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# Offending girls and restorative justice: exploring practitioners' perspectives on the relevance of, and rationale for, gender-specific provision

Despite the global popularity of restorative justice that has emerged in recent decades, limited attention has been paid to restorative justice conferencing used with offending girls. This article critically analyses restorative justice practitioners' views concerning gender-specific practice and outcomes in restorative justice conferencing used with girls who offend. It is argued that restorative justice policy and practice has developed in a gender-blind framework, which fails to recognise or respond to the gender-specific needs and experiences of girls who offend. Drawing upon empirical findings, the article conceptualises, through a feminist-informed framework, the practical and policy implications arising from the gender-blind approaches of restorative justice conferencing. **Key words** girls • gender-specific provision • gender • restorative justice • youth justice

## Introduction

Since the late 20th century, restorative justice (RJ) practice has been afforded significant support within the international youth justice sphere. Despite the prominence of responding to young people's offending through RJ, there has been scant attention paid to issues of gender within RJ practice. Notwithstanding a small number of exceptions (for example, [Alder, 2003](#); [Daly, 2008](#); [Toor, 2009](#); [Miles, 2013](#); [Österman and Masson, 2016](#); [Österman and Masson, 2017](#); [Hodgson, 2020](#)), the extent to which gender is considered in relation to RJ practice has remained a neglected issue within existing RJ discourse. This article focuses on three issues: first, the very limited policy response to girls in the youth justice system (YJS) and the variable delivery of gender-specific provision across the youth justice landscape; second, the neglect of gender and the experiences of offending girls from RJ discourse; and, third, the inconsistencies and complexities relating to RJ practitioners' perspectives and approaches to gendered factors within RJ conferencing.

To develop the arguments underpinning these issues, the article begins with a discussion of existing literature in relation to feminist pathways research, the emergence of gender-specific provision as a response to women and girls' offending, and the extent to which gender-specific approaches to working with girls in the YJS have been implemented. The article moves on to focus on RJ and gender-specific provision. It draws attention to the gender-blindness of current policy and literature surrounding RJ interventions used in the YJS. The article then explores empirical data generated from 13 interviews with RJ practitioners in the north-west of England and analyses their perspectives regarding the gender-specific needs of girls participating in RJ conferences and whether gender-sensitive approaches should be incorporated into RJ practice. It contends that the neglect of

gender within RJ discourse has led to inconsistency and ambiguity among practitioners in relation to recognising and responding to girls' gender-specific needs in RJ conferencing. Finally, the broader policy implications concerning the treatment of, and responses to, justice-involved girls are considered, and a radical reconceptualisation in the policy response to offending girls informed by feminist praxis is advocated, which constitutes a reframing of youth justice intervention for girls through the development and application of a 'girl-wise' penology.

## Literature review

### *Feminist pathways research and the emergence of gender-specific provision for women and girls in conflict with the law*

In England and Wales, girls represent only one fifth of young people subject to youth justice intervention, and their offending is predominantly considered less serious than boys', with their involvement in the system often being short-lived (Shepherd, 2015). In comparison to their male counterparts, girls have remained largely absent from criminological research, and they are suggested to be the most 'neglected offender population' (Batchelor and Burman, 2004: 277).

Feminist pathways research has revealed the disproportionate extent to which gendered violence and victimisation shapes the lives of girls who enter the YJS (see, for example, Chesney-Lind, 1989; Howard League, 1997; Bloom et al, 2003; Goodkind, 2005; Belknap and Holsinger, 2006; Schaffner, 2006; Sharpe, 2012). The most consistent findings of such research identify that girls involved in the justice system have experienced significantly high levels of 'violent and sexual victimisation' (Sharpe, 2016: 8). Alongside frequent experiences of victimisation, pathways research also suggests that there is a 'significantly higher likelihood of mental health problems' for girls in the justice system (Belknap and Holsinger, 2006: 60).

The dominant arguments produced from this research are that the boundaries between girls' offending and victimisation are blurred. Gender-neutral explanations for offending and victimisation are flawed (Chesney-Lind, 1989), and to fully understand and respond to the complexities of female offending, as well as the gender gap in crime, females should be studied separately from men (Wattanaporn and Holtfreter, 2014). The contributions made by feminist pathways research have formed the basis for the development of gender-specific provision in policy and practice directed towards the assessment, treatment and delivery of gender-specific programming for female offenders (Wattanaporn and Holtfreter, 2014).

The epistemological foundations upon which gender-specific programming has been developed begin with the understanding 'that girls and women are gendered subjects, with particular, gendered social experiences, who therefore require a holistic, therapeutic approach to intervention in recognition of the social origins of their troubles' (Sharpe and Gelsthorpe, 2015: 57). Underpinned by the evidence base informing feminist pathways research (for example, Daly, 1994; Belknap and Holsinger, 2006), the Oregon 'Guidelines for effective programming for girls' are regarded as providing the framework for developing gender-specific programmes for justice-involved girls (Morgan and Patton, 2002; Youth Justice Board, 2009;

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Sharpe, 2016). The Oregon guidelines are underpinned by the evidence base informing feminist pathways research and focus on the delivery of relationship, health and strength-based programming for girls, which seeks to address issues of trauma and victimisation, physical, sexual and mental health, and self-respect (Morgan and Patton, 2002). These guidelines have been utilised most prominently by gender-specific programmes and initiatives developed in the US. Examples include various programmes developed to address the specific needs of justice-involved girls across several states, such as the Wisconsin Continuum of Care for Girls project, Cheltenham Young Women's Facility and Minnesota Adolescent Female Subcommittee Advisory Task Force (Bloom et al, 2002). Notwithstanding critiques that gender-specific provision does not create meaningful change in girls' lives and has the potential to have a net-widening effect (Goodkind, 2005; Sharpe, 2016), it is now accepted that interventions for girls must be 'explicitly gender responsive' (Bateman and Hazel, 2014: 4).

### *Gender responsiveness, girls and justice*

Following a review of the treatment of women in the criminal justice system, *The Corston Report* (Corston, 2007: 2) contended that women 'had been marginalised within a system largely designed for men by men' that failed to properly recognise and respond to the needs of female offenders, and emphasised the need for gender-responsive approaches to criminal justice. As such, working within a gender-specific framework that recognises and responds to the gender-specific needs and experiences of female offenders is now recognised in policy and legislation in England and Wales (Shepherd, 2015). For example, the Gender Equality Duty, contained within the Gender Equality Act 2006 places a statutory responsibility on the Youth Offending Service (YOS) to provide gender-specific services for female offenders. Section 10 of the Offender Rehabilitation Act 2014 also introduced a statutory requirement to 'meet the particular needs of female offenders'. Moreover, policy developments aimed at reforming how the criminal justice system responds to women in conflict with the law also include the *Female Offender Strategy* (MOJ, 2018), which proposes increasing community-based, gender-specific provision for women offenders. Such examples demonstrate the progress that has been made in the development of provision for adult women (Women in Prison, 2017); however, 'the national attention given to the treatment and response of women offenders' has not been replicated for young female offenders (CJJI, 2014: 13).

Although the YOS has a duty to provide gender-specific services for girls, as specified by the Gender Equality Duty contained within the Gender Equality Act 2006, it is important to note that there is no 'centralised mechanism' for assessing the standard of such provision (Shepherd, 2015: 112). As part of the decentralisation agenda introduced by the Coalition government, the responsibility of the Youth Justice Service to provide gender-specific intervention for girls falls to local authority youth offending teams (YOTs) (Shepherd, 2015: 112). As a result, there is no standardised approach to assess whether YOTs are fulfilling this duty (Shepherd, 2015: 112).

Further to this, the Youth Justice Board's (2019) *Standards for Children* guidance on the provision of statutory services for children in the YJS has no

gender focus, and neither does its 2021–24 strategic plan. The *Female Offender Strategy* (MOJ, 2018) makes no reference to responding to girls and young women in conflict with the law, while the most recent review of the YJS did not address the specific needs of girls separately from those of boys, and the government's response to the review made 'no reference to the treatment of girls ... other than in police custody' (Clinks, 2017: 13). It is not surprising, therefore, that a recent review of existing literature focused on young women's contact with the justice system undertaken by the Young Women's Justice Project (*Agenda Alliance for Women and Girls at Risk*, 2021) concluded that there is a significant gap in the research and evidence base concerning gender-specific programmes for young women.

Although there are some examples of gender-specific provision for girls in the YJS, these programmes have, most prominently, been developed at a localised level through initiatives developed by youth offending practitioners and do not form part of youth justice policy or strategic guidance (APPG, 2012; CJI, 2014). The 2014 report by Her Majesty's Inspectorate of Probation on the effectiveness of the YJS at reducing girls' offending and addressing their gender-specific needs found that the availability of provision for girls varied across YOTs. The report revealed that some YOTs were providing gender provision, the best examples being Leeds YOS (which had developed a specific policy for working with girls), Nottingham YOT (which had developed the Pink project and the Pearl project) and Leicestershire YOS. The provision within these services focused on relationships, same-sex workers and genderspecific groups for girls on statutory order (Matthews and Smith, 2009; APPG, 2012; CJI, 2014). However, the report also revealed that in some YOTs, girls were subject to participating in interventions designed for boys (APPG, 2012).

Despite gaps in provision and a lack of official policy in relation to gender-responsive working with girls, developments in gender-specific programming supported by YOSs across England and Wales have represented a positive, albeit small, shift in terms of ensuring girls' visibility in a male-dominated YJS and providing services that target their specific needs. Combined with pathways research and youth justice literature focused on offending girls, it is now recognised that girls 'have distinctive needs because of their younger age and stage of emotional development', and thus that approaches to working with girls should address these needs (Burman and Batchelor, 2009: 279).

However, resonating with much of the existing youth justice policy on responding to, and working with, young people who offend, much of the existing policy, research and associated literature concerning the use of RJ with young offenders fails to recognise gender as a category of analysis or consideration that is relevant to RJ practice. As a result, there remains limited knowledge of female offenders' experiences of RJ (Österman and Masson, 2017). The following discussion provides a brief overview of RJ in the YJS, followed by a critical discussion of the existing policy and literature on RJ in the youth justice sphere, which will outline the limited analysis and consideration of gender evident in RJ discourse.

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### *RJ in the youth justice sphere*

In England and Wales, RJ has become embedded into the youth justice sphere following its formal implementation as a response to youth crime by the Crime and Disorder Act 1998 and subsequent Youth Justice and Criminal Evidence Act 1999. At present, the application of RJ in the YJS within England and Wales has been conveyed through a variety of RJ interventions, for example, pre-court diversion, restorative cautioning, young offender panels, reparation schemes and RJ conferencing (Cunneen and Goldson, 2015). While there are a variety of youth justice interventions that may be described as a variation of RJ, the findings discussed within this article are focused on RJ conferencing. An RJ conference can take place at any stage of the criminal justice process and is defined as an intervention in which ‘victims and offenders involved in a crime meet in the presence of a trained facilitator with their families and friends or others affected by the crime, to discuss and resolve the offence and its consequences’ (Strang et al, 2013: 3).

In a policy context, following the initial incorporation of RJ into the YJS, subsequent governments have continued to reaffirm support for RJ in the youth justice sphere through various policies, funding and legislation. In 2010, the green paper titled *Breaking the Cycle* detailed the Coalition government’s plan to continue to increase the availability of RJ by incorporating it into all stages of the criminal justice system (MOJ, 2010: 22). Also in 2010, a report titled *Time for a Fresh Start* was published by the Independent Commission on Youth Crime and Anti-Social Behaviour (2010: 5), which emphasised that RJ should be at ‘the heart’ of resolving offending by young people. Since these publications, a series of RJ action plans detailing the central government’s plans for the development of RJ within statutory and other organisations have been published. The 2012 *Restorative Justice Action Plan* (MOJ, 2012) allocated over £30 million of funding to the Youth Justice Board and the Office of the Police and Crime Commissioner to develop RJ services locally within YOTs. In 2016, the House of Commons Justice Committee allocated a total of £3.5 million to the Youth Justice Board to train practitioners in facilitating RJ conferences. Additionally, in 2017, the fourth *Restorative Justice Action Plan* (MOJ, 2017) pledged to support the further use of RJ and the increased involvement of victims within the YJS.

Overall, RJ has gained significant momentum as an alternative approach to delivering justice that, proponents claim, restricts punitive state intervention and enhances restitution. The RJ values of ‘inclusion’, ‘resolution’ and ‘amends’ (Van Ness and Strong, 2015: 49) have become attached to RJ policy and practice, and it has received unprecedented support on an international scale, including endorsement from both the Council of Europe and the United Nations Economic and Social Council in advocating the use of RJ as a response to youth crime (Lynch, 2010; Schiff, 2013). Furthermore, an international evidence base indicating that RJ interventions have a beneficial effect on victim satisfaction has also developed (Sherman and Strang, 2007; Shapland et al, 2011).

### *Critiquing RJ through a gendered lens*

Notwithstanding the international evidence base, small but expanding contributions to RJ literature have challenged the use of RJ as an intervention for

offending girls because ‘scant attention has been paid to gender-based variation’ within RJ practice (Daly, 2008: 109). Due to the gender-blindness in existing literature, it is argued that the effectiveness and appropriateness of RJ as a response to girls’ offending continues to be empirically and theoretically underexplored (Sharpe, 2012). The limited gendered analyses that do exist ‘are largely of a theoretical nature’ (Österman and Masson, 2017: 5). Additionally, it is argued that literature discussing issues of gender and RJ focuses predominantly on the ‘ways in which it may help or hinder female victims ... [and] few have ventured to consider how it may help or hinder female offenders’ (Daly, 2008: 113).

In addition to the gender gap in RJ literature, it is also important to draw attention to the gender-blindness in RJ policy. First, it should be noted that developments in policy and legislation relating to the implementation of RJ in the YJS remain silent on issues of gender. Such gender-blindness is exacerbated by the fact that there is no statutory guidance provided to aid the development of RJ services and provision, and there is an inconsistent delivery of RJ services nationally (Haines and Case, 2015). This is supported by an RJ mapping exercise undertaken in 2016, which revealed widespread variation in the delivery of RJ services across England and Wales (ICPR, 2016). Furthermore, (Österman and Masson, 2017: 7) have noted that ‘types of funding structures and staffing arrangements vary widely across ... organizations, with no uniform approach or model being operated’.

Due to the wider-spread variations in the delivery of RJ interventions in the YJS, alongside the lack of statutory guidance and a consistent approach to RJ, it is evident that there is no standardised approach to working with young female offenders undertaking RJ. It must therefore be questioned whether the gender-blindness of RJ discourse makes it an effective or appropriate intervention to be used with girls who offend.

Second, it is argued that the developments in gender-specific provision and gender-sensitive approaches emerging from feminist pathways research have yet to be consolidated into RJ practice. Much of the existing academic and policy discourse continues to assume a ‘generic rather than gendered youth population’, reflecting a reluctance to account for gender as a social dynamic present in RJ practices (Alder, 2003: 117). This is despite existing literature which has raised concerns that a higher prevalence of mental health needs, increased experiences of shame and stigma, previous victimisation, discourses of appropriate female behaviour, and complex relationships with victims are specific factors of female offenders that could impact negatively on their experience of RJ conferencing (see, for example, Alder, 2003; Daly, 2008; Toor, 2009; Miles, 2013; Österman and Masson, 2016; Österman and Masson, 2017; Hodgson, 2020).

Predominantly, RJ policy and practice informing a wide array of youth justice interventions continues to operate within a gender-blind framework. In contrast to the conceptualisation and development of gender-specific provision for girls, official RJ discourse fails to acknowledge the gendered construction of girls’ lives and how this impacts upon girls’ offending and their subsequent criminalisation. Consequently, there remains ‘a number of unanswered questions’ about RJ and offending girls (Alder, 2003: 125), and it is argued that girls’ gender-specific needs continue to be seriously neglected. In order to explore this gap in knowledge, this article discusses empirical accounts of RJ practitioners’ views concerning gender-specific practices and outcomes of RJ conferencing used with offending girls.

**Table 1: Sample of practitioners**

Job role	Male	Female
Substance misuse worker (previously restorative justice worker)	1	–
Senior restorative justice practitioner	1	–
Prevention and restorative justice coordinator	1	–
Victim liaison officer	–	2
Youth offending and family intervention worker	–	1
Restorative justice coordinator	–	1
Youth offending senior team officer	–	1
Restorative justice and volunteers team manager	1	–
Restorative justice victim worker	1	2
Restorative justice officer	1	–
Total	6	7

## Methodology

This article presents an analysis of empirical data generated from qualitative, semistructured interviews undertaken with 13 RJ practitioners. The data presented are drawn from a larger research study that critically explored offending girls' experiences of RJ conferencing, which consisted of 28 interviews undertaken with 15 youth justice-involved girls and 13 RJ practitioners. The purpose of this larger research study was to address a substantial lacuna in knowledge concerning girls and RJ in order to provide a unique insight into the ways in which they experience, internalise and engage in RJ. Four themes emerged from the data analysis of the 28 interviews underpinning the larger research project: 'power relations'; 'conflicting perspectives'; 'emotions'; and 'gender-specific outcomes and practices'.

The process of recruiting and interviewing practitioners for this study took place over a total of eight months between June 2015 and February 2016. Through the support of a gatekeeper at a YOS where I had previously worked as a volunteer, a total of 13 practitioners were recruited through a purposive sampling method. The practitioners in the sample were employed across eight different YOTs in the north-west of England. Their involvement in RJ varied from team manager to senior RJ practitioner, victim liaison officer (VLO) and YOT case manager, and their experience of working within the YJS ranged from six months to 14 years (see [Table 1](#)). All practitioners who participated in the study were assigned pseudonyms.

The interview schedule consisted of predetermined open-ended questions that focused on seven areas of inquiry: the participant's job role and their link or involvement to RJ in that role; their experiences of working with girls in the YJS; their perspectives on RJ; their perspectives concerning gender and RJ; their perspectives on young female offenders' participation in RJ conferencing; their perspectives on girls' experiences of shame during a RJ conference; and their perspectives on young female offenders' experiences of stigma. Interview data were analysed using thematic analysis and adhered to the six phases of data analysis identified by Braun and Clark (2006). The article focuses on the fourth

theme: gender-specific outcomes and practices. This theme presents data in relation to practitioners' perspectives on the role of gender in shaping girls' experiences of RJ conferencing and their views concerning gender-specific provision and RJ practice within the YJS.

## Findings

### *Distinguishing between gender-specific and genderless outcomes*

While gender-specific provision for offending girls varies between YOTs (Shepherd, 2015), it is argued that to respond effectively to girls' offending, their gender-specific needs and age must be 'properly acknowledged and meaningfully addressed within the programs and services available' (Burman and Batchelor, 2009: 281). Such programmes and services include RJ interventions. However, while the practitioners interviewed identified gender-specific differences with regards to girls' experiences in the YJS, they were reluctant to identify any gender-specific outcomes for girls who had participated in an RJ conference. Most practitioners maintained that girls' experiences of participating in RJ conferencing would largely remain the same as their male counterparts.

Apart from one senior practitioner, Marie, who acknowledged that 'it is difficult to know for sure' if there are differential outcomes based on gender, many practitioners explicitly stated that gender does not shape restorative processes:

Interviewer: 'Do you think there are gender-specific outcomes for girls?'

David (Restorative Justice Officer): 'No, I think they both go well really, I wouldn't say the female one goes particularly any better than male ones really.'

'I think the process actually leads to similar outcomes for either.' (Marie, senior practitioner)

'The outcomes are the same for both of them really, if it is done correctly.' (Elaine, youth offending and family intervention worker)

The data reflected a consensus that the social division of gender would not impact upon the outcomes of an RJ conference. Practitioners defended their position by referring to RJ conferencing as a process that is dependent on 'individual' outcomes and experiences, and so to differentiate between gendered experiences would not be effective in determining individual outcomes:

'I don't think gender has a place really when it comes to it. The outcomes are not really gender related; you know, it's not really a focus on gender. Restorative justice, I would say, is quite genderless in terms of that. I have had boys cry at conferences, and I have had girls cry at conferences.' (Scott, substance misuse worker)

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‘No, I don’t, it’s the same process. They go through the same things and it’s the same process. Some boys are willing, some boys are scared. Some girls are willing, some girls are scared.... I would say we need to be very good at meeting the needs of each individual person no matter what their gender.’ (Debbie, VLO)

‘My immediate response would be, no, I don’t think there would be any difference in how they experience conferences.... I think that’s going to be more individualistic than gender specific to be honest.’ (Graham, restorative justice and volunteers team manager)

These findings from these practitioners indicate that they did not think gendered factors of crime and victimisation that are specific to girls would impact the outcomes of an RJ conference.

### *Examining the need for gender-sensitive approaches to restorative justice*

Practitioners acknowledged that the pathways and contexts of girls’ offending differed from their male counterparts, and the YOTs they worked within had an all-round awareness of girls’ needs and delivered gender-specific interventions to address these needs. Such provision for girls included female-only intervention groups and same-sex worker allocation protocols. However, it was revealed that such genderspecific awareness and provision was not extended to RJ interventions. Practitioners acknowledged the omission of gender-specific guidance with regards to facilitating RJ conferencing, and it was revealed that they were instead using their own bestpractice initiatives to meet the individual, as opposed to gender-specific, needs of each participating young person: “I mean, it’s not an exact science is it? Don’t get me wrong, but, again, it is about the skill of the workers doing the business really, armed with the assessments, armed with the understanding and their training and their life experiences themselves” (Graham, restorative justice and volunteers team manager).

Practitioners felt that alongside the neutrality of RJ conferencing, the genderspecific needs of girls would be determined by the assessments for complex and high-risk cases undertaken prior to the conference. Practitioners said that if risks were identified, they would be addressed during the planning and preparation stage for the conference. It was also felt that the assessments for complex and high-risk cases were sufficient in determining if a young person was suitable to participate in an RJ conference regardless of their gender:

‘As I said, the preparation is key, and, you know, we do use assessments which are based around sensitive and complex assessments of appropriate bits of restorative justice. So, we use a number of different assessment tools in order to gain the willingness and the appropriateness of these people coming together.’ (Graham, restorative justice and volunteers team manager)

‘Making sure that the groundwork is done appropriately and there is enough preparation before, during and then you have got the after stuff,

they should be alright.’ (Elaine, youth offending and family intervention worker)

It was felt that equality and diversity training, alongside best-practice guidelines for supervising complex, high-risk cases, addressed the gender-sensitive needs of both young males and females. Some practitioners also discussed how RJ practitioners were trained by RJ service providers, such as the International Institute for Restorative Practices, and that all practitioners had undertaken Assessment Intervention Moving on (AIM) training, which is an assessment procedure designed to be used with young people who have displayed sexually harmful behaviour. It was suggested that such training provided practitioners with the skills to undertake risk assessments for RJ conferencing and identify any relevant, gender-specific issues that raised concerns:

‘The training and guidance that they [Restorative Justice Council] provide, it is genderless. Therefore, it is important that we access any training about sensitive and complex assessments that we can, and some of our staff have used AIM training to, you know, look at how any comparisons between doing assessments for particularly sexually harmful behaviour and domestic abuse cross over into preparation for restorative justice conferences. So, you know, making sure that we treat the majority of our restorative justice conferences as sensitive and complex, as opposed to not.’ (Graham, restorative justice and volunteers team manager)

‘We talk about equality, valuing diversity and inclusivity, and we do consider gender as part of that, so I think it does get covered.’ (Marie, senior practitioner)

Despite there being no gender-specific guidance for practitioners delivering RJ interventions to girls, alongside the empirical data stating that gender was considered only in the context of managing complex or high-risk cases, five practitioners stated that they felt gender was not an issue that had been neglected in RJ policy and practice. The reasons for this varied; however, it was expressed that RJ interventions focused on individual, case-by-case outcomes and gender was not a factor that impacted outcomes and experiences. Some practitioners also said that they deliver and facilitate interventions in a gender-neutral framework, and that such practice was sufficient in achieving the best outcomes for young people:

‘I would like to think we treat girls like girls and boys like boys and that’s appropriate.’ (Debbie, VLO)

‘I don’t think, I am confident to say that I don’t think there is no element around gender that the Youth Justice Council puts out and stuff, and I don’t think we do as a thing, but I think when you start segregating male to female, that’s when you are starting to highlight stuff like that because a group of young people can still learn from a session whether they are male or female, and you can still challenge inappropriate behaviour in that environment.’ (Gary, restorative justice victim worker)

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‘I would like to think that our service is neutral in all aspects. I mean, restorative practice in general, I think, is quite a neutral thing that is tailored to everyone. It is not just tailored to lads; it is tailored to everyone because we have sex offenders who do it, everyone, so we have a massive spectrum.

I don’t think girls would be an issue in that.’ (Rebecca, restorative justice victim worker)

‘No, I don’t think it is neglected because it is a fair process. So, no, I don’t think so.’ (Gary, restorative justice victim worker)

‘With regards to the Restorative Justice Council, I think their defence would be ... that all staff are trained properly. You have a choice of a male or female facilitator, and if the facilitator uses the script properly, then it should all go well.... I think it is not about gender in isolation; it needs to look at diversity as a whole and we need to accept that sometimes restorative justice just isn’t the answer.’ (Stan, YOT senior officer)

Two practitioners did not give a direct answer to the question. However, six practitioners stated that they felt gender was an issue that has been neglected in RJ policy and practice. Some practitioners felt that this was needed because girls are a minority in the YJS and practitioners’ experience is dominated by engagement with male offenders, thus their experience of working and engaging with girls was limited:

‘Yeah, I think perhaps, maybe, because when you are looking at offenders, you probably think working with males. That is just the way it is.... So, I suppose the focus on getting RJ out there may be more leaning towards focusing RJ to male offenders rather than female offenders.’ (David, restorative justice officer)

‘Offender case holders get far more experience of males than they do of females, that’s because of the numbers. Are they cognisant enough or skilled enough in gender issues? Probably not. I suppose I would have to say that, probably, gender has not been looked at properly either, but I think it is probably one of a whole range of things that has not been properly looked at.’ (Jim, prevention and restorative justice coordinator)

Emma (family intervention worker) also felt that RJ needs to be more inclusive for girls and young women, which she felt would involve tailoring specific interventions to meet their individual needs. Shelly (VLO) felt that there was a lack of guidance and training provided by the Restorative Justice Council and YOS focused on gender provision in RJ, and that this resulted in variations in practice. Graham (restorative justice coordinator) felt that gendered risks and vulnerabilities were “possibly” neglected but practitioners were still following the training supported by the Restorative Justice Council:

‘Possibly, possibly, I mean I think the best that we can do is to make sure staff are well trained in terms of their operation of restorative justice here.... They are operating to training that is given by a credible restorative justice organisation and that we are working towards the best practice as laid down by the Restorative Justice Council and that applies to males and females.’ (Graham, restorative justice coordinator)

‘There is a gap there that needs to be addressed, I think, because as a practitioner, if they did do that, I would feel more confident in delivering what I do, instead of just using my own initiative, because some practitioners will, some won’t, and pretty much some practitioners will just tick the boxes, but if those boxes aren’t there, then they are not going to get ticked.’ (Shelly, VLO)

Ten practitioners out of 13 argued that there was a need for gender-sensitive approaches to RJ practices used with girls who offend, though not all of them felt that gender was an issue that had been neglected in RJ policy and practice. Practitioners contended that due to there being a need for gender-sensitive approaches in other youth justice interventions, RJ should be no different:

Interviewer: ‘Do you feel there is a need for gender-sensitive approaches to restorative justice practices used with girls who offend?’

Graham (restorative justice coordinator): ‘Yes, I do, because I think there is a need for gendersensitive approaches across all our interventions, so therefore I am not going to say “no” for restorative justice.’

‘I think there probably are. You are unlikely, I know it is not impossible, but you are unlikely to get a male offender who has suffered, for instance, rape.... Given that, is there a need for gender-sensitive approaches? Yes, clearly there is because I think of the possible victimisation issues that might be there.... We know from the adult prison populations actually that most girls who enter the criminal justice system, there are other predisposing factors other than just taking risks ... with girls, there are more likely to be those issues of abuse, neglect, and that can come in many forms, can’t it.’ (Jim, prevention and restorative justice coordinator)

‘I can evidence it that there is a substantial difference in take-up, say, of victims between a male RJ practitioner and a female RJ practitioner. So, a female RJ practitioner working with a female victim would get a better result and a better bite on RJ. It is ludicrous to say that you should put a strange man in a suite in the living room of a vulnerable woman and start asking pertinent questions, sensitive questions ... young women victims are vulnerable, adult women victims are vulnerable, they could be going through a whole raft of emotional trauma.’ (Stan, YOT senior officer)

‘Well, I suppose the answer is “yes” to that because I do more preparation with girls than boys. So, although the processes are the same and questions

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are the same, you would revisit it more with girls.’ (Lynn, restorative justice victim worker)

‘Yes, I think we have done our best, but we have to start looking at it differently and tailoring things more for restorative justice with girls for their needs more.’ (Elaine, youth offending and family intervention worker) ‘Yes, I mean, for me, it is about being inclusive, and therefore you have to meet people’s needs, and it not just being about the offender, about the victim as well, so, yeah, it does need to be a focus, as any other thing that might make somebody’s experience more difficult.’ (Marie, senior practitioner)

‘I think there is a need for gender-sensitive approaches in all facets of the criminal justice system, and the YJB have told us that. They have told us to do that. They have produced their papers saying girls offend differently ... but, yes, gender-sensitive approaches across the whole spectrum, if it is there for the other areas, if it is there for custody ... it should be there for RJ as well.’ (Gary, restorative justice victim worker)

However, three practitioners stated that they did not feel there was a need for gendersensitive approaches to RJ practices used within the Youth Justice Service:

Interviewer: ‘Do you feel there is a need for gender-sensitive approaches to restorative justice practices used with girls who offend?’

Debbie (VLO): ‘Personally, I think we treat each person as an individual ... and that probably doesn’t happen in the wider world, but I would like to think that we treat them the same.’

‘No, again, the outcomes are not gender related, you know, it’s not really a focus on gender. No, I don’t, I think generally, it is like I say, it is kind of a genderless issue really. We all really want the same outcome and we all really want the result to be positive and end on some agreement, you know, so I don’t think gender plays a role, no.’ (Scott, substance misuse worker)

‘I don’t think they need to start adjusting or doing anything like that.... I think it should be across the board, open to everybody and every offence, and not a process that should be changed because they think, “Oh, we have got to include females”, because I don’t think there is anything wrong with the actual process.’ (David, restorative justice officer)

All practitioners stated that there were gender-specific differences in relation to the experiences of, and reactions to, girls’ offending behaviour, particularly concerning issues of shame and stigma (see Hodgson, forthcoming). This was emphasised by Rebecca (victim worker), who emphasised that girls’ offending is “frowned upon in our culture”, and Debbie (VLO), who acknowledged that girls get “much harsher sentences” compared to boys who have committed similar offences. Also, all practitioners acknowledged that girls often experience higher

levels of trauma and victimisation prior to their offending, and that their offending behaviour would be subject to scrutiny and regulation due to gendered discourses of appropriate behaviour that situate their offending behaviour as incompatible with 'acceptable' forms of femininity.

However, these observations did not appear to be integral to practitioners' perspectives concerning the need for gender-sensitive approaches to RJ conferencing, indicating that they did not consider gendered factors of crime and victimisation. This indicates that girls are being subject to gender-blind or gender-neutral restorative interventions that could represent barriers to responding to girls through RJ interventions. The final section now discusses these findings and the policy implications arising from them.

## Discussion

Centred on RJ practitioners' perspectives on offending girls and RJ conferencing, this article found that the sample of practitioners did have an all-round awareness of the gender-specific needs and experiences of justice-involved girls. Furthermore, the YOTs they worked within did prioritise gender-specific interventions as a response to girls who offend; however, such gender-aware practice was not extended to RJ interventions. The findings revealed that: (1) gender-aware approaches were not uniformly incorporated into RJ conferencing; (2) practitioners predominantly felt that due to the fairness and neutrality of the conferencing process, gender as a variable would not impact on the dynamics and outcomes of a conference; and (3) RJ discourse remains predominantly gender-blind, indicating that the gender-specific needs and experiences of girls are not adequately considered in RJ practice.

Acknowledging girls' unique experiences through the lens of gender is essential for understanding the material reality of girls' lives and formulating an adequate response to their offending. Feminist research within criminology has demonstrated how 'gender matters, not only in terms of one's trajectory into crime but also in terms of how the criminal justice system responds to offenders under its authority' (ChesneyLind and Pasko, 2013: 3). The contributions of feminist pathways research have also established an international evidence base which recognises that the backgrounds and formative experiences of girls that encounter the justice system are different to boys'. Such evidence highlights gender-specific risk factors and vulnerabilities that could impact girls' experiences of youth justice intervention.

The empirical data presented have revealed inconsistencies and complexities in terms of practitioners' views regarding RJ conferencing with girls who offend, the extent to which conference outcomes are impacted by gender and the need for gender-sensitive approaches to RJ. As discussed, the findings reflect a consensus among practitioners that the social division of gender will not impact the outcomes of an RJ conference. Moreover, all practitioners acknowledged that gender-specific provision was not extended to RJ practice being facilitated within their YOT. While practitioners held different perspectives regarding whether gender was an issue that was neglected within RJ policy and practice, many practitioners felt that there was a need for a gender-specific approach to RJ practices used in the Youth Justice Service. Such findings highlight the nuances and contradictions within the data set,

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reveal a lack of clarity when it comes to understanding the impact that gendered factors may have on girls' experiences of RJ conferencing, and reveal that there is no standardised approach in the ways practitioners respond to gendered factors in the facilitation of RJ.

This is not surprising when considered in relation to the gender-blindness of the existing policy and legislation that supports the use of RJ in the YJS. It is contended that the absence of gender from dominant RJ discourse has contributed to inconsistency and ambiguity in terms of the extent to which gendered factors are recognised and responded to in the facilitation of RJ conferencing.

The findings presented within this article, therefore, support the argument that the complexity of gender as a variable relevant to RJ conferencing is neglected. It is argued that the gender-blind approach to the delivery of RJ has the potential to subject girls to a process of 'vengeful equity', whereby they are treated in the same way as boys 'in the name of equal justice' (Chesney-Lind, 2006: 18). In other words, they are being held accountable for their offending behaviour through interventions that take no cognisance of the context in which structural inequalities in relation to gender shape their formative experiences, offending and criminalisation. Furthermore, girls' subjectivities are being systematically excluded and their experiences are being marginalised by a reluctance to acknowledge the presence of gender within RJ practices.

### *Beyond youth justice: towards girl-wise penology*

There are a number of policy implications arising from the arguments presented earlier. First, it is evident that the needs and experiences of girls who offend are being relegated to the peripheries of youth justice policy and practice relating to RJ. Second, the established consensus that gender-specific provision that is cognisant of girls' differential needs and experiences should be incorporated into programmes and interventions used with young female offenders is being disregarded when it comes to contemporary RJ practice. Finally, questions are raised concerning the extent to which the delivery of ethical RJ practice that recognises the unique experiences and needs of girls is achievable in the context of current policy provision.

However, the arguments presented form part of a broader set of issues concerning the material and lived realities of girls' lives, which create problems that extend beyond the need to recognise the relevance of gender within RJ interventions. This is because the structural position of girls in society creates a number of challenges and contradictions relating to the structural and material conditions affecting girls' lives that gender-sensitive approaches are restricted in their ability to resolve.

The crucial problem is that the principles upon which gender-specific provision for girls are based do not address the structural conditions that perpetuate girls' marginalisation and oppression within society. Therefore, it is crucially important to recognise the problematic nature of incorporating changes to process and practice without being aware of, and endeavouring to respond to, the broader structures of inequality that disproportionately affect girls and young women by virtue of age and gender, as well as additional social divisions of class, ethnicity, disability and sexuality operating within society.

Situating the structural inequalities and social injustice impacting girls' victimisation and criminalisation at the centre of debate and discussion, the article advocates for the development and application of a 'girl-wise' penology underpinned by feminist praxis, which responds to the social injustices girls experience. As Stanley (1990: 15) argued, feminist praxis is a framework in which to 'change the world not only study it'. For Stanley, feminist praxis forms part of a continuum of 'feminist commitment', in which 'knowledge is not simply "knowledge what" but also "knowledge for"'.

The conceptual framework of a 'girl-wise' penology built on feminist praxis mirrors the pioneering arguments put forward by Carlen (1990: 109) for a 'womanwise penology' that incorporates the principles of 'remedial action', 'resistance' and 'democratic exploration' in the treatment of women [and girls] involved in the penal system'. In her book *Alternatives to Women's Imprisonment*, Carlen (1990) stated that the integral aim of a 'woman-wise' penology was to ensure that the treatment of women offenders does not serve to exacerbate their social and structural oppression within society. As such, a 'girl-wise' penology would consist not only of radical alternatives to the YJS in order to prevent it from contributing to further harm against girls, but also of safe accessibility to education, healthcare and employment, in addition to the disestablishment of punitive paradigms of youth justice that ultimately serves to ensure the safety of girls embroiled in the justice system and a commitment to feminist praxis specifically concerned with raising consciousness and responding to the conditions of girls' oppression and lived realities.

### *Remedial action*

These three components of a 'girl-wise' penology progressively differ to RJ interventions for girls who offend and the limited policy response to justice-involved girls. Such a different approach would go beyond the expansion of gender-specific provision in RJ policy and practice, and engage in 'remedial action' that, Carlen argues, should repair the present wrongs that the criminal justice system has imposed upon women. For girls, I contend that addressing the inequity they experience in the penal system through 'remedial action' is to engage in opposite action focused on the neglect of girls and the ideology of austerity.

The first opposite action in relation to girls' invisibility would be to engage in social inquiry into the realities of girls' lives in order to gain a precise insight into the materiality of their lives that would pave the way for the exploration and implementation of legitimate social change for girls, and the elimination of their invisibility. The second opposite action concerns the reversal of austerity sanctions imposed on education provision, local government funding and welfare spending.

### *Resistance*

In recognising and responding to girls through remedial action that counteracts their relegation to the peripheries of criminological, and specifically youth justice, discourse, it is also important to acknowledge girls' demonstrations of resistance and agency, as well as the need to provide a salient space in which they can challenge and make recourse to an alternative discourse that positions them as

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active agents with the power to shape and define their own lives and experiences. In the context of a 'girl-wise' penology, resistance would involve providing a voice to girls in relation to matters that are of significance to them and an opportunity to participate in shaping their own experiences. By providing girls with a voice to share their own narratives and subjectivities, a space can be provided where unequal power relations can be resisted and alternative narratives that challenge the exercise of patriarchal power and the formal and informal mechanisms of social control to which they are subject can be produced.

### *Democratic exploration*

The final component of a 'girl-wise' penology is engaging in democratic exploration in order to respond to the current material and lived realities of girls' lives as they currently stand. I contend that a youth justice jurisprudence has not been effective in offering protection to girls from further trauma, distress and injustice. Many of the outcomes of youth justice interventions hold the capacity to be experienced by girls in a penal context. For example, removal from homes, placement in secure accommodation and referrals to statutory welfare services have all been critiqued on the grounds that they deny girls due process of law, infringe their rights and are often underpinned by subtle mechanisms of social control that, intentionally or unintentionally, function to shape girls' attitudes and behaviours in line with dominant discourses of adolescent femininity.

As such, I suggest that such democratic exploration would consist of the exploration of the continuum of ways in which girls live and exist, as well as a comprehensive consideration of how to accommodate the needs of girls and work with them in non-homogeneous ways that take account of conflicting and complex issues within an inclusive framework. As such, this would include democratic exploration of ways to support lesbian, gay, transgender, intersex and cisgender girls, those who are part of Black, Asian and minority ethnic groups, those who are looked after by the local authority, those who are disabled, those who are mothers, and those who are carers.

At the centre of this strategy is the development of a holistic package of support for girls that takes account of the material circumstances of their lives and connects their lived experiences to their offending and the opportunity for transformative change. A more diversified framework for responding to girls who offend would reconceptualise the treatment of, and responses to, offending girls as the responsibility of the youth justice sphere, and provide a space in which alternatives to the governance of girls through a penal system can be established.

Ultimately, it is suggested that education, health and social justice should be placed at the centre of such a progressive programme, with such provision being underpinned by a feminist praxis that creates a space for girls' voices and experiences to be heard, while recognising and endeavouring to respond to the ways in which girls' offending, girls' victimisation and state responses to these experiences are inherently shaped by gendered relations of power. It is argued that such feminist-informed social policy would mobilise structural and systemic reform of the ways in which girls are currently treated in the context of criminal justice policy. Such radical reform would centralise a rhetoric of resistance to and collective action against social injustice perpetrated by the state, and empower girls

by making gender and their individual experiences a visible factor responded to by social policy intervention.

## **Conclusion**

This article has argued that despite the widespread popularity of RJ as a response to young people's offending behaviour, RJ policy discourse has neglected to acknowledge the need for tailored interventions for girls who offend. It has contended that RJ practice has developed in a gender-blind framework, whereby the acknowledgement of the gender-specific needs and experiences of young female offenders has continued to remain absent from contemporary RJ practices used within the YJS. The article challenges the development of RJ within a gender-blind framework, suggesting that this has prevented RJ practitioners from responding to the gender-specific needs and experiences of youth justice-involved girls undertaking RJ.

The findings presented have provided new empirical accounts in relation to gender and RJ, and have created a space for RJ policy and practice to acknowledge the complexity of gender and the impact it has on shaping the experiences of girls. The article has contributed to broader debates relevant to youth justice policy and literature concerning responses to girls who offend by advocating meaningful and structural change for girls in the justice system through the development of a 'girlwise' penology centred upon social policy alternatives that are committed to radical and transformative change in responding to girls in conflict with the law.

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The author declares that there is no conflict of interest.

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