Reimagining Effectiveness in Youth Justice: The Necessity of Moving Towards the Holistic Child

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Abstract

The aim of this research is to look at effectiveness and its relevance and definition within the context of youth justice. Although 'effective' is frequently used to describe the success of youth justice policies, interventions and systems, its precise definition remains elusive. In order to explore the concept of effectiveness, and its use in the area of youth justice, an extensive review of the literature was undertaken, establishing a theoretical framework which provided the basis for a thematic analysis of Irish policy documents. This approach offered a detailed exploration and comprehensive insights into where the understanding of effectiveness within these documents sits in relation to the literature in the area. This analysis revealed that 'effectiveness' is a highly fluid and adaptable term, which is capable of meaning many things to many different stakeholders. It often serves as a catch-all phrase that is shaped by political, social, and ideological contexts. As a result, the concept is difficult to pin down and is open to interpretation depending on the perspective of the evaluator. While its position within youth justice remains the same, its meaning is everchanging and is not captured easily. There is a clear need for a more consistent and streamlined definition of effectiveness, with further research required in the area.

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Abbreviations:	**GYDP:**	Garda Youth Diversion Programme
	JLO:	Juvenile Liaison Officer
	UN:	United Nations
	UNCRC:	United Nations Convention on the Rights of the Child

Introduction

In every jurisdiction, the youth justice system exists at the intersection of conflicting principles. It exists between, and is often a battleground for, the viewpoints of treating young offenders as moral beings who make choices and who deserve punishment, or seeing them as forces of nature in need of help and guidance (Smith, 2005: 182). Youth justice systems therefore aim to fulfil two competing objectives: supporting young people who offend in their development, while also delivering a firm, prompt and appropriate response to youth offending that is satisfactory to the broader public, in an effective manner. Discussions surrounding the effectiveness of interventions with young offenders typically begin with Martinson's (1974: 49) argument that 'nothing works' in terms of changing the future behaviour of young offenders. Although this theory has since been disproved (Smith, 2005: 186), it can be said to be valid in one sense: no single programme or intervention is guaranteed to be a silver bullet in dealing with youth offending (Palmer, 1983: 4), as there is vast variation in the presentations of young people who come before the youth justice system. There is little reason to believe that any one approach in dealing with offenders is more effective than any other (Clarke & Sinclair, 1974: 58) but rather it might be more appropriate to say that some interventions are more effective with some young people whilst not effective with others. As such, the questions of 'what works' and 'what is effective' in relation to youth offending often arise, resulting in policy-relevant questions which are not easily answerable. Indeed, this raises further questions about what effective means – is it simply to do with desistance from offending or does it relate to a more rehabilitative approach whereby, alongside desistance, the young person becomes a 'better human'. One might push this questioning further to ask what constitutes a 'good human'. Rather than proceeding with an analysis of the model of justice and measures of effectiveness in each jurisdiction, this research project identifies multiple overlapping and contradictory themes in international youth justice, such as recidivism, social integration, education, employment and diversion. Additionally, the perceived key indicators of an 'effective' youth justice system will be critically considered and deconstructed in light of the various models of justice.

As such, the aim of this study is to conduct a comprehensive literature review in the area with the objective of developing a theoretical framework to achieve a clearer understanding of the concept of effectiveness within the youth justice space. This framework will be utilised to evaluate its applicability to Irish policy documents. Chapter 1 will critically discuss and

deconstruct the models of youth justice that lay the foundations of youth justice systems, providing a comprehensive discussion of their theoretical underpinnings and application in order to lay the foundation for a discussion surrounding the measurement of their success. The methodology employed for this research project will be set out in Chapter 2, where the research design, data collection methods and analytical approach will be outlined. Chapter 3 will discuss the findings of the thematic analysis, highlighting key themes and insights derived from the data, with Chapter 4 bringing together the themes discussed in the previous chapter with the existing literature in the area in order to theoretically evaluate varying measures of effectiveness across a number of jurisdictions. Finally, in Chapter 5, the possibility of streamlining effectiveness will be explored and evaluated, by outlining an alternative approach underpinned by a coherent set of philosophical principles.

Chapter 1: Youth Justice: An Attempt to Balance Needs and Alleviate Tensions

This chapter explores and deconstructs the various models of youth justice in order to establish a foundation for attempting to understand what constitutes effectiveness within youth justice systems. While addressing the complexities of youth justice frameworks and the tensions surrounding their application, this discussion will critically analyse how models of youth justice seek to balance the needs of young offenders with those of society and justice. Through the examination of these models, an attempt is made to clarify the criteria for effectiveness in youth justice systems, establishing a theoretical foundation for further discussion.

1.1 Harmonising International Standards with Local Practices

International conventions on justice for children, established by the United Nations (UN) towards the end of the twentieth century, have sought to create a universal benchmark against which the policies and practices of individual jurisdictions can be evaluated.[1] While these conventions create a contemporary touchstone which can serve as a reference point for jurisdictions, McAra (2010: 291) has contended that these conventions are themselves fraught with tensions. This may be due to the fact that juvenile justice institutions are tasked with the dual responsibility of addressing the needs of the child and safeguarding their basic rights while also fulfilling the needs of society (McAra, 2010: 291). As a result, little guidance is given to jurisdictions as to how the perfect balance between each of these imperatives can be achieved. Rule 5 of the Beijing Rules however, states that interventions should be both parsimonious and proportionate to the severity of the offence as well as the offender's circumstances, with an emphasis on providing care, protection, education, and vocational skills. The Rules also assert that prevention, diversion and community-based programmes should be prioritised, with institutional care reserved as a last resort (McAra, 2010: 292). Rule 1.5 also acknowledges that the economic, social and cultural conditions in each jurisdiction may impact implementation. McAra (2010: 292) has suggested that this implies acknowledgement that there may be widespread variation as to how 'needs' and parsimony' are interpreted. Indeed, in line with the discussion above, what needs are, how they are interpreted, and what effectively meeting needs

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[1] These conventions include the UN Convention on the Rights of the Child (1989); the UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules 1985); the. UN Directing Principles for the Prevention of Juvenile Delinquency (the Riyadh Guidelines 1990); and the UN Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules 1990).

means all contributes to an ideological position a system takes in terms of what a young offender is, what the youth justice system looks like, how the system interacts with the young person, and what the system is trying to achieve. As a result, jurisdictions take varied approaches to youth justice policy, commonly known as models or paradigms of justice which will be evaluated below.

1.2 Models of Justice

When considering effectiveness within the context of a criminal justice system, an examination of the aims of that system at the outset is essential. In general, criminal law is an area of law that justifies its position through its ability to produce outcomes which are considered to be positive (Melander, 2014: 275). However, the question of the aims of a criminal justice system are related to its function. This research project focuses on youth justice, which is most accurately defined as 'the label given to the formal, systemic responses to offending behaviour by children and young people' (Case, 2022: 10). The nature of youth justice is influenced by how a particular society conceptualises youth offending, which subsequently influences the philosophies, systems, structures, strategies, processes and practices that form the framework of a given youth justice system (Case, 2022: 1). As such, the function of a youth justice system will depend on the model of justice adopted by a particular jurisdiction. Each of these models of justice offer a different solution to the tension which arises when attempting to balance the needs of the vulnerable offenders with the needs of society (McAra, 2012: 288). Additionally, each model is based on distinct core assumptions about the nature of personhood and the relationship between the citizen, the community and the state, which are reflected in youth justice policy (McAra, 2010: 289). Thus, these models determine the principles that underpin youth justice systems and will now be discussed below.

1.2.1 Welfare

The UN Convention on the Rights of the Child (United Nations, 1989) requires that the best interests of the child must be at the forefront of all legal actions concerning those under the age of 18. As a result, the fundamental principle guiding all work with young offenders is the safeguarding of their general welfare (Muncie, 2015: 266). Under the welfare model, offending is understood as arising from deeper underlying needs. The Kilbrandon Report (Kilbrandon, 1964) from Scotland characterised young offending as a manifestation of personal or environmental challenges, such as maladjustment, immaturity or a damaged personality. Under

this model, these conditions are treatable, similar to how an illness or disease would be addressed (Muncie, 2015: 270). The child is not seen as fully responsible for their actions, which results in a focus on meeting the child's needs rather than responding to their deeds. The aim of intervention is to treat and rehabilitate through universal social, educational, and health services rather than through the criminal justice system (McAra, 2010: 289). At first glance, the welfare model may appear to be the most suitable approach for most jurisdictions to take. In reality however, it is not without its significant downfalls and challenges. Although the welfare model is known for its 'child-saving' ideology, this can disguise underlying paternalistic attitudes (Muncie, 2005). There is a risk of upper-class ideals and norms being imposed on young offenders from diverse socioeconomic backgrounds, resulting in distinct cultural contexts being overlooked (Smith, 2005: 185). This can result in social inequalities being reinforced, with interventions focusing on aligning with wider societal values rather than truly addressing the young offenders' specific needs. Additionally, young offenders may experience discrimination and stereotyping, where decisions may be influenced by biases related to race, class, or gender, resulting in unequal treatment (Webster, 2018). Welfarism can inadvertently lead to greater involvement with the justice system, as it blurs the lines between care and control (Muncie, 2015: 269), resulting in the double jeopardy of young people who are penalised not only for their offences but also for their backgrounds and circumstances of their upbringing. This can unintentionally escalate their progression through both the sentencing scale and the justice system (Muncie, 2015: 277), which reinforces cycles of disadvantage rather than breaking them.

As Klein (2001) has noted, when a juvenile is charged with a serious crime, it is often quickly overlooked that young people are shaped by their families, neighborhoods, extended family, schools, community organisations, and broader culture. However, this model of justice has strong rehabilitative elements and acknowledges that young offenders require proper attention and guidance to develop into productive adults. Rehabilitation enables youth justice systems to provide tailored interventions for social issues by leveraging multidisciplinary expertise from fields such as social work, psychiatry, psychology and education. Research has shown that this approach has the ability to produce positive outcomes in relation to attitude change, skill development, and various aspects of community adjustment (Palmer, 1983: 3). These changes are presumed to support the offender in conforming with the law, which is the primary, socially centered goal of rehabilitation (Palmer, 1983: 3). While the secondary goal of rehabilitation, focused on the offender's personal improvement, holds intrinsic value, it is

primarily seen as a means to achieve the broader objective of public protection within the justice system. It is therefore possible that the ultimate goal of rehabilitation is increased public protection. In practice, rehabilitation can be redefined as 'risk management' rather than a focus on the welfare of the child, with treatment being validated in terms of public protection rather than providing support to the young offender (Muncie, 2015: 317). Both McGuire (2002) and Cunneen and Luke (2007: 199) contend that the concept of rehabilitation has evolved towards an individualised and psychology-based approach, where the broader social welfare goals of providing employment, income, education and accommodation are no longer seen as essential to the rehabilitation process. This shift indicates a narrower focus on rehabilitation, where addressing the criminogenic needs of young offenders in order to address risk factors is at the forefront, with the ultimate goal of reducing re-offending.

1.2.2 Restorative

Under the restorative model of justice, personhood is understood as being shaped directly by the community and cultural context in which the young offender has been raised (Zehr & Mika, 1998). This understanding aligns with the communitarian justice framework, which highlights the role of shared societal responsibility in influencing individual behaviour (Etzioni, 1995; Green, 2002). As such, it is important that youth justice systems are guided by the recognition that communities are essential in the prevention of youth offending and in the reintegration of young offenders in society (Dammer & Albanese, 2014: 297). This viewpoint also aligns with Hirschi's social control theory (Costello & Laub, 2020), which asserts that individuals are less likely to engage in criminal activities when they are strongly attached to societal institutions such as family, school, and community (Clamp & Paterson, 2017: 119). As such, under this model, the aim of intervention is to support victims, restore the harm caused and reconnect the young offender to the community, with the core objective being integration (McAra, 2010: 291). The concept of reintegrative shaming is also relevant here, which suggests that reintegrating offenders intro society through meaningful reconciliation processes can have a significant impact of offending rates (Braithwaite, 1989: 55). By focusing on harm rather than blame, the offender is encouraged to accept responsibility and join others in denouncing the wrongness and harm caused by the act. It is Braithwaite's (2004: 28) view that 'because crime hurts, justice should heal'. As such, restorative justice can be used as a mechanism to build more cohesive societies through the recognition of victim suffering (McAra, 2010: 304). In line with restorative justice theory, which emphasises repair over retribution in an effort to

restore balance within the community and individual lives, Smith (2005: 183) has observed that restorative justice approaches to youth offending are typically justified by the benefits they offer to victims, along with their impact on the behaviour of young offenders. Additionally, where restorative practices are implemented, particularly alongside diversion, this can result in only high-risk or high-need offenders entering the formal justice system (REPPP, 2019).[2] This is beneficial due to the contention that interaction with the formal justice system is deemed to be inherently criminogenic, and that punishment itself is presumed to do nothing to redress the physical, relational, moral or material dimensions of harm inflicted by crime (Marshall, 2014: 8).

McAra (2010: 313) has argued that the goal of reducing youth crime and dealing promptly with its manifestation is best achieved through paradigms which focus on building positive connections between the child, their family and the community, and by models of justice which draw offenders and their parents into discussion and dialogue. In theory it is possible that the restorative model is one of the more ideal models, but this is not always the case in practice. Under this model, young offenders are recognised as having both positive entitlements and rights, but, contrary to the welfare model, are also considered to be rational individuals who can take responsibility for their actions. As a result, young offenders can often be considered penitent under this model (McAra, 2010: 292). While this of course has positive aspects, the young offender is often considered the sole blame holder when realistically blame should be dispersed more widely. In practice, there is a failure to consider how the community can support the young offender, as the responsibility for both the crime and its resolution is placed solely on the offender. This can result in the youths being considered as outsiders (McAra, 2010: 292). Another notable element of this paradigm is that the community is one of the main actors, not the state (Crawford & Newburn, 2013). This model distinguishes the community from the state, while recognising that it has a stake in the response to harm, and the potential to play an active and positive role in repairing harm. However, this raises questions about who can claim to be affected by the offending and what actions can fairly help to repair harm in a manner that is also fair and reasonable to the offender.

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[2] The Research Evidence into Policy, Programmes and Practice (REPPP) project is a joint strategic initiative between the Department of Justice and the University of Limerick. REPPP's mission is to improve the scientific evidence based decision making in the youth justice system, with a particular focus on effectiveness and efficiency (GYDB, 2020: 15).

1.2.3 Actuarial

The identification, assessment, prevention, and management of risk have become major components of crime policy, practice, and research (Kemshall, 2003: 1). As a result, within criminal justice systems, particularly youth justice systems, actuarial risk assessments are commonly used to predict the likelihood which someone involved with the system will engage in criminal activity in the future (Applegrath et al., 2023: 320). Under this approach, individuals who meet criteria are predominantly perceived as purely negative and a dangerous threat to others and are sentenced based on the risk of reoffending rather than the severity of the offence (O'Malley, 2008: 452). This model considers the child in terms of their inherent capacity and potential for wrongdoing. As such, interventions are tailored according to the level of risk posed, with the goal of protecting society and preventing future victimisation (McAra, 2010: 291). Instead of a focus on the child, the primary audience for these interventions is the broader public, with the main objectives being public protection and reassurance in order to alleviate fears. This focus on risk management is associated with the perceived failure of rehabilitative aims (Kemshall, 2003), creating a shift from the management of individual offenders and their behaviours to managing crime opportunities and the distribution of risk (Feeley & Simon, 1994). However, this approach may have adverse consequences. Risk assessment processes can sometimes oversimplify and impute understandings of, and responses to, offending behaviour (Case & Haines, 2015: 100). This could lead to the research deemed to support 'evidence-based' policies being inconclusive. As such, this necessitates the consideration of a number of critical questions: can risk be accurately quantified into simplified factors or does this lead to invalid and oversimplified representations of young people's complex experiences, what specific risks and outcomes are being measured, and do risk factors have a causal, predictive, or merely correlational relationship with offending (Case & Haines, 2015: 101). Additionally, Beck (1997:141) has observed that relying exclusively on this risk approach can have a paralysing effect, as it tends to indicate only what should be avoided, rather than providing guidance on what actions should be taken. Offenders are merely incapacitated rather than reformed, which removes the risk they pose to society but does not seem to account for their behaviour on release. Therefore, the potential for reoffending is not dealt with, which in reality can lead into a cycle of offending for the juvenile.

Muncie (2015: 317) has suggested that a more realistic approach would involve asking the more complex and nuanced question: 'What works for whom, under what circumstances and contexts, and how?'. While this may prove to be more of a challenge while drafting and

implementing policy, it is a good place to start. Naturally, what works for one individual will not work for another; the lives and lived experiences of children (and humans in general) are far too complex to simply fit into a framework. In acknowledgment of this, and the fact that interventions based on risk factors alone may not adequately address the underlying needs of young offenders, the risk-need-responsivity model was introduced (Bonta & Andrews, 2007; Andrews & Bonta, 2010). In line with the actuarial model of justice, the risk principle suggests that the intensity of the services should match the offender's risk level. The need principle focuses on addressing criminogenic needs in order to reduce the young offender's likelihood of recidivism, with the responsivity principle focusing on tailoring the treatment approach to the individual's learning style and abilities, along with considering individual characteristics such as gender, mental health and impulsiveness which may impact their responsiveness to the intervention (Bonta, 2023). Although this approach allows for broader, context-specific evaluations, limitations still exist due to the lack of focus on non-criminogenic needs which also impact offending and likelihood to reoffend. Additionally, in terms of this model, 'effective' appears to be solely meant as a reduction in recidivism (Andrews et al., 1990). In line with this, any reference to risk in criminal justice literature is in relation to the likelihood of a young person reoffending, rather than encompassing the broader societal and personal risks they may face. This narrow understanding of risk aligns with an equally limited view of what constitutes effective intervention, which will be discussed further in Chapter 4.

1.2.4 Punitive

Under the punitive model, which is rooted in retributive justice, the goal of intervention is to deter and punish, with the hope that it encourages young offenders to weigh the risks of punishment against the potential benefits of crime, ultimately finding the latter insufficient (McAra, 2010: 289). This approach mirrors the classical criminology theories of Cesare Beccaria and Jeremy Bentham. Beccaria advocated for proportionate punishment as a necessary deterrent, contending that punishment must be prompt and certain in order to be effective (Beccaria, 1764; Bernard & Kurlychek, 2010: 18). Similarly, Bentham asserted that due to the fact that punishment has a harmful effect on the individual, it should be limited to the minimum necessary to achieve its goals, with punishment being justified by the ends it achieves (Bentham, 1789; Newburn, 2017: 347). As part of his utilitarian philosophy, he argued that the fear of punishment should outweigh the pleasure derived from criminal acts, supporting the idea that rational individuals would avoid crime if the consequences were severe

enough. Realistically however, generating strong deterrent effects through a youth justice system may prove challenging due to the difficulty in leveraging human rationality effectively (Paternoster, 2010: 767). The assumption that youth consistently make rational decisions based on risk and benefit, as suggested by classical theories, is quite unrealistic. Moreover, right realist criminology, which is also based on the concept of rational choice, supports the punitive model by advocating for harsher penalties and timely justice in order to reduce crime rates (Muncie & Wilson, 2013). James Q. Wilson (1983) argued that harsher punishments serve as both a deterrent and a moral statement, which reinforces societal values. Along with an overreliance on the rationality of offenders, right realism also overlooks the social and economic factors that may contribute to crime, often being described as ideological rather than evidence-based (Mears, 2007; Matthews, 2010). Another core objective of the punitive model is to serve a didactic purpose, with the public being the primary 'audience' for the punishment (McAra, 2010: 289). This aligns with Bentham's theory of punishment as a public spectacle as a means of reinforcing social norms (Newburn, 2017). However, the merit of public deterrence has been questioned in contemporary criminology, which has recognised and acknowledged the complexities of human behaviour and the limitations of punishment as a deterrent (Kahan, 2019).

1.3 A Realistic Perspective

Due to the presence of multiple objectives, each youth justice system is extremely complex in detail, but accompanied by a simplified model based on broader principles (Smith, 2005). As a result, discourse surrounding each system typically offers an incomplete and unrealistic understanding of what truly occurs in practice. Muncie (2015: 269) has contended that the underlying philosophies behind the models of youth justice, particularly those of the punitive and welfare models, are fundamentally incompatible. The former emphasises full criminal responsibility, while the latter focuses on welfare, treatment and rehabilitation in an effort to address needs of the individual child. Naturally, reconciling these conflicting perspectives proves to be challenging. In reality however, aspects of each of the four models of youth justice are present in nearly all Western system to some extent (McAra, 2010: 292). Muncie (2015: 297) has argued that the notion of welfare versus justice is a false dichotomy, with welfare and justice being employed as justificatory devices without either being in any way achieved. Smith (2005: 181) has found that a welfare-based youth justice system may produce the same outcomes as a punitive one. Further, welfare can in fact be punitive as a result of practices such

as indeterminate sentences. No model of justice is ever present in a pure form, with guarantees that a 'complex, ambiguous and confused mélange of policies and practices exists at any one time' in a given jurisdiction (Muncie, 2015: 298). Youth justice systems often operate based on a division of labour between child protection and criminal justice (Lappia-Seppälä, 2019: 104). This dualistic model can lead to challenges due to the fact that the two systems are founded on fundamentally different principles (Lappia-Seppälä, 2019: 123). Entirely excluding welfare-based interventions from youth justice contradicts the social welfare state ideology, while child welfare agencies in the enforcement of youth justice sanctions risks expanding the system's reach, potentially leading to greater dependence on formal criminal justice interventions. For example, while the welfare of the child may be paramount, this can sometimes lead to high rates of custodial sentences where young people are transferred to the adult system at an early age (Bottoms & Digname, 2004: 72). [3] This reality further complicates policy ideology which can often attempt to be all things in all circumstances. Perhaps this flexibility is useful and a shift to less flexibility around real-world applications of ideology might have detrimental impacts on young people. For example, jurisdictions aiming for a system based purely on one model of youth justice may encounter the tension referred to above to a greater extent (Doob & Tonry, 2004), resulting in adverse outcomes for those involved with the youth justice system. As a result, numerous authors such as Smith (2005), Allen (2006), Haines et al. (2013) and Robinson (2014) have advocated a rethinking of the principles of youth justice through the different lenses of 'children first', 'inclusion', reconciliation' or 'problem solving'. This may help to alleviate the rigidity and confusion currently associated with the four models of youth justice, which may in turn aid in relieving the tension that exists between them.

As discussed above, avowed principles are not necessarily a good guide to what a youth justice system actually delivers (Smith, 2005: 185). As such, it is also important to note that a lacuna often exists between how a certain approach is in theory and how it is applied in reality (McNeill et al, 2009; Quigley, 2014). Very often, confusion and a lacuna exist between policy and practice in terms of operational ideological frameworks. For example, there is a glaring lacuna present in England and Wales, where traditional principles of punitive justice were never seriously undermined by the Children and Young Persons Act 1969, remaining largely intact with welfarist principles merely being added to the range of interventions available to

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[3] This is typical in Scotland's youth justice system.

the court (Muncie, 2015: 271). It must therefore be acknowledged that each of the above models are idealised versions which do not apply in isolation. Youth justice systems are complex structures, with diverse principles underpinning policies do not always translate directly into institutional frameworks (McAra, 2010: 287). In reality, most jurisdictions have a hybrid approach. Muncie and Hughes (2002) have contended that contemporary juvenile justice systems are becoming ever more hybrid: aiming to deliver neither welfare nor justice exclusively but rather a complex and contradictory blend of punitive, responsibilising, inclusionary, exclusionary and protective elements. It is likely that the complexity and variations of different interventions used in youth justice systems will increase.

The welfare, justice, actuarial and restorative models of youth justice represent various ideological approaches adopted by jurisdictions. Each model has its own merits and drawbacks, with the application differing depending on the specific country and its context, with many social, political and cultural factors shaping criminal justice systems (Nelken, 2019: 192). This must be taken into account when discussing the effectiveness of any one approach. Some jurisdictions take a hybrid approach, typically merging conflicting ideologies (Fergusson, 2007). Ireland, for example, is often characterised as having a hybrid welfare/justice approach to youth justice (Forde & Swirak, 2023). Regardless of the chosen model or models of youth justice, it is necessary to examine the effectiveness of policies and interventions under that approach. However, the main issue is how this effectiveness is defined and measured, and the implications for these definitions and measurements. This will be explored further in the chapters below.

Chapter 2: Methodology

This chapter outlines the scientific approach employed for the analysis in this research project. It sets out the research design, methods of data collection, and the analytical techniques used to investigate the effectiveness of youth justice models and systems, as set out in the previous chapter. By outlining the clear methodological framework utilised, this chapter clarifies the approach taken to derive the findings discussed in the next chapter, along with setting out the approach taken to interpreting the data and coming to the conclusion discussed in Chapter 5.

2.1 Introduction

The objective of this research project is to evaluate effectiveness in order to develop a comprehensive understanding of its relevance and definition within youth justice. To achieve this, a strategic and systematic approach to data analysis was employed. This analysis was carried out through desk-based research, consisting of a comparative literature review exploring measures and concepts of effectiveness across various jurisdictions, which served as a theoretical framework for the project. Using this theoretical framework, a thematic analysis of policy documents was undertaken in order to analyse what they present in terms of effectiveness and where they sit in relation to the literature in the area.

2.2 Research Design

As mentioned above, secondary research, also referred to as desk-based research, was conducted in order to collect and analyse secondary data for this research project. Secondary research examines pre-existing qualitative and/or quantitative data in order to explore new areas and ideas (Heaton, 2003; Noaks & Wincup, 2004). Despite some limitations, there are many benefits to desk-based research, in that it allows access to a wide, global range of sources (Curtis & Curtis, 2011). In addition to this, secondary research allows innovative researchers to utilise previous research in ways that were not originally intended by the creators of the documents (Judd et al., 1991). One element of this research focused on a comprehensive literature review which provided the theoretical framework underpinning the project. As such, desk-based research was deemed to be the most efficient approach in carrying out this research project as it allowed for timely access to extensive literature, pre-existing studies, theories, and policy reports in order to explore the topic, enabling a comprehensive and timely evaluation. In addition to this, desk-based research allowed for an analysis of international literature, which aided in highlighting elements of international practice, along with enabling potential for

learning from other jurisdictions and identifying scope for change. This study relied on the secondary interpretation and analysis of both qualitative and quantitative data. Qualitative data is descriptive in nature, and refers to non-statistical information that captures the characteristics, meanings experiences, or concepts associated with a topic (Creswell, 2014), where quantitative data can be measured and expressed statistically. As such, literature and reports were interpreted and analysed, as were reports including quantitative statistics, and subsequently utilised in order to achieve a theoretical framework surrounding the measure of effectiveness in youth justice systems. Data was collected from academic literature, such as book and peer-reviewed journal articles, along with a variation of reports including annual reports, government reports and policy documents. The secondary analysis of these sources was considered suitable for this project, as they offered freely accessible insights into both Irish and international criminal justice agencies, institutions, and policies that would not otherwise be available.

Due to the nature of this research project, an interdisciplinary approach to examining the law and legal instruments and their interaction with broader society was taken. Rather than focusing exclusively on legal instruments and policy documents, this research drew from various social science disciplines in order to offer a more contextual and critical analysis (Harris, 1983). This was considered appropriate due to youth justice systems and policies being influenced by social, cultural and political contexts. As such, research and literature was analysed from various fields, including law, criminology, sociology and psychology in order to provide a broader analysis of the measurement of effectiveness.

2.3 Research Technique

Throughout the literature review, a comparative analysis was carried out. There are many benefits associated with comparative research, namely learning from other jurisdictions (Nelken, 2019). In fact, Muncie and Goldson (2006: 196) have argued that it is no longer necessary to advocate for a comparative approach to understanding youth justice systems, as it is increasingly accepted that no single jurisdiction can be fully understood without consideration of international, sub-national, regional or local forces. The purpose of comparative analysis is not simply to seek out similarities and differences, but to understand the mix of different interventions and approaches (Muncie & Goldson, 2006: 196). However, a common challenge associated with comparative analysis is the tendency to interpret the

experiences of other countries through the perspective of those with which the researcher is most familiar (Muncie & Goldson, 2006). Careful consideration was given to this challenge, and was overcome by giving equal consideration to all jurisdictions mentioned.

2.4 Selection of Jurisdictions

This comparative analysis involved a number of jurisdictions: Ireland, England and Wales, Scotland, Sweden, and the Netherlands. These jurisdictions were chosen as they share similarities in how they identify factors that influence data processes and system measurement. They collect data on various aspects, including service provision, demographics of youth offenders, their circumstances and offence history, case background, intervention decisions, and both individual and programme outcomes (REPPP, 2019). These similarities in data processes and system measurement allowed for an accurate comparison and evaluation of measures of effectiveness across the chosen jurisdictions.

2.5 Selection of Literature and Policy Documents

The selection of literature was guided by a number of criterion, starting initially with the use of a number of key words. The key words used in the research process and selection of the literature were: 'effectiveness', 'youth justice', 'criminal justice', 'models of justice', 'recidivism', 'rehabilitation'. These key words were deemed directly relevant to the topic and also produced papers that provided an insight into the topic. However, these key words produced thousands of articles so determining what was directly relevant was of utmost importance. As such, a very strict and strategic process was followed when deciding whether to include literature in the literature review. While undertaking secondary research, consideration must be given to both the quality and reliability of sources used (Mogalakwe, 2009). Scott's (1990) framework for evaluating the quality of sources was applied when selecting literature, focusing on four key criteria: authenticity, credibility, representativeness and meaning. Following a search using the key words mentioned above, the articles were selected on the following basis: review of the title, if the title was relevant, proceed to read the abstract, if the abstract was relevant, proceed to read the introduction and the main findings, and if deemed relevant, this was then incorporated into the body of the literature review. Preference was given to more recent publications, specifically those published within the last two decades (2004-2024), in order to ensure the literature was both current and relevant. However, older articles were also considered valuable due to the nature of the topic. Where

older articles were used, they were fact-checked to confirm their accuracy. Peer-reviewed articles were given most weight due to their reputability. Although the focus was predominantly on criminal justice literature, literature from other fields, such as sociology and psychology, was also utilised in order to provide a comprehensive analysis and gain insight from a range of perspectives. As a result of this procedure, approximately 100 papers were reviewed and incorporated into the literature review. In a similar manner, the selection of book chapters for inclusion in the literature review was conducted through a systematic approach to ensure a comprehensive analysis of the topic. A clear set of inclusion criteria was established, namely chapters that directly address key concepts of effectiveness in youth justice, contained the key words as outlined above, or provided theoretical insights. The introduction and main discussion sections were also reviewed, and only those that met the inclusion criteria were included. The credibility of the authors and the year of publication was also considered in order to ensure the credibility and relevance of the literature. Approximately 15 book chapter were considered as a result of this inclusion process. Lastly, the Annual Reports of the Committee appointed to monitor the effectiveness of the Diversion Programme were chosen on the basis that they explicitly mention 'effectiveness' in their title, but do not provide a clear definition of such. As a result, they were deemed particularly suitable as the data set for the thematic analysis, offering ample material for exploration.

2.6 Thematic Analysis

An analysis of the concept and measurement of effectiveness was conducted through a thematic analysis. Thematic analysis provides a systematic approach for identifying, analysing and reporting patterns (referred to as themes) across a data set (Braun & Clarke, 2013: 178). The goal of a thematic analysis is to identify themes, which can then be used in reaching the objectives of the given research project (Maguire & Delahunt, 2017: 3353). These themes capture something important about the data in relation to the research objectives, representing a level of patterned meaning within the data set (Braun & Clarke, 2006: 10). Although thematic analysis is most commonly associated with primary research, it can also be highly valuable for the secondary analysis of qualitative data (Noaks and Wincup, 2004). As such, a thematic analysis was conducted on the chosen reports, focusing on five years of the Annual Reports of the Committee appointed to monitor the effectiveness of the Diversion Programme. This was deemed a suitable approach as a type of methodology for the objectives of this study, enabling an analysis of the themes which arose in the literature in relation to the Irish jurisdiction, in

particular the concept of effectiveness associated the Diversion Programme. Howitt (2013) has contended that a thematic analysis has limited power without a clear theoretical framework. However, this was overcome by using the literature to guide and provide a theoretical framework for the thematic analysis. In addition to this, the thematic analysis was carried out in line with Braun and Clarke's (2006) six phase framework, which offers a clear, usable and robust method for carrying out thematic analysis.

2.6.1 Phase 1: Familiarisation

The Annual Reports were carefully read and re-read multiple times in order to gain a thorough overview and comprehensive understanding of the data set. This process allowed for a deeper familiarity with the content, helping to identify initial key patterns, themes, and nuances before beginning the formal analysis.

2.6.2 Phase 2: Coding

This analysis was conducted through coding, which is a process of identifying elements of the data that are relevant to the research question and objectives (Clarke & Braun, 2013: 206), and organising them into meaningful groups (Tuckett, 2005). Braun and Clarke (2006) distinguish between a top-down or theoretical thematic analysis, known as deductive coding, which is driven by theory or existing knowledge, and a bottom-up analysis, known as inductive coding, which is more driven by the data itself. Rather than following an inductive approach and allowing the data to determine codes, a top-down, deductive approach was taken, as the theoretical framework from a review of the existing literature provided a strong indication of the themes that would present themselves in the data, allowing it to guide the coding process. Open coding was used to assign terms to summarise the key claims made within the literature, and these terms were then assigned codes and grouped together in order to identify emerging patterns. For example, a recurring pattern throughout the literature was the frequent association of effectiveness with reductions in reoffending, often without considering the broader context of the young offender's life. This suggested that jurisdictions and organisations may sometimes define effectiveness narrowly in terms of reductions in recidivism, a perspective that was taken into account during the thematic analysis. This process was applied to subsequent codes and themes also, such as rehabilitation, personal development, and diversion. While using this theoretical framework gave an indication of potential codes (Miles et al., 2013), open coding was still utilised throughout the thematic analysis. As such, code were not pre-set (with the

theoretical framework acting as a guide), but developed and modified throughout the coding process (Maguire & Delahunt, 2017: 3355). While this approach provides a less rich description of the data overall, it provides a more detailed analysis of chosen aspects of the data (Braun & Clarke, 2006). This made it suitable for this research, which aimed to provide a more detailed account of a group of themes within the data that related specifically to the measurement of effectiveness.

Additionally, Braun and Clarke (2006) also distinguish between two levels of codes: semantic and latent. A semantic approach involves analysing the explicit content of the data, where the researcher is not looking for anything beyond what has been written (Braun & Clarke, 2006: 84), and no interpretation is required. In contrast, a latent approach involves reading into the subtext and assumptions underlying the data, in order to identify and examine the ideologies that are theorised as shaping the semantic content of the data (Braun & Clarke, 2006: 84), and requires interpretation by the researcher (Boyatzis, 1998). The latter was deemed to be a suitable approach for the Annual Reports as there is no outright definition given to effectiveness, which requires looking at the context it is discussed in and interpreting this in order to provide relevant codes. As such, the development of the codes for this thematic analysis involved interpretative work, and the analysis is not just described but also theorised in Chapter 4.

Coding was carried out manually, with different colour highlighters being used to highlight sections of the text and organise the relevant sentences and phrases into codes which accurately described their content. This was done by entering them into a table in Microsoft Word, no data analytic software was used. Line-by-line coding was carried out, with sentences that captured something in relation to the themes being entered into the table. In order to organise and present the data from the thematic analysis in a structured and systematic way, a coding framework which includes a sample of representative quotes has been drafted. Due to the large number of quotes, a sample of representative quotes has been chosen in order to provide an organised overview of the data. This sample also avoids overlap, as many quotes were the same throughout data set. These quotes capture the codes and core themes. Each quote chosen for inclusion is representative of broader patterns within the data, which ensures that all relevant factors are reflected, even within the reduced sample. By selecting key examples, the coding framework remains clear and focused without repetitive information, striking a balance between thoroughness and clarity. As a result, the coding framework aids in categorising codes

and themes, allowing a more in-depth understanding and analysis, making it easier to draw meaningful insights from the data.

2.6.3 Phase 3: Generating Themes

During this step, patterns were identified and the codes were sorted into potential themes, where all relevant coded data extracts was collated within the identified themes, with consideration given to how the different codes may fit into an overarching theme (Braun & Clarke, 2006: 89). During this process, codes were examined and several codes were found to combine into a single theme. Given the deductive approach to the analysis, the literature provided indications of the preliminary themes, and the codes were organised and structured accordingly. Visual representation in the form of a table on Microsoft Word was used in order to aid in sorting the codes into the relevant themes. While generating themes, there was a focus on ensuring that all themes cohered together in a meaningful way, while still achieving a clear and identifiable distinction between themes (Braun & Clarke, 2006; Maguire & Delahunt, 2017: 3358). For example, several codes related to the desire for reductions in reoffending, which were collated into the theme 'Recidivism'. Similarly, a number of codes related to the welfare and rehabilitation of children, which combined well under the theme 'Social Integration Measures'. Codes relating to the development of the child were collated into the theme 'Personal Development: Education and Employment', with those relating to reduced contact with the formal criminal justice system and restorative justice falling under the theme 'Diversion'. Each theme aimed to capture something significant in relation to the research objectives (Maguire & Delahunt, 2017: 3356). Themes were characterised by their significance (Maguire & Delahunt, 2017: 3356), with codes that were too vague or irrelevant to be collated into a theme being discarded. However, the relevance of a theme was not dependant on a quantifiable measure, but rather in terms of whether it captured an important element in relation to the research objectives (Braun & Clarke, 2006).

2.6.4 Phase 4: Reviewing Themes

Initial themes were reviewed, modified and developed during this step. While reviewing the themes, consideration was given to the relevance of each theme, and how each theme interacted with the entire data set in order to determine their suitability. Consideration was also given to what they contributed in terms of achieving the research objectives (Braun & Clarke, 2006). A number of questions as provided by Maguire and Delahunt (2017: 3358) were also considered

throughout this process: Do the themes make sense, does the data support the themes, is there too much in any given theme, if there is overlap between themes are they still separate themes, are there other themes within the data. By considering these questions, it was possible to establish whether each theme was supported by the data. To ensure that the themes accurately represented the data, the reports were revisited and the identified themes were compared against the Reports. This process helped confirm that no significant information was overlooked, that the themes comprehensively captured the data, and allowed for any necessary adjustments to improve the alignment between the themes and the data set. In addition to this, there was also a focus on ensuring that the interpretations of the data were consistent with the theoretical framework as set out by the literature.

2.6.5 Phase 5: Defining and Renaming Themes

While researcher judgment is necessary to determine what a theme is, it is also required for deciding the precise definition and name given to themes (Braun & Clarke, 2006: 10). As Starks and Trinidad (2007) have observed, during the course of a thematic analysis, the researcher becomes the instrument for analysis, making judgments surrounding coding, theming, decontextualising and recontextualising the data. Once a final list of themes was decided, they were given a succinct and easily understandable name. They were also defined in a manner that captured the essence (Braun & Clarke, 2006: 92) of each theme. Consideration was given to how each theme related to the other, ensuring that overall, the themes provided a clear understanding of how each theme assisted in interpreting the data. At the end of this phase, the chosen themes provided the most insight into the data for the purposes of this research project, and allowed for an extensive discussion surrounding the perceived indicators of effectiveness through the literature.

2.6.6 Phase 6: Writing Up

The findings of the thematic analysis are set out in Chapter 3 of this research project. This section addresses each theme in turn, setting out the codes and themes that arose and their meaning, including examples and quotes from the data as evidence. The aim of this findings section is to present the data in a concise, logical, non-repetitive, and interesting manner, within and across the relevant themes (Braun & Clarke, 2006: 23). This has been done by providing sufficient evidence of the themes within the data through an analytical discussion. A more in-depth and theoretical discussion and analysis of these themes is conducted in Chapter 4, where

the codes and themes identified within the thematic analysis are integrated into the discussion. This chapter not only elaborates on the themes but also situates them within the broader theoretical framework established by the literature. This enables a deeper understanding of the findings, aswell as highlighting gaps and areas for further exploration. As Nowell et al. (2017) have noted, interweaving literature with the findings constructs a compelling and meaning account of the research area. It is also valuable in that literature can be used to confirm the findings and provide an opportunity to challenge and add to the literature (Tuckett, 2005).

2.7 Ethical Issues

Due to the secondary nature of this research project, no ethical approval was necessary.

2.8 Limitations and Future Research

While secondary research was deemed the most suitable method of data collection for this research project, it must be acknowledged that it is limited due to its reliance on existing data which may not fill existing gaps in this area or provide the most up to date information. It is acknowledged that primary research may provide a deeper insight into the area, although this was not feasible for this time limited study due to the time-consuming nature of primary research and the necessity of ethical approval. Additionally, due to the fact that this research project is a dissertation in partial fulfilment of the requirements for a master's degree, there were significant time and word count limitations. As such, with regards to the thematic analysis, an analysis of five reports, which covers five years, was sufficient to illicit any patterns or themes that might arise over that period. While beyond the scope of this research, in order to provide a more comprehensive analysis of the use of effectiveness, a thematic analysis could be undertaken over a 20-year period in order to explore whether the idea of effectiveness has changed over the last two decades. Future research could also carry out a thematic analysis on policy documents and reports from a number of jurisdictions. In addition to this, future research could build on these findings by incorporating primary, qualitative data collection in order to explore the areas and gaps in the research where the existing literature is limited and outdated, perhaps in speaking directly to those who are involved in the youth justice system such as practitioners and young offenders themselves. This would build on the findings of the present research in order to create a broader knowledge of the definition of effectiveness in relation to youth justice.

2.9 Conclusion

The ultimate goal of this research project is to gain an understanding surrounding the meaning of effectiveness in relation to youth justice. The data was analysed accordingly. Throughout the analysis involved in this research project, it became evident that the process is not linear but rather recursive, requiring movement back and forth between phases as needed, and evolving over time (Ely et al., 1997). Nonetheless, research was carried out in a strategic and systematic manner, where an extensive review of the literature was undertaken, along with a thematic analysis based on the theoretical framework provided by the literature. The use of desk-based research allowed for an extensive analysis of the topic by drawing upon and combining existing research. This has revealed that, in reality, the concept of effectiveness is deeply intertwined with ideology and culture, making it a broad and often ambiguous term. This was displayed from a number of themes that presented themselves during analysis of both the data and literature. Despite its repeated use in youth justice literature and policy, the precise definition of 'effective' remains elusive, with its meaning shifting depending on the perspective from which it is viewed. Overall, this research project has highlighted the challenges associated with evaluating and defining effectiveness within the context of youth justice, indicating that without a clearer, more standardised definition, its use in policy and practice will continue to be elusive and open to interpretation, risking inconsistency in its use and application.

Chapter 3: Key Findings

This chapter will utilise the themes identified in the literature as a means to present findings from the thematic analysis conducted on the Annual Reports of the Committee appointed to monitor the effectiveness of the Diversion Programme. The chapter will commence with a brief introduction to the policy documents, highlighting their importance from a legislative perspective. The chapter will then critically outline how the core themes around effectiveness as outlined in the literature, namely recidivism, social integration measures, personal development, and diversion, were discussed in the policy documents. The aim of this chapter is to present the findings and their relationship to the literature (state-of-the-art) in a clear and concise manner prior to engaging in a critical discussion of the findings, in relation to the theoretical literature, in Chapter 4.

3.1 Effectiveness: The Irish Context

In Ireland, the Children Act 2001 is the primary piece of legislation for strategic crime prevention initiatives carried out by various government departments and service agencies (Convery & Seymour, 2016; Sargent, 2014). The Act provides for a child-centred youth justice system, which focuses on the rehabilitation of young offenders and their diversion from crime and the criminal justice system, along with holding young offenders accountable for their actions. (IYJS, 2006). In line with this, the Department of Public Expenditure and Reform Annual Report 2021 (Department of Public Expenditure and Reform, 2021) places an emphasis on the design and delivery of efficient and effective services across government departments and service agencies. This focus has led to a commitment to implementing policies related to children that are both effective and evidence-based (DCEDIY, 2023: 8). There has also been a commitment to enhancing the effectiveness and responsiveness of services for children and youth, within a framework that upholds and enforces high standards of accountability and good governance (DCYA, 2017).[4] Additionally, the national policy framework for children and youth: Better Outcomes, Brighter Futures (DCEDIY, 2019), specifies that services for children and young people must be outcome-driven, evidence-based, and effective. In line with this, the Department of Children and Youth Affairs have emphasised the importance of finding systematic ways to measure effectiveness in children and youth services (DCYA, 2017). As a

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[4] The Department of Children and Youth Affairs is now known as the Department of Children, Equality, Disability, Integration and Youth as effective from the enactment of S.I. No. 437/2020 Children and Youth Affairs (Alteration of Name of Department and Title of Minister) Order 2020.

result, government departments and service providers regularly publish research and practice reports, statistical updates, and annual reports on both agency and department websites (REPPP, 2022).

3.2 The Garda Youth Diversion Programme

Despite these various policies emphasising the importance of effectiveness in services for children and youth, the concept remains elusive and insufficiently defined, particularly within the context of the Garda Youth Diversion Programme which is one of Ireland's main interventions in dealing with young offenders. Section 44 of the Children Act 2001 provides that a committee be appointed to monitor the effectiveness of the Garda Youth Diversion Programme.[5] One of the terms of reference of the Committee is to 'monitor the effectiveness of the Diversion Programme' (GYDB, 2020), with one of the Committee's tasks being to 'put in place methodologies for the evaluation and measurement of the Programme's effectiveness' (GYDB, 2021). What remains unclear however, is what 'effective' means, as a definition of effectiveness is lacking from the policy documents. As such, a thematic analysis has been conducted in order to explore what constitutes effectiveness of the Diversion Programme, which will subsequently be utilised in order to examine its meaning in relation to the existing literature in the area.

3.3 Themes

3.3.1 Theme 1: Recidivism

While Ireland does not measure recidivism outright, it appears that it is considered as a key indicator of the effectiveness of the Garda Youth Diversion Programme (GYDP). This has been reflected in the codes 'crime prevention', 'reoffending' and 'desistance'. An analysis of the Reports reveals that an aim of the GYDP is to prevent young offenders from further offending and subsequently entering into the formal criminal justice system. Desistance and recidivism are framed as key concerns, with the GYDP identified as a "*vital crime prevention tool*" (2019) and "*crime prevention initiative*" (2020) that is a "*key element in supporting An Garda Síochána in diverting young people away from further offending*" (2019) and break the cycle of crime. While this does link in with diversion from the criminal justice system, it reveals how

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[5] The Committee's Annual Reports detail programme developments, identify any resources required for improvements, and statistical information with a focus on youth crime, referrals to the Diversion Programme and restorative interventions.

a reduction in reoffending is at the forefront of what is perceived to be 'effective'. The role of the Monitoring Committee is also highlighted in terms of providing support to the GYDP "*by identifying areas for improvement, making recommendations and monitoring implementation of those recommendations to foster the Programme's effectiveness in diverting children and young people from crime*" (2022). Restorative justice is also utilised because of its association with "*a reduced risk of reoffending*" (2021). An analysis of the Reports reveals that the GYDP's efforts to reduce recidivism are multifaceted, involving a combination of early intervention, monitoring and restorative practices and cautions.

3.3.2 Theme 2: Social Integration Measures

The latter years of the Reports analysed (2020, 2021 and 2022) acknowledge the Youth Justice Strategy 2021-2027 published by the Irish government which commits to developing a youth justice system that is underpinned by international children's rights principles. The Strategy's explicit commitment to ensuring compliance with the United Nations Convention on the Rights of the Child (UNCRC) is notable (Forde & Swirak, 2023). While evident throughout all Reports analysed, a clearer commitment to the welfare of the child is seen in the 2020, 2021 and 2022 Reports, with the protection, wellbeing and safety of the child being put forward as an indication of effectiveness. This commitment has been reflected in the codes 'rehabilitation' and 'welfare'. Throughout the Reports, the involvement of multidisciplinary teams is emphasised, as staff from GYDP work closely with JLOs, care workers, doctors, psychologists and social workers to rehabilitate young offenders, which is consistently highlighted as a key outcome. This multidisciplinary approach provides a collaborative framework whereby "*reintegrating the child back into the community becomes the primary focus*" (2019). Rehabilitation is also framed around engaging with young people to help them in addressing their behaviour, along with providing them with the tools and support needed to "*assist them in making positive choices*" (2019). The Committee refers to the Diversion Programme as a "*unique opportunity to An Garda Síochána*" (2021) to "*work with children, young people and their families in their communities, taking a strengths-based approach to support positive change, enabling them to reach their full potential and improve their long-term outcomes*" (2022).

3.3.3 Theme 3: Personal Development: Education and Employment

A number of Reports highlight the importance of a focus on providing tailored interventions that foster individual growth and development, while addressing the needs of young people. This has been reflected in the codes 'interventions' and 'better outcomes for offenders'. The Reports specifically emphasise the importance of examining data in order "*to identify interventions needed*" (2019) in order to provide interventions that address the unique challenges faced by young people. This includes helping "*young people who are long term early school leavers*" (2020) or at risk of disengaging from education. Key aspects of personal development highlighted in the Reports include an "*increase in social skills*" (2020) and "*improved communication skills*" (2020), with an increase in these areas being noted as positive outcomes associated with the GYDP. The "*identification of personal goals*" (2020) is also a key focus, encouraging young people to define their own paths forward and pursue achievable goals. A return "*to education*" (2020) was deemed important in promoting long-term personal and professional growth for young people, along with "*improving employability prospects*" (2020) by providing "*training aimed at employability readiness*" (2020). Through these targeted interventions, the GYDP aims to equip young people with the skills and opportunities necessary for a positive future free from crime.

3.3.4 Theme 4: Diversion

Throughout the Reports, the GYDP is consistently highlighted as a tool in preventing youth from entering into or remaining in the formal criminal justice system. This has been reflected in the codes 'maximum diversion from the formal criminal justice system', 'reduced contact with the criminal justice system', 'referrals' and 'restorative justice'. The ongoing "*commitment to youth diversion*" (2018) from the justice system is evidently an aim of the GYDP. Another main focus in relation to the effectiveness of the GYDP is the number of referrals, with a focus on the "*timely progression and processing of youth referrals*" (2020), with referral data being used to "*assess trends in youth needs*" (2018). In addition to this, the number of annual referrals and children deemed suitable for admission are considered key performance indicators. In subsequent years, there has also been a focus on restorative interventions. The GYDP is "*complimented by a restorative framework*" (2019) which is associated with "*better outcomes for offenders*" (2020) as it "*creates an opportunity for the offenders to repair the harm caused*" (2018). As such, restorative justice has become embedded

in the GYDP as a means of "*diverting children from crime and the criminal justice system*" (2021).

3.4 Conclusion

Overall, it appears that the main focus of the reports on the effectiveness of the Diversion Programme is the number of referrals. This is problematic in itself as it does not focus on the outcomes of those who are referred to the Programme, but simply a statistic on how many have been referred and how many were deemed unsuitable for the Programme. While desistance and a reduction in reoffending appears to be the main desired outcome, this is not measured, or at least not reported in the Annual Reports. Hamilton (2016) has noted that the drafters of the Children Act 2001 were displaying a preference for informalism, which has been identified as a fundamental aspect of Irish criminal justice policy. It is possible that this informalism has translated into how effectiveness is measured and defined in Ireland. As a result, we are still left with an unanswered question as to how the effectiveness of the Diversion Programme is measured.

Chapter 4: Discussion

This chapter discusses how the findings outlined in the previous chapter interact with the existing literature in the area. It will explore how the concept of effectiveness, which is central to youth justice policy documents, remains elusive in terms of its exact application, aims and objectives, results and impacts. By critically engaging with both the data and the literature, this chapter aims to highlight tensions and gaps in understanding effectiveness within the youth justice system. These gaps form the basis for the recommendations which will be set out in the final chapter, where a potential way for improving and streamlining the understanding of effectiveness in youth justice policy and practice will be proposed.

4.1 Effectiveness: A Complex and Context-Dependent Concept

Understandably, effectiveness serves as the basic goal of any system, including youth justice systems (Peters et al., 2018). However, defining and measuring effectiveness within this context is not a simple task (Suominen, 2014: 395). The challenge arises from the fact that the youth justice system in any given jurisdiction is an attempt to reconcile opposing principles[6] and accommodate the existing tension between these principles, making the effectiveness of such systems a topic of ongoing debate (Smith, 2005). Due to the diverse range of goals inherent in youth justice policies, evaluations of these policies should take these varying objectives into account (Mears et al., 2010: 538). As a result, effectiveness is defined and measured through a variety of methods and indicators, depending on which principles and objectives are prioritised. These differences reflect the legal traditions, policy priorities, ideologies and social contexts of each jurisdiction (Smith, 2005: 182). For example, a welfare based society might measure effectiveness and a young person's broad social needs being met with the result of desistance and an end result where the young person becomes a 'productive part of society'. On the other hand, a more punitive society might see effectiveness as proportionately punishing young people with a view to deterring them from offending and other onlookers from offending into the future. A restorative society might see success as ensuring that young people restore harm to the victim, whether individual or larger society. Finally, a risk-based society might perceive effectiveness and protecting the public from risky individuals through targeting criminogenic needs and thus reducing offending, or where this fails incapacitating them through long-term segregation or other technological means such as

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[6] Within this context, principles refer to the models of justice as set out above.

tagging/movement orders. As can be seen from the findings in the previous chapter, the Diversion Programme lies somewhere between the welfare and restorative viewpoints. This highlights the complex and nuanced nature of 'effectiveness' and its strong links to social ideological and models of justice adopted as a social norm within a society.

Effectiveness seems to be the ultimate objective in criminal law (Melander, 2014: 275), yet a significant limitation in the pursuit of 'effectiveness' is the lack of consensus on what the concept entails (Cunneen & Luke, 2007: 197). This is particularly obvious in the context of the Annual Reports of the Committee appointed to monitor the effectiveness of the Diversion Programme. The International Juvenile Justice Observatory argues that to be truly effective, responses should encompass a broad scope, addressing not only minor offences and offenders but also serious, violent, and persistent ones (REVIJ, 2013). Similarly, Dammer and Albanese (2014: 292) contend that the most effective programmes typically integrate components that target both individual risk factors and environmental conditions. A number of alternative interpretations and measures of effectiveness exist, most of which focus on behavioural change and crime reduction, with some focusing on development of the child and rehabilitation. However, in several jurisdictions, the measurement of effectiveness appears to be overly simplistic and one-dimensional. At times, the stated public goals of a youth justice system can set the standard and determine the criteria by which the effectiveness of the system is assessed (Feeley, 1973), resulting in narrow interpretations of effectiveness. Under this approach, system effectiveness can be understood as the operational success in meeting strategic policy objectives (REPPP, 2019), leading to a limited view of effectiveness. As Smith (2005: 182) has observed, it is important to differentiate between the effectiveness of a specific intervention with selected youths and the overall effectiveness of the youth justice system, particularly when the primary focus is on behavioural change and crime reduction. Often, evaluations focus narrowly on specific interventions or programmes rather than considering the youth justice system as a whole. This narrow focus can limit the usefulness of impact evaluations, as they may overlook broader systemic issues and the interactions between various components of the system (Mears et al., 2010).

The manner in which the chosen indicator of effectiveness is measured is also a complex and multi-faceted issue. As Geisler (2000: 35) has pointed out, fields in the social sciences, such as criminology, examine processes and other complex phenomenon that are difficult to understand, let alone measure. While quantitative measures are commonly used, there is a

growing recognition that employing a mix of both quantitative and qualitative measures provides a more comprehensive assessment (Merrington & Stanley, 2013). This is particularly important given that the lived experiences of young offenders often differ significantly from the reported effectiveness of interventions, highlighting the need for qualitative insights (Smith, 2005). Additionally, Petrosino and Lavenberg (2007: 2) argue that determining what is effective requires data from outcome evaluations that assess the impact of interventions on crime-related outcomes measure. Youth justice systems, and their policies, may be considered effective in the sense that they address particular needs and goals (Mears et al., 2010). However, in the absence of empirical research as to whether a specific problem exists and whether existing policies and practice can effectively address it, considering whether a particular policy or intervention (or even a youth justice system as a whole) is effective can be extremely difficult (Rossi et al., 2004: 102). If a policy or system's sole aim is to reduce recidivism, this approach presents minimal issues in terms of measuring effectiveness. However, if it seeks to achieve more complex objectives such as accountability, rehabilitation or personal development (Snyder & Sickmund, 2006: 98), effectiveness becomes much more difficult to measure. Where a one-dimensional measure of effectiveness, this may undermine other essential features or measures which are crucial in understanding the role interventions can have in achieving a successful youth justice system. Focusing solely on one measure of effectiveness can also leave crucial questions unexamined (Stout et al., 2017). For example, the main focus for the indication of effectiveness in the Annual Reports of the Committee appointed to monitor the effectiveness of the Diversion Programme is the number of referrals. However, a focus on this measure fails to acknowledge the importance of other factors, such as outcomes as a result of participation in the Diversion Programme. As such, the measurement of effectiveness in youth justice systems requires a nuanced approach that goes beyond simple metrics. It must consider the diverse goals of youth justice policies, the complex social contexts in which these policies are implemented, and the varying definitions of effectiveness across jurisdictions.

4.2 Variations of Effectiveness

The assertion of 'nothing works' has been disproven, with many youth violence interventions being considered 'effective' (Dammer & Albanese, 2014: 292). The problem of youth offending is similar in each jurisdiction (Dammer & Albanese, 2014: 285), but unfortunately, it is not as simple as dividing the youth justice field into 'what works' and 'what does not work'

(Butts et al., 2023). As Crawford and Jones (1996) have noted, attempts to replicate effective policies from one jurisdiction to others have largely failed due to a disregard for the dynamic processes and interactions involved in change. This could also stem from a disregard, or lack of awareness, that the concept of 'effectiveness' varies across jurisdictions. What one jurisdiction considers to be effective, another jurisdiction may not. While there are commonalities in how different jurisdictions measure the effectiveness of their youth justice system, distinctions will be seen where each jurisdictions tailors its measure in order to fit its chosen model(s) of justice, and specific legal, social, and cultural context. There is often a focus on the model of justice implemented by jurisdiction, with the principal measure by which effectiveness is determined not being emphasised as frequently (Bateman, 2017). However, the effectiveness of youth justice systems is predominantly assessed through a number of variations such as recidivism, social integration, personal development, education, employment and diversion, which must be explored.

4.3 Themes

4.3.1. Recidivism

Recidivism is a popular way of measuring the effectiveness of various criminal justice interventions, with re-offending providing a simplistic overall performance indicator for criminal justice systems (Cunneen & Luke, 2007: 197). As a whole, there has been a significant growth in the use of recidivism as a measure of effectiveness in relation to criminal justice interventions (Cunneen & Luke, 2007). This can be seen as a focus in the Diversion Programme Annual Reports. While this may provide a direct and straightforward way of measuring effectiveness, and its importance cannot be denied, its limitations and the number of other factors which may impact occurrences of re-offending must be acknowledged. The appeal of recidivism as a measure of effectiveness is rooted in its transparency and relatively universal nature across criminal justice systems, making it a common benchmark across different justice systems. Moreover, recidivism has links to a more punitive paradigm and justice approach where proportionate punishment aimed at primary and secondary deterrence from further offending plays a central role. However, while criminal law is best recognised for its capacity to deliver punishments, and the good qualities of the criminal justice system are typically elaborated in punishment and deterrence theories, society has no use for institutions that produce no benefit in terms of societal development and the quality of life (Melander, 2014: 275). As such, the Diversion Programme Annual Reports frame reductions in reoffending as

beneficial not only for society, but for young offenders also in that they will live a more positive life free from crime.

In terms of its accessibility of data carried out through well-designed quantitative research (Cunneen & Luke, 2007: 198), recidivism is much more attractive and straightforward for policy makers when compared to measures such as improvement of the mental health, change in outlook of young offenders, and/or education or community engagement. Unfortunately, it is not always feasible to find out the extent to which young offenders have improved their overall lifestyle or other factors which may impact their likelihood to reoffend nor is it necessary under this definition of effectiveness. Additionally, recidivism is often measured over very short timeframes, resulting in limited data with little opportunities for comparison and this further escalates its limitations (Cunneen & Luke, 2007). While the use of recidivism as an indicator for the effectiveness of criminal justice measures and systems is convenient in that it does not require time consuming or in-depth investigation, it can overshadow the complexity of criminal behaviour and the multifaceted nature of effective interventions, along with overlooking other factors that have a significant impact on long-term desistance from crime. While the use of recidivism as a measure of effectiveness is not a new concept, it is possible that it is beginning to outweigh all other measures of effectiveness when considering the impact of criminal justice policies, programs and interventions (Cunneen & Luke, 2007: 198). Some jurisdictions, including England and Wales and Canada, hold reductions in re-offending as a primary measure of effectiveness, with many jurisdictions, including Australia and New Zealand, identifying recidivism as the only overall performance indicator. Fortunately however, it is not the main measure of effectiveness of the Diversion Programme, or of the Irish youth justice system overall. Although the importance of measuring re-offending cannot be ignored, it should not act as a substitute for all other measures (Cunneen & Luke, 2007: 199). Stout et al. (2017) have noted that research that focuses on short-term reoffending rates continues to have the most impact due to the fact that youth justice systems aim to show that they are both addressing the offending behaviour of young people and adequately protecting the public. However, this is not necessarily the most accurate or important data. Unfortunately, there is less consideration given to the possible limitations to using this measure.

A sole focus on recidivism demonstrates a lack of priority to other factors that have the potential to impact offenders in the long term. An additional layer of complexity arises from the fact that reoffending data is only meaningful if it compares similar cases. As a starting

point, it is essential that the definition of re-offending is agreed upon, and what exactly is being measured, along with what conclusions can be drawn from the results (Cunneen & Luke, 2007: 197). The reliance on recidivism is further complicated by the variability in how it is defined and measured across jurisdictions. In some jurisdictions, recidivism is measured as a police arrest (Marshall, 2006) or police caution, with some considering recidivism as a referral to court or a youth conference (Hayes & Daly, 2004). Recidivism can also be measured by a court appearance (Chen et al., 2005; Vignaendra & Fitzgerald, 2006). This can lead to inconsistencies in what is being measured and the conclusions drawn from the data, with the lack of a standardised definition complicating comparisons and the overall assessment of intervention effectiveness. Overall, the commonly accepted definition of recidivism, and thus the primary measure of effectiveness, can be seen as the reduction in illegal behaviour, including arrests, convictions, and related actions (Palmer, 1983). However, young people vary in their likelihood of continuing criminal behaviour, with the risk of reoffending influenced by numerous complex variables, such as the nature of the initial offence, the child's prior history, age, gender, and more (Bateman, 2010). Additionally, it is not a given that any reduction in recidivism is a direct consequence of a specific youth justice intervention. The Annual Reports in relation to the Diversion Programme acknowledge this, giving weight to the fact that young offenders often grow out of criminal offending. To argue otherwise is to fall into the logical error of 'affirming the consequent' (Hope, 2008). As Bateman (2010) has noted, any decrease may stem from shifts in the underlying rate of youth crime, coupled with a possible significant change in the demographic of children processed by the youth justice system. For example, evidence shows engagement in delinquent behaviour generally decreases as juveniles near adulthood (Barberet et al., 2004). The fact that a specific group of young offenders have either refrained from offending or continued to offend in the few months following an intervention may reveal very little about whether the young person is on the path to desistance and how soon they might embrace an offence-free identity (Stout et al., 2017).

In England & Wales, reoffending has increasingly become the primary measure of effectiveness (Bateman, 2017), with the Youth Justice Board focusing on reducing youth recidivism as one of its four key performance indicators.[7] Reassuringly however, the government has acknowledged the limitations to using this measure of effectiveness in its

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[7] The Crime and Disorder Act 1998 established that the primary goal of the English and Welsh youth justice system should be prevention of youth offending, with the Criminal Justice and Immigration Act 2008 affirming that this aim encompasses the prevention of reoffending also.

entirety, recognising that reconviction rates alone were an insufficient measure due to their failure to account for the number of further offences committed or the nature of these offences (REPPP, 2019). As a result, two additional metrics, the frequency of further offending and the number of serious reoffences, were introduced, along with the term 'reoffending within one year' to reflect that the analysis included offences committed within the relevant 12-month period, even if the disposal occurred later (Bateman, 2017). While this is an improvement, a 12-month period is also extremely limited and does not provide any insight into long term desistance from offending. Additionally, the primary limitation of recidivism data is also highlighted by Ogunbor and Robb (2009), in that it offers limited insight into the actual patterns of youth reoffending since not all criminal offences are reported to the police. Similarly, while Sweden is best known for its rehabilitation focused approach to youth justice, reforms were introduced in 2007 which aimed to create a system of state responses to youth offending designed to reduce recidivism while also reducing the use of fines and prison sentences (Persson, 2017: 105). These measures were intended to enhance transparency, a quality the system had previously been criticised for lacking, and to facilitate the measurement of the system's effectiveness (Lappi-Seppala, 2015). There is a subtle undertone of the punitive model evident here, with the increased transparency being linked to the ability to present a reduction in reoffending to the public, thereby portraying the youth justice system as 'effective'. While not the sole measure of effectiveness in the Netherlands, recidivism is one of the primary indicators used to assess such. The Dutch system uses a recidivism monitor which is published bi-annually and uses standardized measurements of recidivism across offender groups in order to offer the Ministry of Security and Justice an overview of criminal justice intervention and youth interaction with the criminal justice system (Wartna et al., 2011: 7).

However, there has been an acknowledgement that recidivism may not be the best way of judging system effectiveness, due to the fact that youth justice programmes and interventions may only be partially responsible for any reduction in reoffending (REPPP, 2019). Similarly, while Ireland's main measure of effectiveness is the success of their diversion programme, recidivism is also highlighted as a measure of system effectiveness at times, with Irish youth justice policy supporting the development of execution of comprehensive, integrated strategies aimed at preventing youth crime and offending (IYJS, 2014). However, as was found from the analysis of the Annual Reports on the Diversion Programme, there is no clear definition given to effectiveness, which leaves its success open to interpretation. Similarly, in the Scottish youth

justice system, there is a requirement to minimise contact with the formal criminal justice system in order to reduce likelihood of recidivism (CYCJ, 2017; McAra & McVie, 2007). It is clear that recidivism alone is an insufficient measure of system effectiveness, particularly if it is judged with reference to proportionate punishment to deter offending/future offending. Rather, if recidivism is a factor it should only be one measurement, whereby, it should be measured according to various other external factors that influence reoffending rates, such as the young offender's environment, educational and employment prospects. A clearer picture of where recidivism sits in the effectiveness definition is required.

4.3.2 Social Integration Measures

Due to the dominance of recidivism as a measure of effectiveness, the use of criminal justice interventions such as social integration measures and rehabilitation risk being overlooked. However, a youth justice intervention or system may be considered effective if its results in a number of social integration measures, such as the improvement of the health and wellbeing of young offenders, along with enhancements in their life and employment skills, and positive feedback from their respective families and communities (Cunneen & Luke, 2007: 201). This is steeped in welfarism and emerged as a key indicator of the effectiveness of the Diversion Programme throughout the thematic analysis. However, evaluating the diversity of these social integration outcomes necessitates considering a range of qualitative data beyond recidivism statistics alone (Cunneen & Luke, 2007: 201), which is not always convenient to do. As a result, while the interventions and programmes that aim towards social integration can be clearly identified, the measuring of their success and effectiveness is not as easily done.

The Swedish youth justice system prioritises social integration, with the social welfare board being required to intervene in order to support the future social development and reintegration of young offenders (Lappi-Seppala, 2015). Additionally, those in Special Youth Homes in Sweden receive various types of therapies and methods of treatment in order to support their rehabilitation (Shannon, 2011). Sweden exemplifies a welfare-based approach, with an obvious emphasis on rehabilitation and community-based interventions over custodial sentences. Reintegration back into the community is also supported by Scotland's Whole System Approach (Murray et al., 2015), which provides court supports and aids in enhancing transitions back into the community. In Ireland, where a youth has been through a period of

detention,[8] justice agencies are tasked with preparing young offenders for re-entry into society through a number of focus intervention and development programmes (IYJS, 2014). In alignment with the Scottish approach, social integration is also promoted through a community-based approach, with the Irish system recognising the importance of family support and community involvement for effective reintegration and a positive future of young people (Convery & Seymour, 2016), with interventions coordinated and implemented by a range of criminal justice, welfare, and community-based agencies (Sargent, 2014). This is evident throughout the Annual Reports of the Committee appointed to monitor the effectiveness of the Diversion Programme. Rehabilitation is also at the forefront of these Annual Reports, as it is in the Netherlands, where social integration is facilitated through tailored interventions such as social skills training and anger management, which forms critical components of the Dutch youth justice framework in order to aid in a smoother transition back into society (REPPP, 2019). While social integration is also facilitated through risk-based intervention in England and Wales, there is ongoing debate about the suitability of such risk-based interventions (Haines & Case, 2018) due to their narrow focus on reducing reoffending rather than the rehabilitation of the child.

While social integration and behavioural change are central to the youth justice strategies in the above-mentioned jurisdictions, this is not always the main measure of effectiveness due to the difficulty in doing so. Rehabilitation, as with recidivism, is not clearly defined in policy documents and there is an assumption upon its meaning. As a whole, it is presumed that society benefits when offenders are dealt with in a manner that reduces their offending, with rehabilitating offenders contributing to the general good (Raynor & Robinson, 2009: 8). This is true in relation to the Diversion Programme Annual Reports, whereby rehabilitation and social integration are at the forefront, but there are no statistics or measures of success presented. By and large rehabilitation is linked with returning a person to a state of good, by rebuilding them into a good citizen. However, what does this mean? It appears that the aim of rehabilitation is not to help a young offender for their own benefit, but to help them gain competence, character and usefulness that is in alignment with state objectives (Garland, 1985). This is where the distinction between a good citizen and not the deeper, and possibly more important, goal of becoming a good person can be seen (Raynor & Robinson, 2009: 6). Again,

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[8] In Ireland, the Children Act 2001 requires that detention of young offenders should only be used as a last resort and reserved for the most serious offences.

this highlights the narrow definition and aim that is often given to rehabilitation. This comes from a position where there is an assumption that a person was 'good' at one point and lost their way, and that they mut be saved (Raynor & Robinson, 2005). Moreover, it assumes that there is an objective type of 'good citizen' that they can return to, which is generally in line with state goals (Raynor & Robinson, 2009). This is problematic in itself as it fails to acknowledge various cultural, economic and social factors which may impact an offender. These ideas are steeped in Rousseau's romanticism scholarly writings, which emphasises the inherent goodness in the natural state of individuals (Cooper, 2010), particularly the natural goodness in children which could be corrupted by adults. However, while rehabilitation may be based on these theoretical underpinnings, it is possible that the focus on the natural state of youths has been lost along the way. Rousseau's perspective advocates for an approach which aligns with the individual's natural goodness rather than state-imposed ideals which rehabilitation focuses on. This idea of care is also linked to the Victorian ideal child framework, where societal efforts predominantly focused on rescuing and reforming delinquent children to fit a particular moral and social ideal (May, 1973). The aim of interventions was the creation of a child who fit the middle-class ideal – raised in a nuclear family, who was god-fearing, obedient and met social norm expectations (Rowbotham & Stevenson, 2003). However, efforts were made to mold children into this ideal, often at the expense of ignoring diverse backgrounds and needs. These ideas therefore link in the with American model of corrections (DeLisi & Conis, 2013) whereby the system is designed to correct wayward individuals. If this is the ideological position that systems take, and most do as is evident from their policy documents, measuring through recidivism as outlined above is problematic. Rather, by adopting a rehabilitation or correctional model, effectiveness can only be measured by whether a person has reverted to being 'good' and is now a fully contributing member of society who is engaged in positive community activities. As outlined above, these qualitative measures can be difficult to grasp and thus recidivism becomes an easier policy measurement.

4.3.3 Personal Development: Education and Employment

Disengagement from education is a factor strongly associated with the progression from short-term offending to long-term offending (Macdonald et al., 2011). This has been acknowledged in the Diversion Programme Annual Reports, with an evident focus on promoting education. This connection can be understood partially through the lens of social learning theory. Social learning theory suggests that individuals learn behaviours, including criminal behaviours,

through their interactions with others in their environment (Pratt et al., 2010). A lack of engagement in education, and subsequently employment, can lead young people to associate more with delinquent peers, thereby increasing their chances of offending (Akers, 2017). Therefore, participation in education programmes can provide exposure to positive influences and therefore aid in desistance, with many young offenders often found to have disengaged with education (Knight, 2014). Furthermore, this viewpoint also has foundations in both Merton and Agnew's general strain theory, which contends that those who experience a gap between their goals (such as education or career success) and their means to achieve them may turn to crime as an alternative path (Froggio, 2007). Therefore, interventions that protect educational progress can reduce this strain by providing legitimate means in achieving personal and social goals, and are therefore most likely to aid in leading to long-term desistance. Stout et al. (2017) contends that whether or not a young person is established in education is an important indicator in their progress towards a positive future.

Young offenders in Sweden are provided with education while in Special Youth Homes, with both Sweden and the Netherlands explicitly measuring outcomes related to education and employment as part of their youth justice strategies (Kronberga & Sīle, 2015; REPPP, 2019). The Dutch system provides educational interventions tailored to the developmental needs of young offenders (Kronberga & Sīle, 2015). This is mirrored in Ireland, where justice agencies provide personal development and education programmes aimed at improving behaviour, reflecting the belief that education has the potential to provide a foundation for a life free from crime. The Diversion Programme is no different, with Annual Reports highlighting the importance of personal development goals for youths. Similarly, the Scottish system requirement that interventions with young offenders should have developmental and educational aspects (CYCJ, 2017) highlights the system's recognition that education and self-development are important in supporting long-term rehabilitation and reducing offending. Again, strong welfarism can be seen here with a focus on education, employment and training, which are recognised as crucial for the development and long-term success (and desistance) of young offenders. This approach has longstanding rehabilitative and correctional foundations and fits within the discussion above around rebuilding a good citizen. The work of Mary Carpenter is also significant here. Carpenter emphasised the importance of moral and intellectual development, which aligns with educational psychology theories that suggest that educational progress and intellectual growth is crucial for long-term desistance from crime (Selleck, 1985). Education and the development of the young offenders is seen to be a better

performance indicator of the youth justice system rather than purely recidivism rates, giving a better insight into how the youth justice system is positively (if at all) impacting the lives of those who come into contact with it.

4.3.4 Diversion

Diversion refers to programmes that redirect young offenders away from the formal criminal justice system and into alternative interventions. In line with welfarism, the goal is to address the underlying issues that may contribute to their criminal behaviour without involvement in the full criminal justice process. This also protects young offenders from the negative effects of involvement with the criminal justice system, as research has shown that involvement with the youth justice system in 'inherently criminogenic' (McAra, 2010: 304). The Annual Reports on the Diversion Programme in Ireland highlights the importance of such programmes in achieving positive outcomes not only for victims and communities, but also for young offenders themselves. This approach sees the child as a bearer of rights, but one whose identity and sense of self is shaped by society. When social interactions impose negative versions of self-identity, this undermines the child's right to develop with dignity and diminishes respect for their inherent worth as human beings, contrary to the UN Convention on the Rights of the Child (McAra & McVie, 2015: 122). The attractiveness of diversion is rooted in labelling theory, which states that self-identity is shaped by how individuals believe they are perceived by others (Blumer, 1969; Becker, 1997). Lemert (1967) has contended that repeated negative encounters with authority can harm self-identity, potentially leading individuals to reconstruct their identity around the deviant label, known as secondary deviation. This perspective advocates for minimal intervention in order to avoid stigmatisation and the negative consequences of secondary deviation, such as reinforcing deviance as an identity (McAra & McVie, 2015: 122). As such, McAra and McVie (2015: 133) contend that diminishing offender identities and consequently reducing crime can be achieved through minimal intervention and maximum diversion from the formal criminal justice system, instead providing support for young people in navigating their lives. This was confirmed in the Edinburgh Study of Youth Transitions and Crime which concluded that a key strategy for addressing serious and persistent offending and facilitating desistance is through a maximum diversion approach that encourages more informal methods of dispute resolution (McAra & McVie, 2007; 2010).

In line with this, the effectiveness of a youth justice system is sometimes judged by its success in reducing the number of first-time entrants to the system (Smith, 2015: 84). This is true of the Diversion Programme, where effectiveness appears to be measured based on the number of referrals. This understanding of effectiveness differs from both recidivism and rehabilitation outlined above as its main aim is to prevent the young person from entering into the criminal justice system at all. Therefore, the underlying assumptions differ whereby rather than measuring the effectiveness of the system through reduced reoffending or a returning of the young person to a good citizen, the assumption here is that involvement with the system is problematic (indeed criminogenic) and therefore should be avoided in so far as is possible (McAra & McVie, 2011). There are other assumptions at play here also, such as, young people are at a maturity stage of their lives where they engage in risky behaviour and a large proportion who engage in this risky, sometimes criminal, behaviour will grow out of it (Krohn et al., 2010). As such, having a criminal record, which might hinder typical adult activities such as employment can be hindered thus alienating the person from typical adult life, is avoided. This is an interesting shift away from the rehabilitative framework which seeks to intervene to correct, and a shift towards minimal intervention to allow natural maturity to run its course without impacting the young person's future. However, recognising and accepting that less is more may be difficult for policy makers, due to the fact that the public demand for tangible and measurable actions and results.

In Ireland, there is an effort to divert the majority of young people who come into contact with the law away from crime and the criminal justice system (Convery & Seymour, 2016).[9] Where young offenders enter a diversion programme, restorative justice practices are at the forefront, in which they can accept responsibility for their offending behaviour, while also having the opportunity to repair the harm caused, without a criminal conviction (GYDO, 2018). The use of restorative cautions are an indicator of the effectiveness of the Diversion Programme. However, policy documents have referred an inconsistency in current legislation, which allows for the disclosure of a child's admission to the Diversion Programme but prohibits disclosure of criminal convictions under Section 258 of the Children Act 2001 for vetting purposes (GYDO, 2018). This discrepancy poses an ongoing risk of undermining the Diversion Programme as an alternative to criminal prosecution being undermined. Although there was a temporary shift away from the key principle and assumption that it was more beneficial to

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[9] Ireland's Diversion Programme is discussed further in Chapter 3.

divert young people from the formal system if at all possible (Fergusson, 2007; Smith, 2010), diversion was reinstated as one of the key performance indicators of the youth justice system in England and Wales (Bateman, 2009, 2012; Smith, 2015). This highlights how policy objectives can influence both the functioning and the perceived effectiveness of a given youth justice system. Reducing the number of children in the youth justice system is now one of the main objectives of the English and Welsh system (YJB, 2017). This represents an alteration of the landscape of youth justice in England and Wales (Bateman, 2017), with a shift from prosecuting and sanctioning young offenders to a reduction in youth contact with the criminal justice system, resulting in those now entering the formal system being regarded as high-risk or high-need offenders (REPPP, 2022). However, while the rate of first-time entrants in the system was considered a good indication of the impact of diversion in England and Wales, a reduction in the levels of youth recidivism was also cited (REPPP, 2022).

The effectiveness of the Scottish youth justice system has been equated to its ability to use early intervention and preventive measures to divert young people away from involvement in the criminal justice (REPPP, 2019). However, similarly to England and Wales, this still comes back to an effort to reduce recidivism, with reductions in offending being used as an indicator of the success of such programmes (CYCJ, 2017). It has been questioned whether any reduction in youth crime figures give a clear indication of effective services and interventions (REPPP, 2019). In Scotland, there has been a shift towards diversion and community-based interventions due to research which has shown that contact with the formal criminal justice system may increase the likelihood of youths to reoffend (McAra, & McVie, 2007). Scotland's Whole System Approach (WSA), along with its 'Getting it Right for Every Child' (GIRFEC) youth justice strategy advocates for diversion, with strategies such as Early and Effective Intervention maximising opportunities to divert young people from the formal criminal justice system and providing timely, supportive, and effective interventions being central to the approach (CYCJ, 2017). This approach can be considered in relation to the findings of the Edinburgh Study of Youth Transitions and Crime, which brought about the recognition that diversion from the formal criminal justice system, coupled with early intervention and community alternatives is more likely to result in positive behavioural outcomes for young offenders (McAra & McVie, 2007; Murray et al., 2015: 10). Diversion is also present in the Dutch youth justice system,

where it is integrated alternative sanctions and the Halt Programme,[10] with reducing youth contact with the formal criminal justice system being one of indicators of effectiveness (REPPP, 2019). Prevention, early intervention and diversion are at the forefront of the system. Of course, diversion is a spectrum and some diversion programmes have very intensive interventions attached whilst others do not. Additionally, the manner in which the effectiveness of diversion programmes is measured requires further examination. Why are diversion programmes considered effective based on the number of their referrals, rather than based on their outcomes, such as a reduction in recidivism rates associated with participation in a diversion programme? Therefore, as with recidivism and rehabilitation, the definition of diversion and the manner in which its effectiveness is measured is unclear in policy documents, particularly within the Irish context.

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[10] The Halt Programme provides young offenders with alternative sanctions that prevents them from acquiring a criminal record.

Chapter 5: Concluding Remarks and Recommendations

In this chapter, the concluding remarks and recommendations will be presented, based on the gaps identified in the measurement of effectiveness in youth justice policy and practice as discussed above. A recommendation will be made for the streamlining of the measurement of effectiveness within a holistic framework that considers the broader context of young offenders' development and wellbeing.

5.1 Implications of the Current Measures of Effectiveness

The goal should be to achieve clearly articulated, desirable outcomes for children (Case & Haines, 2015), and as such, effectiveness should be measured in alignment with this aim. In reality however, this does not appear to be the case. There is a confusion around how effectiveness is measured and the variations of outcomes being sought, which often results in large disparities between policy and practice. Additionally, it also results in effectiveness being measured in narrow terms so that there is the existence of a performance measure which can be relied upon. Where there is a one-dimensional measure or focus of effectiveness, any changes may reflect changing government targets for the youth justice system rather than confirmation that the system has become more effective (Bateman, 2010). As a result, governments often remain wedded to simplistic performance measures such as reoffending (Cunneen & Luke, 2007: 201). As can be seen from the discussion above, reducing reoffending is often the core purpose of many youth justice systems. The emphasis on measuring recidivism is driven by the both the desire for measurable performance and outcomes and the shift in some criminal justice policies to a criminogenic needs paradigm (Cunneen & Luke, 2007). Critically, the overemphasis on recidivism may result in a narrow understanding of what constitutes a successful intervention. Research, such as that by Stout et al. (2017), highlights that focusing on short-term re-offending rates may not accurately reflect whether young offenders are on a path toward long-term desistance. The complexity of criminal behaviour, influenced by variables like the nature of the initial offense, prior history, age, and gender, means that a sole focus on recidivism fails to capture the broader picture (Bateman, 2010). In recognition of these limitations, some jurisdictions have begun to refine their use of recidivism as a measure of effectiveness. For example, in England and Wales, the government has introduced additional metrics, such as the frequency of further offending and the seriousness of re-offences, to provide a more nuanced understanding of intervention outcomes (Bateman, 2017). Despite

these improvements, the reliance on a 12-month measurement period remains limited and does not offer insights into long-term desistance.

The emerging 'what works' framework has become a key tool for risk-focused youth justice in some jurisdictions. It offers an evidence-based foundation for crime prevention by helping to define what constitutes successful intervention. This approach gained popularity in both the United States and England and Wales, understandably so as programmes based on scientifically recognised standards and methodologies that focus on risk factors related to youth crime are highly appealing, as they offer quick, evidence-based, ready-made policy solutions that promise 'effectiveness' (Sutton et al., 2022). However, this approach diverts attention away from examining and targeting broader contextual influences on both youth offending (Sutton et al., 2022), which results in the exclusion of socio-structural and relational preventative interventions simply because they are seen as non-criminogenic needs. Longitudinal studies have illustrated the danger of solely relying on 'what works' evidence to shape youth justice systems, emphasising that while valuable, it runs the risk of narrowing the aim of youth justice to merely changing the future behaviour of young offenders (Smith, 2005, 192) without addressing 'noncriminogenic' factors. Where a reduction in reoffending is observed following a risk-based, 'what works' approach, the programme is subsequently considered to be an effective, evidence-based intervention. This ignores the narrow nature of such interventions. Tilley (2003:317) suggests the quest for a universal, globally replicable 'what works' is misguided and unachievable.

While more in line with providing interventions that address the whole child, there are a number of implications associated with using diversion, social integration measures and personal development as metrics for evaluating effectiveness. In terms of using diversion as a measure of effectiveness, the avoidance of formal system involvement is prioritised, with protection from the possible stigma associated with criminal records and promotion of reintegration into society being prioritised. Again however, diversion raises challenges in terms of measurement, as its success is measured in terms of the number of referrals. It is not measured in relation to its various outcomes, which are more difficult to quantify when compared to recidivism rates. There is also the risk of net-widening which may be problematic in the long term. As outlined above, it brings up key considerations in relation to policy design, data collection and the understanding of what it means to 'rehabilitate' a young offender. As such, many countries continue to grapple with developing rehabilitative programs that reduce

recidivism without resorting to costly incarceration (Dammer & Albanese, 2014: 294). Another challenge in evaluating effectiveness is that most youth justice interventions have not maintained sufficient records to properly assess their outcomes and effectiveness, resulting in a limited amount of knowledge to draw upon (Dammer & Albanese, 2014: 293). Additionally, in order to evaluate the impact of rehabilitative interventions, this would require qualitative research which may result in an administrative burden that jurisdictions are not willing to take on. As such, a review of the literature has revealed the need for greater evaluation of responses to youth justice and standardised data collection, in order to both expand and streamline the measurement of the effectiveness of youth justice systems.

5.2 The Holistic Child

As discussed earlier above, the best interests of the child must be at the forefront of all legal actions concerning those under the age of 18 (United Nations, 1989). If this approach is to be reflected in measures of effectiveness, then these must take into account the whole child, and not merely take a narrow focus, such as simply a reduction in reoffending. As such, the fulfilment of obligations under the UNCRC provide guiding principles for youth justice systems and the best approach to the measurement of effectiveness of their systems. All youth justice practices should be child-centered, addressing the whole child by examining and considering the full complexity of their lives, experiences, perspectives and needs (Case & Haines, 2015: 113). It is essential that offending is viewed as just one aspect of the child's broader social identity and not their defining characteristic (Drakeford, 2010) in order to ensure that responses are holistic. Unfortunately, however, the glaring gap in measuring effectiveness is in terms of the view of the holistic child. As mentioned above, it has been observed that diversion from formal criminal justice measures impacts positively on offending (McAra, 2010: 313). This sits well in relation to a holistic child approach to effectiveness, as the shift away from criminal justice interventions (which may be criminogenic) allows a more rounded approach which focuses on the development of the identity of the child and the tools they need to navigate their lives. In addition to this, it allows for a more accurate understanding of effectiveness where there is an interaction between the four models of justice. Case and Haines (2015: 112) have argued for a broader philosophical approach that is underpinned by the principles of 'children first, offenders second'. This approach focuses on the position of the child in conflict with the law, rather than looking at risk alone (Case & Haines, 2015: 113). This approach advocates for diversionary responses that focus on encouraging positive

behaviour and outcomes for children, while ensuring access to universal services, opportunities, support and information. This therefore increases the likelihood of developing interventions that deliver responsive and suitable services.

The effectiveness of a youth justice system should encompass more than just the rate of reoffending, as recidivism does not consider underlying issues which contribute to criminal behaviour. In order to be deemed effective, a system needs to be able to show that following interventions with youths who have become involved with the youth justice system, that they are (to some extent) engaging in society in a fulfilling way such as education, with opportunities for employment, participating in social activities that they enjoy and are interested in, and receiving help for any mental health difficulties they may be experiencing because of the contextual social environment they are living in. While the number of young people entering the youth justice system may have substantially reduced, the needs of those that remain in the system are increasingly complex (Smith & Gray, 2019). The addressing of these needs, such as substance abuse, mental health disorders, and family problems, therefore need to be reflected when examining the effectiveness of a youth justice system. As such, rehabilitation also plays a crucial role in striving for a holistic child approach. It is important that the future of youth justice is guided by the understanding and recognition that communities play a key role in fostering delinquency, and are therefore essential in its prevention and in the successful reintegration of young offenders back into society (Dammer & Albanese, 2014: 297). By taking this holistic approach where reduced recidivism is not the main measure of effectiveness, it may still have a positive impact a young offenders likelihood to reoffend. Research has highlighted the vulnerabilities and social hardships faced by some young offenders, suggesting that broader social and educational interventions play a crucial role in the reduction of youth crime, potentially as much, if not more so, than the formal youth justice system (McAra, 2010: 313).

Gatti and Verde (2002: 310) have observed that youth justice systems reflect a compromise between various ideologies. It represents an attempt to balance a range of objectives which may be difficult to reconcile: protecting minors' rights, increasing responsibility through punishment, achieving rehabilitation through personalised approaches, promoting de-penalisation, and reducing interaction with the formal criminal justice process. While there are evident tensions, measurements of effectiveness should be broadened to reflect these various objectives. Some jurisdictions, such as Sweden, are closer than others, but there is scope for

improvement in all jurisdictions looked at during the course of this research. Sweden's welfare-based approach to youth justice has been characterised by its emphasis on treatment and care (Lappi-Seppala, 2015; Shannon, 2011). Although the interventionalist nature of the Swedish youth justice system risks being criminogenic, the effectiveness of the Swedish youth justice system is evaluated through a multidisciplinary approach, not focusing directly on justice alone, which aids in overcoming this problem. England and Wales include improving the safety and wellbeing and positive outcomes of children in the youth justice system as some of the key indicators of their system performance (YJB, 2017).[11] However, this does not appear to be high up their priority list, with addressing risk factors and preventing reoffending at the forefront of their policies. As Gelsthorpe and Kemp (2015) have observed, while youth justice responses in England and Wales may be reparative, rehabilitative, or punitive, young offenders typically receive an intervention programme focused on preventing reoffending. Similarly, while the Dutch system does encourage the development of young offenders, recidivism is still the primary measure of system effectiveness. While in detention, young people engage in educational activities and receive lessons in social skills, anger management, behavioural interventions, needs-based youth care, and juvenile psychiatric care (Euwema & Miedema, 2015). However, this is not reflected in the measurement of effectiveness. Again, while Scotland have made strides towards a more holistic framework through their Whole System Approach, although the main desired outcome and measure of effectiveness is still a reduction in reoffending. It has been contended that effectiveness in Ireland is measured by the contribution a particular intervention has to the achievement of justice and community safety policies and standards (REPPP, 2022). Despite these efforts, it is clear that all jurisdictions have scope for improvement in striving to measure the effectiveness of their system in terms of the holistic child by moving away from the narrow focus of recidivism. Youth justice systems will always struggle to meet a complex range of partly conflicting objectives (Smith, 2005: 181). As such, youth justice needs to be flexible in how it responds to youth offending due to the varying needs of children, and measures of effectiveness need to be able to reflect this.

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[11] The other key indicators, as discussed above, are reducing the number of children in the youth justice system and reducing youth recidivism.

5.3 Conclusion: The Necessity of a Holistic Approach

A reliance on overly simplistic measures such as recidivism alone to evaluate the effectiveness of criminal justice interventions is insufficient and potentially misleading, running the risk of failing to examine the full value and capability of such interventions. As highlighted by Cunneen and Luke (2007), a comprehensive assessment of effectiveness demands the use of both quantitative and qualitative measures. While recidivism is often seen as the universal indicator of success, and has arguably become the default measure of effectiveness, this narrow focus can obscure the broader objectives of youth justice programmes, which may extend beyond simply reducing re-offending rates. Effectiveness is frequently determined by whether a program achieves its stated goals, but this approach risks limiting our understanding of what truly works. The overemphasis on recidivism as the primary measure of success fails to capture the multifaceted nature of justice interventions. While it appears that youth justice systems are moving towards aligning their programmes and services with evidence-informed practice (REPPP, 2022), it must be questioned whether this evidence is providing the correct information for such an alignment to be made. It is therefore essential to question the validity of relying so heavily on recidivism and to explore alternative metrics that might offer a more conclusive picture of effectiveness, such as qualitative measures. A holistic approach to evaluating effective is therefore necessary. Emshoff et al. (1987) demonstrated the value of incorporating a range of indicators, such as improvements in school attendance, academic performance, community engagement, and overall crime rates, alongside recidivism. Such a multidimensional approach recognises that a youth justice system is tasked with achieving multiple, sometimes conflicting, objectives. Consequently, effectiveness should not be narrowly defined by the goals of a particular jurisdiction but should instead consider the broader, more holistic needs of the youth involved. This approach would ensure that interventions are assessed in a way that truly reflects their impact on both the individual and the community. As Case and Haines (2015) have observed, a holistic child approach encourages seeing children as part of the solution, not part of the problem and shifts the focus to practitioners and policymakers working in partnership with youths to ensure their interests, needs, rights and views are paramount through the youth justice process. This brings jurisdiction within their obligations under the UNCRC.

Each youth justice system has a number of goals and objectives, namely reducing recidivism, minimising youth contact with the formal criminal justice system, social integration, and

development of youths. However, these additional goals are not always reflected in measures of effectiveness. In the effort to meet these goals and objectives, a combination of alternative sanctions such as restorative practices, treatment and care interventions, diversion, and detention is employed (REPPP, 2019). In addition to these, youth justice models shape the priorities of each jurisdiction, influencing the balance between youths' rights and public safety. In practice, youth justice systems must fulfil a range of objectives, requiring them to be effective in a number of ways. A review of the literature and data analysis has revealed that, in reality, despite its repeated use in youth justice literature and policy, the exact meaning of 'effective' is ambiguous. It is a term that carries multiple meanings, varying based on many factors such as ideology and culture. Overall, the challenges associated with evaluating and defining effectiveness within the context of youth justice have been highlighted, indicating that without a clearer, more standardised definition, its use in policy and practice will continue to be elusive and open to interpretation, risking inconsistency in its use and application. It is therefore clear that effectiveness within the context of youth justice needs to be measured in light of a wider, more streamlined framework of analysis that is in line with the EU Directives that provide for the best interests of the child, namely that of the holistic child.

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Appendix A: Coding Framework

Theme	Codes	Data Extract Example
Recidivism	o Crime prevention o Reoffending o Desistance	2018: A vital crime prevention tool (2) 2018: Work towards the prevention of reoffending (11) 2019: GYDPs are a key element in supporting An Garda Síochána in diverting young people away from further offending (12) 2020: Crime prevention initiative (13) 2021: The Programme's effectiveness in diverting children and young people from crime (3) 2021: Reduced risk of reoffending (11) 2022: The Programme's effectiveness in diverting children and young people from crime (3)
Social Integration Measures	o Rehabilitation o Welfare	2018: Engage with young people and provide guidance and support to them in addressing their behaviour and making positive choices (2) 2018: Working with the child's appointed JLO, staff from GYDO liaised with care workers, doctors, psychologists, social workers and TUSLA to ensure the welfare of the child and to understand the facts and potential triggers around their offending behaviour (13) 2019: Purpose is to achieve better outcomes for young people engaged in GYDPs (12) 2019: Reintegrating the child back into their community (15) 2020: Address gaps in the needs of children and young people (6)

		2020: Engaging with children and young people, families and the wider community (27)

2020: Provide children and young people with continued support, with wellbeing and safety being key considerations (7)

2020: Reassure communities that the aim of the Programme is welfare based, addressing any offending behaviour in the context of the best interest of the child or young person (13)

2021: Provides a unique opportunity to An Garda Síochána to engage with young people, and provide guidance and support to them in addressing their behaviour and making positive choices (3)

2021: The Diversion Programme plays an important role in protecting our youth (3)

2022: Work with children, young people and their families in their communities, taking a strengths-based approach to support positive change, enabling them to reach their full potential and improve their long-term outcomes (5, 14)

2022: Improving outcomes for young people and families engaged (16)

2022: Continue to contribute to the Youth Justice Strategy 2021-2027 (15) |
| Personal Development: Education and Employment | o Interventions
o Better outcomes for offenders | 2018: Identify interventions needed (7)

2019: GYDPS are a key element in carrying out appropriate research-based intervention and support (12)

2020: (Targeting) young people who are long term early school leavers (13) |

		2020: Increase in social skills (14)
		2020: Improved communication skills (14)
		2020: Identification of personal goals (14)
		2020: Improving employability prospects (14)
		2020: Training aimed at employability readiness (14)
		2020: Return to education (14)
Diversion	o Maximum diversion from formal criminal justice system o Reduced contact with the criminal justice system o Referrals o Restorative justice	2018: Ensure the Diversion Programme continues to be an effective means in diverting children from crime and the criminal justice system (2)
		2018: Commitment to youth diversion (2)
		2018: Examine the data in order to report on the number of referrals to the Diversion Programme and assess trends in youth needs (7)
		2019: Youth referrals to the Diversion Programme (4)
		2019: Support Garda districts and divisions in ensuring effective governance and the timely processing of referrals (6)
		2019: Key performance trends have been identified in 3 core areas: Annual Referrals, Children Referred, Number of children deemed suitable for admission to the Programme (8)
		2020: The Diversion Programme plays an important role in protecting our youth (4)

		2020: Report on the number of referrals to the Diversion Programme and assess trends in youth offending (9)
		2020: Embedding restorative approaches within the Diversion Programme (14)
		2020: Timely progression of youth referrals (16)
		2021: Supported by restorative justice framework (4)
		2021: Restorative justice is associated with better outcomes for the offender (11)
		2022: Youth Diversion Projects seek to divert young people from entering or remaining within the justice system (5, 14)
		2022: Monitor and ensure progression of youth referrals (18)