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**The Development of the Juvenile Justice Service in Hampshire, (1987 to 1991),
the effect on the Criminal Justice process, and the implications for establishing
radical practice in statutory organisations.**

**"The symbiotic relationship of local courts, local prosecution practices and local
probation and social services departments is the core factor which transmutes
any statutory change in the criminal justice system into a variegated pattern
taking its colour scheme from local systems" (E.Burney "Sentencing Young
People. What Went Wrong With The Criminal Justice Act 1982." 1985)**

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January 1996

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ABSTRACT

FACULTY OF LAW

Master of Philosophy

**THE DEVELOPMENT OF THE JUVENILE JUSTICE SERVICE IN
HAMPSHIRE, (1987 TO 1991), THE EFFECT ON THE CRIMINAL JUSTICE
PROCESS, AND THE IMPLICATIONS FOR ESTABLISHING RADICAL
PRACTICE IN STATUTORY ORGANISATIONS.**

by Susan Janet Wade

Since 1987, juvenile offender social work services in Hampshire have been organised in a way that marks a radical departure from previous practice. The way that juvenile offenders are dealt with throughout the criminal justice process has also altered. These changes are replicated on a small scale in other areas but there are still differences across the country. Nationally, custody levels, both absolute and as proportional rates, fell during the decade studied (1981 to 1991), against all predictions and in contrast to the previous decade.

In attempting to account for this unprecedented shift some explanations have centred on national policies; a change in sentencing climate, and legislation changes, which thus locates much of the credit with central government policies and political initiatives. Another explanation is that local practice across a number of agencies has been as important if not more significant. Certainly, the patchy nature of prosecution and sentencing trends would indicate that different things are happening in different areas, and perhaps that national policies follow local practice rather than the reverse.

This dissertation reviews the different and sometimes contradictory national policies and legislation, and then examines how changes in practice were implemented in one local system. The extent of the changes and their basis in ideology are characterised as radical, and the latter part of the dissertation describes the conditions that allow radical practice to develop in an organisation. The structures and culture that assist or limit radical practice also are examined. The research methodology includes the use of material from a personal journal, completed contemporaneously for four years as a participant observer. The material from the journal is a rare and important source of detailed examples of the implementation of radical juvenile justice practice.

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Acknowledgements

The views and opinions in this dissertation have been distilled following discussions with many colleagues. Any errors and omissions are mine. The narrative is my attempt to record the first four years of the Hampshire Juvenile Justice Service, and is dedicated to all those colleagues who made that time such an extraordinary experience.

I should particularly like to acknowledge the contributions made by John Harding, Roger Esnault, Pauline Owen, Ruth Forrester, Carole Binns, Anthony Pascoe, Brian Pike, and Eugene Zdrowjeski - pioneers all. Special thanks must go to Andrew Rutherford who has encouraged and advised me throughout, and to Chris Broadbent and Barbara Swyer for their support and assistance with the editing.

"Some men see things as they are and ask why? Others dream of things that never were and ask why not?" J.F.Kennedy from G.B.Shaw.

Introduction

An overriding feature of the whole Criminal Justice system in England and Wales during the post-war period, has been a steadily rising prison population. The imprisonment rate, as measured per 100.000 of the population, is now about 100, and leads the European table. The size of the prison population also reflects an increase in sentence length, a substantial rise in the remand population, increases in time served due to changes in parole decisions and, until recently, a move of cases from magistrates courts to crown courts. These increases in the use of custody, particularly in the 1980's, have occurred against a decline in the number of persons sentenced for indictable offences. Custodial sentencing practice for the period 1980 -1990 is given in table 1.

Table 1

<u>Sentencing Practice in England and Wales. 1980 - 1990</u>						
Males sentenced to immediate custody, total and as a percentage of all sentences. Indictable Offences.						
	age: 14-16		age: 17-20		age: 21+	
	Total	%	Total	%	Total	%
1980	7400	11.8	19200	18.1	34400	17.2
1982	7100	12.0	22100	18.5	40900	19.0
1984	6500	12.5	23000	20.2	41000	19.5
1986	4300	11.5	20600	20.8	40500	21.4
1988	3200	10.9	19200	19.8	41800	20.2
1990	1400	7.2	11900	14.1	32700	17.3

Source: Criminal Statistics, England and Wales 1990. Cm 1935 1992.

These statistics, which include both crown and magistrates courts, show that for persons aged 21 and over, the actual numbers sentenced to custody rose throughout the 1980's (with the exception of a small decrease in 1986) peaking in 1988. There was then a significant decrease in 1990, partly reflected in the reclassification of some offences as summary. The percentage use of custody continued to rise until 1986, and again there is a significant decrease in 1990. For those aged 17 to 20, there was a rise until 1984 in the actual numbers and then a significant decrease in 1990. However, the proportional use of custody has followed a similar pattern to the over 21's. The position for juveniles is considerably different. From 1980 to 1984, there was a slight

decline in actual numbers and a peak in the proportional use of custody in 1984. The 1986 and 1988 figures show a decrease in actual numbers and a decreasing trend in the proportional use of custody, and the 1990 figures show a dramatic decrease in both actual numbers and proportional use. The decline in actual numbers of juveniles sentenced to custody has occurred during a period that has also seen a decrease in the numbers of juveniles in the population. However the decrease in actual numbers of custody sentences cannot be accounted for in solely demographic terms.¹ In addition, the decline in the proportional use of custody for juveniles has been achieved at the same time as a shift from numbers appearing in court to numbers receiving a formal caution. If agencies had continued with similar practices for those reduced numbers appearing in court, an increase in the proportional use of custody could have been predicted, as those left in court generally would have been the more serious offenders and therefore more likely to be at risk of custody. Table 2 shows the dispositional practice for males aged 14 - 16 from 1980 to 1990. (Indictable offences in all courts). The table gives the totals of known offenders divided into the two categories of police-based formal cautions and court-based guilty findings. The final four columns of the table show the numbers of custody or criminal care order² sentences and their combined total as a proportion of both court-based guilty findings and the total of known offenders.

Table 2

<u>Dispositional Practice. males 14 - 16. England and Wales.</u>							
<u>1980 -90.</u>							
	Formal Cautions (A)	Guilty Findings (B)	Total Known Offenders (A)+(B)	Care Orders	Custody Sentences	Custody/Care of B (%)	Custody/Care of A+B (%)
1980	31700	63200	94900	2300	7400	15.3	10.2
1982	35400	59200	94600	1900	7100	15.2	9.5
1984	42100	52800	94900	1000	6500	14.2	7.9
1986	43600	37700	81200	600	4300	12.9	6.0
1988	43000	29600	72600	300	3200	11.8	4.8
1990	44200	19500	63700	100	1400	7.7	2.4

Source: Criminal Statistics England and Wales 1990. Cm 1935 1992.

¹ Criminal Statistics England and Wales 1987 (1988) Home Office Cm 498pp 129 to 131

² Section 7/7 1969 Children and Young Persons Act. During the 1970's this provision was used as a shortcut welfare device in many cases where the seriousness of the offence would not have justified custody. By the early 1980's it was regarded as a serious restriction of liberty and thus equated with custody sentences, although this interpretation was not universal.

There has been a steady decline in the proportional use of custody and "criminal care orders" in juvenile courts throughout the decade, but the decline in its use against all formal dispositions is more dramatic, from 10.2% in 1980 to 2.4% in 1990. This shift away from custody is in contrast to practice over the previous decade.³ Explanations for this change in sentencing behaviour range from macro theories; the effect of national policies, new legislation, Court of Appeal judgements, demographic trends, and societal attitude changes, to explanations based on local practice initiatives amongst court and police personnel and social work practitioners. This is an example of the continuing debate which is referred to as policy leading practice or practice leading policy.⁴

The trends that occurred in the juvenile courts in the 1980's (see table 2) also started to occur with young adults in the magistrates courts and possibly even in the crown courts; any explanations that can transfer from the juvenile arena to young adults may assist in promoting those changes in sentencing behaviour. The White Paper, "Crime, Justice and protecting the Public", which introduced the 1991 Criminal Justice Act made similar comparisons.⁵

Policy at the national level has been characterised by ambiguity, later developed into a "twin track" approach.⁶ The White Paper introducing the Criminal Justice Act 1982 stated that the Government's position was that, while it had a "firm commitment to custodial provision for a minority of juveniles", it had "hopes" that the measures would result in a reduction of the numbers of juveniles in custody. By the end of the 1980's these "hopes" appear to have been achieved for juveniles. Home Office ministers have taken some credit for the reduction in the number of juveniles receiving custody and ascribe the change to national policy. However, research in the mid 1980's indicated that many of the national policies and legislation were not having the intended effect.⁷ Regional variations existed and, when taken with the

³ For a description see Rutherford A, (1992) "Growing Out Of Crime The New Era", Winchester: Waterside Press, particularly pp.60 -64

⁴ The articles written by Allen R, (1991) " Out of Jail. The Reduction in the Use of Penal Custody for Male Juveniles 1981 - 88" ,Howard Journal of Criminal Justice Vol 30 pp30 to 52, and Tutt N, (1981) "A Decade of Policy" , British Journal of Criminology Vol 21 No 3 show the contrasting analyses in the continuing debate about the relative significance of policy or practice.

⁵ Also see Allen R, (1989) "From Juveniles to Young Adults Time for Change".AJJUST Issue 20. The late 1980's was a brief period of optimism about both the success of the juvenile justice reforms and the ability to apply the lessons to the adult courts.

⁶ This approach was implicit in government policy during the 1980's but formally acknowledged in the White Paper "Crime Punishment and Protecting the Public "(1990) Home Office Cm. 965.

⁷ See for example, Burney E. (1985) "Sentencing Young People, What Went Wrong With The Criminal Justice Act 1982" Aldershot: Gower, and Parker H. et al (1987) "Under New Orders", BJSW p21.

trends for 17 to 20 year olds (who were subject to the same legislation), commentators were pessimistic about the prospects for reductions in custody.

This dissertation will argue that, while part of the explanation for the reduced use of custody/care for juveniles may be attributable to national policy, part of the explanation also lies in the change of attitudes and practice amongst practitioners in local systems; social workers, police, prosecutors, court personnel and magistrates.

I will review the different and sometimes contradictory national policies and legislation and then examine how the changes were implemented in one local system, Hampshire, by a study of the developments from 1981 to 1991, and particularly the creation and implementation of the Hampshire Juvenile Justice Service from 1987 to 1991. It will also examine the context of the changes that have occurred in juvenile offender processes, and particularly the changes in practice within and connected to the juvenile justice units. The extent of the changes and their base in practice will be categorised as radical⁸, and the latter part of the dissertation will describe the conditions that allow radical practice to develop in an organisation. The structures, climate and culture that assist or limit radical practice also will be examined. I will propose that work with juvenile offenders in the 1980's has produced two different changes; new structures within and across agencies, and a new practice base. The practice base has two elements; a strong occupational culture or ethos (primarily centred around the principles of reductionism and systems management), and a tactical awareness which enables practitioners to exercise influence on the juvenile offender processes, far beyond that expected from their relatively low status and power positions.

Opposition to the 1991 Criminal Justice Act which has come predominantly from sentencers, and the media and police campaigns and public concern about persistent offenders have contributed to significant changes in the political and sentencing climate. These changes have been evident since 1992 and require an examination of the successful schemes of the 1980's in order to safeguard or even reintroduce those reforms that were only a short while ago seemingly firmly established.

⁸ Radical practice is defined in Beaumont B. and Walker H. (1985) "Working with Offenders" BASW London: Macmillan, in Brake M. and Bailey R.(1980) "Radical Social Work and Practice" London: Edward Arnold, and in Raynor P. (1985) "Social Work Justice and Control", Oxford: Blackwell. Rather than apply a particular definition, the characteristics of radical practice in this dissertation include connection to an articulated ideology, a continual challenging of orthodox practice methods, and activity across the range of dimensions of social work, from the individual through administrative procedures to policy. Mathieson's description of "Unfinished business' Mathieson T. (1974) "The Politics of Abolition: Essays in Political Action Theory" Oslo, particularly pg.17, has been the most helpful theoretical concept.

Methodology.

The dissertation assumes a basic knowledge of the national history of Intermediate Treatment and Juvenile offender provision, including the different philosophical stances of the welfare versus justice and interventionist versus minimal intervention debates.⁹

The decade of the 1980's was remarkable for the distinct changes in practice and sentencing patterns for juvenile offenders. A number of local schemes were prominent during this period, including the Juvenile Justice Service in Hampshire¹⁰. The Home Office and Department of Health both referred to Hampshire as a model of good practice¹¹, and personnel from the Hampshire scheme were major participants in national conferences and in various national organisations; (National Association for the Care and Resettlement of Offenders, Association for Juvenile Justice, Justices Clerks Society, Association of Chief Officers of Probation).

There have been only a small number of articles and materials published by participants involved in the juvenile justice developments in this period ¹² Other practitioners have been active in presenting papers at conferences and workshops but the published material relates primarily to the detail of programmes and very occasionally to outcomes. They rarely cover the detail of how practitioners achieved their objectives. This dissertation covers the whole period of the changes in juvenile justice from the perspective of the development of a local scheme, and can be seen as reflective of developments in the national arena through the connections and influence that Hampshire, as a leading proponent of the new type of juvenile justice practice, had on the wider field.

Material has been collected by four different methods, primarily during the period 1987 to 1991, but with some additional material from other published sources since

⁹ See for example Cavadino M. and Dignan J. (1992) "The Penal System" London:Sage, Tutt N. (1981) op.cit, Pratt J. (1989) "Corporatism: The Third Model of Juvenile Justice" BJC Vol 29 No 3, Pitts J. (1988) "The Politics of Juvenile Crime" London: Sage, Thorpe D.H. et al (1980) "Out of Care: The Community Support of Juvenile Offenders" , London: George Allen and Unwin, Tutt N. (1982) "Justice or Welfare?" SWT Vol 14 No 7, Bottoms A. et al (1990) "Intermediate Treatment and Juvenile Justice" London: HMSO, Holt J. (1985) "No Holiday Camps, Juvenile Justice and the Politics of Law and Order" Leicester: Association for Juvenile Justice.

¹⁰ Others include Kent, and Northampton. Some metropolitan boroughs were also developing similar reputations, and by the early 1990's projects were widespread, but the "big three" tended to dominate the national debates during the mid 1980's.

¹¹ See for example Department of Health Social Services Inspectorate Report (1989) "Juvenile Justice in Hampshire" London :HMSO.

¹² Among these handful are Jervis G (1989) and Allen R. (1991) ,op.cit.

then. These four methods have provided very different material, and I will discuss each separately: secondary material, (including statistics, internal policy papers, minutes, and correspondence), semi-structured questionnaire interviews, a personal journal, and knowledge gained from my position as a participant-observer.

The choice of these methods of obtaining material was dictated by the nature of the research, which was undertaken as the events occurred, while I was in post as one of the Unit managers for the newly-formed Juvenile Justice Service in Hampshire. This enabled the dynamic characteristics of the development of a new project to be reflected in the material assembled in the personal journal. The selection of a research method that examined the development of such a project after the action had taken place may have enabled the production of material more susceptible to systematic analysis, but would have suffered from two problems; the loss of source material which is rich in examples of how radical action was developed and the tendency for participants to remember selectively parts of the history of the project.

The choice of methods was also dictated by the position of the researcher within the project, as one of the major characters. Although this position produced some problems for the research, the personal journal method acknowledges and provides a means of monitoring the influence of the researcher as a participant-observer. The choice of the method of semi-structured interviews attempts to validate the material in the personal journal and provides another source of examples and analysis. The collection of internal documents and correspondence was enhanced by my formal position, as not all internal documents are retained in files for future examination and some of the detailed correspondence available to me would be lost in any historical analysis or may not have been seen as significant enough to be provided for a detached researcher.

Secondary source material

A statutory agency operates as an organisation with a very formal set of structures and most decisions, policies and discussions are recorded on paper, both in their final form and in numerous drafts and as attachments to more informal correspondence. I have had access to all files relating to either the Juvenile Justice Service or the earlier Intermediate Treatment initiatives from the Social Services Department and the Probation Service, dating from 1982 to 1991. My position as a manager within the Juvenile Justice Service enabled this access to be unlimited, and included confidential correspondence as well as committee briefing papers that are not normally in the public domain. (I will discuss the difficulties of this position in the section on

participant observer status). The secondary material is therefore extensive and was useful in countering some of the assumptions that had become accepted as "history" when interviewing participants.¹³ The statistics collected by the Juvenile Justice Service have been used in the various tables in this dissertation, and while some of this material is contained in the published Annual reports of the Service, much has been obtained from the internal operational reports supplied by the individual units. I also have had access to individual case files and court reports, although these are not used as direct source material in order to avoid confidentiality issues.

Semi Structured Questionnaires

A semi structured questionnaire was administered to key decision-makers in the Hampshire juvenile justice process, using the method of a lengthy taped interview focussing on themes identified by other source material and by two pilot interviews.¹⁴ Thirteen interviews were planned, consisting of two representatives of each local criminal justice agency in Hampshire who had been involved in the development of the Juvenile Justice Service, and one interview with a representative of the national charity that also had been involved. The subjects of the interview were selected to represent different areas of Hampshire and to reflect senior managers and practitioners in all the agencies. For example, the police candidates were a Superintendent who had been a member of the Joint Standing Committee (the political and policy level of the Juvenile Justice Service), and an Inspector who had been a local officer involved in day to day contact with the Juvenile Justice Unit.

Nine interviews were completed during 1990, following the pilot interviews in late 1989. Two each with the Police, Probation, Social Services, and Crown Prosecution were undertaken in this way, but none with Magistrates were completed and only one interview with a Clerk to the Justices (the reasons for these changes are discussed in the participant observer section). The taped interviews were then transcribed and analysed, and material from them appears in the text of this dissertation. The interviews were used to validate the themes emerging from the journal and to provide other examples of radical practice and its effect on other agencies. The interviews also provided a rich source of material for the sections of the dissertation concerning the history of the setting-up of the Juvenile Justice Service.

¹³A particular example of this is the folklore about the original creation of the Juvenile Justice Service. Most practitioners ascribe the primary reason to pressure exerted by themselves. Interviews with the two chief officers gave a different version of events, and the secondary material confirmed the chief officers accounts but also added a further dimension of financial pressure.

¹⁴For a detailed explanation of the method see Guba E.G., and Lincoln. Y.S. (1989) "Fourth Generation Evaluation" London: Sage.

Personal Journal

The completion of a personal journal has provided the most extensive material for this research and is a method rarely used and little discussed in methodology texts.¹⁵ The journal was written as a diary for four years, from April 1987 until July 1991, while holding the post of Unit Manager Juvenile Justice Unit Aldershot, and then from July 1987, as the Unit Manager Juvenile Justice Unit Southampton. The journal was written as a contemporaneous account of the activities of the juvenile justice unit and of my own activities and thoughts as a manager in Hampshire and when operating in the national arena. The diary was written up at the end of each day of significant activity, and then transcribed into the journal every week, including detailed accounts of the events described. The journal entries were analysed using the Rutherford characteristics (described in Chapter 1 of this dissertation), and the themes that subsequently formed the basis of the semi structured questionnaire. The themes were a combination of project development issues (dealing with conflicts as the new units were established), structural issues (particularly in relation to the position of the unit within the parent agencies), and radical practice examples. The material was also analysed from a dynamic perspective by locating the peak crises, opportunistic changes in policy, personnel changes and the use of influencing skills to change other agencies' practices. Material from the journal is included in the text of this dissertation and some of the difficulties in the use of this material are discussed in the participant observer section.

Participant- Observer

The problems associated with participant-observer status are well documented. As the researcher I influenced the events documented within the study more than usual because of the management and policy development position I held. This position posed some problems in the collection of research material and its use in the dissertation but it is more than compensated for by the extent and quality of the material obtained and by the perspective gained from my position. The unit manager posts in the Hampshire Juvenile Justice Service were a combination of line management tasks for the particular unit and policy development tasks and for the whole Service. The unit manager often would deal with individual case and court decisions and would direct and support staff dealing with individual juveniles. Unit

¹⁵Apart from a discussion about Lloyd Ohlin's work in Wisconsin (1960) "Conflicting Interests in Correctional Objectives", most other references are the animal behaviourist and anthropologists' texts.

decisions about the allocation of resources and connection with other local agencies would all be within the unit managers' responsibilities, and therefore these types of post were one of the key components in the creation of the new practice associated with juvenile justice.

In addition, the Hampshire scheme used the unit manager posts to develop countywide policy and, through this, a connection to national developments. This particular perspective was unusual within the traditions of both parent agencies; Probation and Social Services who, for other subject areas, tended to use more senior managers or specialist policy advisers to produce policy briefs for their Headquarters officers and Committee members. The juvenile justice service unit managers produced most of the policy papers and presented most agenda items at committee meetings during the entire period of this dissertation. They had direct access to the most senior figures within both agencies and as the Hampshire scheme acquired a national reputation, began to develop networks with other leading practitioners and managers as well as the national agencies. The reasons for this unusual and influential position for relatively junior managers (within traditional agency structures) may be connected to the very specialist nature of the new Service and the expert knowledge required, but it is likely also to be connected to the personalities of both the unit managers and their chief officers. The result is a rare example of high level participation in strategy and policy development by persons still predominantly connected to practice issues, and it is the combination of these perspectives that gives this dissertation its unique focus.

The problems associated with participant observer status included some limitations on obtaining or using research material, and the unquantifiable effect of my own personal development as a manager on the focus that the research material develops. The entries in the personal journal reflect both changes in the development of the project and the changes in the perspective of the researcher as a manager. It is difficult to separate these as both the project and the manager would be expected to mature and change perspective as the project develops. Thus the early entries focus on survival and detailed practice work and the later entries shift focus to structural issues and longer term trends. However, the later entries also feature detailed practice issues, although less frequently, and scrutiny of the subject of the journal entries seems to discount the anticipated problem of my personal perspective moving away from practice issues into purely management interests.

My position as a participant observer also affected the number of semi-structured interviews administered in 1990. At the time of administering the interview schedule,

the unit and therefore myself as the manager was involved in protracted difficulties with one court regarding remand issues.¹⁶ This led to a decision not to administer the questionnaire to court personnel as discussion about the methods of the juvenile justice unit, which was part of the questionnaire, would complicate and may have prejudiced the views of court personnel about the involvement of the unit in the particular incident. This particular incident took some months to resolve and therefore the questionnaire (which was being administered during a fixed period), was completed by only one justice's clerk whose court was not involved in the incident. The other selected legal adviser and the magistrates came from the particular court or were too closely connected to that court to risk discussing sensitive topics such as juvenile justice service influencing skills.

This issue of the use of sensitive material continued to pose problems throughout the period of the research. My unlimited access to files, and my contemporaneous personal journal have given me confidential or potentially damaging material on individuals as well as agency policies. I have attempted to illustrate the themes and issues within the dissertation with less damaging examples and have tried to ensure that the relevant themes are not obscured by this selection method. I used the analysis of the personal journal and the semi- structured interviews to provide a framework for the selection of the subject areas included within the dissertation. The themes used in the analysis of the material were predominantly selected in advance, using the Rutherford characteristics as the base, with additional topics being added during the research period. No themes were removed from the analysis, and the selection of those relevant to the dissertation was based on achieving a range of those originally selected as well as those most frequently appearing in the research material.

¹⁶See Chapter 6 of this dissertation particularly pp 108 to 110.

Chapter 1

The National Scene and Hampshire.

National Policies and Legislation.

The decades of the 1970's and 1980's have shown considerable changes in the policies and philosophies of dealing with juvenile and young adult offenders. They have also seen numerous legislative changes in Acts exclusively dealing with children and young persons, and as minor parts of more wide ranging Criminal Justice Acts.

National policies and philosophies have veered between the extremes of the welfare and justice models. The 1970's began with the partial implementation of the Children and Young Persons Act 1969, based on the White Papers of the 60's. (The Child, The Family and the Young Offender 1965, Children In Trouble 1968). The 1969 CYP Act, although much amended, has been the basis of juvenile sentencing throughout the two decades. The '69 Act "attempted to incorporate, in a compromise form, a number of radical viewpoints"¹ These viewpoints were predominantly from a "welfare" perspective; the delinquent child had similar problems and needs as the deprived child, and childhood was the main focus rather than control of offenders. The '69 Act was criticised from the beginning by powerful pressure groups including the Magistrates Association, whose concerns seemed to centre around the magistrates' perception that the decision making and control of juvenile offenders had been removed from their responsibilities and placed with "irresponsible" social workers. Full implementation was never achieved and instead a series of amendments and parliamentary orders adjusted the perceived balance of power back towards the courts. Criticism of the "welfare approach" also came from social work organisations in the late 1970's and early 1980's, when researchers² began to show the high level of congruency between recommendations in reports and court decisions, and the contribution of the social work profession to the high custody levels.

Legislation.

During the two decades, legislation has adjusted the amount of decision-making power that magistrates hold, but the adjustments have not always been favourable to the courts. They have also reflected the conflict between the judiciary and the

¹ Tutt N. (1981) op.cit. p 246

² Thorpe D. et al (1980)op.cit.

executive which particularly since 1982 has centred around the executive seeking to control levels of custody without explicitly controlling the sentencers.

The 1970's produced some small adjustments through legislation. The 1975 Childrens Act introduced more restrictive conditions that had to be satisfied for juvenile remands to prison. In 1977 and 1978 prison remands were ended for girls aged 14-16. Prison remands for boys aged 14 were ended in 1981. A measure that increased the courts powers was included in the Criminal Law Amendment Act 1977, when the supervision order was "toughened" by the introduction of the possibility of a fine or attendance centre order for breach of the requirements of the supervision order. However, with the change of political party in government from 1979, changes in legislation became more wide-ranging and frequent. The 1980 White Paper "Young Offenders" reflected the shift of emphasis in policy from dealing with juveniles as "children in trouble" to dealing with them as "juvenile offenders". Legislation concerning juvenile offenders would now be included in more general Criminal Justice Acts dealing with all offenders, and measures would often apply to young adult offenders as well as juveniles. Although the lobbying of groups such as the Magistrates Association were seen as successful, the legislative changes in the 1980's reflected even more explicitly the policy conflicts between judicial discretion and government intentions to limit the number of custody sentences.

The 1982 Criminal Justice Act affected both custodial penalties for juveniles and young adults, (under the age of 21) and non-custodial penalties. Borstal institutions were changed to Youth Custody Centres, and the semi-indeterminate sentence was abolished. Magistrates courts were given access to Youth Custody sentences for the first time. Detention Centres (which should have been closed if the 1969 Act was fully implemented), were given shorter minimum and maximum lengths, and emphasised discipline. Community Service orders were extended from the adult court to 16 year olds, but with 50% reductions in maximum length. Supervision Orders were altered as they still attracted criticism for not being sufficiently controlling, and various conditions were introduced, including specified activities, as a stronger condition than "Intermediate Treatment" conditions. Negative conditions were also introduced including night restriction orders (curfews). A favourite remedy of the Magistrates Association, the residential care order, was also introduced with considerable restrictions on its use. The most novel feature was a measure that was intended to restrict the use of custody for both juvenile and young adult offenders, by requiring courts to justify those sentences with reference to three criteria laid down in the Act. It

is perhaps significant that this measure was included in the Bill by way of an amendment, which was initially opposed by the government.³

The 1982 Criminal Justice Act gave courts some extensions to their powers, particularly access to longer Youth Custody sentences; previously Borstal sentences had been available only to the Crown courts. Courts would also have much greater control over the content of supervision orders through the various conditions. However, courts would also have to justify their use of custody in a very explicit way, and would be required in most circumstances to order a Social Inquiry Report before sentencing to custody. Most commentators at the time were pessimistic about these restrictions and predicted that the extensions to judicial power would outweigh any restrictions, and lead to an increase in custody.⁴

The sections of the 1988 Criminal Justice Act which related to juvenile and young adult offenders were not as wide ranging as the earlier Act, and instead concentrated on clarifying parts of the '82 Act. They refined the restrictions on custodial sentences by increasing the strictness of the criteria for custody, following a series of Court of Appeal judgements. This was seen as a further restriction on court powers, but the Act also gave them increased powers in relation to supervision orders. The specified activities condition could now be certified as an alternative to custody and, if breached, the supervision order could be revoked and any other penalty imposed including custody. This had been another of the Magistrates Association issues as, until this Act, supervision orders, unlike adult probation orders, could not be revoked and the offender sentenced again if further offences occurred during the course of the order. The other major change introduced by this Act was the removal of the separate custody sentences of Youth Custody and Detention Centre and their replacement with a single sentence of detention in a Young Offender Institution. This measure was one of executive convenience, as courts had overused Youth Custody institutions and underused Detention Centres since 1983. Courts would now decide on the appropriate length of custody, and the executive would decide which building to use. The important feature of this measure for the courts was the final abandonment of the idea that some institutions (the old Borstals) provided "training" as a legitimate reason for incarceration.

Policy.

In addition to the legislative changes that occurred during the two decades, policy measures also were both promoting and preventing reductions in custody, and

³ For a description see Rutherford A. (1988) *The Mood and Temper of Penal Policy. Curious Happenings in England During The 1980's*. Paper presented to Utrecht University.

⁴ Tutt N. (1981) *op.cit*, Burney E.(1985) *op.cit*, Parker et al (1987) *op.cit*.

reflecting the conflict inherent in a government committed to being "tough on crime", but also wanting to reduce levels of custody, particularly for juveniles.

The diversion of first offenders from formal court processes was the responsibility of the police and a number of Forces had developed automatic or instant cautions for minor, first offenders, particularly juveniles. Home Office Circular 211/1978 requested Chief Constables to report on arrangements for consultation between other agencies about juvenile crime, and was seen as government approval for the ideas of diversion, despite the explicit reduction in court powers. The 1980 Young Offenders White Paper continued to encourage police cautioning and many areas developed sophisticated joint agency structures to promote diversion, including cautioning.⁵ The Home Office circular 14/1985 confirmed the Government's support for an extension of the practice of cautioning. The introduction of the Crown Prosecution Service in 1986, together with its statutory codes of practice, further encouraged the policy, including its extension to other groups than juvenile offenders. In 1986, the number of juveniles formally cautioned exceeded the numbers found guilty at court for the first time. The 1988 Green Paper "Punishment Custody and the Community" acknowledged the contribution made by diversion to the changes in dealing with juvenile offenders, and the 1990 White Paper uses terminology associated with diversion techniques, including "gatekeeping".⁶

The diversion of more than 60% of juvenile offenders from court has certainly restricted judicial power, but there are some concerns that its effect on the criminal justice process, and eventually custody levels, is less clear. Researchers have concluded that some diversion actually produces more formal contact with the system (netwidening), and thus eventually more entrants to the court part of the process.⁷

Attendance Centres, which were to be abolished in the 1969 Children and Young Persons Act, expanded during the 1970's to the extent that the 1980 White Paper presented Attendance Centres as a central plank in policy. "The Government is convinced that one of the most useful non-custodial penalties for young offenders is the attendance order.... The Government has since expanded the system of junior attendance centres by 28 to 99, including 6 for girls under 17 and 3 for boys and girls under 17".⁸ Tutt concludes that this expansion was not due to any research, but to pressure from the Magistrates Association.⁹ Although the White Paper's view of the

⁵ For example: Exeter Juvenile Liaison Scheme, Northampton Liaison Bureau.

⁶ Home Office "Crime Punishment and Protecting the Public" (1990) London: HMSO Cm 965

⁷ For a detailed outline of this position see Pratt J (1985) "Delinquency as a Scarce Resource" Howard Journal p93-107, and generally Pitts J. (1988) "The Politics of Juvenile Crime." London: Sage.

⁸ Home Office (1980) "Young Offenders" London: HMSO Cm3601 para 5.

⁹ Tutt N. (1981) op.cit. page 251

place of attendance centres in the sentencing tariff is somewhat confusing, it identifies them as "non-custodial alternatives", thus confirming their increased importance in policy developments that might contribute to a decrease in the use by courts of custody sentences.

Perhaps one of the most important policy decisions that may have affected juvenile sentencing was the funding initiative launched in 1983 which directed £15 million of central government finances into local "alternative to custody" intermediate treatment schemes run by voluntary organisations, in partnership with local authorities.¹⁰ The creation of these schemes added to the sentencing options for courts and particularly were targetted at providing "credible" alternatives to custody and care orders using supervision orders with additional conditions. It is likely that this policy initiative used voluntary organisations rather than Local Authority Social Services Departments or Probation Services, both for political reasons and to tackle the problems associated with the magistrates lack of confidence in the statutory authorities and thus the supervision orders operated by them. There are differing research findings about the impact of these schemes on sentencing. Parker concluded that the new alternatives were replacing other sentences rather than custody.¹¹ A DHSS monitoring exercise showed lower custody rates in areas covered by the schemes compared to national figures.¹²

Some policy measures were seen as likely to directly or indirectly increase the use of custody. The expansion of Detention Centres after the 1969 Act (despite the White Paper's intention to abolish them) and the introduction of "harsh" regimes both served to emphasise that custody sentences were still a central feature of the sentencing process, and that early use of them was acceptable. It was only the additional access to longer Youth Custody sentences in 1983, that prevented the expected over-use of Detention Centres. At the same time as Detention Centre resources were expanding, the Government through a separate department was also financing additional places in Local Authority and Regional Secure Units within the Child Care sector.¹³ As with custody institutions, the increased availability produced increased demand for their use.

¹⁰ Department of Health and Social Security (1983) "The Further Development of Intermediate Treatment" London: HMSO Local Authority Circular 1983/3

¹¹ Parker et al (1987) op.cit. p.38

¹² NACRO (1987) "Diverting Juveniles from Custody. Findings from the Fourth Census of Projects Funded Under the DHSS IT Initiative."

¹³ For detailed description of child care institutions see Milham S, Bullock R., Hosie K., (1978) "Locking Up Children " London :Saxon House.

During these two decades, seemingly unaffected by the intentions of the legislative and policy changes, the number and proportional use of custody for young adult offenders increased significantly. The rate for juvenile offenders rose during the 1970's and levelled off and then decreased during the 1980's. These patterns occurred against a background of demographic reductions.

Hampshire.

Commentators and research on the 1982 CJ Act concluded that the most likely effect of that act and the policy changes made at the same time, (expansion of AC's and DC's) would be to lead to an increase in the numbers being recruited into custody.¹⁴ This appears to have happened until recently in respect of young adult offenders. However, the position of juveniles has differed considerably. Nationally there has been a shift away from custody in both magistrates and crown courts, declining from 11.8% in 1980 to 7.2% in 1990. In Hampshire, the decline has been more dramatic. Part of the county was included in E. Burney's study of the CJ Act 1982, where she came to pessimistic conclusions about the likelihood of a reduction in custody for juveniles as well as young adults. Yet despite these conclusions in 1984, and in advance of the national trends, Hampshire's juvenile custody rate had reduced to 4% in 1989, and to 2.5% in 1991. Other counties have also experienced similar decreases in custody rates, and Hampshire's experience is not unique.

Table 3 compares the numbers and proportion of custody sentences for juveniles in magistrates courts in Hampshire with national figures. The national custody rate at the beginning of the decade was 9.2%, then peaked at 11.4% in 1984 and reduced to 5.9% in 1990. These figures are only available for Hampshire from 1986 when the custody rate was 5.9%; by 1991 this had reduced to 2.5%. The higher 1990 figure is against the trend and is examined in Chapter 6. The reduction in actual numbers is spectacular; from 185 in 1981 to 7 in 1991. This reduction represents one of the largest changes in custodial practice in the country and resulted in Hampshire being viewed as one of the leading Juvenile Justice Services.

The national custody figures in these tables do not include custodial sentences for summary offences. Approximately 25% of all juvenile offences are non-motoring summary, and therefore it is also important to examine trends in those figures, particularly with the change of classification in 1989 of some offences from indictable to summary, the most notable for juvenile purposes being theft of motor vehicles (twoc - taking without consent). Approximately 200 males aged 14 to 16 were

¹⁴ Tutt N.(1981) op.cit., Burney E.(1985).op.cit.

sentenced to imprisonment for summary offences per year from 1980 to 1985, reducing to 100 per year from 1986 to 1988. The change of classification increased this number to 400 in 1989, reducing to 300 in 1990. Hampshire custody figures since 1988 include both summary and indictable offences but, in Table 3, the custody sentences for summary offences have not been shown in the national figures, as the small number of summary custodial sentences do not significantly affect the trends.

Table 3

Sentencing Practice, England and Wales compared to Hampshire.				
Males 14 - 16 sentenced to immediate custody for indictable offences. Magistrates Courts. 1981 - 1991				
	England and Wales		Hampshire	
	Total	%	Total	%
1981	5400	9.2	185	n/a
1982	5100	9.1	157	n/a
1983	5400	10.3	122	n/a
1984	5800	11.4	124	n/a
1985	5100	11.1	117	n/a
1986	3700	10.1	65	5.9
1987	3300	10.0	41	5.6
1988	2600	9.3	38	5.6
1989	1500	7.6	19	4.0
1990	1100	5.9	25	6.0
1991	n/a	n/a	7	2.5

Source: Criminal Statistics England and Wales 1981 - 1991 and locally collected statistics for Hampshire 1988-1991.

In order to gain an accurate picture of sentencing practice crown court figures also need to be examined, as any reduction in juvenile court custody can be a "mask" for increased committals to crown court (either for trial in serious offences or where jointly charged with adults), and a subsequent high use of custody at that court instead of the juvenile court. Table 4 compares the numbers of both "ordinary custody" sentences and longer Section 53(2) sentences made in Hampshire crown courts to the national figures. The proportional use of "ordinary custody" is also compared. The

Section 53(2) sentences are not included in the percentages as the very low numbers in Hampshire make that comparison difficult.

Table 4 shows that Hampshire's figures have been lower than national rates of custody throughout the decade, but the differences have increased, with Hampshire's rate falling faster than the national trend.

Table 4

Sentencing Practice, England and Wales compared to Hampshire. Males and Females 10 - 16 sentenced to immediate custody Crown Courts. 1981 - 1991						
	<u>Hampshire</u>			<u>England and Wales</u>		
	Total	%	Sect. 53	Total	%	Sect. 53(2)
1981	n/a	n/a	n/a	2300	72.8	n/a
1982	n/a	n/a	n/a	2000	69.2	n/a
1983	n/a	n/a	n/a	1300	63.0	69
1984	11	31	0	800	49.5	104
1985	16	48	1	781	46.3	158
1986	9	21	3	670	43.8	161
1987	10	22	0	596	38.9	151
1988	11	23	4	600	39.2	177
1989	7	25	2	400	32.0	115*
1990	8	19	0	300	26.7	125
1991	4	15	0	n/a	n/a	n/a

*1989 Sect 53(2) national total is reported by Criminal Statistics as likely to be under-recorded.

Source: Criminal Statistics England and Wales 1981-91 and locally collected statistics, 1988-91.

Explanations

In accounting for the change of sentencing pattern in juvenile courts, particularly the decrease in the use of custody, national policies and legislation have played a part and Home Office ministers have taken some credit for this. At both private and public

meetings John Patten, then Home Office Minister of State, attributed this success to the combination of the provisions of the Criminal Justice Act 1982, and to the DHSS £15 million funding initiative in 1983.¹⁵ A different explanation was offered by Graham Sutton, a senior official in the Home Office Criminal Justice Policy Section, who identified a change of culture at national level as a major contributing factor.¹⁶ He proposed that the policies and legislation have either confirmed or encouraged both a shift in "public opinion" and a shift in the culture of sentencers and others in the criminal justice system.

However the pattern of sentencing in Hampshire may indicate that in many local areas, other factors have been of primary significance. These local factors also may have been initiated by the culture change that Sutton identifies, but are taken further by the particular characteristics of the successful local schemes. A. Rutherford in a paper "Mood and Temper of Penal Policy" 1988, identifies 5 such characteristics.¹⁷

Rutherford Characteristics

"i) The local nature of reforms.

The reform initiatives have, in most instances, arisen within a particular locality, often within the jurisdiction of a single court or petty sessional division. Where county-wide, or regional, efforts have occurred these have generally been to consolidate existing projects rather than to break new ground. The pattern strongly suggests that in the absence of a firmly based and highly localized initiative the reform effort will amount to little. The local court is very much a key part of the target of change.....

ii) Reform thrust on the coal face.

The primary thrust for change has been made by social workers, working within statutory and voluntary agencies, who themselves are directly engaged with young offenders. In a very real sense, basic grade workers have dictated both the pace and the direction of reform.....

iii) Focus on process rather than programme.

Many of the early Intermediate Treatment projects were criticised for neglecting issues related to the juvenile justice context within which they were located.....In the early 1980's considered attention began to be given by practitioners to issues of process. In particular, Intermediate Treatment projects were much more likely to be

¹⁵ Patten J. notes based on address during visit to Hampshire Probation Service.1987.

¹⁶ Sutton G. notes based on speeches to Nacro conference London December 1989, and to Hampshire Juvenile Justice Service Staff Conference 26th January 1990.

¹⁷ Rutherford A (1988) op.cit. pgs 9-12.

located at the 'deep end' of the juvenile justice process, specifically designed to perform a gatekeeping role....

iv) Inter-agency collaboration.

At the crux of the reforms are a variety of new forms of collaboration involving statutory and non-statutory agencies. In many instances these arrangements are informal, arising from initiatives taken by key people in their respective agencies. At a more formal level, interagency committees have been established in some areas of the country which provide support for the new sentencing options. Collaboration of this kind has been encouraged at the national level notably by means of the Criminal Justice Act 1982 and the DHSS initiative of 1983....

v) The anti-custody ethos.

The creation of this climate, at the local level, reflects the powerful anti-custody ethos that has been imbued by social workers working with young offenders. In sharp contrast to the situation less than ten years earlier when social workers routinely recommended care and custodial dispositions... The new ethos takes the form of an absolute dissent from sentencing juveniles to custody....."

A possible additional explanation for the success of these schemes in the mid 1980's when previous local initiatives had not achieved any major reductions may be related to a more sophisticated understanding by practitioners of the location of power within and between organisations that are part of the criminal justice processes. This seems to have led to an avoidance of direct challenges to powerful figures, and an ability to work in partnership with some.

"Old Style" Agency Behaviour

Traditional practice in most criminal justice agencies has been to find pragmatic, short-term solutions to most problems, to "adjourn" difficult decisions, and to accept the deficiencies and injustices of the processes as 'just part of the job'. The organisations are hierarchical and often primarily concerned with status and authority. Individuals are not seen as powerful unless they possess particular status positions or control access to resources, such as clerks to the justices and some social services residential managers. It has not been the accepted role of a practitioner to question long-standing practice or to be interested in how other parts of the processes fit with their own jobs.

New Practice

The combination of the Rutherford characteristics which included the radical practitioner ideas, and a new generation of junior managers who were committed to those ideas but were able to connect them with a strategy of changing their own and other organisations policies and practices may be the difference. These new managers were practitioners during the early eighties, and had been influenced both by radical non-intervention and destructuring theories¹⁸ and a clearer notion of how to achieve change from within an organisation. Their contributions were particularly influenced by theories of change being "subverted" by organisations with vested interests or at best policy change producing "unintended consequences".¹⁹ A particular feature of many of the criminal justice organisations in Hampshire was the existence of a similar group of junior managers in most of them, who shared an impatience with traditional bureaucratic agency behaviour. The new schemes within Hampshire left the decision-making, and therefore the explicit power, with the original holders (some magistrates and police). The juvenile justice service developed strategies to influence the use of that power. Alliances were made with similar groups of managers in other organisations who wanted organisational change, and with significantly powerful individuals who shared the same commitment to policy change and were able to offer political protection to the managers and their ideas. Although much of the alliance work was concerned with tactics and opportunities, and some of the other groups of managers in other agencies were not as committed to the ideology, the strength of this new group of juvenile justice managers and practitioners was in the combination of a long-term view of radical organisational change connected to a set of principles. The junior managers and practitioners within the juvenile justice service also kept a national perspective through contact with various pressure groups such as NACRO, National Youth Bureau, Association for Juvenile Justice, and the Childrens Legal Centre. and reacted quickly to opportunities presented by national policy changes and local power shifts, for example changes in personnel.

"It was not only that practitioners had a shared goal in the abolition of custody for juveniles, they recognised that they could themselves directly seize opportunities to move in that direction. This new conviction that they held the key to change

¹⁸ Cohen S (1985) "Visions of Social Control" Cambridge: Polity, Schur E.M. (1973) "Radical Non Intervention" New York:Prentice-Hall, Thorpe D.(1980) op.cit., Tutt N.(1982) "Justice or Welfare" Social Work Today Vol 14 No 7.

¹⁹ S.Cohen (1979). *ibid.* Ch 1.

contrasted with the stance taken during the 1970's of waiting for a lead from the centre."²⁰

The remainder of this dissertation will examine the development of the Hampshire local scheme in the context of the Rutherford characteristics and the new style of influencing agencies through planned strategies and tactics. It is the nature of the implementation of ideas that is seen as radical rather than the ideas themselves.

²⁰ Rutherford A. (1988) *op.cit.*p.14.

Chapter 2

The History of Juvenile Offender work in Hampshire. 1980 - 1985.

The Hampshire story replicates the national picture in several significant areas. The optimistic social work theories of the 1970's were gradually giving way to more pragmatic and limited objectives, with maturation theories becoming the basis of much of the social work within the juvenile criminal justice process. The national theoretical debate between "welfare" and "justice" (later redefined as interventionist and minimalist) occurred and continues, although the dichotomy implied by these terms is too simplistic an analysis of the debate.¹ However, as with most theoretical models, trends in practice did not always mirror trends in theories. In particular, many practitioners were beginning to understand the importance of decisions and actions made by other parts of the criminal justice process, and were developing a complementary set of assumptions to the justice or minimal intervention model. These new ideas were borrowed from organisation theory and became known as "systems management".² This chapter will trace the changes in practice that eventually characterised the Juvenile Justice Service in Hampshire through the developments in the three separate agencies involved; the Probation Service, the Rainer Foundation, and the Social Services Department.

Early Practice Arrangements

During the first three years of the decade, work with juvenile offenders was undertaken by the majority of probation officers and social workers, and was not recognised as a distinct area of work. Within social services, it was unlikely to be distinguished from other social work with adolescents and their families, and within probation, it was not usually seen as any different from the adult offender work. However, there were a few individuals in both organisations, often with backgrounds in youth work, who did attempt to provide a specialist facility for some juveniles on supervision orders. These individuals offered activity-based work, including residential weekends, to juveniles either on their own or colleagues' caseloads. Attendance was voluntary and the facilities were seen as an additional resource rather than a replacement for traditional social work methods. There was no attempt to target resources or to influence directly other colleagues' practice, but these individuals

¹ See for example Holt J. (1985) op.cit, Pratt J.(1989) op.cit.

²Tutt N.(1982) op.cit. and the Lancashire based Social Information Systems are probably the best known proponents of the systems model, but for a concise explanation see Jones et al (1992) "The Probation Handbook" London: Longman pp190 to 211

dotted around the county established the first inter-agency contacts and gained valuable personal experience about the nature of juvenile offender work.

At the same time, other social workers were running groups for "delinquent adolescents", although the definition of delinquency was very wide. These groups were based predominantly in social services local area offices, and were used to provide resources and support to a large number of adolescents and their families. Again, the methodology of these "IT" (Intermediate Treatment) groups was primarily an activity-based one, although there was a strong interest by some in family therapy and by others, in social skills work.

In fact the major innovators in Hampshire in terms of practice during the early part of the 1980's were the police. The chief constable had introduced an instant cautioning scheme called "Youth Help" in 1981. This was one of the first schemes in the country to recognise the importance of diversion from prosecution for juvenile offenders. "Youth Help" required police officers to make an assumption in favour of cautioning for all juvenile first offenders, and gave detailed instructions for the administering of cautions by uniformed Inspectors. This located the key decision-making with relatively senior officers within each police station (sub-division). Administrative arrangements were developed to notify social services and probation offices of those cautioned and those cases where prosecution was intended. This process complied with the Home Office circular on cautioning subsequently issued in 1985, which required police forces to consult with local authorities about these matters. However, the administrative arrangements in Hampshire did not require any dialogue and did not stimulate any planned response from the other agencies, other than the occasional individual discussion from a social worker about her/his own client. The only countywide response from the social services department was to use the information from the police as a general indicator of delinquency in each social services area. It formed part of each area's assessment of need which would influence the amount of resources received during budget allocations. There is no indication that any of the agencies had plans for the type of extensive consultation that already existed in the Exeter model or was being planned in the Northampton area.

There was growing concern in the magistracy and the government at the lack of resources and priority given by local authorities to serious and persistent juvenile offenders, and a very well argued position of 'no confidence' in supervision orders. In Hampshire, the criticism was strongly expressed by several groups of magistrates, particularly in Portsmouth, where the Local Authority's purchase of a yacht added to the impression amongst magistrates of 'treats' for offenders, and in Basingstoke where

the combination of an influential magistrate and the clerk to the justices was producing pressure to change. Although these criticisms were aimed predominantly at the Director of Social Services, as his department controlled most of the resources, the Probation Service (which in Hampshire was still responsible for juveniles from 14 years upwards), did not escape criticism, but this was often diverted by them to the issue of the lack of resources provided by Social Services.

The magistrates' dissatisfaction provided some of the background to the central government initiative that allowed other voluntary organisations to make applications for funding of alternative to custody schemes, (LAC '83).³ The conditions attached to LAC'83 funding were designed to force local authorities to make decisions about supporting IT schemes that were targetted on juvenile offenders. The minister then responsible for approving funding for LAC'83 schemes, Mr J. Patten, still expresses surprise, even in retrospect, at the success of the initiative.⁴ However this external stimulus was a major factor in moving practice forward in several counties, including Hampshire.

The implementation of the 1982 Criminal Justice Act was another external stimulus, as the old-style "IT" conditions in supervision orders were supplemented by court directed "specified activity" conditions. This change was a direct result of Magistrates Association campaigns against the perceived irresponsibility of social workers' discretion. Other provisions of the 1982 Act, including the statutory criteria for custody, would take some time to develop their impact, but the specified activity requirement produced immediate results in two related areas. It gave magistrates the opportunity to have a more direct influence on the way supervision orders were managed, and thus helped them gain more confidence in supervision orders. It also stimulated demand for more resources to be channelled into 'heavy end' (alternative to custody) IT schemes rather than the more common general delinquency provision.

Both the LAC '83 funding and the 1982 Criminal Justice Act feature strongly in the development of Hampshire's juvenile offender resources in the mid 1980's.

³ LAC'83 is the shortened version of Department of Health and Social Security Local Authority Circular 1983(3) "The Further Development of Intermediate Treatment". For a detailed explanation of the initiative see Bottoms A. et al (1990) "Intermediate Treatment and Juvenile Justice" London: HMSO DHSS.

⁴ Patten J. (1987) op.cit. Notes of speech and comments during ministerial visit to Hampshire Probation Service Headquarters 1987.

The Rainer Foundation and Woodlands, Basingstoke.

The generally low-key approach to the issues of juvenile offending in Hampshire was not found in one area of Hampshire, which by very early in the decade had acquired a national reputation for innovative practice. The Woodlands Centre at Basingstoke was set up in 1981. Discussions had taken place in 1980, between a local magistrate, Mrs Baring, and the clerk to the justices. Both were unhappy about the juvenile custody level in Basingstoke (18 persons), and the inability of the Social Services to provide suitable alternatives. After local consultation which did not produce results, Mrs Baring wrote to the Rainer Foundation in London, and to the Director of Social Services, with a proposal that they set up a project in Basingstoke. At this time Rainer, whose roots were in offender work, was concentrating on accommodation projects and general delinquency/at risk work in London, but Mrs Baring knew of their work and good reputation. Significantly, the Director of Social Services, Mr Arthur Hunt, also knew of the Rainer Foundation, and was acquainted with the Director. He was also exploring ways to resolve a more general public service resourcing dilemma, which had occurred with the incoming Conservative government in 1979. In 1980, an absolute ceiling was placed on the number of local government employees, and he was in the position of having money available to resource new schemes, but no ability to employ additional staff. Mr Hunt's solution was to make partnerships with voluntary organisations, which he could then "grant aid", while they employed staff.⁵ Rainer and Woodlands were therefore part of a wider strategy, in terms of the use of Social Services resources. There is no evidence at this stage of any strategic plans for the development of a county-wide juvenile offender initiative, although Mr Hunt's background and interest in delinquency issues became a significant factor in later developments.

The Rainer Foundation was invited into Hampshire to run an Intermediate Treatment establishment combined with a special Education unit. Funding would come from charities, organised by Mrs Baring, the Education Department, and grants from Social Services. The initial idea of the Centre was to deal with education problems, and general delinquency issues as well as alternatives to custody. Premises were found in a redundant childrens home on one of the housing estates surrounding Basingstoke centre, and the first Director of Woodlands was appointed in April 1981. He was Chris Green, whose previous experience included working in the Nottingham area with David Thorpe and others who were at the forefront of new approaches to juvenile crime.⁶ Chris Green was critical of the initial plans for Woodlands which envisaged a

⁵ Interview with A.Hunt 21.8.90

⁶Thorpe D. et al (1980) op.cit.

combination of target groups, probably as a result of the necessity for combined funding. He persuaded Mrs Baring that the project needed more focus, and a clearer target group, and that her original interest in alternative to custody provision was the correct one. The revised plans included an entirely separate Education unit, and the abandonment of "at risk, preventative" work. Woodlands would concentrate on those offenders who were at high risk of custody. There was considerable evidence in this planning, of the beginnings of a systems approach to juvenile crime. The next Director of Woodlands, who was an early staff member in this era, recalls:

"a deliberate strategy; if we could contain the high risk offenders, then others from Social Services should be able to cope with the rest." (Interview P.Owen 2.11.89)

Oversight of the project was provided by the "Woodlands Advisory Group" which consisted of Mrs Baring, the Clerk to the Justices, two police representatives, an Education Department representative, a Social Services Headquarters person, a local Social Services representative, a local probation officer, and A. Rutherford from Southampton University. The Advisory Group contained a majority of Basingstoke people who were determined to protect the project and ensure that it succeeded. The Social Services Department HQ representative and the Education Department became less enthusiastic partners, partially due to the change in focus of the project.

Woodlands Practice

Woodlands opened in May 1981 with the Director and two Rainer Foundation employed workers. (The separate Education Unit had a further teacher). The alternative to custody programmes were designed to target potential Detention Centre (DC) and Borstal sentences by providing programmes under Section 12 of the 1969 Children and Persons Act, as IT conditions of supervision orders. Programmes would last for 45 sessions for the DC target group and 90 sessions for alternatives to Borstal. Most sessions were held at Woodlands on weekday evenings, and the methodology employed was individual social skills type work. By early 1982 the length of programmes had reduced and were individually designed around core components. Woodlands staff became acknowledged experts in the field of alternative to custody programmes and the court's confidence was reflected in the sharp reduction and then total absence of custody sentences from the Basingstoke juvenile court.

Community development was given a high priority from the outset as there had been considerable resistance to the project from residents of the estate. An open access youth club-type facility was opened at the premises one evening a week, but was kept

separate from offender programme work. This focus on the local neighbourhood and the good links with local police through the Advisory Group led to the development of reparative elements in programmes and to a more general interest in crime prevention.

Relationships with the local social services and probation offices were generally good, and the probation link developed into a specialist task for one probation officer. The application of systems techniques, including gatekeeping⁷, was limited to existing cases and the informal links with local police, which produced the occasional decision to caution rather than prosecute. Juvenile court sentencing trends changed and Basingstoke became known as a "Custody-free Zone"⁸, although this sentencing practice did not extend to Crown Court cases.

Rainer Funding and Developments.

Funding was a constant uncertainty as the three sources, charities, Education and Social Services, were subject to yearly review. Education withdrew in 1982/83 and by 1983 Social Services were funding the whole project, although, throughout this period, they questioned value for money due to low numbers and disagreements about the exclusion of the "at risk/preventative" target group. The staff group had also increased by two with the inclusion of temporary Manpower Service Commission employment scheme posts. The continued funding from Social Services was probably a result of national recognition of Woodlands as a leader in its field, and the local protection of Mrs Baring and others on the Advisory Group. During 1983, the government LAC '83 circular and accompanying £13 million that stimulated other IT schemes was issued. However, Woodlands was not entirely eligible for this funding as it was an existing project. Despite this, it was clear that Woodlands and Rainer required some method of ensuring access to longer term funding. In addition, staff at Woodlands were keen to extend their success to neighbouring courts, and other magistrates were also interested in a Rainer project in their area.

As a result, the North Hampshire IT Development Group was set up to supervise the extension of a Woodlands-style project to the Aldershot area. LAC '83 money was

⁷ Gatekeeping is a shorthand term used to describe the process of screening out those cases that do not require prosecution. It usually involves some form of multi agency panel that scrutinises police preliminary decisions. Gatekeeping is probably the most well known practice within a systems management methodology. Confusingly, the term is now used in probation services to describe an internal screening process for quality in pre sentence reports.

⁸ Usually ascribed to various speeches made by the Clerk to the Justices Mr B.Gibson who was speaking in favour of the developments. See for example Gibson B. (1986) "Abolition of Custody for Juvenile Offenders" Justice of the Peace 22 and 29.11.1986.

Social Services Department Developments.

The Social Services Department had marginally increased the number of staff employed directly for IT from two in 1981 to five in 1982/3. In 1983 there was a dramatic increase to twenty, with the appointment of area office-based IT officers, which coincided with a local television documentary which criticised Social Services and compared them unfavourably with both Kent and Rainer in Basingstoke. The programme used the new specified activity provisions in the 1982 Criminal Justice Act as a central feature. The then Deputy Director of Social Services appeared on the programme to defend their record, and the creation of the new posts followed within weeks. In 1984 another seven posts were added when the first of two local authority run IT Centres became operational in Southampton; the Portsmouth centre with another seven staff came on stream in 1986. The management structure underwent significant change, as two centralised posts at Winchester headquarters were created in April 1984, based in the residential services section. These posts held some budgetary control and policy direction tasks as well as direct responsibility for the IT Centres, although IT officers based in area offices were managed by the area social work managers, who were also responsible for all field social work in the Department. A recurring tension within the department was the division of power between the centre (HQ) and the area offices. Traditionally, area offices had achieved a large amount of autonomy in both policy and resource decisions, and any centralised initiatives that restricted the Area Manager's authority were difficult to implement.

IT work within the department tended to be divided between the more general preventive area-based work carried out by the area IT Officers, and the 'heavy end' Centre work. The area IT work was predominantly with younger, less delinquent children and was based on activities and groupwork principles. The IT Centres targetted the same group as Woodlands but also included programmes to assist in moving children out of residential care. Their programmes were often more offence focussed than in the areas, but their operational principles were less clear than Woodlands due to the necessity to deal with Social Services residential issues. These included being required to work with non offenders who were leaving care and the possibility of providing emergency accommodation. There is no evidence of any clear understanding by management of a systems approach to juveniles in the criminal justice process. The arrangement of services was influenced by internal organisational pressures, not criminal justice process issues.

Within Social Services there were considerable divisions about the provision of services to juvenile offenders. The "welfare/justice" debate was continuing and was complicated by the struggle for power between the newly created HQ managers who were located in a traditionally low status part of the Department - the residential sector, and the areas. There also were tensions between IT practitioners owing to loyalty factors and to different conditions of service and pay structures. Practitioners located in the "heavy end" IT Centres considered themselves to be specialists and were critical of the standards of work and policies developed by colleagues in Social Services local area offices. Area office IT staff were usually more interested in the general development of resources for juvenile delinquents "on their patch", and had less interest in sentencing trends, or in national policy developments. However, those area-based practitioners who were interested in national criminal justice policy initiatives were critical of their IT centre colleagues, who had tended to concentrate on programme issues rather than process issues. Both sets of staff expressed concerns about the low priority given to juvenile offender cases by the social workers who were responsible for managing the supervision orders, and writing the social enquiry reports. Tensions also existed between both sets of IT practitioners and their Headquarters and local area managers, who had little understanding of IT or of criminal justice processes. Area managers often regarded their IT staff and the accompanying budgets as extra resources for general child care needs and interpreted preventative theories very widely. An early initiative to influence prosecution policy in the Southampton area by setting up "gatekeeping" meetings between the police and IT practitioners was effectively stopped by local area managers who rejected a proposal paper prepared by area IT officers and probation specialists. Headquarters managers, who were directly responsible for the IT centres, and more generally for the development of county policy were located in the residential services management structure. Although they were not from a residential background, their direct superiors were, and policy and management practice were dominated by traditional residential concerns. This was reflected in operational policy documents which emphasised budgetary control, staff discipline and care regulations. Each IT Centre had a five page operational policy document; the courts or court system was mentioned twice, and the prosecution process was not mentioned at all.⁹

Probation Service Developments

During the early eighties, the Probation Service was also beginning to increase its interest and investment in work with juveniles. In 1983, three IT regional coordinator posts were established to provide resources for probation officers working with

⁹Selbourne Avenue IT Centre Operational Policy Hampshire Social Services Document 1984

juveniles, to encourage the use of "packages" in supervision orders, and to liaise with the IT officers and schemes within Social Services and the Rainer Foundation. These posts were not initially envisaged for qualified probation officers, and were therefore only given the status of advisers, rather than initiators of practice. The same debates about the value of preventative and alternative to custody types of IT provision took place within these posts. The alternative to custody view began to dominate, and these posts were then filled by qualified probation officers. They quickly assumed significant importance because of their regional overview of the developments in juvenile work and, crucially, because they reported directly to an assistant chief probation officer who, in 1985, was given countywide responsibility for juvenile offenders as well as IT programmes.

Several probation teams had also started experimenting with specialist juvenile supervision schemes, the first being the Fareham team in 1981/82. Their work was based on a longer history of interagency practice, particularly from the previous senior probation officer, who was now the Assistant Chief Probation Officer responsible for juvenile offenders. This scheme involved all agencies including the police, but was without a well-developed systems model and failed to target high risk of custody cases. The Aldershot probation team specialised in 1984, by dedicating two officers to supervise all juveniles. They developed a very strong, possibly over-rigid, justice model but without involving the police, so it could not be described as a whole systems model. Southampton created a young offender team in 1984/5, which dealt with juveniles and young adults, although the juveniles were seen as a sub-specialism. This team developed a systems approach combined with less rigid justice ideas but had no authority from Social Services and were thus unable to influence practice within that agency. Portsmouth and Havant developed similar models in later years. The common characteristics of most of these probation schemes was the concept of consistency, minimum standards that improved credibility with courts, and the beginnings of gatekeeping, both in terms of Social Enquiry Report (SER) recommendations and police diversion decisions. These systems ideas and minimum standards would later combine with Rainer and Social Service IT Centre alternative to custody programmes to produce the basis of Juvenile Justice Service work.

However, there were as many tensions within the Probation Service as in the Social Services department. Most probation teams did not agree with this specialism and there was no general acceptance of avoiding the use of custody. Individual probation officers continued to recommend custody until 1987. Many probation officers were still not in sympathy with the views of colleagues who specialised in this work and regarded them as 'soft' and 'too supportive'. Local managers had little understanding of

national policy trends and where a specialism was developed by practitioners, it was usually with the passive approval rather than active support of local managers. Tensions also existed between the specialist ACPO and his generalist colleagues. The decision in 1985 to give him functional responsibility for all juvenile offender work cut across a long tradition of generic regional management, and enabled probation headquarters to develop a coherent policy that could be implemented across the county.

Inter Agency Developments.

By the end of 1984/ beginning of 1985, most of the personnel that would eventually play a part in the creation of the new service were in post and the various agencies had established their own structures for the delivery of their own style of services for juvenile offenders. The Rainer Foundation were running an alternative to custody IT centre in Basingstoke and were trying to establish another in Aldershot. The Social Services Department was running one alternative to custody IT centre in Southampton and planning another in Portsmouth They also had preventative or middle range schemes in every area office. The Probation Service had several teams specialising in supervision of juveniles, and IT coordinators working with those teams and promoting better standards in other areas. Both Probation and Social Services had identified Headquarters-based senior officers as managers of some aspects of juvenile work. However, at management level there was still little evidence of an overall strategy, and even less of good quality cooperation between agencies. Indeed, because of the frustrations felt about Social Services divisions, probation had a plan to provide separate provision for over 14's.¹⁰ Although IT centres were meeting some of their demands, magistrates were also still complaining and the influential ones were seeing a general lack of cohesion and, particularly in the north of county, a practical example of competition, which was raising more concerns.

At practitioner level, there had been some joint work between probation, social services and Rainer during the early 1980's, but cooperative work between individuals in the three different agencies began in earnest in 1985. This occurred at a formal level in Social services run 'IT Forums', monthly regional meetings of all types of IT/juvenile workers, and more importantly at an informal work level when workers from the different agencies began to combine resources and experience in running joint schemes. These schemes were often ad hoc arrangements, and although clearly within probation job descriptions, were less well supported by social services management. The assessment, induction, supervision and liaison groups, set up by

¹⁰Interview R.Esnault Assistant Chief Probation Officer 24.11.1989.

area-based IT officers and probation officers and regional IT coordinators in Fareham, Portsmouth, Aldershot, Gosport, and Southampton, were the forerunners of much of the work of the Juvenile Justice Service. However, these arrangements were patchy and the systems work (gatekeeping, monitoring sentencing trends) did not receive management support or understanding. The IT centre in Southampton and Woodlands in Basingstoke were also slightly separate during this period, as they were concentrating on consolidating the spectacular advances made in the reduction in custody, although they shared the concerns about lack of standards and consistent practice.

So, although the personnel were in place, and there were some models that were working despite conflicts (in the north) and other models that were more collaborative but not effective (Southampton), the general pattern was very patchy and uncoordinated with no strategic direction, and deserving of the existing magisterial and practitioner criticism.

Chapter 3.

The Implementation of the Juvenile Justice Service 1985- 87

During 1985 the local collaborative schemes continued, and these patchy arrangements could have remained as the permanent pattern of juvenile provision. Certainly, in other counties, juvenile work had attained this standard and had either settled to this pattern (Bedfordshire, Dorset, Gwent) or had seen the withdrawal of probation from most direct work, leaving Social Services or voluntary organisations to provide the service, and often the management/policy decisions (E.Sussex, Essex, Kent). This chapter will examine three key pressures that eventually resulted in the decisions for dramatic change, rather than evolutionary growth, and will then describe the process of implementation and its effect on the future Juvenile Justice Service. Material from the semi-structured interviews is used to provide examples of the activity and ideas that contribute to the development of the Service and influence the implementation process. The material is included within the text in italics.

The three key pressures for change were radically different and, taken individually, were unlikely to have been enough to produce the impetus for change. It was the opportunistic combination of all three that was successful. These key "events" were first, the ending of the Rainer Foundation's LAC'83 funding, and the requirement in that circular for the local authority to make decisions about further support for the two IT centres in the north of the county. The second key event was the appointment of a new Chief Probation Officer for Hampshire, and the third pressure, resulting from a new consciousness amongst practitioners that their views were important and essential in policy decisions, was the very strong and growing demand for change from practitioners; the social services IT officers, some of the Rainer staff, and all the probation IT coordinators. This coincided with continued demands from magistrates for improved and more consistent provision.

Rainer Foundation Funding

The central government's LAC'83 circular was designed to stimulate provision, rather than to establish permanent schemes. The circular included the conditions that the funding would last only two years, that the local authority was required to be part of the scheme's steering group, and that the local authority would have to decide, at the end of the funding period, whether to continue the scheme by funding it directly. During 1985, the Social Services department and the Rainer Foundation began to

discuss the future of the northern IT centres in earnest, although there had been constant questioning by Social Services of the value of the Rainer projects since 1982. Probation also became involved in these discussions, partly due to the beginning of a two-agency headquarters managers group, and partly due to the participation in the Northern development group of the regional IT coordinator and the assistant chief probation officer. The chairman of one of the local juvenile panels was also very prominent in these discussions, and the IT Centres, particularly Woodlands, had managed to establish such a good national reputation that it would have been difficult for the local authority to opt for a decision that resulted in the demise of Woodlands.

Another factor that was significant in the funding discussions was the sudden willingness of the Probation Service to assist the Social Services Director with a major local political problem. Woodlands had always been seen by Social Services as a very expensive and non cost-effective resource, with relatively high numbers of staff and low numbers of referrals. Social Services expected some criticism from their elected councillors if they simply took over the total Woodlands and Aldershot scheme costs. With the Probation Service suddenly interested in collaborative schemes, an alternative proposal for specialist units that would actually save money by reducing or sharing staffing costs could be considered.

*"Probation, who had previously sabotaged some plans were going to share this difficulty and pain with the Director, and hopefully reduce the cost of the system."
(Interview J.Harding Chief Probation Officer 10.4.1990)*

The decision to combine the Rainer schemes with the other two agencies' juvenile offender resources in the north of the county was agreed slightly ahead of decisions about the rest of the county and marked a watershed in the history of relationships between the three agencies as these were previously characterised by suspicion and competition.

Chief Probation Officer

During 1985 and 1986 the probation service had been experiencing some change due to the appointment of a new chief probation officer in January 1985. The previous chief had been in post for twenty three years, and the existing social services director since the early 1970's; he would retire in 1988. For various personal as well as structural reasons, the probation service and the social services department had remained very separate at the headquarters level during the previous era. The new chief probation officer was committed to a joint partnership approach to other

agencies, and also had a background of interest in the development of Juvenile Justice schemes. His previous appointments included management responsibility for developing the Exeter Juvenile Liaison Bureau, probably the first example in England of a justice model, and joint arrangements with Social Services in parts of the West Midlands. He had also been active on the national scene since 1976, particularly as a member of the National Association for the Care and Resettlement of Offenders" (NACRO) juvenile crime advisory committee and the Association of Chief Officers of Probation's Young Offender committee.

His previous career in probation had provided him with a number of models of potential schemes and a continuing personal interest.

"Lots of examples of good practice but few examples of strategic thinking. One of the things about coming to Hampshire....., about becoming chief officer, was that at last I could actually get a policy shape on the sort of juvenile service I would like to see." (Interview J.Harding 10.4.1990)

His determination to produce radical change was strengthened by the coincidence of knowing the first Director of Woodlands and the early work of the Social Services Director, both of whom had worked in his own first county probation service, Nottinghamshire. Another characteristic of the new chief probation officer was his commitment to using specialisms within probation work to implement policies.

"I believed in specialisms ... as a way of extending focus and concentration on a particular need or issue group or generational group, ... That we would make no lasting progress in relation to systems and practice until that took place." (Interview J.Harding 10.4.1990)

Very soon after the new chief's arrival in Hampshire, the assistant chief probation officer (ACPO) who had oversight of some aspects of juvenile work, was given full responsibility for all juvenile work, which was recognised as a specialism. This authority included areas of work that had traditionally been the responsibility of regional ACPOs and individual regional teams. Probation senior managers were beginning to move in the direction some practitioners wished, towards specialism, towards participation in a national perspective, and towards an understanding of process and systems issues.

Practitioners

Despite the cooperative work between various field workers, there were some areas of the county which continued to work in traditional ways with juvenile offenders. The probation regional IT coordinators were particularly well placed to observe practices that they considered to be outdated and questionable. These included inconsistent cautioning practice, social inquiry reports recommending supervision for first offenders and continuing to recommend custody, and inconsistent standards for supervision orders. The regional IT coordinators had achieved consistency within the specialist teams in the probation service (Portsmouth, Southampton, Aldershot) but were unable to persuade colleagues in other teams of the importance of the justice approach to the juvenile process. The probation IT coordinators were among the first Hampshire practitioners to recognise the importance of a systems approach and the requirement to act as one agency to influence the criminal justice processes.¹ Within the Social Services Department the situation was even more varied. IT officers did not usually "case hold",² as this function was traditionally reserved for area office social workers. They had less status and authority than social workers, and relied even more on persuasion to bring about changes in practice. Social workers still continued to hold generic caseloads, area offices resisted the idea of specialism and therefore progress was very patchy. The IT Centres were also becoming dissatisfied with some of the preventative and middle range work that should have been the function of area based IT officers, and with the quality of SIR writing. The staff at the centres again were not "case-holders", and because they were located in the residential and day-care sector of the Department, were given even lower status than area-based IT officers. They were receiving inappropriate low tariff referrals, were not in control of the information and recommendations given to juvenile courts, and were not confident about the support that many of their IT programme clients were receiving from supervising social workers and probation officers.

The Radical Practitioners of the Future

There were a small number of IT officers and IT Centre workers who shared the probation IT coordinators' views about future developments. They were promoting the ideas of specialism within agencies, concentration on criminal justice process rather than just alternative to custody programme issues, and taking account of national trends. Other IT staff shared the same dissatisfactions but had less radical solutions.

¹ Internal memo to R.Esnault Assistant Chief Probation Officer 17.12.1984

² Caseholding here means the statutory responsibility for supervision of persons subject to court orders. Other staff often would work with the person, but the authority to make decisions about a case lay with the caseholder.

This small band of between ten to twelve practitioners, most of whom were of similar age and experience, had a very strong anti-custody and anti-institution ethos. Their average age was 30 and had only experienced social work in Thatcher's Britain, with many having spent the majority of their careers in Hampshire or neighbouring counties. They were aware of the developments in juvenile justice in other parts of the country, and accepted many of the views contained in the writings of West, Thorpe, and later Tutt, Morris and Giller, and Rutherford. However, they were essentially products of Hampshire agencies and knew their local criminal justice scene very well.

Their individual experiences of social work with offenders and their observations of their own agencies' often bureaucratic responses had produced a dissatisfaction with traditional organisational remedies and a strong belief in radical solutions to the problem of high juvenile custody rates. Perhaps the difference between the previous decade's reformers and this group was the latter's commitment to working within the existing power structures in all the criminal justice agencies. They were working collectively with practitioners in other agencies who held similar views about the nature of the criminal justice process and similar frustrations about the ability of their own traditional and hierarchical organisations to respond to new challenges (a common feature of a number of agencies in Hampshire at this time was the long tenure of chief officers and senior management teams). The ethos of this group of social work practitioners was clearly anti-custody/ anti-institutions and based on principles of minimum intervention, but their strategy and tactics were based on organisational theory and systems management ideas, and through this they connected with other criminal justice practitioners who, while not necessarily sharing the same objectives, shared the same aspirations about how agencies could work. Many of this small group of practitioners were to become managers in their respective agencies during the next few years.

Magistrates

The concerns expressed by many of the specialist juvenile workers were being mirrored by magistrates. The Magistrates Association had been effective in persuading the government that courts had no confidence in the operation of ordinary supervision orders and this had led to some of the provisions in the 1982 Criminal Justice Act. This lack of confidence continued within Hampshire after 1982, but was partially obscured by the development of the four IT centres. Magistrates seemed to be enthusiastic about those schemes, and often ignored ordinary supervision orders, or viewed them as extremely low tariff, "welfare" disposals, with no significant role to play in the juvenile offender world. These assumptions were not helped by common

terminology with civil proceedings supervision orders ("matrimonial supervision orders"), made by the Domestic Panel as well as Juvenile Panel magistrates, and often supervised by the same social workers. Magistrates wanted consistency within and between agencies, and a higher priority given to juvenile offenders. They showed little understanding of process issues, and were usually opponents of any proposals by the police to extend cautioning practice.

The Implementation of the Juvenile Justice Service.

The Development of the Organisational Ideas.

Probation practitioners, in conjunction with the Assistant Chief Probation Officer, had developed a "5 year plan" which included pushing the probation service to develop further the model of specialist teams already existing in Aldershot, Southampton and Portsmouth. These specialist teams would connect with Social Services IT Centres and area IT officers in collaborative local schemes, and then both would put pressure on Social Services to identify and develop specialist teams themselves. This gradualist plan would thus develop a single service idea in stages and without requiring the initial knowledge or backing of policy makers in Social Services.

The practitioners' plan was rapidly overtaken by the new chief probation officer's own ideas. Within several months of taking up the post, discussions and a letter had been exchanged with the Social Services Director, setting out a "blueprint" for a multi-agency service.³ The Chief Probation Officer had his own plan with a much shorter timescale; to raise the issue with Social Services, to get a review or survey of juvenile offender services, to get political ownership through a Joint Standing Committee, and then to create a single multi-agency Service.

Political Ownership and Persuasion.

The idea for a joint service appears to have originated almost entirely from Probation sources, although with influence from the Rainer Foundation's first Director at Woodlands. Social Services had less developed plans for themselves to take over entirely juvenile offender provision as in other counties, although they acknowledged the difficulties presented by their lack of credibility with the courts.⁴ The Director of

³ Letter from J.Harding to A.Hunt, Director of Social Services 8.3.1985

⁴ Interview with A.Hunt 21.8.1990

Social Services was sympathetic to the idea of a joint service, partly because of his previous background. He had a long standing interest in work with offenders, having contributed to early writing about focussing on offending behaviour in the British Journal of Criminology. He had previously been the principal probation officer for Southampton before local government reorganisation incorporated that service into Hampshire, and had a coincidental connection with the new chief probation officer who had "inherited" some of his work in Nottingham and was an admirer of his early writings. However, juvenile offender issues were not a priority interest to his other senior managers; they were still operating a tradition of distrust between the two agencies, and their approval and support was required for the changes proposed.

This was achieved by a combination of personal persuasion by the Chief Probation Officer and the Director at a series of meetings, and the use of influential magistrates and committee members to remind Social Services of the long running dissatisfaction with their services.

The Director "allowed me to fire the bullets which otherwise he might have to fire himself, and then out of that we began to get some agreement.." (Interview J.Harding 10.4.1990)

A particularly significant meeting occurred later in 1985 between the two chief officers and their respective committee chairpersons. Both chief officers have commented on the importance of their relationships with these people and both describe separate occasions when they have enthusiastically shared objectives about aspects of their work. At this meeting the probation committee chair, Mrs Hampton, took the lead;

"she had been briefed before assumed chair status and was determined from the outset about what she was going to get..., an investigation followed by a joint standing committee". (Interview J.Harding 10.4.1990)

The Joint Standing Committee

A Hampshire County Council Standing Joint Committee for Intermediate Treatment and Services for Juvenile Offenders was established and first met in February 1986.. This was a subcommittee of both the Social Services Committee and the Probation Committee (who agreed to its formation in October 1985) and had a representative from the Rainer Foundation Headquarters group as a full member. This was a very significant step as it gave political permanence to the idea of agency partnership, and

also recognised the Rainer Foundation as a legitimate future part of the service. Magistrates were also represented on this committee as full members, both through probation committee members, and through the standing conference of Juvenile Panel Chairpersons, who sent three representatives. A clerk to the justices was also a full member. The committee was serviced by the county council executive, again bringing recognition of full and important status within the local authority. Both the Director of Social Services and the Chief Probation Officer attended rather than delegating responsibility, as did the Chair or Vice-Chair of both main committees. An additional factor that gave this committee even more influence was the decision to co-opt representatives of other agencies concerned with juvenile offenders. The Police and Education Service attended from the second meeting, and the Crown Prosecution Service were invited soon afterwards. The terms of reference were "to consider matters of common concern to the Probation and Social Services Committees relating to juvenile offenders in Hampshire, and to make recommendations to those Committees."⁵

The Police involvement was still relatively low-key despite their early development of instant cautioning in 1981, and the introduction in 1986 of an even more radical policy of multiple cautioning.⁶ Their policy discussions and developments relating to juvenile offending continued to remain separate from the other agencies until a change of chief officer and the emergence of a specialist headquarters section in 1989/90. In this respect, Hampshire did not follow the standard national pattern of high level cooperation between juvenile justice agencies and the police that is a characteristic of Exeter, Kent, Northamptonshire and others. The explanation for this difference appears to be shared between internal police resource and structure issues and the relationships between chief officers.⁷ A Superintendent attended the Joint Standing Committee but the rank of Inspector was seen to be the appropriate level to undertake much of the development work on various projects. The Hampshire police force had a low ratio of Inspectors and Sergeants to other ranks, and were unable to commit any resources away from operational duties to new development tasks. In addition, there was considerable tension between headquarters-led policy development and the traditional operational structure where power was located through divisional commanders to Superintendents in charge of each sub-division, usually a single police station. As with other aspects of the development of the Juvenile Justice Service, the relationships between chief officers were also significant. The long established Chief Constable had developed a close formal and informal working relationship with the Social Services Director but not with the new Chief Probation Officer, who had to

⁵ Minutes of Probation/Social Services Joint Standing Committee 24.2.1986

⁶ Hampshire Constabulary Special Routine Order No. 97/1986

⁷ Interview P.Colley Inspector Hampshire Police .4.1990

rely on the Director to try to persuade the police of the importance of the new initiative.

"I was always conscious because of the initiative in relation to instant cautioning, this would play a very influential part ... and I kept saying to (Director of Social Services) 'look I think the police should be involved in the JJU from the start.'... Quite early on Arthur told me the police didn't want to know, that they hadn't got the resources. So the police were not influential in the beginning phases. .. It's the practitioners and managers who developed that expertise (cross border relationships) which was missing as an early ingredient" (Interview J.Harding 10.4.1990)

The first meeting of the Joint Standing Committee made decisions about the two Rainer schemes in the north of the county and initiated a review of juvenile offender provision throughout Hampshire. The first three points of the chief probation officer's plan had been achieved.

The decision about the Rainer schemes had to be made in advance of the review as the LAC '83 funding had ended in January 1986. The Committee decided that the two Rainer IT Centres should become operational as juvenile offender teams, combining the Rainer schemes, the probation officers specialising in juvenile work in Basingstoke and Aldershot, and the equivalent area IT Officers. The operational start date was designated as January 1987, and the two team managers were to be appointed in November 1986. The social services department would continue to fund the Rainer schemes until that date, and would continue to fund a Rainer presence in Hampshire within the new arrangements. The issue of the Rainer schemes had been resolved, but these two teams were not initially envisaged as providing the entire juvenile offender provision in the north of the county, as some rural areas were allowed to continue with separate provision, pending the outcome of the review.

The Review and Investigation

The other task from the first meeting was to review the provision of juvenile offender services in Hampshire. The review, conducted by various representatives from probation and social services reported in September 1986, and reflected the concerns of specialist workers already discussed. It had consulted widely with managers and practitioners in social services and probation, and by questionnaire with magistrates, clerks, police and Education. The review group met with concerted opposition from many social services managers and some non-specialist practitioners, particularly from the powerful local area offices. Their tactics included enlisting the support of

local magistrates against the spectre of a centralised, non-local, non-accountable service. The involvement of the two agencies' Headquarters managers, who had been working together since 1984, ensured that the review was not diverted by this local opposition from the aim of proposing a single specialised service, as the strength of the review group's arguments lay in the improvement in service that would be achieved. Some of the opposition was located at Headquarters level within the social services department. The chief probation officer protected the review and implementation procedure by using the committee and political support that had been fostered.

"..., (Chair of probation committee) and I decided that ... would be back shuffling ... by delinquent core of assistant directors. there could be sabotaging by the area managers. She insisted on a totally unrealistic deadline Had we hesitated in any one of those points the scheme could have collapsed because those opposed to it could have gathered forces to defeat it." (Interview J.Harding 10.4.1990)

The review reported to the Joint Standing Committee in November 1986. It recommended a similar structure for the south of the county as had already been agreed for the north; effectively incorporating the adhoc collaborative arrangements in Southampton and Portsmouth with the two southern IT Centres. The issue of rural provision where opposition to the specialist unit ideas was particularly pronounced was delicately left to the chief officers. Implementation dates were suggested for the end of 1987. By December 1986 the chief officers had decided to extend the unified service to all areas and to have an implementation date of April 1987 and this was ratified at the Joint Standing Committee in February 1987.

In addition to the clear demonstration of political ownership and chief officer support, the review group also marked the beginning of direct practitioner influence on policy, as two probation IT regional coordinators were full members and contributed to the development of ideas about how the new service would function. Some of the major tasks that the two headquarters specialist managers were preparing alongside the review report were a Service Policy Foundation statement that was presented to the Joint Standing Committee in November 1986 and an Operational Policy document for each juvenile justice unit. The style and content of the two documents reveal a difference in approach and sense of priority between the two agencies that would become significant as the juvenile justice units developed. The Policy Foundation document was prepared by probation's Assistant Chief Probation Officer and summarised the philosophy of diversion, minimum intervention and community based

approaches to juvenile crime.⁸ The Operational Policy document was the product of the social services manager and was based on the original documents for the social services IT Centres.⁹ These came from the traditions of the residential sector within social services, with the emphasis on internal procedures and accountability rather than influencing other agencies. However, the probation representatives were able to modify the document in several key areas that ensured that the new juvenile justice service would assume and retain power over critical activities such as SIR writing, which during the implementation phase, would become battlegrounds between the new service and reluctant area offices.

Implementation Issues

In February 1987 the Joint Standing committee accepted the recommendation that the entire provision for juvenile offender work should be located within four units at Southampton, Portsmouth, Aldershot, and Basingstoke and that they would be operational by April 1st 1987. The political support from the chief probation officer, director of social services and committee members continued to assist the two headquarters managers during the next critical phase which was to appoint staff, agree resources for the new service and inform all interested parties.

There was still concerted opposition from some of the staff designated to work in the units and other social workers and probation officers (particularly in the rural areas), who had assumed that they would not be included in the new arrangements. In addition, negotiations with trade unions within social services became complicated because of the different conditions of service between area-based IT officers and IT centre workers, as well as between probation officers and social services employees. The committed practitioners again played a crucial role in preventing these issues from being used to wreck the new service, both by reassuring some of their reluctant or anxious colleagues, and by influencing debates that were often dominated by ill-informed opposition to change. The probation IT regional coordinators, in particular, deliberately attended all the probation service's local union meetings to ensure that opposition to the new service did not combine with traditional concerns about social workers without "professional qualifications" diluting the professionalism of their own service. By April 1987 all the staff for the new service had been designated, the

⁸ Hampshire Juvenile Justice Service Policy Foundation Statements published in Sept 1986 and drafts prepared as internal probation documents 12.2.1986. This document includes sub headings on Minimal Intervention, Alternatives to Custody and Residential Care, and Good Practice statements

⁹ Operational Policy for Hampshire Juvenile Justice Service, Social Service Document N/0163/4/86/J. The document includes sub headings on the subjects of Intake, Overnight Stay, Line management, Regulations, Safety - hazardous pursuits and Accidents, Food, Cleaning, Damage or Offences and the Community Homes Regulations.

unit managers had been appointed, and a management structure for the county agreed. This would consist of the original two headquarters managers from probation and social services, an assistant for the social services manager, and a Rainer representative. The structure and practice of each juvenile justice unit would be left to each unit manager to develop within a county framework.

The unit managers and staff in the north of the county, who had been in post since January 1987, also assisted in the transition by acting as an example of successful change from three separate agencies to a single service. These two managers, both from an offender focused rather than a social services background, wrote the first internal policy papers for the new service. They were committed to the ideal of complete sharing of tasks between all staff regardless of the agency of origin. They had some concerns about both social services' and probation's traditional practices of demarcation; the restriction of tasks to certain staff dependant on a narrow definition of qualifications. Their policy papers on the preparation of social inquiry reports, court duty tasks and record keeping were accepted by the headquarters managers, and signalled a willingness by the two agencies to introduce changes in policies as well as structure.

The combination of chief officer vision and political and magisterial commitment had produced the opportunity that practitioners had wanted and planned for in a more gradualist scheme. The practitioners' plans were unlikely to have been realised without this support;

"...The practitioners' ideas...would have been seen off, because it never had the power base to achieve realisation."(Interview J.Harding 10.4.1990)

However, the radical change proposed by the chief probation officer would also not have been effectively carried through without the existing examples of good practice and the desire of practitioners to produce a single service.

"impetus from both directions, the policy saying it will happen, and the good people whether social workers or probation officers all saying we want this and creating momentum which has become unstoppable."(Interview R.Hutchinson Assistant Director Social Services Department 14.5.1990)

The rest of this dissertation describes the experience of one juvenile justice unit in setting up from scratch and the ways practitioners achieve their objectives and influence policy in their own and other agencies.

Chapter 4.

The Development of a Juvenile Justice Unit - "The Service in Infancy", May to September 1987.

The Use of A Personal Journal

The material contained in this and subsequent chapters takes on a different shape as the entries from the personal journal are used in addition to the interview quotations as examples of the practice and issues being discussed. The personal journal was written in the form of a weekly detailed account of daily diary entries from 1987 to 1991. It records the activities of the unit, and the activities and thoughts of the unit manager.¹

Although the Joint Standing Committee had decided that the operational start date for the new service would be April 1987, the actual start date was delayed for one month, predominantly by personnel issues, until May 1987. From that date all tasks concerning juvenile offenders were the responsibility of the four units based at Southampton, Portsmouth, Basingstoke and Aldershot. The southwest unit covered the court areas of Southampton, Eastleigh, Winchester and the New Forest. The unit was based in the premises that had housed the Social Services IT Centre located on the outskirts of Southampton.

Early Challenges

The unit faced a number of challenges, both external and internal, from the start. The internal issues were concerned with establishing an infrastructure for the new service. There was a clearly expressed county position about philosophy and policy, based on the Policy Foundation Statement, but this needed translating into practice. Some tasks were entirely new to most staff, such as attendance as "appropriate adults" at police interviews under Police and Criminal Evidence Act regulations. Other tasks were more familiar to particular agencies; Social Enquiry Report writing to probation officers, escorting juveniles "remanded to care" to social services IT officers. The staff, some of whom were not "volunteers", came from a variety of backgrounds and reflected the existing diverse views about future directions. A county-wide union dispute had prevented the appointment of the social services team leaders, and the initial unit manager, who had been the IT Centre manager, left for another job after two months. Relationships between the staff and the social services headquarters manager had also been soured by the latter's style which included early morning

¹For detailed account see page 7 of this dissertation.

inspection visits, and a tough negotiating stance. There had been little advance planning for administrative systems, despite the requirement that a small IT project would be transformed into the equivalent of a small field work office, with the resulting demand for efficient information systems. In addition, both probation and social services had been unable to combine their statistical systems, or obtain much useful data relating to juvenile offenders and therefore duplicate and additional systems would need to be developed.

The external challenges were also potentially dangerous as any mistakes resulting from the internal problems would be seized upon by opponents as evidence that the new service was not working. Many of the local social services offices and residential establishments were still fundamentally opposed to the idea of a specialist unit and were also aggrieved about the way the review had "ignored" their views. The traditional management structure of Social Services, particularly in the residential sector, was also opposed to the autonomy given to the units and to the headquarters' managers of the new service. The traditional managers attempted to use their power and connections to control the new service. There was also a gender issue, as all the unit managers were female, and both the Social Services senior management and the residential sector senior management was exclusively male. The Social Services Department had little tradition of partnerships and regularly ignored the multi-agency nature of the service; the bureaucracy assuming that the units were just another departmental establishment similar to a childrens home or a day centre for the elderly.

In terms of the challenges presented by other agencies; the courts outside Southampton were anxious about the possible loss of a local service, and the Southampton court was concerned about any dilution of the standard of IT programme work. The police and the crown prosecution service at the local level were anxious about any challenge to their decision making status, and were defensive about previous practice, which the establishment of a new unit implied was deficient. The coincidence of the setting up of the units and the police's publication of their extended policy on cautioning also created some anxiety amongst magistrates and schools. They wrongly assumed that the new units had instigated this change in policy, but accurately anticipated the influence and changes in power and status that would result from the creation of the new combined service.

Traditional Practice or Radical Ideas

The attempts by social services headquarters managers to exert control on the unit managers group recurred during the entire period of this study and reflect a wider and

predictable conflict between the agencies' traditional cultures and the more radical ideas of the units. Traditional practice in most of the criminal justice agencies was to find pragmatic short term solutions to most problems, to "adjourn" difficult decisions, and to accept the deficiencies and injustices of the processes as just part of the job. The organisations were hierarchical and often primarily concerned with status and authority. Individuals were not seen as powerful unless they possessed particular status positions (for example clerks to the justices), or controlled access to resources, (such as some social services residential managers). It was not the accepted role of a practitioner to question long-standing practice or to be interested in how other parts of the process fitted with their own job, although these issues were beginning to be raised at Home Office policy level and at chief officer level.² During the next few years, the traditional culture, adhered to particularly by middle managers, would be challenged by the new juvenile justice units. The predictable tensions that would result from these challenges would occur between the units and particular levels or styles of management in all the organisations, and alliances would be made with practitioners and junior managers in most of the other organisations who held similar views about the bureaucratic nature of traditional agency structures and shared an impatience about the conservatism of long-standing senior management teams.

The juvenile justice units were in an ideal position to act as a catalyst for the development of the ideas of these practitioners and junior managers. The units' organisational structure already did not fit with existing arrangements, they had high level support from a new chief probation officer who had a track record of supporting innovation, and the staff group exhibited many of the features of the new style of practitioners as described by A.Rutherford.³ In addition, the unit managers were clear that they were setting up a new service, rather than just combining existing agency practices, and this view, which was not always shared by their parent agencies, enabled them to develop practice and policies which were less encumbered by historical precedents.

An early example of a challenge to the units which became part of the "folklore" of the Service was when a Home Office Inspector, making an early visit to one of the units, questioned the multi-agency nature of the organisational structure by asking "Is it legal?". His Social Services Inspectorate colleague, on the same series of visits, was instead interested in results and the potential of the arrangements. The latter official became one of network of national figures that the service would later develop and

² See for example Moxon D. (Ed) (1985) "Managing Criminal Justice" London: Home Office Research and Planning Unit. for a description of interdependency issues.

³Rutherford A. (1988) op.cit.

use both to protect itself and to influence policy. The former official was used as an example of old, often destructive thinking.

The strengths of the new unit included a core of highly committed, experienced practitioners from both agencies, who had already been working together and who saw this as a major opportunity to implement their radical ideas about process issues and systems work. The new unit manager was appointed in July 1987. She had previously worked as a probation IT coordinator, had been the Aldershot unit manager since January, and had therefore already experienced the problems of merging staff groups and setting up a new service. Although the internal challenges were often more urgent during this first six months, objectives were also set to tackle the often dramatic examples of the external ones and to start the process of implementing the policy foundation statements.

The Internal Challenges.

The internal challenges were met by a series of measures including unit training programmes and practice/policy papers prepared within the unit by the probation team leader. He had been the probation IT coordinator for two years, and also had previously worked with the new unit manager in the mid 1980's when they had both helped to suggest and develop the specialist juvenile/young offender probation team for Southampton. Significantly, one of the core of experienced and committed practitioners from Social Services became a team leader once the trade union dispute was resolved in September. She had already worked with the probation team leader, and this unit management team became a major strength in moving the unit from tentative radical ideas to effective practice. Also during the summer, some of the "reluctant" staff, particularly from the old IT Centre background, left for training courses (*Journal entry 15.7.87*) and firm action was taken with one of the remaining "non-volunteers" in order to ensure adherence to unit policies. (*Journal entries 23.7.87, 4.8.87*) Administrative systems were introduced, based on the best examples from both agencies and then modified by the new unit manager's probation experience.

"The chaotic and adhoc arrangements" (*Journal Entry 16.7.87*) caused by the immediate transfer of all juvenile cases and court work to an under-resourced and inexperienced administrative staff were gradually replaced by routine and orderly information systems. Many of the initial policy/practice decisions made by the county management group had not been communicated to the unit by the previous manager and the committed practitioners had been developing practice standards for all the unit

staff without reference to any county-wide developments and without much management support. (*Journal Entry 22.7.87*) The unit began to benefit from and contribute to the discussion of policy and practice within the county managers group, and thus were connected into both a county perspective about juvenile justice developments and, through the unit managers' contacts, into the national arena.

By September the staff group of 14 was structured into two teams, had clear practice standards and had survived the summer without major disaster. However there had been costs, both in terms of quality of service and relationships with line management.

Management Tensions

The four county unit managers met monthly with the three Probation, Rainer, and Social Services senior managers, who had been given responsibility by their chief officers to run the service. The Assistant Chief Probation Officer, Assistant Director for Rainer, and the Principal Officer for Social Services were the same people who had collaborated in the review and implementation stages. These meetings were very important in terms of support for the unit managers and the development of county policies. High stress levels following implementation led to a dispute in the July 17th meeting about the perceived lack of support from Social Services, particularly the difficulties encountered by the unit managers in dealing with differences between the traditional and sometimes autocratic style of social services management and the more consultative style in the units. Other issues included the contrast between the national and radical perspectives of unit managers and Probation/Rainer, with the more parochial/internal focus of social services. (*Journal Entry 17.7.87*)

This argumentative meeting led to the cancellation of future meetings by the social services manager, who as the direct line manager for the units had more power than the Probation/Rainer senior managers in this group. The chief officers had accepted that although policy was jointly managed through the Joint Standing committee, day to day operational matters were to be managed through social services line management as that agency had the majority of the resources (75%) committed to the service, and formally employed the unit managers. The role of the senior Probation and Rainer managers became crucial, both to ensure the continuance and protection of the unit managers group, and to demonstrate a method of influencing and eventually controlling the service without holding explicit power. After several weeks of intensive lobbying and discussion between the unit managers and the Probation/Rainer senior managers, a solution was achieved which allowed the unit

managers group to meet and develop but acknowledged the social services manager's primacy. (*Journal Entry 31.7.87*)

The unit managers would meet monthly with the social services manager's assistant, who would also supervise them individually, and the three senior managers would form a separate county managers group with the social services manager's assistant acting as a link. In this way, the senior managers group had given itself more status, in return for a distancing of themselves from the operational activities of the units. The protection that was still a required role of Probation and Rainer was achieved by good informal links between the unit managers and the senior managers from those agencies. This arrangement of separate unit managers and county managers meetings would last until 1989 when the social services senior management arrangements changed. This first challenge to the ability of the unit managers to operate as a collective group was seen as a critical test to win. The dangers anticipated by the unit managers were for isolated units being "picked off" and their focus becoming diluted by social services internal concerns.

Quality Issues

During the first few months within the unit, the quality of service was not always up to standard, particularly at court, where there were several custody sentences which could have been avoided. This fed into the concerns of old IT Centre staff that their expertise and the confidence of the courts was being eroded. One case in particular highlighted the problem of a traditional court officer not taking an active role in court when the original recommendation of an attendance centre order was rejected by the juvenile court. There was no attempt made by the officer to obtain an adjournment for a "specified activity" assessment or to brief the solicitor about other sentencing options, just a passive acceptance of the inevitability of custody, despite very few previous convictions. (*Journal Entries 16.9.87, 24.9.87*) This incident eventually led to the replacement of the established court officer (who was not in support of the new service) despite his popularity with the court and the danger of a reaction from magistrates. Several of the other custody sentences at this time were also of the mid-tariff, "unexpected" variety.

These early setbacks also produced a high commitment from the management team to introduce quality control procedures as well as to promote good work practice. SER's began to be scrutinised by the team leaders in draft form as well as the recommendations being discussed at team meetings. Both managers and practitioners recognised from a very early stage that both the development and implementation of

practice in a consistent and disciplined way was going to be important for the success of the unit's policies. Most unit and team meetings during this early phase concentrated on staff sharing each other's experience and skills, and developing guidelines and standards.

Radical Court Work

Court work received a high priority and an early decision was made by the unit management team to double the amount of staff time allocated to court work so that all regularly scheduled juvenile court sittings and all crown court juvenile cases were covered by two staff. This work was done in pairs for support and to increase the number of staff with those skills. The decision to allocate so much of the unit's staff time to court work, despite competing demands and against the parent agencies' traditional practice, was a calculated attempt to overcome some of the problems experienced by the new managers when they were practitioners. This is an example of their ability to experiment with new solutions to issues by redefining those issues.. Most previous probation and social services attempts to improve court results involved changes in their own practice, (for example different report writing policies), and increased dialogue with sentencers through liaison meetings. The new juvenile justice unit defined the problem in different terms. It characterised the court setting as an inherently "hostile environment", even when relationships with court officials and sentencers were excellent, because of the dominance of lawyers and their reliance on adversarial proceedings involving primarily verbal interactions. This often relegated the social work practitioners to the role of spectators, and at best gave them some influence at the very end of the process through the social enquiry report, although this was often dependent on the attitude of the defense lawyer. This change in definition did not exclude the research findings about the importance of social enquiry reports and the congruence between their recommendations and court results, but combined it with the previous experience of the new managers, that many social work practitioners who worked in court settings became conservative in their approach to implementing new practices.

The new managers sought explanations from theories about power, institutions and colonisation.⁴ Their solutions incorporated the old measures of improved practice and liaison within a strategy that recognised the impact of the other parts of the criminal justice process and sought to influence those other key players in the court setting. To do this successfully, they also accepted that their staff in court would be expected to

⁴ See for example Goffman E. (1987 c1961) "Asylums - Essays on the Social Situation of Mental Patients and other Inmates" London: Penguin, and Cohen S.(1985) op.cit.

challenge existing practices and power bases, and were unlikely to sustain this if placed in that position on their own. From July 1987 onwards the unit adopted a policy of always having two members of staff in court. In addition to the support offered to each other, and the reluctance to deviate from the unit's core philosophy and practices in front of a colleague, the additional resource enabled the unit to undertake detailed tasks within the courthouse (such as interviews for verbal reports to avoid the necessity for adjournments on relatively minor offences but high social need cases), without losing a presence within the courtroom. The symbolism of the increased commitment to courtwork was also a persuasive argument with magistrates that the new unit was going to be an improvement on the previous much-criticised service they received from both agencies.

The External Challenges.

The external challenges during this period came almost exclusively from other parts of the social services department and could be characterised as testing out the relative power and status of the new unit. One of these sources of tension had been anticipated by the headquarters managers and by the unit managers, and centred around the question of who prepared social enquiry reports. While most social workers were eager to relinquish the task, some of the local area offices continued to assume that they would prepare reports on juveniles who were already on their own caseload, usually involving juveniles resident within the care system. The unit's operational policy explicitly stated that responsibility for all reports lay with the juvenile justice units. Any erosion of this principle would hamper the implementation of consistent standards, and would prevent the unit from gaining control of most of the high risk of custody cases, as these usually had care histories that predated offending. If the unit was unable to defend this crucial area of work, it would be unable to achieve one of its priority targets, which was diversion from custody.

The SER issue was tackled on several levels. A strategy was developed by the unit management team which included obtaining confirmation of the policy from the joint headquarters managers, and ensuring that no plans for compromise were developed; visits by the unit manager to area managers in the suspect areas to remind them of the policy; and instant reaction when any individual social workers attempted to prepare reports. During the first period of the unit's operation, two cases developed beyond discontent to confrontation. In one case the intervention of the unit manager with the relevant area manager stopped the social worker from presenting his report to court. (*Journal Entry 22.9.87*) In the other case, where two reports and two authors actually arrived at court, the court was briefed about the dispute beforehand by the unit,

received the "maverick" social worker with courtesy and then followed the recommendation of the juvenile justice unit for a conditional discharge. (The social worker had recommended a care order).(*Journal Entry 21.9.87*) The disparity between recommendations and the courts support of the unit's report was then used by the unit management team to convince that particular area and others that the specialist unit had the expertise and special relationship with courts, and that generic social workers were increasingly out of touch and were in danger of damaging the department's reputation. Although both incidents involved drama and tension, the unit management team were confident of their strengths; the policy, their credibility with particular courts, and the loyalty and commitment of the particular unit staff who were acting as court duty officers. These staff supplied good information about possible problems, kept in touch with the unit during difficult situations at court (using the unit duty manager as a type of crisis control centre), and were learning new skills of assertion and influence within highly complex and politically-charged situations.

Residential Sector Challenges

An unfamiliar but consistent source of tension was produced by the unit's relationship with the social services department's residential sector. This sector had traditionally been seen by the rest of the social services department as very low in status. However, partly because it was kept separate from many developments within field work and was centralised, its managers had acquired power and control over their own resources and considerable influence with senior managers at headquarters. Area offices were relatively autonomous power bases and therefore were seen by headquarters as potential threats. Both the juvenile justice unit and many residential establishments shared a common view about the lack of commitment of many field social workers to teenagers on their caseloads, but there were deep divisions between them in their philosophy for dealing with delinquency. The principles of diversion from prosecution and from custody, which most juvenile justice officers described and promoted with confidence, were fundamentally opposed by many traditional residential workers, who often believed in the value of prison sentences in changing behaviour, and also had to tolerate the difficult behaviour of many of the offenders that the unit was asking all the agencies to "hang on to" until they matured. Children's homes worked their own internal tariff, with young people moving from small local homes, to large structured "Group 1" homes, and then to the Secure unit when behaviour became too difficult to manage, and with custody as another "time out" option. The struggle to convince these colleagues about new approaches to delinquency would be a continuing feature of the unit's development.

A more immediate threat was the power exercised by the social services headquarters residential sector managers and the Group 1 homes managers. They were a very insular, male dominated group with close informal connections. They controlled access to most of the childrens homes in the county, including the ones most commonly used for juvenile offenders when courts refused bail and remanded them into the care of the local authority; the four reception homes and four Group 1 homes. They also controlled most of the stages of access to the Secure unit, as it was their direct advice to a nominated assistant director that determined entry criteria as well as approval in individual cases. One of their managers also acted as the entire admissions procedure at weekends and evenings, when the emergency duty social workers were called out to special courts or police interviews.

Remands Into Care

The unit's staff were inexperienced in dealing with remands into care and the subsequent escorts of the young people to and from court. This inexperience, combined with a children's home admissions process that was largely unwritten and informal, created numerous examples of conflict between the unit and the residential sector managers and sometimes the staff of the childrens homes. The issues that acted as a catalyst for conflict included the reluctance of the agency generally, and the children's homes in particular, to allocate resources to 16 year old delinquents, as their priority was younger children. The process of decision-making was also a source of difficulties, with decisions being delayed until the end of the day about the home to which the unit staff were required to transport the young person. An underlying problem was the tension between the courts' expectation that the social services department would place the young person in accommodation that provided some supervision of behaviour once a remand had been made (because bail was refused), and the department's view that a remand acted against their newly-established child care policy of avoiding residential care whenever possible by providing or supporting family placements. The units did not encourage remands into care (most staff having an anti-institutional ethos as well as anti-custody), but were also aware of a long standing dispute between magistrates and social services about the latter ignoring the wishes of courts. In many cases the juvenile justice officers had to balance these tensions during both the court hearings and lengthy negotiations to gain a place at a childrens home.

These difficulties had occurred before the unit's development, and many social workers and their managers recounted similar examples and shared the frustrations of being subject to the power games, but had tended to experience them as occasional

problems shared out between a large number of individual social workers. The difference between the experiences was in scale and eventual outcome. The new juvenile justice units had taken over all the criminal court work and thus all the remand in care cases. They were in a position to recognise trends, and were determined to challenge some of the practices, particularly as some of the behaviour represented a fundamental challenge to the units' ideas and also was extremely time consuming in terms of energy and staff resources. The unit's management team decided to confront the power games that occurred during the admissions process and to challenge the worst examples of behaviour that staff and the young people remanded into care had been experiencing. These problems often occurred on Fridays, possibly because many childrens homes used less staff at weekends to coincide with the practice of visits home by their normal residents. Unexpected requests to admit an older delinquent remanded from court were not popular, and combined with some senior managers being unavailable for decisions on Friday afternoons, set the scene for a series of confrontations during the first few months of the unit's existence.

A particularly heated one occurred between the unit manager and a senior residential manager in a series of phone calls during a Friday afternoon, following unsuccessful attempts by the unit staff to obtain a place in a childrens home for a young person who had been remanded by a court earlier in the morning. After being warned that a complaint would be made to senior management, the residential manager who had been insisting that there were no vacancies 'found' a place at one of the reception homes and unit staff placed the young person there in the early evening. (*Journal Entry 6.11.87*) Both the unit manager and some staff were sworn at by other social services staff, and the young person did not receive a particularly friendly welcome at the home. The incident led to an informal investigation (concentrating on the unit's "poor relationships" with the residential sector), but the unit's social services headquarters manager was able to protect them from some of his colleagues' wrath and managed to obtain some changes in the admissions procedure. The unit continued to experience some delays in obtaining places, but the right to refuse admission and the poor standard of behaviour had been challenged. The tactics used were similar to those in the social enquiry report episodes, with the management team based in the unit giving support to each other and the members of staff in difficult situations in the field. In this way, the unit was trying to replicate the principles that led to the policy of two court duty officers in each court; that individuals working in "hostile environments" are unlikely to sustain challenges to existing practices if expected to do this on their own.

Secure Unit/ Prison Remand Tensions

Another critical problem for the unit in its relationships with the residential sector was the whole area of remands into prison custody (unruly certificates) and secure orders. Hampshire social services ran two secure units, with a total of 11 places, which were also open to other counties to "buy in" spaces. The Department of Health issued detailed guidance about their use and the criteria for admission to ensure that they were only used as a last resort, instead of structured but open childrens homes. However, demand usually exceeded supply, particularly as placements from other counties produced an income, and because of the well researched tendency for authorities that possessed the facility, to use it for children in their ordinary childrens homes who were a considerable management problem.⁵ Older juveniles facing serious charges in court were not usually seen as a priority, and juvenile offenders who were less serious offenders but who were committing repeated offences during the remand in care period were seen as less deserving than the "civil jurisdiction" referrals. This often resulted in the department instructing the juvenile justice units to make unruly certificate applications in court, which courts usually accepted. The only alternative options were a remand on bail (an option that had usually been tried previously), or an ordinary remand in care (which the social services department had excluded by making the unruly application).

The law relating to secure orders and unruly certificates was complex and subject to both varied interpretation by agencies and considerable criticism by courts and police. This was one of the few areas of criminal law procedure where the prosecution were not able to take the initiative in making remand applications, as the decision to ask for either unruly certificates or secure orders usually rested with the social services department.

Challenging Traditional Practice

Few of the juvenile justice unit staff had any experience of making these applications or of the complicated regulations and law surrounding them. Most of the knowledge within social services was held by the same residential managers that were in conflict with the unit about remands into care. One of the characteristics of their style of management was to restrict knowledge and information to a small powerful group within the residential sector, which increased the potential for game playing. This traditional remand practice threatened to prevent the units from achieving their objectives of reducing the use of custody. The unit management team tackled these

⁵See Department of Health Secure Accommodation Regulations and Milham S. et al (1978) op.cit.

obstacles in several ways. Knowledge about the law, including up to date opinion, judgements and rulings, was obtained by the managers reading from every national source rather than accepting local abbreviated versions produced by the department. Requests for general information about vacancies at the secure units, which was critical to avoiding unruly certificate applications, were always refused by the residential managers, who insisted on commenting only on the individual request for a place. The unit combined with the other juvenile justice units in operating an intelligence network, to gain better information about the general vacancy position. This involved both keeping a county wide weekly record of the use of secure placements for Juvenile Justice Unit cases and observation by staff of the "bed board" at the secure units when they delivered young people there from escorts to court.

Perhaps the most significant short term tactic to prevent the overuse of unruly certificates, was the unit's increased influence in court. The court duty officers were beginning to make alliances with some magistrates, clerks and lawyers who were concerned about premature applications for unruly certificates and also about lack of access to secure units. The alliances were not the collusive ones that were characteristic of traditional court work, but an implicit recognition that on specific issues, there could be a shift of the usual patterns of power and a sophisticated use of courtroom procedure in order to challenge existing practices. The unit management team again used the method of colleague support at court combined with decision-making located at the unit during the incidents, in order to resist the powerful pressures to conform to traditional practice.

A particular incident that gave staff confidence that they could take risks and achieve results occurred at the end of August. (*Journal Entry 26.8.87*) The social services department had instructed the unit to make a further application for an unruly certificate on a young man charged with a serious assault and had refused him access to either an open children's home or the secure unit. The unit and the particular magistrates, who had followed his case over a series of adjournments, were convinced that, with adequate supervision, he did not present a serious risk to the public or to other people in a children's home. He was also seen as a very vulnerable young man and a potential suicide risk in custody. The unit management team had tried to challenge the department's decision but had been unsuccessful in gaining a formal route to discuss the case, and telephone conversations with the residential managers were still in a state of conflict. Instead they decided to brief the defence solicitor and clerk to ask searching questions of the unit staff on oath during the application, in order to give the magistrates the option of refusing the unruly certificate application and instead making an ordinary remand into care. This would pressure the department

to make a decision about providing either a childrens home placement, or returning to court to make a secure order application. One of the unit's team leaders was sent down to court and made the application, with the other two managers in close touch by telephone from the unit. The "code words" that gave the court the indication that there might be some disagreement with the application were taken from the language that many defence solicitors use when in a similar position; "I have been instructed". Following detailed questioning of the member of staff on oath, the court decided to reject the unruly certificate application, and make an ordinary remand into care. The unit staff returned from court with the young man, who was given food and a bath at the unit, while negotiations started with the residential sector to obtain a bed. The member of staff who had made the application was protected from the department's anger by deflecting it onto the court decision and the requirement to answer questions about the individual's professional opinions while in the witness box and under oath. A bed was found for the young man at one of the reception homes, and the unit provided a daily support programme as part of the undertaking given to the court.

"A very useful lesson about strategy and tactics. has made some of the staff feel good - in control at last!" (Journal Entry 26.8.87).

The changes in practice that have been described were predominantly short-term successes, which gave the staff encouragement that their ideas and methods could make a difference. The unit management team recognised that they would require a longer-term strategy to make more permanent changes to their own and other agencies' practices. However, the Juvenile Justice Service had survived the first few critical months with control over their own policy intact, and with some dramatic examples of potential ways to influence other policy and practice. The managers in the southwest unit had made connections with like-minded practitioners and managers in other agencies; they had developed an internal structure that gave them confidence that they could rely on their staff to produce excellent results in the most adverse conditions, and the unit had begun to develop an esprit de corps that would create its own momentum for radical change.

Chapter 5

A Juvenile Justice Unit at Work - "Influencing" 1988 to 1989.

The early development of the juvenile justice service was characterised by tensions between a number of competing organisational and theoretical traditions, particularly within the social services department; the parent agency that was directly responsible for the day to day management of the units. By the end of the first year of the new service's operation many of these tensions had been resolved, at least temporarily, in favour of the practitioners and junior managers within the units. The more formal authority-based and bureaucratised power of the headquarters personnel was countered by the more expert, knowledge-based influence of unit staff, particularly the local managers. Practitioners rather than senior managers developed local policy, which then influenced directly national policy. Process and systems issues became as important, and sometimes more important, than individual client programmes. Interagency networks became more significant than internal agency preoccupations. These practitioners and managers reflected some of the characteristics identified by A. Rutherford as being present in local schemes that were successful during the 1980's in implementing changes in sentencing patterns that their similarly radical colleagues of the 1970's were unable to achieve.

This chapter will describe how the southwest unit recognised that it would have to bring about change in the wider environment of criminal justice processes as well as doing its' own job well, and then how it implemented a variety of campaigns to produce change in the other agencies, in order to achieve the objectives set for itself. Although all the agencies concerned with delinquency were targetted in these campaigns, source material on some is more limited due to difficulties in collecting the data, discussed previously. Therefore, the discussion focusses on the police, the magistrates and the local solicitors, although similar strategies were in evidence for magistrates clerks and the education service. Material from the personal journal is used extensively in this section in addition to material from the interviews. Both are indicated in the text in italics. The journal entries were made contemporaneously, in the form of descriptions of events and then the thoughts or reactions of the writer. They have been analysed and then summarised in the text in order to produce coherent accounts of the events they describe, and are thus not often transcribed directly into the text. They do provide very graphic and rich examples of the different type of practice that the unit was trying to implement.

Radical Practice rather than Philosophy

The new service had a series of well-defined principles and philosophy contained in the Policy Foundation document, which was to be used throughout this period as a baseline for the justification and protection of service policy. The principles and ideology of the Service were based on theories of diversion from the court process, decarceration, minimum intervention and high quality but least intrusive programmes for the small number of persistent or serious offenders who required support to sustain community based penalties. The service's philosophy was informed by a number of theoretical texts, particularly the early 1980's writings on juvenile justice that were critical of institutions, social workers' discretion and netwidening, and were proponents of what became known as the systems approach.¹ The more rigid "back to justice" and radical non-intervention approaches were briefly in evidence in the specialist probation team in Aldershot in 1984 to 1986, but were quickly modified by the larger number of more moderate practitioners who combined with that team in 1986. The radical nature of the units was located more in their approach to implementing the ideas, rather than in the ideas themselves, which by the late 1980's had assumed a relative orthodoxy amongst juvenile justice practitioners nationally. It was the combination of clear, long term principles with a vision of action-orientated radical practice rather than traditional agency pragmatism that set these people apart from the previous attempts of reform.

Another factor that may have contributed to the success of these practitioners and local managers, was the unusual and direct access the units' managers developed with their senior managers in the parent agencies. Within the social services structure, there were traditionally a large number of management layers between a unit manager and an assistant director and although there were less layers in the smaller probation service, there was still a tradition of reduced and formal contact between junior managers and the chief probation officer. The juvenile justice unit managers were able to brief both the Social Services assistant director and the chief probation officer directly on national issues, and developed a series of informal contacts and social events that allowed them access to these significant and powerful figures, despite the reluctance of social services middle managers. These contacts, which short-circuited the traditional management structure, were encouraged by the senior managers for a variety of reasons.

"In managerial terms, you have this notion of a stable core of activities ... and the

¹ See Thorpe D. (1980),op.cit, Tutt N. (1982),op.cit, Rutherford A.(1992) op.cit, Allen R. (1984) "Social Workers and the Juvenile Court" Youth and Policy No 11

risk areas. Now the Juvenile Justice units were a risk area and therefore it's very important that the Director of Social Services, myself, and other stakeholders like magistrates, pay particular interest and concern about their development." (Interview J.Harding Chief Probation Officer 10.4.1990)

The objectives for the units were set by the unit managers group which had developed into the key policy formulation group for the service. The senior managers from each of the parent agencies expected the ideas for future developments and detailed work on both national and local policy to be undertaken by this group of four unit managers. The priority areas proposed were based on the original Policy Foundation document and they included diversion from prosecution by introducing "gatekeeping" systems, diversion from custody, court work and the development of quality standards for supervision order work.

Influencing Strategies - The Introduction of Radical Tactics

These priority areas, when translated to the southwest unit's discussions about moving the unit from reactive and short-term responses to long term strategy, produced some detailed plans for influencing a number of agencies about a number of practices. The unit management team planned these strategies on the basis of a multi-layered campaign, targeting the key individuals in the agencies concerned, using different tactics for each group, and based on detailed assessments about the current issues that were important for each group within their own agencies. The traditional idea of liaison meetings where social services or probation attempted simply to "sell" new developments was replaced with a more sophisticated understanding of both the interdependence of criminal justice agencies, and an interest in learning about the internal structures and politics of each agency in order to influence their policy development as well as their reaction to juvenile justice service policies.

The development of these ideas has been difficult to trace. The first written evidence of a "systems perspective" and a concern about how other agencies decisions were affecting juvenile offenders appears in a probation document in 1984.² The specialist probation IT coordinator had developed close working relationships with several social services specialists in Southampton and from these informal contacts, they began to be interested in how each of their agencies were responding, (or failing to respond), to their ideas and began to plan ways of influencing their agencies more effectively. A wider multi-agency perspective developed from theoretical work on the

² Internal probation memo to R.Esnault ACPO 17.12.1984

nterdependency of criminal justice agencies³ and observation of police and social services organisational behaviour by the unit manager and probation team leader between 1985 and 1987. These observations were subsequently reinforced by their compatability with the concepts of occupational uncertainty and organisational resolve in a study of the differences in the management of supervision orders⁴ Perhaps the most significant influence was the unit manager's previous experience in another juvenile justice unit in Hampshire, where some of these ideas were tested, particularly those relating to successful strategies to influence the police.

A significant encouragement and modification to this type of strategic approach occurred early in the unit management group's development, when the unit received a visit from a senior manager in the New Zealand Youth Services Department. He shared an understanding of system management techniques (such as diversion) and was enthusiastic about the plans for a wide-ranging strategy, although critical of the unit's extreme anti-residential stance. His particular contribution was to introduce the idea of opportunism; that successful schemes were characterised by their ability to modify tactics to take advantage of sudden changes while maintaining a long-term strategy. An agency personnel change that replaced a difficult key person could be used to increase influence with that agency, before the replacement assumed the same behaviours. A "scandal" or case that caused disquiet could be used to unblock previously untouchable policies, if action and solutions were immediate. The traditional responses of enquiries and long term working parties usually resulted in very small changes as established and familiar practice reasserted itself. If the unit wanted to make a difference out of proportion to its size and power, it would have to learn skills in both long-term strategy and the opportunistic tactics more usually associated with autonomous pressure groups rather than statutory agencies. (*Journal Entry 7.9.87*)⁵

Work with the Police.

An example of this strategic and tactical approach can be seen in the unit's plans for work with the police. Unlike other local schemes, the police had been separate from the early development of the juvenile justice service and there was no tradition of joint work. One of the objectives of the new Service was to introduce a system of influencing police decisions regarding cautions or prosecutions, in order to ensure that

³ Moxon D.(1985) op.cit

⁴See Harris R. and Webb D. (1984) "Welfare Power and Juvenile Justice" London: Tavistock and DHSS (1987) "Report on the Practice of Supervision." London: HMSO

⁵Subsequent theoretical work reinforced these ideas. See for example Buchanan D. and Boddy D. (1992) "The Expertise of the Change Agent." UK:Prentice Hall.

the majority of juvenile offenders who were unlikely to reoffend were diverted from court and from the formal criminal justice process. The route chosen was to set up local "gatekeeping meetings" based on geographic areas which usually included several separate police stations. For the southwest unit, this required negotiations with eleven different police stations in order to produce three gatekeeping areas.

The introduction of gatekeeping meetings to influence police decisions about prosecutions or cautions required training for both juvenile justice staff and other social work staff, links with the key inspectors at each police station, higher level police support for the system from Superintendents in charge of each subdivision, and some acceptance of the ideas from ordinary police officers. Longer-term objectives included influencing the internal police paperwork processes to produce positive incentives for informal action rather than prosecution, and influencing force standing orders to plug various loopholes in the system that allowed local "maverick" police practice. An example of one of the more extreme loopholes was the use of charging procedures rather than summons by some police. This procedure was usually reserved for very serious offences committed by juveniles and did not require approval by gatekeeping meetings before progressing to the court stage.

The two team leaders already had a very good link with the police training centre in Hampshire and lectured on the courses for probationary police officers. This link was seen as an opportunity to start to influence the police culture about the nature of juvenile delinquency, and was continued and extended by the unit accepting about 20 new police officers per year on short placements to learn about the juvenile justice service. In addition, juvenile justice staff accepted invitations to accompany police officers on Friday or Saturday evening shifts, in order to meet with more established police officers. Spending six hours with a group of constables and their immediate officers proved to be an effective way to improve the unit's credibility, and to share "commonsense solutions" to delinquency issues. Many police officers had developed similar ideas to the current maturation theories about delinquency, and shared similar views about the effect of poor housing, unemployment and various other social issues on crime figures. The place of custody sentences in the system was in fact a very small area of disagreement, and most practitioners from each agency were able to agree to respect each others views. The only group of police practitioners that this programme consistently failed to affect, was the CID and those aspiring to it.

Gatekeeping Practice

Another more critical aspect of the unit's police strategy was to gain acceptance from

the sub-divisional commanders, the Superintendents, of the idea of gatekeeping meetings, and to ensure that each police station had a nominated Inspector who would make all the decisions about juvenile cases that were being considered for prosecution. During the first few months of the unit's operation, the unit manager visited all but one of the Southampton police stations, having received advice from the two team leaders about the particular interests of each Superintendent. One police station was temporarily left out of this arrangement, as the unit had received information from its training contacts that a particularly disinterested Superintendent was about to retire. Tactics dictated that the unit should wait until the new person was just in post and then put considerable effort into the contact, as this police station, housing the custody area, was critical to the plans to encourage police to use the nominated inspector to make prosecution/caution decisions. Since the introduction of the Police and Criminal Evidence Act, police custody officers have played a crucial role in decisions about charge and summons, and for the juvenile system to work well and give adequate time for consultation, the majority of cases need to be reported for summons, rather than charged and bailed.

The introductory visits, which coincided with increased police interest in consultation as a result of the police's extension of their cautioning policy, produced a commitment from all the stations for regular attendance at gatekeeping meetings. The unit agreed to provide the administrative support for the meetings, and in direct response to known police concerns about the inaccuracy of their own information systems, agreed to provide information from unit records about previous convictions or cautions. Previous experience in Aldershot had given the unit manager the knowledge that the police system was accurate for their own individual police stations, but relied on an outdated computer system for any other records. In a city area with four police stations, this resulted in very poor and out of date information about previous records on which the police were expected to base sensitive decisions about cautions.

The unit management team took an early decision to provide information from their wider information base, as they received referral forms on potential prosecutions from all the police stations in southwest Hampshire. From a civil liberties and net widening perspective, the information was restricted to that which the police had already provided, but was enough of a direct help to them, and a symbolic gesture of cooperation, to reassure them that the gatekeeping meetings were to improve consistent decision making rather than just to challenge their previous practice. This reassurance was confirmed by the unit's decision to allow the police to continue to hold the authority for prosecution decisions outside of the gatekeeping meetings. The meetings were for consultation and the police were entitled to reserve their decision

until their return to their own police station.

This practice was very different from that of specialist juvenile units in other counties, where the police seconded officers to a panel or bureau which made most of the prosecution/caution decisions. In Hampshire, the police had decided against the bureau approach, and had located the key decision makers in the mainstream operational structure. The unit manager's previous experience had shown that attempts to obtain direct control of the prosecution decision for the gatekeeping meetings were unlikely to be successful, as the police would be suspicious of both the new arrangements in which they were a minority, and would also be reluctant to allow other police officers outside of their own operational structure (the police station), to have an official part to play in their decisions. The unit decided that the most effective strategy was to influence decisions by dialogue and the development of trust and respect through the gatekeeping meetings, with a reserve option of comparing different meetings' outcomes to highlight inconsistencies.

The development of the gatekeeping meetings, which were a completely new form of work for most staff, and the involvement of four inspectors in each group was kept under constant review by the management team. They used groupwork dynamics theories to analyse the development of the groups, and made explicit decisions about the amount of compromise they would allow in responding to police requests for additional social work resources in particular cases causing concern. This was a balancing act between the unit's commitment to minimum intervention principles and the initial ideas of the police that the meetings were partly to improve the access to resources for particular cases. As the groups developed, many of the Inspectors became sophisticated proponents of diversion strategies, and seemed to enjoy the opportunity to meet with other police colleagues outside of the police culture. Review meetings were held every six months at the unit, with all eleven of the nominated Inspectors from south west Hampshire, and the agenda items included both issues from the gatekeeping meetings (ie.consistency between police stations) and more general police developments. One of the Inspectors explains these additional benefits for the police participants in the meetings:

"that was a problem we had within the organisation, that people tended to go their own way, and one of the advantages of the gatekeeping meetings... is that the youth case officers... all got together there and ...you had an ironing out of the differences there." (Interview P.Colley 5.1990)

The atmosphere in these meetings was very relaxed, with staff from both agencies

able to exchange sometimes contentious views in a challenging but respected way. One of the inspectors who participated in these meetings, explained the improved relationships between the police and juvenile justice, despite the public anti-custody views of the unit, in terms of increased professionalism and decisiveness, particularly in relation to both gatekeeping meetings and attendance at police interviews of juveniles as part of PACE regulations.

"Social Services have had a problem with the police service with credibility. ...we've had problems and they've obviously had problems with us, but JJU, because of their expertise in that area, were starting to be recognised as, 'well, they're experts, and they come along, they've got a fairly polished performance, they know what they are about'....most police officers would rather have someone who is professional, (despite the anti-custody ethos).... we tend to like people who are decisive".(Interview P.Colley ..5.1990)

A further development of the unit's work with the police occurred in 1989, when the chief constable enlarged his headquarters policy development section which included responsibility for crime prevention and juvenile work. Although this section was not responsible for operational decisions, they were being used increasingly for policy formulation and affected implementation by advising the chief constable on inconsistencies between police stations. The change in status of this section was seen as an opportunity by the unit to progress one of its longer term goals of influencing police paperwork and force standing orders, and the information about the potential of this new structure was learnt from existing police contacts. Two of the four inspectors in this new unit were known to the unit management team, having previously been youth case officers attending gatekeeping meetings. The unit fostered links with this group in various ways. One of the team leaders arranged to give a national presentation on an aspect of Hampshire's scheme with one of the inspectors, and regular working lunches with all the unit managers were arranged. These people and their Superintendent became the police representatives on the Joint Standing Committee. By 1990, a modified police prosecution policy had been issued, and monitoring of individual police station performance was producing good information about inconsistencies.

A common feature of most of the key police officers with whom the unit had good working relationships, was their position as junior managers, their interest in criminal justice matters outside of the more narrow police field, and a curiosity about how organisations worked. Despite some significant differences in organisational culture and a complete gender imbalance (the police groups were exclusively male, the unit

managers' female and the southwest unit's management team predominantly female), discussions about the tensions and respective power bases between operational police structures and the headquarters section were common, and they were also interested in the units' difficulties with its own parent agencies. Many of the police officers were graduate entrants or had obtained police scholarships to study fulltime for degrees. A social services senior manager, who attended one of the working lunches, commenting on the shared language and managerial concepts between the two groups, thought that it would have been difficult to identify from which agency the participants originated. (*Journal Entry 4.6.90*)

Work with the Courts.

The unit also targeted court work as an area that required a strategic approach to ensure lasting change. There had been some success in individual cases in 1987, but also confirmation that most agencies and participants at court viewed existing practice as acceptable. The unit's staff were in the minority in aspiring to radical change and were facing problems of principle in the way many individual cases were dealt with. Supervision orders were still being made on minor offenders, particularly females, defence solicitors were requesting adjournments for reports on straight-forward cases and custody sentences were not seen as unusual for mid-tariff cases and even a few first court appearance cases.

The court strategy followed a similar pattern to the police strategy, with a multi-layered campaign aimed at key individuals and other agencies' policies. Clerks, crown prosecutors, defence solicitors and magistrates were all seen as essential and interdependent components within the court part of the criminal justice machine. Most of the work to change practice involved traditional liaison events rather than new joint forums that were a feature of the police strategy. This reflected both the more traditional and protocol-bound arena of the courts and also a greatly reduced opportunity for joint work. In most situations in the court setting, due partly to the adversarial system, agencies were consumers of each others services, rather than joint decision makers.

However, instead of following the traditional pattern of liaison meetings with magistrates and the occasional "open-day" event, which simply attempted to "sell" the service the agency could and wished to offer, the unit took advantage of a number of opportunities to change the nature of liaison links and decided to influence the way other court participants used the unit's services.

Solicitors.

Defence solicitors had rarely featured in previous liaison arrangements despite their key role in court, both in terms of instigating many requests for SIRs and as advocates during sentencing decisions. Most probation officers and social workers traditionally viewed solicitors as patronising towards themselves and inefficient particularly in juvenile offender cases. This stereotype resulted partly from the frequent, almost routine practice of asking for adjournments for SIRs. In many cases, these adjournments were seen as a convenient method of either obtaining more time in order for the solicitor to see the defendant properly (often the only contact had been five minutes before the hearings) or an attempt to avoid sentencing before a particular bench of magistrates. Defence solicitors' reliance on the information in an SIR for their mitigation plea was also seen as poor practice. It produced a further problem of appearing to confirm a stereotype of social workers/probation officers; that they were simply doing the defence's work. For all these reasons, many practitioners had avoided contact with most solicitors, and solicitors also had little knowledge or interest in the work of social workers/probation officers.

The unit decided on a strategy of liaison events (usually involving wine and cheese!) in order to increase general knowledge of each occupation's role and practices, and more crucially, decided to abandon the convention of not advising or recommending solicitors to offenders. Many probation officers were already beginning to move away from that traditional convention, by various methods, including giving legal aid solicitors lists to offenders, with the more specialised solicitors highlighted. Social workers in child care law had already experienced a system of solicitors' specialisation through the Law Society's Child Care panel. The unit's management team had detailed knowledge and experience of local solicitor's practices and believed that a smaller core of juvenile offender "specialists" would offer a better service to juveniles and would work more co-operatively with the unit.

An unpublicised policy was developed to encourage about ten local solicitors from a range of firms to have more contact with the unit. The Law Society's change of rule regarding advertising subsequently enabled this policy to become explicit. These solicitors were selected in an ad hoc way, by experience of their practice in court. Those solicitors that seemed to be prepared to alter their routines and to work with the unit as equals were cultivated further by personal invitation to liaison evenings, by recommending them to juveniles, and by increased contact during adjournments. Many were younger and more critical of both the informal rules of the existing system and impatient with the hierarchy of their own profession where a small number of

firms and their senior partners seemed to receive priority in the listing of cases in the adult court. Some of them were older and very experienced, and thus possibly less radical in their view of the local traditions, but were personally committed to trying to help young people and prevent them from becoming the "old lags" of the system. Most of this core of solicitors had extensive contact with the unit, both to discuss sentencing options during social inquiry report preparations, and to assist the persistent juvenile offenders on the unit's caseload in their day to day problems. (police interviews, social security claims, job applications, homelessness etc). Some of these solicitors used the unit's offices to see their clients as they found the atmosphere more informal than their own offices and the juveniles were thus more likely to keep the appointment. Some also joined in with the unit's social events. The unit provided these solicitors with detailed and specialist information about case law, particularly in relation to criteria for custody issues, obtained from the Juvenile Justice Services national contacts. In return, the unit expected and the juveniles received a higher standard of work from these solicitors, with more expert advocacy, and much greater contact between the solicitor and the defendant.

In 1989, the unit used this core of solicitors to assist in tackling the small number of "unexpected" custody cases that were still occurring in the Southampton court. They embarked on a deliberate policy of appeals against most custody sentences. After the first successful appeals were heard, and custody sentences were changed by the Crown Court into supervision or community service orders, these solicitors became more adventurous in their expectation of courts, culminating in one solicitor making an immediate application for bail pending an appeal to the same bench that had just imposed the custody sentence. This was a rare example of a direct challenge by solicitors to the court decision. The traditional culture of simply accepting unusual decisions was changing and solicitors were beginning to tackle some of the injustices that they also experienced. They began helping the unit to take a more active role in the infrequent Crown Court sentencing hearings for serious juvenile offenders by arranging for juvenile justice officers to give direct briefings to barristers, rather than the accepted protocol of barristers only speaking to the solicitors instructing them. Again the unit's detailed knowledge of both juvenile sentencing case law and individual cases enabled them to offer expert advice to barristers who were less familiar with this very specialised area of criminal law.

Magistrates Court Clerks.

Other lawyers involved in the juvenile court were also subject to this campaign to influence practice. Magistrates Court Clerks were invited to regular meetings with the

unit's management team. Agenda items were carefully selected to reflect the issues that were of particular interest to the administration of the courts and the unit manager ensured that she learnt as much as possible about their current concerns particularly Home Office performance indicators and the Le Vay scrutiny of efficiency and effectiveness in magistrates courts. The unit learnt that many of the ambitious clerks were becoming professional managers as well as legal advisers and were able to share some of their privately expressed views about delays in the system particularly in relation to solicitors' traditional practices and to a lesser and more cautious extent, their frustrations about some of the amateur decision making that they observed from some magistrates. On a practical level, the unit was often able to provide more accurate information about previous convictions than the Crown Prosecution Service, who experienced the same problems with police information as already discussed. This information, and the unit's commitment to provide verbal stand-down reports to avoid SIR requests on minor and simple cases, enabled the clerks to avoid unnecessary adjournments. There were still areas of disagreement, most notably concerning remand issues (unruly certificates and secure applications) and what some perceived to be an over-assertive unit style in court.

Relationships with these groups of people, as with the police, could have been predicted to have been the most difficult to influence. However, a similar pattern of respect for "professionals" developed between most specialist juvenile court clerks and the unit.

Crown Prosecution Service.

The other group of lawyers that were developing into significant participants in the court were the Crown prosecutors. The crown prosecution service was set up in 1986 to take over the prosecution function from the police and more crucially to exercise judgement beyond the evidential test as to whether a prosecution was "in the public interest". Their discretion in discontinuing the prosecution of cases is governed by the Code for Crown Prosecutors, (a public document), and internal confidential policy documents. Nationally, the first few years of the CPS was characterised by under-resourcing, criticism from the police, courts, and other lawyers and a general impression of the CPS being overwhelmed by the bureaucratic nature of the police prosecution procedures. Their work with juvenile courts in Hampshire, particularly in the southwest area, was significantly different from the national experience. This was partly due to a verbal commitment made by Lord Elton, on behalf of the government, during a part of the debate in the House of Lords on the introduction of the CPS, when Baroness Faithful initiated some concern about juvenile offender cases. The

commitment was to some type of extra attention to these cases.⁶ In policy terms, this was translated into the requirement to have nominated specialist juvenile prosecutors. In Hampshire, the Chief Crown Prosecutor took this requirement seriously and decided to nominate specialists at the senior or crown prosecutor level, both practitioner posts, rather than at a higher coordinating level. This was to ensure that diversion decisions were taken seriously by practitioners in court and also to assist the spread of juvenile practice to adult procedures.⁷ The requirement was to review all juvenile files before a court hearing was arranged, although in practice, this was often not achieved.

In southwest Hampshire, the practice of the juvenile justice unit was aided considerably by the series of crown prosecutors who were nominated as juvenile specialists. The first of these had actually read for a higher degree in the juvenile law field, and was familiar with the current theories and practices, at a time when many prosecutors were not particularly interested in issues beyond the scope of their immediate tasks. Relationships were cautious at first because the CPS were trying to establish their own distance from the police and were unsure whether the new relationship offered by the unit would compromise their recently acquired independent role. They did not wish to join in gatekeeping arrangements but were interested in receiving information about individual cases that seemed to have slipped through the system. Again, the unit's early decision to be helpful to all court users in the provision of much more up to date information than the police possessed gave reassurance to the CPS that juvenile justice was a 'sound' agency with which to work.

National policies also later softened and increased contact was encouraged although still not at gatekeeping meetings. Instead, at a countywide level, the CPS, police, and the juvenile justice service set up a working party to streamline the procedures and paperwork involved in gatekeeping meetings. The CPS would now receive a copy of the summary of that meeting and undertook not to continue with a prosecution without having access to the views on that form, which included other agencies as well as the police view. Other problems of attitude and style between the new CPS staff and the more traditional original police prosecutors were also resolved as the agency sought to impose standards and consistency on its staff.

Magistrates.

The other major participants in the court setting were the magistrates. The planned

⁶Details given in interview with P.Boeuf Chief Crown Prosecutor 10.10.1990

⁷Interview P.Boeuf 10.10.1990

strategy for this group did not produce results until after an opportunistic change of key personnel within the magistrates' local organisation. Magistrates elect their chairs of benches and other honorary officials on a triennial basis. These magistrates and their deputies become very powerful and important figures, particularly amongst the larger urban courts, as the planning of rotas, training, and other administrative details are arranged between the clerks and these representatives. Their personal views about crime and punishment can have a particularly significant effect as they are regarded as experienced senior magistrates in an informal organisation which is extremely hierarchical. This core of senior magistrates can often be a very stable group, rotating through the various posts, as the time commitment required to undertake these unpaid responsibilities acts as a disincentive to many other magistrates. Thus they acquire considerable power and influence and are in post for at least three years.

The triennial elections occurred in October 1988, and produced three changes of juvenile chairs in the four court areas covered by the unit. The one remaining chair had already established good relationships with the unit under difficult circumstances, and the unit manager used that example to plan the approach to the new chairs in the other areas. In this example the court had experienced the clash between SIR authors early in the unit's history, when it followed the recommendations made by the unit rather than a 'maverick' social worker (*Journal Entry 21.9.87*), and also dealt with a series of cases from one of the structured 'group one' childrens homes which was going through a phase of being out of management control. For several weeks, every court sitting had up to ten childrens home cases listed, and saw examples of poor practice from residential staff, including the abuse of Pace regulations and one outstanding example of inhumane treatment, when one juvenile was escorted to court with a dog choke chain round his wrist. (*Journal Entry 7.9.87*) The unit's two court duty officers dealt with the issues during the court hearings with some dignity and complete confidence and commitment to the principles that they clearly articulated to the court. This was in stark contrast to near hysterical comments from the local police and the residential staff, who wished the court to remove the problem by locking up all the juveniles concerned. The unit manager attended several of these weekly courts as an observer, following phone calls to the duty manager at the unit from the unit's court staff, when they judged that events at the court were becoming critical. She was able to deal directly with the dog chain incident and, crucially, was able to gain access to the retiring room after the day's cases were heard to brief the magistrates, who included the chair, about the department's efforts to regain control of that particular childrens home. (*Journal Entry 7.9.87*) The unit was successful in persuading the court to see the situation as a product of the regime at the childrens home rather than simply as the responsibility of the individual juveniles appearing before them. In this

way, the court avoided using custody in the individual cases, instead arranging for a reporter to be present at a subsequent hearing and making a public statement about the problems associated with the childrens home. The home itself was subsequently closed and reformed following a visit by other magistrates during which a small riot took place. (*Journal Entry 7.10.87*) Access to the retiring room was unusual and granted in exceptional circumstances, with the clerk present. Individual cases were not discussed, but the magistrates appreciated the direct contact with the unit manager, who gave them a frank account of the department's problems and the unit's position which was slightly different from the department's. This, combined with a strikingly professional performance from the juvenile justice court officers, gave the court confidence to remain tolerant of the individual offenders while putting pressure on the agencies to sort out the problem.

"Again the JJU seen as separate and on the side of court, but influencing the court to avoid individuals being treated harshly". (Journal Entry 5.10.87)

The New Style Magistrates

Subsequent conversations with the chair of that particular juvenile court confirmed that the combination of a high quality service, both at court and to the juveniles on supervision, with direct intelligent briefing of the magistrates had impressed him and was likely to produce similar results with his new colleagues. Many of these newly-appointed chairs would express some private frustration at the over-protective nature of their clerks' control of liaison arrangements with other agencies. They understood and wanted protection from any discussions about individual cases, (a perceived danger with liaison contacts that was a preoccupation with the clerks), but were thirsty for more general information about criminal justice issues, and wished to contribute their ideas and experience to discussions about policy. The unit management team responded to these suggestions and the opportunity presented by election of the three new juvenile chairs by inviting all four chairs to a meeting at the unit, with just the management team and without their clerks present. The unit avoided asking permission from the clerks to the justices themselves, as their status and authority was likely to produce a cautious response. Instead, the juvenile specialist clerks had been reassured about the nature and agenda for this meeting in their own regular meeting with the unit's management team.

The first meeting with the juvenile court chairs was carefully planned, with agenda items that reflected the magistrates interests, and opportunities for them to raise their own issues. The time and venue was carefully researched to be at the most helpful

time for them, and good quality refreshments were offered as part of a welcoming ritual. The unit raised directly the issue of clerks' and magistrates' protocol, and the subsequent frank discussion of these issues set the scene for a useful exchange of views. These meetings were repeated every six months, with attendance very high. Like the police inspectors, the juvenile court chairs seemed to appreciate the opportunity to discuss issues both with the unit's managers and between themselves. They seemed to have few other opportunities to compare practice across court areas. The initial meeting also produced a commitment to deal with contentious issues or complaints about the unit directly rather than the previous practice of writing to the clerks and allowing them to deal with the unit. This method often led to small complaints assuming too much importance or being left so long that the magistrates interpreted the delay as a refusal by the unit to modify or discuss its practice. The juvenile chairs assumed responsibility for conveying complaints to the unit manager by telephone, and released their home telephone numbers to her in a reciprocal arrangement. This would subsequently develop into an informal briefing arrangement that supplemented the six monthly meetings, but always explicitly acknowledged the delicate nature of the contact and the requirement not to antagonise or cause anxiety to the clerks' sense of protocol.

One of the immediate benefits of the new links with the chairs, was a change in arrangements for general liaison with all the juvenile magistrates. Unlike the probation service, with its statutory contacts with magistrates, (the county probation committee and probation liaison committees), the social services department had no automatic right of access to the juvenile bench and the unit had to rely on invitations to juvenile panel meetings and their own "open" evenings to explain their policies to magistrates. The four benches varied in their invitations, with two expecting regular attendance and reports on the unit's progress. The Southampton bench regarded its meetings as internal business ones and rarely issued an invite, which combined with the previous chair's non-support of the unit, and some dissatisfaction about the new style of the juvenile justice workers in court, caused considerable difficulties for the first two years. The initial open evenings were not well attended until the new juvenile chair negotiated with the clerks for training points to be awarded to magistrates who attended. The unit in return ensured that the content of these half yearly events contained sufficient general information to remain designated as training for magistrates.

Although the unit had not been successful in tackling some of the structural problems that affected relationships with the magistrates, they had responded to an opportunistic change in key personnel and had created a good network of personal relationships

with those key people, which would be a major strength in future conflicts with parent agencies. These senior magistrates identified the units as "their service" and were well placed to offer protection when required. The potential weakness of this strategy was that these personnel could change and be replaced with people not committed to the policies of the unit or by people who were content with the old traditions of protection of the magistrates and protocol.

Work with Parent Agencies.

The unit did not initially target its own parent agencies as requiring a strategy to influence their policies. This was perhaps because it was assumed that the external agencies would affect the ability of the unit to realise its aims more directly. It may also have reflected a certain naive belief that once the unit began to demonstrate its effectiveness, the social services department and the probation service would recognise and learn from its achievements without a great deal of effort from the unit. Certainly most of the unit management team's time during 1988 was spent on external agency liaison rather than internal links.

However, a recurring feature during 1988 and 1989 was the conflict between the unit and certain parts of both agencies' more institutional structures; the residential sector in the social services department, and hostels and community service in the probation service. The reasons for the clash with the residential sector have been discussed previously, but it was not until 1989 that the unit management team devised a strategy to limit the damage that residential colleagues were doing to unit objectives and also attempted to challenge some of the policies.

The Social Services Department.

The difficulties already described had led to the unit collecting its own information about Secure Unit vacancies, and these weekly statistics on secure orders were expanded into a wider collection of statistics on all types of remands in care. The information and trends were published quarterly within the juvenile justice service and more widely within the social services department. These statistics were the only regularly available information, about an aspect of the residential sector, that was not held by the managers of that sector. They began to show trends in the overuse of some reception homes, and a differential use of remands, secure orders and unruly certificates between the juvenile justice units, which could be attributed to the varying degrees of success of each unit in influencing the admissions policy. Gatekeeping meetings also collected evidence of certain children's homes insisting on prosecution

for very minor internal crimes which the police would not have considered for prosecution if they had occurred in the person's own home; one case involved the theft of small amounts of food and another involved criminal damage. There were also isolated instances of the planned abuse of Police and Criminal Evidence Act (PACE) regulations about the treatment of juvenile suspects and the use of overnight arrests in police stations as a way to release pressure on a children's home having difficulties - another time out option.

The social services department had appointed a new assistant director in 1987, whose responsibilities included the task of introducing a child care strategy, designed to replace the department's reliance on residential care and to increase resources in the community. These community based resources would include foster parents and family resource centres that would provide support for families in order to prevent family breakdown. Childrens homes would reduce in size and number, and would become primarily local resources as a back up to field work and day care.

An important part of the child care strategy was the application of a systems management approach to the decision-making that led to a child being taken into residential care. This systems approach was introduced in response to two developments. First, social workers displayed a variable rate of residential admissions which did not correlate with need indicators for each case. This is a characteristic of many other professions when dealing with institutional care. Secondly, social work theory had also accepted the same principles as juvenile offender theory; that institutional responses to young peoples' problems were likely to exacerbate already difficult situations and that minimal intervention principles were more effective. Child care theory of course was more complicated as the requirement to offer protection to children would sometimes counter the general principle of minimal intervention.

The juvenile justice units contributed significantly to the development of the department's child care strategy by participating in the new gatekeeping to care groups, called child care resource groups. These were set up in several pilot areas in 1988 and extended to the whole county in 1989. The unit managers acted as chairs of some of the pilot groups, and their expertise about systems work and their clear views about minimal intervention were used by the Assistant Director and his project officer to counter the traditional social work practices of responding to identified need without taking a balanced decision about the unintended consequences of intervention.

The Assistant Director began to have regular contact with the units, particularly about

the recurring conflict with the residential sector, and although he interpreted some of this conflict as the result of the units' too rigid anti-institutional ethos, he was also able to respond to some of the examples of poor practice in the admissions policy. This assistant director, whose background was in generic field social work assumed responsibility for the juvenile justice service and replaced the existing principal officer on the joint standing committee and eventually on the county management group. Although initially not a supporter of the specialist juvenile justice units, he became convinced of their effectiveness and his senior position within the department became a major strength in the units' continued existence. In 1991, he described the two greatest achievements of the department's child care policies in the 1980's as the setting up of the juvenile justice units and the introduction of the child care strategy.⁸

The Residential Sector.

The southwest unit's management team decided to tackle the long running problems with the residential sector in the same way that they had influenced external agencies; by a series of related measures, some concentrating on building better liaison arrangements, some with challenging practice and policy, and some responding to opportunistic changes in personnel. Relationships between the unit and most childrens homes were poor, and were characterised by conflict about the handling of individual clients and by individual staff holding stereotypical views about each other. The unit's management team had encouraged this to some extent in the early days of its existence, as they were asking their staff to work with their clients in environments that were extremely hostile to the ideas of avoiding custody and diversion from prosecution. Staff were encouraged to feel like an elite pioneering group, and often perceived their work with other social work colleagues as a "battle to be won" or for clients "to be rescued" from other parts of the department.

In a number of cases with which the unit had contact during 1987 and 1988, this was exactly what was required to avoid very poor results in court. In one case of a 15 year old in care who was charged with a very serious physical assault on his girlfriend, the social worker, from a psychiatric background, and the residential establishment, had decided that the young man was dangerous and had arranged for residential mental health facilities to be available as a sentencing option. The unit in preparing the SIR, assessed that he had a temper control problem and managed to persuade the department to pay for a residential placement in a child care setting away from his home area. The package presented to the crown court by the unit was sufficient to allow the judge to sentence him to a conditional discharge rather than the anticipated

⁸Speech by R. Hutchinson at opening of Family Resource Centre Eastleigh 1990

Section 53 detention or a mental health disposal as originally suggested by the social worker. The unit also persuaded the department that they should be in charge of the care order rather than the social worker, and were able to continue to influence the young man's placement decisions, visits home, and general development. By 1990, he was attending college, worked as an apprentice builder and was planning to return to his home. His future within a secure mental health facility and with the label of dangerousness would have been far less bright.

The unit management team now had to help staff establish less hostile relationships within the department, without losing the absolute commitment to "hanging on" to young people. The juvenile justice service's county management group were also anxious for relationships to improve, as they had to deal with the number of complaints and incidents that arose as a result. They interpreted the long-running conflict as a product of the unit's elitism and the result of the manager's extreme anti-institutional stance, and expected the solution to involve compromise and adaption by the unit. They were less able to perceive the situation as a logical result of two opposing philosophies, and were unhappy with the unit manager's acceptance of a certain level of conflict as indicative of the unit acting as a structural check against the institutional tendencies of the department.

Within the unit, the management team had developed a politically sophisticated staff group who were able to understand and work within these competing demands but who knew that they would receive absolute support from their managers in any dispute about individual clients. The same type of political awareness was required in court and in their work with other agencies including schools and the police, and they were thus very practiced at working cooperatively but with a philosophical bottom line that could not be compromised.

Improved liaison arrangements included monthly meetings with the most amenable of the group one childrens home managers, in order to resolve the day to day issues, regular sports evenings at that home which included the secure unit, and the exchange of staff on placements with several childrens homes. The sports evenings included invitations to the headquarters managers, who were able to see both sets of staff together in mixed teams with their clients and were also able to experience some of the poor behaviour of some of the residential staff. The placements scheme was particularly successful in converting a number of experienced and possibly "burnt out" residential staff to the juvenile justice service's philosophy, and three of those staff have since moved on to social work courses and plan to return to either juvenile offender or field work. Placements of unit staff in childrens homes were less popular

and less successful. As the service's reputation with the assistant director improved, the unit's ability to affect the admissions policy and prosecutions of children in homes also improved, although examples of poor practice continued until the structure of the management of the children's homes changed in 1990. The most successful strategy in relation to the residential sector was the avoidance of remands in care, and thus the restriction of the numbers of juvenile offenders who came into contact with residential institutions. (This strategy was not implemented until 1989/90 and is discussed in the next chapter).

The Probation Service.

The juvenile justice service's contact with the probation service was less extensive than with its other parent agency, the social services department. The probation service had seconded eight probation officers into the units, three of whom were team leaders. Two of the unit managers were ex-probation officers, but with the exception of considerable headquarters interest from both the chief probation officer and the assistant chief who was part of the county management group, the probation service itself showed little interest in the development of juvenile work during 1987 and 1988. The setting up of a specialist service had effectively ended the interest of practitioners and middle managers, and the only contact occurred when juvenile clients "graduated" into probation clients.

At this stage there was some conflict arising from different expectations about the maturity of 17 and 18 year olds. The unit continued to support their older clients with frequent contacts and a willingness to respond to crises with practical as well as emotional support. Many probation officers were not inclined or not able to provide this flexible pattern of support, preferring to work to structured weekly or fortnightly office appointments. Some probation officers referred disparagingly to the unit as the "Farley's rusks service". Particular areas of discontent included the reluctance of Community Service to accept referrals from the unit, and one case of a 17 year old residing in one of the probation service's hostels, who was sentenced to six months custody on the basis of an extremely negative additional report from the probation hostel, when the unit had been recommending a probation order based at the hostel.

The young man had been resident there on bail for several months and had been accepted as suitable for the hostel. In the weeks before the crown court date, he had begun "acting up" in anticipation of the court hearing. The unit's staff were very critical of the hostel for not being able to understand, tolerate and contain this behaviour, (refusal to complete his chores, verbal abuse etc.), and were outraged at the

result, the lack of consultation and the senior probation officer's comments that the sentence would be a useful lesson in taking responsibility for his own actions. This incident resulted in an unsuccessful complaint against the hostel and eventually an inconclusive although amicable meeting between representatives from the units and the hostel seniors. (*Journal Entries 24.1.89, 9.6.89*). A similar pattern, (although less frequent), to the social services residential sector had emerged, with incidents being interpreted as the result of poor relationships and communication, and the agency's traditional remedy being long term working parties or meetings rather than immediate changes of practice.

The reasons for this isolation from the parent agency, which might have been predicted to have been the most interested in juvenile offender developments, may lie in the culture of the parent agency and particularly in the traditions from which the Hampshire Probation Service was still struggling to emerge in the late 1980's. Many probation officers were still committed to an individual autonomy, professional discretion-based service, with little sympathy for collective action, managerial concepts and radical agendas. The unit's use of a staff group with a wide range of experience and qualifications, rather than a narrow social work based staff group also alienated many more progressive probation officers who were concerned about the erosion of their professional status, against a background of considerable Home Office antipathy towards their professional association and trade union. Perhaps more critically, the management arrangements for the units within the probation service removed them from the normal pattern of management which was based on regional generic assistant chiefs having responsibility for all services within a geographic area. The units' specialist assistant chief had difficulty in persuading his colleagues to include the units in local arrangements, and it was not until 1990 that the southwest unit was included in liaison meetings, organised by the local probation managers, with the crown courts and with senior police managers. At a county level, the unit managers were excluded from the probation service's formal managers meetings (for agency protocol reasons), and this seemed to confirm to some probation managers the impression of being outside the rather insular world of many probation staff.

"The sad thing to me is that a number of managers and practitioners have not seen the significance of what's been done and the parallels in relation to young adults....those who want to see it, its already apparent, but the rest need the lids lifting from their eyes" (Interview J.Harding Chief Probation Officer 10.4.1990)

The unit's management team decided to concentrate on improving relationships with the specialist young offenders team in Southampton and on the education of students

and new entrants into the probation service. They gave presentations to the social work students at Southampton University, concentrating on philosophy and systems issues, and arranged a monthly induction afternoon for any students on placement in the area or new members of staff in each of the parent agencies. These students and new members of staff were generally more open to the ideas of the unit and shared some of the frustrations of traditional agency practice.

The young offenders team was one of four teams in the Southampton probation area. It had become a specialist age group team in 1985, with the unit's manager and two of the seconded probation officers playing a full part in its development. By 1989 it had separate premises from the rest of the probation teams in Southampton and had begun to develop a reputation for innovative work, particularly in relation to offending behaviour groups. The unit manager arranged bimonthly meetings with the senior probation officer in charge of this team, and from this initial contact, joint training sessions and regular working lunches developed. The unit's expertise and commitment to diversion and proactive court work was transferred to this team and they began to use the criteria for custody from the Criminal Justice Acts 1982 and 1988 in their work, particularly after the 1988 Criminal Justice Act strengthened these criteria. This forum subsequently became a useful base for the initial planning for youth courts and the ideas to extend police cautioning procedures to 17 year olds. The good links between practitioners also reduced the small conflicts that occurred elsewhere when former juvenile cases were handed over to the probation service. Informal arrangements were made between the two groups that allowed juvenile justice staff to continue working with some clients who had "graduated " to the adult courts and were subject to probation orders, despite the legal difficulties and professional protectionism that officially prevented that particular practice. However the cooperation between these two staff groups was the only example of regular working relationships between the unit and probation teams, all other contacts being adhoc and at the initiation of the unit.

Radical Practice - The Basic Requirements

The unit management team's plans to influence other agencies' practice and policies depended on both an effective strategy and on the unit being seen to deliver a high standard service. Radical agendas would be more likely to be tolerated when the other key personnel had confidence in the quality of work that the unit achieved both in its direct work with other agencies and in its work with juveniles, particularly the persistent or serious offenders. The managers were committed to the ideas of

achieving excellence that were promoted by current management texts⁹, although these theories were introduced subsequently as part of the unit manager's project on her management development course in 1988. They had instinctively chosen a style of management that demanded adherence to core values, paid particular attention to a few key results areas in which clear objectives were set, (custody, court work, gatekeeping, and supervision standards), and rewarded excellence and "good tries". In other words, the managers were interested in setting a climate where radical ideas and more importantly actions were encouraged in association with the achievement of a combination of justice and systems model objectives and a high standard of work with individual offenders.

The Managers' Ideas and Theories.

The key people in achieving this type of unit were the two team leaders, who had responsibility for the day to day work of the unit, supervised all the practitioners and also initially undertook some of the most difficult practitioner work. They and the unit manager shared a common theoretical base for work with juvenile offenders; combining a commitment to diversion through system management techniques and minimum intervention ideas, with a strong belief in the destructive nature of custody and other institutional responses. They also were sceptical about the value of much social work theory based on individual pathology, particularly when applied with little regard to the effects of labelling and other unintended consequences. They were more sympathetic to explanations of crime that emphasised the impact of class, race, age, gender, social disadvantage, policing patterns and economic factors. However, they were also committed to working within the traditional establishment, which preferred an individual based explanation of crime.

This resulted in the development of two approaches to juvenile offender work; with diversion and minimum intervention theories being applied rigorously to most of the work of the unit, until a young person was at risk of custody either through persistent or serious offences. These cases, the "rump" of juvenile offenders, were given an increased allocation of staff resources, but with a careful balance between the minimum possible statutory intervention through court-ordered programmes, and a more general support and advocacy role which sought to overcome some of the disadvantages that these often vulnerable and immature people had experienced. The issue of individual responsibility for offences was tackled from the perspective of the damage that offending was likely to inflict on both the offender and victims, rather

⁹See for example Peters T. and Waterman R. (1982) "In Search of Excellence" New York: Harper and Row

than an acceptance of some of the cognitive/behavioral explanations that emphasised rational decision making rather than impulsive or immature behaviour.

The rigorous application of minimum intervention and diversion principles with the large group of minor offenders was frequently criticised by both traditional agencies and more progressive practitioners, and the latter group's concern about the lack of other resources to offer advocacy and support to an equally disadvantaged group of young people was acknowledged by the unit's managers. They held firmly to the belief that the unintended and destructive consequences of criminal justice system intervention outweighed the benefits of offering their resources to this group and were also convinced that the dilution of their direct service away from the "heavy end" of offenders would lead to an increase in custody amongst this group. Their solution to the problem of under-resourcing of general counselling and support services to young people was to encourage other agencies and voluntary groups to develop these facilities on the basis of universal and open access, and they supported the projects that did develop, both financially and with staff time allocated to management committees and training tasks. These activities were not given a high profile outside the unit, as the managers anticipated difficulties in defending the unit's uncompromising policy about being an offender-based service within the social services department if too much emphasis was placed on the community development role. As with other tensions, the managers expected staff to have a sophisticated understanding of their primary and secondary roles, and to make balanced decisions about if, when, and how to intervene in individual cases and in response to more general juvenile crime issues.

These divisions between minimum intervention work and good quality and intensive support work required careful policy and practice decisions from the managers who were aware of the tendency to compromise principles and "up-tariff" people when faced with individual cases, particularly when local "moral panics" occurred about well-known offenders. They were also aware of the current academic texts about the expansion of social control, and in particular the criticisms of extra-judicial processes, from both the legal establishment and the "back to justice" movement.¹⁰ The unit's early introduction of quality control procedures to ensure that work exceeded minimum standards also helped them test out the validity of individual case decisions as they were all subject to peer and managerial scrutiny. The unit's management team had developed into a remarkably cohesive group partly as a result of surviving some of the pressures on them as new managers involved in setting up a

¹⁰See for example Pitts J.(1988) *op.cit.*,and (1992) "The end of an Era" *Howard Journal* May 1992, and Pratt J.(1985) "Delinquency as a Scarce Resource" *Howard Journal* p93, and (1989) "Corporatism: The Third Model of Juvenile Justice" *British Journal of Criminology* Vol 29 No 3.

unit from scratch, and partly as a conscious decision by the unit manager who chose that subject as the project for her management development course in 1987/88. The management team used this cohesiveness to critically test out and obtain feedback on their individual decisions and also gave support to each other during various crises that tested their commitment to the principles they shared.

This support occurred both during formal and informal meetings at the unit, and particularly during the first year, at Friday evening "wash-up" sessions that also became social occasions, when some of the more dramatic events of the week could be placed in a humorous perspective. An observer at one of their formal weekly meetings, commenting on the shared values and critical feedback, described their discussions as a form of shorthand where values and principles were so well understood that they were no longer stated in a form understandable to an observer. (*Journal Entry 11.5.88*)

From Theory To Practice.

Within the teams, the team leaders used frequent staff supervision sessions and weekly team meetings to discuss all individual cases, an unusual practice in both parent agencies, where only a selection of cases during less frequent supervision was the usual pattern of the highest standard of managerial scrutiny. The team leaders were required to develop very high quality leadership skills in order to strike the right balance between managerial control of work quality and decision making, the encouragement of innovation and risk taking, and the support of staff who were working with the most difficult and at times intractable problems presented by a small number of persistent and serious offenders.

Staff no longer received the morale boosting success of "easy" minor offender cases, and were expected to achieve success both with more difficult cases and to challenge other agencies' practice in hostile environments. The model of cohesiveness, enthusiasm and optimism about potential results that was a characteristic of the management team was transferred to the two practitioner teams, and the unit developed a reputation for high quality and radical work that then helped to sustain the momentum for change and enabled the staff group to identify itself as an elite pioneering group. They gave each other support on difficult cases and in difficult situations. A common occurrence was for a number of staff to be aware, through the duty manager system, of colleagues experiencing a difficult time in court or in a police station, and waiting, often after hours, for the return of those people to the office to be congratulated for either a good try or a successful result. Some of this

recognition of excellent or unusual work was formalised in team meetings and in an internal juvenile justice service newsletter. The unit's performance in the key results areas, particularly diversion and custody levels, was fed back to staff at regular intervals, and both teams participated in the setting of yearly objectives by the unit's managers. An annual personal appraisal system was also introduced with the advice of social services managers, which concentrated on the achievement of performance goals and gave recognition for excellent pieces of work. These processes as well as the example set by the management team gave staff the motivation to take risks in difficult circumstances, and combined with careful managerial oversight produced some remarkable success stories.

Examples of Radical Practice

The unit's management team wanted to achieve both success in relation to general trends in diversion and custody, and with individual cases where direct action and commitment beyond usual working practices might be necessary to avoid custody. Staff demonstrated this extraordinary commitment to "hanging on" to young people in a number of incidents during 1988 and 1989. In one case, a 16 year old young black man on supervision and in care was arrested in Essex, charged with stealing a car and burglaries. The first court hearing, following the overnight arrest, and using a local solicitor as an agent, and a local social worker as court officer, did not produce a satisfactory result as the young man was remanded to prison custody despite plans and instructions from the unit and his own "home" solicitor for a remand to care. The advice from the Essex juvenile specialists, and a senior crown prosecutor who had contacts with the Southampton unit was that the Essex court was difficult, disliked "outsiders" and was suspected of being racist.

In order to try to prevent a repetition, the unit sent two of its own staff to Essex for the next hearing. These staff were able to insist that the local solicitor carried out the direct and detailed instructions from the defendant's own solicitor, and were able to remind the local police and court officials of the legal requirements before remands to custody (unruly certificates) could be granted. They also observed some unusual courtroom procedure, with court officials, excluding the defence solicitor, using the same coffee facilities as the magistrates, and received some hostile comments and one indirect threat from the local CID. In order to save face, the court eventually decided to simply adjourn the case with no decision about the type of remand, allowing police officers from Hampshire to rearrest the young man and transport him back to a Hampshire police station for questioning about other offences. He then appeared in a Hampshire court and the correct remand procedure was followed and he was

remanded in care. He did not return to the Essex court, as an administrative route was found to relocate the Essex charges. The two members of staff had kept in touch with the unit and the "home" solicitor during this difficult day, and described emerging from the Dartford tunnel into southern England with some relief. (*Journal Entry 1988*)

In another case, one person on supervision committed a joint offence of burglary, and inadvertently chose the premises of a member of the local chapter of the hells angels. The stolen property included an amount of drugs. His juvenile justice officer and the team leader spent most of one weekend arranging a special court hearing to vary his bail conditions to a secret address outside of Southampton, and then transported him there, in order to avoid the threats of retaliation. (*Journal Entry 31.5.89*)

In terms of general trends, the number of defendants appearing in the four juvenile courts covered by the south west unit fell from 400 in 1987 to 250 in 1989, against a general juvenile population decrease of 7 per cent, and a very small decrease in detected juvenile crime. Custody sentences in the four Southwest Hampshire juvenile courts decreased from 38 in 1986 to 21 in 1987, 19 in 1988, and 6 in 1989, despite the concentration of court time on more serious or persistent offenders. Crown court juvenile custody sentences remained steady at two or three cases per year. The unit's results contributed to a county wide custody rate that was less than half the national average and helped to establish Hampshire as one of the leading juvenile offender services in the country.

The Unit's Impact on National Events.

This enabled both the unit managers and the team leaders to participate in national discussions and training events, and they were helped by a number of national contacts. The Department of Health's social services inspectorate, who conducted an inspection of the Hampshire service in 1988, commended the units as an example of good practice and actively promoted their model in the national arena.¹¹ Two unit managers were committee members of the Association for Juvenile Justice, the radical practitioners organisation which was in the forefront of promoting the new juvenile justice philosophy and was committed to an abolition of custody stance at a time when most organisations were cautious about making public those aims. Another gave a series of joint seminars with several Nacro staff from their juvenile offender team. These and other contacts were developed into a network, including the Department of

¹¹Report of inspection by Department of Health Social Services Inspectorate (1989) "Hampshire Juvenile Justice Service.

Health, the Home Office and various voluntary organisations, which enabled the units to participate in national policy discussions. They were able to provide a practitioner perspective in the Childrens Society report on Section 53 sentences¹², and in consultation about remand strategies. In addition they provided advice and support to a number of other specialist juvenile teams in the country, and promoted a multi-agency model of providing juvenile offender services during a period when some other practitioners were predicting an exclusively social services resourced future.

By 1989, it was clear that the juvenile justice service was achieving most of the objectives set by the Joint Standing Committee and by the managers of the service. An independent evaluation and an internal review acknowledged the units' impact on custody and care levels, and on the targetting of supervision orders on the serious or persistent offender. Their impact on diversion from court was less clear, with most of the changes correctly but simplistically ascribed to police practice.¹³ The senior managers of each parent agency publicly approved of the service:

"The enthusiasm, skill and expertise of the practitioners is... the key to the success of the second stage of the juvenile justice units. In the first stage (implementation) it's fragmented, in the second stage it's marvellous." (Interview J.Harding 10.4.1990)

"We've had impetus from both directions, the policy saying it will happen, and the good people, whether social workers, probation officers or residential workers all saying we want this and creating a momentum which has been unstoppable." (Interview R.Hutchinson Assistant Director 14.5.1990)

This second stage had seen a temporary resolution of some of the tensions evident in the initial few months of the service's existence. The balance between a headquarters' service dominated by bureaucratic procedures or a service driven by the units' radical practice seemed to have settled in favour of the units. The unit managers undertook the role of developing both internal policy documents and briefing papers or draft responses to national policy discussion documents. National, rather than parochial issues, became dominant and radical practice was encouraged by the units and, to a more cautious degree by the county managers. Appeals policies and other challenges to traditional agency practice were generally approved of by senior managers, despite having to deal with some complaints from those agencies. The exception to this tolerance appeared to be when challenges were made to the parent agencies themselves.

¹² Childrens Society (1988) "Penal Custody for Juveniles. The Line of Least Resistance." Report on Section 53 sentences.

¹³ Hampshire Juvenile Justice Service Review Report to Joint Standing Committee (1989)

However, the unit managers recognised that there were still a number of unresolved issues, even in the areas of work that had attracted such approval. They published a report in 1989, which identified a number of areas of continued concern and set ten targets for the future.¹⁴ These included internal agency issues, reflecting the continuing conflict with the residential sector and a concern about the relative structural weaknesses of the units in each of the parent agencies. External objectives concentrated on reducing custody levels still further by removing the mid-tariff custody sentences, and tackling remands in custody, an area of work that Nacro had highlighted.

In addition to these issues, there were some areas of work that the units could be criticised for having ignored or given a low priority. The unit managers themselves identified two major weaknesses: the concentration on external agencies had resulted in the absence of clear strategies to influence practice as well as policy in the parent agencies, and the development of staff group elitism had also contributed to this distance from other practitioners and was beginning to cause intra-unit difficulties, with inconsistent work practices developing. The county managers and the chief probation officer also identified the absence of interest and therefore policy and practice development in the field of crime prevention as a cause for considerable regret. These would all be tackled during the third stage of the service's development.

¹⁴Hampshire Juvenile Justice Service Annual Report (1988)

Chapter 6.

Future Directions - "The Struggle for Continued Focus".

1989 to 1991

The first two stages of the development of the Juvenile Justice Service demonstrated some of the Rutherford characteristics,¹ and also the increasingly sophisticated operation of "expert power" and "network influencing" by the local managers.² The units had established their position within the organisation and with the other agencies. They had also demonstrated the success of their policies both locally and nationally "as a model of good practice"³. Following these achievements, the units might have been predicted to settle to the type of practice described in the second stage of their development, with most management activity concentrated on the core tasks of providing direct services to juveniles and influencing the multi-agency decisions within the process of dealing with juvenile offenders.

However, the source material indicates that the units continued to struggle to maintain and improve practice. Some external conflict would have been predictable as the networking and influencing tactics did not remove power from other agencies, and therefore changes in these agency's policy priorities or even a reduced tolerance of outside influence could produce significant problems for the units. An unexpected source of conflict came from within the Social Services Department itself and demonstrated an inherent structural weakness of the juvenile justice service's position within the social services department; as a small risk-taking outfit which was not within the stable core of activities. This position normally allowed the units to adopt radical policies and then to influence the core of the parent agency, but when the core changed as a response to other demands, the units were relatively powerless to protect their position or their practice interests. The questions posed for the units were whether they were going to be able to defend their radical, action-orientated specialism against the natural tendency of the parent agencies (and also some of their own staff) to demand consolidation and a return to adherence to traditional and sometimes bureaucratic rules and structures.

The internal and external conflicts that continued to dominate the units' attention

¹ Rutherford A. (1988) op.cit. Also see pp 19 to 20 of this dissertation.

² See generally Kadabadse A. et al (1988) "Working in Organisations" London:Penguin , and Handy C.B. (1985) "Understanding Organisations" London:Penguin

³ Department of Health Social Services Inspectorate report (1989) op.cit, Halliday J. notes of speech Youth Courts Conference London (21.6.1991)

occurred despite the achievement of remarkable results in terms of diversion from court and from custody. The senior managers of all the agencies and the sentencers expressed support for the units and celebrated their national reputations. Staff within the units were highly motivated and believed themselves to be part of a pioneering elite. However, instead of the expected consolidation of good practice and its extension into some underdeveloped areas such as remands and crime prevention, much of this third phase of development required the units to reinforce and protect the advances that they had assumed had been already assimilated into practice, policy and structure.

Limits To Radical Practice

The experience of this period in the units' history raises questions about the limits that radical practice can achieve and the extent to which traditional and statutory agency structures can tolerate or sustain this type of practice. In addition, it confirmed the views of the unit managers and the chief probation officer that a radical ideology-led service can never finally achieve its goals, as the internal and external world is always changing. A steady state is unattainable, and the inherent bureaucratising tendency of agency structures all provide continual threats that can directly change the conditions that support radical practice or, more typically, promote compromise that would slowly reduce the ability or inclination of the units to challenge existing practice.⁴

"You have this notion of a stable core of activities ... and the risk areas. Now Juvenile Justice Units were a risk area important in those implementation stages that the Director and myself and other stakeholders like magistrates ... pay particular interest.... still in a risk stage.... for some time to come if the lessons aren't to be withered and lost. Could so easily lose the ground if structures aren't right and persons aren't right.. Never a time when chief officers and magistrates don't need to give encouragement and special attention. Eternal vigilance!" (Interview J.Harding Chief Probation Officer 10.4.1990)

Tolerance of Conflict - A Structural Issue.

The early, extreme challenges to unit policies and the confrontations in court and in case conferences with social workers who received the explicit support of their managers had produced a view from the unit managers that using strong conflict tactics when dealing with those sections of the social services department was

⁴ For a general discussion of this phenomenon see Cohen S. (1985) op.cit particularly Ch 1, 2, 5 and 7, Matthieson T. (1974) op.cit.

necessary. This was interpreted by the senior managers who normally supported the units as evidence that the units were dogmatic about ideology. The units saw conflict as an inherent part of introducing radical practice, while the senior managers were not able to tolerate as much conflict in their area of operation. These tensions seemed to be replicated at a national level and have been discussed by several commentators who were managers during this period in other schemes.⁵

It may indicate another reason for the Rutherford characteristic of local schemes as a pre-requisite for the success of radical policy. The position of such units within an organisation may require careful positioning in order to tolerate conflict. They require some high level protection and access to senior managers for influence, but may need to be located at a lower level or as separate or distinct from traditional structures in order to create conflict without embarrassing senior managers, whose effectiveness often depends on good networks with senior managers in their own agency or other agencies. A certain amount of distance in order to create "plausible deniability" for the senior managers, and space for the radical units to operate, may be important, and certainly occurred on a small scale between the unit managers and their own staff in their contacts with sentencers when discussing individual cases.

The southwest unit manager developed effective and often close relationships between herself and other agency managers at the same time as her staff were challenging those agencies' policies. A successful strategy was introduced to support individual radical action while continuing to receive general approval from agencies that were traditionally very conservative in their view about challenges to accepted practice. This was to be personally approachable, to defend general principles and philosophies, to ensure the unit delivered a very high quality service, and to give the impression of distance between the unit manager and the "enthusiastic" member of staff responsible for the radical action without undermining that action or giving the impression of a unit out of the manager's control. Much of the unit manager's effective liaison was with other agencies' staff who personally shared a similar viewpoint about the criminal justice process needing some change but whose constituency (for example; other magistrates or junior police officers) had other views that required some acknowledgment.

The parallels for senior managers are in their shared perspectives about strategic management and interdependency. Their common ground should be those concepts and the particular and small-scale conflicts that will arise from different agency operational objectives and philosophies could be tolerated if there was both an

⁵ Allen R and Whyte L. Unpublished seminar on Juvenile Justice London (17.7.92)

understanding of those concepts and an acceptance of the necessity of conflict at certain levels or in certain structures. Radical units need to be positioned far enough from the senior managers in the structure to avoid having to take personal responsibility for conflict but with the other characteristics present to safeguard the units.

The unit managers were aware of the potential problems of their closer links with other organisations. These networks helped promote the concept of interdependency, which was generally a helpful concept when working within complex multiagency processes, and was used by the units to assist in their "influencing" activities. However, the dangers of interdependency are that legitimate conflict can be stifled if the priority of organisations is to co-exist and reduce conflict regardless of the source of the conflict. This is particularly evident at senior manager level, when networks become personal contacts as well as agency links. The pressure may be to seek compromise to end conflict rather than achieve a proper resolution or an acceptance that some conflict is structurally necessary. The units saw a distinction between conflict which occurred as a result of bureaucratic and "vested interest" behaviour, and legitimate ideological conflict. Both should be expected during the introduction of new policies and practices and the reduction of the former would be one of the indicators of successful implementation of the new practices.

The third stage of the Juvenile Justice Service's development, therefore, was characterised by two distinct struggles. The first was related to structural issues and, particularly, a debate about the location of future policy decisions; within the units' sphere of influence or within more traditional agency structures. The second was an internal service tension about the potential extent of further improvements in practice; consolidation or further radical change. The resolution of these debates may lead to conclusions about the scope for sustaining radical practice with personnel in a radically-orientated service. In addition to the structural impediments to radical practice that can occur in traditional agencies, there may be a tendency for the staff themselves to seek consolidation rather than new challenges. The analysis of both sets of issues identifies and develops elements of the Rutherford characteristics; the themes already identified as important explanations for the success of local reforming schemes.

Social services Department Pre-occupations

Ironically, one of the primary reasons for the increased threat to the successful policies of the units was the effectiveness of the units and the example they

demonstrated to the parent agencies. The rapid achievement of the service's inaugural objectives, set in 1987, had led the social services department in particular to be interested in using the units' expertise and well-motivated staff group to solve other problems within the child care sector.

A continuing dilemma for the social services department was the contrast between the successful high profile juvenile justice units and the rest of the department's childrens services, particularly the childrens homes. A child care strategy had been introduced and more attention was being paid to supporting children in their own or foster homes rather than relying on residential institutions, and child protection work was becoming a recognised and high status specialism. However, residential social work and work with older adolescents was still underdeveloped and under-resourced in terms of staff training and management attention. The juvenile justice units possessed most of the social services staff who wanted to work with older teenagers and had developed the relevant expertise. This age group was traditionally seen by social workers as the most difficult and least rewarding, and in relation to offenders, least deserving client group. The units' criticism of residential child care practice was very public and there was a tendency to respond to this criticism by suggesting they should work in the institutions themselves or at least be connected with them. The units were also regarded as very generously resourced in terms of staff numbers as well as cash budgets in comparison to other social services field teams. This was based on the traditional measurement of active cases, and revealed a continuing problem between the senior managers of most agencies and the units. The maintenance of diversion from prosecution systems and the provision of high intensity bail support and supervision programmes were not recognised as legitimate resource demands by managers who did not have a systems management perspective, and those senior managers that did understand these concepts had a difficult task justifying such resource allocation decisions to other colleagues. In the probation service, for example, caseloads of 35 per officer were normal, and the units had "caseloads" of between 5 to 10 per officer.

Personnel Changes

A further complication for the service's integrity was the attractiveness to the other agencies of juvenile justice trained staff, and the natural cycle of promotions and staff movements that often occur in projects which reach maturity in their second and third years. Most of the unit managers and team co-ordinators were in their first jobs as managers, and they had recruited a number of staff who were also ambitious to develop their careers. The successful implementation of radical policy and the

development of teams and units from the start of an idea were all attractive skills for the parent agencies to use in other projects. The time scale was also significant as most of the staff had started in the units at the same time in 1987. They were from a generation of managers who did not subscribe to the traditional view that long time periods were required to implement policy and consolidate managerial skills. They were impatient to test themselves in new situations or, within the units, in positions of more authority and responsibility. The service's annual report highlighted the problem;

*"Between April and December 1990, the service experienced the change of two unit managers, five team coordinators and nine juvenile justice officers. The total number of appointments and vacancies represents 56% of the operational staff of the service, although five of the management appointments were promotions for existing staff"*⁶

The service was faced with the twin demands of consolidation (of practice) and expansion (of task). An implied threat in the second demand was that a rejection would lead to a reduction in staff and other resources. Both demands were seen as potentially damaging as they would distract attention from or prevent further improvements in juvenile offender practice which the units had identified as being necessary to achieve further reductions in custody levels. Managers in three of the units had already privately expressed the possibility of achieving the abolition of custody by practice developments, although most senior managers in all the parent agencies were more cautious both privately and publicly.

The success of the juvenile justice units during this period could be judged by whether they achieved further improvements in practice, particularly a continuing reduction in the use of custody and the tackling of the remand problem, and also by whether they had sufficient influence to achieve structural protection and the preservation of their specialism during the changes planned by their parent agencies.

Future Directions: Offenders or Adolescents.

By the middle of 1988, (only one year from the start date), social services managers were beginning to question the exclusive focus on juvenile offenders and were making suggestions about extending the service to meet the needs of adolescents generally, and particularly those older teenagers for whom the department had some responsibility. An external inspection by the Department of Health's Social Services Inspectorate was being completed during this period and although it was supportive of

⁶ Hampshire Juvenile Justice Service Report 1989/90

a specialist juvenile offender service, the Inspector had suggested various other adolescent issues with which the units could become expert; drug and alcohol dependency and sexual offences being the major examples.⁷ The units accepted that these issues and more particularly homelessness and unemployment, were important underlying social issues that affected juvenile delinquency, but were concerned that the traditional agency responses of identifying individual families and providing services to them, would have the same unintended consequences of netwidening as the previous intermediate treatment services in the 1970's and 80's. The units' foundation policies of minimum intervention and the avoidance of labelling were at risk, as they anticipated that the social services department would not be able to devise a strategy that involved universal access and general community development in order to provide services to adolescents without labelling individuals as "delinquent" and thus contributing to netwidening. The units feared that the social services department instead would opt for its traditional model of delivering services; the individual case referral system. There were further concerns about being able to spend sufficient time on the persistent offender cases, if other demands were made, as the department had a history of seeing the persistent offenders as being "less deserving" than other client groups.

The Crime Prevention Debate

The juvenile justice service discomfort with community development and crime prevention issues recurs during the period of the study, and is a source of some criticism from senior managers, who interpreted the tendency as evidence of too rigid an adherence to minimum intervention and system management principles.

"I'm critical in one particular area.....where in a sense I expected them to go...and that is the field of community development, crime preventionwhere because being pre-occupied possibly by systems application, by reducing the need to pathologise, by keeping to principles of minimum intervention, they have not lightly entered on crime prevention. ...I also feel that the Juvenile Justice managers for various reasons did not identify that as a high priority..... something about the personality and chemistry of those people in post." (Interview J.Harding 10.4.1990)

The juvenile justice service local managers' interpretation of the problem involves a different analysis of the potential threats to the service. Some senior managers had become (or already were) supporters of the service, understood the philosophy, and were direct recipients of the results of success; national recognition and local

⁷ Department of Health Social Services Inspectorate Report (1989) op.cit.

interagency cooperation. They were impatient for the service to take on new challenges, and were just as concerned as the unit managers to avoid consolidation and complacency.

"You've been a success story,... but that is the moment to really attack....to get people really on their toes again,...because there are bits that have to be done... really dig out the issues that weren't quite right....but I feel there's a slight reluctance to do that."(Interview R.Hutchinson Assistant Director 14.5.1990)

These senior managers were less concerned with the continued problem that faced the unit managers; that of middle managers in the traditional parts of the Social Services Department and the Probation Service, who did not have direct experience of the successes and whose preoccupations were to find someone to deal with the unpopular older teenager cases, whether they were labelling them as offenders or not. These traditional managers did not accept minimum intervention principles and had little understanding of the concept of "unintended consequences" or the effect of statutory systems on the individual. They had also a strong but often unsophisticated belief in preventative work and had used intermediate treatment staff (the predecessors of the units) for that purpose, often in direct contravention of social services policies. In the early and mid 1980's, offender services had been ignored in order to provide an unsophisticated and poorly targeted "preventative" service for younger children, with little evidence of a reduction in delinquency levels and evidence of high custody and residential care levels.

Crime prevention was accepted by the senior managers as different from the preventative work as understood by the traditional managers, but the unit managers were not confident that the distinction was clear for social service middle managers and some of their own staff. The experience of the units during the first few months of the service's existence had created a profound and lasting suspicion about the intentions of some of this cadre of middle managers who were still in influential posts within social services field offices.

It was not until 1990/91 when the unit managers found and accepted a theoretical approach to crime prevention work ⁸ that fitted with minimum intervention theories, and had also secured their position as specialists with offenders, that they gave priority to the crime prevention aspect of the work. Even then, they were careful to protect the units from excessive or inappropriate demands from the local area social

⁸ Hudson B.(1989) Unpublished speech Howard League Annual Conference and Hudson B.(1990) "Preventing Crime the European Way" Childright Dec 1990 edition.

services offices, and were reluctant to publicise that aspect of the units' work.

Future Directions Resolved

The debate with the Social Services Department about future directions can be seen as an indication of the growing influence of the unit managers in county policy decisions. The formal decisions about future directions were preceded by a seminar involving the four unit managers, four social services managers from the residential sector, and senior manager representatives from the other two parent agencies. The seminar was initiated by the new assistant director who had responsibility for childrens services, and who was becoming more supportive of the units, having been sceptical about their initial development. The potential challenge to the service in this meeting was considerable, as the old-style residential managers were represented by a particularly influential person, and the units' social services line manager was very active in proposing a wider adolescent service. However, the unit managers were able to explain the conflict between a preventative work approach and minimum intervention principles, and to remind their managers of the targets still to be achieved, although there was some disagreement about whether the abolition of custody was a legitimate target. The main agreement was confirmed at the next Joint Standing Committee when the three year review of the juvenile justice service planned at its inception was brought forward to 1989. Crucially, the terms of reference included the requirement to take into account the likely impact of future legislation, and the chief officers agreed to the use of independent researchers for some of the work.

The green paper "Punishment, Custody and the Community" published in July 1988, included within its provisions the proposal that the juvenile court should be extended to include 17 year olds. The units used this as an external pressure that could affect the debate about future directions and prepared responses to this consultation paper for the parent agencies. They indicated that they would prefer the juvenile justice units to take on this work from the probation service, and that the units' workload was likely to double as a consequence.⁹ The manager of the southwest unit and the probation service senior manager were given the task of developing the Green Paper proposals for 17 year olds and including the findings in the review document.¹⁰ The unit managers used their external contacts and the probation service's interest in government intentions for young adult offenders to counter the social services internal

⁹ Hampshire Joint Standing Committee paper 5.12.88.

¹⁰ Hampshire Joint Standing Committee minutes 5.12.88

pre-occupations and child-care focus. Once the legislation and external focus had been inserted into the review terms of reference, it would be unlikely that the joint standing committee, which had a majority of non-social services members, would agree to an internally focussed review result.

The threat of an expansion of task into a general adolescent service rather than a specialist offender-focused service was resisted by the use of expert knowledge, high level managerial protection and external national networks. All these characteristics are identified as key to the success of juvenile justice schemes.

Structural Changes.

Unlike the success of the units in protecting their ideology and radical practice from policy change, the threats posed by structural change were more difficult to resist. The lessons from this less successful defence may provide important limitations to the Rutherford characteristics and indicate some of the structural requirements for radical practice to flourish.

The debate about future directions occurred at a time when the long-established Director, who had been one of the supporters of the service, retired and was replaced by a new Director from outside Hampshire. Other changes within the senior management structure had already been initiated and a new Assistant Director had become responsible for childrens' services including the residential sector within which the units were managed. Long-term structural changes would also be proposed to prepare the department for the future community care partnerships with the health authorities. Although these structural changes began to remove some of the most criticised features and style of the old residential sector management, they produced other problems, particularly about the ownership of the juvenile justice service by the new senior managers who had not been involved in the history or establishment of the service. The long-term structural changes, planned for 1990, which decentralised many policy and resource decisions, also reinstated the local area office managers as the key power brokers. Management of the individual units was to be given to different local areas and was likely to cause the service to lose its county identity and power base.

The unit managers were allocated very low positions in the new structures, with the equivalent status of field team leaders. Their privileged position of having direct formal access to very senior managers in both agencies was at risk, and their new local social services managers were likely to disapprove of the informal but

significant contacts with headquarters probation managers. The reforms proposed by the new Director were generally supported by the unit managers, as they reflected some of the management principles that they had been trying to introduce themselves, and also had the potential of signalling a clear break from the previous pattern of informal power structures that had produced many of the internal challenges to the service during its first phase of development. However, the units wanted to be treated as a special case, and given a structure that provided safeguards against possible local area management takeover. The unit managers were worried that the new structure would allow individual units to be "picked off" and their work diffused by disinterested or hostile managers, some of whom had been involved in the challenges to the units during their first months of operation.

The Review and Restructuring Combines.

Concerns about the effect of both the restructuring of the Social Services Department and the results of the Juvenile Justice review combined in 1989, and unlike the previous year, a great deal of time was spent by the unit managers on these internal issues.¹¹ The unit managers organised a campaign to influence social services decisions, based on some of the successful criminal justice liaison strategies that the southwest unit had developed. (*Journal Entry 21.6.1989*)

The review itself was influenced by these managers through direct participation in some of the research work (the future legislation for 17 year olds working party), by producing their own agenda for future action through a newly-created annual report, and by briefings of some of the significant supporters of the service. The restructuring was more difficult to influence as it involved change for the whole social services department, and efforts to modify some of the proposals brought into sharp relief the inherent structural weakness of the juvenile justice service as a small risk-taking outfit which was not within the stable core of activities, and thus of relatively low influence when the core of the organisation was subject to change.

It also challenged the premise that high level political support from other agencies would always offer protection from internal threats. The chief probation officer and magistrates on the Joint Standing Committee were very active during this period in trying to modify Social Services proposals. In contrast to the successful defence of the policy of a specialist offender service, these outside protectors were unable to achieve the same level of influence when structural rather than policy changes were

¹¹ 50 of 152 journal entries for the period Jan to Nov 1989 concerned either the review or restructuring.

introduced by the agency that controlled the majority of resources and provided the line management structure for the service.

Structural Limits on Radical Practice

This contrast in fortunes may be an important limitation on the application of the Rutherford characteristics, and of course may help to explain the local nature of juvenile justice reforms in the 1980's. The position of juvenile justice practitioners within their agencies' structures may need to be less formal or more free from normal agency bureaucratic control¹² in order to provide the context for radical practice to develop. Senior manager protection for radical practice is one requirement but a sympathetic, or at least neutral, structure within the organisation may also be necessary. This, together with the earlier discussions about the role of radical practice in producing conflict, and the relationship between senior management structures, agency interdependency and the avoidance of conflict, may need to be considered in the design of future schemes.

The Restructuring Campaign

The campaign to influence restructuring lasted for six months and utilised the skills developed from court and police strategies as well as more direct and high risk lobbying. This resulted in a series of meetings between the unit managers and senior social services managers. (*Journal Entries 25.7 and 7.9.1989*). These were highly unusual events within the Social Services Department's traditions, and although they did not produce any changes in the restructuring proposals, they indicated that the Director was being reminded that the juvenile justice service was not just an internal part of his organisation. Perhaps the most significant pressure was produced by the Chief Probation Officer, who was personally briefed by the unit managers despite the opposition of their social services managers. (*Journal Entries 3.7, 17.7 and 20.7.1989*) He had also experienced some of the results of the lobbying activities and expressed surprise at the extent of the contacts the units had mobilised, and warned against a continued campaign. (*Journal Entries 18.8 and 4.9.1989*) His meeting with the Director achieved some safeguards for the Service, but with the proposed structures still intact.

¹² This theory of simultaneous loose/tight structures is discussed in many management texts and refers to the requirement to demand conformity to essential values or core tasks and at the same time to allow as complete autonomy as possible in order to develop creativity and responsiveness to changing environments. See for example Peters T.(1982) op.cit and Handy C.B.(1985) op.cit.

The chief probation officer later explained his tactics;

"the difficult committee meeting and briefings have shown the Director that he is being carefully watched, - and that should be enough, therefore further committee difficulties are not needed. He will keep an eye on things."(Journal Entry 22.11.1989)

The unit managers decided to change their tactics to damage limitation as the restructuring was clearly going to be implemented. Their contacts with probation senior managers had helped reassure them of continued chief officer and local political support and they had also begun to receive sympathetic advice from the social services Assistant Director, and planned with him various methods of strengthening the Service before local areas assumed responsibility. These plans included revising and re-issuing philosophy and policy statements.

"Prepared the Service philosophy and objectives paper.... This is the first step to defending our current role/practices against any local raiders when restructuring comes. (An idea of ..., so he seems to have accepted some of our concerns). The objectives etc. taken from the policy foundation statement, annual report and unit objectives.... proposed inclusion of some contentious social services objectives, including the development of a childrens homes offence policy" (Journal Entry 13.11.1989)

Within most statutory agencies written policy documents are given high status, particularly when endorsed by senior management and by council committees. Endorsement by the Joint Standing Committee would make them powerful documents that could be used by the unit managers in any dispute with local social services managers who might wish to change policy to suit local priorities.

Seminars were planned to brief the new managers when appointed in 1990, and were given high status by the assistant director who arranged for the attendance of several other assistant directors which in turn guaranteed the attendance of a number of other social services managers including those who would assume direct control of the individual units. The multi-agency nature of the service and its high level protection as well as its successes were all emphasised to this audience. The most significant change was probably the development of a combined management meeting for the unit managers and the senior probation and social services managers. These two groups had been separated in July 1987, following difficulties during the implementation of the service. It was this joint group, which would have a continuing

role as a strategy and policy development group in parallel to the restructured, more local line management system, that would act as a focus for the county-wide service in the future, and alert the other agencies to any problems with local control of the individual units.

Internal Practice Issues

While the unit managers were occupied by the review and restructuring, developments in practice issues continued within the units, with the team leaders playing a significant role in trying to achieve some of the objectives set out in the first annual report published in March 1989. The improvements in practice that were identified as key objectives included reducing the courts' use of remands into both care and custody. The unit managers were also concerned about signs that the units were developing competitive rivalries and that the achievement of results was not consistent across the county, with the possibility that a "justice by geography" characteristic was beginning to develop in Hampshire.¹³

The Remand Process.

Although the annual report highlighted the issue of both unruly certificates and remands into care, the Service as a whole did not immediately respond to these challenges. The northern unit had already achieved minimal use of all these institutional solutions to bail problems and the southeast unit had other priorities. The southwest unit had already identified remands into care as a problem for both young people and themselves. The difficult relationships with the residential sector still created day to day problems for practitioners, and the high reoffending rates during remands increased the risk of custody sentences for the young people on this type of remand. The liaison strategies which had been started in 1988 had convinced the unit that the prospect of achieving sufficient change from most childrens homes was not good, and two particular incidents persuaded the unit to seek alternative solutions.

"...meeting with managers from the Group 1 homes. Usual issues again raised - involvement/vetting by them of our social enquiry reports, our alternative to custody attitude (criticism of), remands etc. (Journal Entry 30.10.1989) This meeting also included an extraordinary outburst from a residential manager, who accused one of the juvenile justice unit staff of lying in court and also threatened the unit manager with the statement that he was *"keeping a file on all this and had contacts that we didn't*

¹³ Richardson N.(1987) "Justice by Geography? A Review of Six Local Juvenile Justice Systems Monitored by Social Information Systems" SIS.

and would use these to sort us out." This implied threat related to the informal male networks that existed in many local government organisations.

Before the establishment of the juvenile justice units, the residential units had presented reports to juvenile courts and often attended court to comment on the behaviour of those children remanded to care or already resident in their childrens homes. The standard of these reports was not high, and often contained highly contentious and subjective opinions. The effect on some court decisions was similar to that of school reports which were seen to have a significant influence on the use of imprisonment.¹⁴ The juvenile justice units took an early decision to exclude residential reports and also to influence the education department to reduce the demand for school reports and to introduce some quality monitoring to those that were requested. Both decisions were consistently opposed by the institutions concerned, and the residential staff in particular resented the influence of the juvenile justice staff with sentencers, although the courts only seemed to miss the school reports. A subsequent social evening which was part of the liaison arrangements developed by the southwest unit to try to improve relationships with the residential sector also demonstrated the lack of progress:

"Hockey match at (childrens home). Appalling display by some childrens home staff, who refused to lose gracefully to a boys team. Useful that the Director and Chief Probation Officer there - senior managers could see and hear the comments everyone had about those staff and how it reflected their more general problems." (Journal Entry 12.12.1989)

As well as confirming that some residential staff behaviour had not changed, the lack of subsequent action by social services senior managers and the continued criticism of the juvenile justice unit for being too anti-residential confirmed the unit's intention to seek to avoid the conflicts by minimising the use of remands into care.

These ideas were given added impetus by the attendance of the unit manager at a national conference about remands organised by NACRO.¹⁵ NACRO had been trying to alert juvenile justice practitioners to the anomaly of a spectacular decrease in custody sentences at the juvenile court but a continuing ,and in some cases increasing, use of remands in custody. The conference provided the stimulus to make a detailed

¹⁴ The two NACRO reports "School Reports in the Juvenile Court" 1984 and "School Reports in the Juvenile Court - A Second Look"1988 document the significant effect these have on custody decisions in the courts studied.

¹⁵ National Association for the Care and Resettlement of Offenders Conference on Remands London (12.12.89.)

analysis of remand figures in Hampshire. These had been collected since the early problems of access to the secure unit had convinced the units that they required a separate and independent information system to combat the knowledge and power games played by some parts of the residential sector.

"Much food for thought about having another go ...about admissions procedure. Hampshire has also got high numbers in Secure, although rate not so bad but increasing." (Journal Entry 12.12.1989)

"Did some work on remand in care figures for 1989. Rather disturbing - no fewer than in 1988, and large numbers and weeks (length of orders) for Unrulies in Portsmouth, and Secure in Southampton. Some of it explainable (Section 53 cases at crown court) but trend not good. Will produce initial figures for county management group and unit managers." (Journal Entry 19.12.1989)

The Hampshire figures seemed to indicate several problems: an overuse of remands in care by some courts and a subsequent concentration of those remands in particular childrens homes despite a social services policy that emphasised local placement; lack of access to the Secure Unit, particularly for sixteen year old persistent offenders resulting in the use of Unruly Certificates; and lengthy placements in the Secure Unit when there was access to it. These figures were presented at the southwest unit's own meetings and at county events and helped to increase the priority attached to changing the service's practice. *(Journal Entries 22.12.1989, 18.1.and 26.1.1990)*

".. talked to me some more about secure unit places issues - thinking about having one of the unit managers on the decision making system and a better review after the first decision. Sounds as though he's improving. I also spoke to ... (SSI inspector¹⁶), about my concerns about the use of secure - only 40% for criminal cases. He may be able to drop a hint to his colleagues." (Journal Entry 26.1.1990)

The decision-making process for gaining access to the secure unit was regarded as the key area of the social services department part of the remand process. By influencing these decisions, remands into custody could be avoided and the use of secure beds for non-criminal cases could be reduced. There was significant evidence from national studies showing that local authorities that provided secure units tended to use them more often than necessary for civil cases; children in their own childrens' homes who were presenting behavioural difficulties. The tendency was for other childrens homes

¹⁶ Department of Health, Social Services Inspectorate; one of the national contacts developed by the units.

to use the secure unit as a cooling off period or respite time for their own staff, a use that was specifically prohibited in legislation. The existing decision-making process in Hampshire was within the standards required by the Department of Health regulations but was entirely located within the residential management structure. The juvenile justice service proposed some external involvement, possibly by themselves, but, at the least, by someone who would be seen as an advocate for young people and who would understand the concepts of systems management.

At the same time, relationships with the juvenile courts had improved to such an extent that it was possible to contemplate explaining the problem to the juvenile court magistrates and propose that they should continue to use bail, sometimes with conditions, and with the occasional provision of bail support programmes by the unit, with the intention that these measures could replace the courts' use of remands into care. The magistrates were already convinced of the need to avoid unruly certificates and supported the unit's plans to gain better access to the secure unit for appropriate cases. They were also critical of some of the children's homes that accommodated 'remand in care' cases, and were very receptive of proposals that enabled them to have a range of options available at the remand decision stage without having to use the discredited provision of a remand to a children's home.

Table 5 illustrates the changes in remand trends that these changes in practice helped to achieve.

Table 5

Summary of Hampshire Secure and Unruly Remands 1988 - 1991								
	<u>Secure Orders</u> (Criminal Grounds)				<u>Unruly Certificates</u>			
	1988	1989	1990	1991	1988	1989	1990	1991
Persons	25	20	29	32	19	17	12	7
Total number of weeks	101	168	161	121	65	77	20	6
Source: Hampshire Juvenile Justice Service statistics.								

The number of Unruly Certificates decreased in 1990 and 1991, being replaced by Secure orders, and the length of the remaining Unruly Certificates decreased

considerably. By 1991 the service had achieved the position that most unruly certificates were not renewed after the first court appearance and, as most of the small number of remaining unruly certificates were made at special courts without the presence of juvenile justice staff, they seemed to have eliminated the use of them predominantly by their own practice. The length of Secure orders increased from 1988 to 1989 and is almost entirely accounted for by a very small number of serious offence cases that were waiting for crown court trials. The 1990 figure for length of Secure orders reflects the change of use to replace Unruly certificates, and by 1991 the length of secure orders had reduced, which reflects the beginning of a different pattern of use in the south east unit.

Radical Remand Practice

The south west unit's determination to provide alternatives to Unruly certificates combined with the peculiarities of the law relating to juvenile remand applications in court¹⁷ resulted in several major incidents in 1990 that illustrated the potential of practice-led changes and also the continuing need for the unit management team to use their influencing skills developed during the first years of the service. The unit's staff acting as court duty officers were often required to deal with the tensions between police, prosecutors, the court and the social services department. Unruly certificates on two juveniles were rescinded after intervention by the southwest unit manager¹⁸, and in another court, the "uncertain statutory framework" produced some disagreement between the conflicting interests that resulted in a lengthy dispute between that court and the social services department.

"Major hassles in ... juvenile court today. L. up for 20 plus burglaries. He's the small person some very professional burglars... use to get through insecure small windows. The social services department refused secure despite our request, they wanted just a remand in care. The clerk went berserk. ... (clerk to the justices) eventually involved. He talked to social services and got nowhere. He talked to me late pm and was still fuming about their attitude. I salvaged some working relationships by directing the conflict to the department rather than the JJU. ... Problem is that we may get caught in the middle..." (Journal Entry 1.2.1990)

¹⁷ These peculiarities relate to the "uncertain statutory framework" referred to in the 1990 Home Office consultation paper on juvenile remands. Most applications for Unruly certificates and all Secure orders have to originate from the local authority (Social Services) and not the prosecution. The 1991 Criminal Justice Act has now altered this position (although parts are still to be implemented) but still retains some of the uncertainties for lawyers to debate. For a description of the legal problems see Justice of the Peace (1990) "Unruly Certificate Procedure" JP Vol 154 pp 419 and 553, and of the general principles see NACRO (1991) "Juvenile Offenders and the Use of Secure Accommodation in England" London:Nacro.

¹⁸ For a description of the episode see Rutherford A. (1992)op.cit. pp 142 to 143

"Came into work as duty manager to find the Secure unit row is still simmering. L. absconded from childrens home on Thursday evening. There's been some sort of row in the cells and we've got two other cell interviews to do!" (Journal Entry 5.2.1990)

"A very difficult day in court. .. objecting to secure on L. ... (team leader) rang me to get me down to court as it looked like it was getting completely out of control. I drove down there to find major confrontation between and us. Magistrates haven't even heard any of the details yet, we've got a definite secure bed, and .. is still objecting - now on the grounds that we can't guarantee security! I suggested that we should have a conversation in private - so we locked ourselves into the corridor between the adult and juvenile courts. He said his concerns again, in the language of 'my magistrates will think...', I eventually had to say that I was close to questioning his judgement, as he was very definite about what they would say before the case had been heard. He managed to calm down a bit and I offered to explain the details of secure and escorts on oath before the unit court officer made the secure application. This seemed to give him enough to save face, so we had a go. (I think he had got outraged by the peculiar situation in remands, where the local authority make the decisions which are just confirmed by the court - perhaps the first time for a while that he has had personal experience of it? - or just a left over from the frustrations of Thursday when he came across the part of the social services department which doesn't respect courts?). Anyway, we had this odd hearing, where he sat at one side of the court - the junior clerk running it but looking at him, three very bemused magistrates, an irate but not influential CID person, a confused solicitor and prosecutor, and half the JJU staff looking on to see their boss at work! L. was also there but it obviously wasn't much to do with him by then. I gave my explanation of secure conditions after the DC had told the court about L.'s latest absconding and had said that he was particularly worried about our escort arrangements as he knew of cases where people had escaped from secure escorts. I outlined the double doors..... and our car procedures.....I also said that the Fareham escape (referred to by the DC)had happened from a police officer not a JJU officer. The magistrates were fine, no problem at all, and ... was also satisfied, so we got our secure." (Journal Entry 6.2.1990)

The aftermath of this particular incident continued for some months and the unit management team had to brief social services and probation senior managers as well as the county council's legal advisers in order to ensure that the solution, to the clerk's dissatisfaction with the social services department, did not involve compromising the principles of avoiding Unruly certificates, as the dispute shifted from the particular incident to legal interpretations of court procedure and the position of written versus

verbal reports.¹⁹ Throughout this episode, the unit's good liaison arrangements with the Juvenile Chair enabled the dispute to remain between the clerk and the department rather than between the court and the unit.

"Spoke to ... (juvenile chair), re court issue - just back from her holidays - possibly significant that she was away?Immediately picked up the possible inappropriateness ...and the possible injustice done. Seems to be on our side." (Journal Entry 20.2.1990)

"Visited county secretary with... about the ... court issue. Seems clear on the issues after a detailed briefing from us and leaving some articles Social services seem to be standing firm about their right to decide the application and are resistings insistence on written reports - which open the way for unruly certificates." (Journal Entry 12.3.1990)

The dispute was eventually resolved in October, by a joint working party between the Juvenile justice service, Crown prosecution service, clerks, police and social services. The unit had successfully reversed the usual action-orientated tactics they employed, to ensure successful protection of an existing radical policy. They helped the department to avoid taking immediate action in responding to a complaint as the likely outcome would have been a compromise that involved modification of the unit's practice in avoiding unruly certificates. Instead they were able to provide enough technical and expert advice to counter the usually powerful legal opinion of the court clerk, and the correspondence between legal advisers provided the delay necessary to reinforce senior management and magistrate support for the unit's views. The conflict was channelled into the safer bureaucratic procedure of a working party.

An Example of Successful Juvenile Justice Practice

The particular success of the south west unit in bringing their courts' use of Secure orders and Unruly certificates to the same low level as the north of the county had achieved before 1987, is a small scale example of the pattern of successful juvenile justice schemes. Criminal justice process trends were monitored, a particular issue was identified by operational staff which contradicted their anti-custody ethos, national practitioner contacts supported (and stimulated) their analysis, a multi-level strategy was planned and executed involving cross-agency alliances, political and magisterial ownership of the importance of the issue was obtained, direct and sometimes radical practitioner action was encouraged, and monitoring continued in

¹⁹ For a detailed analysis of the Unruly certificate procedure see Justice of the Peace .(1990) op.cit

order to provide information to modify short term tactics. The progress was also protected by using the opposite of normal unit "influencing skills" practice; by slowing down the pace of the conflict and ensuring that agency bureaucratic procedures were introduced to resolve the conflict, the demand for an abrupt change of policy was averted. Table 6 demonstrates that within one year of the southwest unit identifying remands as an area where a change of all agencies' practice was required, the use of Unruly certificates had stopped and the use of Secure orders had reduced considerably. Remands in care were also reduced and replaced with bail conditions.

Table 6

<u>Secure and Unruly Remands South West Hampshire Juvenile Justice Unit</u>						
<u>1989 to 1991</u>						
	<u>Secure Orders</u>			<u>Unruly Certificates</u>		
	1989	1990	1991	1989	1990	1991
Persons	9	9	4	4	2	0
Total number of weeks	91	79	23	9	3	0

Source: Juvenile Justice Service statistics

Consistency or "Justice by Geography".

During 1989, the unit managers identified a trend towards each of the units developing different practice standards with a consequent competitiveness between the staff groups. Although slightly different styles of practice would be expected from separate units working in distinct areas of the county, the rivalries and differences were becoming difficult to justify from a simple perspective of response to local factors.

By 1990, the issue had become more urgent with statistical evidence that juveniles in different areas of the county were experiencing considerable differences in the response of criminal justice processes to similar offences. The first staff conference in January 1990 focussed on county consistency and confirmed the approach started in 1989, of cross-unit short life working groups of practitioners producing county



guidelines for various tasks. The staff conference identified gatekeeping meetings (of police caution and prosecution proposals), social enquiry reports, court work, remands, specified activity programmes, appeals and work with difficult cases (serious or persistent offenders) as areas of work that required consistency. The unit managers prioritised these tasks and implementation was coincidentally assisted by staffing changes in April 1990, when two unit managers were promoted to Social Services management posts within the new structure, leaving one unit manager to act as a coordinator for the units until replacements were appointed in August.

"First meeting of all the service team coordinators and admin officers.... This meeting replaces the monthly unit managers meeting. .. intention is to use this meeting to manage the service and to overcome some of the old unit rivalries..... Getting all the other junior managers involved may strengthen the identity of the county service just at the right time when we are in danger of being sucked into local/parochial social services structures." (Journal Entry 8.5.1990)

In a parallel development to the consistency of practice work, the differences in the way juveniles were being processed by the various criminal justice agencies, particularly in the southeast of the county were being identified. The court there had a long tradition of slightly more punitive attitudes than the rest of the county, but the differences were now very marked and seemed to reflect more complicated problems than simply one difficult juvenile court.

"Long conversation with about her custody figures (two thirds of the county) and why. I think gatekeeping isn't working and more going through the system therefore more custody. ...hopes that she's just got a batch of difficult cases." (Journal Entry 21.11.1989)

"Unit managers meeting ...still upset at her unit being seen as "scapegoats" and behind the others. Offered some reassurance but without letting her off the hook about implementing policy. (Journal Entry 6.3.1990)

The solutions that were proposed and implemented at the time were to concentrate on consistency of practice, and force the units that were achieving different and often poor results to follow the practice of more successful units. This perspective about consistency was a natural outcome of successful units believing that they had found the "right way" to implement their policies. They had confidence in their methods and believed that the problem in other areas was a failure to implement correctly or in other words consistently with their "method". The debate about consistency is

replicated at national level amongst practitioners and may reveal an unintended consequence of the juvenile justice model. Successful schemes had all developed during the same period in the mid to late 1980's and practitioners showed a remarkable cohesion, using similar language, developing shortened expressions to describe complex theories and concepts, and sharing an optimism and confidence about their philosophy, policies and practice. They saw themselves as a radical pioneering elite, and were reinforced in that perception by the success of their policies and the confirmation of them by government, through statements of approval and the use of juvenile practice as the basis for some of the reforms introduced in the Green and White papers leading to the 1991 Criminal Justice Act.

Consistent Practice - An Unintended Consequence?

There was a possible unintended consequence of this absorption of radical practice into mainstream policy, and the failure of schemes to distinguish between policy and philosophy (which needs to be consistent with the ideology) and practice; truly radical practice needs to be allowed to develop continuously and independently. The result of the absorption may have been to create a new orthodoxy. Successful Juvenile Justice practice may have become a "method" and the process of being included in established and respectable practice may have removed some of the characteristics that made it so successful. New entrants to the units may be inducted into the method without perhaps as much attention to a crucial characteristic of the original schemes, the development of critical and questioning practitioners. The juvenile justice method itself may require constant challenge in order to remain within radical practice. The units' response to problems was mistakenly to implement the method more consistently rather than recognise that the method itself needed constant development.

Within the Hampshire service, the debate about differences in performance between two of the units concentrated mostly on the consistent implementation of policy, although this began to alter after the southwest unit manager assumed responsibility for all the units for a period in 1990. The experience of supervising different staff groups began to show differences in staff attitude rather than simply technical differences in practice. The more diffuse issues of staff motivation and culture began to feature in explanations, although consistent implementation issues were still prominent.

"Another day at P. Real atmosphere of stress - workload out of control. Constant rushing to do escorts and appropriate adult work. Signs of giving up on people confirmed - no time for quality support work. ...Some very negative views by some

magistrates and some staff about persistent offenders. ... trying to be upbeat, but internal concerns being fed to magistrates which add to the general despair about the difficult cases...Very bad news." (Journal Entry 4.9.1990)

The unit manager's temporary position in charge of all the units allowed some research to be done into the differences between the units.

"Presented new statistics, showing some startling differences between north and south Hampshire in terms of criminality and even more importantly; new information on the differences between Portsmouth and Southampton despite similar crime rates. Could be real dynamite, as it will challenge the myth that Portsmouth has the sentencing problems because its got more crime. County managers wants some more work done and for them to be presented to the Joint Standing Committee." (Journal Entry 15.11.1990)

"presented the north and south Hampshire statistics and as delicately as I could the Portsmouth Southampton ones.....We've been asked to do more work on the Southampton - Portsmouth differences - ... keen to explore some of the process issues - prosecution/caution rates etc..... throughput in the system may be significant. In Southampton its very low, tolerance is higher, confidence amongst staff higher etc. Portsmouth throughput high, tolerance low? Confidence and time per case certainly lower." (Journal Entry 29.11.1990)

The journal comments indicate an interest in staff morale and optimism and a possible connection to high work levels and less tolerance from other agencies to large numbers of juvenile offenders. The contrast with the other similar unit is striking, with low numbers of juveniles at court which also concentrated the serious and persistent offenders into a more easily visible group, but seemed to produce more confidence from all in the system. However, the analysis that was reported to the Joint Standing Committee still concentrated on policy and, by implication, on implementation issues. The assumptions that were being made at the time were that the unit with problems was not implementing a satisfactory diversion policy, and were thus getting more work through the court; this caused their staff to become demoralised and less able to spend time on the persistent offender cases and thus contributed to a general pessimism about the effectiveness of work with those offenders. The result was higher custody rates, which then helped produce a higher tolerance of custody for all. The annual report contained some material on this phenomenon, which had begun to assume some significance in Committee and managerial time.

*"Preliminary findings about Portsmouth and Southampton indicate some interdependent features of a number of agencies' policies which may provide an explanation for the differences. A striking feature of Southampton courts' custody figures are the removal of six custody cases from the totals due to successful appeals against sentence."*²⁰

There was a reference in the report to radical practitioner action; the appeals in Southampton, but questioning the other staff group's commitment to radical action was avoided in the public document, although that problem had begun to feature in the unit manager's actions. The remand episode, when two 16 year olds were "rescued" from Winchester prison was undertaken by the unit manager using staff from the more troubled unit in a conscious attempt to give them an example of direct action.

"Custody and Unrulies at P.. have stopped - court has not accepted our interpretation of written report issue, but perhaps the publicity has done the trick? Everyone seems to have calmed down and drawn back? Or are the group of offenders all now locked up so just a respite until they are released?" (Journal Entry 5.11.1990)

The analysis of the differences between the two units produced a detailed set of practice issues that were relevant to the units at the time and fitted with the existing orthodox view of juvenile justice methodology.

Diversion; - Important to ensure that only end up with serious and persistent offenders in court, lower numbers increases tolerance and gives room to pay attention to the more difficult cases. Avoid getting caught in the caution plus trap and bargaining with the police to produce direct resources at that stage. We cannot predict who will become the persistent offenders, the characteristics are present in many that desist. Unintended consequences for the individuals and for the units resources targetted away from serious and persistent offenders.

Remand strategy; - shorten time period, don't wait for all offences. Avoid the use of childrens homes and when used look at staffing and ideology. Support programmes; start offending programmes even though not convicted yet. Frequency of offending used as early warning. Saturday courts; staff with juvenile justice personnel. Secure Unit; access to secure for cooling off period but not as a revolving door.

PSR/SIR; - promote concept of not giving up, watch for coded language, discounting

²⁰ Hampshire Juvenile Justice Service Report 1989/90

custody when should not have been mentioned. Staff get tired, need to change SIR authors. Solicitor liaison - develop solicitor specialists.

Sentencing support; - attendance centre and CS need to be young people orientated, court has confidence in these as well as supervision.

Appeals; - custody and others

Supervision; - small numbers, reserve for highest seriousness and persistent. Means can pay considerable attention to them, no longer minimum intervention. Very high quality support work. Victim perspective. Programme ideas from young adult tradition are now as good or better source than juvenile tradition.

"End of year results: 25 custody for county with 19 from SE Hampshire. Total was 6 up on last year, but crown court was slightly down, and despite September/ October problems, Unrulies slightly down. Secure the same. If SE in control, we could be under 10 (custody sentences). If 1990 was the year 'the empire struck back', it was also the year 'the jju's could do better'." (Journal Entry 21.12.1990)

A New Definition of Radical Juvenile Justice Practice

The unit manager was still concerned about the problem at the end of the year, and developed the analysis of the differences in results between the two units into a model of the characteristics of successful schemes, which extended the Rutherford characteristics, but re-emphasised ideology and culture as well as technical practice and structural issues. In particular, attention was paid to the effort required to maintain systems such as gatekeeping. Inducting new staff into the ideology of the service began to assume a greater importance. The service was no longer seen by its staff or new entrants as pioneering although it was still seen as different than traditional agency practice, and managers began to discuss the problems of keeping a radical perspective alive with staff. The successful implementation of diversion principles also required a change in the balance between minimum intervention principles and the intensive support required by many of the remaining offenders in the court system, as well as a recognition that support structures for young people in the community at large had deteriorated significantly. A new attitude to diversion and minimum intervention principles was beginning to develop although it was difficult to achieve this in the context of the police and media campaigns that began in 1991.

Many of these issues were tackled by all the Hampshire units during 1991 and the end

of year results were in striking contrast to the 1990 results. Table 7 shows the Hampshire juvenile court custody figures from 1981 to 1991. The 1991 total was 7 compared to 25 in 1990 and 19 in 1989 and 65 in 1986, the year before the units were established. (Crown court figures demonstrate that there was no displacement to that court).²¹

Table 7

Trends in Custodial Sentences Hampshire Juvenile Courts 1981 - 91											
(14 - 16 year old males only)											
Year	1981	82	83	84	85	86	87	88	89	90	91
Court											
Andover	4	2	4	1	4	0	1	0	0	0	}
B'stoke	5	8	1	6	5	1	0	1	1	0	}
Alton	3	4	2	1	3	0	0	0	0	0	}
P'field	0	0	0	0	0	0	0	0	0	1	}
Odiham	6	11	8	6	6	1	0	0	0	0	}0
Fareham	14	6	9	6	5	1	0	5	}		
Gosport	18	11	6	4	9	5	1	1	}1	4	1
Havant	8	21	13	21	19	4	7	5	3	1	0
Portsmouth	43	38	21	33	18	15	11	7	8	13	3
Southampton	44	32	40	29	29	22	11	10	5	3	0
Hythe	1	3	4	3	1	1	1	1	}		
Lymington	11	2	1	1	1	1	1	2	}		
Ringwood	6	1	0	1	3	1	1	0	}		
Totton	9	1	2	3	0	2	0	1	}0	0	0
Eastleigh	11	9	6	7	9	3	3	4	1	2	3
Winchester	2	8	5	2	5	8	4	1	0	1	0
All Hants	185	157	122	124	117	65	41	38	19	25	7

Sources: Home Office statistics 1981-87, Juvenile Justice Service statistics 1988-91

Explanations for the Opposition to Reform

However, despite these figures, it was already clear in Hampshire that an assumption that the problem had been resolved would be inaccurate. The 1991 figures marked the

²¹ See Table 4 on page 18 of this dissertation.

peak of success but the year also marked the beginning of an organised campaign against the philosophy of juvenile justice by sections of the police and media nationally, which was also reflected in Hampshire. The debates about reoffending on bail (bail bandits), and persistent offenders, combined with opposition to the Criminal Justice Act 1991 amongst some vested interests within the criminal justice system began to have an effect on Hampshire trends in the same way as on the national picture. The reasons for this resurgence of punitive attitudes and policies, particularly in respect of juvenile offenders where there had been demonstrable achievements from a more progressive policy, have been variously ascribed to short-term political advantage combined with moral panics, the operation of vested interests opposed to reforms being introduced by the Criminal Justice Act 1991, and the search for scapegoats (young people as folk devils) to avoid explanations for failed social and economic policies.

In order to apply the lessons of successful juvenile justice schemes in the next decade, it may be useful to apply a deeper or longer term analysis of the reasons for this opposition to reform.²²

Juvenile Justice in the 1980's could be characterised as a decade of reform, unexpected unpredicted and patchy, but nevertheless reform. The decrease in numbers prosecuted and incarcerated would be the key demonstrations of successful general progress. However, as soon as that reform is transferred to the adult criminal justice systems, the reform is opposed; by the judiciary during consultation about the criminal justice bill, and the police, media and politics since. Could it be that reform, while it was marginal or unnoticed, escaped the usual reaction of the criminal justice establishment? But as soon as the principles behind juvenile justice reform were translated into the thinking behind the 1990 White Paper²³ and the subsequent Act, the reform became more visible and this visibility effectively guaranteed its demise. The civil servants of this era describe a conscious decision to transfer the example of juvenile justice reform to the adult system as part of the genesis of the 1988 and 1990 Green and White papers. They were intrigued by the new collaborations between juvenile justice practitioners, police and magistrates and the apparent comfortableness that the sentencers felt with reform and with sentencing restrictions imposed by the two previous Criminal Justice Acts.²⁴ While juvenile justice was making spectacular

²² see Cohen S (1985) Ch 1 for a detailed outline of the history of reform of the systems of punishment.

²³ D.Faulkner's account (unpublished conversation ACOP Conference Harrogate 25.2.1992) of 1987 meeting of then Home Secretary D. Hurd and senior civil servants to discuss first principles before launching criminal justice reform confirmed their interest in juvenile justice lessons.

²⁴ Speech and unpublished comments by J.Halliday DUS Home Office (21.6.1991) London Conference on Youth Courts organised by ACOP ADSS.

progress it was still a marginal activity to the whole of the criminal justice system; it took place in specialist courts with a minority of magistrates, was rarely seen in crown court, and used specialist police and other personnel. This transfer of ideas to the adult criminal justice system brings in the whole establishment, which presents a far more intractable set of processes.

This analysis would tend to confirm the view that local policy and practice rather than central or governmental policy is one of the key characteristics of successful schemes, and is an important lesson for the next decade, in conjunction with the Rutherford characteristics, the radical nature of practice and the structural requirements discussed earlier.

Table 8 identifies four separate and equally important features for a successful juvenile justice scheme. **Practice methods** are the central feature of most juvenile justice schemes. **Structure** has been discussed earlier and the importance of correct positioning within and between agencies has been noted. **Social Context** includes the preventative services that are required in order for systems management theories to operate effectively and **Culture** as described earlier contains the essential ingredients for continued radical practice. This framework avoids the usual analysis of successful schemes which focus entirely on practice. The philosophy associated with juvenile justice (systems management, minimum intervention and anti custody) is present in the practice column of the model, but practice solutions are not prescribed, as the cultural requirement of locally based, radical, and active practitioners needs to allow for the constant changing of tactics and challenging of theories and methods.²⁵

The challenge for the new youth justice practitioners is whether they can replicate the radical reforming practice of the 1980's in the new or possibly just the recycled opposition of the criminal justice and political systems of the 1990's. Hampshire's example shows that ideology, structure, context, and policy may be constant in successful schemes, but that the essential ingredient that needs reinventing each time is the practitioners' commitment to radical practice. Doing things differently and making a difference.

²⁵Matheison T. (1974) op.cit describes the concept of "The Unfinished".

FRAMEWORK FOR SUCCESSFUL JUVENILE JUSTICE SCHEMES

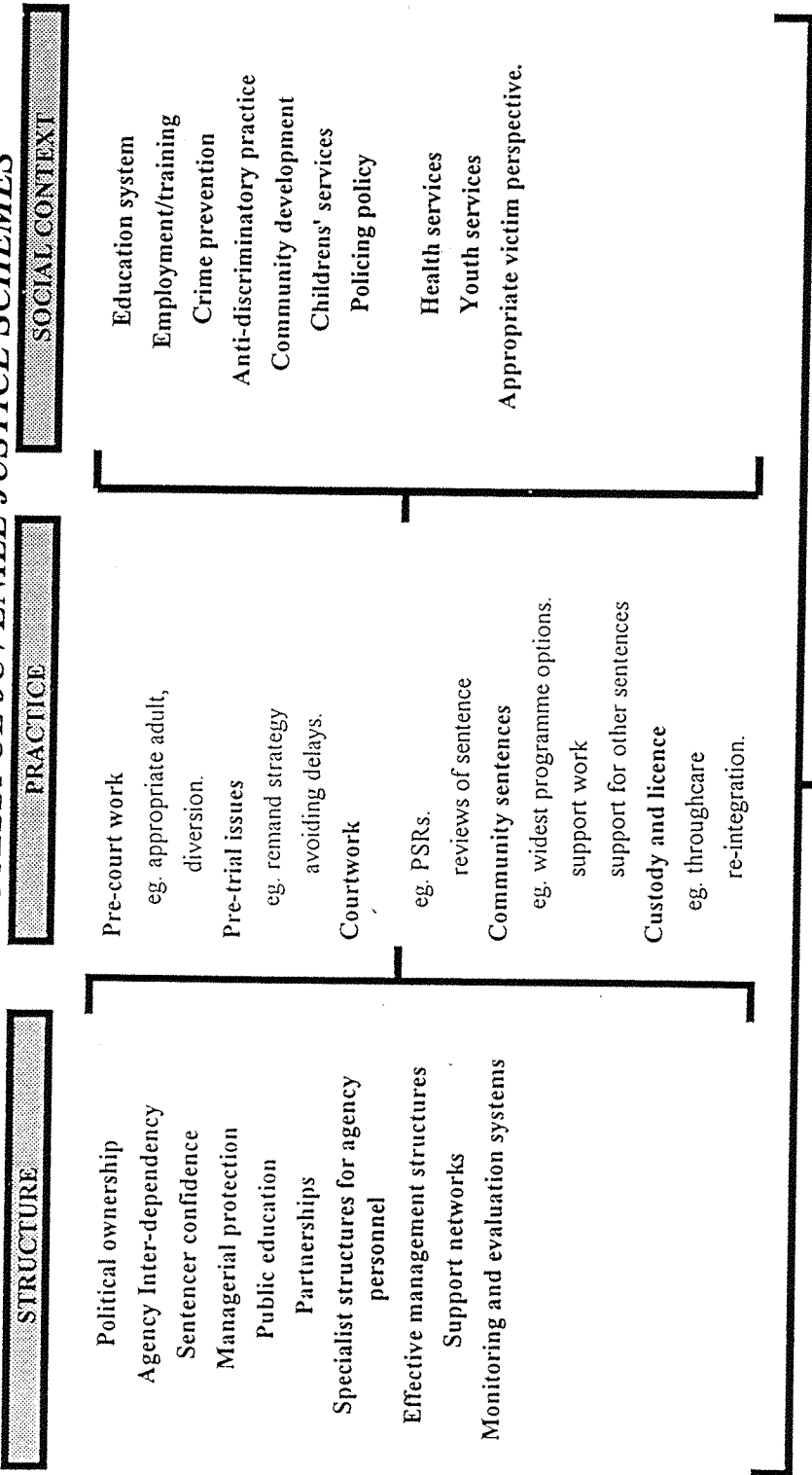


Table 8

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