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**Youth Justice at the Interface:
The Development of a Multi-professional Team
in a Multi-agency Partnership**

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I declare that none of the work contained in this thesis has been submitted for any other degree at any university. The contents of this thesis have been composed by Paul Rigby.

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ABSTRACT

This thesis investigates the development of a multi-professional youth justice team in Falkirk, Central Scotland, established following the Scottish Executive (2000) Youth Crime Review. The contribution of the multi-professional team was examined in relation to the potential benefits of having a range of professionals in one team operating in broader partnership arrangements. The extent that these arrangements facilitated implementation of evidence-based practice was also explored. Local strategy was analysed as a constituent of national policy, as Scotland began to develop a youth justice system containing aspects of the 'Third Way' corporatist, managerial model evident in England and Wales.

The multi-professional youth justice project of Connect was the focus of the thesis, although close multi-agency networks necessitated analysis of wider partnership arrangements. Employing a multi-methods case study approach maximised the available data and provided a rich understanding of the context and processes of local policy development. Interviews with a range of stakeholders in the Falkirk area constituted the primary data source, supported by observation of the working arrangements, document analysis and secondary statistical data. Elements of action research allowed ongoing data to be utilised by Falkirk Council to develop service provision while the research progressed.

Findings are examined in relation to the wider theoretical implications of adopting a 'what works' agenda in a youth justice system that has, for over thirty years, been predicated on a diversionary welfare principle. The arrangements in Falkirk may provide a model for multi-professional youth justice work that does not embrace a centralised, punitive agenda.

The research indicated that a multi-professional project could make a positive contribution to wider multi-agency arrangements, supporting the government aims of increased partnership working. It also suggested that operational developments, facilitated by practitioners in a bottom-up approach, could implement change capable of delivering services utilised and appreciated by service users, and meeting the standards set by the Scottish Executive. Further research will be necessary to provide evidence regarding the effectiveness of specific partnership arrangements in reducing offending and improving the circumstances of young people.

While the individual nature of local authority responses to the Youth Crime Review indicates that a national solution may not be desirable, the findings from Falkirk provide data about those factors that may facilitate or inhibit developments in partnership working, which is now part of the framework of youth justice provision in Scotland. Individual case studies can provide evidence that youth justice practice in Scotland can retain a local, child centred focus. Such evidence may halt further moves towards a 'one size fits all' justice model, which predominates in England and Wales.

CHAPTER ONE

INTRODUCTION

Contemporary international public concern about youth offending is widespread, with a particular public perception that juvenile violence is increasing (UNICEF 1998; de Boer-Buqhicchio 2003). In the UK there is an intense political and media spotlight on all aspects of criminal and anti-social behaviour by young people, with frequent reference in the Scottish media and Parliament to ‘neds’ (Barnes 2004; BBC 2003).¹ Despite these concerns, evidence about the extent to which young people are involved in offending behaviour, and the efficacy of responses, remains difficult to ascertain at both national and international level (Buckland and Stevens 2001). Where there is some consensus is the departure, since the 1970s in most jurisdictions, from responses based on welfare and needs to a justice based response concerned with just deserts and proportionality (Bala and Bromwich 2002). Care and protection and offending issues are increasingly separated and, particularly in the USA and England and Wales, justice for young people is now seen as being based primarily on a punitive model (Muncie 2004; Smith R 2003).

Since 1997 in the UK, modernised policy making (Nutley et al 2003) predicated on the corporatist governance of youth justice (Pratt 1989; Pitts 2003) has increasingly focussed on an evidence-based, ‘what works’ framework (see Whyte 2004a; Vennard et al 1997) underpinned by a managerialist agenda (Muncie and Hughes 2002). Some commentators view this response to young people who offend as an abdication of responsibility by the state to address some of the underlying causes of offending behaviour by focussing on the

¹ ‘Neds’ is a derogatory term applied to young people involved in offending or anti-social behaviour. Thought to have originated in Glasgow it is often believed to be an acronym of ‘non-educated delinquents’ or the abridged version of Edward attached to ‘teddy-boys’ (see www.chavscum.co.uk and www.urbandictionary.com/define).

‘responsibilisation’ of young people (Goldson 2002; Muncie 2004; Smith R 2003). Others view it as an opportunity to finally overcome the idea that ‘nothing works’ and provide services to young people that can meet their needs through a much welcomed injection of funds and systematic working practices, underpinned by a strong evidence base (Newburn 2002; Burnett and Appleton 2004). Smith D (2003) believes there is not enough evidence at the moment to support any definitive comments about the operation and efficacy of youth justice service provision in the UK.

While the development of the youth justice system in Scotland has been influenced by these broader UK political and theoretical discourses, like the adult criminal justice system (McIvor 2004; McNeill 2004), youth justice has largely remained free of the more punishment based approaches evident in England and Wales (Smith 2000a). Despite a few modifications, the Children’s Hearings System set up in the early 1970s following the Kilbrandon report (SHHD 1964) and the 1968 Social Work (Scotland) Act, has remained the primary system for dealing with young people in need of care and protection and / or involved in offending behaviour. The Hearings System diverts young people from formal court processing and ensures the best interest of the child is the foremost consideration. However, it is in the process of undergoing a major review to ascertain if it still meets the needs of young people and the community in the 21st century (Scottish Executive 2005a; Stevenson and Broatch 2004). There are signs that the “*punitive and politicised*” (Goldson 2005a:37) youth justice agenda from England and Wales is beginning to encroach on Scottish policy.

Since the Youth Crime Review (Scottish Executive 2000) developments are being driven by the modernising agenda of the Scottish Parliament, which increasingly requires a more

focussed approach to young people involved in anti-social and offending behaviour, based on effective practice, accountability and partnerships (Scottish Executive 2002a). The challenge in Scotland may be to implement changes that are based on effective practice, while retaining young people at the centre of the proceedings and placing their welfare at the forefront. In this respect youth justice in Scotland is at an important interface. While a simplistic focus on just deserts and punishment may undermine the welfare principles on which the Scottish system is based (Whyte 2000), a focus on multi-agency partnerships does not necessarily imply a wholesale rejection of a welfare based approach towards delinquency management (Pitts 2003; 2005).

Evidence regarding the effectiveness of the youth justice system in Scotland has been piecemeal (Murray 1998), although there is little evidence that removal of most young people from the Court system has resulted in an increase in offending behaviour (Stone 1995). A recent review of a number of Scottish studies by Buist (2004) was inconclusive about the overall efficacy of the Scottish approach to working with young people in trouble. The systematic evaluation of youth justice in Scotland is now beginning to meet the Executive's modernising agenda. McNeill and Batchelor (2004) have suggested that with the localised nature of youth justice provision, evaluation should be individualised to identify the specific areas of work that may be effective. Following Scottish Executive direction and increased funding most local authorities now have in place multi-agency strategy teams and one of their roles is to monitor the progress of youth justice teams in meeting the objectives outlined in the National Standards for Youth Justice (Scottish Executive 2002a).

This thesis analyses progress in establishing, developing and consolidating a multi-professional youth justice team in local wider multi-agency arrangements. Examination of the

developments occurs in relation to the political and theoretical foundations of multi-agency working and the broader theoretical discourse of youth justice provision. The thesis focuses on Connect, a multi-professional team, in Falkirk, in the central region of Scotland. Prior to local government reorganisation in 1996 Falkirk Council came under the umbrella of Central Regional Council, who were responsible for the delivery of social work services. Present arrangements position Falkirk, Stirling and Clackmannanshire as three separate, fiscally independent councils, referred to as the Forth Valley. While the three councils are independently managed, with separate social work services, in some circumstances, like the Youth Justice Strategy Group and the criminal justice social work consortium, they practice varying levels of collaboration under the Forth Valley umbrella.²

Connect was established in 2001 in response to the Scottish Executive's (2000) Youth Crime Review to complement the well established Barnardo's Freagarrach project (see Lobley at al 2001). While multi-professional Youth Offending Teams were well established in England and Wales, with legislation prescribing their composition, the Connect team was quite unique in Scotland in the breadth of the professionals brought together in a social work managed team, outwith the children and families practice team umbrella.

The Connect project was established at a time of tremendous change in youth justice in Scotland, and Falkirk, like other areas was, and is, experiencing a substantial process of change in its delivery of youth justice services. A major challenge for the local partnership, under the guidance of the Scottish Executive, was incorporating the 'what works' evidence-based approach into practice in a Scottish system that had not previously been subject to such rigorous working methods. This was in addition to increasing collaboration between various

² The Forth Valley has one unitary health board and Central Scotland police cover the same geographical area.

agencies as part of 'joined up' working. The Connect project was located at the transition point, for young people, from the Children's Hearings System to the Criminal Justice System. As such it was at the interface of many aspects of youth justice policy in respect of the ages of the young people at the project, in relation to the implementation of more systematic practices and in relation to the development of partnership working.

Interviews with a variety of stakeholders, document and database analysis and observation provided a detailed account of what was both a challenging and rewarding period in the development of youth justice in Falkirk. The Scottish policy and practice perspective provided illuminating references to the professional ethos underpinning youth justice, and some important differences to England and Wales where the professional status of workers and a needs led approach for young people are increasingly being eroded (Burnett and Appleton 2004; Cross et al 2003). The thesis locates Scottish policy in the wider international context through an examination of policy and theoretical developments that, in the last fifteen years, has been increasingly guided by a set of principles under the auspices of the United Nations.

Chapter Two focuses on the evolution of youth justice over the 20th century as a separate discourse to that of the adult justice system. It traces policy initiatives and legislative changes in the United Kingdom, with reference to international developments, before concentrating on Scottish policy where, with its unique Children's Hearings System, Scotland has operated independently from the rest of the UK for over thirty years.

Chapter Three discusses the developing governance of youth justice and the move in the UK, over the last quarter of a century, towards a corporatist and managerialist approach to service

provision incorporating a 'what works' agenda. These discourses have had a significant effect on the delivery of all welfare services, seeking to implement aspects of the market economy into the public sector and increasing the use of multi-agency strategies. There are implications for the professional and theoretical framework of youth justice (Pitts 2003; Smith R 2003) as professional knowledge and understanding about the multiplicity of causes of youth crime is overtaken by a model based on containment and prevention, underpinned by a desire for efficiency, effectiveness and economy. The link between the corporatist approach and increase in multi-agency working is discussed in relation to the evidence-based focus on offending behaviour, all of which are now combining, especially in England and Wales, in the new governance of youth crime. The emergence of a similar approach in Scotland is highlighted by the evolving policy agenda.

A description of youth justice provision in the Falkirk Council area is provided in Chapter Four. This details the strategic and operational context in which the research was undertaken, before providing an account of the specific services provided by the Connect project. A less detailed portrayal of the Freagarrach project locates Connect, Freagarrach and the Youth Justice Referral Group as the main providers of 'specialist' youth justice provision in the Falkirk area.

Methodology and methodological issues are discussed in Chapter Five. The benefits of case study research, with elements of action research, are highlighted in relation to this study. Challenges presented in undertaking the research relate to the theoretical discourse of investigation in the social sciences and understanding of effectiveness in criminal justice and social work (Cheetham et al 1992; Audit Scotland 2001). Potential methodological issues with regard to the professional background of the researcher and the political aspects of

research in criminal justice (Noaks and Wincup 2004) are examined. The student researcher's background was especially pertinent in a research project where the study involved spending a large amount of time based in a practice team. The distinction between researcher, professional and team member is discussed in relation to this, where there is a potential for blurring of roles, but also of enriching the research experience.

Chapter Six examines the perceptions of those professionals working in the youth justice system in Falkirk about the present and future, national and local, policy directions. The perceptions of these workers is important in understanding the historical and contemporary approaches to youth justice in Scotland, which have been predicated to date on a concern for the welfare of the young people, rather than with a focus on the offence. It is these professionals who will be charged with implementing emerging policy and guidelines.

Chapter Seven focuses on the perceptions of a range of stakeholders about the specific services delivered by Connect. While the main focus of the research is on the multi-professional team of Connect, reference is also made to Freagarrach, as both of these projects are seen as providing the majority of services to young people involved in offending behaviour in Falkirk (Falkirk Council 2003). A new common referral system through the Youth Justice Referral Group brought the Connect and Freagarrach projects closer in an inter-agency partnership attempting to implement an evidence-based agenda and improve multi-agency networks.

Chapter Eight focuses on the experiences that youth justice professionals have encountered in Falkirk regarding multi-agency aspects of service delivery. The Scottish context, where partnerships are less formal, is particularly important with regards to the benefits and

disadvantages of joined up working and likely to result in different experiences to youth justice professionals in England and Wales. Practical, theoretical, personal and group issues, with particular reference to communication / information sharing and case management, are discussed in relation to workers' perceptions of the multi-agency arrangements.

While the focus of this research is a multi-professional team in one area of Scotland the issues raised are pertinent to the national debate as the Scottish Executive is presently engaged in the 'modernisation' process for youth justice. The in depth case study provides a clarity about the issues facing one local authority, a method that addresses concerns about the increasing focus on aggregated research evidence as the benchmark for identifying effective practice (McNeill and Batchelor 2004; Bateman and Pitts 2005). In the complex relationship between research and policy (Clarke 2001) the findings in this thesis can inform future developments and promote a focus on the processes and development of services as a positive change from a narrow focus on outcomes. They provide a clear description of the challenges local authorities will face as the speed of change increases, and also the challenges front line professionals may encounter as a corporatist, managerial agenda potentially sidelines professional knowledge regarding the aetiology and efficacy of approaches to deal with offending by young people.

CHAPTER TWO

YOUTH JUSTICE POLICY

Following details of estimated youth offending in Scotland this chapter discusses the conceptual frameworks that have been historically adopted to describe youth justice systems. While these frameworks have historically been located around a welfare – justice dichotomy, the historical and international discussion of youth justice developments, especially the human rights agenda, highlights the over simplicity of such a binary distinction. Discussion of international youth justice statutes through the 20th and into the 21st century places present Scottish policy in historical and contemporary context. An account of the development of the Scottish Children's Hearings System highlights how Scotland has developed differently from most jurisdictions, retaining an emphasis on a welfare approach where children involved in offending behaviour are dealt with under the same system as children at risk of harm.

The issue of youth crime is one that is presently in the public arena through extensive government, media and public exposure (McIvor 2005; Whyte 2003a). The media exposure about crime in general increases anxieties that contemporary society is plagued by the problem, even though there is a mismatch between the actual reporting and underlying crime rates (Garside 2003). There is an increasing cultural criminological focus examining the effect this attention has on the realities and perceptions of crime, as the public's fear of being victims of crime can be more disabling than the realities of becoming a victim (Ferrell 2003). Whatever the realities of youth crime, 'young offenders' and 'Neds' are the new folk devils (Cohen 1973) in the eyes of much of the media (see Barnes 2004) and have received much attention in the Scottish parliament (BBC 2003). Goldson (2005b), however, suggests that

when compared to white collar, organised and corporate crime (crimes of the powerful), offending by young people pales into criminological insignificance.

Before examining the development of youth justice provision the incidence of crime attributed to young people in Scotland will be discussed, as it is recognised that *“informed and effective policy requires a clear understanding of the scope of the problem it seeks to address”* (Garside 2004: 8).

INCIDENCE OF YOUTH CRIME IN SCOTLAND

“There is a general perception, sometimes correct and sometimes unjustified, that juvenile offending rates are increasing constantly and significantly, and that ever more serious and violent crimes are being committed by ever younger children” (UNICEF 1998: 6)

Elucidating the extent and nature of youth crime and incidence of offending by young people, real or imagined, is not straightforward. Either much of the crime committed by young people goes unreported (Whyte 1998), or there is a degree of bias in official statistics over emphasising the crimes of the young (Coleman and Moynihan 1996). Such confusion is reflected in the use of statistics, which gathered in the present way in the United Kingdom refer to crime as if it were an easily identifiable and categorised facet of behaviour, when in fact it ignores certain areas of crime, like white collar crime (Garside 2004), and there are dark figures of unrecorded crime (Coleman and Moynihan 1996).

Despite some knowledge, the 'true facts' of offending by young people, indeed any group, may be unknowable, mainly due to the way crime is estimated and recorded and the inability of the statistics to provide a definitive picture (Muncie 1999). In the United Kingdom the major sources of crime data are provided by victim surveys and recorded statistics published by the Home Office 'Criminal Statistics' for England and Wales, and in Scotland by the Scottish Executive's 'Recorded Crime in Scotland'. These publications provide a snapshot of crime relating to a variety of data on offences, those who commit them and the victims. Officially recorded statistics are often described as partial and socially constructed because they depend largely on crimes reported to the police and whether the police actually record an incident as a crime (Coleman and Moynihan 1996; Muncie 1999).³ Victim surveys include data that may not have been reported to the police. Often, estimates regarding the incidence of crime vary between the two datasets and in England and Wales efforts are being made to combine the two to provide more accurate information. It is important when using the data to take account of the reasons they were produced and the purpose to which they will be put, as different datasets are used to illuminate different trends at different times (Coleman and Moynihan 1996).

The statistics reveal little about wider aspects of crime and its perpetrators, beyond those who are caught and included in the statistics (Garside 2004). Little, or no, information is provided about the situation in which the crime was committed, and information about the circumstances of the offender is limited to those apprehended. It has also been suggested that only 50% of what the public perceive of as a crime is reported to the police (Audit Scotland 2002). The 2003 Scottish Crime Survey indicated that only 49% of 'incidents' were reported

³ A recent example in Scotland of changes in police recording practices was the decision by the police in Central region to record incidences of vandalism as 'crime' rather than 'for information' (Scottish Executive 2004a).

to the police (McVie et al 2004), often because the incident was considered too trivial or it was thought the police could not take any action (Scottish Executive 2002b).

Irrespective of the accuracy of official statistics, media, political and public representations can lead to the conclusion that crime in general, and by young people in particular, has been rising inexorably year after year. With regards to West European countries there appears to have been a general increase in offending by young people until the late 1980s, following which there was a levelling off in the overall levels of offending (Estrada 1999; 2001). There seems to have been a small increase in the number of young people committing more serious offences, including those involving violence (Estrada 2001). In England and Wales there appears to have been a fall in youth offending rates in recent years (Pitts and Bateman 2005).

For Scotland the most recent official crime figures indicate that in 2003/04 the number of crimes recorded by the police stood at 406,979, the lowest recorded level for twenty five years (Scottish Executive 2004a), suggesting that in Scotland crime rates have fallen in recent years (McIvor 2005). The number of offences recorded was 586,150, an increase of 15% on 2002, although the major increase was in speeding offences (Scottish Executive 2004a).⁴ A total of 130,606 persons had a charge proven against them in Scottish courts in 2003⁵, of whom 27,836 (21.3%) were under 21 years of age. Of those under 21 years of age, 112 (0.4%) were under the age of 16.⁶ Of the 10,030 individuals under 21 who had at least one charge proved 70% had only one conviction, while nearly 3% had more than five convictions in 2003 (Scottish Executive 2005b).

⁴ Crimes and offences refer to the difference in seriousness with crimes relating to the more serious. The classification of crimes and offences is detailed in Scottish Executive (2004a).

⁵ Figures for persons with a charge proven count the number of occasions on which a person is convicted, it is not separate individuals.

⁶ Both the numbers of under 16 and under 21 year olds was down slightly on 2002 (Scottish Executive 2004b).

In terms of outcomes in 2003, of the 27,836 persons under the age of 21 convicted in the courts there were 3412 custodial sentences. Twenty-six young people under the age of 16 were sent to custody, although it is not clear whether they were in a prison or secure unit. 4529 persons (ten under 16 years old) were given community sentences (probation and community service), 16039 (sixteen under 16 year olds) fines and 3856 other penalties (Scottish Executive 2005b). Approximately 2224 probation orders were made on young people under the age of 21 in 2002-2003, with 699 of these made on 16 and 17 year olds. For community service orders the corresponding figures are 2045 and 503 (Scottish Executive 2003a).⁷

The estimates of the proportion of crime committed by young people vary tremendously with Audit Scotland (2001) suggesting anywhere between 40% and 66%, based on their interpretation of past Scottish statistics. The 2000 Scottish Crime Survey indicated that 34% of young people admitted to committing an offence in the previous year (Scottish Executive 2002b). A recent Scottish Executive report (DTZ Piedad Consulting 2005) estimated that 43% of all crimes in Scotland were attributable to young people under the age of 21. Of these, 49% were ascribed to 18-21 year olds, approximately 33% were attributed to those under 15 years old, with the remainder credited to 16 and 17 year olds. The report indicated that most youth offending was theft related with young people also being responsible for higher proportions of fire-raising, vandalism and possessing offensive weapons. In absolute figures, though, the number of children under 16 years of age reported to the Children's Hearings System represents less than 1.6% of the Scottish population of that age group (Scottish Children's Reporter Administration - SCRA - 2003a)

⁷ Statistics from different years are produced here because data from various sources is published at different times. The 2003-04 social work statistics do not break down orders by age.

Research suggests that a small number of young people who offend are responsible for a large amount of crime (Asquith et al 1996; Audit Scotland 2002). Farrington (1996) found that about 5% of males progress to become persistent or serious offenders and may account for half of all known offending. For 2003-2004 the PA Consulting Group (2004) provided a baseline report for the Scottish Executive that attempted to provide an indication of the numbers of young people identified as persistent offenders who were referred to the Children's Reporter.⁸ This report indicated that 16,470 children were referred to the Reporter on offence grounds, with a total number of offence based referrals of 34,266. It was estimated that the number of persistent young offenders in Scotland was 1,201 triggering a total of 11,128 referrals to the Reporter, indicating that those young people identified as persistent offenders accounted for nearly a third of all offence referrals. This number represented 0.2% of the 8-16 year olds population across Scotland. Corresponding figures for young people over the age of 16 are not provided.

These figures may provide some indication of the level of offending by young people in Scotland but, as described above, they cannot provide a full or clear picture. The various definitions of a 'young person' in Scotland do not help to clarify the situation. The statistical bulletins published by the Scottish Executive tend to refer to under 21 year olds, the review of Scotland's child protection system referred to a young offender as those aged 16-21 years old (Scottish Executive 2002c) and the Audit Scotland (2002) report on youth crime referred to young people between the ages of 8 and 21. The legal definition of a child also varies (see page 54). While this thesis includes young people in the 8 to 18 age group, the various research and data presented here use various definitions and a definitive answer for the level

⁸ Persistent offender is defined as a young person with five episodes of offending in a six month period. This definition is used throughout this thesis. Garside (2004) discusses the controversial topic and definition of persistence.

of offending by young people is not usually forthcoming because age groups in different publications are often not identified and vary between 8 to 21 years.⁹

Taking account of available figures, there is no clear evidence, and what there is is far from conclusive, about any increase in offending by young people in Scotland (Audit Scotland 2001). Indeed offending by young people is likely to be transitory (Jamieson et al 1999) and *“most offences by children and young people are less serious offences which need not necessarily warrant punitive or indeed formal intervention”* (Asquith 1998: 242). A SCRA report in 2002 (SCRA 2002) indicated that 55% of all referrals were for one offence, and the children were not referred again. This would appear to concur with international experience pointing generally to the episodic nature of juvenile delinquency (Dunkel 1996) and the fact that most young people who offend stop without formal intervention (Whyte 1998). These figures may suggest that public, political and media attention on youth crime is out of all proportion to the actual incidence.

The challenge for policy may be to deal effectively with those young people who become persistent offenders and who may commit a large proportion of offences (Audit Scotland 2002). In Scotland this relates to just over 1000 young people (PA Consulting Group 2004), who are the focus of policy to reduce this figure by 10% by 2006 (Scottish Executive 2002a).¹⁰ The problem for Scottish, and indeed any, policy is how to reconcile the competing best interests, welfare and rights of the child with that of victims and the requirements of a judicial process to provide satisfactory outcomes to victims and the wider society (Asquith and Docherty 1999; Whyte 2000). This focus on the welfare of the young person and of the

⁹ Ages 8-18 represent the age of criminal responsibility in Scotland to the upper age limit for referral to Connect and Freagarrach

¹⁰ A Scottish Executive and SCRA (2005) report indicates a 5% rise in the number of young people identified as persistent since 2004.

need for justice has been a central concept in youth justice discourse since the beginning of the twentieth century.

CONCEPTUAL FRAMEWORKS FOR YOUTH JUSTICE

(The welfare-justice debate)

The justice-welfare dichotomy is one that is often referred to in the literature describing youth justice jurisdictions. Historically it has been customary to describe models as either justice or welfare when making a distinction about the punitiveness, or otherwise, of jurisdictions (Hallet 2000; Hallet & Hazel 1998). The justice-welfare debate refers to which of the two theoretical principles underpins youth justice systems, although it is recognised that most systems combine elements of both philosophies (Waterhouse and McGhee 2005).

A welfare model refers to a system where the focus is on the welfare of the young person and the interests of the child are paramount, rather than punishment for the crime. There is usually an informality about the procedures, a lack of due process and indeterminate lengths of interventions where the young person can remain under supervision until the 'rehabilitation' is complete (Bala and Bromwich 2002). The introduction of separate youth justice systems in each country ensured that the welfare principle was paramount at the beginning of the 20th century.

During the latter part of the 20th century the welfare model was increasingly criticised, and public concern about youth crime resulted in a call for a more justice based approach to youth crime (Bala and Bromwich 2002). The paternalism, violation of rights and potential discriminatory effects of a welfare approach were highlighted (Muncie 2004). It was also

suggested that welfare approaches resulted in young people receiving disproportionate levels of intervention in relation to the gravity of any alleged offences (Goldson 2005a). Consequently, in many juvenile justice systems there was increasingly a move from welfare, needs oriented, non-criminal, non-judicial processes, towards a greater emphasis on legal rights, responsibility, due process, 'just deserts' (Hallett & Hazel 1998; Whyte 2000) and a focus on punishment and accountability (Bala and Bromwich 2002), a justice model.¹¹

Many countries have attempted to combine justice and welfare through a two pronged approach, where sanctions are increased for serious offenders while being decreased for less serious offences (Newburn 2002). This 'bifurcation' (Bottoms 1977) policy has been evident for a number of years in western countries and allows for a more punitive approach with young people who are identified as more serious or persistent offenders, while a welfare based approach deals with those assessed as being of less risk. In reality this has been problematic because the two systems are fundamentally irreconcilable and any attempt at a synthesis usually results in legal rights being reduced and the educative rehabilitation idea being diminished (Walgrave 1996). It has lead to a fragmented and contradictory system of justice, characterised by conflict, ambiguity and compromise (Crawford 2001; Muncie and Hughes 2002).

The separation of young people who offend from those in need of care and protection is also a corollary of the justice / welfare debate, so that the two groups are dealt with by different systems (Hallett 2000). Whyte (2000) asserts that many countries have virtually abandoned child-oriented practices in favour of law and order responses as politicians are under pressure to be tough on crime. Scotland is seen as one of the few countries bucking this trend because

¹¹ Asquith (2002) and Muncie (2004) provide a comprehensive debate about the theoretical and moral arguments surrounding the welfare – justice debate.

the Children's Hearings System, regardless of the reason for referral, deals with almost all young people up until the age of 16. The Scottish system has, from the early 1970s, been seen as a welfare approach (Hallet & Hazel 1998; Asquith and Docherty 1999; Hallet 2000). However, others view the Scottish system as being based more closely on a social education or community model, where the welfare of the young person is balanced with the needs of the wider community, rendering the welfare-justice distinction unhelpful (Whyte 1998; 2000; Parsloe 1978). Whyte (2000), has also suggested that the welfare-justice classification may also fail to take into account alternative systems, or the validity of those systems using various methods of intervention (Whyte 2000).

Increasingly it is acknowledged that the welfare-justice distinction is diminishing as a clear framework because:

"Youth justice has evolved into a complex patchwork of processes and disposals, drawing on welfare, justice, retribution, rehabilitation, treatment, punishment, prevention and diversion." ¹² (Muncie 2004:266)

It is also recognised that a narrow justice v welfare debate is too simplistic and unhelpful because of the inherent conflict apparent in systems that attempt to identify themselves with both philosophies (Muncie 2004; Muncie and Hughes 2002; Whyte 2000). Walgrave (1996) also suggests neither have been fully realised in practice, viewing welfare as a *"humane, but naïve dream"* and punishment a *"retributive system of revenge"*

¹² Diversion refers to procedures *"designed to avoid the stigma of formal adult-style court processing and incarceration"* (Muncie et al 2002:255).

Muncie and Hughes (2002:1) suggest the contemporary governance of youth crime influenced by an increase in the responsabilisation of children, the changing views on the social construction of childhood and the international rights agenda further erode the justice-welfare binary, concluding that this distinction is now a 'moribund' debate. Alder and Wundersitz (1994) prefer its use as a conceptual tool, and Bala and Bromwich (2002) suggest that placing systems on a continuum that varies over time in response to changing politics and demographics, rather than being classified as one or the other, may be the most appropriate way of contextualising different countries and jurisdictions.

Pratt (1989) suggests that there is now an emergence of a 'third model' of youth justice adopting a corporatist agenda (see Chapter Three), focusing on the containment of crime through centralisation of policy, a focus on programmes and the introduction of various professional, voluntary and independent agencies. This model of youth justice is encapsulated by the concept of restorative justice as a viable alternative and successor to the traditional retribution versus rehabilitation models (Walgrave 1996; O'Connor et al 2002).

"Restorative justice is a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future" (Prison Fellowship International 2000:1).

Although restorative justice has its roots in the rituals of indigenous populations settling disputes in sentencing circles (Van Wormer 2002), it has been a relatively new initiative in international policy responses to criminal justice where there has been a substantial growth in restorative provision over the past twenty to thirty years (Miers 2001). There is an ever increasing international literature categorising its origins, practice and efficacy, although

Morris (2002) believes its relative infancy in the criminal justice fields requires more time to translate its traditional values into modern practice. Morris also suggests there needs to be an increase in evaluation of interventions claiming to be based on restorative justice principles to further inform the debate.

Marshall (1999) credits Zehr (1990) as the first person to create a fully integrated and comprehensive model of restorative justice represented as an 'alternative justice paradigm' which has now been widely adopted. This resurgence of interest in restorative justice in recent years has been seen as a response to the perceived ineffectiveness and high cost of the conventional justice systems, in addition to the failure to hold offenders accountable. Instead of viewing offending as a violation of the state, restorative justice directly involves those who are most affected; victims, offenders and communities (Morris 2002).¹³

Marshall (1999) views the primary objectives of restorative justice as:

- Attending to the needs of the victim
- Preventing reoffending by reintegrating the offender back into the community
- Enabling offenders to assume responsibility for their actions
- Recreating a working community supporting rehabilitation of offenders and victims
- Providing a means of avoiding costs and delays in the justice system

However, restorative justice is not a unified concept (Miers 2001) and includes various approaches that include victim offender mediation, conferencing, sentencing circles, victim

¹³ Victims, offenders and communities are not necessarily distinct. MVA (2002) found that 65% of young people who had committed an offence had also been victims.

assistance, ex-offender assistance, restitution and community service.¹⁴ This breadth of the processes and programmes claimed to be restorative justice may also be one of the major criticisms. It may result in it being all things to everybody, which can conceal differences in aim and practice (Marshall 1999) as the literature contains much confusion and imprecision, due in part to the diverse nature of the processes labelled as restorative (Morris 2002).

The Reintegrative Shaming Experiments (RISE) developed in Australia, following Braithwaite (1989), have been some of the most extensive evaluations of restorative justice models. Initial findings suggested that RISE was beneficial for the different parties involved in the conferences (Sherman and Strang 1997; Strang and Sherman 1997), although the final report (Sherman et al 2000) suggested that in terms of reoffending rates it appears to be only beneficial for those involved in more serious offences of violence.

Following the introduction of referral orders in the Youth Justice and Criminal Evidence Act (1999) restorative justice models were formally legislated for in England and Wales for young people who offend. There are some indications that although widely accepted as a positive move, the referral orders exhibit evidence of net widening as 50% of those young people referred could have been dealt with in pre-court diversion procedures (Youth Justice Board 2003).¹⁵ Net widening was one of the criticisms of restorative justice identified by Morris (2002). Other criticisms included the erosion of legal rights, trivialising crime, a failure to 'restore' victims and offenders, a failure to bring real change and reduce recidivism, discriminatory outcomes, and the extension of police powers. It has also been said that

¹⁴ Miers (2001) and Office of Juvenile Justice Delinquency and Prevention (2001) provide further examples and explanations of various restorative approaches.

¹⁵ "Net-widening is the drawing of young people into the criminal justice system on the basis of new laws, or new interpretation of existing laws" (NCH Scotland 2004:12)

restorative justice does not address power imbalances, encourages vigilantes and lacks legitimacy as it fails to provide justice.

In Scotland the use of restorative justice techniques remains at an early stage, although the Scottish Executive are showing considerable interest in its use. The first in a series of documents to provide a guide to the principles and best practice for restorative justice in the Children's Hearings System has recently been published (Scottish Executive 2005c). While Brooks (2005) suggests that the implementation of restorative justice approaches is warranted as a diversionary approach, Whyte (2002) suggests proceeding with caution because of the mixed results regarding its efficacy.

While viewed as a successor to the welfare v justice debate (Walgrave 1996; O'Connor et al 2002), restorative justice is also viewed as a further step towards the responsabilisation of children, involving various agencies in work that addresses both welfare issues in the community while simultaneously holding the young person accountable for their actions (Muncie and Hughes 2002; Muncie 2004). Muncie and Hughes (2002) propose that the emerging positive rights agenda for young people should develop the debate from that of labelling children as being in need of either care or control, to challenging the established processing of children and involving them in decisions about their future. Scraton and Haydon (2002) highlight the need for a rights based agenda within a range of welfare focussed multi-agency interventions where young people have equal rights regarding decisions made about them. Such a positive rights based approach accentuates the complexities of describing youth justice as a welfare-justice dichotomy and highlights the need for a system that can adequately address the complex nature of young people's lives while including them more fully in decision making.

A narrow welfare / justice conceptualisation may also propagate a belief that an international consensus exists on methods for addressing the issue of young people who offend. In practice *“every country has botched together its own system.”* (Walgrave 1996:194) and any apparent homogeneity of systems across the western world masks the fact that they differ. Historical developments in Britain also suggest a more complicated conceptualisation that has embraced many aspects of a discourse that includes the social construction of childhood, wider social changes (eg industrialisation) and a rights agenda for children.

HISTORICAL AND INTERNATIONAL POLICY DEVELOPMENTS

International Rights

It has been suggested that since the 1980s there has been a ‘revolution in juvenile justice’ (Fottrell 2000) as a result of an international framework for justice systems dealing with young offenders. Four major international instruments are of particular significance with respect to how countries deal with youth justice issues (UNICEF 1998), which Fottrell (2000) suggests places the issue of young people who offend at the centre of a human rights agenda. These four instruments include:

- The United Nations Rules for the Administration of Juvenile Justice (1985) (Beijing Rules)
- The United Nations Convention on the Rights of the Child (1989)
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990)

- The United Nations Guidelines for the Prevention of Juvenile Delinquency (1990) (Riyadh Guidelines)

Additionally the 1990 United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) emphasise the need to make the greatest possible use of alternative to custody sentences for any age of offender. Most notable of these international instruments is the UN Convention on the Rights of the Child, which contains guiding principles for any youth justice system and is the only one ratified in law. All states in the world have now ratified the convention except the United States and Somalia (Fottrell 2000) although, as seen by the regular reports of the Committee on the Rights of the Child, countries are far from implementing all of the recommendations and principles.¹⁶

The Committee on the Rights of the Child have identified a number of principles, four of which (2,3,6 and 12) are defined as pivotal (Hammarberg 1995). Article 2 refers to the principle that no child shall be discriminated against, or punished, as a result of their background, circumstances or opinions. Article 6 covers the right to life, survival and development. Article 12 contains the right of the child to be heard at any proceedings, either personally or by a representative. The fundamental principle is perhaps 3.1 where the child's best interest is the foremost consideration:

“In all actions concerning children, whether taken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

¹⁶ See the 31st session of the Committee on the Rights of the Child (UNCRC 2002) regarding the State Report for Great Britain

Despite the UN focus on the rights of children, UNICEF (1998) have stated that policy and practice relating to young people who offend is among the areas most criticised by the Committee on the Rights of the Child. Concern about the rights of children involved in criminal justice systems is growing worldwide and it is described as:

“Somewhat paradoxical that the rights, norms and principles involved are regularly ignored and seriously violated virtually throughout the world, on a scale that is probably unmatched in the field of civil rights implementation.” (UNICEF 1998:2)

Many countries have reviewed their systems to comply with the UN Conventions, although Whyte (2000) believes the systems developed are not underpinned by an international consensus but are more an indication of the assumptions about young people held by individual states. This assumption is highlighted in the various ages of criminal responsibility adopted in different countries, ranging from 7 years to 18 years, and in the myriad definitions of who is considered a child.¹⁷ These assumptions also reflect those of earlier generations regarding young people and crime. The UN Conventions are the latest attempt to provide for specific rights and needs of young people involved in offending behaviour. Perhaps the difference today is that increased communication and technology has enabled an international rights agenda to be developed.

Historical (UK) concepts of youth crime

Historical narratives of crime indicate that young people have been involved in criminal activity for as long as records have been maintained on the subject (Magarey 2002; May

¹⁷ UNICEF (1998) details ages of criminal responsibility in all the signatories to the convention.

2002; Muncie 2004). Commentators acknowledge that youth justice, as a separate concept, did not enter into the consciousness of the public and professionals until the mid 19th century, although its exact origins as a separate discourse remain a matter of debate (Muncie 2004; Omaji 2003; Parsloe 1978). Based on Roman Law and the teachings of the Church, Walker (1983) suggests that the recognition that young people had to have elements of reasoning in their behaviour, that children should know good from evil, to be tried for offending behaviour dates back at least to the 12th and 13th centuries. This element of reasoning was assumed to be at the age of 7, although Walker identifies that in Europe a more 'welfare' approach came to the fore because of the use of the age of 14 as the benchmark, the age a child reached full puberty under Roman Law.

The criminal justice system in the UK was perceived to be probably the most severe in its history at the beginning of the 19th century, with conviction for over two hundred offences punishable by a death sentence (Parsloe 1978; Morris and Giller 1987). Children (over the age of 7) were treated as adults and could be expected to receive all forms of punishment including the death penalty, transportation and imprisonment (O'Connor et al 2002; May 2002; Morris and Giller 1987). Parsloe (1978) suggests that the mitigating factor for youth was that juries were often reluctant to convict children where the penalty was death or transportation, a suggestion contested by Morris and Giller (1987) who contend that adults were also found not guilty and subject to pardons.

The recognition that children and young people had different needs to adults began to take effect in the early 19th century. In 1806 the Philanthropic Society established 'after care' facilities for 12 to 19 year olds sentenced to prison, a separate prison ship was provided for young people in 1823 and the first prison facility for young people was built in 1838 (Morris

and Giller 1987). The Industrial Schools Act (1854 Scotland and 1857 England) provided, in conjunction with Poor Law, facilities for children in need with a recognition that poor social conditions was linked to crime. By the end of the 19th century some towns had separate courts for young people, which were eventually legislated for nationally in the 1908 Children Act (see below).

This recognition of the concept of young people who offend having different needs to adults has been described as the ‘crowning achievement’ of the 19th century philanthropists (Rush 2002). It came at a time when there was an increase in knowledge about crime, as a result of the ‘scientific’ approaches beginning to take hold in the social sciences (May 2002), especially the use of statistics relating to offending (Morris and Giller 1987). It has also been linked to the wider social upheaval and transformations regarding industrial capitalism, growth of factory production and the increasing urbanisation of the population (Herz 1996; Muncie 2004; Parsloe 1978; Walgrave and Mehlbye 1998). Parsloe (1978) suggests that in the USA especially the development of youth justice can be more closely linked with the growth of towns. The emergence of youth crime as a separate discourse has also been attributed to the social construction of childhood over the same period (Hendrick 2002; Morris and Giller 1987), where competing constructions of childhood from the ‘romantic child’ of the 18th century to the ‘psychological child’ and ‘welfare child’ of the 20th century have influenced policy and practice. Perhaps the rights of the child will be the defining construction of the 21st century.

Morris and Giller (1987) question the motivations of the philanthropists in terms of the humanitarianism of their work. They propose that the reforms, while welcomed, underlined traditional family life and parental authority and reinforced the status quo in the new

industrial order, being implicitly or explicitly coercive. However, they also suggest humanitarianism and coercion are often mutually supportive, being two sides of the same coin. These thoughts about the 19th century position are reflected in the contemporary debate about welfare and justice, care and control, the difficulty of identifying systems in terms of one or the other and the potential coerciveness of a welfare system.

Developing the historical context further the next section identifies international developments during the last century. It briefly describes various English speaking and European jurisdictions that have often been characterised as fluctuating between welfare and justice, care and control. The discussion further helps to place the present Scottish system in its historical and contemporary context.¹⁸

International 20th century ‘statute’ developments

Illinois USA introduced the world’s first court to deal specifically with young people who offend in 1899, followed by the remainder of the country with state-by-state introductions of juvenile justice systems. This was followed shortly afterwards by Canada, New Zealand and Australia where specific youth justice systems, following a broadly welfare model, were introduced at the beginning of the 20th century.

In 1967 in the USA the Gault ruling at the Supreme Court found that the existing system for dealing with young children who offended was unconstitutional. The system had invoked the legal doctrine of ‘*parens patriae*’, where the state intervened to be the ‘parent’ of a child to provide the appropriate guidance and discipline. Following the ruling juvenile courts were

¹⁸ Bala et al (2002) and Omaji (2003) provide comprehensive descriptions of international jurisdictions.

introduced to give children the same rights as those afforded adults, except trial by jury (Loflin 1995). The 1970s and 1980s heralded a worldwide movement towards an increase in due process and legal rights for children, which coincided with an increasing concern about the extent and nature of youth crime, and a shift from welfare and treatment oriented policies to punishment and accountability (Bala & Bromwich 2002).

Since 1990 in the USA the juvenile justice laws have been amended in most states to place less of an emphasis on rehabilitation and more on strict sanctions and accountability (Amnesty International 1999; Jenson et al 2001; Office of Juvenile Justice and Delinquency Prevention - OJJDP - 1996a). Today in the USA juvenile justice policy stresses punishment and control of young offenders (Jenson et al 2001). The fact that the USA is one of only two countries not to have ratified the UN Convention on the Rights of the Child gives some indication of present policy for dealing with young people who offend.

Canadian policy ensures that accountability, responsibility and meaningful consequences are to the fore (Department of Justice Canada 2003). However, despite emphasis on the justice models in Canada and the USA, there have been attempts to run two parallel systems for persistent and non-persistent offenders. Some states in Canada have been utilising the traditional healing and sanctioning practices of aboriginal peoples of North America - sentencing circles, often described as peacemaking circles (OJJDP 2001). The circles include crime victims, offenders, family and friends of both, justice and social service professionals and are examples of restorative models of intervention.

New Zealand and Australia have exhibited less of a move towards a punitive approach, although broad statements about an Australian system are difficult to make because of the

separate jurisdiction of each state. The 'back-to-justice' movement (Alder & Wundersitz 1994) beginning in the 1980's in Australia resulted in all states having modified versions of the justice model but with extensive provision for diversion (O'Connor et al 2002). There was also an increase in the use of restorative justice principles and family conferences (Alder & Wundersitz 1994).

In New Zealand the present system was introduced following the introduction of the Children, Young Persons and Their Families Act in 1989 to govern intervention with young people who are the victims of abuse or neglect and those who have been involved in offending behaviour (Maxwell & Morris 2002). The New Zealand system is one that is oft quoted regarding the restorative justice approach to youth justice and Maxwell & Morris (2002) describe policy in New Zealand as one of diversion from prosecution for those young people who are minor, or first time offenders. Young people who offend can only be arrested, and therefore go to the youth court (even then only after a family group conference), when certain conditions are met and generally the vast majority of offences committed by young people do not result in arrest.

The English speaking countries of the USA, Canada, New Zealand and Australia share developmental aspects of their youth justice systems that are similar to that followed by England and Wales. Following the introduction of separate juvenile justice systems the welfare model prevailed for a number of years before various concerns about net widening and the need for due process precipitated a move towards a more justice oriented approach. The USA and England and Wales are today particularly associated with a punitive justice model (Bala and Bromwich 2002; Muncie 2004; Loflin 1995). In this respect England and

Wales are out of step with Europe, where a welfare oriented approach is more prevalent (Muncie 2002).

European youth justice

Herz (1996) has distinguished between three global models that have developed to deal with youth offending and placed them in a European context. In the first model there is no specialised juvenile law or jurisdiction, and local social administrations, composed of lay people, make decisions regarding the young people. Herz roughly equates the Scottish and Scandinavian systems to this 'extra-judicial' model. The second model comprises of systems that deal with young people who offend in the same forum as those in need of protection and assistance. The third model involves criminal courts for young people dealing with offending behaviour alone.

Despite Herz's identification of these three models in Europe, Muncie (2002) views Europe as more readily identified with a welfare oriented approach. While data comparison in youth justice systems between the UK and Europe is difficult (Buckland and Stevens 2001; Muncie 2002), there are a number of documented instances of more decriminalising and decarcerative procedures in Western Europe. Muncie (2002) cites Holland as a country where social crime prevention initiatives and a limit on the use of custody has helped to reduce levels of incarceration for young people, although Buckland and Stevens (2001) suggest Holland in practice has an early age of transition to the adult system at 16. Spain and Belgium are seen as having the strongest welfare approaches. In Belgium interventions for young people are educative, rather than punitive, and it is not possible to impose legal penalties on those under 16 years of age; only measures of protection, education and assistance can be taken in

relation to this age group (Buckland and Stevens 2001; Herz 1996). In Portugal there is no distinction between those children under 16 in danger and those offending, and in 1982 a law came into effect giving priority to education and treatment for 16-20 year olds who have offended (Herz 1996).

The Scandinavian countries have developed systems based on the extra judicial model, with attempts to reduce the numbers of young people in detention (Buckland and Stevens 2001; Herz 1996; Muncie 2002). An interesting example in Norway was the case of a 5 year old girl murdered by two 6 year old boys, a case which mirrored the Bulger case in Liverpool in its exceptionality.¹⁹ Unlike the public outcry and calls for retribution in Liverpool the boys in Norway returned to school two weeks later, and there has not been the continuing media and public fascination with the Norwegian case (Herz 1996). While this example is of extreme cases, it highlights the general attitudes to young people who commit crimes in the two countries, and perhaps supports the views of Whyte (2000) regarding the development of systems more in line with societal attitudes to young people than an international consensus. It is likely that approaches and attitudes to youth justice can only be understood when taking into account the wider demographic, social, political and economic circumstances of each country (Bala et al 2002; Buckland and Stevens 2001).

On the whole, Muncie (2002) suggests that Europe has a more welfare oriented approach to youth justice because governments have been more willing to implement the UN Convention on the Rights of the Child and take on board recommendations for youth justice by the Council of Europe (Lahalle 1996; Merigeau 1996). However, Walgrave and Mehlbye

¹⁹ James Bulger was a 4 year old boy killed by two 10 year old boys in Liverpool in 1993. The case attracted substantial international media interest due to the circumstances of the crime and the way in which the perpetrators were then tried in the adult court.

(1998) believe the variety in age categories and judicial systems confuses the issue greatly and reiterate again that it is not as straightforward as a justice / welfare split.

The historical and contemporary discussion of youth justice provision serves to place the present British and Scottish responses in a wider context although it is recognised that comparing and / or transferring policies from one jurisdiction to another (Muncie 2002) through 'criminological tourism' (Smith R 2003), may be difficult. Differences in legal systems, data collection, concepts and terminology, mean that comparisons between countries have to be treated with caution (Bala & Bromwich 2002). Such caution means, in effect, that there is no consensus about the most appropriate response to offending behaviour by young people (UNICEF 1998). However recent policy developments in the UK, especially the increase of restorative justice as mentioned above, have not occurred in isolation.

UK policy developments

As in other western jurisdictions changing policy in England and Wales at the beginning of the 20th century introduced a separate system of juvenile courts where children could be treated differently to adults. The 1908 Children Act was described by Murray (1988) as one of the most significant ever policy changes in Britain relating to youth justice. The act allowed for all offences, except murder, committed by children aged 7 to 15 years to be dealt with in the juvenile court. While this was seen as important, children did not always receive special consideration as there were no specific officials to sit in the courts and they functioned along the same procedures as an adult court (Morris and Giller 1987).

The Molony Committee, the first review of the youth justice system, recommended in 1927 that the juvenile courts should be conducted by justices with specific knowledge and experience of juvenile issues (in Scotland the 1928 Morton Committee provided similar recommendations). These recommendations were enacted in the 1932 Children and Young Persons (Scotland) Act and the 1933 Children and Young Persons Act, which introduced the concept of welfare provision by placing a duty on magistrates to give concern to the welfare of children coming before the courts. These Acts also allowed children up to the age of 16 to be dealt with by the juvenile courts where the welfare of the child was a major focus. The 1932 Act also set the age of criminal responsibility in Scotland to 8 years which remains today as one of the youngest amongst western countries.

As social reforms continued over the ensuing years, with an emphasis on children, the Clyde Committee in Scotland and the Curtis Committee in England led to the 1948 Children Act which created local authority children's departments to work with young people who were in trouble or neglected. In the same year the Criminal Justice Act in England and Wales abolished corporal punishment for youngsters and introduced the first of many restrictions on the use of imprisonment for young people who offend, including attendance centres to restrict their leisure time (Graham 1996). A concern to reduce imprisonment for young offenders has been apparent in nearly all western youth justice systems, although its success is debatable (Dunkel 1996), and recently there has been an increase in the numbers of young people incarcerated in England and Wales (Hagell 2005).

In the mid 1950s a steep rise in recorded crime saw offending become more of a major political issue than it had been in the past (Goddard 2003). The 1961 Criminal Justice Act was followed by The Children and Young Persons Act of 1963, which raised the age of

criminal responsibility from 8 to 10 years in England and Wales. These changes were viewed as positive moves towards a welfare oriented system during the 1960s (Goldson 2005a; Graham 2002), culminating in the 1969 Children and Young Persons Act, identified as the high point of welfarism (Newburn 2002). This welfare perspective delivering decriminalisation, diversion from formal processes and decarceration had its theoretical foundations in the labelling theory of crime (Becker 1963; Lemert 1972) which suggested that one of the factors related to continuing youth crime was the labels that were attached to young people through their involvement with the justice system.

The 1969 Act saw the development of intermediate treatment (IT) as a measure somewhere between traditional home supervision, residential care and custody. There was substantial investment both in England and Wales, where it was legislated for, and in Scotland where there was more of a discretionary approach to its use amongst social workers and it was generally referred to as child care or social education (Robertson and McClintock 1996). It was during this period that the systems for dealing with young people who offend began to diverge between England and Wales and Scotland, following the publication of the Kilbrandon report (SHHD 1964) in Scotland and the welfare / social education approach it promoted.

The period from the early 1970's has been identified as a period of confusion because despite interest in diversion, rates of custody in England and Wales rose, while care orders remained static (Robertson and McClintock 1996). The 1969 Act, shifting the emphasis away from justice and legal rights to the welfare and needs of the child, was also never fully implemented and it was suggested that an opportunity was missed to have the most developed application of welfare principles seen in England and Wales (Bottoms & Stevenson 1992).

Towards the end of the 1970s in England and Wales the welfare approach and use of IT was being increasingly questioned, and replaced by a system with an emphasis on justice and punishment (Newburn 2002). There was concern that the emphasis of many IT projects on preventative work was widening the net of community based programmes which were viewed by the public as catering for 'delinquents' (Jones 1980). By the early 1980's a 'new orthodoxy' was promoted with a focus on attempting to divert young people identified as relatively persistent and serious offenders from custody, with an emphasis on a tariff based approach utilising programmes and systems management (Blagg and Smith 1989; Jones 1985), rather than the *"diffuse, potentially 'net-widening' practice of preventive work with those 'at risk'"* (Blagg and Smith 1989:102).

At the beginning of the 1980s arguments were increasingly being made for the return of a 'just deserts' proportionality model, where the penalty fitted the crime, and for greater legal rights for young people and their parents (Graham 1996). The call for legal rights parallels a move from welfare to justice, and is often linked with the emergence of the international consensus for the rights of all children. There is a paradox in that as there was a call for an increase of the rights of children, the resultant justice systems became more punitive to the extent that the rights of children are now systematically overlooked in justice systems around the world (UNICEF 1998).

Despite the 'get tough' rhetoric of the Conservative government in the early 1980s the 1982 Criminal Justice Act contained aspects that counterbalanced the punitive rhetoric to some extent, attempting to encourage the use of IT (Newburn 2002; Robertson and McClintock 1996). The Act aimed to limit the use of youth custody, indeterminate sentences and borstals were abolished and detention centre sentences were shortened. Funds were provided to divert

young people from custody into intermediate treatment programmes with local authorities being encouraged to set up interagency committees to deal with young people involved in offending behaviour (Graham 2002).

There was nonetheless a continuing underlying move from welfare to justice. The 1989 Children Act removed welfare proceedings from youth courts, and the 1991 Criminal Justice Act was seen as finally moving work with young people in trouble from a welfare to a justice approach (Graham 2002). The 1991 Act did contain a twin track approach, highlighting the need to divert young people involved in less serious crime and making a distinction between young people (aged 14-17) and children (aged 10-13). This allowed for a more punishment based approach for the older, more serious young offender and standardised the UK response with some other western countries, like the USA, where serious offenders were dealt with more harshly. As in the 1970s there still appeared to be some confusion about the youth justice system because there was not a single consistent model for dealing with young people who offended.

Confusion did not last long as an increasing concern about young offenders, and the high public profile of the James Bulger murder in 1993, resulted in the introduction of more punitive measures for young people involved in offending behaviour (Graham 2002; Newburn 2002; Goddard 2003). The 1993 Criminal Justice Act and the 1994 Criminal Justice and Public Order Act revised some of the early diversionary provisions. This included the introduction of secure training centres for 12-15 year olds and the doubling of the maximum length of detention in young offender institutions from 12 to 24 months for 15-17 year olds. The inevitable consequence of this was an increase in the numbers of young people incarcerated (Newburn 2002).

Following the election of the present Labour government in 1997 the White Paper 'No More Excuses' was published to outline the strategy for dealing with youth crime. While this white paper made links between youth justice and social exclusion strategies, Goddard (2003) suggests that a 'slight-of-hand' in the paper enabled the new policy to no longer distinguish between offenders and non-offenders. The resultant Crime and Disorder Act (1998) set out for the first time that the primary aim of the youth justice system was to prevent offending.

Preventing offending had previously been identified in a tri-classification model devised by Brantingham and Faust (1976), where there was a distinction between which profession was responsible for different aspects of prevention (Pease 2002). Primary prevention, where the police traditionally took the lead role, aimed to intervene before offending began. While this was originally linked with reducing crime opportunities by manipulating the environment (eg CCTV, neighbourhood watch) it is increasingly associated with the social circumstances of people and the 'risk factors' that may increase their risk of involvement with crime (see page 51). Secondary prevention sought to change people before escalation of behaviour and was associated with youth and social work services 'nipping things in the bud' (Williamson 2005). Finally, tertiary prevention intervened following a pattern of offending behaviour. It is viewed today as commencing the process of reversing adverse developments (Williamson 2005), or reducing a criminal career, in length, seriousness, or frequency of offending. It was traditionally the preserve of the probation and prison services (Pease 2002).

Williamson (2005) has attempted to clarify this classification by identifying prevention as a strategy in five key stages: pre-offending, early offending, persistent offending, in custody and post-custody. In essence the recent emphasis on partnerships, and the shared

responsibility for crime prevention, has blurred the classification and also the identification of which agency is responsible for each aspect of crime prevention (Pease 2002). In today's partnerships for preventing youth crime it may be useful to characterise the three stages as prevention, diversion and intervention (McIvor 2005).

This blurring of professional boundaries is a feature of the new youth justice (discussed in Chapter Three) and of government documents in general regarding sharing responsibility across professions (Payne 2000). Section 39 of the Crime and Disorder Act (1998) introduced Youth Offending Teams (YOTs) in England and Wales which, for the first time, placed an obligation on local authorities for the establishment of multi-professional teams to deal with youth crime, consisting of probation, social services, education, police and health. Responsibility for care and protection issues remained with local authority social services departments. Efficiency and streamlining were key parts of the Act, which reflected the Government's managerialist approach to youth justice. The separation of care and protection issues from offending issues was complete, and in England and Wales youth crime was now clearly dealt with by a punishment based model (Bala and Bromwich 2002; Muncie 2004).

This brief developmental history of youth justice policy in the UK, and worldwide, has highlighted the fact that it has fluctuated on a continuum between a welfare and justice model. The existence of irreconcilable philosophies underpinning the two models has created much confusion. The emergence of restorative justice has been welcomed by practitioners and policy makers as an approach that moves beyond the justice model, that has failed to impact on offending, and the welfare model, which may have excused offending, (Williamson 2005). Restorative justice approaches have been linked with the 'Third Way' model of youth justice based on a corporatist, managerialist agenda and encapsulated in the

new correctionalism of New Labour (Crawford 2001). In addition to the managerial aspects of youth crime the 'Third Way' attempts to address welfare issues while reacting strongly to the actual crime. It also seeks to address the realities of crime by involving victims in the process, a long overlooked aspect of crime (Williamson 2005).²⁰

Developments in England and Wales have been welcomed as innovative attempts to address the issue of young people involved in offending behaviour (Fullwood and Powell 2004; Newburn 2002). Critics (Muncie 2004; Goldson 2000b; Smith R 2003) point to the increasingly punitive nature of the youth justice system, reflecting the international move to deal more harshly with young people and draw them increasingly into formal criminal justice processes, often in contradiction of the various conventions regarding the rights of children. Muncie (2002: 27) suggests that *"...the only defensible policies for dealing with young people in trouble are those which actively pursue diversion from formal processing."* Supporting this, Drakeford (2001: 43) adds that any *"state system that intervenes in their [children] lives must give priority to the protection and promotion of their well-being."* Diversion from the justice system was one of the fundamental principles underpinning the establishment of the Scottish Children's Hearings System, which from the outset, was clear of the need to place young people at the centre of the process and promote their well being.

YOUTH JUSTICE IN SCOTLAND

Following the establishment in 1961 of a working party under Lord Kilbrandon to look at the provision of Scottish law relating to children, Scotland pursued a different focus for youth justice than England and Wales. At the time of the Kilbrandon review it was felt that the way

²⁰ The 'Third Way' agenda is discussed in further detail in Chapter Three as the fundamental philosophical and political foundation for the present youth justice system in the UK.

children were being dealt with was inconsistent and unsystematic, with no uniform structure for dealing with young people involved in offending (Whyte 2000). The report, published in 1964, and its resultant recommendations were enshrined in the Social Work (Scotland) Act 1968, which had no precedent in English law. While Scottish law had always differed from English, before the introduction of the 1968 Act Scotland did not have a distinct system for dealing with young people who offend and the legislation in Scotland usually followed closely that enacted in England and Wales (Lockyer & Stone 1998; Parsloe 1978; Whyte 2000).²¹

The 1968 Social Work (Scotland) Act made the welfare of children the primary criterion in any justification for intervention, whether an offence or abuse/neglect referral, pre-dating the UN convention by twenty years. The Children's Hearings System was introduced in 1971, and despite some changes and an updating in the 1995 Children (Scotland) Act, where most provisions are now contained, the principles of young people who commit offences being dealt with under the same system as those in need of care and protection has remained the cornerstone of Scottish policy. Young people under the age of 16 can still be prosecuted in court in Scotland at the request of the Lord Advocate, mainly for serious offences like rape and murder, if they have older co-accused, or commit offences resulting in disqualification (eg road traffic offences).²²

The Hearings System is a unified welfare-based system for children and young people. For those involved in offending behaviour it represents a diversion from the criminal justice system with referrals to the Reporter to the Children's Panel, who decides if further action is necessary. The system separates looking at the needs of children from establishing guilt and a

²¹ The juvenile courts in England and Wales were never fully implemented in Scotland (Parsloe 1978).

²² 112 under 16 year olds were prosecuted in the courts in 2003 (Scottish Executive 2005b).

court only becomes involved if there is dispute over the facts of a referral. Decisions are made at a Hearing by three lay people from the community, following discussion with the young person, their family and usually a social worker. Other professionals may be invited if appropriate and this is most often a teacher. The whole process emphasises participation of all involved and relative informality. The Reporter oversees the Hearing to ensure adherence to legal matters and the smooth running of the meeting.

The Hearing has basically three options available to it, now contained in the Children (Scotland) Act 1995 s69 and 70.²³ These are to discharge the referral with no further implications for the child; to make a non residential supervision requirement by a local authority worker (usually a social worker); to make a residential supervision requirement where a child must go to a specified residential school, secure unit or foster home. While these measures may be seen as restrictive the objective is to re-educate and rehabilitate, not to punish (Murray 1988), with the focus on a social education model (Whyte 2000). Following the imposition of a supervision requirement there has to be regular reviews at a Hearing to monitor the progress of the young person.

While generally referred to as a beacon of good practice regarding the welfare of young people the Hearings System has been criticised for potential human rights abuses because of a lack of due process and the possibility of indeterminate interventions premised on the welfare approach (Asquith 1998; Hallett 2000). Such arguments have generally been used to justify the move in other countries away from a welfare to a justice approach. However, apart from a few minor alterations regarding grounds of referral and access to professional reports, to meet international standards, the Hearings System has remained intact for over thirty years. It is

²³ As the new Anti-Social Behaviour (Scotland) Act (2004) is implemented this is likely to change with additional sanctions, including supervision and monitoring orders, becoming available.

largely compliant with UN conventions, although there have been criticisms of the age at which young people move to the adult system (UNCRC 2002).

The volume of research into the Children's Hearings System has been fairly small (Murray 1998; NCH Scotland 2004). There have been specific criticisms, especially about lack of clear objectives and focus of interventions making evaluation difficult (Martin et al 1981), although on the whole it has been seen as withstanding most criticisms (Blagg and Smith 1989). Recent research has focussed on the similarities between those young people referred for care and protection and offending reasons, providing support for the original Kilbrandon concept of looking at both needs and deeds (Waterhouse et al 2000; Whyte 2003a).

The IT developments during the 1970's and 1980's south of the border also evolved in Scotland. As part of the Hearings' community based welfare approach they depended on individual local initiatives, with central government providing encouragement and financial support (Robertson and McClintock 1996). IT was evidence in practice of the diverging policy and practice of the Scottish system, where a holistic focus on needs and welfare ensured the best interests of the young person remained paramount. As will be seen later, elements of IT were evident in the practice of both Connect and Freagarrach in Falkirk, albeit with a more 'evidence-based' approach based on research published in the intervening twenty years.

The Children's Hearings System is not immune from change, however, and there is presently an ongoing consultation regarding its future. The first phase (Stevenson and Brotchie 2004) looked at the principles and objectives of the system. The second phase has recently set out proposals for changes in structure or legislation which may be necessary in the evolving

social environment (Scottish Executive 2005a). This consultation followed claims that some advisers in the Scottish Executive wanted to dismantle the system (Scotsman 2004), that the system was too slow in dealing with cases involving young people who offend (Audit Scotland 2002) and a general recognition that changes were needed (Scottish Executive 2000). In the first phase report there was strong support for retaining the basic ethos of the system, although there was also recognition of the difficulties sometimes faced in dealing with young people who are more persistent and /or serious in their offending behaviour (Stevenson and Brothie 2004). These consultations may have tremendous implications for the future of the Scottish welfare based system as the Scottish Executive seek to introduce an evidence-based 'what works' approach, which has been associated with a more punitive model (Goldson 2005a; 2005b; Muncie 2004).

21st Century Scottish developments

The Children's Hearings consultation has been part of the Scottish Executive's Youth Crime Review, as Scotland has been giving increasing attention to youth justice issues since the turn of the century. A strategy session held by the Scottish Cabinet in 1999 commissioned a review of youth crime under an advisory group, which reported back in June 2000 (Scottish Executive 2000). Many of the policies in place today are a result of a range of recommendations included in the report (see appendix 1).

The Youth Crime Review made funding available for each local authority to invest in multi-agency youth justice teams which it considered key in reducing youth crime (Scottish Executive 2002d). A progress report (Scottish Executive 2002e) indicated that every local authority had established multi-agency youth justice strategy groups and many had

established operational youth justice teams. The actual delivery of youth justice services was devolved to each local authority, a fact reflected in the different types of services described in the progress report. A commitment to a multi-agency approach (discussed further in Chapter Three) was reiterated in Scotland's Action Programme to Reduce Youth Crime published in 2002. The Action Programme identified the aims of the new youth justice in Scotland as:

- Increasing public confidence in Scotland's system of youth justice
- Easing the transition between the youth justice and criminal justice systems
- Giving victims an appropriate place in the youth justice process
- Providing all young people with the opportunity to fulfil their potential
- Promoting effective early intervention

In addition to concerns about responses for young people identified as persistent offenders, the Action Programme sought to prioritise a focus on prevention before offending behaviour begins and early intervention for those young people with one or two minor offences. The Scottish Executive defined early intervention as *"providing help and support at the stage before a set of circumstances has turned into a difficulty"* (Scottish Executive 2000: Annex B.2). Early intervention is based on a substantial research base that correlates a number of risk factors in early life with later offending behaviour. There are indications that the early onset of offending behaviour is likely to lead to a longer and more persistent offending career (Farrington 1996; Graham and Bowling 1995; Flood-Page et al 2000; Rutter et al 1998). These risk factors include:

- Family factors relating to low income, poor parental supervision, parental conflict, violence and size

- Psycho-social factors related to relationships with parents, peers and partners
- School experiences including poor behaviour, low achievement, truancy and exclusion
- Community – lack of neighbourhood attachment, availability of drugs, community disorganisation and neighbourhood neglect
- Individual factors including IQ, temperament, cognitive impairment, impulsiveness and hyperactivity

Crucially, the Youth Crime Review recognised that the research was not able to say how many children exposed to these risk factors do not offend later. What it failed to highlight was that the majority of these risk factors, and consequently the majority of young people involved in the youth justice system, are concentrated in the more disadvantaged communities suffering from multiple indices of deprivation (Goldson 2005a). For these reasons prevention and early intervention raises many practical, theoretical, legal and moral issues because not enough is known about the various pathways to crime (Whyte 2004a). A fundamental question also remains about who delivers these services. In England and Wales the YOTs have taken on all aspects of prevention, early intervention and persistent offending with a variety of different orders and legislation available to meet all aspects and levels of ‘offending behaviour.’ It remains to be seen in Scotland the direction that local authorities take in relation to early intervention and prevention.

To begin the implementation of the recommendations in the Youth Crime Review and Action Programme the Ad Hoc Group on Youth Crime recommended a tiered approach in the Ten Point Action Plan (Scottish Executive 2002f). Additional funding was made available to local authorities to develop youth justice provision (Scottish Executive 2002g). The Ten Point Plan

included proposals for tackling persistent offending, to promote community safety and to promote the effectiveness of the youth justice system (see appendix 2).

Later in 2002 National Standards for Scotland's Youth Justice Services (Scottish Executive 2002a) were published to help meet the target of reducing the number of young people identified as persistent offenders by 10% by 2006. Compared to the National Standards for adult services (Social Work Services Group 1991) these were relatively limited but they set out the objectives for youth justice services:

- To improve the quality of the youth justice process
- To improve the range and availability of programmes to stop youth offending
- To reduce the time taken from the initial report on the offender (usually by the police) to the implementation of a hearing decision
- To improve the information provided to victims and local communities
- To ensure that secure accommodation is used when it is the most appropriate disposal and ensure it is effective in reducing offending behaviour
- To improve the strategic direction and coordination of youth justice services by local youth justice strategy teams

Prominent throughout the various policy statements was the belief that *“specialist services for children and young people who offend are part of a wider network of children's services”* (Scottish Executive 2002d:5). This included youth justice teams maintaining close links with education, criminal justice, community safety and crime prevention plans. While these policy statements showed some commitment to welfare principles for those under 16 years old they contained an increasingly popular punitive rhetoric (Whyte 2003), becoming more evident as

the May 2003 election neared. There was increasing evidence that the more punitive policy in England and Wales was beginning to emerge in Scotland and there appeared to be some juxtaposition of justice and welfare concepts, perhaps reflecting the confusing and messy business of youth justice (Crawford 2001; Muncie 2004) in England and Wales.

Children's Hearings and Criminal Justice Systems Interface

The 2000 Youth Crime Review identified 14-18 year olds as a group of young people in trouble as a particular cause for concern because of their place at the transition between the two systems. The position of 16 and 17 year olds who offend is a particularly ambiguous one. Under the United Nations Convention on the Rights of the Child "*a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier*" (part 1, article 1). Under Scottish and UK law the age of majority, the age at which one is fully an adult (Fabb and Guthrie 1997), is not reached until 18. The Children (Scotland) Act 1995 defines a child as somebody under the age of 16 (s93(2)(b)(i)) unless they are on a Children's Hearing supervision requirement when it is under 18 years of age (s93(2)(b)(ii)). While the National Standards provide a definition of persistent young offender, they do not provide a definitive explanation of the ages that the document is aimed at.

If a 16 or 17 year old is subject to a supervision requirement through the Children's Hearings System and appears before the Court, the Court should seek guidance and a report from the Hearing (Criminal Justice (Scotland) Act 1995 s66). Legislation also exists in the Criminal Procedure (Scotland) Act 1995 s49 for referring young people over 16 and under 17½ years old appearing before the adult courts to the Children's Hearing for advice or disposal. The

extent to which the courts have employed this latter provision is unclear, although it has been found to be infrequently used, with the cut off point of 16 years being acceptable to professionals for transition to the adult system (Hallet and Hazel 1998).

Whatever the legal definitions of a child in Scotland, and despite available legislation, it remains that the majority of young people aged 16 and 17 who offend are dealt with in the adult criminal justice system (Whyte 2000). This anomaly is at odds with the welfare provision for young offenders under 16 years of age and is described as an embarrassment for the Scottish system (Whyte 2003a). One of the recommendations of the Youth Crime Review was to look at the feasibility of a bridging pilot scheme to refer as many 16 and 17 year olds as possible to the Hearings System (Scottish Executive 2000: para 7). Early in 2001 a group was formed to address this issue and their report, produced in the summer of 2001, concluded that such schemes were feasible (Scottish Executive 2001a). The Criminal Justice (Scotland) Bill (2003) contained a section for the implementation of these proposals, although this was not enacted because the Executive chose another policy option focussing on Youth Courts. While the reasons for this policy change were not made explicit, the proximity of the Scottish elections and media interest in youth crime cannot be discounted.

In the spring of 2003 the Scottish Executive (2003b) announced the piloting of a Youth Court in Hamilton for persistent young offenders aged 16 and 17, with the capability to deal with young people aged 15 in certain circumstances. The evaluation report of the Youth Court found that its key strengths were the fast-tracking of young people and the wider availability of services and resources (Popham et al 2005). Additional funding for a second Youth Court in Airdrie was also announced in January 2004 (Scottish Executive 2004c). While the Youth Court pilot may be an attempt to deal with young people at the transition stage it is far

removed from a system attempting to refer as many 16 and 17 year olds to the Hearings System and its disposals are those available to the adult courts. A Youth Court may serve to mitigate some of the criticisms directed at Scotland about routinely dealing with young offenders in this age group in the adult criminal justice system, but it is certainly not diversion to a less formal system.

At the end of January 2003 the Scottish Executive (2003c) also announced Fast Track Hearings to tackle youth crime in three areas of Scotland. The recently published final evaluation reported decreased time scales in meeting time interval group recommendations for delivery of reports and decision making (see Scottish Executive 2003d), and improved social work reports and assessments for Hearings, but less of a decrease in offending behaviour than in comparison local authorities (Hill et al 2005). A decision has recently been taken not to extend the pilot following these findings (Scottish Executive 2005d).

Latest developments in Scotland

The findings ascertaining to the effectiveness of both the Fast Track Hearings and Youth Courts are likely to have implications for the future development of youth justice provision in Scotland. As discussed earlier, this rapidly evolving policy raises challenges for local strategy, as planned change is difficult when new initiatives may be introduced at any time. The most recent developments in the Scottish youth justice system are Anti-Social Behaviour Orders introduced under the Anti-Social Behaviour (Scotland) Act 2004. This Act contains provision for electronic monitoring of young people involved in offending behaviour, and intensive supervision and monitoring and parenting orders.²⁴ For the first time the Children's

²⁴ The first young person in Scotland to be made subject to electronic monitoring has recently been tagged (Claire 2005).

Hearings System will have the power to impose orders on young people other than the three main disposals mentioned earlier. While the Anti-Social Behaviour (Scotland) Act 2004 is likely to have a tremendous impact on youth justice services in Scotland its introduction came after the fieldwork for this thesis was completed and therefore receives little further mention in the findings.

CONCLUSION

Debate about the issues of children and young people involved in crime dates back centuries, although more recently, over the last hundred years, specific youth justice statutes have developed with the introduction of youth courts and an international rights agenda. A worldwide focus at the beginning of the 20th century on the welfare of young people coming to the attention of the authorities for offending behaviour was superseded by a shift towards a more justice based model of punishment in the latter half of the century.

While the conceptualisation of youth justice systems as either welfare or justice models has been a useful tool for identifying systems, the complexity of the debate both historically and contemporary questions its generalisations. Perhaps the positive rights agenda highlights this most clearly as the rights of children to be heard in decision making questions the past decisions, made by adults, that young people are simply in need of care and / or control. All signatories to the UN Convention on the Rights of the Child (1989) should have procedures in place to protect children's rights. However, evidence points to the fact that these rights and conventions are widely ignored as each country continues to pursue their own policies for addressing youth offending.

Towards the conclusion of the 20th century there was an increasing worldwide focus on policies that sought to encompass all aspects of offending behaviour including consequences for the victim, the offender, the community and the authorities. This corporatist 'third model' (Pratt 1989) of youth justice increased the partnerships of various stakeholders in the youth justice system and was operationalised in many jurisdictions by the introduction of restorative justice approaches to address some of the perceived negative aspects of the justice and welfare models. However, it has also been characterised as an extension of the responsibilisation of young people within a framework where their rights are still not to the fore.

Scotland has resisted a shift towards a more punitive approach evident in other jurisdictions. The Scottish system has retained its distinctive approach predicated on a social education / community / welfare model where all young people referred to the Hearings System were treated similarly regardless of the reason for referral. At the beginning of this century the Scottish Executive and Parliament began to take an increased interest in youth justice issues and potentially wide-ranging changes and consultations were introduced for a system that had remained relatively stable for thirty years. The next chapter examines the major political and theoretical foundations of these developments and how they are increasingly impacting on Scottish policy and may begin to undermine its distinctive approach.

CHAPTER THREE

THE POLICY OF PARTNERSHIP IN A MANAGERIALIST, EVIDENCE-BASED FRAMEWORK

This chapter details the development of the multi-agency approach to the ‘new youth justice’ (Goldson 2000b) as part of the ‘new governance of crime’ (Loader and Sparks 2002:87). The diverse theoretical and political discourses of corporatist governance, managerialism and evidence-based policy are briefly outlined to provide context for their application to the new youth justice agenda. Discussion of the ‘what works’ and desistance literature, and partnership theory, provides frameworks which are more readily identifiable indicators of governance for policy makers and practitioners. The chapter examines research from England and Wales, where the multi-agency approach is most developed in Europe (Buckland and Stevens 2001). However, the major focus is on the developing partnership and ‘what works’ practice in Scotland which are increasingly indicative of the emerging managerialist agenda and erosion of the welfare based youth justice system (Whyte 2004b).

At the beginning of the 21st century the concept of partnerships as a central part of policy in a wide range of political and social arenas is well established, with youth justice being one of these. The partnership approach is increasingly being seen as the ‘answer’ to youth offending through engaging multiple agencies to address all aspects of the ‘problem,’ whereas in the past interventions have either been based on welfare or punishment approaches by specialist agencies (Omaji 2003; Williamson 2005). While there are links to traditional criminological thought, it has been suggested that in many respects the new youth justice is atheoretical regarding the aetiology of youth crime as questions about causation, criminality and links to

punishment are removed from the political arena (McLaughlin and Muncie 2000). The focus on the managerialist agenda for economy, efficiency and effectiveness in the public sector has eroded the requirement for professional understanding or responses to youth crime (Pitts 2003; Tsui and Cheung 2004) as centralised policy makers dictate the nature of youth justice interventions.

GOVERNANCE AND CORPORATISM IN NEW LABOUR'S 'THIRD WAY'

Partnership approaches do not exist in a vacuum, they are influenced by the pervading philosophy regarding the governmentality and governance of the state (Ling 2000). Governance refers to the way in which conduct in society is regulated and how the state governs (Foucault 1991).

"It is the tactics of government that make possible the continual definition and redefinition of what is in the competence of the state and what is not, the public versus the private, and so on" (Foucault 2003: 448).

In the context of crime and justice, governance is most easily understood as the "*multiplicity of strategies*" (Loader and Sparks 2002:87) employed to meet the government's strategic aims. Loader and Sparks have identified this reconfiguring of the governance of crime as consisting of three strands. The first is to emphasise the limits of the state (police and criminal justice agencies) to adequately address crime, the second is to promote managerialism and the third to promote partnership working. However, these strands have developed a complex relationship. Whereas governance in Britain was previously focussed on the public-private partnership and market economy, governmentality has again been

redefined to focus on central government determining priorities and objectives while placing the responsibility for co-ordinating it at a local level (Ling 2000). Government institutions are less concerned with delivering services on the ground - 'rowing,' focussing instead on establishing overall policy frameworks - 'steering' (Crawford 1997; Loader and Sparks 2002). Central government strategies are prioritised so that partners whose interests are not in line with these are marginalised (Ling 2000). Governance has also been more pessimistically defined to refer to policies which can manipulate the population to accepting the need to be governed and govern themselves (Muncie 2004), to secure an obedient population and civil society (Ling 2000).²⁵

Governing through statutory agencies, including a large number of relationships with organisations in the private, public and voluntary sectors is a key factor in governance today (Wargent 2002), following the recognition that governments alone cannot achieve policy objectives (Ling 2000). Governance is closely associated with a corporatist agenda which relates to:

"The tendencies to be found in advanced welfare societies whereby the capacity for conflict and disruption is reduced by means of the centralisation of policy, increased government intervention, and the co-operation of various professional and interest groups into a collective whole with homogenous aims and objectives" (Pratt 1989: 245).

The original concept of corporatism was linked to the provision of social welfare in a liberal market society, where the close relationship between economic and social policy required co-

²⁵ Ling (2000) provides a short, but clear, description of the factors leading up to the present mode of governance in the UK.

operation to develop the various interdependent functions and interests (Mishra 1984). Mishra believes that a corporatist agenda is well suited to a national framework for welfare provision.

A national framework is now in place for youth justice in England and Wales and has been developing in Scotland since the introduction of National Standards for youth justice in 2002 (Scottish Executive 2002a). This 'joined up' approach to all aspects of welfare provision in Britain is seen by Crawford (2001) as indicative of New Labour's 'Third Way' political agenda, which seeks to encapsulate the concept of globalisation and the rolling back of the state as part of a move towards a neo-liberal market approach to welfare provision - policies examined in the academic discourse of Giddens (1998; 2000). Youth crime especially is a focus for this contemporary political agenda (McLaughlin and Muncie 2000) and the 'Tough on crime, tough on the causes of crime' New Labour mantra is viewed as an accompanying 'Third Way' political banner (Crawford 2001). Modernisation, working in partnership, responsibilities, administrative efficiency and community based crime prevention are all part of the 'Third Way' in the new 'democratic state' (Giddens 1998).

In relation to crime this 'Third Way' New Labour approach has its theoretical underpinnings in the criminological focus of left realist criminologists (Matthews and Young 1982; Young 1986; 1997). Left realism seeks to engage all parties involved in crime and its resolution including the perpetrator, the victim, state agencies and the community. It has been cited as a significant influence on present UK justice policy (Crawford 1997; 2001; Walklate 2003). This influence is related to the middle ground that left realism has sought to occupy in relation to the description and explanation of crime.²⁶ It has distanced itself from theorists

²⁶ Distancing from the left and right political ideologies is a key aspect of the "Third Way" (Giddens 2000).

viewing crime causation as simply being linked to free will and choice (see Cornish and Clarke 1986; Matza 1964; Sykes and Matza 1957) and also from critical criminology viewing crime as mainly linked to poverty or the result of labelling (see Becker 1963; Lemert 1972; Taylor et al 1973). Left realism seeks to encompass all these aspects of criminology to explain crime in a modern society.

In relation to children it has been suggested that the 'Third Way' has *"..a deeply embedded and seldom acknowledged social control agenda* (James and James 2001:224). This agenda is observed as being at odds with the UN Convention on the Rights of the Child because policies couched in the rhetoric of rights and responsibilities are in effect limiting the freedom of children (Goldson 2000a; James and James 2001). Therefore the agenda is viewed as having implications for children and young people involved in offending behaviour because, in addition to a move away from a welfare framework, the rights of children are also being eroded (see UNCRC 2002).

Pratt (1989) was one of the first commentators to link this corporatist agenda to youth justice with his 'third model' of juvenile justice transcending the welfare and justice dichotomy, even though he believed the justice model remained dominant. In this 'third model' the government can, in one statement, appeal to both the left and the right of the political spectrum, despite a widespread acknowledgement that youth justice policy in England and Wales is now punishment based (Bala et al 2002).

In England and Wales corporatism and the new youth justice, with a focus on punishment, are seen as synonymous (Pitts 2003). However, Pitts states that corporatism could equally apply to any approach to youth justice, as it is an organisational model rather than an

understanding of the theoretical and professional ideologies informing practice. The present corporatist agenda, with an aim to modernise the system through ‘managerialisation’ (McLaughlin et al 2001), is viewed as an attempt to take the concept of governance further than ever before in the arena of offending behaviour (Smith 2000b). Smith suggests that for many years criminal justice practitioners have been extolling the virtues of a better coordinated approach to youth justice, and the new governance is now promoting this. The difference may be that in contemporary policy a bottom-up, professional framework is being superseded by the managerialist top down agenda propagating an emphasis on delinquency management (Pitts 2005), rather than putting the best interests of the child first.

Managerialism

Managerialism is defined as “*a set of beliefs and practices that assumes better management will reduce a wide range of economic and social problems.*” (Tsui and Cheung 2004: 437:438). This has been described as a private sector solution to the problems of the public sector (Dixon et al 1998). As part of this solution, public sector efficiency is linked to managerial practices such as strategic planning, re-engineering, customer service, quality assurance, performance management, risk management and accounting - the ‘managerial meta-myth’ (Adams and Ingersoll 1990).²⁷ When applied specifically to the public sector and welfare state, managerialism is often referred to as New Public Management (NPM) which aims to replace the old-style ‘bureau-professionalism’ (Langan 2000) with the presumed efficiency of the private sector and market forces. It seeks to challenge the autonomy of welfare professionals because of the ‘failure’ of their agencies (Newman 2000). Langan (2000:159) describes four key principles of NPM as:

²⁷ Clarke et al (eds)(2000) provide a comprehensive description of the many facets of managerialism in various welfare sectors.

- Cost control and financial transparency
- The purchaser / provider split of market forces
- Decentralisation of managerial authority and making a distinction between strategic management and operational management
- Satisfying consumer demands through consultation with service users

There is substantial debate about whether private sector managerialism is in fact transferable to public sector organisations (Raine and Wilson 1997; Tsui and Cheung 2004; Langan 2000). Tsui and Cheung (2004) believe that in the public sector managerialism is of limited use, and should be handled with care, because the values and principles are completely different from those in the private sector. They also add that the premise of NPM that social problems can be addressed by more effective and efficient managerial measures within organisations often overlooks the roots of social problems and allows responsibility to be placed on the professionals at the front line. With this in mind Tsui and Cheung (2004) summarise the impact of managerialism as:

- The client is a customer not a service user
- The manager is the key person, rather than practitioners
- The staff are seen as employees, not professionals as professional autonomy is not respected
- Management knowledge, rather than professional knowledge, is dominant
- The market, rather than society or community is the main environment
- Efficiency, rather than effectiveness, is the performance indicator
- Cash and contracts, rather than care and concern are the foundation of relationships

- Quality is equated with standardisation and documentation

In the area of justice in England and Wales managerialism has become the norm in probation practice (Gibbs 1998), although Raine & Wilson (1997) believe there is actually a 'post managerial criminal justice' based on partnerships. The post managerial hypothesis is supported by Newman (2000: 45), who suggests that the '*discourse of modernization*' since the New Labour government was elected in 1997 has resulted in a subtle shift from NPM to '*modern management*'. This emphasises collaboration and partnerships for longer term effectiveness, rather than competition and market forces for short term efficiency. However, the contention that the justice system moved beyond a managerialist or competitive market approach to post managerial criminal justice is contested. Gibbs (2001a) suggests that probation partnerships developed from managerialism, purchaser-provider relationships and competition, and merely moved away from the hard line aspects of markets and competition rather than rejecting them outright. Public sector managerialisation therefore involves multi-agency partnerships to manage social 'problems' rather than resolve any of the underlying issues (Muncie 2004; Clarke and Newman 1997) and merely reins in some of the flaws of Conservative managerialism, rather than overturning them (Clarke et al 2000). Clarke et al contend that NPM is not as pervasive as believed in the public services because of the various views on managerialism and their use as shorthand for changes in organisational beliefs and practices, rather than a systematic application of theoretical principles.²⁸

In youth justice practice the practical aspect of managerialism is characterised in New Labour's mode of governance by the adoption of an evidence-based, 'what works' agenda

²⁸ It is this shorthand that is referred to in this thesis rather than a detailed critique and exploration of the theoretical concept.

and focus on economy and efficiency. Individuals are held responsible for their own actions, with crime prevention and reduction managed by partnerships (Muncie & Hughes 2002).

EVIDENCE-BASED POLICY AND PRACTICE

The ‘what works’ discourse in criminal justice should not be seen in isolation from the wider political agenda as it is *“an important discourse associated with the political rhetoric of the ‘Third Way’ in its orientation towards pragmatism rather than ideology in politics”* (Newman and Nutley 2003: 548). In the justice arena it has been claimed that this discourse diminishes professional skills and autonomy, focussing instead on certifiable ‘outcomes’ that have little connection with understanding the causes of offending (Muncie 2004). In England and Wales the managerialist agenda and focus on ‘what works’ practice have shaped the development of the probation service, and increasingly the youth justice system, through an increasingly punitive neoliberal rhetoric. While evident in Scotland, this punitive approach is apparent to a much lesser extent, largely due to the emphasis on a rehabilitative ideal which still remains (McIvor 2004; McNeill 2004).

The last thirty years have seen the ebbing and flowing of the rehabilitative ideal in probation / social work with young people who offend. A ‘nothing works’ philosophy was evident throughout the late 1970s, fuelled by political and media hype (Nutley & Davies 1999). This view emanated from the United States from research reviews questioning the efficacy of interventions to reduce reoffending (Martinson 1974; Lipton et al 1979). Subsequent research has attempted to challenge the suggestion that nothing works and produce evidence that some things do work (see Andrews et al 1990; Andrews 1995; Maguire 1995; Underdown 1998), indeed Martinson (1974) concluded that more research was necessary as it was possible that

some things worked. The evidence emerged to such a degree that by 1994 Raynor et al stated that a 'nothing works' claim was untenable and demonstrably false. 'What works' has been an ever present discourse in criminal and youth justice since.

Effectiveness and evaluation

The 'what works' discourse relies on the production of a body of evidence that articulates the effectiveness of interventions aimed at people involved in offending behaviour.²⁹ McNeill (2000a) has suggested three possible reasons for measuring effectiveness; political, ethical and pragmatic. The political aspect is driven by the evidence-based practice and 'what works' agenda seeking accountability, efficiency and value for money in public services. The ethical agenda is the professional aspects of social work whereby social workers should be offering help that is likely to be effective. The pragmatic reason is that without some form of evaluation social work cannot defend itself against accusations of ineffectiveness. It is likely that a combination of these reasons motivates a service or workers to evaluate their practice. Arguably, in Scotland, the political is on the ascendancy within the 'Third Way' discourse as targets for reducing offending and submitting Children's Hearings reports on time dominate the present agenda (Scottish Executive 2000; 2003d; PA Consulting 2004).

Effectiveness has also long been recognised as being notoriously difficult to define and measure in social work (Cheetham et al 1992; Gibbs 2001b) and in work with offenders (Mair 2004) because:

²⁹ Concurring with the wider theoretical debate the concept of 'effectiveness' has not been defined in this thesis. It is assumed to encompass many aspects of young people's lives and is not restricted to a measure of reoffending.

“There is often disagreement, in the complex world of human behaviour, as to what should count as the evidence of effectiveness. The aims of social policies are sometimes hard to operationalise, such as improving quality of life, or hard to measure, such as reducing reoffending” (Wilcox 2003: 21).

A wider theoretical debate also questions what is evaluation and what counts as evidence (Mair 2004). The debate has its roots in the contrasting epistemological positions relating to qualitative and quantitative methods of data collection.³⁰ The methodological and scientific problems (see Pawson and Tilley 1997) associated with the ‘what works’ debate have more recently called into question the evidence base and there have been concerns that ‘science’ has been driven by political and economic concerns (Muncie 2004).

Evidence for ‘what works’

Over the last thirty years research has attempted to quantify the effectiveness of interventions with offenders. There have been a number of extensive reviews of specific research programmes, or previous studies, to identify the factors that appear to be effective (see Andrews et al 1990; Lipsey 1995; McIvor 1990; McGuire 2002; Vennard et al 1997) some of which are specific to young people who offend (McLaren 2000; Whyte 2004a; Utting and Vennard 2000). Generally, those interventions found to be most promising with young people have utilised cognitive-behavioural approaches with various techniques of application, working across multiple agencies, where the young person is directly involved learning new skills (see Lipsey 1995; McGuire 1993; McLaren 2000; Whyte 2004a).³¹

³⁰ This debate is discussed in greater detail in Chapter Five

³¹ McLaren (2000) provides detailed descriptions of what works and what does not.

These research findings, which resulted in a renewed optimism amongst policy makers and practitioners regarding effectiveness of work with offenders, originated from studies utilising the statistical tool of 'meta-analysis' (McGuire 1995). Meta-analysis aggregates the findings of many studies allowing individual variance to be statistically controlled, making any potential treatment effect more evident and allowing the implications of a large body of research to be seen more clearly (Lipsey 1995) and subject to a more rigorous analysis (Mair 2004). Reviewing a number of these meta-analysis studies and other aspects of the 'what works' agenda in a seminal publication, McGuire (1995) concluded that well delivered programmes achieved a reduction in recidivism of between 10% and 12%.³²

Although the use of meta-analysis is useful for identifying promising programme characteristics the claims made for it are subject to criticism, which while not being able to ignore or dismiss the findings, cast some doubt on their accepted veracity (Mair 2004). The technique is seen as problematic for making wider inferences about the relative effectiveness of programmes because the use of the statistics for differently designed programmes and sampling techniques assumes that the offenders across various studies are representative. There is also an assumption that the interventions are comparable and delivered in similar conditions when in practice meta-analysis may be unable to determine the outcome if the intervention is transferred to another setting (Mair and Copas 1996). The use of meta-analysis to aggregate findings is viewed with scepticism because it may not be certain which components of the interventions are actually working best. Programmes for offenders tend to employ a variety of methods that include social skills training, problem-solving training, anger control and education in addition to cognitive-behavioural approaches (Hollin 1996; Vennard et al 1999). However, while acknowledging there remains scepticism, Nutley &

³² Andrews et al 1990; Lipsey 1995; Losel 1995 describe further meta-analysis studies.

Davies (1997) believe meta-analysis is now widely accepted as an appropriate technique for analysing criminal justice services. Its use, together with literature reviews, has established a set of effectiveness principles that are widely considered to be necessary as minimum requirements before interventions can be expected to be effective (see Buist and Whyte 2004; Utting and Vennard 2000). These principles underpin many of the interventions used by the Youth Justice Board in England and Wales and are referred to in many of the youth justice documents in Scotland.

Effectiveness principles

The risk principle involves a matching of offender risk level and degree of service intervention. Higher risk offenders require a higher level of intervention and failure to achieve this may have negative effects in terms of reoffending (Andrews et al 1990). Risk assessment is increasingly emphasised as an integral part of a social worker's task, and has been an area of practice found to be lacking in the past in Scotland (Scottish Office 1996).³³ While the last few years have seen an increased use in Scotland of a standardised risk assessment for adult offenders, either the Scottish Executive RA1-4 (Scottish Office 1998a) or LSI-R (Level of Service Inventory-Revised, Andrews and Bonta 1996), their use for young offenders has been more patchy (Audit Scotland 2002). However, all young people appearing before a Children's Hearing should now have a risk assessment completed (Scottish Executive 2002a).³⁴

³³ While risk assessment has in the past been linked more with criminal justice social workers the National Standards for Youth Justice (Scottish Executive 2002a) have promoted this as a key part of children's services.

³⁴ Risk assessment is discussed on pages 78-80

The criminogenic need principle states that intervention should focus on those factors that have been assessed as being crime related. A substantial body of evidence suggests that for intervention to be effective with young people exhibiting problematic offending behaviour certain 'dynamic risk factors' or 'criminogenic needs' require to be addressed (Andrews et al 1990:374). These are “*..factors that have played a causal or contributory role in an offending act, and that would place the offender at risk of reoffending*” (McGuire 1995:40). Being dynamic they should be amenable to change and require to be identified by practitioners and addressed through supervision to facilitate change in young people (Raynor 1998). The '*most promising intermediate targets*' for change (Andrews et al 1990: 375) include:

- Changing anti-social attitudes, feelings and peer associations
 - Promoting familial affection, monitoring and supervision
 - Promoting protection
 - Developing positive social role models
 - Increasing self control, self management and problem solving skills
 - Replacing skills of lying, stealing and aggression with pro-social alternatives
 - Reducing use of chemical substances
 - Shifting the rewards and costs associated with offending behaviour towards non-criminal activities involving family, education and work
 - Ensuring the young person can recognise risky situations and developing plans to deal with them
 - Confronting personal and circumstantial barriers through effective service outcomes
- (adapted from Andrews et al 1990; Whyte 2004)

Responsivity refers to the principle that workers and clients should be matched, taking account of the wide variety of learning styles and methods. Specific attention should be given to the level of risk presented by members in group programmes as the mixing of people with different risk levels in one group can in itself be criminogenic (Andrews et al 1990). Generally methods that help people are participatory, in that people can engage with the worker, rather than just being lectured to (Moore & Whyte 1998). The client / worker relationship is an integral part of any effective social work intervention, and should be no less so in offender work. Trotter (1999) has highlighted this relationship as being crucial in the success of work with involuntary clients and it has recently been reiterated by a Scottish Executive Social Work Inspection Agency report (McNeill et al 2005).

Evidence also points to the greater effectiveness of intervention when it is based in the community and when programmes are multi-modal, ensuring that:

“Supervision should target several offending needs and not rely on a single intervention method. It does not imply that all supervision needs to be provided in a single structured programme” (Underdown 1998:44).

Underdown continues by stating that programmes should have stated aims that are linked to the methods being used by appropriately trained, resourced, supported and skilled staff ensuring that the intervention is structured, monitored and evaluated.

Continuing research has reiterated these principles but with a stronger focus on:

“The need for practitioners to use interpersonal skills and exercise some discretion, on the need to take diversity into account, and on the importance of the broader service context in supporting effective intervention” (Raynor 2004: 201).

While these principles have been associated with effective practice there are a number of interventions that have been associated with poor outcomes. These include interventions with low risk offenders and incorrect matching of service to need, unstructured counselling, group approaches with no link or focus to offending needs, poorly targeted academic/vocational approaches, scared straight programmes (eg taking young people into prisons to shock them), increasing self esteem in isolation, focusing on vague emotional / personal complaints and improving living conditions in isolation of the above criminogenic needs. (Andrews et al 1990; Andrews 1995). Chapman and Hough (1998) also add poor management and organisational support to these.

In the fifteen years since the ‘what works’ agenda was first adopted in England and Wales the evidence base has increasingly been questioned and there have been concerns raised about its wholesale adoption in the UK (Furniss and Nutley 2000; Merrington and Stanley 2000). It is suggested that the ‘evidence’ is *“highly selective and...provides a dubious basis for reform”* (Muncie 2002:27). Even within Home Office research papers there has been cautionary notes regarding the extent of the success in reducing reoffending because:

“..the research literature does not demonstrate that cognitive-behavioural approaches, or indeed, any other type of approach, routinely produce major reductions in reoffending among a mixed population of offenders” (Vennard et al 1997: 33).

The focus on reducing offending as the primary criterion of success is criticised as being too narrow, not least because of the difficulty in obtaining reliable reoffending data (Merrington and Stanley 2000). Other intermediate measures suggested as being important include complying with supervision requirements, improvements in attitude and motivation, reducing the frequency or seriousness of offending (Underdown 1998; Chapman and Hough 1998), gaining employment or returning to education, improvement in wider social skills, improved relationships and improved health and lifestyle (Farrall 2002; Worrall and Mawby 2004).

It is increasingly being suggested that after many years of the 'what works' agenda steering work with offenders it is *"too early to say what works, what doesn't, and what is promising"* (Merrington and Stanley 2004:7), not least because of the narrow focus of evidence on 'experimental' paradigms of enquiry (Bateman and Pitts 2005). There is a recognition, however, that *"sometimes, with some people, in some circumstances, for some reason, some things work"* (Pitts 1992:134). With increased questioning of the theoretical basis of evidence for effective practice, increasing attention is being given to what the actual circumstances, reasons and 'things' are and the importance of more qualitative research techniques in identifying them. These have begun to be identified in the 'desistance' literature which seeks to elucidate the processes by which former offenders can change (Maruna 2001) and questions now being asked are what works, who it works with and why it works (McNeill et al 2005).

Desistance from offending behaviour

Desistance is *"what practitioners in the field of offender programming and treatment want clients to do – and right away"* (Maruna 2000:11). It differs slightly from the 'what works'

rehabilitation discourse, focussing on why people desist from a career of offending, rather than what can be done to them through ‘treatment.’ There is, however, an increasing call for combining the two discourses to support the search for effectiveness in work with offenders (Maruna 2001; McNeill 2003b; Rex 1999). Maruna (2001) also argues that what is required is a body of research which practitioners can more readily apply to their work with offenders to reach the point where change can be properly encouraged, taking account both of an improvement in reasoning skills and paying attention to the social environments in which they can make reasoned decisions about desisting (Rex 1999).

McNeill and Batchelor (2004:62) suggest that *“interventions with young people must be grounded, strategically and practically, in an understanding of the wider social contexts both of offending and desistance”* to better inform understanding of the change processes involved for the young people. A Scottish study by Jamieson et al (1999) identified a number of these contextual factors related to desistance. These included the potential consequences of offending and the desire not to upset their families, increased maturity and changes in peer associations, securing employment, forming a relationship and leaving home. For older people family responsibilities and lifestyle changes (eg drug use) were a contributory factor in their decisions to desist.

Graham and Bowling (1995) and Flood-Page et al (2000) undertook extensive research for the Home Office in England and Wales looking at the offending behaviour of young people. While not specifically desistance studies they found that life changes, especially forming intimate relationships and gaining employment, were associated with desistance. Marriage and employment have consistently been related to desistance and Laub and Sampson (2003) in their longitudinal study of criminal careers, found that these, together with military service

and least amount of involvement with the justice system, were the four factors most associated with a reduction in offending.³⁵

People who are more successful in their desire to desist have generally been found to be more positive in their belief that they can actually do so (Burnett 2000; Maruna 2002). There is a relationship between the 'objective' factors (employment, partner, family) in a person's life and their 'subjective' belief that they can change because the factors are seen as being significant and positive (Farrall 2002). Consequently, McNeill and Batchelor (2004) suggest that the key factors in desistance are likely to be developing maturity, life transitions that may increase social bonds and the narratives that individuals apply to these events, that is: *"it is not just the events and changes that matter; it is what these changes and events mean to the people involved"* (McNeill and Batchelor 2004: 61). McNeill and Batchelor suggest that the focus of intervention should be how practitioners work with young people to support change, work that may include approaches directly addressing offending behaviour (Burnett 2000).

Crucial to work with people and the likelihood of it being successful is the relationship that exists between the worker and the young person (Farrall 2002; Batchelor and McNeill 2005; Rex 1999; Trotter 1999). Studies focusing on worker-client relationships indicate that change in offending behaviour is more likely to be successful if there is trust and understanding between participants in the relationship. While Trotter's work is not predicated on desistance it creates a further link between the desistance and 'what works' research with its focus on the supervisory relationship, rather than the programme itself (McNeill and Batchelor 2004). Trotter (1999) details the principles of effective practice in respect to forming positive relationships with service users to facilitate change:

³⁵ Employment related programmes were found to have one of the biggest reductions in reoffending in the what works meta-analysis of Losel (1995).

- Role clarification – the need for frequent discussion about the professionals’ role and reason for intervention.
- Pro-social modelling and reinforcement – the need for professionals to identify and model the positive behaviours they are wanting to promote
- Problem solving – identify the problems and work towards them
- Relationships – professionals need to have an open and honest relationship with the service user

Rather than a focus on the technical aspects of the work (Pitts 1992), understanding of the complex processes involved in change requires a professional and knowledgeable workforce drawing on wider theoretical discourses and an ability to develop relationships with young people. McKeown (2000) has found that the two most important aspects of facilitating change are the characteristics of the service user and the relationship with the worker. These characteristics can be identified by an appropriate assessment process which is an important feature of both the ‘what works’ and desistance literature. A professional assessment identifying these complex and varied factors, and subsequent matching of services to needs, is a key feature of work in these areas, without which any intervention is unlikely to be successful (McNeill et al 2005).

Assessment

Scotland has seen the emergence of the YLS/CMI and Asset risk assessment frameworks as the two tools recognised by the Scottish Executive for use with young people involved in offending behaviour. The decision about which framework to employ rests with each local

authority area. The YLS designed by Hoge and Andrews (2001) is the youth version of the LSI-R (Andrews and Bonta 1996). Asset is an assessment tool developed in England and Wales in response to the commissioning by the Youth Justice Board of an instrument to meet the needs of the new Youth Offending Teams to assess risk of reoffending (see Baker et al 2002). Asset is increasingly being favoured by youth justice teams in Scotland as it allows the young person to be more directly involved in the assessment process (McNeill and Batchelor 2004), although its employment on a national basis is a long way off as both the YLS/CMI and Asset are in the process of being 'Scotified'. Asset has been standardised on an England and Wales population and a number of studies have now assessed its validity, reliability and use south of the border (Baker et al 2002; Baker 2004). At the time of writing the levels of risk and 'scoring' bands in use in Scotland remain those applicable to the English and Wales populations. The Criminal Justice Social Work Development Centre is collating data to provide a Scottish database.³⁶

Despite its increasing use, standardised risk assessment is far from an exact science and has been described as a 'good guess' (Kemshall 1996a), with longstanding concerns about the ability to accurately predict risk (Lab and Whitehead 1990). These good guesses can be enhanced to a judgement by combining statistically based actuarial method of assessment with clinical assessments utilising credible information and data from a number of sources (Kemshall 1996b).³⁷ 'Third generation' approaches to risk assessment have been developed to combine clinical and actuarial methods with the dynamic criminogenic needs noted earlier in an attempt to individualise risk assessments (McNeill et al 2005). Assessment tools, like Asset, attempt this combination although they are still subject to criticism because it remains

³⁶ The Criminal Justice Social Work Development Centre is a joint venture between the Universities of Edinburgh and Stirling to promote, and disseminate evidence about best practice with young people and adults involved in offending behaviour.

³⁷ Actuarial factors include age, age at first conviction, sex, number of previous convictions / custodial sentences. Clinical assessment is the professional judgement of the worker.

a statistical aggregate, with no indication that any particular individual will reoffend (McNeill and Batchelor 2004).

Feeley and Simon (1992) also suggested that the emphasis on actuarial assessments and resulting programmes was dehumanising individuals to ‘aggregates’ as part of a ‘new penology.’ As part of the management of offenders this new penology targeted those assessed as being most risk to the public and placed under surveillance those assessed as less risky. A major issue with this policy is that risk assessment tools are even more limited in their usefulness as predictors of harm (McNeill et al 2005). Given that the assessment of risk is the cornerstone of the search for effective interventions and despite its increasing use it remains a controversial issue, not least because it focuses on aggregates and ‘types’ of people (Maruna 2001:6).

Despite substantial criticisms of the ‘new penology’ and the questioning of its use as a basis for reform (Muncie 2002), there are a number of widely accepted principles that appear to contribute to a reduction in offending behaviour. These principles, combined with findings from the desistance literature, have resulted in an increased recognition that “*...factors associated with offending among young people are complex, varied and defy simplistic solutions*” (Jamieson et al 1999: x). Solutions are unlikely to be found in any one approach or method (Underdown 1998) and the “*multiple pathways to desistance*” (Laub and Sampson 2003:278) indicate that any interventions with young people may be most effectively delivered via a multi-agency approach, preferably outwith a justice setting (Goldson 2005b). The interventions of any one of a number of agencies, identified through a thorough assessment process that does not only take account of risk factors but focuses on building and sustaining relationships, may provide the help and support young people require.

WORKING TOGETHER IN MULTI-AGENCY PARTNERSHIPS

Whatever the political discourse and criminological theories underpinning interventions, partnership working is now firmly embedded in policy rhetoric and frameworks through 'joined up' government integrating the delivery of related services. There is a long history of collaboration, inter-agency and partnership working in the health and social care settings (Payne 2000) and in criminal justice (Crawford 1997; Gibbs 2001a). However, this history has not always been positive, with progress on interprofessional working being patchy (Irvine et al 2002), often with a great deal of rhetoric but little action (Ovretveit 1997), and with much friction just below the surface of formal partnerships (Crawford 1997).

Within the field of offending behaviour, while there have long been strong links between the probation services and the voluntary sector, the move towards more formalised purchaser-provider models began in the 1990s (Gibbs 1998; 2001a). Prior to this the focus of multi-agency work tended to be on crime prevention strategies (Crawford and Jones 1995; Pearson et al 1992; Sampson et al 1988). As discussed above, these more formalised partnerships have been linked to the introduction of a corporatist, managerialist approach to public sector governance.

However, despite the centralised consensus about multi-agency working it is likely that organisations have differing views on the concept they are embracing because:

"There can be no simple assumption that all agencies will necessarily share the government's commitment, either to partnerships or to its broader objectives for the

criminal justice system or other aspects of social policy” (James & Bottomley 1994:167).

While partnerships and multi-agency working are generally viewed positively by government there is little research and empirical ‘evidence’ to reach a conclusion that past policies failed because of a lack of partnerships or that new arrangements have improved outcomes (Holman 2005; James and Bottomley 1994; Ling 2000) In many arenas success in achieving multi-agency partnerships has proved elusive (Irvine et al 2002; Cook et al 2001). This lack of ‘evidence’ is particularly ironic given the focus of the new governance on evidence-based practice.

Where there is ‘evidence’ it has tended to focus on how well different agencies work together and share information, rather than any outcomes from the collaboration (Blagg 2000; Blagg and Smith 1989). Where there have been indications of ‘failed’ multi-agency working is in child protection enquiries where the absence of shared information systems, communication and information sharing and collaboration has been identified as a contributory factor in the failings (see Marshall et al 1999; Laming 2003). Glennie (2003) claims it is now a widely accepted view that effective work in child protection requires interprofessional co-operation as recommended by these enquiries, and there appears to be a belief that “*work with young offenders is essentially a multi-disciplinary activity*” (Bell et al 1995: v).

Away from the political discourse driving the increase in multi-agency and partnership working, a substantial theoretical framework underpins the concept of joint working. This framework includes various theories about levels of inter agency working and documents the

confusion and misunderstanding that often exists about meanings and definitions of such working practices.

Cooperation theory (Loxley 1997) or coordination policy (Payne 2000), assumes that better results are achieved when organisations work together, as long as there is reciprocity and durable working relationships. This policy stems from government attempts to unite services where:

“The galvanising force behind interprofessional collaboration has been the perceived need to rationalise resources through coordinating, integrating and merging services, organisations or even some of the professionals themselves [so that today]collaboration has become a powerful force, spearheaded by the government’s modernisation programme to further partnership working across the health and social care services” (Leathard 2003a:10)

Unfortunately, within this theoretical background there is much confusion because words are often used interchangeably to describe different ways of working together, resulting in a ‘*terminological quagmire*’ (Leathard 2003a:5). Payne (2000) highlights three terms that may be often used interchangeably in official documents:

- Coordination – describes the need to achieve better relationships between the objectives and organisation of different agencies
- Collaboration – refers to people in different agencies and services working together to improve coordination in practice

- Partnership – describes collaboration where there is a long-term agreement about coordination and planning, often between different sectors of provision eg probation and voluntary organisations. It can also be between professionals and service users.³⁸

Scottish Executive documents appear to prefer the term partnerships in describing multi-agency working practices (Scottish Executive 1999a; 2000), although whether the same meanings are ascribed is not clear. Payne (2000) has further identified four patterns of working together which have developed in multi-agency work and which again can be readily transferred to the youth justice setting in Scotland.

Keyworker coordination refers to practice where a professional from one agency is responsible for the service to the client, but often refers to, or calls on the involvement of others. In the criminal justice setting this may be the supervising officer of a probation order who contacts colleagues in other areas over specific issues eg housing or welfare benefits. This can be undermined by professional autonomy, which has been one of the factors cited for difficulties in developing partnership working at the operational level (Irvine et al 2002). This presumed hindrance of autonomy presumably underpins the government's preference for blurring of roles in partnership working (Payne 2000) and the deprofessionalisation of the workforce (Pitts 1992).

Strategic coordination involves agencies collaborating at a senior level to ensure planning is correctly co-ordinated. This pattern usually involves service delivery and funding and does not necessarily mean that professionals work together. An example of this in criminal justice social work is the criminal justice groupings formed in response to the Tough Options

³⁸ This is the definition adopted in this thesis as it represents reasonably closely the working practice in Falkirk between the various agencies and as Payne suggests encompasses coordination and collaboration.

consultations paper (Scottish Office 1998b). For example, the Forth Valley Criminal Justice grouping comprising of Falkirk, Stirling and Clackmannanshire Councils was the catalyst for the Forth Valley Youth Justice Strategy Group that had strategic overview of youth justice services in Falkirk (see Chapter Four).

Informal collaboration occurs when informal networks across agencies are formed because of a shared client in touch with various services. This has probably been the most common way of working together previously in social work, especially in authorities where social workers share offices with other local authority workers. A lack of strategic management decisions and structures can block more formal collaboration (Payne 2000).

Payne's final pattern of partnership working relates to multi-professional services, where professionals from different backgrounds often come together to address difficult tasks, especially when there is a high degree of risk involved as in child protection.

Another useful typology that complements that of Payne's is provided by Atkinson et al (2002). In a study encompassing health and social services they identified five types of multi-agency arrangements:

- Decision making group – professionals from various agencies meet to discuss issues and make decisions
- Consultation and training – a multi-agency forum provides consultation and training for other teams and professionals
- Centre based delivery – a range of professionals and agencies are gathered together in one place to deliver a more co-ordinated and competent service

- Co-ordinated delivery – pulls together different agencies, usually by the appointment of a co-ordinator
- Operational-team delivery – professionals from different agencies work together on a day to day basis to form a multi-agency team to deliver services directly to clients

Whatever definition or model of multi-agency working is adopted there are a number of key factors that have been identified that will contribute to the success of the arrangements. These include a commitment to the philosophy, an understanding of the roles and responsibilities (team and individual), common aims and objectives, good communication and information sharing, effective leadership or drive at the strategic level, involving relevant personnel, adequate funding and resources, good working relationships and having sufficient time to do the work (Atkinson et al 2002). These are also seen as key challenges that could hinder the success of multi-agency arrangements, although it is difficult to generalise to the various types of arrangements.

There are various combinations of models and typologies for multi-agency working which are often represented as ladders, continuums, circles, jigsaws or other system representations (see Gardner 2003; Leathard 2003b). Locating present youth justice practice with any particular one, or with any one definition from official documents would be a difficult task. In reality partnership is a multi-faceted concept, ranging from unitary purpose projects with two partners to multi-agency partnerships with many goals that works on different levels (Omaji 2003) including managerial, practitioner, community and service user (Gibbs 1998; 1999). It is likely that any of these definitions may be used in the discussion of partnerships at any one time, although it is important to identify which is being referred to (Cross 1997).³⁹

³⁹ Appendix 3 presents in diagram form the complex partnership arrangements in Falkirk and defines the terms used in this thesis.

Partnerships with service users

Due to the nature of the public sector organisations that partnership theories are concerned with, the role of the service user is important in the process although they are often forgotten (Gibbs 1999). When working together for the benefit of a third party, interventions are less likely to be effective if service users do not have a strong part in initial negotiations and are not involved in the process, because professionals may develop services that benefit their own agenda (Loxley 1997; Payne 2000). The role of the service user and their importance in the partnership literature reflects the findings relating to the importance of relationships in achieving successful outcomes in social work supervision (Rex 1999; Trotter 1999; McNeill et al 2005).

The inclusion of the service user would appear to be an important part of any multi-agency agreements, although Crawford (1997) sees this as part of the managerialist agenda in the prevention of crime where ‘consumer sovereignty’ is hailed as paramount. In the field of youth / criminal justice there can be much debate about who the major stakeholders, or users, are. Do youth and criminal justice social work services provide a service to the courts, the public, the offender, a combination of these, or all? All are users of the service and there may be an argument that all should be involved in the processes of service development.⁴⁰

Whichever multi-agency model(s) is practiced, coordination for the service user is vital if work is to be successful. With respect to young people as service users who are involved in the youth justice system, and who may have multiple needs and offending behaviour,

⁴⁰ Robertson and McClintock (1996) define ‘service user’ as encompassing young people, partner agencies, the community and the public.

successful interventions are likely to be multi-modal and multi-systemic involving personnel from a number of agencies (McNeill et al 2005). It should be the role of the case manager to co-ordinate these services for the young person, a challenging role requiring knowledge and skills, the complexity of which has been reiterated on numerous occasions and cannot be over estimated (McNeill and Batchelor 2004). Reflecting the discussion above about who is actually the service user, Burnett and Appleton (2004) and Robinson and Dignan (2004) consider case management as a method of co-ordinating services to meet the demands of a managerial framework in addition to promoting a continuous relationship with young people. The case manager, or keyworker role, is an area of partnership working most practitioners will be familiar with.

Case management

Merrington and Stanley (2004) have suggested that good case management may be more important than the actual interventions in effecting change in people. Certainly, the case manager is crucial in the assessment process, in identifying the appropriate intervention for the young person, maintaining relationships throughout the change process and guiding the client through the various 'pathways' (Ovretveit 1997) available in multi-agency working. In the youth justice context case management is very much at an embryonic stage, while in other areas of social work and mental health it is more established, although there is no standard definition (Partridge 2004). Case management in the field of mental health and social care is defined as a *"client-centred approach to the coordination of services to meet the needs of vulnerable individuals"* (Davies 2000: 44). Within offending services it is defined as:

“The staffing structures and organisational processes in place to co-ordinate and integrate all aspects of community supervision, from the initial offender risk and need assessment, through to programme delivery and the intended completion of the order”
(Partridge 2004:4).

These definitions give some indication of the varying approaches to the management of cases and the difficulty there may be in identifying any one model of practice. These two definitions also bring together the care versus control debate surrounding youth justice in Scotland. The Davies quote is grounded in a welfare perspective, while Partridge adopts a justice definition focussing on risk and need, programme delivery and completion of orders. The managerial agenda further impinges on case management by viewing it as a method of managing a large number of people (Mair 2004).

In Scotland, probation supervision has historically taken an individual, unstructured, counselling / welfare approach (McIvor & Barry 1998). While the role of ‘traditional’ casework is often questioned in an evidenced based environment, increasingly researchers are suggesting that a structured casework approach can, and should, be part of a programme of supervision for offenders (Burnett 2004). The role of case management is thought to be central to the effective implementation of an evidence-based approach to offender supervision (Chapman & Hough 1998; Underdown 1998) and the two are often linked because of their systematic approach to collecting, monitoring and using information (Burnett & Appleton 2004). However, while an unstructured approach to supervision may not be beneficial, a traditional casework approach is not necessarily negated by case management.

Developing an earlier typology of Levine and Fleming (1985), Partridge (2004) identified three models of case management in her study of a number of probation areas in England and Wales:

- **Specialist** – in this model staff perform specific tasks, either assessment, programme delivery, basic skills teaching etc. This model was found to be beneficial for senior management in co-ordinating service delivery and matching offenders with needs and services with a focus on efficiency and outputs. It is associated with a programmed, evidence-based approach to service delivery where a client has contact with a number of professionals, although there can be confusion for the client from having contact with a variety of service providers.
- **Generic** – staff work with offenders on all their problems and have a mixed caseload in relation to risk. This model is associated with the ‘casework’ approach and is perceived as enhancing staff motivation, developing relationship with clients, allowing staff to see the outcomes of their work, continuity of contact and clarity of the manager’s role.
- **Hybrid** – this model is a combination of specialist and generic. Partridge found that local circumstances rarely allowed a team to practice any one ‘pure’ model specifically and service delivery was to a great extent dependent on local conditions, for example resources, geography, staff qualifications and skills.

It is likely that in any one organisation the case manager will be on a continuum between service broker and provider, the key link between the service user and the services provided. Where they are positioned on the continuum will depend on the degree of managerialist principles implemented at the strategic level (Partridge 2004).

In England and Wales ethnographic studies of youth offending teams (Cross et al 2003; Burnett & Appleton 2004) have identified a shift in practice from a casework, generic approach with young people who offend, to one more associated with a specialist model. This change in practice, attributed to strategic policy direction and increased focus on evidence-based practice, has not always been welcomed by professionals, especially those with a social work background. As Cross et al (2003:158) observed "*the proposed movement towards a case management model was.....viewed with some alarm*". This alarm stemmed from the fact that workers were attempting to treat the young people as 'children first' and build a working relationship with them, with case management being perceived as a threat to forming 'meaningful' working relationships (Cross et al 2003).⁴¹ Burnett (2004) has argued that casework, and relationship building, can be incorporated into a well managed structured programme if this method best meets the person's needs, suggesting that the criticisms of casework are predicated on the assumption of an unstructured, loose approach to supervision. Extrapolating from this argument indicates that effective case management (generic) can include what has traditionally been termed casework and does not necessarily involve the loss of relationship with a young person. In these instances the complexity of the case management role (McNeill and Batchelor 2004) becomes increasingly apparent.

Barriers to effective multi-agency working

Potential barriers and challenges to effective multi-agency partnerships are as varied as the different definitions, models and typologies employed to describe this way of working. There is not enough space to describe all of them here, but a number of comprehensive and specific

⁴¹ 'Meaningful' was not defined, and it is assumed that case management was perceived as moving towards a specialist, and away from a generic, model.

texts detail the barriers, in addition to the benefits (Leathard 2003a; Weinstein et al 2003; Atkinson et al 2002; Blagg et al 1988; Pearson et al 1992; Crawford 1997).

Sampson et al (1988), based on their research in neighbourhoods in inner London and Lancashire, identified two dominant perspectives of how the multi-agency approach was viewed – the ‘benevolent’ and ‘conspiracy’ perspectives. The conspiracy perspective views the multi-agency approach as a ‘bad thing’ with inherent problems between the various agencies and with inter- and intra-agency conflicts inevitable. On the opposite side the benevolent perspective adopts a corporatist version of partnerships being a vehicle for good practice, implying unproblematic working relationships and agreement on aims and objectives.

An increase in formalised partnership arrangements in England and Wales in the field of crime prevention during the 1980s was accompanied by a rise in conflicts of ideology and understanding (Sampson et al 1988; Smith et al 1993; Crawford & Jones 1995; Gibbs 2001a). While the partnership approach became more popular little attention was directed at the broader issues of policy formation and implementation, and any accompanying difficulties, such that Crawford & Jones (1995:17) argued that *“there is a need to address and understand the complex social processes involved in inter-agency collaboration”*. These social processes and relationships are at the heart of effective multi-agency partnerships and are likely to include the varying perceptions and understanding of partnership working and the aetiology and amelioration of offending behaviour. Closer attention to these issues may move the partnership debate beyond a simplistic statement that multi-agency working is *“a worthy end to pursue”* (Irvine et al 2002:199) and provide a conceptual understanding of why

it may effectively address offending behaviour (as suggested by the Youth Justice Board 2004a).

A common factor that occurs in respect of barriers to effective partnerships is the dominance of one agency or profession. With regards to crime prevention studies, conflict or potential for conflict, between the police and other agencies was a major cause for concern due to differing views of crime prevention, or who was higher in the hierarchy of importance for crime control (Sampson et al 1988; Crawford & Jones 1995; Sampson & Smith 1992). In the YOT teams in England and Wales, however, the dominance of the police, although an initial concern, proved largely unfounded and was not a major problem, with, in fact, youth justice workers becoming the dominant culture (Burnett and Appleton 2004). Molyneux (2001) identified the lack of dominance of one profession as crucial in facilitating good partnership working, which in respect to youth offending may prevent responses to crime being dominated by one profession. However, partnerships may also result in a dilution of theory and blurring of understanding, encouraging a drift to an atheoretical corporatist agenda.

Gender and race are areas where tension has also been identified in multi-agency work, creating the potential for discriminatory encounters because groups representing women's and ethnic minority issues are often not included in formal multi-agency forums (Sampson et al 1988; Sampson & Smith 1992). The result of this is that informal networks have been built up that cut across the more formal initiatives. While informal networks can be important, it is in the mainstream forums that the decisions will be made and, as Ling (2000) stated, the corporatist agenda favours the strategies of central government and the marginalisation of groups with opposing views. Audit Scotland (2000) found that, despite the guidance issued by the Scottish Executive, minority groups were not represented to the same extent as the

main groups (for example local authorities, police and health) in youth justice decision making at the local level.

Confidentiality issues have also been identified as an area of conflict, which is contradictory to the smooth flow of information that was seen as a positive aspect of interagency work (Smith 2000b). Sampson et al (1988) found that problems were a result of agencies working by different conceptions of confidentiality. The human rights legislation may serve to standardise some of these differences as it becomes clearer what the limits of confidentiality are. Alternatively, increased information sharing may widen the control of young people as a variety of agencies have access to confidential data. Communication and information sharing are closely linked with the potential problem of confidentiality issues, and have been identified as a key factor in the success or otherwise of multi-agency working (Atkinson et al 2002) and multi-professional teams (Molyneux 2001).

The barriers to partnership working that have been identified here can either help to resolve or be the cause of conflict, depending on how the issues are handled or perceived by all involved. Recognition of, and dealing appropriately with, conflict is an important aspect of inter-agency work (Crawford & Jones 1995) and in justice issues it is especially pertinent as conflict is an inherent part of the criminal justice process (Sampson et al 1988; Pearson et al 1992; Smith 2000b). The eradication of conflict may in fact not be a desirable outcome and conflict should not necessarily be considered as negative (Sampson et al 1988; Sampson and Smith 1992) because it *“may be the healthy and desirable expression of different interests”* (Crawford & Jones 1995:31). Crawford and Jones contend that an important factor in inter agency relations is the way in which any conflict is subsequently managed and regulated, and that avoidance of conflict can create many problems itself. Other findings suggest that many

practitioners were aware of the possibility of conflict and that there was inevitability to it, although there was also a feeling that it could be resolved (Gibbs 2001a).

The various studies referred to in this section regarding barriers to effective partnership working have usually focussed on multi-agency partnerships (strategic or operational). While many of the barriers do seem to cross this definitional boundary it may be that barriers operate differently depending on the type of partnership and at what level in the organisation they are located. An example of the latter seems to be the issue of communication, which although a potential problem in a multi-agency partnership appears to improve where different professionals are operating within the same team (Cook et al 2001).

Much of the pre 2000 research investigating multi-agency work in crime and justice focussed on partnerships and inter-agency working where the focus was on organisations working together across professional, and sometimes ideological boundaries, while remaining in different service delivery teams. The focus of more recent research, especially in the area of youth justice (Cross et al 2003; Burnett and Appleton 2004; Bailey and Williams 2000 Holdaway et al 2001), has been on multi-professional teams where various professions work in the same team.

Multi-professional teamwork

Payne (2000) describes 'multi-professional teamwork' as a pattern of:

“Collaboration between people in regular working relationships concerned with the same group of clients. Often they are people from different professions or people with different tasks within an agency work group.” (Payne 2000:27).

Aspects of multi-professional teams that have been identified as improvements on other patterns of working include bringing together skills, sharing information, achieving continuity of service, apportioning and ensuring responsibility and accountability, coordination in planning resources and coordination in delivering resources for the benefit of clients (Payne 2000). Additionally, the multi-professional team offers an immediate exchange of knowledge, ideas and skills (Atkinson et al 2002), decision making can be improved (Cook et al 2001) and provision can become more client-focussed (Lowe and O’Hara 2000).

However, there is an assumption that multi-professional teams will always work more efficiently, when in practice this is not the case (Farrell et al 2001), and there are few studies that investigate multi-professional teams that fail (Freeth 2001). An important issue for multi-professional teams is the clash of cultures that may ensue (Irvine et al 2002), with resultant disagreements and discussions of roles and responsibilities. Within YOTs in England and Wales, Burnett and Appleton (2004) identified the blurring of roles and agency boundaries as problematic because workers were seconded and sometimes professionally managed outwith the team.

Notwithstanding some of the problems, and issues of definition, in many respects multi-professional teamwork can be seen as an extension, or the pinnacle, of partnerships and inter-agency working, to meet policy objectives that otherwise may result in organisations pursuing their own priorities (Payne 2000). While multi-professional teamwork has its origins

in healthcare (Payne 2000) and there is a long history of partnership and multi-agency working in criminal justice (Crawford 1997; Gibbs 2001a), the multi-professional team approach in crime and justice arenas, involving various professions in one service delivery team, is a relatively new phenomenon. In England and Wales the multi-professional youth justice team is now enshrined in legislation (Crime and Disorder Act 1998), where it is a legal requirement for local authorities to have in place teams including personnel from police, probation, social services, education and health. It remains to be seen if this policy initiative is, like in the health service, seen as “*indiscriminately*” (Irvine et al 2002:208) encouraging teamwork with little evidence of viability because:

“It should not be assumed that instructing workers to collaborate with each other in the interests of those they serve will be sufficient to bring about effective teams able to improve services” (Irvine et al 2002:202).

With the establishment of YOTs the government has demonstrated a commitment to multi-professional teamwork as the future for youth justice in England and Wales. Regarding their efficacy in preventing offending, the results to date are mixed (Holdaway et al 2001; Feizler et al 2004) even though the Youth Justice Board (2004a) was clear that strong youth offending teams prevent offending. Mixed findings reflect the views mentioned earlier about the lack of empirical evidence about partnerships (James and Bottomley 1994; Ling 2000). However, Holdaway et al (2001:114) did conclude that “*YOTs have demonstrated the value of joined up working at both policy and practice levels.*” While there is emerging evidence regarding the ability of multi-professional teams to address offending by young people it is perhaps still too early to state they are more effective in reducing offending rates, or if any success is actually due to the multi-professional aspect of the teams.

PARTNERSHIP POLICY IN SCOTLAND

As discussed in Chapter Two, youth justice policy and practice in Scotland diverged from that in England and Wales during the 1960s following the publication of the Kilbrandon Report. Since that time, youth justice (Smith 2000a; Whyte 2004b) and, to a lesser extent, criminal justice policies (Barry 2000; McIvor 2004; McNeill 2004) have followed a much more welfare oriented approach than England and Wales, located, as they are, in the local authority social work departments. However, as in England and Wales, the election of the present Labour government in 1997, followed by the Scottish Parliament elections, have heralded a move towards justice systems encompassing the corporatist, managerial agenda:

“The Government are committed to an inclusive approach to criminal justice. This relies on successful collaboration between Government, the professionals upon whom the system relies and the communities and individuals who make up Scotland today. Partnership at all stages of the process – from the protection of the public from those who commit crime; to prevention by tackling circumstances that encourage crime in the first place; to support for victims of crime and for offenders who are prepared to change – is the key to the Government’s approach” (Scottish Office 1999 section 4.1).

This message was reinforced by Jim Wallace, the then Deputy First Minister and Minister for Justice, in his foreword in the 2001 white paper ‘Making Scotland Safer’ in which he stated:

“Our aim as an Executive is to promote the safety and security of individuals and communities. But this is not a task for the criminal justice system alone. The reduction

of crime and the promotion of a responsible society is an objective to which a wide range of agencies and influences contribute: our schools; parents; the press; our social policies designed to create opportunity and employment” (Scottish Executive 2001d:1).

Reference to responsibilities, partnerships and communities are clearly evident in these policy statements which, although not aimed at youth justice specifically, created the wider policy foundations that became evident in the 2000 Youth Crime Review (Scottish Executive 2000). These statements also resonate with the content of the Kilbrandon Report (SHHD 1964) forty years ago, which also talked about working together to help and support young people. Partnership working has for many years been a cornerstone of Scottish policy, it is the managerial aspects of it in an increasingly punitive atmosphere that is new.

Youth justice provision is located in the wider government initiatives to improve communities across Scotland through Community Safety Partnerships. Since local government reorganisation in 1996 all Scottish local authorities began developing Community Safety Partnerships, the majority of which have been set up since 1998 (Audit Scotland 2000). ‘Safer Communities in Scotland’ (Scottish Executive 1999a) contained detailed guidance for their successful implementation and subsequent policy guidelines have been clear in the need for youth justice policy to link in with the wider Community Safety Plans:

“...we recognise that no one agency or organisation has all the answers, so the formation of powerful yet practical partnerships provides the means for sustained involvement from all members of our communities and the agencies which serve these communities” (Scottish Executive 1999a: foreword).

The partnerships established in Scotland were intended to create safer communities through the involvement of public organisations, the private sector and voluntary bodies. This was to include the involvement of four key statutory agencies, the local authority, police, health and fire service but with consideration also given to the private sector, voluntary sector, racial equality / community relations council and housing associations (Scottish Executive 1999a). Reducing crime, fear of crime and anti-social behaviour featured highly in the range of community safety problems needing to be addressed (Audit Scotland 2000), with auditing and effective management being key factors in meeting these needs (Scottish Executive 1999a).

The policy framework in these documents reflected the corporatist managerial agenda of the Labour government in England and Wales stating that “*effective partnerships have been recognised as a central mechanism for improving safety and reducing risk in communities*” (Audit Scotland 2000:1). A review of progress across Scotland found that Community Safety Partnerships were developing but were at different stages and were struggling to move from strategy into planned, programmed preventive work connected to mainstream service delivery (Hewitt et al 2004). Despite these struggles partnership rhetoric has increased and there has been an introduction of youth justice initiatives that have mirrored, to a certain extent, developments south of the border, which may indicate the belief that the English and Welsh initiatives are seen as positive models (Burnett and Appleton 2004; Fullwood and Powell 2004).

Operational partnerships in youth and criminal justice

In Scotland, within youth and criminal justice systems, partnership arrangements have been much in evidence at a local and national level for a number of years with Sacro, NCH, Barnardo's and Apex being particularly prominent. These voluntary sector agencies have provided a number of services in conjunction with local authorities for both young people and adults involved in offending behaviour. In the criminal justice field the partnerships between some local authorities and Apex has been a reasonably successful one on a national basis regarding Supervised Attendance Orders (Levy & McIvor 2001). The Getting Best Results⁴² criminal justice policy had a number of pathfinder projects, in different areas of the country, where good practice was being actively promoted through additional resources (Scottish Executive 1999b; 2001b; 2001c). The pathfinders in some areas involved partnerships between different agencies, for example the Glasgow City Council, NCH and Apex arrangements (see Barry et al 2002). Local authority criminal justice social work services at present work closely together regarding the funding of services following the Tough Options review (Scottish Office 1998b) and a current consultation is seeking to create other partnerships to develop criminal justice services further (Scottish Executive 2005e).

Specific to youth justice the Freagarrach Project (Lobley et al 2001) in the Forth Valley area, and the CueTen Project (Lobley & Smith 1999) in Fife are both positive examples of inter-agency working in the youth justice field.⁴³ These projects have specifically been mentioned by government as demonstrating the advantages of co-ordinated inter-agency working (Scottish Office 1999). The partnership project in Glasgow between NCH, Apex and

⁴² Getting Best Results was a policy initiative established by the Scottish Executive to promote the 'what works' agenda in Scotland.

⁴³ The Freagarrach Project is discussed in Chapter Four. The CueTen Project was based in Fife working on employment related skills.

Glasgow City Council has been found to be successful in engaging with and reducing the offending of young people (Barry et al 2002). Sawyer (2000) reported on a multi-agency project in Fife involving Sacro, the local Reporter's office, police and social work department that had strong support in the local area. The history of partnership working in youth justice in Scotland has provided some evidence of positive outcomes and it is set to continue as a central feature of Scottish Executive policy.

21st century youth justice partnership policy

The 21st century policy initiatives for dealing with young people commenced with the publication of 'It's a Criminal Waste' (Scottish Executive 2000), which detailed government expectations of the various agencies involved in youth justice service delivery. Clearly identified in this review was the need for strategic multi-agency teams to co-ordinate services for young people involved in offending behaviour. Decisions about actual representation, and links with Community Safety Plans, were left to the local areas dependent on need, although the review suggested that:

"Representation should be drawn from the following agencies: social work, education (including community education), housing, leisure and recreation, police, health, children's reporter, procurator fiscal, voluntary sector organisations, panels, courts, prison" (Scottish Executive 2000:8).

Since the Review was published in 2000 there have been a number of policy documents and audit reports that have continually pointed to the need for partnership approaches and improved management to deliver effective youth justice services. The Audit Scotland (2001)

report was explicit in the belief that the effectiveness of the youth justice system would be enhanced by performance audits concentrating on processes and financial arrangements. Most of these processes related to the 'outputs' rather than the 'outcomes' (Garland 1996) and are an indication of the managerialist agenda for economy, efficiency and effectiveness with which audits are linked and which form the mainstay of present youth justice partnership policies.

Scotland's Action Programme to Reduce Youth Crime (Scottish Executive 2002d) further encapsulated the corporatist managerial agenda by identifying as one of its key areas the further development of the community safety programmes and of closer links and working arrangements between various agencies including social work, education, youth work, mental health and leisure. National Standards for Scotland's Youth Justice Services were introduced in 2002 with Cathy Jamieson, the then Minister for Education and Young People, clearly stating that *"all agencies have a responsibility to work together to deliver the changes needed to meet the Standards"* (Scottish Executive 2002a:1).

There is little doubt that in Scotland there is a clear commitment from the Executive to further promote partnership working to reduce the number of young people involved in offending behaviour. Statements in the various policy documents suggest that the Executive's agenda for youth justice is built on the 'Third Way' approach of New Labour with, in addition to the focus on partnerships, an increase in auditing and managerialist approaches. Partnerships in youth justice in Scotland may not be as formalised as in England and Wales but they are being encouraged as part of Scotland's modernisation. There has been no legislation in Scotland to dictate the composition of service delivery teams in a similar way to the YOTs in England and Wales, although multi-professional operational teams are now

becoming more common. Instead guidance has been limited to the possible composition of local youth justice strategy groups, even then without the force of legislation.

To date the Scottish Executive has also avoided the overly punitive rhetoric emanating from England and Wales, although it is increasing (Whyte 2004b). Despite constant reference to responsibilities and dealing with young offenders appropriately, within the same documents there has been some commitment to an inclusive youth justice policy taking account of the needs of young people. Whatever the rhetoric of the Executive, a commitment to a welfare model has been reiterated conclusively by those involved directly in work with young people (Stevenson and Brothie 2004) ensuring that, at the moment, the welfare / justice debate remains prominent in Scotland as the 'what works' agenda gains momentum.

'What works' in Scotland

In Scotland generally, the debate about what constitutes effective practice has been more low key than in England and Wales, less focussed on cognitive behavioural programmes and more account taken of the wider social exclusion issues connected with offending behaviour (McIvor 2004). The definitions of effectiveness remain more fluid and promote the relationships aspect of the work as underpinning effectiveness (McIvor 2004). Sheriffs have also expressed a preference for other intermediate goals as being important when measuring effectiveness (Ford et al 1992). Practitioners are divided between the welfare approach of Kilbrandon and the just deserts and protection agenda (McNeill 2000b) and this has to some extent halted the unquestioning acceptance of the 'what works' agenda that has been evident south of the border. Its uptake was not as pronounced in Scotland as in England and Wales (see McIvor 2004; Robinson and McNeill 2004) and it has been noted that:

“There may still be, in Scottish criminal justice social work, a dissonance between the continuing policy emphasis on tackling offending behaviour to reduce risk and established practices rooted in alleviating needs, whether criminogenic or not”
(McNeill 2000a:6).

There is no reason not to assume that this dissonance is also present in work with young people who offend.

The question of how effectiveness should be measured in the Scottish context has been investigated by McNeill (2000a:6) who suggests that *“uncritical acceptance of re-offending or reconviction...as the primary measures of effectiveness is worth questioning”* reflecting the arguments of Merrington and Stanley (2000). McNeill also asserts that the debate about what is effective practice in Scotland has been muted and centred around efficiency in meeting National Standard deadlines, rather than a focus on effectiveness.

This focus on standards is linked to the increasingly managerialist approach taken by the Scottish Executive towards justice policy. However, unlike England and Wales, developments in Scotland have encouraged a ‘bottom-up’ approach where the emphasis has been on local developments supported by central leadership (McIvor 2004). This central leadership was facilitated by the establishment of the Getting Best Results Steering Group in 1998, and subsequently by various subgroups to address different issues in the evidence-based agenda (see Scottish Executive 2001c; 2001d). Developed in parallel with the Getting Best Results agenda have been the pathfinder providers (see Scottish Executive 1999b) identified as areas of good practice to provide inspiration to other areas. Unlike England and

Wales, with the focus on specific programmes, the initiative sought to develop change across organisations identified as pathfinders, to facilitate good practice at all levels (McIvor 2004).

In Scotland, the initial emphasis was on the development of the ‘what works’ agenda in the adult system. In this respect the youth justice system only began adopting ‘what works’ following the 2000 Youth Crime Review. The National Standards for Youth Justice (Scottish Executive 2002a) are not as comprehensive or prescriptive as the adult standards, although the awaited new version is likely to be more detailed. It may be that the lack of prescription in the Youth Justice Standards allows local services to be developed to meet local need and, like the adult system, Scotland may be spared the centralised and prescriptive aspects resonant of the youth justice system in England and Wales. While it is too early for definitive comments on this, Whyte (2004b) remains concerned about the increasing punitive rhetoric that accompanies policy statements.

The evidence in Scotland regarding effective interventions with young people who offend is limited, but developing. Buist (2004) reviewed a number of projects working with young people involved in, or at risk of, offending behaviour. While not all the projects aimed to address offending, a number of key messages were identified for promising practice.⁴⁴ Buist suggested that efficient targeting, auditing and identifying of cost was required, that projects should be part of wider local authority services and promote a social inclusion approach, evaluation should be in built from the outset, progress should be maintained through other support, there was a need for good communication about the work of the projects and that workers required a range of knowledge and skills to work effectively with the young people. These conclusions appear to identify with a ‘what works’ corporatist agenda, but with a focus

⁴⁴ It is noted this refers to young males as females were poorly represented in the sample of projects.

on integrated, inclusive services. They perhaps indicate a possible future focus for youth justice research in Scotland to develop the knowledge base further, but without concentrating on too narrow an interpretation of 'what works'.

CONCLUSION

Social policy in England and Wales, and increasingly in Scotland, is now linked to the advance of neo-liberal governance following a corporatist agenda (Rose 2000). Crime and disorder, social exclusion and regeneration are the policy areas most closely associated with this 'Third Way' political project of New Labour. While these areas cut across existing policy boundaries within youth justice they are probably more closely linked than in any other policy area (Newman 2000).

This new governance of youth justice supports an emphasis on multi-agency working and evidence-based practice that some have seen as undermining both the welfare and justice conceptual frameworks of youth justice (Muncie 2002; Pratt 1989), with policy being guided by management and organisational theories. This management of crime focussing on value for money, efficiency and 'evidence' concentrates on the measurement of inputs and outputs rather than outcomes of interventions (Garland 1996). Such an approach, concentrating on the management of crime rather than an in depth exploration of its causes or effects, may further contribute to a move away from understanding crime (Crawford 2001), negating the need for a criminological discourse to inform change (Pitts 2001). Indeed, Muncie and Hughes (2002) suggest the policy is in effect a sophisticated, hybrid agenda of youth governance with various discourses competing for different positions which is ultimately a confusing and messy business reflecting Foucault's (1991) paradox of governmentality.

Critics of the 'Third Way' approach to youth crime (see Goldson 2000b; Muncie 2004; Pitts 2001; Smith R 2003) question the ability of the corporatist agenda to tackle youth offending. The 'new youth justice' is viewed as taking corporatist and managerialist concepts further than before (McLaughlin et al 2001), increasing the emphasis on responsibility (Muncie and Hughes 2002), encompassing globalisation through comparative policy transfer (Muncie 2002) and criminological tourism (Smith R 2003), and departing from an informal approach to working with young people (Goldson 2005b).

Other commentators (Burnett and Appleton 2004; Fullwood and Powell 2004; Newburn 2002; Smith D 2003) are prepared to give the benefit of the doubt to the ongoing initiatives to not only reduce youth offending, but also increase the social inclusion of young people. The new approach with a focus on partnerships and the 'what works' and desistance agendas may represent a new challenge for policy makers and practitioners to actually make some difference in the lives of young people and reduce offending rates (Burnett and Appleton 2004), with the injection of much needed cash and resources into a previously beleaguered service (Newburn 2002).

In England and Wales a large amount of funding has been invested in research to investigate the effectiveness of the YOTs at addressing offending behaviour. After some early mixed findings (Holdaway et al 1999; Bailey and Williams 2000) the most recent research from the Youth Justice Board appears to indicate some success in tackling youth crime (Feizler et al 2004) through effective multi-agency partnerships (Youth Justice Board 2004a). Smith (2000b) believes the present corporatist approach to youth crime at least deserves a serious

collective attempt to work in practice because multi-agency working may be positive in certain circumstances.

The efficacy of the corporatist approach to welfare provision in general and youth justice particularly is far from proven, not least because “*there is little evidence of anything*” (Smith D 2003:233). There is scope for much more detailed research that encompasses a wide interpretation of ‘what works’ and what constitutes evidence. This is especially true in Scotland where the populist punitiveness agenda for youth offending has not to date materialised in practice to the same extent as in England and Wales. It may be possible for Scotland to adopt aspects of a corporatist, managerial system where the needs of the young people and the community are not second to the need for savings and cost effectiveness - if these two are not mutually exclusive.

CHAPTER FOUR

YOUTH JUSTICE IN FALKIRK

The preceding two chapters have discussed recent UK policy developments and related theoretical discourses regarding the provision of youth justice services. In Scotland each local authority has been tasked with developing localised responses to youth crime to meet the “*monumental challenge*” (Goldson 2000a:263) facing social work with children in trouble, a challenge which may fundamentally alter youth justice provision in Scotland (Whyte 2004b). This chapter discusses the establishment, strategic background and development of the youth justice arrangements in Falkirk following the Youth Crime Review (Scottish Executive 2000). At the time of writing the descriptions of Connect, Freagarrach and the strategy groups remains accurate.

Youth justice provision in Falkirk has, for a number of years, been focussed on close inter-agency working arrangements identified through previous research (Lobley et al 2001; McIvor and Moodie 2002) and in a local youth crime audit which highlighted good local partnership arrangements (Falkirk Council 2003).⁴⁵ Since 2001 youth justice provision in Falkirk has revolved around the Connect and Freagarrach projects who, in partnership with children and family and criminal justice social work teams, have delivered the majority of youth justice services. Connect, a multi-professional team part of Falkirk Council social work services, has been operational since 2001 after being established as a response to the Youth Crime Review. The Barnardo's project, Freagarrach, has been in operation since 1995

⁴⁵ The Lobley et al (2001) evaluation provides a detailed account of the Freagarrach project. Since mid 2004 Freagarrach Falkirk has operated as a separate service to the Forth Valley Freagarrach and unless stated otherwise all references in this thesis are to the Freagarrach Falkirk project.

working with young people identified as persistent young offenders at high risk of reoffending.⁴⁶

STRATEGIC MANAGEMENT

The Forth Valley Youth Justice Strategy Group (formerly the Forth Valley Young Offender Strategy Group) has been in operation since 1995.⁴⁷ Established initially to provide strategic direction for Freagarrach, which was operating across the Falkirk, Stirling and Clackmannanshire Council areas at the time, the group developed into the multi-agency youth justice strategic group that the Scottish Executive (2000) Youth Crime Review recommended each Council establish. It closely resembles the co-ordinated delivery and strategic coordination models of multi-agency practice described by Atkinson et al (2002) and Payne (2000) in Chapter Three.

The group comprises senior managers from Falkirk, Stirling and Clackmannanshire Councils, Central Scotland Police, the Scottish Children's Reporter Administration, Forth Valley NHS Board and Freagarrach, Aberlour and Apex voluntary organisations. It provides strategic direction to youth justice projects across the Forth Valley and while it does not have direct fiscal or managerial responsibility for the youth justice projects in Falkirk there are representatives on the group with that responsibility. The historical multi-agency collaboration in the Forth Valley reflects findings from research identifying a long history of collaboration and partnerships in the health and social care settings (Payne 2000; Gibbs

⁴⁶ While Connect is the primary focus of this thesis, the partnership arrangements with Freagarrach regarding referrals and close working practices at the interface of the Children's Hearings and Criminal Justice Systems necessitated detailed discussion of its role. Sacro also provided services to young people involved in offending behaviour in Falkirk, through the restorative justice project, although its role was less prominently acknowledged by respondents in this research.

⁴⁷ The establishment and early development of this group is detailed by Lobley et al (2001).

2001a), although new policy initiatives mean these partnerships are now becoming more formalised.

The youth justice strategic framework in the Forth Valley mirrors a number of the YOT areas of England and Wales where steering groups established across local authority boundaries plan the coordination of services and the sharing of good practice. Purchasing of services and sharing of information are described as potential benefits for these ‘federal’ models (Holdaway et al 2001). In the Forth Valley area there have been joint training events for youth justice workers across the three councils (notably risk assessment training), and in the joint purchasing of the police information system (Central Scotland Police covers the same boundaries). The police information system allows daily information about new charges to be passed directly to the youth justice projects regarding young people they are working with, providing the young person has signed a consent form.⁴⁸

In Falkirk the Youth Justice Strategy Group (formerly the Youth Justice Management Group) is a multi-agency forum comprising of first line managers from a variety of organisations involved in the delivery of services to young people. The group has included representatives from children and families social work, education, health, police, leisure services, corporate services, Victim Support, Matrix, Cluaran, Connect, Freagarrach, and the Reporter’s service.⁴⁹ The group *“has strategic objectives in relation to delivery of youth justice services in the Falkirk Council area and also provides a conduit for information to and from the Young Offenders Strategy Group [sic]”* (Falkirk Council 2004a: 16). It is publicised as a group that serves as a direct contact between the Forth Valley Strategy Group and the staff

⁴⁸ The consent form is signed by the young person, and their parent / carer if appropriate, consenting to the youth justice projects receiving and passing on information about subsequent charges / convictions, up to a period of two years after contact with the projects has ended. The system is the follow up to the TRACE system described by Lobley et al (2001).

⁴⁹ Matrix (see McIvor and Moodie 2002) provides services for young people under the age of 11 who may be at risk of offending behaviour. Cluaran provides a service for young people to the age of 16 who may be at risk of exclusion from school.

who have daily contact with young people (Falkirk Council 2004a) and deals with many of the strategic issues that arise regarding youth justice throughout Falkirk.

Strategic plans for services for young people who offend in Falkirk are detailed in the Forth Valley Criminal Justice Strategic Plan 2002-2005 (Clackmannanshire, Falkirk, Stirling Council 2002) and Falkirk Council Children's Service Plan 2002-2005 (Falkirk Council 2002). References to youth justice in both plans reflects the fact that nationally it is unclear exactly what age group youth justice policy is aimed at. Youth justice provision in Falkirk is located in the wider children and families services in the Housing and Social Work Department reflecting the Executive's direction for "*integrated children's services at a national and local level*" (Scottish Executive 2002a: 2). Within Falkirk an updated integrated children's services strategic plan is presently being rewritten to further reflect the multi-agency nature of the work.

A key feature of close multi-agency working arrangements in Falkirk regarding young people has been the roles of the Education and Social Work Liaison Officers. These two posts are unique to Falkirk Council and although funded by the social work and education departments the workers are located permanently at the office of the Reporter to the Children's Hearings. The main aims of the posts are to assist the Reporter in making appropriate disposal of cases, to provide an early short-term intervention to divert children from a formal hearing and to improve information sharing and liaison with partner agencies. Half of the referrals to the Social Work Liaison Officer relate to offence grounds and there is substantial contact with the Connect and Freagarrach projects. The Education Liaison Officer serves on a number of committees and steering groups including the Falkirk Youth Justice Strategy Group and the Youth Justice Referral Group.

CONNECT

“Connect is a multidisciplinary team offering services to young people who experience difficulties in relation to substance use and/or offending behaviour in the Falkirk Council area” (Falkirk Council 2004a).

Connect was initially envisaged as a young person’s drug and alcohol service following the commissioning of work by the Forth Valley Substance Action Team and the Forth Valley Young Offenders Strategy Group to consider the extent and nature of substance use in the Forth Valley area by young people. Following a lengthy process of funding applications Connect was established in mid 2001. The establishment of Connect as a project for both young people aged 12-18 experiencing substance use problems and young people who offend, was made possible through creative use of various funding streams, including the Innovation Fund, Rough Sleepers Initiative, Youth Crime funds, Community Care funds and the Changing Children’s Services Fund (Falkirk Council 2002). This innovative use of various funds was cited as a good example of creative use of resources in forming multi-agency partnerships (Scottish Executive 2001b) and was instrumental in the development of the multi-professional aspect of the team.

The type of service delivered and method of intervention developed over the history of Connect as a result of changes in policy, locally and nationally, and increases or decreases in funding from various sources. Most of the funding now comes from Falkirk Council’s youth justice children’s development service fund. This allows for specific posts to be filled taking greater account of local need. One main source of funding has allowed the standardisation of

data collection, permitting a focus on monitoring and evaluation information, rather than collecting data to meet the funding requirements.

Following a busy and challenging year in 2001-2002 establishing the service, the subsequent two years were a time of consolidation in raising the profile of the project and developing service delivery taking account of local audits and the changes in staff composition. The aims and objectives of the service have evolved over the last three years, partly due to the changes and increase in staffing levels allowing for a greater range of services to meet varied needs that were not reflected in the original aims. The most recent aims are detailed in the 2003 Annual Report (Falkirk Council 2004a:5):

- To reduce the impact of offending behaviour by young people in the community
- To reduce the harm associated with substance use
- To work with young people in a manner consistent with the United Nations Convention on the Rights of the Child as adopted by the UK Government in 1991
- To assist young people to balance their rights and responsibilities as they mature
- To develop young people's skills and confidence enabling them to make positive choices that reflect their rights and responsibilities
- To provide an evidence-based service utilising all available resources taking account of lifestyle, race, gender and cultural background and ensure involvement with the individual, family/carers and significant others
- Connect acknowledges that there are inequalities relating to young people and we strive therefore to balance the competing demands in all areas of a young persons life

Diversion from prosecution in the criminal justice system for 16-18 year olds constitutes a slightly distinct service receiving referrals directly from the Procurator Fiscal. Since becoming operational until the end of 2004 Connect had received a total of 439 referrals to its various services, of which thirty four (8%) were assessed as not suitable. Ninety-nine of these referrals were diversion from prosecution cases.

In relation to substance use the Connect project fits into tier two / three of the Forth Valley Substances Action Team tiered approach to substance use (www.forthvalleysat.co.uk). This tiered approach is a multi-agency response to substance use that allows for a variety of pathways into treatment depending on drug use and method of administration. Connect fits into tier two through offering education and prevention work, group work, harm reduction and individual counselling, but can also link into tier three through being able to prescribe methadone in conjunction with Community Alcohol and Drugs Service (CADS).⁵⁰

In relation to offending the Connect project has drawn on a range of offence-focussed resources based on a variety of cognitive behavioural programmes. These include the 'Fired Up' anger management programme, 'Targets for Change' offence focussed programme and the 'Offending is Not the Only Choice' package.⁵¹ Over its history a variety of interventions have been provided to young people and their families, for both substance use and offending behaviour referrals and many of the young people were joint referrals to each aspect of the service. The interventions aim to be compliant with the 'what works' and desistance principles of effective practice with a particular emphasis on multi-model delivery (Andrews et al 1990; Lipsey 1995) and engaging young people who may otherwise prove difficult to

⁵⁰ A practice nurse in the team was the qualified link nurse to appropriate medical treatment.

⁵¹ Fired Up is a Youth Justice Board / Mental Health Media / Dawson Films (2003) visual aid for use in anger management courses. Targets for Change, developed by Nottinghamshire Probation Service is a resource pack of different materials based on 'what works' (it was not initially designed for young people). Offending is Not the Only Choice (Youth Version) is a problem solving programme developed by the Cognitive Centre Foundation for use in Scotland.

engage (Trotter 1999). Attendance at Connect for young people under the age of 16 has always aimed to be on a voluntary basis with the consent of the young person. For young people over the age of 16, while voluntary attendance was preferred, the nature of the work in the court system necessitated young people being accepted occasionally as a condition of a probation order.

The services at Connect are provided by a multi-professional team with a focus on partnership working to address the needs of young people. Since its inception the team has comprised of professionals from health, social work, community education, residential social work and the voluntary sector. At the time of the fieldwork interviews the team comprised of:

- One team manager – (social work)
- Two senior workers – (social work and nursing)
- Three social workers – (one employed as a programme development worker)
- One community education worker
- One low risk / early intervention worker (community education and residential child care background)
- Substance practitioner (nursing background)
- Two administrative workers

Senior management responsibility for Connect rests with the Criminal Justice Service Manager who has youth justice as part of her portfolio. The Forth Valley Youth Justice Strategy group, although having an overview of the project and being fully aware of its development, has no direct responsibility for the team as the varying operational and management arrangements in the local councils preclude this line of responsibility. Similarly

the Falkirk Youth Justice Strategy Group also has no direct responsibility for the management or operational direction of Connect.

Immediately prior to and following its establishment, strategic policy for how the project would work was constantly evolving. Most of the policy development, liaison and advertising was co-ordinated by the team manager at the time, and Burnett and Appleton (2004) have noted the importance of having a committed and visionary manager at the beginning of a new service. The manager, with other team members, embarked on a series of roadshows and promotions to various local organisations who could potentially refer young people to the new project. No referrals to the project were taken for the first six months to facilitate this. This strategy reflected, at the time, the Scottish Executive policy of flexibility as to how youth justice arrangements should develop locally.

FREAGARRACH FALKIRK

Freagarrach was established in 1995 by Barnardo's to deliver a service to 12-16 year olds involved in persistent offending behaviour across the Forth Valley area. The age group was expanded in 2000 to include up to 18 year olds. In April 2003 the Falkirk and Stirling (Stirling covers Clackmannanshire) sites became two separate projects and Freagarrach Falkirk became a stand alone project because it was felt this arrangement could respond more effectively to local need. Previously staff had worked between the projects across the Forth Valley. Over the period since Connect was established until the end of 2004 Freagarrach have worked with approximately 120 young people.⁵²

⁵² This figure was obtained by combining approximate figures from the annual reports (Barnardo's 2002; 2003; 2004).

The aim of the Freagarrach Falkirk project is:

“To reduce and ultimately stop the offending behaviour of 12-18 year olds who are at risk of being removed from their communities due to the frequency / severity of their offending” (Barnardo’s 2004:3).

Freagarrach provides a multi-modal individualised programme to meet its aims and objectives which include six main areas of work. These involve a specific focus on offending behaviour, family work, constructive use of leisure, education / employment, victim awareness / reparation, self and health. An action plan is developed following an Asset assessment identifying how these areas of work will be undertaken. A variety of methods are used during the programme including worksheets, games, discussions, activities, groupwork and family networks.⁵³ As the young people are generally at high risk of reoffending there is a high intensity of contact, usually three times a week for up to 12 months. This level of contact was found to be beneficial for the young person (Lobley et al 2001) and concurs with the higher level of contact identified as necessary when working with persistent and higher risk young people (Lipsey 1995). In addition to the main service Freagarrach provide an aftercare service to support young people in desistance from offending.

In most cases referrals come from a social worker and attendance is voluntary, albeit within a supervision order. Increasingly young people are being referred under statutory orders from the adult criminal justice system. At the time of interview the team comprised of a Children’s Service Manager, a Senior Practitioner and four project workers, all social work trained,⁵⁴ and two administrative staff. The project is based at Weedingshall a former young person’s

⁵³ Lobley et al (2001) provide a comprehensive description of the Freagarrach Falkirk project.

⁵⁴ A social work qualification is not a prerequisite for project workers.

residential unit in Falkirk. More recently, volunteers have been recruited to work in partnership with the permanent staff to deliver the appropriate services to young people.

CONNECT AND FREAGARRACH INTER-AGENCY PARTNERSHIP

The Youth Justice Referral Group (YJRG) was the most recent and central addition to the multi-agency arrangements in Falkirk. It was established in September 2003 to offer a single point of access to Connect and Freagarrach and *“to overcome some of the confusion regarding Connect’s referral criteria and specifically its fit with Freagarrach’s referral criteria”* (Falkirk Council 2004a:13). The YJRG has developed closer inter-agency (Crawford 1997) partnership working between Connect and Freagarrach, manifesting itself in joint-working a small number of cases, co-working sessions with field social workers, attendance at court and children’s hearings and liaison with a number of agencies (eg housing and health).

The YJRG is a multi-agency forum with representatives from a range of agencies including police, education, children and families social work (chair), Reporter’s service, Connect and Freagarrach. The group is a decision making multi-agency model of partnership working (Atkinson et al 2002) as it decides on a weekly basis the most appropriate project for young people following referral because of concerns about offending and / or substance use. The referral group is also the focus for monitoring and evaluation of the projects.

Following the introduction of the YJRG the demarcation of referral between both projects was set at persistent and /or seriousness of offence. In effect Freagarrach retained its original criteria for working with those young people who were defined as persistent offenders and

also added the seriousness criteria, while Connect worked with young people whose behaviour was assessed as being less persistent or serious.⁵⁵ Referrals to Connect are accepted in relation to young people aged 12 to 18 years who reside in the Falkirk Council area and who experience difficulties as a result of offending behaviour and / or substance use, or whose lives are negatively impacted by the substance use of others. Freagarrach's referral criteria relate to young people aged 12 to 18 years old involved in persistent offending behaviour and / or who may be at risk of being accommodated because of their behaviour. The referral criteria for both projects have remained flexible depending on the circumstances of the young people referred.⁵⁶

As will be discussed in Chapter Six, the differentiation between the projects regarding referrals was not always straightforward. The first YJRG evaluation (Falkirk Council 2004b) indicated that a number of young people identified as persistent had been allocated to Connect staff, while Freagarrach were working with young people who were not identified as persistent offenders.⁵⁷ It is also worth noting that young people exhibiting sexually aggressive behaviour have usually been referred to Connect regardless of persistence or risk level.

Protocols for inter-agency working between Connect and Freagarrach and partner agencies within the youth justice setting were constantly developing, and there was no agreed model of practice as to how work was allocated or managed amongst the agencies. Statutory responsibility and therefore case management responsibility notionally rested with the social work teams although, as discussed in Chapter Eight, there were concerns about the role of case manager. However, there were some young people who did not have an allocated social

⁵⁵ The definition of what constitutes 'serious' remains problematic and was the subject of much debate at the YJRG and within the projects.

⁵⁶ The Matrix project accepts referrals on younger children up to the age of 11 who may be at risk of offending behaviour.

⁵⁷ 15% of the referrals to Connect and 78% of those to Freagarrach were identified as persistent in the YJRG database. It is not known if the non-persistent cases at Freagarrach fitted the 'serious' criteria.

worker, in which case the Connect or Freagarrach worker generally became the key worker taking on a 'case management' role. Practice was flexible and variable regarding actual management of the case. In some cases the social worker continued to work closely with a young person, either co-working with project workers, or working on other criminogenic needs, while in other cases the project workers provided most of the input for the young person.

Contribution to regular training events for panel members and other partners, and consultation with other agencies regarding youth offending issues, also identified the two projects with the consultancy and training model of multi-agency working (Atkinson et al 2002). Staff at Connect also organised a regular practitioners' forum for the sharing of good practice and seminars inviting experts in the field of youth justice to inform practitioners of practice and research developments.

Referral to the YJRG ⁵⁸

The referral procedure was detailed in a leaflet distributed by the YJRG and usually commenced with a telephone call to either Connect or Freagarrach where basic, standardised details were collected on a form designed to complement information collected by an Asset assessment. Unless a referral did quite obviously not meet the criteria these details were circulated to referral group members for their regular weekly meetings where decisions were made as to which service best met the needs of the young person on the basis of:

- Information contained on the referral form

⁵⁸ This description details the procedures at the time of the fieldwork interviews. Procedures are constantly developing.

- Information provided by the police relating to the number of previous episodes of offending
- Information provided by education services relating to the young persons attendance and performance at school
- A judgement related to the nature and intensity of service required.

Referrals were taken from a variety of sources, including self-referral from young people and their families. This wide variety of sources was identified as being beneficial as it resulted in increased access to the services (Falkirk Council 2004b). Nearly 80% of referrals were in fact from within the social work department. Over the period from 1 September 2003 to 31 December 2004, 178 referrals were made to the YJRG, involving 136 (76%) males and 42 (24%) females, of which 20 (11%) were deemed not suitable by the group. The age ranges of the young people, extracted from the YJRG database covering the above dates, are detailed below in table 1. One hundred and twelve (18 non offenders) young people were subsequently referred to Connect (81 males, 31 females) and 46 to Freagarrach (37 males, 9 females).

Age	11	12	13	14	15	16	17	18
Male	5	6	16	25	31	23	16	12
Female	0	1	9	7	17	4	5	1

Table 1 - referral by age to YJRG

When deemed 'not suitable' by the YJRG for ongoing work at Connect or Freagarrach advice was provided to the referrer regarding more appropriate services for the young person. Following acceptance by the YJRG a young person was referred to either Connect or Freagarrach, depending on the level and type of offending, for an assessment utilising the Asset tool. The resulting assessment process was expected to take between 4-6 weeks at the

conclusion of which the assessment outcome, together with an action plan if appropriate, was considered again by the YJRG.

The final decision of the YJRG usually involved continuing work with Connect or Freagarrach and allocation to the project worker who undertook the initial assessment. It was rare that a young person was denied further support at this stage. Contact may have included a further period of assessment or commencement of the work identified in the action plan. The YJRG role in terms of the evaluation of the intervention involved a report from the projects to the group at six monthly intervals to ascertain the type and effectiveness of the intervention, or at completion of the input if sooner. Progress was measured and targets monitored in relation to the National Standards for Youth Justice (Scottish Executive 2002a).

DEVELOPMENTS IN 2005

As previously indicated national and local policy is continually evolving and this chapter has described the working arrangements that were evident in Falkirk at the time of the fieldwork for the Connect and Freagarrach projects. Following the completion of the fieldwork, but unrelated to any findings, a review of youth justice provision in Falkirk made plans for a model of practice that focussed on the central role of children and families teams as the major providers of youth justice services. The model is to confirm the retention of statutory responsibility in the social work teams and ensure the expansion of these teams with extra resources and staff to meet the demands of National Standards. There are no plans to have specific youth justice workers in the area teams, as all young people are to be allocated a social worker based on need, not the referral reason. Connect and Freagarrach are to be retained as providers of 'specialist' youth justice provision as described in this chapter.

CHAPTER FIVE

METHODS

The research aimed to establish how the development of a multi-professional youth justice team affected wider multi-agency arrangements, to identify the positive and negative aspects of multi-agency working in the Scottish context and what may facilitate or inhibit effective practice. The perceptions of a number of key service users were central to achieving this. Taking account of the difficulties in defining 'effectiveness' (see Chapter Three) it was not defined in the interview process to allow respondents to formulate their own thoughts on the concept.

This chapter identifies the methodological approach adopted to answer the research questions and details the specific case study methods adopted. It highlights the challenges encountered during the course of this thesis relating to the choice of methods, the professional background of the student researcher and the political context of the research, with the ethical and practical aspects of these challenges prominent. While not an overtly 'confessional tale' (Noaks and Wincup 2004) this chapter is a reflexive account which highlights the challenges of conducting research in the real world. These challenges emanate not only from the theoretical rigor required to undertake social science research but also from the specific nature of the case study located in the particularly vibrant political and media spotlight of youth offending and the professional background of the student researcher. Because criminological research is a social, political and ethical activity, reflexivity is seen as being a vital part of the process (Jupp et al 2000). Reflexivity is the process of reflecting critically on

the self as a researcher (Lincoln and Guba 2000), it takes into account the methods adopted for study and the effect the researcher may have on participants.

The selection of a topic and case to study are the initial starting points for most social researchers, where decisions may be informed by personal preferences, accessibility, previous research experience and funding arrangements. Such intrinsic interest in the case (Stake 2000a) and resultant choices support the view that “*there is no value-free or bias-free design*” (Janesick 2000:385), especially when investigating crime and justice where research and practice is often the result of political and moral choices (Bottoms 2000).

The broad area of interest for the student researcher was the criminal justice system in Scotland, an interest developed from professional training and work experience as a criminal justice social worker in practice, first line management and policy settings. As the research area had already been identified through the collaborative studentship process, and an initial proposal for the research had been accepted, the student researcher was not involved in decisions about the focus of the study at the initial stage, nor privy to initial discussions about how the research role would develop and which methods would be employed.

Social scientists have traditionally approached research from either a positivist epistemological paradigm of scientific enquiry employing quantitative methods of data collection, or from an interpretivist paradigm favouring qualitative methods to gain an understanding of the social world. This simple description of the two epistemological positions belies the complex philosophical and scientific theorising that accompanies the subject. Such theorising is beyond the scope of this thesis but is covered to varying degrees in numerous texts on research methods (Bryman 2001; Denzin and Lincoln 2000; Bottoms

2000), and specifically in relation to social work (Gibbs 2001b; Macdonald 1994; Smith 1987). The discourse is complicated by the ever changing nature of the debate and the development of terminology and thinking (even among the same authors) over time (Gillham 2000).

Methods associated with a positivist paradigm include experimental and quasi-experimental approaches with control groups, surveys and structured questionnaires. Qualitative methods of data collection include in-depth/unstructured interviews and participant observation. Some commentators believe researchers cannot 'pick and choose' methods from positivist and interpretivist paradigms because they are contradictory and mutually exclusive (Lincoln and Guba 2000).

However, these distinctions are increasingly being eroded as researchers employ multiple methods of investigation that are suitable for different ways of understanding the social world. Choice of research methods can be influenced by the distinction between pure or basic research and applied or policy-oriented research (Clarke 2001). Clarke describes basic research as being discipline oriented with an aim of developing a general understanding of human behaviour through empirical enquiry and the application of theory. Applied, or policy-oriented, research is more practical in its use, focussed on utilising research knowledge in a real world setting (Clark 2001),⁵⁹ aligned with the engineering model of research-policy-practice relationships where research is viewed as a technical process in the search for specific solutions to identified issues (Bulmer 1982). In applied research a pragmatic approach to data collection, using multiple methods is now widely employed (Bryman 2001) and identifying oneself with one set of methods is no longer seen as being useful or helpful

⁵⁹ Jupp et al (2000) employ the term 'policy-related' research, referring to research undertaken to help in the formulation of policies and it is this term that is used in this thesis.

(Hammersley 1996; Schwandt 2000). The qualitative / quantitative distinction is sometimes seen as a poor methodological guide for research in the social sciences and increasingly there is a belief that what is required:

“...is a methodologically aware eclecticism in which the full range of options is kept in mind, in terms of both methods and philosophical assumptions” (Hammersley 1996:174).

The present research is predicated on the belief that the methods employed are those that can adequately address the research question, taking a more pragmatic view about utilising appropriate methods and acknowledging the variety of techniques that are available (Symon and Cassell 1998). This position is allied to that of Gillham (2000) who suggests *“you use the methods (and therefore the underlying philosophy) which are best-suited to what you are trying to find out”* (Gillham 2000:5). This ‘technical’ decision to employ both qualitative and quantitative methods to answer the research question acknowledges that while the methods are associated with differing epistemological positions, the strengths of each to answer the research question should be the deciding factor and the relationship should not be fixed and unchangeable (Bryman 2001).⁶⁰

The epistemological and methodological debate has also been prominent in social work (Gibbs 2001b; Powell 2002; Smith 1987; Trinder 1996) and the link between theory and research is a continuing topic of debate in criminology (see Bottoms 2000). Smith (1987) argued that research should be more concerned with process, be more open, participative and pragmatic and that the only prescription should be that evaluation involves a variety of

⁶⁰ The opposing epistemological or paradigm argument sees multi-strategy methods as being unsustainable because of the incompatible epistemological positions underpinning them (Bryman 2001).

research approaches. The thesis adopts the argument that in order to understand the world, especially in a policy-related area, a variety of research methods should be used (Bottoms 2000; Cheetham et al 1992; King and Wincup 2000; Smith 1987), acknowledging that evaluating partnerships often benefits from a mixed methods approach (Scottish Executive 2002h:11).

Layder's (1998) adaptive theory encourages a multi-method approach for analysis of the social world and is particularly useful for criminological research (Bottoms 2000). Adaptive theory is useful for theorising in situations where concepts, events and data collection are ongoing and evolving as in applied policy-related case study research. It can adjust and modify as it:

"..attempts to map some of the lifeworld-system interlocks that form a synthesis of subjective and objective aspects of social life. As such, the form of the theory is both descriptive and explanatory and relies on concepts, networks and conceptual models of the social world which both shape and are shaped by that world.

As a result of these characteristics, adaptive theory should not be regarded as an end-point or definite conclusion to the theory building process" (Layder 1998:175).

The Connect project and wider policy had 'objective' realities, detailed in guidelines and annual reports, which were independent of any person's attempts to understand them (Layder 1998). The subjective aspects of people's perceptions and understanding of the Connect project and wider policy, and how this was then translated into practice, constituted the primary focus of the research. This relates to the complex relationship between human agency and structure (Giddens 1984), and within youth justice especially the implementation

of policy is an ambiguous co-existence between the actual policy guidelines and how various professionals seek to interpret them (Eadie and Canton 2002).

ETHICAL RESEARCH

“Ethics is about the standards to be adopted towards others in carrying out research” (Jupp et al 2000:171) and due to its fundamental importance it will be returned to throughout this chapter in relation to specific circumstances. Criminological research does not operate in a political and moral vacuum and is shaped by the political context (Hughes 2000; Noaks and Wincup 2004) and the values of the researcher (Janesick 2000).⁶¹ In the first instance the primary political and ethical context for the present research was the funding provided by Falkirk Council, in addition to the main funding by the Economic and Social Research Council. This raises the question of whether the supplementary funding provided an expectation about the research or its outcome. Although a collaborative case studentship, the funding invites comparison with issues raised in relation to any funded research because *“taking funding from someone in order to conduct research is not a neutral act”* (Cheek 2000: 412). It entails obligations on both parties, with potential pressure on the researcher to reach the ‘right answer’ (Mair 2000; Noaks and Wincup 2004) and, as Cheek (2000) highlights, funded research does not merely refer to the provision of financial support for subsistence, travel and other expenses. In this research help was also provided in other ways by Falkirk Council with technological equipment and support facilities normally only accessed by employees of the Council, not least the support of administrative staff.

⁶¹ Noaks and Wincup (2004) develop discussion around definitions of the term political.

Having a field supervisor from the non-academic agency, in addition to two academic supervisors, was agreed at the outset. Fortnightly to monthly meetings with academic supervisors were supplemented by quarterly meetings with both academic and field supervisors. The remit for quarterly meetings was to discuss progress of the research (not technical and methodological issues) in addition to any practical difficulties encountered. From a student researcher's point of view this increased the amount of supervision sessions, but proved invaluable in ensuring smooth progress, connecting the theoretical and practice aspects of the research and discussing any possible ethical issues in a wider forum.

Despite the potential for difficulties involved in a collaborative case studentship, including the control of the direction of the research and dissemination of information and findings, no problems were encountered that would have compromised the independence of the research. A personal dilemma related to the different presentation skills required to present findings to an academic and a practice audience. Discussion with academic supervisors helped the student researcher to verbalise these dilemmas and achieve an approach that addressed these concerns. This involved being clear about the amount of interim findings released prior to a final analysis of the data.

Intellectual property rights and ownership of data were clarified at the time of the research proposal, followed shortly afterwards by the question of anonymity of the organisations involved. Falkirk Council, Connect and Freagarrach were the named organisations and all had no problem with being identified in the final thesis. However, identifying the Council and certain projects created an additional challenge of maintaining confidentiality in relation to individual participants, a point returned to later.

Bearing in mind the potential expectations of a funder, at no point was any attempt made, by the council or individual projects, to influence what should be included in interviews or what findings should or should not be included. This was especially important as the design developed from the original proposal away from a quantitative approach, favoured by policy makers (Jupp et al 2000; Mair 2000), to one involving qualitative methods and analysis, due to the developmental nature of the project in the case study. Qualitative methods facilitated the answering of the research questions but could not provide any quantitative ‘answers’ about effectiveness of the project. This change of focus in the research was accepted by the council as a necessary development because of the changing nature of the particular project and was left to the discretion of the student researcher.

CHANGING FOCUS – DEVELOPMENTS IN POLICY AND RESEARCH DESIGN

Adopting an adaptive theory approach, and the absence of any ideological commitment to a particular paradigm of enquiry, was instrumental in allowing a reassessment of the appropriate methods of enquiry as “...over the course of the project, the focus of [my] research activities shifted and altered in response to a range of influences” (Innes 2001:213). These influences included the constantly developing youth justice agenda, the fluctuating nature of the local multi-agency arrangements, the ever-changing needs of the young people, access issues and also the increase in the student researcher’s knowledge relating to the subject and research experience. The development of the research in response to the emerging agendas would have been more difficult if one epistemological and / or methodological paradigm was favoured.⁶²

⁶² Appendix 4 details the chronology of the research, policy and practice process.

The youth justice arrangements in Falkirk at the time of the original proposal differed from those at the commencement of fieldwork. In turn, the services provided by Connect and Freagarrach developed differently from their original aims and objectives in response to emerging policy. This resulted in the original proposal - to evaluate the effectiveness of a project at the interface of the Children's Hearings and Criminal Justice Systems in diverting 16 and 17 year olds from the criminal justice system – submitted prior to the student researchers' involvement, becoming untenable. Firstly, the Connect project was established with new funding necessitating a wider focus than 16 and 17 year olds (see Chapter Two), and subsequently policy initiatives and practice issues heralded the arrival of a wider remit for both Connect and Freagarrach. There was no new initiative or programme in local youth justice arrangements that was sufficiently developed to allow 'evaluation' employing a more quantitative analysis as detailed in the original proposal.⁶³

What developed were local arrangements where the multi-professional team of Connect, and the Freagarrach project, became the focus of Falkirk Council's multi-agency youth justice arrangements (Falkirk Council 2003). These policy developments resulted in a change in the focus of the research to examine the establishment and development of the new multi-agency arrangements for youth justice. In practice the adaptability in the research design complemented the developing policy process and enabled a comprehensive case study that identified many points of interest for policy makers, stakeholders and researchers relating to youth justice developments in Scotland. Swinkels et al (2002) have suggested that it should be accepted in social care research that regular policy changes require rigorous methodological approaches that can respond to changing policy directions.

⁶³ In criminology and policy-related research it is often suggested that more credence is attached to quantitative research of this nature (Jupp et al 2000).

The primary aim of the research was to establish how the development of a multi-professional youth justice team affected the wider multi-agency partnership arrangements in Falkirk in relation to those young people at the interface of the Children's Hearing and Criminal Justice Systems. Within this additional objectives were to:

- Examine the learning and development of a multi-professional team in the Scottish context
- Identify the positive aspects of multi-agency working, what was working well and identify any difficulties professionals were experiencing in this joined up approach
- Identify those factors that facilitate or inhibit effective practice at the interface
- Gain an understanding of professionals' perceptions about national and local youth justice policy and how this was being translated into practice
- Establish to what extent an evidence-based, 'what works', approach had been implemented across Falkirk

The policy developments in Falkirk and the subsequent change in research design illuminated a problem that policy makers face in that they should *"...not take for granted that what was intended to be established or put in place through a policy initiative will be what one finds after the implementation process is complete"* (Rist 2000:1009).⁶⁴ This aspect of the study was one of the major challenges during the period of the research and highlights a potential difficulty of being overly constrained in the choice of methods when engaged in policy-related research.

⁶⁴ Identifying when the implementation process is complete is another question and one that will vary between different policies.

As discussed above, the research methods employed in this study were neither grounded in the epistemological perspective of the student researcher, nor a predetermined approach to best meet the needs of the funders (Noaks and Wincup 2004). The subject matter indicated a case study approach that has been described as a choice of what to study by whatever methods, rather than a specific methodological choice (Stake 2000a). The methods of data gathering were those employed to provide the richest analysis of the topic. Before looking at the particular methods a brief understanding of how this research constitutes a case study approach will be discussed.

RESEARCH IN CONTEXT – THE CASE STUDY

“Case studies are the preferred strategy when “how” or “why” questions are being posed, when the investigator has little control over events, and when the focus is on a contemporary phenomenon within some real-life context” (Yin 1994:1).

A case study design is a framework of investigation that is used extensively in the social sciences and practice oriented fields like social work (Yin 1994) and is often the preferred method of research because it is in harmony with the researcher’s experiences (Stake 2000b). A case study often refers to a unit of human activity embedded in the real world, which can only be studied or understood in its present context, a context where precise boundaries are difficult to draw (Gillham 2000). There are no preconditions to what actually constitutes a ‘case’, a location, community or organisation can be the focus of studies (Bryman 2001).

Despite this tentative definition of what constitutes a case there is little agreement about the overall definition of a case study from a methodological standpoint (Stake 2000a). While Yin

(1994) and Stake (2000a) suggest that quantitative and qualitative methods of enquiry can be used in a case study (albeit with the description provided by Yin pointing to the ‘scientific’ rigour of the method), Gillham (2000) points to case studies as benefiting from adopting a more qualitative approach to the gathering of ‘evidence’ and moving away from a scientific quantitative methodology because in the real world experimental scientific studies are “*ill suited to the complexity, embedded character, and specificity of real-life phenomena*” (Gillham 2000:6).

Stake (2000a) describes three types of case study. An intrinsic case study aims to achieve a better understanding of a particular case rather than its representativeness for other cases, although generalisations can be made from it. Instrumental case studies focus on a particular case to provide generalisations to other cases, and a collective case study involves studying a number of cases to achieve a better overall understanding or theory. The present research initially identified with an intrinsic case study because the non-academic partner was interested in a better understanding of a particular project (the case), although the generalisation of the research findings was a major consideration from a wider academic perspective and for the Scottish context.

Collaborating through action research

Brief mention is made here of action research as some of the practical aspects of the research encompassed features that are attributed to such an approach. Action research is not easily explained as it encompasses many types of study and methods (Kemmis and McTaggart 2000; Bryman 2001) although it has traditionally been utilised with disadvantaged or disempowered groups or organisations (Greenwood and Levin 2000; Kemmis and McTaggart

2000) and with educational research (McNiff and Whitehead 2002). Action research is also often associated with practitioners, political activists or staff in an organisation being responsible for undertaking the research (Zuber-Skeritt 1996), removing the distinction between researcher and subject (McNiff and Whitehead 2002). It is the recognition of this latter point that has precluded the identification of action research as a major methodological framework in the present research. The student researcher was independent of the organisation although, as will be discussed later, this distinction was perhaps blurred at times because of the professional background.

Collaboration between researcher and researched in identifying problems or issues and developing solutions means the action researcher is more actively involved in the application of the research, with resultant benefits for the organisation as changes can be implemented before the research is completed (Avison 1997). This cyclical process linking theory and practice, with knowledge and understanding from the research process being applied immediately, was the defining feature of the present research. The student researcher was actively involved in feeding back ongoing data, which was particularly important as Falkirk Council were keen to generate findings regarding the development of youth justice services and the Connect project. An early example of the collaborative nature of the research was the suggestion made to Falkirk Council about the difficulty of employing various risk assessment tools for young people, a point which was noted and changes were implemented (see Chapter Two).

METHODS – IMPLEMENTATION FROM THEORY TO PRACTICE

“Generally, the researcher gathers information or data up to the point where she or he either has enough to supply answers to the questions that originally prompted the research, or has enough to test-out or produce a theory or explanation to account for the data” (Layder 1998: 46).

Case studies are synonymous with using multiple sources of evidence to arrive at a fact or theory (Yin 1994) and Gillham (2000) views a case study as a ‘main’ method within which different ‘sub-methods’ are used. The length of the study and how much needs to be understood about the case are complex decisions and ultimately *“what is necessary for an understanding of the case will be decided by the researcher”* (Stake 2000a:441). What guides the researcher will of course be informed by previous theory and research but also by what the ongoing study identifies as important. In adaptive theory (Layder 1998) the deductive and inductive processes are central to the methods employed and in taking these issues into account cognisance should be taken of the fact that:

“In the real world evidence is of various kinds and none of it is perfect....[so] the case study researcher must strive to keep an open mind, to go on looking for data, deferring analysis until the array is comprehensive (and you don’t stop completely even then)” (Gillham 2000:12-13).

While the areas known to be important in multi-agency offending work were identified by a literature review focussing on the corporatist governance of youth justice in a managerialist framework, established criminological theories were drawn on to locate findings in their

theoretical context. Left realist criminology (see Matthews and Young 1992; Young 1997) is critical due to its influence on the political landscape of contemporary youth justice policy with an emphasis on multi-agency work. Aspects of labelling theory (see Becker 1963; Lemert 1972) were important in understanding the findings in relation to participants' dissonance between working within policy guidelines and not stigmatising young people by drawing them into the criminal justice system. Attempting to understand how professionals translate policy into practice, and their understanding of the roles of organisations, was an important factor that influenced the drafting of the interview schedules, where care was required to phrase questions that did not merely elicit answers reflecting official policy (see Appendix 5).

Emanating from this theoretical understanding of the context of the present youth justice system in Scotland the methods employed in this study were part deductive in attempting to apply previous knowledge to a particular policy arena, and part inductive reasoning to explain the 'Scottish version' of multi-agency working in the local setting. This adaptive approach of theory generation in a practice setting is commonly used in criminological research and has helped to stem the criticism that policy-related research ignores theory (Bottoms 2000). Adopting an adaptive approach to theory generation ensures the value of previous research in focussing the choice of research methods while allowing new theories to evolve from the study (Layder 1998).

Validity, inferences and generalisability

The unique nature of each case study ensures difficulty in replication as they comprise of *"...so many individual descriptive and conceptual components that replicating it on a piece-by-piece basis would be a major undertaking"* (Schofield 2000: 71). The reflexive account of

the research process is therefore “*an essential element of doing research*” (Jupp et al 2000:169) because it allows readers to consider questions about the internal validity of the conclusions, enables informed judgements to be made about whether the results are useful for understanding other cases, the external validity or generalisability (Schofield 2000), and highlights any ethical issues. There is much debate about whether the results of case studies can be generalised to other cases, not least because of failure to meet necessary methodological requirements for generalisations (see Gomm et al (eds) 2000). However, even the most sceptical commentators recognise it is possible, albeit with the replacement of generalisability with the term ‘fittingness’ (Lincoln and Guba 2000). Stake (2000b:19) also believes that ‘naturalistic generalisation’ is possible from case studies because recognising the similarities of cases in and out of one particular setting allows a “*natural basis for generalisation.*”

Case studies can make inferences about other populations providing the limitations of these inferences are carefully noted (Gomm et al 2000), and while the issues covered in this section relate to the research in Falkirk some issues will be pertinent to future studies in Scotland. While this chapter is a personal reflection on the research process, with experiences that are unique to the student researcher and the specific case, drawing on theoretical frameworks and challenges faced by previous case study researchers illuminates the description and contextualises the research.

Initial access

Initial access arrangements at Falkirk Council had previously been agreed with the major gatekeepers via the studentship process.⁶⁵ The initial proposal agreed in principle for access to staff, documents and statistics at the Council. It also provided initial agreement for access to young people at the youth justice projects, subject to further informed consent from those likely to be involved. As access from the main gatekeepers does not necessarily imply continued access, gaining informed consent was an ongoing process (Noaks and Wincup 2004), which, as it transpired, continued to the final part of the process and writing of the thesis and was particularly problematic regarding young people.

While the main gatekeeper was employed by Falkirk Council as the Criminal Justice Service Manager, and arranged access to council information at the initial proposal stage, the research design necessitated contact with professionals from outside the employment of the council. This entailed additional formal representations to a number of professional bodies seeking permission to interview their members, which have not been identified to maintain confidentiality. In practice this involved a lengthy process (at least six months) of contact by letter and e-mail before access was granted. Due to the ever increasing number of Scottish Executive sponsored research projects one organisation refused 'officially endorsed' access, although permission was given to approach members on an informal basis. In another organisation permission was granted for interview access providing no additional statistical data was sought that was not previously in the public domain. In practice these restrictions did not compromise the research, but did provide an insight into the politics of the research process where officially sponsored government research was the main priority for some

⁶⁵ Gatekeepers - *"Those individuals in an organization...who have the power to grant or withhold access to people or situations for the purpose of the research"* (Hughes 2000: 239).

organisations. In the present climate of economy and efficiency it is understandable that government research is the main priority, although this may question the independence of, and limit, research which does not arrive at the 'right answers' for renewed or increased funding.

Within Falkirk Council access to young people and their project case files proved to be a challenge via the next level of gate keeping - the project worker. Initially it was envisaged that information from personal files and reconviction data would enable the research to evaluate the effectiveness of any interventions in respect of an experimental group compared with a control group, information supplemented by the views of the young people obtained at interview.⁶⁶ In the first instance project workers were requested by the student researcher to initially approach young people they were working with, with a view to obtaining consent for interviews and access to files. The workers were provided with a consent form for the young people, and parents / carers if required.⁶⁷ As identified above the variety of methods employed were 'technical' pragmatic choices to address the research question while also facilitating a triangulation of the evidence.⁶⁸

Document analysis

The use of documentary material, in conjunction with the developing knowledge from other data collection techniques, enabled the Connect project to be located in a physical, historical, political and economic context (Stake 2000a) at the outset. Documents were employed in various ways, foremost as supporting evidence in the triangulation process while continued

⁶⁶ As discussed above organisational changes and youth justice developments in Falkirk meant that interventions were too idiosyncratic and evolving so quickly they negated the possibility of an in-depth investigation following this type of design

⁶⁷ The fact that the student researcher was based in the project meant that the workers were familiar with the focus of the research and able to obtain the initial informed consent from the young people.

⁶⁸ The collection of similar information from various sources to aid internal validity and generalisability of findings (Cheetham et al 1992).

access, aided by the collaborative nature of the research, was useful towards the conclusion of the research as additional material became available to describe the ongoing policy developments.

“Documents are things that we can read and which relate to some aspect of the social world” (Macdonald 2001:196) and include a wide variety of material. The analysis of documents and records has a long history in social research and is important as a tool in triangulation and in its own right (Macdonald 2001), being relevant for an understanding of both processes and outcomes (Cheetham et al 1992). Hodder (2000) identifies the difference between documents prepared for personal reasons and official records, the latter which are often more difficult to access by the social researcher.

A wide variety of documents were consulted during the research process, some available for public access at the time including strategic policy documents, annual reports, a local youth crime audit and a strategic policy evaluation framework. Other records not in the public domain included minutes of meetings, original funding applications and Council and project statistical databases (anonymised).⁶⁹ There was no predetermined sampling design to access certain documents. As the research progressed and familiarisation improved appropriate records were identified in line with the theoretical sampling theory of the adaptive approach. This indicates that new data can be progressively included in the sample as the collection and analysis of data generates the need for inclusion of additional material (Layder 1998).

⁶⁹ Some of these may become available under the new Freedom of Information (Scotland) Act 2004

Statistical databases

The secondary analysis of statistical databases and returns facilitated a broad descriptive overview of the characteristics of the young people attending the youth justice projects, mainly in relation to age, gender and identified risk levels. There was limited use of statistical data in the research and where accessed it was utilised for illustrative purposes (see tables 1 and 2) and to provide additional triangulation evidence. The database for the YJRG (held by Connect) provided the majority of the statistics that are referred to throughout the thesis. Additional statistics were obtained from various other databases that had been established by Falkirk Council to provide statistical returns to the Scottish Executive. The statistics used in the thesis generally relate to approximate percentages obtained by manually counting occurrences under each category. While the databases were not complete, especially with missing information from when they were first established, the YJRG data provided the most comprehensive information as triangulation evidence for many of the points raised by interviewees. Further statistical information was provided by the various annual reports of both Connect and Freagarrach and initial quantitative data regarding tentative reoffending rates of young people was obtained via the YJRG evaluations (Falkirk Council 2004b; 2005). Throughout, the limitation of secondary statistics is recognised with relation to the possibility of missing or incorrect data (Cheetham et al 1992) and it is acknowledged the statistics can only form part of the triangulation evidence.

The various documents and statistical databases accessed during the research provided additional evidence and illustration for further understanding of the experiences of the respondents in the study. Individually their use would have been limited as most were written for a specific audience and context (Macdonald 2001) so that there was no 'original' or 'true'

meaning to these texts (Hodder 2000) outside of this context. With respect to the minutes of Connect's development meetings the contextual and literal understanding of these would have been severely limited if the student researcher had not been embedded in the team and present at many of the meetings. Speculating for future practice it may be interesting to note if minutes will be produced differently to facilitate new access arrangements introduced by the Freedom of Information (Scotland) Act, enabling minutes to be easily understood in context without extensive knowledge of the subject.

Accessing documents and Connect databases was not problematic, another process aided by the collaborative nature of the research and the student researcher being 'accepted' as a member of the project. At no time was permission to access council documents refused and research and information services, and administrative staff at Connect, were particularly helpful in accessing databases and generating secondary statistics. The quality and usefulness of the statistical returns and databases was variable and the variable data sources resulted in some discrepancies in statistics because of missing and incomplete data. Access to first generation data like the Asset forms would have been preferable, but as discussed later consent from young people to access personal data proved elusive.

Observation

The 'constancy of presence' (Burnett and Appleton 2004) of the student researcher at Connect, and aspects of design adapted from action research, involved an observational component to the research, although participant observation was not the primary method of data collection. Its use initially was for familiarisation in the setting and the student researcher being accepted by the project staff (Bryman 2001). As the research progressed,

observation facilitated the development of appropriate interview questions (Cheetham et al 1992).

A log was kept during the research which was employed initially to record general ‘thoughts and feelings’ and observations. It was not a detailed recording of daily activities or conversations between student researcher and staff at Connect. In addition to serving as a reminder of some of the issues to discuss in interviews the log allowed for methodological and analytical notes to be combined, forming the basis of this reflexive account. At the mid point of the research these notes were collated into a word document, although the ongoing nature of the research and data collection (Gillham 2000; Layder 1998) meant that additional material was included during the writing up process.

Systematic participant observation may have resulted in a very different research experience and perhaps a less ‘open’ relationship with the agencies involved. Observation may also have generated different data, alternatively it may have made respondents in interviews more guarded. Ultimately ethical practice required that Connect staff especially were clear that they were not being observed in their daily practice. It would have been ethically unacceptable to begin taking surreptitious fieldnotes having been accepted as a ‘member’ of the team through the original research proposal with no mention of this. The utilisation of ‘covert’ observation is the subject of much debate in social research, although Wardhaugh (2000) suggests that any observation is merely on a continuum of overt-covert, and ultimately it was the student researcher’s decision that any systematic observation of daily practice would have been ethically unacceptable.

In the first year of the research, while the student researcher was also involved in research training at university, attendance at the Connect project was one day a week on the team meeting day. Involvement with team development meetings during this time was, in reality, a combination of observation and action research. The project staff were in the early stages of their team's development and they were eager to remain informed about wider youth justice developments and research regarding multi-professional teams. While attendance at these meetings was constructive, and aided the familiarisation process, it was ironic that by the time the actual interviews commenced virtually all of the team had moved on to new posts. This necessitated a further familiarisation process with the new team members although by that time, for good or bad, the student researcher was accepted as part of the team.⁷⁰ By the time the fieldwork started and there was more regular attendance at the project the student researcher's name was included in all 'team' correspondence, information and e-mails. As time progressed and new team members arrived who were unfamiliar with the student researcher's role, more care was needed to avoid "*over identification with the project and stepping beyond predetermined responsibilities and roles*" (Cheetham et al 1992: 45), all of which meant continually redefining and revisiting the ethical standards regarding role and position in the team.

As agreed in the original research proposal, the collaborative aspect of the studentship also included attendance at training and development events which were relevant to the research. These included attending formal risk assessment training and the development of an evaluation framework for youth justice.⁷¹ Attendance at training events and workshops was again a hybrid of observation and action research as some included planned contributions

⁷⁰ At one point during the research process only one team member had been at Connect longer than the student researcher. A difficult position for the student researcher both in terms of defining the role and maintaining independence.

⁷¹ Falkirk was one of the pilot areas for the 'Decider' youth justice evaluation framework (see CJSWDC 2004)

about the research experience, while others required impromptu contributions following specific questions.

Invitations to attend team building away days were declined. While these may have provided more insight into the bonding of the multi-professional team, it was felt inappropriate to attend, not actually being a 'real' member of the team. This avoided over identification and allowed the student researcher to maintain independence as much as possible. Towards the conclusion of the research, occasional development days were attended by the student researcher (outdoor activities excluded), when attendance was requested by the Connect manager who believed sharing the research findings to date would be useful in planning future developments of the project.

Other observations during the research included attendance at a number of strategic and practice meetings. Attendance at the YJRG was purely observational to aid familiarisation with the processes and contextualise information collected from interviews. Attendance at the Falkirk Youth Justice Strategy Group was also observational, but again included some contribution regarding the nature of the research and some interim findings. Attendance at both groups also provided an additional gate keeping contact through group members for future interviews.

Interviews

Interviews are among the most widely used methods of data collection in the social sciences and are a versatile approach for research because of the different types which include questionnaires, structured and semi-structured / unstructured interviews (Baker 1997; Rubin

and Rubin 1995). The type of interview style will be determined by the information required and / or the epistemological position of the researcher.

Utilisation of in-depth interview as the primary tool for data collection facilitated detailed exploration of meanings, perspectives and experiences in relation to the research question. *“Each individual has his or her own ... individual perspective on the world”* (Fontana and Frey 2000:668) and it is this individual world view that was considered to be important in understanding the processes involved in the development of multi-agency youth justice responses. It is unlikely this perspective would have been uncovered by a more structured interview technique.

Holstein and Gubrium (1997) refer to in-depth interviews as enabling understanding of the ‘whats’ and ‘hows’ of the situation. The ‘whats’ refer to substantive information about specific questions and the ‘hows’ refer to the interactional and contextual nature of the situation. Attention to both of these in the research process ensures a clearer understanding of the case than a simple description of the findings and may also facilitate deductive and inductive theorising (Holstein and Gubrium 1997; Layder 1998).

The choice of interview as the predominant data collection method was also guided by the fact that observation of practice and analysis of documents alone may only have focussed on practice that reflected guidance issued in local standards and guidelines. In-depth interviewing of the key stakeholders allowed a more detailed understanding of how professionals interpreted and implemented policy into practice, providing further insight into the relationship between agency and structure (Giddens 1984) and the defining of roles.

Sampling procedure for interview subjects

As part of case study methodology the process of interviewing was “*enormously time consuming*” (Gillham 2000:61) and, as Gillham suggested, it was apparent that as a lone student researcher, interviewing all of the people involved with the youth justice projects was unrealistic. The sampling of interview candidates in case studies has been the subject of controversy due to the difficulty of identifying interviewees, obtaining agreement and access. The result being that rarely is a random selection of the population obtained, although Adams (2000) has suggested this is not necessary due to the qualitative nature of the research strategy. The sampling procedure was again adapted from the theoretical sampling approach described by Layder (1998). Interview subjects were identified progressively as the research developed in relation to gaining increased understanding of the operation of Connect and selection of those informants through which the multi-agency arrangements could best be understood (Stake 2000a).

As Connect constituted the major focus of the research it was important to interview all project workers and managers to obtain a wide variety of views. Beyond Connect, professionals closely involved with referrals (see appendix 6) and daily contact with the project were the next priority as they were more likely to have experience and direct knowledge of the project. Staff at Freagarrach were especially pertinent to this because of their close working arrangements with Connect. It was also important to obtain a managerial and / or strategic view of the youth justice system and therefore interviews with strategy group members were included. This sample of interviewees was able to provide a cross section of experiences relating to working in a multi-agency setting and their perceptions of the effectiveness of this.

As young people should be an integral part of the partnership (Gibbs 2001a) interviewing them sought to elicit their views on their experiences at the individual projects rather than an overall reflection on the partnership arrangements. Focussing on the young people's experiences of the youth justice projects and partner agencies it was envisaged there would be little or no sensitive topics to be covered, although one has to be alert for this probability. Confidentiality of all respondents was a key feature of the research and was especially important for this group of young people already labelled by their involvement in the youth justice system. Records of names were not kept at all for this group of interviewees to avoid the possibility of any breach of confidentiality.

The importance afforded to the confidentiality issue was highlighted to the young people by their key workers at initial requests for consent. It was reinforced at the commencement of each interview, where before signing a consent form the young people were reminded that they could refuse to co-operate, that if they did so this would not affect the service they received, that the interviews were confidential, what the interview data would be used for and that key workers would not be informed of their content. A couple of young people asked searching questions about the research and one enquired at the conclusion of the research why the student researcher had asked certain questions. These questions by young people were interesting in that they identified certain areas that could have been explained better in the first instance, they were an ongoing learning experience for the next interviews. It was also explained to young people about the limits of confidentiality if information was imparted during the interview that put people at risk of harm, although as discussed above the possibility of this was lessened by the nature of the interview questions. In practice young people seemed aware of the limits of confidentiality, attributed by the student researcher to

their completion of consent forms that explained issues of confidentiality at the beginning of their contact with the youth justice projects.

As with the sampling techniques employed for other data collection methods, the selection of young people was subject to the vagaries of the research and the willingness of key workers to continually remember to ask young people. Sampling was affected by access problems and was restricted to those who came to the office for appointments and were identified by the key workers as likely to want to share their experiences. Difficulties associated with obtaining parental / carer consent for the under 16 year olds (key workers having to do the extra home visits) meant that respondents were restricted to those over 16 years of age. Attempts to obtain parental / carer consent from the members of the 'Parenting Programme' as an alternative access technique were not successful as staff members were unable to follow this up in the required time.

A total of forty-six individual interviews and two group interviews were undertaken with professionals and young people. Interviews lasted for between thirty and ninety minutes, a time determined by the knowledge and experience of the interview subjects. As Connect was the focus of the research all nine operational staff members were interviewed. Together with Freagarrach the two projects provided the largest number of interview participants (thirteen in total). From contact with the projects it became clear that social work field teams were providing the greatest number of referrals and therefore eleven social workers and managers were interviewed.⁷² Social work managers were the gatekeepers for the social workers and identified appropriate potential interviewees for the student researcher to contact, initially by e-mail with details of the research and what would be required in the interview process. The

⁷² The YJRG evaluation (Falkirk Council 2004b), published at a later date, indicated that 78% of referrals were from social work teams and appendix 5 figures, covering a longer time period, indicate 68% of referrals were from social work teams.

legal profession provided the remainder of the individual professional interviewees and as indicated earlier were accessed through professional organisations where appropriate.⁷³ All but six of the interviews were recorded and transcribed, four individuals were not recorded (by their choice) and there were two equipment malfunctions. After the first, of five, interviews with young people, recording was suspended due to the problems encountered in obtaining prior consent and the, at times, unscheduled interviews sessions. When recordings were not made notes were taken during the interview, followed later by the word processing of detailed notes.

The two group interviews were conducted on the recommendations of the respective managers who suggested this would ensure maximum co-operation and attendance, as they were undertaken at the respective team meetings. These groups were social work practice teams, one of which was identified by the snowball technique, that is, it was a group previously not considered for interview and was 'recommended' to the student researcher during another interview. As the group interviews took place towards the conclusion of the interview timetable a slightly different format was designed to probe further some of the substantive areas that had been raised at the individual interviews. A decision was made not to request recording of these group interviews due to the nature of the process and having to gain consent from all concerned. Detailed notes were taken during the group interviews and upgraded afterwards.

⁷³ Various professionals are grouped under 'legal profession' to maintain anonymity, further possible identifying details have also been omitted.

Interview design – what to ask⁷⁴

In a case study many of the critical issues may be known in advance and researchers know which events, problems and relationships will be important (Stake 2000). As such a semi-structured, in-depth format for interviewing was appropriate, designed to gather understanding of respondents experiences and perceptions of youth justice arrangements (Fontana and Frey 2000). The directive part (Fontana and Frey 2000) of the schedule consisted of questions, issues and topics identified previously as being important to the research question. Questions were asked in any order depending on how the interview was progressing, or the assessed knowledge (from the student researcher) of the respondent on any particular topic. If a respondent was more familiar with one particular aspect of the topic sharing their experiences in greater detail was encouraged as long as it remained pertinent to the research question. The semi-structured in-depth design facilitated this and allowed for supplementary questions emerging from interview responses. However, as part of the learning process the amount of latitude allowed for the respondents narrowed as the research progressed and the increasing relevance of material became more apparent.

Following a lengthy interview schedule design process, necessitated by the changing nature of the youth justice projects and the research design in the first year, the interview topics were grouped into four substantive areas, informed by the research question and the findings from previous research. These areas included national and local youth justice policy, local multi-agency and partnership arrangements, multi-professional teams and operational aspects of Connect and Freagarrach, which formed the basis of the initial coding for analysis.

⁷⁴ Appendix 5 contains a composite interview schedule.

Operational questions also included references to multi-agency and policy areas to ease the interview process, but were coded under the substantive areas for analysis.

The emphasis on these areas and specific questions differed for each group of respondents as knowledge levels varied relating to roles. Even within each group, knowledge and understanding differed - for example it quickly became apparent that the different roles of children and families and criminal justice social workers meant different understanding of what constituted a 'programme' and what was expected of Connect and Freagarrach. The open ended design of the schedule aided this process, as very quickly after the commencement of each interview it was possible to identify which areas the respondents were familiar with and subsequently focus more, or less, on these.⁷⁵ The interviews, indeed the research design, were not a test of what individuals knew about the partnerships and projects. The student researcher believed that repeated negative responses by respondents, pertaining to their knowledge of different practice areas, may have disrupted the interview relationship through respondents becoming defensive in relation to future questions.

By default, rather than design, the first twelve interviews were conducted before the establishment of the YJRG. While the student researcher had knowledge that the group was being established the exigencies of the services affected the timing of its introduction, over which there was no research control. Its introduction during the fieldwork facilitated some comparison of perceptions prior to, and after, the introduction of the referral group, further highlighting the developmental nature of the policy and research process. Some of the individuals interviewed were, or became, members of the YJRG and three of the Connect

⁷⁵ This is reflected in the findings chapters as the most relevant information for each section came from different professionals depending on their experiences.

staff group were interviewed a second time after its introduction to ascertain their initial views on its implementation.

Challenges encountered during the research process

The major obstacle encountered was obtaining signed consent forms from young people. Over a period of nine months (with regular prompting) five consent forms had been obtained and a change of methods regarding access and consent was required. While key workers at Connect agreed in principle to inform young people about the research and obtain initial consent, in practice this proved difficult. Understandably, this research was not a priority in relation to the myriad of tasks required to be undertaken by workers, which included consent forms for police access to reconviction data in addition to completing forms for the assessment process and various forms to satisfy a variety of funding agencies.

It was apparent that comprehensive information from case files regarding the social characteristics of the young people could not be obtained due to the small numbers of consent forms which were returned. However, as the research developed with a change in design to focus on the partnership and developmental aspects of youth justice arrangements, data about the individual characteristics of the young people became less significant to the research. While access to case files itself did not precipitate a variation in the research design, the difficulty of obtaining consent was a clear reminder of the problems facing researchers in social work and criminology. The student researcher underestimated the challenges faced in obtaining ethically acceptable access to young people as ethical considerations dictated that accessing case files was not possible without prior specific consent from the young people. Young people did sign a general consent form prior to their involvement at both Connect and

Freagarrach, consenting to individual data being collected and used by the projects for a number of purposes, including offending records for research and evaluation. The student researcher felt this was not an explicit consent that covered independent research for this case study.

A limited amount of data about the young people attending the project was accessed anonymously through the Connect database. This secondary information related to the information that had been collated for the YJRG database, and the aggregated data included in this thesis ensured the anonymity of the young people because there were no references to individual circumstances. The aggregated data related to information collated since the establishment of the referral group; previously there was no systematic monitoring of the young people entering the project. As mentioned in Chapter Four data had previously been collected to secure funding rather than as a monitoring and evaluation exercise.

The inclusion of young people in the interview process, as with access to case files, presented many challenges. Similar to case file access, the development of the research question to focus on partnerships and multi-agency working meant that the contribution of young people was not central to answering the research question. It was recognised that eliciting the views of young people in respect of their experiences within the various partnership arrangements would provide a different perspective on the multi-agency aspect of the work than that provided by professionals. However, it was also acknowledged by the student researcher that the experiences of young people were more likely to be limited to one project, rather than any overview of the multi-agency model.

The major difficulties experienced were that of gaining the informed consent of young people to participate in interviews, a challenge that was underestimated by the student researcher, and the failure of young people to attend meetings with their project worker. The number of potential interviews (identified after discussion with the relevant project workers) was twice the actual sample because many young people did not attend their meetings with staff. Unfortunately there was no easy answer to this beyond attempting to rearrange via the worker. On reflection, the student researcher could have been more pro-active in following up potential interviewees with the workers to maximise the opportunities for identifying young people willing to participate.

The change of premises for Connect during the final twelve months of the interview process enabled the student researcher to be at the office on some occasions when young people arrived for appointments (in the previous premises young people were not seen at the office), increasing the opportunities for interviewing young people. This enabled workers to be prompted to request initial consent if it was known young people were due to attend, followed up quickly by interviews if consent was obtained. While this enabled a number of interviews with young people to be obtained the reality was that it was limited to those over the age of 16 as parental consent was not available at such short notice.⁷⁶ Additionally, the situation was uncomfortable for the student researcher as there was a feeling of 'hanging around' waiting to approach young people when they came to the office. Attempts to mitigate this included asking workers ahead of time to speak to the young people and obtain written consent, although this encountered similar difficulties to those mentioned above.

⁷⁶ At this time requests were still being made to workers about approaching parents and young people on home visits for consent for interviews.

While those young people interviewed were unable to provide detailed comment on the partnerships, their views provided additional support for the perceptions of the professionals regarding communication and case management issues, and provided an insight into young people's experiences of practice. Overall the access and interview process with the young people proved a particularly delicate and haphazard process requiring constant redefining of the access issues. It is acknowledged that additional interviews with young people may have provided further insight about the complexity of the multi-agency arrangements.

Analysis

The initial analysis of the interviews, informed by the need to generate initial feedback for Falkirk Council, involved categorising the responses under the substantive areas identified above. This was accomplished manually in the initial stages to facilitate broad feedback. Further analysis was undertaken with the Nvivo software package involving tree coding. Pre-codes were applied relating to the substantive areas identified and informed by previous research. While the pre-coding process facilitated a deductive analysis, ongoing coding as a response to the data generated introduced an inductive process and allowed for the generation of findings and explanations. This was most evident in the area of case management which did not feature as specific questions. Again this adaptive approach proved useful in this policy-related research as the substantive focus of investigation was supplemented by new findings (Layder 1998).

Immersion in the subject

In the initial research proposal it was recognised that the student researcher would be embedded in the Council for a considerable period during the research process. What was not known at that time was where, with whom and what exactly the role would be. By the time the research commenced Connect had been established as Falkirk Council's response to the Youth Crime Review (Scottish Executive 2000) and as Connect was to be, together with Freagarrach, the focus for 'specialist' youth justice provision the student researcher was located in this team. It was also agreed at this point that ongoing findings from the research would be disseminated on a regular basis and there would be a wider contribution from the student researcher to the development of this new team with regards to broader theoretical issues relating to multi-professional teams and youth justice. It is because of the nature of this arrangement that aspects of action research methods have been mentioned as the amount, and nature, of contact exceeded what is usual for most case studies.

The professional background of the student researcher, coming from a practice rather than an academic environment, was a challenge in itself especially being located in a practice team within the Housing and Social Work Department for the fieldwork. This background was perhaps additional to the challenges facing researchers in field settings, as the practice team was aware of the recent practice, managerial and policy experiences of the student researcher. Reiner (2000) refers to this professional background when involved in research as 'outside insiders' and suggests there are some benefits and some negative points regarding this. It was probably most helpful in acceptance by, and familiarisation with, the Connect team at the initial stages of the case study. Daily interaction with team members was not encumbered by a lack of understanding of terms (with social workers at least) and there was also an empathic

understanding of the challenges faced in their daily work with young people. It may also be that the student researcher role, not viewed as a social worker, also helped in relationships with other professionals in the team. Where the professional background was less helpful was that on occasions the knowledge expected of, or attributed to, the student researcher was greater than the reality!

Questions directed to the student researcher were also problematic at times as not only was research knowledge being accessed, there was the additional responsibility of professional and practice knowledge which could not be conveniently discarded or forgotten. As part of the collaborative aspect of the study questions about policy or legislative issues were asked by staff and answered (hopefully accurately). This was not considered to be incompatible with the expected knowledge possessed by a student researcher embedded in a practice team, although in effect it remained an area of uncertainty, not knowing if this constituted overstepping the role. The student researcher's knowledge comprised of professional and research experience and differentiating the source at times was all but impossible. However, all concerned were professional enough not to seek or offer advice regarding specific operational issues, which would have compromised the research position as well as being ethically unacceptable.

Such dilemmas exacerbated at times the duality of the situation as both student researcher and (ex)professional and certainly called for impromptu decision making as no text and guidelines could prepare one for all scenarios (Noaks and Wincup 2004). To aid the ethical aspects of these situations general responses were usually provided, with a proviso to check with their manager, unless it was clear they were questions pertaining to specific cases (very rare), which were sidestepped as tactfully as possible. Care was needed in all situations not to

impart views inconsistent with the role of student researcher. In team meetings, especially when asked to contribute research knowledge, there was no hesitation in making contributions. Overall, as much care as possible was taken to ensure any response to questions or advice was appropriate to the role of student researcher to avoid the possibility of unethical practice.

Perhaps more difficult to work through were the instances where observed practice did not reflect 'best practice' in relation to the substantive research areas, especially regarding the multi-agency and 'what works' discourses. As the collaborative aspect of the student researcher's role may have 'allowed' comment to be made on these matters, action or inaction caused a considerable amount of dissonance. This dilemma became more complicated as some of the initial analysis of the interviews also highlighted concerns from respondents on specific aspects of policy and practice. There were no easy solutions to these situations, which were dealt with on a case-by-case basis. The underlying ethical consideration in these situations was that the student researcher's role was not as a consultant and care was always taken not to overstep the research role. Despite this, the action research aspect of the study and expectations of continuing feedback resulted at times in an unclear demarcation of appropriate and inappropriate comment.

Overall, the professional background of the student researcher seemed to be beneficial to the research role in this particular case study and the collaborative nature of the research enhanced the study and the learning. While past experience may not have smoothed the way for ongoing access (Bryman 2001), it helped in being accepted as a member of the team. The comment 'ivory tower' researchers was heard once at the beginning, following which acceptance into the setting was such that the student researcher was often referred to as a

'member' of the team in introductions to visitors, although the attributed role varied between 'student', 'student researcher' and 'researcher', reflecting difficulties for the team members in describing the role. The challenges of being immersed in a practice team, with past professional experience, should not be underestimated as values and boundaries were constantly being pushed. This is in addition to not being perceived as siding with staff, management, or individuals (Liebling 2001). While daunting at the time, in retrospect these challenges enhanced the research experience, contributed to the reflexive process and brought a perspective to the research that would otherwise have been absent.

Exit strategy

Negotiating an exit from an organisation and fieldwork can be problematic and is a part of the research process that has received little theoretical interest (Bryman 2001; Smith and Wincup 2000). As with other areas of qualitative research there are few clear guidelines to this and it remains the decision of the researcher when to sever contact with the organisation. In this research the decision was complicated by the fact that data collection was continuing to the last, involving document analysis of the developing policy agenda. The difficulties experienced in obtaining consensual access to young people also resulted in that part of the interview process continuing longer than planned. The collaborative aspect of the studentship also necessitated ongoing contact with the organisation with regards to dissemination of findings. In the last year of the research planned contact with the project was reduced to one day a week, which was a similar level of contact to the first year. On occasions there was additional contact regarding ongoing data collection although this was difficult to organise because of the time limits in writing up the findings. This was especially important considering the policy developments regarding the new models for youth justice service

delivery in Falkirk and the drafting of new strategic plans. Overall a clear exit strategy was difficult to adhere to because of the expectation of ongoing disseminating of findings, and in retrospect there were no correct answers.

Dissemination of findings

From an academic aspect the primary output of the research was the present thesis, with work continuing on analysis and write-up until handed in. However, the collaborative nature of the case studentship entailed dissemination of findings at regular intervals during the research process and an understanding of a final report and presentation at its conclusion. The ongoing nature of data collection and analysis associated with case studies (Gillham 2000) and adaptive theory (Layder 1998) resulted in dissemination of interim findings without final analysis and without final confirmation of validity. This in itself may be an ethical and technical issue, but was also a personal issue with potential consequences for the student researcher regarding consistency, as findings were being continually updated and refined after initial feedback had been provided.

Dissemination of interim and final findings does not of course guarantee that the non-academic partner will utilise them in policy decisions, indeed it has been suggested that *“criminological research has little direct, immediate impact on crime and control policy or practice”* (Noaks and Wincup 2004:33). However, utilised or not there was an expectation of this ongoing dissemination and as a student researcher it has been daunting at times during the experience to intellectualise the fact that local policy makers may employ some of the findings in practice before the analysis has been completed. This also relates to the difficulty

in adhering to a clear exit strategy as changes were occurring in local practice to the end of the thesis that had implications for its satisfactory completion.

These personal issues are independent of the challenges faced normally in disseminating research findings. When engaged in close collaborative research involving substantial ongoing contact with members of the organisation the appropriateness of sharing interim findings can be a complicated procedure to reach agreement on. This was probably exacerbated in the present research by the constantly developing policy regarding youth justice, as Falkirk Council were aiming to develop their policy in line with the national agenda but also with regards to best practice locally.

No specific agreements about the form dissemination would take were decided at the beginning beyond the fact that any major issues that could potentially affect the organisation to deliver effective services would be shared at an early stage. Even with this agreement and close collaboration there was, and is, no guarantee that the present research produced 'results' that provided the answers that Falkirk required or would be incorporated into future policy.

In practice, actual feedback commenced after the majority of the interviews with professionals were completed in August 2004. Despite ongoing observation, document analysis and interviews with young people there was an expectation of findings being disseminated at this point. Initially verbal interim findings were shared with the two youth justice projects after a short written report was provided to the field supervisor. Following a more detailed analysis a more comprehensive report was prepared for the field supervisor and findings relating directly to Connect were shared at a team development day aiming to shape

the service and build on the experiences to date. Interim findings were particularly pertinent at this point.

Following the submission of the first full draft of the thesis it was agreed that the student researcher would present the findings in full at a seminar day for all staff involved in youth justice at Falkirk Council. It was felt this seminar would also provide an opportunity for feedback to date on changes and improvements in the projects and multi-agency arrangements since the interviews were completed. As the interviews constituted the major method of data collection and subsequent analysis it was important the final thesis reflected correctly ongoing developments that were not known at the time of the fieldwork, but which had potential to reflect positively or negatively on the substantive findings. At the time of writing no seminar had been arranged and the major feedback had been to the senior management group in Falkirk.

Despite an expectation of appropriate feedback at no time during the dissemination of the findings was any pressure applied to the student researcher by the non-academic partner to change any findings to fit a particular agenda (see Noaks and Wincup 2004). The only major concern, and a valid point recognised by the student researcher, was the evolving nature of the youth justice policy and service provision which meant that some of the issues highlighted in the research had been addressed, or amended, as part of the developmental process. How many of these changes were a result of the ongoing dissemination of the findings was difficult to quantify.

CONCLUSION

While the relationship between research and policy is complex (Clarke 2001), this study is firmly rooted in the area of applied policy-related research with an expectation of adopting some of the findings into future policy. Given the complexity of the relationship between research and policy and practice (Nutley et al 2003) the extent to which the findings will be directly utilised by Falkirk Council is unknown.

The reflexive description of the research process in this chapter emphasises the validity of the findings and the ability to make inferences to other cases that are relevant to the wider policy and practice debate. This reflexive process may also encourage other professionals involved in social welfare provision to enter into the research field, either within their organisation, or by taking a step outside their daily practice. There is little doubt that the research process has been an interesting and rewarding experience enhanced by the collaborative aspect of the study and the professional background of the student researcher. Challenges were frequent during the case study from conception to completion and arose from the methodological rigour involved in the actual research and the personal experiences of the student researcher.

The multi-methods adopted in a case study framework were the appropriate methods to analyse the Connect project and resulted in a study that brought understanding to the complex issue of multi-agency youth justice work in a political and practice environment that differs from the majority of international jurisdictions. This rich understanding was possible because of the immersion of the student researcher in a multi-professional team and the acceptance by the organisation of this additional 'member' of the team for nearly four years. Immersion in

the subject also provided more insight into the complexity and difficulty of engaging with young people who have been excluded from many aspects of mainstream society.

CHAPTER SIX

PERCEPTIONS OF POLICY

(Consensus or disagreement with policy directions)

The following three chapters examine the findings of the research in relation to three broad areas; professional perceptions of national and local youth justice policy, understanding of actual service provision in Falkirk and the experiences of multi-agency working arrangements in the local area. Chapters Six and Seven have substantial crossover as individuals' understanding of, and views on, the local youth justice projects were linked to their perceptions of wider youth justice policy. While the connections between partnership working and overall perceptions of policy were not explicitly apparent, Chapter Eight highlights the inherent difficulties in achieving shared objectives where diverse opinions exist.

This chapter examines the views of professionals about national and local policy, and the position of Connect within these. Given the concerns about the deprofessionalisation of criminal justice work (Pitts 1992) through encroaching managerialism (Tsui and Cheung 2004), professional perceptions on policy developments are likely to give some indication about how policy will be translated into practice which is a combination of guidelines and how professionals interpret them (Eadie and Canton 2002). Beginning with an examination of how respondents viewed youth justice work and the role of National Standards, the discussion then encompasses perceptions of the policy at the interface of the child and adult systems. It is at this transition point that there is particular cause for concern about how best to deal with young people who offend (Kennedy and McIvor 1992; Scottish Executive 2000).

Discussion of the role of diversion, Youth Courts and Fast Track Hearings places the theoretical debate in the contemporary Scottish policy context, with a particular emphasis on the 15 to 17 year old age group who have been identified as a particular cause for concern at the interface position (Scottish Executive 2000).

As discussed in Chapters Two and Three, constantly developing policy has implications for professionals in implementing new initiatives and keeping abreast of the changes. Not all respondents were familiar with national developments and consequently areas of questioning were not pursued if it was clear there was little knowledge of specific initiatives. Lack of knowledge about policy is perhaps an interesting finding in its own right, because the question of how local developments link to broader policy is answered if people are unaware of the wider picture. In such circumstances the concerns about strategic communication referred to in Chapters Seven and Eight become relevant to understanding local policy and practice. Practitioners may potentially be operating without a broader reference point for their work. Unless otherwise stated the responses used as evidence in this chapter were elicited from legal professionals, social workers and project workers.

INTEGRATION OF NATIONAL AND LOCAL POLICY

Paradoxically, since the establishment of a Scottish Parliament the English model for youth justice provision, widely perceived as being more punitive (Bala and Bromwich 2002; Muncie 2002; Pitts 2001), may be becoming more influential in Scotland. Concerns have been expressed about the increased punitive rhetoric associated with policy statements in Scotland (Whyte 2003a; 2004b). This 'populist punitiveness' (Morgan 2004), is explained by politicians reacting to widespread feelings of insecurity about youth offending and then

operating on the basis of spin (Kemph-Leonard and Peterson 2002). Certainly in the lead up to the 2005 UK elections media attention on youth justice in Scotland was widespread.

A number of respondents from various professional groups expressed concern about present developments in Scotland, with specific reference at times to the England and Wales model. This children and families social worker expressed this as *“here we are going down the English route,”* with England perceived as a negative role model. The same worker also asked this rhetorical question in relation to the present youth justice:

“Where do you feel youth justice sits, does it fit with the Children’s Hearings System, or does it sit with criminal justice?”

The question was being raised despite statements from the Scottish Executive that *“specialist services for children and young people who offend are part of a wider network of children’s services”* (Scottish Executive 2002d:5). Such integrated children’s services suggest that young people should be seen as children first (Drakeford 2001) and services made available that meet their complex needs in a broad arena of social policy (Goldson 2005b). However, National Standards specifically for youth justice highlight some of the contradictions in Scottish policy. Youth offending would appear to have been identified as a separate concern, requiring its own standards before the publication of those for other children’s services, and receiving specific funding.

The Standards do indicate that *“all agencies have a responsibility to work together to deliver the changes”* (Scottish Executive 2002a:1), but despite the focus on working together, a number of respondents (generally criminal justice social workers and youth justice project

staff who were familiar with the Standards) believed that too much emphasis was placed on the youth justice projects to provide the services and meet the Standards. As this criminal justice social worker suggested, to meet the needs of the young people *“the youth justice arrangements, the Standards and the way of working with young people, has to be across the board.”*

A member of the Connect team was similarly concerned that:

“There is a danger that you view youth justice as just being the responsibility of ourselves, Freagarrach, and maybe Matrix for the younger people, but I would say that any service working with young people has some sort of responsibility for youth justice.”

As an example of this the limited input of education and housing in working with young people in trouble was identified in the local audit (Falkirk Council 2003). The recent ‘Inquiry into Youth Justice Report’ (Scottish Parliament 2005) also highlighted the focus placed on social work departments for dealing with young people involved in offending.

While the National Standards and accompanying policy documents reiterate the corporate responsibility, their lack of clarity was commented on by a number of people. This criminal justice worker was particularly critical:

“The youth justice standards they were just appalling actually...they were just so amorphous, you know sort of there wasn’t anything...it seems just a useless document.”

Alternately, a number of youth justice project staff viewed the flexibility of the standards as useful in developing services. The fact that they were 'amorphous' was viewed positively, allowing local policy to be developed to meet local need and increasing the discretion of staff (Eadie and Canton 2002), rather than being directed by central government. However, such flexibility can also lead to net widening, especially if services are delivered within the narrow confines of youth justice (Goldson 2005b).

While guidance issued by the Executive (Scottish Executive 2000; 2002a; 2002d; 2004d) promotes integrated working and shared responsibility there was concern about how this is to be achieved, given the lack of clear direction nationally and locally. While some respondents were able to refer to national guidelines, nobody referred to local policy documents. Operational staff were largely unsure of the local wider strategic policy relating to young people and the following comments from project workers and criminal justice social workers were representative of this:

"I'm sure that the great and the good in the form of the young person's strategy group have some kind of overall policy. But that will differ and different people will have different vested interests."

"I have absolutely not got a scooby about the Youth Justice Strategy Group..... I don't think they really know what we're at"

"I think that the higher you go, the things like the Youth Justice Strategy Group, the more meaningless it becomes to people on the ground"

Specifically in relation to the Falkirk Youth Justice Strategy Group this member was aware of its role but believed it was:

“Not really doing what it should be doing yet.....I would say that it’s an information sharing forum rather than a strategic forum. It should really be leading agencies, it should be a strategic directive, you know it shouldn’t just be sharing information between agencies.”

This confusion about the role of strategic management groups is perhaps indicative of the fact that the arrangements in Falkirk have generally been loose partnership collaborations, with agencies working together on long term agreements about coordination and planning (see Payne 2000), rather than any formal contractual agreements.⁷⁷ Confusion and/or the existence of ‘different vested interests’ are not unique to Falkirk. They have been identified as key points in the success or otherwise of multi-agency working and as a potential barrier to successful implementation of policy (Sampson et al 1988; Pearson et al 1992). In England and Wales the Youth Justice Board have recently published guidance for YOTs, stressing the importance of having shared objectives (Youth Justice Board 2004b). While the Scottish Executive have published similar documents (Scottish Executive 2000; 2002a; 2005a) the findings from this research question the extent to which this was recognised and implemented at local and strategic operational level. The confusion and lack of clarity may have reflected communication difficulties to and from strategic management at either Forth Valley or Falkirk level (see Chapter Eight), confused strategy and the complicated nature of the various partnership arrangements at different levels of organisations (see appendix 3), different

⁷⁷ Service level agreements between Falkirk Council and the Health Board (for drug referrals) and Falkirk Council and Sacro (restorative justice) were the only two service level agreements in existence at the time of the field research.

interests, various theoretical understandings about the aetiology of offending behaviour and responses to it - or more likely a combination of all these factors.

POLICY AT THE INTERFACE OF THE CHILD AND ADULT SYSTEMS

Confusion regarding youth justice policy, both nationally and locally, is perhaps most acute at the interface of the Children's Hearings and Criminal Justice Systems. While the Executive statements refer to 'children and young people' (Scottish Executive 2002d:5), most 16 and 17 year olds are routinely dealt with in the adult system and Scotland has a higher proportion of young people under the age of 18 years in secure accommodation and custody than comparable European countries (Buist and Whyte 2004; Whyte 2003b). This is despite the recognition that young people who offend in the 14-18 year age group are a particular cause for concern because of their place at the transition between child and adult systems, and are the subject of much discussion about how best to address related needs issues (Scottish Executive 2000; 2001a; 2003b; 2003c).

Diversion from prosecution

Diversion as a strategy seeks to reduce the numbers of children and young people appearing in court (Goldson 2005b) "*to protect them from the full rigours of adult justice*" (Muncie 2004:268) and should be the main focus of a youth justice system (Muncie 2002). In Scotland the Hearings System represents a diversionary service from the court system for most young people under the age of 16 and some up to the age of 17 (Buist and Whyte 2004). One hundred and twelve young people under the age of 16 had a charge proved in court in 2003 (Scottish Executive 2005b), while 20,370 decisions were made by a Reporter following

referrals on offence grounds (Scottish Children's Reporter Administration 2005).⁷⁸ As Whyte (2003a:75) suggests, "*as a record of diversion from formal criminal proceedings, this is a remarkable achievement in itself.*"

Nonetheless, practice has varied regarding the referring of 16 and 17 years old appearing before the adult courts to the Children's Hearing for advice or disposal (Kennedy and McIvor 1992; Hallet and Hazel 1998). In Scotland in 1993 83 young people in this age group were referred to the Children's Hearings System from court, and while this figure had risen to 210 in 2002 (Scottish Executive 2004b), dropping to 185 in 2003 (Scottish Executive 2005b), whether this increase was due to more young people appearing in court or more Sheriffs referring to the Hearings System is not known.⁷⁹

Young people aged 16-17 years old are one of the specific target groups for diversion from prosecution in Scotland,⁸⁰ described by the Executive as "*the referral of an accused to social work or other agencies when it is believed that formal criminal justice proceedings are not necessary*" (Scottish Executive 2004e). Those cases selected for diversion by the Procurator Fiscal are referred to one of these agencies and prosecution is waived if they 'successfully' complete a piece of work.⁸¹

In Falkirk the diversion from prosecution system was co-ordinated through the Procurator Fiscal, via the court social worker. Following its establishment, Connect worked with a small number of 16 and 17 year olds who were referred by the social worker to the project. Approximately a year after its establishment funding became available, through the Rough

⁷⁸ Reporter decisions cover financial year 2003/04 so are not directly comparable.

⁷⁹ Scottish court statistics do not provide a breakdown of 16 and 17 year olds with a charge proved, only 16-20 year olds.

⁸⁰ The other target groups for diversion schemes are accused with mental health or learning difficulties, drug and alcohol issues and women.

⁸¹ Barry and McIvor (1999) provide a full description of diversion from prosecution in Scotland.

Sleepers Initiative,⁸² for Connect to appoint an early intervention worker to work specifically with diversion cases. Diversion cases were not referred through the YJRG as senior management felt that direct referral, via the Court social worker, was more appropriate.⁸³

Legal professionals believed that the diversion service (not necessarily restricted to 16 and 17 year olds) was important as it represented a saving in court time and provided the opportunity to give *“the individual the type of advice, or treatment which, if it works, will stop the offending pattern.”* Staff at Connect suggested that:

“Diversion is a good way of ensuring there is a therapeutic social work process / involvement. Diversion doesn’t have to keep to the grounds that motivated the alleged offending, you can unearth other issues that may benefit from a social work input.”

They also saw diversion as *“an important part, but not a key part”* of Connect, as it was *“a step aside from the main thrust of youth justice, because we are not necessarily dealing with them in a youth justice framework.”* Connect staff believed the focus of the intervention on diversion was more welfare oriented, rather than involving any offence focussed work, and mentioned the prominence of alcohol in a substantial number of diversion cases. This was often linked to other adverse social circumstances relating to living conditions and relationships, necessitating a focus on these issues rather than the offence. Addressing underlying issues, especially alcohol, has previously been identified as an important component of diversion programmes (Barry & McIvor 1999).

⁸² A strategy to reduce the incidence of homelessness.

⁸³ In 2003 a total of 67 young people aged 16 and 17 were referred to Connect for the diversion service (Falkirk Council 2004).

This welfare approach was reflected in the appointment of a 'diversion' worker to Connect with a community education background, as diversion cases were mainly restricted to young people assessed as a lower risk of reoffending. As one legal professional suggested, *"really persistent offenders who are committing crime almost every day at that age are probably not suited to diversion."*

Some Connect staff expressed concern about how well diversion worked at times with one worker suggesting *"we've had some fairly serious repeat offenders on diversion."* At the other end of the spectrum another staff member voiced concerns about *"getting cases that would otherwise have been no further action on diversion"* and the subsequent net-widening potential of the service (Hughes et al 1998). However, they also offered support for the service due to the fact *"you're avoiding a young person going into a crueller more brutalising system."* Support for the role of Connect was strong amongst criminal justice social workers who believed that it was providing a valuable service as *"there are a lot of young people that are being offered the opportunity to be diverted from prosecution."* In fact, as identified later, the diversion aspect of Connect was seen as its main role by criminal justice social workers.

While Comments about the thresholds appropriate for diversion cases perhaps reflected the overall 'confusing and messy business' of youth justice, generally, diversion from prosecution was perceived by most respondents as a beneficial policy, both nationally and locally, with most reservation reserved for those young people whose offending was persistent. However, it is worth noting that if the theoretical framework for diversion is to reduce the numbers of young people appearing before the court perhaps being identified as 'persistent' should not be a bar to inclusion. There was some indication that the number of

diversion from prosecution cases commenced, for 16 and 17 year olds, increased each year from 2000/01 to 2003/4. How much this was attributable to the development of Connect remains unclear as the statistics made available (from Scottish Executive returns) differed from those held by Connect.

Diversion to the Children's Hearings from Court

A possible diversionary aim of Connect for 16 and 17 year olds, when it was established, was to encourage the use of referral to the Children's Hearing for advice at the time of a Social Enquiry Report. While this did not strictly meet the criteria of diversion from prosecution it was another aspect of a diversionary measure that was available in Falkirk (as it was in the rest of Scotland) to mitigate the effects of the adult system on the young person. As one, and only one, Connect worker highlighted:

"That's what Connect was meant to do. Certainly that was what we were to target with our performance indicators ...that was about trying to encourage and provide supports to social workers to keep these kids in the Children's Hearing."

It was acknowledged that this rarely happened because Connect staff became 'caught up' in other social work tasks, an example provided being writing reports for Children's Hearings. Instead, some young people aged 16 and 17 came to Connect with a probation order, either as a condition of attendance, or a referral from social work staff for extra support.⁸⁴

⁸⁴ Statistical returns for the Scottish Executive, made available for this thesis, indicated that 6%, of a total number of 225 Social Enquiry Reports prepared for the courts on 16 and 17 year olds from 2000 to 2004, contained recommendations for a referral to the Children's Hearings System. These statistics do not provide any indication of the circumstances of the young people or the nature of their offending, which may have affected the decisions of the social workers.

Diversion from a Children's Hearing

Another potential of the Connect project was that of diversion from a Children's Hearings appearance, that is diversion from formal processing (Goldson 2005b). It was highlighted by a Connect worker that the *"Reporter can make a direct referral to Connect and has done so on a few occasions,"* although this was followed with the observation that *"they don't seem to make use of that."*⁸⁵ Another Connect worker suggested that similar to 16 and 17 year olds being on the diversion from prosecution scheme for three months, children under 16 years referred to the Reporter could attend Connect for a similar period, rather than attend a hearing, although it was acknowledged that would entail a *"big change in philosophy of the Children's Hearing."*

Data available for Falkirk for the year 2000/01 indicated that 12% of offence referrals to the Reporter were referred to a Hearing (Audit Scotland 2002),⁸⁶ demonstrating that where possible diversion from formal processing was occurring. It is not clear whether the referrals dealt with by other responses were to other services, no further action, insufficient evidence or measures already in place. How these offence referrals were dealt with is an important facet of the Hearings System because:

"Doing something that conveys disapproval of the act but acceptance and care for the actor stands a chance of making things better.. [because].. aversion to intervention may actually encourage further offending, by failing to convey to the young person that it is unacceptable, and why" (Smith 2000a:15).

⁸⁵ The YJRG database statistics indicate that four referrals to the YJRG were made by the Reporter's Service and one by the police. It is not clear if the Social Work Liaison Officer also made referrals, which would also constitute diversion from a Hearing.

⁸⁶ Nationally 10.6% of decisions for offence referrals were to call a Hearing.

Therein lies the dilemma for the Hearings System. At what point is it prudent to formally intervene and focus on the offending behaviour of a young person, in addition to the focus on wider welfare needs? The recent second phase 'Getting it Right' consultation document for the Hearings System (Scottish Executive 2005a), highlighted the need for more early intervention services to divert young people from a Hearing where possible. However, as discussed further in Chapter Seven, diverting young people to 'specialist' youth justice projects may be more problematic if this labels them as 'offenders' without recourse to challenge the basis of a referral.

The Sacro Restorative Justice Project did provide a diversion service from the Children's Hearings System, receiving referrals from the Reporter when it was considered that restorative justice would be more appropriate for the young person than a referral to a hearing.⁸⁷ There was little indication why a young person would be referred to Sacro rather than the YJRG. It may be that the Sacro service was preferred because it provided a service that 'addressed' the offence by 'allowing' the young person to make amends for their actions. However, despite its reasonably high profile the Sacro service appeared to be operating at the periphery of Falkirk's multi-agency response to youth justice and was not included in the YJRG. The recent restorative justice practice document (Scottish Executive 2005c) may change this emphasis.

The majority of respondents perceived diversion from formal processing (in its many guises) to be a positive policy aim, usually with a caveat for the more persistent or serious offenders. The available statistics for Falkirk provided mixed evidence regarding diversionary practices.

⁸⁷ 63 referrals were made by the Reporter to the Sacro scheme from May – December 2003 (Falkirk Council 2004a).

While most referrals to the Reporter on offence grounds for under 16 year olds were being diverted from formal processing the majority of 16 and 17 year olds were dealt with in the adult system, similar to the remainder of Scotland.

16 and 17 year olds – responsibility or vulnerability

“You hear it in the Children’s Hearings System quite a lot. Well they’re 16 you know, no we’re not going to continue the supervision, they need to take responsibility for their actions.”

This comment by a Freagarrach worker clearly indicates the dilemma facing 16 and 17 year olds in the Scottish justice system as taking responsibility has an implicit meaning to go through the Court system. It is also a dilemma facing professionals working at the interface of the Children’s Hearings and Criminal Justice Systems about how to manage the transition for those young people who continue to offend, and at what age this should occur. There are tremendous professional, theoretical, moral and legal pressures relating to the approaches taken at this transition point, clearly evident in the comments from a children and families social worker:

“You’re sitting with a 6 foot odd laddie at the age of 16 who has persistently broken into people’s houses, caused them a lot of grief, terrorised them and that. It’s really difficult to say let’s take him to a Children’s Hearing and let’s all sit around a table.... You know there’s no easy answer.”

For some respondents, despite the UN definition of a child being up to the age of 18, the age group was perceived as being particularly distinct from the under 16 year olds. As this Freagarrach worker noted:

*“Working with the 16-18s is very different from working with the younger ones. They’re a very distinct group, and as I say some of that is around involvement with the system, the criminal justice system... you know up until the age of 16 you have a lot of things provided for you, whereas a lot of our young people at 16 find that they’re homeless. They’re on benefits, they’re having to manage their own money, or having to manage their own accommodation and all the kinds of structures that they had have all suddenly gone.”*⁸⁸

While the 16 and 17 year olds were often perceived as having these additional needs, it was also recognised that a paradox existed because of the extra responsibility placed on them. As this Freagarrach worker noted, there was an expectation that they *“are generally self-managing young people, or are meant to be self-managing young people”* expected to deal with these issues themselves because they are perceived as being more mature and responsible. However, even with an expectation of self-management and taking more personal responsibility, there were some suggestions that 16 and 17 year olds had involvement with more agencies. As one Freagarrach worker indicated they have:

“..thousands of people involved in their lives. They’ve maybe got a criminal justice social worker, Throughcare and Aftercare worker, somebody from Righttrack, someone from here, maybe a drugs worker from somewhere else, housing officer. You know

⁸⁸ It was also pointed out by criminal justice social workers that 16-18 year olds had additional needs to the over 18s.

there's loads of people and I think sometimes the work with 16-18s is acknowledging for them well how on earth do you know who I'm supposed to be seeing at what time on what day, you know life's just one series of meetings with social workery type people."

The need for collaboration at this interface position is vital to meet the needs of the young people and to address their offending behaviour across both the child and adult systems. The youth justice projects were providing 'offence focussed programmes' (see appendix 8 and page 116) for both under and over 16 year olds, attempting to place their behaviour in the wider social contexts, but with varying expectations from referrers about how much focus a 'programme' should have on offending behaviour, criminogenic needs and consequences for non compliance.

With this recognition of legal and conceptual differences for 16 and 17 year olds there was a divergence of opinion about whether specific services should be made available to this age group. While some respondents felt existing generic services needed to recognise that some needs are different for under and over 16 year olds, and provide services accordingly, others were clear that projects specifically aimed at the 16 and 17 years age group were likely to be more effective and promote an overall welfare ethos for the under 18s.

In Falkirk there has been a specialist Throughcare and Aftercare service for young people leaving care aged 16 for a number of years, although this has not been specifically aimed at people involved in offending. The Aftercare team has dealt with many of the issues facing a young person after leaving care, not least because the young people had left with no other

support after being removed from supervision.⁸⁹ A number of respondents, like this children and families social worker, mentioned specifically the contribution of the team noting:

“Some of the excellent work they're doing with kids. I think like you want to involve that..... I think you need a specialist service definitely because they need so much work.”

The Aftercare Team were working with young people over 16 years of age and providing support for a specific vulnerable group who have been over represented in offending statistics. However, for many respondents the services that were available for young people involved in offending behaviour, especially within Connect and Freagarrach, were working well across all age groups, negating the need for age specific services. The apparent need for multiple services was linked to the political environment by this criminal justice social worker who thought:

“It's always attractive, maybe especially to politicians, to say well we've got one agency to deal with drugs and one agency to deal with 16-17 year olds and so on, you can get too many of these different things together”

There was no general consensus expressed on the issue of specific services for young people at the transition age of 16 and 17. The Connect and Freagarrach projects working with 12-18 year olds were viewed positively in this respect, which suggests again that professionals in Falkirk viewed the transition point from the child to adult system as an anomaly. Nationally,

⁸⁹ The new legislation for care leavers from April 2004, contained in Supporting Young People Regulations (2004), should ensure that all young people looked after and accommodated after the school leaving age will continue to have assessment and care plans in place until they are 19, and in some cases 21 years of age.

Youth Court pilots were established to address the offending issues of this age group, with additional funding and services provided to work with young people (see Popham et al 2005).⁹⁰

The Youth Court pilots were introduced partly as a response to the problems faced by young people at the interface of the two systems and appearing in adult courts. If successful, they are likely to be rolled out nationally with clear implications for local practice, and respondents with knowledge of the pilots therefore had strong views on these developments. Amongst the legal professionals the Youth Courts were seen as a retrograde step, with widespread belief that the proposals contained in the Criminal Justice (Scotland) Bill 2003, to retain as many 16 and 17 year olds as possible in the Hearings System, should have been acted upon. This proposal was described by one legal professional as *“one of the most enlightened things the government has ever proposed in a long time,”* adding that it appeared to have fallen away and been lost in a wider punitive agenda for youth crime. A panel member with considerable understanding of the pilot project expressed *“despair at the role of the youth courts.”* Even amongst respondents with little knowledge of the pilots, there was concern. As one children and families worker stated:

“I don’t know much about the Youth Courts and how they’re getting on but I don’t think it’s the way to go. If it comes to the point the child is committing a serious enough offence the criminal justice process has the wherewithal to take them into the court anyway.”

⁹⁰ It should be noted the interviews for this research were completed before the initial report of the Hamilton Youth Court pilot (McIvor et al 2004) was published and comments were based on anecdotal evidence of what Youth Courts constituted. Few social work practitioners were aware of the pilots and, as noted in Chapter Four, specific questions were only followed up if it was clear respondents had knowledge of the pilots.

The thoughts of these Connect and criminal justice social workers, who believed the youth court proposals were based more on a political agenda than any evidence of their effectiveness, were not uncommon:

“You know I think youth courts are a reaction to political pressure, and reaction to getting votes, and this perceived idea that young people are bad and need to be put in their place and need to be held accountable.”

“Well to some extent it’s a bit of a cop out from trying to get the children’s panels to be given a little more power and deal with under 18s. It’s a better sound bite, I think, to say that there’s a youth court and that deals with these things.”

From discussion of various local and national policy initiatives it became clear that, almost without exception, professionals involved in the delivery of youth justice services in Falkirk believed that 16 and 17 year olds should be maintained in the Children’s Hearings System whenever possible. This actually contradicts previous Scottish research, which indicated that most professionals were happy with the transition point of 16 for movement into an adult system (Hallet and Hazel 1998). One explanation for this discrepancy may be that devolution has led to the questioning by professionals in Scotland of a policy that is perceived as being linked too closely with that of England and Wales. There may also be more confidence in recent developments being able to deliver ‘appropriate’ services to young people in this age group without recourse to the adult system. However, in another gap between policy, theory and practice, the limited statistics available in Falkirk suggested that a professional belief about the concept of maintaining young people in the Children’s Hearings System was not

fully supported by actions. Such data, albeit limited, may question the application of theoretical and conceptual frameworks underpinning individual practice.

Under 16 year olds – vulnerable or responsible

The fundamental precept of the Kilbrandon principles (SHHD 1964) underpinning the Children's Hearings System was that children in need of care and protection and those involved in offending behaviour had the same needs. The welfare aspect of this approach suggests that the responsibility factor placed on children must be less than that placed on adults, notwithstanding individual differences (SHHD 1964:60,61) and consequently the welfare needs of children *"have to command a greater priority"* (Drakeford 2001:43). These principles are constantly questioned in relation to serious and / or persistent young offenders (Scottish Executive 2000; Stevenson and Brothie 2004) and were repeated by a variety of professionals in Falkirk. These concerns were clearly expressed by a Connect worker:

"I think there is a real major issue of dealing with young offenders when they get to 15-16 who have been in the Hearings System for that length of time, they see it as being toothless. So there has to be that bit about, this is the offence that you're here for, we have to look at that, the reasons why you committed that offence, or why you chose to commit that offence. That may then take you back into the needs, but I think the way it is just now your needs are addressed, or your deeds are addressed, but you don't have access to both."

Respondents were not suggesting that a more punitive approach was required, rather that policy makers were still struggling to find the most appropriate response for young people

who may still have numerous needs to address but are also involved in serious offending behaviour. Another Connect worker verbalised this by suggesting:

“I think they should get a specific system that is removed from the criminal justice system, but also not part of the Children’s Hearings System....I think we could do with something that has some statutory powers so that if somebody doesn’t engage voluntarily we are given the power to engage, although I think we’d have to look at how we do that, because that’s the minefield.....We need to be doing that so that we are getting into a therapeutic process that underpins change to examine behaviour, but you have to guarantee that you have access to that person and maybe the statutory powers bit comes in if that isn’t happening, that ultimately you have recourse to the adult system.”

It was suggested by another Connect worker that such a “*hybrid criminal justice, children and families service*” could operate at the interface to address repeat offending among young people taking:

“The best principles of the welfarist approach, and the best desirable outcomes of the criminal justice system, and try to merge them into something that is effective for the community and is very good at providing good outcomes for young people involved in the system.”

This idea of a hybrid system of a welfare and justice model is not new and resonates with the ‘Third Way’ politics of youth justice by transcending the welfare and justice models and taking the ‘positive’ aspects of both to create a new youth justice. While these responses

perhaps indicated exasperation with both systems attempting to deal appropriately with young people at the interface, a hybrid system has been described as ‘conceptually bankrupt,’ adopting only theoretical frameworks that suits its requirements at any particular time (Pitts 1992). Whether one agrees, or not, about the benefits of a hybrid system, Scottish policy was attempting to adopt this approach with the introduction of Fast Track Hearings to work specifically with those young people identified as persistent offenders. Fast Track Hearings, introduced in three areas of Scotland as pilot projects in 2003, contained features of both welfare and justice models. Young people remained in the Hearings System but were fast-tracked into services that dealt directly with their offending behaviour. While this approach was initially favoured by the Executive, Fast Track Hearings are not being expanded nationally (Scottish Executive 2005d) following the publication of an evaluation (Hill et al 2005) which found that their efficacy in reducing offending was inconclusive.

In Falkirk, despite some concern about the ability of the Hearings System to deal with some young people, there was considerable pessimism and questioning if Fast Track Hearings were the answer.⁹¹ They were perceived as being too offence focussed and representing a departure from a needs led service. A move towards specialist hearings concentrating on young people who offend and / or panel members receiving extra training did not receive wide support in the phase one responses to the Getting it Right consultation (Stevenson and Brothie 2004) for similar reasons. A common view held by many of the respondents in Falkirk was that Fast Track Hearings could discriminate against young people in need of care and protection. As one children and families social worker asked:

⁹¹ Interviews were conducted before any evaluation of the Fast Track Hearings had been published.

“Why should a young offender have a quicker service than a young person whose mum’s assaulted them, it’s hardly fair.... It’s [fast track hearing] working because they’re getting money ploughed into it. If you put the money where it’s needed then these kids will all get a service.”

A panel member expressed the following concerns about the Fast Track Hearings:

“It’s a clichéd phrase really, but every hearing should be a Fast Track Hearing...If a child is here for care and protection there should be the same amount of effort and what not into recognising those difficulties, and things should happen at an early stage. Why should you fast track a kid because of offending...everybody should be dealt with as soon as is humanely possible...[with] every kid there should be the absolute minimum delay from the problem being identified and something started to be done about it.”

The interface position was clearly causing much dissonance for workers in Falkirk who held a variety of views as to the most effective way of dealing with young people in the 14-18 year old age group who continue to offend. The various local opinions reflected the ambiguous nature of national youth justice provision where the welfare focussed Hearings System collided abruptly with the adult justice system. While local policy was unlikely to affect the actual sentencing system, the establishment of Connect was an attempt to reconcile some of the conceptual issues of providing services to young people across the two systems.

THE ROLE OF CONNECT IN LOCAL YOUTH JUSTICE POLICY

The above discussions about national and local policy for dealing with young people identified as persistent or serious offenders, and /or being 16 and 17 years old, relate directly to the role of Connect in local policy. Established to complement the work of Freagarrach, working at that time with under 16 year olds most at risk of losing their liberty, Connect was perhaps in an ideal position to address some of the issues highlighted in this chapter about the transition point and dealing with both welfare needs and offending behaviour.

Despite being in this 'ideal' position there was variation among respondents as to the specific role of Connect in relation to other services, especially Freagarrach, and in the wider theoretical framework for addressing youth justice issues. There was, however, substantial agreement amongst Connect staff that the project was at the interface of both the Children's Hearings and Criminal Justice Systems. Such understanding was framed by this worker:

"I think we sit astride both and it is quite an uncomfortable place to sit at times, but I think that's where we do sit. Neither one or the other... if we're talking about dealing with the underlying issues then we can't ignore that for a lot of young people their family background is a major factor that has led them to where they are. But equally we can't ignore the fact that if they continue to offend the adult criminal justice service will step in and it will really become quite punitive. So we have to kind of sit in the middle of that...almost like a place where you can come and draw your breath and then decide what way you want to go... like a timeout."

This position of ‘sitting astride both’ systems in an ‘uncomfortable place’ further reiterated the point made earlier about the difficulties of delivering services at the interface and in a ‘hybrid’ system “*comprising some combination of welfare, justice and/or punishment*” (Goldson 2005b:237). Interestingly, criminal justice social workers had a slightly different view, placing more emphasis on the diversionary prospects of both youth justice projects:

“Bridging the hearing children and family service, to keep them out of the criminal justice system.”

“To stop them becoming adult offenders, stop them having a transition, help prevent it becoming a career or a longer term problem.”

The comments of these criminal justice workers resonated with the conclusions of Kennedy and McIvor (1992) that the entry of some young people into the adult system could be delayed, if not prevented.

Connect’s role in local policy was not clearly identified at the outset and staff alluded to the fact that at the beginning they were “*all a bit unclear about what Connect is trying to achieve.*” Commenting on the original aims one member of Connect suggested “*there was airy fairy stuff, it was OK as far as it went – but anybody reading it would think what the hell is that*”. Observation of the team development meetings, at which these issues were discussed, supported the view that despite clarity developing over time there remained some disagreement about aims and objectives, how to implement them and what roles were within local policy. These issues are not uncommon in multi-professional teams (see Burnett and

Appleton 2004; Farrell et al 2001), and perhaps more so when a strategic decision has been made to allow autonomous development with no stringent guidelines.

When questioned specifically about their understanding of the aims (not what they actually were) Connect staff clearly placed their own interpretation on the 'official' wording, providing further evidence of the professional interpretation of policy guidelines (Eadie and Canton 2002).

"To work with young people, for the benefit of young people, placing them at the centre of the process."

"We work with young people on offending behaviour and substance use – that's a clear aim."

"A specialist service dealing with offending issues and substance misuse."

"I see Connect's aim as making safer communities by working with young people and families to reduce the damage to themselves and the communities by their offending"

These comments all contain details of the essential ethos of the service, but also reflected slightly different understanding of where the primary focus was. The first clearly views benefits to the young person as the focus of any intervention. The last comment was one of the few to refer to the holistic nature of the project taking into account the impact and damage offending can have on young people and the wider communities. Social work referrers were also unclear about the role of the project, with some believing Connect's role to be working

specifically on offending behaviour, and others for them to be addressing wider issues. This point is returned to in Chapter Seven in relation to the content of the interventions provided by Connect.

The establishment of Connect, to complement the work of Freagarrach, was clearly perceived by professionals as an attempt by Falkirk Council to bridge the interface of the Children's Hearings and Criminal Justice Systems, even if only at the point of service delivery. Both Connect and Freagarrach were attempting to deliver services that combined the positive aspects of the welfare approach with the best elements of offence focussed work. This was perhaps the 'hybrid' system in action at the service provision level, which, if successful, may be a model worth considering on a national basis. However, such a system would be as much a challenge for policy makers, as it would be for those who attempt to conceptualise it in terms of a specific theoretical framework.

CONCLUSION

The views of respondents about national and local policy are important because it is these professionals who will be charged with implementation. This chapter has highlighted how perception and understanding of policy, the role of services in that policy, and in some instances theoretical frameworks, vary between individuals, providing support for the belief that practice is likely to be a combination of policy guidelines and professional interpretation of them (Eadie and Canton 2002). The findings question the 'objectivity' of National Standards and local written policy (in Falkirk's case the aims of Connect and Freagarrach) as a basis for defining youth justice provision and 'standardising' practice in line with a managerialist agenda. Depending on one's theoretical perspective the findings are positive for

practice in Scotland suggesting retention of professional discretion, or alternatively they highlight the need for more prescriptive guidelines to standardise services.

A commitment of nearly all the professionals to place young people's interests at the centre of the process was evident in interview responses. Most were clear that any policy shift in Scotland too far towards a justice / punishment model for youth justice was unlikely to receive widespread support. Nevertheless, most believed that some degree of movement was required to better address the 'deeds' of young people identified as serious or persistent in their offending behaviour. These views reflected the contradictions that are faced by youth justice professionals between '*punishing or helping, controlling or caring*' (Eadie and Canton 2002:15), contradictions that are probably more pronounced in a Scottish system located in a welfare framework.

The widespread consensus about the challenges of dealing with young people who persistently offend at the interface of the children's and adult systems, and the dissonance this causes in professionals, is not one that will be easily solved. Beyond a theoretical 'hybrid' system (of the Children's Hearings and Criminal Justice Systems) no answers were forthcoming. Both the Youth Court and Fast Track Hearing pilots were criticised as being too offence focussed and a retrograde step for Scotland. The Youth Court especially was identified with the perceived negativity of the English model. Nonetheless, while there were criticisms of these pilot projects, the tentative descriptions of the local 'hybrid' system were not radically different from aspects of both pilot schemes. Most 16 and 17 year olds were being dealt with by the adult system in Falkirk, even if youth justice projects were providing some of the interventions, and under 16 year olds were also being dealt with by 'specialist' youth justice projects. In practice such a 'hybrid' system, even if successful in Scotland, is

likely to represent a move away from a welfare approach, but it may be more preferable than the full force of the adult system. Indications from the most recent consultation document (Scottish Executive 2005b) suggest that doing nothing about the Children's Hearings System and related services is not an option.

As policy in Scotland develops, and increased government support is made available for youth justice services to "*crackdown on yobs or lose funding*" (Scotsman 2005), it may be increasingly difficult for practitioners to defend the welfare aspects of their work. The contradictions, ambiguities, paradoxes and challenges of working with young people involved in offending were apparent amongst professionals in Falkirk, even in a system where, at the moment for under 16 year olds at least, there are only a limited number of supervision options available. As 'asbomania' (Bright et al 2005) reaches Scotland it is likely the dissonance caused between theoretical frameworks and policy and practice guidelines will increase as more 'sentencing' options become available. The professional basis for work with young people involved in offending behaviour is now being challenged in Scotland. The theoretical and practical debate that has been prominent in England and Wales (Goldson 2000b; Muncie 2004; Omaji 2003; Smith R 2003) should now commence in the Scottish context, especially as the fundamental principles of the Hearings System may well be challenged by an increased focus and funding for youth justice specific issues. Interestingly, despite their recent affirmation as remarkable and enlightened (Fraser 1995), the Kilbrandon principles (SHHD 1964) were rarely mentioned by respondents, an indication perhaps that transformation of Scottish policy and theoretical conceptions is already highly developed.

Beyond the theoretical and practical implications of policy guidelines, likely to be of more immediate concern to local strategic managers were respondents' views on the present

strategic arrangements. Across the strategic – practitioner divide there appeared to be a substantial knowledge gap about what exactly local policy was regarding youth justice issues. While Connect and Freagarrach were identified as the major projects for the delivery of youth justice services concern was expressed about the lack of clear guidelines regarding their role and the responsibility of other agencies for service provision, both within the Council and beyond. Whether respondents did, or did not, agree with either national or local policy initiatives, the desire for clearer direction and guidelines was present although, as discussed in Chapter Eight, flexibility of services was also viewed as being important. Increased guidelines and increased flexibility may be difficult to reconcile.

The next two chapters examine the actual delivery of services and the impact of the multi-agency arrangements in Falkirk. The perceptions of professionals about these aspects of local policy were directly related to their understanding of the wider local and national policy. As will be seen, contradiction and ambiguity was a theme of many aspects of the interview responses as practitioners and managers struggled to reconcile the demands of the Scottish Executive and their own professional frameworks. The identification of shared objectives and understanding in a partnership approach may be the greatest struggle given the various interpretations and understanding of youth justice policy documented in this chapter.

CHAPTER SEVEN

DELIVERY OF SERVICES AND NATURE OF INTERVENTIONS

This chapter discusses respondents' perceptions about the delivery of services in Falkirk. Beginning with an examination of the referral and assessment process, particularly the Youth Justice Referral Group, discussion moves on to views about the nature and content of 'programme' delivery and the effectiveness of both Connect and Freagarrach and wider working arrangements. Due to their close inter-agency partnership, via the Youth Justice Referral Group, responses about both Connect and Freagarrach are included, not least because of the continuity of service this partnership was designed to ensure.

The findings are examined in relation to the delivery of services to meet the demands of the National Standards for youth justice and in terms of the introduction of evidence-based, 'what works' practice. Effectiveness measures are also examined in relation to theory regarding the increasingly recognised importance of relationships in work with young people. The wider implications of service provision in relation to the traditional theoretical framework of welfare principles underpinning youth justice provision in Scotland are also discussed in recognition of the often punitive approach attributed to the 'what works' agenda. The chapter highlights the "*competing versions of reality*" (Pettigrew et al 1988:314) experienced by the interviewees in response to their experiences and understanding of the systems in place.

REFERRAL AND ASSESSMENT

Since becoming operational in September 2001, until the end of 2004, Connect had received just over 400 referrals.⁹² In the same period Freagarrach had worked with approximately 120 young people on their full programme.⁹³ The referral process was the first contact most people had with the youth justice projects and it had been in constant flux and development since their introduction in Falkirk, initially with Freagarrach and latterly with Connect. The changes were precipitated by various funding streams, evolving aims and objectives, harmonisation of the ages of the young people attending at Connect and Freagarrach and simplifying referral criteria (Falkirk Council 2004a). For Connect specifically, changing team composition also contributed to changing referral criteria as different professionals had different views about the role of the project. The introduction of the YJRG was a major transformation of practice regarding referrals and its establishment was central to the inter-agency aspect of the operational partnership of Connect and Freagarrach.

Uncertainty about referral criteria had been evident since the establishment of Connect, particularly in the early days where one worker suggested:

"I think it's trying to be everything to everybody – I think there's a real need for both Connect and referrers to be clear about what is provided here. I think there is a real danger with a new service that we can do everything for everybody, so therefore they have a high referral rate and therefore that would justify the service being there."

⁹² Approximately 80 to 90 cases are estimated to be open at any one time. These figures will not correspond to the referral figures to the Youth Justice Referral Group, mentioned elsewhere, as they cover a different period.

⁹³ This figure is obtained from the Freagarrach Annual Reports in this period. Number of referrals were not available, although as discussed elsewhere in regards to the YJRG most referrals appear to be accepted.

Another Connect worker verbalised the early bewilderment about criteria by suggesting the criteria were a:

“Bit foggy...evidenced by when we get a referral and we’re at allocation we end up speaking about whether this is an appropriate referral. To me that evidences that our criteria is pretty non-descript, because if the criteria fully reflected what we believe we do then we wouldn’t be sitting there many times questioning whether we think this is an appropriate referral.”

In addition to its own problems with referral criteria, the establishment of Connect as an additional youth justice project to complement Freagarrach initially served to increase misunderstanding. Not least with respect to the division of work between the projects and to whom young people should be referred, as highlighted by this criminal justice social worker:

“It’s not clear with Connect, it’s not clear because they have such a huge remit ...In fact it used to be really clear with Freagarrach, but now that Connect’s come on the scene it’s not so clear, because you don’t know what the interface is and how they work together.....and you know you phone them up and say is this a suitable referral and they’ll say yey or nay, but you’re not clear why it’s a suitable referral and why one’s not a suitable referral.”

One of the fundamental factors for effective multi-professional teams is clarity about roles and responsibilities and this lucidity was not evident initially at Connect. This confusion over referral criteria was in effect a barometer for other aspects of their work and resulted in team members questioning what type of services they should be providing, their professional role

and that of colleagues in the team. The issue of referrals would be the benchmark for achieving cohesiveness both for the team and for referrers, although in practice the establishment of the YJRG reduced Connect's autonomy in this matter.

For Connect staff especially there was concern at the beginning that very few referrals were refused a service, *"we welcome all comers"* was a common sentiment. This was a view supported by this children and families social worker who suggested that *"the remit was so wide, there wasn't a child in Falkirk that Connect services couldn't have worked with"*. Another social worker regarded this flexibility as a positive feature of the project, although it was also acknowledged this had changed recently following the introduction of the YJRG and the tightening of the referral criteria. The issue of flexibility is returned to later as it was seen as a positive aspect of many features of the youth justice projects, but also a precursor to potential net widening.

There was some concern that if children and families workers were having difficulty engaging with young people they were referred to Connect if *'any'* evidence of substance use or offending behaviour could be found. This potential problem of youth justice services being a *'dumping ground'* for cases has been found in previous research (Burnett & Appleton 2004) and again relates to issues of net-widening. Clear referral criteria and thresholds for accessing services were identified as a means of reducing the incidence of this, and the YJRG was to be the vehicle for this clarity.

Youth Justice Referral Group

The YJRG was established to be the central gate keeping point, making decisions on the suitability of referrals to Connect or Freagarrach, or providing advice as to alternative services for young people if they did not meet the criteria of these projects. The group hoped to reduce the confusion over referral, ease the process for referrers and provide a forum through which to improve the monitoring and evaluation of youth justice services. Achievement of these changes was variable, with respondents holding a variety of views regarding the success of the YJRG at meeting them. Where there was almost unanimous agreement was that the actual process for making a referral improved:

“This is user friendly, you talk to someone in Connect, who asks the kind of questions they want to know the answers for for the referral group. You feel you're getting listened to and dealt with very quickly.”

“It's a very good process they have now, the referral can be done over the phone which is brilliant”

However, following the establishment of the YJRG there still remained some confusion about why some young people went to Connect and some to Freagarrach:

“I still can't understand what the criteria is for referring to one as opposed to the other”

“My concerns at the moment are certainly around the referrals, you know, and I think that there is a problem there.....I would like to see a clear statement, what is the difference between a referral to Freagarrach and Connect, is there a difference?”

A view held by a number of people, notably those on the YJRG, negated the need for clarity between the two projects with a belief that referrers:

“Don’t need to be clear about it anymore because they only have to make a referral to a single point of access to both services, which is the Youth Justice Referral Group.....as a referrer to the services, you only have to pick the phone up and someone else will make a decision about what’s the most appropriate service.”

However there was a caveat to this statement:

“I guess that could raise some difficulty as well because people can feel disempowered by that potentially you know, they haven’t got the right to choose a service because we do it on their behalf, and maybe that will be a cause for annoyance.”

This concern about disempowerment touches on issues regarding the deprofessionalisation of workers due to the increase in written, prescriptive guidelines (Pitts 2003) and a lowering of discretion for decision making while increasing accountability (Eadie and Canton 2002; Canton and Eadie 2005). Standardisation of services is a feature of managerialism (Tsui and Cheung 2004) and in Falkirk it manifested itself in this instance in the dissonance between wanting easier access to services through the YJRG and the desire to retain professional decision making and discretion about who, and when, to refer. Within Connect issues

remained over the cases they were allocated which, as mentioned above, following the introduction of the YJRG they had less influence over:

“People still aren’t clear.....Now I don’t know whether that’s a referral group issue, or whether it’s a Connect issue, or whether it falls somewhere between Connect and Freagarrach and those on the referral group.”

Other team members considered the criteria to be *“a bit clearer”* and *“largely appropriate ... with a few exceptions”* following the introduction of the YJRG. However, even with some consensus about the criteria there were worries about:

“A continual pressure to go down tariff all the time...to look at young people where there’s very little offending or very little substance misuse, you know, and drawing the line is quite difficult to do with those young people.”

“..a lot of the times there's more emphasis put on the offending behaviour than actually’s kind of going on, so it’s as if it makes them fit the referral criteria.”

“.. looking at what constitutes ‘normal’ behaviour for a 14 year old in relation to offending behaviour and substance misuse. I’ll guess that we should not be providing specialist services to anybody who’s at that level or below it. But I think there’s a political pressure to intervene earlier all the time, and with the result that you end up criminalising a whole batch of young people.....Suddenly you know, they’ve been brought into the youth justice system and subject to assessment using specialised tools

and having contact with social workers, and I'm not so certain that's a good thing in all cases."

If pressure to down tariff and to put more emphasis on offending behaviour was a regular occurrence, the referrals may not have been 'largely appropriate.' The YJRG and the youth justice projects may have been colluding with referrers to widen the net for young people involved on the periphery of offending behaviour, instead of promoting early intervention by other more appropriate services before referral to 'specialist' projects. These issues reflected those of many commentators about contemporary youth justice who express concern about the net widening potential of YOTs in England and Wales (see Muncie 2004; Goldson 2005a).

The 'political pressure' to intervene earlier is evident in government documents (see Scottish Executive 2000; 2002d) with their emphasis on early intervention and preventative services, although it is often not clear if early intervention refers to work to address pre-offending risk factors (see Chapter Two) or early intervention in a young person's offending career. Concern about projects and services that provide formal offence focussed programmes at too early a point not only relates to net widening but is supported by the 'what works' research highlighting the negative impact this may have on young people regarding their future offending behaviour (Andrews et al 1990).

Prescriptive thresholds for referral to the YJRG

A prescriptive referral threshold to the YJRG was mentioned as a possible solution to these issues. This Connect worker suggested that:

*“It’s not the referral criteria, but it’s the issue of the threshold at the lower end of the market.....The need for a bit of clarity down at the lower end, the bottom end of the scale, the sort of preventative element, prevention type cases where there is low risk. There are questions whether we should actually deal with it, ie a specialist service should deal with that end of the market, but on the other hand we have people whose jobs are related to that.”*⁹⁴

Referral criteria were, by definition, wide at the entry level to Connect and where referrers “draw the line” affected the type of referrals to the YJRG. There was also concern from Connect staff that the YJRG imposed a moving threshold when deciding if behaviour was the main concern. It is worth noting that in practice Freagarrach was largely immune to the concern about early thresholds due to the fact their criteria remained at a level of persistence where referrals were more likely to have a pattern of offending. However, this was beginning to change because some young people were being referred to Freagarrach where there were concerns about a high level of harm, even if the persistence threshold had not been reached. Unfortunately, even with the present risk assessment tools, assessment of harm remains difficult to assess (McNeill and Batchelor 2004), and the youth justice projects were struggling with this aspect of the service.

These concerns touch on a key issue in work with young people who offend, namely at what level of offending behaviour do ‘specialist’ offender services become involved? As one children and families social worker succinctly asked “*when do you decide a child is youth justice and when do you decide that they're welfare?*” The question also relates to that asked

⁹⁴ This is different to the diversion cases which come direct from the Procurator Fiscal, do not go through the YJRG and are subject to different criteria.

in Chapter Six about where youth justice sits in relation to children's services and criminal justice services. In Falkirk there were no guidelines to suggest when a young person should be referred, that is, no directive instructing staff to refer at a certain level of concern. It was clear from interviews that referrers from children and family and criminal justice teams in Falkirk imposed their own threshold, a threshold that could be determined by different factors that did not always involve offending concerns:

"Very often it's a time thing, if we don't have the time to do a particular piece of work"

"I think it has to be kind of the severe end, a lot of the kids we deal with commit minor offences..... We see Connect as providing a more structured intervention to deal with a pattern of behaviour, which is offending behaviour, so I think if you don't have the pattern I think we wouldn't refer. If we see a pattern emerging I think we would start referring to Connect"

*"If you've got a young person not attending school but there are drug or alcohol issues in the family, then probably really right away the minute that young person's not attending school. You get wind that they're in wee bits of bother, even before you get the JRF flying in from the police, you get wind of the fact that they're dabbling in a bit of kind of petty crime, and maybe smoking a bit of hash and doing all of that, and at that stage I'd probably refer them "*⁹⁵

"That's a difficult one, I think that in relation to offending the commission or having a charge against you is enough. So you'll be described as being involved in

⁹⁵ JRF– Juvenile Record Form – referrals from the police that are sent to the Reporter and the Social Work Department regarding concerns about young people.

offending...Some people are involved in offending and not picking up charges, and I suppose that's something that we haven't fully thrashed out, trying to think about it. That's a difficult one for arrangements."

Each of these views about thresholds was likely to meet existing referral criteria, but the question is whether they constituted appropriate referrals. If these responses were representative of the general referral pattern throughout Falkirk there was inconsistency in the referrals, at least from social work teams. There was some indication that wide referral criteria and flexibility may have encouraged inappropriate referrals and widened the net of youth justice. The YJRG appeared to act as a magnet at times attracting referrals when there were concerns about offending behaviour. Some social workers referred young people when their caseloads were busy, or when they did not have the time to do offence focussed work. Additionally, as one respondent pessimistically indicated, flexibility merely ensured a high number of referrals to the new project. Lack of resources in the social work teams was also a major factor in these referral patterns, not helped by the perception of increased funding for youth justice projects (discussed further in Chapter Eight). With the impetus for an initial referral to the YJRG at the discretion of a referrer based on 'concerns' about offending behaviour, some young people may have received an appropriate service, some who may have required it may not have received it, and some receiving it should not, perhaps, be in a 'specialist' project. Continued monitoring is required to ensure that flexibility does not equate to inconsistency, net widening and / or slipping through the net.

The issue of thresholds and consistency is an important one if services are to be targeted at a certain population of young people, as there needs to be a systematic approach to referring young people to programmes and/or specialist projects (Burnett 2004). Without this there will

be a 'postcode lottery' for referral depending how the referrer (generally a social worker) interprets the referral criteria or thresholds. These inconsistencies, reflected in the observation by a YJRG member that "...*there are some teams who refer to that team [YJRG] a lot more than other teams*", were supported by information from the YJRG database which indicated a substantial difference in referrals between the various children families social work teams across Falkirk, from a high of 29 to a low of 3 referrals.⁹⁶ It is, however, important to ensure that consistency does not equate to treating all young people the same (Canton and Eadie 2005).

Inconsistency in referral decisions was not limited to referrals to the YJRG. As mentioned above, respondents also spoke of a '*moving*' and '*flexible*' threshold within the YJRG. Social workers indicated that they made referrals subsequently to be informed by the YJRG the young person did not meet the criteria because of "*this business about thresholds and he's not as bad as we think he is.*" This raises questions, not only about the thresholds for referral, but also about the assessment of risk of offending by children and families social workers. As discussed below, a common assessment tool providing a similar frame of reference was not in use across the social work teams and youth justice projects.

Initial information from the YJRG database provides a useful context for this discussion about thresholds as the statistics give some indication of the levels of risk of reoffending identified in those young people referred to Connect and Freagarrach. Table 2 details the level of risk identified through an Asset assessment on the young people referred between 1 September 2003 to 31 December 2004.⁹⁷

⁹⁶ This may be due to the difference in numbers that each team works with and for an accurate indication of these figures numbers of young people being supervised for offending behaviour at the various social work centres was needed, but was not available.

⁹⁷ Of the 178 young people referred during this period 20 were identified by the YJRG as not being suitable for referral to either Connect or Freagarrach, 18 were non offending referrals. Of the remainder (140) an Asset assessment had been completed for 89, the figure that the percentages in the table are based on.

Risk level	% of young people
Low	5
Low-medium	16
Medium	21
Medium-high	30
High	28

Table 2 – risk of reoffending of young people referred to the YJRG

While risk of reoffending was not a threshold for referral to the YJRG, this information provides some indication of the identified risk of the young people referred. A risk assessment prior to referral may have promoted consistency (Canton and Eadie 2005) and reduced net widening by reducing inappropriate referral (though it may also have introduced young people into formal assessments unnecessarily (Muncie 2004)). If, for example, a medium-high level of risk was the minimum threshold for accessing the projects nearly half of the referrals would not have been made or would have been rejected by the group ensuring non justice interventions.⁹⁸ Alternatively, the young people may not have received any service, welfare or offence focussed, which raises the conceptual conundrum of accessing welfare services through a justice pathway (Drakeford 2001).

While data was not available to indicate the number of episodes of offending behaviour of the young people for the comparable timeframe, data from the second evaluation of the YJRG (1 April 2004 to 31 October 2004 - Falkirk Council 2005) did provide this information. Of the twenty-nine young people allocated to Connect for offending behaviour, eleven had one episode of offending, eight two episodes, five three episodes, four had four episodes and one

⁹⁸ Less than half of young people identified as being below a medium-high level of risk are reconvicted (Baker et al 2002).

had five episodes. Of the fifteen young people referred to Freagarrach all had five or more episodes of offending with four having ten or more episodes. Clearly in relation to Freagarrach's criteria all the young people were appropriate referrals to that project. With regards to Connect, in the absence of a lower threshold for referral to the YJRG, the referrals are technically all appropriate. One may question whether the ten young people with one charge (as opposed to episodes) should be referred to a 'specialist' youth justice project.⁹⁹

Overall there were diverse perceptions of the referral criteria and thresholds that probably reflected diverse beliefs and understanding about what constitutes a 'youth justice' service or 'youth offending.' These perceptions were also likely to be associated with views expressed in Chapter Six about national and local policy for youth justice. While Chapter Six identified a broadly welfare philosophy evident in Falkirk the discussion of referral criteria and thresholds also reflected the potential net widening capabilities of a 'welfare' system without guidelines for accessing 'specialist' youth justice services. However, despite these conceptual and theoretical issues, this Connect worker captured the general perceptions about the referral process to Connect and Freagarrach:

"I think we have a basic system of making a referral that is actually pretty good, in that there are two agencies combining into one, with a quasi independent referral group to co-ordinate, to divvy up the work between them".

Added to this positive assessment of the process was the proviso that:

⁹⁹ Further analysis of the YJRG database indicated that of the eleven young people with one 'episode', ten of these related to one offence.

“The information that people base their referrals on needs to be accurate. And it doesn’t appear to be in all the places that we could theoretically offer that service to”

The information to base referrals on relates both to the question of accurate assessment which is discussed next, and the issue of communication about the exact nature of the services offered by the projects which is discussed in Chapter Eight. Both of these factors are crucial to the delivery of appropriate services where service users can be confident that the youth justice projects are delivering what is required to the appropriate young people.

Assessment

The evidence-based ‘what works’ agenda and effective practice initiatives are clear about the importance of a structured assessment to channel offenders into appropriate services, so that their needs and risk can be matched to the correct level of service (McGuire 1995; Chapman & Hough 1998). The National Standards for Youth Justice (Scottish Executive 2002a) recognise this need for accurate assessment and begin to establish guidelines for improved assessment of young people’s risk and needs in the youth justice system in Scotland (Scottish Executive 2000; Audit Scotland 2002). In recognition of this, and as part of the wider national and local policy, Connect and Freagarrach have clearly stated that their service is predicated on evidence-based interventions with young people (Barnardo’s 2004; Falkirk Council 2004a).

Since becoming operational Connect and Freagarrach have sought to apply structured assessments to their services. Initially the two projects employed different tools to those used by the criminal justice social work team, and the children and families teams were not using

any structured assessment tools at all. As national policy developed, with the directive from the Scottish Executive that all young people referred to a Hearing for offending should have a structured assessment completed, namely Asset or YLS (Scottish Executive 2002a), assessment practice in the Forth Valley and Falkirk also developed. Initially Connect employed the YLS tool from the Cognitive Foundation, based on the adult LSI-R tool which is employed by a number of criminal justice teams across Scotland. Connect embarked on a series of training events for staff, so that all professions in the team could undertake risk assessments. Freagarrach preferred the Asset assessment tool developed by a team at Oxford University. Interestingly, as the Connect personnel changed the project tool of choice became Asset.

In time a decision was made at the Forth Valley Youth Justice Strategy group that the common tool across the Forth Valley was to be Asset and a timetable for training the appropriate staff was established. Both Connect and Freagarrach were instrumental in this decision being made. Staff from these projects were initially the only professionals undertaking offence focussed risk assessments on children under the age of 16 and they were able to feedback their experiences to the strategy group. Subsequently, staff in all Forth Valley youth justice projects were trained in the use of Asset and in Falkirk a number of children and families social workers were similarly trained.¹⁰⁰ Connect staff became involved in delivering training following their accreditation as trainers by Oxford University. The criminal justice team continued to use the Scottish Executive RA1-4 assessment framework.

The acceptance of Asset was widespread amongst the interviewees, with little disagreement to its use. All those interviewed with experience of using YLS and Asset expressed a

¹⁰⁰ Ongoing training is attempting to train all children and families staff in the use of Asset to deliver the proposed new model (see Chapter Four).

preference for Asset for a variety of reasons including its inclusivity and comprehensive nature.¹⁰¹ The use of the tool for identifying wider welfare needs, rather than criminogenic needs which is what it is designed for (Baker 2004), was a major discussion point in Falkirk. Children and families workers especially expressed their desire for a broader assessment:

“I mean I think it’s being seen as an assessment of risk of reoffending, we’d much prefer it to be a much more holistic assessment.....So what we are looking for is a holistic assessment, not a purely risk of offending assessment.”

This reflects previous reflections about the use of such assessment tools in youth justice where there can be tension about whether risk or need is being, or should be, measured (Kemshall 2005), and concerns about a focus on criminogenic needs to the detriment of wider social needs (Pitts 2003).

There was also widespread comment among referrers regarding the point at which the Asset assessment was completed in the referral process. Interview responses and observation at training events suggested that it was completed at various points both prior to and following referral to the YJRG, with some respondents indicating it was completed more than once. However, there was some consensus that Asset was being completed after a decision had been made by the YJRG that Connect or Freagarrach was the most appropriate service for a young person. Many respondents, from both social work teams and the projects, believed that the appropriateness of the referrals and the referral procedure itself could be improved if the referrer (usually a social worker) could undertake a ‘mini Asset’¹⁰² prior to referral:

¹⁰¹ Questions were not designed to elicit views on reliability and validity; they were more concerned about people’s perceptions of its use.

¹⁰² Mini Asset is a shorter version of the core profile and is often referred to as the final warning Asset (Baker 2004).

“If Asset is used earlier by the area team workers.....they would actually do that piece of work which would stop it from going there [YJRG], which would then mean that you know the referrals they get in theory should be more appropriate referrals.”

An issue not mentioned specifically by interviewees, but one that may address concerns about appropriate referrals and thresholds, was the use of Asset ratings as a means of establishing a threshold below which referral cannot be made (see also page 211). Baker et al (2002) found that ratings on Asset were the most disliked aspect of its use and staff in Falkirk were wary of using these. Most referrers and project staff, even if unhappy with the threshold problem, seemed to prefer a certain amount of flexibility in the system and regarded a ‘score’ as restricting this flexibility.

In most cases Asset and risk of reoffending ratings were not routinely used at the initial decision making process by the YJRG regarding suitability for the projects. This raised some concerns, among Connect and Freagarrach staff especially, regarding how decisions were reached and again relates to thresholds. As this Connect worker explained:

“You get a list of charges or offences from the police, and it’s not clear if they are actually charges or offences, or what happened, is it grounds of referral, or actually it’s been cases that have been to a Children’s Hearing and accepted, or indeed by the court. So it’s about what the status of these complaints are.”

There was some suggestion that the YJRG was making decisions, in some cases, on the basis of alleged offences or concerns about offending behaviour that may not even go to a Children’s Hearing. These have been described as ‘offence records’ by Garland (1996:450)

that have not been subject to any legal proof and may be an example of ‘executive justice’ (Blagg and Smith 1989), where decisions are made that do not have recourse to challenge. Such ‘flexible’ practice has potential human rights implications for these young people who may be subject to formal assessments and youth justice interventions without any independent adjudication. An argument could be made in this respect for all referrals to the YJRG to come from a Children’s Hearing to at least ensure ‘evidence’ of offending behaviour, with other ‘offence’ referrals being dealt with less formally by being directed to other services.

As discussed above, an Asset assessment was not generally completed until after a referral to one of the youth justice projects. Therefore assessment of the risk of reoffending, one of the main uses for the tool (Baker et al 2002; Baker 2004), was not employed as part of the initial referral process. It was not the risk presented by the young person that triggered a referral to the YJRG, but the fact they may have committed an alleged offence. As described by this Connect worker, Asset was more routinely used to decide:

“What do we do with this young person. It’s a type of intervention planner basically, and also risk of offending, which will dictate to some degree the intensity of contact we would have with the young person. So it’s about how far do you intervene with this young person based on the Asset score, and how much work do you need to do to avoid further offending behaviour. That’s what it tells you really.”

Once engaged with the service, it was unlikely that after the assessment period (4-6 weeks) a young person would be refused further contact following the results of the Asset. Staff at both Connect and Freagarrach suggested that they preferred to offer some support, independent of

the outcome of the Asset assessment. One Connect staff member saw it as *“kind of abusive...to be seeing someone and then saying not suitable”*. This may be so, but it may also be abusive to have a young person in a youth justice project who has been involved in one or two minor incidences of offending behaviour, but who presents little or no risk of reoffending. The early intervention principle was cited as a crucial factor in these decisions so that offending could be nipped in the bud (Williamson 2005). An Asset assessment prior to a referral, with a higher threshold in place at the YJRG, may have mitigated against inappropriate continuation of service. It is also debateable whether early intervention in a justice project concurs with a welfare principle.

One of the major reasons that Asset was the preferred choice of assessment tool in Falkirk was its ability to engage the young person in the whole process and begin the building of a working relationship. To this end the ‘What do you think’ component, a self-assessment form, was seen as being vital. Staff at Freagarrach suggested *“it’s not just assessment, it’s assessment and engagement for us, the two go alongside.”* At Connect the preferred method of administering the tool was on a laptop which many staff felt further engaged the young person and allowed them to be involved immediately in the assessment process. Staff preferred this method of working because they felt it placed the young person at the centre of the process, and allowed the worker to work *with* the young person, as opposed to *on them*.

To a similar end Connect staff were just beginning to use the Rickter assessment (see www.rickter.com) which is designed to allow the young people to define what they see as the major issues in their life. This was being employed as a tool to begin the engagement process with the young people as it does not focus on criminogenic needs, although there are overlaps in the areas covered. This focus on establishing relationship and the use of pro social

modelling is an important aspect of achieving successful outcomes (Trotter 1999; McNeill et al 2005), but forming relationships should not be at the risk of placing young people in an inappropriate service merely because they have completed an assessment process and a connection has been established.

What was clear from various descriptions of the referral and assessment process was that young people had the potential to be assessed a number of times before they reached the appropriate service. As mentioned earlier, the use of different assessment tools in the social work criminal justice team and the youth justice projects, may have contributed to the number of assessments. In relation to this one criminal justice social worker suggested:

“We get confused, or the offender gets confused, because there’s an assessment for one purpose, and then there’s an assessment for another purpose, and they think it’s all for the same purpose, and it’s not the same purpose. So it would be interesting to know what their assessment was for, was it to target interventions, was it to identify risk, or was it for some other purpose.”

A children and families worker expressed similar views:

“So I assess them, I contact Connect, they take a referral and it goes to the panel, and all these people, which I mean...it costs a lot of money, it will be interesting to cost that panel. They sit there, all managers, and they sit on this panel and assess my assessment that I’ve contacted Connect, and then decide, you know, what I decided in the first place because my assessment is correct and based on good practice..... So I do

Asset, decide where I'm going to refer it, they look at that and refer and it's done again.

It needs to be sorted, definitively needs to be sorted. "

Despite the widespread acceptance of Asset there was a need for clarity about when and why the assessment was completed to avoid the situation, as one Connect worker suggested, where *"there is a real danger that we want to assess everything to death"*, with no clear understanding why. In these circumstances the concerns expressed by Muncie (2004:278) may be particularly pertinent:

"Identification of those 'at risk' has simply contributed to a criminalisation of younger and relatively minor offenders against which previously no formal action might have been taken. "

As mentioned above, while the use of Asset before a referral to the YJRG could negate the possibility of inappropriate referrals its use may be beginning formal action. Accurate assessment is a complex task that has the potential to identify appropriate services for young people, or catapult them into youth justice projects where the actual levels of risk do not warrant such intervention. However, accurate assessments, followed by appropriate services (within or outwith youth justice), are most likely to lead to successful outcomes for young people (McNeill and Batchelor 2004). A decision to use Asset should not be taken lightly. It remains to be seen how the Scottish Executive (2005c) commitment to having one assessment for accessing all services is implemented in practice.

STRUCTURED INTERVENTION OR 'PROGRAMMES' – THE CONTENT OF SERVICES

As discussed above, following a referral from the YJRG the project workers completed Asset to attempt to match assessed risk and need to a variety of one to one and groupwork interventions. Both projects detailed in their annual reports the individualised, flexible nature of the programmes that constituted their interventions, using a range of material from various sources. This flexibility was seen as vital in allowing them to develop individual and groupwork modules (Falkirk Council 2004b).

In youth justice and adult offender work the meaning of a 'programme' is often difficult to elucidate, as many interventions are now described as such. For the fieldwork the definition was not clarified with the interviewees to allow flexibility in their responses. There is little clarity in the Scottish youth justice context regarding the constitution of a 'programme', and it may be that recognition of the benefits of an individualised 'programme' precludes a prescriptive definition. With this in mind the working definition adopted for this thesis is that described by McGuire (2002:27) as '*a structured sequence for learning and change.*'¹⁰³

The annual reports of Connect and Freagarrach provided basic information about the nature of their interventions, indicating they were based on individualised 'programmes.' There was some consensus, from interviewees across the professional spectrum, that both Connect and Freagarrach were providing a variety of structured interventions to young people as an additional input to the statutory interventions. However, responses also highlighted the

¹⁰³ The Scottish Executive Community Justice Accreditation Panel has a much stricter definition of a programme, although this has not been adopted for youth justice (see appendix 8).

absence of a clear understanding of what these 'programmes' actually contained. The following examples give an indication of this:

"I do sometimes think it's not clear what.....it's like when you meet that lad, what is it exactly that you do. You can rarely pin them down on that one, what exactly are you doing with them, you know it's really difficult, 'we're doing alcohol and drugs,' yes I know but how are you doing that with them, what are you. You know they're just doing the same as what I do...They're needing to be a bit clearer on what they mean by programmes."

"I'm not clear what services Connect are putting on.....it seems fairly amorphous, there doesn't seem to be any clear plan about what is going on."

"I think at times it's not clear...you know kind of the basics, but maybe not the details."

"As I understand it, it is individual work, but I believe that they have run programmes before, I don't know whether they're doing programmes now, or whether that's an intention. But as I understood it it is individual work, kind of an almost, like an individual care plan kind of idea for each client."

Some social workers believed that the interventions provided by staff at Connect and Freagarrach should have been additional to the support available from social work teams, not instead of. Providing 'programmes' that differed from social work provision was the understanding of this social worker who believed that the youth justice projects were there:

“To do a specific piece of work on the offending behaviour, assessment and that, and they’re not really there to do anything else.... I wouldn’t look at them doing anything more than that.”

However other social workers had an opposite view about the youth justice projects highlighted by this children and families social worker:

“I don’t think it’s much difference from what I do myself, and I think that’s the problem I have with it all as well.....the only difference is I think that they have the time.”

There were varying views from referrers about the type of service that the projects should deliver. It is probable that, at the time of the interviews, time constraints and resource issues were influencing these views. The nature of the service being provided may have not been the important issue, it may have been that the projects had the available resources to work with the young person.

The subject of ‘programme’ content was a contentious matter in Connect. There was a recognition that programme development was not quite as advanced as perceived by referrers. When asked whether the project was delivering what it purported to, one member of staff explained:

“We talk about programme work but I don’t think we have programme work – I think what we have is individuals who will practice in a way that they want to practice. we’re not clear about we’re going to use Targets for Effective Change and that will

underpin cognitive behavioural stuff, social learning stuff we do. I don't think it's as clear or as explicit as that."

While the definition of a 'programme' is open to interpretation, the fact that some members of staff at Connect did not believe that they provided 'programmes' perhaps indicated a misunderstanding about service delivery between the referrers and staff at the project. This misunderstanding about what constitutes a 'programme' or structured intervention may have been linked to poor communication about the services, or it may also have been a result of what respondents believed constituted a 'programme.' As Raynor (2004) has highlighted 'programmes' appeared to be identified by some respondents with groupwork, as evidenced by this comment from a Connect worker:

"We're working far more towards programmes...we will become a programme oriented team, [although the] reality at the moment is the majority of our work is done individually with people."

Moving towards a 'programme' based approach at Connect was facilitated by the appointment of a programme development officer. To this end a 'programme menu' was published in late 2004 detailing referral procedures and the services that Connect provided in relation to both group and individual 'programmes' (see appendix 8). The team also began work at the beginning of 2005 on a document for each 'programme' for referrers, and other interested parties, detailing exactly what each session would involve.

Within Freagarrach, staff were clearer about the 'programme' they provided, even if referrers were not:

"I suppose the key thing is that it is an individual programme for the young person, so for each person it's going to be different. As a kind of general average of the six areas that we cover, offending behaviour and victim awareness are the two keys ones and the reason they've been referred is on offence grounds. So the key things to look at are offending and consequences both for themselves and other people."

A holistic focus on offending behaviour and criminogenic need at Freagarrach suggested that their interventions went far beyond offence focussed work, focussing on the family and social context:

I think traditionally we've been good at challenging, the sort of areas of our work, you know, we've got a holistic sort of package, where areas of work, you know we're challenging offending behaviour, victim awareness, working with families, if families are involved, particularly with under 16s. Looking at supporting school placements, or getting people involved in some sort of employment training or work. Leisure activities, we've been involved with that as well, constructive use of leisure as we call it. And also health of young people, physical and mental health as well. So, traditionally I suppose we've been a kind of across the board a holistic thing.... As I say I suppose it's a kind of broad approach to their offending behaviour."

These issues go to the heart of partnership working, case management, the need for holistic interventions with young people and the level of input required for those identified as persistent offenders. Holistic services have been found to be beneficial for both young people and adults identified as persistent offenders (Worrall and Mawby 2004) and Freagarrach

clearly provided a ‘holistic’ service,¹⁰⁴ while Connect also had the professional capability to do so, and often did. However, there was a tension in the thoughts of project staff and partners about offence focussed work and holistic services. While it was generally agreed that work that failed to take account of the wider family, social and economic context would “*inevitably fail*” (Asquith and Docherty 1999:245) there was confusion and disagreement about whether one project could, or should, be holistic. As discussed in Chapter Three the ‘what works’ research does not imply that any one project or programme should provide all aspects of a multi-modal approach and multi-agency arrangements implicitly imply diffusion of responsibility. Fundamental to young people is the point that welfare services should not be primarily accessed through justice routes (Drakeford 2001). Effective assessment of risk and case management should ensure that a young person receives appropriate support, through the appropriate service, without duplication. The challenge is how to incorporate a range of services across partner agencies that avoids repetition, meets all the needs of a young person and addresses problematic offending behaviour.

The ‘holistic’ and ‘individualised’ nature of the interventions provided by the projects may have led to the lack of understanding and/or knowledge about the services that were actually provided and about what constituted a ‘programme.’ In many instances case managers may have been referring young people to projects whilst being unclear about the content and nature of the ‘programmes’. Without this knowledge it would have been difficult for case managers to reinforce the work being undertaken, a key aspect relating to the success of interventions (Partridge 2004), or to ensure appropriate services were being provided.

¹⁰⁴ These are detailed in Chapter Four and Lobley et al (2001) provide a full description of these holistic services.

This confusion amongst referrers about what is actually provided and the differences between the projects led to a questioning of the need for two services which in many cases were perceived to be providing a similar service. As one children and families social worker stated:

“Well, I think there’s a lot of confusion around, between what Freagarrach offer and what Connect offer, and I think actually it’s probably an amazing luxury to have two facilities, doing what appears to us to be roughly the same thing. Now I know they’ve got together in terms of having a similar referral process, and that makes sense, but I think it would make even more sense to seriously review whether or not you need to have two separate facilities for the size of Falkirk.”

Perhaps most surprising was that neither staff at Freagarrach, nor Connect, had any clear understanding about the services provided by the other. Such confusion within the projects, and from referrers, could strengthen the arguments for the merging of the projects, especially if professionals perceived them as providing similar interventions, or providing a service that would be no different to that provided by social work teams. Comments such as *“You know they’re doing the same as I do”* and *“I don’t know what’s going on”* indicated the need for either a more focussed service and / or a better communication of the service being delivered. These issues also directly relate to the points made earlier about accurate assessment so that only young people identified as being at high risk of reoffending were directed into the youth justice projects.

EFFECTIVENESS OF SERVICES

“Realistically looking at how effective services are is a really difficult thing to do...there would be different views and emphasis about what they see as the key point on effectiveness and priorities whatever.”

This response by a criminal justice social worker reflected the theoretical debate about the definition of effectiveness in social work and criminal justice in Scotland (see Chapter Three). Questioning the actual concept of effectiveness was a common response to questions on the topic, and was a difficult question to answer if partners were unclear about what services the projects provided. Another criminal justice worker was adamant that asking the question was unlikely to receive a coherent response:

“How can you ask that question. I think it’s really hard to say, I think you have to put it into perspective, that these are young people who have a lot of difficulties, who have a lot of issues, who have a lot of negative behaviour. And I think realistically to try and say whether or not it’s effective would depend on a lot of things, depending on whether or not you think you’re effective in terms of offending behaviour, or effective in terms of relationships..... But, realistically effective can’t mean they don’t offend any more and they’re normal, moral, happy citizens, it’s not going to happen. I think realistically that’s something that everybody is kind of aware of.”

Regarding Connect, of those respondents willing to make a statement, there was a general consensus that the project was providing a good service, although the reasons for this varied

because of the various understanding, described below, about what constitutes effective practice:

“I think on the whole, yes, Connect they are excellent, in that they visit very quickly after they are referred.”

“The quick answer would be their ability to pick referrals up quickly. And that’s got to be good, and the fact that you know they’re commencing or engaging with families and young people straight away.”

“I think it’s been effective in that it’s really got the young person to think about their behaviour.....It hasn’t always stopped them, but it has got them to think about it.”

“I think the workers on a personal level have excellent skills in engaging young people. But I don’t think they’re meeting the what works criteria of what really works with young people.”

“Connect, I don’t know, it’s difficult to tell at the moment, but they do offer lots of support to young folk.....Connect has taken a lot pressure off the area teams in terms of the work that they’re able to do with the young folk.”

Responses to questions about the effectiveness of Freagarrach were more limited, and a number of respondents had no experience of work with them. This probably relates to the relatively low numbers of people Freagarrach work with and the high threshold for accessing the services. However, those who did have experience again expressed a variety of views. A

number referred to the Lobley et al (2001) study as an indicator of the project's apparent success. One panel member referred to the study as highlighting an effective project a few years ago, but suggested that it needed to be revisited in the light of more recent developments in youth justice and with the advent of Connect.

One of the more prominent comments in relation to the effectiveness of both projects was their ability to engage young people, often when other services had failed to do so. A number of children and families social workers believed this ability to engage with the young people arose because the projects were not perceived as social work,¹⁰⁵ even though some felt the service provided was no different to that which social workers could offer if given more resources. Freagarrach workers were clear that the ability to engage in a positive relationship with the young people was the key to effective practice:

"I think it's really effective at engaging them. I can say that hand on heart, the set up, the place, the safe space for them, the kind of holistic approach, I think is more likely to engage young people who have been at other services.....I mean that's what we do, we know that most change comes through relationships and relationship building with these youngsters who are absolutely scunnered with social work.....and I think that's what Freagarrach does well, and what I've been struck with has been building relationships and sticking with young people."

Many of the responses to questions about the effectiveness of either Connect or Freagarrach derived from the individual experiences that users had with the projects, which again related to relationships:

¹⁰⁵ The evaluation of the Matrix project in Falkirk (McIvor and Moodie 2002) found a similar pattern regarding perceptions of social workers.

“Certainly for Connect I mean as I say I have nothing but admiration and praise for the work that I have been involved with them.”

“What I can say in my experience...with regards to the work I’ve seen being done, it’s greatly appreciated by the people whom they work with you know. You just get a sense you know the young people seem to engage well with them.”

While these individual responses are to some extent anecdotal, people were more willing to attribute effective work to the projects in relation to the experiences of the young people they had referred and / or the positive relationships referrers had developed. This again highlights the importance of relationships in all aspects of the youth justice process. As this Connect staff member suggested:

“The main tool in the job is you.....what’s more important than what you do, is who you are you know, and your ability to engage and maintain relationships with young people.”

This view was supported by the children and families social worker who observed that:

“The most effective, I think is ourselves. I think it’s ourselves and the work that we do ourselves, and I think there is a huge reliance on self to do stuff, because we are very limited in resources.”

The young people interviewed indicated that they also found relationships to be the most important aspect of the projects. *"Somebody to sit and talk to"* or *"[worker] helps you with your life,"* reflected widespread comments about the roles of individuals. The success of Connect for one young person was related both to practical help and emotional support, and the fact that they related well to their key worker. This was to the extent that the key worker was described as *"more of a friend to me,"* with whom the young person had built a relationship and trust. Another aspect of both Connect and Freagarrach that was touched on was the non-judgemental aspect of the work. As one young person noted about their key worker, *"he's been totally opened minded."* In some respects this was contrasted with previous experiences of statutory social work teams where confidentiality (for example informing parents) was something young people were concerned about.

These comments point to the fact that young people appreciated the relationships they had with staff at the projects. While some described this as better than the relationship with their social worker, young people were aware of other pressures social workers may have been under. The importance of interpersonal relationships is increasingly being addressed in the context of desistance and effective intervention with offenders (Rex 1999; Trotter 1999; Burnett 2004; McIvor 2004) and for the young people this was clearly the most important aspect of contact with the projects. For professionals at the projects there was a constant dissonance (reflected in discussions at Connect team meetings) between the desire to provide 'programmes' and the belief that forming positive relationships was the key to effective interventions.

Reoffending as a measure of effectiveness

Despite recognition of the difficulty of defining effectiveness there was also a pragmatic understanding that the performances of the various projects and agencies would be judged on criteria determined by the Scottish Executive in national policy, by the Council in response to the local audit, and in some cases by the various funding streams. As noted by this children and families social worker:

“Ultimately the youth justice agenda driven by the Executive is all about the positive impact and changes that are made on these kids behaviour, on their criminal behaviour, and ultimately that’s the proof.”

The Scottish Executive’s aim for youth justice to reduce the number of young people identified as persistent offenders by 10% by 2006 (Scottish Executive 2002a) was at the forefront of a number of responses, although by no means mentioned by a majority. There was, however, consensus that this cannot, and should not, be the only aim for the youth justice projects and that effectiveness should involve other measures, which included outcomes such as increased social inclusion, improved relationships and attendance at school.

When asked specifically about how effective they thought Connect had been at reducing reoffending, most respondents suggested the project had been successful in this respect, although they were less clear about the evidence for this. Criminal justice staff were more guarded in their appraisal and more likely to acknowledge they did not know:

"I have no idea how successful they are, even how they measure that success."

"I don't remember seeing any stats or summary of success, or something like that."

This more circumspect view about the question of effectiveness by the criminal justice staff was perhaps indicative of their increased familiarity with the effective practice agenda and the indicators that are used in the adult system to measure effectiveness.

Staff at Connect were also clear about their effect on reoffending rates, *"we don't know.....we don't know because we don't get rates of people who reoffend."* Staff at Connect were clear in their replies, acknowledging that on the whole *"nothing has been measured"* and there is *"no overall picture of it so far,"* although there was a 'feeling' that the service was being effective in its work with young people.¹⁰⁶ As suggested by Hedderman and Sugg (1997: 52), *"they believe their programmes work, but they cannot prove it and they know that many could work even better."*

There was a belief that the youth justice projects in Falkirk were working well for the young people and the wider community, but few people were able to provide 'evidence' to confirm these views. *"I think it's anecdotal, it's just a feeling I have"* and *"I've no evidence to back it up, but I just get a good feeling, maybe from the type of people that are working there, that good things are happening."* were typical responses. This echoes Vanstone's (2000:173) argument that:

¹⁰⁶ With the advent of the Youth Justice Referral Group it is expected this should change, and numbers of new charges accrued by young people attending the project should be available on a regular basis.

“Throughout its history, community based work with offenders has been justified partly by its welfare role and partly by a belief in its effectiveness rather than any overt signs of that effectiveness.”

Young people themselves were clear that the reason they had been referred to both Connect and Freagarrach was for offending, or drug and alcohol use linked to offending behaviour. The anecdotal evidence from the young people also suggested that work at the projects had, as this young person stated, *“kept me out of trouble.”* Another young person identified the links between offending behaviour and other aspects of life, suggesting the work undertaken:

“Reduces your offending, well not necessarily straight away, but it can reduce certain parts of it, just overall, it just basically helps you with your life.”

This perception of the interventions not reducing offending immediately, and impacting on other aspects of life, reflects the views of many of the respondents, professionals and young people, who believed that while reducing offending was ultimately the aim of the youth justice projects, other intermediate measures of effectiveness were important.¹⁰⁷

As this thesis was being written the first ‘evidence’ of ‘effectiveness’ in reducing reoffending was being provided through the basic ‘in house’ evaluations of the YJRG. Of the 57 young people referred to Connect from 1 September 2003 to 31 March 2004, 73% were identified as not having reoffended, with the corresponding figure for Freagarrach being 33% (based on police data, not convictions / hearing referrals). These figures were not based on any systematic comparison of the circumstances of the young people, the level of risk of

¹⁰⁷ It is worth noting that looking at offending behaviour was not the first response of any young people when asked how effective they believed the projects had been.

reoffending with or without intervention, the actual nature of the intervention or any control group. The data provide some tentative comment on the effectiveness of the projects, and while no firm conclusion can be drawn about the effectiveness of the projects in reducing reoffending, such '*do-it-yourself*' (Blagg and Smith 1989:107) evaluations are valuable.

Worth noting, however, as a member of Freagarrach staff identified, is that any change was difficult to attribute to the projects alone given that numerous other agencies could be involved with the young person on a collaborative basis. This reiterates the observation that *"lower reconviction following an intervention could be attributable to many other variables instead of, or as well as, the intervention"* (Burnett and Appleton 2004:112). Another paradox of partnership working may be that it becomes even harder to identify the actual factors or interventions that contribute to any reductions in offending behaviour.

While the statistics are far from 'proof' of the projects' success in reducing offending they appear to indicate that in the short term at least there is some reduction in offending for young people attending Connect and Freagarrach. The fact that these figures were being made available through the YJRG indicated the effectiveness that the formation of inter-agency partnerships had in generating data and beginning the transition to implementing an evidence-based agenda through the generation of monitoring and evaluation statistics.

Alternative measures of effectiveness

There is an increasing recognition that in projects for persistent offenders there needs to be wider measures of effectiveness than reoffending rates and cost effectiveness (Worrall and Mawby 2004). This is likely to be more pertinent to youth justice projects operating

ostensibly in a welfare framework, and respondents in the interviews reflected such sentiments. However, information disseminated via the YJRG evaluations (Falkirk Council 2004b; 2005) only provided 'outputs' and (tentative) 'outcomes' (Garland 1996) on success in reducing offending, rather than additional measures like processes of interventions and increased social inclusion. While this probably reflected the agenda of the Scottish Executive for evidence-based practice, such evaluations could in the future provide the opportunity for a wider range of outcomes and promote other benefits of the multi-agency approach.

Respondents with the relevant experiences indicated that other information was collected during the review process at various points of supervision, including the final review. Both referrers and project staff indicated that they felt this was an important arena for obtaining information about how the young people, supervising workers and other agencies had viewed the intervention. Additionally, evaluation forms were routinely employed to elicit views of young people, referring social workers and others engaged in the work. This information could be employed to provide a wider variety of outcome data that could deflect criticism about the narrow spotlight of evaluations, focussed too much on reducing offending.

CONCLUSION

This chapter has examined various aspects of service delivery established in Falkirk since the emergence of Connect. The findings revealed a complex picture of the relationship between the partnership arrangements and the delivery of services, related to the professionals' wider views of policy as discussed in Chapter Six. The intricate nature of the work involved in dealing with young people who offend and the challenges faced in adopting new working

practices linked to evidence-based interventions and increased monitoring and evaluation were also reflected.

The referral and assessment process for the youth justice projects was still in a developmental stage and respondents were divided on many aspects of the process. The flexible nature of the referral process was perceived to be beneficial because it enabled young people to access a service to meet their needs, in some cases a service that otherwise they would not have received. However, while easier access to services for young people should be encouraged, access through a youth justice route may not be ethically, or theoretically, desirable.

In this respect, while the use of the Asset tool was regarded as a major improvement for the assessment process, its use should not automatically mean formal youth justice interventions. As Baker (2004) found in England and Wales, Asset was employed in different ways, as a risk assessment tool, level of service tool and engagement tool, with the potential for use in the policy and planning process and as an evaluation tool. This indicated a high level of discretion for the professionals involved, but also some inconsistency in its use, with potential implications for young people. Obtaining the correct balance is difficult (Canton and Eadie 2005).

National Standards are clear that a comprehensive assessment, using a recognised tool, must be completed on all young people referred to a Hearing on offence grounds. Asset is a formal assessment tool and care needs to be exercised when extending its use to all young people referred to the YJRG for whom there are 'concerns' about offending because this carries the potential for net widening and formalising interventions. If, as discussed in Chapter Six, diversion from prosecution or a Hearing is an aim of Connect, diversion from the use of

formal criminogenic risk assessments may also be beneficial in a welfare framework. Asset has the potential to accurately assess criminogenic need (Baker et al 2002; Baker 2004) and divert young people from specialist projects, it also has the potential to widen the formal net (Muncie 2004).

The model for youth justice arrived at in Falkirk relies on the provision of additional, transparent services to meet the needs of young people. The future of both Connect and Freagarrach may rest on the delivery of 'programmes' that provide specific services for young people to address criminogenic need, and which do not replicate services provided elsewhere. Confusion about the role of Connect especially as a prevention, early intervention or effective intervention project does not help in clarifying 'programme' content and the nature of the services provided.

Strategic policy aimed at gathering and disseminating systematic data regarding the effectiveness of projects was missing at the outset. Dissemination of such information is important to clarify what it is youth justice projects are providing and avoid the confusion regarding which young people they are working with. In Falkirk the YJRG evaluations have begun to address this issue and combined with a clearer communication strategy may address much of the confusion about content and effectiveness. Systems were beginning to be implemented to gather data to measure outputs and outcomes, and it was hoped that the reoffending data from the police, via the YJRG, will ultimately provide an indication of the effectiveness of Connect and Freagarrach in this respect. However, limiting effectiveness to reoffending outcomes is likely to reinforce this as the only aim of services, when it was clear from interviewees that a simple measure of reoffending would not do justice to the complexities of the lives of the young people. While ultimately the success of local and

national youth justice policy will be judged on the reduction of reoffending rates among young people, the YJRG and its multi-agency partners have an opportunity to incorporate a wide variety of performance indicators in the evaluative role and move beyond a narrow focus on offending rates. Falkirk being a pilot area for the Decider project, organised by the Criminal Justice Social Work Centre to develop an evaluative framework for youth justice, also provides an opportunity to evidence all aspects of effectiveness, rather than simple offending rates.

Where there was almost unanimous agreement, amongst young people and professionals with direct contacts with the projects, was with respect to the ability of staff at Connect and Freagarrach to form positive working relationships with the young people. This aspect of the projects was seen as particularly effective, often in cases where the young person had experienced difficulty in engaging with social workers in area teams. What was not evident was how this may translate into other areas of effectiveness, as the ability to form relationships was perceived as an effective aspect of the work in itself. There is an absence of an evidence base and clear understanding about the efficacy of good relationship building, and what the essential components are that may lead to other outcomes (Burnett 2004). In the light of emerging evidence about the importance of relationships as a key step in beginning to address offending behaviour (Batchelor and McNeill 2005; Burnett & Appleton 2004; McNeill et al 2005; Porteous 2005) this may be an area of work in Falkirk worth investigating further.

Development of service provision in Falkirk has highlighted the inherent ambiguities of the new youth justice in Scotland. The fundamental paradigm shift to 'programme' based service delivery and the 'what works' agenda has challenged professionals in their understanding of

best practice in work with young people. The introduction of youth justice projects utilising assessment tools focussing on criminogenic needs, 'programmes' focussing on offending behaviour and evaluations primarily detailing reconviction rates, has altered the balance of the welfare principle. These initiatives are beginning to question the assumptions of the Kilbrandon Committee that young people who offend and those in need of care and protection require similar interventions to address all their needs (SHHD 1964). However, there is no reason to assume adopting new working practices cannot be accommodated in a Hearings System still considered to be humane and effective (NCH Scotland 2004).

The challenge to meet the needs of young people, while introducing practices to meet the needs of the Scottish Executive, has resulted in a complex picture of service provision that complicates attempts to assess its development. The 'confusing and messy business' (Muncie and Hughes 2001) is now apparent in Scotland. From a 'what works' theoretical perspective, to meet the National Standards set by government and increase monitoring and evaluation of services working with young people involved in offending behaviour, developments in Falkirk have been positive. Improved referral procedures were in place, the systematic application of an Asset assessment was well established, efforts at implementing more structured offence focussed work was evident, programmes and projects were delivering 'specialist' services and basic measures of effectiveness had been introduced.

Alternatively, the developments may be perceived as moving away from the informal diversionary aspects of the Hearings System, replacing it with more formal youth justice processes (Goldson 2005b), but without the checks and balances of a due process system. Widening the justice net and labelling young people as 'offenders' at an earlier age and for relatively innocuous, or relatively few, offences (Muncie 2004) may be a corollary of this.

The promise of welfare services, but only through a justice route, is theoretically and conceptually inexcusable for young people, and there is now some danger in Scotland that this process has begun, despite the best intentions of those providing the services.

The youth justice projects were delivering a 'what works' agenda that in many respects encompassed a wider definition than has traditionally been linked with the discourse. The importance of relationships and the wider context of offending behaviour were more to the fore as the youth justice services remained located primarily under the auspices of the Hearings System. However the 'Getting it Right' consultation (Scottish Executive 2005a) is likely to raise more professional and ethical dilemmas and perhaps increase the dissonance found in professionals in the care and control debate. The, at times, confusing delivery and understanding of services evidenced in this Chapter may also increase as the 'Third Way' blurs conceptual frameworks and understanding of best practice with young people.

CHAPTER EIGHT

A MULTI-PROFESSIONAL TEAM IN A MULTI-AGENCY PARTNERSHIP

This chapter discusses the establishment and development of Connect as a multi-professional team in the wider context of the multi-agency working arrangements in Falkirk. The evolution of the Connect project is examined in relation to the perceptions of the partner organisations about its role in local youth justice policy and whether as a result of its establishment there has been any change in the perceptions of partnership working. Experiences are examined in relation to communication and information sharing, identified as important factors in the effectiveness of multi-agency arrangements (Atkinson et al 2002). The discussion of case management procedures is prominent as it became apparent during the fieldwork that the issue of statutory responsibility / case management was a key factor in local multi-agency relationships. It is argued that identifying a clear understanding about the case management role will facilitate the most significant improvement in partnership working. The establishment of Connect and its inter-agency partnership with Freagarrach and the YJRG are identified as important factors in the wider development of youth justice partnership working in Falkirk.

CONNECT – THE MULTI-PROFESSIONAL TEAM

With the establishment of Connect, practice in Falkirk began to encompass not only collaboration between professions but inter-professional practice in one project, with one set of aims and objectives - a multi-professional team (Payne 2000). The YJRG and the

coordination of referrals with Freagarrach ensured co-operation between the two projects in an inter-agency partnership. In theory this inter-agency partnership established a seamless service for young people involved in offending behaviour, from the children and families social work teams to the youth justice projects.

The decision to form a multi-professional team was made shortly after the 2000 Youth Crime Review and its establishment was felt to be the most positive use of resources for youth justice services in Falkirk given the already well established patterns of multi-agency working. Prior to Connect, Freagarrach was an established and nationally recognised service for working with young offenders, albeit only those identified as persistent. Freagarrach, although potentially a multi-professional team, had predominantly comprised of social workers over its history, although its effectiveness was in part attributed to the good inter-professional working arrangements that existed within the Falkirk area (Lobley et al 2001). Many respondents indicated that a multi-professional team had been merely the next step in the evolution of local multi-agency working arrangements. At the time of its establishment Connect was unique in Scotland in the number of professionals that it encompassed in one team.

To understand the evolution of Connect, reference is made to the four stage conceptualisation of team development based on Tuckman's (1965) model, identified as the classic, most common view of team development (Payne 2000). The original model has been updated (see Farrell et al 2001; Dechant et al 1993) to take account of the cyclical nature of team development because the original was based on laboratory experiments rather than 'real life' environments (Payne 2000).

The forming stage commences team development and the process of becoming a team member, followed by the conflict or storming stage characterised by much disagreement and discussion over roles and nature of the team. The norming stage relates to the point at which team members agree on the aims and objectives, reach some consensus on roles and a commitment to joint working through synergised learning (Dechant et al 1973). Finally the performing stage reflects a team's ability to work together and address conflict through regular development meetings and having confidence in their ability as a team to tackle any issues. Development is not linear and the cyclical nature of the process is the important factor. In effect the cycle may continue on smaller or bigger revolutions for the duration of the team as new members join and leave, policy changes and aims and objectives alter to meet these policy changes (Hart and Fletcher 1999).

Establishing the team – ‘forming’

Connect became operational as a team in June 2001, five months before this research commenced, although referrals were not accepted until September of that year while procedures were established and team members presented a number of promotional workshops and road shows. During the initial six months of the project there were ongoing advertisements for project workers to work in a multi-professional youth justice team. These adverts did not stipulate that any particular professional qualification would have any inherent advantage in securing a post. With the absence of any legislation in Scotland regarding the composition of youth justice teams its membership (see page 117) was influenced by perceptions of local need and responses to the adverts.

It is important to identify at this point that Connect actually had two distinct stages of forming and storming during the period of this thesis because, after being established for about one year, most of the original team members moved on to new employment. Having been unable to interview all these staff it is not possible to state that this movement was precipitated by difficulties concerning the team, or was merely a result of employment opportunities elsewhere. This reforming of the team is identified by Payne (2000) as a feature of team development in a real world setting and highlights the cyclical nature of team development. While most of the quoted examples that follow were obtained from the present Connect team, observation of the previous team development meetings suggested that many of the issues were the same.

Funding from various sources shaped the composition of the team at the beginning although, latterly, more centralised youth justice specific funding allowed staff to be appointed to meet need. Initially this flexibility led to tensions around individual roles of the team members with *“a big division between the professions and wanting different directions.”* Evolution, discussion and constructive responses to conflict and disagreement overcame initial role confusion by identifying issues for each team member. It was suggested that initial teething problems were due to the project being established too quickly because:

“There hadn’t been a great deal of planning going into how information is shared or whose role is what, and so a lot of issues were coming up on the ground, whereas if they had been thought about beforehand in the planning stages that would have been better.”

In practice the tensions on the ground during the process of team development were an element of the next phase of the team's evolution. Although, in hindsight, the tensions were difficult for some team members, they were a constituent part of the team learning to work together.

Developing professional identity and roles of the team – ‘storming’

“You have to gain an understanding about other professions, and how they view things and the fact they may view things differently and may want to work differently.”

Initially team members expressed their lack of understanding of colleagues' professional identities and were challenged in their own attempts to clarify their professional role. Gaining this understanding was a component of the team journey following the initial forming phase and the period of 'conflict' was evident in both the initial team and that which followed departure of the original team members. Discussions about how Connect should function, its role in the wider policy, what their individual roles were and how work was organised (Farrell et al 2001) were repeated as the team evolved.¹⁰⁸

There was some concern expressed by a number of the Connect staff group that at the beginning people were:

“More concerned with protecting their professions than their clients' needs or the best method of providing a service.....I felt people were not thinking about the greatest

¹⁰⁸ In practice the initial team never actually moved on beyond the storming stage because of the changes in staff after 12 months.

interest of the service, of Connect, or the public. They were trying to defend their own corner.”

This defending of their own corner, and undertaking what they perceived to be their roles, resulted in a number of staff recognising that the team were not working harmoniously as a whole and that practice was very much individualised around their previous professional experiences. As this team member suggested they “...*kind of just got stuck in traditional social work.*” Because of the challenges of working in a multi-professional team and being unsure about roles, professionals reverted to what they were familiar with in their practice. While Lowe and O’Hara (2000) identify a lack of client focus and professions working in isolation as problems of ‘uni-disciplinary’ practice, the mere establishing of a multi-professional team did not guarantee overcoming these problems, which have to be addressed if a team is to learn to work together. The particular impasse that Connect came to during this storming stage may have reflected why there was a lack of clarity about service and programme delivery that was apparent amongst team members and referrers (see Chapter Seven).

To progress from protecting their own professions and working as individuals, effective working required team members to clarify their own identities within the team, the team’s identity in local policy and how they contributed to the wider network (Payne 2000). From observation of the team development meetings, in addition to the interview responses, it was apparent that team members struggled with these issues and that the transition was difficult:

“I think there was a lot of conflicting ideas about what we were supposed to be doing and there was a lot of difficulties in terms of thrashing out who would be doing what,

[and] a lot of the time where we fitted with other services in terms of what we would and wouldn't do."

Having little, or no, experience of multi-professional teamwork, most of the Connect staff probably did not recognise that settling these issues was a vital part of development (Payne 2000) and ultimately beneficial (Molyneux 2001). At times, as an observer, the emotions these issues raised in staff members were powerful, and it was during these periods that the impartial nature of the student observer was particularly challenged. Various professionals expressed views about why their approaches were more appropriate and sought confirmation that the student researcher did not consider it appropriate to provide.

While for many of the staff a better understanding of their role and identity in the team would have been clearer if the identity of Connect in the wider policy had been clarified at a strategic level, the lack of established criteria, both for individuals and the project, ultimately helped to shape the project into its present form. The absence of guidelines and prescriptive planning has been identified as being beneficial for successful multi-professional team development (Molyneux 2001) and change (Fullan 1986). Developing their argument from Fullan (1986), Hart and Fletcher (1999:54) suggest that:

"..planning that is too prescriptive may be counterproductive, since change is a contingent process that must be capable of adapting to unforeseen circumstances and situations."

The relatively autonomous nature of Connect within local policy and the absence of any prescribed centralised national agenda allowed Connect to define their role in the local multi-

agency networks. While this was within the constraints of the youth justice standards (Scottish Executive 2000), as discussed in Chapter Six, these guidelines were open to interpretation. The autonomy enabled Connect to adapt to unforeseen circumstances which included, at various times, social workers in the team agreeing to undertake background reports for the Children's Hearing when staffing levels in the social work teams were stretched, undertaking short pieces of work at short notice, being flexible in allocation of cases and being able to reject unsuitable cases.

As part of the overall learning and development process, role identification involved staff members sitting down and explaining their professional roles, ideas and values, and gaining an understanding of what other professionals did and how they fitted into a youth justice team. As one team member described it:

"I think it's coming in with your idea and people having their ideas, and trying to get them to meet somewhere in the middle, while still holding on to your concept of what it is that you're doing."

'Meeting in the middle' was the key description of this phase of pooled learning (Dechant et al 1973) and was the result of sitting down and talking (even arguing), expressing concerns and feelings and enduring conflictual team development days which often resulted in little overall agreement. While this process supported the team's evolution to the next stage of their learning unfortunately, for the original team members, the 'norming' stage was never achieved and it may be surmised that when team members left after twelve months there were unresolved issues and negative experiences of multi-professional teams.

Agreement and learning- 'norming'

Once some understanding was achieved and team members became more confident (Farrell et al 2001) the team moved onto the 'norming' stage of their development where there was a collective refraining (Dechant et al 1973), or shared understanding, of their personal values and beliefs. In addition to personal journeys this phase for Connect as a project involved formulating clear aims and objectives, committing to focus on and develop programmes and attempting to work as a team rather than individuals. Achievement of this enabled the acknowledgement that *"a lot of joint working does happen in the team."* The development of group 'programmes' was especially beneficial to this process as it finally enabled 'joint working' and facilitation of groups rather than the individualised practice identified earlier. This also included co-working with Freagarrach and staff from field social work teams. The appointment of a programme development worker further aided this process when other team members were busy engaged in daily work and referrals, unable to develop programmes.

This process of the team learning was clearly elucidated in this description that captures the challenges in reconciling issues of professional values and practice in a new multi-professional team:

"I see a lot of commitment from the team, to work as a team, I wasn't the only who was challenging my values, I know a lot of other people have been doing the same thing. And there has been considerable development, I feel comfortable in the team myself, and hopefully other people will be feeling the same. It's a big process though you know. You're never ever going to give up on your values per se, but you're going to have to

*blend them or mend them or change them, move them a wee bit,there's got to be a
mergence somewhere of the values, it hasn't been easy at times, I've had to swallow a
bit of pride, and say OK we'll go along your line, but I have realised the benefits of
that."*

The shift from the position of defending their own corner to one of mutual respect and working as a team is described by Laidler (1991) as achieving 'professional adulthood.' This occurs when professional autonomy is deferred to effective working together because team members are clear in their own identities and the role of the project. This did not mean that at Connect autonomy and discretion were ignored, merely that there was a recognition of others' views. Notwithstanding arduous team development meetings and discussions, the moment that characterised reaching 'adulthood' was when team members began referring to themselves by their professional titles, rather than the generic title 'project worker,' because they became confident in their professional identities and ability to work cohesively as a team.

Originally, posts at Connect were secondments from substantive posts and the title of 'project worker' was adopted at the outset in an attempt to define the team as a new project. This was similar to the YOTs in England and Wales where team members adopted 'youth justice' worker as their title but where there were issues regarding blurring of roles and sharing of tasks (Holdaway et al 2001; Burnett & Appleton 2004). The philosophy of Connect team members changed regarding professional identity, so that when asked about their title typical replies included, " *well I don't see it [title] as a project worker, being known as a project worker tends to dilute what you do.*" The arguments about protecting professional roles and identity dissipated with the change of job title until nobody preferred being described as a

project worker. This simple recognition of their professional identity, albeit in a multi-professional team, was a defining moment for Connect in working as a team. This movement would suggest that role flexibility was necessary in the early stages but was able to be replaced by more clarity and identity as the team progressed (Kane 1975). This role flexibility in the early stages may also have been relevant to Connect as a project, as some respondents commented on increased clarity as the project developed over time.

While not easy to speculate on reasons for the preferred title, it may be that the absence of a legislative framework in Scotland, and the various practices around the country, rendered the youth justice or project title virtually meaningless. 'Youth justice worker' did not seem to have been accepted to date as a distinct profession in Scotland. Also, as one worker pointed out, within social work, youth justice work did not have its own post-qualifying route. It may also be that 'project' or 'youth justice worker' had connotations with the more punitive approach to youth justice in England and Wales and was not acceptable in Scotland where there remained a focus on the welfare aspect of work with young people. Whatever the reason, the argument that multi-professional teamwork is facilitated by a blurring of roles and identity, as suggested in government documents (Payne 2000), was not supported by the experiences of Connect.

'Performing' and continuous learning

As the fieldwork ended the team composition had remained relatively stable for a considerable period and the phase of continuous learning (Dechant et al 1973) was arguably just commencing although, at the time of writing, no definitive statement could be made about how well Connect were 'performing.' Programmes were being developed, the

evaluation process through the YJRG was delivering monitoring and evaluation data and team members were confident enough to challenge and disagree over issues relating to service delivery. What was evident was that Connect were at the stage where they could deliver services to meet the needs of partners in a team environment that was relatively cohesive following the challenges encountered over the preceding three years. However, the team membership was again changing and the new model proposed for youth justice in Falkirk (see Chapter Four) would examine further Connect's ability and readiness to 'perform' as a team within an agreed identity and role. As highlighted in Chapter Six, perceptions of roles may not be shared by new members, or children and families staff under the proposed new arrangements.

Effectiveness of the multi-professional team approach

Regarding team composition and the efficacy of having a multi-professional team working in youth justice the multi-professional approach was perceived to be beneficial for service users in Falkirk. While most respondents were clear that the project was very much in a developmental stage, indeed should always be developing, perceptions of the multi-professional aspect of it were positive. The following responses came from a variety of organisations and professions, but all alluded to the benefit of a multi-professional team:

"I think it's getting there, I think it's a good way of working, having all the different disciplines, the different experiences you can draw on it and, you know, provide a better service for people."

"I'd like to think that it's working ok.....hopefully the advantages are that you don't need to go very far to get all the various talent and experience, you've hopefully got that under the same roof."

"I know anecdotally that it's a good way of working. As to why, I think it's common sense that if you have a range of different talents and disciplines available within the one team then I think that's bound to have a positive impact on a child's problems."

"I think it's crucial. I think it's obvious each child has different needs, and you know obviously some young people need to be involved with experts in different areas, so yes I think it's good."

"I think because of the range of problems that children have, they have educational problems, they have family problems, and you need that wide range of staff. That I think is one of the great values, you feel that they're able to take the child as a whole and deal not just with the offending, but with the other things."

The one post consistently mentioned in regards to the efficacy of having a multi-professional team was the nurse, a profession viewed as a tremendous benefit to the young people and to other professionals seeking a drugs service. The nurse suggested that:

"the fact that the local authority actually employed me is a step in the right direction, I mean they've employed a nurse you know, and took me on." ¹⁰⁹

¹⁰⁹ Express permission was obtained from the nurse to identify her with specific comments in this thesis.

The appointment was only for a two year period and it was by no means certain that the contract would be extended. A second qualified nurse was employed but only under the title of 'Substance Practitioner.'

The senior nurse described her role as "*very specific*" and at interview she was clearer than other team members about her role in the team from the outset. There was little ambiguity about her role to work with young people who have problematic drug use (the definition of problematic was an issue that took up much time in team meetings however). This clarity was reflected in how other team members and outside professionals viewed the role.

The importance placed on individuals was a prominent theme of the success of the multi-professional aspect of the work, perhaps moreso than the mix of professions. As defined by the project workers, the success of the project in multi-professional working was due to the personality and ability of the individuals rather than professional background. This consensus was exemplified by these project workers in slightly different ways:

"I think possibly the key to effectiveness so far has been individual ability, rather than strong multidisciplinary working, although that has been a factor as well."

"I think as a whole it works well, but I think that comes down to who the individuals are, not necessarily the roles."

Team members were less concerned about the professional background of a worker than their ability to bond as a team member, with a child centred professional ethos and an outgoing personality. The concerns of staff members that people should gel was probably aided by not

being constrained by legislation regarding team composition, unlike England and Wales where there is a centralised concept of the 'ideal' professional membership of YOTs. Such a view may indicate that the success or failure of multi-professional teams relies on the ability of the members to get on together rather than what profession they come from, or their inherent professional skills. As legislating for different professional composition of a team cannot develop good interpersonal skills these findings provide an interesting alternative view on what, or who, constitutes effective partnership working. They also provide further evidence for the importance of relationships in developing partnerships, either with young people or other professionals.

There was little doubt from interviews and observation of the development meetings that there had been a substantial amount of soul searching by different professionals exposing their professional practice and values and leaving them open to scrutiny. Their personal experiences and values were challenged and it was both a difficult and rewarding experience resulting in both professional and personal growth in a time of incessant change (Horwath and Morrison 2000).

The change process

The development of Connect and understanding of the roles within and outwith the project was a continual change process. Ongoing developments, both nationally and locally, will continue to demand such a continuous developmental process (Hart and Fletcher 1999). While the lack of guidelines and statutory direction was, for many team members, a source of frustration at the time (see Chapter Six), it would appear this aided the team in developing its own identity. There were no constraints linked to a bureaucratic idea of how a multi-

professional team should operate, or what the ultimate aims and objectives were. Flexibility was again a key issue for the team learning and development.

An initial radical transitional change supported at the strategic level saw the introduction of Connect as a completely new project for addressing youth offending in Falkirk. Following this radical change, the unique and autonomous nature of Connect in the wider partnership arrangements and the evolving policy agenda at a national and local level, meant that further learning and development incorporated concepts of transformational and developmental change (Iles and Sutherland 2001)¹¹⁰ to meet the new changes and policy direction.

Transformational aspects of change were apparent because the previous assumptions of 'best practice' in work with young people who offend were superseded by a 'new order' (Clarke and Newman 1997:42), or way of working. For youth justice this involved multi-professional team working and the introduction of evidence-based practice in a managerialist culture of auditing and monitoring. Additionally, developing youth justice policy suggested ongoing change with few plans regarding the final structure or nature of service provision. These aspects of policy supported a concept of change that was readily adapted to meet new challenges. However, the relatively unplanned continuous change envisaged for youth justice provision nationally (which has to be incorporated into local practice) was also accompanied by planned change at the local level as Connect evolved in an ongoing and cumulative way characterised by adapting and assimilating ideas from various sources to improve daily practice. The various concepts of change exemplified the complex processes that were involved in the organisational change and highlight that it is unlikely that any one

¹¹⁰ (Iles and Sutherland 2001) describe the range of approaches, tools and models for understanding and managing change practically. They also highlight that the organisational change literature covers many aspects including descriptive accounts, theoretical and prescriptive models to guide change processes, typologies of approaches to change and studies investigating the effectiveness of change programmes. Practical points for managers undertaking change are detailed by NCCSDO (2001).

prescriptive, static model of change could fully encompass change in such complex arrangements (Pettigrew et al 1988; Van de Ven and Poole 1995).

Flexibility, and absence of a static model of change, enabled the services in Falkirk to adapt to unforeseen circumstances and national policy relatively quickly. Like criminal justice social work (Scullion et al 2003), youth justice social work services will face the challenge of continued change driven by the corporatist, 'what works' agenda. What was not explicitly acknowledged by respondents was the fundamental challenge that the 'new order' presented to the established welfare approach in Scotland. The presently evolving national policy, seeking results and increased outputs, ensures that youth justice services across professional boundaries have to cope with transformation and the introduction of new initiatives and legislation while still delivering a service. The ability to adapt quickly has been, and will continue to be, vital and questions the validity of a bureaucratic, top-down, management agenda for change.

FALKIRK – THE MULTI-AGENCY PARTNERSHIP

While the overall perception of the partnership arrangements cannot be attributed to the establishment of Connect, its introduction and pairing with Freagarrach via the YJRG appeared to have greatly enhanced the positive attributes of wider partnership working in Falkirk. Respondents were speaking very much from their personal experience since no independent studies had looked at the quality or effectiveness of the multi-agency approach in the Falkirk area, although the Lobley et al (2001) Freagarrach report was mentioned by some respondents as evidence for positive working relationships.

Amongst managers there was generally a consensus of opinion that the Forth Valley Youth Justice Strategy group had fostered good multi-agency working across various agencies since its inception. This consensus, however, was not apparent to front line practitioners who questioned the contributions of the Forth Valley group as an effective strategic model. Strategy groups should identify clear priorities and targets for development (Holdaway et al 2001), and the evidence from this research indicated that clarity was absent. The recent Justice 2 committee report (Scottish Parliament 2005) also found evidence of confusion in strategic groups about their role. These findings provide further evidence that the goal of shared objectives and vision in youth justice partnerships is proving elusive, and probably reflect the findings in Chapter Six uncovering divergent professional opinions about youth justice.

Operational staff generally saw the influence of multi-agency working related to their experiences of contacts with other front line workers in the partner agencies, similar to the informal collaboration suggested by Payne (2000). The strategic groups had previously been identified as 'talking shops' (Falkirk Council 2003). This suggests that partnerships were operating at various levels and degrees of formality, and not necessarily to the benefit, or detriment, of overall arrangements.

Despite this divergence of opinions, and concerns about the focus of the policy, there was a consensus, amongst both managers and practitioners, that there had been improvements in multi-agency working since the establishment of Connect and Freagarrach. However, these statements could only be attributed and evidenced at the distinct levels of partnership working, not across the various levels (see appendix 3).

A prominent reason for suggesting that agencies in Falkirk were working well was the size of the area and the fact that most people, at least at strategic / senior manager level, knew each other. A legal professional, while acknowledging difficulties, suggested that the good relationships that had been fostered between the agencies over the years enabled senior managers especially to pick up the phone and deal with issues quickly and make things happen so that *'Falkirk works'*:

"It's so much easier as well, you know yourself if you phone up somewhere and you know somebody, if you're needing a specific thing it's far easier to obtain that if you know who you're talking to, rather than phoning up as a voice on the end of the phone, who you don't know..... It certainly makes a difference and it works both ways."

The establishment of Connect as a second youth justice project, and the changes following the 2000 Youth Crime Review, seemed to further enhance the perception of working arrangements for this legal professional:

"We're going in the right direction...the overall improvement has been tremendousin terms of the quality of service the kind of things that can be addressed, the kind of things that can be done with a supervision requirement. I think since all that's happened the supervision requirement is a much more meaningful thing than it was before.....The quality of work, the assessments, the kind of work that can be done, the time that can be spent.....Certainly since these have come in I think now the work they've done is much more sophisticated, much more geared to looking at the child's needs."

Additional services, available more quickly, with good inter professional working, were seen as positive factors following the establishment of Connect as a multi-professional team and the partnership with Freagarrach. This replicated findings from the Oxfordshire YOT study (Burnett and Appleton 2004). The difference in Falkirk, however, was that the additional services were located in the youth justice projects. Few, if any, other ‘specialist’ services, like substance use, had evolved in the area as a result of increased youth justice money. Some respondents felt this was a negative point suggesting “*there are good agencies that deal with specific things, but there’s not enough agencies,*” while others suggested the emergence of too many initiatives and services was not beneficial, resulting in “*spreading yourself too thinly, and not being able to carry through things as well as you can.*” One social work manager referred to a proliferation of projects and services as ‘*projectitus*’ and expressed concern about the long-term prospects of the projects.¹¹¹

These differences of opinion were difficult to reconcile and, as identified in Chapter Six, there appeared to be no overall consensus about whether there should be more specific agencies delivering services or a concentration of services in one project. While many respondents believed that the establishment of a multi-professional team was beneficial there were suggestions of potential gaps in service regarding education, mental health and local residential services for young people.¹¹² Such opinions may reflect the subtle differences between a multi-agency collaborative approach and employing a multi-professional team. Whether all services can be encompassed in a ‘holistic’ multi-professional project is debateable, but what may be beneficial about such projects is that they can unlock access to wider professional and multi-agency networks (Cook et al 2001). Falkirk, by establishing a multi-professional team, facilitated wider multi-agency working and observation at Connect

¹¹¹ These points also mirror those regarding specific services for 16 and 17 year olds discussed in Chapter Six.

¹¹² Mental health and education were also identified as potential gaps in the Fast Track Hearing research (Hill et al 2005).

indicated that informal multi-agency networks increased as the various professionals ‘shared’ their networks with colleagues.

The issue about the number and the type of services available also manifested itself in concerns about the possibilities, or in many cases the realities, of duplication of work between agencies, with one criminal justice social worker suggesting *“there is room for a lot of improvement and streamlining in the way that services work together.”* This will be returned to later since effective case management should prevent duplication of work, as should effective strategic planning regarding allocation of work to agencies.

This point about the duplication of services was made particularly in respect of Connect and Freagarrach. There was concern amongst social work respondents who suggested *“there’s almost a bit where they’re vying for trade in some respect,”* with a *“kind of sense of competing with the other service, which is not really very healthy.”* While Connect and Freagarrach shared a common referral route one worker from Connect suggested:

“There’s a potential for conflict when you’ve got a pool of young people, and you’re a provider and there’s another provider in the market, I think that’s always going to create tension.”

Staff at Freagarrach also conceded that there had been tension at times, especially when Connect was first established. While this tension seems to have dissipated a little since the arrival of the YJRG, the residual effects were apparent in some of the interviews. This issue of conflict in multi-agency partnerships is often seen as negative and something that a corporatist approach seeks to minimise. However, it can be viewed as positive providing the

agencies concerned can work with the conflict to improve services (Crawford & Jones 1995), as exemplified by the introduction of the YJRG. In some respects the introduction of closer partnership arrangements in Falkirk may have led to duplication of services and some conflict between agencies. This may be a paradox of multi-agency working, where reducing duplication is often cited as a reason for increased collaboration. These are points worth considering at national and local policy level when promoting the benefits of multi-agency working. There may be agencies providing similar services where the residual effects of 'competition' in the market economy are limiting the ability to work effectively together.

An area of concern for practice team social workers, especially children and families, was the question of statutory responsibility for cases and the linked case management responsibility. Resources and funding difficulties emerged on a number of occasions as impediments to effective partnerships, but the prominent feature of duplication and confusion about services was the identification of, and the role of, a case manager.

CASE MANAGEMENT

Case management was closely linked with statutory responsibility in Falkirk, where there had been a working assumption that social workers holding supervision orders were the case managers. Where a young person was referred to one of the youth justice projects with no allocated social worker, a project worker generally assumed this role. There was no strategically agreed model of case management with respect to specialist, generic or hybrid approaches (see Chapter Three).

Responses from a variety of professionals, mainly social workers and project staff, identified a flexible approach to case management, resembling a hybrid model.¹¹³ Staff in social work teams varied in their approach to the amount of responsibility they maintained for the management of cases. Social work ‘case managers’ indicated that in some instances when a young person was referred to a project they virtually handed over responsibility to the staff member at Connect or Freagarrach to ‘manage’ the case. Others maintained more contact with the young person and were clear that the projects were for providing specific pieces of work on offending behaviour.

The approach to case management that was highlighted by youth justice project staff, who in the majority of cases were not case managers, is highlighted by this description of practice by a Connect worker:

“We’ve been accessing services for young people like careers services, community education, schools, whatever. So part of that is case management, care management, trying to access accommodation whatever, we’ve been a bit of that. We should have always been, and we are more, a casework service though, so we should be providing a service; you know if it was a purchaser-provider split, we’d be the provider and child care would be the purchaser, basically, or criminal justice or whatever. So I think we’ll be increasingly in the business of doing stuff with young people, which would be direct work basically.”

Other descriptions by Freagarrach staff suggested that the role of the projects encompassed case manager responsibility in some instances:

¹¹³ Other professionals and young people interviewed were not familiar enough with actual practice to comment on case management.

“It depends on what was the agreement at the outset, with the kind of case manager, with the social worker. So if the person was on a supervision order, but they’re happy for you to be doing that, then it’s kind of, it’s quite individual to be honest. It’s individual to the social workers how they work and also the probation worker as well”

“It might not be the offending work that they’re actually referred for either, because they are on probation. So it might be for the intensive support around the other areas.”

“It’s quite often about sessions taken up getting them the basic essentials of life, food, in touch with the job centre, careers, housing benefit.”

These descriptions of practice from project staff suggested that once referred by a social worker to a project, a young person could often obtain a ‘de facto’ case manager at Connect or Freagarrach. The concern about case management was not related to which model was practiced, but the identification of one person to co-ordinate services. It appeared that in some instances the youth justice projects were taking on the role of providers and brokers, and social workers who held orders were contracting out ‘case management’ to Connect and Freagarrach. In other cases social workers were clear about the role of the youth justice projects for delivering specialist offence focussed interventions only.

Project staff described how they often liaised with, and brokered additional input from, other services - including education, careers and housing - with whom they had good relations. This led to the situation where a young person may have had one worker holding the statutory order and writing reports, while another worker in the youth justice project had most contact

with the young person and in many instances 'managed' the case. One Freagarrach staff member explained how on some occasions young people had numerous professionals dealing with similar issues and review meetings were held to clarify roles and divide up the work. Such practice suggests there was need for more clarity about who was case manager, what this role entailed, its decision making power and the links with other agencies. Within this type of arrangement it was also easy to see why some respondents, like this Freagarrach worker, were concerned about a duplication of role:

"I think probably there is room for improvement in terms of not duplicating work or coordinating work... I think that is a difficulty sometimes in terms of people who are on statutory orders, and it's like who does what and who communicates what."

Indications were that the case management role was fluid and because the roles of the youth justice projects had not been clarified they provided a mix of direct casework and brokering of services. If Connect and Freagarrach were, as one Connect team member indicated *"keen to see ourselves as a specialist service dealing with offending issues and substance misuse,"* acting as case managers (generic, specialist or hybrid) or as a broker for other services was probably outside their remit and led to confusion and duplication of services.

The confusion was apparent in the reply of one young person when asked who they thought had an overall grasp of their 'case'. *"I do"* was the reply and while at first glance this may seem an enlightened client-centred approach to case management, it was clear this was not by design. This young person was not aware of professionals routinely liaising with each other, and if they were he was not informed. While this one reply cannot be said to be representative

it gave an indication of potential problems if one person is not clearly defined and identified as the case manager to co-ordinate services.

Confusion about responsibilities was also a concern for children and families social workers who expressed alarm that on a number of occasions as the case manager they were 'bypassed' by referrals to youth justice projects made without their knowledge. One occasion was described where a referral was made by another professional to the YJRG and on another to the Sacro Restorative Justice Programme. While there was no indication this was widespread, it again points to the difficulties of not having a clear approach to case management in an environment of multi-agency working. As more agencies become involved with community safety and youth justice, it will be vital to be unambiguous about who is the case manager to avoid duplication of work and confusion for young people and professionals.

With the confusion surrounding the case management role it was understandable why some referrers believed that Connect and Freagarrach should have taken on statutory responsibility for young people dealt with at a Children's Hearing for offending, thereby clarifying the issue of case management. As one children and families manager noted:

"It would be more appropriate for Connect to take on responsibility, not just for working with the case, but all the other stuff that goes with it, all the difficult bits that go with it, attending Children's Hearings, preparing reports for Children's Hearings, if need be attending court and what have you, and working with the family. And it just doesn't seem awfully logical the children and family social worker has to work with all the other bits and Connect just works specifically with the offending behaviour, because I think we know the connections."

This view was shared by nearly all the social workers interviewed from the area teams, whereas project staff were in agreement they did not want to hold statutory orders. There was, however, some degree of contradiction, even from the same person, regarding who holds the orders and the type of service delivered. While one children and families social worker suggested *“I think it would be useful if all the different agencies could hold orders,”* the same person also suggested that:

“I think as well it’s important that families see that a different service is being offered, and not just the social worker, who keeps plodding round to the door.”

This was supported by similar views from a criminal justice worker:

“I really feel strongly that Connect should be an addition to the support that we offer young people, and not instead of.”

These apparently contradictory remarks may suggest that while the question of the youth justice projects holding statutory responsibility may seem initially straightforward, some workers also value the ‘different’ service that they offer, a service that is less likely to be different if statutory orders are held. Young people also saw the projects as offering a different service because project staff were not seen as being responsible for accommodating young people or breaching court orders. While this was positive for young people, it was mentioned at one of the group interviews that the projects should be more honest about their role in relation to statutory orders and their responsibilities within a local authority framework.

Interestingly, Cross et al (2003) suggest that in England and Wales the youth offending teams lost the focus on the 'whole' young person because they no longer held case responsibility for care and protection issues and were charged with being case managers to address offending behaviour only. Working holistically with a young person, brokering services and holding statutory responsibility for court and hearing supervision orders is a multifaceted interaction involving complex decisions relating to case management. It was perhaps more complicated in Falkirk because the youth justice projects were established as specialist programme providers and not as YOTs similar to England and Wales. Case management responsibility was not the planned role for Connect and Freagarrach, although in some cases it evolved into this because of the pressures on area social work teams. Having more than one case manager was likely to cause confusion for young people, a duplication of services for professionals and diverse lines of communication. These were not the consequences envisaged following multi-agency work, although in England and Wales young people are increasingly likely to have more than one identified case manager because of the division between offending and care and protection issues. The Scottish system should preclude this situation and the revised policy in Falkirk, with responsibility clearly placed within children and families social work teams, and referral to the specialist projects where appropriate, should further clarify the situation.

Notwithstanding the debate on who holds statutory orders, the one clear aspect of practice in Falkirk was the absence in many instances of an identified case manager that allowed workers, and young people, to be clear about who had the responsibility for co-coordinating the delivery of the care plan. While not diminishing professional discretion about who delivers which service, having one person identified as the case manager would provide more

clarity and permit a channel through which all work relating to the young person could be co-ordinated. All agencies should be responsible to one case manager, especially if, as identified in recent Scottish Executive consultations (Scottish Executive 2004d; 2005c), the case manager should be responsible for ensuring the implementation of the action plan. The 2004 consultation suggests that for young people on supervision to the Hearings System the case manager should always be an employee of the local authority, with an indication that it will probably be a social worker. For other young people there are suggestions it could be a social worker, teacher or police officer (Scottish Executive 2005a). The guidance appears to allow for a generic, specialist or hybrid model of case management, with the case manager ensuring that all those identified as providing a service in the care / action plan maintain the agreed level of contact with the young person. Such standards, while welcomed in terms of who is the case manager, have to rely on a corporate strategic approach to youth justice, where senior managers across different agencies agree that in some cases the case manager may have to challenge the practice of other professionals and agencies. Such practice, if implemented, is likely to test the extent of positive multi-agency working.

Resources and staffing

“One thing that would really help us in working with young people who offend in some respects, is having fully staffed children and family social work teams.”

The decision of Falkirk Council to focus on the children and families social work teams as the main providers of services for young people who offend may address one of the issues that became central to discussion of working practices during the research, that of resources. While there were various views about who held statutory orders and case management, a

common thread referred to by children and families social workers, and recognised by other professionals, was resourcing issues, both financial and staffing. Emerging during the fieldwork, this issue reflected a nationwide staff shortage in social work at the time. As the national recruitment crisis deepened over the period, it became clear that many respondents were particularly concerned about the impact this was having, or could have, on the ability of agencies to deliver services to young people. At the time of interviews, neighbouring authorities were offering 'golden hellos' to new workers and enhanced salary packages to existing staff. While children and families services were at the forefront in expressing these concerns, other agencies also had a clear insight into how difficult the situation was becoming for front line children and families services.

For many children and families staff, even though they believed that the formation of youth justice teams and the provision of improved services for young people who offend was generally a positive development, the allocation of increased funding and focus on youth offending caused some dissonance in their thoughts. As one social work manager commented, *"Connect came along and initially it attracted experienced workers as well, and it's about you're losing that worker."* There were clear concerns that following this initial movement of children and families staff to the youth justice projects, further expansion of 'specialist' youth justice services would have a negative impact on front line services. The following comments clearly highlighted some of the concerns apparent for staff:

"I would wish that as much time and focus was put on the other side, the children and families, the kind of care and protection issues, because I can see that a lot of my colleagues are moving to work with the youth justice side of things, and they're more interested. I think that they feel that they've got more support, you know the training,

the support, I think the workloads as well. I mean a lot of my colleagues in the children and families teams all make jokes, about you know if you're in Freagarrach you get like three kids to work with. And you're talking about workers in the area teams who've got maybe 35-40 cases. They might not be live at one time but it's a hell of a responsibility...The way I see it going is that they're going to have to do something to help the care and protection side of things because Barnardo's, working for Connect, a lot of my colleagues are speaking about wanting to do that because of the good working environment and the support and job satisfaction."

It has been suggested that often when money is made available to one project or area of work, other areas, especially statutory ones, lose out (Bailey & Williams 2000). While there is no suggestion that money was being moved from core childcare services to youth justice in Falkirk, workers' perceptions were formed by the injection of cash to services following the Youth Crime Review. As a number of Connect staff noted, it was not received positively by social workers, when they were provided with new laptops and access to training and development, resources that were not available to children and families teams.

Of the children and family social workers interviewed all expressed the need to work with a young person on all their presenting problems, but were clear that time constraints often meant that young people who offend did not always receive the attention they should. Such a view was supported by one of the legal professionals who suggested that:

"As far as the local authority goes, I think it's about the number of cases the social worker has to carry, that they don't have the time, they can't possibly devote the time that the voluntary sector can devote."

These feelings, while not leading to direct conflict between children and families and youth justice project staff, may be the source of increased disagreements in the future if the issue is not addressed, although the new model of provision with increased staffing and funding to area teams should help to alleviate any problems. Youth justice project staff were aware of this situation, acknowledging that they were in a privileged position regarding funding and staffing, their ability to gate-keep the service and having:

“... time and space to do the work, I think in a lot of ways it’s not that the workers here have skills that other social workers don’t have, because we’ve all done the same training. It’s the fact that we’ve been given time and opportunity to develop expertise in a certain area, and I think having small caseloads where you have time to plan sessions and, you know, think things through and reflect on sessions.”

Related to the issue of resources is the wider question about the nature of the work undertaken by children and families social workers. As one member of Connect staff indicated, *“if you are in a service where your job is defined by what other people don’t do, basically you know I think that could be very irritating.”* Children and families staff expressed similar sentiments with one worker suggesting:

“We’re fire fighting constantly, I don’t have the time or whatever, to go and do work with young people that I would love to be able to do, group work or whatever. We don’t have the time to do that, we seem to be, it’s crisis intervention stuff all the time.”

The final comment on this issue is left to this children and families manager who voiced widespread concerns that:

“..too much has been hived away from social workers already in children and families teams. So what gets hived away is all this kind of specialist stuff like you know like criminal justice type work, like youth justice. In the past we’d hived off child protection and we’ve brought it back in again, children with disabilities and all this sort of stuff. So you kind of ask yourself what are children and families workers left with then, and it tends to be left with nobody makes a positive decision that children and families workers are very good at doing this and this is what they’ll do. It’s kind of like well take this away and we’ll take that and children and families workers are just left. And I mean all the crisis in children and families at the minute nationally is almost indicative of a policy without any decent strategy and to hive off bits of work from children and families workers and leave the core service to grind on with fewer and fewer workers.”

COMMUNICATION AND INFORMATION SHARING

One of the key factors for success, or major challenge, for multi-agency working is the issue of information sharing and communication between the various agencies involved in the partnerships (Atkinson et al 2002). As these factors have also been highlighted as one of the reasons for promoting multi-agency working, communication is associated with the establishment, success and failure of partnerships. A communications strategy was identified as a key part of the National Standards for Youth Justice (Scottish Executive 2002c) and all youth justice strategy groups are expected to have in place these strategies as a key indicator for their performance.

Information generation and communication is a vital requirement of evidenced based policy and practice as it helps to develop a cumulative knowledge base (Davies and Nutley 2002) and forms a key part of knowledge management in organisations (Nutley et al 2004). Nutley et al describe knowledge management as a relatively new discourse that seeks to understand the processes of knowledge acquisition and dissemination for the benefit of an organisation, and they believe that it may prove to be increasingly important in the public sector. Sharing information between agencies involves the exchange of knowledge, whether professional and/or data about individuals, and has been an area of conflict identified in much previous research (Crawford 1997).

A particular area of conflict and concern has been that of confidentiality (Pearson et al 1992). It has been suggested that *“problems of confidentiality abound in multi-agency working, with different agencies constructing and working by different conceptions of ‘confidentiality’”* (Sampson et al 1988:483). Falkirk was no different in this respect, with a number of respondents from various agencies alluding to the fact that any difficulty in obtaining information was linked to issues of confidentiality, or more precisely individual perceptions about confidentiality. As one Freagarrach worker noted:

“There’s always the Data Protection Act stuff and how much you can reasonably share. And I think there is always that at the back of people’s minds, and is it OK to be giving out this information.”

A legal professional also suggested that there were always concerns about *“sharing information too widely,”* although it was added that concerns about data protection were

often overstated when working with vulnerable and troublesome young people. These thoughts of a criminal justice worker identify the vagaries of information sharing and how much it differs between individuals and agencies:

"I've found that it varies. Some places are more amenable to the exchange of information and are more trusting that you will treat it confidentially. I mean to me the information, as long as it's going between agencies who have a confidentiality clause within them, you know as long as it's going between those agencies and not outwith, then I think the confidentiality is maintained. Confidentiality is a sort of misnomer anyway, its more a sensitivity to information rather than confidentiality, and I think that we need to clarify what information actually is legally confidential, medical information and such like. And the limits to confidentiality."

As a Freagarrach worker also suggested, these various experiences may be due to the fact that information sharing *"varies from person to person and again from week to week."* Many respondents from a variety of agencies pointed to the fact that individual relationships with other professionals facilitated the sharing of information, agreeing with the views of this Connect worker who suggested that *"I think it comes to individuals really, I found in different settings that I've been in it varies from person to person."* A legal professional also indicated that the success of information sharing in Falkirk was *"the ability here to make good personal contact at the early stage with all the right people"* which supported the view, mentioned earlier, that Falkirk worked reasonably well due to its manageable size.

While there were various views about sharing sensitive data only one person gave a specific example of a social work team failing to share information because they were not a

'professional' (social worker) themselves. Alternatively, the same team were held up by another respondent as a good example of agencies being willing to share information. As in many aspects of the research, definitive perceptions were difficult to identify and individual experiences varied greatly.

The relationship aspect of information sharing in Falkirk cannot be underestimated as on an individual level a majority of respondents felt that there were few problems, either in obtaining information about young people, or keeping other professionals informed of a young person's progress. This was especially true of information sharing between Connect and Freagarrach and the local social work teams. *"I think they're probably quite good at feeding back to the worker"* and *"they're very good at putting case notes and e-mailing you and contacting you by phone,"* were typical comments about youth justice staff informing social workers of developments.

These individual and informal contacts have been found to be prevalent in multi-agency crime prevention strategies as a way of progressing practice (Pearson et al 1992; Crawford and Jones 1995). However, it has been suggested that they may lead to problems concerning the reasons and value bases on which information is shared and issues regarding differential power relationships (Crawford and Jones 1995). It would appear this informal contact can be both positive and negative as:

"Informal systems of inter-agency working are risky encounters which can endanger important confidentialities and might even sometimes constitute a threat to civil liberties. On the other hand, more informal and fluid systems of inter-agency relations

seem to offer a more workable basis for communication and negotiation". (Pearson et al 1992:64-65)

The sharing of information about individuals was, on the whole, seen as a positive aspect of the partnership arrangements in Falkirk and the introduction of the YJRG appears to have enhanced this aspect. Most information exchange between the various agencies was completed over the phone or, if more formal methods were required, through reports and memos. The use of information technology for sharing information was not widespread beyond e-mail. However, IT was not the panacea to information sharing in Falkirk as each agency did not have access to other databases and, within social work, criminal justice staff could not access children and families information systems. They remain two independent systems with no access across the criminal justice / children and family interface, although the role of Connect as an interface project was strengthened when their staff, after much discussion, received access to both systems.¹¹⁴

While there was a consensus that sharing personal information was positive in Falkirk, it became clear there was a disparity between this and issues of communication regarding strategy and dissemination of monitoring and evaluation information. Perceptions of effective information sharing were contrasted with the concern expressed about the problems faced with communication. In this respect information sharing was identified as specific information about young people, while communication was the sharing of strategic information, policy objectives, overall effectiveness, aims and objectives and the content of programmes within the youth justice projects.

¹¹⁴ Freagarrach had no direct access to either not being a 'local authority' service.

Concern was raised about vertical communication from strategy level, through middle management to front line staff. While respondents at strategic level were positive about the amount of contact with other managers, and practitioners had few problems with information sharing, there was an impression of a communication gap between the levels. Within the operational multi-agency networks especially there were mixed views about the amount of communication, evidenced by concern about the nature of the interventions delivered by Connect and Freagarrach; the overall effectiveness of the youth justice projects; what the youth justice projects actually did; what the strategic policy was; communication in general from the strategic groups; advertising of services; and how information is in fact communicated.

Where information sharing and communication was felt to have improved was in Connect, the multi-professional team. The various professionals were in one team, all working to the same council guidelines on confidentiality etc. and having regular discussions and meetings. The employment of Social Work and Education Liaison Officers at the Reporter's office was also felt to have improved communication and information sharing between the various agencies. In both instances the increased proximity of professionals in the multi-professional team and in the same office appeared to improve all aspects of communication. Proximity and daily face to face contact would seem to secure the most improvement in communication and information sharing in partnership working. Even if disagreements and conflict arises it can be addressed more readily when the different professionals are in the same building.

In relation to feeding back aggregate information about how effective services had been, another Connect worker acknowledged that *"communication has been pretty poor sometimes."* Other respondents, especially social workers, were clear that in terms of

research feedback there was “*not a lot*” of information about how successful the projects had been. It was also mentioned by Connect staff and social workers that the format in which information was delivered needed to be addressed, echoing the findings of Knott (2004) that practitioners do not have access to research in a format that they can use or digest. The dissemination of research findings has been found to be a key ingredient in the advancement of an evidence- based approach to practice (Macdonald 1999) and was in Falkirk largely absent.

Panel members reported that most information about services was gathered through attendance at training events. It was suggested that if the training did not exist communication was such that it would have been very difficult to obtain information about what the various projects actually did with young people. However, the panel members thought that information sharing between the various projects had improved. It was felt that agencies actually talked to each other, especially at the time of a Social Background Report being prepared. Panel members suggested that reports included different details, whereas previously they contained similar information because no one agency actually knew what the other agencies were writing.

CONCLUSION

The present research reconfirmed a consensus amongst professionals, expressed in the local youth crime audit (Falkirk Council 2003), that the various agencies in local partnership arrangements were working reasonably well together. The establishment of Connect as a multi-professional team was widely perceived as a success. It was viewed as a natural

progression from previous arrangements and beneficial for young people and other professionals seeking to access offence focussed services.

For staff at Connect, establishing and developing a multi-professional team consisted of many challenges not immediately apparent to partner agencies. Its development was far from smooth, but not unusual in terms of team learning and development. The strategic vision, which initially led to the establishment of Connect, was followed by a difficult process of team development and bonding that is a feature of multi-professional teams. The success of Connect in evolving into a coherent project capable of contributing to local youth justice provision came from a bottom-up approach and autonomous development, with strategic support. It was clear that retention of professional titles rather than that of a generic 'project worker' ensured each profession had a valuable contribution to make to team development. Blurring of roles and responsibilities is not always the key to effective multi-professional working.

While social work represented the line of management responsibility for Connect there was no domineering profession (Molyneux 2001) and other professional views were not marginalised, creating room for professional knowledge and views to inform team development. The evidence suggests that centralised legislation is not necessary to develop effective multi-professional teams able to contribute to local multi-agency policy. The model of working at Connect was able to operate independently of other multi-agency arrangements and did not rely on positive relations between different agencies to provide personnel and funding for the project. This further enhanced team cohesion and, together with the absence of prescriptive guidelines, allowed a commitment to the project and young people, rather than to other agencies like social work or community education.

The autonomous nature of the project, while not necessarily enhancing relationships with other agencies, facilitated an increased focus on multi-agency working, not least the close inter-agency partnership with Freagarrach and the YJRG. The development of the YJRG as a response to disagreement about referrals to the youth justice projects was a constructive solution to an area of potentially increasing problems and was a clear example of conflict being embraced and addressed in a positive way. This inter-agency partnership also adopted a consultation and training model (Atkinson et al 2002) which helped in the dissemination of the 'what works' information to children and families social work teams who were unfamiliar with the discourse. The YJRG also facilitated some developments in communication and information sharing, especially renewed access to police data.

However, the success of the Connect / Freagarrach / YJRG inter-agency partnership as a working multi-agency forum also presented problems. The YJRG became a focus for youth justice in the complicated partnership arrangements in Falkirk and perhaps reduced the contribution of other agencies involved in integrated children's services. Lines of communication and responsibility were fragmented with little coordination regarding the role of each multi-agency strategy and working group. Models of multi-agency working (Atkinson et al 2002; Payne 2000), while conceptually useful, provided little practical insight into the complexities of multi-agency arrangements and the various levels of formal and informal arrangements. The myriad of agencies included in youth justice partnerships at all levels of organisations, with varying degrees of formality, varying degrees of communication and varying degrees of knowledge and understanding may preclude any 'workable' conceptual models. The evidence suggests that identifying multi-agency groups as discrete

models, with specific roles, may be problematic in the complicated policy area of youth justice.

The partnership model that is most likely to provide effective outcomes for young people, is case management at the operational level. Well established case management procedures were largely absent in Falkirk, leading to some young people having too many professionals involved, trying to make too many decisions, with little coordination and the potential for duplication. In this respect multi-agency working, with variable case management practice, increased duplication rather than reducing it and caused confusion for professionals and young people. Perhaps the focus should have been centred on operational youth justice provision initially, rather than on strategic youth justice teams which were viewed as being remote from operational issues.

The proposed new youth justice model, with increased focus on the children and families social work teams, should reinforce their role as the focus for young people involved in offending behaviour and address many of the case management and responsibility issues. Retaining youth justice in mainstream children and families provision was a positive decision, if not surprising given the views expressed in interviews by social workers about statutory responsibility. If successful in terms of meeting National Standards it may provide a positive model of working that retains the essential ethos of the Kilbrandon principles. There is no reason why the multi-agency arrangements that have developed in Falkirk cannot continue to develop in a framework that retains a child centred focus in generic teams, referring to 'specialist' youth justice projects only when necessary and as a last resort. As Pitts (2003) indicated, the corporatist agenda is not synonymous with any one theoretical model for addressing offending by young people.

The most prominent factor in promoting positive multi-agency working was the belief that individual relationships were the key to successful partnerships. This indicates that independent of government directives and strategic guidelines, if professionals and service users do not establish positive working relationships partnerships are unlikely to succeed. These relationships are more than merely working in the same network or team, it is the ability to transcend differences of opinion, values and beliefs and relate to people, not aggregates and statistics. As in many areas of social work, the value of personal relationships cannot be underestimated and should continue to be a focus for improved services.

Overall in Falkirk there was a complex depiction of staff interacting in varying ways at different levels of multi-agency arrangements by bringing their own professional and personal experiences to their roles, similar to what Cross et al (2003) found in their study in Wales. Such practice reflected the complex nature of the behaviour and social circumstances of young people they were working with and the complex social processes involved in multi-agency working. These findings regarding multi-agency working reflect the diversity of opinions identified in Chapter Six, and the dissonance caused by the 'new order,' in Scotland identified in Chapter Seven. Taken together they indicate a theoretical, conceptual and practical nightmare for a corporatist agenda seeking to standardise services.

For partnership working to be successful each partner has to be clear of its roles in achieving a shared objective (Chapman 1998; Hewitt et al 2004). However, partnership working is a complicated business (Scottish Executive 2002h) and, as indicated, different opinions and interpretation of policy and guidelines will complicate the achievement of shared objectives. The acceptance of diverse professional opinions and, at times, conflicting objectives may be

the reality in partnership working and reflect the true nature of working together. While these can be assuaged to a certain extent in the search for more effective services their elimination may be a utopian dream and not one that promotes independent thinking and innovative, individualised responses. Standardisation of services does not reflect local and individual circumstances and an increased discretion of the various professionals involved with young people should be actively promoted to recognise diversity. This does not negate working together, or consistency of approaches, it does negate any platitudinous consensus to achieve a corporatist agenda propagated by central government intent on achieving effectiveness and efficiency through the management of people and aggregates.

The solution to obtaining a shared objective and consensus in England and Wales was the formation of one centralised body, the Youth Justice Board, to oversee national priorities for youth justice. A primary aim and shared objective helped to ease the challenges inherent in a complex area of social policy, reducing it to a simple matter of reducing offending. In Scotland, care is required at the local and national level to ensure that the complex aetiology of youth offending and the complicated nature of partnership working, including occasional conflict, does not lead to a situation where the resolution is a separate youth justice system and strategic framework where all agencies have the major aim of reducing offending. The example of Falkirk, despite some problems and far from being perfect, provides evidence that multi-agency working can be promoted from the bottom-up (with strategic support), with services that are acceptable to service users while encompassing the government's corporatist aims.

CHAPTER NINE

CONCLUSIONS

This concluding chapter discusses the overall findings of the research, not only in relation to youth justice policy in Falkirk, but the wider national implications of promoting multi-agency partnerships to address offending behaviour by young people. The findings are examined as part of the paradigm shift in youth justice provision towards implementation of a 'what works' agenda, with a focus on monitoring and evaluation. The question is raised whether this paradigm shift represents a move away from a broadly welfare approach in Scotland that has provided the theoretical framework for young people who offend for the last thirty years.

Prior to the commencement of the research, Falkirk had demonstrated a commitment to multi-agency working with young people involved in, or at risk of, offending behaviour (Lobley et al 2001; McIvor and Moodie 2002). The establishment in 2001 of Connect, as a multi-professional team, indicated that Falkirk Council was committed to innovative youth justice provision to meet the policy guidelines of the Scottish Executive. The part funding of the current research also indicated that Falkirk were enthusiastic about evidencing their commitment to, and gaining a greater understanding of, the impact that multi-professional working had on youth justice provision.

As with social work services for young people in trouble elsewhere in the UK, Falkirk faced, and will continue to face, tremendous challenge and change (Goldson 2000a; Horwath and Morrison 2000). Falkirk's approach to the change process ensured that practice developed to meet both the challenges of national policy and the complexity of needs facing young people in trouble. Embracing initially a transformational concept of change (Iles and Sutherland

2001), involving a shift in the assumptions about methods of working with young people, allowed Falkirk to accommodate the increased focus on evidence-based practice and corporatist governance. As national and local strategy evolved, and in response to policy and research developments, change became more developmental. Encompassing a developmental concept of change, rather than a static organisational change model adopted from commerce (Pettigrew et al 1988), allowed the wider theoretical context of youth justice interventions (including child centred, relationship and welfare issues) to influence some of the changes, rather than a centralised, more punitive agenda influenced by political, public and media attitudes.

In this arena of constant new initiatives and policy it is perhaps not surprising that the development of a multi-professional team, and wider multi-agency arrangements, has elicited both positive and negative perceptions and experiences as described in this thesis. Following the action research aspect of the case study Falkirk Council implemented ongoing changes as the research evolved and many of the issues raised have, at the time of writing, begun to be addressed. How Falkirk addresses the remainder may provide an indication of the extent to which a corporatist, managerial agenda has influenced service provision.

MULTI-PROFESSIONAL TEAM

The establishment of Connect as a multi-professional team in 2001 was innovative in Scotland at the time with respect to the range of different professionals in one team, based in the same building and managed by one manager, with managerial responsibility within the social work department. Locating a youth justice team in social work emphasises the wider welfare and relationship aspects of the work over the more punitive corporatist approach to

service provision, although the tension between the two (Mair 2004) is becoming more apparent. Today, Connect remains one of the most professionally diverse youth justice teams in Scotland and, together with its partner agencies in Falkirk, has embraced the multi-agency approach in addressing the issue of youth offending.

There was little doubt that the establishment and development of a multi-professional youth justice team was a step into the unknown for nearly all those involved, reflected by the problems and barriers that were encountered, especially in the first 12-18 months of the team. While the developmental and learning processes of the team were those identified by previous research (Tuckman 1965; Dechant et al 1973), within the context of Scottish youth justice it was uncharted territory. Any beliefs that may have existed about immediate beneficial results of multi-professional team working were soon dispelled as the realities of developing a new team in an ever-changing policy environment became apparent. Working together as a cohesive team involved a great deal of hard work, over a period of three years, in building and sustaining relationships, accepting different value bases and professional knowledge and engaging in constructive dialogue and conflict about roles. Discussion about the role of the project in providing programmes was particularly prominent and a debate that was returned to throughout the period of the research.

The cycle of team development will continue because, unlike a uni disciplinary team, the multi-professional team does not have the luxury of shared professional backgrounds and values. The relative stability of Connect, achieved during the period of the fieldwork following a disrupted first eighteen months, was interrupted towards the end of the research as again team members moved on and new posts were advertised. As new professionals join the team, bringing an increasing mix of personal and professional skills, renewed debates

may follow, that will hopefully develop the team further. The evolutionary nature of the project may mean that its position in local youth justice policy, and the role of various professionals in the team, will once again be subject to much debate as new members seek to assert their position in a dynamic, evolving multi-professional team.

The key point at which the team achieved ‘adulthood’ was the team members identifying themselves as unique professionals with specific skills to contribute. The blurring of roles and sharing of responsibilities, often promoted in government documents as the goal of multi-professional working (Payne 2000), was not conducive to effective team working. Retention of professional titles rather than the title of generic ‘project workers’ was instrumental in the confidence that developed and demonstrated that team cohesiveness can prevail without recourse to the blurring of title or roles. Professional autonomy and multi-professional team working are not incompatible and other jurisdictions should note that the present findings question the efficacy of adopting a generic youth justice title and blurring the professional boundaries.

While the multi-professional team evolved there was an expectation, from local strategy groups and operational social work teams, that Connect would deliver an increasingly transparent service, to ‘prove’ the efficacy of a multi-professional team approach, following the injection of increased funding. While Connect developed structured interventions, based on evidence of ‘what works’ with young people and in collaboration with other services, the project did struggle in providing ‘programmes’ of intervention that did not merely reflect social work team provision.

The difficulty in developing 'programmes' was due to the challenges of establishing a multi-professional team and reconciling a 'programme' approach within a framework of treating young people as individuals with specific needs. Maintaining a focus on the needs of the young people was a priority for members of the team who struggled to reconcile the demands of providing an 'effective' service, which was ultimately measured by reoffending rates, with the welfare of young people and forming positive relationships. The dissonance this caused was evident within the team, and reflected the broader debate about how best to work with young people involved in offending behaviour. While Connect adopted an evidence-based approach and were developing 'programmes', how compatible this was with the established welfare approach of the Scottish system was constantly questioned by team members. Endeavouring to reconcile these issues Connect strived to develop individualised 'programmes' that were not all focussed on offending behaviour. These ongoing debates are likely to be reflected in other areas as the 'what works' agenda is implemented, and should be viewed as important and necessary as informed professional discussions are relevant to the development of services.

MULTI-AGENCY WORKING

While Connect was the focus of this thesis, and together with Freagarrach and the Youth Justice Referral Group the central point for youth justice provision in the community, they were only part of Falkirk Council's response to the 2000 Youth Crime Review. The children and families social work teams were, and remain, the primary service provider for young people in need of care and protection, or involved in offending behaviour in Falkirk. This has recently been reiterated by confirmation that additional social work posts, funded by youth crime money, will be created in area teams. This proposed new model should reinforce a

commitment to a broader welfare approach, with the youth justice projects merely being a part of wider children's services. How central a part may depend on threshold criteria for entry into the youth justice services and ultimately professional views on the most appropriate theoretical approaches to working with young people.

The establishment of Connect was instrumental in developing wider multi-agency working in Falkirk, most obviously as part of the inter-agency partnership with Freagarrach and the YJRG. This collaboration facilitated a more co-ordinated approach to youth justice with, in theory, responsibility for co-ordinating and delivering services to young people remaining with the social work teams.

The introduction of the YJRG was viewed by referrers and project staff as a significant improvement in the referral process. However, anxiety remained about its net widening potential due to the variable threshold for access and the status of the information that entry decisions were based on. If the YJRG remains as a central referral point only for Connect and Freagarrach, a higher threshold for referral will reduce the possibility of bringing more young people under a youth justice remit. In this respect standardised assessments can be used to screen out young people from youth justice services, rather than as a justification for intervention.

Alternatively, the success of the YJRG in coordinating resources for young people could be extended to other agencies. Broadening the remit of the YJRG would facilitate a tiered system to allow non-justice diversionary services for young people who are not identified as high risk or persistent. Diverting most young people away from Connect and Freagarrach would ensure they remain projects for young people at higher risk, providing interventions

focussed on criminogenic need, and diverting them from the risk of custody and / or entry into the adult system. If the YJRG adopts a tiered model, consideration should be given to imposing a commitment that case managers must make (or at least actively consider) a referral to the YJRG if offending becomes persistent. At present no such directives exist, with the result that young people identified as persistent, and with high needs, may not be receiving appropriate services.

Key for youth justice in Falkirk will be for Connect to clearly identify itself as a youth justice project providing 'effective interventions' (McIvor 2005) focussed on offending behaviour for those in most need. While flexibility was perceived, and can be, a positive aspect of service provision, if Connect is advertised as a 'specialist' youth justice project while continuing to provide early intervention services to 'nip offending in the bud', or a preventative service addressing wider needs, net widening will occur. An agreed access threshold for the YJRG remains unresolved and any decision will continue to be an area of theoretical, ethical and legal discussion, in addition to the practical aspects of implementation. Again, the experiences of Falkirk and the findings of this research, provide a reference point for other areas in Scotland designing services to meet the needs of young people and the difficulties inherent in obtaining an appropriate balance between rights, care and control.

The development of the Connect, Freagarrach and YJRG inter-agency partnership at the operational level demonstrated that successful multi-agency working does not necessarily emanate from strategic groupings. While strategic and managerial decisions were instrumental in establishing the projects and providing the funding, working arrangements subsequently developed from the operational level. This bottom-up approach was possible

because there were no concerns about conditions attached to, or the consistency of, funding, which has been evident in England and Wales (Burnett and Appleton 2004). This resulted in the relatively autonomous development of the Connect project that may have mitigated to some extent the top-down managerialist agenda.

Linked to the above point the multi-agency partnerships in Falkirk were operating on multiple levels and with varying degrees of integration and formality. The complex nature of the partnership arrangements, the numbers of strategic groups, and communication barriers, resulted in little evidence of a 'partnership arrangement' that encompassed all agencies to the same degree. This restricted a corporate approach to youth justice that was clearly located in wider children's services and many practitioners were only aware of those strategy groups with 'youth justice' responsibility.

Despite, or perhaps because of, the number of strategy groups and communication challenges there was no evidence of major corporate conflict. While conflict at times was recognised, there was a belief that it was manageable. It was unclear whether there was a reluctance to acknowledge conflict, or there was a genuine belief that there was little disagreement. No evidence emerged to support either an overall optimistic benevolent, or a pessimistic conspiracy, view (Crawford 1997) of the partnership arrangements. Collaboration was accepted as a facet of modern youth justice provision that needed to be incorporated into policy and practice. While this helped partnership working, it precluded a critical perspective of some aspects of multi-agency working, including occasional duplication and the difficulties of operational case management.

A major factor that emerged from both relations within the multi-professional team and the wider multi-agency arrangements was that working together would only be successful if those concerned could develop positive working relationships. Good relationships and 'getting on together' were independent of roles and, crucially, of the formation of formal multi-agency arrangements. Legislating for the membership of youth offending teams like in England and Wales, or determining the composition of strategy groups, does not guarantee good working relationships. As is increasingly emerging in the 'what works' and desistance literature relating to personal change (Burnett 2004; Batchelor and McNeill 2005; McIvor 2004; Robinson 2005; Robinson and Dignan 2004), the relationships formed between individuals in partnership arrangements are likely to be a crucial factor in their success, rather than the fact partnership arrangements merely exist.

Developing communication systems whereby access and feedback is available throughout and between the levels of the multi-agency networks, so that strategic and operational teams and personnel have a clearer understanding of the issues facing staff at all levels, is crucial. Without such communication duplication can result, evidenced in Falkirk by some respondents believing the programmes of Connect and Freagarrach were often duplicating other services. Within Falkirk the role of the Youth Justice Strategy Group should be central to this effective communication. To date its function has been unclear, and impact marginal. The rebranding of the local strategy group will be crucial in creating a clear focal point and conduit for information for local youth justice policy. However, in strengthening the profile of the local Youth Justice Strategy Group, the role of the Children's Commission Strategy Group needs to be emphasised as the primary focus for all children's services. Otherwise, policy runs the risk of being focussed on youth justice, rather than it being a part of a wider strategy.

Underpinning the multi-agency developments in Falkirk was a committed and professional workforce believing in a child centred, broadly welfare based approach to young people involved in offending behaviour. This support for the present system did not, however, preclude some dissatisfaction about its ability to address the behaviour of young people identified as persistent offenders. There was some trepidation, from a cross section of professionals, that failure to address persistent offending may result in future policy increasingly being influenced by a more punitive agenda that has been evident in England and Wales. "*The influence of the big neighbour to the South*" (Stern 2005) was a concern to many people. The influence of other jurisdictions, often perceived as less child centred, can be avoided if the evidence base from Scotland can demonstrate success (however measured) in interventions with young people. The findings of this research have implication across Scotland, and in other jurisdictions, in relation to the benefits of developing localised services without recourse to an over centralised youth justice system.

NATIONAL IMPLICATIONS

While there are specific implications of the research for local policy and practice many of the issues are fundamental to the present youth justice discourse in Scotland. The positive and negative aspects of the Falkirk model have both practical and theoretical implications for wider youth justice policy. The Scottish Executive emphasis on prevention and early intervention, in addition to a focus on persistent young offenders, threatens to locate all young people who offend, or are 'at risk' of offending, under the auspices of youth justice policy. The wider theoretical debate about the most effective methods for working with young people suggests that prevention and early intervention 'youth justice' services run the

risk of widening the net for young people and labelling them as 'offenders first' (Muncie 2004) and potentially undermining the 'children first' principles of the Hearings System.

It is neither likely, nor desirable, that the model of partnership working adopted in Falkirk can be transferred to other areas of Scotland. Local circumstances should ultimately dictate the level of collaborative partnerships required in each local authority area and clearly for some areas multi-professional operational teams will not be the preferred option. Indeed, the different models adopted in the neighbouring authorities under the Forth Valley Youth Justice Strategy Group umbrella is evidence that a nationwide youth justice model of service delivery would be difficult to justify or sustain. In England and Wales, where there is a much more prescriptive and centralised agenda for youth justice service delivery, each area has slightly different ways of working, even within the Youth Offending Team model (see Cross et al 2003; Holdaway et al 2001).

Differing circumstances of each local authority area does not, however, preclude the sharing of good practice and learning from the experiences of other areas. A youth justice network facilitated by the Criminal Justice Social Work Development Centre is aiding this process. Similarly, the findings from the present study will be of interest to authorities thinking of developing multi-professional youth justice teams, improving partnership working, or seeking confirmation of their present arrangements.

Falkirk has experienced a steep learning curve in relation to multi-professional teams and multi-agency working and there are many lessons to be taken from the findings of this research regarding future developments in Scotland and further afield. Adoption of some of the findings, including resolution of the issues identified as problematic, may enable youth

justice provision in Scotland to provide elements of the 'new orthodoxy' (Blagg and Smith 1989) promoted in the 1980s for IT teams. The Falkirk model can provide a '21st century orthodoxy' of youth justice services, only as a 'last resort' and in collaboration with mainstream social work teams, where relationships between professionals and young people and a focus on wider needs, are accepted as being as important as the provision of programmes. Effective coordination with other agencies can ensure preventive and early intervention work is provided by non-justice services to avoid the potential for net widening (Blagg and Smith 1989).

The effective practice evidence supports interventions including a focus on offending behaviour for those young people most at risk, but only in the context of wider social circumstances, the importance of relationships, and diversion from justice interventions where possible (Lobley et al 2001; McLaren 2000; Batchelor and McNeill 2005; Whyte 2004a). This has been supported by the views of most respondents in this research. This suggests that 'specialist' youth justice teams should be part of wider multi-agency arrangements, rather than the focus for all young people who offend. A model similar to Falkirk's, with children and families social work teams working in partnership with youth justice projects located primarily in the social work department, has the potential to deliver effective services that promotes this focus on child welfare, while addressing offending behaviour amongst other measures of success. These other measures should include a range of social and welfare benefits promoting social inclusion, including improved health, education and employment attainment, improved relations with family and friends and protecting children (McNeill and Batchelor 2004; Farrall 2002; Worrall and Mawby 2004).

A thread that permeates many aspects of the research is the role of case managers being crucial for forming and maintaining a stable relationship with young people and co-ordinating services where required (Robinson 2005). In Falkirk there was evidence of the youth justice projects adopting a 'de facto' case management role, which again raised the possibility of welfare services being co-ordinated and accessed through a justice pathway. Care is required across any jurisdiction to ensure that increased funding and resources for youth justice does not result in justice projects being a focus for intervention, rather than as part of integrated children's services.

In most situations in Scotland case managers are likely to be social workers in the children and families area teams (Scottish Executive 2004d). On a national level consideration needs to be given to clarifying the role of case manager and ensuring that one person is clearly identified as such. It is worth reiterating at this point that the main issue is identifying a case manager with appropriate responsibility and influence, not deciding on models of case management. The responsibility that comes with this role needs to be supported, through strategic negotiation and cooperation, with assurances that the case manager has authority to engage and challenge other professionals regarding the delivery of services identified in the action / care plan so that youth justice services do not become the default provider of services. If case managers are social workers they should make decisions that will retain, as far as possible, young people in broader services and demonstrate a professional commitment to preventing an escalation into justice services. Effective case management to divert young people away from formal justice interventions is likely to represent one of the biggest challenges for effective multi-agency working.

One of the most important findings in relation to multi-agency working is that attempting to impose prescriptive strategic and operational partnerships from strategic groups may not be the most effective way of ensuring successful multi-agency arrangements that engage young people and achieve the desired outcomes. In many respects Scottish Executive policy is allowing, at the moment, local areas, the periphery, to decide local strategies and councils should consider adopting this approach within their boundaries. The evidence from Falkirk provides support for the benefits of this structure so that steering and rowing (Crawford 1997; Loader and Sparks 2002) are shared equally amongst all partners, and professional knowledge and understanding can have as much influence as managerial theories. This was clearly evidenced by the fact that once the decision for a new project had been made, and funding made available, many of the developments were driven by operational managers and staff whose vision and commitment was as important as a clear strategic plan. It should be noted that potential barriers to effective multi-agency working cannot be addressed solely at a strategic level; all levels of an organisation need to be involved in decision making and change.

The important interface between all aspects of multi-agency networks is at operational level, where daily contact with service users will ensure the greatest impact. Senior management and strategic decision making should be limited to a 'mandate for renewal' allowing change to generate from the periphery (Beer et al 1990). This mandate involves senior management and strategy groups providing the resources to facilitate change, while promoting some degree of autonomy at the operational level.

Beyond the benefits of the change models adopted in Falkirk, and the contribution multi-professional teams can make to partnership arrangements, an important implication for youth

justice in Scotland identified by this research is the beginnings of a divergence from a welfare based approach at a local level. While the experiences of Falkirk have indicated that the establishment of functioning multi-professional youth justice projects, and generally effective multi-agency partnerships, is possible without full recourse to 'delinquency management' (Pitts 2005), there is evidence that the 'what works' managerial agenda is increasingly influential in decision making. However, the interpretation of 'what works' at the practitioner level to include the influence of relationships and context of offending behaviour, and not to focus exclusively on reoffending as a measure of success, was evident and may mitigate the advance of government led interpretations of 'what works' evidence. However, evidence of referrals to the youth justice projects with 'concerns' about offending behaviour for early intervention raises the possibility of services, however benign and 'welfare' oriented, being accessed through the justice route and widening the net.

A multi-agency approach to working with young people is not theoretically bound with a justice model (Pitts 2003). While the 'Third Way' political agenda has equated 'joined up' working in youth justice with a punitive model (McLaughlin and Muncie 2000; Smith R 2003), the experience of Falkirk suggests alternative discourses for partnerships are available. But, with responsibility, systems management and 'offence focussed programmes' increasingly being a focus of Executive strategy, and funding increasingly likely to be linked to these developments (Scotsman 2005), care is needed to avoid a descent into the 'responsibilisation' (Muncie and Hughes 2002) of young people. Youth justice teams, Youth Courts, Fast Track Hearings and a focus on offending programmes, supported by too narrow a definition of 'what works', carry inherent risks of perpetuating the 'ned' labelling of young people and focussing primarily on their offending behaviour. Ultimately, the direction of future Scottish policy will be governed by standards and guidelines, but will also depend on

individual perceptions of the most appropriate and effective methods for working with young people. It is worth considering that in the language of 'what works' the failure of the Scottish model has not been established, and a focus on children first does not preclude addressing offending behaviour when necessary (Drakeford 2001; Goldson 2005b).

FUTURE RESEARCH

Future developments in Scotland will be subject to their demonstration of effectiveness and it will be incumbent on each locality to demonstrate this efficacy. This evidence should not be restricted to the narrow confines of quasi-experimental 'what works' studies which can fail to encompass many aspects of young people's lives (Beresford and Evans 1999; Gibbs 2001b; Powell 2002). However, National Standards have begun to establish a framework for youth justice provision and demonstration of effectiveness at meeting government targets in reducing offending and submitting reports on time will be required to meet the Standards. The paradigm shift in youth justice in Scotland to evidence-based practice, multi-agency working, outputs and outcomes requires time to establish what, and who, does and does not work and will require multiple methods of enquiry.

Transferring the Falkirk model of youth justice provision to other local authority areas may not be desirable. Just as 'programmes' tailored to the individual young person are more likely to be effective, models of service provision are best suited to local circumstances. The case study method adopted for this research has provided a rich description of one local authority's development of multi-agency partnerships. To identify the complexity of the approaches in each local authority, future research will have to take the form of single or multiple case studies to fully appreciate and describe local practice and emphasise the

individual nature of the partnerships. Just as a 'one size fits all' approach is unlikely to be effective with young people, the same will apply to local authorities. There is a need to explain why areas with similar issues behave differently, achieve different outcomes and different degrees of success (Pettigrew 1988). Prescriptive models of change, practice or research methods are unlikely to tease out these differences. Flexibility in all these issues will provide insight into the complexity of the lives of the young people involved in offending behaviour, the complex nature of the interventions aiming to change this and the complex nature of the organisational structures and partnership agreements in place.

Nevertheless some aspects will be transferable across boundaries and some lessons can be learned from research in other areas. Collaborative theory building (Bateman and Pitts 2005) involving multiple methods of inquiry will ensure that the real question of what, who and where works will be disseminated nationally for the benefit of young people. The final measure of success across Scotland may be reductions in offending behaviour, but the increased social inclusion of these young people, who are presently at risk from exclusion through public, media and political rhetoric, is paramount.

CONCLUDING COMMENTS

The establishment of Connect as a new multi-professional youth justice team achieved considerable success in developing wider multi-agency working in Falkirk. An inter-agency partnership with Freagarrach, through the Youth Justice Referral Group, was successful in providing alternative provision for young people that was utilised by referrers, on the whole well received and engaged young people. The inter-agency partnership provided a central point of reference for youth justice provision and initial indications suggest that, in the short

term at least, they achieved some success at reducing the offending behaviour of young people attending the projects. How much this was due to the actual intervention of the projects or the combined efforts of all the agencies involved was more difficult to ascertain. Much more detailed monitoring and evaluation of all the interventions are needed before any conclusion can be made as to which aspects provide the best outcomes for young people, outcomes that are not solely based on offending rates.

The youth justice projects were successful in engaging with young people at the interface of the Children's Hearings and Criminal Justice Systems by assimilating practice from a wide evidence base into a model that attempted to address both needs and deeds. Care will be required to ensure that such a 'hybrid' model does not represent the first step in a movement to a more punitive response with young people. Particular attention is necessary to ensure further adoption of 'what works' and an evidence-based agenda includes a wide range of theoretical and methodological enquiry, to avoid 'crossing the line' from welfare to justice by imperceptible steps, justified by a narrow focus on 'what works.'

The establishment of multi-professional teams and/or improved multi-agency networks is not a panacea to the perceived problems of youth justice in Scotland. It has the potential to increase access to services for young people, but also to route access through a justice pathway, rather than locating youth justice in fully funded and integrated children's services. The focus needs to be on youth justice teams as partners in wider services, not multi-agency arrangements being part of youth justice, with effective case manager and strategic decisions making focussed around the needs of the child. On a wider theoretical note, care is needed to ensure that the success of any multi-agency approach is not merely measured in the narrow

terms of reoffending as, by its very nature, partnership working should encourage a focus on other outcomes.

In Scotland, unlike England and Wales, there has been no overly prescriptive central strategic direction about the nature of youth justice teams or provision, allowing local developments to meet local conditions. This degree of flexibility should be capitalised on, and evidence generated, to demonstrate that the unique Scottish approach (based broadly on a welfare / education model) can achieve the desired results when working with young people involved in offending behaviour. Also, Scotland still retains the Children's Hearings System as a diversion from formal court proceedings and practice in the youth justice projects was, on the whole, located around this. However, the increased funding of 'youth justice' initiatives, even within integrated children's services, increases the risk of wider services only being adequately resourced and accessed through the youth justice pathway. There were the first signs of this in Falkirk where social workers had referred to the Youth Justice Referral Group because they perceived Connect and Freagarrach as having more resources to meet the needs of young people. Scotland is at the interface in relation to youth justice provision; while a move to evidence-based practice is welcomed (assuming a wider definition of 'evidence' than has been apparent), and can be supported through effective multi-agency arrangements, the tightrope of rights, care and control is slim and a move towards welfare services being accessed through youth justice may shift the balance towards control. Restating the case for informalism, Goldson (2005b) has made clear that all social agencies should be adequately resourced to provide support to young people, diverting them from formal youth justice interventions and ensuring that the central purpose of any intervention is the needs of the child.

Scotland is at an early stage in generating its own research base for best practice. While its approach to young people in trouble is as an example of humane practice (Fraser 1995; Muncie 2004; Smith R 2003) it is likely that 'evidence' of success acceptable to politicians and a wider audience is required to halt a move to a more punitive, centralised approach, characterised by practice in England and Wales. It will require strong leadership, commitment and vision from all levels of local partnerships in Scotland to develop, and evidence, effective, localised services. While a challenge, this research demonstrates it is possible to work in partnership at a local level and begin to develop multi-agency services to meet the needs of young people and establish systems that adhere to National Standards.

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Appendix 1

Recommendations of the Youth Crime Review (Scottish Executive 2000; section 2.7)

For early implementation:

- Expansion of the range and availability of effective, quality assessed, community-based interventions and programmes for persistent young offenders which can be used by Reporters and the Hearings
- Access to the new range of interventions and programmes by procurators fiscal and the courts for persistent young offenders up to age 18
- A renaming of the Children's Hearings system
- Expansion of bail information and supervision schemes to all 16/17 year olds
- Expansion of diversion schemes to all 16/17 year olds
- A detailed examination of the feasibility of a bridging pilot scheme which would refer as many 16/17 year olds as possible to the Hearings system
- A national strategy based on our core objectives which delivers a consistent framework for local activity and addresses training needs
- arrangements at local level to co-ordinate action on a multi-agency basis to address the needs and deeds of young offenders
- a national resource to disseminate best practice, commission relevant research and accredit programmes or interventions for tackling persistent offending by children and young people

For medium to longer-term implementation:

- review the case for raising the age of criminal responsibility to 12 years
- develop the range of tailored community based disposals for under 18s coming before the courts in order to avoid custody
- review the use of the fine as a penalty for young offenders to reduce the level of custody for fine default
- in the light of any bridging pilots, consider the case for rolling out these arrangements across Scotland.

Appendix 2

Ten Point Action Plan (Scottish Executive 2002f)

To tackle persistent offending:

- **Pilot projects for Fast Track Children's Hearings for persistent offenders under 16 years of age**
- **A Youth Court feasibility project for persistent offenders aged 16 and 17**
- **Reviewing the scope for using restriction of Liberty Orders, Anti Social Behaviour Orders and Community Service Orders**

To promote community safety:

- **A Safer Scotland police campaign**
- **Spreading of best practice and establishing firm standards**
- **Considering a Scottish wide application of a system of cautions and warnings**
- **Reconfiguring secure accommodation**

To promote the effectiveness of the system:

- **A set of national standards for local authorities, the criminal justice system and Children's Hearings**
- **Promote parental responsibility**
- **Increase speed of referral to the courts**

Appendix 3

Definition of 'Partnership' and Falkirk Arrangements

While recognising there is some crossover in typologies or descriptions regarding partnership terminology, and that it may not be entirely accurate to talk in terms of partnership working as a generic term, this thesis has attempted to transcend the 'terminological quagmire' (Leathard 2003a:5) by adopting the following terms to describe the essence of practice in Falkirk.

Multi-professional team is adopted to describe the Connect project, it is similar to the terms 'operational-team delivery' (Atkinson et al 2002) and 'interprofessional' working (Ovretveit 1997).

Multi-agency partnerships / arrangements / working are the generic terms used to describe the relationships and collaboration between all levels in Falkirk. **Multi-agency networks** is the term utilised to describe the relationships at the operational level.

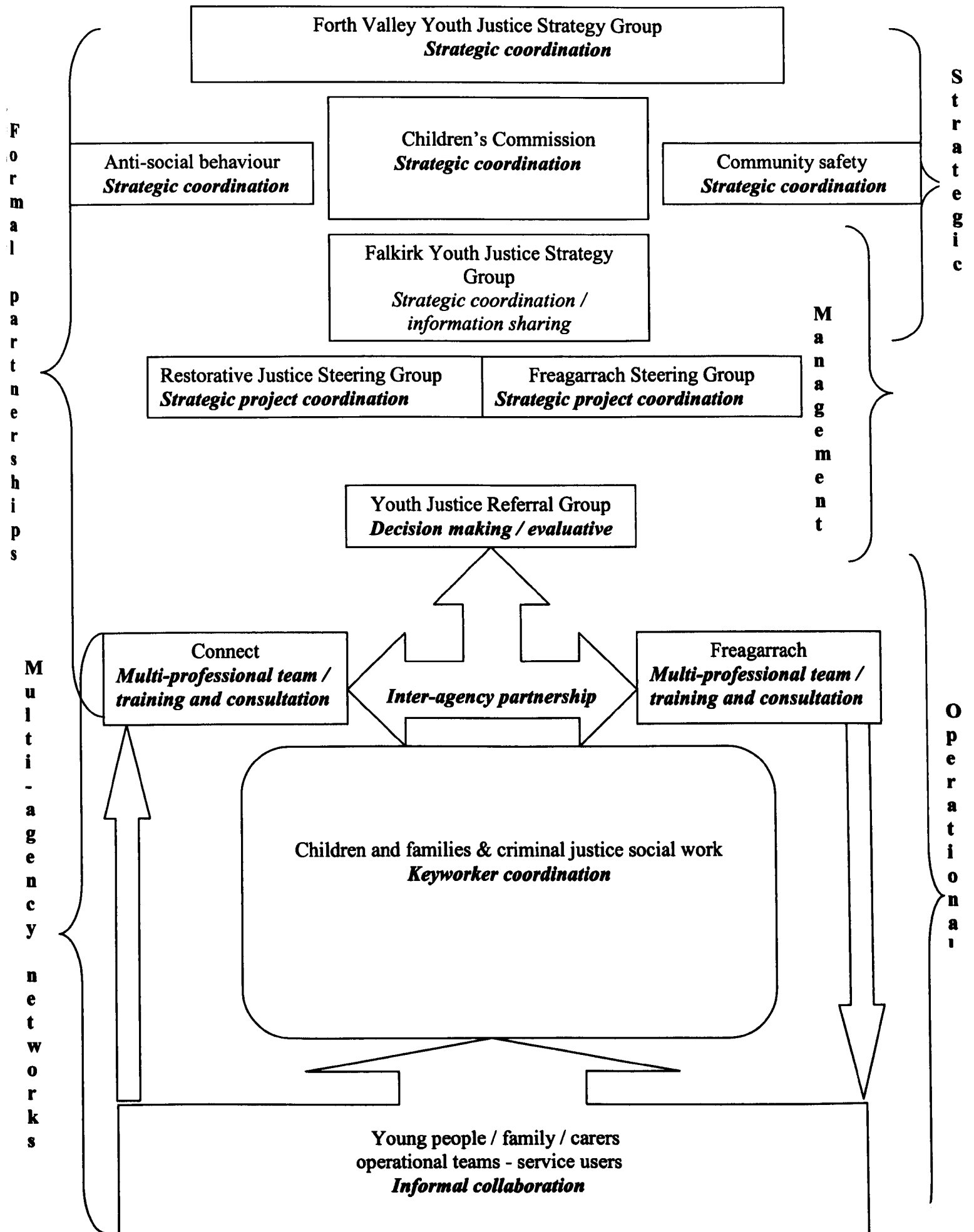
Inter-agency partnership implies "*some degree of fusion and melding of relations between services*" (Crawford 1997: 119) and is used when describing the Connect, Freagarrach and YJRG arrangements.

Informal collaboration is utilised for the arrangements that have less formal recognition and refers generally to operational level partnerships. Informal networks also operate at the strategic level.

Where appropriate, and when talking about particular arrangements more specific terms are employed using the typologies of Atkinson et al (2002) and Payne (2000). These are the terms described in the following diagrammatic model of the arrangements in Falkirk. The diagram simplifies the multi-agency arrangements that were apparent in the youth justice system in Falkirk during the period of the case study. It highlights to the reader the multi-faceted and multi-layered nature of partnership working (Omaji 2003) and the difficulties that are faced in attempting to conceptualise arrangements in terms of simple typologies. A simple typology does not do justice to either the breadth of work that any one type of arrangement covers, the various levels at which they may occur in any one organisation or area, or the crossover of types into different levels or formalised arrangements. In this respect arrangements would have been better described in a dynamic 3-D model.

The Forth Valley Youth Justice Strategy Group is included in Falkirk as this was the most recognisable and publicised strategy groups. In Falkirk there were a number of strategy groups related to integrated children's services, with the Children's Commission meant to be the focus for all the various agencies and comprising senior managers from numerous agencies including health, police, social work, leisure, corporate services, court services, Reporter's service and various voluntary agencies. Despite its central place in children's services not one respondent mentioned the Children's Commission during interviews. Of the other strategy groups anti-social behaviour and community safety were included as these were identified as having most relevance to future youth justice provision.

Falkirk Multi-agency Youth Justice Partnerships



Appendix 4

Chronology of Research, Policy and Practice

2000 'It's a Criminal Waste' Youth Crime Review	1995 Forth Valley Youth Justice Strategy Group established (Freagarrach also established)	June 2001 established January 2001 – YLS training Ongoing discussions at team meetings regarding role, identity and referrals	2000 - Initial research proposal (student researcher not involved) October 2001 research commences (1 day a week at Connect for first year observing team meetings and strategy groups while completing research training)
2002 - National Standards Youth Justice - Action Programme - 10 point action plan	2002 – Forth Valley Criminal Justice Strategic Plan 2002-05 (contains youth justice provision)	July 2002 original manager moved to promoted post November 2002 – new manager appointed	October 2002 first year review
January 2003 – Youth Court and Fast Track Hearings pilots announced	March 2003 – Asset formally adopted as assessment tool June 2003 – Decider pilot framework introduced September 2003 – Youth Justice Referral Group becomes operational	July 2002 to June 2003 substantial changes in team composition as nearly all original team members moved on June 2003 to June 2005 reasonably stable team composition (those interviewed for research) Repeat of role, identity and referral discussions with new staff group	March 2003 – commence writing access letters to professional bodies June 2003 – interviews commence (12 completed before YJRG commenced)
January 2004 – additional funding announced linked to anti-social behaviour legislation	March 2004 – first YJRG evaluation	March 2004 – new premises occupied	June 2004 – begin final analysis and write up August 2004 – professional interviews conclude
November 2004 – PA Consulting baseline figures			

<p>June 2005 – Hamilton Youth Court Pilot evaluation published</p> <p>July 2005 – PA Consulting update. Fast Track Hearings evaluation published</p>	<p>March 2005 – Forth Valley Youth Justice Strategy Group seminar (vision for Forth Valley inc PA Consulting)</p> <p>Mid 2005 – Children and families as case managers model adopted following consultation</p> <p>September 2005 – first integrated children's services plan published</p>	<p>2005 - focus moves to developing programmes and joint working re groups</p> <p>October 2005 – Connect manager moved to take up post in the newly developed position of Youth Justice Coordinator</p>	<p>March 2005 – interviews with young people conclude</p> <p>August 2005 – presentation to Falkirk senior management group re findings. Followed by presentations to a number of practice teams.</p> <p>September 2005 – submission of thesis</p>
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Appendix 5

Composite interview schedule

This interview schedule is a composite of the various ones used for different respondents to provide the reader with an indication of the broad areas of questions. Not all questions were asked of all interviewees.

Policy

What do you believe have been the most significant legislative and policy documents / changes for youth justice in Scotland?

What, if anything, do you consider to be positive aspects of the Scottish policy?

What, if anything, do you consider to be negative aspects of the Scottish policy?

What do you consider to be the main aspects of the present policy for working with young people who offend in Falkirk?

Would you like to see anything changing locally?

How do you see the policy developing in this area? (managers)

Where do you see the role of Connect in the local youth justice policy?

What are the aims and objectives / mission statement of Connect?

Partnership arrangements

What do you see as the primary role of children and family social work within the local working arrangements?

Who do you consider to be the main partnership agencies in the Falkirk area?

How is information disseminated and passed between Connect and other partner agencies?

How satisfied are you with the amount / type of /methods of sharing information?

How satisfied are you with the lines of communication between and within agencies?

Do you believe that other agencies are satisfied with this?
- why / not?

How have the working arrangements in the Falkirk area changed since the youth justice projects were set up?

Are they working effectively?

- yes – in what way?
- no – why not?

What, if anything, could be improved upon?

Do you consider there are potential areas for conflict within local partnerships?

- where?
- what?

Multi-professional teamwork

As Connect is a multi-professional team, working in partnership with other agencies, I'd like to begin by looking at your experience of such work and your professional contribution to the project.

Can you briefly describe your work history / background?

Have you worked in a multi-professional team previously?

- where? - what other professions?

What are your experiences of working in a multi-professional team?

Can you describe your role in Connect?

How is it different to working in a single profession team?

Do you enjoy this approach to working with young people in trouble?

What do you consider, if any, are the major areas for potential conflict in a multi-professional team?

Do you consider multi-professional teamwork to be effective in youth justice work in Falkirk?

- in what ways?

Referral and assessment

What are the criteria for attendance at Connect?

Who refers young people to Connect?

Can you describe the referral process?

Is the referral process at Connect appropriate to the level of risk of reoffending?
(*risk and need*)

- yes – how?
- no – why not

Do you consider this to be working?
- why? / why not?

How, if at all, could this be improved?

Do you consider the referrals to be appropriate?

Is the team's workload manageable?

How do you assess potential clients?

What assessment measures are used at the referral stage?

What measures, if any, are used to measure risk of reoffending?

Do you consider these measures to be useful?
- in what way? / why not?

What measures, if any, are used to measure risk of reoffending?

Do you consider these measures to be useful?
- in what way? / why not?

How, if at all, could the assessment process be improved?

Diversion

What role, if any, does Connect have in diverting young people from the criminal justice system?

Do you consider diversion to be a key part of Connect's services?

How successful do you think Connect has been in diverting young people from the criminal justice system?
- in what way / why not?

How, if at all, could the diversion role be improved?

How appropriate is the work of Connect for those young people diverted from the criminal justice system?

Do you provide regular feedback about those cases that have been diverted?
- yes how, to who, and what type of feedback
- could the feedback be improved

Services

What are the aims and objectives of the service?

What services do you provide?

How much information do you provide to other organisations about the service?

Where do you employ these particular services?

In what ways are these services appropriate to the level of risk of the young people you work with?

How do you think young people perceive the service?

How does the service meet the needs of young people?

How does the service meet the needs of other organisations?

How much feedback do you provide to other organisations about the progress of clients?

How, if at all, could the services be improved?

Are there different perceptions of the shared objectives between the professions in the team?

How, if at all, do the objectives in your agency compare with that of your partner organisations?

Can you describe the difference in the services provided between Connect and Freagarrach?

Effectiveness / outcomes

What steps are taken to monitor and evaluate the service provided by Connect?

Would you like to see other methods of effectiveness incorporated into Connect?

In your opinion how should the effectiveness of work with young people in trouble be assessed by Connect?

- why?

How much emphasis does Connect place on reducing offending as a measure of success?

What information do you consider it is important to have if accurate measures of reoffending are to be achieved?

Do you have ready access to this?

Across the partnership agencies, how much emphasis is there on reducing offending, as a measure of success?

Do you provide regular feedback of reoffending rates to other agencies?

- how / what / how often / improvements?

How effective do you think the overall initiative in Falkirk has been in reducing youth offending?

- please explain your answer?

How effective do you think Connect has been in reducing youth offending?

- Please explain your answer?

What do you consider to be the most effective aspects of the service?

What do you consider to be the least effective parts of the service?

How does your service differ from that offered by Freagarrach?

Do you consider your service to be any more or less effective than Freagarrach?

Appendix 6

Source of Referrals to the Youth Justice Referral Group

(data extracted from the YJRG database for the period 1/9/03 to 31/12/04 - n = 178)

Social work services	122	(68%)	- Children and families	87	(48%)
			- Criminal justice	30	(17%)
			- Connect & Freagarrach	3	(1.7%)
			- Leaving care	2	(1.3%)
Young person / family	12	(12%)			
School	10	(6%)			
Drugs services	7	(4%)			
Health	7	(4%)			
Reporter's service	4	(2%)			
Housing	2	(1%)			
Police	1	(0.5%)			
Others (various voluntary)	5	(3%)			

These figures refer to the source of the actual referral. Multi-agency decisions may have been made to refer a young person (eg Looked After and Accommodated Reviews), which are not reflected in the statistics.

Appendix 7

Community Justice Accreditation Panel - definition of 'programme'

Scottish Community Justice Accreditation Panel (2004) page 2

Guidelines for the Accreditation of Design and Delivery of Community Based Programmes
www.scotland.gov.uk/Resarch/Doc/099/0000632.doc

A programme is defined as a planned series of activities, delivered over a specified period on an individual or group basis, with the following characteristics:

- it uses methods which can be demonstrated to produce positive change in dynamic risk factors such as attitudes, beliefs, behaviour and social circumstances, in order to reduce offending;
- it is normally characterised by a sequence of activities, designed to achieve clearly defined objectives that have been demonstrated to be effective in reducing offending;
- it can be replicated with other people who have similar patterns of offending;
- it has a specified and evidence-based programme design;
- it is distinguished from wholly individualised intervention by a commitment to a systematic and structured provision.

Appendix 8

‘Programme’ menu

The ‘programme’ menu describes some of the services provided by Connect in relation to individual and groupwork with young people and their families.

Connect recognises the importance of using materials, programmes, and methods which have been proven to be effective and evaluation is therefore viewed to be central to the work of the service.

Connect employs a range of tools for gathering effectiveness information to ensure that services are designed around "What Works". Connect uses standardised risk assessment tools at regular intervals during a young persons journey through the service and statistical information is collated. This information is only gathered with full consent from the individual and their carers.

All young people are asked to fill out a questionnaire at the end of their contact with the service in order that the service can respond quickly to the needs of our client group.

In the pipeline

Connect strives to learn from research and our own evaluation of "What Works". To this end we are expanding our programme choice to include:

- **Relapse prevention groupwork:** This will allow young people who have worked with Connect as individuals, in relation to their drug or alcohol difficulties to benefit once stable from a peer support group.
- **Offending Groupwork Programme:** Groupwork provides a powerful method of addressing offending for some young people and we are therefore currently looking at adopting an offence based groupwork programme to deliver over the forthcoming period.

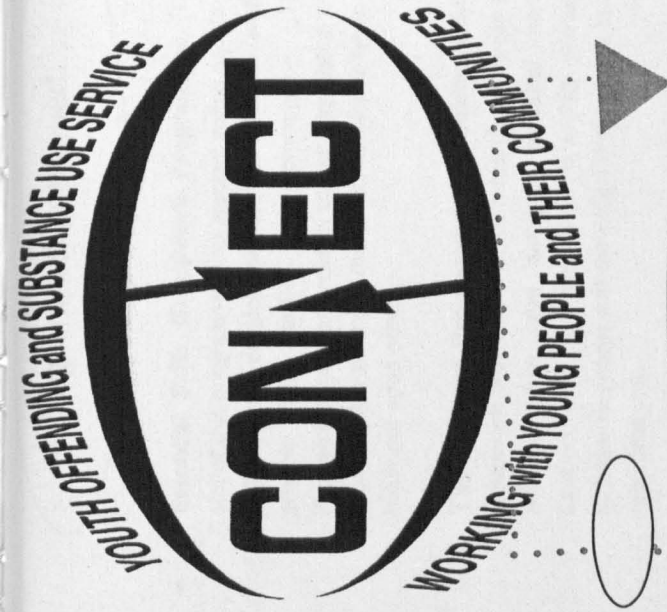
If you want to refer....

Connect is a service for young people aged 12-18 years in the Falkirk Council area who are experiencing difficulties in relation to offending behaviour or drug and alcohol use.

Connect has an open referral system to allow young people to refer themselves, for their families to refer them or for any other concerned party to refer them with their consent.

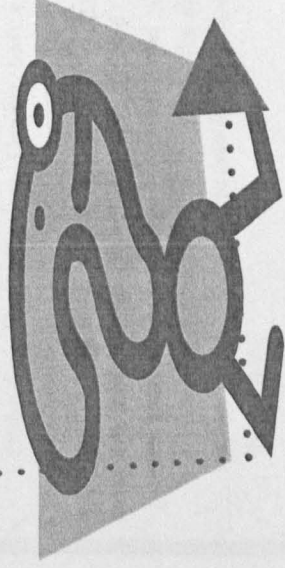
To make a referral simply phone **Connect on 01324 501060** or email us on **connect@falkirk.gov.uk**. Details of the referral will be taken by phone and a decision regarding suitability taken within 7 days.

If someone is viewed to be unsuitable for Connect, advice will be given regarding other more appropriate services.



What can we offer?..

Tel: 01324 501060



What is Connect...?

Connect is a service for young people in the Falkirk Council area who need help because of offending or drug and alcohol use.

Connect is based in Etna Road in Falkirk and the team is made up of Social workers, Nurses and Community Education staff. This means that whatever problems a young person may have, there is likely to be someone who can help at Connect.

Connect work with young people, their families and carers and having taken into account the unique needs of individuals, work to achieve agreed goals.

Connect allocate a worker to every young person referred and use individual, group and family work to assist young people make changes in their lives. The time taken to make these changes varies but meetings are held at least 3 monthly, so that the work can be reviewed and new plans made if necessary.

Young people are fully involved in determining their areas of work and how the goals are achieved.



Connect work closely with other services, like schools, careers and Youth Services to ensure that young people are given as much support as possible during their contact with the service and after they leave.

Programme menu.....

Connect work with young people and their families using a variety of programmes. Research shows that these programmes can be effective in assisting young people and their families to address offending and/or drug and alcohol misuse.

The programmes currently being offered by Connect are:-

- **Parenting Skills Programme:** A 14 week groupwork programme designed to assist parents and carers develop improved skills. The programme makes use of the experience and shared knowledge of group members and facilitators and examines many aspects of caring for and supporting the work with young people experiencing problems

- **Parents Support Group:** Is a "self help group" and a spin off of the Parenting Skills Group. Parents and carers who have been involved in the Parenting Skills Group recognised that it would be useful to continue to meet, to allow for continued mutual support and development.

- **COVAID Programme:** Is a 12 session individual programme which is designed to work with people who have committed offences of violence whilst under the influence of alcohol. This type of offending was shown by the Youth Justice Audit, undertaken in Falkirk in 2004, to be an issue of concern and hence Connect have been keen to develop a programme which meets this need.

- **G-map Programme.** Connect are able to provide specialist services to young people who exhibit sexually aggressive behaviour. The AIM assessment tool is used in conjunction with the g-map programme to allow for the safe management of young people who display sexually inappropriate behaviours.

Programmes continued....

- **Essential Skills Groupwork Programme:** The aim of this programme is to support young people to maintain and develop positive participation within schools their families and community. The Programme looks at problem solving, negotiation and reconciliation skills and the effects of various types of behaviour upon others.

- **The Summer Programme:** Is an outdoor activity groupwork programme which research shows can be effective when used alongside individual work. Connect have staff trained in providing outdoor activities to groups and the programmes aim to build self-confidence,

- **Substance Programme:** Connect provide individual programmes to young people experiencing difficulty with drugs and/or alcohol. This ranges from the prescribing of opiate substitutes for young people dependant upon heroin (the methadone assisted treatment programme) to the provision of information and advice to young people experimenting with cannabis and other substances.

- **Volunteer programme:** Connect have recruited and trained volunteers to allow us to provide a befriending and mentoring service to young people involved with the service.

- **Offending Programmes:** Connect have a range of offence focused resources including "Offending is not the only choice", "Targets for effective change" and the "Fired Up" Programme. This allows for individual offence focused programmes to be tailored to the specific needs of the young people and families attending the service.