

Article

“The Government Was Like God”: Evidence, Expertise and Policy-Making in Youth Justice

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Abstract

Politics and policy are centrally implicated in the socio-historical construction of youth justice responses, yet the contexts, mechanisms, and processes influencing the ‘making’ of youth justice policy remain under-researched and poorly understood. The limited research evidence base devoted to youth justice policy-making (YJPM) has tended towards reductionist conceptualisations of ‘policy’ as restricted, static outcomes produced by governmental policy ‘actors’. However, privileging the YJPM status and role of senior governmental policy actors serves to reify their claims to being *the* ‘expert’ youth justice knowledge holders. This legitimises their exercise of power and ‘governance’ over non-governmental groups (e.g., civil servants, frontline practitioners, and academics) by dominating knowledge creation and claims to expertise in policy-making contexts. This research, therefore, seeks to identify and elaborate these complex, relational, and dynamic contexts and the attendant mechanisms of change that interact to drive YJPM. Semi-structured interviews with different stakeholder groups across youth justice contexts identified distal (macro) and proximal (meso/micro) contexts—mechanism relationships that drive YJPM. We conclude that the dynamic influence of organisational and professional *identity* (i.e., self-identity and identity assigned to others) is significant across contextualised mechanisms of YJPM, particularly the perceived identity, status, and role of the *expert* who attributes the credentials to contribute effectively to policy-making processes. This, in turn, leads us to discern and discuss three distinct characterisations of the youth justice policy–evidence–expertise nexus, namely: (i) evidence-endorsed policy; (ii) evidence-based policy; and (iii) evidence-enhanced policy.

Keywords: youth justice; policy-making; policy actors; identities; evidence; expert; expertise; context; mechanisms



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1. Introduction

‘Good quality policy making depends on high quality information, derived from a variety of sources [including] expert knowledge’ (Cabinet Office, 1999, p. 31)

Politics and policy are centrally implicated in the socio-historical construction of youth justice responses to offending by children (Souhami, 2015; Hallsworth, 2011). However, the contexts and mechanisms influencing the ‘making’ of youth justice policy remain under-researched and poorly understood, despite considerable interest in these processes in the wider social policy field (e.g., Hill & Hupe, 2015). The resultant methodological and conceptual vacuum may be attributable (in part at least) to the complex, contingent, and contested nature of ‘policy’ itself¹. Indeed, ‘policy’ is not a self-explanatory term but rather

a web of decisions or actions, each potentially subject to the different interpretations and reconstructions of a range of stakeholders based on their respective agendas, perspectives, and experiences. The question of how policy is made, and then lays claim to legitimacy and authority, has a long and varied history, and it should be noted (Bialynicki-Birula, 2019). Similarly, the emergence of wide and growing international interest in the use of specific forms of evidence to inform policy-making has been documented (Baron, 2018)². At the same time, the tensions between contested understandings of ‘expertise’, decision-making competence, and policy formulation have been well recognised (Christensen et al., 2022). In parallel with this issue of who should be treated as experts runs the question of what counts as evidence, how it should be gathered and evaluated (R. Smith, 2007), and, in turn, how it should be translated into policy (Pawson, 2006; Oliver et al., 2014). And this network of cross-cutting challenges is further complicated by the peculiar dynamics and sensitivities associated with crime and youth justice (Case, 2024), where ‘policy’ is subject to close scrutiny and vigorous contestation, often in a febrile public climate.

Acknowledging this context of controversy, complexity, and ambivalence, Souhami (2015, p. 152) has recognised that ‘a wider view is required of what constitutes [youth justice] policy and where and by whom it is ‘made’’. However, despite Souhami’s protestations, youth justice policy-making (YJPM) has been both characterised (even caricatured) and experienced in reductionist ways as dominated by governmental actors (e.g., ministers, politicians, Senior Policy Advisers, and civil servants) functioning as policy-making ‘experts’ (Reed & Rudman, 2023), even though the nature of such expertise may not be self-evident. Historically, and internationally, criminal and youth justice expertise and authority appear to have been vested in a relatively narrow cadre of supposedly competent figures, working from a privileged but restricted perspective, whose ideas both about what ‘counts’ as evidence and what is legitimate and feasible in terms of policy outcomes are similarly constrained by such a worldview (Faulkner, 2003; Drake et al., 2014; Head, 2024).

Privileging the policy-making expertise and influence of governmental policy actors may reify their self-identification as ‘expert’ youth justice knowledge holders. In turn, this serves to legitimise their governance and direction of non-governmental groups, dominating knowledge and evidence creation contexts through networked relationships, hegemonic definitions of ‘expertise’, communication of information, and maintenance of the capacity to claim legitimacy and modify action within these contexts (see also Foucault, 1977). The establishment of such privileged claims by governmental actors in YJPM contexts has tended to marginalise the potential influence of other ‘professional groups claiming expertise in the administration of deviance’ (Garland, 2001), despite the plausibility of such claims (Drake et al., 2014).

The resultant conceptual and empirical deficits have been compounded by the fragmented state of the broader knowledge domain, which renders it ‘bewildering’ for anyone interested in understanding the nature and role of expertise in contributing to policy-making (Christensen, 2021). Reductionist constructions of how expert/ise is exercised and how evidence is generated and applied in the policy-making arena have obscured more nuanced understandings of objective-setting and implementation mechanisms articulated by a diversity of actors claiming legitimate authority in a particular field of activity (such as youth justice). A more expansionist construction of policy-making, when applied to youth justice contexts, does not necessarily privilege governmental, quasi-governmental, or delivery agents while nonetheless maintaining a clear distinction between policy, however defined, and either practice or political ideology. Beyond this, the space is created for more varied definitions of ‘expertise’ applied in support of policy development to emerge, grounded in evidence, experience, or just knowing best (Faulkner, 2003).

In youth justice contexts, notwithstanding [Souhami's \(2015\)](#) ethnography of the role played by the Youth Justice Board for England and Wales, as an independent non-departmental public body³ mediating between government and the field of practice, previous analysis has not fully embraced the complexity, nuance, and contextualisation necessary to develop ecologically valid understandings of policy-making. Notably, practitioner claims to expertise (e.g., expert knowledge of 'what works' to reduce youth offending) have been 'downgraded' ([Garland, 2001](#)) by governmental actors (see [Crocì et al., 2022](#)) and devalued as less 'robust' and 'evidence-based' than knowledge claims from governmental actors and their commissioned academics ([Jones, 2001](#), p. 15). Ironically, then, 'real world' enactors of policy who draw their evidence and insights from a more eclectic range of sources ([R. Smith & Gray, 2019](#)) have been deemed uninformed or at least inappropriately informed (see [Muncie, 2006](#)); just as many research 'experts' are viewed as unrealistic and out-of-touch with the self-same real-life context ([Mead, 2010](#)). Consequently, relatively little is known about how multiple inter-related actors create expert knowledge and of the mechanisms through which this is enacted in YJPM contexts (see [Antonyuk et al., 2023](#)) by 'street level bureaucrats' ([Lipsky, 2010](#)). The privileging of governmental policy actors and the consequent paucity of holistic empirical understanding of policy-making are especially concerning in a Youth Justice System where decision-makers are increasingly reliant on advanced knowledge to facilitate evidence-based policy-making (see [Aagaard et al., 2024](#); [Christensen, 2021](#)). There is a pressing need to identify and elaborate the role of professional expertise and the associated evidence generation and utilisation that inevitably render YJPM 'a complex arena of social practice, incorporating a diverse range of actors, practices, relationships and networks' ([Souhami, 2015](#), p. 164), thereby acknowledging and accommodating the 'messy engagement of multiple players with diverse sources of knowledge' ([Davies et al., 2008](#), p. 188).

2. Methods

The overarching aim here is to identify, trace, critically examine, and make sense of the mechanisms of influence on YJPM exerted by different stakeholder groups working within youth justice contexts, while not empirically privileging any one source in particular. The jurisdictional context examined is the Youth Justice System (YJS) of England and Wales (within which the authors are based), and the temporal inclusion criterion guiding the sampling was—being active in YJPM contexts post-1996⁴—a point in time that heralded a significant stepping-off point for youth justice policy in the UK. This was the point at which the government began to take an explicitly directive and arguably prescriptive approach to policy-making, including formalising youth justice structures in England and Wales and the introduction of a central policy aim (prevention) under the Crime and Disorder Act (CDA) 1998⁵. Indeed, the UK government at this time ushered in a 'new youth justice' ([Goldson, 2000](#)) characterised by modernising and managerialist processes such as centralised performance management (e.g., systematic auditing of youth justice practice outcomes) and a commitment to transparent, accountable, and defensible 'evidence-based' and 'effective' policy and practice (often founded in evidence emerging from YJB-commissioned research and evaluation), predominantly implemented through technicised risk assessment and 'what works' interventions ([Case, 2018/2021](#)).

Stakeholders were identified firstly by way of purposive sampling, subsequently extended into snowball sampling by asking key informants to recommend potential interviewees. Semi-structured interviews were conducted from September 2022 to February 2023 with a purposive sample of key stakeholders from the youth justice sector, all of whom were, at a minimum, considered 'experts by experience' ([Creaney & Burns, 2023](#)) through

working in governmental and non-governmental YJPM contexts (interviewee numbers in brackets).

2.1. Governmental Policy Actors

- Government ministers, politicians (1 Justice Secretary);
- Senior Policy Advisers (SPADs) working with ministers and government officials to develop and implement policy (1 SPAD);
- Civil servant government employees working in the Ministry of Justice (MoJ) Youth Justice Policy Unit (1 Head of Division) and the Welsh Government Crime and Justice Unit (3: 1 Head of Division, 2 civil servants).
- Statutory policy actors (senior staff in):
 - Youth Justice Board (YJB), a non-departmental public body with a statutory duty to advise government on youth justice policy development and to guide its implementation by Youth Offending Teams/YOTs⁶ (19: 4 Chief Executives, 7 Chairs, 1 Chair YJB Cymru, 5 board members, 1 Head of Policy, 1 Head of Strategy);
 - His Majesty's Inspectorate of Probation (HMIP), a governance organisation responsible for inspecting the practice of YOTs (3: 1 Chief Inspector, 1 Head of Youth Inspection Programme, 1 Head of Strategy and Planning);
 - Youth Custody Service (YCS), an organisation responsible for the operational running of the youth secure estate (custodial institutions) in the YJS (2: 1 Secure School Manager, 1 Secure School Deputy Manager);
 - YOTs (9 managers) and YOT manager representative organisations in England (Association of YOT Managers/AYM: 4 Chairs, 1 Deputy Chair) and Wales (YOT Managers Cymru/YMC: 3 Chairs).

2.2. Independent Policy Actors

- Office of the Children's Commissioner (OCC), a non-departmental public body promoting children's rights, views and interests in policies affecting their lives (4: 1 Commissioner, 1 Regional Manager, 2 Policy Advisors);
- Alliance for Youth Justice (AYM), a coalition of over 75 third-sector organisations (1 Chair);
- Academic researchers who have collaborated with other policy actor groups (5 university-based scholars).

It must be acknowledged that certain key stakeholder interests, including those of justice-involved children (certainly experts in understanding the effects of policy), were not included, which may be viewed as a methodological limitation. Furthermore, certain interests were ostensibly overrepresented, notably those of the YJB, although this might be viewed as a necessity, given the pivotal role assigned to this body during the period in question (see [Souhami, 2015](#)).

Interviews were conducted through a mixture of in-person and online (Microsoft Teams) formats, with an average length of one hour. They were recorded via Dictaphone (in-person) or Teams (online) and transcribed via Teams in both cases. Informed consent was obtained from all participants in alignment with Loughborough University Ethics Committee requirements and permissions. Interviews were semi-structured, framed by four broad areas of exploration:

- What does the interviewee understand as YJPM?
- How do the key 'makers' of youth justice policy operate, view, and relate to one another?
- Are specific stakeholders more influential at certain stages of YJPM?
- What enables/facilitates and obstructs/challenges effective YJPM?

Reflexive Thematic Analysis was employed by the lead author to make sense of the findings, being well-suited to the task of identifying themes and interpreting emergent patterns across qualitative datasets (Braun & Clarke, 2022). Analysis prioritised process and meaning over cause and effect, facilitating critical reflection and problematisation of the dominant assumptions embedded in the cultural and occupational contexts of YJPM under investigation. This detailed (and broader than usual) examination of the national context of professional influence has the potential to produce more extensive explanations of YJPM that can both articulate and address the ‘floundering and incoherent nature of policy formation’ (Goldson, 2020, p. 330), as well as help to account for significant policy shifts over time.

Lead author positionality statement

It is important to be as transparent and explicit about the lead authors’ ‘positionality’—the professional identity, experiences, perspectives, and acquired subjectivity and partialities (preferences, biases) that influence understandings and arguments. Throughout my professional career as a youth justice academic and researcher, I have adopted a critical criminological lens when analysing the origins, trajectories, and animation of youth justice policies in practice arenas and how these policies are experienced by children in the YJS. I have reached the scholarly and—in my view and experience—evidence-based conclusion that ‘youth justice’ is a socio-historical construction with multiple influences and influencers, but that the role of policy and politicians/government in the making of this policy dominates the social construction of youth justice (Case, 2018/2021). Concurrently, I have been highly critical of the nature and development of youth justice policy making, particularly the partial (biased and incomplete), self-fulfilling, and adult-centric risk management approach that has dominated 21st-century youth justice policy and prescriptions for its implementation in practice (see Case & Haines, 2009; Case, 2022). This so-called ‘evidence-based’ model of youth justice appears to prioritise the political agenda and political expediency over the broad-minded generation of a range of evidence, most notably evidence provided by the practitioners and children whose relationship is central to the ultimate success or otherwise of youth justice policy in practice. My professional scepticism of hegemonic youth justice policy and related practice has been motivated by a long-term body of research with children and practitioners that has produced a significant evidence base that now underpins the ‘Child First’ guiding principle for youth justice in England and Wales (Case & Browning, 2021). Consequently, I have a deep and longstanding professional and principled vested interest (‘skin in the game’) in better understanding why, how, and by whom youth justice policy is made in order that the Child First principle is realised effectively across England and Wales.

3. Results: Identifying Three Phases of Policy–Expertise–Evidence Nexus

Reflexive Thematic Analysis of the stakeholder interview data identified three discernible (albeit overlapping, complex, and necessarily broad-brush) ‘phases’ of policy development across the YJS of England and Wales since its inception under the CDA 1998.

Each phase in the post-1998 era constitutes a broadly drawn temporal period facilitating situated analyses of a nuanced and evolving YJPM landscape or how this has been influenced by a series of critical dependencies/mechanisms of change reflecting similarly nuanced and evolving relationships between policy, experts/expertise, and evidence.

3.1. Evidence-Endorsed YJPM: Centralised Managerialist Prescription (1998–Circa 2008)

3.1.1. Government Identity as Expert Knowledge-Holder and Policy-Maker

Stakeholders reported that both formally designated and individual/professional identities were influential in the dynamic, relational contexts within which YJPM mech-

anisms were seen to operate. In the political sphere, it is possible to discern the YJPM influence of macro-level political identity and individual ministerial identity—with both forms of identity indicative of presumed governmental expertise, as attributed to authoritative knowledge-holders and policy-makers, by themselves, at least. Ministers in the newly formed New Labour government had previous experience of the magistracy and criminal law practice, for example.

Policy Discourse as Governmental Identity

At the start of the period under consideration, it could be argued that respondents identified a degree of conflict and ambivalence in government circles between the political pull of populist punitiveness and the ‘new youth justice’ policy-making trajectories of prevention, support, diversion, and alternatives to custody (see [Case, 2018/2021](#)). One former YJB Chair reflected on the punitive-prevention ‘bifurcation’ (i.e., splitting in two directions at once) in YJPM discourse and associated governmental identity:

When the two major political parties started battling for the high ground of law and order policy [in the 1990s], Labour introduced a good model alongside a lot of punitive rhetoric.

However, this early ambivalence quickly hardened into a more authoritarian stance:

There was a political culture of pressures during that period for more emphasis on being tough on crime rather than tough on the causes. The drift was all wrong. (YJB Chair)

Others commented on the apparent disconnect/rupture between political discourse of the time and evidence in YJPM contexts, reflective of the dominance of political and media agenda and pragmatism (realpolitik):

Politicians assume that the public and victims want to be tough on crime, whereas I don’t think the evidence suggests that. The ridiculous scenario with politicians is that they guess and misjudge what they think the public wants. (YJB senior official)

In this context, there is thus a tension between alternative constructions of ‘expertise’, perhaps extending our understanding of the term to encompass insight into what is viable and achievable, as well as (or instead of?) knowledge of best practice and optimal outcomes.

Political and Organisational Agendas and Policy-Based Evidence

The notion of political agenda as shaping the nature of the ‘acceptable’ evidence and claims to expert knowledge-holding was reinforced by YJB stakeholders when recounting the commissioning, evaluation, and utilisation of ‘expert’ research to underpin ‘evidence-based policy’ post-CDA 1998:

Quite often, there is evidence. One thing we tried to do in the YJB was seek the facts to justify the policy. (YJB Chair)

Policy tends to get written backwards depending on programme outcomes and how implementation went. There’s no learning goes on about failure. (Senior academic)

The Challenge of Inconvenient Evidence

The centrality of political realities for shaping policy was illustrated by stakeholder reports of the challenges they experienced when inconvenient evidence was produced, that is, evidence that challenged or at least did not sufficiently support pre-existing political positions:

In the early YJS, there was no methodical approach, so you’re relying on ‘promising’, rather than evidence-based approaches. The heart of the problem is, you’re asked to tell a story and you tell the truth, but ministers don’t want to hear that

cause they want solutions. With evidence-based youth justice, there's not always solutions. (YOT manager)

Government Open-Mindedness to Civil Servant Policy-Making Influence

Some respondents, however, referred to a more constructive and collaborative influence of individual ministers on YJPM. Indeed, civil servants reported experiences of governmental/ministerial open-mindedness/receptiveness to their influence as policy-making 'experts' and a relative absence of predetermined political agenda or presumed knowledge. The overall extent and security of this freedom are perhaps less certain.

Indeed, civil servants' relationship with government can be seen to oscillate between steering and being steered by political agendas, even when these are clear and pressing. This underlying tension and a dynamic, contingent, and fluctuating relationship were reported by a senior civil servant:

Ultimately, the way big policies happen is through advice to ministers and ministerial decisions. Submissions go to ministers setting out options for changes, with advisory recommendations. More time than I'd care to think about is spent working with my team to hone advice, ensuring it's as clear and sharp as possible.

The degree to which political and practical realities constrained YJPM was elucidated by a SPAD who had been instrumental in formulating the government's official response to the Taylor Review:

We had pretty free rein to decide what advice we put up to ministers. [But] in order to translate recommendations by an independent reviewer into official government policy, that needs commitment to government spending, to new legislation, to new guidance. It needs activity by government.

Advisers appear to have been making anticipatory assumptions about what was practical, achievable, or acceptable before setting out options in this case.

3.1.2. Youth Justice Board: Expert Youth Justice Knowledge-Holder

The YJB is an arms-length body. It's an influencer of YOTs and an influencer of policy. (YJB senior official)

The YJB was established through the CDA 1998 as an arms-length, 'independent' non-departmental public body to serve as a youth justice 'expert' to complement and advise the more generalist policy-making expertise of civil servants. Analysis of the YJB's 'expert' identity in YJPM contexts highlighted the organisation's fluctuating and evolving role as policy influencer (e.g., in the first decade post-CDA) and as strategist (circa 2008 onwards).

YJB as Policy-Making Influencer

Discussions of YJB policy influence extend back into a focus on the steering of practitioner policy implementation through the 'new youth justice' managerialist policy prescription introduced by the Crime and Disorder Act (CDA) 1998. Stakeholders viewed the YJB's early 2000s directive role and identity as self-prescribed and steered by the government:

Post-CDA, the Government was like God. The YJB were there to make sure the local authorities and youth justice practitioners would be tamed. The YJB role was to take the policies developed by New Labour and operationalise them [for delivery]. (Academic)

In this sense, then, the space for independent and discretionary exercise of 'expertise' in terms of knowledge and analysis seems to have been constrained during this period of time. Other YJB stakeholders who worked in the formative years post-CDA emphasised

the necessity of managerialist prescription of practice and its underpinning knowledge- and evidence-based approach for evolving the newly reconstructed YJS. They also pointed to this managerialism as both indicative of the YJB's early policy-making influence within government and fostering early YJB resistance to challenge from practitioners:

YJB at its most influential had a seat at the [YJPM] table and carried the agenda of the Labour government, albeit a managerial and legislatively trigger-happy government. (YOT manager)

The first YJB Chair was a big reformer who wanted the YJS bedded in through policy-making animated in YOTs. He ran the YJB as if they were a single organisation, not a guiding body providing data analysis and support mechanisms. (YJB Chair)

In its formative days [post-CDA 1998], YJB prescriptiveness and relative neglect of localised and practitioner expertise were reported by a previous board member:

At the YJB, I became increasingly angry about the autocratic, top-down framework being developed. I felt that there needed to be much more discretion at the local level to make judgments about what needed to be done and by who

According to this perspective, the turmoil surrounding the introduction of the Crime and Disorder Act 1998 seemed to marginalise existing professional expertise (Souhami, 2015). Nonetheless, a YOT manager and former YJB member expressed a contrary view, asserting that even during the peak period of YJB managerialism and prescription (circa 1998–2008), practitioner expertise and credibility remained highly valued by the YJB:

I took ownership of the effective practice agenda. So, you had a practitioner turned policy-influencer in the role of developing and promulgating changes or adaptations to practice implementation. What makes the YJB effective is having links with those with dirt under the fingernails. Civil servants don't understand.

However, this positive view was not echoed by other service managers of the time, with one reporting a bombardment of instructions and guidance from the YJB, accompanied by veiled threats for non-compliance.

The YJB's managerialist prescription was viewed as necessary to mitigate poor practice stemming from unchecked discretion, whilst simultaneously (paradoxically) empowering practitioners by increasing the legitimacy and expert knowledge-holder status of YOTs within local authorities:

Initial YJB managerialism was designed to get children out of custody, rather than to restrict the work of social workers. I don't have a romantic view about what wonderful things social workers would produce if left to their own devices. (YJB Chief Executive)

At the same time:

There was real advantage of prescription for YOT managers. When you're in a YOT management board fighting for something you believe in and you have YJB support, that gives you legitimacy in the eyes of local authorities. (Children's Commissioner)

Interviewees reflected on YJB prescriptiveness as rooted in a persistent lack of political leverage in the longer term and feelings of insecurity and threatened identity as policy-making expert knowledge-holders. A YJB Chair tempered his experiences of the independent policy influence of the YJB, with a perception of civil servants being steered by political agendas:

I can't say that I wasn't directly influenced on policy. I found SPADs cautious and conservative. . . [so policy] was difficult to drive at government-level and to reconcile with the sense of urgency for [policy] change at YJB-level.

Over the first decade post-CDA, YJB experienced a persistent sense of insecurity and precarity due to its ambiguous and consistently threatened status, role, identity, and indeed, existence (see [Souhami, 2015](#)), which some saw as underpinning the board's acquiescence to governmental managerialism and prescription:

The distance between YJB and Government became significant over time. There wasn't the political leverage that previously existed. Civil servants could and can now push their weight around a lot more with the YJB to keep it in its box. (YJB member)

The YJB always felt quite vulnerable, fragile. It doesn't really have any sanctions. What can it do? It's a bit soft and fluffy. The inspectorate [HMIP] has more teeth because of their ratings. (YJB member)

Therefore, the appearance of occupying a powerful and influential position sometimes associated with the YJB is experienced by those more closely connected with the organisation as much less certain or reliably grounded; and, indeed, continually overshadowed by a nagging sense of precarity and contested legitimacy.

3.2. Evidence-Informed YJPM: Broadening the 'Evidence Mindset' Across the Sector (Circa 2009–2018)

The evidence-endorsed YJPM period from 1998 to (circa) 2008 was identified as one in which certain stakeholders, notably government ministers with political agendas and civil servants, were assigned (by themselves and others) the identity and status of policy-making experts. Ironically, in this context, the centrality of 'expert' evidence produced elsewhere by non-governmental actors (e.g., academics and practitioners) was highlighted as a mechanism for legitimising and mobilising policy. Critics saw this period as one in which 'evidence' was viewed selectively and drawn upon principally when it suited a pre-existing policy agenda ([Naughton, 2005](#)).

The YJB's self- and externally perceived identity and influence as expert policy-maker has oscillated and evolved over time between steering/being steered by governmental actors and prescribing government-endorsed practice (circa 1998–2008) to a period (roughly a decade) of adopting a broader 'evidence mindset' through engagement with academic and practitioner expertise and evidence generation capabilities:

The role of the YJB changed dramatically [around 2008]. New personnel became involved and it became substantially bigger and harder to control. It also changed as a consequence of policy suddenly veering off in a different direction in reaction to the failures of previous government policy-making. Suddenly, the YJB became a champion for doing policy different. (Senior academic)

3.2.1. Utilising an 'Evidence Mindset'

Current stakeholders identified the emergence of a broader evidence mindset across the sector, which functioned as a mechanism that opened up space for more effective YJPM:

To inject a new sense of purpose into the YJB [post-2008], we increased our evidence mindset, talking to the sector, building upon existing policies, listening to the political steer. Evidence and expert experience from practitioners became are far more important in shaping our approach. (YJB Chief Executive)

According to this respondent, the evidence mindset was mobilised by an attitude of open-mindedness and readiness to challenge claims to expert knowledge and to create new evidence. According to one YJB Chief Executive:

[Addressing] a policy question requires a certain attitude towards evidence, an understanding that it may not be possible to get perfect evidence, but you need openness to the work of researchers. You need a mindset willing to challenge its own presumptions. You have to have an appetite for the battle in youth justice.

Senior YOT managers advocated for expert evidence generation by a broader range of experts as a mechanism for localised, context-sensitive, and practitioner-led policy implementation:

Evidence gives you the direction that if you do certain things, you're likely to achieve an outcome. I've taken on board the evidence and made decisions. I encourage creativity, dynamism, willingness to try different things. (AYM Chair)

We needed independent research and empirical evidence about whether we were doing the right thing. Having an independent arm with access to all the available information and ability to determine where things are actually going is an enabler, a foundation stone. (YMC Chair)

This mindset has, indeed, been associated more recently with positive and progressive local approaches to the delivery of youth justice, with lower custody rates and more beneficial community-based interventions identified as a result (Goldson & Briggs, 2021).

3.2.2. Working on the Hoof: Generating Partial Evidence

Notwithstanding the perceived centrality of evidence generation and utilisation in YJPM contexts post-2008, stakeholders viewed the role and status of expert evidence in policy-making processes as fluctuating and fragile/precarious:

Data and evidence and analysis goes into a policy-making pot, which then gets lost in the mist of time terribly quickly. (YJB Chair)

Indeed, the continuing 'dead hand' influence on evidence generation exerted by ministerial/political agenda and the associated drivers/mechanisms of short-termism and sudden policy shift were later reported by a YJB official when reflecting on the (early 2019) introduction of Knife Crime Prevention Programmes:

Me and a colleague were given 20 min to design a policy to tackle knife crime. The MoJ said the minister needs to know now because he's going into Parliament in two hours. So a Cabinet Minister could be faced with a sudden challenge that would need immediate [policy-based] research evidence.

The challenges to expert evidence generation of short-termism and selective agenda-setting were further illustrated by other respondents:

The pillars we incorporate into our policy work are difficult to address reactively. Government departments don't really want genuine consultation. Often they say you've got six weeks to get something back to us. When you're a small team and you want careful, evidence-based processes, that doesn't leave you enough time. (AYJ Chair)

Evidence was a big part of local policy development, but I also needed the narrative to tell a compelling story. (Children's Commissioner)

3.2.3. YJB as Strategist

Some stakeholders suggested that the YJB, post-2008, has developed a more strategic and less directive influence upon YJPM, with ‘strategy’ understood as the mechanism for guiding and animating policy implementation in practice (Case, 2024). To some, this influence was indicative of the YJB’s position as being ambiguous (see Souhami, 2015), situated in the grey area between strategy and policy where less formal ‘soft power’ is exercised, slipping perhaps between the macro- and meso-levels of innovation and influence. The YJB’s role and functions are thus rather nuanced and sometimes obscure:

We’re an independent body, but we’re submerged in the workings of government.

Our influence changes over time and oscillates backwards and forwards.
(YJB Chair)

Some perceived the YJB as exercising strategic influence through knowledge-driven mechanisms of advising ministers and through establishing and sustaining an independent expert role, albeit qualified in its extent:

My argument with the board was even if you think this is the wrong policy, we’re gonna end up butting heads with Government if we set-up in opposition like a lobby group. We’re better off if we’re able to influence the way in which policy is delivered and developed. (YJB Chair)

A senior YJB official perceived the organisation as relying on strategic relationships to become more of a policy influencer than a policy-maker:

YJB does inform policy, but in a quasi-policy-making role. It’s really important that YJB is an influencer. YJB doesn’t write formal policy, but develops guidance documents, requirements for youth justice plans etc. We seek to influence policy. We develop our own positions, following a policy-making [cycle] playbook around identifying a problem, looking at the evidence-base for that problem, identifying potential solutions and using those positions to influence policy-making by government.

There appears to be significant ambiguity here, or at least considerable tension between the agency’s role as intermediary, translating broad policy goals into practical forms of intervention on the one hand, and as independent analyst and policy formulator on the other.

3.3. Evidence-Enhanced YJPM: Recognising Neglected Identities as Expert Youth Justice Knowledge-Holders (Circa 2016-Present)

Harnessing organisational expertise is crucial. You’ve got people with good knowledge and understanding of youth justice, experienced at working within the sector. Recognising what they’ve got to say strengthens the arguments the YJB makes to others. (YJB official)

There seems to be broad agreement that during the first decade of the New Labour government, the generation and use of evidence was consistently policy-driven (i.e., evidence-endorsed YJPM), leading to a great deal of frustration amongst both practitioners and academics (Hope & Walters, 2008), as well as within the YJB itself (Morgan, 2006). However, a subsequent incremental shift towards the YJB self-identifying as more receptive to a broader range of academic voices (e.g., not privileging risk-based concepts, explanations, and evidence) and more consultative/empowering of practitioners and a less prescriptive and self-appointed exclusive ‘expert’ youth justice organisation has apparently created space for evolving perceptions of the practitioner identity as expert youth justice knowledge-holder and policymaker. It is important to qualify that these changing perceptions of professional (academic and practitioner) expertise over this period were located

within the YJB rather than necessarily within the government (or MoJ)—a YJB arguably afforded more policy-making discretion and influence than in previous years due to the post-austerity and post-pandemic absence of political appetite and capacity for controlling the youth justice agenda (Case, 2024). Furthermore, this apparent broadening of how ‘experts’ and ‘expertise’ were constructed across the sector catalysed the introduction of ‘Child First’ (2018 onwards) as an innovative and original policy and practice trajectory for youth justice in England and Wales (Case & Hazel, 2023). An academic stakeholder identified a significant shift (rather than retraction) in YJB policy-making influence post-2008, with more emphasis placed on the strategic facilitation of policy into practice pathways and a more iterative process of active policy-making:

Around 2010, it became the YJB’s job to think about how we guide the YJS to put what it needs in place, producing guidance, consulting with the sector, looking for evidence of good practice. Around Taylor’s time [2016 onwards], the YJB became less prescriptive, gave practitioners more discretion, more flexibility. They would put things out to consultation, then reflect it back to ministers. (Senior academic)

Professionals shared the view that the YJB’s own degree of organisational discretion and autonomy as knowledge holder and policy influencer has also changed due to youth justice becoming a less visible and politically charged policy area in recent years. A board member saw this trajectory as one of waning policy influence due to an absence of government legislation and a relative policy vacuum in youth justice:

[The] early YJB created absolutely everything, legislation, new orders, different ways of working. More recently, that’s significantly dried-up in terms of what the YJB actually produce about what the system is and should be.

3.3.1. Distinguishing Data from Expert Evidence

Expert evidence generation was presented as a mechanism for mobilising expertise in the service of evidence-based YJPM post-2008. For example, when recounting the development and trajectory of the Child First policy/strategy, separate YJB Chief executives noted that:

We used quite a lot of academic stuff to push the Child First agenda. We’d say to ministers, this piece is written by academics. That made a real difference and helped us. We’ve used evidence in that way.

Child First has been a terrific system achievement and the biggest contribution that the academic community has given to the YJS. It’s by a long way in the last 25 years the most important initiative that academia has given to youth justice.

Interviewees distinguished between data employed as a management tool (performance information/statistics) and expert evidence (explanatory knowledge and understanding) generated from empirical research or the analysis of data. There was a particular focus on the evidence-generating expertise and professional experience of two traditionally marginalised, but increasingly legitimised ‘expert’ groups: critical academic researchers and practitioners.

There’s now a twin-track approach [to evidence generation and utilisation]. We [YJB] spent money on commissioning academic research to analyse the data. The other thing is getting better quality data about what was happening on the ground from YOTs and hearing what they were saying about how it was working. (YJB Chair)

When recounting his experience of reviewing the YJS in 2016 (the ‘Taylor Review’), Charlie Taylor stated that:

The Secretary of State said, we'd like you to evaluate the YJS because bits of it don't feel right to me, but I don't know enough about this to know what to do about it. I needed to get an awful lot of people's views to really build a body of evidence and interest. But I had a remarkable amount of freedom in terms of what I could propose.

3.3.2. Recognition of Practice Expertise as Youth Justice Knowledge-Source

Evolving views of the practitioner identity as a youth justice expert amongst governance organisations (YJB and HMIP) were reflected in aspirations towards constructive, mutually beneficial, engaging, and supportive relationships:

We [YJB] seek faithful and effective policy implementation. We're seeking proportionate ways of influencing and structuring practice, whilst recognising that this needs to be developed locally and requires individual expertise, skill and craft that needs to be nurtured. (YJB Chief Executive)

An AYM Chair believed that signs have emerged later [circa 2018 onwards] of a less prescriptive, more empowering, and context-sensitive YJB receptive to practitioner expert knowledge; although 'evolution' of the YJB's evidence mindset was hampered by previous lack of engagement, leaving localised knowledge gaps:

During Taylor's time, the YJB consciously let YOTs get on with it. They cut down their regional representation. Then they realised that they had no data to demonstrate the things they wanted to demonstrate. YJB weren't meeting with YOTs very often. They were losing their ear on the ground.

AYM representatives attested to the importance of practitioner expertise, experience, and evidence generation, and they believe that their own influence grew in the contemporary YJS, particularly as the MoJ is reportedly more visible and 'muscular' in YJPM contexts post-2016:

MoJ are far more influential now than they've been. YJB is just a seat around the table with AYM and anybody else. . . There is mileage in having those expert people who know what a policy should look like, but who should not be far removed from practice. We are a conduit to a lot of that expertise, experience, evidence. (AYM Chair)

A key implication and distinction emerging here is that while the YJB drove the expert-evidence nexus 2016 onwards through their changing expert relationships with academics and practitioners, the government (via MoJ) has now begun to solicit the expertise of practitioners in its bid to 'reclaim the policy narrative' from the YJB (Case, 2024).

3.3.3. Practitioner Self-Identification as Expert Knowledge-Holders

A counterpoint to the historical criticism of YJB's managerialist prescription of practice is that mechanisms of local mediation and moderation continue to influence YJPM at the implementation stage (Case, 2024; Goldson & Briggs, 2021). In this context, it is instructive, therefore, to compare and contrast YJB claims of the centrality of practitioner identity as expert knowledge-holder with practitioners' own perceptions of their professional lived experience and its role/influence on policy-making.

We underestimate the value of the operational side of policy delivery. Practitioners have a lot of insight and they know how this [YJPM] is going to land with children, families. What we need to do at local level is to make sure practitioners are involved in the conceptualisation of how it's gonna happen. (Children's Commissioner)

Interviews evidenced practitioners' self-identification as 'experts by experience' (Creaney & Burns, 2023), moderating centralised policy prescriptions in a bottom-up fashion as 'street-level bureaucrats' (Lipsky, 2010). This suggests 'local universality' in YJPM (Sausman et al., 2016), whereby centralised policy rules, guidelines, or products are shaped and tailored to fit local contexts and practices (see Braithwaite et al., 2018).

Youth justice has been shaped by bottom-up policy-making by committed individuals and organisations. Committed people help to either reinterpret government policy or help shape future government policy. (YOT manager)

An AYM Chair reported their perception of contemporary bottom-up policy-making as practitioner-generated and consolidated by YJB:

I took the issue of children being inappropriately charged to court to the local Criminal Justice Board. By doing that locally, police forces decided not to pursue these low-level crimes and to take a stance. Then the YJB came on board and things changed locally and nationally.

3.3.4. Localised Expertise: Practitioner Resistance and Challenge of Centralised Prescription

A central component of practitioner professional identity acting as a YJPM mechanism was the capacity and willingness to resist and challenge policy prescriptions from centralised organisations (e.g., government, MoJ, and YJB) in local contexts, according to one respondent:

We [YOTs] don't wanna get told off by HMIP, so YJB need to give us really clear instructions. But the most dispiriting experience you'll ever have is a YOT meeting with staff moaning about what the YJB have 'made' them do. Grow up, go out and be proactive and change your situation. (YJB board member/YOT manager)

The principle of challenging prescription through innovation and valuing practice expertise was reinforced by a professional operating within the Youth Custody Service:

It's important that people in senior positions are really valuing what practice can bring to policy development. Do things collaboratively with those who are implementing policy in practice.

The ability of YOTs to successfully challenge and influence policy implementation was highlighted by an AYM Chair:

HMIP always had a view on risk management and the YJB had another view. This became quite an issue for YOTs. We [AYM] were able to go back and say, we really can't be working to two different viewpoints because it doesn't tell YOTs how to improve.

These observations highlight both the wider capacity for influence operating during this later phase and, at the same time, the continuing contested nature of policy-making and the fragility of what might be viewed as progress.

4. Discussion and Conclusions

Interviews with a broad range of youth justice stakeholders active in the YJS at different points over the past 30 years enable the identification of three distinct, broadly framed temporal periods of YJPM, each reflective of dynamic, contested, contingent, and evolving constructions of youth justice expert/ise and evidence. These constructions present as key influences on the nature of YJPM, and their nexus with policy is driven and shaped by discernible critical dependencies/mechanisms of change. Respondents across the study accepted that there is a necessary relationship between 'expert' knowledge,

policy, and delivery mechanisms in youth justice; and by extension, that practice should not simply be grounded in prejudice or unverified assumptions. In addition, there was some self-conscious recognition that this relationship itself is not fixed in the sense that sources of expertise and evidence are contingent and depend on underlying assumptions about what ‘counts’ as knowledge, who ‘the experts’ are, and where the power (or ‘social capital’—Bourdieu, 1986) lies to determine this. This, in turn, leads us to discern three distinct characterisations of the policy-evidence-expertise nexus, which we assert will be of interest across (even applicable to) international jurisdictions in the 21st-century climate of exponentially expanding utilisation of ‘evidence-based policy’ in social policy contexts for children (Baron, 2018). This tripartite nexus is: (i) evidence-endorsed policy; (ii) evidence-based policy; and (iii) evidence-enhanced policy. Central to this unfolding narrative, of course, has been the YJB and its changing role and processes. It has been the key mediator between government, delivery agencies, and practice in youth justice over this period of time, and therefore the changing shape of policy-making we identify owes much to critical developments in and around the board itself.

4.1. Evidence-Endorsed Policy (1998–Circa 2008)

A number of respondents associated the early years of the New Labour government and the initial phase of the YJB’s existence with a clear sense that policy was driven by an explicit political agenda (‘tough on crime, tough on the causes of crime’), complemented by a growing enthusiasm for the apparent virtues of ‘evidence-based’ policy-making (Schneider et al., 2026). This set the terms for policy development and established an initial role for the YJB as the conduit for government policy rather than as a mediator between government and the world of strategy, delivery, and direct practice. Here, the requirement for expertise and knowledge input was limited and restricted to confirmatory messages (see Morgan, 2006). Thus, we also noted observations that a relatively narrow range of sources was relied upon as a source of mainly uncritical and supportive findings, while unhelpful evidence was met with hostile ministerial rejection. ‘Expertise’ was thus carefully managed and only recognised as valid and authoritative amongst a relatively small cohort of selected researchers, advisers (YJB), and ministers, some of whom had backgrounds in the law and criminal justice from which they could lay claim to expertise. As a result, a number of government initiatives relied on the kind of partial and insufficiently tested evidence alluded to by our respondents, and a series of widely predicted policy failures was subsequently documented (see R. Smith, 2007). This may, of course, have been partially responsible for a subsequent strategic reorientation of the policy-making process.

4.2. Evidence-Informed Policy (Circa 2009–2016)

The ‘policy maker expert-youth justice expert’ disjuncture in YJPM contexts has, at least on the face of it, diluted in recent years, for example, due to governmental open-mindedness to civil service influence, increasing civil service recognition of practitioner expertise, and an increasing YJB recognition of the value of engaging with academics and practitioners as both youth justice and (youth justice) experts, in the sense of being generators of evidence to inform policy. Certainly, among respondents, there seems to have been a clear recognition that contexts have changed, initially in the adoption of a greater openness to a wider range of expertise, especially from the research community. This was, in turn, reflected in the production of critical findings that did not simply endorse government policy (e.g., Gray et al., 2018). The lengthy and troubled history of the Asset risk assessment tool is a useful illustration of this trajectory, which was initially taken by the government to be validated by YJB-commissioned research (Baker et al., 2003); then increasingly subject to more rigorous scrutiny through its role in the ‘Scaled Approach’

assessment-intervention framework (Haines & Case, 2012; Sutherland, 2009; R. Smith, 2014), with its recognised limitations leading to extensive and continuing revision and adaptation over time in the form of the 'AssetPlus' framework (Cattell & Aghajani, 2022; YJB, 2024b), which itself remains subject to continuing critical comment (H. Smith & Paddock, 2026).

On the other hand, the continued preoccupation of government and its officials with what might be termed 'technocratic' solutions to policy questions (Baron, 2018; Edgerton, 2018; Sanders & Breckon, 2023) is also represented in this particular example of recurrent attempts to revise and improve a clearly defective intervention mechanism.

4.3. Evidence-Enhanced Policy (Circa 2016-Present)

Arguably, in more recent years, there has emerged a third phase of YJPM and development, which is reflected in an orientation to a considerably wider network of 'experts', including those directly engaged in practice and, indeed, youth justice-involved children themselves. Here, for example, policy documents such as the prevention and diversion assessment guidance mentioned above (YJB, 2024b) directly incorporate practice-level insights and children's perspectives. This kind of approach reflects sentiments expressed in this study by YJB members, lead members of the AYM, and the Children's Commissioner. Messages about the importance of a participatory approach, not just to practice but also in shaping and developing policy (Creaney & Burns, 2023), have translated into a more extensive recognition of both the validity and value of a broader understanding of what constitutes evidence and practical knowledge of 'What Works' in youth justice and, by extension, how policy should be framed to support this. This is perhaps well-exemplified by the ready willingness of the YJB and government to accept the body of evidence associated with and endorsing the Child First approach to intervention (Haines & Case, 2015; Case & Hazel, 2023) and to actively incorporate this evidence into guidance and policy documents (YJB, 2024a).

Certainly, these more open approaches to policy-making and the use of evidence drawn from a wide range of stakeholders have gained considerable support. Taken together, our findings indicate that the acknowledgement of a broader range of 'policy-makers' in explanatory frameworks and YJPM is central to this pursuit of a better understanding of the potential contribution and influence of expert identities, statuses, and roles (see also Davies et al., 2008). The study highlights an emerging trajectory of practitioner expertise as influencing YJPM contexts, including the widespread local mediation and moderation of centralised policy prescriptions by practitioners in their day-to-day activities (Lipsky, 2010); who are typically closer to, and have a direct understanding of, implementing policy in the real-world in contrast to centralised governmental and governance organisations (Hudson et al., 2019).

Further, stakeholder perceptions appeared to challenge the narrow (policy cycle) focus on practitioners functioning solely as policy implementers in local contexts, instead emphasising their growing influence at earlier policy-making stages (e.g., agenda setting and policy formulation). As such, practitioner expertise, experience, and evidence generation are increasingly sought and valued in the policy development process. However, concerns remain that an element of disjuncture and contested expert identity within the YJS persists, reflected in accounts of changing relationships and a fluctuating 'balance of power' between different interests within the youth justice field. This was typified by reports of MoJ attempts to dominate YJPM processes and to marginalise and delegitimise the YJB as a source of expertise and, by extension, also to disqualify practitioner and service user interests increasingly acknowledged by the YJB itself as authentic voices in the policy debate. Such concerns are compounded by criticisms 'from below' by practitioners of the extent of YJB youth justice expertise and the uncertain and changeable nature of the

organisation's strategic engagement with those responsible for policy implementation. To strike a note of caution, whilst we do see recent developments as broadly positive, it is clear that they are not entirely unproblematic in themselves, nor do they offer any guarantees against adverse future changes, which are as likely as ever to be the product of another political whim.

In conclusion, though, we can discern a degree of coherence and consistency—or 'patterns in the noise'—from YJPM contexts that often appear as opaque, unstable, and unpredictable (Case, 2024), as outlined above. Expertise, legitimacy, the scope of policy (field), and what counts as evidence will continue to be negotiated and contested actively by a range of more or less directly involved stakeholders (Head, 2010). And so, future directions for research and evidence generation should acknowledge and pursue more holistic and ecologically valid understandings of YJPM internationally, necessitating sensitivity to context, empathy with the range of vision, challenges, constraints, and realities of policy actors (*habitus*) at all levels of YJPM, and representation and legitimisation of diverse voices (including justice-involved children), yet crucially, achieved 'without systematically recognising or privileging [as expert] one group over another' (see Reed & Rudman, 2023, p. 967).

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Notes

- ¹ In his exposition of the nature of 'policy', Levin (1997) distinguished the different goals, roles, statuses, and manifestations of policy: stated intention (e.g., in government manifestoes), current or past action, formal or claimed status of past, present, or proposed course of action (e.g., government policy), and organisational practice (e.g., rules and regulations).
- ² Baron (2018) operationalizes 'evidence-based policy' as (1) the application of rigorous research methods, particularly randomized controlled trials (RCTs), to build credible evidence about "what works" to improve the human condition; and (2) the use of such evidence to focus public and private resources on effective interventions.
- ³ Giving the YJB a nuanced, contested, and ambiguous status closer to a *quasi*-governmental or even *non*-governmental policy actor than a governmental policy actor. Consequently, the organisation is arguably part of state bureaucracy yet maintains an arms-length relationship with it that has fluctuated in extent and nature over time (see Analyses; see also Case, 2024).
- ⁴ Consequently, this study moves beyond the sampling and temporal limitations of Souhami's (2015) ethnography of YJB policy-making, significantly extending its range of stakeholders (beyond the sole YJB focus) the access and duration of policy-making examined (beyond the 2006–2007 ethnography).
- ⁵ This is not to suggest that there was a complete rupture with previous periods of youth justice policy-making, of course; and, indeed, certain continuities have been identified, such as a preoccupation with the use of certain forms of short-term custodial provision, despite their obvious, and indeed well-documented, shortcomings (R. Smith, 2014).
- ⁶ Multi-agency youth justice teams of practitioners from statutory agencies (local authority, police, probation, and health) and third sector charitable/voluntary organisations.

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