

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

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## MANUSCRIPT DETAILS

TITLE: "Game playing" and "docility": youth justice in question

## ABSTRACT:

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.

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.

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".

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 children'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 "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.

## **‘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-conservatism 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

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3 meaningful participation in processes or systems, we may observe improvements in  
4 children's 'self-esteem, confidence, negotiation skills' and 'a sense of autonomy'  
5 (Farthing, 2012:77).  
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9 Young people can feel frustrated and see the supervision process as tokenistic if  
10 'their participation results in little or no change' (Tisdall, et al., 2008:346) to their  
11 situation or how the service operates. It may be counterproductive to involve children  
12 and young people in systems and processes if there is not a commitment to the equal  
13 distribution of power (Hadfield and Haw, 2001; Haines and Case, 2015).  
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18 Professionals may question the trustworthiness of young people's accounts, related to  
19 their perceived immaturity, underdeveloped cognitive skills and '[in]ability to make  
20 sense of the world' (Hadfield and Haw, 2001:487). Children may be in need of  
21 assistance from an adult to articulate their voice and contribute meaningfully to  
22 decision making (Hadfield and Haw, 2001; Haines and Case, 2015:78; Hine,  
23 2010:171). In this context, practices may be more adult-led, seeking the child's  
24 cooperation, than a collaborative or a shared endeavour (McCulloch, 2016).  
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31 Providing for the child is also an important part of the practitioner's role, in that there  
32 are inevitably aspects of children's lives, that children are unable to change or affect  
33 due to their low age and legal status (Haines and Case, 2015; Phoenix, 2016). For  
34 instance, children are unable to: decide local community safety priorities, apply for  
35 universal credit to assist them through difficult social and economic periods in their  
36 life, to escape toxic living conditions and unloved or deprived environments, to  
37 overcome various forms of poverty, inequality and social disadvantage, and to  
38 address the social-economic context adversely affecting outcomes, constraining their  
39 access to social and leisure opportunities (Haines and Case, 2015; Phoenix, 2016).  
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47 In addition to these issues children have minimal control over, children can be  
48 perceived to be incapable and considered unable to vote for politicians or political  
49 parties that are opposed to austerity measures and in favour of investment in public  
50 services and the strengthening of the welfare state or vote against the dismantling of  
51 what they perceive as vital services, such as the decimation of youth and community  
52 services (Haines and Case, 2015; Phoenix, 2016). In the youth justice context  
53 especially, such 'children are in a weak political position to resist (risk)  
54 classification' (Haines and Case, 2015:145).  
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3 Although children can be capable social agents they may be thought of as individuals  
4 devoid of personal agency (Kemshall, 2009). In a study exploring young people's  
5 views and opinions on practice supervision Hazel et al., (2002:14) noted that,  
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9 “while they started out feeling in control of their actions, accounts of  
10 [children] became striking in their lack of “agency”. Giving in,  
11 submitting, becoming marginalised and losing power were central  
12 themes, quite contrary to the assumption of engagement and  
13 responsibility that the system hopes to achieve.”  
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18 Children and young people can ‘quickly become disinterested or disengage from  
19 interventions, if they do not feel valued or listened to’ (YJB, 2008:8). It could be  
20 argued that young people who offend may not be receptive or attentive to  
21 interventions, programmes or activities if they feel ‘done to’ rather than ‘with’, and  
22 their ‘basic needs are not being effectively addressed’ (McNeill, 2009:88). On the  
23 other hand, if young people in conflict with the law and the Youth Justice System are  
24 ‘active partners’ and empowered to influence the shape of their care, ‘negotiate’  
25 (Wood, 2009:152) supervision arrangements and the services they are receiving, they  
26 can provide insight into what does and does not work for them (Nacro, 2008:6).  
27 Crucially such a stance offers most promise in terms of young people perceiving  
28 their treatment as legitimate. If they perceive how they are cared for to be fair and  
29 just, they are more likely to join in with what has been proposed and avoid or refrain  
30 from adopting a disinterested disposition (Haines and Case, 2015).  
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### 41 **Theoretical framework**

42 Bourdieu's conceptual framework was utilised with a view to providing insight and  
43 offering critique into the factors or forces that shape (help, hinder, restrict or deny)  
44 the choices of social agents, notably their ability to exercise power and influence  
45 over decision making processes (Bourdieu, 1990). One focal intention in using  
46 Bourdieu's theory of practice and employing and reworking his key thinking tools to  
47 the field of youth justice practice, is to expose the extent to which agents feel ‘free’  
48 or ‘trapped’, experience a sense of powerlessness or inevitability about situations and  
49 circumstances. The researcher set out to explore the habitus of respondents and the  
50 ease with which they advance or strengthen their position or challenges they face *vis-*  
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3 *a-vis* accruing status and navigating precarious positions and resisting ‘dominant  
4 legitimizing forces’ (Grenfell, 2014a:38).  
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### 7 **Analytical tools**

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10 Although not entirely unconscious or kismet, habitus comprises a person’s past  
11 existing in present form, influencing perception, thoughts and how one behaves or is  
12 inclined to respond (Bourdieu and Wacquant, 1992; Garrett, 2007a; Mills, 2008). As  
13 a result, it can be argued that, people do not always conform to ‘external sets of  
14 formal rules’ (Swartz, 2002:616), rather, they tend act strategically or deploy a  
15 ‘practical rationality’ (Bourdieu and Wacquant, 1992:19). Social agents can gain a  
16 more or less advantaged position in the field, depending on their ability to predict the  
17 ‘future of the game’ and initiate moves – through utilising capitals - that are  
18 beneficial to them and do not bring about sanctions (Bourdieu and Wacquant, 1992).  
19 Ostensibly, social agents ‘actively pursue the prizes [the game] offers’ (Bourdieu and  
20 Wacquant, 1992:19).  
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29 As Bourdieu observed, essentially habitus is simultaneously lived experiences of  
30 ‘society written into the body’ (Bourdieu, 1990:63) or ‘history incarnate in the body’  
31 (Bourdieu, 1990:190). In other words, what influences their decision is not ‘external  
32 constraints’ or ‘subjective whim’ but rather a combination of factors that impact on  
33 one’s body and mind, including the accumulated histories of deeply ingrained past  
34 experiences (Swartz, 2002:616).  
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40 If there are changes to field conditions, the habitus of youth justice practitioners  
41 might either be reinforced or modified (Aguilar and Sen, 2009:431). During times of  
42 crisis, when ‘routine adjustment of subjective and objective structures is brutally  
43 disrupted’ (Bourdieu, 1992:131), where professionals are subject to anxiety  
44 provoking restructures, increases in workload or resource pressures, they may  
45 experience a ‘cleft habitus’, one that is ‘inhabited by tensions and contradictions’  
46 (Bourdieu, 2007:100). Furthermore, alongside perennial challenges related to  
47 care/control, assist/confront, and enable/enforce, front line professionals may feel  
48 ‘out of step’ with new agendas and differing ideologies. This is especially so if they  
49 contradict existing policies and practices, viewed as incompatible with their own  
50 ‘feel’ for the game (Bourdieu, 1990; Case and Hampson, 2019; Hampson, 2017).  
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3 Similarly, if young people are experiencing an adverse childhood or upheaval in their  
4 life, they may struggle navigating systems or processes when inducted into the  
5 system. The environment can also appear alien and hostile, giving rise to a new set of  
6 challenges alongside exacerbating existing anxieties, leading to further feelings of  
7 tension and conflict. Moreover, children and young people, who are experiencing  
8 capital deficit, may feel supervision is primarily disengaging and disempowering due  
9 to their situated and experiential knowledge being devalued, trumped by professional  
10 wisdom and expertise. As Moi (1991:1022) notes, ‘the right to speak, legitimacy, is  
11 invested in those agents recognised by the field as powerful possessors of capital’.

### 12 13 14 15 16 17 18 19 20 **Research aim**

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23 There is a dearth of empirical research dedicated to exploring children’s perspectives  
24 on the ‘effectiveness’ of the service they are receiving (Beyond Youth Custody,  
25 2014; Hart and Thompson, 2009; Weaver, et al., 2019). Thus, this study focused on  
26 uncovering the type or nature and extent of children’s involvement in youth justice  
27 supervision, including – but not limited to – assessment, decision making,  
28 governance and casework matters (Robinson, et al., 2014:130). This study involved  
29 15 months of fieldwork undertaken between 2016-2017.

### 30 31 32 33 34 35 36 **Methods and methodological approach**

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38 The researcher attempted to carefully acknowledge the influence of objective  
39 structures, which according to Bourdieu, are ‘independent of the consciousness and  
40 desires of agents’ yet ‘capable of guiding or constraining their practices’ (Bourdieu,  
41 1990: 123). This is important as youth justice practitioners do not practice in a  
42 political or economic vacuum. Crucially, however, participants were not to be seen  
43 as passive sufferers of structural inequalities but rather active agents who could  
44 negotiate the social world. Consequently, the researcher started from the premise that  
45 social actors are able to take control of their own lives, and in so doing construct  
46 their own identities and mediate structural barriers. Crucially, however, there was an  
47 important caveat: their choices are limited, as agents can often be constrained by  
48 wider societal structures seemingly outside of their control (Bourdieu, 1990).

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

16 The researcher used a purposive sampling method (Denscombe, 2014:41). This  
17 meant that the participants were selected based on their apparent relevance to the  
18 aims and objectives of the study and the potential insight they could provide into the  
19 topic being investigated (Buck, 2016; Denscombe, 2014). This meant the researcher  
20 could 'home in on people or events ... believing they will be critical for the research'  
21 (Denscombe, 2014:41).  
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27 The researcher liaised with several professionals and managers at the Youth  
28 Offending Team to ensure the research sample was representative. The researcher  
29 interviewed children and young people (n=20) with current or recent involvement in  
30 the Youth Justice System subject to either a: referral order, youth rehabilitation order  
31 or intensive supervision and surveillance. The aim was to prioritise the voices of the  
32 most excluded or subordinated, those often depicted by authority figures (adults) as  
33 'hard to reach' or so-called 'difficult to engage' or unresponsive (France, et al., 2013;  
34 Goldson and Yates, 2008; Hadfield and Haw, 2001:487). The researcher interviewed  
35 professionals and managers (n=20) from diverse backgrounds, including: social care,  
36 health, speech language and communication.  
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### 46 **Data analysis**

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

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3 on the part of young people should be detected and ‘knocked on the head early on’  
4 by professionals, he went on to propose a fascinating set of questions:  
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7 “Do you see that strategising – is that what we count as good? Or  
8 actually, are the ones who chafe against this and actually  
9 flipping...throw the dummy out, and all of that sort of stuff – is that  
10 actually more meaningful? Their participation, more meaningful?”  
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14 (Mason, YOT Support Officer)  
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16 Thus, Mason described some of the young people’s attitudes and dispositions being  
17 symptomatic of passive compliance. He felt young people tended to give a ‘false  
18 impression’ they were content with the ‘specified objectives’, hiding or concealing  
19 their true perspective on proceedings (Leigh, et al., 2019:3).  
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23 Despite concerns regarding genuineness, the service appeared to value young people  
24 occupying a ‘ready to conform’ or a ‘respect for conventions’ mindset (Bourdieu,  
25 1990). Those with a malleable personality, an almost diffident type child, who  
26 cooperated and was complicit to demands, either directed implicitly or explicitly at  
27 them by their workers, were placed in a slight ‘position of advantage’ (Bourdieu,  
28 1990; Bourdieu and Wacquant, 1992; Basford, 2018:46).  
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### 34 35 **Being docile and submissive** 36

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38 Several young people who had come into contact with the Youth Justice System  
39 described supervision as something that ‘just happens’ (France, 2015) and was ‘done  
40 to’, not ‘with’ them. Paul (16) for example, who was subject to Intensive Supervision  
41 and Surveillance and had been on an order of some type since the age of 12, thought  
42 being on an order was an inconvenience. He described it as taking up too much of his  
43 time and felt he wished he was not on it.  
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50 Several young people did not see any substantial benefit to sharing their opinions,  
51 experiences and reflections, and contributing extensively to discussions or  
52 influencing the shape or design of their supervision, as these typical quotations  
53 illustrate:  
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3 “It’s pointless me doing it man. Cos they’re trying to learn me about knife  
4 crime, mate. But it’s not working. Cos they’re coming in and just chatting  
5 shit”. (Joseph, 15)  
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9 “Cos I don't get owt out of it. I don't see any... any point in it. It's just stupid”.  
10 (Zain, 17)  
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13 “there’s some stuff that shouldn’t be there. There’s some stuff that’s a waste of  
14 their time and mine...[but] I don’t get a say in what the YOT do, do I?”.  
15 (Tommy, 16)  
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18 “it’s just shit being involved with them, innit. I don’t really want to be  
19 involved with them, like. But what can I do?”. (Logan, 16)  
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22 “...when I first got my YOT order – I was told what I was doing. I wasn’t  
23 involved in that process”. (Levi, ex-offender)  
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26 “Yeah. Well, I don't know. I'm not... It's not really for me to say ... Maybe  
27 there should be [greater opportunity for children to have a voice]. I don't  
28 know”. (Sarah, 17)  
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33 Some young people were keen to provide insight into what does and does not work  
34 for them and their circumstances (Nacro, 2008:6). Nevertheless, although  
35 practitioners often referred to the importance of being creative and proactive with  
36 their cohort of young people, they described the difficulties they encountered when  
37 attempting to motivate some children.  
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42 “... we bend over backwards... to get them through their Orders...I have  
43 certain young people that I talk to that ... just wanna do their order and  
44 get it over and done with, and they're not really interested in anything  
45 else...”. (Evelyn, YOT Officer)  
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49 “... trying to get them to engage, to focus on what you’re trying to teach  
50 them [can be challenging]”. (Sienna, YOT Support Officer)  
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53 “... I’ll go and pick them up, or I’ll ring them and say, "Right, you know  
54 you've got an appointment now. I'm on my way! Come on, get ready,  
55 be at that door!" You know, things like that. Whereas people'll just say,  
56 "He's had an appointment, he's had a text, which... he's had all that, and  
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3 that's enough." But I just, like, wanna: "Come on." You know, 'cause  
4 you've got to get them motivated". (Lorna, Supervision Worker)

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

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15 According to one professional, young people tended to be reluctant to engage or  
16 participate in processes that they essentially viewed, initially at least, as a  
17 punishment that they wanted 'over and done with'.

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

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

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

## 50 51 52 53 54 55 56 **Discussion**

57  
58 Inevitably there will be some children and young people who treat the experience as  
59 an inconvenience that they want 'over and done with'. Young people may be intent  
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3 on playing the youth justice supervision ‘game’ (Bourdieu, 1990; Wilson and Rees,  
4 2006) and this may result in passive engagement. A lack of meaningful engagement  
5 is perhaps understandable when considering that court orders are imposed on  
6 children – it is not voluntary; they have a statutory obligation to meet with the  
7 service. Some children felt there was some incentive or reward to being passive and  
8 compliant. They avoided challenging those in authority, were cynical about the  
9 prospect of change to their situation and avoided retaliating against unfair treatment.  
10 For some, this was due to the fear that they would be viewed as ‘uncooperative’, and  
11 potentially returned to court for non-compliance, ultimately risking a delay to their  
12 order coming to an end (Barry, 2010; Hine, 2010:173).

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

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

43 In truth, youth justice comprises professionals, who are mandated by the state to  
44 prevent young people engaging in further criminal activity and involuntary clients,  
45 who are required to conform and abide by court order requirements (Bourdieu, et al.,  
46 1999; Winter, 2015). Despite ‘misleading appearances’ (Bourdieu, et al., 1999:123)  
47 this can and indeed does, as was evident in the present study, result in the presence or  
48 construction of ‘fake’, inauthentic or impersonal social and relational transactions to  
49 doing whatever is necessary to ‘get through’ the order (Buck, 2016).

56 This can result in both children and their supervising officers, in collusion with  
57 managers, being process driven. They appear intent on securing passive compliance  
58 at times, seemingly at ‘all costs’. It can be,  
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3 “a sort of tacit transaction, tactility guided by the need to minimise costs  
4 and risks, to accept a minimal definition of the situation of  
5 communication” (Bourdieu, 1990:124).  
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9 Nevertheless, despite not fully understanding what was required on their part other  
10 than to comply, they tended to refrain from being resistant or attempting to rebel  
11 against the norms and expectations. They believed this could potentially result in  
12 tension or conflict, and would be a route best avoided, considered by several children  
13 as an option that would not be beneficial to them. This was considered especially the  
14 case in terms of their goal or stated intention of the order being finished, ‘over and  
15 done with’, ending the chore of attending constant appointments. Such appointments  
16 were, they felt, at times pointless, not focused on their individual needs and desires.  
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23 Some young people felt that they were inputting slightly into the process but more  
24 often sliding through with minimal effort, not meaningfully or actively participating.  
25 Nor were they committed to achieving substantial changes, transforming their lives,  
26 whether that be in terms of micro or macro level change. They did not perceive the  
27 system to be focused on the achievement of their active participation in the  
28 governance, design, delivery or evaluation of the service they were receiving.  
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34 Children were invested in the game (Bourdieu, 1998a:76) in that they recognised its  
35 stakes and were aware of the consequences of non-participation. There was a danger  
36 that they could be returned to court and potentially issued with a more intensive court  
37 order and perhaps more intrusive demands if they disengaged or refused to  
38 participate. They had no option, ostensibly, but to ‘stay in the game and keep  
39 playing’ (Harding, 2014:267).  
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45 However, as noted, they navigated the system by contributing minimally into the  
46 supervision process. In other words, they did what was required - or at least created  
47 the impression that they were attempting to do what was mandatory or non-  
48 negotiable - a perception that they were of an obliged, yet not fully-consciously  
49 rational, state of being (Bourdieu, 1993). They were attempting to satisfy their case  
50 manager that they were complying with court order requirements - the moment it  
51 seemed necessary, without, so to the speak, the need to ‘ask explicitly what is to be  
52 done’ (Bourdieu, 1998a:98). Professionals did not ‘close their eyes to this reality’  
53 (Bourdieu, 1998a:96), yet seemed to be complicit in such process driven thinking  
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3 both mentally but also by internalising, to a degree, the 'objective structures of social  
4 space' (Bourdieu, 1998a:77).

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

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

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

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

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42 Children and young people grasped 'the future of the game' albeit to varying  
43 degrees, and in a practical way, mastered its logic (Bourdieu, 1998a:80). This was  
44 especially the case for children who had previous contact with the justice system and  
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3 'knew' what it felt like to be subjected to a court order and had acquired lived  
4 experiences through being supervised by the Youth Justice Service, and at times,  
5 being in contact with several professionals. They had acquired knowledge of the  
6 many different styles and personalities of front-line practitioners in terms of how  
7 they approached certain situations and events or responded to certain requests or  
8 exchanges. They had previous knowledge of the system or a sense of the history of  
9 the game (Bourdieu, 1998a:80), such as strategies they could deploy to avoid being  
10 detected for non-compliance, that is techniques to avoid being issued with warning  
11 letters. As Harding (2014:277) notes, 'longstanding players know how the game  
12 works'.

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

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

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48 Some were 'radically opposed' (Bourdieu, 1998a:78) to this decision on how to  
49 record the outcome of the case and detested the way some managers insisted front-  
50 line professionals avoid using the partially completed option when a court order had  
51 ended. Nevertheless, they were complicit in what was being demanded. Yet, it is  
52 important to caution against the view that their actions or decisions on how they were  
53 to proceed were overly deterministic, kismet or seldom transformed. Professionals  
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3 had (limited) opportunity to exercise agency and apply resistance to unfamiliar,  
4 distressing or uncomformable situations or circumstances.  
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### 7 **Conclusion**

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10 The paper has provided insight into why agents may not contest the status quo  
11 despite experiencing hardship. It has uncovered how young people were seeking to  
12 exert minimal energy in order to achieve a type of passive compliance with court  
13 order requirements. It was almost taken for granted by professionals that young  
14 people - as 'involuntary clients' (Trotter, 1999) - would inevitably attempt to 'play  
15 the game', comply with court order requirements but by 'paying lip service', with  
16 seemingly minimal effort. Yet, this was not a disinterested act in that although they  
17 complied with minimal effort, they had an end goal in sight.  
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22 More specifically, their involvement in the justice system - and its associated  
23 demanding and inconvenient processes - would cease, if they adopted a cooperative  
24 stance, a pleasant or receptive disposition. To some young people and indeed to those  
25 charged with supervising their court orders an alternative possibility seemed  
26 incomprehensible. It was a situation which resulted in some young people feeling  
27 they had mastered the game, despite the rules being somewhat arbitrary, the 'norms'  
28 implicit, and 'the classificatory systems never constituted as such' (Bourdieu,  
29 1998a:82). Crucially, however, there were 'degrees in this feel for the game'  
30 (Bourdieu, 1990:109). Children participated, to a greater or lesser extent, to at least  
31 maintain a sense of power. Some young people appeared more skilled, than their  
32 peers, at 'playing the game' and knowing the written and unwritten rules in terms of  
33 what was required of them (Harding, 2014).  
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38 They were complicit in what they felt was required of them on their part, imposed by  
39 the system or their supervising officers, both implicitly and explicitly. This process  
40 was not considered arbitrary or a 'point of view', but the 'truth', in that, despite  
41 being, at least in part, mechanisms of exclusion, they attached legitimate value to it  
42 (Bourdieu, 1990:112). Professionals were concerned that they were also participating  
43 in this type of 'game playing', alongside devaluing the credibility/validity of  
44 children's experiential knowledge.  
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3 Although young people disliked being treated as ‘mini adults’ or silenced, some  
4 children also felt it inappropriate for them to set agendas. Being an ‘offender’, they  
5 felt they were not in a position to influence decision-making processes. Some young  
6 people preferred not to be the ones in control of the decision-making, feeling they  
7 would not engage if participation was strictly on their terms of reference. Several  
8 children perceived adults in positions of authority as ‘the ones in the know’ or the  
9 ‘experts’. In turn, they felt unable and unwilling, at times, to adopt a decision maker  
10 role or even contemplate the idea of being in a position of power and control over  
11 matters that affected them.  
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19 It is important not to belittle young people’s attempts at resistance or treat their acts  
20 of critical questioning as immature and a form of incompetence. As Bourdieu and  
21 Wacquant (1992:196 and 198) note, there may be ‘quite sincere’ and profound  
22 reasoning ‘in their re-volts’, a host of personal issues/concerns driving their choices  
23 to ‘go against the established order’, not least their acute sense of injustice, which  
24 provokes their ‘awakening of consciousness’.  
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30 With that said, children may be hesitant voicing an opinion fearing their point of  
31 view is inferior to professional expertise, resulting in their concerns being dismissed  
32 or overshadowed. Children may lack the confidence in terms of ability to express  
33 how they ‘truly’ feel, in an articulated way, in a manner that garners respect from  
34 those occupying seemingly greater symbolic and material power and influence  
35 (Bourdieu and Wacquant, 1992). Thus, as some young people did, they may repress  
36 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

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3 expertise continues to take precedence over young people's experiential knowledge  
4 and interests (Barry, 2009; Beresford, 2016; Creaney, 2018).  
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8 There has been limited empirical research conducted on children's participation in  
9 decision-making in the Youth Justice System, including how or to what extent they  
10 are involved individually and strategically in processes that concern them or matters  
11 related to Youth Offending Services and how they function (Beyond Youth Custody,  
12 2014; Case and Hampson, 2019; Hart and Thompson, 2009; Weaver, et al., 2019).  
13 This paper is based on findings from a study focused on the extent and nature of  
14 children's participation in decision making in youth justice. The paper uses  
15 Bourdieu's (1990) concept of habitus, as a heuristic/practical device, to investigate  
16 the ability of children under youth justice supervision to express agency and shape or  
17 influence the content and format of interventions and approaches.  
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25 The study involved 15 months of fieldwork undertaken between 2016-2017.  
26 Bourdieu's conceptual framework was utilised with a view to providing insight and  
27 offering critique into the factors or forces that shape (help, hinder, restrict or deny)  
28 the choices of social agents, notably their ability to exercise power and influence  
29 over decision making processes (Bourdieu, 1990). One focal intention in using  
30 Bourdieu's theory of practice and employing and reworking his key thinking tools to  
31 the field of youth justice practice, was to expose the extent to which agents feel 'free'  
32 or 'trapped', experience a sense of powerlessness or inevitability about situations and  
33 circumstances.  
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41 This paper presents a critical perspective on the notion and practice of children's  
42 participation in the Youth Justice System. It seeks to expose and illuminate the  
43 diverse and complex challenges involving children on matters related to their care  
44 and the particularities of supervision arrangements. The paper proceeds to critically  
45 discuss the aims and methodology of the study, and following this, presents the  
46 findings and analysis. It ends by reflecting upon the central arguments in the paper.  
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### 52 **Children's participation in decision making in youth justice**

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55 All children and young people have the right to a voice and to be provided with  
56 opportunities to influence systems or processes that affect them (Creaney and Smith,  
57 2020; United Nations, 1989). However, definitions of what constitutes participation,  
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3 vary - it is a contested concept. It can relate to shared decision making and/or  
4 children's active involvement in the design, development and evaluation of activities  
5 (Beyond Youth Custody, 2014; Weaver, 2018; Weaver, et al., 2019; YJB, 2016).  
6 Participation can be thought of as: being listened to and/or consulted on the  
7 governance and delivery of services (Farthing, 2012; Fleming, 2013; Participation  
8 Works, 2008). Matthews (2003:270) refers to 'participation [as] an essential and  
9 moral ingredient of any democratic society'. Through active or meaningful  
10 participation in processes or systems, we may observe improvements in children's  
11 'self-esteem, confidence, negotiation skills' and 'sense of autonomy' (Farthing,  
12 2012:77).

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

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

55 Although professionals are required to enable children's participation, they can also  
56 enforce non-compliance, instigate breach proceedings where necessary or inflict  
57 further sanctions. It can be argued aspects of the care they receive are non-negotiable  
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3 (HM Government, 2008). Children may be reluctant to speak out if they feel they are  
4 being treated unfairly due to fearing the consequences of potentially being returned  
5 to court for non-compliance (Hine, 2010). They may be apprehensive about  
6 expressing their point of view not least due to, inter alia, feeling insecure or  
7 suspicious of authority. They may see the system as underpinned by adult agendas,  
8 adult assumptions/expectations and adult decision-making processes and thus be  
9 reticent or reluctant to speak out in that they perceive no personal benefit to them in  
10 doing so (Hine, 2010).

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

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

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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

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3 sense of the world' (Hadfield and Haw, 2001:487). Nevertheless, children may be in  
4 need of assistance from an adult to articulate their voice and contribute meaningfully  
5 to decision making (Hadfield and Haw, 2001; Haines and Case, 2015:78; Hine,  
6 2010:171). In this context, practices may be more adult-led, seeking the child's  
7 cooperation, than a collaborative or a shared endeavour (McCulloch, 2016).  
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12 Children may disengage if strategies are more restrictive than enabling, preoccupied  
13 with finding fault or attributing blame and result in those on the receiving end feeling  
14 devalued and silenced (YJB, 2008:8). It could be argued that young people who  
15 offend may not be attentive to interventions, programmes or activities if they feel  
16 'done to' rather than 'with', and their 'basic needs are not being effectively  
17 addressed' (McNeill, 2009:88). Children may feel disempowered if they are  
18 perceived to be incapable of expressing choice concerning their care, viewed as  
19 being devoid of personal agency and incapable of contributing to the contents of their  
20 supervision plan (Kemshall, 2009).  
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29 Providing for the child is also an important part of the practitioner's role, in that there  
30 are inevitably aspects of children's lives, that children are unable to change or affect  
31 due to their low age and legal status (Haines and Case, 2015; Phoenix, 2016). For  
32 instance, children are unable to: decide local community safety priorities, apply for  
33 universal credit to assist them through difficult social and economic periods in their  
34 life, to escape toxic living conditions and unloved or deprived environments, to  
35 overcome various forms of poverty, inequality and social disadvantage, and to  
36 address the social-economic context adversely affecting outcomes, constraining their  
37 access to social and leisure opportunities (Haines and Case, 2015; Phoenix, 2016).  
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45 In addition to these issues children have minimal control over, children can be  
46 perceived to be incapable and considered unable to vote for politicians or political  
47 parties that are opposed to austerity measures and in favour of investment in public  
48 services and the strengthening of the welfare state or vote against the dismantling of  
49 what they perceive as vital services, such as the decimation of youth and community  
50 services (Haines and Case, 2015; Phoenix, 2016). In the youth justice context  
51 especially, such 'children are in a weak political position to resist (risk)  
52 classification' (Haines and Case, 2015:145).  
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## 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



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3 unfamiliar world) (Bourdieu, 1998a; Bourdieu, 2007). Furthermore, alongside  
4 perennial challenges related to care/control, assist/confront, and enable/enforce, front  
5 line professionals may feel ‘out of step’ with new agendas and differing ideologies.  
6 This is especially so if they contradict existing policies and practices, viewed as  
7 incompatible with their own ‘feel’ for the game (Bourdieu, 1990; Case and  
8 Hampson, 2019; Hampson, 2017).  
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11 Similarly, if young people are experiencing an adverse childhood or upheaval in their  
12 life, they may struggle navigating systems or processes when inducted into the  
13 system. The environment can also appear alien and hostile, giving rise to a new set of  
14 challenges alongside exacerbating existing anxieties, leading to further feelings of  
15 tension and conflict. Moreover, children and young people, who are experiencing  
16 capital deficit, may feel supervision is primarily disengaging and disempowering due  
17 to their situated and experiential knowledge being devalued, trumped by professional  
18 wisdom and expertise. As Moi (1991:1022) notes, ‘the right to speak, legitimacy, is  
19 invested in those agents recognised by the field as powerful possessors of capital’.  
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### 22 **Sample**

23 The researcher wrote to a Youth Offending Team in England about the purpose and  
24 nature of the study to seek formal permission and negotiate access. The researcher  
25 was subsequently invited to present his research proposal to managers and senior  
26 professionals. The study’s aims and likely demands on the organisation’s time, were  
27 explained. Following the meeting, the researcher’s request to conduct the research  
28 was approved. The researcher then attended a staff forum to discuss the study, build  
29 trust and credibility with ‘front line’ practitioners. The researcher provided  
30 practitioners with consent forms and information sheets about the study.  
31

32 It was agreed that professionals would inform children and young people about the  
33 research study and issue them with information sheets, consent forms and the  
34 researcher’s contact details. The researcher attended weekly music project sessions to  
35 observe and build relationships with children potentially interested in participating in  
36 the research study.  
37

38 The researcher used a purposive sampling method (Denscombe, 2014:41). This  
39 meant that the participants were selected based on their apparent relevance to the  
40 aims and objectives of the study and the potential insight they could provide into the  
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3 topic being investigated (Buck, 2016; Denscombe, 2014). This meant the researcher  
4 could ‘home in on people or events ... believing they will be critical for the research’  
5 (Denscombe, 2014:41).  
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8  
9 The researcher liaised with several professionals and managers at the Youth  
10 Offending Team to ensure the research sample was representative. The researcher  
11 interviewed professionals and managers (n=20) from diverse backgrounds, including  
12 social care, health, speech language and communication. **The children and young  
13 people (N=17 male and N=3 female) interviewed for the study were aged between  
14 thirteen and eighteen years old. They had either completed a divert intervention, or  
15 subject to a referral order, Youth Rehabilitation Order (YRO), Intensive Supervision  
16 and Surveillance (ISS) or a Detention and Training Order (DTO). The names of  
17 research participants were replaced with pseudonyms to protect their identities.**  
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## 25 **Methods**

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27 The researcher’s interest in understanding perceptions and experiences of youth  
28 justice supervision led to the adoption of the qualitative approach and specifically in-  
29 depth interviews and participant observations. This was in order to capture ‘the first-  
30 hand accounts of people themselves’ (Gergen, 1999:95) and understand how agents  
31 perceived and interpreted the social structural context within which decision making  
32 occurs. **Crucially, there was an emphasis on researching the experiential knowledge  
33 or lived experiences of a ‘hard to reach’ group of young people alongside ‘giving  
34 voice’ to front-line professionals.**  
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42 **In-depth semi-structured interviews were conducted with children and professionals.**  
43 **Each interview lasted between 30-90 minutes. The flexible semi-structured approach**  
44 **to the interviews facilitated interaction, with participants sharing their experiences on**  
45 **issues which they considered important to them and their life (Wincup, 2017).**  
46 **Crucially, there was a concerted effort to allow participants opportunities to ‘make**  
47 **themselves heard’ especially ‘thoughts long kept unsaid or repressed’ (Bourdieu, et**  
48 **al., 1999:615).**  
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54 **A person’s memory of an event may potentially be unreliable, and ‘hindsight’**  
55 **perhaps influences an individual’s ‘construction of the past’ (Wincup, 2017:103).**  
56 **However, young people and professionals were often forthcoming, discussing their**  
57 **personal lives and on occasion recounting distressing events. This method of data**  
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3 collection enabled the exploration of ‘experiences, practices, values and attitudes in  
4 depth’ (Devine, 2002:207) and assisted in producing data that was authentic, credible  
5 and enlightening (Silverman, 2003).  
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### 9 **Data analysis**

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11 The researcher utilised Braun and Clark’s (2006) framework, comprising several  
12 phases of thematic analysis: familiarisation of the data; formulating initial codes;  
13 detecting and revising themes; crafting a written report. The researcher followed the  
14 procedures not in a linear fashion but rather in a flexible way to allow for the  
15 emergence of themes that were not necessarily anticipated. This involved reading  
16 through each of the transcripts thoroughly, becoming immersed in the data and  
17 familiar with ‘the depth and breadth of the content’ (Braun and Clarke, 2006:1). The  
18 researcher coded transcripts inductively. This was a reductive process going ‘beyond  
19 the data, thinking creatively with the data, asking the data questions, and generating  
20 theories and frameworks’ (Coffey and Atkinson, 1996:30).  
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29 The themes were checked and verified by (re) examining the sample and (re)  
30 analysing the findings. The rich and detailed data that was described and interpreted  
31 was then cross-referenced with Bourdieu’s social theory, his ‘thinking tools’ (namely  
32 habitus, capital, field and symbolic violence) and other literature and evidence,  
33 where similarities and differences were observed.  
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### 39 **Findings**

#### 40 ***‘Gaming the system’***

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42 Several children described having a ‘feel’ for how to navigate systems or processes,  
43 towards the end goal of completing their court order successfully. It seemed to be an  
44 outcome most desired by those under supervision:  
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50 “Cos if I don’t join in, then... they’ll just start, like, saying “why?” and it  
51 just pisses me off, so then I argue with them and then get sent home... I  
52 just do something for like 20 minutes, and then they can’t say that I  
53 haven’t done anything”. (Baden, 15)  
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56  
57 “Stick to my meetings. Stick to my curfew. Do as I’m told up until my  
58 next court date”. (Logan, 17)  
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3 “not making a fuss... getting it over and done with”. (Tim, 15)  
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6 “I don’t wanna spend time talking when I could just go...I just try and  
7 get the meetings out the way”. (Justin, 15)  
8  
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10 Several young people were aware of the nature of the ‘game’ and ‘its stakes’ (the  
11 illusio) and, at times, explicit in declaring their specific interests, revealing their  
12 game strategy (Bourdieu, 1990; Bourdieu and Wacquant, 1992; Grenfell,  
13 2014d:165). They were aware of the system of rewards and sanctions, namely that  
14 progressing with the requirements of their orders, dictated to them by the court and  
15 youth justice professionals, was a chore worth pursuing.  
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20 One support worker, Mason, who was relatively new to the role, was typically  
21 provocative. He queried whether professionals should be discerningly digging more  
22 beneath surface appearances, especially with regard to those who appear pleasant and  
23 to be ‘pretending’ to comply. Mason queried whether workers and young people  
24 were playing an ‘elaborate game’ and in so doing, discouraging children from being  
25 ‘angry’ and ‘distressed’ in supervision meetings. In proposing that such ‘strategising’  
26 on the part of young people should be detected and ‘knocked on the head early on’  
27 by professionals, he went on to propose a fascinating set of questions:  
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35 “Do you see that strategising – is that what we count as good? Or  
36 actually, are the ones who chafe against this and actually  
37 flipping...throw the dummy out, and all of that sort of stuff – is that  
38 actually more meaningful? Their participation, more meaningful?”  
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42 (Mason, YOT Support Officer)  
43  
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45 Thus, Mason described some of the young people’s attitudes and dispositions being  
46 symptomatic of passive compliance. He felt young people tended to give a ‘false  
47 impression’ they were content with the ‘specified objectives’, hiding or concealing  
48 their true perspective on proceedings (Leigh, et al., 2019:3).  
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52 Despite concerns regarding genuineness, **some professionals felt** the service valued  
53 young people occupying a ‘ready to conform’ or a ‘respect for conventions’ mindset  
54 (Bourdieu, 1990). Those with a malleable personality, an almost diffident type child,  
55 who cooperated and was complicit to demands, either directed implicitly or explicitly  
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3 at them by their workers, were placed in a slight 'position of advantage' (Bourdieu,  
4 1990; Bourdieu and Wacquant, 1992; Basford, 2018:46).  
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8 ***Being docile and submissive***  
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10  
11 Several young people who had come into contact with the Youth Justice System  
12 described supervision as something that 'just happens' (France, 2015) and was 'done  
13 to', not 'with' them. Paul (16) for example, who was subject to Intensive Supervision  
14 and Surveillance and had been on an order of some type since the age of 12, thought  
15 being on an order was time consuming and an inconvenience.  
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18  
19 Several young people did not see any substantial benefit to sharing their opinions,  
20 experiences and reflections, and contributing extensively to discussions or  
21 influencing the shape or design of their supervision, as these typical quotations  
22 illustrate:  
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28 "It's pointless me doing it man. Cos they're trying to learn me about knife  
29 crime, mate. But it's not working. Cos they're coming in and just chatting  
30 shit". (Joseph, 15)  
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33  
34 "there's some stuff that shouldn't be there. There's some stuff that's a waste  
35 of their time and mine...[but] I don't get a say in what the YOT do, do I?".  
36 (Tommy, 16)  
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39  
40 "Yeah. Well, I don't know. I'm not... It's not really for me to say ... Maybe  
41 there should be [greater opportunity for children to have a voice]. I don't  
42 know". (Sarah, 17)  
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45  
46 Some young people were keen to provide insight into what does and does not work  
47 for them and their circumstances (Nacro, 2008:6). Nevertheless, although  
48 practitioners often referred to the importance of being creative and proactive with  
49 their cohort of young people, several described the difficulties they encountered  
50 when attempting to motivate some children.  
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53  
54 "... we bend over backwards... to get them through their Orders...I have  
55 certain young people that I talk to that ... just wanna do their order and  
56 get it over and done with, and they're not really interested in anything  
57 else...". (Evelyn, YOT Officer)  
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3 “I know if I was a young person out on the street, entrenched in the  
4 criminal justice system, getting involved in dealing and stuff like that –  
5 would I shite want to participate. I’d just be like, “What the fuck?” I’d  
6 just get my order done, and that’s that, innit”. (Grace, YOT Manager)  
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10  
11 According to one professional, young people tended to be reluctant to engage or  
12 participate in processes that they essentially viewed, initially at least, as a  
13 punishment that they wanted to complete without complications:  
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16 “They see it as a punishment. They see us as part of the... well, and we  
17 are, the officers of the court. And a voice of authority. Erm, and they  
18 wanna get through it for six months, for nine months, for twelve months.  
19 And they don’t think of participation in a way that, you know... that a  
20 practitioner might”. (Jackson, YOT Manager)  
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26 Grayson, a Youth Offending Team manager alluded to the importance of  
27 acknowledging that young people may ‘go through the motions’ in order to  
28 ‘tick the box’, and subsequently enter into a sort of contractual arrangement  
29 with their supervising officer. However, he also noted how it could be the case  
30 that the opinions young people express or how they appear to be acting, are  
31 deliberate ‘distancing tactics’ deployed to test if the worker is genuinely  
32 interested in forming a trusting partnership with them.  
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38 Nevertheless, frontline professionals, at times, were purposefully employing  
39 techniques such as rescheduling appointments within a short (or even no)  
40 notice period to avoid instigating breach proceedings. They were also  
41 repeatedly reminding children, through various formats, of scheduled meetings  
42 and avoiding issuing warning letters for non-compliance, at seemingly all costs  
43 (also see Phillips, 2016) to increase the chances of children partaking in the  
44 ‘game’ (Bourdieu and Wacquant, 1992).  
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### 50 ***Building relationships with young people***

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52 Zain (17) had been with the Youth Offending Team for a few years on different  
53 court orders. He had a troubling childhood, having lost his close friend to  
54 suicide at a young age. He reflected upon his experience of attending a meeting  
55 where he felt he was judged negatively, viewed as having a ‘difficult character’  
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3 (Bourdieu 2007:94). Consequently, he felt prevented from having his say and  
4 ventilated his frustrations.  
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7 Despite trying in vain for the Youth Offending Team to listen to his side of the  
8 story, he felt the service induced personal feelings of ‘otherness’  
9 (silenced/excluded). This was due to the service not - or seldom -  
10 acknowledging his perspective about a problematic relationship he had with  
11 one worker:  
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16 “... If I tell them, they'll just sit there. Like, I was telling [one worker]  
17 that I didn't like [the other worker]. She was like, "Don't speak..." "No,  
18 I need to tell someone." She was like, "Well don't be telling me. Tell  
19 [another worker]". (Zain, 17)  
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24 Zain felt a sense of injustice and described being subject to unfair treatment by  
25 his reparation worker. He averred that,  
26  
27

28 “Imagine, right, your kid being on YOT. Like, one of your kids being on  
29 YOT. It's minus three, right? There's, like, snow just coming on to the  
30 ground. Your kid's got, like, a nice rig...he thinks he's gonna go and do  
31 summat else. ...And they throw him in, saying, “Go and clean that  
32 stable” You'd be a bit fumed. And they didn't understand that answer. I  
33 said, “Why wouldn't you tell me, the day before or summat, what we're  
34 doing or what to wear?”...I said, “May as well turn back, cos I'm not  
35 doing it. Not in these clothes.” She started flipping”. (Zain, 17)  
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43 Zain was not acquiescent, accepting without contesting. Indeed, this quote  
44 illustrates Zain's resistance habitus and his somewhat rebellious temperament.  
45

46 This seems the antithesis of a habitus the Youth Offending Team supposedly  
47 promote. Young people were discouraged, at times, from enacting any sort of  
48 ‘legitimate rage’ (Bourdieu, 1998b:viii) a ‘taste for disputation’ (Bourdieu  
49 2007: 88) or attempt to ‘enter into conflict’ (Bourdieu, 1990:110) despite the  
50 circumstances.  
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3 Zain (17) described only trusting certain people, his Intensive Supervision  
4 Surveillance worker being one:  
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7 “I’ll only trust, like, certain people. With [my worker] I trust her with  
8 everything. Like, you: [the researcher] you’re building my trust up”.

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10  
11 (Zain)  
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13 This was not too dissimilar from Taylor’s (16) experience. Taylor, who was  
14 subject to a Youth Rehabilitation Order, reflected upon the constructive  
15 relationship he had formed with one of his workers:  
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18 “Because she [YOT worker] knows me the best and I don’t  
19 particularly... enjoy... getting to know so many people”. (Taylor, 16)  
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22  
23 Joseph shared positive experiences of supervision. He reflected upon a  
24 constructive relationship he had built with one particular worker, who he said  
25 had persisted in offering him support and encouragement:  
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28  
29 “I’d been in bed. I was watching telly. And I heard a knock on the door. I  
30 thought, “Fucking hell man, who the hell is this?” So I’ve gone  
31 downstairs, opened the door, and it’s fucking [YOT Worker}. She said,  
32 “What?” I said, “I’m in bed man. Why are you knocking here at like...  
33 why are you knocking here?” She said, “You’ve got panel.” I said, “...  
34 you’ll have to rearrange it for another day cos I’m in bed and I’m not  
35 getting dressed to get out in the pissing-down rain.” She said, “No.  
36 You’ll get dressed, now. And you’ll get in my car. And I’m taking you to  
37 panel.” And obviously I weren’t arguing with her, cos I couldn’t really  
38 be arsed. So I just thought, “You know what, fuck it.” Just got in the car,  
39 like, and went. But she’s alright, [my YOT worker] She is sound”.

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48 (Joseph, 15)  
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50 Joseph, like several others, felt his workers encouraged him to ‘buy into’ the  
51 decision-making process. He was thankful that they did not exclude him from  
52 the negotiation process. He was an active partner, empowered to influence the  
53 shape of his care, negotiating supervision arrangements. Crucially such a stance  
54 offers most promise in terms of young people perceiving their treatment as  
55 legitimate. If children perceive how they are cared for to be fair and just, they  
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3 are more likely to join in with what has been proposed and avoid or refrain  
4 from adopting a disinterested disposition (Haines and Case, 2015).  
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## 7 **Discussion**

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10 Several young people were felt there was some incentive or reward to being  
11 compliant. This involved not retaliating against unfair treatment or questioning those  
12 in authority due to the fear this could risk a delay to their order coming to an end  
13 (Barry, 2010; Hine, 2010:173). They participated in what was required of them in  
14 that they attended meetings and responded to questions inputting minimally into the  
15 process – they were seemingly complicit with little resistance. At times, they felt  
16 being complicit meant being responsive to professional demands, however  
17 unreasonable, without challenging or questioning the rules or expectations.  
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24 Some young people felt that they were inputting slightly into the process but more  
25 often sliding through with minimal effort, not meaningfully or actively participating.  
26 Nor were they particularly committed to achieving substantial changes, transforming  
27 their lives, whether that be in terms of micro or macro level change. They did not  
28 perceive the system to be focused on the achievement of their active participation in  
29 the governance, design, delivery or evaluation of the service they were receiving.  
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35 Children were invested in the game (Bourdieu, 1998a:76) in that they recognised its  
36 stakes and were aware of the consequences of non-participation. There was a danger  
37 that they could be returned to court and potentially issued with a more intensive court  
38 order and perhaps more intrusive demands if they disengaged or refused to  
39 participate. They had no option, ostensibly, but to ‘stay in the game and keep  
40 playing’ (Harding, 2014:267).  
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46 Professionals felt children had the right both legally and morally to choose a level of  
47 participation that they felt most conformable with - whether that be through adopting  
48 an active or passive stance. Several were hesitant that if they requested more active  
49 contributions on the part of young people, this could potentially disrupt the ‘norm’  
50 and be counterproductive, creating more problems for them and those they were  
51 supervising, heightening a sense of anxiety in the process. If children reacted  
52 negatively, becoming hyper vigilant in the process, there could be tension and  
53 conflict - feelings that could have been avoided had they not insisted on altering how  
54 young people perceived or how they treated the interaction and supervision process.  
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3 It was felt this could result in a situation that was counterproductive, with the child's  
4 feelings of disempowerment worsening.  
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7 At times, professionals were disappointed at being encouraged or somewhat coerced,  
8 both implicitly and at times explicitly by their superiors, to record cases as a  
9 successful completion. This was despite a lack of participation from the child or at  
10 least some inconsistency in terms of their levels of engagement. They were  
11 discouraged from using the partially completed/demonstration of some improvement  
12 option, arguably engineering a focus away from potentially unwanted  
13 scrutiny/external interest over their practices. Nevertheless, this approach of  
14 recording cases as successfully completed was arguably an efficient approach in that  
15 a required outcome was achieved; according to the system, the child's involvement  
16 in the service had now ended.  
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25 It is important to caution against the view that the actions of professionals were  
26 overly deterministic/kismet. Professionals had (limited) opportunity to exercise  
27 agency and apply resistance to unfamiliar, distressing or unconformable situations or  
28 circumstances. At times, professionals inflicted the right hand of the state - as was  
29 highlighted in Sociology is a Martial Art (2001, no pagination) 'the hand that  
30 punishes' - resulting in their case being referred to a non-compliance meeting.  
31 Furthermore, children could be required to attend court re-appearances for failing to  
32 engage and fulfil the requirements of the court order.  
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40 However, the 'left hand' of the state, was exercised regularly through practitioners  
41 committed to forming positive and constructive relationships, building trust and  
42 encouraging young people to work towards achieving their potential. Professionals  
43 remained resilient, especially when young people were on occasion verbally and  
44 sometimes physically aggressive towards them. They were mostly interested in not  
45 only providing emotional support and reopening, at times, 'raw wounds' (i.e. adverse  
46 childhood experiences) but also providing practical assistance in the form of  
47 education and training.  
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54 An approach that is relationship based and conducive to meaningful participation,  
55 can help to facilitate more substantial changes or transformations. Relationships that  
56 are empathic and consistent can play a pivotal role in bolstering children's  
57 participation, reducing passive compliance and preventing the presence of 'fake'  
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3 inauthentic transactional arrangements from forming. A relationship of this type is  
4 also potentially more receptive to critiquing the status quo.  
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7 However, regarding the latter, young people (and their supervising officers) may  
8 perceive 'resistance' or anti-participation as 'alienating' and unsavoury, a position  
9 most uncomfortable, and forms of 'submission to be liberating' (Bourdieu and  
10 Wacquant 1992, 24).  
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15 What is more, professionals may prefer young people presenting with a 'ready to  
16 conform' mindset who are of a malleable personality type rather than incipient  
17 troublemakers intent on rebellion (Bourdieu and Wacquant, 1992). However,  
18 professional/young person partnerships can help to prevent children adopting passive  
19 or disengaged roles, increasing their willingness to comply with court order  
20 requirements (Her Majesty's Inspectorate of Probation, 2016). Young people may  
21 feel particularly comfortable and secure communicating with professionals, if their  
22 workers project empathy and warmth and commit to forming a safe and non-  
23 judgemental relationship (Mason and Prior, 2008). Crucially, professionals should  
24 not belittle children's attempts at resistance or treat their acts of critical questioning  
25 as immature and a form of incompetence. As Bourdieu and Wacquant (1992:196 and  
26 198) note, there may be 'quite sincere' and profound reasoning 'in their re-volts', a  
27 host of personal issues/concerns driving their choices to 'go against the established  
28 order',  
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#### 40 **Conclusion**

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42 The paper has produced original insights into the nature of children's participation in  
43 youth justice supervision. It found that young people were seeking to exert minimal  
44 energy in order to achieve a type of passive compliance with court order  
45 requirements. Yet, this was not a disinterested act in that although they complied  
46 with minimal effort, they had an end goal in sight. More specifically, their  
47 involvement in the justice system - and its associated demanding and inconvenient  
48 processes - would cease, if they adopted a cooperative stance, a pleasant or receptive  
49 disposition.  
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57 To some young people and indeed to those charged with supervising their court  
58 orders an alternative possibility seemed incomprehensible. Crucially, however, there  
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3 were 'degrees in this feel for the game' (Bourdieu, 1990:109). Children participated,  
4 to a greater or lesser extent, to at least maintain a sense of power. Some young  
5 people appeared more skilled, than their peers, at 'playing the game' and knowing  
6 the written and unwritten rules in terms of what was required of them (Harding,  
7 2014). Professionals were concerned that they were also participating in this type of  
8 'game playing'.  
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14 Professionals could work towards maintaining or actively constructing a trusting  
15 relationship with those under supervision. This involves valuing children's input and  
16 not dismissing but acknowledging resistance dispositions or rebellious  
17 temperaments. Practitioners could proactively 'design in' opportunities for children  
18 to influence decision-making processes. If they are interested and committed to  
19 destroying unevenly distributed power differentials, regularly exercise the left hand  
20 of the state, and subscribe to a practice of 'active and methodical listening'  
21 (Bourdieu, et al., 1999:609), this can help to avoid the emergence of a 'fake'  
22 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

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3 involved individually and strategically in processes that concern them or matters  
4 related to Youth Offending Services and how they function (Beyond Youth Custody,  
5 2014; Case and Hampson, 2019; Hart and Thompson, 2009; Weaver, et al., 2019).  
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7 This paper is based on findings from a study, undertaken between 2016-2017, focused  
8 on the extent and nature of children's participation in decision making in youth justice.  
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12 The paper uses Bourdieu's (1990) concept of habitus, as a heuristic/practical device, to  
13 investigate children's ability to express agency and shape or influence the content and  
14 format of interventions and approaches in youth justice. Bourdieu's conceptual  
15 framework was utilised with a view to providing insight and offering critique into the  
16 factors or forces that shape (help, hinder, restrict or deny) the choices of social agents,  
17 notably their ability to exercise power and influence over decision making processes  
18 (Bourdieu, 1990; Bourdieu, 1993). One focal intention in using Bourdieu's theory of  
19 practice and employing and reworking his key thinking tools to the field of youth  
20 justice practice, was to expose the extent to which agents feel 'free' or 'trapped',  
21 experience a sense of powerlessness or inevitability about situations and circumstances  
22 (Bourdieu and Wacquant, 1992).  
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32 First, this paper presents a critical perspective on the notion and practice of children's  
33 participation in the Youth Justice System. It seeks to expose and illuminate the diverse  
34 and complex challenges involving children on matters related to their care and the  
35 particularities of supervision arrangements. Second, an overview of Bourdieu's  
36 fundamental analytical tools is provided. Leading on from this, the paper proceeds to  
37 critically discuss the aims of the study and methods of data collection, and following  
38 this, presents the findings and analysis. It ends by reflecting upon the central  
39 arguments in the paper.  
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### 47 **Children's participation in decision making in youth justice**

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50 All children and young people have the right to a voice and to be provided with  
51 opportunities to influence systems or processes that affect them (Creaney and Smith,  
52 2020; United Nations, 1989). However, definitions of what constitutes participation,  
53 vary - it is a contested concept. It can relate to shared decision making and/or  
54 children's active involvement in the design, development and evaluation of activities  
55 (Beyond Youth Custody, 2014; Weaver, 2018; Weaver, et al., 2019; Youth Justice  
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3 Board, 2016). Participation can be thought of as: being listened to and/or consulted on  
4 the governance and delivery of services (Farthing, 2012; Fleming, 2013; Participation  
5 Works, 2008). Matthews (2003:270) refers to 'participation [as] an essential and moral  
6 ingredient of any democratic society'. Through active or meaningful participation in  
7 processes or systems, we may observe improvements in children's 'self-esteem,  
8 confidence, negotiation skills' and 'sense of autonomy' (Farthing, 2012:77).  
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14 Participation is a potentially useful mechanism through which the needs of vulnerable  
15 children can be recognised. It can lead to approaches that are compatible with their  
16 wishes, tailored to their social and emotional development (Haines and Case, 2015).  
17 Despite potential benefits such as improved compliance and increases in self-  
18 esteem/confidence (Weaver, et al., 2019), there are significant obstacles to progressing  
19 children's participation in the Youth Justice System. Young people can feel frustrated  
20 and see the supervision process as tokenistic if 'their participation results in little or no  
21 change' (Tisdall, et al., 2008:346) to their situation or how the service operates. It may  
22 be counterproductive to involve them in systems and processes if there is not a  
23 commitment to the equal distribution of power (Hadfield and Haw, 2001; Haines and  
24 Case, 2015).  
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34 Participatory agendas can be difficult to progress in a context of neo-conservatism  
35 where young people's perspectives may be seen as irrelevant or rendered invalid due  
36 to being considered a risk to society (Barry, 2010; Haines and Case, 2015; Jamieson  
37 and Yates, 2009; Muncie and Goldson, 2006). Children and young people are perhaps  
38 more likely to be viewed as 'threatening' or 'posing a risk' and thus the recipients of  
39 measures that 'restrict liberty' (Goldson and Muncie, 2006:205; Muncie and Goldson,  
40 2006:36), preventing opportunities for them to express how they wish to proceed or be  
41 responded to (Creaney and Smith, 2014; Hart and Thompson, 2009).  
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49 Although professionals are required to enable children's participation, they can also  
50 enforce non-compliance, instigate breach proceedings where necessary or inflict  
51 further sanctions. It can be argued aspects of the care they receive are non-negotiable  
52 (HM Government, 2008). Children may be reluctant to speak out if they feel they are  
53 being treated unfairly due to fearing the consequences of potentially being returned to  
54 court for non-compliance (Hine, 2010). They may be apprehensive about expressing  
55 their point of view not least due to, *inter alia*, feeling insecure or suspicious of  
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3 authority. They may see the system as underpinned by adult agendas, adult  
4 assumptions/expectations and adult decision-making processes and thus be reticent or  
5 reluctant to speak out in that they perceive no personal benefit to them in doing so  
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8 (Hine, 2010).  
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11 Nevertheless, it has been suggested that interventions with young people under  
12 supervision should be multi-model; a myriad of techniques deployed to sustain their  
13 motivation and interests, not informed by an inflexible standardised approach or  
14 driven by a one-size-fits-all mentality (Barry, 2010; Farrow, et al., 2007). Approaches  
15 that foster empathy, trust and children's participation can help to promote positive  
16 outcomes, including enhanced self-esteem and self-worth, and lead to reductions in  
17 (re) offending (Creaney and Smith, 2020).  
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24 However, children's emotional abilities and matters related to cognitive development  
25 can present barriers to progressing their participation, hindering effective engagement  
26 and their active involvement in the planning and execution of services. They may be  
27 unable to voice an opinion on matters due to being judged incompetent, 'lacking  
28 capacity to engage' (Wood, 2010:50). As Lundy (2007:929) observed, professionals  
29 may be sceptical, in some quarters, about young people's willingness or their ability to  
30 engage in meaningful interaction. They may be of the view that children 'lack  
31 capacity... to have a meaningful input into decision-making' (Lundy, 2007:929).  
32 Professionals may endeavour to capture the thoughts, feelings and sentiments of  
33 service users. However, professionals may underestimate children's abilities, and in  
34 the process, hinder rather than enhance decision making – not properly considering the  
35 nature and extent of children's agency (Smith, 2009). More specifically, they may  
36 treat service user knowledge as an unreliable source. Children may not be perceived as  
37 credible 'knowers' or viewed as capable of engaging in discussions related to their  
38 care and supervision arrangements (Winter, 2015:205; Smith, 2014).  
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51 Professionals may question the trustworthiness of young people's accounts, related to  
52 their perceived immaturity, underdeveloped cognitive skills and '[in]ability to make  
53 sense of the world' (Hadfield and Haw, 2001:487). Nevertheless, children may be in  
54 need of assistance from an adult to articulate their voice and contribute meaningfully  
55 to decision making (Hadfield and Haw, 2001; Haines and Case, 2015:78; Hine,  
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3 2010:171). In this context, practices may be more adult-led, seeking the child's  
4 cooperation, than a collaborative or a shared endeavour (McCulloch, 2016).  
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7 Children may disengage if strategies are more restrictive than enabling, preoccupied  
8 with finding fault or attributing blame and result in those on the receiving end feeling  
9 devalued and silenced (Youth Justice Board, 2008:8). It could be argued that young  
10 people who offend may not be attentive to interventions, programmes or activities if  
11 they feel 'done to' rather than 'with', and their 'basic needs are not being effectively  
12 addressed' (McNeill, 2009:88). As discussed, children may feel disempowered if they  
13 are perceived to be incapable of expressing choice concerning their care, viewed as  
14 being devoid of personal agency and incapable of contributing to the contents of their  
15 supervision plan (Kemshall, 2009).  
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23 Providing for the child is also an important part of the practitioner's role, in that there  
24 are inevitably aspects of children's lives that are outside of their control (Haines and  
25 Case, 2015; Phoenix, 2016). For instance, children are often unable to apply for  
26 universal credit to assist them through difficult social and economic periods in their  
27 life. Furthermore, it is extremely difficult for a child to escape toxic living conditions  
28 and unloved or deprived environments, and to overcome various forms of poverty,  
29 inequality and social disadvantage adversely affecting outcomes (Haines and Case,  
30 2015; Phoenix, 2016). In the youth justice context especially, such 'children are in a  
31 weak political position to resist (risk) classification' (Haines and Case, 2015:145).  
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40 It is unclear to what extent children 'feel' able or competent to express agency and  
41 shape decision making processes in youth justice. In the light of these concerns and  
42 aforementioned critical observations this paper utilises the concept of habitus to offer  
43 insight into the ease with which children advance or strengthen their position or  
44 challenges they face *vis-a-vis* accruing status and navigating precarious positions and  
45 resisting 'dominant legitimizing forces' (Grenfell, 2014a:38).  
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### 51 **Habitus**

52 One's habitus is long-lasting/durable formed through processes of socialisation. Yet it  
53 can be affected by new experiences, altering the way for instance children or  
54 professionals perceive or act in the youth justice field. Although not entirely  
55 unconscious nor kismet, habitus comprises a person's past existing in present form,  
56 influencing perception, thoughts and how one behaves or is inclined to respond  
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3 (Bourdieu and Wacquant, 1992; Garrett, 2007a; Mills, 2008). As a result, it can be  
4 argued that people do not always conform to ‘external sets of formal rules’ (Swartz,  
5 2002:616), rather, they tend to act strategically or deploy a sort of ‘practical  
6 rationality’ (Bourdieu and Wacquant, 1992:19) or a ‘feel’ for how to act.  
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10 **In the youth justice field**, children and their supervising officers can gain a more or  
11 less advantaged position, depending on their ability to predict the ‘future of the game’  
12 and initiate moves – through utilising capitals - that are beneficial to them and do not  
13 bring about sanctions (Bourdieu and Wacquant, 1992). Ostensibly, social agents  
14 ‘actively pursue the prizes [the game] offers’ (Bourdieu and Wacquant, 1992:19). As  
15 Bourdieu observed, essentially habitus is simultaneously lived experiences of ‘society  
16 written into the body’ (Bourdieu, 1990:63) or ‘history incarnate in the body’  
17 (Bourdieu, 1990:190). In other words, what influences their decision is not ‘external  
18 constraints’ or ‘subjective whim’ but rather a combination of factors that impact on  
19 one’s body and mind, including past experiences **such as exposure to trauma or**  
20 **adversity which can alter their outlook or point of view** (Swartz, 2002:616).  
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30 If there are changes to field conditions, the habitus of youth justice practitioners might  
31 either be reinforced or modified (Aguilar and Sen, 2009:431). During times of crisis,  
32 ‘routine adjustment of subjective and objective structures’ can be ‘brutally disrupted’  
33 (Bourdieu, 1992:131). Examples include youth justice professionals being subject to  
34 anxiety provoking restructures, increases in workload or resource pressures, triggering  
35 unease or a sense of ‘hysteresis’ (Bourdieu, 1998a; Bourdieu, 2007). Furthermore,  
36 alongside perennial challenges related to care/control, assist/confront, and  
37 enable/enforce, front line professionals may feel ‘out of step’ with new agendas,  
38 differing or unfamiliar ideologies. This can be especially so if agendas appear to  
39 contradict existing policies and practices, viewed as incompatible with their own ‘feel’  
40 for the game (Bourdieu, 1990; Case and Hampson, 2019; Hampson, 2017).  
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50 Similarly, if young people are experiencing an adverse childhood or upheaval in their  
51 life, they may struggle navigating systems or processes when inducted into the system.  
52 The environment can also appear alien and hostile, giving rise to a new set of  
53 challenges alongside exacerbating existing anxieties, leading to further feelings of  
54 tension and conflict. Moreover, children and young people, who are experiencing  
55 capital deficit, may feel supervision is primarily disengaging and disempowering due  
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3 to their situated and experiential knowledge being devalued, trumped by professional  
4 wisdom and expertise (Creaney, 2018; Case et al., 2015). As Moi (1991:1022) notes,  
5 'the right to speak, legitimacy, is invested in those agents recognised by the field as  
6 powerful possessors of capital'.  
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## 10 11 **Capital and Field** 12

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14 Bourdieu (1986) conceptualised and presented multifaceted yet connecting forms of  
15 capital, namely: economic, cultural and social capital. There are obvious and at times  
16 profound benefits to wealth generation, not least it can lead to social agents  
17 accumulating power and being able to access worthwhile or fruitful opportunities in  
18 society (Bourdieu, 1986). However, albeit crucial it is not exclusively economic power  
19 that maintains societal structures or solely monetary wealth that is of benefit to human  
20 beings (Bourdieu, 1990). Cultural and social capital impact upon people's personal,  
21 social and emotional development (Bourdieu, 1990). Cultural capital for instance can  
22 exist in many forms, not least in the embodied state, presentation styles, mannerisms  
23 and vocabulary (Bourdieu, 1986). Those who have a command of the English  
24 language, for instance, can use this type of cultural capital to secure or occupy a  
25 dominant position in the field. Moreover, Bourdieu divided social capital into two  
26 forms, namely *networks*, including contacts and access to structural support systems,  
27 and *connections*, this includes the sustainability or longevity of valued  
28 resources/power that one accumulates (Barry, 2007; Bourdieu, 1986; Bourdieu, 1990).  
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40 In the field, agents jostle for ownership of resources and compete to retain power. In  
41 so doing, human beings participate in a battle to prolong or sustain their influence  
42 (Bourdieu and Wacquant, 1992). Fields are not monolithic or static arenas, they are  
43 dynamic social spaces characterised by conflict or tension and beset by struggles for  
44 resources that are of worth to each of the players invested in the specific game being  
45 played (Loyal, 2017). On the one hand, there are players who endeavour to serve the  
46 status quo perhaps to preserve a sense of familiarity and on the other hand, social  
47 agents who seek to undermine it, and overtly or subtly unsettle those with an air of  
48 authority. It is the type of capital accrued and subsequently utilised that influences a  
49 person's ability to negotiate situations or circumstances effectively and accumulate  
50 advantage in the field (Bourdieu and Wacquant, 1992). The dominated are more likely  
51 than their privileged or more affluent counterparts to experience social exclusion and  
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3 other disadvantages that restricts or constrains their life chances and effective  
4 movement within fields (Bourdieu and Wacquant, 1992).  
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7 Children in the Youth Justice System are often socially and economically marginalised  
8 having previously been denied a quality education and received insufficient emotional  
9 health and wellbeing support (Shaw and Greenhow, 2019). They often have restricted  
10 access to capital(s), including limited financial resources constraining their access to  
11 social and leisure opportunities (Barry, 2007; Taylor, 2016). In relation to the present  
12 study, the researcher operationalised the concepts of habitus, capital and field to  
13 investigate children's criminal justice experiences. This paper focuses predominantly  
14 on Bourdieu's concept of habitus, principally utilised as a heuristic/practical device to  
15 investigate children's ability to express agency and shape or influence the content and  
16 format of interventions and approaches in the youth justice field.  
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### 25 **Sample**

26 The study design was scrutinised and granted approval by the ethical review  
27 committee at Liverpool John Moores University. The researcher then wrote to a Youth  
28 Offending Team in England about the purpose and nature of the study to seek formal  
29 permission and negotiate access. The researcher was subsequently invited to present  
30 his research proposal to managers and senior professionals. The study's aims and  
31 likely demands on the organisation's time, were explained. Following the meeting, the  
32 researcher's request to conduct the research was approved. The researcher then  
33 attended a staff forum to discuss the study, build trust and credibility with 'front line'  
34 practitioners. The researcher provided practitioners with consent forms and  
35 information sheets about the study.  
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45 It was agreed that professionals would inform children and young people about the  
46 research study and issue them with information sheets, consent forms and the  
47 researcher's contact details. The researcher attended weekly music project sessions to  
48 observe and build relationships with children potentially interested in participating in  
49 the research study. The researcher used a purposive sampling method (Denscombe,  
50 2014:41), and worked closely with practitioners to recruit young people who were  
51 available and willing to participate in the study, embracing the full range of young  
52 people's experiences. This meant that the participants were selected based on their  
53 apparent relevance to the aims and objectives of the study and the potential insight  
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3 they could provide into **how young people experience and understand youth justice**  
4 **supervision** (Buck, 2020; Denscombe, 2014; Creaney, 2018). This resulted in the  
5 researcher being able to ‘home in on people or events ... believing they will be critical  
6 for the research’ (Denscombe, 2014:41). The children and young people (N=17 male  
7 and N=3 female) interviewed for the study were aged between thirteen and eighteen  
8 years old. They had either completed a divert intervention, or subject to a referral  
9 order, Youth Rehabilitation Order (YRO), Intensive Supervision and Surveillance  
10 (ISS) or a Detention and Training Order (DTO). The researcher interviewed  
11 professionals and managers (n=20) from diverse backgrounds, including social care,  
12 health, speech language and communication. The names of research participants were  
13 replaced with pseudonyms to protect their identities.  
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### 23 **Methods**

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25 The researcher’s interest in understanding perceptions and experiences of youth justice  
26 supervision led to the adoption of the qualitative approach and specifically in-depth  
27 interviews and participant observations. This was in order to capture ‘the first-hand  
28 accounts of people themselves’ (Gergen, 1999:95) and understand how agents  
29 perceived and interpreted the social structural context within which decision making  
30 occurs. Crucially, there was an emphasis on researching the experiential knowledge or  
31 lived experiences of a ‘hard to reach’ group of young people alongside ‘giving voice’  
32 to front-line professionals (Creaney, 2018).  
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40 In-depth semi-structured interviews were conducted with children and professionals.  
41 Each interview lasted between 30-90 minutes. The flexible semi-structured approach  
42 to the interviews facilitated interaction, with participants sharing their experiences on  
43 issues which they considered important to them and their life (Wincup, 2017).  
44 Crucially, there was a concerted effort to allow participants opportunities to ‘make  
45 themselves heard’ especially ‘thoughts long kept unsaid or repressed’ (Bourdieu, et al.,  
46 1999:615).  
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52 A person’s memory of an event may potentially be unreliable, and ‘hindsight’ perhaps  
53 influences an individual’s ‘construction of the past’ (Wincup, 2017:103). However,  
54 young people and professionals were often forthcoming, discussing their personal  
55 lives and on occasion recounting distressing events. This method of data collection  
56 enabled the exploration of ‘experiences, practices, values and attitudes in depth’  
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3 (Devine, 2002:207) and assisted in producing data that was authentic, credible and  
4 enlightening (Silverman, 2003).  
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### 8 **Data analysis**

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10 The researcher utilised Braun and Clark's (2006) framework, comprising several  
11 phases of thematic analysis: familiarisation of the data; formulating initial codes;  
12 detecting and revising themes; crafting a written report. The researcher followed the  
13 procedures not in a linear fashion but rather in a flexible way to allow for the  
14 emergence of themes that were not necessarily anticipated. This involved reading  
15 through each of the transcripts thoroughly, becoming immersed in the data and  
16 familiar with 'the depth and breadth of the content' (Braun and Clarke, 2006:1). The  
17 researcher coded transcripts inductively. **Drawing on Bourdieu's social theory**, the  
18 researcher then went 'beyond the data, thinking creatively with the data, asking the  
19 data questions, and generating theories and frameworks' (Coffey and Atkinson,  
20 1996:30). The themes were checked and verified by (re) examining the sample and  
21 (re) analysing the findings using **Bourdieu's core concepts of habitus, capital and field**.  
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### 31 **Findings**

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

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49 Several children described having a 'feel' for how to navigate systems or processes,  
50 towards the end goal of completing their court order successfully. It seemed to be an  
51 outcome most desired by those under supervision:  
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55 "Cos if I don't join in, then... they'll just start, like, saying "why?" and it just  
56 pisses me off, so then I argue with them and then get sent home... I just do  
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3 something for like 20 minutes, and then they can't say that I haven't done  
4 anything". (Baden, 15)  
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7 "Stick to my meetings. Stick to my curfew. Do as I'm told up until my next  
8 court date". (Logan, 17)  
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11 "not making a fuss... getting it over and done with". (Tim, 15)  
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14 "I don't wanna spend time talking when I could just go...I just try and get the  
15 meetings out the way". (Justin, 15)  
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18 **As the data presented indicate**, young people were aware of the nature of the 'game'  
19 and 'its stakes' (the illuso) and, at times, explicit in declaring their specific interests,  
20 revealing their game strategy (Bourdieu, 1990; Bourdieu and Wacquant, 1992;  
21 Grenfell, 2014b:165). They were acutely aware of the system of rewards and  
22 sanctions, namely that progressing with the requirements of their orders, dictated to  
23 them by the court and youth justice professionals, was a chore worth pursuing.  
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28 One support worker, Mason, who was relatively new to the role, was typically  
29 provocative. He queried whether professionals should be discerningly digging more  
30 beneath surface appearances, especially with regard to those who appear pleasant and  
31 to be 'pretending' to comply. Mason queried whether workers and young people were  
32 playing an 'elaborate game' and in so doing, discouraging children from being 'angry'  
33 and 'distressed' in supervision meetings. In proposing that such 'strategising' on the  
34 part of young people should be detected and 'knocked on the head early on' by  
35 professionals, he went on to propose a fascinating set of questions:  
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43 "Do you see that strategising – is that what we count as good? Or actually, are  
44 the ones who chafe against this and actually flipping...throw the dummy out,  
45 and all of that sort of stuff – is that actually more meaningful? Their  
46 participation, more meaningful?". (Mason, YOT Support Officer)  
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51 Thus, Mason described some of the young people's attitudes and dispositions being  
52 symptomatic of passive compliance. He felt young people tended to be insincere,  
53 giving a 'false impression' they were content with the 'specified objectives', hiding or  
54 concealing their true perspective on proceedings (Leigh, et al., 2019:3). Despite  
55 concerns regarding genuineness, some professionals felt the service valued young  
56 people occupying a 'ready to conform' or a 'respect for conventions' mindset  
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3 (Bourdieu, 1990). Those with a malleable personality, an almost diffident type child,  
4 who cooperated and was complicit to demands, either directed implicitly or explicitly  
5 at them by their workers, were placed in a slight 'position of advantage' (Bourdieu,  
6 1990; Bourdieu and Wacquant, 1992; Basford, 2018:46).  
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### 10 **Being docile and submissive**

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14 Several young people who had come into contact with the Youth Justice System  
15 described supervision as something that 'just happens' (France, 2015) and was 'done  
16 to', not 'with' them. Paul (16) for example, who was subject to Intensive Supervision  
17 and Surveillance and had been on an order of some type since the age of 12, thought  
18 being on an order was time consuming and an inconvenience.  
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24 Several young people did not see any substantial benefit to sharing their opinions or  
25 reflections with their workers on the quality of the service they are being provided.  
26 They were not convinced that contributing extensively to discussions or influencing  
27 the shape or design of their supervision was of value, as these typical quotations  
28 illustrate:  
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33 "It's pointless me doing it man. Cos they're trying to learn me about knife  
34 crime, mate. But it's not working. Cos they're coming in and just chatting  
35 shit". (Joseph, 15)  
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39 "there's some stuff that shouldn't be there. There's some stuff that's a waste  
40 of their time and mine...[but] I don't get a say in what the YOT do, do I?".  
41 (Tommy, 16)  
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45 "Yeah. Well, I don't know. I'm not... It's not really for me to say ... Maybe  
46 there should be [greater opportunity for children to have a voice]. I don't  
47 know". (Sarah, 17)  
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51 **Some children felt unqualified to offer a perspective on what improvements could be**  
52 **made to Youth Offending Service policy and practice or to pass judgement on the**  
53 **effectiveness of supervision. However,** several young people were keen to provide  
54 insight into what does and does not work for them and their circumstances (Nacro,  
55 2008:6). Nevertheless, although practitioners often referred to the importance of being  
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3 creative and proactive with their cohort of young people, several described the  
4 difficulties they encountered when attempting to motivate some children.  
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7 “... we bend over backwards... to get them through their Orders...I have  
8 certain young people that I talk to that ... just wanna do their order and get it  
9 over and done with, and they're not really interested in anything else...”.  
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11 (Evelyn, YOT Officer)  
12  
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14 “I know if I was a young person out on the street, entrenched in the criminal  
15 justice system, getting involved in dealing and stuff like that – would I shite  
16 want to participate. I’d just be like, “What the fuck?” I’d just get my order  
17 done, and that’s that, innit”. (Grace, YOT Manager)  
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22 According to one professional, young people tended to be reluctant to engage or  
23 participate in processes that they essentially viewed, initially at least, as a punishment  
24 that they wanted to complete without complications:  
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27 “They see it as a punishment. They see us as part of the... well, and we are, the  
28 officers of the court. And a voice of authority. Erm, and they wanna get  
29 through it for six months, for nine months, for twelve months. And they don’t  
30 think of participation in a way that, you know... that a practitioner might”.  
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32 (Jackson, YOT Manager)  
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37 Grayson, a Youth Offending Team manager alluded to the importance of  
38 acknowledging that young people may ‘go through the motions’ in order to ‘tick the  
39 box’, and subsequently enter into a sort of contractual arrangement with their  
40 supervising officer. However, he also noted how it could be the case that the opinions  
41 young people express or how they appear to be acting, are deliberate ‘distancing  
42 tactics’ deployed to test if the worker is genuinely interested in forming a trusting  
43 partnership with them.  
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50 Nevertheless, frontline professionals, at times, were purposefully employing  
51 techniques such as rescheduling appointments within a short (or even no) notice period  
52 to avoid instigating breach proceedings. They were also repeatedly reminding  
53 children, through various formats, of scheduled meetings and avoiding issuing  
54 warning letters for non-compliance, at seemingly all costs (also see Phillips, 2016) to  
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3 increase the chances of children partaking in the 'game' (Bourdieu and Wacquant,  
4 1992).  
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### 8 **Building relationships with young people**

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10 Zain (17) had been with the Youth Offending Team for several years on different court  
11 orders. He had a troubling childhood, having lost his close friend to suicide at a young  
12 age. He reflected upon his experience of attending a meeting where he felt he was  
13 judged negatively, viewed as having a difficult character (Bourdieu 2007:94).  
14 Consequently, he felt prevented from having his say and ventilated his frustrations.  
15 Despite trying in vain for the Youth Offending Team to listen to his side of the story,  
16 he felt the service induced personal feelings of 'otherness' (silenced/excluded). This  
17 was due to the service not - or seldom - acknowledging his perspective about a  
18 problematic relationship he had with one worker:  
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26 "… If I tell them, they'll just sit there. Like, I was telling [one worker] that I  
27 didn't like [the other worker]. She was like, "Don't speak..." "No, I need to tell  
28 someone." She was like, "Well don't be telling me. Tell [another worker]".  
29 (Zain, 17)  
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34 Zain felt a sense of injustice and described being subject to unfair treatment by his  
35 reparation worker. He averred that,  
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38 "Imagine, right, your kid being on YOT. Like, one of your kids being on YOT.  
39 It's minus three, right? There's, like, snow just coming on to the ground. Your  
40 kid's got, like, a nice rig...he thinks he's gonna go and do summat else. ...And  
41 they throw him in, saying, "Go and clean that stable" You'd be a bit fumed.  
42 And they didn't understand that answer. I said, "Why wouldn't you tell me, the  
43 day before or summat, what we're doing or what to wear?"...I said, "May as  
44 well turn back, cos I'm not doing it. Not in these clothes." She started  
45 flipping". (Zain, 17)  
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53 The relationship between Zain and his reparation worker was characterised by struggle  
54 and tension, with the credibility/validity of Zain's perspective being devalued (Deakin  
55 et al., 2020). Zain was not acquiescent, accepting without contesting. Indeed, the  
56 above extract illustrates his resistance habitus or somewhat rebellious temperament.  
57 This seems the antithesis of a habitus the Youth Offending Team supposedly promote.  
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3 Young people were discouraged, at times, from enacting any sort of ‘legitimate rage’  
4 (Bourdieu, 1998b:viii) a ‘taste for disputation’ (Bourdieu 2007: 88) or attempt to  
5 ‘enter into conflict’ (Bourdieu, 1990:110) despite the circumstances.  
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9 Zain (17) described only trusting certain people, his Intensive Supervision  
10 Surveillance worker being one:  
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12  
13 “I’ll only trust, like, certain people. With [my worker] I trust her with  
14 everything. Like, you: [the researcher] you’re building my trust up”. (Zain)  
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17 This was not too dissimilar from Taylor’s (16) experience. Taylor, who was subject to  
18 a Youth Rehabilitation Order, reflected upon the constructive relationship he had  
19 formed with one of his workers:  
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23 “Because she [YOT worker] knows me the best and I don’t particularly...  
24 enjoy... getting to know so many people”. (Taylor, 16)  
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27 Joseph shared positive experiences of supervision. He reflected upon a constructive  
28 relationship he had built with one particular worker, who he said had persisted in  
29 offering him support and encouragement:  
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33 “I’d been in bed. I was watching telly. And I heard a knock on the door. I  
34 thought, “Fucking hell man, who the hell is this?” So I’ve gone downstairs,  
35 opened the door, and it’s fucking [YOT Worker}. She said, “What?” I said,  
36 “I’m in bed man. Why are you knocking here at like... why are you knocking  
37 here?” She said, “You’ve got panel.” I said, “... you’ll have to rearrange it for  
38 another day cos I’m in bed and I’m not getting dressed to get out in the  
39 pissing-down rain.” She said, “No. You’ll get dressed, now. And you’ll get in  
40 my car. And I’m taking you to panel.” And obviously I weren’t arguing with  
41 her, cos I couldn’t really be arsed. So I just thought, “You know what, fuck it.”  
42 Just got in the car, like, and went. But she’s alright, [my YOT worker] She is  
43 sound”. (Joseph, 15)  
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53 Joseph, like several others, felt his workers encouraged him to ‘buy into’ the decision-  
54 making process. He was thankful that they did not exclude him from the negotiation  
55 process. He was an active partner, empowered to influence the shape of his care,  
56 negotiating supervision arrangements. Crucially such a stance offers most promise in  
57 terms of young people perceiving their treatment as legitimate. **This concept is a core**  
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3 component of, or an essential pre-requisite for, an effective relationship. If children  
4 perceive how they are cared for to be fair and just, they are more likely to join in with  
5 what has been proposed and avoid or refrain from adopting a disinterested disposition  
6 (Haines and Case, 2015).  
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## 10 Discussion

11 Drawing on the findings of a qualitative study, this paper aimed to investigate  
12 children's involvement in the design and delivery of youth justice services. It found  
13 that several young people felt there was some incentive or reward to being compliant.  
14 As their accounts/narratives illustrate, this involved not retaliating against unfair  
15 treatment or questioning those in authority due to the fear this could risk a delay to  
16 their order coming to an end (Barry, 2010; Hine, 2010:173). Several children  
17 participated in what was required of them in that they attended meetings and  
18 responded to questions inputting minimally into the process – they were seemingly  
19 complicit with little resistance. At times, they felt being complicit meant being  
20 responsive to professional demands, however unreasonable, without challenging or  
21 questioning the rules or expectations.  
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32 Some young people felt that they were inputting slightly into the process but more  
33 often sliding through with minimal effort, not meaningfully or actively participating.  
34 Nor did they appear particularly committed to achieving substantial changes,  
35 transforming their lives, whether that be in terms of micro or macro level change.  
36 Some children did not perceive the system to be focused on the achievement of their  
37 active participation in governance arrangements or in the design, delivery or  
38 evaluation of the service they were receiving.  
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45 Children were invested in the game (Bourdieu, 1998a:76) in that they recognised its  
46 stakes and were aware of the consequences of non-participation. There was a danger  
47 that they could be returned to court and potentially issued with a more intensive court  
48 order and perhaps more intrusive demands if they disengaged or refused to participate.  
49 They had no option, ostensibly, but to 'stay in the game and keep playing' (Harding,  
50 2014:267).  
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56 Professionals felt children had the right both legally and morally to choose a level of  
57 participation that they felt most comfortable with - whether that be through adopting  
58 an active or passive stance. Several professionals were hesitant that if they requested  
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3 more active contributions from young people, this could potentially disrupt the 'norm'  
4 and be counterproductive, creating more problems for them and those they were  
5 supervising, heightening a sense of anxiety in the process. If children reacted  
6 negatively, becoming hyper vigilant in the process, there could be tension and conflict  
7 - feelings that could have been avoided had they not insisted on altering how young  
8 people perceived or how they treated the interaction and supervision process. It was  
9 felt this could result in a situation that was counterproductive, with the child's feelings  
10 of disempowerment worsening.  
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18 At times, professionals were disappointed at being encouraged or somewhat coerced,  
19 both implicitly and at times explicitly by their superiors, to record cases as successful  
20 completions. This was despite a lack of participation from the child or at least some  
21 inconsistency in terms of their levels of engagement. They were discouraged from  
22 using the partially completed/demonstration of some improvement option, arguably  
23 engineering a focus away from potentially unwanted scrutiny/external interest over  
24 their practices. Nevertheless, this approach of recording cases as successfully  
25 completed was arguably an efficient approach in that a required outcome was  
26 achieved; according to the system, the child's involvement in the service had now  
27 ended.  
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36 It is important to caution against the view that the actions of professionals were overly  
37 deterministic. **Despite the force of the field conditions**, professionals had (limited)  
38 freedom to exercise agency. At times, professionals inflicted the 'right hand' of the  
39 state, 'the hand that punishes' (Bourdieu, 2001; Bourdieu, 1998b), resulting in cases  
40 being referred to non-compliance meetings, **a neo-liberal mechanism reserved for  
41 those, in a Bourdieusian sense, not 'taking the game seriously' (Bourdieu, 1998a:76).**  
42 Furthermore, children could be required to attend court re-appearances for failing to  
43 engage and fulfil the requirements of their court orders. However, the 'left hand' of the  
44 state (Bourdieu, 2001; Bourdieu, 1998b) was exercised regularly through practitioners  
45 committed to forming positive, constructive and non-hierarchical relationships,  
46 building trust and encouraging young people to work towards achieving their  
47 potential. Professionals remained resilient, especially when young people were on  
48 occasion verbally and sometimes physically aggressive towards them. They were  
49 mostly interested in not only providing emotional support and reopening, at times,  
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‘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 uncomfortable, 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

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3 paper has addressed this empirical gap, producing internationally relevant findings and  
4 original insights into the nature of children's participation in youth justice supervision.  
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6 It found that young people were seeking to exert minimal energy in order to achieve a  
7 type of passive compliance with court order requirements. Yet, this was not a  
8 disinterested act in that although they complied with minimal effort, they had an end  
9 goal in sight. More specifically, their involvement in the justice system - and its  
10 associated demanding and inconvenient processes - would cease, if they adopted a  
11 cooperative stance, a pleasant or receptive disposition.  
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17 To some young people and indeed to those tasked with supervising their court orders  
18 an alternative possibility seemed incomprehensible. Crucially, however, there were  
19 'degrees in this feel for the game' (Bourdieu, 1990:109). Children participated, to a  
20 greater or lesser extent, to at least maintain a sense of power. Some young people  
21 appeared more skilled, than their peers, at 'playing the game' and knowing the written  
22 and unwritten rules in terms of what was required of them (Harding, 2014).  
23 Professionals were concerned that they were also participating in this type of 'game  
24 playing'.  
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32 It is important to re-emphasise the need to maintain or actively construct trusting non-  
33 hierarchical relationships with those under supervision. This involves valuing  
34 children's input, not dismissing, instead being alert and attentive to resistance  
35 dispositions or rebellious temperaments. Furthermore, it is recommended practitioners  
36 give primacy to children's experiential knowledge, and proactively 'design in'  
37 opportunities for children to influence decision-making processes. If front-line  
38 professionals are interested and committed to destroying unevenly distributed power  
39 differentials, regularly exercise the left hand of the state, and subscribe to a practice of  
40 'active and methodical listening' (Bourdieu, et al., 1999:609), this can help to avoid or  
41 overcome the emergence of passive compliance and the development of inauthentic  
42 relationships.  
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