

The Swansea Bureau: children first, offending second

Kevin Haines and Anthony Charles¹

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Introduction

The Swansea Bureau is an innovative youth crime prevention initiative which has been designed to divert young people out of the criminal justice system. Not merely a diversionary programme, the strands of the Bureau process extend to tackling underlying causes which may promote youth crime and mechanisms which seek to promote pro-social behaviour. Born of a partnership between Swansea Youth Offending Service, South Wales Police and supported by local agencies (South Wales Police / Swansea Youth Offending Service (YOS), 2009), the Bureau is designed to provide new, better ways of supporting young people who have offended, based on non-criminalising problem solving and targeted interventions. Predicated upon the importance of children's rights, the role of families in crime prevention and the constructive nature of long-term, non-stigmatising approaches, Swansea's Bureau represents an holistic, principled and pragmatic model for youth crime prevention and reduction. The initiative's first full year of operation (May 2009-April 2010) has yielded significant, positive results and these, together with the ethos, development and process of the Bureau are the main focus of this paper.

Situating the Bureau

Youth crime diversion schemes are hardly new inventions, e.g. the Northamptonshire Juvenile Liaison Bureau, (see Kemp et al., 2002) and the Triage system (London Criminal Justice Board, 2009, Cardiff BCU, 2010). Swansea's Bureau, recognising the potential impact of existing initiatives, sought to blend them, creating a new process which met specific local needs:

"... we pinched pieces from all over the place... we looked at some work which was done in Northamptonshire... We looked at the Scottish reporter system. We looked at some of the processes in Europe which are much more family orientated... we sort of melded all three of those elements to shape it into a system which we think suits the needs of young people in Wales."

(YOS Manager, 2010)

¹ Kevin Haines is Professor of Criminology and Youth Justice and Director of the Centre for Criminal Justice & Criminology, Swansea University (k.r.haines@swansea.ac.uk). Anthony Charles is Youth Justice Research Officer at the Centre for Criminal Justice & Criminology, Swansea University (a.d.charles@swansea.ac.uk).

Thus, emerging from reflections on practice developed at local and international levels, Swansea's Bureau is a composite, consisting of the 'best ideas' applied to tackle youth crime and its underlying causes.

Swansea's Bureau differs from existing models primarily because it is multi-strategic in nature. Traditionally, diversion initiatives have focused on the negative impact of a child's engagement in the criminal justice system, how Police discretion is utilised and the types of support services afforded young people and their families (see for e.g. Mott, 1983, Pratt, 1986, and Sanders, 1988). Whilst embracing such concerns, the Bureau goes further and provides something new. Eschewing approaches (both past and current) which emphasise swift decision making, administrative efficiency and more processual types of justice (c.f. London Criminal Justice Board, 2009), the Bureau limits state involvement, devolving power and responsibility back to young people, families and the community. The Bureau deliberately moves away from the prescriptive, one-size-fits-all approaches characteristic of much central Government policy. Instead, the Bureau breaks with orthodoxy, slowing down the justice system, amending processes and seeing the child and its family: not just young offenders.

From a policy perspective the intention appears, *prima facie* to accord with the stated aim of the YJB to reduce the level of first time offenders entering the criminal justice system (e.g. YJB, 2010). However, despite an apparent common intention, the implementation of policy by the YJB and the Swansea Bureau are very different. Central Government and the YJB has been to reduce numbers of first time entrants, but the method has favoured intrusive interventions, labelling young people as criminals whose offending behaviour needs to be addressed. Generally, Government and YJB policies have contributed to a hardening of attitudes towards children, net-widening measures (e.g. Anti-Social Behaviour Act, 2003) and the adoption of a centrally governed, managerialist youth justice system. Conversely, the Swansea Bureau seeks to reduce the level of first time entrants coming into the youth justice system by applying a child-rights, evidence-based, non-stigmatising approach. The Bureau's approach uses a different methodology which intentionally focuses on the child, their family and the deployment of bespoke services to promote pro-social behaviour. Promoting participation and deploying restorative processes, the Bureau seeks not just to decrease FTE levels, but also to ensure young people are equipped to avoid future involvement with the justice system. When the approaches of the Bureau and central Government are compared, it is perhaps ironic that, despite Governmental support for Every Child Matters (2004) and the United Nations Convention on the Rights of the Child (1989) rhetoric does not match reality (see UK Children's Commissioner's (2008)). The Bureau however is located very much within the aspirations of the UNCRC (1989), Every Child Matters (2004), Extending Entitlement (2000) and the All Wales Youth Offending Strategy (2004) (see also, Haines, 2010).

The direction in which central Government and the YJB have pushed the youth justice system have created the conditions which precipitated the development of the Bureau. In particular, three issues crystallise fault lines in

the juvenile justice system. Firstly, there is the problem of target conflict. Between agencies, there is from a policy perspective, confused messages with diametrically opposed targets being simultaneously proposed (e.g. Police sanction detection and bringing cases to justice targets are incompatible with Youth Justice Board general requirements for youth crime prevention and specific targets for reducing FTEs). Secondly, policy incoherence is evident in the area of youth justice (and children and young people policy generally) at a UK level (e.g. legislation such as the Children Act, 2004 has been enacted yet S. 34 of the Crime and Disorder Act 1998 abolished the presumption of *doli incapax*). Thirdly, the social justice agenda of Government has given way to distant, managerialist techniques which use risk based predictive tools and state power rather than community action to solve complex, localised problems (e.g. the Scaled Approach, (YJB, 2009)). Combined, these issues which help to illustrate the apparent confusion within central Government policy towards children have led not to a proportionate, prospective vision of youth justice, but one where the veil of liberalisation conceals a more punitive reality.

The Tale of the Dragon and the Osprey

Whilst central Government's attitude towards young people has hardened, the position of the Welsh Assembly Government and agencies in Swansea have proved very different. It is not an understatement to say that Welsh devolution has significantly impacted on youth justice - resulting, in the words of First Minister Rhodri Morgan "Clear red water" (Morgan, 2002) expanding between the Administrations in London and Cardiff. Even though both Government of Wales Acts (1998, 2006) designate criminal justice a 'reserved matter' to the London Government (Government of Wales Act, 1998, 2006, but, see National Assembly for Wales, 2010) the Welsh Assembly Government (WAG) has had a key role to play. Drakeford (2010) notes that whilst the WAG does not formally possess the power to make decisions about the youth justice system it nevertheless controls the majority of services which constitute that system (e.g. education, social services, health services). As a result of the Crime and Disorder Act (1998) Youth Offending Services/Teams are the primary, multi-agency partnerships which, in concert with the Courts, Probation and Local Authorities are the youth justice system. Of those agencies which constitute youth justice, almost all, or their components ultimately answer to WAG and are therefore obliged to honour Welsh policy positions. WAG therefore has a powerful role to play in Welsh youth justice.

WAG's strategy for children and young people, *Extending Entitlement* (2000) has facilitated a shift in thinking away from traditional, punitive discourses concerning youth justice. Instead, reflecting the effects of 'Dragonisation' (Edwards and Hughes, 2009) a different emphasis has been effected:

"Thus the distinctive ideological approach in Wales eschews notions of risk, responsibility or containment and is based on a commitment to a rights-based approach..."

(Haines, 2010)

The distinct approach facilitated in Wales is woven through policy statements such as the Seven Core Aims (WAG, 2004) and the Children and Families (Wales) Measure (2010). Operationalising a concept of universal, inalienable entitlements (Extending Entitlement, 2000), WAG holds to a vision of young people that is more sophisticated than the risk-based, hard-end interventionist stance adopted in England. Rather than criminalising a young person and denying them and their families key support services, WAG insists that children remain children with entitlements even though they might be an offender. Simultaneously, WAG perceives there to be a critical need to protect and support young people, whilst still engaging them in appropriate activities to prevent future re-offending and build positive, constructive lives. This perspective is mirrored through the All Wales Youth Offending Strategy (2004):

“... there is no contradiction between protecting the welfare of young people in trouble and the prevention of offending and re-offending ... young people should be treated as children first and offenders second...”

(All Wales Youth Offending Strategy, 2004)

Articulated via its policy and legislative processes, WAG has consistently promoted approaches to young offenders that recognise their entitlements to participate in decision making, access to a broad range of services and to lead fulfilling lives. Partnership working between central Government and the YJB, most obviously through the Youth Justice Committee for Wales, has provided a platform to make a difference to Welsh youth justice policy: albeit one which is rooted not in law, but one which has been achieved through persuasion and the application of a coherent, child-focused philosophy.

WAG is not alone in reaching the conclusion that children need a better deal from the youth justice system. Pre-dating, but mirroring the rapid adoption of child-rights focused policies are agencies and the Local Authority in Swansea. Historically, an emancipatory approach to children and young people has been mainstreamed in Swansea, becoming evident in the mid-1990's and manifesting in key areas of service delivery. For more than fifteen years the Local Authority, Youth Justice Team (subsequently the YOS), Police and other partners have collaborated to tackle issues negatively affecting children and leading to offending behaviour. Prominent examples of work undertaken include those aimed at improving educational attainment (e.g. Promoting Positive Behaviour, (Haines and Case, 2003)), reducing substance use (e.g. Helping Young People through Peer Education, (Haines and Charles, 2008)); and evolving programmes to promote participation and community engagement (e.g. Promoting Prevention, (Case, 2004), Swansea Youth Action Network, (SYAN, 2010). In each of these cases a positive, pro-social, and children-first philosophy has been adopted, recognising children's rights and the vital importance of non-criminal interventions:

“Yes, we have to take note of what the Government [UK] wants us to do. But, at the same time, we have got to remember why we are here. Our primary role is to prevent

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

(YOS Manager, 2010)

This broad approach has wide strategic, inter-agency and operational support. In the words of a Police Officer:

"... we are not just looking at the offence and thinking what is most appropriate, a remand or a final warning, but actually looking at what is appropriate in terms of the needs of the youngster... so that they don't come back into the system again."

(Senior Police Officer, 2010)

Programmes developed in Swansea have been characterised by their multi-agency nature, often challenging existing working practices and structures, e.g. Police Officers working directly with youth workers, close inter-agency working with schools. It is certainly the case in Swansea that traditional barriers between agencies have not prevented effective inter-agency co-operation and endorsement of a common philosophy and strategy.

Building a better future for young people in Swansea

Swansea's Bureau was developed primarily through a partnership between the Swansea YOS and Police. The main aim behind the Bureau was to create a multi-agency process to divert young people away from entering the youth justice system. This process engages key stakeholders (children, parents, victims and other agencies) and, utilising intelligence-led assessments, provides appropriate non-criminalising services designed to reduce re-offending and promote pro-social behaviour. To achieve the Bureau's main aim, three objectives were identified by the Swansea BCU Commander and YOS Manager.

Firstly, changes were required to the existing Police bail system to prevent minor offenders being brought into the criminal justice system. Secondly, intensive targeting of the underlying causes of crime should occur, operationalised through comprehensive assessments on every child engaged within the Bureau process. Thirdly, in consultation with children, families and victims, the Bureau should offer an holistic range of services to promote positive, pro-social behaviour. The aspirations for the Bureau were intentionally ambitious:

"It was intended to do a lot of things but mainly to change the way that we work with young people at the lower end of offending. We needed not to criminalise those young people and instead work with them to stop them getting into harder end offending, and the only way that could happen is if we

worked with our partners and the young people... If we fail the young people at that end we are storing up problems for the future.”

(Senior Police Officer, 2010)

The Swansea Bureau

The structure of the Swansea Bureau is intentionally simple; comprising two distinct, but interrelated stages. The first stage comprises comprehensive assessment and decision making processes. In its second stage, the Bureau offers bespoke services to address the consequences of offending and to promote positive behaviour. Both stages are described below.

Stage 1: Comprehensive assessment and decision making

The first stage of the Bureau’s process begins at the arrest of a young person. Upon being brought to a custody suite, a Custody Officer will assess a child to establish whether they meet core criteria to enter the Bureau process. The core criteria are: a) the young person admits that they have committed an offence; b) the offence perpetrated has a gravity score of 1-3²; and c) the child is a first time offender. Should the criteria be met a Custody Sergeant will bail the young person to appear before the Swansea Bureau. The bail period will be between 14-21 days. Young people must answer their bail at the Swansea YOS’ headquarters which between 4pm and 7pm each Tuesday becomes a designated Police Station (see Police and Criminal Evidence Act, 1984). After a bail decision has been made a Custody Officer will post an F11³ into the NICHE⁴ record management system. Notification of a child’s bail is made available to the Bureau Co-ordinator, a Police Officer based at the YOS. Electronically, F11’s are accessed by the Bureau Co-ordinator (the Co-ordinator) triggering a dual assessment process: one for the young person; another for any identified victim.

The assessment of young people

Specifically in relation to children, a comprehensive assessment process is initiated by the Co-ordinator who requests information about the young person from a broad range of agencies. Principally, intelligence⁵ is requested from the Police, YOS, Social Services, Anti-Social Behaviour Youth Team, Schools and the Local Education Authority. The intelligence is collated by the Co-ordinator and passed to an Officer within the YOS’ Pre-Court Team, who will arrange to meet with the young person to carry out an assessment. The assessment undertaken by the Pre-Court Officer is designed to undertake

² Offences committed are allocated a gravity score which ranges from 1 (low gravity) to 4 (high gravity) based on offence seriousness. Assessment of offence seriousness and the consequent allocation of a gravity score are undertaken by agencies such as the Police with reference to standardised instruments, e.g. ACPO (2009).

³ F11’s are the official Police documents that record arrests, offences and bail decisions.

⁴ NICHE is the South Wales Police Force official computer system build upon and unifying existing databases such as the Police National Computer.

⁵ Intelligence requested from agencies derive from a variety of data, both formal and informal, e.g. education records relating to behaviour and attainments, or community-based information such as that held by the YOS’ anti-social behaviour youth team.

three critical tasks. Firstly, to explore the circumstances of the offence. Secondly, to discern any underlying problems being experienced by the young person such as family or School issues. Thirdly, by applying a reflexive, participatory approach, the young person is provided the opportunity to consider their behaviour and to offer their views about what can be done to repair harms caused by their actions and what actions are needed (by the young person themselves, their family or others) to promote positive, pro-social behaviour. Combining the views obtained through youth engagement and inter-agency intelligence, the Pre-Court Officer produces a report for a formal Bureau meeting, which includes a formal recommendation for future action. The report offered by the Pre-Court Officer contains a narrative assessment, focusing on key themes within a young person's life, e.g. education and family life, and also a mini-ASSET. Recommendations articulated within the Pre-Court Officer's report address two key issues. Firstly, a recommendation is made about whether a young person should receive a formal sanction or a non-criminal disposal. Secondly, drawing upon their assessment (which includes the views of the child) a recommendation is made focusing on whether services should be offered to support the young person. If a recommendation is made supporting the provision of services, the type, duration and content of these are specified in the report.

Assessing the needs of victims

In addition to assessment of children, an analysis of victims' needs is undertaken. Following receipt of an F11 by the Co-ordinator, Officers from the YOS' Victim Support Team contact any identified victim. Echoing young people's assessments, Victim Support Officers seek the views of victims about the impact of a crime on them and what they think should happen to resolve harms committed. Opinions expressed by victims are shared with the Pre-Court Officer and young person, thus informing the child's assessment and recommendations made in the Bureau report. Victims are offered a range of flexible engagement options including a home visit, telephone call or correspondence: all of which are intended to encourage participation in a fashion suitable for them, "I think that it plays a huge part... the victim has a say in the process..." (Co-ordinator, 2010).

Decision making: Panel and Clinic

The Bureau Panel is a multi-agency pre-court decision making forum which consists of the Co-ordinator, a Police Sergeant and a community representative⁶. At a Bureau Panel, the Pre-Court Officer's report is discussed with an interim decision being made - which is then subject to consultation with the child. Interim decisions draw upon recommendations in the assessment and may be: a Police reprimand; a final warning; prosecution at Court; or a non-criminal disposal. Additionally, depending on what needs or issues a young person presents, the Bureau Panel may consider it appropriate that a tailor-made package of services is offered to prevent further offending and promote positive behaviour. The Bureau Panel is a closed meeting which is not attended by children, their parents/carers or victims.

⁶ The community representative is a lay volunteer who, having participated in Referral Order Panels, receives specialist training to engage with the Bureau process.

The final part of the assessment and decision making stage of the Bureau takes the form of a Clinic. The Bureau Clinic, which is held on the same day as a Panel, consists of the Co-ordinator, a Police Sergeant, the young person and, should they wish, their parents/carers. Through the Bureau Clinic, the history and consequence of the child's actions are discussed and a decision is mooted. Participatory in nature, the young person is expressly provided the opportunity to contribute to the decision of the Bureau Clinic, including challenging Bureau recommendations and offering alternative views about their behaviour, as well as other proposed courses of action. Additionally, parents/carers may offer opinions on the course of action being considered by the Bureau Clinic. Following discussion a final decision is made at the Bureau Clinic, having due regard to the views expressed by Officers, children, parents/carers and via the assessment, victims. If the final decision of the Bureau Clinic is one of a Police reprimand or final warning, arrangements are immediately made for the administration of these. Should the Clinic determine that a non-criminal disposal is most appropriate, this will be activated immediately. Potentially combined with these decisions is an offer of tailor-made services for a young person (see Stage 2 below). The Bureau Clinic may also determine that a child should be prosecuted.

Stage 2: Offering bespoke services

The second stage of the Bureau process focuses on the provision of bespoke services. Services provided through the Bureau are intrinsically linked to the assessment and decisions which are made at Stage 1 and, where offered, constitute part of a sequential process. Echoing the approach adopted within the assessment process, services are provided to young people and the victims of crime. In both cases, stakeholders (children and victims) offer views about what they feel would be appropriate for them. The commissioning and delivery of services is managed by the Co-ordinator who engages with local agencies to match programmes (including amending existing provision) to meet stakeholder needs. Services offered through the Bureau are distilled from intelligence presented in the Bureau assessment and consultation with young people, victims and Officers. Accordingly, since individuals have diverse needs, a broad range of parties may become involved in this stage of the Bureau process.

Services for young people

As a result of the Bureau process, services may be offered to children to address offending behaviour, repair harm caused, to help deal with problems faced by the young person and to promote positive, pro-social behaviour. Consequently, services may focus on a broad spectrum of themes including education, family life, recreational opportunities or emotional problems:

“... by thorough assessment we have put together packages for that young person... that can range from doing nothing with them because they don't need it, to identifying a wealth of issues and getting other people involved...”

(Co-ordinator, 2010)

The Bureau process is not a backdoor route into heavy end, criminalising, offence or offender focused services or treatment. In many circumstances services are relatively informal and integrated with existing programmes such as youth clubs, specific-interest activities and community based projects. Fundamentally, services are intentionally not perceived as sanctions or punishments – either in their delivery or receipt - rather they are instruments of reintegration, regeneration and restoration: designed to be constructive, positive and promoting pro-social engagement and behaviour. The Bureau process was designed intentionally to see each case of youth offending as unique; therefore services offered reflect the individual needs of children. A senior Police Officer described the service element of the Bureau as being:

“... about getting the youngster the right interventions at the right time. This is not just looking at the symptom of the offence but the underlying causes”

(Senior Police Officer, 2010)

The young person-focused nature of Bureau services has required the generation of a comprehensive recipe of options which can be accessed by a child. Hence, services made available through the Bureau can vary significantly in length, ranging from a single meeting to longer-term engagement. Also, the depth and intensity of the service may change, e.g. a young person may agree to take part in longer-term peer mentoring programmes or get involved in more generic, community-based recreational activities. Combined with opportunities for personal growth and conflict resolution, services are also vehicles for restorative actions and may link with requests made by victims during the assessment period e.g. providing a vehicle through which a child can make an apology: in writing or in person. Additionally and importantly, in line with Extending Entitlement (2000), children are not merely ‘responsibilised’ (see Goldson 2002) for their actions, thus the responsibilities of others (e.g. adults, service providers, schools etc) to provide child-friendly and appropriate services is explicitly recognised and acted upon. Operationally, services are delivered in a multi-agency context, being provided by partner organisations, e.g. the Community Justice Intervention Wales team for Swansea offers the Duke of Edinburgh Award, welcoming young people from the Bureau into its activities. Certainly, staff engaged in the Bureau process recognise that the provision of services is an important component in its operation:

“... I think it works because of the interventions... That’s why the re-offending rates are down because we are talking to the kids... and you are giving them focus in life.”

(Police Sergeant, 2010)

Although the assessment and decision making stage of the Bureau links to the statutory Police bail process, the services component is characterised by its voluntary nature. Children must agree to engage with services: no power of compulsion exists. If young people feel uncomfortable or unhappy with the services they are provided, they can raise concerns with the Co-ordinator. In such circumstances a joint decision making exercise will ensue between the

child and the Co-ordinator to change or revise the services offered through the Bureau process.

Services for victims

Victims of crime are eligible to receive services through the Bureau and are encouraged to engage with such opportunities. Mirroring the approach adopted with children, victims are asked by Victim Support Officers to identify those activities or support services which would help them come to terms with harms caused. Critically, the work of the Victim Support Officers is to deploy restorative practice to enable victims to have a voice because:

“If you go down the criminal justice system, and go to court, the victim hardly ever gets in the box and explains what has happened... restorative practice gives them a voice...”

(Victim Support Officer, 2010)

Reflecting the broad, restorative principles which underpin the Bureau, the intention of the process is not to promote a punitive regime, but rather to resolve harms caused by youth offending. An element of the Victim Support Officers work is also to promote greater understanding of what a young person has done and to help explain the circumstances of a crime because:

“They are dehumanised... On the whole, they [children] have acted in an act of stupidity or tomfoolery. But they [victims] see they are humans and they understand...”

(Victim Support Officer, 2010)

Victim Support Officers work with victims throughout the course of the Bureau process to discern services which may be of use to them. Moving away from more administrative decision-making based input, e.g. by including victims views in the Bureau assessment, Victim Support Officers seek to offer practical support designed to repair the damage caused by youth crime. Accordingly, services offered through the Bureau include: counselling, working with agencies to effect change (e.g. conflict resolution between neighbours) and specialist crime-specific support. Mirroring the work of the Co-ordinator, Victim Support Workers act as facilitators of services, engaging with local agencies, partnerships and networks. The services offered to victims may last longer than those made available to children in recognition of and response to the needs of the individual.

The Bureau in practice: is it making a difference?

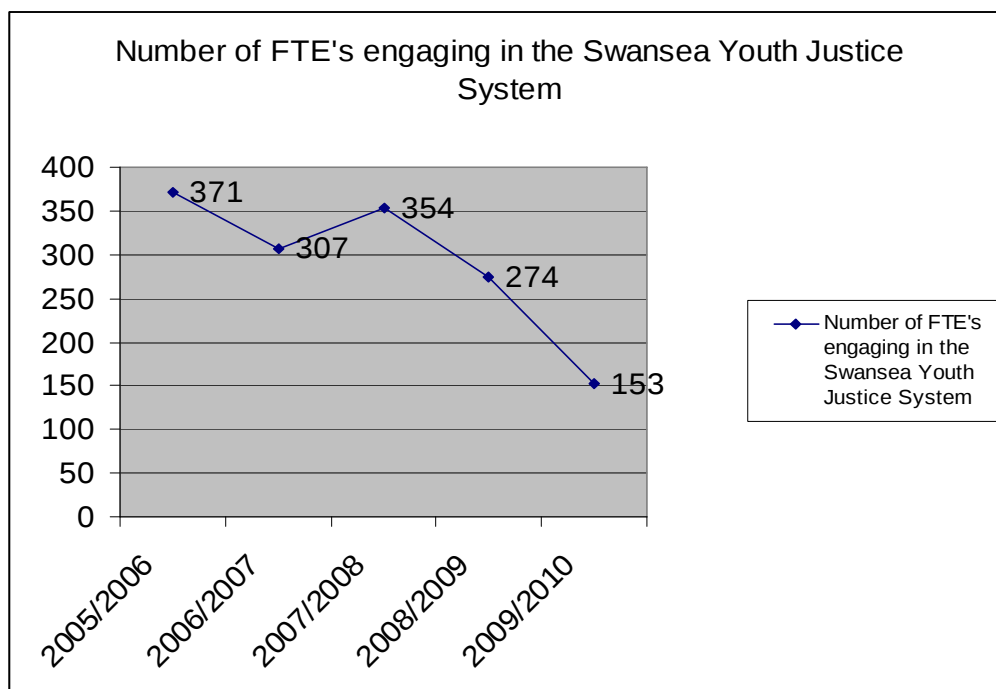
Two key outcome measures are identified to evaluate the impact of the Bureau. Firstly, the diversionary effects of the Bureau. Secondly, the impact of the Bureau on re-offending. Three statistical measures are used to draw comparison between pre- and post-Bureau processes. Firstly, drawing upon data between 2005 and 2010, the number and percentage of first time entrants (FTE's) is compared to illustrate FTE levels pre- and post-Bureau. Secondly, a comparison is made between pre-court, sentencing and re-

offending⁷ data recorded between 1st May 2008-31st April 2009 and 1st May 2009-31st April 2010⁸. Thirdly, a pre- and post-Bureau comparison of decision-making in respect of those young people who re-offended following pre-court determinations.

First Time Entrants to the Swansea Youth Justice System

A core objective that has driven the development of the Swansea Bureau was to decrease the number of FTE's into the youth justice system. Derived from the evidence (McAra and McVie, 2010) that formal intervention is iatrogenic and that it is better to keep children out of the justice system unless absolutely necessary, numbers of FTE's gain prominence when measuring the impact of the Bureau. Since its inception in 2000, Swansea YOS has recorded an almost consistent drop in FTE's. Because of this, data concerning numbers of FTE's from 2005 to 2010 has been extrapolated to provide context and a longer-term perspective of the Bureau's impact (see Figure 1).

Figure 1: Number of FTE's engaging with the Swansea Youth Justice System



The data from 2005 to 2010 indicates that although generally, and particularly since 2007, a fall in the number of FTE's has been occurring, the rate of decrease between 2008/2009 and 2009/2010, following introduction of the Bureau, has accelerated considerably. In 2008/2009, 274 young people were FTE's. A year later, post introduction of the Bureau, that number was 153 (a fall of 121 young people) representing a decrease of (44%). This compares

⁷ Due to potential double counting of Detention and Training Order license breaches as re-offending, these data have been excluded from the comparison exercise. It should be noted that the impact of this is minimal, relating to 6 breaches/re-offences in 2008/2009 and 3 in 2009/2010.

⁸ A May-April calendar year has been developed to take account of the fact that the Bureau began to operate in May 2009.

with a decrease in FTE numbers from 354 to 274 (80 children), a fall of 23%, between 2007/2008 and 2008/2009. Thus, following implementation of the Bureau the rate of decrease in the number of FTE's increased.

Corresponding with a sharp fall in FTE numbers since the Bureau became operational, the percentage of FTE's as a proportion of all offenders (FTE's compared to re-offenders) also decreased (see Table 1) from 60% in 2008/2009 to 51% in 2009/2010. This data indicates that between 2008/2009 and 2009/2010, the fall in the numbers of FTE's was independent of the falling number of young offenders – representing a real additional decline.

Table 1: The number of FTE's, total number of offenders (FTE's and re-offenders) and FTE's as a percentage of total offenders 2005-2010

Year	Number of FTE's	Total Number of Offenders (FTE's and re-offenders)	FTE's as a % of total offenders
2005/2006	371	593	63%
2006/2007	307	524	59%
2007/2008	354	533	66%
2008/2009	274	457	60%
2009/2010	153	297	51%

The shift in recorded numbers of FTE's helps to draw out a key impact of the Bureau. Data clearly indicates that following its implementation, the Bureau is effectively diverting children out of the formal criminal justice system.

Re-offending by those who have engaged in the Bureau process

To understand shifts in decision making and their impact on re-offending a comparison of data at two levels is useful. Firstly, a more general, global picture can be generated by focusing on the number and percentage of decisions at pre-court, prosecution and re-offending stages within the youth justice system: drawing upon data recorded between 1st May-31st April 2008/2009 and 1st May-31st April 2009/2010 (see Figures 2 and 3).

Comparison between decision making during 2008/2009 and 2009/2010 highlights a critical change which has been driven by the Bureau. The proportion of all decisions made at pre-court stage increased in 2009/2010 to 58% compared with 46% in 2008/2009. Further, the distribution of decision type also changed between 2008/2009 and 2009/2010. Most prominently the proportion of determinations accounted for by reprimands (60%) and final warnings (35%) in 2008/2009 fell in 2009/2010 to 33% and 20% respectively - forming a trend of movement away from formal interventions. Additionally, the proportion of decisions which were informal rose substantially from 1% in 2008/2009 to 43% of all determinations in 2009/2010. This critical difference suggests that following the introduction of the Bureau the types of decisions

made, particularly at pre-court stage have changed substantially, moving from formal sanctions to informal action⁹.

Figure 2: The number and percentage of decisions made in the Swansea Youth Justice system 2008/2009

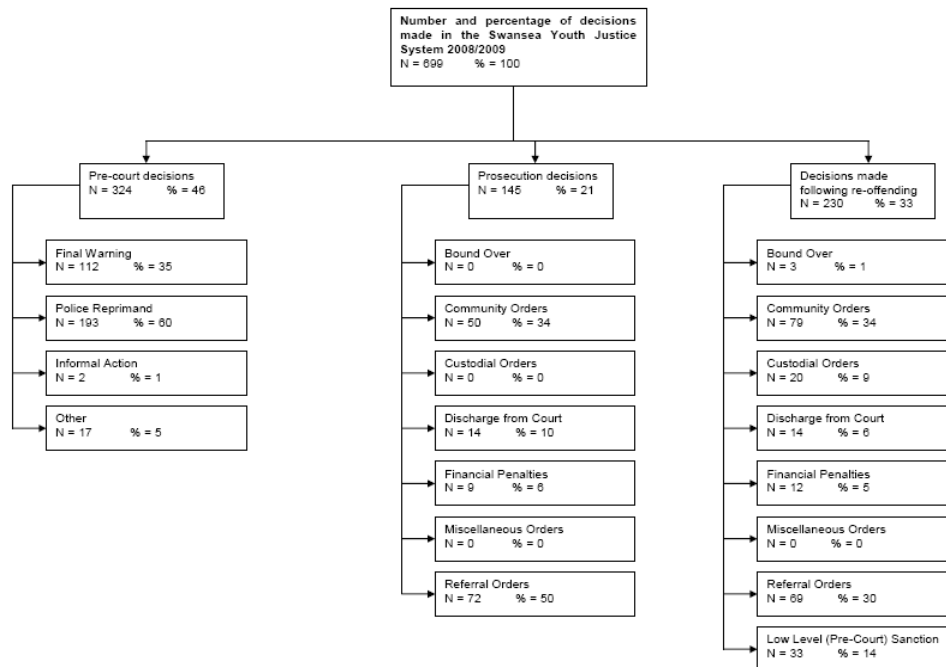
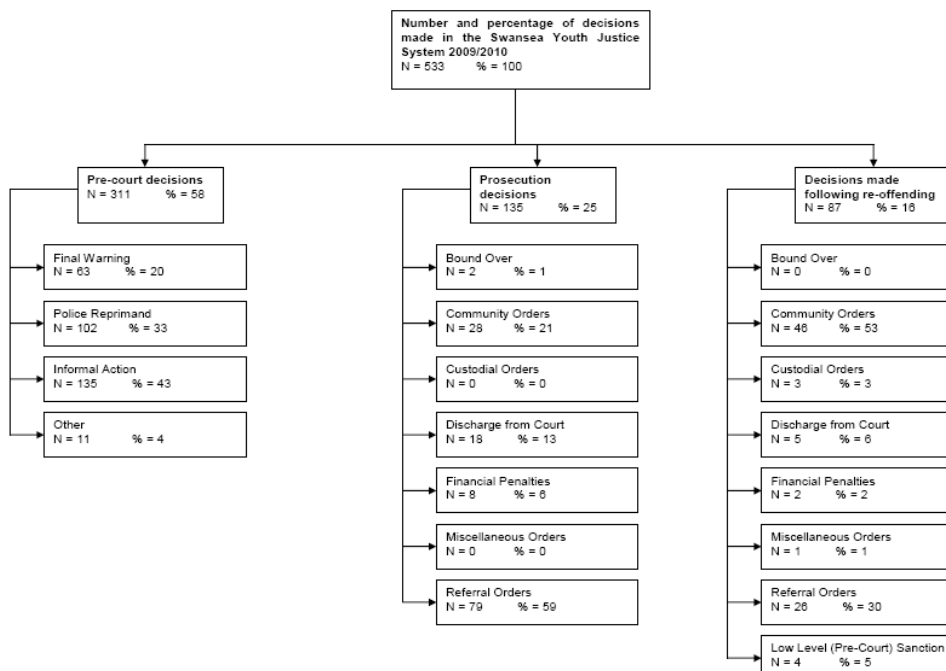


Figure 3: The number and percentage of decisions made in the Swansea Youth Justice System 2009/2010



Secondly, decreases in re-offending evidenced between 2008/2009 and 2009/2010 reveal the more sophisticated impact which the deployment of

⁹ Even though the Bureau process formally introduced non-criminal disposals, for the purpose of comparison the term 'informal action' is used to accord with current recording practices.

informal decision making via the Bureau is having on young people. To help illustrate the impact of changes in decision making, Figures 4 and 5 are presented below. In these figures are highlighted re-offending numbers and percentages during 2008/2009 and 2009/2010 following engagement with pre-court decision making processes and determinations post-reoffending.

Figure 4: The number and percentage of decision made following offending post pre-court engagement in the Swansea Youth Justice System 2008/2009

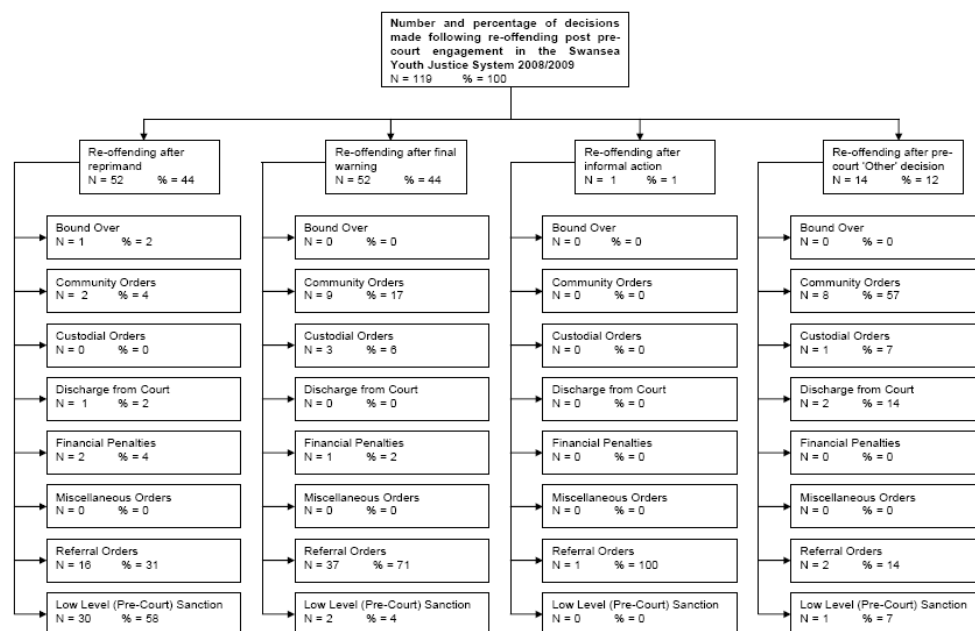
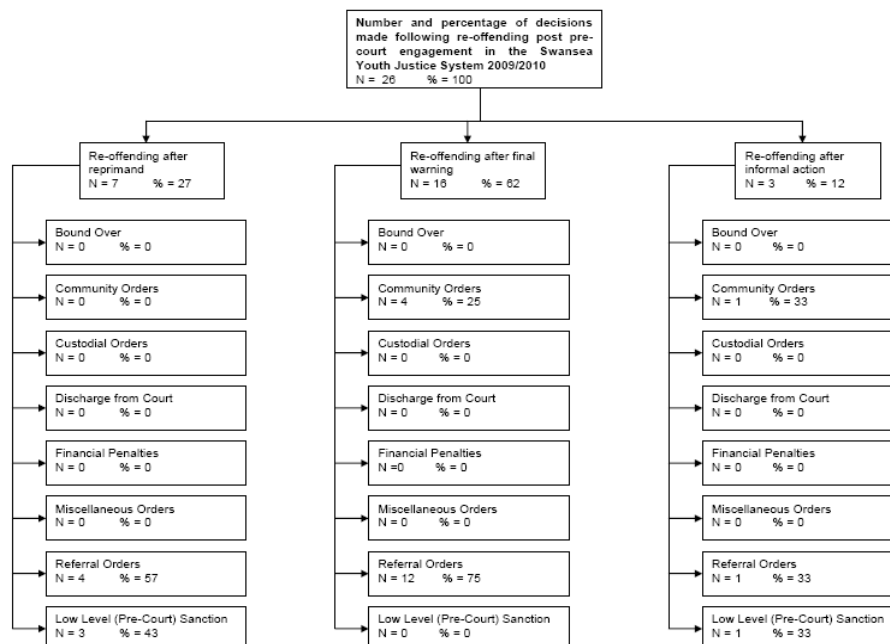


Figure 5: The number and percentage of decision made following offending post pre-court engagement in the Swansea Youth Justice System 2009/2010



At pre-court stage, the data suggests that the Bureau has demonstrated two impacts. Firstly, a substantial decrease in offending post-engagement with the Bureau has been achieved. In 2008/2009, 119 young people offended after receiving a pre-court disposal: this had fallen by 78% (to 26 children) in 2009/2010. Secondly, following the general trend shift in decision making towards informal actions, re-offending data suggests that a use of non-criminal disposals has lowered the incidence of re-engagement in the youth justice system. During 2008/2009 when non-criminal disposals did not exist, re-offending following reprimands and final warnings was 44% (52 out of 119 young people were recorded for another offence). The movement in decision making to informal action in 2009/2010 resulted in 135 being offered non-criminal disposals. Re-offending data shows that of those 135, 3 young people were reported for further offences: accounting for 2% of those who were given an informal action. Thus the Bureau and associated processes are having a dramatic effect in reducing re-offending.

Although this re-offending data is preliminary, as the period of opportunity to re-offend is truncated, these results are indicative of a process which has achieved re-offending rates lower than those for any other known intervention.

Scratching behind the surface: the reasons for the Bureau's success

The official statistics clearly show that the Bureau process is making a difference to young people, the youth justice system and youth crime in Swansea. To greater contextualise and understand the impact of the Bureau, it is appropriate to reflect on the views of managers and those staff who engineered and operationalised the process. Three key thematic issues are discerned which help to explain how the Bureau is changing the way that youth justice operates in Swansea.

The adoption of rights-based, participatory approach to youth justice

One of the distinguishing features of the Bureau process has been its clear location within a child-rights agenda that emphasises the critical importance of participation and youth engagement. Strategically (e.g. South Wales Police / Swansea YOS, 2009) and operationally (e.g. Swansea YOS, 2010) the intention of the Bureau to acknowledge and promote a child-rights approach has been embedded and translated into practice, i.e. most clearly through the assessment process and the engagement of the child in decision/action-making processes. Although frequently, when children's rights are referred to in the criminal justice system, allusion is made to procedural safeguards or broad, diluted minimum standards (e.g. YJB, 2010), the Bureau has adopted a more comprehensive vision.

Existing youth justice processes do not provide distinct opportunities for children to explore and express their views about decisions that are to be made concerning them. This creates a gulf between what adult decision makers believe to be best for children, including what key issues are challenging young people. Effectively, because of its highly formalised

constitution the youth justice system denies young people fundamental rights. This is in stark contrast to the UNCRC (1989):

“... 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”

(Article 12 (2), UNCRC, 1989)

Seeking to exceed a minimalist approach to children's rights, the intention behind the Bureau is that young people are:

“... part of the solution, not a part of the problem... Its time that people realised that young people can be constructive. If a young person accepts what they have done and decides to change that is so powerful...”

(YOS Officer, 2010)

In this context, the Bureau can be seen as the summit of an incremental process that has been developed over a period of fifteen years. Combining and rearticulating core policies which have been driven by clear philosophies, e.g. the Swansea Children and Young People's Charter (1999), the Bureau juxtaposes beliefs in children's rights with the functioning of the youth justice system. This juxtaposition encourages a mutually reinforcing decision making process, giving it clarity, focus, and context. In essence, children's participation strengthens the justice system augmenting its ability to meet the goal which it was designed to achieve, i.e. the long-term prevention of youth crime (S. 37 (1), Crime and Disorder Act, 1998).

Hence, a positive, child-rights and young person-focused methodology has been enshrined within the Bureau process. Distinctively, children are offered multiple opportunities to have their say about decisions made about them, how they think their behaviour should be dealt with and also to offer reflections on the impact of their actions on others. In reality, the Bureau's participative process operates as a sophisticated, multi-focused response to youth crime because it transfers a greater degree of responsibility for offending and the resolution of such behaviour to young people. Particularly during the assessment and decision making stage of the Bureau process children are challenged to reflect on their behaviour, develop responses to it and to consider the implications (and possible resolution) to the offences they have committed. Solutions are jointly developed by youth justice system staff and children following consultation and are not merely imposed.

The power of the participatory processes are usefully contextualised through the views of the Co-ordinator,

“Our Bureau gives kids the chance to get their view across... I got asked about this at a conference recently. I was quite

proud to say that not only can we say, 'Over to you' during the assessment: which allows them to say what decision the Bureau should make... kids have a second chance to voice their opinions at the Bureau Clinic. If they think we haven't taken account of something they can tell us. They can also say if they think we are wrong. I think sometimes they are shocked that we listen to them. But, their views are so important. After all, the Bureau is about them and their lives."

(Co-ordinator, 2010)

Parental engagement: resurrecting the power of the family

A second unique feature of the Swansea Bureau is its deliberate intention to re-establish and fully recognise the role of families, particularly parents/carers, in tackling problem behaviour, resolving offending and promoting positive behaviour. Eschewing a policy focus which has supported the punishment of parents/carers for non-adherence to the expectations of Government (c.f. Goldson and Jamieson, 2002), it is the stated intention of the Bureau to acknowledge the importance of families. Embedded within the Bureau process is an express belief that families have an important, indeed central role, in bringing up their children and dealing with the problems they face - including offending behaviour.

Parental involvement in the Bureau takes two differing but equally important forms. Firstly, engagement which occurs primarily at assessment and decision making stages, especially during the Bureau Clinic. At the Clinic, parents/carers are able to attend with their children, speak during the meeting and engage informally with staff. This seemingly innocuous opportunity to get involved has proved immensely popular with parents/carers and attendance at the Bureau Clinic has been high: in only two cases did parents not attend and these related to Looked After Children.

Secondly, the real power of parental engagement in the Bureau's structural processes is found in the emotional, experiential impact which parents/carers have on children. Universally, staff have noted that parents/carers have been supportive of children and expressed concerns that appropriate services and outcomes are agreed for the young people they care for. Even in those cases where a parent/carer has previously offended themselves, anxiety that their child may be drawn into the criminal justice system has been evidenced:

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

(Police Sergeant, 2010)

In addition to attending meetings, a second, arguably more powerful effect has been evoked through the Bureau that impacts on the role of parents/carers. Increasingly, staff have witnessed the consequential impact of the elongation of the bail process, coining the term the "golden fortnight" (YOS Officer, 2010). Intentionally, the Bureau has slowed down the Police bail

process, ostensibly to allow time for assessment and arrangement of decision making meetings. The prolonging of the bail period has also permitted parents/carers space to re-assert their authority at home. Being formally informed of their child's behaviour and having between 14-21 days before bail has to be answered, parents/carers have, in a concerted way begun to informally resolve offending behaviour. The Co-ordinator for instance noted that:

“... the majority of parents who come to the Bureau will say, ‘I am glad we have had this two week period. He has been grounded, sanctions have been put in place: his laptop has been taken off him, no pocket money’... so, I think they do take on that role.”

(Co-ordinator, 2010)

The impact which parental decision making appears to be having has been conveyed to Bureau staff by young people. A striking example of how children have responded to action by their parents/carers to address their behaviour was reported thus:

“One of the boys who was involved in the Bureau told me that he thought it was a hard option... I asked him why and he replied that, “The Bureau is a cruel and unusual form of punishment... it meant I have to spend time with my parents!”. When I thought about it, yes, I suppose he's right, he has to cope with his parents and the Bureau. That's the last thing a teenager wants. So much for the Bureau being soft!”

(YOS Manager, 2010)

A philosophical question arises in relation to the intention of the Bureau to engage parents/carers within the youth justice system. Contrasting with previous policy and legislative approaches which have sought to increase state power, extending interference into parenting approaches and family life, e.g. Parenting Orders established under the Crime and Disorder Act (1998), the Bureau's philosophy is different. Mirroring the philosophy adopted about children, parents/carers are considered to be critical components of youth justice. The principles underpinning the Bureau recognise parents/carers to be important, constructive actors who form an integral facet of the informal action element of the justice process. Rather than criticising parents/carers for failing to control their child, the Bureau acknowledges that they may be best placed to influence and remedy offending behaviour and to put their child 'back on track'. Additionally, support for parents/carers who are finding it difficult to cope with their child can be mobilised, retaining familial relationships and reinforcing these to achieve long term positive behavioural change.

Tackling crime through appropriate, informal actions

The third key feature of the Bureau which is contributing to its successful implementation rests in its utilisation of appropriate, informal actions to tackle

youth crime and promote positive behaviour. Instead of operationalising a punitive, sanctions based approach to the offending behaviour of children, the Bureau differs substantially from the policy favoured by central Government. The vision from which the Bureau emerged was one wherein safeguards were built into the process to block young people entering the formal youth justice system unless absolutely necessary. Thus, the Bureau intended to shield children from the stigmatising effects of criminalisation and the corrosive effects which labelling and cross-pollination with other, harder end offenders could engender. In particular, the Bureau process is designed to minimise the iatrogenic nature of the formal youth justice system meaningfully described by McAra and McVie (2010):

“This has resulted in a group of youngsters, who might readily be called the usual suspects, who become sucked into a repeat cycle of contact with the system and for whom such contact has damaging consequences in terms of inhibiting desistance from offending and in terms of youth to adult criminal justice transitions...”

(McAra and McVie, 2010)

The potential danger posed to young people by formal criminalisation is not artificial and even low level formal sanctions can impact on a child's life:

“I work with lots of kids, and it is heart breaking when you get some who have been silly and done stupid things. When you try to help them get College places, traineeships or apprentices you hit a brick wall once it is discovered that they have a previous criminal record... Even though the law says that some offences are spent, they are always there. They can ruin a kid's life.”

(Education, Training and Employment Officer, 2010)

Of course, denial of training, employment, prosperity and social mobility may all contribute to future offending behaviour by blocking access to opportunities.

Implementation of non-criminal disposals via the Bureau accords with the children-first ethos that underlies the process:

“Getting kids into court, criminalising kids will only do harm as far as I am concerned because it will affect them later on in life when they go for other jobs and whatever... if we can work with the problem without criminalising the young people, that's definitely the way forward.”

(YOS Officer, 2010)

Whilst not a statutory intervention, the locally developed non-criminal disposal has already proved to be a powerful tool at the disposal of the Bureau and it offers Officers a broader array of options when determining what would suit a particular young person.

Importantly, non-criminal disposals have also acted to correct perceived flaws in the existing youth justice system. With the previous system of cautions being replaced by reprimands and final warnings (Crime and Disorder Act, 1998) questions have been raised about the efficacy of one-off, lower end sanctions. Driven by central Government policy the framework of reprimands and final warnings constitutes a one-off, administrative penalty which does not seek either to understand offending, nor consider how it can be avoided in the future: these sanctions are merely punishments. The Bureau process offers something different which is more holistic, but:

“It isn’t a soft touch because the young people now involved in it get far more attention than if they were reprimanded... With this process you have participation: you get so much engagement because people are onto you about your impact...”

(BCU Commander, 2010)

Accordingly, utilising an informal sanction process, buttressed by comprehensive assessment, the Bureau has shifted youth justice in Swansea away from essentially administrative, arguably meaningless forms of official action. Instead, an interactive process has been designed that involves all key stakeholders, is child-focused, is problem solving and future oriented, is positive and pro-social and is ultimately, in both quantitative and qualitative terms, highly successful.

Conclusion

The Swansea Bureau is an innovative programme which is succeeding in diverting young people out of the youth justice system and in reducing re-offending by young people. Through a strategic, multi-strand approach, the Bureau process engages children to provide holistic assessments to understand offending behaviour and provide bespoke services to address the problems faced by young people and promote positive behaviour. Swansea’s Bureau is grounded in a clear philosophy, one which espouses a positive, rights-based approach. The Bureau has been designed to operate in a constructive, prospective fashion, simultaneously acknowledging the potential power of the youth justice system to stigmatise children, blight their futures and inculcate further offending or to re-set children on a positive, pro-social life trajectory.

The evaluation of the Swansea Bureau has highlighted cohesive inter-agency working based on consensus, a common philosophy concerning children and young justice and a willingness to dare to be different. The Bureau in Swansea offers an alternative vision of youth justice that differs from the prevailing political prescription: instead of an ineffective punitive approach, a positive and effective rights-based children-first platform is offered.

Although, as yet, only indicative of the levels of success, this evaluation of the Swansea Bureau has shown it to be possibly one of the most innovative

developments in juvenile justice, not just in Swansea, Wales and the UK, but internationally. It is not only the most effective process yet developed to divert young people away from the stigmatising and harmful effects of engagement within the formal youth justice system, the data indicates that it is also the most effective known process in reducing re-offending by young people.

The impact and outcomes of the Bureau should be of great interest to those responsible for juvenile justice around the World. If adopted more widely across Wales, the UK and beyond, the Bureau has the potential to revolutionise youth justice, to divert entire generations of children from unnecessary criminalisation, to reduce youth crime and to promote positive actions and futures for young people, their families and society itself.

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