem/confidence (Weaver, et al., 2019), there are significant obstacles to progressing children's participation in the Youth Justice System. Young people can feel frustrated and see the supervision process as tokenistic if 'their participation results in little or no change' (Tisdall, et al., 2008:346) to their situation or how the service operates. It may be counterproductive to involve them in systems and processes if there is not a commitment to the equal distribution of power (Hadfield and Haw, 2001; Haines and Case, 2015).

Participatory agendas can be difficult to progress in a context of neo-conservativism where young people's perspectives may be seen as irrelevant or rendered invalid due to being considered a risk to society (Barry, 2010; Haines and Case, 2015; Jamieson and Yates, 2009; Muncie and Goldson, 2006). Children and young people are perhaps more likely to be viewed as 'threatening' or 'posing a risk' and thus the recipients of measures that 'restrict liberty' (Goldson and Muncie, 2006:205; Muncie and Goldson, 2006:36), preventing opportunities for them to express how they wish to proceed or be responded to (Creaney and Smith, 2014; Hart and Thompson, 2009).

Although professionals are required to enable children's participation, they can also enforce non-compliance, instigate breach proceedings where necessary or inflict further sanctions. It can be argued aspects of the care they receive are non-negotiable (HM Government, 2008). Children may be reluctant to speak out if they feel they are being treated unfairly due to fearing the consequences of potentially being returned to court for non-compliance (Hine, 2010). They may be apprehensive about expressing their point of view not least due to, *inter alia*, feeling insecure or suspicious of

authority. They may see the system as underpinned by adult agendas, adult assumptions/expectations and adult decision-making processes and thus be reticent or reluctant to speak out in that they perceive no personal benefit to them in doing so (Hine, 2010).

Nevertheless, it has been suggested that interventions with young people under supervision should be multi-model; a myriad of techniques deployed to sustain their motivation and interests, not informed by an inflexible standardised approach or driven by a one-size-fits-all mentality (Barry, 2010; Farrow, et al., 2007). Approaches that foster empathy, trust and children's participation can help to promote positive outcomes, including enhanced self-esteem and self-worth, and lead to reductions in (re) offending (Creaney and Smith, 2020).

However, children's emotional abilities and matters related to cognitive development can present barriers to progressing their participation, hindering effective engagement and their active involvement in the planning and execution of services. They may be unable to voice an opinion on matters due to being judged incompetent, 'lacking capacity to engage' (Wood, 2010:50). As Lundy (2007:929) observed, professionals may be sceptical, in some quarters, about young people's willingness or their ability to engage in meaningful interaction. They may be of the view that children 'lack capacity… to have a meaningful input into decision-making' (Lundy, 2007:929). Professionals may endeavour to capture the thoughts, feelings and sentiments of service users. However, professionals may underestimate children's abilities, and in the process, hinder rather than enhance decision making – not properly considering the nature and extent of children's agency (Smith, 2009). More specifically, they may treat service user knowledge as an unreliable source. Children may not be perceived as credible 'knowers' or viewed as capable of engaging in discussions related to their care and supervision arrangements (Winter, 2015:205; Smith, 2014).

Professionals may question the trustworthiness of young people's accounts, related to their perceived immaturity, underdeveloped cognitive skills and '[in]ability to make sense of the world' (Hadfield and Haw, 2001:487). Nevertheless, children may be in need of assistance from an adult to articulate their voice and contribute meaningfully to decision making (Hadfield and Haw, 2001; Haines and Case, 2015:78; Hine,

2010:171). In this context, practices may be more adult-led, seeking the child's cooperation, than a collaborative or a shared endeavour (McCulloch, 2016).

Children may disengage if strategies are more restrictive than enabling, preoccupied with finding fault or attributing blame and result in those on the receiving end feeling devalued and silenced (Youth Justice Board, 2008:8). It could be argued that young people who offend may not be attentive to interventions, programmes or activities if they feel 'done to' rather than 'with', and their 'basic needs are not being effectively addressed' (McNeill, 2009:88). As discussed, children may feel disempowered if they are perceived to be incapable of expressing choice concerning their care, viewed as being devoid of personal agency and incapable of contributing to the contents of their supervision plan (Kemshall, 2009).

Providing for the child is also an important part of the practitioner's role, in that there are inevitably aspects of children's lives that are outside of their control (Haines and Case, 2015; Phoenix, 2016). For instance, children are often unable to apply for universal credit to assist them through difficult social and economic periods in their life. Furthermore, it is extremely difficult for a child to escape toxic living conditions and unloved or deprived environments, and to overcome various forms of poverty, inequality and social disadvantage adversely affecting outcomes (Haines and Case, 2015; Phoenix, 2016). In the youth justice context especially, such 'children are in a weak political position to resist (risk) classification' (Haines and Case, 2015:145).

It is unclear to what extent children 'feel' able or competent to express agency and shape decision making processes in youth justice. In the light of these concerns and aforementioned critical observations this paper utilises the concept of habitus to offer insight into the ease with which children advance or strengthen their position or challenges they face *vis-a-vis* accruing status and navigating precarious positions and resisting 'dominant legitimizing forces' (Grenfell, 2014a:38).

Habitus

One's habitus is long-lasting/durable formed through processes of socialisation. Yet it can be affected by new experiences, altering the way for instance children or professionals perceive or act in the youth justice field. Although not entirely unconscious nor kismet, habitus comprises a person's past existing in present form, influencing perception, thoughts and how one behaves or is inclined to respond

(Bourdieu and Wacquant, 1992; Garrett, 2007a; Mills, 2008). As a result, it can be argued that people do not always conform to 'external sets of formal rules' (Swartz, 2002:616), rather, they tend to act strategically or deploy a sort of 'practical rationality' (Bourdieu and Wacquant, 1992:19) or a 'feel' for how to act.

In the youth justice field, children and their supervising officers can gain a more or less advantaged position, depending on their ability to predict the 'future of the game' and initiate moves – through utilising capitals - that are beneficial to them and do not bring about sanctions (Bourdieu and Wacquant, 1992). Ostensibly, social agents 'actively pursue the prizes [the game] offers' (Bourdieu and Wacquant, 1992:19). As Bourdieu observed, essentially habitus is simultaneously lived experiences of 'society written into the body' (Bourdieu, 1990:63) or 'history incarnate in the body' (Bourdieu, 1990:190). In other words, what influences their decision is not 'external constraints' or 'subjective whim' but rather a combination of factors that impact on one's body and mind, including past experiences such as exposure to trauma or adversity which can alter their outlook or point of view (Swartz, 2002:616).

If there are changes to field conditions, the habitus of youth justice practitioners might either be reinforced or modified (Aguilar and Sen, 2009:431). During times of crisis, 'routine adjustment of subjective and objective structures' can be 'brutally disrupted' (Bourdieu, 1992:131). Examples include youth justice professionals being subject to anxiety provoking restructures, increases in workload or resource pressures, triggering unease or a sense of 'hysteresis' (Bourdieu, 1998a; Bourdieu, 2007). Furthermore, alongside perennial challenges related to care/control, assist/confront, and enable/enforce, front line professionals may feel 'out of step' with new agendas, differing or unfamiliar ideologies. This can be especially so if agendas appear to contradict existing policies and practices, viewed as incompatible with their own 'feel' for the game (Bourdieu, 1990; Case and Hampson, 2019; Hampson, 2017).

Similarly, if young people are experiencing an adverse childhood or upheaval in their life, they may struggle navigating systems or processes when inducted into the system. The environment can also appear alien and hostile, giving rise to a new set of challenges alongside exacerbating existing anxieties, leading to further feelings of tension and conflict. Moreover, children and young people, who are experiencing capital deficit, may feel supervision is primarily disengaging and disempowering due

to their situated and experiential knowledge being devalued, trumped by professional wisdom and expertise (Creaney, 2018; Case et al., 2015). As Moi (1991:1022) notes, 'the right to speak, legitimacy, is invested in those agents recognised by the field as powerful possessors of capital'.

Capital and Field

Bourdieu (1986) conceptualised and presented multifaceted yet connecting forms of capital, namely: economic, cultural and social capital. There are obvious and at times profound benefits to wealth generation, not least it can lead to social agents accumulating power and being able to access worthwhile or fruitful opportunities in society (Bourdieu, 1986). However, albeit crucial it is not exclusively economic power that maintains societal structures or solely monetary wealth that is of benefit to human beings (Bourdieu, 1990). Cultural and social capital impact upon people's personal, social and emotional development (Bourdieu, 1990). Cultural capital for instance can exist in many forms, not least in the embodied state, presentation styles, mannerisms and vocabulary (Bourdieu, 1986). Those who have a command of the English language, for instance, can use this type of cultural capital to secure or occupy a dominant position in the field. Moreover, Bourdieu divided social capital into two forms, namely *networks*, including contacts and access to structural support systems, and *connections*, this includes the sustainability or longevity of valued resources/power that one accumulates (Barry, 2007; Bourdieu, 1986; Bourdieu, 1990).

In the field, agents jostle for ownership of resources and compete to retain power. In so doing, human beings participate in a battle to prolong or sustain their influence (Bourdieu and Wacquant, 1992). Fields are not monolithic or static arenas, they are dynamic social spaces characterised by conflict or tension and beset by struggles for resources that are of worth to each of the players invested in the specific game being played (Loyal, 2017). On the one hand, there are players who endeavour to serve the status quo perhaps to preserve a sense of familiarity and on the other hand, social agents who seek to undermine it, and overtly or subtly unsettle those with an air of authority. It is the type of capital accrued and subsequently utilised that influences a person's ability to negotiate situations or circumstances effectively and accumulate advantage in the field (Bourdieu and Wacquant, 1992). The dominated are more likely than their privileged or more affluent counterparts to experience social exclusion and

other disadvantages that restricts or constrains their life chances and effective movement within fields (Bourdieu and Wacquant, 1992).

Children in the Youth Justice System are often socially and economically marginalised having previously been denied a quality education and received insufficient emotional health and wellbeing support (Shaw and Greenhow, 2019). They often have restricted access to capital(s), including limited financial resources constraining their access to social and leisure opportunities (Barry, 2007; Taylor, 2016). In relation to the present study, the researcher operationalised the concepts of habitus, capital and field to investigate children's criminal justice experiences. This paper focuses predominantly on Bourdieu's concept of habitus, principally utilised as a heuristic/practical device to investigate children's ability to express agency and shape or influence the content and format of interventions and approaches in the youth justice field.

Sample

The study design was scrutinised and granted approval by the ethical review committee at Liverpool John Moores University. The researcher then wrote to a Youth Offending Team in England about the purpose and nature of the study to seek formal permission and negotiate access. The researcher was subsequently invited to present his research proposal to managers and senior professionals. The study's aims and likely demands on the organisation's time, were explained. Following the meeting, the researcher's request to conduct the research was approved. The researcher then attended a staff forum to discuss the study, build trust and credibility with 'front line' practitioners. The researcher provided practitioners with consent forms and information sheets about the study.

It was agreed that professionals would inform children and young people about the research study and issue them with information sheets, consent forms and the researcher's contact details. The researcher attended weekly music project sessions to observe and build relationships with children potentially interested in participating in the research study. The researcher used a purposive sampling method (Denscombe, 2014:41), and worked closely with practitioners to recruit young people who were available and willing to participate in the study, embracing the full range of young people's experiences. This meant that the participants were selected based on their apparent relevance to the aims and objectives of the study and the potential insight

they could provide into how young people experience and understand youth justice supervision (Buck, 2020; Denscombe, 2014; Creaney, 2018). This resulted in the researcher being able to 'home in on people or events … believing they will be critical for the research' (Denscombe, 2014:41). The children and young people (N=17 male and N=3 female) interviewed for the study were aged between thirteen and eighteen years old. They had either completed a divert intervention, or subject to a referral order, Youth Rehabilitation Order (YRO), Intensive Supervision and Surveillance (ISS) or a Detention and Training Order (DTO). The researcher interviewed professionals and managers (n=20) from diverse backgrounds, including social care, health, speech language and communication. The names of research participants were replaced with pseudonyms to protect their identities.

Methods

The researcher's interest in understanding perceptions and experiences of youth justice supervision led to the adoption of the qualitative approach and specifically in-depth interviews and participant observations. This was in order to capture 'the first-hand accounts of people themselves' (Gergen, 1999:95) and understand how agents perceived and interpreted the social structural context within which decision making occurs. Crucially, there was an emphasis on researching the experiential knowledge or lived experiences of a 'hard to reach' group of young people alongside 'giving voice' to front-line professionals (Creaney, 2018).

In-depth semi-structured interviews were conducted with children and professionals. Each interview lasted between 30-90 minutes. The flexible semi-structured approach to the interviews facilitated interaction, with participants sharing their experiences on issues which they considered important to them and their life (Wincup, 2017). Crucially, there was a concerted effort to allow participants opportunities to 'make themselves heard' especially 'thoughts long kept unsaid or repressed' (Bourdieu, et al., 1999:615).

A person's memory of an event may potentially be unreliable, and 'hindsight' perhaps influences an individual's 'construction of the past' (Wincup, 2017:103). However, young people and professionals were often forthcoming, discussing their personal lives and on occasion recounting distressing events. This method of data collection enabled the exploration of 'experiences, practices, values and attitudes in depth'

(Devine, 2002:207) and assisted in producing data that was authentic, credible and enlightening (Silverman, 2003).

Data analysis

The researcher utilised Braun and Clark's (2006) framework, comprising several phases of thematic analysis: familiarisation of the data; formulating initial codes; detecting and revising themes; crafting a written report. The researcher followed the procedures not in a linear fashion but rather in a flexible way to allow for the emergence of themes that were not necessarily anticipated. This involved reading through each of the transcripts thoroughly, becoming immersed in the data and familiar with 'the depth and breadth of the content' (Braun and Clarke, 2006:1). The researcher coded transcripts inductively. Drawing on Bourdieu's social theory, the researcher then went 'beyond the data, thinking creatively with the data, asking the data questions, and generating theories and frameworks' (Coffey and Atkinson, 1996:30). The themes were checked and verified by (re) examining the sample and (re) analysing the findings using Bourdieu's core concepts of habitus, capital and field.

Findings

The findings in this paper emerged from a larger data set. The fieldwork for the original study was undertaken between 2016 and 2017 at a Youth Justice Service in England. It focused on revealing the extent and uncovering the nature of children's participation in decision making and assessment in youth justice. This section presents findings that emerged from analyses of the interview and observation data pertaining to passive compliance and 'game playing', docile and submissive children, and relationship building.

'Gaming the system'

Several children described having a 'feel' for how to navigate systems or processes, towards the end goal of completing their court order successfully. It seemed to be an outcome most desired by those under supervision:

> "Cos if I don't join in, then… they'll just start, like, saying "why?" and it just pisses me off, so then I argue with them and then get sent home... I just do

something for like 20 minutes, and then they can't say that I haven't done anything". (Baden, 15)

"Stick to my meetings. Stick to my curfew. Do as I'm told up until my next court date". (Logan, 17)

"not making a fuss… getting it over and done with". (Tim, 15)

"I don't wanna spend time talking when I could just go…I just try and get the meetings out the way". (Justin, 15)

As the data presented indicate, young people were aware of the nature of the 'game' and 'its stakes' (the illusio) and, at times, explicit in declaring their specific interests, revealing their game strategy (Bourdieu, 1990; Bourdieu and Wacquant, 1992; Grenfell, 2014b:165). They were acutely aware of the system of rewards and sanctions, namely that progressing with the requirements of their orders, dictated to them by the court and youth justice professionals, was a chore worth pursuing.

One support worker, Mason, who was relatively new to the role, was typically provocative. He queried whether professionals should be discerningly digging more beneath surface appearances, especially with regard to those who appear pleasant and to be 'pretending' to comply. Mason queried whether workers and young people were playing an 'elaborate game' and in so doing, discouraging children from being 'angry' and 'distressed' in supervision meetings. In proposing that such 'strategising' on the part of young people should be detected and 'knocked on the head early on' by professionals, he went on to propose a fascinating set of questions:

"Do you see that strategising – is that what we count as good? Or actually, are the ones who chafe against this and actually flipping…throw the dummy out, and all of that sort of stuff – is that actually more meaningful? Their participation, more meaningful?". (Mason, YOT Support Officer)

Thus, Mason described some of the young people's attitudes and dispositions being symptomatic of passive compliance. He felt young people tended to be insincere, giving a 'false impression' they were content with the 'specified objectives', hiding or concealing their true perspective on proceedings (Leigh, et al., 2019:3). Despite concerns regarding genuineness, some professionals felt the service valued young people occupying a 'ready to conform' or a 'respect for conventions' mindset

(Bourdieu, 1990). Those with a malleable personality, an almost diffident type child, who cooperated and was complicit to demands, either directed implicitly or explicitly at them by their workers, were placed in a slight 'position of advantage' (Bourdieu, 1990; Bourdieu and Wacquant, 1992; Basford, 2018:46).

Being docile and submissive

Several young people who had come into contact with the Youth Justice System described supervision as something that 'just happens' (France, 2015) and was 'done to', not 'with' them. Paul (16) for example, who was subject to Intensive Supervision and Surveillance and had been on an order of some type since the age of 12, thought being on an order was time consuming and an inconvenience.

Several young people did not see any substantial benefit to sharing their opinions or reflections with their workers on the quality of the service they are being provided. They were not convinced that contributing extensively to discussions or influencing the shape or design of their supervision was of value, as these typical quotations illustrate:

> "It's pointless me doing it man. Cos they're trying to learn me about knife crime, mate. But it's not working. Cos they're coming in and just chatting shit". (Joseph, 15)

> "there's some stuff that shouldn't be there. There's some stuff that's a waste of their time and mine…[but] I don't get a say in what the YOT do, do I?". (Tommy, 16)

> "Yeah. Well, I don't know. I'm not... It's not really for me to say … Maybe there should be [greater opportunity for children to have a voice]. I don't know". (Sarah, 17)

Some children felt unqualified to offer a perspective on what improvements could be made to Youth Offending Service policy and practice or to pass judgement on the effectiveness of supervision. However, several young people were keen to provide insight into what does and does not work for them and their circumstances (Nacro, 2008:6). Nevertheless, although practitioners often referred to the importance of being

creative and proactive with their cohort of young people, several described the difficulties they encountered when attempting to motivate some children.

> "… we bend over backwards... to get them through their Orders…I have certain young people that I talk to that ... just wanna do their order and get it over and done with, and they're not really interested in anything else…". (Evelyn, YOT Officer)

> "I know if I was a young person out on the street, entrenched in the criminal justice system, getting involved in dealing and stuff like that – would I shite want to participate. I'd just be like, "What the fuck?" I'd just get my order done, and that's that, innit". (Grace, YOT Manager)

According to one professional, young people tended to be reluctant to engage or participate in processes that they essentially viewed, initially at least, as a punishment that they wanted to complete without complications:

> "They see it as a punishment. They see us as part of the… well, and we are, the officers of the court. And a voice of authority. Erm, and they wanna get through it for six months, for nine months, for twelve months. And they don't think of participation in a way that, you know… that a practitioner might". (Jackson, YOT Manager)

Grayson, a Youth Offending Team manager alluded to the importance of acknowledging that young people may 'go through the motions' in order to 'tick the box', and subsequently enter into a sort of contractual arrangement with their supervising officer. However, he also noted how it could be the case that the opinions young people express or how they appear to be acting, are deliberate 'distancing tactics' deployed to test if the worker is genuinely interested in forming a trusting partnership with them.

Nevertheless, frontline professionals, at times, were purposefully employing techniques such as rescheduling appointments within a short (or even no) notice period to avoid instigating breach proceedings. They were also repeatedly reminding children, through various formats, of scheduled meetings and avoiding issuing warning letters for non-compliance, at seemingly all costs (also see Phillips, 2016) to

increase the chances of children partaking in the 'game' (Bourdieu and Wacquant, 1992).

Building relationships with young people

Zain (17) had been with the Youth Offending Team for several years on different court orders. He had a troubling childhood, having lost his close friend to suicide at a young age. He reflected upon his experience of attending a meeting where he felt he was judged negatively, viewed as having a difficult character (Bourdieu 2007:94). Consequently, he felt prevented from having his say and ventilated his frustrations. Despite trying in vain for the Youth Offending Team to listen to his side of the story, he felt the service induced personal feelings of 'otherness' (silenced/excluded). This was due to the service not - or seldom - acknowledging his perspective about a problematic relationship he had with one worker:

> "… If I tell them, they'll just sit there. Like, I was telling [one worker] that I didn't like [the other worker]. She was like, "Don't speak…" "No, I need to tell someone." She was like, "Well don't be telling me. Tell [another worker]". (Zain, 17)

Zain felt a sense of injustice and described being subject to unfair treatment by his reparation worker. He averred that,

> "Imagine, right, your kid being on YOT. Like, one of your kids being on YOT. It's minus three, right? There's, like, snow just coming on to the ground. Your kid's got, like, a nice rig…he thinks he's gonna go and do summat else. …And they throw him in, saying, "Go and clean that stable" You'd be a bit fumed. And they didn't understand that answer. I said, "Why wouldn't you tell me, the day before or summat, what we're doing or what to wear?"…I said, "May as well turn back, cos I'm not doing it. Not in these clothes." She started flipping". (Zain, 17)

The relationship between Zain and his reparation worker was characterised by struggle and tension, with the credibility/validity of Zain's perspective being devalued (Deakin et al., 2020). Zain was not acquiescent, accepting without contesting. Indeed, the above extract illustrates his resistance habitus or somewhat rebellious temperament. This seems the antithesis of a habitus the Youth Offending Team supposedly promote.

Young people were discouraged, at times, from enacting any sort of 'legitimate rage' (Bourdieu, 1998b:viii) a 'taste for disputation' (Bourdieu 2007: 88) or attempt to 'enter into conflict' (Bourdieu, 1990:110) despite the circumstances.

Zain (17) described only trusting certain people, his Intensive Supervision Surveillance worker being one:

"I'll only trust, like, certain people. With [my worker] I trust her with everything. Like, you: [the researcher] you're building my trust up". (Zain)

This was not too dissimilar from Taylor's (16) experience. Taylor, who was subject to a Youth Rehabilitation Order, reflected upon the constructive relationship he had formed with one of his workers:

"Because she [YOT worker] knows me the best and I don't particularly… enjoy… getting to know so many people". (Taylor, 16)

Joseph shared positive experiences of supervision. He reflected upon a constructive relationship he had built with one particular worker, who he said had persisted in offering him support and encouragement:

"I'd been in bed. I was watching telly. And I heard a knock on the door. I thought, "Fucking hell man, who the hell is this?" So I've gone downstairs, opened the door, and it's fucking [YOT Worker}. She said, "What?" I said, "I'm in bed man. Why are you knocking here at like… why are you knocking here?" She said, "You've got panel." I said, "… you'll have to rearrange it for another day cos I'm in bed and I'm not getting dressed to get out in the pissing-down rain." She said, "No. You'll get dressed, now. And you'll get in my car. And I'm taking you to panel." And obviously I weren't arguing with her, cos I couldn't really be arsed. So I just thought, "You know what, fuck it." Just got in the car, like, and went. But she's alright, [my YOT worker] She is sound". (Joseph, 15)

Joseph, like several others, felt his workers encouraged him to 'buy into' the decision-making process. He was thankful that they did not exclude him from the negotiation process. He was an active partner, empowered to influence the shape of his care, negotiating supervision arrangements. Crucially such a stance offers most promise in terms of young people perceiving their treatment as legitimate. This concept is a core

component of, or an essential pre-requisite for, an effective relationship. If children perceive how they are cared for to be fair and just, they are more likely to join in with what has been proposed and avoid or refrain from adopting a disinterested disposition (Haines and Case, 2015).

Discussion

Drawing on the findings of a qualitative study, this paper aimed to investigate children's involvement in the design and delivery of youth justice services. It found that several young people felt there was some incentive or reward to being compliant. As their accounts/narratives illustrate, this involved not retaliating against unfair treatment or questioning those in authority due to the fear this could risk a delay to their order coming to an end (Barry, 2010; Hine, 2010:173). Several children participated in what was required of them in that they attended meetings and responded to questions inputting minimally into the process – they were seemingly complicit with little resistance. At times, they felt being complicit meant being responsive to professional demands, however unreasonable, without challenging or questioning the rules or expectations.

Some young people felt that they were inputting slightly into the process but more often sliding through with minimal effort, not meaningfully or actively participating. Nor did they appear particularly committed to achieving substantial changes, transforming their lives, whether that be in terms of micro or macro level change. Some children did not perceive the system to be focused on the achievement of their active participation in governance arrangements or in the design, delivery or evaluation of the service they were receiving.

Children were invested in the game (Bourdieu, 1998a:76) in that they recognised its stakes and were aware of the consequences of non-participation. There was a danger that they could be returned to court and potentially issued with a more intensive court order and perhaps more intrusive demands if they disengaged or refused to participate. They had no option, ostensibly, but to 'stay in the game and keep playing' (Harding, 2014:267).

Professionals felt children had the right both legally and morally to choose a level of participation that they felt most comfortable with - whether that be through adopting an active or passive stance. Several professionals were hesitant that if they requested

more active contributions from young people, this could potentially disrupt the 'norm' and be counterproductive, creating more problems for them and those they were supervising, heightening a sense of anxiety in the process. If children reacted negatively, becoming hyper vigilant in the process, there could be tension and conflict - feelings that could have been avoided had they not insisted on altering how young people perceived or how they treated the interaction and supervision process. It was felt this could result in a situation that was counterproductive, with the child's feelings of disempowerment worsening.

At times, professionals were disappointed at being encouraged or somewhat coerced, both implicitly and at times explicitly by their superiors, to record cases as successful completions. This was despite a lack of participation from the child or at least some inconsistency in terms of their levels of engagement. They were discouraged from using the partially completed/demonstration of some improvement option, arguably engineering a focus away from potentially unwanted scrutiny/external interest over their practices. Nevertheless, this approach of recording cases as successfully completed was arguably an efficient approach in that a required outcome was achieved; according to the system, the child's involvement in the service had now ended.

It is important to caution against the view that the actions of professionals were overly deterministic. Despite the force of the field conditions, professionals had (limited) freedom to exercise agency. At times, professionals inflicted the 'right hand' of the state, 'the hand that punishes' (Bourdieu, 2001; Bourdieu, 1998b), resulting in cases being referred to non-compliance meetings, a neo-liberal mechanism reserved for those, in a Bourdieusian sense, not 'taking the game seriously' (Bourdieu, 1998a:76). Furthermore, children could be required to attend court re-appearances for failing to engage and fulfil the requirements of their court orders. However, the 'left hand' of the state (Bourdieu, 2001; Bourdieu, 1998b) was exercised regularly through practitioners committed to forming positive, constructive and non-hierarchical relationships, building trust and encouraging young people to work towards achieving their potential. Professionals remained resilient, especially when young people were on occasion verbally and sometimes physically aggressive towards them. They were mostly interested in not only providing emotional support and reopening, at times,

'raw wounds' (i.e. adverse childhood experiences) but also providing practical assistance in the form of education and training.

As some of the narratives/accounts indicated, an approach that is relationship based and conducive to meaningful participation, can help to facilitate more substantial changes or transformations. Relationships that are empathic and consistent can play a pivotal role in bolstering children's participation, reducing passive compliance and preventing inauthentic transactional arrangements from forming (Buck, 2020; Buck and Creaney, 2020). A relationship of this type is also potentially more receptive to critiquing the status quo, providing young people with meaningful opportunities to detect and oppose a 'doxic submission to the established order' (Bourdieu, 2000:178). However, regarding the latter, young people (and their supervising officers) may perceive 'resistance' or anti-participation as 'alienating' and unsavoury, a position most uncomforting, and forms of 'submission to be liberating' (Bourdieu and Wacquant 1992, 24).

What is more, professionals may prefer young people presenting with a 'ready to conform' mindset who are of a malleable personality type rather than incipient troublemakers intent on rebellion (Bourdieu and Wacquant, 1992). However, professional/young person partnerships can help to prevent children adopting passive or disengaged roles, increasing their willingness to comply with court order requirements (Her Majesty's Inspectorate of Probation, 2016). Young people may feel particularly comfortable and secure communicating with professionals, if their workers project empathy and warmth and commit to forming a safe and non-judgemental relationship (Mason and Prior, 2008). Crucially, when considering particular ways to engage those in receipt of practical assistance, professionals should not belittle children's attempts at resistance or treat their acts of critical questioning as immature and a form of incompetence. As Bourdieu and Wacquant (1992:196 and 198) note, there may be 'quite sincere' and profound reasoning 'in their re-volts', a host of personal issues/concerns driving their choices to 'go against the established order'.

Conclusion

There is a paucity of research focused on exploring children's ability to exercise preference and shape the development of personalised support in youth justice. This

paper has addressed this empirical gap, producing internationally relevant findings and original insights into the nature of children's participation in youth justice supervision. It found that young people were seeking to exert minimal energy in order to achieve a type of passive compliance with court order requirements. Yet, this was not a disinterested act in that although they complied with minimal effort, they had an end goal in sight. More specifically, their involvement in the justice system - and its associated demanding and inconvenient processes - would cease, if they adopted a cooperative stance, a pleasant or receptive disposition.

To some young people and indeed to those tasked with supervising their court orders an alternative possibility seemed incomprehensible. Crucially, however, there were 'degrees in this feel for the game' (Bourdieu, 1990:109). Children participated, to a greater or lesser extent, to at least maintain a sense of power. Some young people appeared more skilled, than their peers, at 'playing the game' and knowing the written and unwritten rules in terms of what was required of them (Harding, 2014). Professionals were concerned that they were also participating in this type of 'game playing'.

It is important to re-emphasise the need to maintain or actively construct trusting non-hierarchical relationships with those under supervision. This involves valuing children's input, not dismissing, instead being alert and attentive to resistance dispositions or rebellious temperaments. Furthermore, it is recommended practitioners give primacy to children's experiential knowledge, and proactively 'design in' opportunities for children to influence decision-making processes. If front-line professionals are interested and committed to destroying unevenly distributed power differentials, regularly exercise the left hand of the state, and subscribe to a practice of 'active and methodical listening' (Bourdieu, et al., 1999:609), this can help to avoid or overcome the emergence of passive compliance and the development of inauthentic relationships.

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