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Why does Communication in Youth Justice Matter?

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The Speech, Language and Communication Needs of Youth People on Referral Orders in England and Wales

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Abstract

This exploratory study examines how the speech language and communication needs of young people affect the restorative justice process in the context of referral orders. It is estimated that up to 60-90% of young people have speech, language and communication needs within the youth justice system in England and Wales. Recent literature highlights the improvement of services within youth justice by providing speech and language therapy to young people with communication difficulties. Research indicates that young people with speech, language and communication needs struggle to fully engage with verbally mediated interventions. However, the impact of young people's communication difficulties on community orders which encompass restorative justice principles have not been explored. Thus, the impact of speech language and communication needs of young people on referral orders will be examined.

Twenty two Youth Offending Teams with Speech and Language Therapist seconded roles within core services were approached. Using a mixed methods approach, the project sets out findings from semi-structured interviews with youth justice practitioners, volunteers and Speech and Language Therapists, as well as, non-participant observations of Youth Offender Panel meetings. Analysis of data from interviews with practitioners and volunteers and from Youth Offender Panel meeting observations was completed using thematic analysis. Quantitative case level data on young people on referral orders were obtained from one Youth Offending Team.

Findings indicate that the speech, language and communication needs of young people negatively impact the principles of restorative justice embedded in referral orders: responsibility, reparation, and reintegration. Results also demonstrate that seconded Speech and Language Therapists within Youth Offending Teams help to mitigate the impact of communication difficulties of young people on referral orders.

Contents

List of Abbreviations:

ADHD: Attention Deficit Hyperactivity Disorder

ASD: Autism Spectrum Disorder

BCRP: Better Communication Research Programme

BESDs: Behavioural, Emotional and Social Difficulties

CAMHS: Children and Adults Mental Health Services, promote the mental health and psychological wellbeing of children and young people and provide high quality mental health services to children.

CFOS: Children First Offenders Second

CELF (3, 4, UK): Clinical Evaluation of Language Fundamentals

CJS: Criminal Justice System

EPC: Early Practice Changes

ETE: Education Training Employment

FTEs: First Time Entrants

ISSP: Intensive Supervision and Surveillance Programme

LA: Local Authority

LEA: Local Education Authority

MAPPA: Multi-Agency Public Protection Arrangements

NEET: Not in Education, Employment or Training

NHS: National Health Service

PCT: Primary Care Trust

PSR: Pre-Sentence Report

RCSLT: Royal College of Speech and Language Therapists

RO: Referral Order

DCSF: Department for Children, Schools and Families

SENs: Special Educational Needs

SLCNs: Speech, Language and Communication Needs

SLI: Specific Language Impairment

SLT: Speech and Language Therapist

SLTs: Speech and Language Therapists

STC: Secure Training Centre

TASIT: The Awareness of Social Inference Test

TOAL: Test of Adolescent and Adult Language

UNCRC: United Nations Convention on the Rights of the Child

VCPM: Volunteer Community Panel Member

YJB: Youth Justice Board

YJS: Youth Justice System

YOI: Young Offender Institution

YOP: Youth Offender Panel

YOS: Youth Offending Service

YOT: Youth Offending Team

YP: Young Person/People

1 Setting the Scene: Speech, Language and Communication Needs of Young People on Referral Orders

1.1 Introduction

The Royal College of Speech and Language Therapists (RCSLT) and Youth Justice Board of England and Wales (YJB) piloted the provision of Speech and Language Therapy (SLT) services in Youth Offending Teams (YOTs) between 2012-2015. To date, this has been the only pilot project of such a large scale, through which Speech and Language Therapists (SLTs) were seconded to Youth Offending Teams. There have been a number of research projects that examined SLT provision in other areas of youth justice services, such as Young Offender Institutions (see e.g. Bryan, 2007). Youth Offending Teams are multi-disciplinary teams staffed by social workers, police officers, probation officers, education and health officers (Home Office, 1997: para. 8.9). Others included in YOTs are: outreach workers, housing officers, victim officers, parenting officers, and those from third sector organisations. These members of the team work together to address young people's needs in order to reduce the likelihood of reoffending. YOTs are responsible for delivering services of offending behaviour management to young people who are on community based orders (Youth Justice Board, 2014). Each YOT commissions services from Local Authorities, community organisations and third sector organisations, which means service delivery varies in each YOT. Variations in the commissioning of services have implications to service delivery, including the Speech and Language Therapy services which will be discussed in detail.

Review of the literature has suggested that there is a high prevalence of young people in youth justice services with speech, language and communication difficulties. Based on this review of the literature, there is a need to address the Speech, Language and Communication Needs (SLCNs) of young people in Youth Offending Teams. Previous studies of SLT services in YOIs found that Speech and Language Therapy has a positive impact on young people's communication abilities, which in turn will increase the level of engagement with services within YOIs. For example, Bryan, et al. (2007) used standardised assessments to measure the verbal language skills of a group of young people in custody, between the ages of 15 and 18 years. Findings indicated that young people in custody scored significantly below a normative mean score expected for a younger age group. In another study, Gregory and Bryan (2009) assessed the impact of Speech and Language Therapy intervention on young people (11-18 years) on an Intensive Surveillance and Supervision Programme and concluded that young

people on the Intensive Surveillance and Supervision Programme have significant expressive and receptive communication difficulties. In fact, Gregory and Bryan (2009) found that communication difficulties identified were sufficient to prevent young people from accessing and engaging in YOT interventions and that SLT intervention is effective in improving language levels in young people (11-18 years).

Speech, language and communication difficulties have a profound effect on young people's lives. Snow, et al. (2000) demonstrated that communication difficulties significantly affect the literacy skills of young people in a custodial setting. Compared to a matched comparison group, young people in custody scored significantly lower on the standardised tests measuring word reading, spelling and phonological awareness administered. In fact, the authors concluded that young people in custody scored significantly below the standard mean score for their age on the individual literacy tests compared to the non-offender comparison group (Snow, et al. 2000). These and other studies reviewed suggest that there is a significant number of young people within custodial settings in the youth justice services in England and Wales who have some form of speech, language and communication difficulties.

One study conducted in Wales evaluated the effectiveness of SLT services in Youth Offending Teams in Wales (Roberts, 2014). The project evaluated the effectiveness of a collaborative service model in four Welsh YOTs that had seconded SLTs providing services. The author concluded that embedding Speech and Language Therapists as core members of the team is beneficial for practitioners working within the YOTs and has a positive impact on YOT staff's understanding on SLCNs of young people they support. However, to date there has not been a research project examining the impact of young people's communication difficulties on their participation in restorative justice programmes.

Youth justice services in England and Wales have increasingly implemented programmes embracing values and principles of restorative justice, following the enactment of the *Crime and Disorder Act* 1998. More specifically, referral orders are a sentencing option available to the Magistrate's Courts or a Crown Court when the young person, ages 10-17 years old, has pleaded guilty, and under specified circumstances in the *Powers of Criminal Courts (Sentencing) Act* 2000. The participation of the victim in the referral order process is considered to be essential for the purposes of reparation. As referral orders are aimed at including restorative justice processes, especially in the Youth Offender Panel stage of the order, victim participation is highly encouraged (Earle and Newburn, 2001: 5; Newburn, et al. 2002: 39). In

fact, it is mandatory for Youth Offender Panels to give the opportunity for victims to participate in panel meetings (Ministry of Justice, 2015: 26). Thus, referral orders embrace the restorative justice principles of responsibility, reparation and reintegration throughout.

However, the participation of the young person who committed the offence in referral orders must be also examined. As will be argued throughout this thesis, referral orders are based on and embrace the restorative justice principles of responsibility, reparation, and reintegration. These RJ principles aim to integrate young people who committed offences in processes which involves the victim and community working together to repair the harm caused. In theory then, referral orders achieve incorporating young people's voice and input into the referral order process. When closely examining RJ interventions it becomes clear that the assumption of young people's full participation in the RJ process is assumed. Clear open and effective communication between participants (offender, victim and community panel members) is assumed during referral order processes. However, as will be discussed in Chapter 1, a large proportion of young people in the youth justice system in England and Wales have some form of communication difficulties, which raises questions about their ability to fully participate in RJ interventions. How can young people have an input and have a voice in interventions that they are required to participate in if they are not able to communicate effectively? The Children First Offender Second youth offending strategy requires the implementation of interventions that incorporate young people's voice into the delivery of youth offending services (Haines and Case, 2015). It is then questioned whether it is possible to have young people providing their input in YOS interventions without taking into account young people's communication abilities. With a particular focus on referral orders, this thesis will answer the questions raised above.

Within the Youth Offender Panel Meeting, the young person, victim and Volunteer Community Panel Members come together to discuss the offence and its circumstances. The meeting and communication during panel meetings take place verbally, indicating that verbal communication skills are instrumental in engaging in the restorative process of Youth Offender Panel Meetings. As restorative justice initiatives, referral orders presume that stakeholders, such as the young person, victim and community panel members have the same level of understanding of spoken language. Indeed, a study indicated the majority of YOT interventions for young people on community orders are verbally mediated interventions (Bryan and Gregory, 2013). This suggests that to understand and to actively engage with YOT interventions, young people need effective perceptive and expressive communication skills.

This research project will, therefore, examine the referral order processes in England and Wales to answer the research question: How do the Speech, Language and Communication Needs of young people affect referral order processes in England and Wales from the perspectives of practitioners and volunteers?

This thesis explores the referral order processes and how these are affected by the Speech, Language and Communication Needs (SLCNs) of young people sentenced to referral orders. Referral orders are community based disposals and they aim to reduce reoffending. One of the aims of referral orders is to implement restorative justice approaches such as reparation, restoration and reintegration in the Youth Justice System. Restorative justice (RJ) approaches are based on the fundamental principle of open communication between stakeholders. Referral orders (ROs) include reparation activity that young people must undertake, as well as Youth Offender Panel (YOP) Meetings. It is at the Youth Offender Panel Meetings where the terms of the referral order contract are negotiated, agreed to and signed. Reparation to the victim might include a restorative conference where the young person meets with the victim face-to-face, or indirect reparation may include community work to be undertaken in the community.

Current estimates have put the proportion of young people in the Youth Justice System with Speech, Language and Communication Needs to be at approximately 60-90 percent (Bryan, 2004; Bryan, et al. 2015: 763; Gregory and Bryan, 2011: 203; Bryan, et al. 2007; Youth Justice Committee, 2013: Ev. 32; Gregory and Bryan, 2009: 6). High incidence figures in young offender populations are also reported in Australia, Canada and the USA (Cohen, et al. 1993; Sanger, et al. 2001; Snow and Powell, 2008).

Thus, the following research questions will be answered in this thesis.

Research Questions:

How do Speech, Language and Communication Needs of young people affect the process of referral orders in England and Wales from the perspectives of Speech and Language Therapists, YOT practitioners and Volunteer Community Panel Members?

How are SLCNs of young people currently assessed by YOTs? What screening tools are used to identify SLCNs of young people in the YJS?

How are results of SLCNs screening communicated to YOPs? How do the communication needs of young people affect the reparation process in Youth Offender Panel Meetings?

What are the possible outcomes for young people with SLCNs receiving referral orders? How do outcomes of referral orders differ for young people with SLCNs compared to those who do not have SLCNs; e.g. are young people with SLCNs more likely to breach referral orders?

This project aims to look at and examine the referral order process in detail in relation to young people's Speech, Language and Communication Needs. In order to examine how SLCNs impact young people's engagement with the referral order process, a mixed-methods design will be adopted. This research project will consider the assessment of young people's communication needs and how results of these assessments are communicated to Youth Offender Panel Members. The processes of referrals to Speech and Language Therapy will also be considered, both mainstream and as part of core SLT services offered within YOTs, through interviews with Referral Order Coordinators and SLTs seconded to YOTs. Referral order reports will be examined in order to ascertain how the needs of young people are communicated to panel members. The second stage of referral orders are Youth Offender Panel Meetings, which will be examined through non-participant observations of panel meetings to observe how communications take place between young people and panel members, including a closer look at the referral order contract and how panel members tailor their communication to young people's understanding and communication skills. The final stage of referral orders, the outcomes of ROs, will be examined through quantitative data obtained from one YOT in relation to referral order outcomes, breach levels and SLT referral and interventions.

The outline of the thesis will be as follows. Chapter 1 will introduce what Speech, Language and Communication Needs are, how it is defined and what it means for young people to have communication needs, including a discussion of related needs and long-term outcomes for young people with SLCNs. Chapter 1 will also outline SLT services in the public services, including education, and will present arguments for why it is important to consider SLCNs in the Youth Justice System. Chapter 2 will focus on a discussion of restorative justice and will introduce referral orders in the Youth Justice System, and will argue that young people with SLCNs on referral order sentences face particular barriers as a result of their diminished oral language competence. Chapter 3 will describe the research design, ethical considerations,

research methods, participants, and some of the limitations of the research methods chosen. Chapter 4 will outline the results: emerging themes, referral orders in practice and assessments of young people in YOTs. Chapter 5 will discuss the findings in terms of describing the role of seconded SLTs in YOTs working with young people. This chapter also will discuss the roll-out of Asset Plus and its implications for practice: the identification of young people with SLCNs, the referral process of young people with SLCNs to seconded SLTs and how SLTs support the engagement of young people with SLCNs in YOT services, including discussion of SLT diagnostic reports. Chapter 6 will describe the themes emerging from interviews on how seconded SLTs work collaboratively in the multi-disciplinary team of YOTs: SLTs' role in training YOT practitioners for SLCNs awareness and identifying indicators of SLCNs in young people. Then the discussion will follow on with describing YOP meeting observations, such as how communications take place in YOP meetings and how communication difficulties may impact YOP meetings. This discussion will include an explanation of community panel members' roles in panel meetings and how these volunteers communicate with young people. Chapter 7 will bring the discussion of the previous three chapters together and will explain how the third stage of ROs—the outcome—will be affected by young people's SLCNs. The results of case-level quantitative data will be presented in Chapter 7 along with how responsibilisation, reintegration and reparation are affected by communication difficulties of young people on referral orders. Finally, Chapter 8 will present conclusions based on the analysis of findings in this thesis; it will present a discussion of policy implications of these findings and recommendations for future research as well.

1.2 What are Speech, Language and Communication Needs: Varying Definitions

This section will describe what SLCNs are and how these needs are defined. The introductory chapter will provide an overview of how young people with SLCNs communicate, what indicators of SLCNs are and what the current policy provision is in youth justice services.

What are Speech, Language and Communication Needs? One widely used definition is: "The term speech, language and communication needs (SLCN) encompasses a wide range of difficulties related to all aspects of communication in children and young people. These can include difficulties with fluency, forming sounds and words, formulating sentences, understanding what others say, and using language socially" (Bercow, 2008: 13). In the Bercow

Report (2008), the broad understanding of the term SLCNs refers to children who have SENs (Special Educational Needs), such as children with learning difficulties, ASD (Autistic Spectrum Disorder), physical difficulties (e.g. cerebral palsy, hearing loss), stammering, and specific speech and sound impairments; thus, SLCNs can be associated with several other needs (Bercow, 2008: 13). In contrast, the more specific definition of SLCNs includes only Specific Language Impairment (SLI), stammering or speech sound disorder, but is exclusive of broader SENs (Bercow, 2008: 13). SLCNs primarily focuses on expressive language abilities and is related to oral language competencies (auditory and verbal sound formation, listening and speaking skills) (Dockrell and Lindsay, 1998).

The definition of SLCNs provided in the Bercow Report (2008) covers the full range of needs related to communication experienced by young people. To illustrate the various understandings of what SLCNs are Lindsay, et al. (2010) state in their findings that practitioners often do not have a specific written policy on guidelines or definitions of SLCNs (Lindsay, et al. 2010: 452). The findings of Lindsay, et al. (2010) revealed confusion around ASD, Asperger's syndrome, social communication difficulties, and pragmatic language impairment, which have similar manifestations (Lindsay, et al. 2008: 32). The literature above use the broad understanding and definition of SLCNs, using SLCNs as an umbrella term to describe multiple needs and difficulties relating to verbal communication skills (see also Appendix 1).

Communication difficulties have long-term effects for children, and unidentified SLCNs will lead to difficulties in later life, including psychosocial problems (Clegg, et al. 2005). In short, SLCNs can have implications for a wide range of aspects of an individual's daily life. Young people with SLCNs may have difficulties with understanding and forming spoken language in social contexts. Children with SLCNs are likely to have persistent and long-term difficulties; up to 10 percent of children in the general population will have persistent SLCNs (I CAN, 2006: 3). Others suggest similar prevalence of SLCNs in the general population of between 5 and 10 percent (Law, et al. 1998; Tomblin, et al. 1997; Tomblin, et al. 1996).

There are various ways of understanding what SLCNs are, and because verbal communication involves several skill sets (e.g. understanding meaning, having ideas and deciding what to say, speaking fluently), communication impairments can affect verbal memory, the ability of producing sounds, choosing words, using appropriate sentence structure,

and others (Elks and MacLauchlan, 2006). A definition of SLCNs reflects the complexity of the process of verbal communication as oral language competence refers to a process of receiving and sending information via listening and talking. This process includes the ability of understanding spoken language (receptive language) and formulating sounds to convey meaning through words and sentences (expressive language) (Hayes and Snow, 2013: 2). Therefore, this thesis will use a wide definition of SLCNs to mean any difficulties relating to verbal, non-verbal[1] and social communication young people may experience.

Young people with communication difficulties may come across to service providers as intelligent and bright, which makes it harder to identify them (Home Office, 2015). Cohen and colleagues (1993) highlighted the importance of oral language competence screening, as the authors found that children with unidentified language impairment often externalise their difficulties by exhibiting problem behaviour, which makes it difficult for their language impairment to be identified (Cohen, et al. 1993: 601). Cohen's study emphasised that children with language impairment encounter more difficulties learning and are exposed to more life stresses as they get older (Cohen, et al. 1993: 601). In fact, Snow and Sanger (2011) argue that Speech, Language and Communication Needs, or difficulties, are invisible and, as such, there is no way for stakeholders in a restorative justice conference setting to know that the young person may not have the ability to process what others are saying (Snow and Sanger, 2011: 331).

1.3 What Is It Like To Have Communication Difficulties?

This section will explore how speech language difficulties may manifest in everyday communication with young people. As described in the previous section, Speech, Language and Communication Needs is a broad term and includes a number of different problem areas related to communication. The illustrations below serve as an indication of how young people with SLCNs would communicate and what challenges they face every day in different aspects of their lives.

Impoverished Language

Young people with SLCNs are more likely to interpret figurative or metaphorical statements in their literal sense (Snow and Powell, 2004: 227). There is strong evidence that

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[1] Non-verbal Communication refers to the use of voice, facial expressions, hand gestures, whole body posture, clues from the situation, eye movements (Hayes and Snow, 2013: 2).

the ability to understand figurative language is related to academic success during adolescence (Nippold, 2000). The findings of research by Snow and Powell (2004) highlight poor abstract language skills of young people with SLCNs, which, in turn, with slow verbal processing, are likely to severely compromise academic and social competence at school. Failure to succeed academically and socially at school is a potent combination for young people who are at risk psychosocially, as this is linked with similarly non-performing peers and the affirmation of non-conforming values and behaviours (Snow and Powell, 2004: 227). The authors further argue that impoverished language processing and poor oral language skills may be underlying factors in poor academic performance and difficulty with forming and maintaining prosocial relationships with peers. As communication difficulties affect all areas of young people's lives, it is important to acknowledge the various ways in which communication difficulties manifest in everyday interactions. The figure below demonstrates some of the common signs indicating communication difficulties.

Figure 1: An illustration of some common difficulties in everyday communication for young people who have SLCNs: (Adapted from Afasic Cymru Unlocking Speech and Language, 2015)

What this means for young people is that they may face a number of difficulties in different areas of communication:

> ➤ Reduced vocabulary - not knowing words that they would be expected to know
> ➤ Comprehension difficulties - not understanding extended information or complex grammar
> ➤ Expressive difficulties - not being able to use language to explain themselves adequately

➢ Pragmatic deficits - not knowing the 'rules' of social engagement
➢ Speech difficulties - being unable to produce the sounds for words (Lowri Burgess and Amy Ballard (SLTs), Afasic Cymru Training Day Presentation, 2015).

As a result of not being able to effectively express themselves or not understanding what others are saying, young people may become irritated as they may feel awkward, slow, frustrated, and embarrassed. Because many young people have adapted strategies to hide their communication difficulties, they have also learned to avoid certain social situations. In order to get around their difficulties, they would be trying to work out the words, trying to draw on their previous experiences in similar situations, re-reading instructions and asking peers instead of the programme facilitator, and avoiding asking authoritative figures for help (Botting and Conti-Ramsden, 2003; Burgess and Ballard, 2015).

Effects on young people's daily lives as a result of communication difficulties can be difficulties in expressing themselves, following sequences and routines, may have difficulties with planning and organisation, their expectations of themselves and others may be unrealistic. Young people with communication difficulties may also misinterpret the information conveyed by others and respond inappropriately, which may cause them to become anxious, frustrated and confused. To others, young people with SLCNs may be seen as being uncooperative and aggressive. As for the young people with SLCNs, they may feel it is safer to not respond or agree with what others say to avoid asking what was said to be repeated. In the long term, the communication difficulties and their experiences in social situations combined will have a negative effect in young people's overall well-being and mental health (Burgess and Ballard, 2015).

Figure 2: In everyday interactions between YOT staff and young people with communication difficulties, the behaviour of young people can be misinterpreted:

Communication difficulty:

Misunderstands instructions and Unable to process all of the information
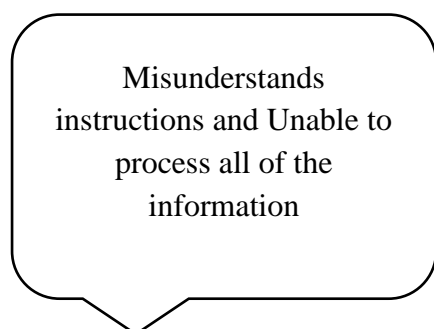
Behaviour interpreted as:

Badly Behaved

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Language is too complex – switches off, gets distracted

Rude and not paying attention

Repeated lack of success in everyday interactions

Unmotivated and disengaged

Not understanding the question. Literal interpretation. Irrelevant remarks.

Odd or Strange

May struggle to understand or implement advice

Defiant

Misinterprets things as insults. Lack of social skills. Wrong tone of voice. Frustration

Aggressive

Can't get involved in conversations. Takes a long time to explain themselves.

Stupid

Misunderstandings; misuse of verb tenses; copy other people's responses; find it easier to say yes than explain; respond to last choice given; lots of 'er' 'um' and repetitions in account

Liar

Adapted from Presentation by Lowri Burgess and Amy Ballard (SLTs) Training Day Workshop, Afasic Cymru and YJB, 18 June 2015.

An important aspect of communication is social communication, which relates to various use of communication in different social interactions (Gibson, et al. 2013). Speech, language and communication difficulties affect the social use of language and include poor use of eye contact, not knowing how to take turns in a conversation, not knowing how to correctly interpret the facial expressions of others, using inappropriate tone, and often appearing rude and inept because the basic social rules of communication are not fully understood. Often children with communication difficulties learn how to apply the rules in one situation but are unable to generalise to new/other situations. Other people (particularly adolescents and young adults) may have communication difficulties that manifest in challenging or unacceptable behaviour (NHS Wales, 2015). Studies show that approximately 60 percent of young people in custody have undiagnosed speech, language and communication problems (Bryan and Mackenzie, 2008: 11; Moser, 2011; 2015). Therefore, in order to address the communication needs of young people entering the Youth Justice System, the RCSLT and The Communication Trust worked with the Youth Justice Board to commission seconded SLT roles in selected YOTs as part of a pilot project from 2012-2015.

1.4 Speech and Language Therapy Services: Current Policy

The Royal College of Speech and Language Therapists and the Youth Justice Board began a campaign in 2011 to commission seconded SLT services to youth justice services as a result of the Bercow Report (2008), which called "to strengthen support in one of the most acute examples of on-going SLCN", specifically the Youth Justice System. The Bercow Report (2008) also highlighted the inequalities of SLT service provision and the lack of consistent access to SLT mainstream services. The Bercow review of SLT services (2008) was strengthened by empirical evidence which found that the prevalence of SLCNs of young people in the Youth Justice System is approximately 60 percent (Bryan, 2004; Bryan, et al. 2007). Findings and recommendations of the Bercow Report (2008) were the primary trigger of further investigation of SLCNs of young people in educational and justice settings. The primary goal of the RCSLT and YJB campaign was to establish access to SLT services for each YOT in England and Wales (Moser, 2015). Another part of the RCSLT campaign was to identify gaps in SLT service provision for young people who may not receive the support they need for their communication needs in youth justice services. Young people with communication difficulties may find youth justice processes confusing, as services rely on jargon and abbreviations which are frequently used by practitioners in their everyday interactions with young people.

Another aspect of SLT service provision to be considered is the variability of access to SLTs in different regions of the UK. Others have also highlighted the importance of location of YOTs and the distinctions between features of communities in rural and urban areas. For example, Neal (2008) notes that young people in rural communities with low population densities may be more easily stigmatised as a result of having been working with educational and social services. This is especially true for those young people who are working with a YOT and may encounter YOT practitioners from their own communities (Neal, 2008: 50). Access to SLT services across the UK is patchy and is somewhat of a postcode lottery (Bercow, 2008: 59). The same can be said for rural communities, where transportation through long distances can hinder effective SLT service provision. For example, Taylor, et al. (2015) demonstrated that in the North Wales region the SLTs seconded to YOTs covered a significantly larger geographical area, but had proportionately fewer service users than those SLTs covering YOTs in South East Wales (smaller geographical area) due to the differences in population densities of these areas (Taylor, et al. 2015: 11). Additionally, Taylor, et al. (2015) and others have noted the variations in YOT service provisions, which would also affect how SLT services are embedded into the service (e.g. Taylor, et al. 2015).

In terms of SLT mainstream services, the literature has identified variable and unequal SLT service provision across the UK (see e.g. Bercow, 2008; Roulstone, et al., 2015; Department of Health, 2008). For example, the study from Lindsay, et al. (2005: 94), which mapped the service provision for children with SLCNs in England and Wales Local Education Authorities, indicated that SLTs fulfilled consultancy roles working with teachers and TAs in mainstream schools in England and Wales, where they advised on assessments but would not deliver direct interventions to pupils. Indeed, Lindsay, et al. (2002: 275) noted that SLTs are normally employed by local authority health trusts and, as such, their services are considered to be health related, rather than social services. SLTs being part of health-related services have important implications for commissioning SLT services in youth justice services as the source of health-care-related funding is a devolved matter in Wales. This means that YOTs that are mainly the responsibility of Local Authorities (LAs) but are funded partly by the YJB and other central government entities will have to find ways to lobby local authority health trusts to commission access and secondment of SLTs to YOTs (s. 39(1) *Crime and Disorder Act* 1998). Commissioning of SLT services in YOTs will have implications for access to SLT services, such as the model of a service delivery framework (e.g. SLT's time spent in seconded role in

YOT). As a result of YOTs' variable service delivery (as a result of LAs' responsibility of commissioning of YOT services), SLT service delivery within YOTs is expected to vary.

Another policy initiative launched as a result of the Bercow Report (2008) was the introduction of Communication Champions in public sector services. In that report, Bercow specifically recommended the introduction of Communication Champions into the public-sector services (Bercow, 2008: 22). The Bercow Report (2008) also recommended that the government appoints a Communication Champion who should be a member of the Communication Council and should lead on raising awareness of SLCNs and lead on the dissemination of best practices (Bercow, 2008: 22). Bercow further recommended that a National Year of Speech, Language and Communication should form a part of awareness raising and information sharing among practitioners and policymakers to enhance the quality of service provision for children and young people with SLCNs (Bercow, 2008: 22). As a result of these recommendations, Jean Gross (Educational Psychologist) was appointed as the Communication Champion in 2010 (Games, et al. 2012: 127). Gross lead the *Hello* campaign at the year of communication in 2011, run by The Communication Trust, which aimed to make communication a priority for children across all schools in the UK (Games, et al. 2012: 128; The Communication Trust: "Don't Get Me Wrong", n.d.: 44). As a result of the *Hello* campaign, the Communication Champion published a report summarising the outcome of the year of communication. In her post, Gross (2011) reported that many children who come into contact with YJ services had not received SLT support before due to their families not being able to keep appointments (Gross, 2011). Further, Gross noted that strains on mainstream SLT services (provided by NHS) means that once a child or YP failed to attend an SLT appointment, the family would be considered DNA (Did Not Attend) and would be discharged from the service without any follow-up with the family (Gross, 2011: 8). The main findings of Gross' report (2011) indicate that financial cuts to LAs' and NHS budgets have caused cuts to front-line SLT services, which means that many families do not receive vital services and access to information for parents has been scarce (Gross, 2011: 3). Finally, Gross (2011) recommended joint commissioning of SLT services for public bodies working with children of all ages by NHS and LAs in order to close the gap in equity of service provision regardless of where they live or how old they are (Gross, 2011: 37).

The Bercow Report (2008) highlighted the importance of agencies and professional groups communicating both at the strategic and at the front-line levels in order to improve service provision to children and young people with SLCNs (Bercow, 2008: 53). The report

stated that there is a disconnect between the strategic inter-agency governance arrangements and some local authorities, especially where commissioning of services is independent. As a result, "poor integration of frontline service delivery is usually evident" (Bercow, 2008: 53). Consequently, young people and their families suffer when young people with SLCNs fall through the cracks and go undiagnosed. The recommendations of the Bercow Report (2008) suggest the forthcoming Youth Crime Action Plan include consideration of how to best address the SLCNs of young people in the CJS (Bercow, 2008: 51). In the subsequent publication of the Youth Crime Action Plan (2008)[2], addressing the SLCNs of young people is acknowledged as important needs with provisional gaps in the YJS, the Plan does not include SLCNs as part of young people's criminogenic needs and SLCNs are not mentioned as important to address in order to break the cycle of offending behaviour (Home Office, 2008: 58). Unfortunately, there is no mention of SLCNs in young people who offend, and there is no clear strategy outlined in this Plan on how to implement services addressing SLCNs specifically within the YJS (Home Office, 2008). Although the *Youth Crime Action Plan: One Year On* recognises the need for a comprehensive approach to significantly improve relationships and communication between Local Authorities, the YOTs and secure establishments, there is no specific mention of SLCNs of young people as criminogenic needs that must be addressed as part of the multi-disciplinary teams of YOTs (Home Office, 2009: 63).

What unequal access to SLT services means for young people in YOTs who have communication difficulties, especially those who have difficulties with comprehension, is that the rules relating to their referral orders may be confusing and quite complex, especially understanding the long-term consequences of their referral order convictions. Since the Referral Order Guidance (2015) places the responsibility of informing the young person and their carers of the consequences of the conviction on YOT practitioners, the question remains: Are YOT practitioners trained to recognise the signs of SLCNs in young people and are they able to effectively adapt their approach to young people with SLCNs? Are YOT Case Managers and RO Coordinators trained to discuss these issues with the young people with SLCNs and their carers? Are Volunteer Community Panel Members trained as well? How are YOT practitioners to inform young people of the consequences of their convictions if young people fail to engage in interactions with practitioners? Arguably, young people with SLCNs

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[2] It is important to note that the Youth Crime Action Plan was primarily aimed at LAs in England. The YCAP equivalent in Wales is the All Wales Youth Offending Strategy (2008) and the All Wales Youth Offending Strategy—Delivery Plan (2009-11), which outline specific strategies to reduce youth crime and reoffending rates among young people.

(specifically those with receptive language difficulties) would have difficulties understanding legal jargon and those terms associated with youth justice, such as conviction, criminal record, contract, etc. (Snow, et al. 2015: 3). Therefore, it is timely to examine how YOT practitioners and community volunteers interact with young people to ensure young people's engagement with YOT services and in order to maximise their likelihood of successfully completing their referral orders. Commissioning SLT services in YOTs could potentially represent a bridging of the gap in SLT service provision to youth offending populations.

Another important gap in SLT service provision in youth justice services identified was the lack of a standardised screening tool for SLCNs in youth justice services. Asset (as it was implemented in April 2000: Baker, et al. 2004: 4) did not contain a section specifically identifying and recording SLCNs of young people who come in contact with youth justice services. According to the RCSLT, most YOTs and YOIs were not routinely screening for SLCNs prior to 2008. In 2013, Asset Plus, a new, more detailed youth justice assessment tool, was designed by the YJB in consultation with the RCSLT: a Speech and Language Neuro-disability screening tool, which was aimed for use for all youth justice practitioners completing the Asset Plus assessment.[3] As a result of this literature, the YJB was contacted to inquire about the status of the RCSLT campaign in relation to providing access to SLTs. This inquiry resulted in the sample of Youth Offending Teams with seconded SLTs that formed the centre of inquiry for this research project.

As a response to the Bercow Report (2008) and Bryan's 2004 research study, the Children's Communication Coalition[4] was established in England and released two reports that called for the government to ensure appropriate screening, specialist SLT assessment and intervention made available to young people who are already in the Criminal Justice System (Children's Communication Coalition, 2010: 1). As of 2009, the Wales Justice Coalition report stated that SLTs were funded to work in the justice system in England, whereas, in Wales, there was no equivalent integrated SLT service provision in youth justice service (RCSLT, 2009: 3). Similarly to its English counterpart, the Wales Youth Justice Coalition called for the Youth

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[3] The roll-out of the Asset Plus framework was delayed due to operational difficulties, which meant that during the fieldwork stage, the YOTs contacted as part of this study used different assessment frameworks (Asset or Asset Plus). Deployment of the Asset Plus assessment framework was incomplete at the time of writing: 147 out of 150 YOTs were officially using Asset Plus as of 31/03/2017 (Guidance: Asset Plus: Assessment and Planning in the Youth Justice System, Youth Justice Board, 2017).
[4] The Children's Communication Coalition (CCC) for England brings together national organisations, experts and service users who are speaking out for all children with a communication disability within the criminal justice pathway (RCSLT, 2017).

Justice Board to ensure that young people in the YJS with communication difficulties are screened and their communication skills are assessed (RCSLT, 2009: 4). The question then becomes: How would seconded SLTs work in YOS and what services would they offer? The Children's Communication Coalition (2010) called for the establishment of 'Wrap Around Engagement Teams' as multi-disciplinary teams to provide effective screening assessment and intervention in Youth Offending Teams (Children's Communication Coalition, 2010: 10). The following SLT services were to be included in the 'Wrap Around Engagement Teams':

➢ Assessing and identifying SLCNs, diagnosing speech, language, communication.
➢ Designing, planning and delivering intervention programmes.
➢ Providing communication skills training for other professionals, carers and family members involved with a young person to support delivery of the intervention programme.
➢ Supporting the team around the young person, including teachers and nursery workers, Early Years workers, youth and community workers, and social workers (Children's Communication Coalition, 2010: 17).

There has been a recent recognition of the positive impact SLT services bring to youth justice services. As a result, a number of Youth Offending Teams piloted SLT services (screening, assessment, intervention) in order to examine SLT service provision within community youth justice services as well. In England, Milton Keynes YOT ran a four-month SLT intervention pilot in 2008-2009. The SLT was seconded to the YOT one day/week targeting, in particular, young people who were NEET. This pilot concluded that 88 percent of young people in the sample had some form of SLCNs and recommended that all young people accessing this YOT should be screened for SLCNs due to high prevalence of SLCNs in the sample (Lanz, 2009). Similar conclusions were made by pilots at Calderdale YOT (Meyers, 2015), Derbyshire YOT (Heritage, et al. 2011) and Leeds YOT (Gregory and Bryan, 2009), Hackney YOT (Coles and Murray, n.d.). In Wales, the following YOTs participated in SLT pilot research: Neath Port Talbot, Cardiff, Ceredigion, Gwynedd and Ynys Mon, Conwy and Denbighshire YOTs, and Carmarthenshire YOT (Taylor, et al. 2015). Each of these pilots highlighted the need for SLT intervention in youth justice populations and called for SLT access for YOTs.

To overcome the lack of access to SLTs in YOS and to improve services to young people with SLCNs, Communication Champions have been introduced to the service.

Communication Champions' principle role is to "act as a catalyst for change, to support YOT staff in identifying hidden communication needs and to encourage the embedding of communication supportive approaches. The Communication Champion is someone with an interest in SLCNs, who can support colleagues in changing their approaches and practice, so that awareness becomes embedded within the service" (The Communication Trust, 2010; Heritage, et al. 2011: 25). Indeed, Bryan and Gregory (2013) found in their research that YOS staff's awareness of communication difficulties and their effects on young people had increased due to the SLTs' presence in the YOT (Bryan and Gregory, 2013: 366). Similar to Gross' and Bryan and Gregory's findings above, Taylor, et al. (2015) also found that accessing mainstream SLT services (through NHS) was complicated as those young people who were referred to mainstream SLT services and failed to attend their initial SLT appointments were removed from the service (due to scarcity of services), which meant that YOT practitioners had to re-refer them in order for these young people to access mainstream SLT services (Taylor, et al. 2015: 17-18). This meant that YOT practitioners had to use valuable time and other resources to set up another mainstream SLT appointment for the young person, which subsequently meant that the young person had to wait weeks to be allocated another SLT appointment.

SLTs working within a multi-agency working environment is advocated by Roberts (2014), arguing that communication difficulties impact on all aspects of an individual's life and, as such, the medical model of addressing SLCNs, such as it is in the health sector, is inadequate to work efficiently with young people in the Youth Justice System. Indeed, Roberts (2014) further suggests that addressing the needs of young people with SLCNs in the YJS must be adjusted in terms of not only looking at directly addressing the communication needs of young people but also taking into account all other needs of young people in the service. Thus, SLTs working in seconded roles in YOTs must be able to approach young people's communication needs holistically. This means that SLTs must consider how SLCNs of young people can affect their engagement with services, understanding their orders, participating in education, and learning new skills (Roberts, 2014: 27). Indeed, Roberts argues that SLTs must take an integrated approach to providing an environment that is conducive to communication (Roberts, 2014). Therefore, this study will look at the role of SLTs within the YOT, including how SLTs work with young people. As well, this project will explore how SLTs work with YOT practitioners as part of a multi-disciplinary team.

1.5 Young People's Speech, Language and Communication Needs in England and Wales: Why Does Communication Matter?

This section will outline literature explaining the importance of communication in everyday life and, in particular, the Youth Justice System. It will describe some of the impacts of unidentified and unaddressed communication needs in children and older young people. For example, O'Brien and Bell (2004) noted that there seems to be an over-representation of people with learning disabilities in the Criminal Justice System. Learning difficulties may represent a greater chance of being caught in the Criminal Justice System but do not necessarily reflect a greater propensity of crime. Indeed, the association between learning difficulties and behaviour and school problems increase the likelihood of young people being stigmatised. This can lead to truancy and school exclusion. However, an increasing number of young people with behaviour and school problems (including school exclusion) are recognised as having undiagnosed Speech, Language and Communication Needs (Gregory and Bryan, 2011: 2). SLCNs may also be associated with developmental conditions, such as learning difficulties and disabilities, as well as, Autistic Spectrum Disorders (O'Brien and Bell, 2004). These associations between learning difficulties and SLCNs make it problematic to identify and, in some cases, may affect how young people are perceived by practitioners.

Social participation of young people was examined by McCormack and colleagues (2009), who concluded that there is an association of speech impairment with activity limitations and/or participation restrictions, such as communication, relationships with others, focusing attention, school education (McCormack, et al. 2009: 155). Indeed, there is an association between SLCNs and the ability to fully participate in social activities (RCSLT, 2012: 2). Young people with communication difficulties (e.g. Specific Language Impairment or SLI which is a form of SLCNs and relate to expressive language difficulties) experience social and behavioural problems and, as these communication difficulties are undiagnosed, there is an increased possibility for young people with SLCNs to not be able to access the curriculum in secondary school, leading to long-term difficulties in educational attainment (Conti-Ramsden, et al. 2009; RCSLT, 2012: 2; Gregory and Bryan, 2011: 5). Thus, SLCNs may increase the likelihood of school exclusion and truancy for young people (Gregory and Bryan, 2011: 6).

Lower educational attainment and school exclusion can be related to young people's communication difficulties as well. There has been a clear link identified between the level of

language skills and literacy skill and overall school performance (Locke, et al. 2002: 12; Bryan, et al. 2004: 11). The sample of the study included children with a mean age of 3.6 years, and concluded that there are long-term implications for children with undiagnosed and untreated SLCNs in the future life chances of these children (Locke, et al. 2002: 6). Although, Locke, et al. (2002) have drawn the connection between low SES and depressed literacy skills, there is a further assertion that "spoken language supports literacy", which in turn has implications for overall educational attainment (Locke, et al. 2002: 12). Locke, et al. (2002) also called for training of teachers in schools to be more equipped for working with children who have language delays or verbal communication difficulties (Locke, et al. 2002: 13).

Educational attainment in the long term has implications for development of prosocial skills and social participation of children, along with the establishment of meaningful relationships. Further, "persistent difficulty with language development has been correlated with a greater than usual chance of developing both mental health problems and involvement in criminal activities, although a causal link has not been established and this remains a contentious area for research" (Bryan, et al. 2004: 11). Therefore, early identification of SLCNs and appropriate, individual interventions are crucial in order to prevent further barriers to full participation in society for children and young people with SLCNs.

Since the links have been established between social competencies, academic performance and underlying communication skills, interventions should focus on strengthening the language skills of young people rather than intervening at the level of social skills as many of the young people with SLCNs present with age appropriate social skills (Snow and Powell, 2004: 227). The authors then conclude that these links between language competencies and social skills, have "implications for the nature of interventions delivered in juvenile justice settings, and raise questions about the need to provide appropriately targeted clinical services e.g., speech-language pathology interventions for this population" (Snow and Powell, 2004: 227). Snow and Powell (2004) stated that children with comorbid learning and behaviour difficulties are likely to have low academic achievement and social communication difficulties. As a result of such difficulties these children are at risk of early detachment from education and displaying antisocial behaviour leading to criminal behaviour (Snow, 2000; Snow and Powel, 2004: 227). Therefore, there are associations between communication difficulties and literacy skills, which are linked to educational attainment and school exclusion. Because school exclusion is one of the criminogenic risk factors related to criminal behaviour, it indicates the importance of SLT interventions for young people with suspected SLCNs.

Snow and Powell (2008) found that young people in the young offender populations often have difficulties with verbal communication, specifically with narrative language skills (Snow and Powell, 2008: 24). These verbal language difficulties present challenges for young people in terms of building prosocial relationships and participation across different social roles. In fact, those young people with verbal language difficulties will demonstrate poor social skills and "are likely to resort to monosyllabic responses, shoulder shrugging and poor eye contact" (Snow and Powell, 2008: 24). As a result of demonstrating poor social communication skills, young people's behaviour can be misinterpreted as lack of cooperation, rather than a lack of communication skills. Indeed, Tomblin, et al. (2000) concluded that children with poor language skills will be at risk of learning and social difficulties in later life (Tomblin, et al. 2000: 480). The authors established a connection between language disorders, reading difficulties and social difficulties (Tomblin, et al. 2000: 480). More specifically, the research showed that there is a rate of 52 percent of reading disabilities with children with language impairment (Tomblin, et al. 2000: 473).

Additionally, young people with communication difficulties may have behaviour difficulties that can impair their engagement with youth offending services (YOS). "This means that high-risk children may receive services aimed at ameliorating their behaviour problems, but there may be little or no attention paid to development of language comprehension and expression" (Gregory and Bryan, 2011: 5). There is literature suggesting that young people with learning difficulties or autism may display behaviour problems, but it is only recently there is evidence that young people who have communication difficulties often hide their difficulties by changing their behaviour (Heritage, et al. 2011: 10; Yiga and Burrows, 2012: 62; The Communication Trust, 2010: "Don't Get Me Wrong" and "Sentence Trouble"; Bercow, 2008: 47). This behaviour adjustment masking young people's communication impairments may lead youth justice services practitioners to interpret young people's behaviour negatively, which may affect young people's engagement with services. Indeed, there is a link between young people's communication difficulties and lack of engagement with youth justice services, particularly with verbally mediated interventions (The Communication Trust, 2014; Gregory and Bryan, 2013). As most community based orders involve verbally mediated interventions, it is timely to examine how the SLCNs of young people affect their engagement with referral order interventions. Therefore, examining how SLCNs can affect referral orders is an important aspect of service delivery within youth justice services in England and Wales,

with an additional consideration of Speech and Language Therapy (SLT) provision within Youth Offending Teams (YOTs).

However, SLT service provision within YOTs is not without its own barriers. Taylor, et al. (2015) found that young people within the YOS and those particularly in YOTs were facing an additional barrier—time. In their report the authors state that young people working with YOTs interact with YOT practitioners for a short period of time due to the length of their orders (Taylor, et al. 2015: 19). As a result of a short compliance period of community based orders, practitioners (including seconded SLTs) have a short time frame to deliver interventions with meaningful results. As will be discussed in Chapter 1.6, referral to mainstream SLT services can present its own challenges, which leads to an argument presented by scholars (see e.g. Taylor, et al. 2015; Bryan and Gregory, 2013), namely that SLTs' presence in YOTs create 'added value' to YOT services as a whole. These authors and others argue that seconded SLTs in YOTs rather than 'only' access to SLTs is a more efficient way to provide services to this hard to reach youth offending population (Taylor, et al. 2015; Bryan and Gregory, 2013; Roberts, 2014). Training and informal consultation sessions with YOT practitioners were named as added essential improvements to YOTs by seconded SLTs. As well, seconded SLTs' presence in YOTs significantly reduce the waiting times for young people referred to SLT services (Roberts, 2014: 76).

1.6 Early Identification of Speech, Language and Communication Needs

Early identification of SLCNs is a key to providing young people appropriate support. According to the Bercow Report (2008), "early intervention means making a prompt intervention to support the child and family" (Bercow, 2008: 2). As communication difficulties have a high prevalence within the Youth Justice System, service provision needs to reflect interventions to address the SLCNs of the youth offending population. In order to support early identification of SLCNs, standardised SLCNs screening has recently been implemented into the YJS via the SLC (Speech, Language, Communication) and Neuro-disability screening tool of Asset Plus assessment (details in Chapter 2.3). More specifically, it is the aim of the Speech, Language, Communication and Neuro-disability screening tool to enhance identification of communication difficulties in order to enable the implementation of SLT support for young people with SLCNs. This is especially important as many young people with multiple needs may not have their SLCNs identified in school or by mainstream SLT services (Bercow, 2008:

24-30; Lindsay, 2011: 136). As recommended in the Bercow Report (2008), SLCNs identification should be prioritised in the primary curriculum by the DCSF (Department for Children, Schools and Families) to ensure early identification and to issue guidance to schools in the use of funding and resources to meet the needs of all children and young people with SLCNs (Bercow, 2008: 3). Bercow's findings also show that there is limited SLT service provision in secondary schools, and as a result many families end up paying for private services (Bercow, 2008: 102).

Based on evidence of a systematic review, a high proportion of SLTs reported having used several forms of assessment tools for identification of SLCNs in children, some of which were self-designed or informal and not uniform (Roulstone, et al. 2015: 173). According to a Technical Report on CELF-4UK, this particular test evaluates if children have a language disorder or delay. It is recommended for use with children ages 5 to 16 years (Semel and Wiig, 2006: 1). Other SLTs opted to use the TASIT (The Awareness of Social Inference Test) to assess the communication needs of young people, which may be more suitable for the age group the SLTs were working with in the YJS, as it is recommended for anyone between 14-60 years of age (McDonald, et al. 2003). The age range for young people on referral orders is mostly between the ages of 16-17[5] (ONS, 2016), which means that standardised testing appropriate for this age group should be used. The authors of a SLCNs study in Derbyshire YOTs recommended the Communication Needs Hidden Disability Questionnaire developed by The Communication Trust (2010) as it looks at a range of SLCNs issues and can provide YOS staff with suggested areas of difficulty to signpost when further referral to SLT may be necessary (Heritage, et al. 2011: 23). Thus, identification of SLCNs is the first step in addressing the communication difficulties of the youth offending population.

It has been recognised in the literature that interpersonal competence is a basic pre-requisite for productive lives for young people away from the Youth Justice System (Snow and Powell, 2011: 480). Young people with SLCNs will be at a disadvantage when going through the Youth Justice System, especially when they are to participate in verbally mediated interventions. Snow and Powell (2008) found that "over 50 percent of a sample of young offenders on community orders could be classified as language impaired, using measures of

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[5] There was a total of 11,224 referral order sentences in England and Wales for the year 2015-2016. Out of 11,224 referral orders, 2,962 and 3.182 young people ages 16 and 17 years old received RO disposals respectively. In other words, 55 percent of young people sentenced to ROs were between the ages 16-17 years old as compared to all other ages (10-15). Source: Table 1.1: Outcomes by YOT, outcomes type and age, year ending March 2016—Local Level Data Tables—Youth Justice Statistics 2015/16 ONS.

comprehension and verbal expression, particularly where these were sensitive to the processing and manipulation of abstract language" (Snow and Powell, 2008: 16). The majority of interventions in youth justice settings are verbally mediated and thus rely on the oral communication competence of young people to engage with rehabilitative programmes. In fact, referral orders include interventions for young people that are delivered verbally, thus, assuming that young people can understand and respond to complex information (Ministry of Justice, 2015: 39). Given that a high proportion of young people in the YJS have some form of communication difficulties and that referral orders and other community based orders often deliver interventions that should reduce reoffending verbally, there is a need to examine the impact of SLCNs on referral orders.

Young people with communication difficulties face barriers in other areas of youth justice services, highlighting the need for early identification of SLCNs. For example, the study from Bryan, et al. (2004) indicates that young people may leave prison without their communication needs adequately met and may face disadvantages in later life, such as difficulty in understanding and talking to others, which are experiences that add to the difficulties these young people have in reintegrating into society (Bryan, et al. 2004: 399). Such unresolved problems and unmet communication needs are known to contribute to young people reoffending (Bryan, et al. 2004: 399). Similar findings have been reported with young people serving community based sentences. For example, Snow and Powell's 2008 study concluded that over 50 percent of young people completing community based orders have a clinically significant, but previously undetected oral language impairment. The authors further noted impairments of both receptive and expressive communication domains, and more significantly, difficulties with the use and understanding of narrative and non-literal language (Snow and Powell, 2008; Snow and Sanger, 2011: 329). These studies indicate a significant presence of SLCNs in the youth offending population, both in incarceration and among those serving community sentences.

Further, young people with unidentified communication difficulties face disadvantages, both short and long term. For example, Snow and Sanger (2011) conclude that "young offenders who have undetected language impairments run the risk of appearing lazy, rude, or unmotivated" (Snow and Sanger, 2011: 331). According to the RCSLT (2008), if SLT intervention is not provided when communication problems are identified, then there is a higher risk of communication difficulties "becoming more severe and pervasive and may require more complex interventions" later on (RCSLT, 2008: 3). Unidentified and unaddressed

communication needs may lead to "developmental disadvantage, poor social skills, behavioural problems, emotional difficulties, and mental illness. In turn this can result in poor employment prospects, social exclusion and offending behaviour" (RCSLT, 2008: 3; Children's Communication Coalition, 2010: 4; Bercow, 2008: 2). Evidence illustrates that SLCNs are the most common disabilities in childhood and they affect up to 10 percent of children in the general population (Children's Communication Coalition, 2010: 4). Evidence suggests that up to one third of children with communication problems will go on to develop mental illness if their communication needs go untreated, with resulting criminal involvement in over half of cases (Clegg, et al. 1999 as cited in RCSLT, 2008: 3). According to the Royal College of Speech and Language Therapists (2008), therefore, there should be one full-time SLT in every Youth Offending Team who would provide services on the community level to vulnerable young people (RCSLT, 2008: 6).

The recommendation of the RCSLT stating that there should be one SLT for every YOT was piloted by the Leeds YOT in 2009, where SLT intervention was evaluated (Gregory and Bryan, 2009). The goal of this study was to measure the effectiveness of SLT intervention on young people in an ISSP (Intensive Supervision and Surveillance Programme). The Leeds study was the first to evaluate SLT services in the youth justice services in the UK (Gregory and Bryan, 2009). The results of the Leeds study indicated that, overall, young people had increased communication and engagement levels and that ISSP staff made significant gains in their knowledge and confidence working with young people with SLCNs (Gregory and Bryan, 2009: 4). The findings of the Leeds study also highlight the importance of providing continuity of SLT service and recommends placing SLTs in YOTs, thus, establishing SLT service provision all across YOTs (Gregory and Bryan, 2009: 5). Acknowledging the high prevalence of SLCNs in the young offender population, a RCSLT report called for staffing one full-time specialist SLT in each YOI (Bryan and Mackenzie, 2008: 8). Therefore, the lack of early identification of communication needs becomes detrimental to children's social and educational development, but evidence shows that early identification has benefits to the child, the family and society at large (Children's Communication Coalition, 2010: 4). If communication difficulties are not addressed with appropriate interventions, young people are unable to improve their skills and will be unable to realise the full benefits of the programmes provided by YOTs (Bryan and Mackenzie, 2008: 8).

As a result of Speech and Language Therapy interventions, the RCSLT asserts that targeted interventions at improving young people's language skills can significantly reduce

reoffending rates (Snow and Powell, 2004; Bryan, 2004). The project also showed that Speech and Language Therapy had the potential to work across service boundaries, e.g. across health and education, and to develop training for staff at all levels to enable them to recognise and to manage young people with communication difficulties. There was also potential to deliver some routine interventions via trained assistants and to develop outreach services to Young Offender Institutions (Bryan, et al. 2004; Bryan and Mackenzie, 2008: 12).

Literature searched demonstrated that SLCNs may be related to other needs and difficulties that young people face when entering the Youth Justice System. Snow, et al. (2012) also emphasise the high costs associated with young people entering the Youth Justice System with multiple needs (see also: Lindsay, et al. 2012). Young people with multiple needs need to have access to a range of publicly funded services, such as health, housing, welfare, training sector, and others (Snow, et al. 2011: 325). Other studies also evaluated the cost-effectiveness of SLT service provision in schools and in primary education, and found that it is cost-effective to provide SLT services to young children, highlighting the early identification and intervention argument from an economic perspective (Dockrell, 2005: 19; Law, et al. 2010). Snow and Sanger (2011) raise the issue of assessing young people in the Criminal Justice System for communication difficulties to enable practitioners to provide the best suitable intervention. Also screening for communication difficulties is important in order to evaluate young people's suitability for restorative justice conferencing and for educational or vocational training opportunities. Based on the results of screening, referrals to Speech and Language Therapy services can be made (Snow and Sanger, 2011: 331).

It follows that addressing the communication needs of young people in the CJS will have cost implications for Local Authorities (LAs), YJB, YOTs, NHS, and other public services that commission mainstream SLT services. Cost effectiveness of SLT services in relation to the long-term outcomes for young people has been argued (Heritage, et al. 2011; Audit Commission, 2004). The report from Heritage, et al. (2011) calculated that "every £1 invested in SLT for these children will generate £6.4 in lifetime earnings based on better access to education and improved qualifications through formal education" (Heritage, et al. 2011: 5). Indeed, as the most recent youth justice review has noted, policy to increase funding for educational programmes in young offender management has been called for, which is hoped to increase the young people's skill levels and rehabilitation, which in turn is expected to reduce reoffending rates (Taylor, 2016; Bryan, et al. 2011: 11; Coates, 2016). Therefore, literature overwhelmingly suggests that SLT intervention at an early age is a sustainable service and has

additional value for money in the long term (see e.g. Heritage, et al. 2011). Although it is out of the scope of the present research project to perform a cost-benefit analysis, the value of SLT intervention in the long term could benefit young people and can potentially increase productive economic participation of individuals with communication difficulties.

While intensive or specialist interventions are to explicitly address complex SLCNs, the reviewers point out that not every child will benefit equally from the same delivered intervention and there are individual differences in children's abilities and other environmental factors to be taken into account (Law, et al. 2012). These findings are significant because the complexity of SLCNs are highlighted, including that often communication difficulties are the underlying problems of other needs or difficulties. An even more important finding in the project from Law, et al. (2012) is that not all standardised interventions will benefit all children equally. The authors noted that because every child has different needs, it is important for SLTs to be flexible and adapt changes to their delivery of interventions to match each child's needs.

Speech and Language Therapy in the mainstream public services is offered as part of health services and each health board in England and Wales offers access to SLT services for adults and children (RCSLT, 2015; Lindsay, et al. 2005). A general practitioner, district nurse, health visitor, nursery staff, or school teacher may be asked to refer a child to an SLT. Conversely, self-referrals can be made through contacting one's local primary care trust and asking for the telephone number of the local NHS SLT service (RCSLT, 2015). There are approximately 13,000 practising SLTs in the UK (NHS Wales, 2011). SLTs in the mainstream are employed by their local NHS trust and work in the following areas.

The mainstream SLT services are provided in district general hospitals, community hospitals, clinics, children's centres and homes with a significant proportion being delivered in partnership with the Local Authorities (NHS Wales, 2011). An alternative option to mainstream SLTs is making use of the Association of Speech and Language Therapists in Independent Practice (ASLTIP, 2014). SLTs that are members of the ASLTIP are fully qualified professionals and registered members of the RCSLT and the Health Professions Council (ASLTIP, 2014). The association provides a searchable database of SLTs who are available to members of the public. Independent SLTs, just like mainstream SLTs, provide an initial consultation appointment which usually includes a formal or informal assessment, after which the SLT will produce a report based on the assessment and will make recommendations

for further treatment (ASLTIP, 2014). Independent SLTs provide therapy sessions which are specifically designed to meet the needs of the individual.

However, it is important to note that a SLT's diagnosis of SLCNs does not necessarily mean that the young person cannot understand others or cannot communicate at all. SLTs use a wide variety of screening tools and these inform their detailed reports of the young person's specific needs. SLT reports outline young people's difficulties in certain areas of speech, language and communication, taking into account the young person's age, educational level and other needs (identification of SLCNs will be discussed in detail in Chapter 4.2). With specific needs identified, SLTs will outline a prevention plan, tailored specifically to the needs of the young person. Intervention must not only be appropriate for the young person's SLCNs but must also be age appropriate. Working with primary-school-aged children is quite different from working with young people in the Youth Justice System, and it is important that young people do not feel they are being patronised (Hopkins, et al. 2016: 103). There is also a danger of labelling young people with a SLCN. SLTs must vary their approach to young people they work with in YOTs and should ensure they avoid labelling the young person as there is a danger of disengagement or young people working harder to mask their difficulties. As YOTs work with young people to help them with many needs, it is important that young people are not labelled as someone with a communication problem, as this may lead to behavioural difficulties or disengagement.

Speech, Language and Communication Needs can affect young people's interactions with others, which can lead to misunderstandings. In terms of young people entering the Youth Justice System, the Scaled Approach (discussed in detail in Chapter 2.5) requires young people to understand and respond to long questionnaires (Asset or Asset Plus), which are administered by YOT practitioners in order to record young people's needs and to tailor interventions accordingly. To complete assessments in YOTs, practitioners rely on verbal communication and information given by the young person will be recorded in their file. All of these processes require and assume young people have appropriate verbal communication skills. Young people's interactions with YOT practitioners can be greatly affected by miscommunications and misunderstandings due to young people's communication difficulties. Thus, SLCNs unaddressed can have serious consequences (unintended effects) for young people within the YJS, and misinformation can lead to more punitive measures taken by YJS practitioners, which can lead to more intense interventions (Scaled Approach in Chapter 2.5).

Referral orders are a community based sentence primarily for First Time Entrants to the Youth Justice System and interventions are based on restorative justice principles as will be discussed in Chapter 2.2. Restorative justice is a verbalised process that draws heavily on interpersonal skills (Snow, 2013: 18). Restorative justice based meetings are often featured with few participants at a time, and in the case of Youth Offender Panel Meetings, there is an inherent imbalance of power relationships between the participants. Additionally, participants of YOP meetings often would not have necessarily had any experience with restorative principles meetings. As such, participants of YOP meetings would not necessarily have the benefit of previous youth justice related experience of similar exchanges, which in turn would affect their confidence and level of communication (Snow, 2013: 19).

Conceptually, language and communication skills encompass all aspects of life and as such do not exist in a vacuum. Indeed, the ability to communicate effectively has an impact on all aspects of one's life, termed as oral language competence by experts (Games, et al. 2012). From the youth justice perspective, providing access to training and educational courses for young people in YOTs is one of the key components of the reducing reoffending paradigm (Taylor, 2016). Although, many experts in the field have linked oral language competence to literacy skills, and the ability of young people accessing the school curriculum, SLTs do not directly address literacy skills, but rather focus on oral language competence in their practice (see e.g. Dockrell and Lindsay, 1998; Heritage, et al. 2011; Youth Justice Committee, 2013). Therefore, it is important to address the verbal communication needs of young people in the Criminal Justice System, as CJS interventions rely on the verbal communication skills of young people (Games, et al. 2012: 136).

1.7 Summary

Following the introduction, the research questions and the aims of the present research project were outlined, including a description of the thesis outline. This first chapter has provided an introduction to what Speech, Language and Communication Needs are, including how young people with SLCNs can be expected to interact with others. The relationship between young people's SLCNs and other difficulties has been established, including how SLCNs can impact young people's lives. Barriers that young people with SLCNs entering the Criminal Justice System face and the long-term consequences of SLCNs within the CJS have been described. Then the focus was shifted to examining and describing how SLT mainstream services work in the public services and in the Youth Justice System. This included a description of what services SLTs provide in the health and education sectors as well as in the YOS. The final section of this chapter focused on the difficulties of identifying SLCNs for children in secondary education and above due to the lack of SLTs working in secondary schools, thus, emphasising the importance of including early identification and interventions in the service delivery framework.

2 Referral Orders and Speech, Language and Communication Needs

2.1 Introduction to Referral Orders

After exploring the literature on the how and why of Speech, Language and Communication Needs, the second chapter will start off explaining referral orders: policy and practice. It will then introduce restorative justice practices in the Youth Justice System in England and Wales. The next section will look at assessment of young people in the Youth Justice System. The last section will focus on Youth Offender Panels in relation to the principles of reparation, responsibility and reintegration, examining how these principles work in practice.

Youth Offending Teams (YOTs) are teams made up of professionals from the police, probation services, education, health and social services, and specialist workers, such as accommodation officers, substance misuse, mental health officers, parenting advisors, and others (Youth Justice Board, 2016: 95; Skills for Justice, 2010: 30). Youth Offending Teams work with young people who are in the Youth Justice System. Youth Offending Team members are responsible for the delivery of youth justice services such as assessing young people's needs, supervising community based sentences and delivering interventions for young people in order to reduce their likelihood of reoffending (National Audit Office, 2010). It is the YOT members' responsibility to plan, supply interventions and to ensure structures, processes and services are put in place such that the risks and needs of young people are managed effectively (Youth Justice Board, 2014). YOTs are responsible for reducing offending, coordination, intervention and management of risk (Youth Justice Board: Setting Strategic Direction, n.d.: 27). Most of the YOT caseload comprises of young people between the ages of 10 to 17 years, however, some 18-year-olds who start their disposals before their 18th birthday may also be working with the YOT (Youth Justice Board, 2016: 95).

Youth Offending Teams: Aims

➢ "assessment of young people who have offended and management of risk and safeguarding issues
➢ supervision of young people who have been remanded to custody and those requiring support in the community, as directed by the court
➢ provision of pre-court interventions

> ➢ supervision of young people who have been given court orders which are to be managed in the community, including the provision of a lay youth panel to discharge the responsibilities of Referral Orders
>
> ➢ sentence planning for young people in custody and their supervision on release" Ministry of Justice, 2013: 10).

The principal aim of YOTs is to provide multi-agency support services to young people in their communities in order to address offending behaviour, to support young people with their needs relating to future offending and to prevent future offending (Ministry of Justice, 2015). In terms of referral orders, YOTs have the responsibility to monitor and deliver services related to the referral order processes, such as recruiting and training of Referral Order Coordinators and Youth Offender Panel Members, assessing young people and producing reports pertinent to their particular circumstances, case supervision, monitoring of compliance of young people, and liaising with courts in relation to referral orders and compliance (Ministry of Justice, 2015: 17).

Referral orders are monitored and facilitated by YOTs (Youth Offending Teams) in the area in which the young person lives. YOTs were established by the *Crime and Disorder Act* 1998 and are tasked with providing youth justice services with a certain degree of autonomy and flexibility in their work with young people (Ward and Warkel, 2015: 4). Youth Offending Teams work collaboratively with several agencies in order to provide services to the young people who work with YOTs in all areas of their lives and are overlooked by the Youth Justice Board of England and Wales[6] (HM Inspection of Probation, 2015: 4). Multi-agency working in this context means that different public and private services are working together and pooling resources together for a common goal, in the YOTs' case, to reduce offending by young people (Burnett and Appleton, 2004: 35).

Referral orders are community-based, statutory sentences, available for young people between the ages of 10 and 17 who pleaded guilty in England and Wales (Ministry of Justice, 2012: 8; Newburn, et al., 2002: V; s. 2(1)(a) *Youth Justice and Criminal Evidence Act* 1999). Referral orders (ROs) were originally introduced by the *Youth Justice and Criminal Evidence*

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[6] The YJB for England and Wales is an executive non-departmental public body. It oversees the Youth Justice System in England and Wales. It works to prevent offending and reoffending by children and young people, and ensures custody for them is safe, secure and addresses the causes of their offending behaviour (sponsored by the Ministry of Justice and Board members are appointed by the Secretary of State for Justice) (Youth Justice Board, 2015: para. 1.2; AWYOS, Youth Justice Board, 2014: 5).

Act 1999, which was then consolidated in the *Powers of Criminal Courts (Sentencing) Act* 2000. Referral orders were first implemented nationally in England and Wales as of 1 April 2002 (Ministry of Justice, 2002: 9; Newbury, 2008: 139). Referral orders can be 3-12 months long, which will be decided by the sentencing court.

The principal aim of referral orders is to prevent reoffending, to help young people to stop reoffending and to provide a restorative justice approach within a community context (Ministry of Justice, 2012: 8). Referral orders were introduced to the Youth Justice System to involve the community in the decision-making process by way of volunteer Youth Offender Panel Members and to give voice to victims of youth crime (Ministry of Justice, 2015: 7). The intention of introducing the Youth Offender Panel Meetings was to provide a forum for young people, victims and community panel members to come together away from the formalities of youth court to consider the circumstances of the offence (Crawford and Newburn, 2003: 59). Young people must plead guilty and admit to their offence—responsibilisation—and must participate in interventions designed to correct their offending behaviour, thus, attempting to reduce the likelihood of recidivism. Young people must attend Youth Offender Panels (Chapter 2.4), which is a panel made up of community volunteers and YOT practitioners.

Another feature of neoliberal youth justice policies and practice is risk-assessment and risk-focused interventions, such as anger management, which are based on the likelihood of a young person reoffending embedded in risk assessment through standardised assessment methods, such as Asset and Asset Plus (Case and Haines, 2015: 158). These assertions based on actuarialism (see e.g. Smith, 2006: 93) of young people's future offending behaviour are inherent in referral orders, as interventions are delivered based on Asset scores following the Scaled Approach model further discussed in Chapter 2.5. Volunteer Community Panel Members are provided with the referral order report, which states the results of the Asset assessments, and as such, panel members take it into account when deciding what interventions to include in the referral order contract.

Panel members are to consider circumstances of the offence as well as the young person's background, which are detailed in the referral order report. It includes the results of the Asset assessment, which should highlight any health-related difficulties the young person may have, such as physical health or mental health or substance misuse difficulties, as well as personal information, such as the young person's school, and any other background information, such as living arrangements (more in Chapter 2.3). The referral order report

includes information about the young person's history as relevant to the current offence, the young person's attitudes towards future offending, towards the victim and relationships within the young person's family. These and other relevant information are meant to inform the panel members by providing a picture of the young person's motivations for committing the offence. The referral order report generally includes information about the young person that YOT Case Managers compile and can also include interviews with third parties, such as social workers, the young person's school or any other relevant information Case Managers gather. All of this information in the referral order report should help the volunteer panel members to negotiate reparative activities with the young person (HMIP, 2016).

Referral orders are based on the restorative justice principles of responsibility, reparation and reintegration and, as such, rely on the verbal communication skills of stakeholders (Ministry of Justice, 2015: 10; s. 8(2)(b) *Youth Justice and Criminal Evidence Act* 1999). Reparation is a key aspect of restorative justice paradigms and is one of the goals of referral orders, to restore the victim and the community to the same state as before the offence was committed. For reparation to be achieved, the offender is required to verbally express remorse and to apologise to the victim, often in a face-to-face meeting (Ministry of Justice, 2015; Uglow, et al. 2002).

Reparation may be purely financial, in the form of restitution ordered by the court, to be paid by the young person (Newburn, et al. 2001: 3; s. 8(2)(a) *Youth Justice and Criminal Evidence Act* 1999). While financial reparation may be possible in referral orders, the young person is still required to attend three Youth Offender Panel Meetings where they must be able to verbally communicate with panel members in order to complete their referral orders. As such, young people who receive referral order sentences should be able to efficiently communicate with the victim, YOT staff and other stakeholders (Crawford and Newburn, 2002: 484). To communicate effectively, young people should possess good receptive and expressive communication skills. However, those who are affected by communication difficulties may have a disadvantage when engaging with youth justice services. In fact, Gregory and Bryan (2011) emphasise that "these young people with low levels of language ability are likely to struggle particularly with verbally mediated interventions and may need access to SLT if their education and skill development programme is to address their individual needs" (Gregory and Bryan, 2011: 7). Therefore, this study will examine how the SLCNs of young people affect the referral order process.

Alternative reparative activities included in referral order contracts can be "to carry out unpaid work or service in or for the community" (s. 8(2)(c) *Youth Justice and Criminal Evidence Act* 1999). The referral order contract must contain a reparative element, which is aimed at the offender repairing the harm caused by the offence committed. Indirect reparation to the victim is a choice due to low victim participation in restorative justice activities. In order to engage the young person, YOTs have been creative in arranging activities within the community which the young person could do in order to repair the harm for the community. Reparation in the community can include cleaning up litter, graffiti or vandalism; environmental conservation; helping the elderly, disabled people; helping to get messages across to other young people at risk of offending (Ministry or Justice, 2015: 38). Reparative activity should also be related to the offence that was committed in order for the young person to understand the consequences of the offence on members of the community, such as those who live in the immediate area of the community or work and have businesses in the area. Because the victim's input is crucial in terms of reparation, if there is no victim involvement in the restorative process, then it is up to the community panel members to include reparative elements in the contract that may or may not include direct reparation to the victim (Crawford and Newburn, 2003: 23; Ministry of Justice, 2015: 37; HMIP, 2016: 34). Direct reparation to the victim includes explanation of the offence, an apology, verbal or written, and practical recompense, including financial compensation (Ministry of Justice, 2015: 37). This gives the young person the opportunity to engage in the community as a result of direct reparation to the community where this is feasible.

Referral orders were introduced with the secondary aim to implement principles of restorative justice into youth justice disposals and to incorporate community involvement within the CJS (Ministry of Justice, 2015: 7). Strictly speaking, the aim of Youth Offender Panels is to devise and agree to a contract between the young person and the community panel members, which includes elements of reparation and interventions in order to reduce the likelihood of reoffending (Uglow, et al. 2002: 2). But a referral order can be seen as an opportunity to involve young people in the decisions that involve them.

Although an innovative way to implement RJ principles, referral orders have been criticised for the extent to which they achieve their restorative aims. Referral orders may be seen as prescriptive and coercive as it requires the young person to attend panel meetings, sign and adhere to a contract with the Youth Offending Team. In fact, Case and Haines (2015) argue that because of the coercive and punitive measures driving youth justice policies, encouraging

young people's participation in interventions geared towards reducing the likelihood of reoffending has been negatively impacted (Case and Haines, 2015: 158). As for referral orders, engaging victims in the process of reparation has been unfruitful. As well, engagement of young people has been difficult because of frequent non-attendance at panel meetings and at intervention sessions (Newbury, 2008b). Expecting young people with often chaotic lives to attend appointments can be seen prescriptive, and setting them up for failure, which in turn will become punitive. The most often cited reason for breaching young people on referral orders has been for non-attendance of appointments or non-compliance (Dubberley, 2015). Thus, the neoliberal themes of responsibilisation of young people through punitive and coercive measures resonates in community orders, such as referral orders as well.

Referral orders are based on the principles of restorative justice and as such assume voluntary participation of stakeholders (Earle, et al. 2002: 147). While participation in restorative justice processes is generally voluntary, participation of the young person in the YOP meeting is mandatory (s. 23(4) *Youth Justice and Criminal Evidence Act* 1999; s. 6(4) *Powers of Criminal Courts (Sentencing) Act* 2000). Arguably, then referral orders coerce the young person into making a reparation to the victim. According to section 16(2) of the *Powers of Criminal Courts (Sentencing) Act* 2000, the courts must sentence the young person to a referral order and shall refer him/her to a Youth Offending Panel, if referral conditions are met. From this perspective, ROs are a mandatory sentence for young people meeting the sentencing criteria, thus, making attendance at the YOP meeting mandatory. In fact, if the young person fails to attend a panel meeting without a reasonable excuse, then the young person must face certain consequences. Failing to attend a YOP meeting may be considered a breach of the referral order, thus the young person may be referred back to court for re-sentencing due to breaching the order (Ministry of Justice, 2015: 35; *Powers of Criminal Courts (Sentencing) Act* 2000: s. 22(2)(b)). Crawford and Newburn (2003) also stated that young people are caught up and are subject of "the machinations of a coercive criminal justice process. Within the criminal justice context there will always be (perceived) incentives not to exit (or turn down) restorative justice interventions" (Crawford and Newburn, 2003: 48). However, the attendance of the victim at the panel meeting is not prescribed as mandatory and the legislation leaves it up to the victim to attend the panel meeting (*Powers of Criminal Courts (Sentencing) Act* 2000: s. 22(4)(a)). It is then arguable whether ROs truly follow the restorative justice principle of voluntariness.

Referral orders seem to empower the offender, while the victim is essentially removed from the process due to the focus being on the offender's needs (Newbury, 2008a: 135). The process of restoration should include the victim; and referral orders, involve community panel members who are volunteers to represent the community thought to be affected by the crime (s. 7(4)(a) *Youth Justice and Criminal Evidence Act* 1999). However, panel meetings have seen few victims attend, but their interests are still represented through the YOT member (Newbury, 2011: 255; Ministry of Justice, 2015: 28). As a result of the absence of the victim at panel meetings, direct reparation is difficult to achieve. Instead, the victim liaison officer should ideally convey the victims' wishes during the meeting. Thus, criticism of referral order practices states that victims are not part of the process, and repairing the relationship between the parties cannot be possible (Newbury, 2008a).

Restorative justice interventions are inherently communicative processes as they involve bringing the victim, the offender and the community together in order to resolve the conflict at hand. As the historical background of RJ dates back thousands of years and pre-dates written forms of communication, programmes in the CJS that are based on RJ principles are still conducted via verbal communication (Chapter 2.2). In restorative justice meetings, an open communication of feelings is supposed to take place: the victim tells the story of how they were affected by the offence and may ask questions from the offender, and the offender is expected to respond to questions and openly apologise to the victim—all exchanges taking place verbally. As Shapland, et al. (2006) pointed out, "Participants of restorative justice expect there to be communication" (Shapland, et al. 2006: 513). Referral orders are no exception. Because referral orders embrace the RJ principles of responsibility, reparation and reintegration, the majority of referral order related activities involve verbal communication. Indeed, Youth Offender Panel Meetings form an important part of referral order processes, where the young person must face a panel of adults who will ask the young person questions about the circumstances of the offence, including discussions about what should be included in the referral order contract. These are all verbal discussions and YOP meetings are entirely verbally mediated. Many of the interventions included in referral order contracts are verbally mediated interventions as well, including the young person having to speak in group settings or one-on-one with YOT staff. As a result, participating in YOP meetings and successful completion of referral orders require the young person to have good verbal communication skills.

Overall, literature suggests that consideration should be given to young people with communication difficulties entering the Youth Justice System. Referral orders, and in particular YOP meetings, make assumptions about the young person's abilities to confidently communicate with adults. Confident communication skills are required for young people to be able to engage, as YOP meetings are a platform for young people to have a voice and to have an input on what goes into the RO contract (HMIP, 2016: 7). As conflict resolution tools, RJ initiatives aim to repair the relationship between the offender and victim and community. However, RJ initiatives assume that young people and the adults present in YOP meetings have similar abilities to engage in verbal dialogue. Indeed, the RO Guidance (2015) states that young people should be able to negotiate the terms of the contract prior to signing it, which makes the assumption that all young people sentenced to referral orders will have the requisite communication skills to do so equitably (Ministry of Justice, 2015: 36). Unfortunately, this is not generally the case for young people with communication difficulties (Snow and Sanger, 2011: 326).

In terms of SLCNs of young people entering the Youth Justice System, there are a number of considerations, one of which is that "oral language deficits commonly occur in the absence of overt disability" (Snow, 2013: 19). This means that oral language difficulties often manifest on their own, without the presence of a clear connection to another physical or psychological disability, making SLCNs harder to recognise. As well, young people often mask their communication difficulties, which may present as difficult behaviour (i.e. rudeness and lack of engagement), as found by Snow (2013: 18) and Cohen (1993: 601). Therefore, young people may find it difficult to engage in the process of restorative justice initiatives, partly because they may have communication difficulties lacking the ability to adequately express themselves and partly because they may have also had a difficult relationship with the victim prior to the commission of the offence.

2.2 The Restorative Justice Model

This section will discuss the literature on restorative justice and referral orders in detail. The first section will explore referral orders and the principles of restorative justice. Restorative justice (RJ) is a contested concept. Definitions vary, but Daly (2000) describes 'restorative justice' processes in terms of their particular application, such as 'family conferences' and 'diversionary conferences' as these are practised in response to youth crime in Australia and New Zealand (Daly, 2000; Strand and Braithwaite, 2000: 33). A number of authors rely on

Marshall's (1997) classic definition as a default: "Restorative justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future" (Marshall, 1997 as cited in Braithwaite, 1999: 5). Similarly, narrow definitions have emphasised practical aspects of restorative justice: "[Restorative justice] refer[s] to programmes that bring affected parties together to agree on how to respond to crime (this might be called the *encounter* conception of restorative justice)" (Johnstone and Van Ness, 2007: 636). On the other hand, some define restorative justice more broadly and conceptually, putting the emphasis on the theory of reparation and prevention (*reparative* conception), while some refer to restorative justice simply as a conflict resolution tool which can be applied in settings other than criminal justice (Johnstone and Van Ness, 2007: 636). According to Snow's (2013) interpretation of restorative justice, "RJ represents a philosophical shift away from adversarial approaches to justice administration (primarily concerned with responding to and managing behaviour), towards respectful acknowledgement and repair of the tear in the social fabric (i.e. harm) that has occurred through the actions of one party towards another" (Snow, 2013: 18).

Restorative justice is a forward-looking conflict resolution tool which seeks to directly involve all of the stakeholders involved in a conflict. In contrast to formal retributive justice approaches, restorative justice is markedly victim focused and endeavours to restore the harm through the process of reparation. It has been noted that restorative justice is a victim-focused process taking into account the needs of the victim and holding the offender responsible for repairing the harm that has been caused through the commission of the crime (Umbreit, 2005: 257). According to Zehr (1990), victims of crime are affected by the actions of the perpetrator because victims often feel that the commission of the crime "upset their belief in the personal autonomy" (Zehr, 1990: 24). Therefore, in order to repair the harm that has been caused, the personal power and autonomy of the victim must be returned (Johnstone and Van Ness, 2007: 13).

Participation of the victim in the restorative process is central, but the choice to participate is that of the victim. It is important to draw a distinction between rehabilitation and restoration. Newbury (2011) draws the attention to the framework the Home Office had set out for "the government …. To reshape the criminal justice system in England and Wales to produce more constructive outcomes with young offenders" (Newbury, 2011: 259; Home Office, 1997; para. 9.21). The Home Office's interpretation of the principles underlying the concept of restorative justice at the time was:

- "**restoration**: young offenders apologising to their victims and making amends for the harm they have done;

- **reintegration**: young offenders paying their debt to society, putting their crime behind them and rejoining the law abiding community; and

- **responsibility**: young offenders—and their parents—facing the consequences of their offending behaviour and taking responsibility for preventing further offending" (Home Office, 1997: para. 9.21).

One of the desired outcomes of the restorative process would be that the young person is successfully reintegrated into the law-abiding community (Ministry of Justice, 2015: 26). One of the key principles of restorative justice is reintegrative shaming, which is a fundamental value of RJ. Its goal is to remove the stigma of 'offender' from the young person and to reintegrate them into their communities as productive, contributing members of society, embracing societal values and norms (Van Ness, 2000: 4). The emphasis is that the offender is reintegrated into the wider community once he/she repaired the harm caused and the process of restoration would have a positive impact on the offender's behaviour (Umbreit, 2005: 256). Once in the community, the offender is expected to stop from reoffending and to change his/her behaviour to what is acceptable by the wider community. To sum up, restorative justice approaches aim to focus on the behaviour of the person, instead of labelling them as offenders. Restorative approaches in practice achieve this by denouncing criminal behaviour, but still treating offenders with respect and dignity (Umbreit, 2005: 256).

Reparation is one of the key principles of the restorative justice process and the concept has been adopted in the referral order process as well. Reparation could occur between stakeholders during the entire process or referral order, but can be possible during the Youth Offender Panel Meeting (Shapland, et al. 2007: 48). However, if one of the stakeholders is not willing to meet in a face-to-face meeting, then direct reparation would not be possible. Other indirect forms of reparation, such as restitution, are still possible without the stakeholders meeting face-to-face. Additionally, restorative principles embedded into the formal retributive justice system create some logistical difficulties. Shapland, et al. (2006) argue that it is difficult to realise the full potential of restorative justice principles within the framework of the Criminal Justice System as it often disregards the victim's stage of the healing process. In other words, victims may not be ready to meet the offender or to receive reparation from the offender at the time the offender is required to perform reparative activities during the referral order

(Shapland, et al. 2006: 519). In referral order cases, reparation of the harm should take place during the referral order. But timing of reparation activities may not be suitable for the victim. Some victims may be reluctant to participate and may need more time to be ready to participate in restorative conferencing meetings with the offender.

Restorative justice is a process through which the stakeholders involved in the conflict are expected to actively participate in the process of restoration. This requires stakeholders to openly state their views. Indeed, in a restorative justice meeting, parties must debate and attempt to resolve their conflict. In order to repair the harm caused by a criminal offence, victims must be able to communicate how the crime affected them, while the offender must be able to understand what the victim is saying to offer some form of reparation. Then victims and offenders must agree on a suitable reparation that would enable the restoration of the harm. During this process, one way for the offender to accept responsibility is to openly admit the wrongdoing and the harm caused as a result. The offender may offer an apology to the victim in the course of negotiating the process of reparation. Once reparation has been completed, the offender can be reintegrated into the community, thus, restoring the relationship between the offender and the community. Therefore, the implication of any restorative justice approach is that stakeholders openly communicate through the process of restoration. As such, restorative justice is a communicative process in which open communication between the stakeholders is an essential part of the process. Verbal communication between stakeholders is assumed, and without communication, the restorative process cannot be completed. As it is discussed below in Chapter 2.5, participating in restoration is a mandatory part of the referral order as a statutory sentence for young people, which makes participation in verbally mediated restorative activities mandatory for young people. This raises questions about the voluntary nature of RJ and how it can be combined with the statutory justice framework.

Early identification and intervention of speech language and communication difficulties in young people who are entering the youth justice system for the first time through referral order sentences is a distinct concept from what has been termed as the 'populist' 'risk averse' ideology in youth justice introduced by the Crime and Disorder Act 1998. Yet, some still argue that there is a lack of implementation of child focused measures within youth justice services (Case, et al. 2015: 99.). Referral orders are a case in point: assessment, intervention delivery reflects an adult-centred approach, where adults and children have an unequal power-relation from the Magistrates' Court to the Youth Offender Panel meeting.

The shift from the 'welfare' approach of the 1970s and 1980s to the more interventionist responsibilisation took the spotlight in the YJS in England and Wales with New Labour's introduction of the risk paradigm. The risk paradigm brought with it the inevitable adult-centric interventionism in which adult professionals lead interactions with young people. As a result of this shift from the 'welfare' approach to the risk paradigm continued to embody the interventionist idea – that young people who offend must receive professional interventions if they are to stop offending. What was new about the 'new youth justice' approach, was the attempt to responsibilise young people as a public outcry ensued and the public demanded that young people take responsibility for their offending behaviour as a result of high profile events, such as the James Bulger murder. The risk paradigm and the managerialist approaches were criticised for not net-widening and saw young people labelled as 'at risk youth', highlighting the need for early interventions for some groups of young people to 'prevent' future offending behaviour. However, policy decisions, such as the introduction of youth cautions - which are part of an attempt to divert young people from formal court processes - were introduced as a way to mitigate the risk of reoffending. While, youth cautions and youth conditional cautions divert young people committing less serious offences from formal court processes, these disposals require the young person to admit the offence and remain on the young person's criminal record as 'spent' – thus responsibilising young people.

Paradoxically, referral orders have the features of managerialism and adult-centric interventionism while based on RJ principles. This is especially true for young people with communication difficulties, as these young people will not be able to fully participate in the restorative processes. While Youth Offender Panel meetings attempt to include the voice, feelings and opinions of the young person, panel meetings observed demonstrate revealed a different picture. YOP meetings have a certain structure which is determined by the adult practitioners – based on statutory and logistical requirements – creating continuity of practice. It was noted by Newburn et al. 2002 and Newbury, 2008b that Youth Offender Panel meetings in referral orders are primarily adult driven exercises that prioritise the bureaucratic necessities of signing the referral order contract. In other words, YOP meetings attempt to incorporate young people's input into a process that are still driven by adult practitioners. The adult-centric process is demonstrated by the coercive nature of referral orders: if the young person refuses to sign the RO contract, he/she will be returned to court for re-sentencing. As such, it is questionable whether referral orders truly incorporate young people's voices, or it is an adult-centric intervention masked by restorative justice principles.

Once the New Labour Party came to power, the party's name became synonymous with 'law and order' ideology, which then was manifested through a risk-focused, actuarial approach to criminal justice policies. More specifically in youth justice the *Misspent Youth* review (1996) served as the first documented policy shift towards a risk focused approach coupled with early intervention for young people at risk of reoffending. Indeed, the paradigm shift of youth justice in England and Wales re-emphasised the notion echoed in the welfare ethos – adult intervention is the only way to reduce young people's offending behaviour (Case, 2010: 95) the primary aim of the Youth Justice System became the prevention of youth offending". On the ground, policy makers put into practice the risk factor prevention paradigm which essentially stated that identifying risk factors for offending and then implementing prevention methods or interventions that reduce the identified risk factors will provide the background to the emergence of the Asset assessment. Discussed in detail in Chapter 4.2, the Asset assessment tool became an instrument for identifying risk factors related to the young person's risk of reoffending.

Referral orders were implemented in the era of risk-aversion, which is reflected in the order today. Although interventions allocated to the young person on referral orders is up to the Volunteer Community Panel members, based on discussions with the young person during Youth Offender Panel meetings, there are several factors to take into account. One of these factors is that YOT practitioners debrief VCPMs prior to the initial panel meeting, during which the volunteer panel members are provided with the Referral Order Report. The RO Report is composed by the YOT Case Manager who provides information obtained from completing the Asset assessment. Therefore, it can be argued that while ROs are based on RJ principles, risk-aversion and the goal of reducing reoffending via interventions is still present in referral orders, both theoretically and operationally. For example, Newbury (2008b) argues that YOT Case Managers have a great influence on the interventions that volunteer panel members assign to the young person in the RO contract. Newbury (2008b) observed that during the debriefing session prior to an initial panel meeting where the YOT Case Manager introduces the case to volunteer panel members, the YOT Case Manager often makes suggestions to volunteer panel members as to what interventions to include in the contract (Newbury, 2008b). It is then questionable how much input into what reparative activities the young person is assigned in the RO contract do Volunteer Community Panel members have. Essentially, as per the principles of reparation, the victim and community should be the one determining what reparative activities are appropriate after discussion with the young person during the initial

panel meeting. However, YOT practitioners seem to have some influence on the assignment of reparative activities in the RO contract, maintaining some degree of control over the RJ portion of the RO process.

The Asset assessment framework has been widely criticised for its lack of consideration for young people's opinion. Case (2010) argues that Asset fails to incorporate the voice of the young person as "Asset fails to resonate with the lived realities of young people" and is lacking in appropriate responsivity (Case, 2010: 92). Without taking into account young people's lived experiences and their perspectives and opinions, practitioners risk missing pertinent information that may help understanding the young person's behaviour and motivations. Questions can be raised then: How can practitioners effectively work with young people to help them to stop reoffending if practitioners are not encouraged to take the time to listen to what young people have to say?

Another shift in the government (from New Labour to Conservative formed in 2010) has brought little change in the youth justice policy. Arguably, the Conservative government has continued on the path originally paved by New Labour - the risk-aversive actuarial neo-liberal paradigm still continues to prevail in youth justice policy (Case, et al. 2015). Thus the 'new youth justice' remains riddled with punitiveness, criminalisation, responsibilisation and interventionism with focus on the offence and the offender without taking into account the whole child (Case and Haines, 2016). Indeed, the neo-liberal responsibilisation of young people in England and Wales had created punishment oriented youth justice services, where behaviour is punished instead of corrected. However, neo-liberal policies attempting to responsibilise young people seem paradoxical to interventionism. A 'one-size-fits-all' (e.g. the Scaled Approach) could not possibly achieve the desired effects of reducing young people's reoffending behaviour if individual differences of young people's needs, circumstances and background are not taken into consideration.

Referral orders were New Labour's first attempt to incorporate young people's voice into the interventions and to repair the harm caused by their offending behaviour. Referral orders in essence were promised to make space for children and young people to express their opinions (Case and Haines, 2016). Indeed, the introduction of referral orders has provided the bases for incorporating young people's opinions and restorative justice aspects into formal youth justice disposals. What this means is that young people are expected to be engaged in the process of referral orders and actively participating in reparative activities. As such, the

ability of effective communication was presumed by those who designed referral orders and failed to take into account the power imbalance during panel meetings that young people with communication difficulties will experience. Indeed, RJ programmes aim to balance the power between victim and offender during RJ meetings, while the opposite happens when one of the participant lacks the ability to communicate effectively. Still, YOP meetings encourage participation by young people, which is supported by the Asset Plus instrument. In order to help young people to have a voice and be engaged in the interventions that are provided to them in RO contracts, the Asset Plus assessment package now encourages practitioners to create a dialogue with the young person they are working with. Asset Plus creates the framework to encourage communication between the YOT practitioner and young people, therefore practitioners are to consider the whole child, not only the offence, which in turn should aid practitioners and volunteers to compose a fair RO contract. Thus, the Asset Plus assessment tool is an excellent example of youth justice policy shifting towards the Children First, Offenders Second, holistic (child-centred) approach to youth justice (Case, et al. 2015).

Why is it important to consider young people's input in the youth justice system? One important reason is the fact that the UK ratified the UNCRC in 1991. Article 12 of the UNCRC mandated that the state (e.g. youth justice agencies) must ensure that it provides opportunities for children to express their views feely in all matters affecting them (UNCRC, Article 12(1)). The Article further states that the child must be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child (UNCRC, Article 12(2)). In their analysis of human rights and youth justice reform, Cunneen et al. (2016) argue that between 1991-2016 youth justice policy in England and Wales have been on a circular pattern, where policies burgeoning punitiveness unfolded, consolidated and intensified, and finally, moderated punitive initiatives (Cunneen, et al. 2016: 4). As a result of diminishing punitive measures, the rate of child incarceration had fallen significantly between 2008-2016 (Cunneen, et al. 2016: 5). A direct result of the reduction of child incarceration was the parallel reduction on the YJB Budget as decreased incarceration rates provided savings for the Board. However, the reduction in the YJB budget meant cuts to services not directly related to child incarceration, such as emerging efforts for the implementation of diversionary measures. Indeed, cuts to the YJB budget meant fewer YOT practitioners with larger caseloads, which equalled to less time spent with each young person. This pattern was then doubled with the introduction of RJ measures in efforts to divert young people from the formal criminal justice system. RJ initiatives are resource intensive, which means that the demand on youth justice

practitioners' time increased. These factors directly relate children's voice in the youth justice system, as it creates a conflict between resources allocated to services to young people in contact with YOTs and providing RJ based interventions. While referral orders are arguably cost efficient[7] (National Audit Office, 2010), the implementation of ROs are time intensive in terms of practitioner time spent with the young person (e.g. assessment and intervention) and fulfilling required documentation. Therefore, enabling young people to provide their input into the youth justice services they receive has been an important aspect of contemporary youth justice services to shift from an adult-centric interventionistic youth justice to child-centric youth justice processes. Indeed, referral orders and the introduction of Asset Plus have been a great start to encourage child participation in youth justice processes, but there is still work to be done to fully incorporate young people's voice into YOS as it is intended by Article 12 of the UNCRC.

2.3 Assessment of Young People in the Youth Justice System in England and Wales

The Youth Justice Board has implemented a screening process for young people entering the Youth Justice System in England and Wales. Asset is a risk-assessment tool and has been mandatory for use by YOTs since implementation of the *Crime and Disorder Act* 1998 in April 2000 for screening of all young people who enter the Youth Justice System in England and Wales (Baker, et al. 2005). Risk factors that are identified as directly related to offending behaviour of young people range from lack of educational attainment to mental health problems and can be a combination of a multitude of circumstances (Ministry of Justice, 2011).

Asset is a standardised assessment tool that must be completed by all young people at their entry to the CJS. Asset involves engaging the young person in interviews, and his/her family, and obtaining a range of information from a variety of sources are all part of the assessment procedure (Ministry of Justice, 2015). The information contained in Asset is also complemented with information from the young person's school or other service that should provide a complete picture of the young person's needs (Ministry of Justice, 2015). According

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[7] Referral Orders including supervision over 6bmonths with 15 hours of community work costs about £2200-£4000 per young person (National Audit Office, 2010: 24)

to the National Standards of Youth Justice Services, part of the assessment and building background information on the young person is an eventual home visit from YOT practitioners (Youth Justice Board, 2010: 16). Overall, Asset is a screening tool that relies on the judgement of the practitioner administering the questionnaires as the basis for risk of reoffending scores (Baker, et al. 2005: 14).

Within the core profile of the Asset assessment tool is a list of 'issues for discussion' (Asset, Introduction, Ministry of Justice, 2011: 4). These are areas and topics that must be included in the discussion with young people assessed through the Asset process, such as details of the offence committed, previous criminal record, previous offences and sentences received, and a number of factors that relate to emotional and physical well-being of the young person (i.e. family background and living arrangements, community ties, assessment of needs) (Ministry of Justice, 2011). An integral part of the core profile is assessing the emotional and mental health of the young person. Thus, the mental health and well-being of a young person are seen as important factors related to offending behaviour. As there is an association between untreated communication difficulties and mental health problems in later life of the individual, there is a need to identify SLCNs in youth justice services in order to help young people to engage with support services available in YOTs (Chapter 1.6). In fact, practitioners in pilot studies recommended that all young people entering YOTs should be screened for SLCNs, and those recommended for a full assessment should be referred to SLTs (Lanz, n.d.; Myers, n.d.). SLTs conducting pilot projects of seconded SLT service provision in YOTs stated that screening using the Asset Plus SLC and Neuro-disability tool was carried out by YOT Case Managers (Myers, n.d.).

While assessing the communication skills of young people is essential, the question remains whether their identified communication needs can be effectively addressed within the YOT. Lindsay, et al. (2010: 450) argue that young people with communication difficulties may have difficulties understanding instructions and the specialised vocabulary used in youth justice, which leads them to disengage from service providers. As it was discussed in the previous section, referral order processes consist of several activities that are primarily verbally mediated, and require young people to have good communication skills in order to participate in referral orders, including communication with YJ practitioners and community members.

In 2014, the YJB commissioned research to re-design Asset to include previously excluded items, such as SLCNs, sexual exploitation, lifestyle and behavioural development,

and antisocial behaviour (Baker, 2014). Asset Plus is a new assessment and planning framework developed by the Youth Justice Board in collaboration with organisations, such as the Royal College of Speech and Language Therapists. The new Asset Plus aims to assess the young person's behaviour in the context of the young person's background, taking into account the interactions between a young person's personal situation, their attitudes and their social setting in relation to their offending behaviour and attitudes (Baker, 2014: 4). Included in the extended assessment package of Asset Plus, a new screening tool will be included to enable YOT practitioners to screen young people for Speech, Language and Communication Needs. This screening tool is called the Speech, Language, Communication and Neuro-disability screening tool, and as the name suggests, it allows practitioners to screen young people for neurological disabilities that may be related to communication difficulties. Apart from the specific screening tool included in the new assessment framework, Asset Plus also takes into account the difficulties young people may face when interacting with the Youth Justice System. To this effect, Asset Plus was designed to use simplified language in the young person's version of the intervention plan (Baker, 2014: 10).

A clear relationship has been identified between youth offending and communication difficulties and as such, early identification and prevention of SLCNs in the youth offending population cannot be equated with other criminogenic 'risk factors' such as age. In other words, identifying some form of communication difficulty in the young person though the SLC Neuro-Disability screening tool included in the Asset Plus assessment does not constitute an increased risk of reoffending by that young person. Instead, the identification (and indeed the diagnosis of SLCNs by SLTs) is a mere identification of needs of a young person which will signal Youth Justice practitioners to alter their approach to service provision to that young person.

Asset and Asset Plus are distinct assessment methods in that the goal of Asset Plus is to provide a holistic picture of the young person with identifying their needs rather than identifying and quantifying risk-factors. Asset Plus aims to aid practitioners to record holistic picture of the young person as a child, not only quantifying their risk of reoffending based arbitrary scores attributed to their needs identified. Due to the ongoing implementation of Asset Plus at the time of the research, not all YOTs had been using Asset Plus as the standard assessment tool. In fact, as will be discussed in the findings chapters (Chapters 4-7), Asset was the standard assessment method in each participating YOT. Therefore, all YOT practitioners interviewed for this project used Asset only for the assessment of young people's needs.

2.4 The Youth Offender Panel

This section will review the literature on Youth Offender Panel Meetings and will discuss their importance in the referral order process. The discussion will include an explanation of how restorative justice principles of responsibility, reparation and reintegration work in practice. This section will examine YOP meetings and will provide a critical discussion on how panel meetings create barriers for young people with SLCNs to engage efficiently with panel discussions.

When a young person is sentenced to a referral order, he/she is referred to a Youth Offender Panel (YOP), which should be held within 20 working days of the order being made by the court (Ministry of Justice, 2015: 32; Youth Justice Board, 2013: 31). Youth Offender Panels are made up of at least two volunteers who must be members of the local community and a member of the Youth Offending Team, who should act as an adviser and provide advice and background information to the community panel members who should lead the panel meeting (Ministry of Justice, 2015: 10; Ministry of Justice, 2002: 5; *Powers of Criminal Courts (Sentencing) Act* 2000: s. 21(3)(b); Youth Justice Board, 2013: 31). The court decides the length of the referral order (3-12 months) based on the seriousness of the offence committed. The principal role of the YOP is to monitor the young person's compliance with the contract (Newburn, et al. 2002: 6; Ministry of Justice, 2015: 14). During an initial meeting, the panel members, the young person, his/her parents or carers, and the victim review the circumstances of the offence and would ideally agree to a contract which should include the following elements: "reparation/restoration to the victim or wider community and a programme of intervention(s)/activity(s) to address reoffending risk" of the young person (Ministry of Justice, 2015: 9). However, if the young person refuses to agree to a contract or does not comply with its terms, then he/she will be referred back to the court which then may revoke the order and impose an alternative sentence (Ministry of Justice, 2015: 5).

There are three panel meetings during a referral order sentence (between 3-12 months), an initial panel meeting (discussed just above) where the referral order contract is agreed to and is signed, a review panel meeting and an exit or final panel meeting. During review panel meetings panel members review the young person's progress on their referral order contract and ask the young person to reflect on their own progress and what areas they need to improve. The review panel meeting gives an opportunity for the YOT Case Manager to praise the young person on their positive achievements and to bring up any issues the young person may be

struggling with. These points are then reviewed by panel members and suggestions are made to the young person to improve their work in the areas needed. The final or exit panel meeting is important because this is held at the end of the referral order, by which time it is expected that the young person has completed the terms of the referral order contract. It is then up to the volunteer panel members to determine whether reparation of the offence committed has been completed and whether they deem the terms of the contract completed, after which they deem the referral order successfully completed. Those young people sentenced to a referral order will have a criminal record.

Youth Offender Panels are an integral part of the referral order process. Panel meetings have a number of aims, one of which is to embed restorative justice practices into the referral order process. Prior to the initial panel meeting, YOT practitioners (usually the YOT Case Manager) are tasked with collecting information about the young person (i.e. complete assessment through Asset or Asset Plus) and to prepare the referral order report, which serves as information to panel members, describing the young person's background, needs and offending behaviour. Initial panel meetings are designed to elicit an open conversation about the young person's attitudes towards offending behaviour, with a discussion about the circumstances of the offence. It is important for panel members to discuss the young person taking responsibility for their offending behaviour, including a discussion about how the victim and others in the community were affected by the offending behaviour. The panel meeting provides an opportunity for the young person, carers and victim to express how the offending behaviour had affected them, with a forward-looking discussion on what the young person will do to repair the harm caused. Apart from taking responsibility for their actions, young people are expected to articulate their own thoughts about criminal behaviour, including a negotiation process between the young person and volunteer panel members and victim, if present, about the reparative activities to be included in the referral order contract.

One of the criticisms of restorative justice approaches has been the inherent power imbalances between participants at the meeting or conference. For example, Newburn, et al. (2002) argue that the Youth Offender Panel members have the 'symbolic power' to sign off the referral order once it has been discharged successfully; meaning that it is up to the panel members' discretion to consider the referral order completed (Newburn, et al. 2002: 23). Although, the authors concluded that young people felt that, for the most part, their views were respected more so at the panel meeting than in a court setting, there are important implications for the power dynamics between young people and the panel members at YOP meetings

(Newburn, et al. 2002: 37). Young people surveyed during the evaluation study stated that they had an opportunity to explain their side of things at the initial panel meeting (87 %) compared to youth court (54%), a marked difference between the two settings as evidenced by the experience of young people (Newburn, et al. 2002: 37).

Voluntary participation is not a requirement in referral order processes, and participation by young people is mandatory with punitive consequences if they fail to comply with attendance requirements (Ministry of Justice, 2015: 10). This has important implications for the power relationships present during a YOP meeting. Restoring the harm caused by the offence committed does not necessarily mean that power relationships between the stakeholders in the meeting are evenly balanced. By making participation in the YOP meetings mandatory for the young person and their parents/guardians, the non-voluntary participation of stakeholders shifts the balance of power (Walgrave, 2004: 559). More specifically, participating panel members and even the victim may be perceived as having a coercive power over the young person and his/her parents/guardians attending the meeting (Johnstone and Van Ness, 2007: 585). The power difference between the young person and other attendees of the meeting may be even more pronounced if the young person has multiple needs (e.g. communication difficulties) (Newburn, et al. 2002: 23).

Young people with communication difficulties may misinterpret social situations and what is being said in the panel meeting. For example, young people with communication difficulties may understand idioms and informal language differently, especially when combined with YJS jargon, such as 'restorative justice conference', which is sometimes referred to as a restorative meeting involving the victim and young person. The experience of the panel meeting may be intimidating for young people with communication difficulties, as they have to be able to understand what all the adults present say and they need to be able to process a lot of complicated information. This may leave young people with communication difficulties not necessarily understanding that they have a say in what is included in their referral order contracts. If activities assigned to young people in the contract clashes with their school, work or other compulsory commitment, they need to be able to raise this conflict and communicate why they need to change a meeting. Young people with expressive communication difficulties may have difficulties with expressing if they cannot do something; instead, are more likely to say 'yes' and agree to everything the adults say. This in turn will shift the power relations in the panel meeting, where the young person may feel disempowered and, as a result, may not actively participate in the restorative process.

Youth Offender Panels aim to follow a holistic approach to administering referral orders. Holistic approach refers to cross-sector information sharing, common assessment framework, use of multi-agency teams of practitioners working together in order to provide a holistic service that addresses the needs of the 'whole child' by providing a wide range of services in one site or by appointing professionals who coordinate an individually tailored care plan for the child (Watson, 2004: 254). Youth court procedures can be contrasted to those in Youth Offending Panels using a simple analogy. The youth court processes can be seen as similar to a hospital which is a sterilised, formal, impersonal environment, strictly following rules and procedures. In a youth court setting, the young person is expected to answer questions that are directed to him/her in a certain way and magistrates are expected to be addressed formally. Often, in youth court the dialogue with the young person is conducted indirectly through his/her defence solicitor and the young person is not addressed directly by magistrates (CPS, n.d.). In contrast, Youth Offending Panels are described as informal meetings in an informal setting (ideally in a community venue), where the panel members are often on a first-name basis with the young person, eliminating the formalities of youth court (Newbury, 2008b: 112; Ministry of Justice, 2015: 34; HMIP, 2016: 22).

Informality in panel meetings include the setting: in a community venue, stakeholders sitting around the same table. In referral order panels, panel chairs may stop a meeting to take a break if they feel that the meeting becomes too emotionally charged. Panel members are also able to adjourn the meeting and defer it to another date if they believe it is necessary to do so. Instead of addressing the young person through a representative, panel members speak directly to the young person and involve him/her in the decision-making process. Although, Magistrate's Court arguably give the opportunity for young people to give mitigating evidence, still, the process is conducted in a formal manner. Therefore, young people may be intimidated and, as a result, may completely withdraw from the process, causing them to not say anything at their court hearing. Youth Offending Panels aim to remove this formality of court procedure and operate under the general assumption that young people should be asked what they think would help them to stop the offending behaviour (Youth Justice Board, 2009).

Additionally, Youth Offender Panel Meetings are set up in a way to remove the physical barriers between the adults and the young people, thus, equalising the participants' positions around the table. In youth courts, there are physical barriers (e.g. Magistrate's bench) in the courtroom, reflecting the formality of court proceedings, with an unequal power relationship between participants. However, in meetings following the restorative justice paradigm, the

room is set up in such a way to remove the physical barriers between the attendees, who usually all sit around a table or in a circle (see Appendix 4), with all attendees sitting at equal heights (Newbury, 2008b: 112). The goal in a YOP meeting or any restorative justice meeting is to remove the barriers and formalities of a court hearing so the participants of the meetings can speak openly. This is to ensure that young people engage in a dialogue with panel members.

More importantly, the objective of the Youth Offending Panel is to provide a personalised contract to the young person, actively involving him/her in the drafting of the terms of the contract. While, in court proceedings it may be difficult to engage the young person, panel members aim to engage the young person by asking them questions directly. To personalise the contract, panel members ask questions related to the interests of the young person. The aim here is to incorporate activities that the young person is interested in doing, thus, increasing the likelihood of completion. Panel members hope to incorporate activities in the contract that will involve interests of the young person, and they try to avoid making the panel meeting feel like a court process where the young person is ordered to participate in certain activities (HMIP, 2016: 16). In the Ministry of Justice issued guidance on referral orders, referral order contracts are described as containing two main elements: compulsory and optional elements (Ministry of Justice, 2015: 36).

In terms of breaking down the elements of the contract, as stated above, RO contracts contain compulsory and optional elements (Earle, et al. 2002: 146; Newburn, et al. 2002: 28). As part of their study, Earle and colleagues (2002) undertook observation of Youth Offender Panel Meetings and concluded that 81 percent of the elements assessed by observers were 'actively' accepted by young people, while the rest appeared to be only 'passively' accepted (Earle, et al. 2002: 147). This is an important aspect of the referral order process as "the negotiation of contract elements is intended to be a 'two-way agreement' that the young person" actively or passively accepted the elements contained within the contract (Earle, et al. 2002: 146). Therefore, a two-way agreement would ideally underpin the voluntariness principle of the restorative justice model in the process of agreeing to the contract within Youth Offender Panel Meetings.

On the other hand, Newburn and colleagues (2002) concluded that only 13 percent, or 121, of 934 contracts for which information was collected appeared to contain voluntary elements (Newburn, et al. 2002: 28). The authors also found that the reparation element (some form of reparative activity) was the most common element of all contracts examined (Newburn,

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et al. 2002: 28). More specifically, "the most common form of reparation was community reparation (42%), followed by written apology (38%), indirect reparation (10%), direct reparation to victim or the payment of compensation (7%) and then various forms of unspecified activity" (Newburn, et al. 2002: 29).

To deliver meaningful restorative justice takes time, but when done right, restorative justice can have an impact and the victim's voice is heard. The delivery of RJ through referral orders was found to be quite varied in YOTs. Findings indicate that sometimes there was a confusion of what restorative justice is and what it is meant to achieve, and there was a low number of victims who became involved in restorative justice initiatives in YOTs (HMIP, 2016: 6). Indeed, for victims to be able to participate in RJ initiatives, the YOTs must make every effort to engage victims and to inform them about the potential benefits of RJ. The HMIP research (2016) found that there were inconsistencies in how YOTs engaged with victims prior to the initial panel meeting, which could have contributed to low victim involvement (HMIP, 2016: 6). However, the initial panel meeting must be held within 20 working days of the case being referred to the YOT, which leaves very little time for the victim to consider and prepare for a face-to-face meeting with the young person who has caused them harm. Therefore, victims may not be ready to engage in RJ processes when young people are attending their panel meetings, and the relatively short nature of ROs could mean that victims miss out on the benefits of RJ if the young person completes the order before the victim is ready to attend a restorative conferencing.

Alternatively, the victim may choose to attend the panel meeting in person. It is the responsibility of the YOT to contact the victim and to explain the RO process to them, with an invitation to attend YOP meetings (Ministry of Justice, 2015: 17). It is also the responsibility of YOT practitioners (usually the Case Manager) to meet with the young person, complete the Asset assessment and to explain to young people what they can expect from the panel meetings. However, if this is not explained in advance to young people, prior to the initial panel meeting, then young people may be surprised if the victim turns up at the panel meeting or their personal statement is read out loud. In fact, Crawford and Muncie (2003: 160) found that only about half of young people whose panel meetings had been attended by victims had been told prior to the meeting that the victim was in fact attending their panel meeting. Therefore, there is considerable pressure on young people as well as on YOT Case Managers to prepare young people for what to expect at their panel meetings in advance, especially given the time

limitations set by legislation (initial panel meeting to be held within 20 working days of the court order) (Ministry of Justice, 2015: 32).

Apart from agreeing to and signing the referral order contract, the Youth Offender Panel Meeting offers the opportunity to engage young people in activities that can change their perception of their communities and can help them learn important life skills. In order to successfully complete the referral order, YOP members must ensure that only terms that the young person is reasonably capable of performing are included in the contract, to avoid setting up the young person for failure by including activities that may be too demanding for the young person (HMIP, 2016: 34). These form the optional parts of the contract, which should be tailored to the young person's circumstances and needs. The goal of prescribing a certain activity within the contract for the young person to participate in is that they are expected to obtain skills and interests that will help them to stop offending in the future. Part of the role of panel members is to examine the reasons why a young person offends. Panel members are encouraged to ask questions of the young person to learn more about his/her background in order to understand his/her behaviour. Thus, the contract can be viewed as a learning opportunity for the young person and a process for young people to learn new behaviours different from offending (Youth Justice Board, 2009).

Reviewing the literature on how panel meetings work in practice painted an uneven picture. Practices relating to the logistics of panel meetings and referral order processes varied among YOTs. Indeed, when reviewing the National Standards for Youth Justice Services (2014), the guidelines provided for the delivery of referral orders was quite vague. These standards outlined guidelines for ensuring compliance and enforcement in detail, but failed to detail guidelines on how the referral order contract should be negotiated or agreed upon. The only guidance stated in the National Standards in relation to RO contracts is the emphasis on reparation to the victim and the wider community and the interventions the YOT will provide in order to address any risk factors within the young person's life (Youth Justice Board, 2014: 31). Overall, the National Standards provide wide interpretation and considerable discretion to YOT practitioners in implementing the guidelines, thus considerable variations in practice exist.

The Three R's of Referral Orders: Responsibility, Reparation and Reintegration

Referral orders incorporate the restorative justice principles of responsibility, reparation and reintegration (Ministry of Justice, 2015: 10). The use of restorative justice

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principles has been included in legislation of referral orders and has been introduced in order to encourage community participation in youth justice. Section 3(2) of the *Powers of Criminal Courts (Sentencing) Act* 2000 prescribes reparation activities for young people on referral orders, meaning "make reparation for the offence otherwise than by the payment of compensation". It is further specified in the legislation that young people are "to make reparation specified in the order to a person or persons so specified or to the community at large" (Sch. 6 s. 3(2)(d) *Powers of Criminal Courts (Sentencing) Act* 2000). Taking responsibility for one's actions is accepting the actions (e.g. the offending behaviour), accepting the behaviour as offending and accepting responsibility by communicating wrongdoing (Crawford and Newburn, 2003: 126). In the context of referral orders, accepting responsibility and communicating that acceptance usually means communicating remorse to the victim by apologising during the panel meeting.

Restorative justice is aimed to be forward-looking and the process of restoration should aid with communication between the stakeholders, as well as, helping with relationship building as part of the reparation process. Earle and colleagues (2002) support the involvement of the wider community in the restorative process (Earle, et al. 2002: 144). In the case of referral orders, if the victim is not identifiable or chooses not to participate, the element of reparation should be directed to the community that was harmed by the commission of the crime (Ministry of Justice, 2015: 28). Newbury (2011) found that often victims prefer indirect reparation if they do not know the young person who committed the offence; however, participants in Newbury's research mentioned that where the victim is a family member of the young person, the victim may expect direct reparation (Newbury, 2011: 256). Direct reparation may include a verbal apology at the panel meeting, where the young person apologises to the victim (Earle, et al. 2001: 10). Indirect reparation may involve having the young person do volunteer work for a charity of the victim's choice, which will form part of their reparation work (Newbury, 2011: 256).

In the referral order context, reintegration is achieved by involving the young person who offended in every part of the process of restoration, while ensuring they take responsibility and actively engage in the process (Ministry of Justice, 2015). Part of the reintegration process is to help young people to stop reoffending. While it is important to acknowledge that restorative justice approaches and, indeed, completing a referral order does not necessarily have a direct impact on the behaviour of the young person, restorative justice programmes may indirectly help the young person to change his/her behaviour patterns (Earle and Newburn,

2001: 11). In the context of referral orders, it is expected that the young person will participate in RJ activities and offending behaviour interventions that will help the young person change their attitudes towards offending behaviour. It is then expected that the change in the young person's attitude towards offending behaviour will lead them to stop offending. Thus, reintegration is a process that may take a long time to yield a positive impact on young people's behaviour in the community (Newburn, et al. 2002: 18). Also, engagement of young people in the reintegration process presumes that young people have the essential understanding and can fully participate in the reintegration process. Young people with communication difficulties may struggle with understanding the process involved with taking responsibility for their actions, and repairing the harm through reparation (Bryan, 2004). Therefore, effective communication skills are essential for the process of restoration and reintegrating the young person into their communities.

Reintegrative shaming theory argues that shaming can produce positive change in the individual's behaviour (Harris, 2001: 134). The goal of the reintegrative shaming process is to communicate clear social disapproval of an individual's behaviour without putting a label (criminal, deviant) on them or stigmatising the individual (Braithwaite, 2001: 39; 1989). Because referral orders are court-ordered sentences, the courts have already put a negative label on young people through a conviction and referral order sentence. Through labelling the young person, the courts have identified the young person's behaviour as deviant, however, this label is stigmatising and, as such, is not reintegrative (Braithwaite, 1989: 18). If shaming is not 'respectful' and the young person has been labelled as deviant or criminal, then it is difficult to achieve a positive influence on the young person's behaviour. Because the Youth Justice System has already labelled the young person as 'criminal', then it cannot be expected from young people to make a positive change in their attitudes towards offending behaviour and stop offending. As a result, referral orders being court-ordered sentences, young people are already labelled as criminal before they are able to repair the harm to the victim and go through the reintegrative shaming process. Thus, applying the reintegrative shaming process *after* young people have been stigmatised through court conviction and sentencing is redundant.

The restorative justice process is quite different in that there is a more forward-looking, positive approach to the offender. According to Braithwaite (1989), reintegrative shaming must involve the victim forgiving the offender for the harm caused, which then means that the young person is shamed through the restorative process (Braithwaite, 1989: 100). The young person ideally 'self-shames' through admitting guilt to the victim. The process then involves the

explicit communication of the specific social disapproval of the young person's behaviour through the Youth Offender Panel Meeting. This communication of social disapproval of the young person's actions must be explicit, specific, direct, and respectful in order to avoid negatively labelling the young person. It also ensures that the young person experiences shame without stigmatisation. However, shaming and reintegration are sequential processes in restorative justice and as such cannot co-occur. Once the shaming process is complete, i.e. the young person has taken responsibility (apologised to the victim), the victim has accepted the apology and reparation to the victim has been completed, the young person can finally be reintegrated into the law-abiding community. Thus, referral orders through providing an opportunity to repair the harm caused to the victim attempt to reintegrate the young person into the law-abiding community.

Referral orders are considered 'spent' convictions once the contract is successfully completed, which means that the referral order is completed. It could be argued that by considering the conviction 'spent', the label of offender was removed from the young person, and through repairing the harm, the young person has been reintegrated into his/her community. Thus, the 'spent' conviction can be said to mitigate the impact of the labelling as offender on the young person. However, spent convictions mean that young people who received referral orders will retain a criminal record, which will be flagged during an enhanced DBS check.

2.5 The Scaled Approach and Referral Orders

Using the Scaled Approach, the YOT will identify the young person's likelihood of reoffending when carrying out the Asset assessment of the young person on referral order. The Scaled Approach is used to determine the recommended level of intervention and will highlight such recommendations to the Youth Offender Panel (Ministry of Justice, 2015: 14). Following the introduction of the Scaled Approach model in 2009, the level of intervention imposed by the courts/designed by the YOTs should match the level of risk of the young person reoffending (three types of risk: risk of reoffending, risk of harm to self, risk of harm to others). Thus, following the Asset assessment, practitioners are to use the Scaled Approach framework for implementing interventions for each young person. Therefore, each young person will have different levels of risk of reoffending determined based on their Asset scores, which includes an evaluation of personal characteristics, such as their background, schooling, living arrangements, mental and physical health, etc. Depending on the level of risk of reoffending, a corresponding level of intervention will be administered by the YOT (Grandi and Adler, 2016).

However, referral orders and the corresponding intervention work differently. Referral orders are based on the restorative justice principles of responsibility, reparation and reintegration, and as such, the intervention in the case of reparation (e.g. community work) will be determined by the volunteer panel members. The referral order contract contains two parts: one is the behavioural contract (standard for all young people) and the referral order contract, which outlines the prescribed activities assigned by panel members. The referral order contract containing the reparative activities are tailored to the young person's circumstances and needs as determined by the panel and YOT Case Manager. The contract must contain elements of responsibility, reparation and reintegration; all of which, the young person must complete in order to successfully complete the order. Some of the RJ components of the order are completed during the Youth Offender Panel Meeting, such as responsibilisation of the young person through requiring the young person to admit wrongdoing. The Scaled Approach framework for intervention is a contradiction as the restorative justice framework in referral orders is much less prescriptive.

In terms of referral orders, the Scaled Approach means that the level of risk of reoffending, with the seriousness of the offence, will determine the number of hours of supervision the young person will be required to attend. Reparation should be based on the wishes of the victim, and YOTs should ensure that YOTs identify a victim in each case. If a victim cannot be identified, or the victim has expressly refused involvement with the referral order, the RO Guidance (2015) provides a guide to the number of hours of reparation that panel members may consider assigning to the young person (Ministry of Justice, 2015: 38). According to this guide, the number of hours of reparation increases as the length of the referral order compliance period increases. In other words, the longer the referral order sentence, the more hours of reparation work the young person can expect. Determining the number of hours of reparation work is based on the Scaled Approach model: the more serious the offence, the higher the risk of reoffending (offence gravity scores—Asset), the longer the RO sentence. In essence, then, the reparation work is indirectly influenced by the length of the RO sentence, the seriousness of the offence and the risk of reoffending, which is contrary to restorative principles. Implementing the Scaled Approach in referral orders can be considered unfair as young people with multiple needs may score higher on Asset, thus, increasing the level of intervention proportionately to Asset scores.

Youth Offending Team members are expected to work with the Scaled Approach framework, which determines the intensity of intervention with young people. However,

community panel members are members of the community and, as such, are distinct from YOT practitioners. While YOT practitioners assess the young person's risk of reoffending, volunteer panel members work with young people in order to support them to repair the harm to the victim and community. YOT practitioners are statutorily mandated to follow the prescriptive framework of the Scaled Approach, but in theory, they are not to influence volunteer panel members when deciding on the terms of the referral order contract whose purpose is to enable the young person to partake in restorative justice activities. Therefore, there is a conflict between the aims of the YOP meeting (achieving RJ principles) and the aim of YOT practitioners' approach to working with young people.

Another aspect of the Scaled Approach and RJ to consider is power relationships. While restorative justice approaches are meant to empower the stakeholders (victim, young person, community), the Scaled Approach is expected to achieve a proportionality between the young person's risk of reoffending and the level of intervention needed. These are contrasting approaches within the referral order framework and might offset any balance of the power relationship achieved by RJ activities. It is then questionable whether a referral order would be able to balance these contrasting aims and still achieve the common goal, which is for the young person to stop offending behaviour. As well, the Scaled Approach is delivered by YOT staff following provisions of the Youth Justice System, while restorative activities are agreed upon with community panel members. In practice, it is the responsibility of YOTs to arrange for the young person to attend reparative activities within the community and to ensure that the relevant interventions are delivered addressing the young person's offending behaviour following the Scaled Approach model. This model of service delivery can shift the power balance that RJ aims to achieve as restorative activities are delivered and supervised by YOT practitioners. YOT practitioners have discretionary power not only in administering the Scaled Approach model but also in the delivery of restorative activities for the young person.

As for young people with communication difficulties, the new Asset Plus has introduced the SLC and Neuro-disability screening tool, which is a screening tool to enable youth justice practitioners to identify indicators of SLCNs in young people. It can be questioned whether indicators of SLCNs identified in a young person would increase the level of risk of reoffending attributed to young people with communication difficulties according to the Scaled Approach model. Indeed, critics of Scaled Approach and risk-based assessment of young people within the Criminal Justice System argue that the Scaled Approach interventionism in fact achieves the opposite of what it is meant to achieve; namely, that the Scaled Approach

model has increased reoffending rates (Haines and Case, 2012). In fact, it is argued that young people who receive higher levels of intervention on the basis of actuarial assessment than otherwise would be warranted by the seriousness of their offending behaviour will inherently be treated unfairly (Bateman, 2011: 179). Based on the Scaled Approach model, how would SLCNs of the young person be considered? Will the SLCNs of a young person represent a risk of reoffending (disproportionate interventionism, see Case and Haines, 2015) or will SLCNs be seen as a genuine need that needs the support of the multi-disciplinary YOT (treating young people as 'children first, offenders second', Case and Haines, 2015; Haines and Case, 2015)?

2.6 Summary

The second chapter looked at a brief overview of restorative justice concepts: definition of RJ recent history and contemporary implementation in youth justice settings as it relates to referral orders and an introduction to the principles of responsibility, reparation, reintegration. The next section introduced referral orders, including the context of its introduction, its aims and goals, and an introduction of how ROs embrace RJ principles. Youth Offending Teams were introduced and their responsibilities in relation to the administration of ROs. The description of YOT responsibilities then leads to the discussion about Asset and Asset Plus assessment in the context of ROs. The significant aspects of Youth Offender Panel Meetings were discussed next, with a more detailed discussion on the three RJ principles of ROs: responsibility, reparation and reintegrative shaming. It was not possible to discuss referral orders in practice without touching on the Scaled Approach and its effects on the implementation of ROs, particularly restorative justice. Finally, the discussion turned to discussing the literature on SLCNs of young people and how young people are engaged in referral orders. It was important to examine how referral orders work in practice in order to answer the research question and to explore what barriers young people with SLCNs face in referral orders. It is then important to explore how young people's SLCNs affect the referral order process and to examine whether RJ principles of referral orders can be realised for young people with communication difficulties.

Thus, this research project will examine the referral order process in detail in order to understand how communication needs of young people affect the referral order process. The research question this project seeks to answer is: *How do the Speech, Language and Communication Needs of young people affect the referral order process from the perspectives of practitioners and volunteers in England and Wales?* Standardised assessment of the

communication needs of young people at their first contact with the Criminal Justice System would be one way of ensuring that young people's communication needs are recognised, and this study will explore what SLCNs assessments are used by seconded SLTs in YOTs. It will also ask YOT practitioners to comment on their experiences of collaborating with SLTs and how the presence of SLTs in YOTs have changed YOT staff awareness of young people's SLCNs.

3 Research Methods Exploring the Impact of Communication Difficulties of Young People on Referral Orders

This chapter sets out the research design for this mixed-methods project. First, the discussion will start with the chosen epistemology for this research project, along with how this approach informed the research questions. A mixed-methods approach was chosen in order to explore the impact of young people's communication difficulties on referral orders. This chapter will outline how YOTs with seconded SLTs were identified and how participants were approached. After a discussion of the ethical considerations of this project, interviews with practitioners and community volunteers will be detailed, including analysis of interview data. Next, non-participant observations will be outlined, including how access to Youth Offender Panel Meetings was obtained. Finally, plans to obtain quantitative case-level data on young people sentenced to referral orders will be set out, followed by a discussion of limitations of the research process.

The epistemological approach for this research project was interpretivism. Interpretivist epistemology means that knowledge is subjective. There are multiple, diverse interpretations of reality. There is no one ultimate way of establishing knowledge. Interpretivism focuses on understanding and uses inductive reasoning. Meaning is constructed in the researcher-participant interaction in the natural environment. Through ethnographic approaches, the researcher gathers diverse interpretations of the phenomena under examination (Bunnis and Kelly, 2008: 361). In this research the interpretivist approach was used as communication and restorative justice are understood from diverse perspectives. As such, the relationship between RJ interventions and the significance of communication in restorative interventions is examined from the perspectives of YOS practitioners and Volunteer Community Panel members. In order to reflect the diverse way of understanding knowledge of the relationship between RJ and communication the research project will make use of mixed-methods approaches, incorporating ethnographic and interviewing techniques.

From the literature reviewed it became clear that there is no one way of understanding what communication difficulties are – there are several interpretations/understandings of communication difficulties as described in Chapter 1.6. As well, communication difficulties can be complex and multiple needs that affect young people's interactions with others. Restorative justice ideologies and practices are no different – there are several interpretations and practices of RJ across many different disciplines. Communication has been a part of restorative justice meetings, as the entire RJ paradigm relies on communication. Without open

communication between the stakeholders of RJ meetings, reparation would not take place. Therefore, after review the literature, it became clear that without communication, there is no restorative justice. The central focus of referral orders is RJ and interventions included in referral orders are verbally mediated, which presumes communication takes place between practitioners and young people. Indeed, restorative justice interventions presume the presence of clear and effective communication between stakeholders and do not take into account the power imbalance which can be amplified when one participant has communication difficulties. The question then became: What happens when young people participating in RJ interventions have communication difficulties? Since communication is central to RJ approaches, referral orders were chosen to be further examined, with the hopes to gain better understanding of how communication difficulties of young people will affect RJ principles. The question: how does young people's SLCNs can affect RJ practices was examined from the perspective of referral orders. It was important to examine the entire referral order process in order to ensure that the results of this research project would provide a greater understanding of the role of communication in restorative justice processes in general. As RJ approaches are implemented in the youth justice system as a way of engaging young people to become involved in interventions provided to them, the role of communication between young people and youth justice practitioners becomes more significant. This research will establish the relationship between communication and restorative justice through interpreting practitioners' point of view about the role of communication in referral orders. Thus, the research questions this project aims to answer are as follows:

How do Speech, Language and Communication Needs of young people affect the process of referral orders in England and Wales from the perspectives of Speech and Language Therapists, YOT practitioners and Volunteer Community Panel Members?

How are SLCNs of young people currently assessed by YOTs? What screening tools are used to identify SLCNs of young people in the YJS?

How are results of SLCN screening communicated to YOPs? How do the communication needs of young people affect the reparation process in Youth Offender Panel Meetings?

What are the possible outcomes for young people with SLCNs receiving referral orders? How do outcomes of referral orders differ for young people with SLCNs compared to

those who do not have SLCNs; e.g. are young people with SLCNs more likely to breach referral orders?

In order to answer these questions, a mixed-methods approach was chosen. Semi-structured interviews were conducted with youth justice practitioners (in selected YOTs, discussed below) and volunteers who were familiar with and had direct and relevant experience working with young people on referral orders. The open-ended interview questions aimed at exploring the views and experiences of practitioners and volunteers to answer the research questions. Questions related to seconded SLT service provision in YOTs, SLT services provided for young people on referral orders and SLTs working as part of the core team in YOTs were included in interviews.

Non-participant observations of Youth Offender Panel Meetings were carried out in order to directly observe interactions between young people and youth justice practitioners to answer the second sub-question: *How do the communication needs of young people affect Youth Offender Panel Meetings?* This was particularly important as it is at the panel meetings where young people are encouraged to freely express themselves in an informal setting. It is also at the initial panel meeting where panel members decide the appropriate reparation that will be included in the contract. Initial panel meetings are a crucial stage of the referral order process as the victim may attend the panel meeting where the young person should be able to effectively communicate with the victim.

To answer the third sub-question quantitative data were collected from one YOT in Wales in relation to the outcome of referral orders. Quantitative case-level data were obtained to explore the relationship between referral order outcomes and the SLCNs of young people for the years 2011-2015.

The approach in this project was to explore current practices in youth justice services in relation to referral orders for young people who have Speech, Language and Communication Needs (SLCNs). Referral order practices were explored from perspectives of youth offending services practitioners, Speech and Language Therapists and volunteers. More specifically, research methods in this project were:

- o Semi-structured interviews with youth justice practitioners and volunteers
    - 11 Speech and Language Therapists (SLTs),
    - 9 Youth Offending Team Case Managers (YOT Case Managers),

- 6 Referral Order Coordinators (RO Coordinators),
- 1 Youth Offending Team Manager (YOT Managers)
- 1 Early Prevention Team Officer
- 5 Volunteer Community Panel Members
  - o 10 Non-participant observations of Youth Offender Panel Meetings (YOP meetings)
  - o Quantitative analysis of referral order outcome data from one YOT (in Wales)

Both non-participant observations and semi-structured interviews were the most suitable tools that would elicit the form of data framed by the overall research question: *How do SLCNs of young people affect referral order processes in England and Wales from the perspectives of practitioners and volunteers?* In order to keep an open mind and interpret interview data from respondents, it was important to ask open-ended questions and to let participants freely express their opinions and perspectives, without the effect of researcher bias. Both interviews and observations enable the researcher to record small nuanced information which may later inform an important theme. Thus, a rich and diverse data set had emerged which allowed the researcher to interpret meanings embedded in both interview and observational data.

This research project used a mixed-methods design, involving the use of multiple methods to examine the same research question, which can increase the validity of research findings by simultaneously collecting data on the same phenomenon using multiple independent methods of data collection and analysis (Jick, 1979: 602; Allen, et al. 2015: 336). More specifically, using the concurrent triangulation design meant that separate qualitative (interviews, questionnaires and observations) and quantitative (case-level data) methods could be used to confirm findings within one study, thus, offsetting the weaknesses and strengths in one method (Creswell, et al. 2003: 183; Jick, 1979: 604). Priority was given to the qualitative methods in this design as this research aimed to explore a specific research question with no hypothesis in mind (Creswell, et al. 2003: 183). In this research, the findings from all methods were integrated at the interpretation phase of the research in order to answer the research question (Creswell, et al. 2003: 183). As Jick (1979: 603) put it, qualitative methods illuminate elements of the context of the research that allow the researcher to examine the same phenomenon from multiple perspectives by allowing new dimensions to emerge.

In this research project, to answer the *how Speech, Language and Communication Needs of young people affect the referral order process* of the research question, the 'what is practitioners' and volunteers' understanding of Speech, Language and Communication Needs of young people?' needed to be addressed. First, the question of *what Speech, Language and Communication Needs are* needed to be answered by the practitioners that directly work with young people on referral orders who may have communication difficulties. To answer the *what* question, literature was reviewed describing how seconded SLTs' support was implemented in other parts of the Youth Justice System, which then gave indications of how SLT service provision within youth justice services has worked. By approaching YOTs with seconded SLTs, a number of questions could be answered in relation to SLT service provision in YOTs: how do SLTs work with YOT practitioners as part of multi-disciplinary teams? How do SLTs work with young people in referral orders? These steps provided context for the phenomenon under investigation. At the same time as interviews with practitioners were conducted, non-participant observations were undertaken, which were complementary for practitioner interviews and questionnaires. The observations served as an understanding of the referral order process and allowed the researcher to infer how communications between stakeholders take place during panel meetings.

The qualitative practitioner interviews and observations were prioritised in order to describe how seconded SLT services in YOTs were delivered. Quantitative case-level data were collected to examine the relationship between communication difficulties and breaching ROs and reoffending. These methods were chosen to minimise the weaknesses and maximise the strengths of individual methods: combined, these qualitative and quantitative methods integrated findings during the interpretation phase, highlighting convergence of findings. The qualitative interviews were merged with non-participant observations and both qualitative methods were complimented by quantitative data analysis (Creswell, et al. 2003). In other words, the use of mixed-methods strengthened the knowledge claims of the study (Creswell, et al. 2003: 183).

To begin the research, a literature review was conducted, which informed the researcher of Speech and Language Therapy provision already existing in youth justice services. Thus, the Youth Justice Board was contacted to inquire about SLT service provision specifically in YOTs. The researcher was informed of an SLT service provision pilot project in YOTs in England and Wales. According to the Youth Justice Board, a pilot project establishing Speech and Language Therapy (SLT) services in Youth Offending Teams (YOTs) in England and

Wales was introduced between 2012-2015. This pilot project included 22 YOTs in England and Wales in total. While an attempt was made to find out how participating YOTs were chosen, this information was not made available during the research project. For this research, YOTs with seconded SLTs roles were chosen to be examined specifically because SLTs working in YOTs had the specialist knowledge and expertise on SLT service provision for young people on referral orders. To establish which YOTs to approach for interviews, the YJB in London was contacted in order to ascertain which YOTs had seconded SLTs on staff. The contact at the central YJB was asked to provide a list of YOTs that have dedicated Speech and Language Therapists seconded to their teams. Once this list was provided, each YOT was contacted by email to their team managers via publicly available contact information and an inquiry was sent asking the managers to provide the contact information for SLTs in their teams (72% response rate). Then SLTs were approached and an invitation to participate in the study was sent to SLTs in 22 YOTs (see below). Those SLTs who expressed interest to participate were then provided with a detailed information sheet and consent form prior to interviews. In further correspondence, the researcher arranged a mutually agreed time for a telephone interview.

3.1 Ethical Considerations

In order to ensure all ethical safeguards were considered, ethical approval of the project from the College Ethics Committee was sought. Ethics approval for this project was received from the College Ethics Committee of the College of Business, Law, Education and Social Sciences of Bangor University in December 2014. The Bangor University Research Ethics Policy was consulted and followed during this project. Ethical considerations in this project were ensuring anonymity and confidentiality of participants. Adult practitioners were considered to be professional adults, and as such, there were no concerns regarding informed consent to participate in this research (as interviewees or participants of observations). For non-participant observations, the only ethical consideration different from interviews is that observation of panel meetings included children under the age of 18. As will be further discussed in Chapter 3.5, young people who were over 16 were assumed to have the capacity to give informed consent to participate in this research. In all cases, anonymity of participants was ensured by referring to practitioners' professional roles only when presenting findings. None of the YOTs approached was identified by name or location. Participating YOTs were

allocated random numbers and will be identified only by these numbers. To ensure participant confidentiality, the *Data Protection Act* 1998 was followed: each signed consent form and handwritten notes are kept in a locked cabinet, and digital notes and interview transcripts are kept in a password-protected university network computer with access granted only to the researcher.

One hour each was estimated for interviews with participants in person, depending on their availability. For interviews over the telephone, only 30 minutes each was estimated. Each participant was asked to sign a consent form prior to participating in this research. Each participant was sent an information sheet and consent forms via email in a PDF format. Those potential participants who asked questions, asked specific questions, and the researcher ensured to take the time to answer them as fully as possible, without biasing potential participants. One participant in particular had asked for the ethical approval of the project and this participant received an email with the PDF copy of the Ethics Approval Letter from the College (Ritchie, 2003: 67). Participants were professional practitioners, which meant that providing participants with written information sheets, consent forms and the opportunity for respondents to ask questions was deemed enough for participants to give informed consent to participate in this research. For young people and carers, the researcher explained information about the research, how data were collected and allowed participants to ask questions as well. For young people under 16 years old, a carer present was asked to sign a consent form as well (Ritchie, 2003: 67). All participants were ensured of anonymity and that no identifying characteristics would be recorded during interviews or observations.

Each participant was ensured anonymity with the researcher explaining at the beginning of each interview and panel meeting observation that names and identifying features of participants will not be reported and respondents will only be referred to by their practitioner role (e.g. YOT Case Manager) and their status in the panel meeting (e.g. Volunteer Community Panel Member). It was also explained to participants that YOTs they are affiliated with will not be named, nor will geographic location of the YOT be reported. Confidentiality was explained to each participant as well. Participants were told prior to giving consent that any information given will be kept in confidence, but will be subject to verbatim quotes in the thesis dissertation and subsequent publications.

Informed consent to participate in the research was given verbally, in writing (i.e. signing the consent form) or via answering the online questionnaire. Information sheets and

consent forms were emailed to potential interview participants. Interview participants were recruited through email and telephone. Some participants arranged a specific date and time over email when a phone interview would be most suitable to them, and once agreed, the researcher assumed consent for the interview had been given. Nevertheless, at the beginning of the interview each participant was debriefed about the purpose of the study, reassured about confidentiality and any potential questions of participants were answered before commencing interview questions. Another recruitment method was 'cold calling' potential participants where participants were telephoned without prior contact with the researcher. Participants were recruited from YOTs with seconded SLTs where no response was received to recruitment emails and no participants had been interviewed as a result of the first recruitment process. When 'cold calling' these YOTs, the researcher had called the publicly available phone number of the YOTs and had asked to speak to the SLT on staff, or the RO Coordinator or YOT Case Managers available at the time of the call. When the call was transferred to any of these practitioners, participants were given information about the study, were offered written information sheets, which participants did not request. Participants were asked verbally if they were willing to be interviewed over the phone or if they wished to correspond via email or telephone on a later date. Those that agreed to be interviewed on the spot were interviewed on the spot and consent to participate was given verbally over the telephone. There was no script followed for the 'cold calling'. None of the participants requested a written information sheet of the study, and none of the participants opted for interviews via email or at a later date. Therefore, participants interviewed as a result of cold calling were not emailed information sheets and consent forms, but were given the option to receive more information via email if required. None of the participants requested further written material about the study.[8]

3.2 The Interviews

The initial recruitment email to YOT Managers briefly introduced the project and simply asked YOT Managers to provide the contact information of the SLT and the Referral Order Coordinator on staff. Out of 22 YOTs on the YJB's list, contact information for SLTs in 16 YOTs were obtained. Early correspondence with SLT staff included a more in-depth introduction to the project in the hopes of raising interest in the project with practitioners of the

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[8] The YOTs with seconded SLTs contacted via cold calling were: YOT 1, 2, 3, 4, 5, 8, 13, 14, 16, 20. Out of these 10 YOTs contacted via 'cold calling', there were three responses received (i.e. at least one practitioner was interviewed) from only YOTs 2, 5 and 20.

YOTs. It was hoped that practitioners who already responded to interview requests would subsequently refer the researcher to other potential participants within the service.

Because this research project is looking at exploring the views and experiences of service providers in Youth Offending Teams, random sampling was not feasible. Purposive sampling of interview participants was used in order to access a number of practitioners with specialised knowledge and direct experience working with young people with SLCNs and also have knowledge about referral orders and restorative justice (Bryman, 2008: 458; Ritchie, et al. 2003: 96). The sample of Youth Offending Team practitioners was chosen to elicit their experiences working with young people with SLCNs and their views on SLT provision in YOTs (Jupp, et al. 2000). Using a qualitative approach in the interviews with practitioners, it was important to select participants that would have first-hand experience and knowledge of the current practice of Speech and Language Therapy in youth offending services.

In terms of the interview schedule, the information obtained as a result of the background fieldwork was essential to clarify some of the interview questions on the schedule (Appendix 6). A draft interview schedule was created for the background fieldwork stage of the research. These questions were addressed during the informal interviews and included a detailed description of the role of the practitioner, whether they had experience directly working with young people, how SLT service was procured in their YOT. After the preliminary discussions with participants, a clearer picture of SLT service provision had emerged which, in turn, helped in shaping the interview questions and with finalising the interview schedule. As a result of the preliminary background information sessions with participants, the interview schedule was finalised with minimum adjustments of the questions and the interview schedule. These informal discussions were also included in the data set analysed. The questionnaire used by Roberts (2014) was consulted during the finalising stage of the interview schedule (Roberts, 2014: 35). The interview schedule for the present project was designed, then compared to the ones found in the questionnaire in Roberts' 2014 study for ensuring wording and content were clear and unambiguous. Roberts' 2014 study, Bryan and Gregory's 2013 study and Gregory and Bryan's 2009 study were used to explore SLT service provision in youth justice settings. Questions relating to the YOP meetings were designed to provide context to the observational data from the YOP meetings. One reason for this decision was that interview participants were already asked a question in the interview: *How do you think that the SLCNs of young people affect the referral order process?* and the interviews already covered practitioners' and volunteers' experiences and views on the impact of SLCNs on referral order processes.

Observations were conducted so that the researcher focused on the interactions between YOP meeting attendees and how the referral order process worked in practice. It was important to distinguish between referral order processes and outcomes, as these were examined separately in the research. For the purposes of this research, the referral order processes and outcomes were examined as two distinct phenomena.

During the preliminary fieldwork stage, it was established that although YOTs are multi-disciplinary teams of professionals, each professional will have a different knowledge base and expertise. This meant that questions had to be focused on the particular expertise and experience of the participant as not every professional may be familiar with all YOT processes. There were no assumptions made and SLTs were asked if they were familiar with the referral order process at the beginning of each interview in order to ascertain their knowledge of the procedures of Youth Offender Panel Meetings. Additionally, questions were designed to elicit answers relevant to everyday practice. It was important to include questions that elicited answers related to practice and procedure, including opinions and views of participants in relation to their specific experiences.

It quickly became clear that telephone interviews may not be suitable for all professionals, and some participants may feel more comfortable to have a discussion in person or via email. Thus, it was important to leave the choice up to the participant and to be flexible in the data collection method. Whilst some participants contacted in the preliminary inquiry stage of the project provided all of their contact information (email, phone number and business address), many had limited availability. Thus, most participants (n=23) opted for email correspondence and for these participants, the researcher included the interview question in a questionnaire format.

Semi-structured interviews contained open-ended questions to allow participants to include as much detail as possible (David and Sutton, 2011: 121). The questions were designed to be open to elicit answers that reflect the participant's practice as accurately as possible. General questions also enabled the participants to take some of the control of the interview as most participants needed very little direction and gave complete and detailed answers without much prompting. Studies by Gregory and Bryan (2009) were also consulted in which the researchers evaluated SLT service provision within ISSPs at the Leeds YOT. This included looking at the exit questionnaire for SLTs at the end of the study (*Evaluation Questionnaire given to staff*) and comparing the questions that the researchers used with the ones included in

the interview schedule of the present study (Gregory and Bryan, 2009: 80-82).[9] Additionally, the follow-up study from the Leeds evaluation study (2009) was pursued to conduct interviews with staff of ISSPs, such as managers, Youth Justice Officers, and Youth Justice Workers (Bryan and Gregory, 2013: 362). In this study, the researchers administered a questionnaire and only interviewed those staff members that were willing to provide more insight over telephone interviews (Bryan and Gregory, 2013: 361). Although the interview schedule was not published in the study by Bryan and Gregory (2013) and was not available for review, the researcher used the outline of the questions used in Bryan and Gregory's study (2013) to capture the staff's perceptions of SLT service provision within ISSPs. In the present project, the aim was to follow a similar outline to understand the views of core staff and seconded staff within YOTs about how SLT service provision may affect the service delivery of referral orders. Bryan and Gregory (2013) outlined the role of SLTs and commented on the work of SLTs with YOT practitioners, which prompted questions in the interview schedule of the present study (Appendix 6) to further explore areas, such as: YOT practitioners' awareness of SLCNs, training provided by SLTs, assessment of young people by SLTs (including use of Asset Plus), engagement of young people in YOT interventions. Exact questions from Bryan and Gregory's study (2013) were not used in the present research, because the questions in Bryan and Gregory's 2013 study were not specific to practitioners in Youth Offending Teams.

It is important to note that interviewing YOT practitioners proved to be challenging at times. Although they were all very helpful and experienced professionals, finding the time to participate in academic research was not their utmost priority. Still, those who were contacted were very helpful and interested in the research, showing their passion for supporting young people. Those SLTs that were contacted had an interest in participating in this research and showed willingness to answer questions and participate in the project. In fact, some SLTs when first contacted mentioned in their emails they would be happy to act as a first point of contact at the individual YOTs. Consequently, SLTs were asked to provide contact information for the Referral Order Coordinator, thus, snowballing from one initial contact at each YOT. There were seven YOTs in total where SLTs provided referral to YOT practitioners, leading to 22 interviews with YOT practitioners and volunteers.

Interviews were completed with:

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[9] Question one asking participants to describe their roles in the YOT in the interview schedule was inspired by the first question used by Gregory and Bryan, 2009: 80.

Table 1:

Total practitioner and volunteer interviews

11 SLTs	11 YOT Case Managers
5 Volunteer Community Panel Members	6 RO Coordinators

Table 2:

Phone Interviews	Online Questionnaire	Face-to-face
2 SLTs	7 SLTs	2 SLTs
3 YOT Case Managers	2 YOT Case Managers	6 YOT Case Managers
1 RO Coordinator	3 RO Coordinators	2 RO Coordinators
1 VCPM	2 VCPMs	2 VCPMs

Thematic analysis was undertaken for interview data. The raw interview data were read, and emerging themes were coded accordingly and categorised as to whether they were main themes or sub-themes. The interview data were re-read and codes double checked, which allowed the organisation of themes and sub-themes. This process then enabled the organisation of a thematic matrix using key words/phrases and conceptual themes (Ritchie and Spencer, 2002). Thematic framework analysis was identified as the best way in which the rich variety of data can be analysed—interviews were conducted with YOT practitioners who fulfil different roles, volunteers, seconded Speech and Language Therapists—from respondents who have several different perspectives of service delivery. In addition to these, there was a small amount of data collected in the form of official forms and letters used by one Welsh YOT in order to illustrate the practice and complement interview and observational data.

Young people were not interviewed for this research project and this decision was rationalized as follows. Children with communication difficulties already struggle with understanding the processes in YOTs and what is happening to them. The neutral (non-YOT affiliated) presence of a researcher in the YOT was difficult to explain to young people who are meeting with several professionals from YOS. It was crucial to identify the researcher as non-YOT affiliated individual to young people whose YOP meetings were observed. Although it was explained to young people that researcher presence had no influence on their work with the YOT, it is

possible that young people could not understand the role of the researcher. Indeed, young people were already included in the research design via YOP meeting observations. Being able to observe first-hand the interactions between panel members and young people provided an opportunity to observe natural behaviour of young people with adults in authority.

Further, access to young people who have offended has been known to be a difficult process for those researchers who have done interviews with young people (see e.g. Hopkins, et al. 2016 and Newbury, 2008a, 2011). Time limitation for the fieldwork stage of the research process was set for one year, and given the logistical challenges (e.g. waiting for parental consent, recruiting young people for interviews) researchers mentioned above faced, the decision was made that there were not enough resources and time to complete interviews with young people. As well, the focus of this research was to examine the process of communication between young people and practitioners. It was important to examine the entire process of referral orders and service provision with relation to SLCNs – to understand YOS practitioners' understanding and knowledge of SLCNs influence the services provided to young people who have SLCNs.

It was also important to consider the age of young people. As noted by (Newbury, 2008a), young people's level of maturity varies greatly between the ages 10-17. Regardless of the presence of communication or other needs and difficulties, very young children in the youth justice system may be further disadvantaged due to their age and their level of maturity as a result. While parents' or carers' consent to participate on behalf of their children were sought prior to YOP meeting observations, concerns about the understanding of the goals of the research project by some young people remain. The question whether to interview young people as part of this research project was carefully though about. In terms of the logistics (time, place, access to young people) of completing interviews with young people was also considered. Upon review of the literature, dilemmas such as whether the carers/parents should be present or whether YOT practitioners would be present during interviews with young people arose. Without going into the details of discussing the pros and cons of interviewing young people with adults present, the decision was made that interviewing young people would pose logistical hurdles which the researcher had no resources to overcome.

In an effort to avoid labelling young people as "offenders", it was an important consideration for not interviewing them for this project. While considering the voices and opinions of young people is increasingly recognised as an important factor in youth justice service delivery, the

researcher deemed the extra pressure of being interviewed by a researcher as burdensome for young people. It was recognised throughout this research, that young people with SLCNs and other needs may have been asked by many practitioners in and outside of youth justice services to tell their stories. It was deemed unnecessary for the researcher to add to the burden of young people having to speak about the youth justice services they have to work with.

3.3 Analysis of Interview Data

As described above, interviews were conducted over the telephone or via email and most of the respondents provided their responses in writing (n=10). Only three telephone interviews were audio-recorded and subsequently transcribed verbatim. The rest of the telephone interviews were recorded via simultaneous handwritten notes, which were then typewritten. These non-audio-recorded interviews were not directly quoted as verbatim responses were seldom written down during these interviews. Rather, the information provided by the respondent was included in the main text without quotation marks from notes taken at the time of the interview. Thus, the majority of direct verbatim quotations included in the findings and discussion sections of the thesis will come from those interviews that were either audio-recorded or respondents provided written responses via email.

In the first instance, interview transcripts and written responses were read and initial themes, patterns were identified in the data using inductive thematic analysis (Ritchie and Lewis, 2003). An initial structure of descriptive themes was developed by initial coding of data. These themes were organised hierarchically to represent significance. To explain, themes were considered to be more significant the more frequently they were mentioned by respondents. A matrix of themes was created in order to provide transparency and reliability of the data analysis. The matrix table was organised with each theme on the rows, across all respondents (columns), representing analysis by emerging themes (Ritchie and Spencer, 2002: 315). Thus, a matrix was created to represent each theme and the corresponding number of participants who spoke about that particular theme in their interview and the number of YOTs where participants mentioning the particular theme worked. For example, the theme 'SLCNs training of YOT practitioners and volunteers' was mentioned by 10 participants in 11 YOTs.[10] The

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[10] Two of the SLTs interviewed said that they were seconded part-time to two YOTs each (SLT-A was seconded to YOTs 5 and 22; SLT-B was seconded to YOTs 2 and 5).

interview data were then re-analysed using the codes created and interviews organised according to each category and theme. Following detailed categorisation of data, the emerging themes were re-organised and finalised and these analytical themes emerging from the data can be found in the Results section. Then more refined themes were developed by further coding of raw interview data. This secondary coding and analysis generated additional concepts and revealed patterns in the data. At the final stage of analysis abstract concepts were developed by identifying key dimensions of the data and making associations between themes and conceptual categories (Ritchie and Lewis, 2003; Smith and Firth, 2011: 59). In other words, connections were drawn between individual themes in order to create a whole picture to answer the research question. To give an example, the themes were re-grouped in order to assign meaning (interpret) the emerging themes, which were organised according to the following categories: themes describing SLTs' role working with young people within the YOT, SLTs' role working with YOT practitioners, SLTs' role working within the multi-disciplinary YOT, SLT service delivery in YOTs, the impact of young people's SLCNs on referral orders. These conceptual categories or analytical themes were then confirmed with verbatim quotes as supporting evidence of specific themes. Thus, framework analysis of interview data enabled the rigorous and transparent data management to be completed systematically (Ritchie and Lewis, 2003: 220).

3.4 Non-participant Observations of Youth Offender Panels

Youth Offender Panel Meetings were observed to see first-hand interactions between practitioners, volunteers and young people. Non-participant observations of Youth Offender Panel Meetings were thought to be the most non-intrusive and effective way of assessing how communication between stakeholders affect the referral order process during panel meetings. The observations were designed to be part of the present study to gain a fuller understanding of Youth Offender Panel Meetings as a significant part of the referral order process (Newbury, 2011: 254). Because the panel meetings in the referral order process are the focal point of the restorative work the young person is expected to undertake and during which the contract that outlined the details of the work is signed, the observation of panel meetings aimed to explore how interactions between the young people and panel members take place. The overall aim of observing YOP meetings was to explore the interactions taking place during panel meetings, such as the type of questions asked by volunteer panel members and young people's responses, and observing the restorative principles of responsibility, reparation and reintegration in

practice. As a result of observations, the procedures and practices of panel meetings, such as details of referral order contracts and structure of meetings became clear.

Documentation was supplied to the Referral Order Coordinator in YOT 7 in the form of copies of the ethics approval letter from the College of Business, Law, Education and Social Sciences at Bangor University obtained upon ethical approval of the research project in December 2014. The Referral Order Coordinator in YOT 7 was responsible to allocate panel meetings to be observed and, as such, the appropriateness of the panel meeting to be observed was decided by the Referral Order Coordinator on a case-by-case basis. Prior to observation the purpose of the research and how the data were recorded and stored were explained to young participants in the presence of their carers or YOT practitioner. Confidentiality and anonymity were explained in detail and young people's right to withdraw consent to participate during observation was emphasised. Each young person and carer received a written information sheet detailing information about the research with time provided for them to read through and ask any questions. After each observation was completed, the researcher ensured that each young person and their carers, each panel member, and YOT staff received a *Youth Offender Panel Observation: Debrief* sheet with contact information for the researcher and supervisor should participants have any concerns regarding the research. Ethical considerations relating to the research design were discussed in Chapter 3.3 above.

Youth Offending Panel observations were unstructured in order to allow naturalistic observation of interactions and dialogues between panel members, YOT practitioners, young people and carers. The goal of observations was to be unobtrusive as much as possible during panel meetings, to be able to stay as far away from the table and participants as possible, while still maintaining full view of all the participants (Bryman and Burgess, 2002). This was particularly important in order to observe participants' body language. Continuous observations of panel meetings were undertaken, and handwritten notes were taken of observations, such as the venue, number and role of participants, what questions were asked, participants' dialogue, length of time participants spoke for, observing participants' body language, and structure of meetings. Observations were left broad on purpose in order to examine interactions in their natural settings while observing and recording events that answer the '*How?*' of the overall research questions. The accuracy of handwritten notes could be

questioned, however, the nature of YOP meetings is such that video or audio recording would have increased participant bias[11] as discussed below (Bryman and Burgess, 2002).

Panel meetings were pre-selected by the Referral Order Coordinator who also acted as the gatekeeper for accessing panel meetings. Based on the RO Coordinator's explanation the only criteria used for the selection of YOP observations were that they were conducted in English and were not attended by other practitioners. This—the RO Coordinator explained—was important because in some cases social workers and other YOT members of multi-disciplinary teams attended panel meetings, in which case there would have been too many adults present at meetings. There were 10 YOP meetings observed, and only one included a victim present. YOT meetings observed were not selected based on SLCNs diagnosis of young people. There was one initial panel meeting observed where the young person was suspected to have SLCNs and this was noted in the referral order report.

Non-participant observations posed slightly different ethical concerns, namely, that young people under the age of 16 are not considered to be able to give informed consent to participate in research (Ritchie and Lewis, 2003: 67). In order to overcome this ethical concern, the researcher ensured that in each panel meeting observation where the young person was under the age of 16, the carer present was also asked (in addition to the young person) to read and sign the information sheet and consent form and to give consent for the young person to participate in the research. While ensuring informed consent was of utmost importance, the potential for participant bias was considered carefully—this refers to the possibility that providing information sheets and consent forms prior to observation of YOP meetings raised the question of participants altering their behaviour due to researcher presence at the meeting (Adair, 1984; Gottfredson, 1996). Therefore, Youth Offender Panel Members were briefed verbally prior to commencing observations, and participants were made aware that they may withdraw from the research and ask the researcher to stop observations at any point. Balancing the need for informed consent from panel member participants of this research and the need to maintain the integrity of naturalistic observations, an 'ethical compromise' was made balancing competing priorities of the research and the interests and principle of not causing harm to the participants (Noaks and Wincup, 2004: 46).

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[11] Defined as bias in the responses of participants created by the presence of the observer researcher during observations (Becker, 1958: 655).

To minimise influencing participants during YOP meeting observations, the researcher highlighted to participants that the research project was separate and independent from the YOT or the courts. It was emphasised to young people that participating in this research will not affect their referral orders or their work with the YOT in any way. This was explained to young people in an informal language and was repeated throughout the verbal explanation of the purpose of the research project. Both young people and carers were informed that they can withdraw their consent to participate in the research at any time, which meant that they could ask the researcher to stop observations and leave the room at any point during the meeting. The researcher explained to young people and carers that withdrawal of consent to participate in the research will have no consequences to them. Carers and young people were provided with researcher contact information should they have any questions or concerns.

For young people, a different approach was taken in order to ensure young participants gave informed consent. Young people and their carers present were provided with a tailored information sheet and consent form to read through. Information sheets and consent forms provided to young people whose panel meetings were observed used simplified language based on recommendations from the RO Coordinator of YOT 7, where all of the panel meeting observations took place. There was no information provided to the researcher whether young people were suspected or known to have communication difficulties prior to observations. In addition to providing the information sheet, the research project was verbally introduced, explaining to the young people and their carers what the observations entailed, why observations of YOP meetings were important and how the data would be handled and processed. This information was explained to the young people and their carers in plain language and young people and their carers were given the opportunity to ask questions and to indicate if they failed to understand anything. At each observation the researcher ensured that each young participant and their carers read the entire information sheet and consent form and that all of their questions were answered before they signed the consent form. Confidentiality, anonymity and the right to withdraw were explained to both the young participants and their carers in plain language (BSC, 2006: 3; Noaks and Wincup, 2004: 48). When explaining the details of the study and how the data were to be recorded and stored to young participants, the researcher took extra care and time to explain details to the young people, with frequent pauses and answering any questions. Key points where emphasised, in particular, that their referral order would remain unaffected should they withdraw their consent to participate.

In order to ensure that participants were not identifiable, absolutely no personal information was documented during the observations. No names or personal details of the young person were documented, and no record was kept of the details of the circumstances of the offence. When access was given in the course of the fieldwork to the referral order reports and Victim Personal Statements or any other record containing sensitive confidential information, no notes were taken of confidential information of young people or their families in order to ensure anonymity of participants (Noaks and Wincup, 2014: 48).

Part of the observation of Youth Offender Panel Meetings was having access to the referral order report usually compiled by the Case Manager who was responsible for the young person working with the YOT. Prior to each meeting, the Referral Order Coordinator produced and provided each panel member with the referral order report. Although the researcher avoided making any notes of details contained within the referral order report, reviewing the contents provided useful background information on the young person. Most importantly, the report contained the Asset assessment results and any recommendations of further referrals, including whether the young person had been referred to the SLT on staff and noted if there were any SLCNs diagnoses. None of the young people whose panel meeting was observed had explicit SLCNs diagnosis at the time of observations.

Youth Offender Panel Meetings are a crucial part of the referral order process. As highlighted in the literature review section of this thesis, YOPs are the forum through which the progress of referral orders is monitored. To recap briefly, YOPs are community oriented and mobilise the local community's resources in order to engage the young person with restorative work in the same community the young person lives in. It is the members of the Youth Offender Panel that supervise the reparation work undertaken by the young person, usually through three panel meetings—the initial panel meeting during which the contract (detailing the work to be completed: reparation to the victim and community and work addressing the young person's offending behaviour) will be signed, a review panel meeting during which the panel members review the progress of the work undertaken by the young person, and a final/exit panel meeting where the panel members evaluate the young person's work and conclude the referral order. Each meeting involves the young person, members of the local community, the local YOT, and, ideally, the victim. As part of the observation, the outcomes of referral orders (breached, successfully completed) were sought from practitioners. In an attempt to create continuity of observations, the researcher attempted to follow those cases through for which the initial panel meetings were observed, providing a more detailed

insight into young people's behaviour. Due to scheduling difficulties, following through with all panel meetings (i.e. initial, review, exit) was not possible, but for one young person both the initial and review panel meetings were observed, which provided an opportunity to compare the young person's communication during initial and review panel meetings.

To analyse non-participant observational data, thematic analysis was used, which resulted in emerging descriptive themes (Braun and Clarke, 2006). There were handwritten notes used to record information during panel meetings and these were promptly typed up for each observation after each panel meeting. There were no audio- or video-recording devices used to record information during panel meeting observations as these were thought to have affected participants' behaviour during panel meetings.

Finally, as part of observations and interviews with practitioners in YOT 7, sample diagnostic reports written by the SLT in YOT 7 were obtained. The Speech and Language Therapist in YOT 7 had completed descriptive speech, language and communication reports of young people she assessed in YOT 7. The reports were written to a professional practitioner audience, such as YOT practitioners, social workers, teachers, etc. These reports were anonymised by the RO Coordinator before obtaining access to them. The diagnostic reports contained detailed information about the specific communication difficulties the young person had, including how these difficulties were demonstrated through the young person's behaviour, how the difficulties affected the young person's performance in school. Reports examined contained detailed strategies for YOT practitioners to adapt in order to effectively communicate with the young person, tailored to the young person's specific difficulties. Examining these reports was considered important in order to understand how SLTs communicate the results of their assessments of young people to other professional practitioners. It was noted that these reports were not made available to Volunteer Community Panel Members and were only available internally to YOT practitioners. One of the limitations of examining these reports is that such SLT reports were only available from YOT 7 and there were no other reports obtained from other YOTs for comparison; thus, the analysis based on the SLT reports cannot be generalised to all YOTs examined.

3.5 The Outcome of Referral Orders

The mixed-methods approach of this project included statistical analysis of quantitative data collected by Youth Offending Teams on referral order outcomes and referrals to Speech and Language Therapists. The third research question of the study asked the following: *How*

do the Speech, Language and Communication Needs of young people affect the outcomes of referral orders?

To answer the third question, the plan was to collect secondary data from YOTs or the YJB. Data needed to test this hypothesis were the following:

➢ Diagnosis of SLCNs of young people on referral orders for the years 2012/2013, 2013/2014, 2014/2015;

➢ Descriptive data of the population of young people (age, gender, ethnicity);

➢ Referral to SLT services within the YOT;

➢ SLT services received prior to engaging with the YOT and their referral order outcome (breached or successfully completed, as well as the length of the order).

When the YJB was first approached, it became clear that the YJB does not collect case-level data on referral orders and their outcomes. Asset did not include a measurement of the SLCNs of young people. Thus, diagnosis of SLCNs of young people was not possible using screening, such as Asset, in individual YOTs. Additionally, during the three years of this project a new version of Asset called Asset Plus was in the process of being implemented as the new national standardised assessment framework across all YOTs in England and Wales. While Asset Plus includes a standardised screening tool to help identify SLCNs of young people, the implementation of Asset Plus was at its early stages in the first year of this project.

The third stage of the referral order process is the outcome of the order with two main possibilities: successfully completed or breached. Outcomes of referral orders were necessary to examine in relation to SLCNs of young people and their accessing the service within the YOT. Anonymised case-level data were accessed from YOT 7 for the years 2012/2013; 2013/2014; and 2014/2015. A table was created with variables for which case-level data were expected. The data were accessed and retrieved by the Referral Order Coordinator, then were entered into the table. Prior to completing the table, the researcher consulted with the Referral Order Coordinator and explained in detail how the coding scheme works for each variable. The researcher never had access to sensitive confidential data of young people. The table, once completed, contained codes for the different variables measured and did not contain the name of the young person. To further protect the anonymity of young people the researcher had no access to files or databases used by YOTs. Rather, the Referral Order Coordinator was asked to assign sequential numbers to each young person whose data were included in the table.

Beside the difficulty of collecting SLCNs diagnosis related data, it is important to mention Asset Plus. While Asset Plus was only reportedly used in some of the 22 YOTs[12] at the time of the fieldwork stage of the study, speaking to SLTs revealed another aspect of the diagnosis of SLCNs. In some cases, SLTs referred to their roles as screening young people for potential SLCNs and work with YOTs. As well, there was a time constraint on quantitative data collection and given that collating such detailed case-level information on young people would be very time consuming, the decision was made to pursue such data collection in one YOT only (Jupp, et al. 2000).

It is important to note that at the time of the fieldwork stage of the project (January to December 2015) YOT 7 had been using Asset as the official assessment tool for young people on referral orders. The researcher made an attempt to compensate for the lack of data on Asset Plus and contacted YOT 19 in England to access data on young people (YOT 19 had been using Asset Plus for screening young people). Similar procedures to access data on young people was used for YOT 21, and the Assistant Team Manager there, who was also the Referral Order Coordinator, was asked if data could be accessed. However, no referral order data was obtained from YOT 19 and YOT 21.

After the data were obtained, there were only 26 young people for whom all data were obtained for all variables. Having only 26 cases to analyse is a very small sample and, as such, there could not be meaningful statistical analyses completed. It was decided that no further attempts to collect case-level data from YOTs would be pursued due to time constraints, which will be discussed in Chapter 7.1.

Findings will be presented in the following structure in the next four chapters. Chapter 4 will present an overview of the results of the fieldwork, such as an overall discussion of how the SLT pilot project was implemented in YOTs. In this chapter the emerging themes from practitioner and volunteer interviews will be presented, alongside a discussion of Youth Offender Panel Meeting observations: how these work in practice. In Chapter 4 there will be a brief discussion of the recognition of SLCNs as a problem in the youth offending population and how SLCNs are assessed (i.e. Asset Plus). Throughout the next four chapters, findings will be presented with verbatim quotes as evidence. Reference to verbatim quotes from participant interviews will only be used from those interviews that were either voice-recorded or where

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[12] Asset Plus roll-out to all YOTs in England and Wales was ongoing during the fieldwork stage of the project. Finalised numbers are available in Chapter 4.5.

written responses were received from participants. Some parts of the dialogue in YOP observations were captured verbatim during observations, and these will be presented as well where appropriate.

3.6 Summary

The aim of the methods chapter was to provide a detailed overview of the different methods used in the project. The mixed-methods approach in this project allowed for collecting a rich data set, which allowed the examination of the entire referral order process. From a methodological perspective, semi-structured interviews with practitioners enabled the researcher to examine the subjective experiences of practitioners working with young people with communication difficulties. However, these interviews were not meant to be generalizable to the entire population of YOT practitioners. In order to better understand how referral order processes work in practice and to ascertain how important communication was between stakeholders, non-participant observations of YOP meetings were completed. Although a small number of observations were completed due to time constraints, the observations enabled a general understanding of how YOP meetings are conducted and what processes take place. Still, observations offer a subjective aspect of YOP meetings as observations were conducted in one YOT. In order to overcome the subjective aspects of interviews and observations, quantitative case-level data on referral orders were collected in order to examine the relationship between SLCNs of young people and referral order outcomes.

4 Speech and Language Therapy in Youth Offending Teams: A Pilot Project 2012-2015

4.1 Introduction

The aim of this research was to explore how the Speech, Language and Communication Needs of young people affect the referral order process. The views and experiences of Speech and Language Therapists and Referral Order Coordinators, YOT Case Managers, Victim Liaison Officers, and Volunteer Community Panel Members were sought. Practitioners' views were elicited in order to examine the referral process in detail and how practitioners work with young people who have communication difficulties. Experiences of Speech and Language Therapists seconded to the YOT were also sought in order to understand how SLTs can help young people on referral orders who have communication needs. Thus, the interviews addressed the following research questions:

How do Speech, Language and Communication Needs of young people affect the process of referral orders in England and Wales from the perspectives of Speech and Language Therapists, YOT practitioners and Volunteer Community Panel Members?

How are SLCNs of young people currently assessed by YOTs? What screening tools are used to identify SLCNs of young people in the YJS?

How are results of SLCNs screening communicated to YOPs? How do the communication needs of young people affect the reparation process in Youth Offender Panel Meetings?

What are the possible outcomes for young people with SLCNs receiving referral orders? How do the outcomes of referral orders differ for young people with SLCNs compared to those who do not have SLCNs; e.g. are young people with SLCNs more likely to breach referral orders?

Results of the fieldwork were as follows. There were 33 interviews conducted in total and 10 Youth Offending Panel Meetings were observed. Interview participants were: 11 SLTs, 4 RO Coordinators, 9 YOT Case Managers, 7 Volunteer Community Panel Members. Out of these interviews, there were three voice-recorded, ten were completed via online questionnaire,

and for twenty interviews handwritten notes were taken. Out of the 10 YOP meeting observations, there were 7 initial panel meetings and 3 review panel meetings observed. As discussed in Chapter 3.4, YOP meeting observations were not recorded but handwritten notes were taken. All of the YOP observations were facilitated by YOT 7.

This section will outline the themes found in the interviews with YOS practitioners and volunteers. Following the outline of themes, these will be further explored in detail in relation to current practices in the youth offending service. Findings of semi-structured interviews will be detailed in relation to SLT service provision in YOTs. Having provided the context to the findings of the present research, the discussion will turn to interpreting these findings. Below the themes are outlined and will be discussed in detail in Chapters 5 and 6. The following themes have emerged from practitioner interviews and will be discussed throughout the rest of the thesis:

- SLTs working with young people on referral orders:
  - SLTs identifying young people with SLCNs in YOTs—screening and assessment practices
  - Engaging young people in YOT services
  - SLT intervention provided to young people in YOTs
- SLTs' role in collaborating with YOT practitioners:
  - Training provided by SLTs to YOT practitioners and volunteers
  - Consultancy role of SLTs—SLTs providing advice to YOT practitioners on engaging young people with SLCNs

The research question related to identifying SLCNs in young people by YOT practitioners will be discussed. The questions of how important communications in RO processes and why identifying SLCNs in young people on referral orders will be presented through practitioner interviews. In this chapter, major themes will be explored in details, namely, how SLCNs are identified and recognised by YOS practitioners. Identification of SLCNs using Asset and Asset Plus will be discussed, and a contrast of the two measurement tools in terms of their ability to help with SLCNs identification will be drawn. While this chapter will give an overview of the referral order process, it will also provide a background to practices within referral order processes from practitioners' experience. Along with the description of referral order processes, the focus will be mainly on the discussion of Youth

Offender Panel meetings and practitioners' views on the importance of communication during panel meetings.

4.2 Assessment of SLCNs within the Youth Justice System

In terms of referral orders, young people are assessed using Asset by the YOT Case Manager they are assigned to and the Case Manager will usually meet twice with young people and their carers, depending on their needs prior to starting the referral order (introduced in Chapter 2.1). The Asset assessment forms an integral part of the referral order report. YOT Case Managers typically meet with the young people, their immediate family and carers the young people live with or receive care from, the young people's school teachers or advisors, social workers or other service providers the young people maybe in contact with. After consulting with relevant individuals in the life of the young person, the YOT Case Managers compile all available information in the referral order report, which then will be used by the Referral Order Coordinator and the YOT Case Manager assigned to the young person's case to make recommendations as to the interventions to the Volunteer Community Panel Members. Although the YOT Case Manager and the Referral Order Coordinator will make recommendations to the VCPMs, it is ultimately up to the community panel members to assign the interventions in the form of reparation work and offending behaviour management programmes to the young person. These form the terms of the referral order contract, and these terms must be agreed with by the young person, their carers (if the young person is under 16), the victim, if present, and VCPMs. The Volunteer Community Panel Members decide what exact interventions to assign based on the information contained in the referral order report, the Victim Personal Statement and speaking with the young person and carers during the initial panel meeting.

In order to highlight the differences between the two parts of the RO contract, the table below demonstrates the components of the referral order contract. This is based on the observation of 10 YOP meetings. There are two components of the referral order contract: the behavioural contract is standardised and applies equally to all young people sentenced to a referral order. The behavioural contract is non-negotiable and all young people must agree to its terms. The second component is the referral order contract, which contains the tailored terms of the contract such as the reparation elements. The elements of the individually tailored referral order contract are negotiated and discussed in detail at initial panel meetings.

Figure 3:

The Components of the Referral Order Contract:

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┌──────────────────────────┐          ┌──────────────────────────┐
│  Behavioural Contract    │          │    Referral Order        │
│  (Standardised)          │          │ Contract (individually   │
│                          │          │      tailored)           │
└──────────────────────────┘          └──────────────────────────┘
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Behavioural Contract (Standardised)

- Must show up at appointments. Warning system: 1st missed appointment - verbal warning, 2nd missed appointment - formal written warning, 3rd missed appointment: breach - referral to court for resentencing due to non-compliance

- must not be under the influence of alcohol or drugs

- must not curse or swear and must be respectful to staff

Referral Order Contract (individually tailored)

- Restorative Justice: Reparation elemement of contract: letter of apology to victim, RJ conference with victim, community work, letter of apology to indirect victims (e.g. parents of YP).

- Addressing offending behaviour: emotional regulation, consequential thinking, alcohol awareness, victim empathy, understanding peer pressure, substance misuse work, mental health related work.

Practitioners interviewed all agreed that identifying young people who have communication difficulties in YOTs is important, thus, a framework to systematically screen young people was necessary. Given the relationship between communication difficulties and mental health problems, identifying communication difficulties in young people who are already in the Criminal Justice System should be addressed (Recommendation 28, Bercow, 2008). It was highlighted in Chapter 1.4 that YOTs have various practices of service delivery and seconded SLTs to YOTs had various approaches to screening young people for communication difficulties. SLTs indicated in their interviews that they use various screening

tools to assess young people's SLCNs depending on the individual needs of young people. For example, the SLT in YOT 17 explained that because she screens all young people as they come out of court, using the Asset Plus SLC and Neuro-disability screening tool is redundant as the SLT would have already screened young people before the YOT Case Manager would have completed Asset Plus:

> "I use it [Asset Plus SLC and Neuro-Disability screening tool] more for research purposes at the moment, but we have all had to fill it in and then it makes sense for me to see the young person. At this YOT it is like a step backwards if you see what I mean, because ideally the workers would do that [screening young people using Asset Plus] and then refer to me if there were problems if I didn't screen everybody. But I do screen everybody, it is a bit redundant here" (SLT, YOT 17).

SLTs mentioned that in many cases they designed screening tools/questionnaires while working at the YOTs in order to help Case Managers to screen young people themselves (SLT, YOTs 7, 19, 18). All SLTs interviewed also said that they delivered training to Case Managers and other YOT staff on how to use these screening tools while also raising awareness of SLCNs. Also, some SLTs reported using a screening form developed by them. These SLTs stated that they thought that most available standardised SLCNs screening forms were not suitable for young people they came across in the YOTs; rather, they had developed their own screening forms that were arguably adapted to better capture the SLCNs of this particular population of young people.Young people referred to YOTs are assessed using the Asset assessment tool in relation to their welfare and criminogenic needs. The primary goal of Asset is to assess the risk of reoffending based on actuarial assessment of pre-determined risk factors (Case and Haines, 2014: 4). Assessing the risk of reoffending is an exercise of predicting future behaviour through making assumptions of future behaviour of young people based on identified risk factors, criminogenic needs, etc. (Baker, 2012). All young people referred to the YOT are assessed by their assigned Case Managers using Asset prior to their initial panel meetings. Ideally, assessment of young people should take place prior to their court hearing, however, assessment is sometimes delayed (Case Manager, YOT 7). The referral order report contains information from the observations of YOT Case Managers, through interviews with the young person, carers, teachers, and third-party agencies (e.g. social worker). The report also includes pertinent information from the Asset assessment.

Throughout this thesis, there is discussion of Asset and Asset Plus and it is important to draw an important distinction between the two assessment tools. As mentioned in Chapter 2.3, and again in 3.2, Asset was used as the standardised assessment tool. Starting in 2014, Asset Plus was developed, then in 2015, during the fieldwork stage of the research project Asset Plus was being rolled out as Early Practice Changes within a number of YOTs. In YOT 7, where all of the YOP observations tool place, Asset was being used, while YOT practitioners were receiving training related to the use of Asset Plus. During this transition period from Asset to Asset Plus, eight YOTs were still using Asset and six YOTs has Asset Plus fully rolled out.

In 2014, the Youth Justice Board replaced Asset with Asset Plus to include previously excluded items, such as SLCNs, sexual exploitation, lifestyle and behavioural development, and antisocial behaviour (Baker, 2014). Asset Plus is a new assessment and planning framework developed by the Youth Justice Board. At the time of fieldwork, Asset Plus roll-out was under way and only eight (YOTs 2, 20, 9, 12, 10, 18, 19, 17) out of sixteen YOTs with seconded SLTs engaged in the research had started using Asset Plus in 2015 (Status of Asset Plus roll-out was not known at two YOTs contacted: YOTs 3 and 6.). Asset Plus incorporates elements of the Royal College Speech and Language Therapists screening tool with additional neuro-disability questions (The Communication Trust, 2014: 10). More than half of YOTs approached for participation in this had Asset Plus rolled out in their practice at the time of data collection (January to December 2015). Asset Plus contains a SLCNs screening form (Baker, 2014: 10). Although many YOTs have already had Asset Plus rolled out in 2015, more SLTs seconded to YOTs had a secondary or other form of assessing young people's SLCNs.

Asset Plus offers a dynamic and contextualised assessment framework and, as such, enables a positive, more future-oriented, more meaningful and engagement-oriented, and evidence-based intervention (Haines and Case, 2015: 150). The new assessment framework enables the ongoing assessment and re-evaluation of young people's progress and needs as they progress through their orders, or sentences. The Asset Plus assessment framework is driven by practitioner completion of a 'Core Record' for all young people, consisting of three stages: Information Gathering and Description, Explanations and Conclusions, and Pathways and Planning (Haines and Case, 2015: 150). The core difference between Asset and Asset Plus is in their approach to assessment of young people's needs: Asset Pus is less risk-focused, and allows practitioners to engage young people in a discussion about their needs as compared to Asset (Case and Haines, 2016). Asset arguably assesses the young person's risk of reoffending quantitatively measuring the presence of risk factors, which then serve as 'evidence' for the

presence of risk of reoffending in that young person, then justifying the intervention – the level of intervention matching the level of risk as per the Scaled Approach (Haines and Case, 2012). Asset focuses on the risk factors determined by assigning arbitrary scores to the level of risk associated with each criminogenic risk factor, with very little explanation or justification for each. Indeed, there are explanatory boxes provided by each risk factor, which is optional for practitioners to fill out, leaving explanations of determined risk levels up to practitioners' discretion to record on questionnaire forms.

In contrast, Asset Plus has a forward-looking, less risk-based approach to needs assessment. Asset Plus assessment tool is designed in such a way as to require practitioners to provide justifications to their assessments, instead of giving scores only as it was with Asset. Indeed, Asset Plus has incorporated requirements for practitioners to justify their assessments throughout the assessment, and provides directions to practitioners to seek more information from young people, and other stakeholders (e.g. social workers or schools) who may know the young person being assessed more. Using Asset Plus also requires more input from young people. In order for practitioners to have a complete picture of the young person's needs, Asset Plus requires practitioners to ask young people about their perceptions. For each element of assessment, Asset Plus includes a questionnaire for young people to fill out which asks open ended questions to elicit more information about their needs and difficulties.

Asset Plus encourages young people to have their input in the assessment process, which is in line of the Children First, Offenders Second approach in youth justice. Incorporating the young person's view and perception of their needs is an important factor to consider (). Instead of providing interventions and programming to young people, it is important to work with young people to help them become involved in the programmes and initiatives they participate in. This Children First Offenders Second approach must also be reflected in practitioners' practice (Case, 2014). Asset Plus is a good example of how young people's voice can be heard, which also means that practitioners must adapt to the new approach of communicating with young people. However, in order to implement various ways in which young people can become more involved in the interventions they receive, the assumption is that young people are able to communicate their thoughts and opinions effectively.

The interactions between practitioners and young people must be taken into account when designing interventions and programmes. Using Asset as an assessment tool has a

practitioner focused approach, where the questions of the various risk factors to be considered are designed to elicit response from young people that will enable the practitioner administering the assessment to attribute a score to the answer given. The Asset assessment tool does not take into account the young person's perspective and has a limited questionnaire (What Do YOU Think?) that attempts to elicit young people's opinions. The design of the Asset assessment tool had not taken into consideration the interaction and communication between young person and practitioner that must take place in order to successfully complete the assessment. On the other hand, Asset Plus had shifted the practitioner-focus to a child-cantered approach, and includes questionnaires in the assessment package which support open communication between young person and practitioner. Still, it is important for practitioners to be aware of communication difficulties in young people they work with, in order to implement practices that support young people's communication. This is important not only in the assessment phase, but throughout the YOT practitioners' work with young people.

Simply put, young people with communication difficulties may disengage if they feel they are being assessed and questioned. Practitioners must be tactful in communicating with young people in order for them to be involved in the dialogue with practitioners. It is important for young people to understand that they have a voice and have an important role to play in the interventions they receive in YOTs. For those young people who have undiagnosed SLCNs, their interactions with practitioners will be negatively affected, thus it is up to practitioners to engage young people with SLCNs in such a way as to encourage their communication and involvement in interventions provided.

Overall, the introduction of Asset Plus was seen by practitioners as a positive development. Practitioners interviewed in this research believed that although a time-consuming exercise, Asset Plus assessment would be able to provide a more complete picture of young people's backgrounds and needs with more detailed and relevant information, which in turn would allow practitioners to develop appropriate interventions. Speech and Language Therapists, on the other hand, only commented on the SLC and Neuro-disability screening tool of Asset Plus, and they thought that this screening tool would be useful for YOT practitioners in order to identify SLCNs in young people. SLTs stated that the SLC and Neuro-disability screening tool will remind all youth justice practitioners to look for indicators of SLCNs in the young people they work with. This, SLTs thought, would help YJ practitioners to refer young people with suspected SLCNs to SLT services, thus, increasing young people's chances of receiving SLT support.

Findings of this research indicate that there were at least 10 different speech, language and communication screening tools used in the 16 YOTs from which data were available as indicated by the 11 SLTs interviewed (see Appendix 1). Additionally, SLTs in YOTs 21, 12, 17 stated they used multiple screening tools or have developed a different screening tool by combining those in Appendix 1. There was also inconsistent reporting of the use of Asset Plus Speech, Language, Communication and Neuro-disability screening tool: two SLTs (YOT 22 and YOT 7) indicated that they had started using (informally) the Asset Plus Speech, Language, Communication and Neuro-disability screening tool in their practice even though Asset Plus had not been officially implemented in these two YOTs at the time. These findings are significant as they demonstrate the variations in seconded SLTs' practices. It is important to note that due to inconsistent practices of SLCNs screenings, obtaining reliable data of young people's SLCNs was impossible. Seconded SLTs did not provide further details about the various screening tools they used to screen young people, but did reflect on the screening tools' appropriateness in terms of the age of the individuals.

Working with the young offender population was a new experience for seconded SLTs. SLTs in YOTs 7, 22, 18, 17, 10 all stated that their previous work was with younger-aged children, such as toddlers and children in primary school. In fact, SLTs highlighted the fact that in their work in YOTs they often had to change and adapt materials they worked with in order to make it more relevant and age appropriate for the young people they worked with in the YOTs. One SLT mentioned that the young people she works with on referral orders are mostly in the age range of 15-17 years old, and the material she had been using in schools would not be appropriate for this age group. The same SLT remarked that she primarily works with children of primary school age, and during this secondment to YOT 22 was the first time she had provided SLT for young people of the 15-17 years age group (SLT, YOT 22). The same was true for all of the SLTs interviewed in this project. Another SLT said she used the Elklan 16+ Talk About intervention package aimed at teenagers developing social and emotional communication skills (SLT, YOT 7). When asked, the same SLT said that she had found it difficult finding interventions material focusing on the 15-17 age group. Just like other SLTs, she has had to alter her practice and revise materials to make it more engaging to this age group.

Youth Offending Team practitioners have become quite creative to help young people's understanding and encourage their participation in dialogue with panel members.. As a verbally mediated programme, during Youth Offender Panel Meetings the young person is expected to speak and describe their offence and their feelings about offending behaviour to the panel

members. As such, engaging effectively with young people requires panel members to be able to relate to the young person. Burrows and Yiga (2012: 83) argued that young people engaged more and reported more positive experiences from the SLT intervention and a more rewarding relationship with their Case Managers if they felt that practitioners cared about them and that they had a 'relationship built on trust, respect, listening, empathy and a genuine willingness to help'. Similar to the conclusions of Burrows and Yiga's research (2012), the present research found that YOT Case Managers aimed to build a positive rapport with young people as it was evidenced through the informal discussions with Case Managers as well as during panel meeting observations. In fact, a Case Manager in YOT 7 stated that he meets with young people on referral orders at least twice prior to the initial panel meetings. He said that he preferred meeting with the young person once in their home with their families to understand the young person's living arrangements and a second meeting in the YOT office to understand the young person's motivations and thinking processes. It was also during these meetings where the Case Manager would prepare the young person on what to expect during the initial panel meeting and administer the Asset assessment, thus, establishing a working relationship with the young person.

Seeking information from the young person's family and school is an established practice in the Youth offending Service in order to ensure thorough needs assessment. Practitioners' approach to assessing young people's needs in Youth Offending Teams, and SLTs are no exceptions to this practice. Speech and Language Therapists interviewed often remarked that apart from screening young people using paper-based screening tools, they also speak to the young person's family, school and even other agencies involved with the young person. In order to obtain a complete picture of the young person's needs and to understand more of their background, some SLTs gather as much information on the young people as they can.

"It's important to have information about the YP from a variety of sources and sometimes a more detailed case history from parents is required e.g. to determine whether the YP has communication difficulties or is difficult to engage. This allows me to form a holistic picture of the YP in different settings and with other people and to trace their language development over time" (SLT, YOT 18).

Seconded SLTs talked about assessing young people by also contacting their families, their schools or other agencies the young person may have been in contact with in order to assess

how young people communicate with adults in various settings (YOT 18 and YOT 22). A Case Manager (YOT 21) also indicated the importance of speaking to carers of the young people they work with in order to get the whole picture. "Sometimes the parents can be useful when the young people aren't communicating some of the stuff we need" (Case Manager, YOT 21).

Apart from screening practices, there were various data recording practices reported across YOTs. In one YOT the prevention and early intervention and practice development coordinator stated that they did not keep SLCNs records of young people, as these records were managed by the seconded SLTs whose primary role was in the local NHS (YOT 21). When asked, the SLT in YOT 21 stated, "I don't keep these [self-assessment SLCNs screening] scores centrally—they are kept within the young person's file, and then the YOT Case Manager will come and discuss the case with me if a difficulty has been identified during the completion of the screen. Quantitative data is not taken from the self-assessment checklist" (SLT, YOT 21). A similar response was given by the Referral Order Coordinator in YOT 7 who stated that all SLCN-related files were managed by the seconded SLTs and Case Managers and other YOT practitioners did not have access to these files. Rather, the SLTs shared reports with relevant Case Managers if there were SLCNs indicated. Similar findings were noted in the Taylor Review of the Youth Justice System (2016), which recommended that because young people are often assessed by a range of other children's services, parallel systems which contain the same information and do not interact with each other should be simplified and streamlined (Taylor, 2016: 14).

In addition to the screening tools, assessment processes also varied across different YOTs. One of the interviewed SLTs seconded to a large urban area YOT stated that she screened every single young person coming out of court on one day a week ('Assessment Clinics' held on Tuesdays) and would do a quick screening of young people (SLT, YOT 17). The screening tool she used was the Bradford Leeds Assessment tool designed by Juliette Gregory, assessing young people's verbal reasoning, vocabulary, through narrative tasks (e.g. asking young people to explain how to play pool or how to make a sandwich). For those young people whose screening indicates SLCNs, the same SLT then would provide intervention during additional sessions with SLT. As the same SLT explained, the interventions depend on the young person's age, schooling and specific needs that SLT identified during screening (SLT, YOT 17).

Screening and assessing the SLCNs of young people is a crucial first step in providing appropriate interventions to those young people who need them. As it was pointed out by many of the participants, many young people present at the YOT with communication difficulties have never been seen by an SLT in school. In line with literature discussed in Chapter 1.6, early identification and early intervention are key with SLCNs, highlighted by practitioners interviewed (SLT, YOT 7; Case Manager, YOT 22). SLTs said that they work closely with schools, and the screening tools they use with school-aged children are not necessarily appropriate for the young people working with YOTs. Still, many young people fall through the cracks and their SLCNs are not identified in school. When asked what the reason for this was, some of the practitioners cited many reasons, but one of the main reasons for young people's SLCNs not being identified was school exclusion (Case Manager, YOT 7). One goal of the RCSLT and SLTs at YOTs was to raise awareness of the prevalence of SLCNs among young people who come in contact with the Youth Justice System (Moser, 2015). To raise awareness among practitioners and policymakers, SLTs continued to provide training and workshops for staff working in the criminal justice sector.

Speech and Language Therapists interviewed described their roles, detailing tasks they undertake in their respective YOTs. In total there were 11 Speech and Language Therapists interviewed, and questions focused on their specific responsibilities at respective YOTs and their ways of engaging young people. These interviews highlighted the differences in SLT service provision in many ways in England and Wales. Some of the factors that differentiate SLT service provision in youth offending service (seconded roles) are as follows: procurement of funding, time scale of service provision, tasks such as assessment and screening of young people, referral, training of YOS staff, provision of intervention, follow-up. Most of these factors differed for each YOT studied, emphasising the varied SLT service delivery in YOTs. Some of the SLTs stated that they were entrusted in setting up in-house SLT services in YOTs with a large amount of discretion and without much oversight.

Because YOT seconded SLTs in different regions received funding, often, from several organisations, collecting of screening information and recording of screening results were differing greatly in several YOTs. For example, two SLTs reported that instead of recording the results of the screening in the YOT's database, they recorded this information in the healthcare database due to the fact that their funding for their seconded roles came from the local health authority. In YOT 6 the manager of the Health Team stated that, in this YOT, the SLT is part of the youth health team, which provides a complete health assessment of the young

person coming into contact with the YOT: physical health, mental health, sexual health, speech, language and communication needs. However, the SLT is seconded to the YOT Health Team from the local NHS Foundation Trust, while other members of the YOT Health Team are funded by county council. The respondent further explained that all these professional bodies use different databases in which they record assessments and interventions for young people in the YOT, which makes data recording complicated. It is the lead professional (in YOT 6, the Health Team Manager) who is responsible for information sharing with YOT members. After the preliminary assessment has been completed, the young person can be referred to SLT and has access to the SLT on the youth health team (Health Team Manager, YOT 6). Once the young person has been thoroughly assessed by the SLT, then the SLT's diagnosis and recommendations are shared with the youth health team and the YOT Case Manager.

Thorough assessment of young people's needs was important as SLTs had an understanding of communication difficulties having been associated with other difficulties young people may present with at YOTs. One SLT (YOT 17) remarked:

"Sometimes we do joint sessions. That's worked. One of the workers saw this young man who has autism. Actually he worked the referral order case. Yes sometimes I do joint visits. Sometimes I do see the kids in school and trying to get the school to really support them. You know where I have identified a need that hasn't been identified" (SLT, YOT 17).

The quote above also speaks to the need of collaborative working of agencies to support young people. Young people who have multiple needs are best supported by specialist agencies providing services to young people. These agencies must work together to share information. For example, the SLT in YOT 17 pointed to the fact that she often visits the school and home of young people as part of her assessment process in order to gain a full picture of the young person's background. When the young person's SLCNs are identified in the YOT, and the young person has been referred to mainstream SLT services, then this should be followed-up and the young person supported in order for them to continue receive services they need. It is not enough for YOTs to provide specialist services to young people, such as mental health and SLT support, but they must engage other agencies as well (e.g. schools) to support young people whose needs have been identified beyond the YOT. Agencies and practitioners must share information about the support they provide to young people in order to avoid duplication

of services as well as ensuring continuity of service (House of Commons Youth Justice Committee, 2013: 8).

4.3 Discussing Speech, Language and Communication Difficulties with Practitioners and Volunteers

Findings of this research project indicate that seconded SLTs had a positive impact on the services provided by YOTs in terms of supporting young people's engagement with YOT services. SLTs interviewed indicated that they worked with young people in all areas of the YOTs, not only young people who were on referral orders. Thus, SLTs seconded to YOTs had supported young people working with prevention teams, health and welfare teams of YOTs. YOT practitioners also highlighted the impact of SLTs' input within the service, as many stated that they worked collaboratively with SLTs to support young people's engagement. Speech and Language Therapists were instrumental in helping young people to understand YOT processes through tailored SLT interventions. Working collaboratively with YOT practitioners meant that they could often consult with the seconded SLT in the YOT on how to support individual young people, thus, SLTs' services were influential in improving engagement of young people.

Speech and Language Therapists and YOT practitioners interviewed all acknowledged that a high proportion of young people in the YJS have some form of communication needs. This finding reflected those of earlier research (see e.g. HMI Probation, 2016: 10). In the recent Review of the Youth Justice System, Taylor (2016) commented that speech, language and communication difficulties are common in young people in the Youth Justice System, and as such, these young people require more coordinated services, which includes making streamlining services between YOTs, local health and other services (Taylor, 2016: 7). As demonstrated in Chapter 4.2, practitioners interviewed highlighted disparities in the identification of SLCNs of the youth offending population. Young people with SLCNs often receive their first SLCNs screening and diagnosis when they come in contact with the YOT. It is important that young people whose SLCNs were first identified in the YOT receive ongoing support with their communication difficulties in the community as well. To ensure continuity of service, YOTs must be able to share information with local community and health services that could follow-up with young people and their families.

However, it is interesting to note that not all Volunteer Community Panel Members believed that SLCNs were prevalent in the youth offending population. Volunteer Community Panel Members interviewed often confused literacy and numeracy skills with communication difficulties, as will be discussed in Chapter 6. Volunteer panel members failed to recognise communication difficulties as a problem within the YJS. Volunteer Community Panel Members' previous experience of working with young people helped VCPMs to engage young people at Youth Offender Panel Meetings more efficiently.

Prior to initial panel meetings, it is the responsibility of RO Coordinators to ensure that Case Managers have prepared a referral order report for panel members to read prior to the initial panel meeting. Thus, Referral Order Coordinators play a fundamental role in liaising between Volunteer Community Panel Members, the young people, their carers, and Case Managers and, as such, must ensure efficient communication between stakeholders. Based on panel meetings observed, the RO Coordinator has many responsibilities, one of which is to ensure that panel members are aware of any special needs young people have prior to the start of the initial panel meeting, such as communication difficulties, so that panel members can make adjustments accordingly. Initial panel meetings lasted one hour each, review panel meetings were much shorter in comparison, lasting 30 minutes each. Panel meetings were attended by two Volunteer Community Panel Members, the Referral Order Coordinator, the YOT Case Manager, the young person, and carer(s). Panel meetings observed were not attended by victims or others. (In one case where the initial panel meeting was observed, the victim and carer were the same person. The victim was the victim of assault and also the young person's mother.)

To compliment practitioner interviews, non-participant observations of panel meetings were carried out in order to observe how communications take place between young people and panel members. Observations afforded a unique opportunity to understand how YOT staff and Volunteer Community Panel Members engaged young people and how these adults were able to facilitate a dialogue with young people. Apart from observing the process of referral orders, observations of panel meetings provided the opportunity to explore a part of the restorative justice process in practice, although, victims were not present at any of the panel meetings observed. It was important to explore how the different roles of YOT staff and volunteers in panel meetings work in practice in order to understand how they communicate with young people. Noting how many, how long the interactions between young people and practitioners took place was important in order to understand the context of these interactions.

It was also noted that the presence of carers in panel meetings did affect the way young people communicated in panel meetings. It was observed that the presence of carers during panel meetings had an impact on young people's communication, as young people spoke less in panel meetings where their carers were present. Attending panel meetings as a non-participant observer provided the opportunity for informal conversations with YOT Case Managers and Volunteer Community Panel Members before and after the panel meeting, allowing the researcher to explore the role of communication in the referral order process in greater depth. In total there were 10 Youth Offending Panel Meetings observed, 7 initial panel meetings, and 3 review panel meetings. Due to time constraints, there were no final or exit panel meetings observed. For panel meeting observation details, see Appendix 2.

The diagram below represents the process taking place in initial YOP meetings. This diagram is a representation of the processes of initial YOP meetings in general, based on the observations of seven initial panel meetings. In practice, panel members incorporate restorative justice initiatives in the panel meetings through leading a discussion about the harm caused to the victim of the offence and asking the young person to reflect on how they think the victim was affected by the commission of the offence. The impact of SLCNs of young people on the restorative principles of responsibility, reparation, reintegration will be further explored in Chapter 7.2.

Figure 4:

Process of Initial Youth Offender Panel Meetings:
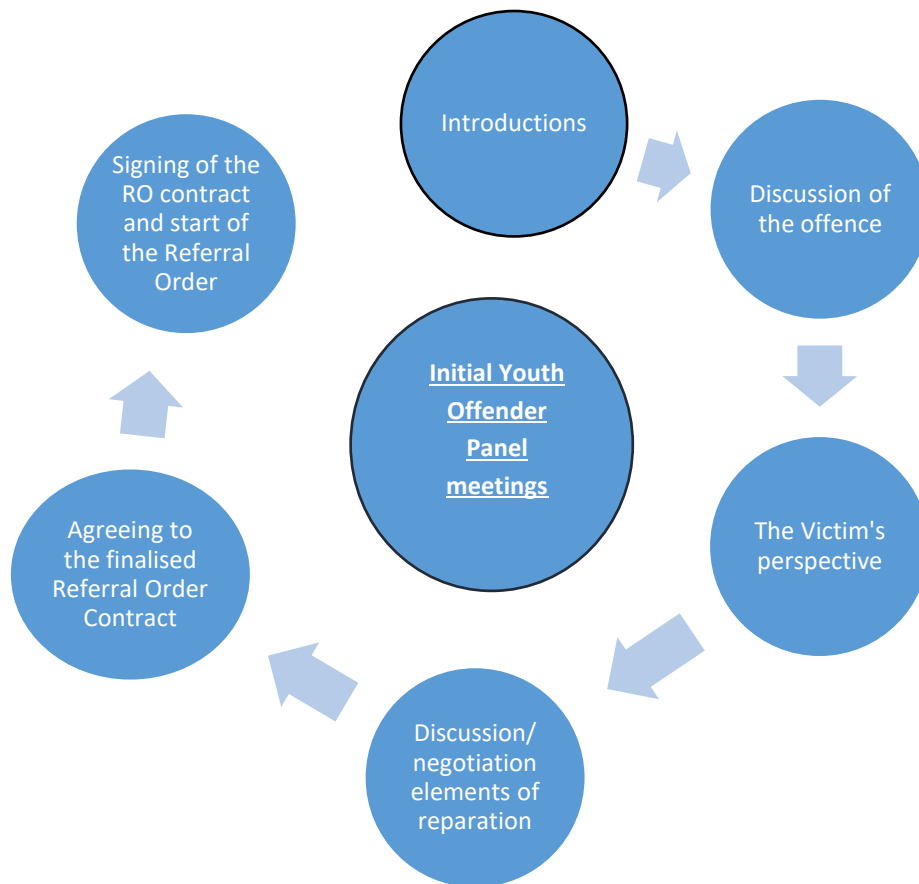
Another YOT Case Manager (YOT 11) highlighted the importance of the various agencies working together to provide comprehensive service through which young people's needs are addressed efficiently. She stated to the question [Do you think communication is important in the referral order process?]: "Yes, because if the YOT / Young person / family / other services e.g. court do not fully understand each other there will be barriers to helping the young person and their family in completing the Order and staying safe and out of trouble in the future" (Case Manager, YOT 11). As this participant mentioned, multi-agency work that YOTs offer could have complications and information may get lost. All Case Managers interviewed welcomed working collaboratively with SLTs and highlighted the value of SLT service in YOTs, such as this participant by stating:

"Yes, she [SLT] does lots of different little bits, she does little bits in team meetings quite often, she changes quite a lot of the forms and stuff that we use with young people since she has been here, she has changed quite a lot of them. And then

she will present them and do a little bit of training on them within our team meeting. There has been a couple of other cases where she has been really, really helpful and her input was really useful. Yeah, *very vital to the service*" (Case Manager, YOT 21).

In fact, the YOTs' statutory duty is to provide services to young people that will address their criminogenic and welfare needs through the ethos of a multi-agency team (Youth Justice Board, 2013: 10). However, there are implications to multi-agency working where YOTs must create working partnerships with other statutory and third sector agencies in order to ensure efficient service delivery (Youth Justice Board, 2013). The inherent implications of inter-agency cooperation are that questions arise about the feasibility of cooperating and how policy statements are realised in practice (Burnett and Appleton, 2004: 35). As YOT practitioners highlighted, there are problems with effective information sharing about the young person between partner agencies, such as social work services, health services and other statutory services. As a result, information is not shared in a timely manner, affecting service provision, and may lead to unnecessary duplication of services. Thus, efficient communication is important not only between the stakeholders, but also between agencies working together.

During an initial panel meeting observation, the Case Manager (YOT 7) reminded the young person that they had completed an assessment explaining what this meant for him in terms of the contract. The Case Manager said that her observation of the young person was that he was remorseful as he had agreed to write a letter of apology to the victim initially. Because the young person showed remorse, the Case Manager had scored the young person accordingly: *standard* on the likelihood of reoffending based on Asset assessment (the Scaled Approach, See Appendix 3). As the Case Manager explained, she noted that the young person had not been in trouble before and this was his first offence. She stated that the young person had appeared remorseful at their first meeting when the Asset assessment was completed. However, now that the young person was refusing to write a letter of apology to the victim, the Case Manager stated that she was contemplating raising the level of risk of reoffending due to refusal of apology. The Case Manager stated explicitly that her Asset scoring might change, and this would have consequences for the young person in terms of his referral order.

One YOT Case Manager (YOT 7) interviewed stated emphatically that there needs to be more communication between service providers, agencies and front-line services. The participant said that the lack of communication affects his service to young people, which often leads to duplication of services. The example the participant gave was when a young person of

14 years of age was already known to social services, where he and his family has been receiving services, such as mental health counselling. When the young person was sentenced to a referral order and was referred to the YOT, there were further concerns about the young person's mental health as this was flagged by Asset and was brought up in interviews (home visits) with the young person and his carers. Although there is mental health counselling available to young people at the YOT, the Case Manager was anxious to receive the report from social services in terms of what mental health services the young person has been receiving. The participant went on to express his frustration with the lack of communication between services, where he felt that unnecessary bureaucratic procedures prevented the timely and efficient sharing of pertinent information about the young person. The delay in the sharing of this vital information became evident when the YOT Case Manager stated that his comprehensive assessment and arrangements for services the young person may access at the YOT has been delayed further as a result of the lack of information sharing between social services and the YOT. This was further aggravated by the short time frame the YOT Case Manager had to work with, which was only eight months (length of the RO), especially given the fact that the young person and his family had multiple needs in this case. In this case, lack of communication acted as a barrier to not only appropriate service provision to the young person, but also fully assessing his needs.

Thus, referral orders and requirements associated with the orders can be quite complex. Referral order contracts may include various terms which require the young person to process complicated information. Those young people with SLCNs are at a particular disadvantage when trying to make sense of what is required of them, especially, if they also struggle with literacy skills and other needs as well. Therefore, it is essential that Case Managers and other practitioners within the YOT keep up to date with the details included in the contract so that they can support the young person by reminding them of their tasks both verbally and in writing. Also, reminding young people of their behavioural requirements is important, especially, for young people with SLCNs who may exhibit behavioural difficulties. As mentioned by several participants, visual aids and creating visual cues in written documents may help young people to understand and comply with the terms of their contracts.

4.4 Recognising the Impact of Speech, Language and Communication Needs on Completion/Compliance with Referral Orders

In this section YOT practitioners and SLTs explain the barriers that young people with SLCNs experience accessing YOT services. Participants interviewed had mentioned that young people they see in YOTs often have been excluded from school due to behavioural difficulties, which will have an impact on their behaviour. One participant stated that she believes that school exclusion is one factor that has a great impact on young people's offending behaviour (Case Manager, YOT 7). The Referral Order Coordinator stated in YOT 22 that he has seen young people coming to the YOT and they have never seen an SLT and never had their communication skills assessed in mainstream school or health services. He suggested that it was obvious that some of these young people have unidentified and unaddressed communication difficulties, which will impact their behaviour. This Referral Order Coordinator believed that in many cases communication difficulties can play a part in young people being excluded from mainstream education (Referral Order Coordinator, YOT 22). For example, research has shown that there is a link between young people's SLCNs and their likelihood of being excluded from school (see e.g. Heritage, et al. 2011: 9; Clegg, et al. 2009; Bryan and Gregory, 2013; Snow and Sanger, 2010).

Participants overall believed (three YOT members in YOT 7 and YOT 20; VCPM in YOT 11) that school exclusion is linked to offending behaviour; a finding that replicates research evidence suggesting that Behavioural, Emotional and Social Difficulties (BESDs) have been linked to school exclusion (Lindsay, et al. 2007). Indeed, McAra and McVie (2010) found in the Edinburgh Study of Youth Transitions and Crime longitudinal study that conviction rates increased as school exclusion rates increased for young people (McAra and McVie, 2010: 17). In another study, Clegg, et al. (2009) found that for some secondary-age children, communication difficulties co-occur and are associated with behaviour problems and school exclusion (Clegg, et al. 2009: 135; Hopkins, et al. 2016: 96). School exclusion is one of the risk factors for offending behaviour (see e.g. Clegg, et al. 2005; Whyte, 2004; Andrews and Bonta, 2010: 46). Interviews with YOT practitioners in the current study demonstrated that youth justice practitioners link educational attainment of young people with offending behaviour. Lindsay et al. (2007) found that language ability predicted how teachers rated Behavioural, Emotional and Social Difficulties. Therefore, this study "suggests that difficulties

in language at the level of engaging in appropriate and relevant communicative exchanges, and understanding these exchanges, may act as barriers to typical social behavioural development throughout middle school (8-12 years)" (Lindsay, et al. 2007: 823).

One Speech and Language Therapist (YOT 19) said that approximately 90 percent of young people she sees have behavioural and/or emotional difficulties and, because of these behavioural difficulties, they have been excluded from school. Some of these young people have substance misuse problems, abusive behaviour, aggression and many young people experience difficulties within their families (SLT, YOT 19). The same SLT linked behavioural difficulties with the young person's lack of ability to have trusting relationships with adults, especially those in authority. She explained further that some of the young people she has worked with in the YOT often find it difficult to build a trusting relationship with her. Some of the young people attend appointments with a SLT, but do not know why. The SLT said when asking young people, "'Do you think you have communication difficulties?' young people would most often say 'no, I speak fine'" (SLT, YOT 19). She further stated that some young people attend their appointments being under the influence of drugs or alcohol, then it is up to the SLT to approach these young people carefully and cautiously in order not to trigger abrupt behaviour. Speech and Language Therapists were seconded from health services and would not be expected to have a history of working with young people who displayed aggression. The SLT in YOT 19 has also come across young people who would not engage; and it would take the SLT several hours to build a rapport with the young person, demonstrating that she is not threatening or judgmental towards young people. The same SLT said that in these cases the same approach cannot be used to engage young people. She said she needs to be creative to adequately assess and address the young person's communication needs. Indeed, SLTs interviewed pointed to the complexity of communication difficulties—stating that communication difficulties are often not stand-alone difficulties and there are significant overlaps between SLCNs and other difficulties, such as Autism Spectrum Disorders. As such, identifying communication difficulties can be problematic for those practitioners who do not have the experience to distinguish between SLCNs and other behavioural difficulties young people may have. Assessment of SLCNs in youth justice practices could potentially aid YOT practitioners to identify SLCNs and to make the referral to SLT as needed.

Similarly, another SLT (YOT 10) noted that once young people have committed an offence and have been convicted, communication difficulties continue to affect how they are able to comply with the order. She stated, "If they do not understand the order they may not

comply with it and end up being breached" (SLT, YOT 10). The same SLT commented on other aspects of the referral order process, emphasising that young people need to have an overall understanding of the aims of the order for the interventions to help the young person achieve a change in their offending behaviour.

> "Communication is key in the referral order process. The young people's ability to understand the charge, to understand the court process and respond appropriately using correct vocabulary and narrative. They also need to understand the order itself— the concept of time can be a huge challenge e.g. how long is the order? How often do they have to attend appointments at the YOT? What time is the appointment and how do they ensure they get there on time? They need to understand who the different professionals they see are and their roles. The young people need to understand how the different agencies can help them e.g. substance misuse, anti-knife crime, reparation is an abstract concept which the young people find hard to say let alone understand. The language of emotional literacy is important to truly explore their crime and reflect on guilt and how they could start to take responsibility and plan to move forward" (SLT, YOT 10).

As this quote demonstrates, it is up to YOT practitioners to explain the procedures and responsibilities to young people. This and other YOT practitioners stated that they have to go back to the basics when they work with young people: they have to explain to young people when, where and how often, and why they have to meet with the Case Managers. Practitioners stated that they have to explain to young people exactly what is happening at every stage of their orders. This means that supervisory meetings with YOT Case Managers could be potentially taken up with walking the young people through the steps to take in order for them to complete their orders. As practitioners pointed out, explaining every step to young people can be time consuming, especially, if young people have communication difficulties. This leaves very little time for practitioners to implement interventions with young people in order to support them with their needs. The issue of the time it takes to meaningfully engage young people will be further discussed in Chapter 5.2.

Referral Order Coordinators highlighted the aims of referral orders as helping young people to change their behaviour related to offending (YOT 7 and YOT 22). Interventions geared towards changing behaviour are delivered verbally most of the time, and those young people with communication difficulties may not be able to participate fully in these

interventions due to their communication difficulties. When asked *How do you think SLCNs of young people affect the referral order process?* a YOT Case Manager (YOT 6) responded stating that young people with communication difficulties may be at a disadvantage when they are sentenced to a referral order. If young people with communication difficulties fail to engage with panel members, panel members will not be able to make appropriate recommendations in terms of interventions that young people may need. Therefore, the interventions recommended by panel members for young people with undiagnosed SLCNs may not be as effective as they can be in encouraging young people to their change behaviour (Case Manager, YOT 6).

Thus, young people with communication difficulties will face barriers in participating in YOT interventions, which may affect the efficiency of interventions, such as offending behaviour work (Bryan and Mackenzie, 2007: 11). For those young people with communication difficulties who are difficult to engage in YOT intervention programmes, such as attitudes towards offending programmes, the programmes may be of no benefit. As such, communication difficulties may affect referral order outcomes for this youth offending population.

The Speech and Language Therapist in YOT 3 stated that she often comes across young people who have difficulties telling their stories—present with difficulties in narrative language skills. Snow and Powell (2005) further showed that young people who offend have more significant impairments on a narrative skills tests (narrative discourse single episode task) than non-offending peers (Snow and Powell, 2005: 239). That study demonstrated that young people facing forensic interviews (such as investigative or evidentiary interviews with police or Crown Prosecution Service) displayed poor everyday verbal competence. Thus, young offenders are likely to be at a "significant disadvantage with respect to the extent that they can tell their story in a way that confers true equity and justice within the judicial system" (Snow and Powell, 2004: 223). As a result, the researchers concluded that the young offenders performed more poorly than their peers at the same age (Snow and Powell, 2004: 226).

Criminalisation of young people with communication difficulties is highly likely, as young people with SLCNs are over-represented in the Criminal Justice System (Prison Reform Trust, 2016: 15). Practitioners mentioned during interviews that many of the young people that come in contact with YOTs will have communication difficulties. One Case Manager (YOT 6) stated that "yes, the majority of young people who come into contact with us have speech, language and communication needs" (Case Manager, YOT 6). The Referral Order Coordinator

stated that the presence of SLTs in YOT 22 has been instrumental in helping young people to engage better with interventions of the referral order process. In response to the question *How do the Speech, Language and Communication Needs of young people affect Youth Offender Panel Meetings?* an SLT (YOT 21) commented that "without the full understanding of the planned interventions/mediations or other specified work, there is a higher probability that the young person will not engage...therefore having minimal impact on reducing the risk of reoffending" (SLT, YOT 21). This highlights the importance of the young person's understanding of the interventions for effective outcomes and reduced likelihood of reoffending.

Some of the YOTs have implemented strategies to support young people's understanding and expression.

"I have used more visual tools in previous interventions to help with understanding, making sure I don't use overly complicated language or metaphors etc. that can confuse young people. Keeping things as simple as possible and shorter well planned sessions help too. Trying to bombard young people with too much information in one session is ineffective generally, however this is heightened when there is clear SL&C [speech, language and communication] difficulty. Always checking a young person's understanding along the way through asking them to explain what we have just talked about, what they understand" (Case Manager, YOT 6).

The quote above highlights what YOT Case Managers stated when they were asked about their experiences regarding the impact of young people's SLCNs on referral order processes. Case Managers interviewed reflected on their experiences in the context of supervision meetings with young people as well as attending Youth Offender Panel Meetings. According to YOT Case Managers, similar principles of communication apply in both supervision and YOP meetings as they noted that practitioners always need to be aware of possible misunderstandings due to SLCNs of young people. In fact, YOT Case Managers stated that they often repeated information to young people and followed up with instructions of the next steps in order to keep young people on track of what is happening and why. YOT Case Managers seemed to take the lead on ensuring young people understood everything required of them. This was also reflected in YOP meetings observed where Case Managers were observed taking time to explain terms such as reparation, restorative justice, etc. to young people after it was mentioned in panel meetings the first time. Overall, YOT Case Managers

took responsibility to ensure young people understood the processes and requirements of their orders.

4.5 Summary

This section outlined the themes emerging from interviews with practitioners and volunteers. Findings from YOP meeting observations have also been introduced. The purpose of this section was to present the main findings to create an overall picture of SLT services provision in YOTs. This chapter introduced some of the issues in seconded SLTs' practices in YOTs before moving onto detailed discussions in Chapters 5 and 6. This chapter has served as an introduction to the themes that will be discussed in subsequent chapters. Issues around the identification of SLCNs in young people and the assessment of SLCNs in YOTs were raised. Variations in SLT screening practices were discussed, along with the use of Asset and Asset Plus. Some of the structural difficulties with seconded SLT services in relation to intra-agency communication and information sharing were discussed. Then the various barriers for young people with SLCNs accessing YOT services were outlined. Throughout this chapter the referral order processes were introduced and discussed regarding how these work in practice, with special attention paid to initial YOP meetings. The following chapters (5 and 6) will discuss findings related to what services SLTs provide to young people and how SLTs work with YOT practitioners, respectively.

5 The Role of Speech and Language Therapists in Youth Offending Teams

This chapter will discuss findings from interviews with practitioners and non-participant observations of Youth Offender Panels in relation to the role of seconded SLTs in Youth Offending Teams. In doing so, this chapter will address the research question of what role do seconded SLTs play in the identification of SLCNs in young people. What roles seconded SLTs in YOTs fulfil and how SLTs' presence affects service delivery to young people within the referral order context. Questions relating to participants' experience of working with young people with SLCNs were asked, particularly YOT Case Managers. SLTs' roles in relation to working with young people in YOTs and practitioners of YOTs will be explained, specifically, young people on referral orders. Engaging young people in dialogue is a crucial aspect of communication and SLTs' practices in engaging young people in communication will be detailed. This chapter will raise questions about how young people, YOT practitioners and SLTs interact and how SLCNs of young people affect these interactions.

5.1 Seconded Speech and Language Therapists Supporting Young People in Youth Offending Teams

In this chapter, the role of SLTs in YOTs will be discussed. Speech and Language Therapists were asked about how their services were delivered and what tasks they undertake in their roles in Youth Offending Teams. Speech and Language Therapists had two main roles in YOTs: working collaboratively with YOT practitioners (Case Managers, Prevention Team members, RO Coordinators, and others) and providing SLT services to young people in contact with YOTs (assessment of young people was discussed in Chapter 4). It is important to note that significant variations were found in SLT service delivery in different YOTs.

Despite these differences in SLT services in YOTs, there were some common roles that SLTs fulfilled in their seconded roles. These were supporting young people through identifying their communication needs, referring them to appropriate SLT services, aiding young people's engagement in YOT services, and providing Speech and Language Therapy. Due to the variability in YOT practices, it was difficult to define typologies for SLTs' roles in YOTs, but the following will provide an overview of what interventions SLTs provided to young people and how they worked within YOTs. Speech and Language Therapist interventions include

groups or individual Speech and Language Therapy. These can include (e.g. in YOT 5 and YOT 22): vocabulary development, helping young people understanding their diagnosis, 1-2-1 expressive language therapy. The majority of SLTs stated that they provide consultancy to YOT practitioners: YOTs 5, 6, 9, 21, 10, 19. SLT consultancy can include sitting in meetings involving YOT practitioners and young people, such as in YOTs 2, 6, 21, and 7. The SLT consultancy role was inconsistent as some SLTs stated that they fulfil a consultancy role but did not explicitly state that they attended meetings with YOT practitioners and young people, or that they attended case conferencing meetings with Youth Offending Teams. Consultancy was loosely defined and, as such, SLTs' roles in YOTs was fluid and flexible.

SLTs' roles included formal diagnosis of SLCNs in young people as well as ensuring that all young people identified to have communication needs received appropriate support. As will be discussed in Chapter 5.5, some SLTs were able to provide some level of intervention to young people diagnosed with SLCNs, while others only had time to offer assessment and would refer young people with diagnosed SLCNs to mainstream SLT services outside of the YOT. Differences of SLT service provision became clear during SLT and YOT practitioner interviews, as seconded SLTs' service provision varied across YOTs. Thus, this research project has raised questions about the extent to which SLCNs diagnosis and assessment for young people entering YOTs is standardised.

Advocating for young people with communication difficulties was another role that SLTs had within YOTs. As a result of the SLT pilot project in Derbyshire, the role of Communication Champions in YOTs were introduced. The role of Communication Champions within YOTs was to ensure that YOT staff are supported when working with young people with communication difficulties entering YOTs, ensuring these young people are being supported throughout their orders. Indeed, an exploratory study on the impact of SLT provision in a Derbyshire YOT found that Communication Champions can encourage implementation of communication-supportive approaches among YOT practitioners, and can support colleagues changing their approaches and practice when working with young people with SLCNs (Heritage, et al. 2011: 25). This is especially important for young people whose SLCNs were first identified at the YOT because these young people may access SLT services for the first time. It was important for seconded SLTs to communicate results of their diagnostic assessments to YOT practitioners and others outside of the YOT in order to help support young people's communication. SLTs also acted as advocates for young people, including working

closely with third sector agencies, social services and schools to encourage these to support young people with communication needs.

In some YOTs, SLTs' roles included providing Speech and Language Therapy intervention to young people who had been diagnosed with communication needs. Although not all SLTs had provided interventions to young people in YOTs, those that did emphasised the need to build up young people's confidence to communicate with service providers. SLTs stated that working with young people who have communication needs may have limited confidence when interacting with others. The lack of confidence of young people in interactions can be exacerbated when interacting in a group or interacting with adults in authority. As part of their orders young people must participate in interventions where they have to communicate with several adults or have to express themselves in group settings in front of their peers or adults. These situations can be intimidating for young people with communication difficulties, and SLTs stated that often their interventions would include creating tasks for young people to build up their confidence in communication with others.

For example, when asked *Do you think reparation is possible for young people that have communication needs?* the SLT in YOT 21 stated that:

> "Reparation is quite fragile so I think we've got reparation in place where we have the larger groups of people doing it or they may be part of larger a group doing reparation but we also got quite a lot of work with one-to-one with a reparation worker. So if the young person was intimidated by a larger group, or whatever then we can quite easily do some one-to-one work" (SLT, YOT 21).

This quote demonstrates the various ways SLTs were able to establish SLT services within the YOT, adapting to the needs of young people when necessary. SLTs providing Speech and Language Therapy interventions did so in one-to-one and group settings, depending on young people's needs as well as young people's confidence level in terms of communicating in group settings. It also shows that SLTs are aware of the fact that young people with communication difficulties may feel intimidated in group settings, such as during panel meetings where they are expected to communicate with several adults, many of whom may be strangers to young people. The quote above also relates to power relationships, which will be discussed in Chapter 7.3.

Breaking down the barriers of communication for young people was the main role of seconded SLTs, which they achieved through providing interventions. SLT interventions included supporting young people to understand youth justice terminology and processes. SLTs interviewed stated that they use strategies such as breaking down complex concepts to basic components so young people can understand these, pausing and explaining processes step by step to young people so they can follow and anticipate what will happen in the next stage. SLTs said they created materials, such as "visual materials e.g. pictures, films, posters etc. to engage young people during their appointments with the YOS" (SLT, YOT 18); using visual support "e.g. diagrams, comic strip conversations, photos, key words etc." (SLT, YOT 21). Some use audio tools to aid young people's understanding as well as explaining complex youth justice terms using simple language. SLTs aimed to ensure that SLT support did not end with the young person completing their orders and leaving youth justice services, but that supporting young people's communication needs continued beyond YOTs. SLTs said that they would ensure that they would refer young people they worked with in the YOT to the SLT working in the young person's school to enable continuity of service.

Speech and Language Therapists interviewed stated that engaging young people often proved to be challenging. SLTs remarked that it often took time to establish a rapport with young people, which required a flexible approach. It was the SLT's responsibility to engage young people in the SLCNs assessment and to explain to young people what the assessment process was. SLTs had to ensure they explained the outcome of SLCNs diagnoses to young people and their carers without stigmatising young people. SLTs said that they focused on taking time to explain to young people what to expect, using plain language. When asked the question *How do you engage young people with SLCNs?* A Speech and Language Therapist (YOT 12) remarked:

> "From experience young people who do not engage usually have SLCNs, have felt as if they're failing through education etc. have disengaged from education and will not engage in assessment as they do not want to fail on that too! They will disengage if they find things difficult as they are used to trying to hide their difficulties or mask these with behaviour" (SLT, YOT 12).

5.2 Referral of Young People with Communication Difficulties to Speech and Language Therapists
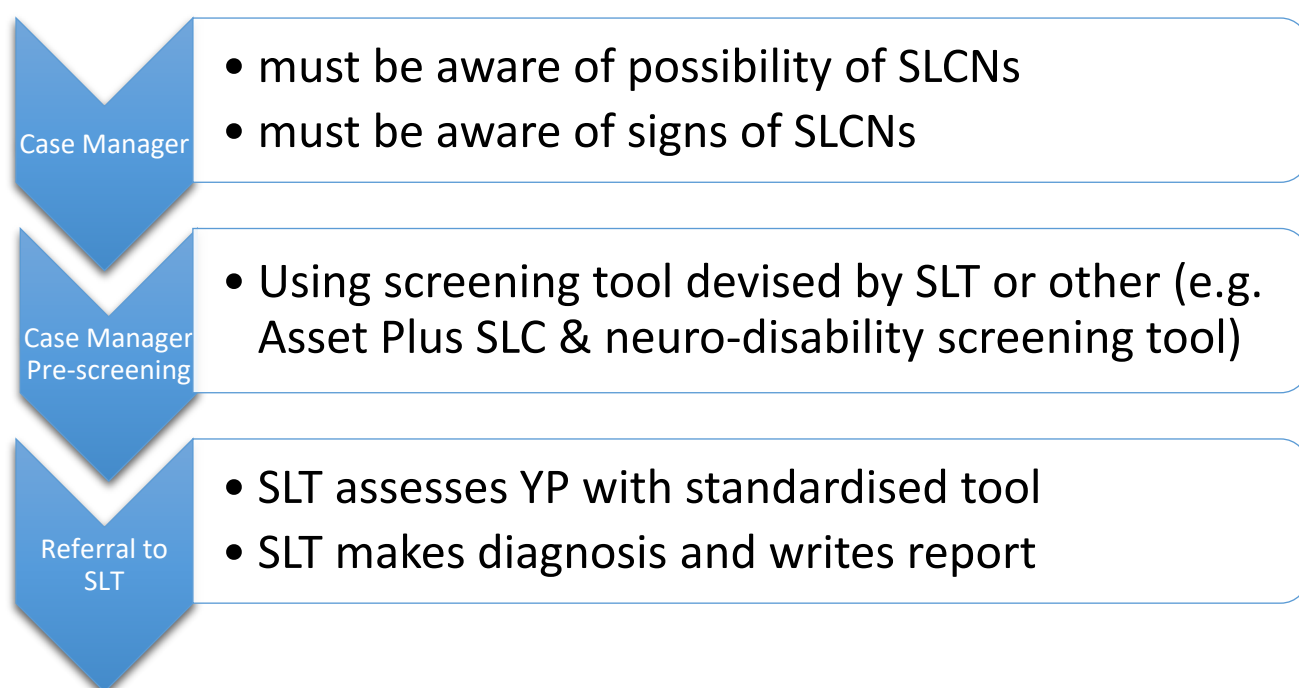
Young people who were referred to the YOT were assessed using Asset or Asset Plus assessments as explained above in Chapter 4.4. Speech and Language Therapists and YOT practitioners were asked about their roles, and as part of their roles, these practitioners were asked how young people who have communication difficulties were identified in their respective YOTs. Practitioners highlighted three different ways in which young people with communication needs were identified once in the YOT. One was the Case Manager performing a quick screen of the young person, then referring the young person to the seconded Speech and Language Therapists for diagnosis. In YOT 7, for example, the SLT working with YOT Case Mangers had created a screening form that contained questions related to receptive language difficulties (including understanding figurative, literal language and what is inferred), literacy difficulties, behaviour difficulties, difficulties producing clear speech, pragmatic and non-verbal communication. This checklist also includes explanations of SLCNs and indicators of SLCNs, and is designed specifically to screen young people ages 10-17. This screening tool is now available for all YOT practitioners within YOT 7 and is part of their assessment of young people. Another way to identify SLCNs was through the seconded SLT screening every single young person in contact with the YOT. The final mode of identification was through the seconded SLT learning from another agency, such as school or social worker, that the young person has already been diagnosed as having communication difficulties, although, this appeared to be rare. It was indicated by practitioners that all young people were screened by seconded SLTs only in three YOTs (YOTs 6, 3, 17). In eight YOTs (YOTs 2, 7, 11, 20, 21, 22, 5, 15) young people with communication needs were identified through the Case Manager pre-screening young people, and the mode of referral was unknown in five YOTs (YOT 9, 10, 18, 12, 19). None of the seconded SLTs interviewed indicated that they had identified young people with SLCNs through information provided by another agency (e.g. school) during this research. As indicated, there were different ways in which young people with communication needs were identified in YOTs. The figure below demonstrates the most commonly implemented way of identifying young people with communication needs, namely through the Case Managers referring young people to seconded SLTs.

The figure below is the most commonly used model through which seconded SLTs in YOTs identified young people who may have SLCNs and needed screening and diagnosis.

This model has some shortcomings. Speech and Language Therapists relied on YOT Case Managers to identify young people who may have SLCNs, which required Case Managers to have knowledge of the indicators of SLCNs in young people. All SLTs interviewed indicated that they had trained YOT staff and increased the awareness of SLCNs, including its indicators. Two SLTs (YOT 7 and YOT 9) stated that they had prepared a checklist of the indicators of SLCNs for YOT practitioners to use. It was indicated by a policy officer of the RCSLT that training of youth justice practitioners is an ongoing effort by SLTs (Afasic Cymru, YJB Training Day, 2015[13]). Still, it is important to acknowledge that consistent training and models through which young people's communication needs are identified in the Youth Justice System are needed.

Figure 5:

Referral to SLTs using *Case Manager to SLT* Referral Model:

Case Manager
- must be aware of possibility of SLCNs
- must be aware of signs of SLCNs

Case Manager Pre-screening
- Using screening tool devised by SLT or other (e.g. Asset Plus SLC & neuro-disability screening tool)

Referral to SLT
- SLT assesses YP with standardised tool
- SLT makes diagnosis and writes report

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[13] The training day was held in June 2015 for youth justice practitioners (YOIs, Magistrates, YOTs, STCs). Third sector participants (such as Afasic Cymru, The Communication Trust) were represented. The training involved speakers from the policy side—RCSLT representatives explained the campaign to lobby the Ministry of Justice to fund access for YOIs and YOTs having access to SLTs, and Speech and Language Therapists who ran SLCNs awareness workshops specifically for youth justice practitioners.

Interview findings indicate that Case Managers in YOTs played a crucial role of identifying young people with SLCNs. This was because SLTs stated they relied on Case Managers to refer young people who needed a full diagnostic assessment. Therefore, Case Managers needed to be aware of SLCNs in the youth offending population and to identify the indicators of SLCNs in young people they supervised. The significance of the Asset Plus SLC and Neuro-disability screening tool is to enable YOT practitioners to screen young people for SLCNs and to determine with confidence whether the young person has any indicators of SLCNs, which is important as the seconded SLTs' mandate comes to an end in April 2015. As such, YOT practitioners will be the ones screening young people's SLCNs and making the decision whether to refer to mainstream SLT services.

When asked about identifying SLCNs in young people, the SLT in YOT 17 stated that using Asset Plus SLC and Neuro-disability screening tool the YOT Case Manager would have already screened the young person for SLCNs, which means that SLT screening would be redundant. It was up to seconded SLTs implementing the service in YOTs to ensure that duplication of assessment is avoided. In YOT 17, the SLT said that she had screened every young person coming through the YOT. This SLT stated that she would do a quick 15-minute screening of the young person. She explained:

> "It [Asset Plus assessment] is not designed for us to use it, it is designed for the [YOT] workers to do it and then to refer to us. But the issue is that I assess them before the workers even see them because I see them when they come out of court so then to get the workers to do it is just creating work for them because I am already there to assess them anyway. In YOTs where they don't have such an assessment then I think it is potentially a very useful tool but it would make sense for the worker then to refer" (SLT, YOT 17).

This means that in YOT 17, the SLT screened all young people who have been referred to the YOT, which eliminated the need for the YOT Case Manager to screen young people for SLCNs. As the SLT in YOT 17 pointed out, the introduction of the SLC and Neuro-disability screening tool of Asset Plus was helpful for YOT practitioners to use to screen young people in YOTs where SLTs would not be able to screen all young people. As this quote demonstrates, in YOTs where the seconded SLTs screened all young people, there was no need for YOT practitioners to perform SLCNs screening. With the introduction of Asset Plus, using the SLC and Neuro-disability screening tool has mainstreamed and standardised SLCNs screening in

YOTs, which will enable YOT Case Managers to screen young people for SLCNs without the assistance of seconded SLTs.

Another SLT (YOT 18) remarked that it is useful for her assessment to speak to the young person in their own home as it may affect the way they interact. For this SLT, home visits as part of their assessment of the young person proved to be essential to provide a complete picture of the young person's skills for her in order to recommend appropriate interventions for the young person. She stated that "assessment can also include liaison with the family, education provider and other professionals involved with the young person. I will follow the assessment with a report and advice/strategies to all parties involved" (SLT, YOT 18). This Speech and Language Therapist further stated that she prefers to complete an overall assessment of the young person's communication skill and she also consults with parents, the school and the Case Manager as part of her assessment of young people. She said:

"Prior to seeing a young person, I will have a conversation with the [Case Manager] and maybe with parents/school as well so that I have an overall impression. This helps me to prepare for a young person who may be more difficult to engage. I would always start sessions with an informal conversation about them and their interests. I usually ask them to fill in a questionnaire with me to look at their awareness of their own communication. I also try to explain why they are seeing a speech and language therapist. This tends to put young person at ease and I will break for a chat during the formal assessment. Sometimes, it is more appropriate to use informal assessments if a young person is difficult to engage. This may include reading e.g. a magazine article and asking questions about it—the magazine could be based on their own interests and therefore more motivating" (SLT, YOT 18).

This quote highlights the flexibility SLTs must demonstrate when working with young people. Engaging young people can be challenging, especially those with communication difficulties. It is then up to SLTs to obtain information about the young person, such as their interests, which could provide a topic to discuss with the young person informally. Once young people start to engage with them, SLTs must be careful not to label young people. Speech and Language Therapists must be tactful, when presenting their findings to young people and their families, not to label or alienate young people. SLTs further highlighted the importance of communicating their findings with practitioners and the family as well. SLTs acknowledged

the importance of involving families to help improve young people's communication skills at home (Bryan and Gregory, 2013: 365).

Literature on SLCNs has also highlighted social disadvantage as a factor in early language development. There is extensive evidence that socio-economic deprivation can affect language development and that many children begin school with delayed language (Locke, et al. 2002, Law, et al. 2011). Although a causal link between low socio-economic status (SES) and low levels of early language development in children cannot be established, some argue that there may be a relationship between the two. For example, research has found that young people in working class areas are at increased risk of low vocabulary knowledge. As well, up to 60 percent of young people (n=151) sampled from the general population may have an undetected communication difficulty (Spencer, et al. 2013: 140). In other research, the authors argue that early reading proficiency in young children requires the development of oral language competency, which in turn the authors found to be related to socio-economic status (Buckingham, et al. 2014: 438). In another context, another study found that language and phonological awareness skills were lower for children from low SES than that of children from average SES (McIntosh, et al. 2007: 281). They go even further to suggest policy implications of their findings indicate a short-term policy initiative should include research-based pre-literacy programmes in preschool where phonological awareness and shared reading can be an effective means of improving literacy outcomes in schools. In the long-term, Buckingham and colleagues (2014) state that improving the home learning environment, which is associated with socio-economic status, would allow for a sustained improvement of early reading in children (Buckingham, et al. 2014: 439).

Socio-economic status has a relationship with children's expressive language development, as demonstrated by Hoff (2003). Indeed, it was found that there was a difference between children's receptive and expressive language development, which is likely to be related to SES differences (Locke, et al. 2002). Although there are several co-variables when examining the language development of children, the study by Hoff (2003) was able to establish a relationship between children's language development and mothers' SES (Hoff, 2003). Still, environmental factors such as the number of family members the child interacts with, the living arrangements of families, quality time to interact with children, and the mothers' educational attainment are all factors that affect child language development from an early age. Therefore, children from different SES families will have various language experiences, which will impact their language development from an early age (Hoff, 2003:

1375). The relationship between SES and expressive language development will have long-term consequences for children and engagement of children in SLT services.

To answer the question whether SLCNs impact referral order completion rates, there were attempts made when interviewing participants to inquire about the possibility of obtaining quantitative case-level data on young people with SLCNs on referral orders. However, as this section demonstrated, various screening and data recording practices made it difficult to obtain such data and no consistent record of SLCNs were kept. As such, there was no consistent record of SLCNs data in YOTs, as SLTs seconded from the NHS had kept records within the NHS database. As well, findings of this research have demonstrated that YOT practitioners and SLTs had various approaches to engaging young people. Each practitioner interviewed stated that they approached each young person differently. Practitioners have to demonstrate patience and resilience when interacting with young people as each will present with different needs and challenges. Thus, practitioners must provide flexible services with creative approaches. Flexibility and creativity were also found to be important attributes of SLTs and YOT practitioners in order to successfully engage young people, discussed in the next section.

In most of the YOTs (apart from YOTs 3, 6, 17), SLTs seconded to Youth Offending Teams would not routinely screen every young person coming into contact with the team. Some SLTs stated they did not have the time to screen all young people. Therefore, some of the SLTs relied on the Case Managers to make referrals to them, which required the Case Managers to make an initial assessment whether the young person needed a referral to SLTs. Some Case Managers seemed more confident than others in making that assessment. One Case Manager (YOT 9) stated, "We have a screening tool that we use here. I think it's an NHS based screening tool, so if that's scores a certain level then I would send that to [SLT seconded to YOT] and then use that as the referral tool" (Case Manager, YOT 9). Thus, Case Managers are required to be able to make the decision whether SLT referral is necessary or appropriate for each young person. This was the practice in 10 YOTs where the Case Manager was required to make the decision whether young people needed a referral to an SLT (YOTs 2, 7, 11, 20, 9, 21, 19, 22, 5, 15). In three of the YOTs, SLTs stated that they screened all young people for SLCNs (YOTs 6, 17, 3).

5.3 Engaging Young People with Communication Difficulties

All participants interviewed were asked the question: *How do you engage young people with communication difficulties?* This question was intended to obtain information on two different aspects of practice. First it attempted to elicit details on the different strategies practitioners use to help young people with 'telling their stories'. This was important in order to understand how the strategies used by YOT practitioners work to engage the young offender population. The second aspect of practice examined through this question was to understand how YOT practitioners and young people communicate, including examples provided by YOT practitioners. As a result of asking the open question above SLTs and YOT practitioners alluded to the ways in which they work collaboratively as a team and exchanging information in order to work together more efficiently to engage young people in YOT services.

Speech and Language Therapists had provided several examples of ways in which they engage young people. Some YOT practitioners also shared their experiences with strategies they used to engage young people with communication difficulties. For example, a Case Manager (YOT 11) stated:

"Depending on the specific needs of the young people we have a variety of resources which can be adapted. Some strategies I personally use include:

- Learning materials that are visual and colourful, such as monthly / weekly / daily timetables, pictures to illustrate information, DVDs, picture books, actual props etc.
- Activities which encourage the young person's creativity, such as making up a story or drawing something, either with or without the support of the facilitator.
  - Using humour (such as cartoons).
  - Games.
  - Reminders of their appointments via text / phone call / email.
  - Shorter appointments.
  - Appointments which are out of the office.

I find it useful to ask the young person and their family what strategies they have found useful and incorporate these into our work" (Case Manager, YOT 11).

Indeed, engaging young people in the activities and processes of referral orders (e.g. reparation activities) was something that each practitioner found challenging at times. However, as the quote above demonstrates, creativity and adapting to the specific needs of each

young person is the central goal of each practitioner. As the quote above demonstrates, it is important for practitioners to be creative and tailor their approach to each individual young person they work with in their service. While it can be time consuming to try different methods to successfully engage young people in services, practitioners interviewed stated that they had to be very patient as it took quite a long time for practitioners to establish a positive rapport with some young people. Indeed, previous studies have found that a large proportion of young people entering the Youth Justice System have mental health difficulties, which relate to social difficulties, such as poverty, absence of parents and adverse/traumatic experiences in their past (Paton, et al. 2009). In a recent study, the Salford Needs Assessment for Adolescents indicated that young people entering the Youth Justice System had multiple needs (Chitsabesan and Baley, 2006 as cited in Whittington, et al. 2015: 262). Thus, communication difficulties of young people were seen by practitioners in YOTs as a barrier to successfully engaging young people in services, which in turn may affect the outcome of referral orders for young people with communication difficulties.

It was also important to understand SLTs' approaches to working with the youth offending population, and SLTs were asked what strategies they use to engage young people. Apart from being flexible and creative, SLTs drew on their background of child development in order to understand how children develop communication skills and what levels of communication fluency would be expected of children of different ages. Research in speech and language pathology reveals that there are individual differences in speech and language development of children and adolescents (Nippold, et al. 2005; Nippold, et al. 2014a; Nippold, et al. 2014b). These differences can be related to a host of different factors as there are "wide individual differences in the degree of cognitive and linguistic maturity of adolescents, influenced by factors such as inherent biological differences, educational experiences, home environments, parental values, and peer relationships" (Nippold, et al. 2014b: 878). Speech and Language Therapists interviewed for this project indicated that they approach assessment and therapy provision differently for each young person they meet. Youth Offending Team practitioners also stated that each young person is different, and each will have unique needs which must be addressed in order to reduce their likelihood of reoffending. Indeed, research states that "individual variability of [language development] exist at all points along the age continuum" (Nippold, et al. 2005: 1048). For this reason, it is important for practitioners to be flexible in their approach, including SLTs and YOT practitioners.

The level of maturity demonstrated by young people at YOP meetings was easily observed, and it became clear that the level of engagement of the young person is related to their level of maturity and understanding. As the following observations of two initial YOP meeting illustrate, the age and level of maturity of young people is related their level of engagement at panel meetings.

Young person 13 years old, Welsh native speaker. The YOT officer confirms that there is a worker the young person can go to if he feels angry or anything to speak to the worker on one on one at any time in school. The young person can go see this worker at any time, he is assigned to the young person for one to one support. So the young person needs to speak up is there is any problem at home or at school and needs to communicate his feelings and anger to the worker instead of reacting to his feelings. But the young person must keep going to school and must attend school every day. The agreement is explained to the young person – the behaviour contract. Mother helps with her comments to the young person and the panel members to focus on the positive side of things. It comes up that the young person doesn't like Mondays – he says that he hates Mondays. Then the panel member asks the oung person if he likes weekends better when he can be at home and do what he liked – the young person sits up straight this point and looks the pane member in the eyes for a little bit before looking down again. The young person nods and says yeah. The young person looks down again when YOT officer asks: do you like to stay up late on the weekends?' the young person nods again and the mother explains about Sundays – she tries to get the young person to go to bed earlier so he is able to wake up on Monday morning. She says something about having to wake up at 6am. Then the chair panel member agrees that no one likes Mondays. Mother explains that she has an alarm on her phone that is very loud to help her and the young person to wake up that early in the morning especially on Mondays. The young person laughs with everyone when the joke is made about nobody liking Mondays with everyone in the room. He made eye contact with the panel member for a little bit at this point. The young person mumbles something I couldn't understand – possibly about getting up early in the morning and when he speaks he speaks very quietly, almost inaudible. But after this exchange the young person seems to relax a bit and seems to feel a bit more comfortable with the meeting. It is again emphasised to him by the chair panel member and the YOT officer that he must go to school every day as his attendance at school will be monitored. It was explained to the young person

that he must attend school to keep him out of trouble. The behaviour contract is quickly explained to the young person by the panel chair describing slowly each point, giving examples and after reading out the points, she explained some of the terms to the young person and in fact she translated some of the points in Welsh – but the document was most likely in English. But for the benefit of the young person to understand – she even tried to simplify the Welsh terms for some of the jargon used in the terms of the behaviour contract. This was done in both languages. The chair of the panel helps the YOT officer out trying to explain some of the things he said translating it to Welsh too for the benefit of the young person. It is explained to the young person that he will be seeing different people to help with his needs and his needs will be addressed in order to 'not to do anything like that again'. Victim empathy and victim awareness work is explained to the young person – he is not sure of the meaning. When the chair of the panel asks: do you know what victim means, the young person says he is not sure of what it means. Then it is explained to the young person that victim is someone who suffers from the actions, most often criminal offence of someone else; in this case his mother is the victim because she suffered as a result of the young person's actions – hitting her. The young person seems to be surprised at this point and some form of realisation seems to dawn on him. The young person is reminded by the panel chair that: remember when you said that it made you sad what you did and remember that you said that you thought your mum was feeling sad because of what you did to her? She is the victim in this case. The young person seemed to have realised what he has done has affected his mother – he sat up straight looked at his mother and looked down again, seemed to be ashamed based on his body language but I had a hard time seeing his face when he was looking at his mother facing the opposite direction. At this point the young person seemed to have gotten an understanding of what he has done affected his mother based on his body language. The young person seemed to be confused and surprised by what was said about his mother suffering as a result of his actions and seemed like he had never considered that his mother would be affected by his actions. It is explained to him that within the offending behaviour programme there is consequential thinking which is also included in his contract.

Young person is 18 right now and was 17 at the time of the offences. At the beginning of the panel meeting the young person was asked by the panel members 'Have you been to court? How did that make you feel?' YP answered yes I have and said that it made him feel a bit scared and anxious and that he had realised the consequences of actions. It has sank in for him. YP said that he had not been to court before. YP made eye contact throughout the panel meeting even when he was speaking, he was looking at the panel member he was speaking to. His body language was humble, but still open. He sat up straight and kept his hands in his lap. The young person sounded very articulate for his age and had a very good vocabulary and used good correct grammar. When the young person entered the room he was smiling and looked fairly confident throughout the panel meeting, as noted by the panel members following the meeting. When the RO coordinator introduced everyone to the young person in the room, the young person was making eye contact with everyone and said politely hello to everyone. Remembered YOT Case Manager's name and he was very engaging and seemed very mature. He was engaging well and responding to questions straight away, had clear speech and answered questions with complete and grammatically correct sentences. Young person seemed to remember everything regarding his actions and was forth coming providing answers to the questions asked by the panel. Young person seemed to be retaining the information he was told and able to understand everything said in the panel meeting. It didn't seem as though the young person was struggling with speech at all. Both receptive and expressive language skills of the young person seemed to be at an appropriate level for his age. He even seemed to have a more sophisticated language abilities than others at his age based on my personal experience. The young person seemed to have a positive attitude and seemed fluent and had coherent speech throughout.

In contrast this young person (18 years old) demonstrated much deeper understanding of the consequences of his actions and was willing to engage in the process of the panel meeting.

Another SLT (YOT 10) indicated that she uses a number of different strategies to engage young people with communication difficulties in YOT work and to make it easier for them to understand processes; she said she uses "glossary of terms, picture cues, comic strip conversations, consequences diagrams, task sheets, mind maps, writing frames" (SLT, YOT

10). Speech and Language Therapists emphasised the importance of breaking down information for young people. They stated that young people with SLCNs have difficulties processing complex information; thus, SLTs advised YOT practitioners to ensure they broke down complex information into smaller pieces so young people can process one piece of information at a time. SLTs stated they further advised YOT practitioners to repeat information in different ways to enable young people to understand information. As well, SLTs said that they encouraged YOT practitioners to check young people's understanding of the information provided by asking young people to repeat what they understood in their own words back to the practitioner to check understanding. Helping young people understand and process information is the first step taken by practitioners to help young people engage in YOT interventions.

Speech and Language Therapists interviewed pointed to the fact that they approach each young person differently and a 'one size fits all' approach would be ineffective to reach these young people. When discussing the different approaches to engaging young people, SLTs said that they start off with trying to build a rapport with the young person. Instead of sounding clinical, SLTs approached young people with a friendly tone asking them about their interests. For example, one SLT (YOT 17) shared an anecdote of working with a young person who was quite difficult to engage with, but the SLT was able to ascertain her interests in hairdressing and beauty. In order to facilitate a discussion with the young person the SLT printed off a number of pages from beauty-related magazines to discuss the seasonal trends in beauty with the young person. The SLT asked the young person to give her beauty advice, which resulted in the young person opening up and starting to engage with the SLT as a result (SLT, YOT 17).

"I have got a young lady who is working on expressive language difficulties and she works in hair and beauty and I just googled a bunch of images with hair and make-up and things like that and then worked with those to get her to express what was going on. Trying to use their own interests. I think that if people looked through the stuff I printed off they would think what on earth are you doing with that? Yes she wasn't engaging very well but she was engaging better with that, which is really good and I think she appreciated that I was making the effort... And in a way we just sat here and talked for about half an hour but at the end it increased her language skills" (SLT, YOT 17).

Practitioners interviewed highlighted the importance of establishing a positive rapport with young people in order for them to engage with team members. Respect is also an important part of working with young people as one of the Case Managers stated (YOT 7). Part of respecting young people is "being *honest* with the young person too—letting them know we know they have difficulties and how we will work together to help them" (Case Manager, YOT 6). Many practitioners stated that building a good rapport and relationship with young people is a fundamental part of their everyday work: "so not kind of pushing them and engaging them and give us everything that we want, but kind of just go with the fact that they are resistant, *respecting them* and whatever information they give us through that process" (Case Manager, YOT 21). Another practitioner highlighted that "I build up a relationship with [young people] all that time, some people won't want to talk to you initially, then after all that time they get used to you, they get to know you, so that relationship is really important as well" (Case Manager, YOT 9). Another Case Manager, in YOT 7, said that taking into account young people's wishes and future plans was crucial in establishing a good working relationship with them. Additionally, he stated that it is essential for Case Managers to remember to *talk to* young people and not *talk at* young people (Case Manager, YOT 7, emphasis added).

Another way to engage young people was to decrease formality and the procedural nature of the screening and intervention sessions. Many practitioners highlighted the importance of structure when working with young people. Practitioners (RO Coordinator, YOT 20; VCPM, YOT 11; Case Manager, YOT 7) pointed out that many young people who offend have a chaotic background with unsettled family ties and introducing structure in their lives can be a challenge. An unstable and chaotic background has been related to offending within youth offending population (see e.g. Snow, et al. 2012: 502). While YOTs aim to introduce a certain structure for young people with activities organised to facilitate their learning of responsibility, practitioners also emphasised the importance of informality. YOT practitioners said that some young people who habitually offend may have been raised in care homes without much stability in their lives. As a result, these young people may be familiar with procedures of the youth offending service and courts. They would also be used to interaction with adults and professionals in the CJS. Some young people may be used to talking to adults in professional capacities where these adults would have some form of impact on the young people's lives. As a result, some young people may be used to answering adults' questions. In some cases, young people would develop a sense of what answers 'are expected' and would know that certain responses will lead to certain reactions and actions by professional adults.

One practitioner (SLT, YOT 17) pointed out that young people are often aware of their communication difficulties and have developed coping mechanisms to mask these difficulties, which is also well documented in the literature (see e.g. Gregory and Bryan, 2009; Bryan, et al. 2015). For example, SLTs mentioned that some young people have been 'misdiagnosed' with ASD when, in fact, their behaviour was an attempt to hide their communication difficulties. Others mask their communication difficulties by disengaging and hardly communicating, if at all. While young people with SLCNs may try to hide their communication difficulties in many ways, practitioners pointed out some of the behaviours that young people would display in order to mask their SLCNs would be 'defiant', 'rude', 'disengaged', 'problem behaviour', or 'attitude problems' (Case Manager, YOT 7; SLT, YOT 19).

Another Speech and Language Therapist (YOT 17) said that SLT appointments can be part of the statutory requirements of the order: "it is voluntary whether the young people want to see the SLT but if they say yes then they make it part of their order" (SLT, YOT 17). As she further explained, once the carers and the young person have agreed that the young person should see the SLT, then the appointments become part of the mandatory requirements of the young person's order, which has great implications. Once the SLT appointments become mandatory, the young person may be breached if he/she missed three appointments with the SLT, essentially, punishing them for not complying with their order requirements. Because young people with SLCNs often have difficulties with the concepts of time and dates, it increases their likelihood of missing these SLT appointments, which in turn puts them at a disadvantage and can create a cycle of breach.

Practitioners were asked based on their experiences how communication difficulties of young people had an impact on the referral orders. This question was designed to be deliberately broad in order to elicit practitioners' experiences from a wide perspective. In the current study practitioners interviewed cited non-attendance of appointments as the most common reasons for breaching young people on referral orders. One community panel member (YOT 11) remarked, "It is important to ensure they [young people] understand the implications of not attending appointments to complete the order" (VCPM, YOT 11). Crawford and Newburn (2002) similarly found that non-attendance is most often the cited reason of young people's orders being breached (Crawford and Newburn, 2002: 485).

In contrast, other participants pointed out that SLT services were part of their health-related services in their YOTs (YOT 6 and YOT 7), which meant that young people attending

SLT appointments were entirely voluntary. Participants in YOT 6 and YOT 7 explained that communication difficulties are seen as health-related matters and should be treated as such. In YOT 7, the RO Coordinator said that all health-related appointments are voluntary for the young person to attend (e.g. mental health counsellor), and these appointments would not be part of the referral order contract. In other words, for young people to attend health-related appointments within the YOT cannot be made a compulsory part of the RO contract. Because SLTs are part of the health sector, young people attending SLT interventions is a voluntary decision the young person and their families make. As such, receiving SLT interventions cannot be included as terms of the RO contract and young people can decide to not receive SLT interventions at any time. Therefore, attendance of health-related appointments, such as SLT intervention, is a decision young people and their families can make and whether the young person received SLT services will not have implications for the outcomes of their orders.

When discussing engagement, practitioners spoke about engaging young people in order for young people to participate in interventions and activities that will ideally help them desist from offending. In terms of engagement, practitioners also spoke about compliance and breach of referral orders. For example, when asked *How do you think SLCNs affect the referral order process?* practitioners often talked about engagement in terms of the two aspects of compliance and breach. But there is a lot more to young people either complying with or breaching their orders. In fact, practitioners stated that breaching young people, referring them back to court, was a discretionary decision. When discussing compliance, it is important to understand that compliance and participation can be seen as being on a continuum, which means that young people may superficially comply with their orders; as well, young people can choose to actively participate and engage with RO interventions, thus, making the most out of the services. As will be argued in the paragraphs to follow, young people's meaningful engagement in YOT services is the goal, while it can be difficult to determine if young people are 'only going through the motions' to complete their orders as soon as possible.

In terms of referral orders, it is possible for a young person to statutorily comply with their referral orders and successfully complete their orders without meaningfully engaging with the process of referral orders. However, meeting the minimum requirements of their referral orders is different from substantive compliance, which involves cooperation and active engagement of young people in activities (Dubberley, et al. 2015: 9). Lack of substantive compliance with referral orders has important implications for the restorative justice aspects of referral orders. As the authors argue, young people may have an incentive to comply initially

with their orders (e.g. to avoid being sent back to court); however, this is not likely to yield substantive compliance—and will be further discussed in Chapter 7.3 (Dubberley, et al. 2015: 9). Indeed, young people with communication difficulties will not achieve substantive compliance if they do not understand the process of referral orders or are not listened to by practitioners because they may not participate in prescribed activities. Therefore, it is up to YOT practitioners to make every effort to meaningfully engage young people with the process of referral orders, thus, shifting young people from superficial engagement to substantive compliance. Substantive compliance is important because young people who make an effort to fully engage with services and to substantially comply with their orders are also more likely to comply in the long term. In other words, those who substantially comply with their orders are less likely to reoffend (Robinson and McNeill, 2008: 440). Overall, effective communication is imperative to substantial compliance with referral orders. Speech and Language Therapists have increased young people's engagement with youth justice services "to a higher standard overall" (Bryan and Gregory, 2013: 367). Indeed, the HMIP Report (2016) on RO practices found that in order to effectively and meaningfully engage young people with the RO process (especially during YOP meetings), panel members indicated that showing respect and basic courtesy to young people (e.g. a handshake or smile) can go a long way in establishing a positive rapport with young people (HMIP, 2016: 29). The findings of the HMIP Report (2016) can be summarised: "The quality of the interaction between panel members, young people and others is critical to an effective panel" which, in effect, states that respect should be communicated to young people in order for young people to meaningfully engage in interactions with the adults in panel meetings (HMIP, 2016: 29).

Another SLT (YOT 17) stated that if the material they use to try to engage young people is not age appropriate then young people may completely disengage, which will reduce the support available to them and may have an impact on their level of engagement with the requirements of their orders. The same SLT remarked that:

> "We actually have a young person right now who will absolutely not see me, won't see me because I'm baby-ish. But that stems from the fact that I previously worked with this young person while they were in school and he equates this with the school service even though he is not in school" (SLT, YOT 17).

As this SLT put it, engaging young people who offend can be tricky; especially, if the young person associates the SLT with school, in which case some young people may

completely disengage. YOT practitioners mentioned that engaging young people by talking about school is not effective as many young people in the Youth Justice System are excluded from school (Taylor, 2016: 10; Knight, et al. 2014). In order to work with the young offender population efficiently, SLTs must find creative and relevant material and strategies to engage young people. The SLT in YOT 17 further stated that they must find ways to relate to young people and relate to their interests in order to generate a dialogue between SLTs and young people.

Speech and Language Therapists spoke about some of the difficulties of engaging young people when they first screened them for communication difficulties:

"Normally, I just say to them that there are words that people are using, people are using words that you don't understand and we can work on that and we can do some work on that to help you understanding people a bit better. Mostly they don't say no. And because they all see me and I am very careful to explain to them at the beginning: nobody said that there is anything wrong with you, but what we know is that more than half of young people who come through the YOT will have some difficulty around this. So I just screen all of you. So if I do find something they haven't got their backs up against. So that is what we think how my engagement rate is quite successful. Because if somebody said to them that I am a bit worried about this then they start to think they are stupid. Then they put up the barriers. So hopefully I don't get so much of that" (SLT, YOT 17).

Apart from individually tailored strategies to engage young people, SLTs also highlighted the importance of avoiding labelling the young person. SLTs said that young people should not be made to feel that there was something wrong with them, but rather SLTs build on their strengths and provide positive feedback to young people. There is a need to be creative when working with the young offender population as many of the practitioners interviewed stated. It is important to think outside of the box when interacting with young people. As a Case Manager (YOT 7) mentioned, engaging young people effectively can be as simple as drawing stick figures on a flip-chart board to help young people's understanding (Case Manager, YOT 7). These strategies ensured that young people understand each step of the process of their orders, including explanations of what to expect at the next stage, hence, helping young people engage with referral order processes.

5.4 Speech and Language Therapy Provision for Young People within Youth Justice Services

Overall, Speech and Language Therapy provision in the YOTs examined varied from a purely consultative role to the provision of hands-on interventions to young people. Although most SLTs interviewed stated that they provided training to YOT staff along with assessment of young people's communication needs, there was an agreement that their role was largely based on consultation with YOT practitioners on individual cases, rather than providing direct interventions to young people. Seconded Speech and Language Therapy services in YOTs terminated once young people completed their orders and their work with the YOT was completed. As such, young people's access to SLT services within the YOT also terminates unless a referral to mainstream SLT services has been made. Thus, young people with identified communication needs would have to turn to mainstream SLT services, which would increase their risk of 'falling through the cracks' and living with their communication needs essentially unaddressed.

Other SLTs mentioned that they designed some of the interventions used to support young people in their seconded roles in YOTs. For example, three SLTs (YOTs 21, 22, 10) said that they had compiled a 'youth justice dictionary' for young people with the terms and phrases included that young people would come across most often in youth justice services. One SLT (YOT 21) remarked when asked about how the dictionary is used:

"I have designed it to cover all main vocabulary/phrases which the young person might come across at different points in the youth justice system, rather than just the words I thought would be the most often misunderstood. It is split into different sections e.g. 'when talking about your offence', 'when talking about your arrest and interview' 'when talking about your court appearance', 'phrases you might hear in the courtroom' etc. It was only launched at the beginning of this month, so is still in its early days. At the moment, there is a copy kept in the duty box, for whoever is on duty that day, and all YOT staff have a copy to carry with them, especially when going to meet young people for initial assessment. There are copies available for young people to look at while in the waiting room at our YOT, and we are looking at getting copies available within the court waiting rooms and the police station. Even if someone is aware of the need to differentiate a word, it can be difficult to explain the meaning on

the spot, so the dictionary comes in useful to both young people and staff" (SLT, YOT 21).

Young people's own knowledge and awareness of their own communication difficulties is another important aspect of SLT intervention. Some SLTs interviewed stated that they ask young people about their awareness of their communication skills and where they think they need help. Indeed, the importance of self-assessment was highlighted by one of the YOT Case Managers (YOT 21):

> "The self-assessment one is quite an important one as well, sometimes they [young people] may not communicate things verbally you are then quite surprised with the things that they tell in self-assessment they tell a lot more than they are able to when speaking to you. I mean it varies, some people just want to tick the form and give one word answers and get it away from them so it's like doing sheets, whereas other people might not talk to you very much but they might give quite revealing answers on there. Was that the 'What do YOU think?' form? That is what we were using but we are now using what is meant for the Asset Plus self-assessment"[14] (Case Manager, YOT 21).

However, there is an inherent downside of self-administered assessments as these may lead to false negatives (i.e. young people's self-assessment would indicate that they do not have communication difficulties when, in fact, they do, which is not apparent from their written language). Young people may over-state, deny or may be completely unaware of their own communication difficulties, which renders self-assessment tests unreliable. Researchers have found that self-assessments used to assess young people's self-perception of their communication difficulties was helpful in order for practitioners to establish rapport with young people, but was not found to be a reliable measure of SLCNs (Bryan, et al. 2007: 22; Burrows and Yiga, 2012: 52). For example, Burrows and Yiga (2012) argue that SLTs report that young people with SLCNs may be difficult to 'test' due to their SLCNs (Burrows and Yiga, 2012: 93). The authors advocate for using direct assessment of young people's language and social skills rather than self-assessments (Burrows and Yiga, 2012: 93). In fact, the authors argue that unidentified self-rating screening tools should only be used as a measure to identify the level of awareness of communication skills and difficulties (Burrows and Yiga, 2012: 94).

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[14] The Asset Plus assessment tool has a self-assessment component titled: 'Young Person—Full self-assessment (Statutory or combination)'

Although there is a debate in the literature of the pros and cons of self-assessment in relation to communication difficulties, SLTs interviewed clearly stated that using self-assessment forms are an important part of a complete assessment. SLTs said that they believed young people with SLCNs need to be given the opportunity to communicate how they feel about their own skills and abilities. SLTs emphasised that self-assessment is important to allow young people to understand their own needs and difficulties. Self-assessment has also been said to improve the success of subsequent SLT interventions. To explain, an SLT (YOT 19) stated that young people are often mistaken about their own skills and difficulties. Part of assessment is to help young people set the record straight by helping them to understand what their skills are and what areas they have difficulties in and need support. In fact, Hopkins, et al. (2016) argue that interviews with young people could be included to complement formal assessments (e.g. Asset) (Hopkins, et al. 2016). These measures are part of breaking down communication to smaller components for young people. By performing a thorough assessment SLTs are able to identify key areas where support is needed. Two of the SLTs interviewed believed that young people should be part of their assessment and diagnosis and that it is important for them to recognise areas where their own communication can be improved.

In fact, when one of the SLTs (YOT 10) was asked about engaging young people who have communication difficulties, she said:

> "It is very variable. I ask them to complete a rating scale of their views of their communication skills before and after the screen. Usually an area jumps out at them if they never previously realised that they had any difficulty. I then try to encourage them to agree what they would like to work on, agree outcomes and for how long" (SLT, YOT 10).

Speech and Language Therapists and YOT practitioners interviewed believe that it was important to ask young people's opinions on what interventions they received. Indeed, it is one of the goals of YOP meetings to encourage young people's participation in the decision-making process of what happens to them in the Youth Justice System. At initial YOP meetings observed, Volunteer Community Panel Members explained to young people in detail what the expectations of the contract were and why. Volunteer panel members were observed asking young people questions, encouraging young people to provide some input, such as 'why do you think we are asking you to do this?' Additionally, at the time of writing, YOT 7 was participating in a national survey initiative by HM Inspectorate of Prisons. This included an

interactive survey tool for young people asking them for feedback on the services they received in the YOT. The questions were trying to also elicit information on how much input young people had in deciding their activities and participation in intervention programmes.

Several SLTs interviewed mentioned that the young people they work with in the YOT often lack social communication skills and confidence. Some had mentioned that lack of assertiveness can also be a result of social communication difficulties, which in turn may affect how young people are able to communicate their needs. One SLT (YOT 17) remarked:

"In other instances I say I don't have to see the young people at all because they have excellent communication skills and they have no communication needs at all. Even though I say I don't need to see them, they sometimes get referred back to me to work with them in terms of being assertive rather than aggressive and how they communicate socially. Not necessarily that they have a social communication disorder but just that environmentally they haven't learnt how to communicate effectively and socially" (SLT, YOT 17).

As this quote illustrates, SLTs work with young people with complex communication needs that might be very different from SLCNs that younger children in school exhibit. Different levels of communication skills and language development can be expected from young people based on their age (Nippold, 2007, Appendix 1). As mentioned in Chapter 5.3, studies have shown that young children and adolescents have different verbal communication skills (e.g. Nippold, et al. 2005; Nippold, et al. 2014; Nippold, et al. 2008). In a study, researchers determined that there are differences within verbal language (syntactic) development, and syntactic development continues from childhood beyond adolescence and into early adulthood (20-29 years) (Nippold, et al. 2005: 1057). In other words, there is a general trend toward greater syntactic complexity as a function of increasing chronological age (Nippold, et al. 2005: 1059). Thus, SLTs must show creativity when providing Speech and Language Therapy for young people in YOTs as their work can make a difference between a young person successfully engaging with YOT services and completely disengaging from services, which may have adverse consequences for young people. Additionally, Locke, et al. (2002) established that persistent, undetected SLCNs, which started at an early age, will have long-term effects on children's educational attainment (Locke, et al. 2002). As such, young people whose SLCNs were undetected and unaddressed will have cumulative effects on older

adolescents' needs (e.g. problems related to educational needs, social communication skills), which require SLTs to address (Bryan, 2004: 392).

> "Owing to panel meetings being structured meetings, in an attempt to allay anxiety and ensure that everyone has the opportunity to have a voice in the meeting we have introduced an agenda. This is shared with all young people and their parents or carers prior to the meeting so they know what to expect regarding the structure of the meeting. In addition we have set ground rules which are discussed with the young person, parents/ carers prior to the meeting and they have the opportunity to add any rules or agenda items they deem appropriate. The meeting's agenda and ground rules should be referred to by the panel members at the start of every panel and we have A3 laminated copies of these on the wall of the room in which the panel is held and can be re-referred to during the meeting if required" (RO Coordinator, YOT 21).

Speech and Language Therapists stated that they help young people with both receptive and expressive language skills. However, one SLT (YOT 22) made a comment about not working with children in a teaching capacity. She explained that SLTs only work with children and adults specifically on their verbal expressive language and verbal comprehension skills, but not written language. This particular SLT made a distinction between working on verbal language and written language. She said that parents of children she works with often misunderstand her role and believe that she is there to help with their children's literacy skills. Improving the literacy skills (i.e. reading and writing) was not part of her role as an SLT. Her focus was on the verbal communication skills of children and her main function was to help children communicate, not to learn. This distinction between verbal and written communication skills was important because difficulties relating to written communication skills are different from those of verbal communication skills (Law, et al. 2009; I CAN Talk Series, Issue 1, n.d.; Snowling, et al. 2000).

Speech and Language Therapists' roles included not only providing material for YOT practitioners to implement in their daily practice, but also helping YOT practitioners develop confidence working with young people who have SLCNs. These findings resonate with earlier research which state that YOT practitioners need to build their confidence levels to be able to recognise the signs of communication difficulties (e.g. Heritage, et al. 2012: 25; Law, et al. 2012: 22; Games, et al. 2012). Speech and Language Therapists as indicated in previous literature support the work of YOT practitioners to be able to differentiate between

communication difficulties and related difficulties (e.g. ASD). This is important for YOT practitioners to understand in order to refer young people to the appropriate professional, such as a young person with SLCNs to the SLT.

In order for young people's voices to be heard, they must have the confidence to speak up. In fact, the SLCNs checklist developed by the SLT in YOT 7 lists indicators, such as possible behaviours associated with communication difficulties, possible causes and strategies to support young people with these specific difficulties. This checklist states that the experience of repeated failure of young people with receptive communication difficulties trying to understand others can lead to low self-esteem. In turn young people experiencing low self-esteem due to communication difficulties may become withdrawn or develop social communication difficulties, such as not being able to express themselves in group settings while still engaging in dialogue in a 1-2-1 setting. Speech and Language Therapists interviewed said that they provide interventions in group settings and one-on-one. Delivering interventions in a flexible way affords SLTs the option of adapting to young people's individual needs, hence, increasing the chances of improving engagement of young people.

Another example from an SLT interview demonstrated the amount of work necessary to set up and maintain the SLT service within one YOT. In YOT 15, the SLT was seconded from the NHS and her seconded role was commissioned by the Local Authority and NHS to provide SLT services in the YOT. This SLT stated that, along with her everyday workload, she managed only working one day a week in the YOT where she had to write a report every three months to the local authority to enable continuation of funding her seconded role at the YOT. She said that this was a report written detailing her work and demonstrating her performance of setting up the service as well as managing her caseload. The SLT in YOT 15 said that she works with Case Managers on the YOT to prepare referral order reports for YOP meetings as well as writing reports for PSRs for court. As this example demonstrates, SLTs seconded to YOTs often had limited time to provide interventions to young people, and as such, many would only provide diagnostic assessments and training for staff, without having the opportunity to work with young people. SLTs who provided SLCNs assessment and interventions were in YOTs 6, 7, 11, 18, 19. SLTs in YOTs 2, 3, 5, 9, 10, 12, 15, 17, 20, 21, 22 provided training for YOT staff and SLCNs assessment for young people.

In YOT 11 and YOT 7, there was evidence to suggest that SLTs provided a wide range of services, such as providing resources (e.g. youth justice dictionary). SLTs in these YOTs

stated that they have worked with YOT practitioners to look at and revise the standardised letters these YOTs use to communicate with young people and their families via post. In these YOTs, the SLTs worked with YOT practitioners to make the standard letters sent to young people more accessible: reduced text, using colour and pictorial signs to convey meaning and to emphasise importance, reorganising the text, and using bullet points. An example of RO contracts is shown in Appendix 4. Feedback from YOT practitioners in YOT 7 was that the new letters improved young people's understanding of the messages conveyed in these letters, however, no evidence of improvement as a result of changing standardised documents has been recorded. Exploring whether SLTs redesigning standard documents used in YOTs supports young people's understanding is an area for future research to explore (more in Chapter 8.3).

5.5 Summary

In this chapter, having discussed the results of interviews and YOP observations, several themes have emerged, which are assessing SLCNs, young people's referral to seconded SLTs, various interventions SLTs provide to young people to aid their understanding and engagement. Then the discussion moved to Speech and Language Therapy provision in Youth Offending Teams. Findings showed how SLT service provision in YOTs differed, mainly due to regional variations of YOT service provision as well as the differences in regional population and caseload. After discussing the findings on the overall SLT service provision in YOTs, SLTs' roles in working with young people and YOT practitioners were discussed in detail, highlighting themes, such as engaging young people, SLTs and YOTs working collaboratively and SLT intervention for young people with SLCNs. This chapter highlighted how the varied practices can affect service delivery in YOTs, but also demonstrated that seconded SLTs were instrumental in engaging some young people with communication difficulties in YOT programmes. Therefore, seconded SLTs played an important part of supporting YOT practitioners in their daily interactions with young people, and as such, SLT service provision became an essential part of core services in many YOTs examined.

Youth Offending Teams have been tasked with providing services to young people who offend in order to reduce their likelihood of reoffending. In practice, this means that YOT practitioners come across young people with varied needs which practitioners must assess and address. Based on interview findings, it became clear that Youth Offending Teams aim to provide young people with multi-disciplinary services, as being able to address the wide-ranging welfare and criminogenic needs of young people in contact with YOTs is a main

priority of YOT practitioners. The dedicated staff in YOTs emphasised the importance of approaching each young person differently as 'one size fits all' approaches do not achieve the same result. Each young person presents with different needs and difficulties; thus, practitioners must be flexible and creative in their service delivery. Practitioners must balance the requirement of service delivery set out in the National Standards for Youth Justice Services to that of meeting the individual needs of each young person.

In practice, Speech and Language Therapists must be able to learn to work effectively with the young offender population. SLTs should realise that some young people will not comply, which might have negative consequences for their orders. Speech and Language Therapists must learn about the needs and difficulties of the young offender population in order to provide flexible interventions to young people in YOTs. The launch of the Asset Plus SLC and Neuro-disability tool is a great way to prompt YOT practitioners to screen young people for communication difficulties; however, YOTs should have access to seconded in-house SLT service in order to reduce the time between referral and intervention. In the following chapter, the discussion will turn away from SLT service provision in YOTs to explaining the experiences of YOT practitioners and volunteers working with young people with SLCNs.

6 Youth Offending Team Practitioners and Volunteers Working with Young People with Communication Difficulties

6.1   Introduction

Research questions that will be addressed in this chapter will be how young peoples' communication needs are communicated by SLTs to YOT practitioners and Volunteer Panel Members. Then the discussion will turn to how SLTs work with YOT practitioners and volunteers to support young people's communication, such as ways in which practitioners could support young people's engagement in discussion during YOP meetings. This chapter will present findings on practitioners' and volunteers' experiences working with young people with communication difficulties within a multi-disciplinary team. More specifically the discussion will focus on how SLTs work within YOTs and how they collaborate with practitioners to engage young people in YOT services. The latter part of the chapter will present findings of how YOPs work in practice and the impact of SLCNs on YOP processes, as such, findings from YOP meeting observations will be discussed. Most importantly, the discussion will present arguments of why communication is a crucial part of reparation and restorative justice based interventions such as referral order. Data from interviews with Volunteer Community Panel Members will explore how they work with young people with SLCNs and whether the goals of YOP meetings can be achieved for these young people. The chapter will draw on interviews with YOT practitioners and SLTs working in YOTs as well as observations of a small number (n=10) of YOP meetings.

6.2 Speech and Language Therapists Training and Working with Youth Justice Service Practitioners

Practitioners were asked about the training they received (if any) in relation to SLCNs of young people in YOTs. During practitioner interviews one of the most commonly mentioned remarks was the importance of training provided by SLTs to youth justice practitioners. The training mentioned by all of the SLTs interviewed were provided to a wide range of youth

justice practitioners, such as YOT, secure estate YOI practitioners, magistrates, prosecutors, and police officers. One SLT (YOT 18) remarked:

> "Training also forms part of my role i.e. training for the YOS and other agencies. I have trained volunteers, magistrates and education staff and also offered training to police. I have plans to offer training to children's homes over the next 12 months" (SLT, YOT 18).

This quote speaks to the highly valuable role SLTs fulfilled in YOTs, namely providing training to all YOT practitioners. Although SLTs mentioned that the training they provided to YOT practitioners did not extend beyond the level of SLCNs awareness, the training provided by SLTs was highly valued and much needed. As this quote highlights, SLTs also provide training to youth justice practitioners outside of the YOT, such as magistrates, prosecutors and police officers. It is important that SLCNs are recognised early in a young person's journey in the Youth Justice System, especially before young people are referred to the YOT. In the case of referral orders, the young person would have interacted with the police, magistrates, prosecutor before they are sentenced to a referral order and referred to the YOT. As such, SLCNs training is imperative for all practitioners in the Youth Justice System, so that practitioners at all stages of the Youth Justice System are able to recognise the SLCNs of young people.

When prompted for details, SLTs said that the level of training provided for practitioners is basic, and the training is intended to raise awareness of SLCNs within the youth offending population. More specifically, the training was delivered in the form of an interactive, practice-focused workshop aiming to demonstrate the different ways that communication difficulties could manifest in this particular population. As SLTs explained, the training they delivered to YOS practitioners was tailored to include the specific barriers that this population of young people may face, including scenario-type tasks where practitioners were asked to design questions probing young people with SLCNs for further information. The training workshop included the following discussions: what speech, language and communication is; what do SLCNs mean for the Youth Justice System, police and court personnel; what it is like to have a communication difficulty; the link between communication and offending behaviour; indicators of SLCNs; and strategies supporting young people with SLCNs. Those YOT practitioners interviewed (n=14) who had received training from SLTs all stated that they benefited from the SLT training and that the workshop had raised their

awareness of SLCNs; as such, they were more aware of signs of SLCNs and ways to support young people with communication difficulties. Thus, awareness training delivered by SLTs was highlighted by YOT practitioners as an important factor in working with young people with SLCNs.

Volunteer Community Panel Members (VCPMs) are trained volunteers representing the communities that young people live in as mentioned above. According to the Referral Order Guidance (2015), VCPMs should not be representing the Youth Justice System in any form, but should remain neutral panel members aiming to represent the interests of their community, such as suggesting work the young person could undertake as part of their reparative activities. None of the volunteers mentioned what SLCNs training they received—they only mentioned that they received training as part of their role as Volunteer Community Panel Members of the YOT. Volunteer panel members must make their role clear at the beginning of initial panel meetings, including an emphasis on the differences between their roles and that of YOT staff. In fact, the Referral Order Guidance (2015) states that "there should be a balance on youth offender panels between those who bring an entirely fresh perspective to the panel process and those with experience of the youth justice system (including, but not necessarily confined to, the youth offending team member)" (Ministry of Justice, 2015: 21). As Crawford and Newburn (2003) note, some of the YOT managers described working with community panel members as 'challenging' and 'a culture shock', as well as noting that it was 'hard to shift to the new ideology' (Crawford and Newburn, 2003: 145). However, VCPMs' roles have become quite versatile, including understanding the requirements of referral orders, understanding the needs of the young offender population and having a solid understanding of the community resources available. As well, volunteer panel members are expected to provide a fresh perspective that is different from that of youth justice staff.

Based on the information provided by the practitioners interviewed, it became clear that beyond awareness of the potential communication difficulties of young people, it is important to assess young people's communication needs. YOT practitioners pointed out that although they had had some form of training and, more importantly, had the awareness of communication difficulties that young people may have in their service, some were still not confident about their skills of flagging a young person's communication difficulties. Therefore, a heavy reliance by Case Managers on SLTs to identify young people's communication needs became apparent. Case Managers from several YOTs (YOTs 7, 9, 19, 21) remarked on the positive impact of SLTs on staff's awareness of SLCNs in young people. All (n=9) Case

Managers interviewed agreed that they would most likely be able to distinguish between young people who had SLCNs and those who just simply would not engage with the YOT, all indicating that if they were unsure they would refer to the SLT seconded to their YOTs.

YOT Case Managers interviewed said that their practice benefited from the presence of SLTs in their YOTs. For example, a number of YOT staff (YOT 7 and YOT 9) noted that SLTs had an 'open door policy' and, as such, Case Managers could consult with SLTs at any time about a particular young person's communication needs. Practitioners highlighted the importance of having SLTs present in the YOT, as some mentioned they could consult the SLT when they had any doubts about a young person's communication skills. Case Managers could ask the SLT to attend the supervision session with the young person in order for the SLT to provide advice to YOT practitioners about how to effectively communicate with the young person. One YOT practitioner (YOT 7) mentioned that SLTs attending supervision sessions, or even specific interventions, such as consequential thinking, or Youth Offender Panel Meetings would benefit his work with young people with communication difficulties.

Communicating times and dates effectively to young people becomes one of the most important aspects of referral orders, as young people have to attend various intervention programmes. More specifically, those young people who experience difficulties with following spoken directions are also likely to experience difficulties in understanding sentences that contain complex language and language relating to concepts of time and space. This is supported by what SLTs and YOT practitioners highlighted, stating that young people who have communication difficulties often have difficulties telling time and understanding verbal instructions (YOTs 6, 7, 19, 10).

"For example, we have had young people who really struggle with the concept of time and dates, so end up turning up late or even early for appointments. If not acknowledged as a problem, this can be seen as disengagement rather than a deficit in the young person's understanding and communication" (Case Manager, YOT 6).

The same practitioner stated that he is "looking out for lateness and confusion with appointment times [as this] can be a clue that there are difficulties" (Case Manager, YOT 6). Individuals with language difficulties may encounter difficulty recalling information (facts and details) and using information presented in spoken paragraphs to identify cause-effect relationships and make inference and predictions (Afasic, n.d.). SLTs were able to give specific examples of how SLCNs can affect young people's interactions with YOT practitioners.

Another important aspect presented in this quote is SLTs working together with YOT practitioners in order to develop strategies to help young people understand concepts such as reparation. It is up to SLTs to identify terms that young people with SLCNs might find difficult. But it is the responsibility of YOT practitioners to train SLTs on the various orders and processes and to explain to SLTs important concepts such as reparation. Speech and Language Therapists must be trained to become familiar with terms and concepts specific to the Youth Justice System in order to work with young people and help them understand these concepts. Therefore, a reciprocal collaborative working relationship can become an effective way of sharing information and streamlining services to young people.

This resonates with previous findings of the Youth Offending and Speech and Language Therapy (YOSALT) study (Burrows and Yiga, 2012). The YOSALT research findings (2012) demonstrated that most Case Managers had noticed a positive impact from the SLT interventions on young people, and their ability to communicate better with YOT staff was mentioned as the greatest impact according to YOS staff (Burrows and Yiga, 2012: 73). In terms of the more specific impact on young people's lives, both young participants and YOT staff had reported positive outcomes for young people as a result of SLT intervention. Young people and YOT staff recounted the improvement in young people managing their personal and family relationships both in terms of improvement of overall communication skills and expressive communication skills (Burrows and Yiga, 2012: 76).

The communication difficulty SLTs said they help young people with most often is appropriate vocabulary use. Even though three SLTs (YOTs 10, 21, 22) use dictionaries to help young people understand youth justice terminology (such as comply, breach, guilty, magistrates, etc.), others stated that they prefer working with standardised workbooks used in Speech and Language Therapy to aid young people's understanding. One mentioned example given was the Elklan™ package of 'Language Builders' (SLT, YOT 12). Elklan is a system of training courses and Speech and Language Therapy resources for use by SLTs supporting children of all ages (Elks and McLachlan, 2015). The same SLT who mentioned Elklan suggested that Speech and Language Therapy provision with young people in the YOT is most useful when it tries to "make activities less paper based, more visual, and working out in the community giving them strategies they can use in their everyday life (e.g. using materials with pictures or using Elklan workbooks)" (SLT, YOT 12). While the Elklan workbooks and courses focus on working with children in school settings, there is a lack of evidence that the workbooks

with tailored materials for SLTs are working with young people in the youth offending population.

One Speech and Language Therapist (YOT 12) alluded to another form of training that SLTs provide to YOT practitioners, stating "the staff here have already been trained. Provide training at other events through Afasic Cymru for YOT staff and other agencies working with young people in the youth justice system" (SLT, YOT 12). As such, there are other forms and resources of SLCNs training available to YOT practitioners through the third sector, such as Afasic and Afasic Cymru. The training material provided by Elklan is mostly aimed at young children, up to age 8, but there was one workbook found that provides practical advice and activities to support young people between the ages of 16-25 (Elks and McLachlan, 2015). However, SLTs failed to mention any training they received in order to deliver SLT service to the young offender population.

Understanding how SLTs work with YOT practitioners included exploring other (other than SLCNs training) direct support SLTs provide to YOT practitioners, particularly to Case Mangers. YOT practitioners also pointed to the importance of presenting young people with documents that are visual rather than plain text in order to help young people's understanding of what is required of them. To illustrate, one of the Case Managers (YOT 21) interviewed stated:

"If I thought it was because of a speech and language difficulty, I might try and get [Speech and Language Therapist] to meet with me and give me some support meeting with me and the young person, see if we can put anything different in place to get through the panel. So using like pictures and stuff like that" (Case Manager, YOT 21).

This and other YOT Case Managers highlighted the importance of working together with seconded SLTs. The same Case Manager talked about SLTs filling a consultative role, and providing advice to YOT practitioners on an ad hoc basis, depending on the level of engagement of young people and depending on the needs/requests of practitioners. The role of SLTs working with YOT practitioners in a consultative role was previously discussed in Chapter 5. Apart from consulting SLTs, YOT practitioners also referred to materials, advice and used strategies to better engage young people. These resources were often sourced from seconded SLTs in YOTs, thus, confirming that SLT services went beyond providing training

to YOT practitioners and seconded SLT services overall improved service delivery by Youth Offending Team members.

There was a transitionary period for SLTs being seconded to YOTs as they had not worked in YOTs before. The SLT in YOT 7 stated that she was tasked with setting up SLT services in the YOT where there had never been such service established before. She said that she had had a learning curve of understanding procedures, working practices in order to embed SLT services in the most effective way. The SLT worked on establishing a working relationship within the multi-disciplinary team, such as referral procedures, training YOT practitioners and learning how to engage young people 15-17 years old. The lack of age appropriate materials SLTs were equipped with was discussed in Chapter 5.4. Both the SLT seconded to YOT 7 and Case Managers in the same YOT stated that training developed by the SLT had to be tailored to the different needs of YOT practitioners. This was further explained that some Case Managers did not understand the need to understand and recognise SLCNs in young people and were reluctant to refer young people to the SLT. Therefore, the SLT had to demonstrate flexibility in delivering training material to practitioners who might "get it and understand the importance of being aware of communication difficulties in young people" (Fieldwork notes, YOT 7).

Speech and language therapists alluded to some resistance to their presence in YOTs. Interviewing SLTs and YOT practitioners indicated the presence of the differences in occupational culture between SLTs and YOTs. While the focus is on children's wellbeing for both SLTs and YOT practitioners, there were marked differences noted during the fieldwork stage of the project. The majority of SLTs stated that their work is considered to be health care related services and as such, working within the youth offending service was a new experience for all SLTs interviewed. SLTs stated that they work with younger children and the majority of work they do is in schools and hospitals. As such, working within the YOS with young people who are older adolescents and are in the youth offending service was a new experience for SLTs. Similarly, for YOT practitioners, this was the first opportunity to work with SLTs, except for one YOT Case Manager in YOT 7, who was also an advocate for supporting young people with communication difficulties. The same YOT Case Manager stated that there was an initial resistance by some of his colleagues to working with SLTs in YOTs, however after the initial hesitation to accept the SLTs' presence in the YOT, YOT practitioners began collaborating more with SLTs in order to improve their work with young people.

Another factor influencing collaborative working between YOT practitioners and SLTs was the fact that most SLTs were seconded to their roles only part-time in YOTs. As described in Chapter 1, SLTs were deployed to their seconded roles in YOTs for three years and their roles included establishing SLT services in YOTs for the first time. The goal of SLTs' presence in YOTs was to help support YOT practitioners to understand SLCNs and to help them communicate with young people more effectively. It is understandable that while most YOT practitioners welcomed SLTs' input, some remained hesitant to accepting SLTs' training and advice. Indeed, some YOT practitioners questioned the appropriateness of SLTs giving advice of how to communicate with young people with SLCNs to YOT practitioners who have been in working with young people for several years (Case Manager, YOT 7). Therefore, the initial resistance to accept the advice of SLTs of different ways to communicate with young people created an initial clash of occupational cultures of YOT practitioners and SLTs in YOTs. This initial clash of occupational cultures were said to have decreased as YOT practitioners received more training and became more familiar with SLTs' work.

Three YOT practitioners and SLTs mentioned having taken SLCNs training through 'The BOX' online training material available to those working in the justice system by the Royal College of Speech and Language Therapists. 'The BOX: What's it like to be inside?' is a training programme to enhance the skills of those working in the Youth Justice System helping young people with communication issues. The RCSLT in conjunction with the Youth Justice Board developed this programme specifically tailored for front-line practitioners working with young people with SLCNs in youth justice services. More broadly, "'The Box' helps staff working with adults, children and young people anywhere along the criminal justice pathway—whether at risk of offending, already in the criminal justice system or being supported after they have left the system. Potential users of 'The Box' include the police, Crown Prosecution Service staff, court staff, probation officers, prison officers, those working within prevention services (including young offending teams), and staff working within other justice services delivered by the third sector" (RCSLT, n.d.: 1). The training programme includes interactive and practical e-learning modules and a two-day course[15] with a screening tool in order to help practitioners recognise SLCNs. The aim is to help youth justice practitioners supporting young people to engage more with services offered, and to aid young people's understanding of legal proceedings and outcomes. The training programme will help

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[15] The Box training course is available through the Royal College of Speech and Language Therapists, more details can be found on https://www.rcslt.org/about/young_offenders_and_criminal_justice/intro

with practitioners developing practical skills to overcome the challenges working with the youth offending population (RCSLT, n.d.: 1; RCSLT: The Box). "The Box has attracted great interest from magistrates, police, youth offending teams and young offender institutions" (Moser, 2012: 18). A recent evaluation of The Box, the RCSLT's criminal justice training package and screening tools found that the majority (96%) of the justice sector staff who attended the training course said that their ability to identify people with SLCNs had improved as a result of the training course (RTK, 2013: 5).

6.3 Youth Offender Panels and Communication Difficulties

This section will detail findings from non-participant observations of Youth Offender Panel Meetings. It will outline how communication takes place between the participants of panel meetings. Seven initial and three review panel meetings were observed. The observations have provided a picture of the structure of panel meetings, as well as the implementation of referral orders principles in practice. They also provided an opportunity to examine the communication process of panel meetings.

The observation of panel meetings revealed that the extent of volunteer panel members' experience is greatly dependent on their age. Based on panel observations, it was noted that younger volunteer panel members had less experience, while older volunteer panel members exhibited more experience conducting panel meetings and had more confidence in engaging young people who would not respond to questions by the volunteers. As indicated by Crawford and Newburn (2003), the diversity of the panel members should reflect that of the local community, but young panel members are especially encouraged to participate as they may be more equipped to engage with young people and to understand their motivations (Crawford and Newburn, 2003: 143). In the current research, observations of YOP meetings gave an indication of how Volunteer Community Panel Members interact with young people. In panel meetings it was observed that although younger volunteer panel members may indeed be able to build a better rapport with young people, some of the younger panel members did not seem to be able to assert their viewpoints efficiently with the YOT staff. Conversely, older volunteer panel members were observed to be more confident in panel meetings and appeared to be more at ease speaking with YOT staff as well. Apart from representativeness indicated by Crawford and Newburn (2009) the observations of panel meetings in this research revealed that volunteer panel members were better able to build a good rapport with young people with more

experience of sitting in panel meetings. This also meant that, in general, more experienced panel members were observed to be more successful at engaging young people in a discussion.

Restorative justice meetings are inclusive and communicative processes where all stakeholders are expected to contribute to the discussion of meetings. As one Volunteer Community Panel Member (YOT 11) summed it up, "Communication is crucial to ensure everyone is included and has a voice" (VCPM, YOT 11). As this volunteer panel member pointed out, without effective communication the panel meeting cannot be successful. Indeed, young people with communication difficulties can be at a disadvantage when trying to put their opinions across. Young people's body language and verbal communication skills can be misinterpreted as difficult behaviour, which may lead panel members to interpret the young person's behaviour as non-cooperative. Thus, young people with communication difficulties risk being excluded from the discussion at panel meetings. Young people who offend performed worse on figurative language tests than those in a control group and, as such, they were more likely to interpret the figurative or metaphorical statements in their literal sense (Snow and Powell, 2004: 227). Indeed, SLTs noted that it is important for practitioners to stick to clear and simplified language so young people are more likely understand what is being said. In terms of panel meeting observations, it was noted that one particular Volunteer Community Panel Member (YOT 7) was very good at engaging young people who otherwise hardly said a word, as she was able to re-word the same question in different ways and her approach was always observed to be very friendly with young people. This was noted during an informal discussion with the RO Coordinator (YOT 7), who said that this particular VCPM had seven years' experience volunteering for the YOT during which she has become proficient at engaging young people in a discussion.

Literature has shown, without appropriate social communication, young people's behaviour to mask their lack of social communication skills will manifest as disruptive behaviour, which may be interpreted by YOT staff as an unwillingness to engage with services (see e.g. Snow, et al. 2016). This in turn will affect the Case Managers' perception of the young person's motivation to change, which is an important part of forward-looking restorative justice. One SLT (YOT 19) and one Case Manager (YOT 21) explained how their work includes young people with needs beyond SLCNs. "About 90% of young people I work with are difficult to engage—have behavioural difficulties or emotional difficulties" (SLT, YOT 19). When asked: *Have you ever worked with young people who had communication difficulties?* The YOT Case Manager (YOT 21) stated:

"I have yes, actually my referral order cases maybe not quite as much as some of the other cases that's probably transfer related. That's worked out. I have come across some [young people in the YOT] who where there is speech and language difficulty and are very difficult to engage sometimes. And maybe their understanding, some of the wording and things that are used within panel meetings. Sometimes that can create a problem" (Case Manager, YOT 21).

Indeed, referral orders are quite resource intense orders in terms of time, especially the time limits imposed by the YJB and the *Youth Justice and Criminal Evidence Act* 1999 (Newbury, 2011: 262; Ministry of Justice, 2015: 9). While Volunteer Community Panel Members determine the length of community work as a form of reparation (in terms of hours), it is up to the RO Coordinator to facilitate the actual activity, which requires a lot of time. Given the time and effort to facilitate reparative activity in the community, the RO Coordinator must ensure that the activity is suitable for the young person, so that the young person is more likely to engage. It is at the initial panel meeting where panel members are to establish a rapport with the young person in order to elicit information on the circumstances of the offence committed. Young people with SLCNs will likely have difficulties expressing their thoughts about committing the offence to panel members. RO Coordinators try to include offence-related reparation work for young people in order for them to learn how the offence has affected the victim (RO Coordinator, YOT 20). If young people with communication difficulties do not engage in a dialogue with panel members at the initial panel meeting, then the panel will have difficulties establishing how and why the offence was committed. As a result, it will be difficult to find a suitable reparation activity for young people with SLCNs, which means they will have difficulty engaging with community members during their required work as well. This may lead young people to disengage with the referral order completely. Thus, the time and effort invested by the RO Coordinator and others in the team will be in vain, especially, if the young person will be breached and referred back to court for re-sentencing. Still, YOT Case Managers and other practitioners in YOTs were observed to care about and support young people's engagement, to encourage the successful completion of their orders.

Reparation forms a fundamental part of referral orders and at least one form of reparative activity should be included in the referral order contract (Ministry of Justice, 2015: 9). Previous literature distinguishes between direct and indirect reparation to the victim and/or to the wider community (Crawford and Newburn, 2002). Reparation is explained to young people as 'righting a wrong'. Young people are encouraged to make direct reparation to the

victim, even when they harbour ill feelings for the victim. However, some of the young people whose panel meetings were observed were not willing under any circumstances to entertain the idea of meeting the victim face-to-face. Even if the victim has expressed the desire to have a restorative justice conferencing meeting with the young person, the meeting cannot be forced if the young person is not willing to meet (s. 23(4) *Powers of Criminal Courts (Sentencing) Act* 2000). In fact, those young people with communication difficulties may have lower self-esteem, and they may not be able to assert their wishes, in which case reparation will become 'forced' and insincere, essentially defeating the purpose of the process (Newbury, 2011: 262).

In addition to practitioners, Volunteer Community Panel Members were interviewed to better understand how they engaged young people and their training in relation to engaging young people with communication difficulties. Volunteer Community Panel Members described their experiences working with young people with communication difficulties. Most of the volunteers were interviewed from YOT 11 (four VCPMs) and three out of the four volunteers stated that they had not received training from the SLT in the YOT. At the beginning of each interview the researcher gave a description to volunteers of what communication difficulties referred to, as volunteers often mixed up communication difficulties with literacy and numeracy skills. Despite stating that they did not need training on how to speak to young people, panel member volunteers seemed confident of being able to engage young people in discussion during meetings. Two of the volunteers (YOT 11) interviewed stated that they relied a lot on their experiences working with young people from their 'day jobs' in order to engage young people in discussion. Another volunteer (YOT 11) stated, "Not all panels need a speech and language expert. Where there are very specific speech and language needs yes. I recognise language difficulties through listening carefully to see if the young person is trying to articulate; I watch to see if a young person takes some time to process what I have said before answering me; I check to see if a young person who may have autism is making eye contact with me or not and I also speak literally" (VCPM, YOT 11). Even though this particular volunteer stated that she had not had SLT training before, her response to how she recognises communication difficulties were almost identical to those volunteers who had received SLT training, i.e. those volunteers interviewed in YOT 7 (there were three Volunteer Community Panel Members interviewed in YOT 7).

In order to understand the aim of Youth Offender Panel Meetings, it was important for young people to understand what restorative justice aims to achieve specifically at the panel meeting. For young people to understand the concept of restorative justice and the reparation

principle, they need to be able to understand the different roles of the courts and the Youth Offender Panel. This distinction should be clearly communicated to young people at their initial panel meetings. Young people must understand that the court's role is to adjudicate and render a conviction, however, the panel's goal is entirely different. At the beginning of each initial panel meeting observed, there were introductions of everyone present, along with an explanation of what the meeting was about, what to expect and what the goal of the meeting is.

As such, young people not understanding the role of Volunteer Community Panel Members raises questions about their understanding of the purpose of the referral order. During initial panel meetings, community panel members often started the meeting with a discussion of the offence. For example, during one initial panel meeting the discussion began with asking the young person what the offence was and why it was committed, essentially asking the young person to admit responsibility for their actions. It was observed in an initial panel meeting where the young person said that he had pleaded guilty to the offence in court because he was told to do so, but denied any wrongdoing. This particular case was interesting because the young person had pleaded guilty and admitted that he had committed the offence, but he was adamant that he had not done anything wrong, thus, denying any harm caused to the victim. The young person said that it was his friend (18 years old) who had started the incident, thus, the young person denied his participation and any wrongdoing. Failure of responsibilising the young person in the panel meeting resulted in the young person not expressing remorse for his actions, and he denied participation in any reparative activity. It is important to note that the young person stated he was told by the solicitor to plead guilty in order to avoid harsher punishment, which he did, but denied wrongdoing in the panel meeting. It can be questioned whether this young person was 'coerced' into pleading guilty, but was actually innocent.

Consequential thinking is one of the cornerstones of referral orders. The goal of consequential thinking is to teach young people to consider the potential consequences to others (i.e. causing harm to others) before they engage in offending behaviour. Consequential thinking is then expected to reduce reoffending. Teaching young people to practise consequential thinking is part of responsibilising the young person: admitting wrongdoing—becoming aware that their behaviour caused harm (Case and Haines, 2015: 158). The discussion between young people and panel members should raise young people's awareness of the consequences of the offence to the victim and the wider community. If the victim is not present (as is most often the case at panel meetings) (Newbury, 2011: 255; Ministry of Justice, 2015: 28), then panel

members encourage the young person to consider/imagine how he/she thinks that the victim was affected by the offence committed. Sometimes, the Victim Personal Statement is read out loud to the young person as it was observed during initial panel meeting observations. It is then hoped that discussion between young people and panel members about the offence (or the behaviour of the young person) will facilitate the young person realising the consequences of their actions to themselves, to the victim and to their community (e.g. through victim attendance and interaction during panel meetings or discussion relating to the Victim Personal Statement) (Home Office, 2002: 29).

Additionally, the RO Coordinator in YOT 7 mentioned that having chaired several YOP meetings, it is often difficult to manage carers' expectations of panel meetings. Youth Offender Panel Meetings are to provide an informal forum for young people to explore their attitudes towards offending behaviour and to express their thoughts about offending. Young people also need to have effective communication skills in order to negotiate the terms of their referral order contracts. However, communication difficulties affect young people's confidence as well (Bryan and Gregory, 2013: 365; Youth Justice Committee, 2012: 142; Bryan and Mackenzie, 2008: 11). It is the RO Coordinator's responsibility to ensure that panel members are aware of young people's needs flagged by the various assessment methods used. One Case Manager (YOT 6) summed it up succinctly:

> "The ultimate aim of a referral order is to keep young people away from further involvement in the Criminal Justice System, however if they are not able to engage in the process because they cannot communicate or understand, it is likely they will experience further difficulties in life & engage in criminal activity" (Case Manager, YOT 6).

This quote speaks to the belief that YOT practitioners interviewed in general held. YOT practitioners stated that communication difficulties of young people will affect their engagement in YOT interventions, which ultimately may affect their future lives. Although a direct link was not established between SLCNs and the likelihood of offending behaviour in this research project, practitioners alluded to the fact that communication difficulties will affect young people's lives. Communication skills are crucial in all aspects of life. As it has been argued throughout this thesis, all aspects of young people's lives can be affected by communication difficulties, including educational attainment, behaviour, employment prospects, and criminal behaviour.

For those young people who have speech, language and communication difficulties, participation in dialogue can be particularly difficult. Arguably, a panel meeting with strangers in the room asking questions can be an intimidating experience for the young person (see Appendix 4 for an example of seating arrangements at a Youth Offender Panel Meeting; Crawford and Newburn, 2003). To avoid the young person being overwhelmed, the Case Manager meets with the young person one-to-one prior to the panel meeting, explaining to him/her how the process will take place and what to expect. In some YOTs, the Case Manager meets with the young person more than once, including a home visit and another at the YOT prior to the initial panel meeting. Despite these efforts, young people with SLCNs may still find the panel meeting an intimidating experience. Based on panel meeting observations where young people's carers were present, those young people who are also accompanied by family members may see an opportunity to 'hide' behind their carers during the panel meeting, in which case, the young person may not engage with the process at all.

In a particular case, an initial panel meeting was observed for a 15-year-old female who seemed to hardly respond to the questions. This young person seemed to rely on her mother's and grandmother's responses. Despite the repeated efforts of the panel members to engage the young person, most of her responses were restricted to: "I don't know", "Yes", "No." Although the young person was not diagnosed with SLCNs during the referral order process, it was evident that the young person deferred much of the participation to her family during the panel meeting. The purpose of referral orders is to actively engage the young person, victims and the community in restorative activities, thus, assuming open communication among the stakeholders. Young people with communication difficulties are at a disadvantage because their engagement and participation may be limited due to their SLCNs; although, there was no evidence of this young person having any communication difficulties.

> For example, in one initial panel meeting where the young person was convicted of theft from a shop and was adamant that she did not harm the victim. The victim in this case was the manager of the shop who had written a Victim Personal Statement. This was read out loud to the young person. The victim said that he could understand why the young person did steal (the young person ate a chocolate bar worth £1.00 while browsing in the shop and failed to pay for it). The young person said that she was hungry at the time and she did not have money to pay for the chocolate bar. While the victim was sympathetic to the young person's circumstances, he described very clearly the

consequences to him as the manager of the shop and stated that he would be more than happy to accept an apology from the young person. The victim said that he would also be happy to meet with the young person in a restorative justice conference. In this particular case, the young person who was 14 years old at the time had never been in trouble with the law before, but was considered to be vulnerable and was on the local authority child protection register due to family circumstances. After the Victim Personal Statement was read out loud to the young person and there was a discussion following about the harm caused to the victim, the young person apologised. The volunteer panel members explained to the young person that their goal was for the young person to understand the consequences of her actions however small, and for the young person to understand that she was not being labelled as a 'bad person' based on her actions. Rather the panel members were hoping to help her repair the harm to the victim, and the panel members encouraged the young person to meet with the victim face-to-face and apologise. The panel members further explained to the young person that the restorative conferencing meeting will give her the opportunity to apologise to the victim face-to-face and to explain her side of the story as well. The young person agreed to meet with the victim.

As this example illustrates, the young person presumably felt ashamed of her actions as the Victim Personal Statement was read out loud during the panel meeting, which prompted her to take responsibility, to spontaneously apologise for her actions. The 'shaming' in this case achieved the desired effect, which is for the young person to take responsibility for her actions and to agree to repair the harm by meeting the victim face-to-face and apologising to him.

Young people with communication difficulties are at a disadvantage in Youth Offender Panel Meetings. If these young people are not able to communicate effectively with panel members, then the goals of referral orders can hardly be achieved. Communication difficulties create barriers between young people and panel members, which hinder the goals of panel meetings and referral orders in general. As one Volunteer Community Panel Member (YOT 10) remarked: "Communication difficulties are potentially a huge barrier to the success of a panel" (VCPM, YOT 10). These barriers will make it difficult for young people to understand the role of different panel members. When asked *What do you think is the most important factor running a successful Youth Offender Panel Meeting?* the same volunteer panel member said, "Most important factor—clarity of role with regard to which panel member will pursue which

lines of enquiry" (VCPM, YOT 10). These quotes highlight the importance of young people understanding the different roles panel members have because understanding panel members' roles is closely related to the restorative elements of panel meetings. Therefore, it is important for panel members to understand the potential implications of young people's SLCNs as panel members must be able to explain their roles and concepts of responsibility, reparation and reintegration to young people in a way that they can understand these complex concepts.

In the present study, many participant SLTs and YOT Case Managers highlighted the importance of listening to what young people had to say and to respect their opinions and views. In fact, during all of the observed initial Youth Offender Panel Meetings, either the YOT Case Manager present or the Referral Order Coordinator chairing the meeting would emphasise to the young person that the panel members were there to listen to what the young person had to say and that the panel meeting was an informal forum with a formal outcome—i.e. the RO contract—where the young person could express themselves. Indeed, it is important during panel meetings to give young people the chance to express themselves and how that relates to the informal atmosphere of the meetings (Crawford and Newburn, 2002: 478).

Three young people observed during initial panel meetings had said that attending court had been a daunting experience for them. Young people observed mentioned that during their court appearances they often failed to understand what the procedures were about and were not given the chance to express themselves. Two of the young people even said to panel members that they did not feel comfortable speaking in court and expressing themselves because they found the Magistrate's Court intimidating. Building on this observation, the community panel members and the YOT staff attending reassured young people that they were free to express themselves at the YOP meeting and that the panel members were there to listen to young people. Indeed, volunteer panel members were keen on emphasising to young people at panel meetings that it was important that their voices are heard. YOT Case Managers and RO Coordinators explained to young people that their circumstances and needs would be taken into account by panel members when considering what activities to include in their RO contracts.

While all of the SLTs and YOT staff interviewed were aware of what Speech, Language and Communication Needs are and how these needs are defined, many of the Volunteer Community Panel Members were not familiar with the concept of SLCNs. A number of VCPMs, when asked about giving specific examples of sitting in panel meetings with young people who had communication difficulties, mentioned panel meetings where the young person

had mental health related needs or other needs not related to SLCNs. In fact, two of the VCPMs failed to recognise the difference between the young person in their experiences not communicating due to other underlying needs such as mental health difficulties, ADHD, ASD or other, and SLCNs. It is important to note that most VCPMs were interviewed from mainly two YOTs: one in England and one in Wales, and the views of VCPMs may be more diverse elsewhere.

6.4 Communicating with Volunteer Community Panel Members in Youth Offender Panel Meetings

Volunteer Community Panel Members play an important role in Youth Offender Panel Meetings, however, their role differs greatly from that of YOT Case Managers and Referral Order Coordinators. Volunteer Community Panel Members are volunteers from the local community representing the interests of their communities, while YOT members have a different role in terms of working within the YJS. The overall goal of including volunteer community members in the panel is to achieve the restorative justice aspects of referral orders (e.g. reparation). While the goal of YOT members is to enable the justice system to provide interventions to young people in order to reduce the likelihood of reoffending (*Powers of the Criminal Courts (Sentencing) Act* 2000 (sections 16-32 and Schedule 1), Ministry of Justice, 2015: 8). Volunteers are also seen as a separate or neutral part of the panel, separate from the Youth Justice System.

To communicate effectively with young people, practitioners and volunteers must be able to provide a range of creative solutions and think outside of the box to effectively engage young people in reparative activities in order to help them successfully complete referral orders. Community panel members must be able to communicate effectively with young people to understand their needs and respond and adjust the intervention in review panel meetings based on the young person's progress with the order. In a review panel meeting observed, the young person had made considerable progress in his order. Because one young person was close to completing his order much earlier than anticipated, the panel members discussed early revocation—meaning sending the young person back to court with a report stating that he has completed all of the requirements of his referral orders. The RO Coordinator later explained that if the panel determined the young person completed all of the requirements of the order early, then the court is able to revoke the order, which will complete the order and deem it 'spent'. As this example illustrates, panel members are able to listen to young people,

understanding their behaviour in the context of their specific needs. In his case, the panel members established a rapport with the young person in order to ascertain his interests and successfully incorporated this into the order as reparative activity. It is also a testimony to the RO Coordinator's creativity, whose responsibility it is to foster connections in the community, to be able to incorporate young people's interests into reparative activities within the community. Establishing such connections and finding organisations that would accept young people serving their community sentences are great ways to reintegrate young people into their communities, and also helps create a more positive perception of young people in the community, as will be discussed in Chapter 7.3.

Understandably, it can be an intimidating experience for young people to be surrounded by adults at panel meetings who keep asking them questions about the offence they committed. During panel meetings young people were observed expressing their feelings of shame and guilt about their actions. However, the power relationships between the adults and young people present seemed balanced in terms of young people having more confidence to answer panel members' questions from the initial panel meeting to review meeting. Young people seemed more at ease, which in turn resulted in young people being more communicative. In initial panel meetings, some of the young people seemed to be timid and some would not engage in the meeting and only gave monosyllabic answers. In contrast, during review panel meetings, the same young person became more talkative and engaged in discussion with panel members. Indeed, one important principle of restorative justice is fairness, ensuring that all stakeholders have an equal chance to have their say. This is one way that restorative justice approaches create a more equal and safe space for discussing the offence (Shapland, et al. 2006: 511). Volunteer panel members who communicate with an understanding of the impact SLCNs have on young people's behaviour may be able to alter their approach from expecting young people to understand terms, such as breach, to checking young people's understanding at every stage of the interaction. This approach, in turn, should help balance unequal power relationships between young people and the adults in panel meetings.

One of the YOT Case Managers (YOT 21) aptly highlighted the issue of unequal power relationships in panel meetings:

"I would think that the panel meeting is quite alien from other things that they [young people] might have been involved with. If they already got a speech and

language difficulty then the meeting might be a quite intimidating setting potentially to put your views across" (Case Manager, YOT 21).

As this quote highlights, YOT practitioners are aware that panel meetings can be an intimidating experience for young people, which means that even those without communication difficulties may have difficulties engaging in discussion about their offence. Similarly, Newbury (2011) found that there is tension in the power relationship between young people and victims because the presence of the victim may invoke a strong sense of shame in young people, which can potentially disempower young people and stop them from interacting at all in panel meetings, regardless of communication difficulties (Newbury, 2011: 257).

Youth Offending Team Case Managers recognised that young people with communication needs are at a disadvantage when expected to participate in restorative justice activities as they may not be able to express themselves, which in turn will have an impact on the restorative process. As one YOT Case Manager (YOT 6) remarked:

"If a young person has SLCN and this is not acknowledged, the referral order will be of little benefit. They will not understand the process or engage with the panel in any meaningful way. In turn the panel will not make appropriate recommendations for interventions and this in turn will mean that any interventions completed with young people will not be as effective as they can be in encouraging change in behaviours. Any SLCN may also impact on any restorative justice interventions that may be part of a referral order contract—any victim involved would need to understand the difficulties a young person would have if taking part in a RJ conference" (Case Manager, YOT 6).

If a victim agrees to attend an RJ conference with the young person and the victim is not advised of the young person's communication difficulties, misunderstandings can have unintended consequences for all of the stakeholders, especially the victim. A young person with communication difficulties may display behaviour that is disruptive or portray inattention on the part of the young person, which may convey to the victim that the young person does not care, when in fact the opposite may be true.

At YOT 7 every effort was made to have the same VCPMs for the same young person at the initial and review meetings, attempting to follow through in order to establish a rapport with young people, ensuring continuity in meetings. Although there were two meetings observed where this was not possible, for the most part, the RO Coordinator was able to arrange

meetings with the same volunteer panel members for each panel meeting following through with same young person, based on panel meetings observed. In one panel meeting observed, there was a volunteer panel member who was not able to attend the review panel meeting due to unforeseen illness.

It was highlighted by YOT practitioners that having a structure and routine for young people is important, especially with young people who might have a chaotic lifestyle. Arguably, change can cause anxiety for young people with communication difficulties (Ballard and Burgess, 2012: 30). Therefore, maintaining continuity for young people during panel meetings with the same panel members can help engage young people more as panel members have already built a rapport with the young person. As a result, the young person knows what to expect at their next meeting. From the panel members' perspective, continuity also helps them communicate with the young person as they have gathered information through questioning and probing the young person during the initial panel meeting. A YOT Case Manager (YOT 7) stated that in his experience young people are more likely to succeed in completing their orders when the same YOT Case Manager supervises their orders all the way through. However, the Referral Order Coordinator (YOT 7) noted that retaining the same volunteers to sit in panel meetings of a young person over longer ROs (e.g. 12 months) would be logistically difficult to achieve.

The same RO Coordinator in YOT 7 stated during an informal conversation that she makes every effort to have the same Volunteer Community Panel Members attend YOP meetings in the same case, even when the referral order is longer. She said she believed that young people need structure in their lives and that young people respond more to the same panel members after having built a rapport at the initial panel meeting. On the other hand, the RO Coordinator cautioned stating that she has seen long-serving VCPMs become complacent, which will reduce engagement rates with young people in panel meetings. She further explained that some volunteers may start asking the exact same questions of young people with essentially the same approach in all panel meetings. Thus, she believes that recruiting new volunteers every three years for YOP meetings helps keep the volunteer pool fresh, as new volunteers bring new experiences and approaches to working with young people. She said that it is important for volunteers to understand that the same blanket approach to all young people will not successfully engage young people. Having the same Volunteer Community Panel Members sitting in for all three panel meetings (initial, review, exit panel meetings) provides continuity for the young person. Community panel members who are able to build a positive

rapport with the young person during initial panel meetings are better able to continue engaging the young person in the review panel meeting without taking time to establish a discussion with a stranger. As the RO Coordinator in YOT 7 explained, having the same Volunteer Community Panel Members following through the case saves time and engages young people more in a discussion. This was also observed during initial and review panel meetings of the same young person who was more talkative and responded to the VCPMs' questions in the review panel meeting, which was attributed to the young person seeing familiar faces around her.

Evidence from SLT interviews emerged emphasising the need for SLTs to provide training to Volunteer Community Panel Members. The purpose of the YOP meeting is explained to the young person at the beginning of every panel meeting. During initial panel meetings, it is explained to the young person that the goal is to discuss the offence and why it was committed, as well as to discuss ways in which the panel members can support the young person successfully completing the order. As a YOT Case Manager in YOT 21 pointed out, "panel members may not get a true (thorough) picture of what is going on with the young person and that might affect how good the intervention plan is that we end up coming out with" (Case Manager, YOT 21). That is, if young people are not able to communicate freely with panel members, the referral order report and verbal explanation of YOT Case Managers may not provide a complete picture of the young person's motives and needs, and panel members may have to rely on the report if young people are not willing to and cannot communicate. Thus, it is important that young people are able to communicate and tell their own stories in their own words, as interventions assigned will be determined based on information provided by young people and practitioners. If young people with communication difficulties are not able to communicate with panel members, then their voices are not heard, which will affect what items will go into their referral order contracts.

Providing an overview of the meeting's purpose and structure is especially important for young people with communication difficulties in order to help their understanding of what is expected of them. The SLT in YOT 22 explained that she takes time to explain to young people what to expect after each task is completed during appointments with young people. She said that explaining to young people what is happening aids their understanding and helps young people to stay on track completing tasks (SLT, YOT 22). In fact, the SLT in YOT 7 stated that it is important for practitioners to break down tasks and to check young people's understanding at every stage of meetings to aid young people's understanding. Therefore, training of VCPMs by SLTs is important to remind panel members that they need to provide

structure and feedback to young people with communication difficulties. Without explaining each stage to young people, young people might be lost at the meeting and disengage from the process.

6.5 Summary

In this section practitioners' and volunteers' experiences of working with young people with communication difficulties were discussed. Participants have highlighted various ways in which they altered their approaches to young people with SLCNs during panel meetings. Some approaches are similar, while others are a testament to the creativity and years of experience of some practitioners and volunteers. The discussion revealed that practitioners recognised the important role of communication skills in the success of YOP meetings. They highlighted that if there is no communication among the stakeholders, then the meeting cannot be successful in achieving its goals. Thus, communication forms a fundamental part of the YOP meeting, which in turn is a crucial part of referral orders. Participants acknowledged that if there is no effective communication between the stakeholders then reparation cannot successfully take place. Practitioners stated that power relationships in panel meetings are inherently unequal, which is amplified by young people's communication difficulties. If there is no communication, then young people cannot meaningfully engage in RO processes, which in turn will limit responsibilisation, reparation and reintegration of young people during referral orders.

7 Discussion of the Impact of SLCNs on Referral Orders

The final findings chapter will address the third research question, namely, how do the outcomes of referral orders are affected for young people with and without communication needs. While the first part of this chapter will outline the efforts made to collect quantitative case level data from YOTs in order to answer the third research question, the qualitative data will form the bases for conclusions. This chapter will bring together the findings from the research and will discuss these in the context of literature. The discussion will start with examining each of the restorative justice principles adopted by referral orders: responsibility, reparation and reintegration, and the impact of young people's SLCNs on each of these. This chapter will conclude with a brief summary of the implications of SLCNs on the implementation of referral order practices in youth justice practice.

7.1 Referral Orders: SLCNs Affecting Responsibility, Reparation and Reintegration of Young People

In order to understand how the Speech, Language and Communication Needs of young people can impact the referral order process, it is important to examine the three restorative justice principles referral orders are based on: responsibility, reparation and reintegration. Therefore, the first section of this chapter will look at a detailed discussion of each of these principles and how they are affected by the communication of young people on referral orders. Taking responsibility for one's actions is one of the key values and underlying principles of restorative justice (Braithwaite, 2000: 293). However, taking responsibility in the traditional retributive justice system has a different meaning. The enactment of the *Crime and Disorder Act* 1998 abolished the *doli incapax* principle and children above the age of 10 are held responsible in England and Wales for their actions under the full rigour of the criminal law (Muncie, 1999: 154). On the other hand, referral orders involve a restorative process, which involves the possibility of meeting with the victim of the offence face-to-face in the context of an RJ conference. In accordance with the principle of responsibility, the young person is required to take responsibility by admitting the commission of the offence in front of the victim, or most often the Volunteer Community Panel Members. As Newbury (2008a) points out, there is a difference between taking responsibility and pleading guilty in court (Newbury, 2008a).

Young people attending an initial panel meeting are required to use several different communication skills (e.g. comprehension and social communications skills). Following introductions, panel members would ask young people questions related to the offence, through which the panel members ask young people to tell in their own words what happened. After recounting the incident, panel members ask young people why they had done certain things, usually probing about the motives of young people to commit the offence. During this phase of initial panel meetings, young people are expected to use their memory (recalling what happened) and their narrative skills (telling the story of how it happened). Those young people who have difficulties with their memory may not recall all of the events and may omit certain details that may make a difference in what is included in their RO contract. Those young people who have difficulties with their narrative skills may not be able to put their thoughts in order, which may lead them to confuse sequences of events making what they say sound illogical. As a result, it may take longer for panel members to understand exactly what happened and how the events took place. The details of the events are important for panel members to understand as these will inform panel members of what interventions the young person may need in their contract. If young people are not able to communicate events in a logical sequential manner, they may miss out on important interventions that otherwise would aid them to stay out of trouble.

Responsibilisation of young people within the restorative framework involves accepting responsibility for committing an offence (causing harm) with an admission of causing harm directly to the victim (Haines and Case, 2015: 90). Responsibilisation of the young person in the context of YOP meetings is different from pleading guilty in courts as the panel members do not stigmatise the young person but rather encourage reparation for the wrongdoing. The goal of the panel meeting is shaming the individual's wrongdoing and denouncing their actions as part of the restorative justice principle of reintegrative shaming. However, the young person is not to be judged or labelled as an offender, but rather treated as a young person first (offenders second) who displayed unacceptable behaviour and, as a result, has caused harm to the victim and the community (Case and Haines, 2015; Haines and Case, 2015). In the context of Youth Offender Panel Meetings, the shaming is present in that panel members ask young people questions about the circumstances of the offence including its effects on the victim. The young person is asked about how the commission of the offence made them feel before, during and after the commission of the offence. By asking these questions the panel members try to encourage the young person to analyse their behaviour in

order to raise awareness of the seriousness of behaviour—still only focusing on the behaviour, instead of labelling the young person as offender. This line of questioning then leads to questions about the victim, asking the young person how he/she thinks that the offence made the victim feel—asking the young person to think about the consequences of his/her actions to others.

The process of responsibilisation involves a verbal exchange with questions being asked by the adults, Volunteer Community Panel Members with the help of the RO Coordinator and YOT Case Manager, to which the young person is expected to answer. During initial panel meetings, panel members were observed asking questions of young people that tried to elicit from the young person thoughts that would demonstrate awareness of the effects of their actions on others. Panel members would ask questions such as 'how do you think that made the victim feel?'. This line of questioning is related to consequential thinking where young people are required to think about the consequences of their actions on others, such as the victim, young person's family (e.g. parents) and the community. In other words, panel members tried to help young people understand that their actions have consequences to themselves and others, which they should think about before they engage in any act. These exchanges involve the young person understanding what panel members ask them and formulating answers, which for young people with communication difficulties, such as lacking pragmatic skills, will not be able to do. Young people lacking pragmatic skills will not be able to answer questions or may give answers that do not make sense. Panel members may misinterpret this behaviour as the young person trying to avoid their questions or not engaging in the process of responsibilisation. As a result, panel members may miss out on important information that the young person is not able to communicate, which YOT practitioners may be able to help with, thus, increasing the chances of the young person successfully completing their referral orders.

Reparation is another important aspect of referral orders and is a principle of restorative justice that is emphasised throughout the order. Reparative activities are included in all RO contracts and can take several forms. The goal of reparation is for the young person to, first, understand the impact of criminal behaviour on the victim and wider community and, second, take steps towards repairing the harm caused by the behaviour. Restorative justice measures can be implemented at any stage of the criminal justice process, however, timing of encouraging restorative conference meetings between offenders and victims can make the difference between successful reparation and secondary victimisation. Indeed, critics of

restorative justice state that restorative approaches create a binary divide between victim and offender (Cunneen and Goldson, 2015; Newbury, 2011). During observations of panel meetings, this point became clear. Observation of one initial panel meeting included the young person's mother, who was also the victim in the assault committed by the young person (male, 14 years old). In this case, the young person was suspected to have communication difficulties, and it was observed that the young person relied on his mother to respond to panel members' questions to the young person. It was difficult for the young person to understand the role of reparation when the lines between the victim and carer had been blurred. In addition, the young person's suspected communication difficulties would have also affected his understanding of the restorative concept of reparation. Although panel members tried to explain to the young person the concept of RJ and reparation, it is doubtful that the young person could understand these concepts given the circumstances. At the end of this panel meeting, the contract included community work and anger management work, during which the YOT Case Manager would go over the concept of reparation again with the young person. Thus, meaningful reparation cannot be achieved if the young person does not understand the concept of reparation.

Restorative approaches discount that sometimes there have been pre-existing interpersonal conflicts between the victim and offender and, as such, some of these cannot be resolved (Cunneen and Goldson, 2015: 143). Moreover, if there was misunderstanding or conflict before the offence was committed, then bringing these individuals together in one room may create further conflict. Therefore, timing of restorative conferencing should be so that all stakeholders are willing to meet and not feeling forced. With referral orders, there may not be enough time to provide direct reparation to the victim and, as a result of time constraints, other forms of indirect reparation must be undertaken. As well, it has been noted in the literature that often low victim participation in youth justice conferencing and Youth Offender Panel Meetings can lead to lack of direct reparation for victims of youth crime (see e.g. Muncie, 2006: 13; Gray, 2005: 945; Wilcox, et al. 2004). During many of the initial panel observations it was noted that often time was running out as the RO Coordinator aimed at keeping panel meetings about one hour long. As such, there was often not enough time to go into long explanations of what RJ was and what reparation means. For those young people with communication difficulties, understanding the concept of restorative justice and the principles of responsibility, reparation and reintegration will be too difficult. It would possibly take longer time for young people with SLCNs to comprehend these concepts, which is difficult during an already rushed panel meeting. As initial panel meetings were scheduled to be one hour long on

average, the lateness of one or more parties would cut the meeting time even shorter. In one instance, two initial panel meetings were scheduled consecutively where the first initial panel meeting ran over time, and as a result, the second initial panel meeting seemed to be rushed due to lack of time. As a result of these time constraints, panel members do not have the time to go into detailed explanations about RJ. Panel members may also not have the time to further probe the young person for details of the incident if young people are not willing to engage in detailed explanations.

7.2 Responsibilisation without Shaming and Labelling

Further to the section above on the ways in which referral orders responsibilise young people, the restorative aspects of referral orders also aim to reintegrate the young person into the community. Essentially, reintegration aims to remove the label of 'criminal' from the young person, thus, assuming that the young person will no longer be stigmatised as an offender. Braithwaite (2000) discussed reintegrative shaming in detail. He distinguished between two aspects of reintegrative shaming: respect and disrespect for the offender. Brathwaite (2000) argued that the reintegrative shaming principle communicates respect for the offender as restorative justice focuses on the behaviour of the individual without labelling the individual as 'offender'. However, Braithwaite (2000) views the retributive justice system as punitive: stigmatising and labelling the offender permanently. Therefore, Braithwaite (2000) believes that the processes of restorative justice and reintegrative shaming are forgiving and respectful, while the retributive justice system is disrespectful and stigmatising (Braithwaite, 2000: 282). As Braithwaite (2000) argues, restorative justice by definition incorporates reintegrative shaming by the offender's immediate social network (e.g. carers) and other stakeholders, such as the victim of the offence, which he argues aids the offender's desistance from criminal behaviour. Reintegrative shaming is more powerful, Braithwaite (2000) stated, when the young person is shamed while family members are present in the YOP, rather than community panel members, because shaming by individuals close to the young person has more long-term influence on the young person's behaviour. "Reintegrative shaming communicates shame to a wrongdoer in a way that encourages him or her to desist; stigmatization shames in a way that makes things worse" (Braithwaite, 2000: 282). Referral orders aim to denounce the behaviour of young people through communication, but formal criminal justice processes have already stigmatised them by labelling the young person.

For example, volunteer panel members were observed explaining to young people that the panel meeting was not a court, but rather a forum where young people are expected to express themselves. Panel members and YOT practitioners always ensured young people at the beginning of initial panel meetings that they were not there to judge young people but to help them repair the harm. This statement aimed to reassure young people that their actions were not judged negatively and that panel members were there to support young people to complete their orders. Because panel members did not judge young people's behaviour or actions, the adults also did not attach a negative stigma to young people's behaviour, thus, were able to 'shame' young people. Volunteer panel members were observed focusing on the young person's actions during discussions in a positive manner. In other words, the panel members encouraged young people to recognise the mistakes that led them to commit the offence without negatively shaming the young person. These efforts were put in place in order to reintegrate young people into their communities without stigma and labelling. However, young people are being labelled as 'offender' by the criminal record they acquire as a result of their court conviction, which is contradictory to reintegrative shaming.

Having been convicted of an offence, having already been labelled by the CJS as offender, young people will soon realise that offending has a negative stigma attached to it (Braithwaite, 2000: 289). However, as Braithwaite (2000) argues, reintegrative shaming is a key process through which the stigma of 'offender' can be removed (Braithwaite, 2000). According to labelling theory, criminal behaviour is reduced when denunciation of the offence focuses on the individual's actions and behaviour, rather than labelling the individual (Shoemaker and Donald, 2010). Therefore, reintegrative shaming aims to avoid the label of offender through denouncing the individual's actions, rather than the individual, and reintegrating the individual into the law-abiding community without the stigma of the offence. In terms of referral orders, reintegration into the community should be achieved when the young person has completed the order and the stigma of offender is "terminated by ceremonies of forgiveness", which is the final/exit panel meeting (Braithwaite, 2000: 289). In practice, the young person should be reintegrated into the community and should be able to participate in the community without the label of offender. However, after a referral order, the young person will remain carrying the stigma of the offence by having acquired a criminal record.

In the referral order context, it is the Youth Offender Panel Members—volunteers who fulfil the role of 'shaming' the young person for their offending behaviour by responsibilising the young person. This is achieved by the panel members requiring the young person in initial

panel meetings to admit wrongdoing. During review panel meetings, the panel members discuss the progress of the young person in completing the tasks on their referral order contract. At the final panel meeting, the young person who completed all tasks in the referral order contract would also have completed their referral order compliance period. It is then presumed that the young person who completed their referral orders would have also completed reparation either directly or indirectly to the victim and community. Youth Offender Panel Meetings thus serve as a 'shaming process' by making young people accountable for their actions throughout the compliance period of the referral order. Therefore, at the final panel meeting, panel members who consider the requirements of the referral order completed should in theory consider the young person to be reintegrated into the community with the removal of the label 'offender'. As well, once the referral order is deemed completed, the conviction is considered to be 'spent', thus, removing—in theory—the label of 'offender' from the young person (Ministry of Justice, 2015: 9).

One of the ways in which referral orders responsibilise young people is by enforcing a strict policy of signing an agreement between the panel members and the young person. In essence, the young person is asked to sign an agreement, or contract, that makes him/her liable for non-compliance. The Referral Order Guidance (2015) states that "contracts should be negotiated with the young people, not imposed on them" (Ministry of Justice, 2015: 40). However, if the young person cannot agree to the terms of the contract, they are referred back to court for re-sentencing. Thus, it can be argued that the referral order process becomes quite coercive with enforceable punishment for non-compliance rather than being voluntary. "If the young person doesn't sign the contract at the initial panel the order is automatically breached and the young person will be referred back to court" (Case Manager, YOT 7). In practice, the volunteer panel members as well as the YOT Case Manager, the RO Coordinator, the young person, and their carers (if young person is under 16) sign the contract if they all agree. By signing the referral order contract, the young person takes responsibility for completing the terms of the contract (future behaviour).

There were difficulties encountered when collecting quantitative data. When approached, the responses of Referral Order Coordinators and SLTs in three YOTs indicated that there were various ways in which referral order and SLT recorded data were kept. There were inconsistencies of what and how data were recorded. This made quantitative case-level data collection especially difficult. Apart from data recording, there were differences in how SLTs screened young people. There were a total of 10 different screening tools used by SLTs

in the 16 YOTs from where data were available as discussed in Chapter 4.4. Asset Plus had not been actively used in everyday practice in all YOTs at the time of data collection, which would have been one way of standardising SLCNs screening practices for young people. This means that within a number of YOTs, not all young people were screened for SLCNs, which would have skewed results significantly.

Young people with communication difficulties may be at a disadvantage when communicating with panel members. This is true not only when young people are expected to offer an apology to the victim, but also when they are expected to understand the Victim Personal Statement. When these statements are read out loud by panel members, young people are expected to respond to what victims are expressing, presuming young people readily understood what was heard. As the above example illustrates, young people are expected to understand terms, such as "restorative conferencing", "victim empathy", "consequences", "repairing the harm caused", "restoration". Those young people with receptive communication needs may not understand these and other terms used by victims or panel members, and as a result of not understanding what is being said, young people may not react or respond as expected by panel members. When young people do not respond to a victim's statement as it is expected by panel members, young people's response or reactions can be perceived as inappropriate (e.g. if young people refuse to apologise or to offer an apology). Inappropriate reactions or responses by young people at panel meetings may be perceived by panel members as deliberate poor behaviour and may affect panel members' perceptions of the young person's willingness to participate in the reparative process. Because communication skills are essential to engaging young people in a discussion, panel members must be made aware if the young person has any communication difficulties. If panel members are aware of SLCNs, then they can adjust their approach of trying to engage the young person in dialogue. Therefore, training Volunteer Community Panel Members to be aware of the possible signs of communication difficulties in young people at panel meetings is important in order to aid young people's communication.

Having carers at panel meetings can also facilitate 'shaming' young people. It was quite surprising to observe some young people's body language at some initial panel meetings. In same panel meetings young people seemed to display body language as if being ashamed of their actions. Young people were observed looking down, avoiding eye-contact with panel members when the victim was mentioned. Perhaps, shaming can have an impact on young people where they become aware of the consequences of their actions and learn from these.

While for others, the shaming process and the presence of carers can result in the opposite. The presence of carers can also reinforce the wrongdoing as justified under the circumstances. Some young people did not receive disapproving reactions from their carers upon hearing the Victim Personal Statement in initial panel meetings. In order for young people to understand the consequences of their actions on the victim and others, they need to have good social communication skills.

Young people who fail to engage in the process of reparation, particularly at the panel meeting, may be unable to make the most out of the experience. Active participation in the process is one way for young people to demonstrate that they are willing to change their behaviour. One Referral Order Coordinator (YOT 20) pointed out that positive reinforcement of young people's 'good' behaviour will reassure young people that they are able to make a positive change. As this participant stated, young people are able to see that their work (unpaid work in the community) is valued by their communities as demonstrated by panel members in review panel meetings. The participant further argued that at the beginning of the order young people are often reluctant and unhappy about the work they are expected to undertake as part of the reparation component of their order. However, panel members make every effort to include young people's interests in the work they assign to young people in order to increase engagement. Based on the interview with the RO Coordinator of YOT 7, some young people thrive on community work as they realise the value in their own work. In fact, according to one participant, a few of the young people have asked the YOT to arrange for them to stay on the work placement after their order has been completed (Referral Order Coordinator, YOT 7). Thus, for some young people, community work is one way to meaningfully engage with the RO process and realise that their work is valued by their communities—reintegrating them as young people rather than offenders.

Taking responsibility in front of panel members and pleading guilty in court are different matters. Indeed, by pleading guilty in court, young people do not necessarily acknowledge wrongdoing and express remorse for their actions, as young people may deny wrongdoing in panel meetings, which was the case in one initial panel meeting. Having to attend YOP meetings re-emphasises the shaming process: young people are expected to take responsibility for their actions by volunteer panel members and carers who continue to monitor the young person's behaviour. In one initial YOP meeting observation, the young person refused to take responsibility and was adamant that he had done nothing wrong, despite having pleaded guilty in court. This observation highlights the differences between pleading guilty in

court and acknowledgement of wrongdoing. Reparation of the harm cannot take place without the young person taking responsibility; thus, the restorative aims of the panel meeting failed in this case. The rest of the panel meeting was quite unique, as the panel members and the young person failed to agree on a contract. Because a contract must be agreed to and signed, the panel members agreed that they would review the reparative element of the contract in three months' time. The contract was then signed by the young person, his carers and panel members. It seemed during this initial panel meeting that signing the contract was prioritised over achieving the restorative aims of the panel meeting.

> There was a bit of tension when it came to the young person expressing remorse and a possible apology to the victim, the referral order coordinator quickly changed the topic and started talking about the contract. The young person didn't verbally express resentment but his body language and facial expression was stern but still expressing interest. The contract was then explained: there are two sections one is offender behaviour which is the part of the contract that is general and all young people must adhered to relating to the behaviour of the young person during the order what to do not to do, etc. This was explained by the VCPM. The young person made eye contact with the VCPM when she was talking to him and nodded at appropriate intervals. The second part of the contract is the referral order which includes reparation, victim work, letter of apology. As soon as this is said, the young person says no. Young person says no, YOT officer said that on her visit the young person said yes for apology, young person says no and shows no remorse. The mother expresses frustration of the other perpetrator only receiving a caution while her son has to go through this whole process and end up with a criminal record, while the other boy doesn't have to deal with any of this. The mother takes over the discussion and speaks when his son is asked questions. The mother explains that her husband has already paid the fine which was £250. Referral order coordinator then explains that a specific amount of this fine goes to the victim directly as restitution. The VCPM had another appointment and left the meeting at 4:45. After she leaves, the YOT officer and the referral order coordinator takes the lead on continuing with the meeting. There is quite a bit of discussion of a letter of apology for the victim from the young person but the young person categorically says no to a letter. The YOT officer says that she thought the young person was willing to apologise to the victim but the young person shakes his head no and says no. the YOT officer asks about contact between the young person and the victim. The mother says

no and the young person says no contact since the incident. The young person is defensive about writing a letter of apology. Then the YOT officer explains that based on her initial assessment the young person scores low on Asset for risk of reoffending because he previously expressed remorse and had said that he was happy writing a letter of apology for the victim as well as because he has not had been in any trouble before and had no previous convictions, but now that the young person is saying no to a letter of apology, and expresses no remorse, this score on Asset may increase that may have consequences for the young person. Then the discussion turns to consequential thinking which is still in the contract with reparation. Then consequential thinking is explained to the young person and he nods yes that he understands what that means. During this panel meeting, there word reparation is not mentioned explicitly but is talked about.

This example of the young person not taking responsibility for his actions but still signing the referral order contract is interesting from a power relations perspective. One VCPM (YOT 10) remarked that to her "it is important to ensure they buy in to the order" (VCPM, YOT 10). This statement is interesting because it seems to indicate that it is panel members' responsibility to 'sell the order' to young people. This amplifies the already existing unequal power relationship between young people and panel members because young people can be easily persuaded into agreeing to RO contract terms by panel members. This unequal power relationship between panel members and young people highlights the coercive nature of referral orders, where young people can be persuaded into taking part in RJ activities. Such participation in RJ activities by young people seems forced, which defies the principles of voluntary participation of restorative justice. Because young people with communication difficulties may lack the confidence to effectively communicate their wishes, it is possible that these young people may be forced to participate in activities they do not understand or do not want to participate in, thus, widening the gap of power inequality between panel members and young people (Afasic, 2017; Roulstone and Lindsay, 2012: 25; Bercow, 2008: 23).

The same example of YOP meeting observation clearly demonstrates how referral order processes attempt to responsibilise the young person. While the young person in the panel meetings above was not assigned direct reparation in his referral order contract, the young person was still asked to admit wrongdoing to the panel. The young person denied any harm caused to the victim, which is demonstrative of the failure of taking responsibility and failure of reintegrative shaming. Reparation can also be coerced, and because referral order contracts must include a reparative activity, this young person would have had his contract amended at

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a later date to include a reparative activity. This means, that in order to successfully complete his order, the young person would be required to participate in reparative activity whether or not he believed that he caused harm to the victim. Therefore, referral order processes responsibilise young people (complying with the terms of their orders) if only on a superficial level. The same can be said about young people on referral orders with communication difficulties who are likely not to understand what is being said to them. In a study, Iredale, et al. (2011) found that (adult) offenders with SLCNs admitted that their communication difficulties had a negative impact on their behaviour and their ability to complete their community sentences, and the findings to Iredale, et al.'s study (2011) are consistent with findings of larger studies of young offenders with communication difficulties. This study concluded that offenders with communication difficulties did not understand the requirements of their sentence, disengaging and becoming agitated (Iredale, et al. 2011). Young people with communication difficulties may have experienced conflict with those in authority, as according to Hopkins, et al. (2016: 105), young people with SLCNs have been 'put down' by authority figures, such as teachers and the police. Feelings of disrespect by authority figures have increased conflict and aggression between young people and authority figures (Hopkins, et al. 2016: 105; Sanger, et al. 2000: 185). YOT practitioners and Volunteer Community Panel Members should be aware of how SLCNs can affect the behaviour of young people and should be able to adjust interventions according to the young person's needs, which will still satisfy the reparation requirements of the RO contract.

Still, the same example illustrates the Case Manager has considerable discretion when applying the Scaled Approach model to the young person's assessment. If the Asset assessment scores are changed, then the level of intensity of intervention as a response will also change (Youth Justice Board, 2010: 12). This could mean that the young person will be required to attend more frequent supervision meetings or could include additional hours of community work in the referral order contract. If the young person refuses to apologise or repair the harm to the victim, or is not willing to participate in reparative activities, their Asset scores may be changed as a result. Therefore, these young people may be assigned higher level interventions, which may result in them breaching their orders. It was stated that the victim had explicitly asked for a letter of apology; and if the young person is not willing to provide one, then another form of reparation must take place in order to fulfil the requirements of the contract. During the panel meeting the young person refused to offer any form apology to the victim. The young

person did take responsibility for the offence by pleading guilty in court, but denied responsibility for the wrongdoing during the panel meeting.

In order to answer the questions above, it is important to examine the restorative process. It was clearly stated by one of the panel members during the panel meeting that it was better not to force the young person to write a letter of apology if he is not willing to do so, because it is better for the victim to receive a sincere apology. It might be that the young person pleads guilty in court in order to reduce the sentence, but will not admit that their behaviour caused harm to the victim. It is difficult to persuade young people to take responsibility for their actions in panel meetings, as it was observed in an initial panel meeting where the young person denied any wrongdoing. In this same panel meeting, the victim had refused to write a Victim Personal Statement, but the parents of the victim had made a verbal statement to the YOT Case Manager who relayed this to the young person during the panel meeting. Despite this shaming exercise, the young person refused to take responsibility for causing harm to the victim. The Referral Order Coordinator of YOT 7 stated that panel members cannot force the young person to apologise to the victim. If the young person refuses to apologise either in person or in a form of a letter of apology, then panel members must find another way to fulfil the reparation element of the contract, which most often includes indirect reparation to the victim and will involve community work. Indeed, Newbury (2008b) noted that part of the process of 'being accountable' and 'being responsible' is understanding the importance of a sincere apology for the young person's actions (Newbury, 2008b: 179). However, the author further cautions that 'being forced' to take responsibility, then apologising to the victim is not a fruitful way of repairing the harm, and a "truly meant apology is surely far more beneficial for both the young person and the victim, than an apology made because it was required at the panel meeting" (Newbury, 2008b: 184).

Even though Volunteer Community Panel Members represent the community, some have argued that they are 'professionalised' through the process of attending panel meetings and working closely with YOT staff. They can be seen as part of the enforcement process of referral orders (Crawford and Newburn, 2002). During observations of YOP meetings, some of the young people had a difficulty distinguishing the role of the VCPMs and YOT practitioners. For example, young people were observed asking questions relating to their contracts (e.g. what will I have to do?) when community work was discussed with volunteer panel members. Volunteer panel members are not involved in the arrangement of community work, but it is the responsibility of YOT Case Managers to arrange logistics. Young people

seemed to be confused about the role of Volunteer Community Panel Members, as young people were observed having attributed more involvement in YOT-related activities (e.g. arrangement of offender behaviour related activities, community work, etc.) than is prescribed to volunteers during panel meetings. These findings are similar to that of Crawford and Newburn (2003) who also found that often young people were not able to distinguish between the roles of the YOT Case Manager and community panel members. This was observed despite the fact that each panel meeting observed in the present study began with introductions of everyone at the table, including names and roles, findings similar to that of Crawford and Newburn (2003: 163). Thus, for young people, the volunteer panel members are essentially regarded as part of the justice system and not different from YOT practitioners, which has implications for responsibilisation of young people and the coercive nature of referral orders. Young people may see Volunteer Community Panel Members as part of the YOT and, therefore, may feel coerced to agree and sign the contract. In other words, if young people feel coerced to accept responsibility (the second time following pleading guilty in court) during the panel meeting for their actions, as such, young people may feel stigmatised by panel members. Shaming by volunteer panel members and YOT practitioners may not be different for young people who do not understand the concept of RJ and cannot understand the differences in the roles of volunteer panel members and YOT practitioners. Therefore, it is crucial for young people to understand the role and goals of panel meetings as a platform to deliver restorative justice.

As Christie (1977) argued, traditional, retributive justice has removed the control of justice from the hands of the victim, and the state has assumed the control of adjudicating the offender. Restorative justice on the other hand seeks to give back the control to the victim as it empowers and gives a voice to victims, while acknowledging that it is the victims who suffered the direct harm as a result of the offence. As Christie (1977) put it:

> "We have, in criminology, to a large extent functioned as an auxiliary science for the professionals within the crime control system. We have focused on the offender, made her or him into an object for study, manipulation and control. We have added to all those forces that have reduced the victim to a nonentity and the offender to a thing" (Christie, 1977: 5).

This of course assumes that the victim is a willing participant of the RJ process. Whereas traditional retributive justice approaches aim to punish the offender for the offence,

restorative justice seeks to reconcile the harm and the relationship between the offender, the victim and the community. It is often argued that restorative justice practices empower the victim and the offender and treat both with respect. Instead of attempting to control the behaviour of offenders through deterrence as retributive justice approaches often do, restorative practices acknowledge the positive and reward the good conduct (e.g. directly apologising to the victim).

For young people with communication difficulties, speaking up and saying they do not agree with something would be even more difficult than for those with confidence in their communicative abilities, as they lack confidence in their abilities to communicate with others. In panel meetings, there is an added pressure of speaking to a group of adults who are asking a number of questions and are essentially strangers to the young person. There is also a possibility that the young person will have to face the victim in the panel meeting as it is the victim's right to attend panel meetings. As one YOT Case Manager (YOT 7) put it, "this [referral order] is not a soft option for young offenders. They meet the victims of their crimes and that is never easy for them. They always find that difficult" (Case Manager, YOT 7). Although victims rarely attend panel meetings, the possibility of any young person having to face their victim might create anxiety prior to the meeting. If young people do not have the confidence to meet with the victim, they do not have the option of expressing that, which might create an uncomfortable situation especially for young people with communication difficulties. Speaking to a group of adult strangers is an intimidating experience for any young person, and for those with communication difficulties, the experience of the panel meeting will be even more isolating. It was observed during initial panel meetings that young people appeared to be intimidated and would limit their interactions with panel members to a minimum (e.g. through avoiding eye-contact) and for those young people who do not have confidence in their communication skills this experience of having to respond to strangers' questions will be more intimidating. As such, young people with communication difficulties may completely disengage from the dialogue, which will have punitive consequences for them (e.g. panel members could recommend sending the young person back to court for non-engagement).

Young people whose SLCNs affect their social communication skills are already at a disadvantage when attending panel meetings. Additionally, they are presented with the written contract; they may not be able to understand it as previous evidence has been presented linking SLCNs and low literacy levels, particularly reading (Snow, 2009; Dockrell and Lindsay, 1998). In fact, the actual reading and comprehension age of young people with SLCNs may be lower

than their chronological age (SLT, YOT 7; Dockrell and Lindsay, 1998: 128; Dockrell, et al. 2014). Not being able to completely understand what is being said at the panel meeting may not be offset by the fact that young people are given the opportunity to read their contracts and are allowed to ask questions prior to signing them. Therefore, young people with SLCNs may feel that they must agree to the terms of the contract and may be pressured to sign the document without understanding it in order to finish the panel meeting and leave.

Young people with SLCNs may not understand that they have a choice and their opinions do count towards what goes into the contract. Panel members would take logistical complications into account, such as if young people do not agree with or are unable to complete a task, or young people having trouble attending meetings at the YOT office. As community panel members stated, they are not trying to trick young people. Simply, their goal is to assign tasks for young people in order to address their offending behaviour and their attitudes towards offending. But it is important for VCPMs to ensure that they assign tasks that the young people are able to accomplish. In other words, panel members do not want to set up the young person to fail. Rather, panel members are there to support young people through their orders and to accomplish their assigned tasks. It is, therefore, crucial that young people engage in a dialogue with panel members and alert them to any logistical or other issues that would hinder young people successfully completing the tasks assigned to them by the VCPMs. If panel members are not aware of potential barriers young people may face in completing their tasks, there is a risk of young people breaching their orders.

As discussed in Chapter 5.2, two types of compliance can be distinguished: instrumental compliance and substantive compliance of young people with referral orders. Dubberley and colleagues (2015) argue that instrumental compliance is measurable, while substantive compliance is difficult to quantify or measure. Based on the observations of panel meetings and interactions with practitioners, substantive compliance of young people with their orders is difficult to ascertain. Nevertheless, Dubberley, et al. (2015) state the importance of practitioners' tailored approach to encourage young people to substantively comply with their orders, thus, making the most of the support they are provided by the YOT (Dubberley, et al. 2015: 10). Based on this argument, it can be inferred that young people who only instrumentally comply with their orders do not substantially comply with the RJ principles of responsibility, reparation and reintegration. Young people with communication difficulties who do not actively participate in the YOP meeting cannot achieve substantive compliance with the RJ requirements of the orders and, as such, will not be able to complete their orders.

On the other hand, findings of Dubberley, et al. (2015) suggest that in some cases young people performed the minimum tasks required (e.g. attendance) to realise the maximum gain (avoiding penalties, such as being referred back to court) (Dubberley, et al. 2015: 11). Similar patterns were observed in the present study in terms of compliance with referral orders. Nevertheless, in some cases the opposite was observed. In one particular case, during a debrief prior to a review panel meeting, the YOT Case Manager stated that the young person enjoyed the reparation element of the contract (involved community service working in a car repair shop), so much so, that he had asked for more hours. In this unusual case, the VCPMs listened to the YOT Case Manager and the young person's recount of his thriving work under the mentorship of the car repair shop owner and have agreed for the young person to continue with the community work, provided the owner agreed. Although, the young person's motivations to continue working in the car repair shop were not entirely altruistic, this particular young person had achieved complete substantive compliance in all other terms of his referral order contract as well.

Newbury (2008a) distinguished two 'types' of responsibility: the traditional responsibility, which means that someone has done a wrong deed and as a result should be punished. The other 'type' of responsibility is a more forward-looking perspective, which is embraced in restorative justice approaches (Newbury, 2008a: 132). According to Newbury (2008a), taking responsibility for one's actions is a much more complicated process through which young people must learn the consequences of their behaviour on others. Through the process of responsibilising young people during Youth Offender Panel Meetings, young people learn the consequences of their actions on others, both immediate and in the long-term (Newbury, 2008a: 132).

An important aspect of the reintegrative shaming is to avoid labelling the individual as 'offender'. In fact, restorative approaches focus on dividing the act or behaviour from the individual by addressing the 'wrongdoing' directly, without labelling the individual as offender. By separating the individual from the act itself, shaming addresses the offence, and once the shaming process is completed, the individual can be fully reintegrated into the community. In referral orders, the reintegrative shaming process is the panel meeting where the VCPMs and YOT staff engage in a shaming process whereby the young person must take responsibility for their actions (e.g. a letter of apology) and take steps to repair the harm caused by the offence (e.g. reparation through community work). The Youth Offender Panel Meeting addresses the offending behaviour of the young person directly while ensuring that the young

person is treated with respect and is not stigmatised by being labelled as 'offender'. In fact, during all of the panel meeting observations, either the Referral Order Coordinator or the YOT Case Manager would explain to the young person that they will be assessed and the terms of the contract will be determined based on their behaviour. Practitioners are to explicitly explain to young people that the panel is not 'retrying' them, but working with the family and working with the young person on their attitude towards offending behaviour (Ministry of Justice, 2015: 32). Therefore, restorative practices have the potential to achieve responsibilising young people without the attached stigma.

7.3 Examining the Impact of Speech, Language and Communication Needs on Referral Order Outcomes

In this section, statistical analysis undertaken on quantitative case-level data collected from YOT 7 will be presented. This section aims to answer the third research question, namely: *Are young people with SLCNs more likely to breach the referral orders and reoffend during the referral order sentence than those without SLCNs?* In order to do so, the Referral Order Coordinator of YOT 7 was asked by the researcher to collect data on young people who were on referral orders between 2011-2015. A small sample of data was collated because of the lack of availability of information on variables such as whether young people were diagnosed with SLCNs and, if they were, whether they received any SLT intervention during their referral orders. The variables chosen were to consider a number of factors that are related to offending behaviour as well as SLT service provision in the YOT. The idea that young people with SLCNs are more likely to breach their ROs than those without communication needs was explored. Quantitative case-level data were collected from one Welsh YOT. The sample consisted of n=26.

Data were obtained from one Welsh YOT (YOT 7), which at the time of data collection was using Asset. Although the Referral Order Coordinator provided case-level data available for the years 2011-2015, still there were only 26 young people for whom there were data available. As a result of the small sample, meaningful correlations and regressions were not possible to achieve.

Descriptive Statistics

The mean age of young people in this sample was 15.6 years (12-18 years old); all young people in this sample were White British. There were 23 males (89%) and 3 females (12%), and the mean length of their referral orders was 8.5 months. The incidence of SLCNs diagnosis in this sample was 89 percent (n=23), with all of the young people having been screened for SLCNs in the sample, n=26. Out of all the young people in this sample, only 4 (15%) had been referred to SLT services prior to their involvement with the YOT (e.g. in school). In other words, only 17 percent (n=4) of those young people who screened positive for SLCNs had previously been referred to SLT services outside of the YOT (n=23).

Three young people were not diagnosed with any form of SLCNs while on their referral orders in this sample and, as such, they were not referred to the seconded SLT. There were 17 (68%) young people with a diagnosis of some form of SLCNs who successfully completed their referral orders and did not reoffend during their orders. Twenty-four percent (n=6) of young people breached their orders, and there were 7 young people who reportedly reoffended while on referral order.[16] One case reported was ongoing as of 2015 and there was no information received as to RO completion or breach and reoffending. Further information on data obtained on the remaining variables is available in Appendix 7.

There were difficulties encountered when collecting quantitative data. When approached, the responses from Referral Order Coordinators and SLTs in three YOTs indicated that there were various ways in which referral order and SLT recorded data were kept. There were inconsistencies of what and how data were recorded. This made quantitative case-level data collection especially difficult. Apart from data recording, there were differences in how SLTs screened young people. There were a total of 10 different screening tools used by SLTs in the 16 YOTs from where data were available as discussed in Chapter 4.4. Asset Plus had not been actively used in everyday practice in all YOTs at the time of data collection, which would have been one way of standardising the way young people are screened for SLCNs. Due to the above-mentioned difficulties related to case-level data collection on young people who were sentenced to referral orders and were screened for SLCNs, the decision was made to not seek further data from other YOTs. The reasons as to why no further attempts were made to collect quantitative data is also discussed in Chapter 4.4.

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[16] In one case, the data collected state that the young person successfully completed the referral order **and** reoffended during the referral order, which is an anomaly in the data received.

During one informal conversation, a YOT practitioner remarked that an apology to the victim should be sincere. In one instance, where the young person refused to apologise to the victim, the YOT Case Manager (YOT 7) said the panel cannot force the young person to apologise to the victim. Panel members must find another reparation activity for the young person to do that would fulfil the restorative justice element of the referral order contract. Indeed, victims would expect a sincere apology from the young person, rather than receiving an insincere apology just so the young person can fulfil the requirement of his/her contract. The same practitioner also noted that there is really no way to know whether the young person's apology is sincere or coerced as part of instrumental compliance with the order. It is then one of the criticisms of RJ approaches, such as sincerity of apology, that can be applied to referral orders. There is no way of knowing if young people comply with a referral order to avoid going back to court and face harsher punishment or if they sincerely engage with reparation for the victim and community.

7.4 Summary

In this chapter the discussion turned to a close examination of the impact of SLCNs on the outcome of referral orders and the restorative elements of referral orders. While it was not possible to explore the relationship between SLCNs and RO breaches directly, YOP meeting observations and interviews with practitioners revealed an indirect impact of SLCNs on referral order outcomes. Practitioners interviewed agreed that communication difficulties of young people will have an impact on the referral order process. Whether it is reparation, taking responsibility, reintegration, complying with the orders, SLCNs have an impact. As the discussion in this chapter demonstrated, verbal communication skills play an integral part of referral orders. For those young people who have speech, language and communication difficulties, they will struggle with the referral order process from beginning to end, as referral orders rely on the verbal communication of stakeholders. Communication difficulties also affect the various stages of referral orders. As practitioners interviewed often emphasised, referral orders involve communicative processes throughout. If there is a breakdown in the communicative processes, young people are not likely to succeed in completing their orders, which will have more punitive consequences as a result of perceived non-compliance. Therefore, communication is crucial in referral order processes. The final chapter of this thesis will conclude by bringing together all of the findings and discussion, as well including a

discussion of reflections on research processes, limitations of findings, implications for YOT policy and practice.

8 Conclusions

This thesis explored how young people's communication difficulties can impact youth justice programs, such as restorative justice interventions. Research questions aimed to explore referral order processes in relation to practitioners' interactions with young people while completing activities in referral order contracts. As restoratives justice is a key part of referral orders, the three key principles of responsibilisation, reparation and reintegration were examined. More specifically, the thesis sought to evaluate whether these key principles of RJ can be realized for young people with communication difficulties going through referral order processes. Therefore, this research project aimed to address the following research questions: How do Speech, Language and Communication Needs of young people affect the process of referral orders in England and Wales from the perspectives of Speech and Language Therapists, YOT practitioners and Volunteer Community Panel Members?

How are SLCNs of young people currently assessed by YOTs? What screening tools are used to identify SLCNs of young people in the YJS?

How are results of SLCNs screening communicated to YOPs? How do the communication needs of young people affect the reparation process in Youth Offender Panel Meetings?

What are the possible outcomes for young people with SLCNs receiving referral orders? How do outcomes of referral orders differ for young people with SLCNs compared to those who do not have SLCNs; e.g. are young people with SLCNs more likely to breach referral orders?

In this concluding chapter, the story of young people's communication difficulties and the impact of their SLCNs on the restorative justice aspects of referral orders will be brought together. The aim of this research was to explore the impact young people's SLCNs have on the referral order process from the perspectives of YOT practitioners and Volunteer Community Panel Members. The research questions focused on the identification of SLCNs in young people on referral orders, the referral order processes and the impact of SLCNs on the RJ principles of responsibility, reparation and reintegration. To answer the research questions, a mixed-method methodology was chosen, interviews were conducted with YOT practitioners and panel volunteers and non-participant observations of Youth Offender Panel Meetings were undertaken. The original study design included the collection of case-level quantitative data of

young people on referral orders, which was not possible. Overall, there were 33 interviews conducted with YOT practitioners and 10 observations were completed on YOP meetings.

The contribution of this research to the knowledge and understanding of the youth justice system is the critical understanding of the practice of referral orders for young with SLCNs. Broadly speaking previous literature has examined service provision of services to young people with SLCNs in custodial (Bryan and Gregory, 2004) and in community based sentence (Bryan at al. 2009) settings. However, there has not been an in-depth examination of the barriers young people with SLCNs face when participating in restorative justice interventions. Examining SLCNs in the context of referral orders was important as ROs and other RJ interventions are communicative processes where the interaction between young people and YOS practitioners are key. While it can be argued that referral orders do not embrace the CFOS approach, diversionary measures (e.g. Triage and Bureau) increasingly incorporate RJ principles which requires efficient communication abilities (Haines, et al. 2013; Moore, et al. 2012). Thus, this research clearly demonstrated the importance of acknowledging and addressing the communication difficulties of young people on referral orders by YOT practitioners and by Volunteer Community Panel members. When YOT practitioners and VCPMs are appropriately trained, they can work effectively with young people with SLCNs, supporting young people to overcome their communication barriers. This project also provided a critical analysis of contemporary referral order practices in England and Wales, highlighting the importance of focusing on young people's understanding of RO processes. As this research project demonstrated, it is up to YOT practitioners and VCPMs to successfully engage young people in reparative activities, thus helping young people successfully completing their referral orders.

One could ask the question: Why is communication important in referral orders? Indeed, this research project aimed to answer this simplistic questions. However, there is more to referral order processes than what can be implied by the above question. The answer to the simplistic questions cannot be a simple 'yes' or 'no'. As it was demonstrated throughout this thesis, referral orders are based on restorative justice principles and theory. While examining RJ theory and practice in details during the course of this research, one specific fact became obvious. All restorative justice based interventions in youth justice make the *presumption* that all participants have the ability to communicate freely and equitably. Thus RJ interventions assume that the power imbalance between offender and victim can somehow be equalised through responsibilisation, reparation and reintegration. However, such power equalisation

cannot be assumed for RJ interventions where young people have communication difficulties. As such, the answer to the questions at the beginning of this paragraph equally cannot be a simplistic 'yes' or 'no'.

As in referral orders and other RJ related interventions, the activities young people are expected to partake in are conducted via verbal interactions. Verbal interactions should in theory follow a standard speaker and listener exchange of ideas. However, restorative dialogues often do not adhere to such practices. In fact, many of the interactions observed during panel meetings were one-sided where volunteers and practitioners seemed to have more power in the interactions than young people. By not responding to practitioners'' and volunteers' questions young people can be at a disadvantage when negotiating their reparative activities. Power imbalances, thus can follow the RJ process from the dialogue of panel meetings to the reparative activities, where young people with communication difficulties can be disempowered. Young people who were reluctant to engage in dialogue with volunteers and practitioners during panel meetings were also more likely to be reluctantly participate in reparative activities, which can be traced back to young people's communication difficulties. Young people who have communication difficulties and as a result experience power imbalance during panel meetings will also be more likely to experience power imbalance during reparative activities. A case in point is where the young person was asked to volunteer in a charity shop in the same community where the victim lived. The same young person who did not engage during the initial panel meeting, did not fare any better during the reparative activity. The young person expressed dislike of the reparative activity (volunteering in the charity shop after school), which can be attributed to her reluctance of interacting with customers and volunteers in the charity shop, thus making her time there not fulfilling in terms of giving back to the community. As this case demonstrated young people who experienced power imbalances may not necessary understand repairing the harm, especially when they feel overpowered by the adults. Therefore, this research clearly demonstrated that power imbalances between participants of restorative justice Restorative justice expects the reparation process to be linear, but this is not the case when practicing restorative justice.

Throughout this research project and this thesis, it was demonstrated that communication needs and difficulties represent heterogeneous needs and difficulties in young people. SLCNs often do not manifest on their own and are often difficult to identify for non-SLT practitioners. Because SLCNs are difficult to identify and diagnose, YOS practitioners must be aware of the various manifestations of communication difficulties in the young people

they work with. In fact, practitioners must be careful to what extent - if any – they are able to support young people's communication during panel meetings. As such, there can be implications for more intensive adult/practitioner interventions, which in turn will have implications for power imbalances during panel meetings. As demonstrated in the paragraphs above, the power imbalance young people experience in initial panel meetings can carry through the entire referral order process. The power relationship during any interactions between young people and practitioners is fragile, especially if others, such as the victim and volunteer community panel members are included in interactions. Young people observed during panel meetings seemed to be more at ease interacting with fewer adults present in the room as well as when young people were interacting with panel members who could relate to young people's motivations and justifications for their actions. Thus, this thesis has argued throughout that there must be a careful balance struck between practitioners supporting young people's communications and shifting the power balance during young person-practitioner interactions. Speech, language and communication difficulties are widely recognised as a major barrier for young people in the Youth Justice System. In order to answer the research questions stated, this project endeavoured to explore youth justice practitioners' and volunteers' views and experiences of working with young people presenting with communication difficulties. The mixed-methods research method enabled the exploration of the impact of young people's SLCNs on referral orders. These included interviews with YOT practitioners, Speech and Language Therapists and Volunteer Community Panel Members. Non-participant observations of Youth Offender Panel Meetings were completed in order to understand the process of panel meetings and to observe how communication takes place between stakeholders. These research methods allowed the project to fully explore SLT service provision within YOTs along with examining the practice of referral order processes and analysing the impact of SLCNs on referral order outcome.

This project aimed to explore how the Speech, Language and Communication Needs of young people affect the process of referral orders in England and Wales. Youth Offending Teams in England and Wales were approached and practitioners with first-hand experience were asked about their practice and interactions with young people with communication difficulties. In the process, the project explored Speech and Language Therapy services in YOTs and many interesting points were made by SLTs about their experiences and practices working with the youth offending population. Having observed a number of Youth Offender Panel Meetings, it became clear that communication skills are crucial to and at the core of not

only referral orders, but being able to participate in any form of intervention in the YOT (offending behaviour intervention, welfare-related intervention, reparation activity) that YOTs can offer. Participants highlighted that communication skills are crucial in any YOT activity as the young person is often required to process complicated information and must be able to answer questions and relay specific information to service providers.

As argued throughout this thesis, communication difficulties create barriers for young people and prevent young people from taking full advantage of the services offered by YOTs. Young people sentenced to referral orders are particularly affected by communication difficulties as most of the interventions and activities part of the RO contract are verbally mediated. It was established in this thesis that referral orders are the sentence used most often for first time offenders attending court; therefore, referral orders represent a large proportion of young people working with YOTs. Although the length of referral orders may create a barrier for SLTs and other practitioners to offer interventions to young people, as some young people are sentenced to three-month referral orders, still, referral orders are an opportunity to identify and respond to young people's needs, such as communication difficulties. Young people are screened by Asset or Asset Plus, and their needs are identified throughout their time working with the YOT, where any communication needs should be identified. With the new Speech, Language, Communication and Neuro-disability screening tool included in Asset Plus, the identification of SLCNs will be more accurate; thus, the implementation of this new screening tool is an important first step in identifying young people's communication needs at an early stage of the criminal justice process.

8.1 Reflections on the Research Process

The decision to interview participants was made at the design stage of the research project. The research question was: *How do Speech, Language and Communication Needs of young people affect the process of referral orders in England and Wales from the perspectives of YOT practitioners and referral order panel members?* This question was designed in order to examine the impact of young people's SLCNs from the perspectives of YOT practitioners and volunteers only, excluding interviews with young people. There were a number of reasons for this decision. One was that seconded SLT service provision was examined to understand how the service was implemented. As discussed in the literature review section (Chapter 1.4) service delivery in YOTs varies across regions, depending on the needs of the local community. It was important to explore SLT service provision in several YOTs. The intention was to recruit

enough participants from several YOTs in England and Wales in order to make a comparison in SLT service provision. However, this was not possible as participating YOTs were not equally distributed between the countries (Participating YOTs total: 11 England and 5 Wales).

In the original design, there was another stream of interviews planned, namely YOTs without seconded SLTs were randomly selected from the list of YOT contacts on the YJB website and contacted. Managers of YOTs without seconded SLTs were approached the same way as YOTs with seconded SLTs: they were asked to forward the request for interviews to YOT practitioners. This was done much the same way: it was expected that RO Coordinators, YOT Case Managers and Volunteer Community Panel Members would respond. The reason for approaching YOTs without seconded SLTs was to examine the level of awareness of SLCNs among practitioners and to inform the researcher whether the presence of SLTs in YOTs made a difference in the awareness and knowledge of SLCNs among practitioners. However, there were no responses received from practitioners in YOTs without seconded SLTs. Thus, it was not possible to assess the understanding of SLCNs in YOTs without SLTs first-hand.

As discussed in Chapter 3.4, the strategy for conducting interviews changed over the course of the fieldwork, which meant that the accuracy of the data recording changed as well. In other words, the fact that participants responded to questions in writing increased the accuracy of data recording, but the amount of information decreased. When telephone and face-to-face interviews were not audio-recorded, the researcher took handwritten notes, which reduced the number of verbatim quotes. Instead, when respondents answered questions in writing, the data gathered was recorded by respondents, from which more verbatim quotes could be used to evidence arguments. It was noted that some participants only gave very short (often one sentence long) responses to questions asked despite the fact that all questions were designed to elicit longer responses. Efforts were made to follow-up participants' email responses in a timely manner, and this resulted in more detailed answers. However, some participants failed to answer follow-up questions and simply did not reply to anymore follow-up emails. Still, initiating correspondence with participants via email instead of telephone interviews yielded more accurate information. Overall, it was more important to be able to record responses so that the information recorded is accurate and can be evidenced with direct quotes from respondents. Even if this method sometimes did not yield as much detail as a face-to-face or telephone interview would have, recording accurate information was prioritised over detail, as this was an exploratory study.

Exploring the views of young people who were in referral orders was considered but was deemed unnecessary as previous research has explored the views of young people on referral orders and their communication skills. For example, Newbury (2008b) had conducted research on young people on referral orders exploring their views on referral orders and how they were treated by panel members. The current research explored the views of Volunteer Community Panel Members, YOT practitioners and Speech and Language Therapists about the communication needs of young people on referral orders. It was important to understand practitioners' and volunteers' understanding of young people's communication needs, and participants explained the role of communication in the referral order process. Hopkins, et al. (2016) have already explored young people's understanding of their communication where the researcher explored young people's perspectives on their communication and literacy skills in YOTs (Hopkins, et al. 2016). For that study, Hopkins, et al. (2016) conducted semi-structured interviews and focus group interviews with young people on community based sentences in one YOT, exploring young people's own perceptions of communicative interactions with others (Hopkins, et al. 2016: 95). The implications of the research project highlighted the need for increased communication training and support for young people and for YOT practitioners (Hopkins, et al. 2016: 95). It was important that this research explored the effects of young people's SLCNs without stigmatising young people, and as such, the observations of YOP meetings were not selected based on young people having been diagnosed with SLCNs. As well, to understand the referral order process and the effects of SLCNs of young people on the implementation of RJ principles in practice, YOT practitioners' knowledge of the RO process was necessary in addition to Speech and Language Therapists' work in Youth Offending Teams.

Victims of youth crime were not approached for this research project to avoid re-victimising victims and because so few victims participate in the referral order processes as noted earlier. As well, previous research has noted the difficulty accessing victims of youth crime (see e.g. Newbury, 2008b), thus, approaching victims was not part of the design of this research. Although research points to the positive impact of RJ on victims, the present research focused on the young people and what barriers to engagement with RJ activities they may face due to communication difficulties.

Observation of YOP meetings was important to answer the research questions because it is at YOP meetings where young people could be observed directly communicating with panel members. Panel meetings are a vital part of the referral order as discussed in Chapter 2.4

and, as such, engagement and verbal communication skills of young people can be observed. To observe how communication takes place between stakeholders, observing panel meetings offered the best opportunity. As well, to examine the impact communication difficulties will have on the application of RJ principles, the non-participant observation of YOP meetings was deemed to be the most appropriate. YOP observations afforded the opportunity to observe any barriers to communication that would affect the outcome of panel meetings in relation to realising the RJ goals of referral orders.

It was important to clarify the exact meaning of Speech, Language and Communication Needs or difficulties to participants. The definition of SLCNs is not a simple identifiable concept, but many in the field have a different understanding of SLCNs and as such have different definitions. There were certain assumptions made about participants' knowledge prior to interviews. In the case of YOTs with seconded SLTs, it was presumed that SLTs and YOT practitioners had a broad understanding of SLCNs and had experiences working with young people with communication difficulties in the context of youth justice. Speech and Language Therapists were assumed to have a good understanding of SLCNs due to the nature of their work. YOT practitioners interviewed were assumed to have a basic understanding of SLCNs in young people as all of the YOTs chosen for this study had a seconded SLT working in the team. Speech and Language Therapists interviewed stated that they had provided training for YOT practitioners and panel volunteers in their respective YOTs. SLTs were asked at the beginning of the interview if they were familiar with the referral order process and all of the SLTs said that they were. However, some of the Speech and Language Therapists said that their roles have changed recently and that they had worked with young people from all areas of youth justice (e.g. YOIs). In terms of the Volunteer Community Panel Members, it was presumed that participants were familiar with the referral order process, but the concept of SLCNs were explained to them after the first two VCPMs pointed out that they did not necessarily know what SLCNs were. Because SLCNs were defined broadly, it is possible that the understanding of what SLCNs are for the researcher and participants differed, thus, a definition should have been provided to all participants for clarification purposes.

There were also significant changes in the delivery of SLT services in youth justice services during the time of the fieldwork of this study (January to December 2015). As the SLT service provision was procured through a pilot project as a result of insistent campaigning of the Royal College of Speech and Language Therapists, Afasic Cymru and the Youth Justice Board, service delivery had only been secured through a three-year funding stream. The

funding for the secondment of SLT service provision in YOTs had finished in the first quarter of 2015, just at the beginning of the fieldwork stage of the project. Therefore, some SLTs had already been removed from some of the YOTs by the time the researcher made contact with the YOTs.

One limitation of the research methodology is the sampling used. Participants were recruited using purposive sampling and snowball sampling as well, thus, the data collected were limited and cannot be generalised. As well, there were a limited number of YOTs included in the study, which also limits generalisability. Youth Offending Team managers were not recruited for interviews because the participant sample consisted of front-line staff with first-hand experience of working with young people. Thus, data collected do not contain information on SLT service provision from a managerial perspective, which could have provided insight into commissioning SLT services to YOTs, including the criteria that was used to select YOTs for inclusion in the pilot SLT project.

Similarly, the presence of gatekeepers in the form of Referral Order Coordinators allowing observation of certain YOP meetings and not others meant that random sampling of Youth Offender Panel Meetings observed was not possible. All of the panel meetings observed were arranged through one particular YOT, which limited observations from other youth offending service practices, thus, limiting observations of RO practices more broadly.

As explained in Chapter 7.4, quantitative data in relation to the outcome of referral orders were obtained from one YOT to enable the comparison of referral outcomes from England and from Wales. Data were recorded by the YOTs and access was granted through the referral coordinators of both YOTs. As the Referral Order Coordinator acted as the gatekeeper of the data and to ensure the anonymity of young people, the researcher had no direct access to the databases of the YOT. There was a time lapse between the collection of the case-level data from the YOT and the completion of the interviews with YOT professionals and SLTs. The limited case-level data was received July 2016, after which it was determined that the sample (n=26) was too small to analyse and draw meaningful conclusions from.

8.2 Policy Implications of this Research Project

This research project is an addition to existing research evidencing the need to address the issue of the Speech, Language and Communication Needs of young people in the Youth

Justice System. Youth offending interventions for those young people sentenced to community based sentences are mainly verbally mediated interventions, which imply that young people must have effective receptive and expressive communication skills in order to meaningfully engage with YOT interventions. This of course is important for young people to be able to make the most out of the interventions they are mandated to participate in, as well as addressing their criminogenic and welfare needs to increase their likelihood of stopping their offending behaviour in the future. More specifically, this research provided evidence that it is important to consider the communication difficulties of young people who are sentenced to referral orders.

Examining the referral order process in relation to the SLCNs of young people is important; and this research project specifically examined the implications of SLCNs of young people on restorative justice based initiatives, because current youth justice rhetoric is moving towards diversion and policies to implement pre-court diversionary practices that largely rely on theories of restorative justice as conflict resolution tools (e.g. Youth Restorative Disposals, see Haines, et al. 2013: 172). It is timely to look at the impact of young people lacking verbal communication skills on RJ processes. It is then argued in this thesis that the findings regarding the impact of young people's SLCNs on the RJ principles in referral orders will provide insight and a clear evidence base which are applicable to all other pre-court diversionary programmes that embrace restorative justice principles. Choosing to examine the impact of SLCNs of young people on restorative justice based programmes was also important because it is at the diversionary and preventative programmes (e.g. Bureau and Triage) where youth justice practitioners have the opportunity to make an impact in young people's lives, and to teach them ways to stop offending behaviour.

In terms of Speech and Language Therapy provision in YOTs, a number of practices in service delivery has been noted that have improved YOT practitioners' work with young people. One of these practices was the youth justice dictionary that a few SLTs interviewed had designed with common words used in YOTs. These dictionaries have become useful tools for YOT practitioners to help young people understand youth justice jargon. In the future, such practices should be reviewed and roll-out across YOTs should be considered as YOT practitioners interviewed in this study remarked on the value of youth justice dictionaries.

Therefore, there is a compelling case for policymakers to address issues of access to Speech and Language Therapy services for young people in the youth offending population.

Variations in SLT service provision in the mainstream education and health systems across England and Wales have implications for SLT availability as seconded posts in youth justice services. According to interviews with YOT practitioners, once SLT secondments ended in YOTs, young people with suspected communication difficulties were referred to mainstream SLT services that are available through the local health authority. Continuity of service is a contested area for youth justice practice as young people working with YOTs will no longer have access to YOT services once their work with the YOT is complete. As such, there is no follow-up framework currently in place in YOTs to ensure that young people with suspected communication difficulties indeed attend appointments with mainstream SLTs. This has policy implications for referral to mainstream SLT services of young people working with YOTs, and for follow-up practices. Therefore, it is recommended that policy for referral and a framework following up on these referrals is put in place in order to ensure continuity of service.

There is another side to this coin. In areas of socio-economic deprivation SLT service availability was shown to be lower than in relatively less deprived areas. Pring (2016) demonstrated that there are large inequalities in Speech and Language Therapy provision across London boroughs (Pring, 2016). Similarly, the Bercow Report (2008) found that PCTs (Primary Care Trusts) with similar levels of deprivation have significantly different numbers of SLTs, assuming that more disadvantaged communities would have greater need for SLT services (Bercow, 2008: 61). Indeed, these studies seem to indicate that socio-economic deprivation can be linked to the slower early language development of children, which could increase the need for SLT service provision in areas of SES deprivations. However, the Bercow Report (2008) and others following (Taylor, et al. 2015: 22; Lindsay, et al. 2002) have stated that there are great variations of SLT services across the nation (Bercow, 2008: 61). The perceived lack of SLT service availability in SES deprived areas will have an adverse effect on young people, especially, if their communication needs are not identified at an early age. It is a well-known fact as SLTs interviewed pointed out that there are proportionately fewer SLTs in secondary schools and above, and the majority of SLTs in mainstream education work with children in primary education (Lindsay, et al. 2002: 274). As this research project has argued, verbal communication skills are important factors in literacy skills and overall educational attainment. As it was established by the Bercow Report (2008), SLT provision is patchy and "approximately 50% of children and young people in some socio-economically disadvantaged populations have speech and language skills that are significantly lower than those of other children of the same age" (Bercow, 2008: 13). The Bercow Report (2008) also suggests that

socio-economic deprivation is associated with SLT availability as areas with a higher multiple deprivation index appear to have fewer SLTs per 100 000 population (Bercow, 2008: 61). This suggests that SLT availability will vary for YOT practitioners, which will have an impact on YOT practitioners' ability to make referrals to mainstream SLT services.

The referral order contract is designed in such a way that if the young person fails to fulfil any one requirement of the contract, then he/she is breached and will be referred back to court. In this case, if the young person has identified communication difficulties, then an SLT would be able to provide immediate and specific support for the young person, which might increase the chances of the young person completing the task. SLTs' presence in YOTs would be helpful as practitioners would be able to directly and immediately liaise with SLTs about young people who struggle with particular aspects of their orders, and SLTs could be able to intervene and offer support to the young person. Policymakers should consider allowing SLT presence in YOP meetings to support young people's communication during the meeting, which in turn could increase young people's engagement and successful completion rates of their orders.

This research has broader implications to the implementation of restorative justice measures in youth justice practices in England and Wales. Regardless of the type of RJ based intervention, speech, language and communication difficulties have important implications for youth justice practices. In Chapter 7.1 the impact of SLCNs on the three Rs (responsibility, reparation, reintegration) were discussed. Throughout this discussion, it was noted that communication between participants of an RJ meeting was crucial in order to realise the potential of restorative justice. Communication between the stakeholders, such as offender, victim, and community are vital to the process of restoration. In fact, if there is no effective communication between the stakeholders, the RJ process cannot be completed. This is true for referral orders as well as all other form of RJ interventions.

Responsibility, reparation and reintegration are fundamental principles of all forms of RJ, which implies that all interventions based on RJ principles must embrace the three Rs. Voluntary participation is an additional RJ principle, presuming that each stakeholder attends the meeting freely, without coercion. However, as it was discussed in detail in Chapter 2, referral orders are largely coercive from the young person's perspective, while all other participants (VCPMs, YOT practitioners) attend voluntarily. There is an inherent power inequality between the adults and young people at panel meetings, which creates tension

between stakeholders. It is then questionable whether restorative justice principles can be implemented into a coercive, punitive youth justice framework. Indeed, the goal of RJ is to repair the harm caused and equalising power relations between offender and victim, while the main goal of YOS in England and Wales is to reduce reoffending through punishment and deterrence. These two approaches differ greatly which causes tensions when attempting to combine: referral orders as mandatory sentence for first time entrants into the youth justice system in England and Wales.

Throughout this thesis the central argument was that it is not possible to achieve the principles of restorative justice without open and efficient communication between stakeholders. Above it was argued that the young people's communication difficulties will affect the power relationship between participants of RJ meetings, which in turn affects the outcome of RJ interventions. Other restorative justice based interventions have been implemented in the English and Welsh Youth justice System in the forms of diversionary practices, such as Triage (Moore, et al. 2012) and the Bureau and Youth Restorative Disposal (Haines, et al. 2013: 169). In contrast to referral orders, the Triage and Bureau models are diversionary in nature, with the aim of delaying the young person's entrance into the formal CJS. Diversionary disposals as well as referral orders hope to create a dialogue between young people and service providers, such as YOS workers, police and third sector organisations working with YOTs. As such, with greater use of RJ-based interventions, communicative processes have increased. This means that youth justice interventions increasingly rely on communicative processes which require young people to participate in an active dialogue with service providers. Therefore, referral orders and other RJ-based interventions have increased expectations of young people actively participating in communicative activities, which in turn put young people with SLCNs at a disadvantage.

Providing an opportunity for young people to participate in interventions is not enough. Service providers and policy-makers must ensure that young people are able to participate and expressing themselves which requires effective communication skills. Understanding the goal of interventions and actively part-taking in youth justice activities (or RJ activities), such as expressing their understanding is a key to the successful service delivery to young people in contact with the YJS. Without communication between young people and service providers, there cannot be successful interventions delivered to young people, regardless of the type of YJ disposal. Therefore, communication affects all youth justice processes and young people

with communication difficulties are at a disadvantage, which must be considered by policy-makers and service providers as well.

8.3 Next Steps: Implications of Research for Practice

Throughout this project, the primary aim was to understand the impact of SLCNs of young people on the referral order process, but communication difficulties have more wide-reaching implications for young people in the Youth Justice System. The YJB now recognises the impact communication difficulties may have in youth justice processes and interventions. More importantly, communication difficulties are now being considered in many policy areas of the YJS in England and Wales. To give an example, the YJB released a position statement in April 2016 relating to young people appearing in court via a video link (Youth Justice Board, 2016). In this short statement, the YJB acknowledges the importance of considering the suitability of video technology on a case-by-case basis (Youth Justice Board, 2016: 1). The statement clearly states that the assessment of using such technology must take into account whether the young person has Speech, Language and Communication Needs, demonstrating the importance of considering communication difficulties.

It was argued throughout this thesis that raising awareness of communication difficulties is the first step, and the hope is that communication difficulties will begin to be recognised as a real difficulty some young people in the YJS struggle with. Future implications of policy considerations could include a long-term partnership with RCSLT and third sector organisations to improve service provision within YOTs and other youth justice agencies. Partnerships could include continued awareness raising and education of youth justice practitioners as well as providing access to SLT services in all YOTs.

In 2017, I CAN and the Royal College of Speech and Language Therapists partnered to undertake an independent review of the state of provision for children's SLCNs following on from the Bercow Report published in 2008 (I CAN, 2017). *Bercow: Ten Years On* is a review of evidence that will present evidence on the current SLCNs provision for children 0-19. Although not explicitly stated, the review of evidence will be expected to include youth justice agencies, as the issue of SLCNs in the Youth Justice System was first raised in the first Bercow report in 2008. The *Bercow: Ten Years On* report is expected to be published in early 2018 and to include a critical reflection of the SLCNs service sector, and the report will provide details on the current landscape of service provision for children and young people with SLCNs, making recommendations for the future (I CAN, 2017). Based on findings of this

research, practitioners of YOTs and other youth offending institutions should be trained to recognise the signs of SLCNs in young people. This and the fact that the Asset Plus SLC and Neuro-disability screening tool will have been rolled out to all YOTs should enable the Bercow Report reviewers to conclude there has been an effective process for identifying young people with SLCNs in the Youth Justice System. It is hoped that by the time the Bercow Report review is completed, YOTs and YOIs have established access to SLT support and the communication difficulties of young people can be effectively addressed once identified.

Referral orders create an opportunity for meaningful intervention from YOT practitioners offering a chance for the young person to make changes in his/her life and to stop offending. SLT service provision in YOTs is one way of helping young people who struggle with communication. In order to help young people make meaningful and substantial changes in their lives, they must be able to access fundamental services, such as healthcare, mental health, housing, employment, and other services. These services and many others are offered to young people in YOTs and through third sector and other services. However, effective communication skills are imperative for young people in order to access any services offered to them in the YOT. If young people are not able to effectively communicate with service providers, then young people's communication difficulties create barriers for them to access these services. In terms of referral orders, young people face particular challenges as they must be able to understand complicated jargon and abbreviations. Young people who struggle with communication difficulties will have opportunities given to them to access services; however, they may not be able to take full advantage of these services, which might help them change their lives and stop their offending behaviour, by not being able to communicate effectively with service providers.

As for the outcome of referral orders, communication difficulties put young people at a disadvantage as they might not be able to engage in referral order interventions, which is the basis for successful completion of referral orders. Victims rarely attend Youth Offender Panel Meetings; thus, direct reparation of the harm to the victim can be difficult. To overcome this barrier, young people are often given community work so that they have the opportunity to repair the harm caused to the wider community. Community service sometimes involves young people working a set number of hours in local charity shops, picking up litter off the streets, helping out in car repair shops, and working in a bicycle shop that may involve more hands-on activity, but in most cases, young people will have to communicate with members of their

communities. Thus, practitioners highlighted that reparation is only possible to achieve—even if it is only indirect reparation—if the young person is able to communicate effectively.

Taking responsibility for the harm caused is a fundamental principle of restorative justice, and referral orders as well. By apologising to the victim or community panel members, young people are required to take responsibility. Although, young people are already responsibilised through admitting guilt on the record in court, there is still an expectation for young people to apologise to the victim in Youth Offender Panel Meetings. In some cases, if a face-to-face restorative conference was not possible between the young person and the victim, the young person was required to write a letter of apology to the victim. Either way, as part of taking responsibility and repairing the harm caused, the young person needs to use communication skills (verbal or written) to apologise to the victim. A young person with communication difficulties displaying disruptive and defiant behaviour may not be ready to apologise to the victim or community panel members, which in turn may be seen as the young person having failed to take responsibility for their actions. Therefore, young people with difficulties in communication, presenting disruptive behaviour, may be seen as someone not willing to take responsibility for their actions. Future research could further explore how young people with social communication disorders develop empathy in order to adapt interventions, such as victim awareness, to the needs of young people who may struggle with understanding social cues.

In panel meetings, with the participation of community panel members who represent the local community, reintegration of the young person in the referral order context means that by repairing the harm caused, the young person sheds the label of 'offender' and is able to move on with his/her life. However, without the ability to effectively communicate reintegration cannot be possible as this is the last stage of the restorative process, which suggests that all preceding stages (e.g. reparation) have been completed. In referral order terms, the young person with SLCNs may not be able to fulfil one or more requirements of the referral order contract, which will result in a breach and referral back to court. This means that the restorative justice process cannot be completed. Future research should evaluate how YOT practitioners understand SLCNs, as well as evaluating YOT practitioners' awareness of SLCNs and the implications of young people having SLCNs in YOTs where there was no seconded SLT presence. Although findings in this research indicate that SLTs have and will continue to provide SLCNs training to youth justice practitioners, in order to ensure equitable service

provision, future research should examine whether practitioners in YOTs without SLT secondment have received any SLCNs training.

Communication is a fundamental part of everyday life and in all areas of social participation. Young people who struggle with communication difficulties will be affected by these difficulties in all areas of their lives, not only offending behaviour. As highlighted in this thesis, communication difficulties will affect school participation and employment aspects of young people, including being able to form meaningful relationships with others in society. Therefore, it is important to identify communication difficulties in children as early as possible. The interviews with YOT practitioners revealed that SLTs' presence in the YOT had improved service provision to young people and has increased young people's engagement in general. As it was discussed in the literature, young people's communication difficulties are often not identified at school (or at an early age), and as a result, SLCNs may be recognised only when the young person has been in trouble with the law and is referred to the YOT. Therefore, having a permanent SLT presence in YOTs could provide a more comprehensive service provision framework with tools to identify SLCNs, provide SLT interventions and provide YOT practitioners with advice and material to help them better communicate with young people who struggle with communication difficulties.

Having a Speech and Language Therapist available and working as a core part of YOTs would provide an opportunity for improved service provision for young people, including reducing reoffending. Practitioners agreed that SLTs' presence in the YOT would prove beneficial to young people on any order or attending the YOT for any reason. Having an SLT's presence in YOTs would speed up SLCNs identification, and SLTs would be able to provide accurate identification of young people's communication needs. Even though ROs are often a shorter sentence, having an SLT's presence in YOTs would increase the chances of young people who needed it receiving SLT interventions. Because often there is no way (no statutory provision) for YOT practitioners to follow-up after young people have moved on, providing SLT services in-house would increase the chance of young people actually receiving meaningful intervention while still at the YOT. Then the in-house SLT would be able to refer young people with SLCNs to mainstream SLTs after the young person has left the YOT service. Continuity of service provision is crucial for ensuring young people are successfully able to stop offending. As argued in this thesis, the presence of SLTs in YOTs have streamlined SLT service provision to the youth offending population. It should be evaluated whether direct access to SLT services within YOTs has a more positive impact on young people's engagement

with YOT services or if referral to mainstream SLT services is sufficient for meeting the needs of young people with SLCNs in the Youth Justice System (e.g. to increase engagement of young people in YOT services). The evaluation of access to SLT services should involve both YOT practitioners' and young people's views.

Although this project was not able to establish a direct link between communication difficulties of young people and their completion rate of referral orders, practitioner interviews revealed that YOT staff do believe that there is a connection between young people's communication needs and their ability to successfully complete their orders. Participants highlighted their concerns of young people with SLCNs not being able to successfully repair the harm caused to the victim and wider community due to young people's communication difficulties. Young people must attend YOP meetings where they are faced with a group of adults who are essentially strangers to the young person. During the meetings young people will become aware that the adults know a lot about their background and offending, which is an intimidating experience, yet young people are expected to effectively communicate remorse to the panel members present. The experience of attending a Youth Offender Panel Meeting is arguably a disempowering experience for young people, which is the opposite to what a restorative justice based meeting should accomplish. Additionally, young people are required to provide reparation in some form of community service where the young person is required to communicate with strangers in the community, which may also be a challenging idea for young people with communication difficulties. Although, the study by Hopkins, et al. (2016) has established that young people are aware and would appreciate support when communicating with YOT practitioners, it would be important to examine what young people participating in interventions based on restorative justice principles think about communicating with adults in order to adapt such services to the way in which young people communicate.

Indeed, practitioner interviews suggested that, in particular, YOT Case Managers were keen on SLTs' presence in YOTs. Results of interviews with Case Managers revealed that working with young people can be challenging as young people's needs and personalities are different, and as such, it is not possible to approach young people with a 'one size fits all' approach. Creativity of practitioners was an important attribute in order to help engage young people and to build a successful professional relationship between young person and Case Manager. Each young person needs to be approached differently and, as Case Manager interviews highlighted, building good rapport with young people from the beginning was a key to successfully engage them. Case Managers often stated that creating a trusting relationship

with young people they work with is the key to support them through their orders. However, Case Managers acknowledged that young people with communication difficulties present new challenges.

As discussed throughout the thesis, SLCNs often present as behaviour difficulties and because SLCNs are difficult to diagnose, they are 'hidden' difficulties. Thanks to SLT training, YOT Case Managers were aware of the signs of SLCNs in young people and, as such, were able to approach them in a way that young people engaged, if only minimally. However, practitioners stated that the presence of SLTs in YOTs eliminated the difficulties of uncertainty—when Case Managers came across young people and they were unsure of how to engage these young people, Case Managers could turn to support from SLTs. When asked, a number of SLTs would sit in with initial or subsequent supervision meetings Case Managers had with young people, thus, the availability of SLT support was greatly appreciated by Case Managers when they faced difficult cases.

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Appendices

Appendix 1 – What are speech language and communication needs?

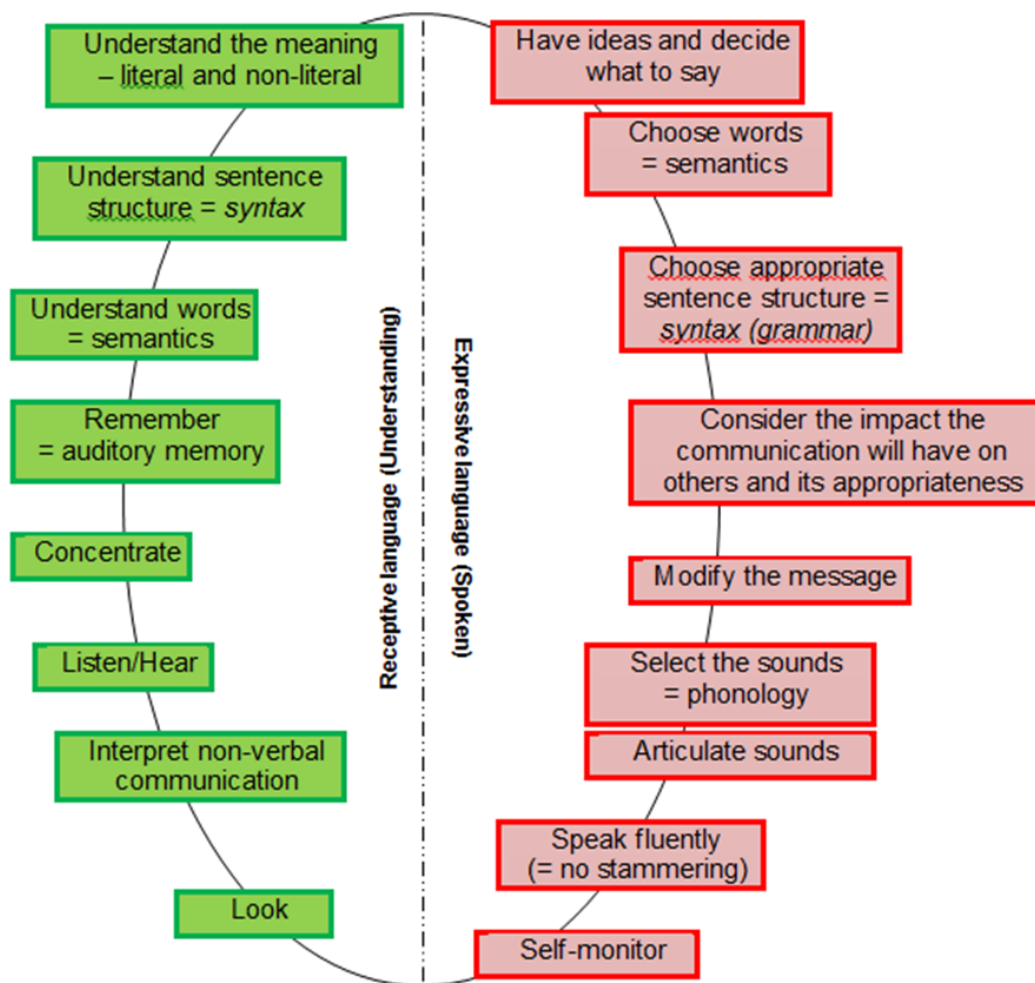**What are speech, language and communication?**

Speech refers to:	Language refers to speaking and understanding language:	Communication refers to how we interact with others:
Saying sounds accurately and in the right places in words	Using words to build up sentences, sentences to build up conversations and longer stretches of spoken language	Language is used to represent concepts and thoughts
The sounds people use to communicate words	Understanding and making sense of what people say	Using language in different ways; to question, clarify, describe etc.
Speaking fluently, without hesitating, or prolonging or repeating words or sounds Speaking with expression with a clear voice, using pitch, volume and intonation to support meaning	The understanding of language, being able to understand words and using words and their meanings; how words go together: that ability to put words together to make a sentence and how word order can be changed and that change can affect the meaning.	Non-verbal rules of communication; good listening, looking at people
speech sounds that might be the pronunciation of words, fluency which is stammering or stuttering, volume as some children have problems with the volume of their speech, they find it difficult to monitor that; intonation as some children might it very difficult to monitor the intonation of their speech, where volume might drop at the end of question some children may have difficulty understanding that aspect, as well as pitch.	Grammar: e.g. when *ed* is put at the end of a verb in past chance, some children may take longer to understand that concept. Joining sentences to make a narrative, to form a story in order to talk about something that's happened on the weekend or to tell a story that they want to tell. Higher level skills, such as reasoning, problem solving, being able to talk about why something's happened or how something's happened.	Particularly non-verbal communication, things like using appropriate eye-contact, body language, facial expressions, using gestures, using sign. Children being able to understand the rules of conversation, turn-taking, how to take turns, how to change a topic if they need to, communication is really thinking more about interaction skills. There are some children that might find that aspect of their communication difficult

(Communication Trust, n.d. 4; The Communication Trust: Shona Crichton SLT, 10 Oct 2013).

Understanding Speech Language and Communication Needs

Understanding of Spoken Language	Receptive communication	Understanding Spoken Paragraph	Expressive communication
Being aware of the complexity of the language you are using	Using visual aids such as word maps and word investigations to support understanding of word meaning.	Ensure that XX is listening and attending to you before speaking to him.	Give XX plenty of time to plan a response and say what he means
If there is a sequence of commands for XX to follow, pause between each one to allow him time to process the information	Explain new words in a language that XX will understand	Be aware of the complexity of language you are using.	Try to avoid finishing his sentences, rather, ask open ended questions, e.g. 'What do you do with it?' 'How does it work?'
Check that XX has understood the information by asking him to repeat back in his own words what he is required to do.	Re-visit new vocabulary in order to support XX's memory	Be aware of how you use language with XX – avoid jokes and sarcasm as he can take things very literally.	Be aware that a difficulty with spoken language is likely to be reflected in XX's written language also.
Explain new words in a language that XX will be able to understand	Relate new information to XX's previous knowledge in order to support memory.	Use visual information to support spoken and written information.	If he is unable to think of a word then try giving prompts, e.g. can you tell me something about it?

The Communication Chain

Understand the meaning – literal and non-literal

Understand sentence structure = *syntax*

Understand words = semantics

Remember = auditory memory

Concentrate

Listen/Hear

Interpret non-verbal communication

Look

Receptive language (Understanding)

Expressive language (Spoken)

Have ideas and decide what to say

Choose words = semantics

Choose appropriate sentence structure = *syntax (grammar)*

Consider the impact the communication will have on others and its appropriateness

Modify the message

Select the sounds = phonology

Articulate sounds

Speak fluently (= no stammering)

Self-monitor

Adapted from Elks and McLachlan (2006)

Typical Communication Skills of Young People of Secondary School Age

By Age 11: Understanding and Reasoning

Can follow complex directions

Understands common, simple 'sayings and idioms in context

Starting to understand others' point of view

understands factual information, but finds it hard to understand inferred information

Starting to understand sarcasm when exaggerated

Vocabulary

Instruction words are difficult to understand

Understands some words have multiple meanings

Beginning to use 'dictionary type' definitions instead of 'personal' definitions to explain words

Uses more interesting vocabulary when prompted

Sentence Structure and Narration

Uses a range of joining wirds in speech and writing

Tells interesting, entertaining and original stories with stories within stories

Explains the rules of a game or a sequence of events in a simple but accurate way

Avarage length of spoken sentences 7 - 11 + words

Social Interaction

Understands jokes based on double meanings though isn't always able to explain them

Adjusts the politeness of their language to who they are talking to

Is able to talk through problems with peers

Is aware when someone doesn't understand and tries another way to hget the information across

Moves from topic to topic quite often in conversations

By Age 14: Understanding and Reasoning

Understands instructions which don't follow the word order of the sentence

Can build on argument to persuade and respond to views different to wosn

Separates fact from opinion when reading

Makes inferences, working out information that isn't explicitly written or spoken

UNderstands less obvious 'sayings', 'idioms'

Confident in noticing and understanding sarcasm with clues

Vocabulary

Still challanged by some instruction words

Uses pattern rords

Uses #academic words' when prompted when prompted to all formal tasks

the confidently explain the meaning of subject words and words with multiple meanings

Sentence Structure and Narration

Links sentences using more difficult joining words

Produces well-planned, complex stories with complete sections and plety of details

Gives clear and detailed explanations of rules, or breaks down steps in more complex sequences

Average length of spoken sentences 7-12 + words.

Social Interaction

Understands and uses slang terms with peers; keeps up with latest 'street talk'

Can keep a topic of cenversation going even if the person they are talking to finds this skill harder

Fully understands the difference between talking with peers to speaking in the classroom

By Age 18 and onwards: Understanding and Reasoning

No difficulty following complex instructions

Knows when and why they don't understand; asks for help in specific way

More skilled in useing a range of arguments to persuade others

Reads and understands a wide variety of topics

Fully understands sarcasm and is able to use it well

Vocabulary

Knows that instructions words are and asking them what to do based on those instructions

Uses a good range of descriptive words and expressions

Sentence Structure and Narration

Is able to use difficult joining words to make complex sentences

Can thell long and complex narratives ensuring the listener understands the thread of the story throughout

Avarage length of spoken sentences: 9-13 + words

Social Interaction

Able to stay on one topic of conversation for long periodsand more sensibly from one topic to another

Able to switch between informal and formal styles of talking depending on the audience

Adapted from poster based in Nippold, Marilyn A. (2007) Later Language Development: School-age Children, Adolescents, and Young Adults. 2nd ed. Publ. Pro Ed.

Indicators and Signs of Communication Difficulties:

May watch and copy others when instructions are given	Asking to have things explained again and again
May become distracted during long explanations	May not answer when asked a question
Quick at carrying out familiar tasks but slow to learn new routines	Functions better on a 1:1 level than in a group and avoids working in groups
May display poor behaviour or frustration	Seems lost, or gives up during verbal or group activities
Unable to remember. May respond to part of the message only	May not pay attention when in a group
Has difficulty understanding time concepts	May appear to ignore questions completely, or take a long time to respond
Flies off the handle without an obvious reason	Overly honest - tells you what he or she is thinking and is not aware of the consequences
Seems to listen but not able to follow instructions given, even when repeated	Walks out of social situations or interrupts others
Becomes anxious at change and prefers routine - this may be triggered by new staff, new situations, new places to go	Not understanding social distance e.g. Standing too close to others or touching inappropriately
Responds inappropriately to abstract language e.g. idioms	Seems to ignore what should be obvious
Takes "Can you/ could you" questions literally	Seems to quickly forget new words

Screening tools used by SLTs in this study included the following:

•   Speech, language and communication and neuro-disability screening tool – which is the tool now integrated into Asset Plus

•   Blank Levels of Questioning: Level 1 = Naming things; Level 2 = Describing, categorising things, Answering Who? What? Where? ; Level 3 = Retelling and talking about events; Level 4 = Solving problems and justifying.

•   Communication Screen (NHS Leeds, Bradford District YOT)

•   Speech and Language – Further Screening Tool

•   RCSLT Speech, Language and Communication Screening Tool

•   Speech, Language and Communication Screening Referral Sheet – Bolton NHS Foundation Trust

•   TASIT (The Awareness of Social Inference Test)

•   Self-Assessment checklist (designed by SLT)

•   CELF-4 (Clinical Evaluation of Language Fundamentals)

•   Broadmoor Observation of Communication (Gregory and Bryan. 2011)

Appendix 2 – Referral Order Overview
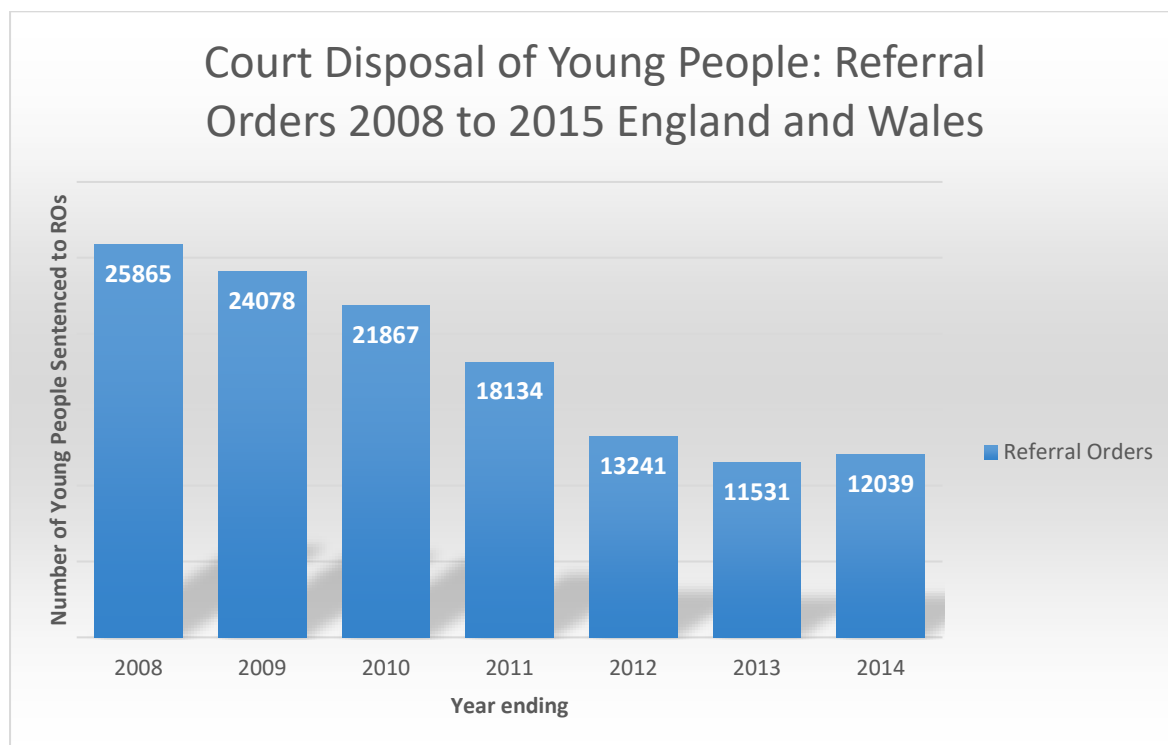
Court Disposal of Young People: Referral Orders 2008 to 2015 England and Wales

Number of Young People Sentenced to ROs

Year ending	Referral Orders
2008	25865
2009	24078
2010	21867
2011	18134
2012	13241
2013	11531
2014	12039

Source: Annual Youth Justice Statistics, 2008/09 to 2014/15 Ministry of Justice and YJB

Court Disposal of Young People: Referral Orders 2008-2015 Wales

Number of Young People Sentenced to ROs

Year Ending	Referral Orders
2008	1455
2009	1396
2010	1238
2011	998
2012	672
2013	598
2014	698

Source: Annual Youth Justice Statistics, 2008/09 to 2014/15 Ministry of Justice and YJB

Referral Order Disposal by age in years 2008-2015 England and Wales
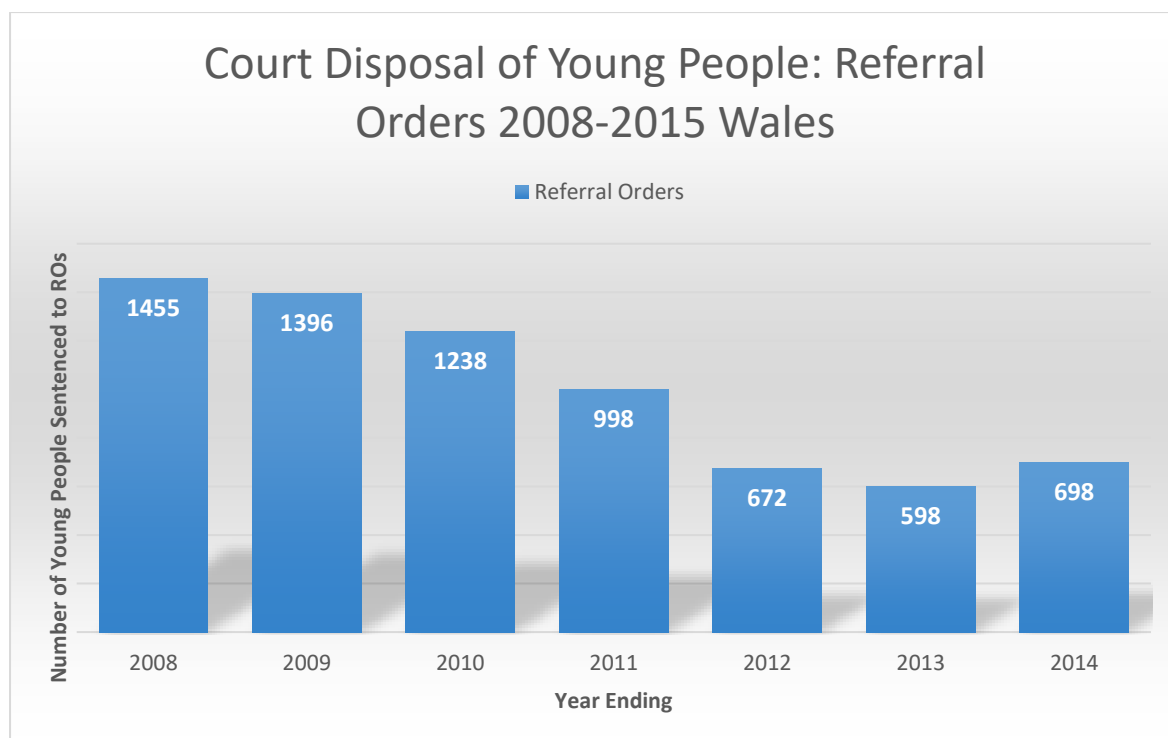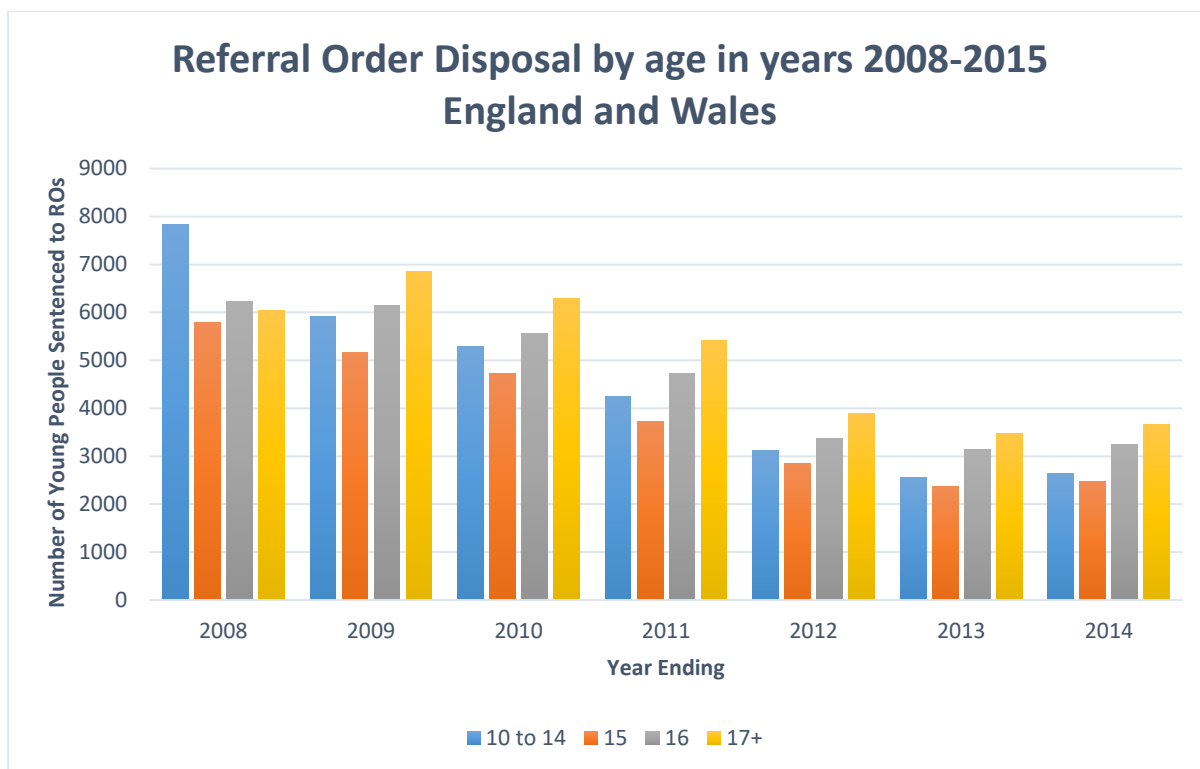
Source: Youth Justice Statistics England and Wales 2014/2015 Ministry of Justice and YJB
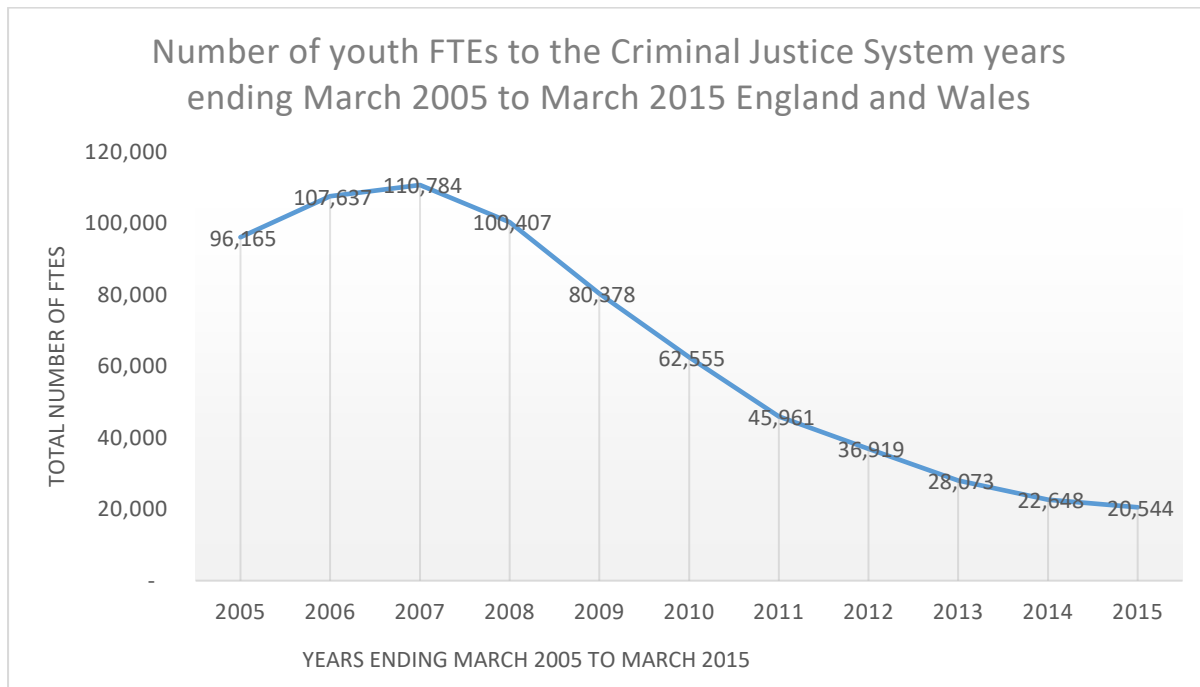
Number of youth FTEs to the Criminal Justice System years ending March 2005 to March 2015 England and Wales

Source: Youth Justice Statistics England and Wales 2014/15 Ministry of Justice and YJB

Number of Youth FTEs to the Criminal Justice System by age in England and Wales Years ending March 2005 to March 2015

Source: Youth Justice Statistics England and Wales 2014/15 Ministry of Justice and YJB

Number of Youth FTEs to the Criminal Justice System in England and Wales by gender Years ending March 2005 to March 2015
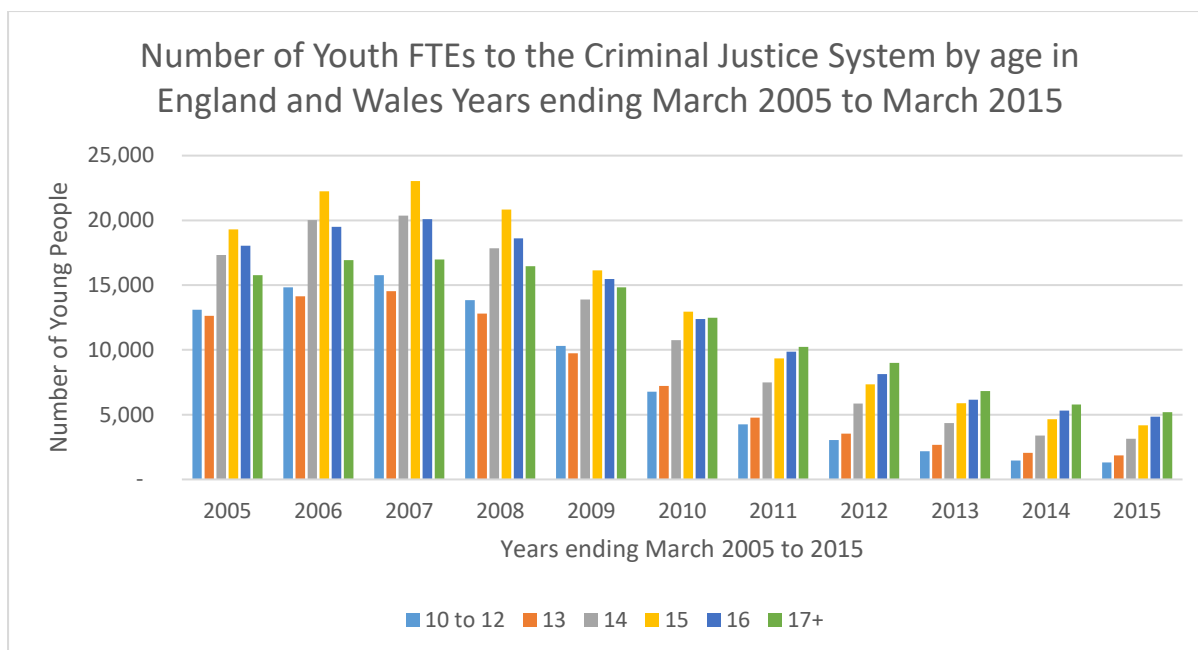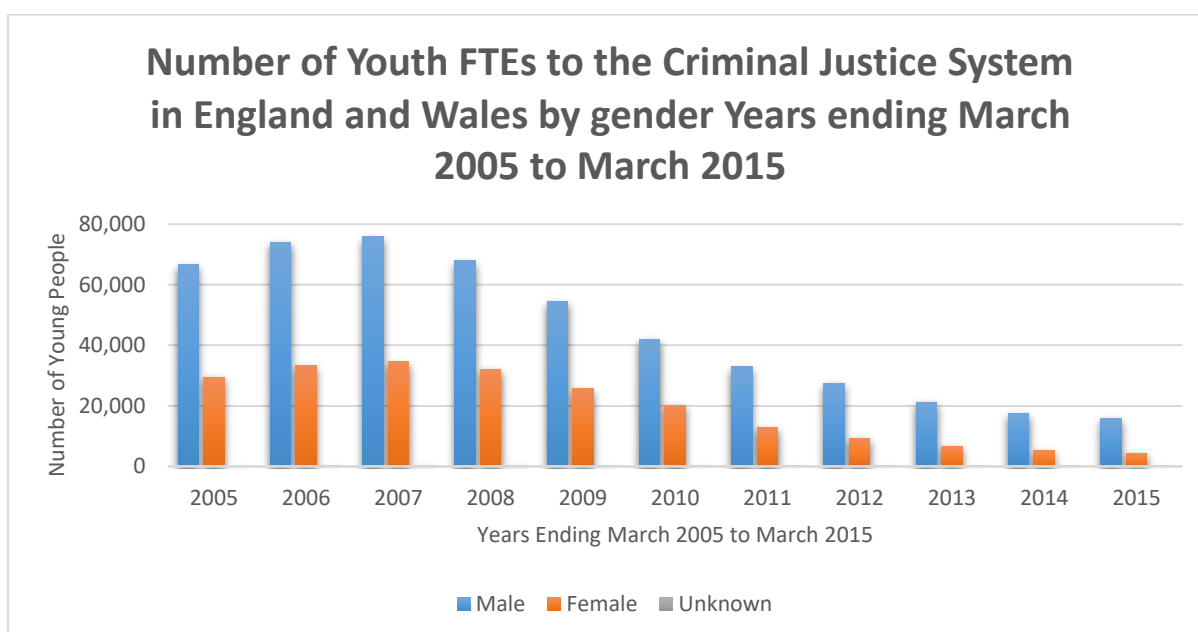
Source: Youth Justice Statistics England and Wales 2014/15 Ministry of Justice and YJB

The following paragraphs outline the scenario of each panel meeting observed:

Initial YOP meeting: setting at community venue, present were RO Coordinator, YOT Case Manager, young person (14 years old), two carers. The meeting lasted 1 hour 23 minutes (Volunteer panel members subsequently remarked that this was unusual as most initial panel meetings last about one hour). The panel chair, RO Coordinator and YOT Case Manager spoke the most. The young person was difficult to engage in conversation as she would only give 'yes' or 'no' responses throughout the discussion. Young person's body language was: looking down, not making eye-contact, speaking with low volume. When asked how the young person felt about committing the offence or any other aspect of committing the offence, she looked down and gave short answers, repeating 'I don't know.' The young person rarely made eye contact with panel members and let the carers spoke on her behalf, which was often the case as one of the carers gave explanations to questions that were asked of the young person. The young person sometimes would nod or shake her head as a response, instead of giving a verbal response to questions. The young person did not ask panel members or anyone else any questions about the contract and she often looked to her carer for a response when she was asked a question.

Review YOP meeting: in community venue. Present were young person (14 years old), one carer, YOT Case Manager, one volunteer panel member. This was the review panel meeting of the same young person (above). The young person at this review meeting was much more engaging in conversation and actually made eye-contact with the panel members. Young person engaged in discussion about the offence, and her living arrangements and her future plans. The young person's body language was more open and responsive compared to the first initial panel meeting. The review panel meeting lasted less than one hour.

Initial YOP meeting: setting in youth temporary accommodation where young person was temporarily living. Present at the meeting were young person (18 years old) RO Coordinator, two volunteer panel members, YOT Case Manager. Young person answered questions openly and provided full answers with details. Young person was easy to engage in conversation and was enthusiastic when speaking about his future plans and aspirations. Young person did not ask about the details of the contract and signed documents after briefly reading through them. As the young person had missed two previous appointments (initial panel meetings were missed) the RO Coordinator explained to the young person with emphasis the importance of attending his appointments with YOT Case Manager.

Initial panel meeting: Present were: young person (17 years old), two volunteer panel members, RO Coordinator. Young person engaged with discussion and provided answers to questions. His body language indicated he was interested in the conversation and he made eye-contact with panel members on and off. Young person admitted the offence and that 'It was stupid. I just wanted to have a lough. I don't know it was just for the heck of it, no reason behind it.' When asked why he committed the offence. Panel meeting was short and lasted under an hour.

Review Panel meeting: community venue. Present were: young person (17 years old), two volunteer panel members, YOT Case Manager, RO Coordinator. This meeting lasted just under half an hour. The young person seemed confident and readily engaged in discussion about the offence, always making eye-contact with others in the panel. Young person provided full answers to all questions and was recommended for early revocation of the orders as he had managed to complete all of the tasks assigned to him in the RO contract.

Initial panel meeting at community venue. Present were: two volunteer panel members, RO Coordinator, YOT Case Manager, young person (14 years old), social worker. The young person was difficult to engage in conversation as she kept saying, 'Just wanna get on with it', often with a shrug of her shoulders. The young person did not say much and would look down, not making eye-contact with panel members. Young person had no questions about the contract and signed it without reading it. This was a short initial panel meeting, just over half an hour.

Initial panel meeting: community venue. Present were young person (13 years old), two carers, YOT Case Manager, RO Coordinator, two volunteer panel members. This was the only case, where the YOT Case Manager had flagged the young person as might have communication difficulties. The panel meeting lasted over an hour. The young person and carers' first language was Welsh, which meant that the communication with the Welsh speaking volunteer panel member and the RO Coordinator was often conducted in Welsh. The young person was difficult to engage in conversation as he would often simply not respond to questions. Young person was looking down and hardly made eye-contact with panel members. This was the only young person who was observed to read through the RO contract, and asked questions about it.

Initial panel meeting: community venue. Present were one volunteer panel member, RO Coordinator, two carers, YOT Case Manager, young person (17 years old). Young person was communicative and responded to panel members' questions. Carer often spoke on behalf

of young person. Young person's body language was stern but expressing interest and made eye-contact with panel members. Young person became defensive when mentioning the inclusion of a letter of apology to the victim and was adamant that he would not apologise to the victim. Young person had no problems expressing his feelings and responded to questions.

Initial panel meeting: community venue. Present were young person (17 years old), two volunteer panel members, RO Coordinator, YOT Case Manager. Young person was emotional during the panel meeting, during which she hardly spoke. She responded to questions from panel members very briefly and was very quiet. It was difficult to hear the young person's responses, but responses were short. Young person's body language sitting away from the table looking down and no making eye-contact with panel members.

Review panel meeting: YOT offices. Present were two volunteer panel members, YOT Case Manager, RO Coordinator, young person (15 years old), carer. Young person was difficult to engage in a discussion as he would not say mush. Only gave one word responses or a shrug of shoulders. Young person seemed angry and would not cooperate with the process of answering questions. It was the carer who answered most of the questions and gave details to panel members. Young person's body language seemed disinterested, often looked up or looked away on the wall, hardly making eye-contact with panel members.

Appendix 3 – The Scaled Approach

The Scaled Approach Model – an Explanation of Intervention Levels

Child/young person profile	Intervention level
Low likelihood of reoffending (as indicated by *Asset* score [dynamic and static factors] between 0 and 14 inclusive) AND Low risk of serious harm (as indicated by no risk of serious harm assessment being required, or low risk of serious harm assessment)	Standard
Medium likelihood of reoffending (as indicated by *Asset* score [dynamic and static factors] between 15 and 32 inclusive) OR Medium risk of serious harm (as indicated by risk of serious harm assessment)	Enhanced
High likelihood of reoffending (as indicated by *Asset* score [dynamic and static factors] between 33 and 64 inclusive) OR High or very high risk of serious harm (as indicated by risk of serious harm assessment)	Intensive

Adapted from Youth Justice: the Scaled Approach – A framework for assessment and interventions, Youth Justice Board, 2010: 7

The Scaled Approach model (National Standards for Youth Justice Services, 2013)

Intervention level	Minimum contact* for first 12 weeks (per month)	Minimum contact* after 12 weeks (per month)
Intensive	8	4
Enhanced	4	2
Standard	2	1

Appendix 4 – Referral Order Contracts (examples)

A Youth Justice Dictionary provided as an example by SLT from YOT 22

THE WORD	WHAT IT MEANS	EXAMPLE
Supervision	Being seen regularly by a professional.	*You need to see you YOT officer for supervision every week.*
Concurrent:	Happening at the same time	*Court will give you a referral order to run concurrent with reparation*
Consecutive	Happening one after the other	*Consecutive orders; Court will give you a referral order to run after you return from custody.*
Impose:	To force	*The court will impose a referral order.*
Punishment:	Having to do something after you have done something wrong/ illegal	*Your punishment is reparation*

THE WORD	WHAT IT MEANS	EXAMPLE
Custody	Prison	*You will held in custody*
Revoke/ Revocation	Finishing your order early	*We will revoke your order if you do well.*
Reparation:	Community Service	*You will need to come to reparation*
Liable:	Being responsible for something	*You are liable for paying the fine.*
Guilty:	Saying that you have done the crime or the court saying that you have done a crime. released?	*You are guilty of stealing that*
Bail:	Being realised from custody/ court until further notice.	*You will be on Bail until 7th January*
Offence:	A crime	*Your offence was theft*

THE WORD	WHAT IT MEANS	EXAMPLE
Mitigation	Your explanation which might make what you have done less serious	*Example: You may have punched somebody which has resulted in bruising; your mitigation would be "I only hit them once".*
Juvenile	Someone under 17	*As a Juvenile you will need an adult*
Appropriate Adult	Having an adult to support you	*You will need an appropriate adult in police interview*
Magistrate	A person who sits in the court and makes Decisions.	*The magistrate will sentence you*

THE WORD	WHAT IT MEANS	EXAMPLE
Comply	To work with and follow the rules	*To comply with your order you need to attend every YOT appointment.*
Compensa-tion	Something like money or time being given back	*You will have to pay compensation to your victim*
Conditional	Rules/ limitations put in place that you need to follow.	*Example: Conditional Bail to stay away from the football ground.*
Uncondi-tional	No rules/limitations put in place to fol-low	*Example: Unconditional Bail: Don't need to do anything for bail.*
Adjourn	Stop until a later time	*Example: Court will be adjourned until January.*

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THE WORD	WHAT IT MEANS	EXAMPLE
Convince:	Make someone believe	You need to convince me that you didn't hit him in the face.
Circumstances	What is happening/What has happened.	The circumstances of your crime were that you went to town and hit someone.
Statement:	Written/spoken words that say what happened	Can you give a statement of what you saw.
Remorse:	Showing that you are sorry	You have shown a lot of remorse for your crime
Threatening:	Bullying, intimidating, trying to scare someone	Your offence was Threatening Behaviour
Breach:	Breaking the rules	You are in breach because you have broken the rules of your order.

THE WORD	WHAT IT MEANS	EXAMPLE
Conviction	Found guilty of a crime	You have one conviction of Theft.
Failing to attend	Not coming/going to appointments	You have been failing to attend appointments
Relevant	Meaning something at the time	Your answer was relevant to the question.
Victim	Someone that's had something done to them that they didn't want to happen	The victim was hit in the face
Alleged	Something that hasn't been proved	Your are alleged to have committed this crime
Contract	Set of rules that you sign and agree	It's in your contract to come to appointments

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Other useful we
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http://www.direct.g
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Working
Gweithio

Together
Gyda'n

Offending
Atal Troseddu

Gilydd
Preventing

GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Betsi Cadwaladr
University Health Board

Prawf Cymru
Wales Probation

REFERRAL ORDER CONTRACT

Yn y cyfarfod rhwng / At the meeting between:

Enw'r troseddwr/Offenders Name
Dyddiad Geni/Date of birth
Cyfeiriad/Address

A Panel Gwasanaeth Cyfiawnder Ieuenctid fe gytunwyd ar y pwyntiau canlynol :
And the Youth Justice Service Panel, the following agreement was reached:

1. Mi wnâi gwblhau /I will complete
2. Mi wnâi gwblhau /I will complete
3. Mi wnâi gwblhau /I will complete
4. Mi wnâi gwblhau/I will complete
5. Mi wnâi gwblhau/I will complete
6. Mi wnâi gwblhau/I will complete

Fe fyddi di yn mynychu cyfarfod panel fel a gytunaist :
You will attend meetings with the Panel as was agreed:

Cyfarfod Cyntaf/ Initial meeting	/ / 2015
Cyfarfod adolygu/ First Progress Meeting	
Ailgyfarfod adolygu/ Second Progress Meeting	
Trydydd cyfarfod adolygu/ Third Progress Meeting	
Cyfarfod diwethaf/ Final Meeting	/ / 2016

Y mae'n bosib dy gyfeirio yn ôl i'r Llys os:	You may be referred back to Court if:
1) Nad wyt ti'n dod i gyfarfodydd	1) you fail to attend any future Panel meetings; or
2) Nad oes cytundeb yn cael ei	2) agreement between you and the

1

gytuno	Panel is not reached; or
3) Wyt ti'n methu'n afresymol arwyddo cytundeb	3) you fail unreasonably to sign the agreement or any variation; or
4) Oes unrhyw newidiadau mawr yn eich amgylchiadau	4) there is significant change in your circumstances ; or
5) Wyt ti'n gwrthod cydymffurfio hefo termau'r cytundeb	5) you fail to comply with the terms of the agreement.

Arwyddwyd/Signed:

…………………………………………….. **Person ifanc/ Young Person**

……………………………………………………………… **Rhiant/ Parent**
Oedolyn/ Adult
(os yn Bresennol/
if present)

………………………….. **Arweinydd Panel - ar ran aelodau panel Gwasanaethau**
Cyfiawnder Ieuenctid).
Panel Leader (on behalf of the Youth
Justice Services Youth Offender Panel)

Hefyd yn bresennol yn y cyfarfod/Also present at the meeting:

Aelod(au) panel Member(s):…………………………………………………………

Aelod o'r G.C.I/ Y.J.S. Member:………………………………………………….

Dioddefwr/Victim:………………………………………………………………..

Cefnogwr i'r dioddefwr/ Victim Support:…………………………………………..

Arall/ Other:………………………………………………………………………

Ymyrraeth Cyfiawnder Adferol bydd angen y Person Ifanc ei gwblhau:
Restorative Justice Intervention which the Young Person must complete:

1.
2.

```
3.
```

Unrhyw weithgareddau / cysylltiadau gwirfoddol yr hoffai'r Panel ei nodi:
Any voluntary contact or activities which the Panel wish to note:

```
1.

2.

3.
```

Cytunaf i adael fy Rheolwr Achos wybod am unrhyw drefniadau gwyliau wnai yn ystod cyfnod fy Ngorchymyn. Rydw i'n deall y gallai'r achos cael ei roi o flaen y Panel Gorchymyn Cyfeirio os bydd penderfyniad methu cael ei wneud.

I agree to inform my Case Manager of any holiday arrangements that I will make during the course of my Order. I understand that the matter can be put before the Referral Order Panel if a decision cannot be made.

Llofnod/Signature………………………………………Dyddiad/Date……………..

Example of Referral Order Contract following seconded SLT amendment

If you fail to follow the rules of your Behaviour Agreement, or you fail to complete the work on your Referral Order Contract, you will be issued a:

Formal Warning, followed by a **Final Warning**.

You could be taken back to Court if these agreements are seriously broken, even without a warning. This would happen if you behave extremely badly, if you fail to work with the Youth Justice Service or if you offend again. This process is called a **breach**.

However, if you progress positively during the Referral Order, and you complete the work on your Contract well, the Referral Order Panel Members could consider you for **early revocation**. This means that you will be sent back to Court to have your Order finished sooner than planned.

_____

I have read the Referral Order Behaviour Agreement and the Intervention Contract and both documents have been explained to me; I understand what is required of me and what will happen should I fail to follow the rules.

Young Person:………………………………….. **Date:**……………

Parent/Guardian:……………………………….. **Date:**……………

(if under 16 years of age)

Panel Leader:…………………………………... **Date:**……………..

This Referral Order Contract is an agreement between the Youth Justice Service Panel and:

Name: ……………………………………………………………………………

Date of Birth:…………………………………………………………………

Address: …………………………………………………………………………

……………………………………………………………………………………

_____

Following your appearance in Court, you have been given a

….. month Referral Order.
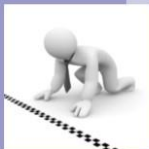
If you agree to sign this Contract today, the start date of your Referral Order will be:

And the end date of your Referral Order will be:

You will now be expected to work with your Case Manager, ………….., and other staff members to complete Offending Behaviour work and to look at how your offence has affected others.

You will be seen ………………………………………………………………………

……………………………………………………………………………………

Referral Order

Behaviour

Agreement
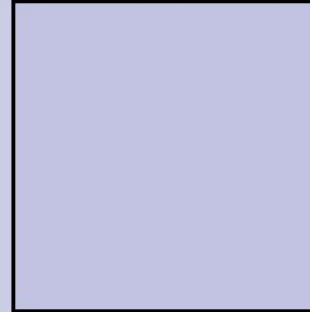
I will attend all appointments arranged by the Youth Justice Services

I may have to provide a sick note by a doctor if I am unable to attend a meeting due to sickness

I will inform the Youth Justice Services if I change my contact phone number (mobile or landline) or move address

I will not use any abusive language or threatening behaviour towards staff members and members of the public

I will not be under the influence of drugs or alcohol

These ground rules are required to make sure that you progress positively throughout your Referral Order

<u>Referral Order Intervention Contract</u>

Following an assessment by my Case Manager and a discussion with the Youth Justice Service Panel Members, I agree to complete the following work as part of my Court Order:

1)

2)

3)

4)

5)

I will also complete the following work to repair the harm which has been caused as a result of the offence:

1)

2)

3)

Any voluntary activities which will help me for the future? Who will help me to achieve each activity?

1)

2)

3)

Example of Seating Arrangement at a Youth Offender Panel Meeting
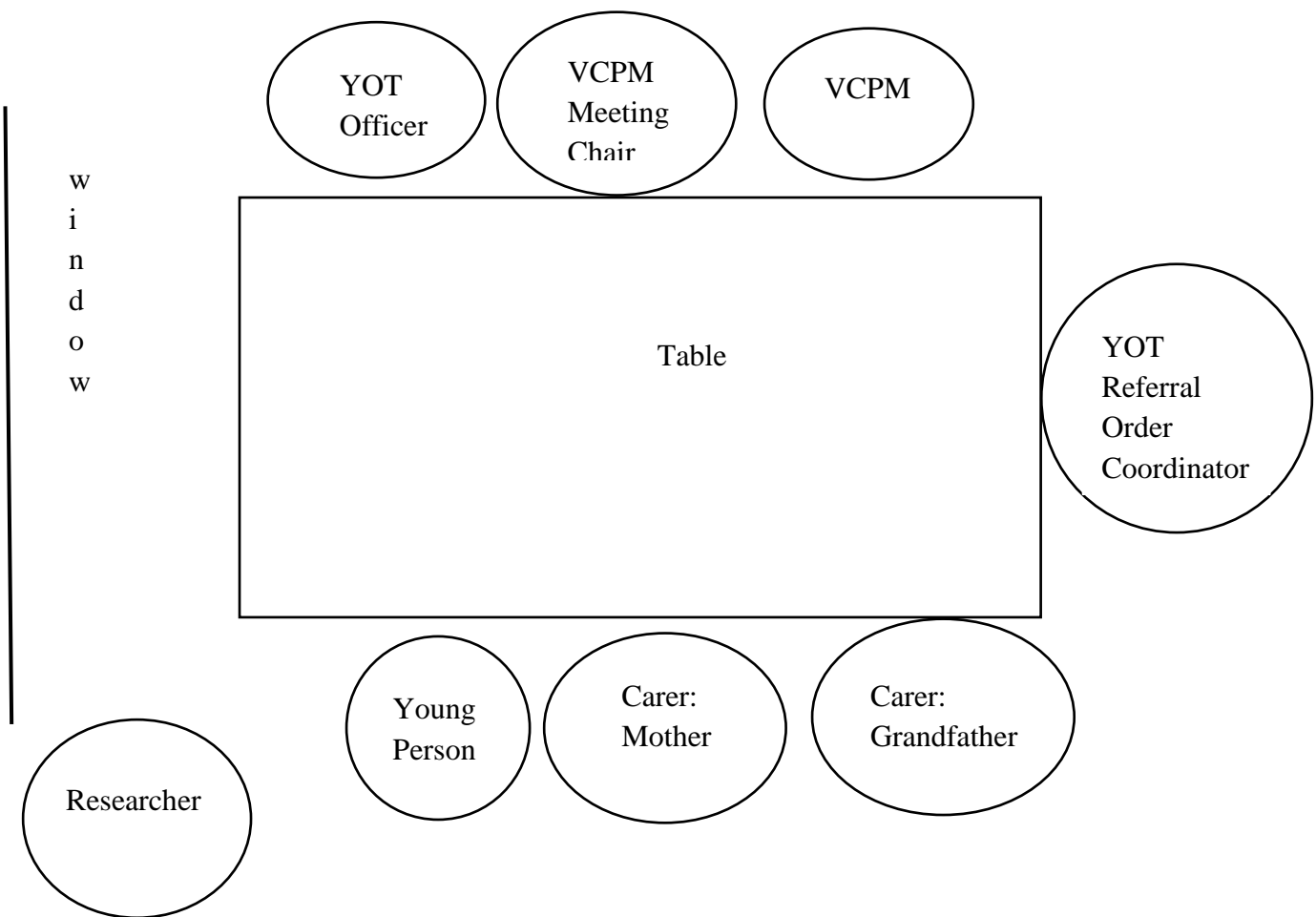
Appendix 5 – Participant Information

Practitioner Interviews by role and YOT	
YOT 2	SLT
YOT 3	SLT
YOT 5	SLT
YOT 6	RO Coordinator and YOT CM
YOT 7	RO Coordinator; SLT; 5 YOT CMs; 3 VCPMs
YOT 9	SLT and YOT CM
YOT 10	SLT
YOT 11	SLT; 4 VCPMs; YOT CM
YOT 12	SLT
YOT 15	SLT
YOT 17	SLT
YOT 18	SLT
YOT 19	SLT and YOT CM
YOT 20	RO Coordinator
YOT 21	SLT and RO Coordinator
YOT 22	SLT and RO Coordinator

Screening/ Assessment Tools used by YOTs with SLT secondment[17]	
Youth Offending Team	Screening/ Assessment used
YOT 3	CHATT Tool, Leeds PCT
YOT 2	Asset Plus
YOT 22 and YOT 5	Asset Plus, Afasic Screening Tool (until Asset Plus rolled out)
YOT 6 YOT 7	Asset
YOT 9	vocabulary assessment and clinical evaluation of language and speech, Phonological assessment, Asset Plus
YOT 10	Leeds, Bradford Screening tool, CELF 4, TOAL, TASIT, Asset Plus (in the process of roll out)
YOT 11	Asset (Asset Plus expected to be rolled out later), Speech, Language, communication and neuro-disability screening tool
YOT 12	Asset Plus, Talkabout Assessment
YOT 15	Asset Plus SLC and neuro-disability screening tool
YOT 17	Asset Plus SLC and neuro-disability screening tool
YOT 18	Leeds Bradford screening tool, Asset Plus
YOT 19	Asset Plus, SLT adapted broad and specific SLCN screening tools
YOT 20	Asset Plus
YOT 21	Speech, language, communication and neuro-disability screening tool (Asset Plus) – this assessment tool will help case managers to decide if a referral for SLT along with a consultation with SLT, Self-assessment checklist written by the YOT SLT, Blank Levels

The Launch of Asset Plus of each of the YOTs (N=22) with Seconded SLT role 2012-2015

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[17] Up to date as of fieldwork: January 2015 to December 2015.

YOUTH OFFENDING TEAM WITH SLT SECONDED ROLE 2012-2015	ASSET PLUS DEPLOYMENT (DATE ASSET PLUS IS LIVE)	SUPPLIER DATABASE
YOT 1	Live 16/11/2015	CAREERVISION
YOT 2	19/11/2015	CAREWORKS
YOT 3	12/07/2016	CACI
YOT 4	07/03/2016	CACI
YOT 5	22/11/2015	CAREWORKS
YOT 6	03/11/2015	CAREERVISION
YOT 7	04/04/2016	CAREWORKS
YOT 8	23/06/2016	CACI
YOT 9	16/05/2016	CACI
YOT 10	03/03/2016	CAREWORKS
YOT 11	01/04/2016	CACI
YOT 12	N/A	N/A
YOT 13	30/05/2016	CAREERVISION
YOT 14	24/03/2016	CAREWORKS
YOT 15	07/07/2016	CACI
YOT 16	01/03/2016	CAREWORKS
YOT 17	11/08/2016	CAREWORKS
YOT 18	30/05/2016	CAREERVISION
YOT 19	29/03/2016	CACI
YOT 20	01/10/2016	CAPITA
YOT 21	23/03/2016	CACI
YOT 22	03/02/2016	CAREWORKS

Source: Asset Plus: Assessment and Planning in the Youth Justice System 2014; list effective as of 07/08/2016.

Procurement of SLT services in YOTs	
Youth Offending Team	Source of Funding of Secondment SLT Role
YOT 3	CAMHS, YOS
YOT 7 and YOT 2	NHS Wales, 3 year SLT pilot project Ministry of Justice, CJEW.
YOT 22 and YOT 5	NHS, YOS, Ministry of Justice, county council, local authorities
YOT 6	NHS Foundation Trust, Prospect Services
YOT 9	Ongoing SLT secondment, source unknown
YOT 10	Local Council
YOT 11	Local Council
YOT 12	Local council, YJB
YOT 15	NHS and Local Authority
YOT 17	Not known
YOT 18	Local Council
YOT 19	NHS England, YJB
YOT 20	Local Council
YOT 21	Not known

Appendix 6 – Interview Schedules

<u>Youth offending service staff – in those YOTs that have SLT secondee on staff.</u>

Questions for Speech and language therapist

Main question	Prompts
1. What is your role as a Speech and Language Therapist in the YOS?	I. In relation to YOS staff II. In relation to young people III. Are you seconded to the YOS or a member of the YOS staff? Full-time/part-time?
2. Do you provide training to YOS staff?	
3. How important is communication in the referral order process?	
4. How are speech, language and communication needs of young people identified?	I. What screening methods are used for SLCNs of young people who receive referral orders? Asset, Asset Plus, other? Are you involved in the assessment?
5. How often do you meet young people with SCLN on referral orders?	I. Assessment only? II. Interventions delivered?
6. Do you see young people from all areas of YOS?	
7. How do you engage young people with SLCNs?	I. Engaging young people with their orders II. Engaging young people with the YOP process
8. How do you distinguish between a young person who does not want to engage and one with communication difficulties?	
9. What tools are used to help young people with SLCN to engage in the referral order process?	I. What tools are used to assist young people to 'tell their stories'? II. Time line? III. Visual aids? Other?
10. Do you attend youth offender panel meetings? If yes, why?	I. To support the young person? II. To support panel members? III. Other reason?
11. Do you think the communication needs of a young person affect the process of referral orders?	I. In your view are referral orders different in this respect to other court orders?

Questions for YOT worker/staff:

Main Question	Prompts
1. What is your role in terms of referral orders?	
2. Do you think communication is important in the referral order process?	I. How important is communication in the RO process? II. Why? III. Engaging young people in the RO process?
3. Have you come across young people with speech language and communication needs?	
4. Have you received training in relation to the communication needs of young people?	I. What? II. How? III. When? IV. Need for more training?
5. What screening tools are used to assess the young person prior to the referral order panel meeting?	I. Asset, Asset Plus, other?
6. Can you distinguish between a young person who does not want to engage and one with communication difficulties?	I. How do you recognise communication difficulties?
7. How do you engage young people who have communication difficulties?	I. What strategies/communication tools do you use to help the young person to engage?
8. Do you have a SLCN specialist/SLT in your YOS?	I. What does s/he do?
9. How do you decide to make a referral to SLT?	I.
10. How do you think SLCN of young people affect the referral order process?	

Questions for Youth Offender Panel Members:

Main Question	Prompts
1) What do you think is the most important factor in running a successful YOP meeting?	
2) How important is communication in youth offender panel meetings?	
3) Have you received training specific to communication needs of young people?	i) What? ii) When? iii) How? iv) Need for more training?
4) Have you ever been told that a young person has speech language and communication needs?	i) Has the referral order report ever mentioned that a young person has speech language and communication needs?
5) Have you come across young people with speech language and communication needs?	
6) How do you approach young people who are difficult to engage in the panel meeting?	
7) Can you recognise that the young person has difficulty communicating?	i) Verbal language ii) Body language
8) How do you think that the communication needs of young people affect the panel meetings?	i) Difficulty engaging the young person in the panel meeting?
9) How do you ensure that the young person understands the contract and what is expected of him/her?	i) Using simple terminology? ii) Ask them to repeat what they've heard? iii) How is the apology/expressing remorse affected by communication difficulties? iv) How do communication difficulties of young people impact on the community work young people are expected to undertake?
10) How do you think communication difficulties of young people affect the process of referral orders?	i) Successfully complete order? ii) Breach order?

Interview Schedule YOTs without SLT seconded staff

Participant: YOT Officer/ Case Manager/ RO Coordinator/ Victim Liaison Officer/ RJ Worker/ Prevention Officer

Main Question	Prompts
What is your role in the team?	Familiar with RO process?
Are you aware of SLCN of YP?	Communication difficulties? Speech problems?
Have you received training in relation to the communication needs of young people?	From who? SLT? YJB? Other?
What screening tools are used to assess the young person prior to the referral order panel meeting?	Asset, Asset Plus, other?
Have you come across young people who had difficulties communicating?	Were they sentenced to RO?
How do you recognise communication difficulties in a young person?	Body language? Lack of engagement?
How do you engage a young person with communication difficulties?	What strategies/communication tools do you use to help the young person to engage?
How do you help young people understand the RO process/contract?	Breaking down concepts? Explaining terms? Asking them to repeat what they understood?
Has an SLT ever worked in your team?	Are there any plans in the future to have SLT implemented as part of the core staff?
Have you ever referred a young person on referral order to a Speech and Language Therapist?	Under what circumstances? Mainstream SLT?
How do you think the communication difficulties of young people affect the referral order process?	Affecting reparation? Apologising to the victim? Affecting RO outcome?

Appendix 7 - Descriptive Statistics of Quantitative Case-Level data collected from YOT 7

Histogram

Mean = 15.62
Std. Dev. = 1.835
N = 26

Frequency

Age of Young Person

Length of Referral Order

Asset Thinking and Behaviour Score

Number of SLT Support Sessions

Mean = 2.192
Std. Dev. = 1.3272
N = 26

Number of support sessions with SLT