



| the **Howard League** for **Penal Reform**

## **Justice for young people**

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Papers by the winners of the Research Medal 2013



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Professors Lesley McAra and Susan McVie  
Professor Kevin Haines and Dr Stephen Case

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## Foreword

The Howard League for Penal Reform Research Medal aims to identify high-quality research that offers genuine insight into the penal system and has also been effectively communicated to a non-academic audience, demonstrating a clear impact on policy and practice. This year, the Research Medal has been awarded to joint winners: Professors Lesley McAra and Susan McVie for the Edinburgh Study of Youth Transitions and Crime, and Professor Kevin Haines and Dr Stephen Case for their work on the Swansea youth diversion scheme. The winning entries were not only rigorous but clearly demonstrated a significant impact on practice, both working to change outcomes for young people. The winning authors have presented their research in the papers published here alongside an annex which demonstrates the impact of the research and their future dissemination plans.

In the first paper Lesley McAra and Susan McVie present the research of the Edinburgh Study of Youth Transitions and Crime, a longitudinal study of pathways into and out of offending among a cohort of around 4,300 young people in the City of Edinburgh. Through both quantitative and qualitative published research, and clear explanation of theory and policy implications, the authors have fostered new approaches to understanding youth offending and the impact of systems of justice, including the new whole systems approach to youth justice in Scotland.

In the second paper Kevin Haines and Stephen Case detail the process and impact of the Swansea Bureau, a diversionary scheme that works with young people admitting a first offence and aims to utilise a child-focused and prosocial approach. The paper presents findings from an independent process evaluation of the early impact of the Bureau, suggesting that it has accelerated the rate at which young people are being diverted from the formal youth justice system. The Youth Justice Board Wales Effective Practice Compendium 2012 (distributed to all Youth Offending Service managers and practitioners in Wales) identifies the Bureau as an example of effective practice in preventing youth offending.

Both of these projects have the potential to further guide and influence positive change in penal policy and practice. We are proud to showcase this research, reflecting as it does the Howard League commitment to influence debate and force through meaningful change in order to create safer communities.

**Anita Dockley, Research Director**

**June 2013**



# Delivering justice for children and young people: Key messages from the Edinburgh Study of Youth Transitions and Crime

Lesley McAra and Susan McVie, University of Edinburgh

## *Introduction*

The Edinburgh Study of Youth Transitions and Crime is a prospective longitudinal study of pathways into and out of offending among a cohort of around 4300 young people in the City of Edinburgh. The Study is innovative in its design in terms of breadth of coverage (using a census approach to maximise inclusion), complexity of data management (including multiple datasets) and extent of data linkage (combining survey and various administrative datasets).<sup>1</sup> Data collection includes six annual self-report surveys from cohort members (age 12–17); official records from police, social work, children's hearings, schools and criminal convictions; surveys of parents and teachers; a community survey; and a Geographic Information System incorporating census and police recorded crime data. A follow-up survey (age 24–25) was completed in 2011 for a sub-sample of the original cohort.

In this paper we highlight four key 'facts' about youth crime which have emerged from our study findings, and which we argue any system of youth justice 'ought to fit'<sup>2</sup>:

- (i) serious offending is associated with victimisation and social adversity
- (ii) early identification of at-risk children is not a watertight process and may be damaging in the longer term
- (iii) critical moments in the early teenage years are key to pathways out of offending; and
- (iv) diversionary strategies facilitate the desistance process.

On the basis of these facts we suggest that the key challenge facing policymakers and practitioners is to develop a youth justice policy which is holistic in orientation (with interventions being proportionate to need) but which also maximises diversion from criminal justice (McAra and McVie 2007a, 2010). As our findings show, youngsters involved in persistent and serious offending are amongst the most vulnerable group of people in our society. We argue that justice for children and young people cannot be delivered unless their broader needs are addressed in ways that are not stigmatising and criminalising.

1 Further details of the Study can be found in McAra and McVie (2010).

2 Here we are adapting Braithwaite's famous phrase regarding 'facts about crime' which any criminological theory 'ought to fit' (Braithwaite, 1989).

## *Fact 1: Serious offending is associated with victimisation and social adversity*

Young people involved in violence (including assault, weapon carrying and robbery) were compared with other cohort members across a range of aspects of vulnerability. This analysis found that those involved in violence were significantly more likely than their non-violent counterparts to be: victims of crime and adult harassment; engaged in self-harming and parasuicidal behaviour; exhibiting a range of problematic health risk behaviours including drug use, regular alcohol consumption, disordered patterns of eating, and symptoms of depression; having more problematic family backgrounds (via family breakdown and/or high levels of conflict with caregivers); and, for girls in particular, coming from a background characterised by extreme poverty. Importantly, there is evidence that links between violence and vulnerability run in both directions; for example, engagement in violence in the early teens predicts later involvement in self-harm, and vice versa (see McAra and McVie, 2010 for further details).

These findings support a welfarist model of youth justice, showing strong and consistent links between deeds and needs: the more serious the deeds the more deep-seated the needs.

## *Fact 2: Early identification of at-risk children is not a watertight process and may be damaging*

Analysis was conducted to explore the institutional histories of the young people within the cohort involved in serious and persistent offending (according to their self-reports) and the subsequent histories of the young people who were identified by agencies at an early age as being 'at-risk'.

As indicated in table 1, just over two-thirds of young people who reported 'persistent serious offending' at age 17 had not been referred to the social work department or children's hearing system<sup>3</sup> by age 15. The same was true for around three quarters of young people who reported 'violent offending' at age 17. Furthermore, of those who were known to the agencies, very few had been identified by the age of 5. It was far more common for young people to come to the attention of an agency for the first time between the ages of 11 and 15.

One interpretation might be that the offending histories of these individuals are so problematic precisely because they had not been identified at an early stage and made subject to supervision. However, our findings suggest that such an interpretation would be premature. As shown in the final column of table 1, those individuals with criminal

3 The Scottish children's hearing system deals with cases of children referred on care and protection grounds from birth up to and including age 15, and children referred on offence grounds from age 8 up to and including age 15 (although supervision requirements can be extended up to and including age 17). The reporter to the children's hearings is the key gatekeeper to the system. S/he has responsibility for investigating referred cases to determine whether at least one of the statutory grounds for referral to a hearing has been met and that the child is in need of compulsory measures of care. For further details of the system see McAra and McVie, 2007a.



convictions in the adult system by age 17 generally had a long history of agency contact, with only 37 per cent of this group escaping the gaze of both social work and the children's hearing system by age 15. Moreover, when looking at the outcomes for those who were referred at an early age as being at risk, the outcomes were generally poor.

As indicated in table 2, 105 young people were identified by either social work or the children's hearing system as having behavioural problems by age 5. Rather than early system contact nipping such problems in the bud, just under two-fifths of these youngsters still had ongoing contact with the hearings system at age 13 (in terms of referrals to the reporter) and 45 per cent of them were referred again at age 15. Roughly the same proportion (46 per cent) ended up with a criminal conviction in the adult system by age 22.

**Table 1: Institutional history of self-reported offenders and those with court convictions**

| Age when first known to social work or children's hearing system | Involvement in persistent serious offending at age 17 n=520(%) | Involvement in violence at age 17 n=352 (%) | Court conviction by age 17 n=173 (%) |
|------------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------------|--------------------------------------|
| 0-5                                                              | 5                                                              | 4                                           | 11                                   |
| 6-10                                                             | 8                                                              | 5                                           | 15                                   |
| 11-15                                                            | 19                                                             | 15                                          | 37                                   |
| Unknown                                                          | 68                                                             | 76                                          | 37                                   |

**Table 2: Outcomes for early identified 'problem' children**

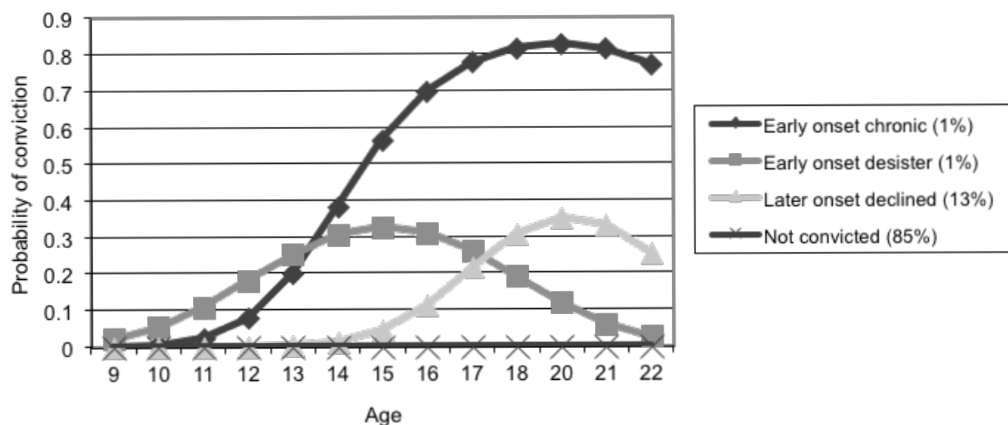
|                                | Behavioural problems reported in CHS/SW files by age 5 n=105 (%) |
|--------------------------------|------------------------------------------------------------------|
| Referral to Reporter at age 13 | 37                                                               |
| Referral to Reporter at age 15 | 45                                                               |
| Conviction by age 22           | 46                                                               |

Taken together these findings highlight the difficulties faced by agencies in the early identification of at-risk children. Of those in our cohort who self-reported serious and persistent offending and who were known to agencies, most were first identified in the early teenage years. Importantly, this contact seems to have done little to stem their involvement in offending. Moreover the poor criminal justice outcomes for those who were identified at a much earlier point (by age 5), are the first pointer to a labelling process which underpins agency decision-making, namely that those who are sucked into the juvenile justice system from an early age are not always the most serious and prolific offenders and, once in the system, this can result in repeated and amplified contact (see below).

### Fact 3: Critical moments in the early teenage years are key to pathways out of offending

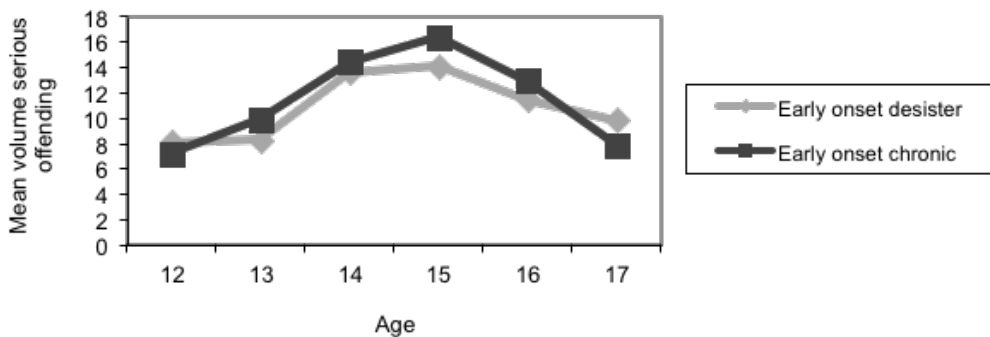
Rather than directing the gaze of criminal justice at the early preschool years, Edinburgh Study findings strongly suggest that policymakers should focus more firmly on critical moments in the early to mid-teenage years. As evidence for this we present the results of analysis modelling criminal justice pathways (using Scottish criminal convictions data). Four typical pathways were found (as shown in figure 1): those with no convictions (n=3285); two early onset groups whose first conviction occurred at around age 9–10 – one of which was a ‘chronic group’ (n=34) as their probability of conviction rose steeply in the early to mid-teenage years before declining in their early twenties; the other early onset group was a ‘desister group’ (n=24) whose probability of conviction declined from around age 15 to 16 and stopped completely by about age 20; and, finally, a ‘later onset group’ (n=512) who were first convicted at around age 15–16, rising to a peak at age 20 and then declining thereafter.

**Figure 1: Criminal conviction pathways**



#### *Comparing the early onset trajectory groups*

At age 12, the two early onset groups were very similar in respect of a broad range of study measures. Indeed it was impossible to predict at that point which of these young people would go on to have a chronic conviction pathway and which would become part of the early onset desister group. Both groups were highly vulnerable and had significantly greater levels of need than other young people within the cohort. They had similar family backgrounds (characterised by family breakdown and conflict) and school histories (high levels of truancy and disaffection with school); they were mostly from deprived neighbourhoods; they were similar in terms of lifestyles and histories of engagement with agencies (police social work, children’s hearings). Importantly the young people self-reported exactly the same level of engagement in serious offending at age 12 (see figure 2) and at every subsequent age (indicating that the diverging conviction pathways from age 13 onwards cannot be explained by patterns of offending).

**Figure 2: Comparison of self-reported offending among early onset groups**

Analysis shows that the chronic conviction pathway is driven by three key factors: a sharp increase in levels of truancy from school, greater school exclusion and more adversarial police contact (including warnings and charges). By contrast the desister conviction pathway is presaged by the stabilisation or significant decline in each of these factors between the ages of 13 and 15.

#### *Comparing the early and later onset groups*

At age 12 the later onset group was similar to both of the early onset groups in terms of: gender (the vast majority were boys); parental separation, supervision or conflict; and weekly alcohol consumption. However, the later onset group were very different from their early onset counterparts in terms of being: from less deprived families and neighbourhoods; involved in less (or no) serious offending or drug use; not known to the police, social work and children's hearings; and far less likely to truant or be excluded from school.

Age 13 to 15 was also a key turning point for the later onset group, as various aspects of their lives deteriorated significantly. Some changes made them more similar to the early onset groups: for example a three-fold increase in alcohol consumption. Other changes made them more needy and vulnerable than the early onset groups: including moving to live in the most deprived neighbourhoods, greater involvement in serious offending and increased drug use. However, some factors deteriorated in exactly the same way as for the early onset chronic group: greater truancy from school, greater school exclusion and more adversarial police contact.

Taken together these findings highlight the ways in which disconnection from school and adversarial agency contact (as exemplified by exclusionary practices and warnings and charges) have deleterious consequences for young people, such that disciplining in one sphere begets further and increased disciplining in another sphere (namely court convictions) a point to which we return below. They suggest, in particular, that focusing attention on the critical moments in the early to mid-teenage years would have a strong payoff in terms of bringing down conviction rates and supporting inclusionary practices.

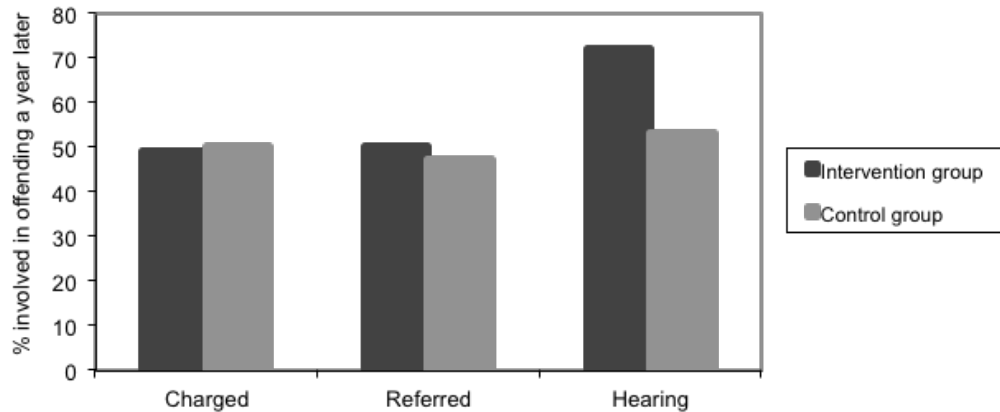
## *Fact 4: Diversionary strategies facilitate the desistance process*

Turning to our final ‘fact’, Edinburgh Study findings show that the working cultures of both the police and the reporter to the children’s hearing system have created a group of youngsters who might readily be called the usual suspects. These young people become sucked into a repeat cycle of contact with the system which has damaging consequences in terms of inhibiting desistance from offending and in terms of youth to adult criminal justice transitions (findings first reported in McAra and McVie 2005, 2007a, 2007b).

We looked at three crucial decision-making stages of the youth justice process: the decision of police officers to ‘charge’ a youth with committing a crime; the decision of police officers to refer a youth to the reporter on offending grounds; and the decision of the reporter to bring a youth to a formal hearing. Youngsters with previous form (namely charged by the police in previous years) were seven times more likely to be charged by the police at age 15 even when controlling for volume of police contact in the current year and involvement in serious offending. In a similar vein, youngsters who were known to the police juvenile liaison officer<sup>4</sup> in previous years were just over four times as likely to be referred to the reporter than equally serious and persistent offenders who had no such history. Finally, youngsters who had a history of early referral to a hearing were almost three times as likely to be brought to a hearing at age 15 than those referred to the reporter with no such history, even when controlling for volume of needs and volume of charges as recorded in reporter files.

Taking advantage of both the longitudinal design of the study and the very large sample size, quasi-experimental analysis was conducted which allowed individuals who experienced these three progressively more intensive forms of intervention to be paired up with a group of similar young people, statistically matched on a range of characteristics (including serious offending), who had not had formal system intervention. The groups were then compared on the change in the percentage of young people still involved in offending a year later, at age 16. It is important to note that most young people started to desist from offending at around age 14 or 15. Between age 15 and 16, involvement in offending fell by about 50 per cent overall. However, young people who went farthest into the system (to hearings) were more likely (72 per cent) to still be engaged in serious offending a year later than their comparison group (53 per cent) as shown in figure 3.

4 The police juvenile liaison officer receives all paperwork relating to charges made by beat officers. S/he decides whether children who come to the attention of the police are referred to the reporter.

**Figure 3: Change in serious offending between intervention groups and controls**

The groups were also studied in terms of the 'within group' change in volume of offending between age 15 and 16. All of the control groups showed a significant decline in volume of serious offending between age 15 and 16. Among the intervention groups, only the 'charge' and 'referral' groups showed a significant decline in volume of serious offending. The group that was brought to hearings showed a slight, but non-significant, reduction in volume of serious offending.

The results of this analysis showed that the deeper young people who were identified as the usual suspects penetrated the youth justice system, the more likely it was that their pattern of desistance from involvement in serious offending was inhibited.

## Conclusion

To conclude, the Edinburgh Study findings highlight the importance of tracking criminal justice pathways through the system and understanding the cumulative impact of agency intervention over many years (which is deleterious in some cases). They also highlight the importance of focusing on welfare needs and of educational inclusion rather than a more narrowly circumscribed criminogenic need. Furthermore, they indicate the uncertainties that abound in assessing which specific individuals are most at-risk of later offending; with most such youngsters first coming to the attention of agencies around the early to mid-teenage years. Indeed early identification of at-risk children and families runs the risk of stigmatising and labelling children and creating a self-fulfilling prophecy (as indicated by the poor outcomes for many of those with early agency contact).

In contemporary political debate, attention is readily focused on what is perceived as an irreconcilable tension between tackling the broader needs of young people who offend and delivering justice for communities and for victims of crime.

We would argue that these are not alternative strategies: indeed justice for communities and victims cannot be delivered unless the broader needs of young people are addressed.

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## Annex: Engagement and impact

### Overview

The Edinburgh Study programme of dissemination and communication has been widespread and multifaceted, including over 100 papers and presentations. It has involved sustained purposive and targeted knowledge exchange activities and the identification of 'champions' amongst policy and practice communities through which the research team has been able to highlight research findings and their implications. Our aim has been to foster a strong culture of both academic and policy engagement, through high-quality published research evidence (both quantitative and qualitative) and clarity of exposition both of theory and policy implications. The success of this engagement has been facilitated by the marriage of McAra's theoretical insights and McVie's advanced quantitative expertise, both of which have often drawn from disciplines outside criminology, to foster new and enlightened approaches to understanding youth offending and the impact of systems of justice (including the new Whole Systems Approach to youth justice in Scotland, see below).

### *Advisory group*

The research has been guided by an expert Advisory Group (chaired by Professor Sir Michael Rutter), including senior academics and representatives from Scottish Government, Lothian and Borders Police, City of Edinburgh Council Social Work and Education Departments, Scottish Children's Reporter Administration, Scottish Prison Service, Crown Office and Procurator Fiscal Service, and several voluntary organisations that work with young people. These organisations have contributed to the research in terms of facilitating access and advising the research team; and, we hope, have benefited from it through receiving research briefings, bespoke seminars and presentations, direct dialogue and advice on policy and practice.

### *Examples of engagement*

In 2003, the research team was invited to give evidence to the Scottish Parliament Cross-Party Working Group on Children (McVie) and the Justice 2 Committee (McAra and Smith). McAra was subsequently appointed as Special Advisor to the Scottish Parliament Justice 2 Committee's Youth Justice Inquiry in 2004, and organised a cross-party conference in 2005 during which McVie delivered a keynote address presenting findings from the study on policing (McAra and McVie, 2005). Simultaneously, McAra and McVie (with others) began publishing a series of 16 policy digests commissioned by Scottish Government to address issues of key policy concern. A series of knowledge exchange events for Scottish Government followed in 2004, 2006, 2009, 2010, 2012 and 2013. Four policy events in Edinburgh and London (between 2006 and 2009) were funded by the Nuffield Foundation and attended by senior policy-makers and practitioners (from Scottish Government, Home Office, police, prisons, social work and probation service, Youth Offending Teams, Youth Justice Board, English and Scottish Children's Commissioners, judiciary and prosecution services, Prime Minister's Strategy Group and representatives from UK voluntary organisations).

### *Strategies for dissemination and communication: lessons learnt*

A broad range of dissemination and communication strategies were necessary in order to 'saturate' the audiences for whom this research was appropriate. Any one strategy on its own was likely to be of limited success, and therefore McAra and McVie needed to play a strong leadership role in developing, identifying and generating activities that would provide opportunities for impact. A key aspect of the dissemination plan was that non-academic engagement could not be divorced from academic outputs; and so, importantly, the research publications that have had the most academic impact are also those that have formed the basis for the non-academic engagement activities. The identification of specific champions within policy and practice communities – including Scottish Government, Scottish Parliament, local authority departments, criminal justice agencies and voluntary sector organisations – was essential to the success of our overarching strategy, as they formed the tributaries through which the research findings could flow into the



major policy rivers relating to young people and offending. One particularly innovative aspect of our impact strategy was to have researchers seconded from Scottish Government into the study team during the most recent phase of the study to work on research design, implementation and analysis. The training and mentoring of Scottish Government staff in the use of complex quantitative methods and statistical modeling has contributed significantly to capacity building within government and facilitated the establishment of direct and timeous channels of communication between the researchers and policymakers.

### *Policy impact*

The research has challenged non-academic audiences, both within Scotland and the wider UK, because it has highlighted inadequacies in the working practices of formal agencies which deal with young people and has revealed the extremely damaging consequences for young people of imposing ineffective early interventions. These findings have been of significant relevance to both academic and policy debates in the context of emerging youth justice policies in the UK which run the risk of demonising and stigmatising young people and their families. A widespread programme of dissemination developed and delivered by McAra and McVie has had a major impact on policy, practice and legislative reform, as demonstrated in the examples given below:

1. Findings on the effectiveness of policing and youth justice interventions underpinned the evidence base for the Scottish Government's Early and Effective Intervention (EEI) Programme for under 16s and the 'Whole System Approach' (WSA) to Youth Justice for under 18s. EEI and WSA represent a major shift in the Scottish Government's approach to reducing offending through working with young people, moving towards maximum use of diversion and focusing particular attention on keeping 16- and 17-year-olds out of the criminal justice system. The WSA was endorsed by the Scottish Government (2013) as 'an effective way of working with high risk young people involved in offending' because of the evidence from the Edinburgh Study that intensive system contact can have detrimental consequences on offending behaviour and longer term outcomes. The EEI has been rolled out nationally and, following a successful pilot in Aberdeen in 2010, WSA is being supported across Scotland by the Scottish Government. The WSA was accompanied by a suite of guidance which draws heavily on the findings of the Edinburgh Study.
2. Evidence from the Edinburgh Study about the dangers of labelling young people and the inefficacy of predicting future offending from childhood behaviour formed the evidence base for amendments to the Children's Hearings (Scotland) Act 2011 (Part 18, section 188) to ensure fewer children have minor childhood transgressions disclosed to future employers and that offences admitted at Children's Hearings no longer count as convictions but rather as alternatives to prosecution. The study findings have also been used as the basis for active



campaigning to increase the age of criminal responsibility in Scotland from 8 to 12. (The Scottish Government has now raised the age of prosecution in the criminal courts to age 12, although 8 continues to be the age of criminal responsibility – the campaign goes on).

3. City of Edinburgh Council (CEC) have worked in partnership with McAra and McVie to identify methods of implementing study findings into multi-agency practice. The research evidence has been translated into policy protocols for senior policy officials within CEC, who have stated that the Edinburgh Study has: a) formed the foundation for a series of useful learning events, b) got decision makers and practitioners engaged in finding more effective policy responses around ‘children who offend’, c) provided a ‘focus for change’ among multi-agency groups tasked with delivering current policy and practice in Edinburgh, and d) created a space to draw together key colleagues to consider policy and practice in the CEC’s response to youth offending informed by well-founded research and support in its interpretation.

Beyond Scotland, McAra and McVie were consulted during the deliberations of the Independent Commission on Youth Crime and Antisocial Behaviour, established in 2009 to review the way in which offending and other antisocial behaviour by children and young people was dealt with in England and Wales. Evidence from the Study flowed into the Commission’s published report *Time for a Fresh Start* (2010). In 2010, Barnardos launched a campaign to get the UK Government to review the age of criminal responsibility in England and Wales and utilised study findings in their report *From Playground to Prison*. Study findings were also used by the Irish Penal Reform Trust, Barnardos and the Irish Association of Young People in Care, in their campaign to shift resources from criminal justice to social justice, thereby creating better communities and a safer society for all. Citing McAra and McVie (2010) the official campaign report states: ‘As research now shows, rather than targeting those ‘at risk’, universal supports that underpin social justice are more likely to have positive effect.’ The study also formed part of the evidence base for a review of youth justice in Northern Ireland, commissioned by Ministers, and McAra was keynote speaker at the Include Youth annual conference (Belfast 2011) which debated the core recommendations of the review.

## About the authors

### *Professor Lesley McAra*

Lesley McAra holds the Chair of Penology in the Centre for Law and Society, University of Edinburgh. She is co-director of the Edinburgh Study of Youth Transitions and Crime and is currently the Dean of the School of Law, University of Edinburgh. Her writing and teaching focuses on: youth crime and justice; comparative criminal justice; and the impact of multi-level governance on crime control and penal process.

### *Professor Susan McVie*

Susan McVie holds the Chair of Quantitative Criminology in the Centre for Law and Society, University of Edinburgh. She is co-director of the Edinburgh Study of Youth Transitions and Crime, director of AQMeN (the Applied Quantitative Methods Network) and is leader of the CJ-Quest network for the Scottish Centre for Crime and Justice Research. Her substantive research interests include: youth crime, deviance and substance use; patterns and trends in crime; criminal careers through the life-course; systems of justice, including transitions from juvenile to adult criminal justice systems; neighbourhood effects on offending; patterns of homicide; youth gangs, knife crime and violence.

# The Swansea Bureau: A partnership model of diversion from the Youth Justice System<sup>1</sup>

Kevin Haines and Stephen Case, Swansea University

Swansea Bureau diversionary scheme works with young people admitting a first offence; assessing their needs following arrest and convening a decision-making panel that includes the young person and their family to establish appropriate actions. The Bureau 'normalises' offending (treating it as everyday youthful behaviour) and promotes prosocial behaviour, children's rights and parental and family involvement. Since the Bureau began, statistics indicate annual decreases in numbers of: first-time offenders, first-time entrants into the Youth Justice System (YJS) and formal outcomes (reprimand, final warning, prosecution), alongside increases in the numbers of informal actions (diversion). The Bureau has received widespread positive qualitative feedback from stakeholders.

## *The Swansea Bureau*

The emerging policy differences in Wales have created the space and the opportunity for South Wales Police and the Swansea Youth Offending Service (YOS) to mediate national policy prescriptions and to develop a local response to the excessive criminalisation of young people – a response that has become known as the Swansea Bureau. The Bureau is a blend of knowledge from the 1980s diversion experience and wider contemporary knowledge:

*we pinched pieces from all over the place... we looked at some work which was done in Northamptonshire... We looked at the Scottish reporter system. We looked at some of the processes in Europe which are much more family orientated.*  
(Swansea YOS Manager, 2010)

The key stated aims of the Bureau are:

- To divert young people out of the formal processes of the YJS
  - To reduce the number of first time entrants entering the YJS
  - To treat young people as children first, offenders second
  - To provide programmes to tackle the underlying causes of offending behaviour through the promotion of positive and prosocial behaviour.
- (Swansea YOS, 2010: 2)

The Bureau is intended as a new approach to diversion, utilising inter-agency

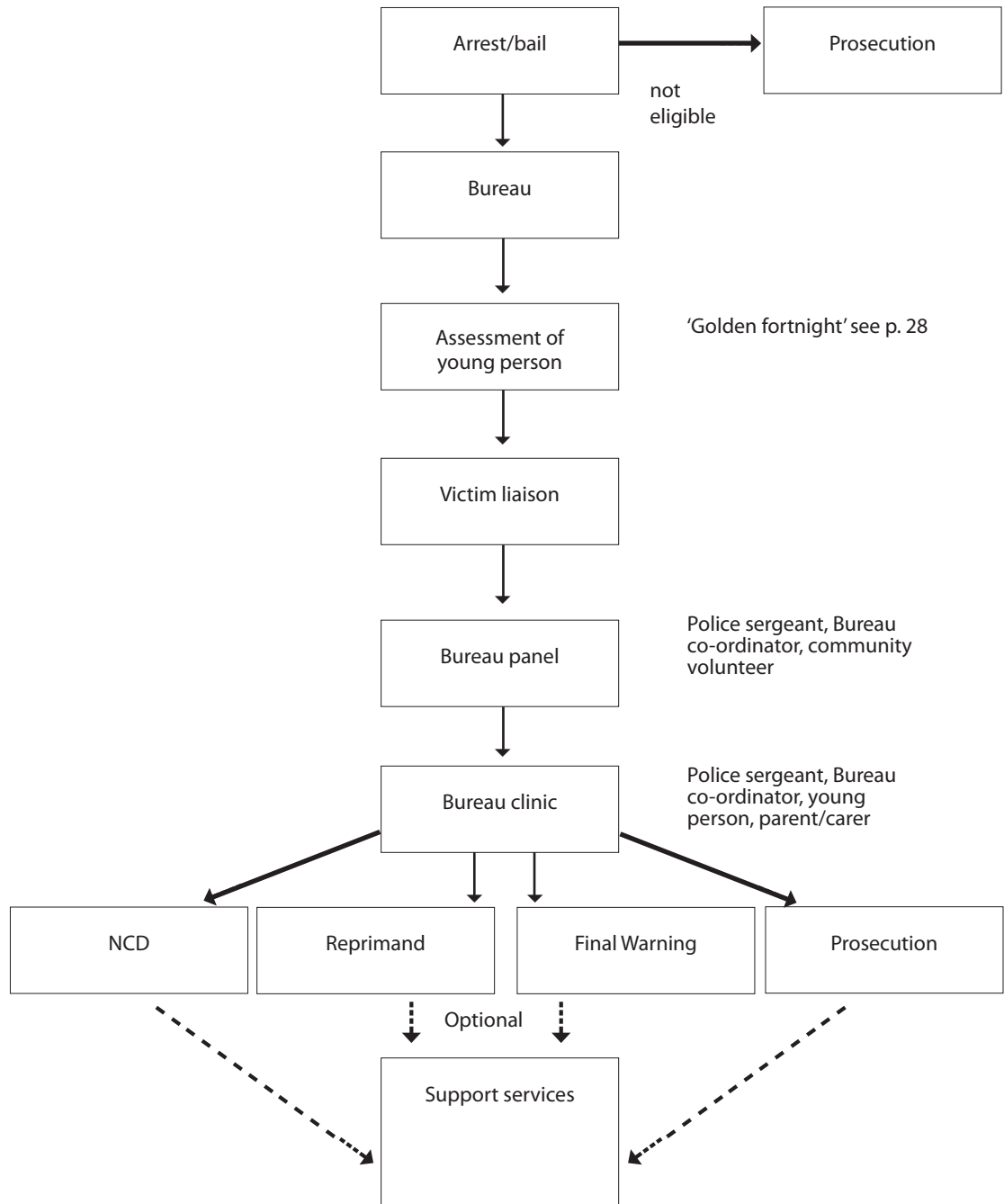
1 An extended version of this paper has been accepted for publication in the International Journal of Law, Crime and Justice.

2 The Safer Swansea Partnership is the local manifestation of the Community Safety Partnership or, what are known in England as Crime and Disorder Reduction Partnerships.

partnership (in line with Youth Justice Board (YJB) guidance) between South Wales Police and Swansea YOS, supported by the wider Safer Swansea Partnership. It operates within a formal partnership agreement, which specifies the roles of the respective local agencies, sets out agreed referral eligibility criteria and clarifies decision-making responsibilities. The Bureau is designed to deliver genuine diversion from the formal YJS, as young people who are diverted do not attract any formal charge or criminal record, thereby avoiding the negative consequences of a criminal record on future educational or employment opportunities (Lanskey, 2011). Crucially, the Bureau is designed to be 'children first' through its foci on: (re-) engaging parents/carers in the behaviour of their children, giving an explicit place to hear the voices of young people and de-coupling the needs of the victim from the responses to the child. Bureau mechanisms seek to slow down the youth justice process (contra Youth Restorative Disposals and Triage which are designed to speed up disposals), while simultaneously eschewing offence-focused programmes (contra Youth Restorative Disposals and Triage which are focused on young people making reparations to the victim for the offence) in favour of interventions which promote young people's access to their entitlements (contra Triage where, in some areas, additional rehabilitative measures are available).

The Bureau process (see Figure 1) comprises five distinct stages. The process starts with arrest and bail (Bureau staff determine the child's eligibility for diversion based on offending history and offence seriousness), followed by a whole child assessment (stage 2) using information from a broad range of stakeholders (e.g. police, YOS, social services, schools) to identify any underlying problems experienced by the child. Victims' views and needs are assessed at stage 3, informing the multi-agency Bureau panel (stage 4). The panel discusses the assessment report and makes a provisional decision on appropriate action: Non-Criminal Disposal (NCD), police reprimand, final warning or prosecution. The Bureau clinic (stage 5) employs a restorative conferencing and partnership model with the young person and their parent or carer to reach a mutually agreeable, child-appropriate outcome and decision. Therefore, the central objective of the Bureau is to provide individualised, flexible, multi-agency service delivery, located within a preventative, prosocial model that avoids blaming or responsibilising young people. Support services (delivered by the YOS and a range of community-based organisations) are typically informal and often integrated into existing community programmes or provision (see Haines et al., in press).

**Figure 1: The Bureau Model**



## Methodology

*The Bureau in practice: Is it making a difference?*

An independent process evaluation of the early impact of Swansea Bureau was conducted from 2009–2012. Measurement and analysis of two main issues were identified as central to an evaluation of the impact of the Swansea Bureau:

- 1) the changes in decision-making for first time entrants (FTEs) since the Bureau began;
- 2) the impact of decision-making on outcomes for young people in terms of reoffending – as measured by re-arrest and conviction rates.

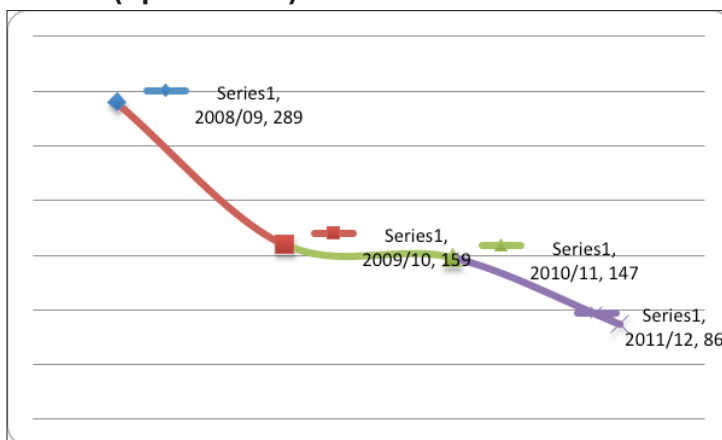
Statistical analysis of the changes in, and impact of, decision-making by local youth justice practitioners regarding local young people was facilitated by a process of secondary data analysis of key datasets drawn from 'Youth Offending Information System' (YOIS). The evaluators accessed localised Bureau datasets related to those young people each year who constituted FTEs into the YJS (thus making them eligible for Bureau intervention). Analyses focused on the disposals (NCD, reprimand, final warning, prosecution) given to these young people and their reconviction rates; and were further analysed in relation to offence gravity scores.

## Results: Secondary data analysis

*FTEs and decision-making*

Following the rediscovery of diversion in policy terms, the general trend across England and Wales has been one of reducing numbers of FTEs year-on-year from 2006–07 (109,421 young people) to 2009–10 (48,606 young people), an overall decrease of 56 per cent (Justice Committee, 2011). This widespread trend has been mirrored in Swansea, with the annual (April–March) number of FTEs falling from 371 in 2005–2006 (the first year in which reliable FTE data was collected by Swansea YOS), to 295 in 2008–2009 – a decline of 20 per cent over three years.

**Figure 2: Annual number of FTEs into the Youth Justice System in Swansea 2008–09 to 2011–12 (April–March)**



Following the introduction of the Bureau, the number of FTEs decreased from 289 in 2008–2009, to 159 in 2009–2010<sup>3</sup> (45 per cent decrease), to 147 in 2010–11 (8 per cent decrease) and to 86 in 2011–12 (41 per cent decrease). In order to more closely examine the relationship between the introduction and operation of the Swansea Bureau and the decrease in FTEs, it is necessary to compare and contrast decision-making and outcomes for young people before and after the Bureau's inception. In particular, it is useful to examine whether the post-Bureau decrease in FTEs each year has been reflective of a general decrease in youth offending locally or a substantive change in the decisions made regarding young people on the brink of the YJS (i.e. did offending levels remain stable, but decisions to divert increase?). Additionally, it is important to reflect on whether the Bureau merely delays entry of young people into the YJS or whether it results in a genuine reduction in offending and reoffending.

**Table 1: Decision-making and outcomes for FTEs in Swansea from 2008–09 to 2011–12 (April–March)**

| Disposal                | 2008–09 |     | 2009–10 |    | 2010–11 |    | 2011–12 |    |
|-------------------------|---------|-----|---------|----|---------|----|---------|----|
|                         | N       | %   | N       | %  | N       | %  | N       | %  |
| <b>NCD</b>              | N/A     | N/A | 110     | 41 | 123     | 46 | 152     | 64 |
| <b>Police Reprimand</b> | 117     | 56  | 93      | 35 | 98      | 36 | 61      | 26 |
| <b>Final Warning</b>    | 45      | 22  | 32      | 12 | 22      | 8  | 12      | 9  |
| <b>Prosecution</b>      | 47      | 22  | 34      | 13 | 27      | 10 | 13      | 5  |
| <b>Total</b>            | 209     | -   | 269     | -  | 270     | -  | 238     | -  |

All percentages are rounded to the nearest whole number.

Data in Table 1 indicates that the number of NCDs given to potential FTEs ('potential' because receiving a NCD keeps the young person out of the formal YJS) increased annually from 110 in 2009–10 (41 per cent of total disposals given to FTEs), to 123 in 2010–11 (46 per cent of disposals) to 152 in 2011–12 (64 per cent of disposals). There has, therefore, been a clear change in local decision-making for FTEs. Whether these statistics are indicative of substantive changes in the extent of youth offending locally is less clear as the total numbers of those offending for the first time remained stable from 2009–10 (269) to 2010–11 (270), the year following the Bureau's introduction. However, a notable decrease in first-time offenders in 2011–12 (from 270 to 238 young people) suggests an emerging trend of falling numbers of first-time offenders along with falls in FTEs and changes in local decision-making. The emerging evidence, therefore, is that the Bureau is operating to reduce the level of offending by young people and is not merely a mechanism that delays entry into the YJS.

3 If the YJB's April–March measurement period is used, Swansea evidenced the highest percentage reduction in FTEs in Wales (YJB, 2010).

The predominance of NCDs has had a knock-on effect in reducing the numbers and proportion of pre-court and court measures. A total of 24 fewer police reprimands were given to FTEs in 2009–10, decreasing the percentage of reprimands as a proportion of all disposals given to FTEs by 21 per cent (from 56 per cent to 35 per cent). In 2010–11, reprimands increased in number by five (a 1 per cent increase as a proportion of all disposals), but decreased by 37 in 2011–12 (a 10 per cent decrease as a proportion of all disposals). There has been a concurrent reduction in the use of final warnings, which fell in 2009–10 by 13 in number (a 10 per cent decrease as a proportion of all decisions – from 22 per cent to 12 per cent) decreased by four in 2010–11 (a 4 per cent decrease as a proportion of all disposals), and decreased in 2011–12 by ten (although this constituted a 1 per cent proportional increase in disposals). The impact of the Bureau on prosecution<sup>4</sup> was similarly reductive, with annual decreases in 2009–10 of 13 (9 per cent decrease as a proportion of all disposals), of seven in 2010–11 (3 per cent proportional decrease) and of 14 in 2011–12 (5 per cent proportional decrease).

The analysis of decision-making for FTEs in relation to their offence gravity score (OGS) enables a more sensitive and detailed assessment of the potential diversionary impact of Swansea Bureau. Examining decisions in relation to offence seriousness or gravity indicates, for example, the distribution of post-Bureau diversionary decisions (NCDs) across offence levels and enables an examination of the extent to which the distribution of other decisions (pre-court and prosecution) has been affected by the introduction of the Bureau. Table 2 illustrates the numbers of FTEs eligible for the Bureau (OGS 1–3) who received different disposals and decisions in the annual periods pre- and post-Bureau and the overall percentage of decisions each year made up by each type of disposal.

Changes in the distribution of pre-court decisions and prosecutions can be discerned in the years following the Bureau's introduction when OGS is closely examined. Taking FTEs with an OGS of 1 as the starting point, the proportion of total disposals constituted by NCDs increased from 50 per cent in 2009–10 to 58 per cent in 2010–11 to 68 per cent in 2011–12. The proportion of disposals accounted for by reprimands decreased by 38 per cent in 2009–10 (from 75 per cent to 37 per cent), increased by 6 per cent in 2010–11 (from 37 per cent to 43 per cent) and decreased again in 2011–12 by 26 per cent (from 43 per cent to 17 per cent). Similarly, the proportion of disposals made up by final warnings has decreased annually in 2009–10 (4 per cent decrease) and 2010–11 (2 per cent decrease), although the proportion increased in 2011–12 (5 per cent increase, accounted for by three young people). Prosecution numbers for OGS 1 remained very low and decreased slightly in 2009–10 (four young people, 4 per cent of overall disposals), 2010–11 (three young people, 3 per cent of overall disposals) and 2011–12 (two young people, 2 per cent of overall disposals).

4 No custodial sentences were given to FTEs in 2008–09, 2009–10 or 2011–12; three were given in 2010–11, but for offences with gravity scores that rendered them ineligible for Bureau intervention.



**Table 2: Decision-making by offence gravity score (1–3) for FTEs in Swansea between 2008–09 and 2011–12 (April–March)**

| Year                 |     | 2008/09 |     | 2009/10 |    | 2010/11 |    | 2011/12 |    |
|----------------------|-----|---------|-----|---------|----|---------|----|---------|----|
|                      | OGS | N       | %   | N       | %  | N       | %  | N       | %  |
| <b>NCD</b>           | 1   | N/A     | N/A | 51      | 50 | 45      | 46 | 55      | 68 |
| <b>Reprimand</b>     | 1   | 75      | 75  | 37      | 37 | 42      | 43 | 14      | 17 |
| <b>Final Warning</b> | 1   | 13      | 13  | 9       | 9  | 7       | 7  | 10      | 12 |
| <b>Prosecution</b>   | 1   | 12      | 12  | 4       | 4  | 3       | 3  | 2       | 2  |
| <b>All</b>           | 1   | 100     | -   | 101     | -  | 97      | -  | 81      | -  |
|                      |     |         |     |         |    |         |    |         |    |
| <b>NCD</b>           | 2   | N/A     | N/A | 55      | 37 | 76      | 47 | 93      | 65 |
| <b>Reprimand</b>     | 2   | 121     | 72  | 52      | 35 | 53      | 33 | 32      | 22 |
| <b>Final Warning</b> | 2   | 28      | 17  | 20      | 13 | 12      | 7  | 10      | 7  |
| <b>Prosecution</b>   | 2   | 20      | 12  | 22      | 14 | 22      | 13 | 8       | 6  |
| <b>All</b>           | 2   | 169     | -   | 149     | -  | 163     | -  | 143     | -  |
|                      |     |         |     |         |    |         |    |         |    |
| <b>NCD</b>           | 3   | N/A     | N/A | 4       | 21 | 2       | 18 | 4       | 29 |
| <b>Reprimand</b>     | 3   | 1       | 5   | 4       | 21 | 3       | 27 | 3       | 21 |
| <b>Final Warning</b> | 3   | 4       | 20  | 3       | 16 | 3       | 27 | 4       | 29 |
| <b>Prosecution</b>   | 3   | 15      | 75  | 8       | 42 | 3       | 27 | 3       | 21 |
| <b>All</b>           | 3   | 20      | -   | 19      | -  | 11      | -  | 14      | -  |

All percentages are rounded to the nearest whole number.

Analyses of OGS 2 disposals reflects an equivalent pattern of annual increase in the use of NCDs as a proportion of all disposals, in 2009–10 (37 per cent increase), in 2010–11 (10 per cent increase – from 37 per cent to 47 per cent) and in 2011–12 (18 per cent increase – from 47 per cent to 65 per cent). The proportion of reprimands given to FTEs with an OGS of 2 decreased annually in 2009–10 (37 per cent decrease), in 2010–11 (2 per cent decrease) and in 2011–12 (11 per cent decrease), while final warnings also fell in 2009–10 (by 4 per cent) and in 2010–11 (by 6 per cent) but remained stable as a proportion of all disposals in 2011–12. The use of prosecution fluctuated annually as a proportion of all disposals for OGS 2, increasing by 2 per cent in 2009–10, but decreasing by 1 per cent in 2010–11 and decreasing by a further 7 per cent in 2011–12.

The analysis of disposals for FTEs presenting with an OGS of 3 was less reliable due to the relatively small numbers in each cell. These low numbers reflect the developmental stage of the implementation of the Bureau and the timing of the evaluation, although they do show some gains for NCDs over other disposals<sup>5</sup>.

While it is informative to analyse between-group changes in decision-making for FTEs, the FTE measure alone cannot provide a complete picture of the impact of the Bureau because it excludes measurement of within-group changes in terms of re-arrest and conviction. It is to this measure that we turn in the next section.

#### *FTEs and re-arrest and conviction*

To provide a comparison of the rates of re-arrest and conviction (as indicative of re-offending) between the distribution of disposals pre- and post-Bureau, each young person in Swansea arrested, convicted, sentenced or given a NCD was followed up for equal periods of twelve months pre- and post-Bureau introduction (see Table 3).

**Table 3: Number of FTEs reconvicted in Swansea 2008–09 to 2010–11 (April–March) as a percentage\* of each disposal**

| Disposal                | 2008–09 |             |     | 2009–10 |             |    | 2010–11 |             |    |
|-------------------------|---------|-------------|-----|---------|-------------|----|---------|-------------|----|
|                         |         | Reconvicted |     |         | Reconvicted |    |         | Reconvicted |    |
|                         | N       | N           | %   | N       | N           | %  | N       | N           | %  |
| <b>NCD</b>              | N/A     | N/A         | N/A | 110     | 10          | 9  | 123     | 13          | 11 |
| <b>Police reprimand</b> | 117     | 28          | 24  | 93      | 10          | 11 | 98      | 21          | 21 |
| <b>Final warning</b>    | 45      | 6           | 13  | 32      | 6           | 19 | 22      | 6           | 27 |
| <b>Prosecution**</b>    | 47      | 11          | 23  | 34      | 13          | 38 | 27      | 4           | 15 |

\*All percentages are rounded to the nearest whole number. Reconviction data for 2011–12 was unavailable at the time of writing.

\*\*Most young people prosecuted received a referral order in 2008–09 (25/27 young people; 93 per cent) and 2009–10 (22/24 young people; 92 per cent). The remainder received a community sentence; none received custody.

5 Since this evaluation was completed a decision has been made locally that all young people arrested will be processed through the Bureau.

In the two years for which reconviction data is available, post-Bureau reconviction rates for young people receiving a NCD rose from 9 per cent in 2009–10 to 11 per cent in 2010–11, although these statistics actually reflected an increase of only three young people. Reconviction rates for FTEs receiving a reprimand fluctuated, decreasing by 13 per cent in 2009–10 (from 24 per cent to 11 per cent,  $n = 18$ ), then increasing to 21 per cent in 2010–11. Final warning reconviction rates increased annually in 2009–10 (from 13 per cent to 19 per cent) and in 2010–11 (from 19 per cent to 27 per cent,  $n = 6$ ), while reconviction for FTEs receiving prosecution rose by 15 per cent in 2009–10 (from 23 per cent to 38 per cent), but decreased by 23 per cent in 2010–11 (from 38 per cent to 15 per cent,  $n = 9$ ). Despite the relatively low reconviction numbers, and with due consideration of their potentially skewing effects on statistical interpretations when converted to percentages, a general trend can be tentatively discerned that reconviction rates for NCDs were lower than those for all other disposals in both years.

Although the results reported above cannot be considered definitive in documenting the impact of the Bureau on reconviction when OGS is considered, they are, on the basis of the available data, indicative of a potentially positive relationship and set of outcomes. Overall, the analysis presented above suggests that the first three years of the Swansea Bureau has evidenced promising outcomes. The introduction of the Bureau appears to have precipitated a growing local culture of diversion of young people from the YJS and a resultant fall in the numbers of FTEs. These decreases in FTEs have largely been achieved in respect of lower-end OGS (1 and 2) and as an alternative to other pre-court disposals. While reconviction rate data is less conclusive due to relatively small cell numbers, the indications are that those young people processed through the Bureau are less likely to be reconvicted than those who formally enter the YJS.

### *Semi-structured interviews with key stakeholders: Qualitative analysis of Bureau impact*

Following thematic analysis of the interview data, three issues emerged as most significant to key stakeholders in explaining the impact of the Swansea Bureau at a political, strategic and practice level:

- Animating the Welsh policy context
- Pursuing a ‘children first, offenders second’ approach to young people who offend
- Parental responsibility and engagement.

*Animating the Welsh policy context*

One of the distinctive features of the development and implementation of the Swansea Bureau has been its clear location within a children's rights agenda that seeks to emphasise the centrality of youth participation and engagement in line with Extending Entitlement (National Assembly Policy Unit, 2002) and the All Wales Youth Offending Strategy (AWYOS) (Welsh Assembly Government (WAG) and YJB, 2004). At the highest level, this approach seeks to give expression to Article 12 of the United Nations Convention on the Rights of the Child:

*For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child.  
(Article 12 (2), UNCRC, 1989)*

This commitment has been evidenced strategically (e.g. South Wales Police and Swansea YOS, 2009) and operationally (e.g. Swansea YOS, 2010). For example, the Swansea Children and Young People's Partnership Strategy 2011–14 states that:

*We will develop Swansea as a child and young person friendly place. To enable this to happen we will base our actions around the United Nations Convention on the Rights of the Child (UNCRC) so that we ensure that the rights of children and young people are upheld.  
(Swansea Children and Young People's Partnership, 2011: 4)*

Similarly, the 'Safer Swansea' Crime and Disorder Reduction Strategy for 2011–14 states that:

*Safer Swansea proposes work with children and young people that is based on engagement, learning, participation and empowerment.  
(Safer Swansea Partnership, 2011: 21)*

Stakeholder interviews also provided evidence that the commitment to youth participation and engagement extended to a distinctive way of thinking about young people generally and the normality of offending in young people's lives. Eschewing approaches which viewed the young person as an offender or as a problem (or potential problem) to manage, local thinking coalesced around a more positive response to youth justice intervention, one in which the young person was seen as:

*part of the solution, not a part of the problem... It's time that people realised that young people can be constructive.  
(Swansea YOS Officer, 2010)*

The broad children's rights perspective and the specific participation and engagement of the young person was viewed by local stakeholders to be at the centre of the Bureau process in a meaningful manner. Stakeholders perceived that young people had significant input into Bureau decisions and outcomes, rather than serving as the passive recipients of adult-centric, punitive responses:

*Our Bureau gives kids the chance to get their view across... kids have a second chance to voice their opinions at the Bureau clinic. If they think we haven't taken account of something they can tell us. They can also say if they think we are wrong. I think sometimes they are shocked that we listen to them. But, their views are so important. After all, the Bureau is about them and their lives.*

*(Swansea Bureau Co-ordinator, 2010)*

Thus, the Bureau evinces a commitment to hearing the voices of local young people and listening and responding to their views (in accordance with the UNCRC) within subsequent interventions.

*Pursuing a 'children first, offenders second' approach to intervention with young people who offend*

Two concurrent aims of the Swansea Bureau are to divert young people away from the formal YJS and to prevent reoffending via a child-appropriate, children first (offence or person who offends second) approach to youth justice intervention. A key message from the interviews was that intervention is a central plank of a principled, practical and effective response to offending behaviour. Crucially, the informal and diversionary measure (i.e. NCD) promulgated by the Bureau resonates with the AWYOS commitment to respond to 'children first and offenders second' (WAG and YJB, 2004: 4) through non-criminogenic, UNCRC-compliant, pro-social intervention. There was a strong local belief that this was an effective method for reducing reoffending. The provision of support services to young people and their parents (only where deemed necessary by all parties) and fostering engagement with these services was considered to be more important and effective than a 'pure' (non-interventionist) diversionary approach:

*[the Bureau] is about getting the youngster the right interventions at the right time. This is not just looking at the symptom of the offence but the underlying causes*

*(Senior South Wales Police Officer, 2010)*

The qualitative interview data implicates the Bureau's commitment to diversion and crime prevention through the use of informal, child-appropriate, 'children first' disposals:

*Our primary role is to prevent offending... But we can't do that alone, nor can we achieve that by criminalising children... I strongly believe that it is only by adopting a child-rights approach, one where we treat children as children first and serve them by meeting their needs and very often supporting their families: only then will we make progress.*

*(Swansea YOS Manager, 2010)*

In contrast to the more prescriptive, punitive and responsibilising (offence and person who offends focused) approach of some existing national measures (Haines and O'Mahony, 2006), stakeholders reported that the Bureau provided a bespoke (children first) entitlements-based and needs-led youth justice process:

*let's be quite honest, any young person can commit offences from any background, they all make mistakes, but some may need more assistance... Basically, you have got to bespoke it [support] to that person's needs (Chief Superintendent, South Wales Police 2010)*

In particular, it was felt that the child-appropriate, children first ethos of Bureau practice was critical in enabling young people (and their families) to participate in the YJS in a positive and non-stigmatising manner and to engage in prosocial behaviour:

*If we believe in children, we shouldn't criminalise them. Instead, we should try to support them, invest in them, and see them as our future. The Bureau gives us a chance to do that. (Senior Officer, South Wales Police 2010)*

Recognising that the YJS deals with children and acting on this recognition in a meaningful manner has clearly been a central animating feature of the Swansea Bureau.

#### *Parental responsibility and engagement*

The YJS in England and Wales has been of particular interest to other European jurisdictions because of its longstanding policy emphasis on parental responsibility (e.g. Youth Crime Action Plan 2008, (COI, 2008); Every Child Matters: Change for Children, (DfES, 2004); Crime and Disorder Act 1998). While arguably positively motivated, the policy manifestations and practical implementation of parental engagement have been somewhat negative. Parents have been viewed as, variously, feckless, deficient and disinterested, and the remedies have focused not on engaging or supporting parents but on enforcing responsibility (what Garland (1996) has dubbed 'responsibilisation'; see also Muncie, 2004), on compulsory re-education and punishment for non-compliance (Goldson and Jamieson, 2002). In contrast, the Swansea Bureau has sought to embody a different approach to the role of parents or carers. In line with the children first philosophy, parents are seen as the natural carers of young people and the family as the first point of reference for childrearing. In practical terms the Swansea Bureau seeks to promote this approach in two key ways: by not usurping parental authority and by engaging parents in decision-making.<sup>6</sup> The commitment of Bureau stakeholders to provide appropriate responses to young people and their families is illustrated by the tailoring of support packages, for which there is no compulsion for young people or their family to agree to, or participate in:

<sup>6</sup> It is also possible for Bureau outcomes to involve ongoing support for parents (of an emotional or practical nature). Such support is not compulsory nor are sanctions attached. Further research into this aspect of the Bureau is ongoing.

*by thorough assessment, we have put together packages for that young person... that can range from doing nothing with them because they don't need it, to identifying a wealth of issues and getting other people involved (Swansea Bureau Co-ordinator, 2010)*

Interview data indicates a strong local belief among key stakeholders that the formal YJS tends to respond to young people in a manner that effectively usurps parents of their responsibility. It is quite possible that the first time a parent is informed about the (alleged) offending behaviour of their child, they are also told that the YJS is now in process and will deal with the young person (and possibly the parent too). Once the official processing of a young person has begun, it cannot be stopped and parents have very little say in this process. In Swansea, however, Bureau processes deliberately stall formal youth justice processes to prevent usurping parents of their responsibility and authority, and to allow for their engagement in subsequent decision-making. Following arrest, the formal youth justice process stops and the young person is bailed, usually in the presence of their parents, to a Bureau Clinic two weeks hence. Thus, the first time a parent hears about their child's behaviour they are also informed that: 1) no further formal decisions about what is to be done are taken at the time of arrest, 2) that a South Wales Police Officer or Swansea YOS Officer will be visiting the home within the next few days to discuss their child's behaviour and what is to be done – both with the young person and with them, and 3) they are invited to a meeting (the Bureau Clinic) in approximately two weeks' time, where they will be given the opportunity to discuss and agree with a Police Officer and YOS Officer what is to be done in respect of their child's behaviour.

In this respect the Bureau's procedures are very specific and have been designed to avoid the YJS's tendency to usurp parental roles and to provide meaningful opportunity for further parental involvement in decision-making concerning their own children.<sup>7</sup> Parental participation is, however, voluntary – although, perhaps significantly, to date, no parents have refused to engage in a Bureau clinic.

*You find even the ones, the parents who have been through the mill themselves, the last thing they want is for their kids to go through the same... [they] don't want their kids going down that line... they do try. (South Wales Police Sergeant, 2010)*

There has been, additionally, one unanticipated outcome of the Bureau processes: in many cases parents have pre-emptively re-asserted their role and authority vis-a-vis their children. Bureau processes have been designed to be 'children first' – locating responses to challenging youthful behaviour in the family – giving parents a voice in decisions about their children and avoiding usurping parental responsibility and authority. It was thought, in the design of Bureau processes, that the exercise

<sup>7</sup> This, for example, is one critical difference between the Swansea Bureau and other contemporary diversion mechanisms, including the Youth Restorative Disposal, where the pilot identified that parents or carers seldom participated in the disposal (YJB, 2011). It is not possible to provide any detailed comparison between the Bureau and Triage, as the Triage evaluation was unpublished at the time of writing.



of parental responsibility and authority would find its keenest expression in Bureau clinic meetings. In practice this was only partly true. Throughout the interviews with key stakeholders one theme recurred, namely that parents were taking the opportunity of the two-week interval between arrest and Clinic meetings to (re-) assert their parental role, for example:

*the majority of parents who come to the Bureau will say, 'I am glad we have had this two week period. He has been grounded, sanctions have been put in place: his laptop has been taken off him, no pocket money'... so, I think they do take on that role.*  
(Swansea Bureau Co-ordinator, 2010)

Parents appear to have responded to the behaviour of their children without external provocation, in the knowledge that no formal decisions had yet been taken about any future actions, or because parents had been engaged and consulted about how their child should be dealt with. Key stakeholders reported that in many cases the extent of the parental response was sufficient that the outcome of the Bureau Clinic was a NCD with no further action or intervention required. The frequency with which this positive parental response was manifest led the two-week period between arrest and clinic to be dubbed the 'golden fortnight' by stakeholders locally.

The suggestion is that by encouraging parents to take a central position in responding to the behaviour of their children and responsibility for future actions and behaviour, the role of the parent has become a key element in the reduction of re-arrest and conviction. Key stakeholders felt that the Bureau promoted parental engagement, believing that parents are best placed to support, encourage and guide their children. Much of this behaviour has occurred 'quite naturally' (Swansea Bureau Co-ordinator, 2010) during the 'golden fortnight', without official prompting, without formal requirements and without the threat of sanctions. Parents, it seems, like young people, have taken the opportunities given to them to become part of the solution, rather than being seen as part of the problem.

### *Conclusion: Children first, prosocial diversion?*

The Swansea Bureau's deployment of informal and diversionary actions as a response to first-time, low-level youth offending differs markedly from historical (minimal and non-) intervention models and other recent diversionary developments, such as the pre-court and prosecution-based options favoured in current central government policy. Rather than concentrating on normalising offending by avoiding proactive intervention or stigmatising offending through measures portrayed as potentially-punitive, criminalising and risk-focused by critical academics, policy makers, practitioners and children's rights advocates (see Bateman, 2011;



Drakeford, 2010; Goldson and Muncie, 2006; Pitts, 2003), the Bureau aims to utilise a child-focused and prosocial approach that is committed to diversion (Hoffman and MacDonald, 2011) through two mechanisms:

- 1) Delivering 'real' diversion from the formal YJS;
- 2) Offering supportive intervention to young people and parents, which is focused on engagement and promoting opportunity and positive behaviour through inter-agency working and through recipients taking ownership of support processes.

Additionally and importantly, as we outlined above, the Bureau also provides an opportunity to respond directly to the needs of victims – although it does this separately from the processes designed to respond to children.

The quantitative data for FTEs suggests that the Swansea Bureau has accelerated the rate at which young people are being diverted from the formal YJS and that reconviction rates for young people receiving NCDs are lower than those for all other disposals. The Swansea Bureau is, therefore, making a direct contribution to meeting key objectives to reduce FTEs and to reduce reoffending locally (c.f. YJB, 2010). The expressed commitment of both South Wales Police and Swansea YOS to diversionary principles and practices has resulted in the Bureau meeting its main aim of diverting young people out of the YJS. Through the use of bespoke services and tailored interventions promoting participation and engagement (including by parents) and positive behaviour by the young person, the Bureau has been better able to circumvent the negative unintended consequences of the formal YJS (see McAra and McVie, 2007), while reducing reconviction. The focus of these support packages has not been retributive or authoritarian in nature (c.f. Hughes and Follett, 2006) – rather they have been intended as supportive prosocial mechanisms to meet the needs of local young people and to achieve positive outcomes for young people. The Bureau, therefore, is demonstrative of the degree to which the Welsh national policy context for children has provided policy makers and practitioners in Swansea with the space for 'reworking, reinterpretation and avoidance of national and international directives and/or particular socio-political pressures' (Muncie, 2011: 252).

Consequently, there are salient lessons to be learnt from the Bureau process that could inform policy and practice development in the UK and internationally.

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## Annex: Communication and impact plans

The key messages from the Bureau research have been and continue to be disseminated in a variety of ways to a range of appropriate stakeholder and political audiences, nationally and locally, from politicians to policy-makers, practitioners, academics and researchers. At the national policy-making and local policy and practitioner levels, the research team set out to fulfill key objectives:

- To disseminate and promote best practice within youth justice – evidenced by the outputs and outcomes of the Bureau system
- To inform policy development and decision making – particularly at a time when primary legislation was being formed and a review of the YJB undertaken
- To promote the benefits of adopting a ‘children first, offender second’ approach grounded in children’s rights and participation – especially critical in relation to the Welsh youth justice and community safety agendas, which are under consideration for devolution from the UK Government in Westminster.

Dissemination of the Bureau processes and findings was conducted through invitations to present on the evaluation to key stakeholders and proactive engagement with critical user groups and decision-makers. For example, at the UK-level, following invitation, members of the research team (Professor Haines and Dr. Case) were interviewed by the Centre for Social Justice Youth Justice Working Group in order to provide a detailed case study of effective youth justice practice for their review entitled *Rules of Engagement: Changing the Heart of Youth Justice* (Centre for Social Justice, 2012). Research team members (Haines and Case) and a Bureau user (Swansea Youth Offending Service Manager) were also interviewed by the Independent Commission on Youth Crime and Antisocial Behaviour and provided a detailed case study of effective diversionary youth justice practice for their youth justice reform report *Time for a Fresh Start* (Independent Commission on Youth Crime and Antisocial Behaviour, 2011). In addition, the research team provided an interim report and relevant statistical data to the National Association for the Care and Resettlement of Offenders (NACRO) for their report *Reducing the Number of Children and Young People in Custody* (NACRO, 2011). In the report, the Swansea Bureau was highlighted as an effective practice example of ‘maximising pre-court diversion’. Dissemination of the Bureau was consolidated by John Drew, the Chief Executive of the Youth Justice Board, who cited the Bureau as an innovative non-formal early intervention methodology when providing evidence to the House of Commons Committee of Public Accounts for the report *The youth justice system in England and Wales: Reducing offending by young people* (House of Commons, 2011). After reading these four reports, in May 2012 the Prime Minister dispatched a Special Advisor to Swansea, accompanied by the Chief Executive of the YJB and the Head of the YJB in Wales, to meet with the Youth Offending Service Manager and the research team to discuss the Bureau process and evaluation.

Nationally in Wales, the Swansea Bureau was identified to the Welsh Assembly Government as an example of research-informed, non-criminalising and rights-based youth justice practice in the Report to the Welsh Assembly Government on the question of Devolution of Youth Justice Responsibilities by Professor Rod Morgan, the former Chair of the YJB (Morgan, 2009). On the strength of this report, in 2010, Professor Haines was invited to present a synopsis of the Bureau evaluation at the launch of the Welsh Centre for Crime and Social Justice in Cardiff, to academics, policy-makers and practitioners. In terms of proactive engagement with key stakeholders, the initial Bureau evaluation report (Haines and Charles, 2010) was sent to South Wales Police senior management, which resulted in the process being rolled out to all Borough Command Units (except Cardiff) in July 2011. The initial Bureau evaluation report was also circulated to all members of the multi-agency Swansea Youth Offending Service Management Board (e.g. police, probation, court service, education, social services, and the health authority) and discussed when the Board met in 2010. Furthermore, all Youth Offending Service Managers in Wales were sent a copy of the Bureau evaluation report, which was discussed at the first YOS Managers Cymru steering group meeting of 2010. This national (Welsh) round of dissemination concluded with the final report being sent to the Youth Justice Board Wales for inclusion as an example of effective practice in preventing youth offending in the YJB Wales Effective Practice Compendium (YJB, 2012) distributed to all Youth Offending Service managers and practitioners in Wales.

The processes and findings of the research evaluation of the Swansea Bureau are also being disseminated to practitioner and academic colleagues through a variety of media:

- *International Journal of Law, Crime and Justice* – a peer-reviewed article entitled The Swansea Bureau: A model of diversion from the Youth Justice System has been accepted for publication to a leading international research-based academic journal covering a variety of disciplines – socio-legal, law, criminology, psychology and social justice
- *Youth Justice Journal* – a peer-reviewed research article by Hoffman and MacDonald (2011) that focused on Swansea's tiered approach to youth antisocial behaviour management addressed the findings and conclusions of the evaluation in detail as a prime local example of 'de-escalating' and 'diversionary' (rather than punitive and criminalising) practice
- *PhD thesis*: Evaluating the effectiveness of Swansea Bureau – an ongoing doctoral thesis is contributing to the empirical development of the Bureau research and evaluation and the dissemination of findings through presentations to local stakeholders and international academic colleagues.

## About the authors

### *Professor Kevin Haines*

Kevin Haines, Professor of Criminology and Youth Justice, joined Swansea University in 1993 from the Institute of Criminology, University of Cambridge. His primary research focuses on young people and crime and includes risk assessment and factors for offending, participative research with young people, how the 'system' works (or doesn't), 'Welsh' youth justice, substance use (involving a major longitudinal study), youth crime prevention and restorative approaches. Much of this work has taken place in partnership with Swansea Youth Offending Team. Professor Haines is also particularly interested in research methodology, including the development of approaches such as Bayesian analysis and data visualisation.

### *Dr Stephen Case*

Stephen Case, Associate Professor in the Centre for Criminal Justice and Criminology, joined Swansea University in 2000. Like Professor Haines, his research interests include the critical evaluation of risk-based approaches to youth justice, 'Welsh' youth justice and youth crime prevention, and system analyses of youth justice institutions (e.g. the Youth Justice Board, youth offending services, and the secure estate). Stephen also pursues an interest in developing participative and engaging research methodologies for use with children and youth justice practitioners.

## About the Howard League for Penal Reform

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We work with parliament and the media, with criminal justice professionals, students and members of the public, influencing debate and forcing through meaningful change to create safer communities.

We campaign on a wide range of issues including short term prison sentences, real work in prison, community sentences and youth justice.

Our legal team provides free, independent and confidential advice, assistance and representation on a wide range of issues to young people under 21 who are in prisons or secure children's homes and centres.

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