

The Youth Justice Commute (or the Institutional Construction of Youth Transport Poverty)

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The Youth Justice Commute (or the Institutional Construction of Youth Transport Poverty)

Youth Justice
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Abstract

Youth justice commuting problems need better recognition due to the complex dispersal of practice sites and prevalence of characteristics associated with journey barriers. Applying a transport poverty framework to the youth justice population develops adult-focused research and establishes youth transport poverty for the first time. Data from 28 young people and 33 practitioners in two high-deprivation, post-industrial English towns suggests that free transport offers a partial solution. Recommendations indicate that inclusive communication and established education sector policies could support youth justice accessibility, help understand connections between over-representation and commuting problems, and support other contexts like education to employment transitions.

Keywords

Accessibility, commuting, disproportionality, journey, juvenile justice, mobility justice, NEET, over-representation, poverty, social exclusion, transport poverty, youth, youth justice, youth offending, youth transitions

Introduction

Community youth justice provides the main response to young people in conflict with the law, and is often delivered across multiple sites and services. Groups that are over-represented in youth justice systems can experience commuting barriers in connection with age, gender, poverty, race and ethnicity (Kuttler and Moraglio, 2021b; Sheller, 2018; Spilsbury, 2005), meaning journey outcomes do not always reflect intentions. Despite this, absence is sometimes interpreted as an act of resistance, with punishment increasing the infliction of system-based harm (Youth Justice Board (YJB), 2019b). In different jurisdictions, contradictory ideological underpinnings (like help and punishment) can make discretionary responses to policy gaps unclear and unequal, while

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hiding young people's capability constraints. This article considers the complex, fragmented community youth justice landscape that is present in England and Wales and internationally. New questions will be raised about commuting problems experienced by populations over-represented in youth justice, to problematise perceptions of disengagement. Lucas et al.'s (2016) transport poverty framework will be used to organise the findings, with any one of the following five criteria meeting the threshold for transport poverty:

- Travel conditions are dangerous, unsafe or unhealthy
- No suitable transport option in the context of capabilities
- Transport options do not reach required destinations for daily activities/quality of life
- Excessive travel time leads to time poverty or social exclusion
- Weekly amount spent on travel leaves household with income below the poverty line (Lucas et al., 2016: 356)

Application of this framework will provide the first evidence of institutionally produced youth transport poverty in four distinctive themes. Although this article relates to a youth justice context, recommendations are relevant to youth accessibility more broadly, including education to employment transitions for young people not in employment, education or training (NEET). Although free travel resolves some aspects of transport poverty, the complex and hazardous ways that young people navigate locality settings suggests that new accessibility solutions are now needed.

Multi-sited community youth justice

In contemporary societies, illicit misdemeanours undertaken after the age of criminal responsibility and before the age of criminal majority result in one of three state-sanctioned responses: diversion from formal systems, compulsory community activities or incarceration in custodial facilities. These outcomes vary between jurisdictions although internationally, offence severity has a broadly positive relationship with system contact and deprivation of liberty. The 'criminalisation of social policy' refers to the involvement of criminal justice agencies in activities traditionally undertaken by the welfare state – something Wacquant (2009) extensively discusses in the context of US penal regimes. This means welfare and punishment have become poorly demarcated in contemporary society, with greater justice agency contact for socially disadvantaged groups (Rodger, 2008). The criminalisation of social policy impacts youth justice delivery as more organisations and practice sites are used, extending beyond police, court, reparation and sentence review activities to include mental and physical health, housing and education (Burnett and Appleton, 2004; Muncie, 2008). The simultaneous delivery of help and punishment is well documented as problematic in many jurisdictions, with contradictory philosophical underpinnings causing confusion in sparse policy areas like accessibility, and making it unclear whether to help or responsabilise (Brooks-Wilson, 2020b).

Usefully, Sheller connects accessibility with the organisation of the built environment, by suggesting that: ‘we must consider how to combine struggles for accessibility and bodily freedom of movement, for equitable infrastructures and spatial designs that support rights to movement’ (Sheller, 2018: 20). Internationally, community youth justice requires the involvement of multiple organisations at different sites, with examples from Australia and the United States illustrating this point. In Australia, the Victorian Government’s Criminal Justice Diversion programme responds to low-level offending through features delivered at different sites, including voluntary work, drug and alcohol treatment, anger management coaching and defensive driving courses (Fisher, 2008). For young people in the United States, incarceration has been decreasing steadily since 2001 because such settings are likely to increase reoffending and cannot respond well to high levels of trauma and mental ill health (Office of Juvenile Justice and Delinquency Prevention (OJJDP), 2023). The closure of youth custodial settings has resulted in consultations on community alternatives, with evidence of improved outcomes in Alabama, California, Illinois, Ohio, New York and Texas (OJJDP, 2023). Although the shift to community delivery is positive, these Intensive Supervision Programmes also involve multiple daily appointments to ‘a wide range of services to address offenders’ needs’ (OJJDP 2014: 4), irrespective of whether young people reside in residential homes or visit treatment facilities during the day.

Accessibility is a challenge for single-sited sectors so community youth justice has a problem, yet the geographical dispersal of ideologically disparate partner agencies remains under-researched (Brooks-Wilson, 2020a). When young people engage with community-based partner agencies expectations can vary, causing confusion and disrupting the completion of requirements (Brooks-Wilson, 2020a). Educational engagement is important for resettlement and desistance, and the education sector in England and Wales undertakes rigorous accessibility assessments that consider distance, cost, safety and physical ability (Hazel and Bateman, 2021; HM Government, 2022; Maruna, 2012). Within policing, young people are usually provided with a lift to custody, with release guidance in England and Wales suggesting: ‘the custody officer should check that a detainee [. . .] will be safe following release. A child or woman, for example, should not be released into the night without some safety precautions having been put in place’ (Her Majesty’s Inspectorate of Constabulary (HMIC), 2015: 104). This evidence of diverse commuting guidance in just two partner agencies raises questions about consistent delivery for the wealth of organisations operating in different jurisdictions. Such evidence also implies that appointment absence can be an outcome of sentence profile and the ability (rather than willingness) to attend, which significantly undermines the legitimacy of service withdrawal and absence-related punishment (Brooks-Wilson, 2020a).

Connecting over-represented characteristics with commuting problems

The term ‘commuting’ refers to routine journey making in the context of regular responsibilities, suggesting an interdependency between destination activities and associated travel. In this context, the term ‘youth justice commuting’ helps elevate the status of hidden practices upon which youth justice delivery is wholly dependent. Personal

circumstances and broader societal contexts influence the nature of everyday journeys, with ‘commuting’ first emerging alongside capitalist production, when public transport facilitated the daily separation of work and home (Aldred, 2014; Hanson, 2009). Contemporary commuting is diverse, with multi-sited jobs (like social work) permeated by travel, contrasting with hybrid working and the emergence of ‘telecommuting’ (in place of physical commuting) in the aftermath of Covid-19 (Ferguson, 2016; Hanson, 2009). Contemporary research challenges universalist (adult) assumptions of commuting, by developing understandings of children and young people’s diverse and distinctive experiences and service needs (Barker, 2012; Fast, 2020; Horton, 2016; Odih, 2007). In a policy context, transport planners use accessibility planning to help less mobile people reach destinations vital for everyday life, including employment, education, healthcare, food shopping and local urban centres (Department for Transport (DfT), 2014b; Kilby and Smith, 2012; Social Exclusion Unit (SEU), 2003; Titheridge et al., 2014). However, the youth justice population often undertake unfamiliar journeys to ‘contingency’ services, and are excluded from accessibility support that is largely directed towards physically disabled and older people (Bourn, 2013; DfT, 2014a; Quayle and Cope, 2018; SEU, 2003; Schmitt et al., 2015). This means that in England and Wales, the youth justice population do not benefit from any targeted commuting policies, despite undertaking onerous requirements with constrained capabilities (Brooks-Wilson, 2020b; Lucas, 2012).

In a welcomed rejection of universalism, ‘mobility justice’ suggests journey experiences and capabilities reflect social position, with powerful groups accessing higher levels of mobility through things like political articulation and planning engagement (Sheller, 2018). Such acceleration is often at the expense of de-prioritised, marginalised groups, whose mobilities are worth less and whose slower public pace is subject to higher levels of surveillance and mobility suppression (Sheller, 2018). Internationally, these marginalised groups of people are also ‘over-represented’ in youth justice populations, meaning the general population profile is distorted (rather than reflected) within them (Brooks-Wilson, 2020b; Cole, 2012; Day, 2017; Hughes et al., 2020). For example, neurodiversity and mental ill health can interfere with journey perceptions, decision making and confidence, and are over-represented in youth justice populations (Brooks-Wilson, 2016; Hughes et al., 2020). Some people experience hostile racist treatment when accessing everyday destinations, with separate evidence of the same groups being over-represented in youth justice systems (OJJDP, 2022; Sheller, 2018).

These ‘silos’ of knowledge on journey problems and youth justice over-representation suggest the need for mobile and structural disadvantage to be better synthesised, as they raise questions about whether the extensive and complex causes of over-representation could also have implications for journey making. Causes of over-representation are extensively discussed elsewhere, and include things like structural and institutional racism, legal literacy, ‘appropriate’ displays of remorse, trust and co-operation, the punitive treatment of poverty, geographical population distribution and arrest ‘availability’, among other things (Cole, 2012; Hall et al., 2013; Meer, 2022; Phillips and Bowling, 2002; Wacquant, 2009). These points can also be applied to the youth justice commute to raise questions about whether they contribute towards deficits in journey making resourcing,

capabilities or safety levels (Lucas et al., 2016). The impact of low-income households undertaking fewer journeys, travelling shorter distances and relying on active travel or public transport is now acknowledged (DfT, 2021), but other over-represented areas and their intersections (like care experience and race) still remain poorly understood.

Connections between youth justice over-representation and commuting barriers have been established in the context of poverty (Brooks-Wilson, 2020b) and despite social disadvantage producing support requirements when attempting to reach: 'resources, rights, goods and services' (Levitas et al., 2007: 19; Oroyemi et al., 2009), youth justice policy has a starting position of assumed service access. The lengthy youth justice entry point assessment concludes by asking whether it is: 'easy to go to your YOT appointments?' when at this stage, full commuting requirements may not be obvious, making it only possible to comment on intentions (YJB, 2014). Lateness and absence are outcomes of (often precarious) journey problems, but absence-based punishments assume actor capability and rationality, commuting autonomy and wilful 'non-compliance' (Hart, 2011; YJB, 2019b). Research shows that families experiencing multiple disadvantage are more likely to experience problems with crime and service access, with the absence of a family car connected to deeper, complex problems (Levitas et al., 2007; Oroyemi et al., 2009). Despite this, higher levels of disadvantage have been directly connected with *heavier* youth justice sentences (Bateman, 2011), where the poorly resourced 'kinetic underclass' experience *higher* commuting requirements to *more* services without a guarantee of help (Brooks-Wilson, 2020b; Cresswell, 2010; Eidse et al., 2016).

Research Approach

This article uses recoded data from a previous 2012 study with justification. The author acknowledges the changing youth justice landscape, but asserts that commuting is more onerous and complicated due to a reduction in the youth justice population, and return of secondees to parent organisations (MoJ, 2012; YJB, 2010, 2019a). These changes have produced a sector that is more dispersed and sparsely populated, with a lack of policy detail increasingly placing the onus on young commuters and unevenly distributed, discretionary treatment (Brooks-Wilson, 2020b; YJB, 2019b). Developments in the classification of transport poverty and social exclusion (Lucas et al., 2016) make aspects of this study more important to share as they imply that the policy gap on youth justice commuting (and its consequences) is even more crucial to address. In this context, not sharing robust research evidence on a poorly understood problem seems more problematic. Finally, data collection became complicated during the Covid-19 global pandemic, legitimising research resourcefulness in different ways, such as through the (re)analysis of data with an enduring (and arguably increasing) relevance. This article uses five key criteria to establish whether the youth justice sector institutionally constructs transport poverty, and whether it would be useful to nuance transport poverty identification criteria to account for age. Lucas et al.'s (2016) valuable, non-age-based criteria propose that any one of the following areas meets the transport poverty threshold:

- Travel conditions are dangerous, unsafe or unhealthy
- No suitable transport option in the context of capabilities
- Transport options do not reach required destinations for daily activities/quality of life
- Excessive travel time leads to time poverty or social exclusion
- Weekly amount spent on travel leaves household with income below the poverty line

A qualitative, mixed methods case study was conducted in two post-industrial towns – one previously permeated with coal mines and the other with cotton mills. Mining Town was larger, containing 20 per cent of rural land, compared with 5 per cent in compact Mill Town (Department for Environment Food and Rural Affairs (DEFRA), 2011). In total, 28 young people and 33 practitioners participated in nine focus groups and 24 interviews across three practice sites (one pilot and two main research sites). Practitioners managing the full range of community sentences shared different knowledge, views and experiences on commuting. It was also important to include different youth justice commuter voices, so stratified sampling was used to capture different sentencing outcomes, ethnic groups, ages and genders. The connection between social disadvantage and onerous, complex commuting was evident with research participants overwhelmingly poor, and almost exclusively using public transport or active travel.

The unit of analysis in this research was youth offending teams (YOTs), as this enabled local authority-level data on social disadvantage and youth justice attendance problems to be jointly considered (ONS, 2010; YJB, 2010). Absence and lateness are key causes of youth justice order breakdown, but a lack of published data made breach data the closest available proxy, with locations in this research having rates of around two and a half times above the national average (YJB, 2010). The index of multiple deprivation was then used to locate youth justice commuters experiencing multiple disadvantage in areas such as employment, education, income and health (Department for Communities and Local Government (DCLG), 2011). The two main case study areas had above national average rates of workless families with children, and around half the neighbourhoods in each location were within the fifth most deprived in the country for employment, education, skills and training. Health deprivation was particularly notable in Mill Town, with nearly two-thirds of neighbourhoods within the fifth most deprived in the country (ONS, 2010).

Commuting problems can become normalised, so those experiencing barriers do not always identify them and sometimes avoid everyday activities as a consequence (Brooks-Wilson, 2020b; Lucas, 2012; Lucas et al., 2016). Internationally, long-standing guidance suggests the need to listen to young people and protect their rights (United Nations, 1989) and in England and Wales, the youth justice participation strategy and ideological shift from ‘young offender’ to a ‘Child First’ approach has made inclusive communication methods more legitimate (Case and Browning, 2021; Lucas et al., 2016; Mannay, 2016; Smithson et al., 2020; YJB, 2016). It was important for this research to elevate the lived experiences of youth justice commuters as such voices are often ‘doubly muted’ due to age and status (Ridge, 2002), although this is changing through different initiatives such

as participatory youth practice at Greater Manchester Youth Justice University Partnership (Smithson et al., 2020). Visual methods can elevate young people's voices (Brooks-Wilson and Snell, 2012; Mannay, 2016; YJB, 2016) and researcher experience of visual communication supported the use of such techniques (Brooks-Wilson and Snell, 2012; Wilson and Snell, 2010). An image elicitation exercise incorporated icons of travel modes (like buses, cars and walked travel) to destinations (like the YOT office, court and police station) to produce clear and focused practice-relevant points, with a local ordinance survey map producing detailed journey narratives. Young people were asked 'where do you go for your community sentence?'; 'how do you get there?' and 'what route do you take?' using icons and a map, with audio recordings of these discussions forming the main research output. During the main study, there were further opportunities to document youth justice commuting using a mini bus-based photographic trip, with images used to enhance dialogue richness in a focus group.

With respect to ethical considerations, all participant communication took place verbally and in writing using Plain English (Plain English Campaign, 2001). As research took place in some YOT interview rooms, it was important to emphasise participation as voluntary and separate from community sentences and include multiple opportunities for easy research withdrawal. To protect participant and researcher safety, young people with significant mental ill health or violent behaviour did not take part, although it is acknowledged that these voices are often hidden and should not be muted when possible (Ridge, 2002). For this article, data were coded using Lucas et al.'s (2016) five categories to establish evidence of institutionally produced youth transport poverty. Within each category, subcodes were used to develop richer knowledge on transport poverty in diverse youth justice commuting circumstances.

Findings

These findings provide evidence of youth transport poverty being produced from complex and onerous commuting requirements, limited capabilities and unreliable journey methods (Levitas et al., 2007; Oroyemi et al., 2009; Sheller, 2018; YJB, 2019b). Lucas et al. (2016) stipulate that *any one* of the following four findings sections provides evidence of transport poverty, meaning this article identifies the *institutional* construction of *youth* transport poverty for the first time. Unfortunately, limited involvement in household financial management meant youth justice commuters were not well placed to discuss whether transport costs left households with an income below the poverty line, according to Lucas et al.'s (2016) transport poverty framework. However, young people reported having no money and negligible access to private motorised transport (Lucas et al., 2016), and it was possible to assume that extensive travelling times blocked other activities, including income generation opportunities. When running late due to unpredictable transport, practitioners described how advance notification en route could 'show willing' and limit the progression to punishment. However, it was also acknowledged that this option wasn't available to everyone as: 'if they're genuine, and they haven't got money for a phone, then they haven't got money for the bus' (YOT Practitioner, Mill Town Interview 1). This suggests that conventional contingency methods (like phoning ahead to advice of

lateness) are not always feasible, with subsequent interpretation of absence ‘motivation’ requiring careful consideration.

Youth justice commuting conditions are dangerous, unsafe or unhealthy

This research found youth justice commuting to be dangerous, unsafe and unhealthy, building on Lucas et al.’s (2016) framework to provide the first evidence of institutionally constructed youth transport poverty. Personal safety issues arose when hard-to-access locations were coupled with constrained capabilities and a contravention of institutional guidance (HMIC, 2015; Oroyemi et al., 2009). One young person described leaving police custody alone at night time – something that could only be considered dangerous, unsafe and unhealthy:

I’m under 18 and [the police] let me out at one in the morning with just my t-shirt on! They took my jumper off me and the lot! It were freezing and all - I didn’t stop running until I got home (Male aged 17 on a Detention and Training Order, Mining Town Interview 13).

Resonating with Sheller (2018), this research found the interconnectedness of journey making and the built environment to exacerbate such problems even further:

They’ve made their police headquarters on the outskirts of town - at least a good bus ride away. They come out without their trainers on, wearing little foam slippers, because they’re keeping their shoes after [. . .] I’ve had young people arrive in town with those fluffy foam slippers on and what looks like a pair of somebody’s pyjama bottoms, because they’ve taken their clothes off them – so police appointments are obviously difficult (YOT Practitioner, Mill Town interview 4).

Many commuters relied on the local bus exchange to access youth justice appointments, but the presence of different schools and neighbourhoods was locally acknowledged as making this important destination a site of high conflict, with increased likelihood of injury or breach of sentence requirements producing a dangerous and criminogenic youth justice commute:

He tried walking into the bus station [. . .] he swung his hand round like that, obviously I wasn’t going to let him throw his punch, got his hand like that and as soon as he got his hand to there I swung [. . .] broke nine bone in my hand doing it (Male aged 18 on a Detention and Training Order, Mining Town Interview 12).

Causes of over-representation in youth justice systems are complex, making any potential contributory factor important to consider. One young person in this research described how youth justice commuting would repeatedly place him in high-conflict situations involving persistent racist abuse, cementing new connections between over-representation and youth justice commuting problems (Cole, 2012; Fraser, 2020; Phillips and Bowling, 2002; Sheller, 2018; YJB, 2021). In addition to injury, the possibility of sentence breach increased when young people attempted to manage such situations, with poorly resourced commuting providing few opportunities to avoid racist victimisation:

You try to ignore it as much as you can but if people won't stop, you make them stop don't you? I'm exactly the same. I'm not Asian, I'm half-caste Jamaican, I get people saying: 'go back home'. What you on about? I was born here! I try and laugh at it most of the time, at how stupid they are. But after a while you've got to do something about it. You can't just stand there and let them take the piss out of you forever can you? (Young Person 2 on Detention and Training Order, Mill Town Focus Group 1)

This research also provides evidence of constrained choices contributing towards commuting-based conflict more broadly, with a lack of protection from public spaces through reliable, safe, fast and direct private (car) transport (DfT, 2021; Lucas, 2012; Lucas et al., 2016; Oroyemi et al., 2009). In particular, fixed public transport routes were found to initiate contact with high-conflict areas:

No offence, I don't get on with these people up there [identifies location on map that his bus travels through to get to the YOT, and how young people in the neighbourhood were behaving in a provocative way]. They're all [making an obscene hand gesture] so we went back up here on the bus, came back down and got off – and we all got off. There were loads of them [. . .] there was about twenty people right, thirty people on that road right [. . .] they stay in our road right. You try, you just jump them – you know what I mean (Young male 3 aged 16 on Intensive Supervision and Surveillance, Mining Town Focus Group 2)

Concerningly, poorly resourced youth justice commuters described being at risk of exposure to threatening behaviour involving the use of weapons, resulting in protracted commuting detours to avoid personal safety threats:

One area you'll just be right, 'I can just walk'. See some kids on the streets like, you can just walk past them they're not going to do it, and some kids down another street, pull a knife [. . .] It's happened to my brother before when he were walking home from [identifies local neighbourhood on the map]. I won't walk down that area anymore. Or that little bit of the area anymore. When I get to about that part, I go along the main road near to there (Young Person on a Referral Order, Mill Town interview 7).

These findings provide evidence of the youth justice commute being dangerous, unsafe and unhealthy, building on Lucas et al.'s (2016) framework to confirm that youth justice commuting meets the transport poverty threshold.

No suitable option in the context of youth justice commuter capabilities

In this research, young people's difficult life circumstances limited the availability of suitable youth justice commuting options, building on Lucas et al.'s (2016) framework to identify institutionally constructed youth transport poverty for the first time. In particular, complex needs interrupted smooth passage (SEU, 2003; Sheller, 2018; Urry, 2007), with commuting becoming insurmountable for some young people:

I think some young people just aren't ready to – it's just too hard to come and talk about, really. Difficult subjects and what they've done, and yes, it's just too hard and then you add to it the

weather, and an hour on the bus, and another adult telling you off, it's – I think it becomes impossible for them (Court Officer, Mining Town Interview 9).

At the time of data collection (and in line with current policy detail), complex needs were identified as impeding commuting capabilities, but compliance requirements were ultimately prioritised:

Sometimes there's no excuse. They're just not in the right place at the right time, in their chaotic lifestyles, to be attending reparation. But it's a statutory part of their order (Reparation Coordinator, Mining Town Interview 5).

One young person with poor commuting resourcing described needing to: 'nick cars' (Young male 3 aged 16 on an Intensive Supervision and Surveillance Order, Mining Town Focus Group 2) as a solution to his transport problems, showing how criminogenic commuting manifests in different ways when requirements exceed capabilities. Resonating with other discussions (Brooks-Wilson, 2020a; Cresswell, 2010; Levitas et al., 2007; Oroyemi et al., 2009), this research found social adversity to be detrimental for commuting capabilities, as young people had limited access to transport equipment, money and adult support. Such findings build on Lucas et al.'s (2016) framework to identify institutionally constructed youth transport poverty for the first time.

Transport options do not reach required youth justice destinations

In this research, transport did not always meet youth justice commuting requirements, building on Lucas et al.'s (2016) framework to provide more new evidence of institutionally constructed youth transport poverty. Heavy dependency on unreliable and unpredictable methods was found to block youth justice access, resonating with mobility justice (Sheller, 2018). Poor resourcing meant commuters were less adaptable to ad hoc destination requirements (Urry, 2007), and despite bus stops representing a transport access point, journeys commonly fractured there:

They should be every ten minutes, like, but normally, you'll be waiting and you'll see them going down, the other side, but you can't get on them. You got to get on them going directly into town. So you'll see like three or four of them going down, and it'll take another half an hour and they'll all come back up at the same time (Male aged 16 on a Youth Rehabilitation Order, Mining Town Interview 1).

Youth justice commuting invariably involved being outside (such as when walking or using public transport) with extraneous factors providing commuting completion impediments (Urry, 2007): 'the weather is a big one [. . .] as you can imagine in the snow, attendance dropped. And that's not unusual for anything I suppose – when the snow was bad like it was' (Court Officer, Mining Town Interview 9). Yet a lack of commuting policies and low awareness of constrained capabilities resulted in problematic partner agency practice. Despite the cancellation of community reparation sessions due to adverse weather, young people were still expected to be present and punctual before being sent straight home.

Enforcing high commuting requirements in connection with withdrawn appointments shows a significant lack of insight into the barriers young people experience, when attempting to complete community sentences. Although in accessibility terms, practitioners often provided the elasticity, a local issue with personal car use hindered such expectations, helping one practitioner understand how the local transport system impeded effective practice (DfT, 2014b; HM Government, 2022):

I could probably only get to see two young people in any given day. And I'd go out to [the first village], and I'd set off one morning at 9.30am and I didn't get back until about 6.30 pm. So I'd seen two young people, I went out for a 3 o'clock bus and it didn't turn up because it were on the [route to another place]. The next one – it were one an hour. And the next one didn't turn up (Tier 1 YOT Practitioner, Mining Town Interview 3).

This research also agrees with Lucas et al.'s (2016) suggestion that transport poverty criteria are not mutually exclusive, with one journey found to be dangerous and unsuitable while not reaching the required destination. In particular, one young person described being unable to avoid intimidating adults who disrupted public transport commuting: 'Occasionally you'll get some – or even older smack heads – druggies and that, they'll be on the bus, and maybe causing trouble like if they're smoking on the bus or something, and the bus driver's got to stop' (Male aged 16 on a Youth Rehabilitation Order, Mining Town Interview 1). Such experiences indicate how extraneous factors heighten the risk of unpredictable and unreliable youth justice commuting, resonating with ideas about the socially situated journey (Sheller, 2018; Urry, 2007).

Excessive youth justice commuting time leads to time poverty or social exclusion

It was difficult to establish whether excessive travel times led to household poverty or social exclusion – as per Lucas et al.'s (2016) adult-centred transport poverty framework – as young people did not have household budgetary knowledge, although they were aware of financial tensions (Brooks-Wilson, 2020a). However, young people described having little money and few commuting options, resulting in lengthy, low cost walked journeys: 'I'll show you where I walk. I walk from [YOT Office] all the way to [an outlying village . . .] a good three and a half hours' (Male 3 aged 16 on Intensive Supervision and Surveillance, Mining Town Focus Group 2). Such journeys were not always problematic as they resolved unpredictable public transport problems (Urry, 2007), and provided opportunities to develop friendships and escape from the adult gaze:

You talk about things. Talk about what you want to do, don't you? Like, make plans for the day. That's all we used to do, like, just go for a walk and plan our way back. See what we were going to do and all that (Male aged 17 on a Referral Order, Mining Town Interview 10).

Yet in some cases, practitioner awareness of onerous commuting requirements resulted in an encouragement to reduce transport options, without the provision of alternatives:

We've had one young person who used to cycle from [village six miles away] which is about ten or fifteen minutes in a car. So that's quite a distance. But further out, like [outlying former mining village ten miles away] or out that kind of way -yeah, it would be too far to cycle (Court Officer, Mining Town Interview 9).

The large rural context of Mining Town made it necessary to use busy main carriageways when commuting on a bicycle:

When you're going towards traffic on the side of the road it's daunting, you know, when you see a big lorry or when you're on a scooter even. Because when they're high up in the carriages you don't know whether they can see you or not. So you've got to take extra caution (Male aged 16 on a Youth Rehabilitation Order, Mining Town Interview 1).

This evidence of onerous and dangerous commuting shows the interconnections between different transport poverty criteria, while again providing evidence of youth transport poverty being institutionally constructed.

Discussion and Recommendations

Institutionally constructed youth transport poverty

This article provides new evidence of institutional harm in the youth justice sector, as holistic responses to offending couple high commuting demands with constrained capabilities to produce youth transport poverty (Lucas et al., 2016). Attempts to improve young people's lives involved youth justice commuting that was dangerous, unsafe and unhealthy, cycling alongside freight vehicles on main carriageways and travelling alone at night, on foot and partially dressed. Reliance on public journey spaces increased the risk of exposure to racist abuse, adult intimidation, rival territories and violent encounters. For some young people, poverty and social exclusion had such a significant practical and emotional impact that there was no suitable option in the context of capabilities. Unreliable and infrequent transport did not always reach required youth justice destinations, with adverse weather exacerbating things as residual travel requirements remained in place for cancelled appointments. Research evidence did not establish whether excessive commuting times led to household poverty and social exclusion, although walked and cycled journeys were extensive and young people recognised household budgetary tensions (Brooks-Wilson, 2020a). This implies that economic indicators of transport poverty may be hidden rather than absent, suggesting the need to nuance Lucas et al.'s (2016) valuable criteria to take young people's economic circumstances into account and help institutions understand whether mode of practice engagement produces unintended engagement barriers. Transport barriers are unevenly distributed for the heterogeneous youth justice population, raising important questions about their impact on over-representation, while suggesting the need for flexible, bespoke responses.

Commuting policies vary in different sectors, as apparent through the consideration of education, policing and youth justice in this article. Discretionary treatment and non-adherence to guidance complicates things further, as despite being mandated not to

release young people ‘into the night without some safety precautions having been put in place’ (HMIC, 2015: 104) the opposite is taking place. Youth justice commuting policy is sparse and still remains most developed in the context of non-compliance and breach, although recent breach guidance has started to emphasise the need for non-punitive measures (YJB, 2022b). Here, three instances of absence and lateness (key outcomes of commuting problems) still justify formal action which in policy terms, means young people can become imprisoned as an outcome of poorly communicated journey problems (Brooks-Wilson, 2020a). In economic terms, commuting problems are also expensive, with research urgently needed into the hidden cost of youth justice commuting problems – particularly in the current context of economic hardship and public service disinvestment. Assuming 2,791 youth justice practitioners (YJB, 2022a) receive salary of £35,000 per annum and have one absent young person per week, sector-wide costs in salary expenditure alone would amount to over £2.6 million per annum. Despite this significant sum, actual costs are almost certainly higher as some appointments regularly run at 50 per cent attendance rates (Brooks-Wilson, 2020a), and staff costs can become inflated by multiple expert actors in one setting – like with youth court. These calculations suggest absence costs are complex, with the author of this piece recently granted funding to understand the hidden economic costs of youth justice absence, and research outputs expected in 2024.

Transferring commuting policies from education

Evidence in this article shows how diverse organisational approaches can create gaps of poor practice, like in the context of police custody release or compulsory travel requirements to cancelled appointments. Although these differences are inconsistent and confusing, they also provide opportunities to share best practice and transfer developed and tested policies between sectors. The education sector can be considered as providing a benchmark for the treatment of young people as it is accessed by most of the population. Education sector consideration of commuting cost, distance and safety, and could provide an enhancement to youth justice attendance feasibility (HM Government, 2022), with such policies also benefitting other contexts like education to employment transitions and NEET young people, who cross over significantly with the youth justice population. Barriers to policy transfer are likely, with the youth justice population more transient than the education population, and normalised commuting problems making it difficult to recognise barriers that impede journey completion (Brooks-Wilson, 2020a). Affordability can also be difficult to understand when less conventional financial and emotional interdependencies exist within a household (like parental reliance on young people). Furthermore, some personal safety risks can be anticipated (such as road traffic), but violent and racist threats are often less easy to plan for. Despite potential barriers to effective policy transfer, inconsistent youth justice accessibility policies are more problematic. The prevalence of community youth justice internationally (including the widespread shift from custody to community-based approaches in the United States) suggests the increasing importance of this area (Fisher, 2008; OJJDP, 2014, 2023).

More lived experiences, less behavioural misinterpretation

Internationally, the observance of young people's rights and experiences is not just a moral obligation, with policy and practice benefitting in multiple ways (United Nations, 1989). In England and Wales, the youth justice participation strategy acknowledges the need to listen to young people's doubly muted voices, with participatory youth practice, visual methods and consensual approaches now proven to be effective (Mannay, 2016; Padley et al., 2013; Ridge, 2002; Smithson et al., 2020; YJB, 2016). Such approaches contrast with one short question at the end of the youth justice entry point assessment for disempowered young people, who are less able to respond effectively or anticipate commuting problems (YJB, 2014). Although discretionary treatment is vital in the absence of comprehensive policy detail, unfettered use can cloud or distort high-impact problems. For example, onerous commuting requirements and extensive commuting barriers can remain hidden (due to selective, pre-emptive help) or result in punitive treatment (due to selective responsabilisation). These points suggest the need to improve policymaker use of innovative, creative and consensual processes that promote the constructive and non-tokenistic involvement of doubly muted voices, to develop better understandings of policy gaps and hidden problems (Padley et al., 2013; Ridge, 2002; Smithson et al., 2020) including youth transport poverty.

Young people express a wide range of responses to commuting problems, including frustration, despair and passive acceptance – just like any other person might do when repeatedly encountering problems reaching a regular responsibility (see Brooks-Wilson, 2020a). Commuting should not be a catalyst for personal safety risks, criminalisation, punishment and inconsistent support – particularly for young people whose opportunities are already significantly blocked. The youth justice population should not face disproportionate punishment compared with other sectors, and should not be incarcerated when paradoxically, the education sector apprehends *parents* for young people's absence (Department for Education (DfE), 2015). Importantly, interpretations of young people's behavioural responses to commuting problems should not inform whether help or punishment follows – it is the *barriers* require urgent attention and *not* young people's reactions to them (see Brooks-Wilson, 2020a, 2020b; DfT, 2014b; Levitas et al., 2007; Oroyemi et al., 2009; SEU, 2003). Equitable youth justice access is likely to enhance intervention legitimacy, contribute towards effective practice and support positive outcomes, including resettlement and desistance. Youth justice sector piloting of established education sector commuting policies would be more constructive than punishing young people for being absent when they struggle to get there. This article contributes to a growing body of research on contemporary commuting (Aldred, 2014; Hanson, 2009), but much remains under-researched, with every effort needed to listen, engage and respond to the expressed commuting needs of doubly muted voices.

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