

**Developing Restorative Communities through Effective Partnerships
(YOUTH JUSTICE)**

**Michael Kearns
Bexley Youth Offending Team**

Aims and Functions of the Youth Justice System

The Crime and Disorder Act 1998 significantly changed the Youth Justice System in England and Wales. It produced a principal aim, to prevent offending by children and young people, to be achieved by those working in the system (S.37). It set up a Youth Justice Board to oversee developments in law (S41-42) and created Youth Offending Teams (S38-39) to provide a holistic approach for working practices. S65-66 of the Act provided for the operation of the Final Warning Scheme incorporating reprimands and final warnings. These statutory provisions are amplified in Guidance for Police and Youth Offending Teams, 2002, by the Home Office and the Youth Justice Board.

The Crime and Disorder Act introduced the referral order and other community sentences to oblige young people to address their offending behaviour through programmes. The principal aim also takes into account the requirements of Section 44 of the Children and Young Persons Act 1969 and the Criminal Justice Act 1991. Offending behaviour programmes arise from the provisions of the powers of Criminal Courts Act (Sentencing) 2000 that provides various orders and sentences to Youth Courts. Work with young people must be proportionate and comply with the law. Reference to the Human Rights Act 1998 covers the process from arrest to sentence and disposal to ensure that young people are dealt with fairly.

There is an onus on practitioners to keep abreast of statutory and other changes to work within the law and develop effective practice. Youth Offending Teams must work to national standards set by the YJB providing appropriate adult services, assessments, interventions and final warnings, youth court duty cover, bail support, court reports and management of community and custodial sentences for 11-18 years olds. Information management is included subject to the Data Protection Act 1998 and Freedom of Information Act 2000. The YJB promotes a set of values and principals to underpin practices.

Key Values that Inform YOT Activities

The national standards are built on a number of values and principals which are outlined below:

- To provide integrated young people services in partnership with education, social services, health, housing, police, probation and substances misuse workers.
- To address the needs of victims, looking for opportunity to repair harm done by offending behaviour and the impact of crime on communities in an inclusive way.
- To raise awareness in children and young people of their rights to help and to promote channels to fulfil their potential.
- To reduce social exclusion and promote diversity.
- To recognise the provisions of the UN Convention on the rights of the child, human rights and other legislation for the protection and welfare of children.
- To promote restorative justice values through community involvement including all parties who have a stake in the process.

- To promote community safety in partnership with children and young people, parents, carers and communities by using practices that reduce fear of crime and disorder and the effects on individuals and communities.
- To implement information sharing protocols that balance the need to share information between agencies to protect young people and manage risk while maintaining confidentiality.
- To assess the needs of children and young persons reducing risk factors in their lives and enhancing those areas most likely to prevent re-offending.
- Maintain a fair consistent, respectful and speedy service to young people whatever their race, gender, religion, sexuality or disability.
- To use and develop effective working practices to prevent offending behaviour making the best use of resources while working within the statutory and agency frameworks and policies.

* * *

Restorative Justice can be applied throughout the Youth Justice System. A restorative process maybe just as relevant, from a final warning, given to one young person, right through the menu of orders right up to custodial sentence. The Crime and Disorder Act urges restorative practices to be used at all stages of the Criminal Justice System. I propose to examine the key value that promotes restorative justice values through community involvement to include all parties that have a stake in the process. Promoting restorative practice through an inclusive process involving offender, victim and community ensures that all have a voice in the matter; victims' needs are met while engaging the young person to become aware of the consequences of their actions and have an opportunity to make amends with an agreed plan with community panels.

It is a key aim of the YJB to deliver Final Warnings through restorative process such as a conference or victim offender mediation. The importance of victim involvement is emphasised in Paragraph 7.2 of YJB guidance to Police in Final Warnings (2002). There is an obligation to keep victims informed that young offenders can be challenged and involved in a rehabilitation process used to change attitude and behaviour without early resort to court proceedings. Research by the Joseph Rowntree Foundation (Oxford University, May 2002) found that a restorative approach to police cautions and warnings appeared to be significantly more effective than traditional methods in reducing the risk of re-offending and giving higher levels of victim satisfaction. The YJB sets targets via 13 performance measures.

The final warning process is monitored by at least five of these measures. This shows a high regard for this early intervention scheme. About 65% of young persons who receive a warning with restorative content and programme do not re-offend. By December 2004 the YJB for final warnings with intervention is 80%. 60% of all interventions are expected to have a restorative process included by December 2004. One of the measures monitors victim satisfaction and by the end of this year a 70% target has been set to show that victims are satisfied or very satisfied with the contact with the judicial system. Promotion and successful outcomes in final warnings, referral orders and other community sentences will inform victims and community that justice is being served. The YJB targets are goals to be achieved but there is

work yet to be done to focus all partnership members on restorative justice. Shortfalls in achieving targets will highlight weaknesses.

Careful interaction with all agencies, taking account of the the values mentioned, can lead to the achieving of one of the key objectives of the YJB since 1998. That is to meet to the needs of the victims and offenders in a restorative way that traditional justice processes cannot do alone.

The Structure of Bexley YOT with Roles and Responsibilities

The structure of Bexley YOT is illustrated in the flow chart diagram (Appendix A) with the immediate team members shown in blue and external organisations shown in yellow background. The youth justice plan for Bexley 2002-2005 works within national standards to achieve strategic and operational objectives with partnership agencies. It aims to meet the vision of the team which is “Tackling youth crime in Bexley by supporting and challenging young people to change”. The plan demonstrates commitment from all partnership agencies both internal to YOT and external. There are close links in the plan to the thirteen measures set by the YJB for the YOT to achieve. Crucial to this is the development of information sharing process across partnership agencies.

Evaluation of Relationships between YOT and External Agencies

Bexley Community Safety Partnership

Bexley CSP and the YOT are based in the same building with a Crime and Disorder team and Drug and Alcohol Action Teams. The building is a police station on the ground floor with the other agencies situated on the first floor. The physical closeness has not always reflected the quality of the information sharing process.

Two steering groups sometimes work in parallel discussing the same crime trends and patterns of youth offending. Responses to identify trends are generated through Community Safety Actions Zones and Reassurance Zones as well as Police Initiatives. These produce results and increases in arrest and prosecution rates in short bursts. Often the Youth Court and YOT are faced with referrals without immediate adequate resources in place to respond. Realignment of group meetings with all agencies represented collates operations and helps to make more effective use of YOT resources.

Police

Since April 2003 mainstream Police have streamlined the process of arrest and referral of young persons to the YOT. Attention to detail in the use of correct referral forms and case papers via a case progression unit has improved communication and sharing of information. Prior to April 2003 only 45% of paperwork was correctly received. Now correct information on referral is received in 98% of cases. A second police officer has been seconded with a lead role on intelligence and flow of information of crime and criminal record details to other agencies ensuring faster completion of Court and other reports. Much work has gone into preparing specific protocols on information sharing between all agencies. This protocol is still at draft stage but nearing completion. The final protocol document can only improve this area and is eagerly awaited.

Court

There is very good communication with the Youth Court with a regular liaison meeting and court user group meeting. A tracker group ensures that repeat offenders are monitored and targets for processing cases are met. There is an excellent arrangement for sharing training issues with magistrates, police and other court staff. Presentations from the YOT on restorative justice and intervention methods to prevent re-offending in motor vehicle crimes have been reciprocated by a recent visit by a team of justices from the court to gain understanding of the needs of all concerned parties in the partnership. One aim of the YOT is to make the Youth Court more user friendly for young people. This is part of the vision of the restorative justice process.

Social Services

Social workers based in the YOT have close links with mainstream Social Services. Information is available and shared about young people from the child care teams and leaving care team. This effectively quickens decision making and assessment within the YOT. There are occasions when the distance between teams leads to some slowness in obtaining information and making it available. This appears to be due to some misunderstanding of the role and responsibilities of the YOT team. Direct meetings and professional conferences improves this area of communication. There are very strong links with mentoring services provided for young people and parents by SOVA who also cater for appropriate adults and bail support.

Health – Substance Misuse and Mental Health

An area that has been highlighted is the provision of service to young people who may require referral on mental health grounds. Difficulties have been experienced on assessment and correct placement to meet young peoples' needs. Too few resources may be the obvious answer but there appear to be gaps that indicate inadequate provision for certain age groups between 11 and 18 years. This is true in the case of young people identified as problem drinkers together with other substance misuse. No health worker was present in the team for a few months. Recent funding has secured a professional health worker whose commitment can only improve this situation by networking and brokering Bexley and Greenwich Primary Care Trust for more resources.

Strongest links with external agencies are formed by those YOT workers who are committed to maintaining professional contact with their parent organisations. The flow of information is two-way. Awareness of the needs and working practices of all agencies involved in partnership and a willingness to listen with an open mind and to be prepared to change are key factors in good partnership work. Promotion of Restorative Justice Practice and the potential of generic adoption of this process may be met through joint training sessions with different agencies giving a strong thematic link across cultural working boundaries.

A young person's perspective of the Criminal Justice System

A young person who indulges in behaviour over a period that ends in police intervention may find the experience difficult and confusing. The swift process of arrest and detention catapults the young person into a world where various agencies interact, usually without a common goal. Different levels of requirements are made by each agency with some obligatory and some mandatory. The young person meets with some statutory bodies intermixed with voluntary sector personnel.

There has been dissatisfaction from public and government in the treatment approaches to dealing with young offenders. Public concern centres on the failure of young offenders to take personal responsibility for their crimes. The Crime and Disorder Act 1998 has an overall aim of 'preventing re-offending'. The perception that 'welfare' treatment of young offenders was not having the desired effect led to retributive measures and restorative processes being introduced to make it possible for the young person to accept responsibility for the serious aspects of criminal behaviour.

There is little material available to examine how young people themselves react in the criminal justice system. The Policy Research Bureau published a report entitled, 'Young Offenders Perceptions of their Experiences in the Criminal Justice System. (2002).' Some of their findings together with my experiences while working with young people at final warning and referral order level are outlined below.

It has often been noted that very young children make perceptive and truthful statements about complex adult situations. So too with young offenders. They can sometimes see clear reasons for offending behaviour without the need for seeking deep rooted causes. Some see their criminality as a rational choice e.g., "I stole because I was hungry." Few realise how seriously the adult world views their offending behaviour. A moment of unplanned action can throw a young person into contact with the legal system and a world controlled by adults.

An overwhelming sense of powerlessness may lead to aggression, or submission to the system. The initial contact with police may be negative with statutory procedures misinterpreted as punishment. Being placed in a cell waiting for parents to arrive may be isolating and humiliating. The police can be seen as 'super adults' in an already adult world. This may be intimidating and give a feeling of being completely dominated to a young person on first contact with the system. The custody process is depersonalising. Angry parents may add to this situation causing more feelings of isolation. Perplexed by the aggressive behaviour of their child or seeing submission to the accusatorial situation, parents are also at risk in the custody area. In this potentially threatening environment the decision to fight or flee is crucial to the well being of the suspect. Modern cells are escape-proof. Submission to the system may be the choice taken rather than face further frustration and isolation. If the young person is progressed to a Youth Court more difficulties can be encountered if he or she is not given an opportunity to speak other than to confirm personal details. The lawyer representing them has his back turned during the proceedings. Other court staff are sideways on to the young defendant. The language used is invariably from law books and manuals. Often the adults in the court come across as patronising. The

magistrate must seem to be a distant figure seen over the heads of lawyers and solicitors and clerks.

Bexley YOT has been mainly focussed on young offenders with little work being done with victims. Until recently the victim contact work was left in the hands of the lone YOT police officer. Beginning with the Final Warning and moving up the tariff through Referral Order, Reparation Order etc it was supposed to be that victim's views were sought during processes, particularly prior to any court proceedings. Many instances can be quoted where no victim contact was sought. There may be a number of factors behind the low levels of victim consultation. A single police officer with other responsibilities may have been overloaded. It could be that victims' involvement is often difficult to secure first time round in restorative initiatives, (Morris et al. 1993).

The appointment of a second police officer to the YOT has since enhanced the service given to victims. Involvement with the local victim support group has been nurtured; this could be further improved by the appointment of a Restorative Justice Key worker and would recognise the importance of professional work with victims. Work between offender and victim would be enhanced giving the offender clear understanding of the nature and impact of that criminal behaviour. The restorative process can be matched to the harm caused by the crime providing a holistic judicial restorative culture. In Social Services there has been a history of poor and partial understanding of new ideas and a failure to see the difference with existing practices (Marsh & Fisher 1992) The professional culture of the police may be an aid to the focus on victim work but their practice development may show similar weaknesses if there is resistance to innovative methods of working with young people. It is my experience that those professionals who are trained in Restorative Justice tend to promote the benefits. The target setting by the YJB will help practitioners and supervisors focus on the key areas required to implement change.

Finally, a positive move would be to have trained key workers at the custody suite to deliver explanations of rights and detention procedures to young people under arrest. Police could provide trained officers for immediate case assessment. Restorative processes could be explored immediately avoiding adversarial investigations where possible. Trained staff may begin family and victim work immediately encouraging parental involvement from the outset. Victim contact made on the day of the alleged incident would ensure a restorative, re-integrating process for victim, offender, family and wider community.